By Mr. MOORE of Virginia: Resolution (H. Res. 315) relative to Philippine independence; to the Committee on Insular Affairs.

By Mr. PATTERSON of New Jersey: Resolution (H. Res. 316) providing for six months' salary to be paid the widow of Joseph C. Lee; to the Committee on Accounts.

By Mr. CONNALLY of Texas: Resolution (H. Res. 317) amending the rules of the House of Representatives; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND of Indiana: A bill (H. R. 11119) granting a pension to Martha J. Corrie; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 11120) granting a pension to Carrie M. Zumwalt; to the Committee on Invalid Pensions.

By Mr. FITZGERALD: A bill (H. R. 11121) granting a pension to Arthur Gross; to the Committee on Invalid Pensions.

By Mr. GREENE of Massachusetts: A bill (H. R. 11122) for the relief of Jonathan P. Hadfield; to the Committee on Claims.

By Mr. GRIFFIN: A bill (H. R. 11123) for the relief of the next of kin of Maria Consiglia Porforio; to the Committee on Claims.

By Mr. HAWLEY: A bill (H. R. 11124) granting an increase of pension to Edward Jackson; to the Committee on Pensions.

Also, a bill (H. R. 11125) granting a pension to William Henry; to the Committee on Invalid Pensions.

PETITIONS, ETC.

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

4922. By Mr. CHALMERS: Petition protesting against the enactment of compulsory Sunday observance bills now pending before the House; to the Committee on the District of Columbia.

4923. By Mr. DRANE: Petition of citizens of St. Petersburg, Fla., relative to House bill 9753; to the Committee on the District of Columbia.

4924. By Mr. FULLER: Petition of the Booth Fisheries Co., of Chicago, protesting against the passage of House bill 10427, amending section 6 of an act for the protection and regulation of fisheries in Alaska; to the Committee on the Merchant Marine and Fisheries.

4925. Also, petition of the executive committee of the National Association of Casualty and Surety Agents, protesting against the passage of the Fitzgerald bill (H. R. 10034); to the Committee on the District of Columbia.

4926. Also, memorial of the city council of the city of Chicago, favoring pneumatic-tube mail service for the city of Chicago; to the Committee on the Post Office and Post Roads.

4927. Also, petition of members of Normal Lodge, No. 509, I. O. O. F., of Chicago, Ill., favoring Senate bill 1565, for retirement of disabled emergency officers; to the Committee on Military Affairs.

4928. Also, petition of the Traders' Live Stock Exchange, of Chicago, favoring passage of Senate bill 1565, for the retirement of disabled emergency officers of the World War; to the Committee on Military Affairs.

4929. Also, petition of the members of the First Congregational Church, of Peru, Ill., opposing any modification of the prohibition enforcement act; to the Committee on Ways and Means.

4930. Also, petition of sundry citizens, of Marseilles, Ill., favoring the passage of the Hill bill to permit the manufacture and sale of beer and wine, and the taxing of the same to pay a soldiers' bonus; to the Committee on Ways and Means.

4931. Also, petition of 398 citizens, of Ottawa, Ill., protesting against the passage of the Hill bill to permit the manufacture and sale of wine and beer; to the Committee on Ways and Means.

4932. By Mr. GALLIVAN: Petition of Decatur & Hopkins Co., Boston, Mass., urging passage of House bill 10159, the commercial bribery bill; to the Committee on the Judiciary.

4933. By Mr. GERNERD: Papers to accompany House bill granting a pension to Kate S. Good; to the Committee on Invalid Pensions.

4934. By Mr. KISSEL: Petition of Steward Davit & Equipment Corporation, New York City, N. Y., urging the passage of House bill 10159; to the Committee on the Judiciary.

4935. Also, petition of American Lutheran Publicity Bureau, New York City, N. Y., relative to the church and state; to the Committee on the Judiciary.

4936. By Mr. KRAUS: Memorial of sundry citizens of Hartford City, Ind., against passage of House bill 9753; to the Committee on the District of Columbia.

4937. By Mr. OSBORNE: Petition of Mrs. S. Ross and others, citizens of Los Angeles, Calif., in opposition to House bills 9753 and 4388 and Senate bill 1948; to the Committee on the District of Columbia.

4938. By Mr. STEENERSON: Petition of citizens of Argyle, Minn., and vicinity, urging revival of the Grain Corporation; to the Committee on Agriculture.

4939. By Mr. TOWNER: Petition of R. H. Knight, jr., of Bull Run, Oreg., and 79 other citizens of the State of Oregon, asking for the passage of the Towner-Sterling educational bill; to the Committee on Education.

4940. Also, petition of Mr. P. M. Wimberly, of Dallas, Tex., and 223 other citizens of the State of Texas, asking for the passage of the Towner-Sterling educational bill; to the Committee on Education.

SENATE.

MONDAY, *April 3, 1922.*

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

Our Father, as the recipients of Thy mercies we realize our dependence upon Thee, and look unto Thee this morning for Thy help. Grant unto us such knowledge, such wisdom, that according to Thy good pleasure results shall be realized, and in this day of happy outlook, with the singing of birds about us, may gladness fill our hearts and may we rejoice in opportunities of service to Thee, to the land we love, and to all the interests of humanity. We ask in Jesus Christ's name. Amen.

The reading clerk proceeded to read the Journal of the proceedings of Friday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed a bill (H. R. 10864) to authorize an appropriation to enable the Director of the United States Veterans' Bureau to provide for the construction of additional hospital facilities, and to provide medical, surgical, and hospital services and supplies for persons who served in the World War and are patients of the United States Veterans' Bureau, in which it requested the concurrence of the Senate.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution, and they were thereupon signed by the Vice President:

H. R. 9979. An act to amend an act entitled "An act granting a charter to the General Federation of Women's Clubs"; and

H. J. Res. 282. Joint resolution to authorize the Secretary of War to incur obligations for construction and maintenance of roads, bridges, and trails in Alaska, said obligations to be paid from the appropriation for the fiscal year ending June 30, 1923.

HOSPITALIZATION OF EX-SERVICE MEN.

The bill (H. R. 10864) to authorize an appropriation to enable the Director of the United States Veterans' Bureau to provide for the construction of additional hospital facilities, and to provide medical, surgical, and hospital services and supplies for persons who served in the World War and are patients of the United States Veterans' Bureau, was read twice by its title.

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

Mr. ASHURST. Is it the soldiers' hospitalization bill?

The VICE PRESIDENT. It is. The Chair may be in error in referring it to the Committee on Finance.

Mr. CURTIS. I think if it is a bill making appropriations it ought to go to the Committee on Appropriations. If it has reference to a transfer of hospitals, it should go to the Committee on Finance.

Mr. ASHURST. It is the bill which has just passed the House, and which appropriates $17,000,000 for the construction of hospitals.

The VICE PRESIDENT. In the opinion of the Chair it should go to the Committee on Appropriations, and it will be so referred.

Mr. ASHURST. I desire to give notice that as soon as the routine morning business is disposed of I shall submit some observations on the bill which has just been referred.

Mr. WARREN subsequently said: From the Committee on Appropriations I report back House bill 10864 and ask that that committee be discharged from its further consideration and the reference of the bill to the Committee on Public Buildings and Grounds. The bill authorizes the expenditure of some $17,000,000, but it does not contain an appropriation. It should go to the Committee on Public Buildings and Grounds.

The VICE PRESIDENT. Without objection, the change of reference will be made.

PETITIONS AND MEMORIALS.

Mr. CURTIS presented a resolution adopted by the Neodesha (Kans.) Chamber of Commerce, favoring the passage of the soldiers' bonus bill, which was referred to the Committee on Finance.

He also presented petitions of Jewell Post, No. 72, American Legion, of Jewell; sundry citizens of Kanopolis; and employees of Rock Island Lumber & Coal Co., of Independence, in the State of Kansas, praying for the passage of the soldiers' bonus bill, which were referred to the Committee on Finance.

He also presented a petition of sundry citizens of Wamego, Kans., praying for the continuance of the mail delivery service in that city, which was referred to the Committee on Post Offices and Post Roads.

Mr. KENDRICK presented a resolution of the Fremont County Bee Keepers' Association, of Lander, Wyo., favoring inclusion in the pending tariff bill of an adequate duty of not less than 5 cents per pound on imported honey, which was referred to the Committee on Finance.

Mr. MOSES presented memorials of sundry citizens of Danbury, Londonderry, Derry, West Windham, Hudson, Pittsfield, Gonic, and Winchester, all in the State of New Hampshire, remonstrating against the enactment of Senate bill 2747, the so-called Federal cooperative reclamation bill, which were referred to the Committee on Agriculture and Forestry.

Mr. JONES of Washington presented a petition of sundry citizens of Ferndale, Wash., praying for the enactment of legislation reviving the United States Grain Corporation, which was referred to the Committee on Agriculture and Forestry.

Mr. CAPPER presented a resolution adopted by Auxiliary No. 50, Sons of Veterans, of Parsons, Kans., favoring the passage of the so-called Morgan bill, providing for increased pensions to veterans of the Civil War and their widows, which was referred to the Committee on Pensions.

Mr. KELLOGG presented a memorial of sundry citizens of Blackberry, Minn., remonstrating against the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. WILLIS. I present certain petitions and resolutions representing some 110 different organizations in the city of Cleveland, Ohio, signed by several thousand persons, relative to the proposed amendment of the Volstead Act. I do not ask that they be placed in the RECORD, except the brief letter accompanying the petitions and resolutions. I ask that it be printed in the RECORD and that the petitions and resolutions be referred to the Committee on the Judiciary.

The petitions and resolutions were referred to the Committee on the Judiciary, and the letter was ordered to be printed in the RECORD, as follows:

DRY MAINTENANCE LEAGUE OF CUYAHOGA COUNTY,
Cleveland, Ohio, March 23, 1922.

Hon. FRANK B. WILLIS,
Senator from Ohio, Washington, D. C.

DEAR SENATOR: On February 20, 1922, the City Council of Cleveland, Ohio, by a vote of 23 to 8, adopted a resolution calling upon Congress to amend the Volstead Act to permit beer and light wines.

The churches of Cleveland, Bible schools, and many civic organizations immediately protested against this vote by resolution, petition, and by personal protests from hundreds of the citizens to the council. Attached are copies of petitions adopted by approximately 110 organizations, representing not less than 75,000 voters of greater Cleveland, protesting against this resolution of our council and affirming their faith in the prohibition laws and the eighteenth amendment. These resolutions were mailed to this organization with a request that they be forwarded to the Congress of the United States. Therefore we are submitting the same to you, trusting that they will be presented as requested with the proper attention being called to the same as a repudiation of the resolution sent by our city council.

Very truly, yours,

DRY MAINTENANCE LEAGUE,
GEORGE C. SOUTHWELL, *Secretary.*

REPORTS OF COMMITTEES.

Mr. McNARY. From the Committee on Appropriations I report back favorably with amendments the bill (H. R. 10730) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1923, and for other purposes, and I submit a report (No. 585) thereon. I desire to give notice that at the first convenient opportunity, perhaps to-morrow, I shall call up the bill for consideration by the Senate.

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

Mr. McNARY, from the Committee on Irrigation and Reclamation, to which was referred the bill (H. R. 4382) to provide for the application of the reclamation law to irrigation districts, reported it without amendment.

Mr. CUMMINS, from the Committee on Interstate Commerce, to which was referred the bill (S. 1345) to amend an act entitled "Interstate commerce act," approved February 28, 1920, reported it without amendment, and submitted a report (No. 586) thereon.

He also, from the same committee, to which was referred the bill (S. 1346) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, including the safety appliance acts and the act providing for the valuation of the several classes of property of carriers subject to the Interstate Commerce Commission, approved March 1, 1913, reported it with amendments and submitted a report (No. 587) thereon.

Mr. NELSON, from the Committee on the Judiciary, to which was referred the bill (H. R. 9671) to amend section 87 of the Judicial Code, reported it without amendment and submitted a report (No. 588) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED.

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

By Mr. CURTIS:

A bill (S. 3372) for the relief of the estate of John McQuiddy, deceased; to the Committee on Claims.

A bill (S. 3373) granting an increase of pension to Henry Mott;

A bill (S. 3374) granting a pension to Asenath Welch (with accompanying papers);

A bill (S. 3375) granting a pension to Sarah J. Brown;

A bill (S. 3376) granting a pension to Vesta A. Brown (with accompanying papers);

A bill (S. 3377) granting a pension to Henry V. Faris (with accompanying papers);

A bill (S. 3378) granting a pension to Marinda A. Wilcox (with accompanying papers);

A bill (S. 3379) granting a pension to Addie E. Auten (with accompanying papers);

A bill (S. 3380) granting a pension to Mary E. Allen (with accompanying papers);

A bill (S. 3381) granting a pension to Fannie R. Harvey (with accompanying papers);

A bill (S. 3382) granting an increase of pension to John W. McAndrew (with accompanying papers); and

A bill (S. 3383) granting a pension to Effie D. Hunter; to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 3386) granting an increase of pension to Louis Miller (with accompanying papers); to the Committee on Pensions.

By Mr. POINDEXTER:

A bill (S. 3387) granting a pension to Hattie Smith; to the Committee on Pensions.

By Mr. JONES of Washington:

A bill (S. 3388) granting a pension to Emsley P. Canutt (with accompanying papers); to the Committee on Pensions.

By Mr. BURSUM:

A bill (S. 3389) granting a pension to Nancy H. Hism; to the Committee on Pensions.

By Mr. JOHNSON:

A joint resolution (S. J. Res. 189) authorizing the Secretary of War to loan cots, mattresses, and blankets for the use of Grand Army of the Republic at the California and Nevada State encampment, to be held in Riverside, Calif., in May, 1922; to the Committee on Military Affairs.

DRAINAGE EXPENSES ON PAIUTE INDIAN LANDS, NEV.

Mr. PITTMAN introduced a bill (S. 3384) authorizing an appropriation to meet proportionate expenses of providing a drainage system for Paiute Indian lands in the State of Nevada within the Newlands reclamation project of the Reclamation Service, which was read twice by its title.

Mr. PITTMAN. Mr. President, this bill carries the same provision as the amendment which I proposed to the Interior Department appropriation bill, which amendment was eliminated by the conferees. I have discussed the matter with the Senator

from Kansas [Mr. CURTIS], who is a member of the Committee on Indian Affairs. While the bill carries an appropriation, he agrees that it should go first to the Committee on Indian Affairs, and if approved by that committee, it will then come back to the Senate and be referred to the Committee on Appropriations. For that reason I ask that it be referred to the Committee on Indian Affairs. The Senator from Kansas will assist me, I understand, in trying to get an early report of the bill from that committee.

The VICE PRESIDENT. Without objection, the bill will be referred to the Committee on Indian Affairs.

COOPERATIVE TRADE ORGANIZATIONS.

Mr. EDGE. Mr. President, I desire to introduce a joint resolution, and also a bill, for appropriate reference, and if I may have the indulgence of the Senate for just a moment, I desire to explain why I am introducing a joint resolution as well as a bill covering the same subject. If the Secretary will read the joint resolution by title, I shall make a brief statement with reference to it.

The joint resolution (S. J. Res. 188) creating a committee to investigate existing conditions of industry and commerce in the United States for the purpose of recommending to Congress legislation defining the rights and limitations of cooperative organizations as distinguished from illicit combinations in restraint of trade, was read the first time by its title, and the second time at length, as follows:

Joint resolution (S. J. Res. 188) creating a committee to investigate existing conditions of industry and commerce in the United States for the purpose of recommending to Congress legislation defining the rights and limitations of cooperative organizations as distinguished from illicit combinations in restraint of trade.

Whereas the revival of the industrial activities of the United States is essential to the welfare of the individual as well as the Nation; and

Whereas business has been suffering severe depression, from which its reconstruction should be stimulated by every legitimate means; and

Whereas business procedure that will without protecting monopolies eliminate waste in production or distribution, lower costs, simplify and standardize methods, increase efficiency and the morale of business is a beneficial factor in economic progress; and

Whereas congressional action has already been taken to assist in agricultural cooperative marketing and distribution; and

Whereas the industrial tendency is toward the substitution of research and scientific business methods for previous uncertainty and ignorance; and

Whereas business is hesitating because unable to secure guidance, legal or governmental, which will clearly indicate the proper lines of conduct in business association; and

Whereas business is entitled to know in definite terms what it legally can and can not do: Therefore be it

Resolved, etc., That a joint committee of Congress is hereby created, to be composed of six Members, three of whom shall be appointed by the President of the Senate and three by the Speaker of the House of Representatives.

SEC. 2. That it shall be the duty of the committee to investigate existing conditions of industry and commerce in the United States and the markets of foreign countries, in so far as the same directly affect industry and commerce of the United States, including questions as to production, distribution, labor, and business methods, and to report to Congress and to suggest such legislation, if any, as it may deem best upon these subjects, with a special reference to the most effective ways and means to revive industry and to stimulate foreign and domestic trade, to stabilize business conditions as to the future, to minimize the danger and distress of recurring periods of business depression, with their resultant cycles of general unemployment, and to define the rights and limitations of cooperative organizations as distinguished from illicit combinations in restraint of trade.

SEC. 3. Such committee is hereby authorized during the Sixty-seventh Congress to sit during the sessions or recesses of the Congress, at Washington or at any other place in the United States, to send for persons, books, and papers, to administer oaths, and to employ experts deemed necessary by such committee, a clerk and a stenographer to report such hearings as may be had in connection with any subject which may be before such committee, such stenographer's service to be rendered at a cost not exceeding $1.25 per printed page, the expenses involved in carrying out the provisions of this resolution to be paid one-half out of the contingent fund of the Senate and one-half out of the contingent fund of the House of Representatives.

SEC. 4. That the committee may from time to time report to Congress, and shall submit a final report on or before December 4, 1922.

The bill (S. 3385) to regulate trade associations, and for other purposes, was read twice by its title.

Mr. EDGE. The bill by its title is self-explanatory, and the joint resolution provides for the appointment of a commission of three Senators and three Members of the House for the purpose of, first, investigating the same subject. I am introducing the bill at this time not with any intention of pressing it at once but will urge the passage of the joint resolution so that the committee or commission, if authorized, can have the bill as a basis upon which to direct their inquiry. I think it will be thoroughly agreed and appreciated that it is the duty of Congress in some way to provide for defining the legal rights and privileges of trade associations. At the present moment every one seems to commend cooperation, and yet because of recent decisions of the Supreme Court it is practically impossible to decide just what is cooperation and what is combination in restraint of trade. I think it is a most important question, a question with reference to which Congress can, through legislative authority, be of great assistance in stabilizing industry. I hope we can get expeditious action upon the joint resolution. Congress has already demonstrated its interest in cooperation by passing practically without opposition a bill to provide for cooperation and cooperative marketing among agricultural associations. This is exactly in the same direction, and I am quite sure the same spirit of cooperation on the part of Congress will be found when the measure comes before us for consideration.

The VICE PRESIDENT. Is it the opinion of the Senator from New Jersey that reference should be to the Committee on Commerce of both the bill and the joint resolution?

Mr. EDGE. I shall be very glad to have them referred to the Committee on Commerce.

The VICE PRESIDENT. Without objection, the bill and the joint resolution will be referred to the Committee on Commerce.

FINANCING OF AGRICULTURAL OPERATIONS.

Mr. SIMMONS introduced a bill (S. 3390) to provide credit facilities for the preservation and development of the agricultural industry, including live stock, in the United States; to extend and stabilize the market for United States bonds and other securities; to create an agency for the liquidation of commercial assets owned by the United States, for acting, when required, as depository of funds belonging to the United States, and otherwise performing services as fiscal agent of the United States; and for other purposes, which was read twice by its title.

Mr. SIMMONS. Mr. President, I wish to say that this bill is intended to provide a system which will absorb and succeed the present War Finance Corporation, with greatly enlarged and extended powers. I think this bill provides a sound, well-balanced, and workable system for financing the agricultural operations of the country. If it is enacted it will give the farming classes, who represent about 40 per cent of our population, banking and credit facilities, if not equal, at least comparable to those which the Federal reserve system now gives to those classes of our people who are engaged in trade and in industries other than farming, as well as those engaged in speculative ventures.

A little later I shall ask the indulgence of the Senate for the purpose of making a detailed statement of the general provisions of the bill. In brief, it establishes a banking system as well adapted to the requirements and conditions of agriculture as the Federal reserve banking system is adapted to the requirements and conditions of trades and industries other than farming.

The PRESIDING OFFICER (Mr. SPENCER in the chair). What is the suggestion of the Senator from North Carolina as to the reference of the bill?

Mr. SIMMONS. I suggest that it be referred to the Finance Committee.

The PRESIDING OFFICER. It will be so referred.

Mr. SIMMONS. Upon reflection, as the bill relates chiefly to credits for farmers and agriculturists, if there is no objection, I ask that the bill be referred to the Committee on Agriculture and Forestry.

Mr. CURTIS. I think the bill should go to the Finance Committee.

Mr. SIMMONS. I make no objection. I would not object to its reference to either of those committees. At first blush I suggested the Committee on Finance, but on reflection I thought it should go to the Committee on Agriculture and Forestry, because all the War Finance Corporation legislation has been handled by that committee.

Mr. CURTIS. I have not had time to read the bill. I would like to have the question of its reference go over until to-morrow, so that we can find out what it is.

Mr. HARRISON. The Committee on Agriculture and Forestry has considered this whole subject. That committee reported out the original amendment to the War Finance Corporation act, and I think the bill should go to that committee, because they have studied the question.

Mr. SIMMONS. That is the reason why, on reflection, I suggested the Committee on Agriculture and Forestry, not only because it deals with agricultural credits, but because the last act reviving the War Finance Corporation, which deals very largely with the same matter that this bill deals with, came from that committee, and I assumed that in the consideration of that measure that committee did, as a matter of fact, very thoroughly investigate many of the very questions which are involved in this bill. I think that would be the better reference of the bill.

Mr. FLETCHER. Had the Senator thought about the Banking and Currency Committee? The Banking and Currency Committee handled the farm loan act.

Mr. SIMMONS. But the Banking and Currency Committee have never handled War Finance Corporation legislation.

Mr. FLETCHER. No; but I suppose this to be something on the order of the farm loan act.

Mr. SIMMONS. This bill provides for a body to supersede the War Finance Corporation.

The PRESIDING OFFICER. Without objection, the bill will be referred to the Committee on Finance.

SCHOOLS FOR AERONAUTICS.

Mr. WALSH of Massachusetts. I offer the following resolution, for which I ask present consideration.

The VICE PRESIDENT. The resolution will be read.

The reading clerk read the resolution (S. Res. 266), as follows:

Whereas immediate and adequate consideration and development of the science of aeronautics is vital to the commercial and industrial expansion and to the protection and prosperity of the United States; and

Whereas the science of aeronautics is recognized by all nations as a dominant factor in relation to transportation facilities and the national defense; and

Whereas many foreign nations, cognizant of the necessity and importance of aircraft, have initiated programs of mail and passenger transportation far superior to the present policy of our Government, with reference to the stimulation, maintenance, and advance of aeronautics for all national purposes; and

Whereas aircraft is indispensable for the patrolling and for the protection of our coast and boundaries, and to supplement to a considerable degree naval craft, coast artillery defenses, and other means of protection and defense now maintained by the Army and the Navy; and

Whereas at the Conference for the Limitation of Armament no action was taken to reduce, limit, or control the aircraft of the countries represented, although the development of aircraft had a pronounced effect upon the reduction and limitation of navies; and

Whereas it should be apparent to the most casual observer that a sufficient and properly trained personnel capable of developing, instructing, and directing aeronautics, and available for the national defense, is extremely important; and

Whereas it daily becomes more evident that if the United States is not to be completely outdistanced in the field of aeronautics, and is not therefore to be left defenseless, a separate school of aeronautics should be created and maintained, or separate schools of aeronautics should be established in the United States Military Academy and in the United States Naval Academy: Therefore be it

Resolved, That the Secretary of War and the Secretary of the Navy are directed to report to Congress (1) whether or not it is feasible and advisable to establish a school of aeronautics, to be known as the United States Academy for Aeronautics, with buildings, grounds, and equipment necessary for instructing and training cadets; (2) whether or not it is practicable to use a part of the buildings and grounds of the United States Military Academy and of the United States Naval Academy for separate schools in aeronautics, to the end that young men desirous of qualifying for commissions in the United States Air Service may be appointed as cadets to such separate aeronautical schools in the same manner as cadets are now appointed to qualify for commissions in the United States Army and the United States Navy; and (3) whether or not it is feasible to take over one of the existing navy yards or arsenals for the purpose of converting the same into a Government plant for the development and manufacture of aircraft of various kinds suitable for national, commercial, and defense purposes.

The PRESIDING OFFICER (Mr. LENROOT in the chair). Is there objection to the immediate consideration of the resolution?

Mr. CURTIS. I think the resolution should go over until to-morrow.

The PRESIDING OFFICER. It will lie over under the rule.

Mr. STERLING. Mr. President, may we have the resolution read again?

The PRESIDING OFFICER. The Senator from Kansas asks that it lie over under the rule.

Mr. STERLING. Very well.

HEARINGS BEFORE COMMITTEE ON PATENTS.

Mr. JOHNSON submitted the following resolution (S. Res. 268), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Patents, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-seventh Congress to send for persons, books, and papers; to administer oaths, and to employ a stenographer at a cost not exceeding $1.25 per printed page to report such hearings as may be had in connection with any subject which may be before said committee, the expenses thereof to be paid out of the contingent fund of the Senate; and that the committee, or any subcommittee thereof, may sit during the sessions or recesses of the Senate.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on March 31, 1922, the President had approved and signed the bill (S. 3209) granting to the Northern Pacific Railway Co. the right to construct and maintain a bridge across the Mississippi River at Minneapolis, in the State of Minnesota.

"LUSITANIA" CLAIMS (S. DOC. NO. 176).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, ordered to lie on the table:

To the Senate:

I transmit herewith a report from the Secretary of State in response to the resolution adopted by the Senate on August 16, 1921, concerning American passengers aboard the steamship *Lusitania* at the time of its sinking and concerning claims against Germany filed with the Department of State by American citizens as a result of the loss of the *Lusitania*.

WARREN G. HARDING.

THE WHITE HOUSE, *April 3, 1922.*

Mr. POMERENE. Mr. President, this is a matter which will be of great interest to those who were connected with that disaster, and I move that the message and accompanying papers may be printed as a public document.

The motion was agreed to.

AMBASSADOR EXTRAORDINARY TO HAITI.

The PRESIDING OFFICER (Mr. SPENCER in the chair). The Chair lays before the Senate a resolution coming over from a preceding day, which will be read.

The Assistant Secretary read Senate Resolution 249, submitted by Mr. KING March 6, 1922, as follows:

Whereas the President of the United States has designated Brig. Gen. John H. Russell as high commissioner to Haiti, with the rank of ambassador extraordinary to the Government of that country, without having sent the nomination of said Brig. Gen. John H. Russell to the Senate for the advice and consent of the Senate with respect to his appointment to said office: Now, therefore, be it

Resolved, That the Committee on the Judiciary is hereby requested to investigate the question as to the power of the President under the Constitution to appoint an ambassador extraordinary to Haiti, without the advice and consent of the Senate in that behalf, and report their findings and opinion to the Senate.

Mr. KING. Mr. President, I have just spoken to the Senator from Illinois [Mr. MCCORMICK], who heretofore asked that this resolution might lie over, and objected to its consideration. He has no objection to its going to the Committee on the Judiciary, because there is a legal question involved. I think the Senate is entitled to the opinion of that committee, and I ask its reference to the Committee on the Judiciary.

The PRESIDING OFFICER. The resolution will be referred to the Committee on the Judiciary.

APPOINTMENTS BY EXECUTIVE ORDER.

The PRESIDING OFFICER. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Assistant Secretary read Senate Resolution 258, submitted by Mr. HARRISON March 20, 1922, as follows:

Resolved, That the President of the United States is requested to furnish to the Senate the name of every person appointed by Executive order setting aside the civil-service rules, and to furnish to the Senate the reasons therefor.

Mr. HARRISON. I serve notice that I shall call up the resolution to-morrow. I ask that it may lie on the table until to-morrow.

The PRESIDING OFFICER. If there is no objection, it is so ordered.

BUREAU OF ENGRAVING AND PRINTING.

Mr. CARAWAY. Mr. President, I wish to introduce a resolution, but I want to make a brief statement before doing so.

Mr. CURTIS. Mr. President, this is Monday morning and we have not had a call of the calendar for a considerable length of time. There are quite a number of Senators who have asked that we have the calendar to-day until 2 o'clock. Of course, if speeches are made it means we will have no calendar this morning. So far as I am concerned I have no objection.

Mr. CARAWAY. I hope the Senator will not object. I shall not occupy the time of the Senate long.

Mr. President, I wish to call to the attention of the Senate the extraordinary procedure which resulted in the issuing of an Executive order dismissing and disgracing the Director of the Bureau of Engraving and Printing and a number of chiefs of divisions of that bureau. I want to disclaim in the beginning any desire to criticize the President for exercising any authority that may be vested in him to bring about efficiency in Government employment. I wish to say in advance that if any man on the Government rolls is either inefficient or dishonest he has no right to remain; whether he has been there a long or a short time; but I do say that no man ought to be dismissed and disgraced without having had an opportunity to know of what offense he is charged, who brings the charge, and

what evidence were submitted to sustain it. That is the phase of the order against which I wish most emphatically to protest.

It has been 400 years since anyone in an English-speaking country has thought it proper or thought it just to submit anyone to a star-chamber proceeding. It has never been thought in any English-speaking country where English laws and constitutions prevail that one might be charged with an offense, tried, and convicted and his punishment decreed without his knowledge. But here are men who have long devoted their best energies to the Government employ, men who have risen to high places, men of standing in the community, men of families, who have been summarily dismissed and disgraced from the service because the Executive either wanted to fill their places by deserving Republicans or else some enemy of these individuals has the Executive ear. Whatever the reason I want to protest against it. But in the meantime, Mr. President, I should like to wait until the gentlemen on the other side of the Chamber are through their conference.

The PRESIDING OFFICER. The Senate will be in order.

Mr. CARAWAY. The matter is of sufficient importance that any Senator could afford to give enough of his time to learn what the facts are.

Here thirty-odd men who have led upright lives, so far as the record shows, men who have held important places, places of responsibility the duties of which they have discharged efficiently, overnight, by a night order, are removed from their places, dismissed from service, and no explanation given except that it is "for the public good"; which is equivalent to saying there is something against the character of the men that makes their severance from the service necessary. If there is, the President ought to specify it; if there is not, he ought not to disgrace these men and deny them the right to engage in honest employment by such an infamous order, for it is infamous unless there is some good and sufficient reason to warrant his issuing it.

If there were charges against them, nobody would complain if the President had suspended them from their duties and put other men in their places until a thorough investigation might have been had. That, however, was not done, but men, pursuing their daily occupations, with no knowledge of any investigation having been made, with no complaints against their services or their character having been made, are summarily, at night, dismissed not only from their places of employment but dismissed from the service and thereby disgraced. I say there is not a reputable employer anywhere who would now take one of these men into a place of responsibility until this matter had been thoroughly investigated and the facts established.

Therefore, I wish to introduce a resolution calling upon the President to tell us, if it is not incompatible with the public good, why he removed these men. They have a right to know, and the country has a right to know.

I want also to know why he did it in violation of law, because section 6, part 1, volume 37, of the Statutes at Large, page 555, provides that no one in the classified service may be removed therefrom except upon a charge in writing given to him notifying him of the offense of which he is charged, and permitting him to reply thereto in writing, and to submit affidavits, if he cares to do so, whether the charge is well founded.

The President is not above the law, although for the argument's sake I may concede that he may disgrace and remove these men from the service, and they have no legal redress; he may exercise the authority vested in him and override the statute and dismiss and disgrace these men; but in doing so, if he acts without just cause, he will more disgrace himself and the high office he holds than he will disgrace these humble citizens, whose right to make an honest living he has sought to destroy.

Mr. WALSH of Montana. Mr. President——

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

Mr. CARAWAY. I yield.

Mr. WALSH of Montana. I want to inquire of the Senator from Arkansas if he does not really think he takes the matter too seriously? In view of the general course of proceedings, will it not very properly and very justly be assumed that these men have been removed for purely political reasons?

Mr. CARAWAY. Well, I do not know as to that. That was the first impression I had, that it was purely a political move; but I do not know whether it was or not. I do not know but that it was a yielding to a particular faction, although I presume that political advantage was expected to be derived. However, I want to protest, Mr. President, with all the vehemence that I may, against the removal from office of a man who happens to disagree with the administration in politics if that removal carries with it disgrace.

If this administration is prepared to follow Mr. Daugherty—and I rather think Mr. Daugherty spoke with the knowledge and the approval of the administration—and override the civil service, let them do it by law. The Republicans have a majority in both Houses of Congress; let them take the responsibility and go back to the spoils system and fill every office from doorkeeper up and down with their political henchmen, if they can find that many in the country who yet remain faithful to this administration; but let them do it like men, and say, "You are removed, not because you are inefficient or dishonest but because we do not agree with you politically and we want these places for our political henchmen." It is infamous to drive men out of public employment with a charge which brands them either as inefficient or corrupt—and nobody is going to believe when he investigates this matter that these men were inefficient.

Let me consider the case of one of them, Mr. George U. Rose. He entered the employ of the Bureau of Engraving and Printing 39 years ago at $1.25 a day. When he was discharged he was drawing $5,000 a year as Chief of the Engraving Division, the most highly technical division of the whole bureau. Nominally he is a Republican, but he is a citizen of the District of Columbia from birth and never had an opportunity to vote. Of course, he has not been offensive in his politics one way or the other, but has enjoyed a steady line of promotion through Democratic and Republican administrations until he has reached the head of the division of which he had become an employee 39 years ago. He has been in the service nearly long enough to retire with a pension, but without a moment's notice, at night, a special messenger brought him a copy of an Executive order dismissing him not only from his place of employment but from the classified service, and disgracing him and his family, for what reason nobody understands. He has a right to know; the country has a right to know; all of us want to know. If the President had said there were irregularities in the bureau; that somebody stole—and that possibly may be true—the situation, perhaps, would be different; but a clerk stole $175,000 worth of bonds from the Treasury Department recently and plead guilty to the charge, and yet nobody says that Secretary Mellon ought to be kicked out of office as a criminal because an irregularity occurred in his department for which he was not responsible. If there were some irregularities in the Bureau of Engraving and Printing—and I do not know whether there were or not—the President owed it to the people to say against whom the charges were made, so that the guilty might suffer without destroying the reputations of men who have devoted an honorable lifetime to the public service.

Take another case, that of the director, Mr. James L. Wilmeth, who came into the service in 1895, at $60 a month, as a money-order assorter. He was made assistant chief of that division in 1903 at $1,800 a year; law clerk in the office of the Comptroller of the Treasury in 1906 at $2,000 a year; chief clerk of the Treasury Department in 1910, under Franklin MacVeagh, a Republican, starting in at $3,000 a year and subsequently promoted to $4,000 a year. He was made Director of the Bureau of Engraving and Printing in 1917 at $6,000 a year. He never sought and never received any outside influence in order to secure promotion; he never had a politician speak to anyone in his behalf, but trusted always to his merit for promotion. He never asked for promotion, but it came to him voluntarily. The same statement applies to Mr. Rose.

Another of the men who has been summarily dismissed, Mr. James M. Fisher, was at the date of his discharge Assistant Director of the Bureau of Engraving and Printing at a salary of $3,500. He is from Virginia, and was at one time clerk to the Committees on Interstate Commerce, Alcoholic Liquor Traffic, Pensions, and Immigration in the House of Representatives. He also did reporting for committees in the House of Representatives. He never sought promotion. In 1893 he entered the Treasury Department as confidential secretary to the second comptroller, at $1,800 a year. He was transferred to the Bureau of Engraving and Printing at $1,600; promoted to chief of division of assignments; promoted to chief clerk, division of assignments and review, at $3,000 a year; promoted to the position of assistant director of the bureau at $3,500 a year. No complaint has ever been lodged against him and he never sought any outside influence, but rose simply by merit.

Take another man, John J. Deviny, superintendent of work, executive in charge of the night force. He was born in the District of Columbia; entered the civil service 22 years ago at $300 a year, less than a dollar a day, as an apprentice in plate printing; he was cleaner of pots and mixer of inks. He was promoted from time to time until at the date of his discharge he

was receiving $3,500 a year. He is president of the Washington Club of Printing House Craftsmen. He had been recommended for director of the bureau. He never sought any political help from any source. Incidentally he held the same position during the war and worked 13 hours a day for $3,500 a year, when Charles Johnson & Co., ink manufacturers, of Philadelphia, offered him $7,500 a year if he would quit the Government service and enter their employ; but he felt it his duty to serve his country in time of war and remained in the Government service.

In this connection I wish to read a letter—and by the way, Mr. Wilmeth, Mr. Fisher, and Mr. Deviny all received similar letters—addressed to Mr. Rose from the Treasury Department at Washington, dated March 7, 1921. The letter is as follows:

DEAR MR. ROSE: During my term as Assistant Secretary I have given much time and attention to the affairs of the Bureau of Engraving and Printing, and have been greatly pleased and impressed with its management and personnel. Your work has especially commended itself to me, and I wish now to thank you for your hearty cooperation and support. I am soon to leave the Treasury Department, and before doing so it is desired to express to you my personal feelings and regards.

With kindest regards and best wishes,

Sincerely yours,

J. H. MOYLE,
Assistant Secretary of the Treasury.

Thus the Assistant Secretary of the Treasury, a Democrat, wrote to Mr. Rose, a Republican, whom he had promoted. That was the character he had then, and I take it the character that he has now.

Let me take another case. E. H. Ashworth has been in the bureau 28½ years. He was the custodian of dies, rolls, and plates—possibly the most responsible position in the service. He is not of the organization, but is a check on the organization. The law requires that he be checked up each year; so the present Secretary of the Treasury, Mr. Mellon, appointed a committee, and all of them were Republicans, and they put in three months investigating this particular department, this division, this office that Mr. Ashworth holds. They completed their investigation and made their report to the Secretary of the Treasury at 4 o'clock Friday afternoon last. With that report went a letter from these three Republicans especially commending Mr. Ashworth for his efficiency, for his faithfulness, and for the condition in which they found the matters under his custody. They commended him in a letter to the Secretary of the Treasury at 4 o'clock Friday afternoon. At 6.45 the same evening the President, by an Executive order, disgraced and dismissed this man from the public service—commended by a committee that had a thorough knowledge of his efficiency, of his character, and of the services he was rendering; commended at 4 o'clock and dismissed and disgraced by the Executive at 6.45 that same day; and his case is not altogether alone.

Here is Ralph H. Chappell. He is a graduate of Annapolis, an officer in the American Navy once, a veteran of the Spanish-American War. We was in charge of machinery. He got $3,000 a year. No complaint ever has been made against him, and yet by this same Executive order he was dismissed from the service and is a disgraced man.

Take H. I. Wilson, an overseas veteran of the last war, a man in charge of a bureau, drawing $3,600 a year, a man who quit his place when war came and went across the sea and offered to die for our flag. He came back and went to work at his old employment, and without a minute's notice, without a charge being made against him, without an opportunity to speak in his own behalf, is summarily dismissed from the service.

James A. Chamberlain, foreman of the garage down there, was also an ex-service man, getting $1,600 a year. He was driven out of public employment, driven out of an opportunity to make an honest living, disgraced by an Executive order, and the Assistant Secretary of the Treasury now says there is not even an implication against the character of any of those men for either inefficiency or integrity!

Mr. Hill, who got the job that Mr. Wilmeth had, possibly disclosed the real reason. I want to read his little interview for whatever it is worth. Mr. Hill says:

Of course, the Democratic Senators will howl when they see good Democrats turned out of office, but they are guilty of the same thing. There are Republicans who came back with my appointment yesterday who were discharged last July by Democratic officials.

I presume he means July of year before last, because there were no Democrats in power in July last year to discharge them.

Mr. HARRISON. Where is he from?

Mr. CARAWAY. I think he is from Ohio.

Mr. Hill thinks—whether he knows or not—that it was a political matter, because he gave out that interview. He hastened to do it; he can not wait until he gets his seat warm as director of the bureau, until he says:

Of course, the Democratic Senators will howl when they see good Democrats turned out of office.

Hill's idea is that we howl about that. Mr. Hill may be a very efficient man, but he knows very little, I think, about the temperament of Members of the Senate, because I want to repeat, if it is necessary to return to the spoils system in order to save whatever there may be of this administration from going on the rocks, if you have the courage to do it, go back to the spoils system. I have had some sympathy with the belief that to the party in power belongs the offices; but I do not think you ought to get them and be a hypocrite about it. I think you ought to show more courage in getting these places than you do in taking the post offices away from Democrats by pretending to have a civil-service examination which does not disclose anything except whom the political boss in that particular country wants. That is all it discloses—not efficiency. It is not intended to disclose it; but, except for the hypocrisy, I have no objection to your taking those offices.

These men who have gone out—men who have toiled early and late, from early manhood until past middle age, to build up a reputation as honorable and intelligent men in the community, who have wives and children—have a right to expect that you will have courage enough to say that you took their places for political reasons, and not reflect upon them either as to their efficiency or as to their character.

The Post—and I think it has a better right to speak for this administration than the administration has to speak for itself, because I think their policies are initiated about 50–50; the Post as often suggests to the President as the President suggests to the Post, but between them there is always harmony—the Post says, quoting an article, that both the Attorney General and the Secretary of the Treasury deny that there was any investigation of the bureau prior to the Executive order dismissing these men. Now, the Attorney General has ordered a probe to find out why it was the President dismissed these people. First, act; discharge the men; disgrace the men; disrupt the public service; and then put the Attorney General behind the movement to find out why it was that the President did it! Of course the President and the Attorney General both know why it was done, but now they are to have an investigation.

It reminds me very much of a story of the first jury trial alleged to have happened in California. The rule used to be to hang a man charged with stealing a horse, and investigate whether or not he was guilty at some time when nothing else was pressing; but a lot of people wanted a jury trial—a good old jury trial as they had had it in New England—and finally public sentiment became so strong that one man charged with horse stealing was given a trial. The evidence was produced and the arguments made, and the jury instructed and retired. Just as they were about to reach a verdict of "Not guilty," some man came and kicked on the door and said: "Here, you jury have got to go somewhere else to consider this case. We want this room to lay out the corpse in." They had hanged the man while the jury was determining his innocence.

These men are discharged from the service, disgraced, and the Attorney General now is asked to find some reason that will justify the President in having so acted, and the Post says this:

Justice officials ordered to probe engraving bureau—Attorney General to hold "exhaustive investigation" after Wilmeth's removal.

In another headline from this same official organ that always knows what the President thinks he knows it says that after this investigation is had some officials assert that the facts will sustain the "quick action" taken by the President. In other words, the Attorney General now is going to find a reason that will justify in the minds of the American people the action of the President; and if I may be permitted to say so, basing my observation on what I have observed of the Attorney General's pliancy, he will find whatever the administration wants him to find. He will find, wherever they want him to find it, corruption. He will find, wherever they want him to find it, inefficiency. He will find whatever in the opinion of the President of these United States and the Attorney General is necessary to justify the President for issuing this outrageous Executive order and disgracing these men who so long and so faithfully had labored for the public good.

Mr. STANLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Kentucky?

Mr. CARAWAY. I yield to the Senator from Kentucky.

Mr. STANLEY. I have heard the charge made, and the intimation that it was true, but so far it has gotten no response from the Attorney General, that his great address delivered in Cincinnati is submitted to certain powerful lobbyists for their approval before it is even given to the Associated Press.

Mr. CARAWAY. The present Attorney General?

Mr. STANLEY. That the present Attorney General is in the habit of calling in known lobbyists, paid lobbyists, and submitting for their approval printed copies of addresses, one of which was an address delivered to the American Bar Association in Cincinnati. A man who will do that will certainly be pliant to a President or anybody else.

Mr. CARAWAY. Well, I should say that I think the Attorney General does well to submit his remarks to somebody before he delivers them. I felt about the Attorney General, from what I heard about him, like this: We had a Senator from my State at one time—Senator Clarke. He very cynically said that appointive offices were created for those who could not be elected to office; and I thought it was very appropriate, then, that the President should give to the Attorney General one of these appointive offices.

Mr. STANLEY. Mr. President, may I interrupt the Senator at that point?

Mr. CARAWAY. I yield to the Senator.

Mr. STANLEY. There is hope for the Attorney General. It is said of a predecessor in his office that after he went out one Senator asked another what had become of the ex-Attorney General. He replied: "He is down in Philadelphia studying law." There is hope for this one.

Mr. CARAWAY. No; no. He has had an opportunity and did not, and he will not.

The junior Senator from Alabama [Mr. HEFLIN] hands me a newspaper clipping. Is this from the Post?

Mr. HEFLIN. From the News.

Mr. CARAWAY. Its headline is:

"Politics cause," says Sack. Finds dismissals result of congressional complaints.

And he says that Congressman FESS, chairman of the Republican congressional committee, and Representative MADDEN, of Illinois, chairman of the powerful Appropriations Committee, had both been down interviewing the department and demanding that places be given to the faithful. The article is as follows:

POLITICS CAUSE, SAYS SACK—FINDS DISMISSALS RESULT OF CONGRESSONAL COMPLAINTS.

(By Leo R. Sack.)

Pressure applied by Republican Congressmen tired of seeing Democrats hold down soft positions in Government bureaus in Washington is chiefly responsible for the overnight shakeup of executive personnel in the Bureau of Engraving and Printing.

Changes at the bureau are regarded by well-informed Republican Congressmen as a first step in administration house cleaning which has as its object substitution of "deserving" Republicans for Democrat officeholders.

Changes at the Shipping Board, occurring to-day, are a part of the general scheme of reorganization.

TILSON SEES PRESIDENT.

In every Government department, with the exception of the Departments of State and Commerce, Republican Congressmen allege choice jobs are held by Democrats, and constituents of theirs who, under the rules of the game, should be taken care of can not be placed. The action at the Shipping Board and the Bureau of Engraving and Printing was taken, Congressmen say, in an effort to prevent open protest on the floor of the House of Representatives by Representative TILSON, of Connecticut, chief of the Republican complainers.

TILSON, accompanied by Representative FESS, of Ohio, chairman of the Republican congressional committee, and Representative MADDEN, of Illinois, chairman of the powerful Appropriations Committee, took their complaint to Chairman Lasker, of the Shipping Board, early in the week. The Shipping Board immediately began house cleaning. W. E. Stevens, of Pennsylvania, who would "play ball" with the Congressmen, was installed as comptroller.

"BE PATIENT," HE IS TOLD.

TILSON went to the White House with his complaint and was told to be patient; that matters were being straightened out.

TILSON later received a visit from John Adams, chairman of the Republican national committee, who also pleaded patience.

"We are working on it," Adams is reported to have told TILSON.

Congressmen were especially enraged over failure of Secretary of the Treasury Mellon to supplant Democrats with Republicans.

INTERNAL REVENUE NEXT SPOT?

They charge the Bureau of Internal Revenue, one of the largest organizations in the Government service, is literally permeated with Democrats. In an effort to straighten out this situation Elmer Dover, northwestern manager of the Republican national committee during the Harding campaign, was named Assistant Secretary of the Treasury. Dover and Collector of Internal Revenue Blair are now at loggerheads, presumably because Blair won't turn his department upside down in order to give jobs to Republicans.

Congressmen expect additional changes within the Treasury Department in a short time.

They do not want to return to their home districts to face charges of petty politicians that despite a Republican administration "Democrats are holding all the jobs."

Mr. President, the first play I ever saw that I recall, in which Blanche Bates was starring——

Mr. McCORMICK. Mr. President, a parliamentary inquiry. Is this discussion in order if objection is made?

The PRESIDING OFFICER. The discussion is not in order, but it is proceeding without objection.

Mr. McCORMICK. Inasmuch as the facts may be laid upon the Senate upon inquiry if the resolution goes over, I ask for the regular order.

Mr. CARAWAY. Mr. President, just one moment.

Mr. HEFLIN. Mr. President, if the Senator will permit me a moment, before the Senator from Arkansas proceeds with his statement he asked that he be permitted to make a statement, and the Senator from Kansas [Mr. CURTIS] said that he would like to go on with the business of the Senate, but that he would not object, and no one else objected and the Senator proceeded; and I think that was tantamount to unanimous consent.

Mr. McCORMICK. If my friend the Senator from Alabama be right in his contention, the Senator from Arkansas could continue until the conclusion of business to-day.

Mr. CARAWAY. Yes; and would not waste half as much time as the Senator from Illinois has.

Mr. HEFLIN. He should be given a reasonable amount of time to finish his statement.

The PRESIDING OFFICER (Mr. SPENCER in the chair). There has been no unanimous consent given. The Senator from Arkansas was proceeding because there was no objection made. The regular order is called for.

Mr. McCORMICK. I do not mean to be discourteous to the Senator from Arkansas, but I insist on the regular order.

Mr. CARAWAY. That is all the Senator can do. He can do that, however, as well as anyone. I want to have the resolution read, Mr. President.

The PRESIDING OFFICER. The Secretary will read the resolution.

The Assistant Secretary read the resolution (S. Res. 267) as follows:

Whereas without notice as required by law, and without warning, the President of the United States, under an Executive order issued Friday, March 31, 1922, dismissed James L. Wilmeth, Director of the Bureau of Engraving and Printing, and 31 other chiefs of divisions of that bureau; and

Whereas all of said persons were within the classified service; and

Whereas the law permits the dismissal of persons within the classified service only after written notice of and an opportunity to reply to charges should be given the accused: Now, therefore, be it

Resolved, That the President of the United States be requested to inform the Senate, if not incompatible with the public good, (a) what facts warranted the dismissal of the men mentioned, from the classified service; (b) on what authority and by what authority he dismissed these employees from the service.

Mr. CARAWAY. I ask unanimous consent for the consideration and adoption of the resolution.

Mr. McCORMICK. I object.

Mr. CURTIS. I ask that the resolution go over under the rule.

The PRESIDING OFFICER. Under the rule, the resolution will go over.

Mr. CARAWAY. I give notice that after the conclusion of the morning hour I shall continue and conclude these remarks, with the permission of the Senator from Illinois.

MALT LIQUORS AND WINES FOR MEDICINAL PURPOSES.

Mr. MOSES. Mr. President, I ask that Order of Business No. 2, being Senate resolution 117, requesting the Secretary of the Treasury to transmit to the Senate a copy of the regulations reported to have been drawn by the Bureau of Internal Revenue to provide for the use of malt liquors and wines for medicinal purposes, which has been on the calendar for some months, be indefinitely postponed. This is a resolution introduced by me at the time we were considering the antibeer bill and was a request for information. It has been on the calendar and is called every time the calendar is called, and it is wholly dead and useless. I move that it be indefinitely postponed.

The motion was agreed to.

HOSPITALIZATION OF EX-SERVICE MEN.

Mr. ASHURST. Mr. President, I am obliged to leave the Chamber within a few minutes, to be gone for an hour, and I ask unanimous consent to be allowed to proceed 10 minutes. The subject upon which I desire to speak is House bill 10864, being a bill appropriating $17,000,000 for the hospitalization of ex-service men.

Mr. CURTIS. Mr. President, I do not like to object, but this morning was set aside especially by rule for the consideration of the calendar, and if the time is going to be taken up by debate it will be impossible to consider the calendar. Therefore I shall have to object.

Mr. ASHURST. I will state to the Senator that I can compress my remarks into seven or eight minutes.

Mr. CURTIS. If the Senator will limit his talk to five minutes, I shall not object.

Mr. ASHURST. I think I can finish in a few minutes.

This bill passed the House on the 31st of March, and was sent to the Senate this morning, appropriates the sum of $17,000,000, to be immediately available, and to remain available until expended, for the further hospitalization of ex-service men.

It provides, amongst other things, that the Director of the Veterans' Bureau, subject to the President's order, shall have the power to expand and increase present existing hospital facilities for ex-service men and to acquire additional sites and build new hospitals thereon.

The Senate will remember that I have discussed this subject several times, and upon this occasion I am painfully reminded of the fact that althoug' we have a committee which was appointed to investigate this important subject—that committee is composed of five of our most esteemed Senators—and I have urged repeatedly that they go to Arizona to investigate this subject, I have been unable to get the committee to go to Arizona.

Mr. President, what are the facts? I read from the El Paso Times of Sunday, March 26, 1922——

Mr. WALSH of Massachusetts. Mr. President, may I inquire from what the Senator is reading?

Mr. ASHURST. I am reading from the El Paso Times of Sunday, March 26, 1922. Since the Senator has interrupted me, I will say that he is a member of the committee, and I ask him now to tell the Senate and the country that he is willing to go and investigate these conditions, because if I can induce the other members of the committee to come into the Chamber I am going to ask them why they refuse to go to Arizona to investigate these conditions.

This is the fifth speech I have made laying these facts before the country. It is not improved. It has grown steadily worse. What excuse have Senators to offer for such a flagrant disregard for public duty?

Mr. WALSH of Massachusetts. Mr. President——

Mr. ASHURST. Having asked the Senator a question, I will now yield to him, but let him be brief.

Mr. WALSH of Massachusetts. Of course the Senator will understand that the nature of our duties here in the Senate has prevented the committee from traveling throughout the country to inspect the hospital accommodations provided for our disabled soldiers as they have desired. The problem the Senator has under consideration is of an administrative character. The Chief of the Veterans' Bureau or some official in that bureau should have investigated the conditions the Senator has described, and should have prescribed a remedy, for that bureau has the money, the means, and the facilities to remedy the conditions. The criticism, if justified, should not be directed against the committee but against the executive department. I might add that I have personally visited enough of these temporary hospitals in my own State to agree with the Senator in the belief that much is to be desired in improving conditions.

Mr. ASHURST. I have laid the matter before the Veterans' Bureau. These ex-service men have the right to have a voice in selecting the place where they desire to receive hospitalization.

Mr. WALSH of Massachusetts. Of course, the Senator is very properly going to urge the passage of the appropriation bill, in which action I heartily concur. It is of very pressing importance and of the greatest necessity to get the appropriation for more hospital bills passed. I join with the Senator in the assertion that when the day of reckoning comes to find those chargeable with the neglect of our disabled ex-service men, not only will the administrative offices of the Government be subject to condemnation but the Congress of the United States, because of its repeated delays in passing appropriation bills providing for the building of hospitals, will be equally subject to severe condemnation.

The article referred to by Mr. ASHURST is as follows:

[From the El Paso Times, Sunday, March 26, 1922.]

UNITED STATES RED TAPE LEAVES STRICKEN VETS TO DIE ON TUCSON STREETS.

(By Gene Cohn.)

TUCSON, March 25.—Invisible bars of official red tape and Government regulation block the gates of Pastime Park here to hundreds of tubercular veterans of the World War entitled to hospitalization and in need of expert attention.

Massed in Tucson against the life-sapping disease are 1,200 stricken "buddies."

Two hundred and seventy-eight are now crowded together in hastily built frame hospital wards and 1-room cottages. A recent inspection showed the 6-foot-apart regulation on cot spacing was violated.

Soon the number of patients in these temporary quarters will have to be reduced to 252. Death and a summer exodus may solve the problem.

But for the 1,000 others—there is no room.

They are scattered about in cheap lodging houses, private homes, and hotels. Many have had to walk the streets and daily face denial of the care their critical conditions necessitate.

A few have some money. But their tiny savings are fast dwindling. Most of them are too ill to work. Every one is a potential emergency case.

NO ROOM IN PARK.

Yet there is no room for him at Pastime Park, the incongruously named hospital provided here for the men who helped win the war and now strive to win the battle for life.

What is more—a recent order from Major General Forbes, head of the Government's Veterans' Bureau, says that no more men will be sent to the Tucson station.

And still more—the Chamber of Commerce of Tucson, with citizens of this "city of healing air," have had for a year in the hands of Washington officialdom an offer to provide a $500,000 permanent hospital, built to meet the summer heat, equipped with modern conveniences—they have offered to rent such a place to Uncle Sam; have offered to solve the problem for him, and no reply has ever been received!

PROBE BARES CONDITION.

Such is a summary of high lights contained in a report Ralph A. Horr, vice commander of the Disabled Veterans of the World War, will take to Washington after an investigation here in which I participated.

These statistics were provided by Claude Smith, local commander of the disabled veterans' organization that pioneered the fight against existing conditions. In this fight A. I. Irvin, head of the local American Legion post, is now joined.

And supplying further data is Dr. S. H. James, commander of the hospital.

"A real emergency exists," he says. "It will grow worse in another year, and within four years the peak will be reached. By that time the temporary wooden structures may be falling to pieces."

Says Claude Smith: "I have listed the name of each man in this section entitled to hospitalization and not getting it. I am one of them, but I have a little money. I have given this to Commander Horr, together with data of what the fellows have been and are now up against."

OTHER STATIONS.

The Government has in this district tuberculosis stations at Prescott, Ariz., at Camp Kearny, San Diego, is opening another at Livermore, Calif., and is prepared to send tubercular veterans to a number of other camps.

"But there are other elements to meet," points out Doctor James. "Cases involving heart disturbances, asthmatic conditions, throat and nervous troubles are affected by climate or altitude of these other stations.

"In Tucson alone are all these elements overcome. The sufferers have a Tucson psychology. You can send them to San Diego or Prescott, or where you will, but they won't stay there. They feel better here and they're going to come if they have to walk."

"And they come here whether the Government provides for them or not," declares Irvin. "They come by freight car or on the brake-beams—but they come, and what are you going to do about it?"

Men have collapsed in the street while waiting for a chance in the hospital. Red tape in the Veterans' Bureau has held men weeks and months—periods when they were in dire need of attention—before they could enter Pastime Park.

"I don't know what might have happened to scores of the fellows if we hadn't been on the job to help," say Smith and Irvin in chorus. "We've dug down in our pockets and in the public pockets. The Red Cross fund has all but been exhausted, for there have been 1,000 men around here who couldn't get in."

Who's to blame?

"The Veterans' Bureau blames the Senators and the Senators pass it along; but we do know that the local veterans' bureau has its hands pretty well tied with red tape," Smith charges.

Officials of the local veterans' bureau admit the emergency. General Forbes "seems to have been misinformed," said one who can not be quoted.

Citizens of Tucson, backed by the chamber of commerce, did much toward building such places as now are provided.

While delays and red tape kept hundreds waiting about the city, a "field day" was declared. Hundreds went out and threw together the temporary structures.

For 192 men there are but three showers, and there are three more for the other men in the wards. The frail cottages do not withstand the summer heat, and bring only discomfort.

The only solution is a permanent and properly built hospital.

Otherwise hundreds will die from Government neglect.

Mr. CURTIS. Mr. President, the Senator was yielded five minutes to conclude his remarks and he has now occupied 10 minutes. I hope that he will not take any further time.

Mr. ASHURST. Mr. President, in conclusion I am proud of the action of the House of Representatives in having passed the bill appropriating $17,000,000 to further hospitalize these soldiers; the bill should have been passed six months ago. I urge the Committee on Appropriations, not to-morrow but to-day, to consider the bill and report it to the Senate at the earliest possible moment and then, Mr. President, the Veterans' Bureau——

Mr. CURTIS. Mr. President, I call for the regular order.

The PRESIDING OFFICER. The regular order is called for.

Mr. ASHURST. This is an important subject. This is one of the most important subjects that can come before the Congress. I beg of the Senator from Kansas not to press for the regular order for a moment or two.

The PRESIDING OFFICER. The regular order is called for.

Mr. ASHURST. I ask three or four minutes to lay the matter before the Senate.

Mr. CURTIS. The bill will be before the Senate at a later time, and the Senator can discuss it then. The Senator is preventing other Senators from doing any business at all.

The PRESIDING OFFICER. The regular order is demanded.

Mr. ASHURST. Mr. President, I want to be recognized under the regular order.

The PRESIDING OFFICER. The morning business is closed, and the calendar under Rule VIII is in order.

Mr. CURTIS and Mr. ASHURST addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ASHURST. Mr. President, I demand recognition.

The PRESIDING OFFICER. The Senator from Kansas has the floor.

Mr. CURTIS. I ask unanimous consent that we begin the call of the calendar at Order of Business No. 499.

The PRESIDING OFFICER. The Senator from Kansas asks unanimous consent that the call of the calendar shall begin with Order of Business No. 499. Is there objection? The Chair hears none.

The Secretary will report the first bill on the calendar under the unanimous-consent agreement.

The bill (S. 3140) to authorize the Secretary of the Interior, in his discretion, to extend the time for payment of construction charges under Federal irrigation projects, and for other purposes, was announced as first in order.

Mr. ASHURST. Mr. President, I shall not take over two minutes to finish.

Mr. CURTIS. The Senator has five minutes on this bill. Let him proceed.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield for a question?

Mr. ASHURST. I have only five minutes, but I yield.

Mr. WALSH of Massachusetts. I heard the Senator state, just before he was interrupted, that many new hospitals had been built throughout the country for the care of disabled soldiers. I wish to read just a line from the report made last fall by the committee to which he referred:

On August 1, 1920, not a single new hospital had been completed, although the first $9,000,000 appropriation was made in March, 1919.

As a matter of fact, there have been no new hospitals built, or at least completed, unless it has happened during the last few weeks. Up to date only makeshift and temporary hospital facilities have been provided. The long delays in and out of Congress in solving this problem is a sad commentary on our boasted sense of gratitude.

Mr. ASHURST. I may have misspoken. I am willing to give the bureau and the Treasury Department all the credit that is due. The soldier shares in the general belief that if he is afflicted with tuberculosis a certain climate will arrest the progress of the disease.

In conclusion I again urge that committee to go to Arizona and investigate conditions and, respectfully, of course, I urge the Committee on Appropriations at the earliest possible moment to report the bill H. R. 10864, which makes an appropriation of $17,000,000 for further hospitalization.

I return the bill to the desk. I yield the floor.

CONSTRUCTION CHARGES ON IRRIGATION PROJECTS.

The PRESIDING OFFICER. The pending bill on the calendar is Senate bill 3140, to authorize the Secretary of the Interior, in his discretion, to extend the time for payment of construction charges under Federal irrigation projects, and for other purposes.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Irrigation and Reclamation with an amendment, in line 11, on page 1, to strike out "one year" and insert "two years," so as to make the bill read:

Be it enacted, etc., That where an individual water user or individual applicant for a water right under a Federal irrigation project constructed or being constructed under the act of June 17, 1902 (32 Stat., p. 388), or any act amendatory thereof or supplementary thereto, is unable to pay any construction charge due and payable in the year 1922, or prior thereto, the Secretary of the Interior is hereby authorized, in his discretion, to extend the date of payment of any such charge for a period not to exceed two years from December 31, 1922: *Provided*, That the applicant for the extension shall first show to the satisfaction of the Secretary of the Interior by a detailed verified statement of his assets and liabilities, an actual inability to make payment at the time the application is made, and an apparent ability to meet the deferred charge when the extension expires; also in cases where water for irrigation is available, that the applicant is a landowner or entryman actually cultivating the land against which the charge has accrued: *Provided further*, That similar relief may be extended by the Secretary of the Interior to an organized group of water users of a project, upon presentation of a sufficient number of individual showings made in accordance with the foregoing proviso to satisfy the Secretary of the Interior that such extension is necessary: *And provided further*, That each charge so extended shall draw interest at the rate of 5 per cent per annum from its due date in lieu of any penalty that may now be provided by law, but in case such charge is not paid at the end of such extension period, any penalty that would have been applicable save for such extension shall attach from the date the charge was originally due, the same as if no extension had been granted.

SEC. 2. That the Secretary of the Interior is hereby authorized, in his discretion, after due investigation, to furnish irrigation water on Federal irrigation projects during the irrigation season of 1922 to landowners or entrymen who are in arrears for more than one calendar year in the payment of any operation and maintenance or construction charge, notwithstanding the provisions of section 6 of the act of August 13, 1914 (38 Stat., p. 686): *Provided*, That nothing in this section shall be construed to relieve any beneficiary hereunder from payments due or penalties thereon required by said act: *Provided further*, That the relief provided by this section shall be extended only to landowners or entrymen who are actually cultivating the land against which the charges have accrued.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

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

COURTS IN ALABAMA.

The bill (S. 3156) to change the terms of the district court for the northern division of the southern district of Alabama was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the last sentence of section 70 of the Judicial Code, as amended, is amended to read as follows:

"Terms of the district court for the southern division shall be held at Mobile on the fourth Mondays in May and November; and for the northern division at Selma on the second Mondays in January and July."

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

COURTS IN COLORADO.

The bill (S. 2967) to amend section 73 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as amended by an act approved June 12, 1916, was announced as next in order and was read, as follows:

Be it enacted, etc., That section 73 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as amended by an act approved June 12, 1916, be, and the same is hereby, further amended to read as follows:

"SEC. 73. That the State of Colorado shall constitute one judicial district, to be known as the district of Colorado. Terms of the district court shall be held at Denver on the first Tuesday in May and November, at Pueblo on the first Tuesday in April, at Grand Junction on the second Tuesday in September, at Montrose on the third Tuesday in September, at Durango on the fourth Tuesday in September, and at Alamosa on the first Tuesday in October.

"That the Secretary of the Treasury in constructing the public buildings heretofore authorized to be constructed at the cities of Grand Junction and Durango be, and he is hereby, authorized and empowered to provide accommodations in each of said buildings for post office, United States court, and other governmental offices, and the existing authorizations for said buildings be, and the same are hereby, respectively amended accordingly; and the unexpended balance of all appropriations heretofore made for the construction of said buildings and all appropriations which may be provided in any pending legislation, or that hereafter may be made for the construction of said buildings, are hereby made available for the purpose stated in this paragraph: *Provided*, That if at the time of holding the terms of said court in any year in any of the said cities of Grand Junction, Durango, and Alamosa there is no business to be transacted by said court the term may be adjourned or continued by order of the judge of said court in chambers at Denver, Colo.: *And provided further*, That the marshal and clerk of said court shall each, respectively, appoint at least one deputy to reside at and who shall maintain an office at each of the five said places where said court is to be held by the terms of this act."

Mr. KING. Mr. President, may I inquire whether the bill involves any additional expense?

Mr. NELSON. The only change in existing law is to create another place for holding court in Colorado. It is otherwise simply a repetition of existing law.

Mr. KING. Will it necessitate the erection of another building for holding court?

Mr. NELSON. I do not think that will be necessary at all. Colorado is a large State and this is for the convenience of the people.

Mr. KING. If it is preliminary to a large appropriation for another courthouse——

Mr. NELSON. No; it carries no appropriation and makes no change in the existing law. It simply permits the court to be held in another place.

Mr. KING. Does the Senator know whether it is contemplated, when this bill is passed, that an appropriation will be sought to erect another courthouse?

Mr. NELSON. I know nothing about it. I do not think so, however. At least I have had no intimation of that kind.

Mr. KING. Of course, it is quite clear that it may involve a very large appropriation subsequently for the erection of another courthouse. I should be very glad to be advised about it.

Mr. CURTIS. If the Senator objects, I suggest that the bill be temporarily passed over until the Senator from Colorado [Mr. PHIPPS] returns to the Chamber.

Mr. KING. May we temporarily lay it aside and return to it when the Senator from Colorado is present?

The PRESIDING OFFICER. Without objection, the bill will be passed over temporarily without prejudice.

PAROLE OF PRISONERS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 534) to amend an act entitled "An act to parole United States prisoners, and for other purposes," approved June 25, 1910, as amended by an act approved January 23, 1913, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and to insert:

That section 1 of the act entitled "An act to parole United States prisoners, and for other purposes," approved June 25, 1910 (36 Stat. L., p. 819), as amended by an act approved January 23, 1913 (37 Stat. L., p. 650), be amended to read as follows:

"That every prisoner who has been or may hereafter be convicted of any offense against the United States and is confined in the execution of the judgment of such conviction in any United States penitentiary or prison for a definite term or terms over one year, or for the term of his natural life, whose record of conduct shows that he has observed the rules of such institution, and who, if sentenced for a definite term or terms of more than one year, has served one-third of the total of such term or terms for which he was sentenced, or, if sentenced for the term or terms of more than 45 years, or for the term of his natural life, has served not less than 15 years, may be released on parole as hereinafter provided."

SEC. 2. That section 3 of the act entitled "An act to parole United States prisoners, and for other purposes," approved June 25, 1910, be amended to read as follows:

"SEC. 3. That if it shall appear to said board of parole from a report by the proper officers of such prison or upon application by a prisoner for release on parole, that there is a reasonable probability that such applicant will live and remain at liberty without violating the laws, and if in the opinion of the board such release is not incompatible with the welfare of society, then said board of parole may in its discretion authorize the release of such applicant on parole, and he shall be allowed to go on parole outside of said prison, and, in the discretion of the board, to return to his home, upon such terms and conditions, including personal reports from such paroled person, as said board of parole shall prescribe, and to remain, while on parole, in the legal custody and under the control of the warden of such prison from which paroled, and until the expiration of the term or terms specified in his sentence, less such good-time allowance as is or may hereafter be provided for by act of Congress; and the said board shall, in every parole, fix the limits of the residence of the person paroled, which limits may thereafter be changed in the discretion of the board: *Provided*, That when any prisoner has been at large on parole for five full years and has faithfully kept the conditions of his parole, the board of parole may, in its discretion, order his final discharge from custody and release him from further supervision on parole: *And provided further*, That no release of parole shall become operative until the findings of the board of parole under the terms hereof shall have been approved by the Attorney General of the United States."

Mr. KING. Is there any Senator here who can explain the difference between the bill as originally introduced and the committee amendment or between the bill and existing law?

Mr. NELSON. The radical and most material difference between the bill as originally introduced and the committee amendment is this: The original bill proposed to make it mandatory on the board to grant a parole when the prisoner had served for a certain length of time and his record for conduct had been good; but, as the Senator will observe by reading the second section of the substitute, the amendment leaves the matter of the prisoner's parole to the discretion of the parole board, and they may exercise their judgment upon the facts of the case.

The bill was referred to the Department of Justice and the department reported it back, recommending the substitute which is now reported by the committee.

As I have said, the main difference between the amendment and the original bill is that in one case such prisoners would be automatically paroled if they had served for a certain length of time and had complied with certain rules, while under the proposed amendment it is left discretionary with the parole board to apply their judgment to the case in every instance.

Mr. KING. Does the bill as reported by the committee propose to shorten the period of service before prisoners may have the privilege of the parole?

Mr. NELSON. It does in some respects, but does not in others. It makes the matter a little clearer and more definite as to life convicts. If the Senator from Utah will observe the language, he will notice that convicts who are sentenced for 45 years or for life are made eligible for parole after they shall have served 15 years if they have a record for good behavior.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on the Judiciary to the bill.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

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

JOINT RESOLUTION AND BILLS PASSED OVER.

The joint resolution (S. J. Res. 133) proposing an amendment to the Constitution of the United States was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The joint resolution will go over.

The bill (S. 14) providing for the election of a delegate to the House of Representatives from the District of Columbia, and for other purposes, was announced as next in order.

Mr. KING. Obviously, the consideration of that bill would involve a great deal of debate. I ask that it may go over.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 3111) to authorize the collection in monthly installments of indebtedness due the United States by general prisoners restored to duty, and for other purposes, was announced as next in order.

The Assistant Secretary read the bill.

Mr. KING. I should like to inquire of the Senator from Indiana [Mr. NEW], who is a member of the Military Affairs Committee, if he is familiar with this bill and what changes it proposes to make in existing law?

Mr. NEW. I regret that I am not familiar with the provisions of the bill, Mr. President, and I do not know just what changes it proposes to make in existing law.

Mr. KING. I will ask that the bill go over.

The PRESIDING OFFICER. Objection being made, the bill will go over.

The bill (H. R. 4) granting relief to soldiers and sailors of the War with Spain, Philippine insurrection, and Chinese Boxer rebellion campaign, to widows, former widows, and dependent parents of such soldiers and sailors, and to certain Army nurses was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDING OFFICER. Objection being made, the bill will go over.

RECORDS OF OFFICERS AND ENLISTED MEN IN WORLD WAR.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2992) authorizing the Secretary of War to furnish certain information for historical purposes to the adjutants general of the several States and the District of Columbia, and making an appropriation therefor, which had been reported from the Committee on Military Affairs with amendments on page 2, after line 15, to strike out sections 2 and 3, as follows:

SEC. 2. That the Secretary of War is further authorized and directed to furnish to the adjutants general of the several States and the District of Columbia a tabulated statement for each unit of the Army which served during the World War, which statement shall show, as to each unit, the following:

(a) The title of the organization; the race of the unit, white or Negro; the date it was authorized; its maximum strength; where and when mobilized or organized; and when it left the United States, if at all, for service overseas; its stations, assignments, and service, both in the United States and overseas, with the dates thereof, and appropriate remark as to combat or other service of importance; when returned to the United States; when and where demobilized, transferred, or otherwise discontinued as a distinct organization: *Provided*, That overseas service for the purpose of this act shall include any service outside or beyond the continental limits of the United States. If the unit did not go overseas, the stations in the United States shall be given.

SEC. 3. That the Secretary of War is further authorized and directed to furnish to the adjutants general of the several States and the District of Columbia a tabulation and statement showing the designation of each noncombatant unit which formed a part of or was attached to any division or other tactical unit during the World War, and the dates of joining or relief therefrom, in such form as may be used as an addition to the histories of divisions and other tactical units heretofore furnished to the adjutants general of the several States and the District of Columbia.

On page 3, line 20, to change the number of the section from "4" to "2"; in line 23, to strike out "$350,000" and insert "$250,000"; and on page 3, line 24, to change the number of the section from "5" to "3," so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to furnish to the adjutants general of the several States and the District of Columbia, for historical purposes, the following documents and information concerning officers and soldiers from their respective States and the District of Columbia who were in the military service of the United States during the World War:

(a) True and correct copies of the individual record cards of all officers and all enlisted or selected men, excepting such as have heretofore been so furnished.

(b) A statement as to each officer or enlisted or selected man who died in the service, showing the place and date of death of such officer or man and the cause of death, whether by wounds, accident, or disease; and such statement shall be furnished in each case, irrespective of whether the individual record card of such officer or man has heretofore or is to be hereafter furnished. In all such cases, if death occurred in hospital, the name or number and the location of such hospital shall appear; and if death occurred in action or in the field, the official designation of such action, if any, together with the local designation of the place where the same occurred shall appear.

SEC. 2. That for the purpose of carrying into effect the provisions of this act there is hereby appropriated out of any moneys in the Treasury not otherwise appropriated the sum of $250,000.

SEC. 3. That this act shall be effective from the date of approval by the President.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

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

Mr. FLETCHER. I ask that the report of the committee be printed in the RECORD following the bill which has just been passed.

There being no objection, the report (No. 513) submitted by Mr. WADSWORTH on February 24, 1922, was ordered to be printed in the RECORD, as follows:

The Committee on Military Affairs, to which was referred the bill (S. 2992) authorizing the Secretary of War to furnish certain information for historical purposes to the adjutants general of the several States and the District of Columbia, and making an appropriation therefor, having considered the same, report favorably thereon with the recommendation that the bill do pass with the following amendments:

Strike out sections 2 and 3.

On page 3, line 17, after "Sec.," strike out the figure "4" and insert the figure "2."

On page 3, at the end of line 20, strike out the sum of "$350,000" and insert "$250,000."

On page 3, line 21, after "Sec.," strike out the figure "5" and insert the figure "3."

This measure is explained in a report from the Secretary of War, which is appended hereto and made a part of this report, as follows:

WAR DEPARTMENT,
Washington, February 16, 1922.

The CHAIRMAN COMMITTEE ON MILITARY AFFAIRS,
United States Senate.

MY DEAR MR. CHAIRMAN: Referring to Senate bill 2992, providing for the completion of the statements of service of World War soldiers and for the furnishing of a historical sketch of each organization in service during that war, I earnestly recommend that provision for the completion of the statements of service be made at the earliest practicable date.

The completion of the statements of service is a necessary preliminary to the handling of claims for bonus, and should the bill for bonus pass it is most desirable that all causes for delay in its payment be eliminated. All preliminary work should be completed in advance of the receipt of applications for bonus and all causes for delay removed. Failure to complete the statements of service would be a cause of delay that can be removed by providing for their completion in the near future.

It is further recommended that sections 2 and 3 be eliminated from the proposed bill, as the work involved in those sections would interfere with the prompt completion of the statements of service and is not so urgent that it can not be deferred until after the completion of the statements of service and the work incident to the payment of the bonus. If sections 2 and 3 are eliminated, the amount ($350,000) carried in the proposed bill should be reduced to $250,000.

This proposed legislation has been submitted to the Director of the Bureau of the Budget, as required by paragraph 3b of circular No. 49 of that bureau, and the director advises that this requested legislation is not in conflict with the financial program of the President.

Yours truly,

JOHN W. WEEKS,
Secretary of War.

BILL PASSED OVER.

The bill (H. R. 5214) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDING OFFICER. Objection is made, and the bill will go over.

RICHARD P. M'CULLOUGH.

The bill (H. R. 2558) for the relief of Richard P. McCullough was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to restore Commander Richard P. McCullough, United States Navy, to a place on the list of commanders of the Navy to rank next after Commander Walter Albert Smead, United States Navy.

Mr. KING. Mr. President, I should like to inquire of the Senator from Washington whether, if this bill shall be passed, it will automatically advance to higher grades the officers who are in advance of the position which Mr. McCullough will occupy under the bill?

Mr. POINDEXTER. It will have no effect on the grades of these officers. It will advance Mr. McCullough to some extent, but this is justified by the circumstances stated in the report. He will not be advanced, however, to his original position. He will still suffer the loss of some numbers.

Mr. KING. I recall the committee considering this case, but some of the facts in the multitude of other bills which come before the Senate have escaped my recollection. I recall, however, that the board which made one examination—and it is referred to on page 3 of the report accompanying the bill—said:

The board, having proceeded to deliberate upon the evidence before it, * * * decided that the mental, moral, and professional fitness of the candidate to perform the duties of a naval officer, at sea, in the grade of lieutenant (junior grade) has been established to its satisfaction, but that in the subject of navigation the candidate shows in his written examination papers a deficiency in the satisfactory working knowledge of that subject necessary for promotion to lieutenant.

I inquire of the Senator whether the error which was made in the grading of his examination papers is responsible for this report?

Mr. POINDEXTER. That is one of the chief circumstances that the committee considered in making a favorable report on the bill.

Mr. KING. Suppose that there had been no error in the grading—the error which was afterwards discovered by Admiral Kimball, and which he attempted to rectify? Assume that there had been no error in the computation or in the grading. Would this officer still have been deficient in navigation?

Mr. POINDEXTER. I think not. The committee assumes not, although there was no way of determining positively whether that would have been the case or not. I assume, from the fact of the examining officer reporting that fact and calling attention to it, that he meant to imply that if the mistake had not been made the officer would have qualified.

Mr. KING. It seems to me that they can very readily determine whether that error was responsible for his failure to receive the proper rating in order to qualify; and if by making the correction he would be able to qualify, that fact ought to be very clearly apparent, it seems to me, from the papers and the ratings.

Mr. POINDEXTER. The committee assumed that that was the case, judging from the fact that the examining officer called especial attention to it.

Mr. KING. Mr. President, it is not very clear, but I shall not object. I should like, however, to ask the Senator a further question in regard to this bill and also in regard to House bill 7870, the next bill on the calendar. Both of these bills seem to be for the relief of men who failed to pass the necessary and statutory examination. Now, they come back, some time afterwards, and say, "We failed in the examination. We want to be restored to the grade that we would have been entitled to occupy if we had not failed." It occurs to me that if we proceed to restore to positions everybody that fails, or any considerable number of those who fail, we might just as well abolish the system of examination and promotion based upon fitness and upon examination. It occurs to me that we are opening the door for a deluge of bills. We know that a large number of young men have failed in their examinations. It is a very dangerous precedent, it seems to me.

Mr. POINDEXTER. Mr. President, I agree entirely with the position of the Senator so far as it concerns the inadvisability of restoring to their grades everybody that has failed in an examination for promotion, and if this bill had no other basis than that, of course, the committee would not have recommended it. These two cases are peculiar cases. They arose at a time when there was a change in the regulations of the department in regard to allowing a reexamination of officers where there had been a failure upon one subject. Prior to that time, officers had been allowed an opportunity to stand a second examination where there had been a slight deficiency in the first examination, and these officers supposed they would have the benefit of that; but there was a change in the regulations by which they were denied it.

There is another circumstance in the case of both of these officers that the committee thought justified the partial relief that is given in their cases. In the first place, they are not promoted to a higher rank. They simply get a somewhat advanced position in the rank which they already hold. The bills would restore to them some of the numbers which they lost in that rank. The reason they lost so many numbers was that in losing a year's seniority, as it is called, they not only went to the foot of their own class but in the meantime another class had graduated from the Naval Academy, by reason of a change in the date of the graduation of that class, within less than one year; so that these two men went to the foot not only of their own class but also of the succeeding class.

The circumstances were these: The officers in question had been at sea. They came back without very much opportunity for preparation for this examination, and they failed very slightly upon the subject of navigation. One of these men had been engaged for months in engineering duties on board ship and had had no opportunity to refresh his mind on the subject of navigation. They have both passed with distinction many examinations since that time for higher rank, and both of them served with distinction in the war. Commander Johnson received the Navy cross from the United States and the cross of the Legion of Honor from France for distinguished service in the war with Germany, and was cited for bravery in action in the capture of Vera Cruz. Commander McCullough was cited by the Governments, both of Great Britain and the United States, for his conduct in command of a ship in an attack upon

an enemy submarine. In view of those circumstances, and the peculiar conditions under which the loss of seniority occurred, the committee felt that to advance them a certain series of numbers in the rank which they already hold was justified.

Mr. KING. Mr. President, I have such great confidence in my friend from Washington that, in view of his statement, I shall not oppose these bills; but I should like to ask him one question. Does the Senator think that the passage of these bills will not afford a precedent which will in the future result in numerous applications for remedial legislation and tend to affect the morale of the school and of the classes and to induce persons who failed to try to bring political pressure to bear to secure their reinstatement or to secure their advancement and promotion to grades which they failed to attain by reason of their failure to pass the examination?

Mr. POINDEXTER. No, Mr. President; it would not have that effect. In the first place, there are already a number of precedents in various Congresses, which are set out in the report of the committee, for action of this kind. It could not apply except under the circumstances and conditions of these cases. It could not possibly have the effect of relieving every officer who failed to some extent in his examination of the result of that failure. If it had that effect, I should oppose it as vigorously as the Senator from Utah suggests.

I have no personal interest of any kind whatever in either one of these cases, but they seem to be meritorious cases. An injustice seems to have been done to these meritorious, brave, and efficient officers, who through a long course of service subsequent to the occurrences recited in these bills seem to have earned the recognition which they are given.

Mr. KING. Mr. President, just one word. I shall not oppose these bills; but I suggest to the Senator that we have before the committee now a number of cases which seem to me to be appealing. The Senator knows that a number of men went into the Air Service and discharged with ability and fidelity the responsible duties which rested upon them. They took the examination after the war, here quite recently, for permanent positions in the Navy. Though they were proficient fliers, the very best that there were in the service, perhaps—though many of them were instructors as well as pilots, because they were somewhat deficient in navigation—and they had had nothing particularly to do with navigation in the technical sense, they were denied positions; and the Navy now, as I am advised, is seeking aviators, fliers, pilots, when it has discharged the very best men that there are in the United States.

Mr. POINDEXTER. Mr. President, there is quite a question as to the wisdom of the policy applied in those examinations; and I think the entire question is very likely to be investigated under a resolution introduced by the junior Senator from Massachusetts [Mr. WALSH].

Mr. KING. Yes; the resolution has already passed.

Mr. POINDEXTER. Those were examinations for original commissions, not cases of promotion of an officer, and involved none of the circumstances that are involved in these two bills.

The PRESIDING OFFICER. If there be no amendment to be proposed, the bill will be reported to the Senate.

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

THE SHIPPING BOARD.

Mr. DIAL. Mr. President, I desire to make a few remarks in reference to what I said the other day concerning the Shipping Board. I received a letter to-day from Mr. Lasker, the chairman of that board, in which he states that some of the facts which I stated were not correct. I do not desire to misrepresent Mr. Lasker or anyone else, and I take great pleasure in stating what he says. I quoted from the newspapers that the Shipping Board had 164 ships tied up in some river near New York, and it was claimed that they had 600 guards, and that they had allowed $400,000 of the Government's property to be stolen, and I commented upon that state of affairs. Mr. Lasker writes me that that is a mistake; that there was less than $1,000 worth of property stolen. I am glad to make the correction.

Mr. President, in what I said that day I had more reference particularly to the chairman of the board and the operators than I had to the other members. I am glad to know that not so much property has been stolen; but that does not materially change my opinion of the operation of this board. I do not claim to be an expert on shipping, but my information is that they have these ships overmanned, and that they have a great number of useless guards, and that they are going to tremendous expense that is unnecessary. It occurs to me that instead of keeping the ships up there in those cold waters, where they are frozen up, according to the newspapers, they might move them farther south and save considerable expense in coal and watching force, and so forth.

I criticized them for not getting more business and not making their operations more profitable. In that I am satisfied that I am correct, because I received my information from Mr. Lasker himself before the Commerce Committee, of which I am a member. He stated that wherever there were cargoes, and he could get an individual ship to take them, he was glad to hold back the Government ships and let the private operators carry the cargoes; and he further stated that he spent a great deal of his time in trying to find purchasers for these ships and people who would organize companies to take them over. I think, perhaps, his time might be better employed.

Mr. President, since I made those remarks I have received some letters criticizing the board very severely for their dilatory tactics in not settling with some of our citizens who have claims against the Shipping Board. They state that they are put to unnecessary delay, expense, and trouble; and if that is the case, I hope it will be corrected.

I am glad to make the correction, as I did not desire to misrepresent Mr. Lasker. I received my information from a newspaper.

I. C. JOHNSON, JR.

The bill (H. R. 7870) for the relief of I. C. Johnson, jr., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to restore Commander Isaac C. Johnson, jr., United States Navy, to a place in the list of commanders in the United States Navy, to rank next after Commander Walter A. Smead, United States Navy.

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

AMENDMENT OF HOMESTEAD ACT.

The bill (H. R. 8815) to amend the act of March 1, 1921 (41 Stat. p. 1202), entitled "An act to authorize certain homestead settlers or entrymen who entered the military or naval service of the United States during the war with Germany to make final proof of their entries," was announced as next in order, and was read, as follows:

Be it enacted, etc., That the act approved March 1, 1921 (41 Stat. p. 1202), be amended to read as follows: "That any bona fide settler, applicant, or entryman under the homestead laws of the United States, or any desert-land entryman whose entry is subject to the provisions of the act of June 17, 1902 (32 Stat. p. 388), who, after settlement, application, or entry, and prior to November 11, 1918, enlisted or was actually engaged in the United States Army, Navy, or Marine Corps during the war with Germany, who has been honorably discharged and because of physical incapacities due to the service is unable to return to the land, may make final proof, without further residence, improvement, cultivation, or reclamation, at such time and place as may be authorized by the Secretary of the Interior, and receive patent to the land by him so entered or settled upon, subject to the provisions of the act or acts under which such settlement or entry was made: *Provided*, That no such patent shall issue prior to the conformation of the entry to a single farm unit, as required by the act of August 13, 1914 (38 Stat. p. 686): *And provided further*, That this act shall not be construed to exempt or relieve such applicant or entryman from payment of any lawful fees, commissions, purchase money, water charges, or other sums due to the United States, or its successors, in control of the reclamation project, in connection with such lands."

Mr. PITTMAN. I want to offer an amendment to the bill, and ask that it be temporarily passed over.

Mr. WARREN. I hope the Senator will prepare his amendment so that it can be taken up and considered. This is an important measure. It is simply to allow disabled soldiers to prove up on their homesteads without further delay.

Mr. PITTMAN. The amendment I have in mind is rather to enlarge it than to limit it.

The PRESIDING OFFICER. The bill will be temporarily passed over.

Mr. WARREN subsequently said:

I ask that the Senate return to the consideration of House bill 8815. The Senator from Nevada [Mr. PITTMAN] is willing that it shall be taken up now.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

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

TAHOE NATIONAL FOREST LANDS.

The bill (H. R. 8832) to provide for the exchange of certain lands of the United States in the Tahoe National Forest, Calif., for lands owned by William Kent, was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized to accept on behalf of the United States title to certain lands owned by William Kent and situate in the county of Placer, State of California, in section 24, township 15 north, range 16 east, Mount Diablo base and meridian, and within the Tahoe National Forest, free and clear of all incumbrances, more particularly described as follows:

Beginning at a point on the shore of Lake Tahoe, said point being the northeast corner of that part or parcel of lot 55 as delineated and designated upon that certain amended map of Sunnyside tract entitled "Sunnyside tract, property of N. D. Rideout, part of section 24, township 15 north, range 16 east, and part of section 19, township 15 north, range 17 east, Placer County, Calif.," filed in the office of the county recorder of the county of Placer, State of California, on the 18th day of November, 1907, conveyed by Hulda S. and Chris Nielsen to M. L. Effinger by deed dated September 24, 1906, and recorded in the county recorder's office in said Placer County in deed book No. 105, page 221; thence west from said point along a line parallel to the south line of said lot 55, 220 feet more or less to a point on the east line of Sunnyside Avenue where said line intersects said east line of Sunnyside Avenue; thence north on said east line of Sunnyside Avenue 145 feet more or less to a point on the north line of section 24, township 15 north, range 16 east, Mount Diablo meridian, where said east line of Sunnyside Avenue intersects said section line; thence east along said section line 220 feet more or less to the shore of Lake Tahoe; thence in a southerly direction along the shore of Lake Tahoe 145 feet more or less to the place of beginning.

Beginning at a point on the west line of Sunnyside Avenue 100 feet north of the point of intersection of the extended south line of lot 55 as delineated and designated upon that certain amended map of Sunnyside tract entitled "Sunnyside tract, property of N. D. Rideout, part of section 24, township 15 north, range 16 east, and part of section 19, township 15 north, range 17 east, Placer County, Calif.," filed in the office of the county recorder of the county of Placer, State of California, on the 18th day of November, 1907; filed in the county records of the city of Placerville, State of California, on the 18th day of November, 1907; thence west on a line parallel to said extended south line of said lot 55, 300 feet more or less to the east line of a tract of land deeded by William Kent to the United States of America on February 28, 1920, said deed being recorded in the records of said county of Placer in book 175 of deeds at page 381; thence north on said east line of said tract deeded by William Kent to the United States of America to the north line of section 24, township 15 north, range 16 east, Mount Diablo meridian; thence east along said section line to the point of intersection of the west line of Sunnyside Avenue with said section line; thence south along said west line of Sunnyside Avenue 150 feet more or less to the point of beginning.

And in exchange therefor may issue patent for certain lands owned by the United States within the Tahoe National Forest and situate in the county of Placer, State of California, in section 24, township 15 north, range 16 east, Mount Diablo base and meridian, more particularly described as follows:

Lot 51 and the south half of lot 52, as delineated and designated upon that certain amended map of Sunnyside tract entitled "Sunnyside tract, property of N. D. Rideout, part of section 24, township 15 north, range 16 east, and part of section 19, township 15 north, range 17 east, Placer County, Calif.," filed in the office of the county recorder of the county of Placer, State of California, on the 18th day of November, 1907; also all that tract of land in the northeast quarter of section 24, township 15 north, range 16 east, Mount Diablo base and meridian, and more particularly described as follows: Beginning at a point on the westerly side of Sunnyside Avenue as laid down and delineated on that certain above-mentioned amended map as Sunnyside tract, which point is 65 feet west of the southwest corner of lot 51 of said Sunnyside tract, and from said point of beginning running parallel to the north boundary of the tract of land conveyed to Alice M. Schmiedell by deed dated the 23d day of March, 1908, and recorded in the office of the county recorder of Placer County, in book 110 of deeds, at page 261, said boundary being parallel to the south line extended of lot 52 of said Sunnyside tract; running thence westerly 300 feet; thence north 1° 37' east 150 feet to a point on the southerly line of a parcel of land conveyed by William Kent to William McFadden by deed dated the 12th day of September, 1912, and recorded in the office of the county recorder of said county in book 137 of deeds at page 201, said point being 300 feet west of the west line of Sunnyside Avenue; thence south 88° 28' east 300 feet more or less along said southerly boundary of the lands so conveyed to William McFadden to the west boundary of said Sunnyside Avenue; thence south 1° 37' west 150 feet more or less along said west boundary of Sunnyside Avenue to the point of beginning.

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

EXTENSION OF FOOD CONTROL AND RENTS ACT.

The bill (S. 2919) to extend for a period of two years the provisions of Title 2 of the food control and the District of Columbia rents act, approved October 22, 1919, as amended, was announced as next in order.

Mr. MYERS. I think that bill will lead to some debate and that there will be some amendments offered. I therefore ask that it may go over.

The PRESIDING OFFICER. The bill will be passed over.

SITE FOR PUBLIC BUILDING IN NEW YORK CITY.

The joint resolution (H. J. Res. 257) to appoint a commission for the exchange of sites for a post-office and courthouse building at New York between the Federal Government and the officials of the city of New York was considered as in Committee of the Whole and was read, as follows:

Resolved, etc., That the President of the United States shall appoint a commission consisting of three officials, who shall have authority to exchange the land known as the old post-office site in the city of New York for other land to be deeded by the city of New York in exchange for such site, and the Secretary of the Treasury is hereby authorized and empowered to make all necessary deeds of conveyance of the property now owned by the Government upon the exchange of said respective properties; that this commission shall confer and arrange with the authorized committee of the board of estimate of the city of New York, consisting of the mayor, comptroller, and president of the Borough of Manhattan.

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

NAVAJO TIMBER CO.

The bill (S. 1945) to reimburse the Navajo Timber Co., of Delaware, for a deposit made to cover the purchase of timber was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Navajo Timber Co., of Delaware, out of any moneys in the Treasury of the United States standing to the credit of the fund "Indian moneys, proceeds of labor, Fort Apache Indians," the sum of $4,904.10, the same to be a reimbursement for a deposit made by said Navajo Timber Co. with the Commissioner of Indian Affairs of the United States on October 15, 1913, to accompany a bid for the purchase of certain timber on the Apache and Sitgreaves National Forests, Ariz., and on the Fort Apache Indian Reservation, Ariz.

Mr. KING. I would like to have an explanation of the bill.

Mr. WILLIS. The facts are very clearly set forth in the report. Briefly, this Navajo Timber Co., of Ilyria, Ohio, at the request of the Government, made a bid upon certain timberlands, and put up a certified check for $5,000. Later it was found impossible to carry out the terms of the proposed agreement, and the $5,000 had been paid into the Treasury. This is simply to pay back to the company that amount, minus the cost of resale.

In order that the record may be straight, I ask unanimous consent to have printed in the RECORD the report of the committee, which contains a letter from the then Secretary of the Interior, Franklin K. Lane, than whom there has been none higher in the Government service. It explains the whole matter.

There being no objection, the report submitted by Mr. CAPPER March 2, 1922, was ordered to be printed in the RECORD, as follows:

[Report to accompany S. 1945.]

The Committee on Claims, to whom was referred the bill (S. 1945) to reimburse the Navajo Timber Co., of Delaware, for a deposit made to cover the purchase of timber, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

A similar bill was favorably reported and passed by the Senate in the Sixty-fourth Congress, and also received the approval of the House Committee on Claims. The report of this committee is appended hereto and made a part of this report.

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[House Report No. 1371, Sixty-fourth Congress, second session.]

The Committee on Claims, to whom was referred the bill (S. 3934) to reimburse the Navajo Timber Co., of Delaware, for a deposit made to cover the purchase of timber, having considered the same, report thereon with a recommendation that it do pass, for the reasons set forth in Senate Report No. 187, Sixty-fourth Congress, first session, as appended hereto and adopted as the report of this committee.

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[Senate Report No. 187, Sixty-fourth Congress, first session.]

The Committee on Claims, to whom was referred the bill (S. 3934) to reimburse the Navajo Timber Co., of Delaware, for a deposit made to cover the purchase of timber, having considered the same, report thereon with a recommendation that it do pass with the following amendment:

In lines 6 and 7 strike out "not otherwise appropriated, the sum of $5,000," and insert in lieu thereof "standing to the credit of the fund 'Indian moneys, proceeds of labor, Fort Apache Indians,' the sum of $4,904.10."

The facts in the case are fully set forth in a letter from the Secretary of the Interior, which is appended hereto and made a part of this report.

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DEPARTMENT OF THE INTERIOR,
Washington, January 28, 1915.

Hon. N. P. BRYAN,
Chairman Committee on Claims, United States Senate.

MY DEAR SENATOR: Reference is made to your letter of December 8, 1914, inclosing a copy of Senate bill 6710, to reimburse the Navajo Timber Co., of Delaware, for a deposit made to cover the purchase of timber.

The file containing the papers out of which the claim in question has arisen is voluminous, and deals principally with matters pertaining to the nonconsummated sale of approximately 330,000,000 feet of timber on the Fort Apache Indian Reservation, Ariz., to the Navajo Timber Co. In view of this fact I believe your purpose will be best served by giving you a detailed account of all the essential facts dealing with the claim in question rather than by transmitting the file in the case.

On August 27, 1913, the department approved regulations and an advertisement for the offering for sale of 330,000,000 feet of timber on the Fort Apache Indian Reservation, Ariz. The advertisement called for the opening of bids on October 15, 1913. The only bid received was that of the Navajo Timber Co., by R. W. Hill, president, Elyria, Ohio. This company made an offer of $2.50 per 1,000 feet during the first five years of the contract period and $3 per 1,000 feet during the second five years of the contract period. These are the minimum prices which it was stated in the regulations would be received for this timber.

On October 20, 1913, upon the recommendation of the Indian Office the department accepted the proposal of the Navajo Timber Co., and awarded the sale to them, subject, however, to the condition that the said company, within 60 days from the date of the approval of this letter by the department, should make a showing satisfactory to the department that it had the financial standing and ability to conduct a lumbering operation of this character and extent.

The regulations under which this timber was offered for sale required that each bid should be accompanied by a certified check on a solvent national bank drawn in favor of the superintendent of the Fort Apache Indian School in the amount of $5,000, and stated that

such deposit might be retained as a forfeit if the bid were accepted and the bond and agreement of purchase required by the regulations were not furnished within 60 days from the date on which the bid was accepted. The Navajo Timber Co. submitted with its bid a certified check for $5,000 on the First National Bank of Elyria, Ohio, drawn in favor of the superintendent of the Fort Apache Indian School.

By Indian Office letter of October 23, 1913, Mr. R. W. Hill, president of the Navajo Timber Co., was advised that the bid of his company had been accepted by the First Assistant Secretary of the Interior on October 20, 1913, and his attention was directed to the requirement of the regulations under which this timber was offered, which provided, among other things, that the deposit of $5,000 made with his bid might be retained as a forfeit if the contract and bond required by the regulations were not furnished within 60 days from the date when the bid was accepted, and that prior to the approval of the contract and bond by the department it would be necessary for him to make a satisfactory showing to the department as to the financial responsibility of the Navajo Timber Co.

On January 9, 1914, the department, upon the recommendation of the Indian Office, advised Mr. R. W. Hill, president of the Navajo Timber Co., that it would extend the time to April 1, 1914, within which he would be allowed to make a showing satisfactory to the department as to the financial responsibility of the Navajo Timber Co., and to properly execute the contract and bond sent him with Indian Office letter of October 23, 1913.

Under date of March 31, 1914, Mr. R. W. Hill, president of the Navajo Timber Co., advised the Indian Office of the fact that he was not able, within the time granted him, to finance the project, and requested that the deposit of $5,000 made by his company be returned.

Under date of May 14, 1914, the Acting Forester of the Forest Service, United States Department of Agriculture, advised the Indian Office regarding the action taken by the Forest Service with regard to the $5,000 deposit accompanying the bid submitted by the Navajo Timber Co., of Delaware, for the timber in the Sitgreaves and Apache National Forests recently offered for sale. In this letter he stated, among other things, that in view of the good faith manifested by the company in its attempt to finance the sales the Forest Service felt that the company was justly entitled to receive a refund of the amount deposited, less $140.23, the amount expended by the Forest Service in advertising the sale.

Under date of August 3, 1914, the Comptroller of the Treasury decided that a refund of the deposit of $5,000, less $95.90, which had been expended by the Indian Office in advertising the sale, should not be made. This decision rested upon the ground that the $5,000 which had been submitted with the bid for timber and had been covered into the Treasury on December 31, 1913, as "Indian moneys, proceeds of labor, Fort Apache Indians," would not be expended for the benefit of the Indians, as contemplated by the act of March 2, 1887 (24 Stat. L. 463), if it were returned to the Navajo Timber Co.

The timber which was included in this sale was the same as that included in the sale of February 14, 1912, to the Navajo Lumber & Timber Co., except that an adjoining tract was added, and it is my understanding that the persons interested in the Navajo Timber Co. were the same, or largely the same, as those who formed the Navajo Lumber & Timber Co. I am making an unfavorable recommendation on Senate bill 6709, which provides for the reimbursement of the $5,000 forfeit deposited by the Navajo Lumber & Timber Co., but feel that the $5,000 deposited by the Navajo Timber Co. on the second bid for the Fort Apache timber, less the cost of advertising the timber, should be returned to the bidders as a matter of equity. It is my view that no damage was suffered by the Fort Apache Indians through the failure of the Navajo Timber Co. to fulfill its agreement except such advertising cost, and that retention of the whole $5,000 deposited by that company would be practically a double forfeiture on a single sale. However, in my opinion, the refund should be made from the trust funds of the Fort Apache Indians, to which the forfeited deposit was credited, and not from the general funds of the United States.

I recommend that the words standing to the credit of the fund "Indian moneys, proceeds of labor, Fort Apache Indians," the sum of $4,904.10 be substituted for the words "not otherwise appropriated, the sum of $5,000," in line 6 of Senate bill 6710, Sixty-third Congress, and that the bill as thus amended be enacted into law.

If after consideration of the facts as above stated you feel that you would like to see all the papers on file in the department regarding the proposed sale of timber and the forfeit made, I shall be pleased to forward the same to you upon request.

Cordially yours, FRANKLIN K. LANE.

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

TAXATION IN THE DISTRICT OF COLUMBIA.

The bill (S. 1739) to amend sections 5 and 6 of the act of Congress making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, approved July 1, 1902, and for other purposes, was read.

Mr. KING. There are some provisions in the bill with which I am not familiar. It would take some little time to consider them, and I suggest that it go over.

Mr. WALSH of Montana. Before it is passed over, because it will come up for consideration again, I invite attention to the provision of section 2 of the bill, which reads:

That for the purposes of this act, any person maintaining a place of abode in the District of Columbia on July 1 of any year and for six months or more prior thereto shall be considered a resident of the District of Columbia, and shall be taxable on his tangible personal property if located in the District of Columbia during the period of his domicile therein.

So we would all be subject to taxation in the District of Columbia, as well as to taxation at home.

Mr. UNDERWOOD. We might find that we were no longer residents of our States.

Mr. WALSH of Montana. I question the power of Congress to make officials of the Government taxable here in the District of Columbia.

The PRESIDING OFFICER. The bill will be passed over.

RAILROAD SIDINGS IN THE DISTRICT OF COLUMBIA.

The bill (S. 3083) authorizing the Baltimore & Ohio Railroad Co. to construct an elevated railroad siding adjacent to its tracks in the city of Washington was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with an amendment to strike out all after the enacting clause and to insert:

That the Commissioners of the District of Columbia are hereby authorized in their discretion to grant to any steam railroad company authorized to have tracks in the District of Columbia permits to construct overhead or underground sidings from the lines of said railroad into such squares or parts of squares in the District of Columbia as may be included within any industrial area now or hereafter established under authority of law: *Provided*, That no grade crossings shall thereby be created; but such overhead or underground crossings may cross a street, avenue, or road within such industrial area.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

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

The title was amended so as to read:

A bill authorizing the construction of elevated railroad sidings adjacent to steam railroad tracks in the District of Columbia.

JOHN T. EATON.

The bill (S. 288) for the relief of John T. Eaton was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John T. Eaton, of Helena, Mont., out of any money in the Treasury not otherwise appropriated, the sum of $560, in compliance with the findings of the Court of Claims, Senate Document No. 220 of the first session of the Sixty-third Congress.

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

PENSIONS AND INCREASE OF PENSIONS.

The bill (H. R. 6507) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

H. L. M'FARLIN.

The bill (S. 1087) for the relief of H. L. McFarlin was announced as next in order.

Mr. KING. Let that go over.

Mr. CARAWAY. Mr. President——

Mr. KING. I will withhold my objection until an explanation can be made of the bill.

Mr. CARAWAY. I would be glad if the Senator would let us consider the bill. I wish to make a statement in regard to it.

The PRESIDING OFFICER. If there is no objection, the bill is before the Senate as in Committee of the Whole.

Mr. CARAWAY. Mr. McFarlin was what is known as a screen-wagon contractor, carrying the mail to Little Rock. The war came on, a great cantonment was erected there in which 70,000 soldiers were kept for the purpose of training, and Mr. McFarlin incurred an absolute loss of between $15,000 and $16,000. After giving his services, after giving whatever capital was necessary to purchase and keep going the equipment to transport the mail, he lost nearly $16,000. He was a small merchant, a man of high character, a long-time resident of that place, and instead of doing as a great many contractors did when costs were enhanced incident to the war, instead of surrendering his contract, he went ahead and fulfilled it to the letter. It cost him everything he had accumulated in a lifetime. He rendered the service under the most unfavorable circumstances.

The Government was the beneficiary, the Postmaster General says Mr. McFarlin should be reimbursed, and the inspectors who investigated the case say he should be reimbursed. He has been out of the use of this money now for four years—nearly five. He would not get a penny interest. This represents the savings of a lifetime, which he devoted to fulfilling a contract he entered into before anyone had a right to suspect the war was coming, and, I think, instead of being penalized for being patriotic and going ahead and devoting the last penny he had accumulated to fulfilling his contract, he ought to be paid the money he lost.

Mr. KING. I know of scores of cases like it. There are five or six in my own State. I know of one instance where a contract was in existence to transport the mail from Price, Utah, to Uinta Basin, a distance of some 130 or 140 miles over the mountains. Owing to the tremendous development of the parcel post, and the contractor being compelled to haul coal and lumber and everything else carried by the parcel post, he lost

perhaps $25,000 to $50,000. He carried out his contract, as he should have done, as any honorable man would have done. He can not be reimbursed. I know of many cases parallel to that.

Mr. CARAWAY. If the Senator will pardon me, Congress passed a law to reimburse those who sustained losses by reason of the war. This man's contract expired one day too soon. If it had run one day longer, the Post Office Department could have reimbursed him, and would have done so. He labored under exactly the same disadvantages the other people did who have been paid. It seems to me to be unfair; of course, I do not mean to apply that to the Senator from Utah. It seems that the Government should not refuse to pay a man who suffered loss by reason of the Government making changes in conditions which existed at the time when the contractor entered into a contract. If it were a private party, nobody would contend that the contractor could not have gone into a court of equity and had redress.

Mr. KING. What change did the Government cause by its act?

Mr. CARAWAY. The Government entered into a war. The Government located a cantonment at Little Rock, where 70,000 soldiers were trained, and cost this man this amount of money more than it would have cost him if the conditions had remained the same as they were when he entered into the contract.

Mr. KING. That is to say, he was compelled to carry more mail?

Mr. CARAWAY. Of course, by reason of the Government changing its relations and locating a cantonment there, and destroying this man's whole life savings.

Mr. KING. It seems to me the Government ought to make provision to take care of that case as well as others of the character to which I have referred. As the Senator knows, many people had contracts to construct buildings and because of the war coming on prices went up and they lost money in the construction of buildings and in the execution of their contracts.

Mr. CARAWAY. If the Senator will pardon me, we took care of that class of people who had contracts to erect buildings for the Government. We relieved everybody whose conditions were changed by reason of the Government entering into war and the tremendous increase in the cost of materials.

Mr. KING. I shall not object to the consideration of the bill.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived the Chair lays before the Senate the unfinished business, which will be stated.

The READING CLERK. A bill (H. R. 9013) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of the United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes.

Mr. CARAWAY. Mr. President, the Senator from Utah has withdrawn his objection and it will take but a moment to pass the bill. Will the Senator from Iowa yield a moment for that purpose?

Mr. CUMMINS. I yield for that purpose.

The Senate, as in Committee of the Whole, proceeded to consider the bill which had been reported from the Committee on Claims with an amendment in line 6 to strike out "$25,824.77" and insert "$15,048.52," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to H. L. McFarlin, of the county of Pulaski and State of Arkansas, the sum of $15,048.52 in full compensation for loss and damage suffered by the said H. L. McFarlin under his contract for transporting United States mail at Little Rock, Ark.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

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

KATE CANNIFF.

Mr. WALSH of Montana. Mr. President, the bill next on the calendar is an exceedingly meritorious one and has been pending a long time. I ask the Senator from Iowa if he will not permit it to be considered?

Mr. CUMMINS. Will it lead to any debate?

Mr. WALSH of Montana. No. If it does, I shall withdraw the request.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 289) for the relief of Kate Canniff, which was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Kate Canniff the sum of $1,345, out of any money in the Treasury not otherwise appropriated, in full compensation for the death of her husband, James Canniff, who received injuries April 15, 1901, while in the service of the United States on the lighthouse tender *Haze*, and as a result of which he died on October 20, 1909.

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

ADDITIONAL DISTRICT JUDGES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of the United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes.

Mr. SHIELDS. Mr. President, when I suspended discussion of the bill on account of the recess on the last day the Senate was in session, last Friday, I had to some extent gone into detail with reference to the condition of the dockets in the various Federal courts. I wish to recall what was then said and to repeat for the sake of clarity some things that were said at that time.

There is said to be congestion in the docket of the Supreme Court of the United States. The report of the Attorney General, filed for the fiscal year ending June 30, 1921, shows the condition of the dockets of the several courts to be as I shall now state it:

SUPREME COURT.

Cases and other proceedings docketed for the fiscal year 1921	565
Cases and other proceedings pending at the close of the year	367
Cases and other proceedings disposed of	608

The report shows that about one-half of these are disposed of without opinions, being applications for certiorari, dismissed without argument, and cases dismissed on motion.

The number of cases actually considered by the court was 574, of which 227 were argued orally and 347 submitted on printed arguments; 47 cases were settled by the parties and dismissed without a hearing; 230 cases were denial of petitions for writs of certiorari. There was, then, less than 300 cases argued and in which opinions were filed, or about 33 cases to each of the nine judges of the court. This is approximately a correct statement of the work of the Supreme Court for one year.

Circuit courts of appeals.

Circuit.	Number of judges.	Cases determined, 1921.	Number of cases pending June 30, 1921.
First	3	52	37
Second	4	268	122
Third	3	124	98
Fourth	3	90	34
Fifth	3	176	88
Sixth	3	155	79
Seventh	5	132	125
Eighth	5	203	240
Ninth	4	172	121
Total	33	1,372	944

From the tabulated statement just read it appears that the average for each judge in all the circuits was 42 cases determined in 1921. The three judges in the first circuit only determined 17 cases each. The highest in any circuit was in the second circuit, where 67 cases were determined by each judge.

Mr. BORAH. Mr. President——

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

Mr. SHIELDS. I yield.

Mr. BORAH. Did I understand the Senator to say that in the first circuit the judges determined only 17 cases each?

Mr. SHIELDS. The Senator understood me correctly.

Mr. BORAH. Is that in the Massachusetts circuit?

Mr. SHIELDS. That is the first circuit, which consists of the States of Rhode Island, Massachusetts, New Hampshire, and Maine, four States.

While all the judges hear the arguments made, only one writes the opinion in the case.

Mr. BORAH. Is that the circuit in which the judges determined 17 cases apiece?

Mr. SHIELDS. It is.

Mr. BORAH. That is the first circuit?

Mr. SHIELDS. It is the first circuit.

Mr. CUMMINS. Mr. President——

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

Mr. CUMMINS. Can the Senator from Tennessee give the Senate any information with regard to the amount of time the circuit judges sat in the district courts during the last year?

Mr. SHIELDS. I can not. There was no evidence produced with reference to that. But Senators, as lawyers of experience in all the courts, State and Federal, can very readily see that those judges, if industrious and holding court in reasonable hours, could have disposed of those cases in about two months.

Mr. CUMMINS. I ask for information entirely, because while I know that the circuit judges have in many instances held the district courts in their circuits, I do not know to what extent that has been done heretofore. I hoped the Senator from Tennessee in commenting upon the alleged idleness of the circuit judges had some information upon that subject.

Mr. SHIELDS. The statistics are taken from the report of the Attorney General made in pursuance of an act of Congress for the fiscal year ending June 30, 1921, and filed last December. The report is corroborated by other statistics, and I can not imagine that there is any doubt that the statements I have made are facts and are correct. I repeat, that as lawyers of experience and observation, Senators know that the general run of litigation is much the same year in and year out, and except in certain States which have certain classes of litigation the cases are of about the same degree of difficulty and require something like the same amount of time, and a mere statement of the number of cases tried by a court is very good evidence of whether that court is industrious and competent to discharge the duties incumbent upon the judges.

Mr. CUMMINS. I have no reason to doubt the statistics which are now being given by the Senator from Tennessee, but if it be true that circuit judges in many instances did hold district courts and notwithstanding their work upon the district bench the number of cases now appearing to be pending upon the district dockets would indicate the great need of some additional judicial force. I know of many instances, and so does the Senator from Tennessee, in which the district judges have been called in to sit upon the circuit court of appeals. That is a very common thing at least throughout the western country, and it is also a very common thing for the circuit judges to hold the district courts. That is true, and I am sure the Senator from Tennessee has information of that kind lately received. I refer to a communication which I am told he has from one of the circuit judges of the seventh circuit.

Mr. SHIELDS. When the circuit courts of appeals were first established there were not three circuit judges who were authorized by statute to sit in and hold these courts in the several circuits. In that condition, district judges were generally designated. I know that was the case in the circuit where I resided until another circuit judge was created, when the court was composed of three circuit judges and district judges were no longer needed. They ought to be allowed to continue their work in their district courts. I do know, however, that as a matter of courtesy, and, perhaps, as a compliment, district judges were called in and sat in this intermediate appellate court. I think they liked to do that. The district judges prefer to sit in the intermediate appellate court, the circuit court of appeals, much more than do the judges of that court like to sit in the district courts and try jury cases, chiefly in these days criminal cases, for the district courts now are largely police courts. It is not very pleasant, as a rule, for a lawyer to preside in those courts and dispose of that class of business. It becomes rather monotonous.

Whether or not the three circuit judges of the first circuit have aided the district judges, I do not know; but judging by the number of cases in the district court of Massachusetts—and for that district relief is asked in this bill; in fact, it is asked that two additional district judges be provided for the district—I would think that the circuit judges are not doing much district court work in the first circuit. However, at the proper time, Mr. President, I shall offer an amendment that they be required to serve in the district courts and to assist the district judge of Massachusetts, that being the only docket that is claimed to be congested in the circuit, in disposing of the cases there pending; for upon the face of the record they have an abundance of time to do so. The adoption of such an amendment would save the creation of two additional district judges for that State, who are proposed to be created by the bill.

Mr. CUMMINS. Mr. President, will the Senator once more yield to me?

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

Mr. SHIELDS. I do.

Mr. CUMMINS. I do not possess, nor does the testimony that has been laid before the committee furnish, any information with regard to the work of the circuit judges of the first circuit, but I do know one of the judges of that circuit. I know Judge George W. Anderson. He was appointed by President Wilson while a member of the Interstate Commerce Commission. I know that while he held that position he was a most industrious man, and I can not conceive that Judge Anderson, whatever one may think of his general views on other subjects, failed to employ all his time in the work which devolved upon him by reason of his appointment as circuit judge. I feel that I ought to say that much, because I know the man well and I know that he is a man of the most industrious disposition and works as diligently as any man could.

Mr. SHIELDS. Mr. President, I am glad to know that there is a circuit judge in that circuit who is so industrious and capable, because the district court may need him. He is the sort of man who ought to be assigned to that district to clean up the docket. It is apparent that the present district judge there is not doing a great deal, judging from the number of cases which have been tried.

However, I wish to ask the Senator from Iowa this question: Upon the face of this record, showing that the court of the first circuit, comprising three judges, only tried 52 cases in a year and left pending at the end of the year 37 cases, does it appear that they are doing their full duty? If they were industrious, would they not have cleared their docket before they went into the district courts, and was it not their duty to do so?

Mr. CUMMINS. I do not know. I could only answer that question after we had all the information with regard to the character of the cases. I know that in the circuit court of appeals in the first circuit there has been a great deal of litigation of a very important character; I know that that court has consumed a great deal of time in hearing preliminary motions and in reviewing injunctions and matters of that sort; and I suppose that such work would not appear upon the table which the Senator from Tennessee is presenting. I am not able to answer from any personal knowledge of the situation.

Mr. SHIELDS. Mr. President, I do not know any of the judges in Massachusetts or in the first judicial circuit; I presume they are all capable, honest, and competent men, and I am not making any personal criticism of them; but upon the face of this record, that three judges tried only 52 cases a year and at the end of that year left 37 cases yet pending, I can not believe that they have been very industrious.

As to the magnitude of the cases, I desire to say there is no great difference in that respect. It will be found that every docket contains some small cases and some large cases, some criminal cases, and some civil cases, though I will say that the statistics here show, I believe, that only two of these cases were criminal cases.

Mr. CUMMINS. How can a judge be honest if he does not give his time and his abilities to the transaction of the business or the performance of the duties for which he is appointed? I can not understand how the Senator from Tennessee can draw the conclusion he does without at the same time impeaching the honesty of our circuit judges—not their honesty in the sense of being unduly influenced in any respect, but their honesty in respect of rendering the service for which they were appointed.

Mr. SHIELDS. The only way I can answer the Senator is that the cold facts are against these judges. We know that some of the Federal judges do not hold court more than three hours a day. I understood the chairman of the committee, while we had this matter under investigation in the Committee on the Judiciary, to say that the judges in the District of Columbia only sat about three or three and a half hours a day. I do not know anything about that personally.

Mr. OVERMAN. Mr. President, in contrast with what the Senator has said, that the judges referred to by him in Massachusetts disposed of only 52 cases, I believe, in a year——

Mr. SHIELDS. Yes.

Mr. OVERMAN. I wish to say that I telegraphed the attorney general of North Carolina asking him how many cases the Supreme Court of North Carolina disposed of in a year. He has replied to me by telegram stating that the cases disposed of by the supreme court annually are 950 in number. Those cases, furthermore, involve the writing of opinions. I hardly presume that the judges who disposed of only 52 cases a year wrote opinions in all of those cases.

Mr. SHIELDS. How many judges of that court are there?

Mr. OVERMAN. There are five judges.

Mr. SHIELDS. So that the total represents nearly 200 cases apiece?

Mr. OVERMAN. Yes. I may say that the superior court judges disposed of 9,000 cases, according to the information furnished by the attorney general of the State.

Mr. SHIELDS. Those are the trial judges?

Mr. OVERMAN. They are the trial judges, the superior court judges.

Mr. SHIELDS. Certainly, Mr. President, in view of the facts there should not be created two additional judges for the district of Massachusetts until we have further evidence of the necessity of the Government going to that expense. Provision for those two judges can well be stricken from the bill, and a separate bill, when all the facts appear, may be introduced and passed, if required, to relieve any emergency existing in that district.

Now, I will take up the situation in other circuits. The average of the cases determined in the circuit courts of appeals shows that the judges in most of those courts are practically doing nothing, and in such circuits they could be assigned to the trial of cases in the district courts. I say they are doing nothing upon the presumption that before they should go into the district courts they would clean their own dockets, but in each circuit it appears that at the end of the fiscal year they leave almost as many cases pending as were tried during the year. It is their first duty to try the cases on their own dockets; and they generally do it.

Mr. CUMMINS. Mr. President, I leave that controversy between the Senator from Tennessee and the Senator from North Carolina, who proposed the addition of one circuit judge to the fourth circuit. If the circuit judges are doing nothing or practically nothing, as the Senator indicates, he ought to direct his criticisms, among other things, to that part of the bill which provides for the appointment of an additional circuit judge in the fourth circuit.

Mr. SHIELDS. Mr. President, I am not discriminating in favor of any circuit or any district. I think this is the worst case of logrolling of any legislation that has ever come before the United States Senate since I have been a Member of it. I think the entire bill ought to be defeated. I think its enactment will be a judicial and legislative scandal.

Mr. CUMMINS. What is the Senator's evidence of logrolling? Was there any logrolling before the committee?

Mr. SHIELDS. Oh, I have no specific evidence except the manner in which the judgeships were distributed among the members of the Judiciary Committee having under consideration the bill.

Mr. CUMMINS. The Senator can not be serious about that.

Mr. SHIELDS. I am making no charge against any Senator.

Mr. CUMMINS. The distribution of judges, as I said in the beginning, does not meet my personal view entirely, yet the distribution was made with fair regard to the showing made before the committee, and that showing was exactly the showing which the Senator from Tennessee is now presenting, namely, the report of the Attorney General for the fiscal year ending June 30, 1921.

Mr. SHIELDS. The Senator must admit, though, that the facts to which I am now calling attention were not called to the attention of the committee or discussed when we had this bill before us.

Mr. CUMMINS. When the Senator speaks of logrolling he ought to remember that at least a majority of the members of the Judiciary Committee do not secure additional judges for their States. Here is the Senator from Missouri [Mr. REED], who is a member of the Judiciary Committee, and lives in the western district of that State. No additional judge was given to that district, although the showing in behalf of the western district of Missouri would probably put that district in the category of districts needing additional judicial force.

Mr. SHIELDS. And I think ahead of the eastern district, for which a judge was provided.

Mr. CUMMINS. Very likely. I am not disputing that; but so far as the committee dividing these judges among the districts represented upon the Judiciary Committee is concerned, that is a suggestion which I am sure the Senator from Tennessee, upon reflection, will recall.

Mr. SHIELDS. No; I do not recall the facts, but I do disclaim any charge——

Mr. CUMMINS. I mean, the Senator will disclaim it.

Mr. SHIELDS. I had already done that, before the Senator rose to his feet. I expressly said that I did not make any charge against any Senator.

Mr. CUMMINS. Then there was no logrolling, so far as I know.

Mr. FLETCHER. Mr. President, may I suggest to the Senator that whereas with reference to the State of Missouri the eastern district of Missouri does get an additional judge, and I am not saying but that it is entitled to it, I do say that the committee has utterly failed to distribute these judges according to the state of the business in the different districts. There are more cases pending in the southern district of Florida undisposed of, and the business there is more congested, than in States where the committee has given two judges, and it has refused to give one to the southern district of Florida.

Mr. SHIELDS. Mr. President, we will come to these districts later.

Mr. CUMMINS. That shows that there was no logrolling in the committee, because the State of Massachusetts, to which the Senator from Florida undoubtedly refers, has no member upon the Judiciary Committee.

Mr. SHIELDS. Perhaps that is why it did not get a judge.

Mr. CUMMINS. But the State of Massachusetts did get two judges, without any membership upon the Judiciary Committee.

Mr. FLETCHER. I was simply answering the suggestion of the Senator from Iowa that these judges were distributed according to the business and the needs, as shown by the table to which the Senator from Tennessee has referred.

Mr. CUMMINS. There was a difference of opinion among the members of the Judiciary Committee with regard to this distribution—the Senator from Florida knows that—and the distribution was made according to the views of the majority of that committee.

Mr. REED. Mr. President, if the Senator will pardon me, since the Missouri situation has been drawn in question, permit me to say that the position I took with the committee was that undoubtedly there was an imperative need for two additional judges in Missouri. I pressed that on the committee, but I was informed that the subcommittee had determined that they could give only one judge to the State. They were trying to cut the number of judges just as closely as they could. I was then asked whether my preference was to have a judge for the western or for the eastern district, and I made the suggestion that the judge be appointed from the western district, where I thought the business was more rapidly increasing, but that the bill be so drawn that he could be assigned to either district. I thought that was settled when I went away, but something happened, and the judge was named from the eastern district, and nothing was done for the western district.

If the Senator will pardon just one further word, I know from personal investigation now, much better than I did when I was talking with the committee, the condition of the dockets in both the eastern and the western districts. It is now practically impossible to secure the trial of an important civil suit in either district until after a very long delay, and the courts are getting behind more and more in their business. The judge of the eastern district is worked to the point where he is threatened with a serious break in his health, and the business is still accumulating. The judge in the western district, I think, is not suffering any break of his health, but if he keeps on under the stress that he is under at present nobody can tell when it will happen. I have taken pains to investigate this matter by talking with leading members of the bar, men who have considerable business in the Federal courts. There is no question but that in the State of Missouri there is an imperative need for two judges, but I want, and the people of Missouri want, two men who live in Missouri appointed to those places.

We do not want somebody sent in there who lives a thousand miles away to start holding court, and then have somebody else sent in from some other place, and have the lawyers chasing them all over the United States after that for three or four years to get their business wound up. That phase of this bill I do not like. There may be, and I think the Senator is making a very strong showing that there are, places where they do not need judges; but they do need them in the State of Missouri, and they need them very badly.

Mr. SHIELDS. Mr. President, I have given this statement of the condition of the dockets of the various circuit courts of appeals to show that the 33 judges holding them can not, in the nature of things, be very busy. Some of these circuits have more business than others; but the dockets show that in at least half of them the judges can not possibly be occupied half of their time in disposing of the business in their courts, and that they ought to be required to relieve congestion wherever it may exist in the district courts. It is my opinion that if they would not only try the cases which the report of the Attorney General shows were determined during the year, but would also try those that were held over undetermined, they could dispose of all of the docket within six months. There is a provision now for them to be assigned to the district courts, to relieve the district judges; but it should be made imperative, and not voluntary, as it now is.

I will now go to the district courts of the United States:

Cases pending in the district courts June 30, 1921, as shown by the annual report of the Attorney General for the fiscal year 1921, pages 150 and 151, nominally aggregate 142,402; but in this aggregate are included 37,341 bankrupt cases, which will be disposed of by the referees in bankruptcy, 27,580 draft cases,

which the witnesses appearing before the Committee on the Judiciary showed would never be tried, but would have to be dismissed for want of evidence and other causes, and 4,643 civil cases between corporations and individuals, which have been on the dockets for more than five years without any order being made in them, and are evidently dead cases, never to be tried.

Mr. CUMMINS. Mr. President——

Mr. SHIELDS. I yield to the Senator.

Mr. CUMMINS. At this point I should like to make one observation to the Senator from Tennessee, and that is with regard to the bankruptcy cases. The Senator from Tennessee assumes that the bankruptcy cases do not and ought not to consume any considerable time on the part of the district judges. I ask him this question:

The district judge appoints the receivers, the trustees, and the referees in bankruptcy, and he must in most instances fix their fees. I venture to say that if the district judges had the time to consider those matters properly and review the accounts of receivers and trustees and referees, we would save every year more than the entire salaries, with incidental expenses, entailed by the addition of 19 additional judges. As the Senator from Tennessee knows, it has become well-nigh a scandal that the judges of the district courts are not able to review or consider properly the bankruptcy proceedings, and the Judiciary Committee has just considered a bill which is intended to correct some of these evils and abuses. While I have no special knowledge upon the subject, my general observation leads me to believe that the exorbitant amounts paid to trustees and receivers and referees could be so pruned that the people who are involved in these unfortunate cases would receive a benefit every year of more than the entire amount that these additional judges would require for compensation and for incidental expenses.

Mr. SHIELDS. The Senator has asserted that I know that there is a scandal in regard to these cases. I have no such information. The evidence on the hearings and from the Attorney General's reports all separates the bankruptcy cases from other cases, and treats them as unlitigated cases to be disposed of by the referees; and the statement of the Senator now is the first contention that such was not the fact that I have heard in the four or five months we have been considering this bill.

The Senator has forgotten that the creditors meet and elect the trustees. The district judge has nothing to do with that. As I understand the bankrupt act—it has been a good while since I have had anything to do with it——

Mr. CUMMINS. Mr. President——

Mr. SHIELDS. I am going to ask the Senator to let me finish my tabulated statement, so that I can present this matter in an intelligent manner, and so that Senators can see that there is trouble in the district courts of the United States that does not demand so much additional judges as it demands more work by those who are now in office.

Judging by everything in this record, the Senator is mistaken about these bankruptcy cases. They require hardly any attention whatever from the district judge, and are so treated throughout the hearings in this matter.

I will give a tabulated statement of these cases, as shown by the report of the Attorney General:

United States, criminal	57,112
United States, civil	9,728
Bankrupt cases	37,341
Other cases	38,221
Total	142,402

From this total deduct cases that will not be tried:

Bankrupt cases	37,341
Draft cases	27,580
Dead civil cases	4,643
Total	69,564

Leaving upon the dockets of the United States district courts June 30, 1921, cases to the number of 72,838.

There are 86 Federal districts, in all of which courts are established, and there are 106 district judges, who should have the assistance of not less than 15 of the judges of the circuit courts of appeals in the trial and disposition of the cases pending in the district courts.

The report of the Attorney General, pages 150 and 151, further shows that during the fiscal year 1921 cases were finally disposed of in the district courts as follows.

I ask attention to this, for it shows the work of the judges, the cases tried and disposed of, much more clearly than a report of cases pending on the dockets would:

Civil cases of the United States	6,301
Criminal cases of the United States	47,299
Other civil cases—that is, between private parties	16,886
Total determined by all the United States district courts for fiscal year 1921	70,486

That appears to have been fairly good work, though not nearly as much as the State courts do; but let us look at the manner in which those cases were disposed of.

Of these cases, a large number were disposed of without trial, as follows:

CIVIL CASES.

Dismissed or discontinued	1,431
Compromised	374
Total	1,805

CRIMINAL CASES.

Nol prossed	10,461
Dismissed on motion and demurrer	1,617
Pleas of guilty	28,536
Total	40,614

OTHER CIVIL CASES.

Dismissed or discontinued	10,353
Total	52,772
Total cases disposed in 1921	70,486
Total cases disposed without trial	52,772
	17,714

But few of these cases were submitted to juries. The report shows as follows:

Civil cases tried by juries	470
Criminal cases tried by juries	6,523
Total	6,993

Of course, every lawyer knows that there are cases in the district courts which the judge tries without a jury and which often consume more time than jury cases; but when you look at these figures you see that there were very few of those, from other statements here.

It thus appears that less than two-sevenths of the cases disposed of during the fiscal year ending June 30, 1921, were tried by the judges, and less than 10 per cent of them were jury cases.

Those figures are astonishing, and yet that is what the official report of the Attorney General shows beyond question.

It also appears that the 106 district judges, aided by at least 15 of the judges of the Circuit Court of Appeals—I am allowing that some of them did district court work without knowing it—only tried during the fiscal year of 1921, 17,714 cases, and only 6,993 of them were jury cases. That is well worth repeating. There are 106 district judges, and taking it for granted they were aided by 15 circuit judges, they only tried, on the average, about 100 cases each. Congress should know the reasons for this bad showing and who is responsible for it before passing this bill creating a swarm of additional judges, adding greatly to the expenses of the Government and the burden of taxation under which the people of the United States are now staggering, and especially when it is admitted by the Attorney General and the commission he appointed to investigate the condition of the dockets of the district courts that the present alleged congestion is temporary and will largely pass away in three or four years. It must be remembered that the judges proposed to be provided for will be appointed for life—say, on the average for 20 years—while the emergency will not last one-fourth of that period of time.

We have no evidence or detailed statement of the nature and character of the 142,402 cases, less 68,984 bankrupt, draft, and dead cases, which, deducted from the gross aggregate, leaves 73,418 pending on the dockets of the district courts June 30, 1921, as shown by the report of the Attorney General, and it would have been almost impossible for the Department of Justice to have ascertained and furnished such information. It is reasonable to assume that the cases that were pending June 30, 1920, were first tried and disposed of, and that the majority of the cases pending June 30, 1921, were new cases brought and docketed during the fiscal year of 1921. There is, however, no evidence upon this subject, and it is impossible to state how many of the pending cases are old cases and how many of them are new cases or anything about their character.

It is also fair to assume that the cases brought in the fiscal year 1921 were of the same character as those disposed of during that fiscal year and that the same percentage of them were, or will be, nol-prossed, dismissed voluntarily and upon motion and demurrer, and went off on pleas of guilty. We can only judge the pending cases by those that have been disposed of. They must be of the same character. There is no evidence that the pending cases are in anywise different from those of the previous year or that the frivolous and weak cases were weeded out and only those calling for jury trials or a substantial consumption of time were retained. The cases were coming in every day to the end of the fiscal year. There may not be so many of them to be dismissed summarily, but, judging by the

percentage above shown, certainly one-half of them would go off without trial. However this may be, the bad showing of the work of the district judges in the trial and disposition of litigated cases during the fiscal year ending 1920 is pertinent in the inquiry whether or not the alleged congestion is the fault of the judges or of increased litigation.

If the character of the cases pending June 30, 1921, for trial is the same as those disposed of during the previous year, there would be only about 200 cases for each of the 120 judges to try, or if they are only half as frivolous as those of the previous year there would be about 400 for each judge, not counting the 20 or 25 judges proposed to be created by this bill.

This record of the work of the Federal judges compares very unfavorably with the work of the judges of the State courts. Whether it grows out of the fact that the Federal judges hold their offices during good behavior, which ordinarily means for life, and the State judges as a rule hold theirs for a term of years and are elected and responsible to the people, and are more diligent and effective, is the subject of a most pertinent inquiry, and in considering this legislation should not be overlooked. I have not statistics of the number of cases disposed of in a year from all the States, but I have some from Tennessee, which I have no doubt are a fair average. I will give those of the docket of 1921 of the supreme court, the court of last resort; the court of civil appeal, an intermediate appellate court; and the chancery courts, courts of equity jurisdiction; circuit courts, which are courts of common-law jurisdiction; and criminal courts of the four largest counties of Tennessee:

	Cases.
Supreme Court of Tennessee (5 judges), annual docket	900 to 1,000
Court of civil appeals (5 judges), annual docket	800
Nashville courts:	
Circuit court (3 judges)	2,755
Chancery court (2 judges)	855
Criminal court (2 judges)	1,631
Memphis courts:	
Criminal court (2 judges)	1,515
Circuit court (3 judges)	3,882
Chancery court (2 judges)	1,400
Knoxville courts:	
Criminal court (1 judge)	1,200
Circuit court (1 judge)	741
Chancery court (1 judge)	661
Chattanooga courts:	
Criminal court (1 judge)	1,893
Circuit court (1 judge)	968
Chancery court (1 judge)	616

Each of those courts is for only one county, the county in which each of those cities is situated.

An analysis of these statistics will show that the judges of these courts upon an average try and determine, respectively, each year twice as many cases, and in several instances four times as many as are tried by the Supreme Court, the Circuit Courts of Appeals, and the District Courts of the United States; and from long observation as a lawyer practicing in some of these courts and as a member of the Supreme Court of that State, I assert that these judges consider and decide the cases coming before them as carefully and as correctly as the judges of the Federal courts. The conclusion is inevitable that there is something wrong in the organization of the Federal courts that produces the alleged congestion supposed to exist in their dockets, and with a few notable exceptions, it is not additional judges that the prompt dispatch of business in those courts requires and imperatively demands.

Now, as to the various districts provided for and the necessity of creating the judges that are asked for them, I will call attention to statistics and discuss them when we take up each particular case. At this time I only wished to go into the general principles and facts that affect the whole bill.

Mr. President, in discussing the bill and the one upon the same subject which was first introduced in the Senate, I referred to the origin of the bill and those supporting it, and my statements were challenged. I did not have the time then to refer to the evidence upon the subject, but I wish now briefly to do so. I will do so without comment unless comment is provoked.

I now read from the report of the Attorney General for the fiscal year 1921, page 3:

FEDERAL JUDGES AT LARGE.

Congestion in the Federal courts, due to the ordinary increase of population and the development of commercial and industrial America, has been an ever-increasing weakness in the machinery of Federal justice. It is no uncommon thing for a district court docket to be from six months to two years in arrears. This, of course, means loss of evidence, death of witnesses, defeat of justice, and expense to the taxpayers. Many criminal cases can never be tried. Large business interests lose heavily through delay.

In those districts where congestion is of a permanent nature, I have been willing to recommend additional judges to be permanently assigned. Recently, however, this congestion became so serious as to demand immediate relief, which could not be secured by the creation of permanently assigned judges without a great burden upon the Treasury, as in my opinion at least 30 judges would be necessary if permanently assigned. I therefore created a voluntary commission of three Federal judges (Hon. John E. Sater, of Ohio; Hon. W. I. Grubb, of Alabama; and Hon. John C. Pollock, of Kansas) and two United States attorneys (Col. William Hayward, of New York City, and Mr. Charles F. Clyne, of Chicago), with George E. Strong, an attorney of the Department of Justice, to assist them. With their cooperation and valuable assistance, together with suggestions by the Chief Justice of the United States and others, I decided upon a plan which was submitted to the Congress. I reported that there is a generally congested condition in the Federal dockets throughout the United States; that there were as many as 5,000 to 20,000 cases pending and undisposed of in a single district on July 1, 1921. This congestion is due to the natural growth of the country, but is temporarily aggravated by legislation of Congress increasing the jurisdiction of the Federal courts, by war legislation, shipping and railroad operations on the civil docket, and prohibition, selective service, and the narcotic law on the criminal docket. It is thought that the generally congested condition throughout the United States, due to these new laws and temporary war conditions, will show a decrease after a few years. Hence, an elastic method of relieving this congestion would be the most efficient and least expensive one.

As the reconstruction period passes and the people become adjusted to the new conditions, there will be, in my judgment, less violation of the national prohibition and other Federal police laws. Then, too, as the States enforce these laws there will be relief for the Federal courts.

For the above reasons and because of the necessity for economy we confined our recommendations to an elastic method of handling the generally congested condition of the United States courts. We believed that immediate temporary relief was necessary. In those districts where congestion is permanent and due to normal growth of business there should be additional judges, but in many districts the congestion is but temporary and can be relieved by the use of a judge at large who will assist in clearing the docket and then proceed to another district.

The commission, therefore, in cooperation with the Chief Justice of the United States and myself, has recommended 18 Federal judges at large, 2 to be appointed in each judicial circuit. These judges are to be assigned as needed. As this is an emergency, I trust that Congress will pass the necessary legislation as soon as possible. Federal judges at large will permit elasticity in the Federal judicial system and economy in the handling of temporarily congested dockets. It will encourage uniformity in judicial procedure and prompt expedition of business, for as these judges render services when necessary in any district where assigned, they will receive and carry with them the beneficial practices of each district and thereby become familiar with reforms and improvement in practices.

I had really overlooked that. I did not know this was a general reform bill.

This department, with the approval of the commission, further recommended an annual meeting of judges from each circuit to consider ways and means of improving Federal procedure and handling congestion as it may arise. Justice can not be measured in dollars and cents—

But the fines which will be imposed are, in the opinion of the Attorney General, ample to meet the cost of the increased number of judges, the Attorney General overlooking the fact that the cases would be tried by some judge and, of course, the same fines would come.

While the Attorney General has dealt in general statements—and the record shows that he is mistaken in many particulars—that shows how the bill originated.

Hon. William H. Taft, Chief Justice, appeared also before the Committee on the Judiciary on October 5, 1921, and made a statement concerning this bill. I read from that statement:

One of the difficulties of the achievement of dispatch of business—

I said "this bill." I mean the bill first introduced providing for the flying squadron of judges from the Nation at large and for the conferences in which the Attorney General was to participate.

One of the difficulties of the achievement of the dispatch of business has been the variation of conditions in the different districts and circuits. In some places there would be a judge who had but half his time occupied; in another place there would be a judge who would be overwhelmed with work. This bill introduces a reasonable system of watching and supervising conditions by the judges of the courts of appeals, with a view to having them get at the actual facts as to where the arrears are. You gentlemen are all familiar with the fact that dockets are quite misleading in the number of cases that they seem to show. There is a lot of stuffing in the docket. Many of the cases ought to be dismissed.

Again he said:

The principle of this bill with respect to the use of the increase of the judges by 18 is the executive principle of having some head to apply the judicial force at the strategical points where the arrears have so increased that it needs a mass of judges to get rid of them.

It is proposed that there shall meet, at any time of the year—but it is suggested that it shall be in the fall, a week before the Supreme Court meets in Washington—a council or committee of the nine senior judges, one from each circuit, and the Chief Justice, together with the Attorney General; that each member of the committee is to bring what he ought to know, namely, the condition of his circuit acquired from the reports required to be filed with him by the district judges, and of course by the clerks. The Attorney General, having further opportunities for inquiry, investigation, and conclusion, is to be present to aid. That council is to take up the question of the arrears in the county and then agree informally as to where the judges are needed and whence they can be had. That is the first step in the bill.

Further on I read from the record:

Senator SHIELDS. They—

Referring to the district judges—

will feel almost anything they are subjected to. Then there have been some investigations in the last 15 years here in Washington. Some of those judges ought to have been investigated, and I am not defending some of them; but there is a sort of feeling that they are a little nervous, and it is seldom that they decide a lawsuit against the Government. The Department of Justice exercises a little too much influence, perhaps. That is nothing against this bill, but I think that we ought to keep the executive and judicial departments separate, and this provides for the Department of Justice—the Attorney General—to go into this conference about the assigning of a judge—a sort of general supervision over their duties. I do not think that the Attorney General has any place there.

Chief Justice TAFT. The Attorney General is charged with the administration of justice in deparments. You have to have an executive principal in the dispatch of all business.

Senator SHIELDS. It should come from the judiciary, though, and not from one of the coordinate departments of the Government. It is an infringement of one department on the other. I think the Attorney General ought to make these reports of the conditions in his department, but to have him have a voice as to the judges and assigning work to the judges, and so on——

Chief Justice TAFT. This assignment is made by the circuit judge and the Chief Justice. This council does not do anything but take up and consider and deliberate on and agree upon among themselves what shall be done with reference to meeting the arrears of the particular court. The assignment is left completely to each circuit judge and to the Chief Justice.

Of course, that provision of the bill has been read and shows for itself.

Mr. CUMMINS and Mr. FLETCHER addressed the Chair.

The PRESIDING OFFICER (Mr. HEFLIN in the chair). Does the Senator from Tennessee yield; and if so, to whom?

Mr. SHIELDS. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. CUMMINS. Mr. President, I do not intend to make any general reply to the review of the pending subject to which we have just listened, but I can not forbear some observations. I assume, and I think the whole country ought to assume, that the judges of the Federal courts are men of high character, of more than ordinary attainments, and do their work with a deep sense of the responsibility which rests upon them, not only fairly but industriously. There may be exceptions; it may be true that in the whole number a few men may be found who disregard the duty which the law imposes upon them, but I am sure that very few such men will be found. My observation in reference to that matter, which has been very slight in the last 20 years, but which was a most intimate observation before that time, leads me to believe that the Federal judges are, in the main, hardworking, energetic, and faithful public officials. So much for the criticism which we have just heard.

I do not give any weight to the analysis which the Senator from Tennessee has made with regard to the number of cases disposed of from time to time or the probable length of time which will be required to dispose of such cases in the future. The police court records of every city in the Union will disclose just the situation which is indicated in some of the statistics which have been given by the Senator from Tennessee. I have no doubt that a police court justice before whom is brought many trivial—I ought not to use that word, however—many offenses committed during the day before can dispose of them with very great rapidity. I have known or often heard of greater celerity in the disposition of cases of drunkenness, vagrancy, or some other offense against municipal ordinances where the defendant is brought before a police court justice simply upon a warrant and is immediately tried than is indicated in any of the cases cited by the Senator from Tennessee.

Mr. SHIELDS. Mr. President——

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

Mr. CUMMINS. I yield.

Mr. SHIELDS. The Senator from Iowa is speaking of criminal cases of which I have given the statistics, which were tried in the criminal courts of four counties in Tennessee. Those, however, are not police courts, but are courts of record; and no man may be tried in them unless a grand jury first finds a presentment or indictment against him. Those courts are attended by all the formality and safeguards which surround a United States district court, and certainly no police cases go into the circuit court and the chancery courts for those courts try civil cases.

Mr. CUMMINS. I was certainly not intimating that the cases which the Senator from Tennessee has mentioned are the ordinary police-court cases. I was simply stating that I could find a court which disposed of a great many more cases in a given time than even the judges in Tennessee could dispose of; but I think that is no fair criterion of the work of the Federal courts.

I have before me a memorandum which will be submitted at the proper time by the Senator from Illinois [Mr. MCCORMICK] if the occasion arises. He left it with me in his brief absence from the Senate floor. It indicates the character of some of the cases which are to be tried in the Federal courts. It also indicates the length of time that is required or probably will be required to dispose of such a calendar as we now find in the district court of the northern district of Illinois. I infer that this memorandum was prepared by the United States district attorney for the northern district of Illinois, although I am not sure of that. However, the memorandum, which is undoubtedly accurate, states:

There are over 15 great mail fraud cases on the docket, and each of them will consume one month in trial.

Mr. SHIELDS. Mr. President——

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

Mr. CUMMINS. Just a moment.

That is the time it has taken in the past to try such cases.

There are 10 other minor fraud cases—

That is, cases involving the use of the mails to defraud—

that will consume two weeks each. There are six great antitrust cases ready for trial and awaiting judges. Each of these cases will consume not less than three weeks; and I am told that one—

Naming the case—

will consume two months of court days.

Then he adds:

A number of income-tax cases are ready for trial, and several large cases under the Volstead law. These cases have congested and will congest the docket on the criminal side of the court unless judges can be secured.

What is true of the northern district of Illinois is true of a great many other districts in the United States. If these cases when tried shall consume the length of time anticipated by the district attorney, it will require the continuous service of one judge for two years and a half to dispose of the cases which are mentioned in the memorandum without being able to do anything whatsoever upon the civil docket or in the trial of the hundreds and hundreds of other criminal cases which are not mentioned in the memorandum.

Mr. President, I know something about the antitrust cases which are pending in the State of Illinois.

Mr. SHIELDS. Mr. President——

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

Mr. CUMMINS. I yield.

Mr. SHIELDS. I did not hear who it was who made that statement.

Mr. CUMMINS. The Senator from Illinois handed me this memorandum before he left the Chamber, and I assume he left it anticipating that there might be an effort made to amend the bill so that the additional judge for the northern district of Illinois would be eliminated from it.

Mr. SHIELDS. But did I not understand that some officer made that statement?

Mr. CUMMINS. I believe it was made by the district attorney for the northern district of Illinois——

Mr. SHIELDS. Is that Mr. Clyne?

Mr. CUMMINS. Because I had a conference with Mr. Clyne within the last two or three days, and he gave me substantially the same information.

Mr. SHIELDS. Before the committee my recollection is that he was not very strenuous in his view that another judge was needed. I will ascertain what he said before the committee, and I will also present, in answer to the district attorney, a letter I received from one of the United States circuit judges, in which he disagrees with the district attorney.

Mr. CUMMINS. I know what is in the letter.

Mr. SHIELDS. I did not show it to the Senator. He has obtained it in some other way; but I rose to remark that the trouble is that a new district attorney is needed and not a new district judge.

Mr. CUMMINS. I do not know about that. Mr. Clyne is a very estimable gentleman and was selected as district attorney by one in whom the Senator from Tennessee has vast confidence, I am sure.

Mr. SHIELDS. I understand Mr. Clyne is a Democrat and was appointed by President Wilson, but as the Senator knows, all men make mistakes sometimes.

Mr. CUMMINS. I do not intend to discuss Mr. Clyne further, but the Senator from Tennessee does not know anything about Mr. Clyne, I am sure, more than I know about him.

Mr. SHIELDS. The Senator is a little mistaken as to that.

Mr. CUMMINS. Possibly, but I am not going to try Mr. Clyne.

Mr. SHIELDS. I do not care to criticize Mr. Clyne. I understand that he is a Democrat and, of course, he will be supplanted very soon.

Mr. CUMMINS. I do not know about that.

Mr. SHIELDS. Things that are going on indicate it very strongly.

Mr. CUMMINS. I am not willing, however, to accept the view of the Senator from Tennessee that all public officials who are connected with the courts are inefficient, incompetent, or dishonest. That is the real conclusion to be drawn from the Senator's remarks.

Mr. SHIELDS. I have not stated that public officials are dishonest or incompetent. I know some of the district judges and some of the judges of the circuit court of appeals, as well as some district attorneys, who are very able men. I do not know that I am aware of an incompetent district judge, but I should say that I do know a number of district attorneys whom I would consider very incompetent and who are blocking the business of the courts. The judge can do nothing without a competent district attorney. There is too much politics in that office.

Mr. CUMMINS. From the suggestions which he has just made, I suppose the Senator from Tennessee includes Mr. Clyne among the list of incompetent officials?

Mr. SHIELDS. The Senator has no right to make that assumption. I will be heard as to him before I get through.

Mr. CUMMINS. Precisely. I do not know Mr. Clyne probably as well as does the Senator from Tennessee, for I am not of his political faith, but Mr. Clyne has had no full opportunity to discover whether he is or is not a competent prosecutor, because many times he has had no judge before whom he could try his cases. There are a thousand criminal cases pending in the northern district of Illinois now ready for trial, and the reason they are not tried is because a judge before whom the trial can be had can not be secured.

I know something about the criminal cases pending under the antitrust law; I know what they are, and I know the length of time, generally speaking, that is required to try one of those cases. What hope has the district attorney if he prepares his case for trial and can not find an opportunity to try it? The court simply becomes a refuge of malefactors and criminals. Our judicial system every day is allowing men who are charged with crimes to escape because there is no opportunity to try them.

Mr. REED. Mr. President——

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

Mr. CUMMINS. I yield.

Mr. REED. The Senator states that the district attorney had no judge before whom he could try these cases. The Senator certainly will admit that until Judge Landis concluded to devote the balance of his time to the baseball situation there was a judge there.

Mr. CUMMINS. Judge Landis may be criticized because he accepted the position he did in baseball recreation, but I never heard it charged against him that he was not an exceedingly energetic and industrious judge, and I venture to say that his record will compare most favorably with the record of any other district judge in the United States in the disposition of cases that were pending in his court.

Mr. REED. That is the very point. The Senator says that he was one of the best, and yet he seems to have had time enough to earn $50,000 on the side looking after baseball matters. They must have taken a little of his time.

Mr. CUMMINS. I shall not, so far as I am concerned, drift into a discussion of the propriety of a judge accepting a position of that character; but I do know that this particular judge was prompt, efficient, and decisive in his work upon the bench. But, Mr. President, I have only this general reply to make to the observations of the Senator from Tennessee; for I still believe, and the Senator from Florida believes with me, I am sure, that there are at least some districts in which additional judicial force is absolutely necessary if we are to do justice both to the Government and to those accused of crime and to the various litigants who appear in the court for the adjudication of their controversies.

Mr. FLETCHER. Mr. President——

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

Mr. CUMMINS. I yield to the Senator from Florida.

Mr. FLETCHER. I agree with the Senator. I was going to call attention, though, to this fact: The Senator said that there was no judge in the northern district of Illinois before whom these cases might be tried. They have two judges already in the northern district of Illinois.

Mr. CUMMINS. Precisely.

Mr. FLETCHER. And they have an eastern district and a southern district, each with one judge; so they have four judges in Illinois now, and two in the northern district.

Mr. CUMMINS. They are trying cases just as rapidly as they can try them; but I am speaking about these important cases that are pending there which can not be tried.

Mr. FLETCHER. I am inclined to think they need another judge there.

Mr. CUMMINS. And our criminal law, and especially our prohibition law, and our antitrust law, and our law against frauds perpetrated upon the Post Office Department become a mockery if those who are accused of these crimes can not with reasonable promptitude be brought to the bar of justice and either acquitted or convicted, and, if convicted, punished according to the law.

Mr. OVERMAN. Does the Senator understand that Mr. Clyne advocated a new judge in his district?

Mr. CUMMINS. I do not know.

Mr. OVERMAN. I do not think he did; and I think he says here that he disposed of 200 cases, and two or three hundred were submissions. I do not recollect that he said he needed a new judge.

Mr. CUMMINS. The Senator from North Carolina will remember that when Mr. Clyne came before the Judiciary Committee it was to advocate, together with the three judges named by the Senator from Tennessee, and the district attorney of the southern district of New York, a bill which provided for the appointment of 18 additional district judges, two in each circuit.

Mr. OVERMAN. That is correct.

Mr. CUMMINS. And it was not necessary for him to speak, nor would it have been pertinent for him to have spoken, about the necessities of the particular district which he now represents.

Mr. OVERMAN. In connection with that, I asked him these questions:

> How many have been disposed of in the last six months?
> In the last six months I think we have gotten rid of probably 200.
> How many were submissions or pleas of guilty?
> I should say in my judgment probably two-thirds of them.

That is so all over the United States as to half or two-thirds of these cases on the dockets.

Mr. CUMMINS. Why, certainly; but, notwithstanding that fact, notwithstanding the way in which they have disposed of the cases, as has been so well stated by the Senator from Tennessee, all these things being granted, the dockets still remain as they are; that is, with 142,000 cases pending upon them.

Mr. OVERMAN. When you take off the draft cases, and when you take off the bankruptcy cases, and when you take off two-thirds of them that are submissions, that reduces the number almost to a minimum.

Mr. CUMMINS. Not at all. If that were true, the courts would close every year with no dockets at all.

Mr. SHIELDS. That is what they ought to do.

Mr. CUMMINS. Yes, I know; the Senator from Tennessee comes all the time to his criticism that our Federal judges are not competent and are not honest, in the sense of giving a fair day's work, in holding their respective courts. If they do not, every one of them ought to be impeached, and we ought to have a series of judges who will give their time and their energies to the work which they are assigned to do.

Mr. OVERMAN. I do not think anybody would agree to that.

Mr. CUMMINS. Why not?

Mr. OVERMAN. The Senator will agree with me, I think, that the Federal judges do not work like our State judges.

Mr. CUMMINS. Some of them do and some of them do not.

Mr. OVERMAN. Very few of them do. They take long vacations, and they sit short hours. Some of them meet at 10 o'clock and adjourn at 3 o'clock, and some of them take three or four months' vacation in the year; and there is the trouble, I think.

Mr. CUMMINS. The Senator says "some of them."

Mr. OVERMAN. I am not reflecting on them. I am not going to call the name of any judge, of course.

Mr. CUMMINS. Why does not the Senator from North Carolina, instead of imputing this wrongdoing to all the judges and thus staining in a way the entire Federal judiciary, point out the particular instances he has in mind? And if he has the evidence of it, he ought to present it to the Members of the House, and the judges affected ought to be impeached.

Mr. OVERMAN. I think not, Mr. President.

Mr. CUMMINS. Why not? Why should they not be impeached?

Mr. OVERMAN. I would not call any man's name, but I know that the other day they sent a man from my State to hold court in a certain State in this Union, and he came back, and I said: "What are you doing here?" He said, "Why, I came back here to spend a day in Washington, because they do not try anything on Saturday, and they sit short hours Monday, Tuesday, and Wednesday, and they do not sit at all on Saturday."

Mr. CUMMINS. Very well. If the Senator thinks that these judges should sit six days in a week, or possibly seven—I do not know whether he believes that they ought to observe the Sabbath or not——

Mr. OVERMAN. I do not believe in anybody sitting on Sunday, of course.

Mr. CUMMINS. But if they should sit six days in a week, and 10 hours a day, and certain judges fail to do it, those judges ought to be removed, if that is to be the standard established throughout the United States.

Mr. OVERMAN. No; I am not making any standard; but I am agreeing with the Senator from Tennessee that if these judges would do their duty fully, they would try the cases on these dockets without any additional judges.

Mr. CUMMINS. I will answer that again by saying that if they do not do their duty fully they ought to be exposed and they ought to be impeached.

Mr. OVERMAN. No; I do not think so.

Mr. CUMMINS. I do not understand the logic of the Senator from North Carolina. Are we to permit the dockets of this country to be crowded as they now are crowded, tens of thousands of criminals arraigned or indicted who can not be tried, hundreds and thousands of civil cases that can not be tried—are we to permit that and make no effort to remedy it? There are but two possible remedies. One is to remove the judges who are guilty of a failure to do their full duty, and the other is to add additional judges. We must do one or the other.

Mr. POMERENE. Mr. President——

Mr. CUMMINS. I yield to the Senator from Ohio.

Mr. POMERENE. I have not enough detailed information to discuss the condition of the dockets in the various sections of the country, but I do know something about conditions in Ohio. We have four district judges—one of them Judge Sater, who was appointed by President Roosevelt; another one Judge Killits, who was appointed by President Taft; and two, Judge Westenhaver and Judge Peck, who were appointed by President Wilson. Two of them are Republicans and two of them are Democrats, and I am glad to say that they are the highest type of judges that you can find anywhere, and they are working all the time, working to the breaking point; and in the northern district of Ohio, whether this bill passes or not, there must be another judge if we are going to take care of the dockets. I have just returned from Ohio. I have talked with members of the bar there who are conversant with the conditions, and it is little short of a crime to leave those dockets crowded as they are, and to have the long delays that are always incident to an overcrowded docket.

Whatever may be said of others, I could not sit silently here and have it said that these judges were not doing their duty. I think that Judge Sater, of Columbus, joined in a report which was made to the Judiciary Committee.

Mr. CUMMINS. Judge Sater was one of the committee appointed by the Attorney General to consider this matter.

Mr. POMERENE. Yes; and he is a man who works day and night, as do all of these other judges out there, whatever may be said of judges elsewhere.

Mr. SHIELDS. Mr. President, I should like to join with the Senator from Ohio in a word about that. I met Judge Sater here. I formed a very high opinion of him. He not only lives in Ohio, but he lives in Cincinnati, one of the largest cities in the West.

Mr. POMERENE. No; he lives in Columbus.

Mr. SHIELDS. Well, he has Cincinnati in his district.

Mr. POMERENE. Cincinnati and Columbus are both in the district.

Mr. SHIELDS. They are two of your largest cities, then?

Mr. POMERENE. Yes.

Mr. SHIELDS. He is an able man, and evidently a man of fine executive ability and industry, and his dockets are clean, and he goes out to other districts and helps others. There is no congestion in his district.

Mr. POMERENE. I do not say that there is a congestion in the southern district. The congestion is in the northern district; and if the Senator will look at the report which has been made by the Judiciary Committee, he will see what a tremendous docket they have.

Mr. SHIELDS. I have not examined that, but I have examined the report that the Attorney General sent out, and requested the district attorneys to give him information, and he asked the district attorney of the northern district of Ohio whether there was any congestion there, and he replied, "No."

Mr. POMERENE. When was that?

Mr. SHIELDS. Some time last summer.

Mr. OVERMAN. Was that the southern district?

Mr. POMERENE. No; I am speaking about the northern district.

Mr. OVERMAN. The southern district only has 71 cases on its docket. Judge Sater is a good man.

Mr. SHIELDS. Judge Sater keeps his docket clean.

Mr. POMERENE. Judge Sater is a good man, and so is Judge Peck. Judge Peck was sent down to the State of Tennessee, and held the court for nearly a month in Knoxville, and he was sent to Grand Rapids, and was there several weeks, and he was sent to New York.

Mr. OVERMAN. Maybe that is the reason why his docket is crowded.

Mr. POMERENE. His docket is not crowded.

Mr. OVERMAN. Whose docket?

Mr. POMERENE. Judge Peck's.

Mr. OVERMAN. What district is that?

Mr. POMERENE. It is the southern district. He sits most of the time in Cincinnati, and Judge Sater sits most of the time in Columbus, and between them they hold the court at Dayton and at Steubenville; but the crowding is in the northern district, where there has been a tremendous increase in population and in industrial development. I know from what I hear of Judge Killits—I dislike to say this—that he is under such a nervous strain that he ought to be away on a vacation, but he is staying on his job.

Mr. OVERMAN. The southern district has only 71 cases on the docket.

Mr. POMERENE. Oh, no; the Senator is mistaken.

Mr. TOWNSEND. Mr. President——

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

Mr. CUMMINS. I yield to the Senator from Michigan.

Mr. TOWNSEND. While I am not familiar with the Federal judge situation throughout the United States, I was greatly surprised at some of the remarks of the Senator from Tennessee [Mr. SHIELDS] in what seemed to me rather general strictures on the Federal judiciary. We have two district judges in our State.

Judge Tuttle, who presides in the eastern district, is a comparatively young man. He took hold of that work with all of the ambition possible, and he has made a remarkable record in the disposition of cases. He is far behind in his work now, and yet, speaking about an 8-hour or 10-hour day's work, that man holds night sessions almost every night in the week, to the great discomfiture of the lawyers generally, who feel that he is holding them too closely to the job. The man can not stand it. It is not possible for any man to stand that amount of work, and yet he works from early in the morning until late at night on these cases and still is unable to catch up with the docket. He could do it if any man on earth could do it, but the work there is simply appalling, and it results in the defeat of justice, litigants can not get justice, and, at the same time, it can not result in the class of work which ought to be required of a judge. No judge can work 12 to 15 or 18 hours a day. He is working under strain. His hours should be limited, and he should have a vacation once in a while, and that in the interest of the litigants themselves.

Mr. OVERMAN. Mr. President, I was on the Judiciary Committee and passed upon the question of Michigan, and I voted for a new judge for that State. That is why I want the House to pass that bill which we sent over to them, together with other bills.

Mr. POMERENE. In view of the statement which has just been made by the Senator from North Carolina with regard to the amount of litigation pending in Ohio, I want to say that I have before me the report of the Judiciary Committee, and I refer to pages 8 and 9, which contain a statement showing the business pending in the United States district courts for the year ending June 30, 1921, compiled from information furnished by the Attorney General. In the northern district of Ohio there are, of United States civil cases, 155; in the southern district there are 67.

Of criminal cases, including prohibition cases, in the northern district there are 579; in the southern district 71.

Mr. OVERMAN. That is what I said.

Mr. POMERENE. The Senator said one.

Mr. OVERMAN. Read the next.

Mr. POMERENE. Admiralty cases, northern district, 21; southern district, 1. All other civil cases, northern district, 656; southern district, 309.

Total, northern district, 1,411 cases; southern district, 448 cases.

Bankruptcy cases, northern district, 722; southern district, 497.

Draft cases, northern district, 540; southern district, 6.

Prohibition cases, 317 in the northern district and 18 in the southern district.

The population of the northern district is 3,195,651, and the population of the southern district is 2,563,717.

So that indicates that in the northern district of Ohio there is a total of 1,411 United States civil, criminal, admiralty, and other civil cases, and in addition to that 722 bankruptcy cases, 540 draft cases, and 317 prohibition cases. Senators need not think there is no need for an additional judge in the northern district of Ohio. I know better.

Mr. OVERMAN. If the Senator will read the second column he will find it says, "Criminal, including prohibition cases." So that the number of prohibition cases he read was included in the criminal cases.

Mr. POMERENE. I am reading what the Committee on the Judiciary reported.

Mr. OVERMAN. I am asking the Senator to read the second column, which contains the word "including."

Mr. POMERENE. I know that; but they are separated, and this shows the number in the other column.

Mr. OVERMAN. Then you take one from the other to show the number of cases.

Mr. FLETCHER. Mr. President——

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

Mr. CUMMINS. I yield to the Senator from Florida, if the Senator from Ohio has concluded.

Mr. POMERENE. If there is any mistake about this——

Mr. CUMMINS. There is no mistake. It is simply a matter of adding them up.

Mr. POMERENE. I think so.

Mr. CUMMINS. Attached to the report of the committee is the showing which the Senator from Ohio has in his hand.

Mr. POMERENE. Mr. President, I want to add another word. When I began the practice of the law in my own county in the common pleas court we were two years behind the docket before we could get another local judge. We had two.

I know what it means to lawyers and litigants not to be able to get their cases tried, and to postpone the trial of cases for a year or two years is the equivalent of a denial of justice. That is universally recognized among all people who are familiar with courts and the result of litigation, and I would rather have a few too many judges than too small a number of judges.

There is nothing which creates so much unrest as to have either civil cases or criminal cases on the docket and not be able to try them. This class of work is growing all the while, and year after year the Congress of the United States is passing additional laws creating criminal liabilities, and that will continue to increase this work. We are simply going to destroy the health, if not the lives, of some of these judges unless they get some relief. That is the condition in the northern district of Ohio.

Mr. FLETCHER. Mr. President, I rise not to combat what the Senator from Ohio has said, but just at this point to draw a little comparison.

In the northern district of Ohio they have two judges. The total number of cases pending in that district is 1,411, according to this report, outside of bankruptcy and draft cases. They have two judges, and the total number of cases pending and undisposed of is 1,411.

In the southern district of Florida there is one judge, and the total number of cases pending and undisposed of is 1,633. Yet the committee denies to Florida an additional judge and proposes to give one to the northern district of Ohio. I have no objection to that district having an additional judge; I think they ought to give the northern district of Ohio that judge; but that is the situation, there are 1,411 cases to be disposed of by two judges in the northern district of Ohio, and in the southern district of Florida there are 1,633 cases to be disposed of by one judge, and the committee says we are not entitled to an additional judge.

Mr. POMERENE. Mr. President, with the situation such as the Senator from Florida describes, I am in sympathy with his desire to have an additional judge there, and I will help to get one, because as a lawyer I know what that means to the people of Florida, as I know what it means to the people of Ohio to have an overcrowded docket and not be able to try the cases.

Mr. FLETCHER. I am much obliged to the Senator. It does mean a denial of justice. The Senator from Michigan [Mr. TOWNSEND] has just stepped out, but I rose while he was in the Chamber to call attention to a comparison between Michigan and Florida. In the eastern district of Michigan the total number of pending cases, according to the statement furnished by the committee, is 754. They give the eastern district of Michigan an additional judge. The total number of cases on the docket and undisposed of is, I repeat, 754. In one district in Florida the total number of cases pending is 1,633, and they refuse to give Florida an additional judge.

In the western district of Michigan the cases pending amount to 131, and the question naturally arises why they can not take the judge from the western district and send him over to the eastern district when he is needed, and take care of the situation in that State with two judges.

The pending business in that State, with two judges, does not equal the pending business in one district in Florida; yet the committee refuses to give that district an additional judge.

Mr. OVERMAN. In the district where I live we have over 1,000 cases pending, and I did not ask for an additional judge because I think the judge can do the work.

Mr. CUMMINS. Mr. President, I do not intend at this moment to take up the merits of the amendment which the Senator from Florida undoubtedly intends to propose. I do not think I ought to do that just now, while I am replying to the Senator from Tennessee. The Senator from Florida knows, and a great many Senators know, the reasons which prompted the committee in its action with regard to the southern district of Florida. But I was discussing the suggestion, or intimation, or charge—possibly it rises to the dignity of a charge—that the Federal judges generally throughout the United States were lazy, indifferent to their obligations, and were failing to do the work which men of ordinary competence and diligence should do.

Whenever you pursue that inquiry to a particular judge, or into a particular district, you will discover that some other judge is the guilty person or it is in the next district that the objectionable condition prevails. I venture to say that nineteen-twentieths of the Federal judges of the United States do all the work that is within the power of men to do consistent with their health and with the dignity and the importance of the cases which are submitted to them for disposition.

I think the Senate will not accept, and it should not accept, the statistics which have been given to us by the Senator from Tennessee as evidence of the infidelity of the Federal judges.

Mr. SHIELDS. Mr. President, I will ask the Senator if he is not referring to the statistics given by the Attorney General which were read here by the Senator from Tennessee?

Mr. CUMMINS. Certainly.

Mr. SHIELDS. They are not my statistics; they are those of the chief of the Department of Justice.

Mr. CUMMINS. As I have said before, I think the Senator from Tennessee has correctly stated the statistics which he presented. I have no quarrel with them, but I do insist that they fail to establish the conclusion which the Senator from Tennessee draws from them. They do not prove that the district judges of this country are idle or negligent or reckless men. Every Senator here knows his own district judges. Every Senator here knows his own circuit judges, those within his locality, and before we get through with it, if there is to be any serious attention given to the charge of the Senator from Tennessee, I want the Senators here to rise and say whether in their opinion their district judges and their circuit judges are violating their obligations from day to day and failing to render to the people of the country the service which they were appointed to render.

I say now that you will find very few Senators willing to make that sort of a charge against the men who have been appointed to administer the laws of the United States and appointed to do justice between the citizens of different States. It can not be true—in the very nature of things it can not be true—unless we impute the grossest incompetence or the grossest indifference to the Presidents of the United States, the Presidents who have appointed these men, and we must survey the acts of a great many Presidents when we come to examine the authority under which all the judges of the United States are now performing their duties.

Mr. KING. Mr. President——

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

Mr. CUMMINS. I yield.

Mr. KING. I would like to ask the Senator if he does not believe that the figures furnished by the Senator from Ten-

nessee indisputably establish the fact that there is a temporary congestion, which will, of course, pass away, and, secondly, that the figures which have been submitted to us are not fair in the sense that they do not reveal exactly the situation; for instance, a large number of draft cases which will not be tried, a large number of small misdemeanor cases which, when brought to the attention of the court, will be disposed of very quickly by nolle pros or pleas of guilty or otherwise, and a large number of cases which are hangovers upon the docket for many years and never will be tried, so that by a diligent effort to clear the dockets in most of these districts the dockets could be brought down current within a very short time?

Mr. CUMMINS. I agree with everything the Senator from Utah says except his conclusions.

Mr. KING. If the facts are right, the conclusions are right.

Mr. CUMMINS. If it were not that a large number of these cases were bankruptcy cases and a large number of them draft cases, and if it were not for the fact that a great many criminal cases do not involve jury trial, we would need 150 judges instead of 18 or 19.

The Senator from Utah was not here when I indicated what I had been informed was the state of the criminal docket in the northern district of Illinois. There are cases there now clamoring for trial, both sides ready for trial—some 25 cases, which alone would require the time of a judge for more than two and one-half years to dispose of them, without giving any attention whatever to the great volume of other criminal cases that may be pending and without touching in any way the civil dockets.

Mr. President, I rose only to repel the suggestion of inefficiency, incompetency, and infidelity on the part of the Federal judges. I have had as much to do with Federal judges as most Senators. I practiced law and was in the courthouse nearly all the time for 25 years. I have tried cases before a great many Federal judges. I never knew a Federal judge who comes within the classification assigned to nearly all of them by the Senator from Tennessee. The present Federal district judge in my State—not referring to the one just appointed, but the one who sits in the southern district of Iowa—is a Democrat, appointed by President Wilson, and a more faithful, hard-working, persistent judge than he I do not know. He has already broken his health. Although he was a comparatively young and a very vigorous man, he has already impaired his health in attempting to do more work than one man can do.

Mr. SHIELDS. Does the Senator refer to the southern or the northern district of Iowa?

Mr. CUMMINS. I am speaking now of the southern district of Iowa.

Many Senators know him, because he served in the House of Representatives for quite a period, and he has been prominent in other walks of life. I can not stand here and hear a man who works as hard as he does, and as every district judge with whom I am acquainted does, assailed even in the parliamentary way employed by the Senator from Tennessee. Here and there will be found a man who does not do all the work that he could do. Here and there will be found a community in which lawyers will not, according to their custom, sit in trial for 8 or 10 hours and wherein a judge must necessarily yield to the customs long established in those communities. But I venture the assertion that the United States is not served by any body of men more faithfully and earnestly and conscientiously than by its judges, from the Supreme Court of the United States to the district judges of the United States.

We need some additional force. Even if the cause is but temporary, we must dispose of these cases. The natural growth and development of the country will lead to more and more litigation falling within the jurisdiction of the Federal courts if the laws governing their jurisdiction remain unchanged.

I do not intend, Mr. President, to make any further general observations, and I now submit the bill, so far as this discussion is concerned.

Mr. FLETCHER obtained the floor.

Mr. SHIELDS. Mr. President, will the Senator from Florida allow me to make an observation?

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

Mr. SHIELDS. The Senator from Iowa has criticized the statistics which I have produced from the report made last December by the Attorney General of the United States under his official oath, printed and on record here all this time, and yet no one has appeared to contradict them. They are, of course, not made upon my personal knowledge. It is those statistics that I have presented here, and not any personal information. Nor have I indulged in any personal abuse or criticism of any judge in the United States, as might be inferred from what the Senator has said, whether he so intended it or not.

Mr. CUMMINS. I stated distinctly that the statistics and tables presented by the Senator from Tennessee are, in so far as I know, accurate, but I dissent entirely from the conclusions which the Senator from Tennessee draws from those tables.

Mr. SHIELDS. In other words, the Senator admits the fact, he admits there here are 120 judges who are, resolving every doubt in their favor, trying not over 200 cases a year, probably about 100 cases apiece, and yet he says that is no evidence and no deduction can be drawn from that that they are not discharging their duties, that they are not industrious and efficient.

These statistics do not give any particular districts, and I am aware that there are some districts—I do not think over half a dozen in the United States—where some additional help ought to be given; but the fact that the judge of a court of record, with all the facilities for attending to business that they have in the United States district court, does not try over 100 or 150 average cases during a year, such as are heard in the courts of the United States, is, to my mind, conclusive that, as a whole, the judges are not efficient and industrious.

I think that if the Senator wants to refute the necessary inference from these facts he ought to produce some facts as to the nature of the litigation, showing it took a longer time, or something to show that the Attorney General's report is untrue and unreliable. A little evidence of that kind would be more satisfactory and convincing than several hours of general eulogy of judges.

Mr. FLETCHER. Mr. President, I desire to offer an amendment to the substitute proposed by the committee.

The PRESIDING OFFICER. The amendment to the amendment will be reported.

The ASSISTANT SECRETARY. In line 22, on page 10, insert after the word "and," the first word in the line, the words "for the southern district of Florida, one," so that it will read: "For the district of Arizona one, and for the southern district of Florida one, and for the northern district of Georgia one."

Mr. HARRIS. Mr. President——

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

Mr. FLETCHER. I yield.

Mr. HARRIS. I was out of the Senate when the Senator from Tennessee [Mr. SHIELDS] made reference to the work of the United States district judges. I am sure he was not referring to the two district judges in Georgia—Judge Beverly B. Evans and Judge Samuel H. Sibley—when he stated that the Federal judges who will be given assistance under this bill are not overworked. I personally know, and my colleague will bear me out in this statement—he is a lawyer and I am not—that there are no judges in the United States, whether in the State or the United States courts, who are worked harder than the two judges in Georgia. I believe the work they are doing will shorten the lives of both of these men unless some relief is given them.

Since their appointment to these positions they have held court practically every day except Sundays and Christmas. They are not only lawyers of unusual ability and make splendid judges but they are conscientious men of the highest character and have the respect and confidence of all the people of our State. The record furnished by the Attorney General, which is in the report of the Judiciary Committee, shows that the amount of business transacted and the number of cases to be disposed of is greater in Georgia than any other State except one. Some years ago Congress passed a bill providing for an additional judge, and the late Judge Wallace Lambden, a splendid man and able lawyer, was appointed to this position and held it until his death.

Mr. SHIELDS. Mr. President——

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

Mr. SHIELDS. I did not make any reference to Georgia especially. It is very easy, and it has been indulged in here a great deal, to get up and talk about industrious judges and hard-worked judges, but there is sworn evidence as to what these judges are doing, how many cases are on their dockets, and how many they try in the course of a year. That is what Senators ought to be governed by and not by any general conversation coming second hand as to what the judges are doing.

Mr. NELSON. Mr. President——

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

Mr. FLETCHER. I should like to proceed, but I yield to the Senator.

Mr. NELSON. Does the Senator from Florida expect a vote on his amendment this evening?

Mr. FLETCHER. I hardly suppose we will reach a vote, but I should like to submit some observations on the amendment.

Mr. NELSON. If he does I shall have to suggest the absence of a quorum. It seems to me we ought to take up the bill in its order after this general debate.

Mr. FLETCHER. The bill is up in its order. The committee has reported a substitute and that is subject to amendment.

Mr. NELSON. We ought to take up the bill section by section.

Mr. OVERMAN. I have some remarks to make on the bill to-morrow. I do not see why any Senator should not offer an amendment to the bill and then let us take up the whole matter and discuss it.

The PRESIDING OFFICER. The Chair is of the opinion that it is in order to offer an amendment now to be taken up at the proper time.

Mr. NELSON. Very well. I suggest the absence of a quorum.

Mr. FLETCHER. I am not going to ask for a vote on the amendment this afternoon. I merely wish to discuss it. I want to give reasons for it. I do not think we will get time to vote on it. I want to present arguments in favor of my amendment. I am not going to ask for a vote to-day. I want a yea-and-nay vote when the amendment to the amendment is voted on. I do not want to have it passed upon without a yea-and-nay vote, but I do not expect to get a vote this afternoon.

Mr. NELSON. I desire to make a statement to the Senate as to what actuated the committee in leaving out Florida, and to explain the situation from end to end about that case.

Mr. FLETCHER. I shall be very glad to have the Senator do that.

Mr. NELSON. But I do not like to discuss it now without a quorum.

Mr. OVERMAN. Let us have a quorum.

Mr. FLETCHER. But I have the floor, and I am proposing to discuss the amendment which I have offered. I do not see why I can not do so. The Senator from Minnesota will have ample time to reply after I have finished.

The PRESIDING OFFICER. The Senator from Florida has the floor. He has not yielded for any purpose except to be interrogated.

Mr. FLETCHER. I have no objection if the Senator wants a quorum. Does the Senator want to call a quorum?

Mr. OVERMAN. I think we had better have a quorum. I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator from Florida yield for that purpose?

Mr. FLETCHER. I yield.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

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

Ashurst	Harris	Oddie	Spencer
Ball	Heflin	Overman	Stanley
Bursum	Jones, Wash.	Page	Sterling
Capper	Kendrick	Pepper	Sutherland
Cummins	Keyes	Phipps	Swanson
Dial	King	Poindexter	Trammell
Edge	McKinley	Pomerene	Walsh, Mass.
Ernst	McNary	Rawson	Warren
Fletcher	Moses	Reed	Watson, Ga.
Gooding	Nelson	Sheppard	
Hale	New	Shields	

Mr. SUTHERLAND. I desire to announce that the following Senators are detained from the Senate in attendance upon the Committee on Finance:

The Senator from North Dakota [Mr. McCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Wisconsin [Mr. LA FOLLETTE], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Connecticut [Mr. McLEAN], the Senator from Kansas [Mr. CURTIS], the Senator from Indiana [Mr. WATSON], the Senator from New York [Mr. CALDER], and the Senator from New Jersey [Mr. FRELINGHUYSEN].

The VICE PRESIDENT. Forty-two Senators have answered to their names. A quorum is not present. The Secretary will call the names of the absent Senators.

The Assistant Secretary called the names of the absent Senators, and the following Senators answered to their names when called:

Walsh, Mont. Willis

The VICE PRESIDENT. Forty-four Senators have answered to their names. A quorum is not present.

Mr. CUMMINS. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will carry out the order of the Senate.

Mr. McNARY. I desire to announce the absence of my colleague [Mr. STANFIELD] on public business.

Mr. NICHOLSON, Mr. HARRELD, Mr. CARAWAY, Mr. CURTIS, and Mr. LA FOLLETTE entered the Chamber and answered to their names.

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

Mr. OVERMAN. I move that the order to the Sergeant at Arms, made upon the motion of the Senator from Iowa, be vacated.

The motion was agreed to.

Mr. CUMMINS. I ask unanimous consent that when the Senate concludes its business this evening it take a recess until 12 o'clock to-morrow.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. FLETCHER. Does the Senator from Iowa desire to go on further this evening? It is nearly 5 o'clock.

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

Mr. FLETCHER. Before the question is put on the motion to proceed to the consideration of executive business, let me say that I understand we have agreed by unanimous consent to take a recess until 12 o'clock to-morrow when we conclude our business to-day, at which time my amendment will be pending, and I will be entitled to proceed on that amendment.

The VICE PRESIDENT. The Senator's amendment to the amendment of the committee will be the pending question.

EXECUTIVE SESSION.

Mr. CUMMINS. I renew my motion that the Senate proceed to the consideration of executive business.

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

RECESS.

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

The motion was agreed to; and (at 4 o'clock and 55 minutes p. m.) pursuant to the order heretofore made, the Senate took a recess until to-morrow, Tuesday, April 4, 1922, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 3, 1922.

UNITED STATES MARSHAL.

Edgar C. Snyder, of the District of Columbia, to be United States marshal, District of Columbia, vice Maurice Splain, whose term will expire April 6, 1922.

PROMOTIONS IN THE REGULAR ARMY.

VETERINARY CORPS.

To be lieutenant colonel.

Maj. John Alexander McKinnon, Veterinary Corps, from March 26, 1922.

CHAPLAIN.

Chaplain Julian Emmet Yates to be chaplain, with the rank of lieutenant colonel, from March 27, 1922.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY.

ORDNANCE DEPARTMENT.

Capt. Sterner St. Paul Meek, Infantry, with rank from July 1, 1920.

SIGNAL CORPS.

First Lieut. Asa Vern Wilder, Coast Artillery Corps, with rank from August 4, 1921.

INFANTRY.

Capt. Frank Ellsworth Brokaw, Cavalry, with rank from July 1, 1920.

POSTMASTERS.

ALABAMA.

Exa B. Carroll to be postmaster at Slocomb, Ala., in place of J. G. Turner, resigned.

CALIFORNIA.

John L. Pope to be postmaster at Lower Lake, Calif. Office became presidential July 1, 1921.

COLORADO.

William A. Baghott to be postmaster at Kit Carson, Colo. Office became presidential April 1, 1921.

FLORIDA.

Algeron Keathley to be postmaster at Brooksville, Fla., in place of Algeron Keathley. Incumbent's commission expired January 31, 1922.

INDIANA.

Leslie L. Konkle to be postmaster at Versailles, Ind., in place of W. H. Smith, removed.

KENTUCKY.

Lillian C. Duty to be postmaster at Winchester, Ky., in place of S. F. King. Incumbent's commission expired February 16, 1922.

MAINE.

Earle H. Roberts to be postmaster at Port Kent, Me., in place of Irenee Cyr. Incumbent's commission expired July 23, 1921.

Ralph B. Parker to be postmaster at Wells, Me., in place of W. J. Storer. Incumbent's commission expired June 27, 1920.

MARYLAND.

Peter G. Cowden to be postmaster at Cumberland, Md., in place of F. B. Beall. Incumbent's commission expired January 24, 1922.

MASSACHUSETTS.

C. Montford Brigham to be postmaster at Northboro, Mass., in place of M. H. Ryan. Incumbent's commission expired January 24, 1922.

MINNESOTA.

Edwin A. Rolloff to be postmaster at Balaton, Minn., in place of W. C. Galbraith, deceased.

Helmer C. Bacon to be postmaster at Dawson, Minn., in place of A. H. Lund. Incumbent's commission expired January 24, 1922.

C. Edward Sarff to be postmaster at Keewatin, Minn., in place of C. E. Sarff. Incumbent's commission expired February 18, 1922.

Patrick W. Moran to be postmaster at Olivia, Minn., in place of J. R. Landy, declined.

NEBRASKA.

Rolland C. Shetler to be postmaster at Riverton, Nebr., in place of Lizzie Smith. Incumbent's commission expired February 4, 1922.

NEW JERSEY.

Harry T. Hagaman to be postmaster at Lakewood, N. J., in place of Charles McCue. Incumbent's commission expired August 6, 1921.

NEW YORK.

William V. Fitzpatrick to be postmaster at Cleveland, N. Y. Office became presidential April 1, 1921.

Herman C. Stevens to be postmaster at Locke, N. Y. Office became presidential January 1, 1921.

James R. Rodman to be postmaster at Port Ewen, N. Y. Office became presidential July 1, 1920.

NORTH CAROLINA.

John L. Wornble to be postmaster at Moncure, N. C. Office became presidential April 1, 1921.

Charles R. Grant to be postmaster at Mebane, N. C., in place of J. T. Dick. Incumbent's commission expired January 24, 1922.

Festus E. Sigman to be postmaster at Thomasville, N. C., in place of C. L. Harris, resigned.

NORTH DAKOTA.

Edward F. Hamilton to be postmaster at Cavalier, N. Dak., in place of John O'Keefe. Incumbent's commission expired January 5, 1920.

Hilliard Campbell to be postmaster at Walhalla, N. Dak., in place of Joseph Deschenes. Incumbent's commission expired January 24, 1922.

OHIO.

Reno H. Critchfield to be postmaster at Shreve, Ohio, in place of W. K. Miller. Incumbent's commission expired January 31, 1922.

OREGON.

Karl A. Bramwell to be postmaster at Halsey, Oreg., in place of D. S. McWilliams. Incumbent's commission expired January 24, 1922.

PENNSYLVANIA.

Howard L. Harbaugh to be postmaster at Fairfield, Pa. Office became presidential January 1, 1921.

John R. Diemer to be postmaster at Catawissa, Pa., in place of C. M. Harder. Incumbent's commission expired February 4, 1922.

Laura A. Heffner to be postmaster at Centralia, Pa., in place of J. J. Ryan. Incumbent's commission expired February 4, 1922.

SOUTH DAKOTA.

Paul W. Lambert to be postmaster at Fairfax, S. Dak., in place of W. M. Walters. Incumbent's commission expired July 23, 1921.

TENNESSEE.

Arthur B. McCay to be postmaster at Copperhill, Tenn., in place of F. P. Singleton. Incumbent's commission expired March 1, 1922.

TEXAS.

James W. Stubblefield to be postmaster at Hull, Tex. Office became presidential July 1, 1920.

Thomas A. Guthrie to be postmaster at Mingus, Tex. Office became presidential July 1, 1920.

VIRGINIA.

Sylvester A. Ratliff to be postmaster at Norton, Va., in place of Roy Kilgore, removed.

WASHINGTON.

Harry E. Stark to be postmaster at Okanogan, Wash., in place of B. L. Smith. Incumbent's commission expired January 24, 1922.

WISCONSIN.

Andrew J. Bosch to be postmaster at Gratiot, Wis. Office became presidential April 1, 1921.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 3, 1922.

PROMOTIONS IN THE ARMY.

William Lewis Wheeler to be first lieutenant, Air Service.

Frank Campion Armstrong to be chaplain, with the rank of captain.

Nathaniel Alexander Jones to be chaplain, with the rank of captain.

George Runyan Longbrake to be chaplain, with the rank of captain.

POSTMASTERS.

CALIFORNIA.

Alvin L. Woodin, Atascadero.
Wayne E. Dorman, Casmalia.
Charles J. Towson, El Monte.
Warren A. Bradley, Gustine.
Lillian C. Linde, Keeler.
John W. Mullen, Mendocino.
Carl G. Lykken, Palm Springs.
Eugene S. Franscioni, Soledad.
Lena E. Reed, Stagg.
Frank S. Stephenson, Terra Bella.

GEORGIA.

James M. Lawson, jr., Aragon.
James W. Long, Ashburn.
Thomas W. Cobb, Warthen.

IDAHO.

Arthur W. Gayle, Dubois.
William W. McNair, Middleton.

ILLINOIS.

Victor F. Boltenstern, Cambridge.

INDIANA.

William M. Lyon, Hillsboro.
Ulysses G. Butcher, Oakland City.
John W. Williams, Walton.

KENTUCKY.

Lillian G. Hall, Eddyville.

LOUISIANA.

John C. Yarbrough, Mansfield.

MARYLAND.

John H. Dean, North East.

NEBRASKA.

Chester W. Harris, Ansley.
Herbert C. Robbins, Wallace.

NORTH CAROLINA.

A. Eugene Ward, Lake Junaluska.

OREGON.

John A. McCall, Klamath Falls.
Ralph R. Huron, La Grande.
James E. Whitehead, Turner.

PENNSYLVANIA.

Ellis D. Keyes, Ariel.
Mike Humenik, Slovan.
Elber E. Brunner, Yorkhaven.

SOUTH DAKOTA.

Lester W. Button, Bradley.
Samuel E. Lawver, Canova.
Emma Peterson, Draper.
Metha A. Schnaidt, Menno.
John W. Woods, Worthing.

TEXAS.

Frances Ruge, Bandera.
Claud A. Howard, Bronson.

VERMONT.

Earle J. Rogers, Cabot.
Burton M. Swett, East Hardwick.
Frank C. Stewart, Fairfax.
Berton M. Willey, Greensboro.
Walter J. Reirden, Richford.
Laura B. Stokes, Waitsfield.

WASHINGTON.

George D. Montfort, Blaine.
William W. Campbell, Colville.
Clarence E. Hiatt, Deer Park.
Mary A. Johns, Kalama.
Etta R. Eggleston, Manette.
Allan Austin, Onalaska.
Rachael A. M. Miller, Port Blakely.
Lewis Murphy, Republic.
Cora A. Smith, Seaview.
Fannie I. Jennings, Spangle.
George D. Potter, Springdale.
May V. Garrison, Sumas.
Vinnie M. Seglem, Vader.
H. Robert Nelson, Wilkeson.

WEST VIRGINIA.

Daniel A. Jackson, Rowlesburg.
Marion I. Jackson, Ward.

WITHDRAWAL.

Executive nomination withdrawn from the Senate April 3, 1922.

POSTMASTER.

Louis N. Chase to be postmaster at Weston, in the State of Massachusetts.

HOUSE OF REPRESENTATIVES.

MONDAY, *April 3, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou who art above all things—all tumults, all conflicts, all life, and supreme from everlasting to everlasting—hear us while we pray. We would not bring to Thee our complaints, but we would offer Thee something of our thanksgiving, something of our faith, something of our aspiration, and may they be acceptable to Thee. Fill us with a sense of our blessings and with the profoundest reverence for Him who bestows them. Sustain and bless our country, and O may Thy Spirit rest upon the troubled waters of human life. Gladden and strengthen all of us with new hope and new zeal. May our devotion and service to the public be without flaw or hesitation and always more than is necessary. In the name of Jesus of Nazareth. Amen.

The Journal of the proceedings of Friday last was read and approved.

THE HOSPITAL BILL.

The SPEAKER. The Chair would like to make a statement in relation to a response to a parliamentary inquiry that he made on Friday last. The House will remember that after some slight discussion the Chair differed in some measure from some of the precedents and announced that inasmuch as the motion to strike out a section had passed in committee and been voted down in the House, that then the section stood as it had been amended in committee and not in its original form. The Chair in making that statement thought, and still thinks, that he was following the dictates of equity and reason in that particular case, and he was also advised that there was a ruling by Speaker Clark in the same line. The Chair has not been able to discover any such ruling by Speaker Clark, although on further investigation it may be found. There is an old legal maxim that "hard cases make bad law," and the Chair is not at all certain that his position Friday would be the wise one as a general precedent, although it seemed proper in the particular case. He therefore wishes to file a caveat and say that in the future that ruling will not be used or considered as a precedent to bind the present occupant of the chair; but if the question comes up again the Chair will carefully investigate and make a deliberate decision. Of course, we all recognize that it is extremely important that precedents should be followed. There may be occasions when it will be wise for the House to overrule old precedents and establish a new one. But it is important that the House should always know what the established law is and consequently know what to expect. The doctrine of stare decisis should be followed whenever possible, and therefore the Chair thinks it fair to the House to state that his action in the future will not be influenced by his statement of Friday.

Mr. GARRETT of Tennessee. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARRETT of Tennessee. In view of the statement just made by the Chair as to his ruling on Friday, as the Chair will recall by the terms of the ruling itself in effect, certain amendments that had been adopted to the section went into the measure. No separate vote was had upon them; it was the effect of the ruling. I assume, in view of the statement of the Chair, that if the question comes up again he would treat it de novo in effect, that that will not affect the engrossment of the bill.

The SPEAKER. The gentleman is correct. The Chair does not change the ruling for that purpose.

MEMORIAL EXERCISES ON THE LATE REPRESENTATIVE JAMES.

Mr. MONTAGUE. Mr. Speaker, I ask unanimous consent that May 7, 1922, may be set aside for memorial exercises on the life, character, and services of the late ROBER A. JAMES, Representative of the fifth district of the Commonwealth of Virginia.

The SPEAKER. The gentleman from Virginia asks unanimous consent that Sunday, May 7, 1922, may be set aside for memorial exercises on the late Representative JAMES, of the Commonwealth of Virginia. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to revise and extend some remarks I made on the hospital bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SINNOTT. Mr. Speaker, I call up the conference report on the bill (H. R. 9633) to extend the provisions of section 2305, Revised Statutes, and of the act of September 29, 1919, to those discharged from the military or naval service of the United States and subsequently awarded compensation or treated for wounds received or disability incurred in line of duty.

The Clerk read the conference report, as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9633) to extend the provisions of section 2305, Revised Statutes, and of the act of September 29, 1919, to those discharged from the military or naval service of the United States and subsequently awarded compensation or treated for wounds received or disability incurred in line of duty, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

N. J. SINNOTT,
ADDISON T. SMITH,
JOHN E. RAKER,
Managers on the part of the House.

REED SMOOT,
T. J. WALSH,
Managers on the part of the Senate.

Mr. SINNOTT. Mr. Speaker, this bill provides that the ex-service men regularly discharged from the Army and afterwards awarded compensation, or treated for wounds received or disabilities incurred in line of duty, may have the privilege of the provisions of section 2305 of the Revised Statutes as a credit in their residence on the homestead.