

mander, Dorchester, Mass., urging and petitioning Congress to enact at once into law the Bursum bill (S. 1565); to the Committee on Military Affairs.

7483. By Mr. GRIEST: Petition of George Shiffer Council, 177, Order of Independent Americans, Lancaster, Pa., protesting against any increase in the 3 per cent quota in restriction of immigration, etc.; to the Committee on Immigration and Naturalization.

7494. Also, petition of Ephrata Grange, No. 1815, advocating passage of the filled milk bill; to the Committee on Agriculture.

7485. By Mr. KISSEL: Petition of Friends of American Writers (Inc.), Chicago, Ill., regarding a bill in Congress to make the daisy the national flower of the United States; to the Committee on the Library.

7486. Also, petition of Savings Bank of Kewanee, Kewanee, Ill., urging the passage of the Norbeck-Nelson foreign credits bill for agriculture; to the Committee on Banking and Currency.

SENATE.

THURSDAY, March 1, 1923.

The Senate met at 11 o'clock a. m.

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

Our Father, in the passage of the months Thou art teaching us important lessons, and we recognize that our times are in Thy hands. Thou dost dispose of us according to Thy good pleasure, always having in mind our highest and best interests. We ask Thy favor this morning, and as we ask favor for guidance in our duties and responsibilities we would not forget the sudden sorrow that has come upon the other House of legislation, and beseech of Thee to minister to those in the grief of this hour and ever help at all times with the infinite consolation in Thyself. Through Jesus Christ, our Lord. Amen.

Upon request of Mr. LODGE and by unanimous consent the reading of the Journal of yesterday's proceedings 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. 14435) making appropriations to provide additional compensation for certain civilian employees of the Governments of the United States and the District of Columbia during the fiscal year ending June 30, 1924, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The message also announced that the Speaker pro tempore of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice President:

S. 4589. An act to authorize the county of Hennepin, in the State of Minnesota, to construct a bridge and approaches thereto across the Minnesota River at a point suitable to the interests of navigation;

H. R. 7267. An act granting permission to Mrs. R. S. Abernethy, of Lincolnton, N. C., to accept the decoration of the bust of Bolivar;

H. R. 10677. An act for the relief of Quincy R. Craft;

H. R. 14317. An act granting permission to Capt. Norman Randolph, United States Army, to accept the decoration of the Spanish Order of Military Merit of Alfonso XIII; and

S. J. Res. 270. Joint resolution concerning lands devised to the United States Government by the late Joseph Battell, of Middlebury, Vt.

HOUSE BILL REFERRED.

H. R. 14435. An act making appropriations to provide additional compensation for certain civilian employees of the Governments of the United States and the District of Columbia during the fiscal year ending June 30, 1924, was read twice by its title and referred to the Committee on Appropriations.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT laid before the Senate the following resolutions of the Legislature of New Mexico, which were referred to the Committee on the Judiciary:

SANTA FE, N. MEX., February 28, 1923.

HON. CALVIN COOLIDGE,
Vice President, Washington, D. C.:

The Legislature of the State of New Mexico to-day unanimously passed the following joint memorial:

"Be it resolved by the Legislature of the State of New Mexico—
"Whereas the President of the United States has nominated Hon. Orpie Leon Phillips as Federal judge for the district of New Mexico: Therefore be it

"Resolved by the Legislature of the State of New Mexico, That the Senate of the United States be requested to immediately confirm such nomination and appointment; and be it further

"Resolved, That a copy of this resolution be sent by wire to the Vice President of the United States and to Hon. A. A. JONES and Hon. H. O. BURSUM, United States Senators from New Mexico."

JAMES F. HINKLE,
Governor of New Mexico.

JOSE A. BACA,
President of the Senate.

BYRON O. BEALL,

Speaker of the House of Representatives.

Mr. LODGE presented the following resolutions of the Senate of the Commonwealth of Massachusetts, which were ordered to lie on the table:

THE COMMONWEALTH OF MASSACHUSETTS, 1923.

Resolutions in favor of the ship subsidy bill, so called.

Whereas there is pending before Congress the ship subsidy bill, so called, for the preservation of American commercial independence and a necessary naval auxiliary in time of war; and

Whereas the enactment of such legislation will be of direct and immediate benefit to New England and to the United States of America: Therefore be it

Resolved, That the Senate of Massachusetts urges upon Congress the importance and desirability of adopting the said ship subsidy bill; and be it further

Resolved, That copies of these resolutions be sent by the clerk of the senate to each Senator and Representative in Congress from this Commonwealth.

SENATE, February 26, 1923.

Adopted:

WILLIAM H. SANGER, Clerk.

A true copy.

Attest:

WILLIAM H. SANGER,
Clerk of the Senate.

Mr. LODGE presented telegrams in the nature of petitions from the Massachusetts State Chamber of Commerce, of Boston, Mass., and the Associated Industries of Massachusetts, praying that a committee be appointed to study the immigration problem during the recess of Congress, which were referred to the Committee on Immigration.

Mr. MOSES presented a memorial of sundry citizens of Manchester and Auburn, all in the State of New Hampshire, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. LADD presented resolutions of the Minnesota State Federation of National Farm Loan Associations, favoring repeal of the tax-free provision in existing law as applied to joint-stock land bank bonds, which were referred to the Committee on Finance.

Mr. ROBINSON presented the petition of R. L. Belt and sundry other citizens of Wellsville, Tenn., favoring the adoption of the amendment submitted by Mr. ROBINSON to the so-called ship subsidy bill relative to the prevention of accidents at sea, which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. SPENCER, from the Committee on Indian Affairs, to which was referred the bill (H. R. 6568) for the relief of the Red Lake Band of Chippewa Indians of the State of Minnesota, and for other purposes, reported it without amendment and submitted a report (No. 1251) thereon.

Mr. DILLINGHAM, from the Committee on Immigration, submitted a report (No. 1252) to accompany the joint resolution (S. J. Res. 82) providing for immigration to relieve the emergency caused by an acute shortage of labor in the Territory of Hawaii, heretofore reported by him.

Mr. PAGE, from the Committee on Naval Affairs, to which was referred the bill (H. R. 12138) for the relief of Frank A. Jahn, reported it without amendment and submitted a report (No. 1253) thereon.

Mr. REED of Pennsylvania, from the Committee on Military Affairs, to which was referred the joint resolution (H. J. Res. 222) for the relief of Ramon B. Harrison, reported it with an amendment and submitted a report (No. 1254) thereon.

Mr. CALDER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred the joint resolution (S. J. Res. 288) authorizing the appointment of a committee to investigate the leases and contracts executed by the United States Veterans' Bureau, and for other purposes, reported it without amendment.

DISTRICT STREET RAILWAY INVESTIGATION.

Mr. CALDER, From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably, without amendment, the resolution (S. Res. 456) to investigate certain matters relating to the street railway systems in the District of Columbia, and I ask unanimous consent for its present consideration.

Mr. EDGE. Mr. President, I must object temporarily to the consideration of the resolution. I understand the Senator

from Illinois [Mr. McKINLEY] wants to be present when the resolution is considered. So I object to its consideration until he can reach the Chamber.

The VICE PRESIDENT. Objection is made.

EMPLOYMENT OF ADDITIONAL CLERKS.

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

A resolution (S. Res. 394) to continue the employment of an assistant clerk to the Committee on Indian Affairs;

A resolution (S. Res. 403) further continuing the employment of an additional clerk to the Committee on Military Affairs;

A resolution (S. Res. 416) continuing the employment of an assistant clerk to the Committee on Public Lands and Surveys during the Sixty-eighth Congress;

A resolution (S. Res. 420) to provide an assistant clerk for the Committee on Naval Affairs during the Sixty-eighth Congress;

A resolution (S. Res. 427) further continuing the employment of an assistant clerk to the Committee to Audit and Control the Contingent Expenses of the Senate;

A resolution (S. Res. 437) further continuing the employment of an additional clerk to the Committee on the District of Columbia; and

A resolution (S. Res. 453) authorizing the Senate Committee on Finance to employ a messenger.

Mr. CALDER. These clerks have been employed for two years and their continued employment is very necessary at this time. I ask unanimous consent for the present consideration of the resolutions in the order in which I have reported them.

Mr. JONES of Washington. Mr. President, I am not going to object to the consideration of the resolutions, but I am going to vote against them. Everyone knows that the Senate is going to adjourn from the 4th of March until December. These are merely temporary clerks. They knew when they were employed that their employment was temporary. Every Senate committee now has four clerks permanently. I do not pretend to pass upon the needs of other Senators, but I know very well that I can get along during the vacation with four clerks, and I believe that practically every committee in the Senate can do the same. I do not think we ought to put these clerks on the permanent roll.

I believe when we adopted the legislation providing for four clerks permanently for each committee it was felt that that was sufficient ordinarily for Senators and committees, except in the case of the Appropriations Committee and Finance Committee, where extraordinary help, of course, was needed, and that during the sessions of the Senate, where it was shown that additional help was needed, that help would be given, but only during the session of the Senate. It was not contemplated that whenever a temporary clerk should be provided for the employment then should be continued as permanent. I do not think we ought to do it. I am not going to object, however, to the consideration of the resolutions.

Mr. DIAL. Mr. President, I entirely agree with the Senator from Washington. It does seem to me that inasmuch as we shall not be in session for nine months, Senators and their committees can get along without these temporary clerks. Therefore, I object to the consideration of the resolutions.

The VICE PRESIDENT. There is objection.

Mr. CALDER. May I suggest to the Senator that the clerks have been employed for the past two years. We are not proposing to employ additional clerks or to create new places in any way.

Mr. DIAL. If we are going to economize now is a good time to begin.

Mr. OVERMAN. Mr. President, I hope the Senator from South Carolina will insist on his objection. There is no reason for continuing to employ these clerks who have been employed temporarily during the session by the committees. Why should they be kept here during the summer months when each Senator has four clerks already? Why should the committees have another clerk when there is nothing for them to do?

Mr. SMOOT. Let me explain to the Senator from South Carolina and the Senator from North Carolina that the clerks whom it is asked be provided for now are to be treated the same as all other clerks. The regular clerks are paid during a recess of Congress. We can not hire a clerk for a few months and bring him to Washington and then, when there is a recess of Congress, simply say, "You are not now employed and can not be paid." These are regular clerks and it has been the practice, not only in this administration but under every

administration in the past, to keep them employed during a recess of Congress.

Mr. OVERMAN. I disagree with the Senator from Utah. I remember the resolution provided only for their employment during the session, and for their payment out of the contingent fund. Now it is proposed to go on and appropriate money out of the contingent fund to pay them during vacation. The contingent fund is already altogether too big now. If any of these committees need an additional clerk, let us put such clerk on the permanent roll. If the Senator will present such a resolution I will give it my support wherever such clerk really is needed. But Congress will adjourn on the 4th of March, and why should we have any additional clerks for all these committees when there will be nothing for them to do?

Mr. FERNALD. Mr. President, has not objection been made to the consideration of the resolutions?

The VICE PRESIDENT. Objection has been made.

Mr. SMOOT. There is no need of going into the reasons why these clerks are necessary. I thought the Senator knew and I thought all Senators knew. I will state to the Senator, for instance, that the Finance Committee is one of the committees mentioned in the resolution that needs the additional clerk.

Mr. OVERMAN. Certainly, but only during the sessions of Congress.

Mr. SMOOT. No; it was not only through the session but during the recess, and the Senator's colleague on that committee favored the plan.

Mr. OVERMAN. I do not care whether my colleague or anybody else felt that the committee was entitled to a clerk, if there is nothing for him to do after the 4th of March there should be no additional clerk. After we adjourn there can not be much work for the four clerks already provided for. Why do Senators want to come here and ask for another clerk under those circumstances?

Mr. SMOOT. Then why do we not discharge all our clerks during the adjournment of Congress?

Mr. OVERMAN. Because we need them more or less.

Mr. SMOOT. So do we need these clerks when Congress is not in session, just in the same way.

Mr. CURTIS. Mr. President, I demand the regular order.

Mr. FERNALD. Let us have the regular order.

The VICE PRESIDENT. The regular order is demanded. The resolutions will be placed on the calendar.

JENNIE LIERLE, ALICE EVARTS, AND CORA C. WOOD.

Mr. CALDER. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably without amendment Senate Resolution 435 and ask for its present consideration.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved That the Secretary of the Senate be, and he hereby is, authorized and directed to pay, out of the contingent fund of the Senate, to Jennie Lierle, Alice Evarts, and Cora C. Wood, daughters of John L. Ridenour, late private of the Capitol police, authorized by sundry civil act, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

CHARLES I. O'NEILL.

Mr. CALDER. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably without amendment Senate Resolution 450 and ask for its present consideration.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate is authorized and directed to pay, from the miscellaneous items of the contingent fund of the Senate, to Charles I. O'Neill, the sum of \$500 for expert services rendered by him to the Senate Committee on Finance during the Sixty-seventh Congress in compiling, editing, and indexing hearings, special reports, and bills relating to the revenue act of 1921 and the tariff act of 1922.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED.

Mr. SUTHERLAND, from the Committee on Enrolled Bills, reported that on March 1, 1923, they presented to the President of the United States the following enrolled bill and joint resolution:

S. 4589. An act to authorize the county of Hennepin, in the State of Minnesota, to construct a bridge and approaches thereto across the Minnesota River at a point suitable to the interests of navigation; and

S. J. Res. 270. Joint resolution concerning lands devised to the United States Government by the late Joseph Battell, of Middlebury, Vt.

BILLS INTRODUCED.

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

By Mr. WALSH of Massachusetts:

A bill (S. 4649) relative to the sizes and quality of anthracite coal; to the Committee on Mines and Mining.

By Mr. McNARY:

A bill (S. 4650) for the relief of M. Seller & Co.; to the Committee on Claims.

By Mr. MOSES:

A bill (S. 4651) granting an increase of pension to Ida I. Totman (with accompanying papers); and

A bill (S. 4652) granting a pension to Annie B. Watson (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH:

A bill (S. 4653) to amend the act of August 29, 1916, chapter 47, pages 578-579, United States Statutes at Large, Sixty-fourth Congress, 1915-1917, volume 39, Part I; the act of May 22, 1917, chapter 20, page 86, United States Statutes at Large, Sixty-fifth Congress, 1917-1919, volume 40, Part I; and the act of July 11, 1919, chapter 9, page 39, United States Statutes at Large, Sixty-sixth Congress, 1919-1921, volume 41, Part I, relative to the promotion of officers of the line of the Navy by selection; to the Committee on Naval Affairs.

AMENDMENT TO THE SO-CALLED CLERKS' BONUS BILL.

Mr. ODDIE submitted an amendment intended to be proposed by him to the bill (H. R. 14435) making appropriations to provide additional compensation for certain civilian employees of the Governments of the United States and the District of Columbia during the fiscal year ending June 30, 1924, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

Insert at the proper place in the bill, as an addition to the exceptions therein provided for, the following:

"Federal Board for Vocational Education, \$12,740."

COMPENSATION OF SENATE PAGES.

Mr. HEFLIN submitted the following resolution (S. Res. 461), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That during the period between the end of the fourth session of the Sixty-seventh Congress and the 30th day of April, 1923, inclusive, the pages of the Senate provided by law, resolution, or otherwise be paid the regular compensation at the rates they have been receiving.

ADDITIONAL SENATE PAGES.

Mr. CURTIS submitted the following resolution (S. Res. 462), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That Senate Resolution No. 363, agreed to December 4, 1922, authorizing and directing the employment of five additional pages for the Senate Chamber to serve until March 4, 1923, at \$2.50 per day each, be, and the same hereby is, continued in full force and effect until March 31, 1923.

RAILWAY SHOPMEN'S STRIKE.

Mr. SHEPPARD. I introduce a Senate resolution, and ask to have it read and lie on the table.

The resolution (S. Res. 463) was read and ordered to lie on the table, as follows:

Resolved, That the President of the United States be requested, in his discretion, to renew his good offices in bringing about a settlement of pending controversies between certain railroads and railway shopmen.

Mr. SHEPPARD. Mr. President, I wish to say that the differences between the railroads and the shopmen are still pending, and that great numbers of shopmen are still out of employment. The controversy has not as yet been settled. I hope to have the Senate pass the resolution before we adjourn. I have been appealed to by many citizens of my State to secure action from Congress in this matter, if possible, before the coming adjournment.

PRICES OF CRUDE OIL AND GASOLINE.

Mr. LA FOLLETTE. I ask unanimous consent for leave to present out of order during the present session the report of the oil investigation under Senate Resolution 295. The preparation of the report has been somewhat delayed and I am not prepared to submit it at this time, but I desire to have unanimous consent to present it out of order.

The PRESIDING OFFICER (Mr. WADSWORTH in the chair). Without objection, the order will be entered. The Chair assumes the Senator desires the report to be printed when presented?

Mr. LA FOLLETTE. Of course, I desire to have it printed, and I will make such request.

The PRESIDING OFFICER. An order for the printing of the report when received will likewise be entered.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts:

On February 28, 1923:

S. 107. An act for the relief of Robert Edgar Zeigler;

S. 419. An act for the relief of the owners of the steamship *Esperanza*;

S. 726. An act for the relief of George Emerson;

S. 1405. An act for the relief of William Collie Nabors;

S. 1502. An act for the relief of Thomas E. Owen;

S. 1516. An act for the relief of Lewis W. Flaunlacher;

S. 1670. An act for the relief of Buffkin & Girvin;

S. 2323. An act for the relief of Anna M. Tobin, independent executrix of the estate of Frank R. Tobin, deceased;

S. 2853. An act for the relief of persons suffering damage by reason of proceedings for the condemnation of land for Camp Benning, Ga.;

S. 2934. An act to provide for the issuance to John W. Stanton by the Secretary of the Interior of patent to certain land, upon payment therefor at the rate of \$1.25 per acre;

S. 3083. An act authorizing the Baltimore & Ohio Railroad Co. to construct an elevated railroad siding adjacent to its tracts in the city of Washington;

S. 3118. An act for the relief of Herbert E. Meilstrup;

S. 3154. An act for the relief of C. M. Rieves;

S. 3351. An act for the relief of G. Dare Hopkins; and

S. 3594. An act for the relief of Anton Rospotnik and the exchange of certain lands owned by the Northern Pacific Railway Co.;

On March 1, 1923:

S. 1599. An act for the relief of the estate of David B. Landis, deceased, and the estate of Jacob F. Sheaffer, deceased;

S. 3256. An act for the relief of A. L. Gramling; and

S. 4345. An act for the relief of E. J. Reynolds.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed the bill (S. 4280) to provide for the incorporation and supervision of corporations formed for the purpose of making agricultural and live-stock loans; to amend the Federal reserve act; to amend the Federal farm loan act; to extend and stabilize the market for United States bonds and other securities; to provide fiscal agents for the United States; and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2703) to allow the printing and publishing of illustrations of foreign postage and revenue stamps from defaced plates.

The message further announced that the House had passed without amendment the following bills of the Senate:

S. 4536. An act to authorize the building of a bridge across the Peedee River in South Carolina;

S. 4548. An act declaring Bear Creek in Humphreys, Leflore, and Sunflower Counties, Miss., to be a nonnavigable stream;

S. 4579. An act to authorize the Lee County bridge district No. 2, in the State of Arkansas, to construct a bridge over the St. Francis River; and

S. 4583. An act granting the consent of Congress to the State of South Dakota for the construction of a bridge across the Missouri River between Charles Mix County and Gregory County, S. Dak.

The message further announced that the House insisted upon its amendments to the bill (S. 4280) to provide for the incorporation and supervision of corporations formed for the purpose of making agricultural and live-stock loans; to amend the Federal reserve act; to amend the Federal farm loan act; to extend and stabilize the market for United States bonds and other securities; to provide fiscal agents for the United States; and for other purposes, disagreed to by the Senate, had agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. McFadden, Mr. Dale, Mr. A. P. Nelson, Mr. Wingo, and Mr. Steagall were appointed managers on the part of the House at the conference.

The message also announced that the House had passed without amendment the following bills of the Senate:

S. 3123. An act to amend section 1 of the act entitled "An act providing for the location and purchase of public lands for reservoir sites," approved January 13, 1897, as amended;

S. 3892. An act authorizing the State of California to bring suit against the United States to determine title to certain lands in Siskiyou County, Calif.;

S. 4122. An act granting the consent of Congress to the Interstate Toll Bridge Co. for construction of a bridge across Red River between Montague County, Tex., and Jefferson County, Okla.;

S. 4146. An act permitting the State of Wyoming to reconvey certain lands to the United States and select other lands in lieu thereof, and providing for the patenting of certain lands to Natrona County, Wyo., for public-park purposes;

S. 4235. An act granting consent of Congress to the Charlie Bridge Co. for construction of a bridge across Red River between Clay County, Tex., and Cotton County, Okla.; and

S. 4387. An act to authorize the building of a bridge across the Tugaloo River between South Carolina and Georgia.

ENROLLED JOINT RESOLUTION SIGNED.

The message also announced that the Speaker pro tempore of the House had signed the enrolled joint resolution (H. J. Res. 453) requesting the President to urge upon the governments of certain nations the immediate necessity of limiting the production of habit-forming narcotic drugs and the raw materials from which they are made to the amount actually required for strictly medicinal and scientific purposes, and it was thereupon signed by the Vice President.

RURAL MARKETING AND CREDIT FACILITIES.

Mr. McLEAN. Mr. President, the agricultural credit bill has just come over from the House, as I understand. I ask the Chair to lay it before the Senate.

The PRESIDING OFFICER (Mr. WADSWORTH in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 4280) to provide for the incorporation and supervision of corporations formed for the purpose of making agricultural and live-stock loans; to amend the Federal reserve act; to amend the Federal farm loan act; to extend and stabilize the market for United States bonds and other securities; to provide fiscal agents for the United States, and for other purposes.

Mr. McLEAN. I move that the Senate disagree to the amendment of the House, ask for a conference with the House on the disagreeing votes of the two Houses, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Presiding Officer appointed Mr. McLEAN, Mr. CALDER, Mr. PEPPER, Mr. OWEN, and Mr. HITCHCOCK conferees on the part of the Senate.

PRODUCTION OF HABIT-FORMING NARCOTICS.

Mr. LODGE. Mr. President, I ask unanimous consent to take from the calendar House Joint Resolution 453, having to do with limiting the production of habit-forming narcotic drugs. The measure passed the House unanimously, and I think there will be no objection to it in the Senate. It is a joint resolution requesting the President to enter into negotiations with other countries with a view to further restricting the production of opium and other narcotic drugs and limiting them to the amount necessary for medicinal and scientific purposes.

Mr. ROBINSON. The joint resolution is on the calendar?

Mr. LODGE. It is on the calendar, No. 1228. I think we all must share in the desire to limit the production of opium and its derivatives to the amount necessary for medicinal and scientific uses. The joint resolution is merely a request of the President to urge upon certain governments the necessity of limiting the crop of the poppy and the production of opium and its derivatives exclusively to the amount required for strictly medicinal and scientific purposes. That is all there is in the measure. I can not understand why there should be any opposition.

Mr. KING. Mr. President, could not the President, without any direct request from Congress, negotiate a treaty or such treaties as he might desire relative to the subject?

Mr. LODGE. Undoubtedly he could do so, but I think it is very desirable that he should have the support of Congress in doing it.

Mr. KING. I have no objection to that.

Mr. LODGE. I need not go into the abuses in the use of these drugs. It is one of the worst features in the line of narcotics that exist, of course.

Mr. ROBINSON. There is no doubt about that. I observe there is a long preamble.

Mr. LODGE. There is.

Mr. ROBINSON. Is it the Senator's intention to adopt the preamble or strike it out?

Mr. LODGE. I have read the preamble. I think there is no harm in it at all. I do not believe in preambles to bills, generally, but the House put it in and seemed to think it important.

Mr. ROBINSON. I presume the preamble sets forth the reasons for the legislation.

Mr. LODGE. It states the reasons for trying to limit the production of opium in this way.

Mr. ROBINSON. I have no objection whatever to the consideration of the joint resolution, but I doubt the advisability of adopting a preamble in a measure of this sort.

Mr. LODGE. The preamble can be stricken out if the Senate so desires, but that would send it back to the House for concurrence. I suppose they would concur in such an amendment. I am very anxious to get the measure through. There are 1,500 tons of opium now produced, and 100 tons would more than supply all the medicinal and scientific needs.

Mr. HARRISON. Mr. President, may I ask the Senator a question in this connection?

Mr. LODGE. Certainly.

Mr. HARRISON. My memory does not serve me accurately at this time and I ask for information. Of course, I know we are not in the League of Nations, but day by day in some way it seems that we get a little closer to it. Was there not a provision in the covenant of the League of Nations to limit the use of narcotics and different habit-forming drugs?

Mr. LODGE. There was.

Mr. HARRISON. This is along that general line, I understand.

Mr. LODGE. The council of the League of Nations adopted a resolution urging the restriction of the cultivation of the poppy and the production of opium therefrom to strictly medicinal and scientific purposes. The resolution was approved by the council of the league, but when it came before the assembly it was moved to strike out the words "strictly medicinal and scientific" and substitute the word "legitimate," which, of course, destroyed entirely the value of the resolution.

Mr. HARRISON. Does the Senator know what, if anything, along that line the league is doing? I have understood from certain persons who have investigated the matter that they have been doing a great work along this line.

Mr. LODGE. The work is under the existing treaties.

Mr. HARRISON. Yes.

Mr. LODGE. And that concerns only the trade in opium. This is an attempt to limit the production of various nations.

Mr. HARRISON. I am in hearty sympathy with the idea.

Mr. BRANDEGEE. The Senator from Massachusetts [Mr. LODGE] has stated that there was a move in the assembly to strike out those words. Was the motion carried?

Mr. LODGE. Yes.

Mr. BRANDEGEE. Is the Senator from Massachusetts familiar with the ground upon which the objection to the action of the council was made?

Mr. LODGE. I understood the objection came from India, because it interfered with the production of opium.

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

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. J. Res. 453) requesting the President to urge upon the governments of certain nations the immediate necessity of limiting the production of habit-forming narcotic drugs and the raw materials from which they are made to the amount actually required for strictly medicinal and scientific purposes, which was read, as follows:

Whereas the unlawful use in the United States of America of opium (the coagulated juice of *Papaver somniferum*) and its derivatives (morphia, codeine, heroin), and cocaine (obtained from coca leaves—*Erythroxylum coca*) and other preparations made from these plants or their by-products, with attendant irreparable injury to health and morality and resultant death from continued use, is increasing and spreading; and

Whereas the special committee of investigation of traffic in narcotic drugs appointed by the Secretary of the Treasury, in its report dated April 15, 1919, having considered the secrecy connected with the unlawful sale and use of these drugs, and the other difficulties in obtaining information which would give the exact number of addicts in the United States, says: "The committee is of the opinion that the total number of addicts in this country probably exceeds 1,000,000 at the present time," and further says that "the range of ages of addicts was reported as 12 to 75 years. The large majority of addicts of all ages was reported as using morphine or opium or its preparations. * * * Most of the heroin addicts are comparatively young, a portion of them being boys and girls under the age of 20. This is also true of cocaine addicts," and as this report is in harmony with the opinion of many who have carefully investigated the subject; and

Whereas the annual production of opium is approximately 1,500 tons, of which approximately 100 tons, according to the best available information, is sufficient for the world's medicinal and scientific needs, and the growth of coca leaves is likewise greatly in excess of what is required for the same needs, and thus vast quantities of each are available for the manufacture of habit-forming narcotic drugs for illicit sale and consumption; and

Whereas opium is obtained in paying quantities from poppies cultivated in small areas of India, Persia, and Turkey, where the soil and climate are peculiarly adapted to the production of poppies containing opium rich in morphia, codeine, and other narcotic derivatives; and

Whereas in Persia and Turkey the growth of the poppy and the production of opium therefrom, resulting in large revenues to those respec-

tive governments, is controllable by virtue of their sovereign power to limit the exportation thereof and to restrict production to the quantity actually required for strictly medicinal and scientific purposes; and

Whereas the British Government in India, which derives large revenues from the growth of the poppy and the production of opium therefrom, has full power to limit production to the amount actually required for strictly medicinal and scientific purposes; and

Whereas the production of coca-leaves (*Erythroxylum coca*) is limited to certain areas of Peru and Bolivia and the Netherlands possession of Java, and their production is controllable by virtue of the sovereign power of those Governments to limit the exportation thereof and to restrict production to the quantities actually required for strictly medicinal and scientific purposes; and

Whereas the antinarcotic laws of a majority of the larger nations of the world provide severe penalties for dispensing habit-forming narcotic drugs without a record of the amount thereof dispensed, thus providing reliable data from which a reasonably accurate calculation can be made of the amount of these drugs needed for strictly medicinal and scientific purposes; and

Whereas on January 23, 1912, as the result of the meeting of the International Opium Commission at Shanghai, China, in 1909, and the conference at The Hague in 1912, a treaty was made between the United States of America and other powers which was intended to suppress the illicit traffic in habit-forming narcotic drugs, and notwithstanding that upward of seven years have passed since its ratification, the treaty and the laws in pursuance thereof subsequently adopted by the contracting powers have utterly failed to suppress such illicit traffic, by reason of the fact that the treaty attempted to regulate the transportation and sale of these drugs without adequate restriction upon production, the source or root of the evil; and

Whereas failure of such treaty and the laws adopted in pursuance thereof to provide adequate restrictions upon production has resulted in extensive and flagrant violations of the laws by reason of the fact that the great commercial value of these drugs, the large financial gains derived from handling them, and the smallness of their bulk, which renders detection in transportation and sale exceedingly difficult, have induced and encouraged the unscrupulous to divert enormous quantities into the channels of illicit international traffic, thereby rendering partially, if not wholly, ineffective the treaty and the laws adopted in pursuance thereof; and

Whereas in June, 1921, the opium advisory committee of the council of the League of Nations adopted a resolution urging the restriction of the cultivation of the poppy and the production of opium therefrom to "strictly medicinal and scientific" purposes, which resolution was approved by the council of the league but when said resolution was presented for final approval to the assembly of the league, which is composed of a representative from each nation which is a member thereof, it was amended by striking out the words "strictly medicinal and scientific" and substituting the word "legitimate" in lieu thereof; and

Whereas the substitution of the general word "legitimate" for the specific words "medicinal and scientific" permits the continuance of the sale of enormous quantities of opium and its derivatives in many sections of the Orient by the opium producers of India, Turkey, and Persia, where it is "legitimate" to sell and transport these drugs in unrestricted quantities regardless of their ultimate use by the purchaser; and

Whereas the continuance of the sale and transportation of such drugs, without restriction on their use, results in the diversion of large quantities thereof into the channels of illegal international traffic and in the unlawful importation into the United States, and the sale here for unlawful purposes, of preparations made therefrom such as morphia, heroin, and cocaine; and

Whereas the United States of America, in dealing with the traffic in habit-forming narcotic drugs within its own territory and possessions, notably in the Philippine Islands, and in cooperating sympathetically with the efforts of the Government of China in dealing with its opium problem, has always been committed, without regard to revenue, to a program for the complete suppression and prohibition of the production of and traffic in them, except for strictly medicinal and scientific purposes; Therefore be it

Resolved by the Senate, etc., That it is the imperative duty of the United States Government to safeguard its people from the persistent ravages of habit-forming narcotic drugs.

SEC. 2. That the effective control of these drugs can be obtained only by limiting the production thereof to the quantity required for strictly medicinal and scientific purposes, thus eradicating the source or root of the present conditions, which are solely due to production many times greater than is necessary for such purposes.

SEC. 3. That in the hope of accomplishing this end, the President be, and he hereby is, requested to urge upon the Governments of Great Britain, Persia, and Turkey the immediate necessity of limiting the growth of the poppy (*Papaver somniferum*) and the production of opium and its derivatives exclusively to the amount actually required for strictly medicinal and scientific purposes.

SEC. 4. That the President be, and he hereby is, requested to urge upon the Governments of Peru, Bolivia, and the Netherlands the immediate necessity of limiting the production of coca leaves (*Erythroxylum coca*) and their derivatives to the quantity exclusively required for strictly medicinal and scientific purposes.

SEC. 5. That the President be, and he hereby is, requested to report to Congress on the first Monday in December, 1923, the result of his action.

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

The preamble was agreed to.

IMPURITIES AND MISBRANDING IN ANTHRACITE COAL.

The VICE PRESIDENT laid before the Senate a communication from the Acting Director of the Bureau of Mines, in response to Senate Resolution 452 (submitted by Mr. WALSH of Massachusetts and agreed to February 26, 1923), reporting relative to misgraded sizes and impurities in domestic anthracite coal, etc.

Mr. WALSH of Massachusetts. Mr. President, I move that the report be printed in the RECORD, and also that it be referred to the Committee on Mines and Mining. I call attention to the fact that annexed to the report is a bill which, if enacted

into law, would reduce the abuses and deceptions resulting from the sale to the public of impurities in coal. I hope the Committee on Mines and Mining may report this bill favorably, so that action may be taken before the adjournment of the Congress.

The VICE PRESIDENT. Without objection, the communication from the Bureau of Mines will be referred to the Committee on Mines and Mining and printed in the RECORD.

The report is as follows:

REPORT OF BUREAU OF MINES ON COAL QUALITY.

There is offered for transportation and sale, along with well-prepared coal, a considerable quantity of high-ash coal. This condition is not confined to any one district, but is general. The amount of ash in coal is generally higher than is represented by coal sellers.

The natural and unavoidable amount of ash in coal varies widely in different districts. What would be considered high ash in one district would be low ash for another district. Even in a particular district there may be a very considerable variation in ash, due to mining methods, care in mining, or the degree of preparation of the product. There are many shippers of coal who do not know, within reasonable limits, the quality of the product which they offer for sale. This coal is on the market beside coal offered by shippers who are well informed as to the quality of their product and who have spent large sums in the preparation of their fuel. The great majority of buyers of coal have no satisfactory means of differentiating between the various qualities of coal offered. This is particularly true of the domestic consumer.

To substantiate the foregoing general statements, attention is called to the following evidence:

In one bituminous coal district deliveries were made on Government contracts with ash per cent running as follows: 6.1, 6.2, 6.7, 7.15, 7.50, 7.8, 8.4, 8.43, 8.6, 8.7, 8.8, 8.9, 9.6, 9.9, 9.9, 10.1. Each of these figures represents the ash per cent in several hundred tons of coal and shows the normal ash for the coal of that district. In the same district other deliveries of coal showed ash content as follows: 12.6, 16.7, 16.7, 17.8, 18.2, 20.2, 20.8, 23.3, 24, 24.7, 36.8 per cent. In one case the ash was guaranteed to be not above 7 per cent, although it ran from 17 to 24 per cent.

In another coal district coals delivered on Government contracts ran 5.6, 6.4, 7.1, 7.2, 11.2, 12.4, 12.5, 12.9, 13.1, 13.3 per cent. Other coals on Government contracts in the same district ran 13.6, 14.2, 14.8, 15.8, 16, 18.1, 18.5, 18.9, 25.2, 27.6, 27.9 per cent.

A large number of analyses of bituminous coal delivered on contract to the Government fuel yards in Washington showed the ash to be from 8 to 10 per cent, while at the same time other coals which it was necessary to buy in open market showed ash percentage as follows: 12.8, 14.6, 18.4, 16.5, 16.8, 17, 17.4, 17.5, 17.8, 17.8, 18.1, 18.3, 18.8, 18.9, 19, 19.7, 19.8, 19.9, 20.1, 20.1, 20.2, 20.2, 20.7, 21.4, 21.7, 24. There was delivered from the same district on other Government contracts coals with ash running as follows: 13.4, 14.8, 15.3, 15.3, 16.7, 16.9, 18.1, 18.3, 18.6, 19, 19.7, 20.1, 20.5, 21.1, 21.4. In most of these cases the representation of the seller was that the ash content was substantially 8 to 10 per cent.

The Government is not a large user of anthracite coal, but since January 1, 1923, samples of anthracite delivered on Government contract show the ash to be as follows: Egg coal, 7.5, 8, 8.6, 10.5, 11.3, 12.2, 12.3; stove coal, 9.9, 11.8, 12.8, 14.7; nut coal, 13.8, 17.1, 16.6, 18.9; buckwheat No. 1, 15.7, 17, 18.1, 21; buckwheat No. 2, 15.8, 16.1, 18.5, 18.8, 20.8, 23.7, 24.2, 25.2, 26.3, 27.9. The last two sizes are steam sizes and not domestic sizes. In an especially aggravated case analyses were made at the request of the district attorney for the District of Columbia of anthracite coal delivered to two householders, one running 30.5 and the other 37.4 per cent ash.

Samples of anthracite coal have been taken at local fuel yards during the past week. Each sample of about 50 pounds was taken to represent about 1,000 pounds as would be loaded at the dealer's yard. These samples were not analyzed but each was divided into three parts—clean coal, bone coal, and slate—with the following result:

Size.	Coal.		
	Bone.	Slate.	
	Per cent.	Per cent.	Per cent.
Pea.....	66	22	12
Do.....	75	16	9
Do.....	67	21	12
Do.....	80	10	10
Do.....	74	12	14
Do.....	61	24	15
Nut.....	68	22	10
Do.....	70	20	10
Do.....	72	20	8
Do.....	76	17	7

Answering the specific questions of the resolution:

(1 and 2.) The bureau's studies show that much high-ash coal is shipped. Many letters have been received from the anthracite-using districts of the country complaining of the quality of coal. The Government itself has been a relatively small buyer of anthracite, and the bureau has made no special investigation that would enable it to say what proportion of coal shipped carries an unreasonable amount of ash. There are no generally accepted standards for comparison. The determination and maintenance of grades for coal depends upon extensive sampling and analysis and a suitable inspection system and competent force. For this reason in 1919 the Secretary of the Interior requested authority to establish a coal-inspection system and requested an appropriation therefor. The bureau believes that the system then proposed would best meet the needs of the case.

(3) If action is desired without appropriation, the following is submitted:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Bureau of Mines is hereby authorized and directed to ascertain and to publish the quality and sizes of anthracite coal shipped, or offered to be shipped, in interstate commerce, and to establish with appropriate tolerances Government market grades with designations for each, and to register and publish shippers' grades defined in terms acceptable to the bureau, and after September 1, 1923, no anthracite coal shall be shipped in

interstate commerce unless the bill of lading be accompanied by a certificate from the shipper, made in due form as prescribed by the Bureau of Mines, giving the Government or registered grade to which such coal belongs, and that whoever violates the prohibitions of this act or knowingly makes a false statement in the certificate required shall be guilty of a misdemeanor, and for such offense be fined not exceeding \$200 for the first offense, and upon conviction for each subsequent offense not exceeding \$300, or be imprisoned not exceeding one year, or both, in the discretion of the court.

A. W. AMBROSE, Acting Director.
For H. FOSTER BAIN, Director.

ORDER OF BUSINESS.

Mr. CURTIS. I submit the request for a unanimous-consent agreement, which I send to the Secretary's desk.

The VICE PRESIDENT. The proposed unanimous-consent agreement will be read.

The reading clerk read as follows:

It is agreed by unanimous consent that at the conclusion of the consideration of House bill 8086, the filled milk bill, the Senate will proceed to the consideration of executive business; that at the conclusion of the consideration of executive business it will return to legislative session for the consideration of unobjected bills on the calendar, beginning at the number where the Senate left off, being Calendar No. 1135; that when the call of the calendar of unobjected bills shall have been finished the Senate will take up the calendar under Rule VIII and continue the consideration of the same until not later than 10 o'clock p. m. to-day; and that at 10 o'clock p. m. the Senate will adjourn until 11 o'clock a. m. to-morrow.

Mr. STERLING. Mr. President, under the circumstances I very much regret to have to object to the unanimous-consent agreement asked for.

Mr. CURTIS. I hope the Senator will not object. The House of Representatives has held night sessions in order to dispose of the bills which the Senate has passed. There are quite a number of House bills on the calendar. The proposed unanimous-consent agreement begins to operate after we shall have concluded the consideration of the filled milk bill. It will be very easy to dispose of the calendar if we shall enter into the unanimous-consent agreement. Then we shall adjourn until to-morrow morning, and in the morning hour bills may be taken up upon motion, the same as they may be this morning. I do hope there will not be an objection to the unanimous-consent agreement. We owe it to the House of Representatives to take the action therein proposed.

Mr. STERLING. Mr. President, there is a bill on the Senate Calendar now which has been pending before the Senate for a long time—the reclassification bill, which I undertake to say is more important than any other bill now on the calendar. I have been waiting an opportunity here day after day to get that bill up. The bill has passed the other House; there will be some material amendments made to it and the bill will be some time in conference. In order that we may get the bill through it will be necessary to give some attention to it speedily.

Mr. CURTIS. This agreement does not take effect until to-night, and the Senator from South Dakota knows it will be almost impossible to hold a quorum here to-night for the consideration of the reclassification bill.

Mr. STERLING. If the Senator from Kansas will permit me, I desire to say that we had better spend the time in the consideration of the reclassification bill at night than to spend it in the consideration of other bills on the calendar. That is my objection to the adoption of the unanimous-consent agreement.

Mr. McCORMICK. Mr. President, I inquire whether the Senator from South Dakota or the Senator from Kansas has the floor?

The VICE PRESIDENT. The Senator from South Dakota has the floor.

Mr. McCORMICK. If the Senator from South Dakota will yield to me for a moment, I desire to suggest that there are some of us who believe that the child labor amendment to the Constitution is no less important than is the reclassification bill and who would be inclined to press the joint resolution proposing that amendment if the unanimous-consent agreement proposed by the Senator from Kansas were not accepted by the Senate.

Mr. KING. Mr. President, I suggest to the Senator from South Dakota that there is a measure here which has been recommended by the President of the United States, providing for an international court and our adhesion to the protocol, so that we shall be a member of that great organization. I am sure that our Republican friends, desiring to support the President of the United States in this splendid policy, will be glad to take that measure up. I hope to have the opportunity to move its consideration during the day or certainly not later than to-morrow morning.

Mr. STERLING. Mr. President, two measures have now been suggested that should have preference over the reclassification bill. One of those is the child labor amendment to the

Constitution, which is a very recent matter, one which has only been passed upon by the Judiciary Committee within a few days. The reclassification bill, however, has been pending for years, so far as that is concerned. As to the other measure, the consideration of which has been suggested by the Senator from Utah [Mr. KING], everybody will agree that that is not to be considered at all at this session of Congress.

Mr. KING. No; I do not agree at all to that. I think our Republican friends have more confidence in their leader than is exhibited by the last statement of the Senator from South Dakota.

Mr. WARREN. Mr. President, will the Senator from South Dakota yield to me?

Mr. COUZENS. I rise to a point of order, Mr. President.

The VICE PRESIDENT. The Senator will state his point of order.

Mr. COUZENS. I suggest the absence of a quorum.

The VICE PRESIDENT. The absence of a quorum being suggested, the Secretary will call the roll.

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

Ashurst	Fletcher	Lenroot	Shields
Ball	Frellinghuysen	Lodge	Shortridge
Bayard	George	McCormick	Smith
Brandege	Gerry	McKellar	Smoot
Brookhart	Glass	McKinley	Spencer
Bursum	Gooding	McLean	Sterling
Calder	Hale	McNary	Sutherland
Cameron	Harreld	Moses	Swanson
Capper	Harris	New	Townsend
Caraway	Harrison	Norris	Wadsworth
Colt	Heflin	Overman	Walsh, Mass.
Couzens	Jones, N. Mex.	Page	Walsh, Mont.
Culberson	Jones, Wash.	Pepper	Warren
Cummins	Kellogg	Phipps	Watson
Curtis	Kendrick	Pittman	Weller
Dial	Keyes	Ransdell	Williams
Dillingham	King	Reed, Pa.	Willis
Edge	Ladd	Robinson	
Fernald	La Follette	Sheppard	

Mr. PHIPPS. I desire to announce that my colleague [Mr. NICHOLSON] is detained from the Senate on account of illness.

The VICE PRESIDENT. Seventy-four Senators have answered to their names. A quorum of the Senate is present.

Mr. FRELINGHUYSEN. I ask unanimous consent to take from the calendar Order of Business 1116, being the bill (S. 4472) to make an investigation of the needs of the Nation for public works to be carried on by Federal, State, and municipal agencies in periods of business depression and unemployment.

Mr. WARREN. Mr. President, I inquire if morning business has closed?

The VICE PRESIDENT. The Chair has not yet announced that morning business has closed. The Senate was proceeding to determine whether it would enter into a unanimous-consent agreement. Is the Chair to understand there is objection now to entering into the unanimous-consent agreement proposed by the Senator from Kansas?

Mr. STERLING. Mr. President, I object for the present.

The VICE PRESIDENT. There is objection.

Mr. McKELLAR. Mr. President—

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

Mr. FRELINGHUYSEN. I yield.

Mr. McKELLAR. I do not want to interfere with the Senator from New Jersey. I merely want to inquire about resolutions coming over from the previous day. I am interested in one of them when we get to it.

Mr. FRELINGHUYSEN. Mr. President, as morning hour has not yet closed, I will withhold my motion until it is announced by the Chair that morning business has closed. I should like to be recognized at that time.

The VICE PRESIDENT. Is there further morning business? [After a pause.] Morning business has closed.

Mr. WARREN and Mr. FRELINGHUYSEN addressed the Chair.

The VICE PRESIDENT. The Senator from Wyoming.

DEFICIENCY APPROPRIATIONS.

Mr. WARREN. Mr. President, in conformity to the notice I gave on yesterday, I ask unanimous consent that the Senate now proceed to the consideration of the third deficiency appropriation bill, being House bill 14408.

Mr. McKELLAR. Mr. President, what about Resolution No. 446, coming over from a preceding day?

The VICE PRESIDENT. There were no resolutions coming over from a previous day. Is there objection to the request of the Senator from Wyoming for the present consideration of the deficiency appropriation bill?

Mr. STERLING. Mr. President, I wish to say in this connection that I shall not object to the request made by the Senator

from Wyoming. I know that appropriation bills usually have preference over other bills. Of course, the bill is important; but I should like to state that as soon as the deficiency bill is disposed of I shall move to take up the reclassification bill.

Mr. KING. Mr. President, a parliamentary inquiry. Is not the filled milk bill before the Senate?

The VICE PRESIDENT. Not in the morning hour. It comes on at 1 o'clock.

Mr. WARREN. I renew my request that the Senate take up House bill 14408—the deficiency bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 14408) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1923, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. WARREN. I make the usual request that the formal reading of the bill be dispensed with and that the bill be read for amendment, the amendments of the committee to be first considered.

Mr. KING. Mr. President, I shall not object to that, with the understanding that the text of the bill, including the amendments, shall be read, not too rapidly, because none of us have had a chance to read the bill, so that we may follow the clerk and have the opportunity to propound such questions as we may desire covering some of these items. In the past it has been the habit to read very rapidly and oftentimes to skip a number of paragraphs.

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

The reading clerk proceeded to read the bill.

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

SENATE.

For additional compensation to John C. Crockett, reading clerk of the Senate, fiscal year 1924, \$500.

The amendment was agreed to.

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

To pay Charles F. Redmond, as compensation for compiling a revised supplement to the compilation entitled "Treaties, conventions, international acts, and protocols between the United States and other powers," containing such instruments to which the United States has become a party since January 1, 1910, under resolution of the Senate (S. Res. 130, Sixty-seventh Congress, first session), \$2,500.

Mr. KING. Mr. President, may I inquire of the Senator from Wyoming if there has not been a recent compilation of treaties, conventions, international acts, and protocols between the United States and other powers compiled and published since 1910?

Mr. WARREN. I do not recall the last date, but much has happened since then. This is to bring the compilation down to date from the last compilation.

Mr. SMOOT. In accordance with Senate Resolution 130, Sixty-seventh Congress, first session.

Mr. OVERMAN. Mr. President, I think it my duty to make a statement here in regard to this deficiency bill. We hope that hereafter a different course will be pursued by the Budget Bureau, and what I am going to say will be in the nature of a warning to them.

On yesterday I sat with this committee. A veritable flood of Budget recommendations was sent down late yesterday afternoon. The matters never have been considered by the House. It seems that certain favorite Senators can get what they want sent down by the Budget Bureau at the last hour, when the matters have not been considered and can not be considered by us. We have not time. They have never been considered by the House; and they are put on the bill by the Senate committee without its knowing anything about them.

I want to sound a warning to the Budget Bureau that these estimates should be sent down to the House for consideration.

After the House has considered them there ought not to be any estimates sent down to the Senate; for, coming as they did yesterday, a veritable flood of them, when we did not have time to consider them, many of those that we have put on here we know very little about. It is all wrong; and the Budget Bureau is going to be more and more unpopular if it allows certain Senators, favorites of the Budget and favorites of the administration, to go up there and get these items sent down at the last hour when they can not be properly considered. It is all wrong; and I say this for the benefit of the Budget Bureau themselves. These matters ought to have been sent

down in time for consideration, and not sent down at the last hour for our committee to consider, when we can not properly consider them; and I think the chairman will bear me out in that statement.

Mr. WARREN. Mr. President, that last statement is very true, and it is a matter that I hope will be remedied before the next session.

Mr. OVERMAN. I hope so.

Mr. WARREN. The Senator is right. We are beset with these things coming up late, some of them dated the 28th day of February, and we are expected to include them in these bills and have them passed.

Mr. KING. Mr. President, I should like to ask the Senator from North Carolina—who is a member of the Appropriations Committee, and has been a valued member of it for many years—how much this deficiency appropriation bill carries, and whether it will cover all deficiencies for the fiscal year ending June 30, 1923, or whether we will have another deficiency appropriation bill when we meet in December, and also—I am asking several questions in one—whether he has prepared a statement showing the appropriations, including the deficiencies, for the fiscal year ending June 30, 1923?

Mr. OVERMAN. I have, Mr. President; and I want to say that another criticism I have is this: Here is a bill carrying \$156,000,000. Estimates have been sent down to the Senate for two or three million dollars more, and we have put on \$2,000,000 more that seemed absolutely necessary. What does that mean? It means that the department's estimates for the regular appropriations are cut short for some purpose, either for political purposes or some other purpose, and we make the appropriations, and after we have made appropriations they come in here with \$156,000,000 more than we appropriated for. It is all wrong, Mr. President; and I heard one Senator—I will not call his name—a leading Republican Senator, say that he would never vote for another deficiency bill. I believe that if we will give notice to the departments that we will vote for no more deficiency bills they will ask for the amounts that are needed, and no more, in the regular appropriation bills, and then we will be able to abolish these deficiency bills.

Mr. CURTIS. Mr. President, the Senator need not withhold my name. I served notice yesterday that this is the last deficiency bill I am going to vote for. I propose, as chairman of the subcommittee, if I am continued as chairman, to notify the departments for whom my subcommittee recommends appropriations that they must recommend what they need, and if they will recommend what they need we will do our best to secure the appropriations; but the department must get along with what is appropriated and not come in afterwards with requests for deficiency appropriations. If the Congress will appropriate the amount the showing made requires in the regular appropriation and then refuse deficiency appropriations, it will do a good service.

Mr. McKELLAR. Mr. President, before the Senator from North Carolina takes his seat I want to ask him a question. Is \$153,000,000 appropriated in this last deficiency bill, or in all three of them?

Mr. OVERMAN. This one.

Mr. McKELLAR. How much is appropriated in all of them?

Mr. OVERMAN. Oh, I do not know. I have the statement. I have not it here with me, but that will show. There has been deficiency bill after deficiency bill, and I hope this is the last one. There may be another coming in, and there will be bound to be one to provide for the payment of the bonus unless the reclassification bill is passed. It is proposed now to pay a bonus of about another \$40,000,000, which we shall have to do, of course; everybody will be in favor of that in case the reclassification bill goes over; so that will be the fourth deficiency bill to come in, and there you are. We do not know what we are doing, and these recommendations are sent down here time and time again when we know nothing about the items and can not properly consider them. It is all wrong. That is what the Budget was established for, but it is all wrong to let certain favorite Congressmen go up there and get what they want when others can not.

Mr. McKELLAR. Mr. President, will the Senator yield again? There are all these deficiency appropriations, notwithstanding the fact that the Budget Bureau was supposed to make its recommendations for all appropriations.

Mr. OVERMAN. The Budget Bureau sent down its recommendations for the different appropriation bills, some 13 in all. We have considered those, and made the appropriations as they were asked for, and certified to our committees and to the Senate and the House what was needed. On top of that these deficiencies come in afterwards, after we have made the appropriations.

Mr. CURTIS. Mr. President, the Senator ought to be fair, and state that the Congress failed to appropriate what was recommended by the Budget.

Mr. OVERMAN. I think probably the House of Representatives wanted to make a good showing, and they sent it up to the Senate. They want to make a showing sometimes for campaign purposes, to secure credit for the party in power, I suppose, and therefore they make the appropriations less than they ought to be made; and the consequence is that a deficiency request comes in. I agree with what the Senator from Kansas says. I did not want to call his name, but he has come out and stated his position boldly to the Senate. I am opposed to passing deficiency bills hereafter. Let us appropriate the amount that is necessary, and stop appropriating for these deficiencies.

Mr. McKELLAR. May I ask the chairman of the committee how much we have appropriated in the three deficiency bills? Have there been more than three?

Mr. WARREN. There have been three.

Mr. McKELLAR. This is the fourth one, is it?

Mr. WARREN. This is the third one. It carries one hundred and fifty-odd millions.

Mr. McKELLAR. How much have we appropriated in all?

Mr. WARREN. The regular deficiencies have not been large, but there have been very large amounts for the repayment of illegally collected revenue taxes.

In fact, there is \$78,000,000 in this bill for that purpose, and there have been very large amounts for the relief of veterans, because perhaps twice or three times as many as had been expected have sought relief of one nature or another, either in the way of education or in the way of hospital care, so that the appropriations have run heavily on that account. The larger portion of these things has come in in the regular way and is really what may properly be called deficiencies.

What the Senator from North Carolina [Mr. OVERMAN] has said about requests coming in at a late hour is, of course, true, and it is a matter that all of us consider reprehensible; and we shall ask, as I have once before asked, that there may be greater promptness in the submission of such things to us. I also have to agree to some extent with the Senator from North Carolina that the original estimates are not granted to the amount that is asked. It is the hope of the House, when they make up these bills, that certain appropriations can be skimped or cut down, and the legislation carried through. There are two sides of that. One side of it is to teach economy by keeping them inside of the limits and within reason that will work beneficially; but if, on the other hand, we are going to allow those things to come in at a late hour too tumultuously, if I may use that word, we shall destroy the control that we may have and ought to have.

Mr. McKELLAR. I want to ask the Senator if he can tell me in round numbers, and put the exact figures in the Record in answer to the question, how much was appropriated in the first deficiency bill, how much in the second, and how much is proposed to be appropriated in this bill?

Mr. WARREN. Mr. President, that can not be done, because we do not know what this bill will contain until it passes through conference, but it will all be put in the Record in due time.

Mr. McKELLAR. The Senator can give me some idea how many million dollars there were in the first and second deficiency appropriation bills, can he not?

Mr. WARREN. The Senator will remember that I have to carry in my head the figures of a good many bills. I should have to refer to figures in my office about those matters in order to be exact.

Mr. McKELLAR. Mr. President, there is another question that I should like to ask the Senator. Adding these deficiency appropriations to the recommendations of the Budget, will our appropriations be larger than the Budget originally recommended?

Mr. WARREN. They will be larger, perhaps, by the amount of the rivers and harbors appropriations, which went over the estimates something like \$30,000,000; but at last accounts, I believe, even with that overplus, we shall fall a few millions under the general total of the Budget estimates.

Mr. McKELLAR. The original Budget estimates, or all of them, including these?

Mr. CURTIS. Mr. President, I understand that the total appropriations will be \$4,000,000 less than all the Budget estimates.

Mr. McKELLAR. Can the Senator give me, in round numbers, the amount of the first and second deficiency appropriation bills?

Mr. CURTIS. I can not.

Mr. DIAL. Mr. President, I would like to ask the chairman of the committee why it is necessary to pay extra compensation to the employees of the Pension Office? There is one man here who will get extra compensation in the sum of \$1,200. The amendment provides:

To pay—

I do not care to call his name—

for extra and expert services rendered to the Committee on Pensions during the third and fourth sessions of the Sixty-seventh Congress as an assistant clerk to said committee, by detail from the Bureau of Pensions, \$1,200.

Is that man drawing pay at the Pension Office and also this \$1,200?

Mr. WARREN. He draws a certain amount of pay at the Pension Office. I do not know what amount he draws, but probably \$1,400. I will say to the Senator that this is the usual thing to do; it has been done for the last 40 years, I think; ever since I have been in the Senate. This man is an expert, familiar with the records and practice of the Pension Office, and every one of the cases filed must be handled by somebody with a knowledge of the records in the Pension Office and also those in the War Department. It would be almost impossible to handle matters without some man of this kind.

Mr. DIAL. I imagine that is true, but I do not see why he should get two salaries. If he ought to have more pay, we should raise his salary.

Mr. WARREN. The idea is to have the man work in the department all of the time Congress is not in session, which results in his being familiar with affairs in the office, and he can bring back the information from the office to the Senate when we reassemble. If we had a regular clerk, perhaps he would not do work in the Pension Office.

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

The amendment was agreed to.

The next amendment of the committee was, on page 2, after line 11, to insert:

For payment to C. Brooks Fry for expert personal services in connection with the investigation of the fiscal relations of the District of Columbia and the United States and the preparation of the reports relating thereto, \$1,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 15, to insert:

For payment to Thomas A. Hodgson for expert personal services in connection with the investigation of the fiscal relations of the District of Columbia and the United States, \$1,000.

Mr. KING. I want to inquire about this item: of \$1,000 for "expert personal services in connection with the investigation of the fiscal relations of the District of Columbia and the United States, \$1,000."

Mr. PHIPPS. The two items relate to the investigation of the fiscal relations of the District of Columbia and the United States, and under the law authorizing that examination and report the committee were not permitted to pay anyone who was then or theretofore had been in the employ of either the District of Columbia or the Federal Government. Mr. Hodgson was a former employee of the Federal Government; for years he stated the accounts as between the District and the Federal Government, and had great familiarity with all the records and affairs. He was requested to work for the auditors, was given a desk, and was of invaluable assistance to them in locating the records and making up reports and statements and documents that were necessary for their examination and use. The committee told him at the outset that they were precluded from paying him, but that if his services were satisfactory we would see that he was provided for if it was possible.

Mr. KING. Is he now in the employ of the Government?

Mr. PHIPPS. He is not. He is on the retired list and draws a small pension. The other item was an appropriation of \$1,000 for the preparation of a report by Mr. Fry, who is in the Government employ—a secretary in my office.

Mr. WARREN. I want to ask the Senator from Colorado if his committee exhausted all the funds we appropriated in a former bill?

Mr. PHIPPS. We did not. The committee was allotted \$20,000, and the total expenditures will be \$13,000, in round numbers, but it was not permissible for us to pay these two items out of the \$20,000 appropriation.

Mr. KING. In regard to the \$4,000,000 item, for money alleged to be due from the Government to the District, I am not thoroughly informed as to the matter, but much criticism has come to me from persons who claim to know who state that the finding of the committee was perhaps warranted—that is, some said it was warranted from the evidence submitted to them—but that there were other facts to which their attention was not invited which would have compelled a different

conclusion from that reached by the committee and would have demonstrated that the Government was not indebted to the District, and that this appropriation of \$4,000,000 should not be made.

Mr. PHIPPS. I believe that if the Senator would take the time required to read the majority report of the committee, and a minority report which was signed by only one of the six members of the joint special committee, he would be convinced beyond question that the committee fully performed its duties. Personally, I am willing to stand on the record that has been made. I think there is no question as to the finding. I believe beyond any peradventure of doubt that the citizens of the District of Columbia paid, in taxes, amounts in excess of the appropriations which were properly chargeable to them, resulting in the accumulation of a surplus, and that the money properly paid by the taxpayers should be devoted to the upbuilding of this community, and to the conduct of the government of the District of Columbia. It is within the power of this Congress, if it chooses to do so, to declare that money forfeited, but I say that when there is an understanding and agreement whereby the Federal Government has undertaken to pay 50 per cent of the expenses of the District of Columbia, and the citizens here the remainder, or 40 per cent from the General Government, as against 60 per cent contributed by the citizens, I for one will never vote to violate that understanding and agreement. Resort is had to subterfuge in order to becloud the issue, and try to cover into the Government Treasury money which properly and absolutely is the money of the citizens of the District of Columbia.

Mr. KING. Mr. President, I express no opinion as to the merits of the finding or the rightfulness of the conclusions reached by the committee. I only know that there have been some criticisms on the ground that while, perhaps, the evidence submitted warranted the finding, it was not all the evidence which might have been obtained. As to that I express no opinion. However, I am fully convinced that the owners of property within the District of Columbia do not pay an adequate tax.

I think the rule adopted for a division of the expenses between the United States and the District citizens, formerly 50-50 and now 60-40, is unscientific, is improper, and is irrational. The property of the District should be taxed at its full, fair cash valuation, and upon that valuation a reasonable tax should be levied, approximately such as is levied in progressive cities of the United States, including taxes paid by the property within those municipalities to the States and for all other purposes; and after imposing a tax of that character, whatever deficit there may be—and there would be a very large one—the Federal Government should meet it.

Mr. DIAL. Mr. President, day by day there are new investigations ordered, which give employment to an unnecessary number of people. We investigate everybody in the United States, and then the notes are filed away and nobody ever reads them. I am glad to be enlightened upon the object of some of these investigations. I have been objecting to a good many of them, and I expect to object to a good many more. If the time is ever to come when we will let the people be at rest, this is a good time to begin; and I am sorry our Republican friends do not see the importance of stopping these investigations. I hope they will wake up before the next election.

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

The amendment was agreed to.

The next amendment was, on page 2, after line 19, to insert: To pay Alexander K. Meek for extra and expert services rendered to the Committee on Pensions during the third and fourth sessions of the Sixty-seventh Congress as an assistant clerk to said committee, by detail from the Bureau of Pensions, \$1,200.

The amendment was agreed to.

The next amendment was, at the top of page 3, to insert:

For payment to Leslie L. Biffle for services rendered various committees of the Senate, in addition to his regular duties, \$900.

The amendment was agreed to.

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

For miscellaneous items, exclusive of labor, for fiscal year 1923, \$50,000.

The amendment was agreed to.

The next amendment was, on page 3, after line 5, to insert:

For stationery for Senators, committees, and officers of the Senate for fiscal year 1923, \$5,000.

The amendment was agreed to.

The next amendment was, on page 3, after line 7, to insert:

For personal and other services, supplies and equipment for Senate kitchens and restaurants, to be expended from the contingent fund of the Senate, under the supervision of the Committee on Rules, United States Senate, \$7,000.

The amendment was agreed to.

The next amendment was, on page 3, after line 12, to insert:

That the General Accounting Office, State and Other Departments Division, pass and allow the additional compensation at the rate of \$240 per annum heretofore paid and to be paid until June 30, 1923, to all employees of the Senate kitchens and restaurants.

Mr. KING. Let me inquire whether this is a new item.

The VICE PRESIDENT. All items printed in italics are new.

Mr. KING. I want to inquire of the chairman of the committee whether this is a new appropriation? I am referring to the item for supplies and equipment for the Senate kitchens and restaurants. Is that something new?

Mr. WARREN. No. It is to straighten out the accounts, where two or three of them had salaries of only \$20 a month, which would not entitle them to as much as \$240. That is all there is to it.

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

The amendment was agreed to.

The reading of the bill was continued to line 17, page 4, the last paragraph read being as follows:

For payment to Dan Parrillo, for expenses incurred as contestant in the contested-election case of Parrillo v. Kunz, audited and recommended by the Committee on Elections No. 1, \$2,000, to be disbursed by the Clerk of the House.

Mr. DIAL. I would like to ask the chairman of the committee if all contestants are paid, or is only the one who makes out a case paid?

Mr. WARREN. That is entirely a House matter, which we do not pry into. Their rules provide for payment in these contested-election cases.

Mr. DIAL. Under their rule I believe that even if the contest is not found to have merit the bill is paid.

Mr. WARREN. Undoubtedly those things may occur, but it is entirely in the jurisdiction of the House.

Mr. DIAL. I hope that hereafter, unless there is merit in a case, no payment will be made.

The reading of the bill was continued to line 11, page 5, the last paragraph read being as follows:

For the amount required to pay the following employees from March 4 to June 30, 1923, inclusive: Substitute telephone operator, at \$2.50 per diem, \$297.50; janitor to the Committee on Reform in the Civil Service, authorized in the resolution of December 16, 1922, \$234; clerk to the Committee on the Disposition of Useless Executive Papers, authorized in the resolution of May 9, 1921, \$650; legislative clerk to the majority leader, authorized in the resolution of March 24, 1922, \$1,170; two attendants in ladies' retiring rooms, at \$390 each, authorized in the resolution of September 14, 1922; in all, \$3,131.50.

Mr. KING. May I inquire of the Senator having the bill in charge if janitorial service is not already furnished; and with respect to the clerk of the Committee on the Disposition of Useless Executive Papers, may I inquire whether or not the existing law provides for such a clerk, and if it does, does not the clerk receive the same compensation as other clerks of committees which have substantially the same amount of work to perform?

Mr. WARREN. The Senator is making an inquiry regarding the House language, as I understand it?

Mr. SMOOT. This is in conformity with the resolution that was passed on September 14, 1922.

Mr. WARREN. I was calling attention to the fact that the language to which the Senator is referring is in the House text.

Mr. KING. These are House items.

Mr. SMOOT. They are House items carrying out the provisions of a resolution which Congress passed.

Mr. KING. That is for the House?

Mr. WARREN. Yes; these are all House items.

Mr. KING. Then, I suppose we are foreclosed.

The reading was continued.

The next amendment was, under the head "House of Representatives," on page 5, line 15, after the word "inclusive," to strike out "\$3,305.56" and insert "\$3,312.51," so as to make the paragraph read:

To continue the employment, under the direction of the Clerk of the House, of the person named in the resolution of February 13, 1923, from March 4, 1923, to June 30, 1924, inclusive, \$3,312.51.

Mr. WARREN. That change was made to correct the total; that is all.

The amendment was agreed to.

The next amendment was, on page 5, line 19, after the word "inclusive," to strike out "\$396.67" and insert "\$397.50," so as to make the paragraph read:

For the amount required to pay the chief janitor of the House of Representatives the additional compensation authorized in the resolution of February 24, 1923, from March 4, 1923, to June 30, 1924, inclusive, \$397.50.

The amendment was agreed to.

The reading was continued to line 6, page 6, the last paragraph read being as follows:

ARCHITECT OF THE CAPITOL.

Capitol Buildings: For work at the Capitol and for general repairs thereof, including the same objects specified under this head in the act making appropriations for the legislative branch of the Government for the fiscal year 1923, \$17,250.

Mr. KING. Is this item a deficit for the Architect of the Capitol?

Mr. WARREN. It covers repairs, some of which probably have been made and others are to be made before the end of the year. As the Senator knows, the Capitol is under the superintendence of the architect, who takes care of matters at the House end as well as the Senate end. They have a committee in the House which has charge of buildings, but it is largely a matter of the work of the architect. It is an item that is quite usual.

Mr. KING. I appreciate the fact that the appropriation must be made, but I was wondering why at the beginning of the year the expenses could not be fully anticipated and covered in the general appropriation bill.

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

Senate Office Building: For emergency repairs to the elevators in the Senate Office Building and for compensation of employees during the remainder of the fiscal year 1923, \$10,000; for construction of additional suites within the Senate Office Building authorized by the Committee on Rules, \$10,000.

The amendment was agreed to.

The next amendment was, on page 7, after line 3, to strike out "For repairing and reconstructing the main conservatory of the Botanic Garden, including personal services, labor, materials, and all other expenses incident to such work, fiscal years 1923 and 1924, \$117,635. The foregoing work shall be performed under the supervision of the Architect of the Capitol after consultation with the Director of the Botanic Garden," and in lieu thereof to insert:

For the removal and reerection of the main greenhouse on a site south of the Capitol in the area set apart for the enlargement of the Botanic Garden, including personal services, labor, materials, and all other expenses incident to such work, fiscal years 1923 and 1924, \$117,635. The foregoing work shall be performed under the supervision of the Architect of the Capitol after consultation with the Director of the Botanic Garden.

Mr. WARREN. At this point I send to the desk an amendment in the nature of a slight correction to the committee amendment, which I ask to have substituted.

The READING CLERK. On page 7, line 11, strike out the word "greenhouse" and insert in lieu thereof the word "conservatory."

The amendment to the amendment was agreed to.

Mr. KING. I would like to inquire what the appropriation means and what the effect of it is upon the Botanic Garden now situated below the Capitol.

Mr. WARREN. The language stricken out is that of the House, which proposed to use some \$117,000 for the rebuilding of the greenhouse and headquarters of the Botanic Garden. By laws enacted a long time ago the present location of the garden has been placed on the list for abandonment for that purpose and a site selected right opposite the old site, but farther south. We have changed the language used by the House so that the building may be placed in a permanent instead of a temporary botanic garden. That is all there is to it.

Mr. KING. The Senator knows that some time ago there was a plan to remove the Botanic Garden to some point outside the city.

Mr. WARREN. This item does not affect that proposition. The land commences right at the foot of the Capitol Grounds, just as the other does, except that the new ground runs farther south and extends to the Potomac River. The proposition is to erect the new building practically opposite where the old building now stands. It will be only a few hundred feet away from the old location.

The amendment as amended was agreed to.

The next amendment was, under the head "Executive," on page 8, after line 1, to insert:

OFFICE OF THE PRESIDENT.

The appropriation of \$25,000 for traveling and other expenses of the President of the United States for the fiscal year 1923 is hereby continued and made available for the same purposes until expended.

The amendment was agreed to.

The reading was continued to line 2, page 9, the last paragraph read being as follows:

For the payment of compensation provided by "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, including medical, surgical, and hospital services, and supplies provided by section 9, and the transportation and burial expenses provided by sections 9 and 11 and advancement of costs for the enforcement of recoveries provided in sections 26 and 27, where necessary, accruing during the fiscal year 1923 or in prior fiscal years, \$475,000.

Mr. KING. The Employees' Compensation Commission is one which has been in existence for some time. It is functioning. It has certain machinery, certain duties, and responsibilities. Obviously the members of the commission must have known what their expenses would be for the year and made an estimate accordingly, and we doubtless appropriated pursuant to that estimate. I would like to inquire why there is a deficiency for such a large sum.

Mr. WARREN. The Senator is absolutely right so far as the expenses of running the office are concerned; but accidents and sickness of employees occur and sometimes they run heavier in some months than anticipated. Rather than overestimate and have to credit a large sum that might not be used, it has been the custom, and I think in this case a very good one, for them to estimate what they almost surely know will be used and then to come in near the end of the year and ask for the necessary balance. It is simply that we have had more men to pay for, who have been disabled in some way, than ever before.

Mr. KING. This is to meet disabilities?

Mr. WARREN. It is.

The next amendment was, on page 9, after line 2, to insert:

UNITED STATES COAL COMMISSION.

To continue and conclude the investigation under the act entitled "An act to establish a commission to be known as the United States Coal Commission for the purpose of securing information in connection with questions relative to interstate commerce in coal, and for other purposes," including personal services in the District of Columbia and elsewhere, \$400,000, to remain available until September 22, 1923, or until December 31, 1923: *Provided*, That the President, if he deems the continuation of the work of the commission essential to the public interest, may, by Executive order, continue the commission in force to a date not later than December 31, 1923.

The amendment was agreed to.

The reading was continued to line 24 on page 9.

Mr. KING. Mr. President, I want to recur to the item of \$400,000 for the Coal Commission. I am not going to criticize the work of the commission, because my advice as to its activities have not been sufficient to enable me to form an opinion as to the merits or lack of merits of the work of the organization. But my recollection is that we made a reasonable appropriation for the commission. It was not intended that the commission was to be a permanent adjunct to the Government. We are now asked in the deficiency appropriation bill to give \$400,000 more. I would like to ask the Senator from Wyoming what the original appropriation was; how many officials were authorized; what they have done with the money which we appropriated; and why it is necessary now to appropriate \$400,000 additional?

Mr. WARREN. According to the amendment, the activities of the commission will cease on December 31, 1923. As to the original act, there was a great deal of delay involved, and it was finally enacted much later than was expected. The selection of men to fill the places, of course, took a little time, although that part of it was proceeded with quite rapidly, considering its importance. Men of great experience in mining matters, like John Hays Hammond, and men of experience otherwise in legal ability, like former Vice President Marshall, were selected. I think the compensation was originally \$12,000. I do not recall whether there were nine or seven members. I think we cut the compensation from \$12,000 to \$7,500. They have laid out their work and expended something less than \$100,000. They submitted a plan to the House and the House was ready to adopt it except for the peculiar rule over there that an amendment offered to an appropriation bill must have been preceded by legislation authorizing its incorporation on an appropriation bill. The point of order was made against the item, I think, from reading the debates, more because of displeasure over some other matter than because of anything else.

The commission feels that it would be money wasted and that it would lose the balance of the money unless it could lay out a comprehensive system and work fast upon it. I feel that the work already done by the commission has apparently prevented the trouble we were liable to have on the 1st day of April next. The commission seems to be moving in the right direction, but it has confined its efforts so far to the bituminous-coal end of the proposition, without in any way taking hold of the anthracite feature. The President himself, on the information that he has received, is much encouraged in the matter. I do not know of any President at any time who has had more interest in any commission and its work than President Harding has had in this commission and its work.

There is every appearance that the item would have passed the House except for points of order on account of legislation involved. We put the item in the bill believing that the commission will go on with the work and accomplish what can not be accomplished in any other way.

Mr. KING. Will the Senator state the reason for such a large appropriation? The personnel of the commission cer-

tainly can not be very great. The publication would not involve such a tremendous amount.

Mr. WARREN. The commission has to establish posts at many of the various mines. As the Senator is aware, one of the troubles is that we have had too many coal mines open, and the trouble with the men is that they are employed only a few days in the week, or two or three days, as some of them claim. The commission proposes to post in various places in the vicinity of the mines proper representatives and proper hired agents to investigate and bring about in some way the results desired. It is one of the things that depends a good deal upon initiative as they go along, as the Senator knows.

I think the Senator feels, as we all do, that there has been a tremendous burden to the country resulting from the coal strikes and the difficulties such as we have had in the last few years. I feel that we ought not to quarrel over even \$400,000 until we give the commission an opportunity to carry out the project in which it has great faith and from which it believes it can accomplish great good.

The reading of the bill was continued.

The next amendment of the Committee on Appropriations was, under the head "District of Columbia, contingent and miscellaneous expenses," on page 10, after line 8, to insert:

The recorder of deeds for the District of Columbia is hereby authorized to lease one additional floor in the Century Building, located at 412 Fifth Street NW., Washington, D. C., consisting of nine rooms, for the use and occupancy of his office; and he is authorized and directed to pay for said use and occupancy, out of the fees and emoluments of his office, not to exceed \$1,500 per annum.

The recorder of deeds for the District of Columbia is hereby authorized to acquire by purchase five additional Elliott-Fisher book typewriters, and to pay for said machines out of the fees and emoluments of his office, not exceeding \$1,790.

Mr. MCKELLAR. Will the chairman of the committee explain why it is necessary to furnish additional quarters for the recorder of deeds at this late day?

Mr. WARREN. I will ask the Senator from Colorado, who has charge of the appropriations relative to District affairs, to explain that matter.

Mr. PHIPPS. Mr. President, the question as to conditions in the office of the recorder of deeds has been a very serious one for some time past. The force in that office is occupying four floors in a privately owned building, for which we pay a rental of \$6,000 a year. The quarters are so crowded with their records and books that it has not been possible to find space for enough typewriters to make copies which are needed of the various documents which are made of record there. As the Senator from Tennessee will remember, in the District of Columbia appropriation bill for the coming fiscal year we have made provision for the preparation of plans for the erection of a building on Judiciary Square which will provide proper quarters for the office of the recorder of deeds, for the municipal court, the juvenile court, and, perhaps, the office of the register of wills, or such other District activities as need to be properly housed.

Mr. MCKELLAR. May I ask the Senator from Colorado, in passing, if the Century Building, which is now occupied by the recorder of deeds, is fireproof?

Mr. PHIPPS. No; it is not absolutely fireproof. That is one of the reasons why we think it absolutely essential to provide a new building, so that these valuable records may be housed in a fireproof building. As it stands to-day, however, it is not only a question of this office being in crowded quarters, which are really insanitary, but the employees in the office are so crowded that the recorder can not turn out his work within a reasonable length of time, and people have to wait for months in order to get documents which should be delivered to them promptly. The Senator from Tennessee knows what activity there has been in the District in building operations during the past two or three years.

Mr. MCKELLAR. But this proposed legislation does not provide for any more clerks to prepare the documents.

Mr. PHIPPS. The clerks are provided for in this way: Under the law, which I think should be amended, the clerks are paid a certain proportion—I think it is 40 per cent—of the recording fee for making transcripts and handling the business. That practice brings in a revenue, and for that reason we provide that the items of \$1,500 for rental and \$1,790 for book typewriting machines shall be paid out of the revenues of the office; so it is an authorization.

Mr. MCKELLAR. But the proceeds of the office will be covered into the Treasury, and so the amount is paid out of the Treasury after all?

Mr. PHIPPS. It is the same thing in the long run.

Mr. MCKELLAR. It does seem to me that this item should not go in at the end of the session, especially if we have provided for the erection of a new building. We ought to have provided for the erection of a fireproof building for these deeds

and records; there is no doubt about that. Are there any fireproof vaults in which to keep the records?

Mr. PHIPPS. A portion of the records are in steel cases, which are, however, not really fireproof, for if the documents took fire they would be destroyed; but the item of \$1,500 is merely for the rental of one additional floor for one year.

The fact is that there is not sufficient space in which to install these book typewriting machines and the clerks who operate them and to carry on the work of the office. The additional space is required for that reason.

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

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 10, at the end of line 24, to increase the appropriation for current work of repairs to suburban roads and suburban streets, including maintenance of motor vehicles used in this work, fiscal year 1923, from "\$25,000" to "\$50,000."

Mr. MCKELLAR. I suppose the \$25,000 additional which is provided to be appropriated under that item is for passenger motor vehicles for the employees?

Mr. PHIPPS. Mr. President, it has no connection with that whatever. I will say to the Senator from Tennessee that we have been appropriating for the purpose of keeping suburban roads in repair \$250,000 a year for the last three years. For the year 1923, however, the House of Representatives cut that appropriation down to \$225,000, and in conference they refused to allow the \$250,000 which had been approved by the Bureau of the Budget.

Mr. MCKELLAR. Now the House comes along and agrees to give \$25,000, and the Senate Committee on Appropriations "goes them one better" and makes it \$50,000?

Mr. PHIPPS. I wish to say to the Senator that the House has been each year behind the Senate in providing for these activities. For instance, for the coming year we have \$275,000. The \$50,000 additional asked for would provide, for the year 1923, \$275,000, the rate at which the House is willing to go ahead for the next year.

Mr. MCKELLAR. Are these items for work outside the District or just outside the city proper?

Mr. PHIPPS. They are for work within the District, but outside of the old town, which is bounded, we will say, by Florida Avenue.

Mr. MCKELLAR. I hope that, either directly or indirectly, after awhile we shall fix it so that each employee of the city may be given a motor vehicle in which to drive around the city and to go to and from his work.

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

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, under the subhead "Streets," on page 11, after line 16, to insert:

The appropriation of \$16,800, included in the District of Columbia appropriation act for the fiscal year 1923, approved June 29, 1922, for repaving Fifteenth Street NW., H Street to I Street, 70 feet wide, is hereby repealed.

The amendment was agreed to.

The reading of the bill was resumed and continued down to the end of line 3, on page 12, as follows:

To enable the commissioners to carry out the provisions of existing law governing the collection and disposal of garbage, dead animals, night soil, and miscellaneous refuse and ashes in the District of Columbia, etc., including the same objects specified under this head in the District of Columbia appropriation act for the fiscal year 1923, \$50,000.

Mr. KING. Mr. President, when we had before us the District of Columbia appropriation bill my recollection is that we were exceedingly generous in dealing with streets and roads and various departments, including the items embraced in the paragraph just read, namely, the collection of garbage, and so on. I find here a deficit of \$50,000.

Mr. PHIPPS. Mr. President, the Senator's recollection is correct as to the bill for the coming fiscal year, but the fact is that for the preceding year, the one in which we now are, the fiscal year 1923, the House refused to grant the amount of the Budget estimate. The Senate increased the item, as it desired to give the District the full amount. The Senate amendment went to conference, but the conferees on the part of the House refused to accede to the Senate amendment and kept the amount of the appropriation down. Now the House is convinced that the Senate's contention was correct, and they have put the item in. The money is needed beyond any question; the growth of the city requires it.

Mr. KING. May I inquire of the Senator with reference to these various items, is there a provision in the bill requiring

the payment to be made 60 per cent by the District and 40 per cent by the National Government?

Mr. WARREN. That requirement is made as to each of the District items.

Mr. PHIPPS. Oh, yes; excepting in cases where the District is required to pay the full amount out of its own money.

Mr. KING. I have not observed any provision here to that effect.

Mr. PHIPPS. The Senator will find a general provision of that tenor on page 18 of the bill; but there are exceptions, particularly as to the Mystic Shrine Convention, where the amounts are to be paid wholly by the District.

TAXATION OF NATIONAL BANKS.

Mr. McLEAN. Mr. President, will the Senator from Wyoming consent to suspend the consideration of the pending appropriation bill in order that I may present a conference report which I do not think will take any time at all?

Mr. WARREN. I will do so. I presume the Senator will not occupy any time except to present it and have it acted upon.

Mr. McLEAN. I present the conference report on House bill 11939, which I ask to have read.

The VICE PRESIDENT. The Secretary will read as requested.

The Assistant Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 11939) to amend section 5219 of the Revised Statutes of the United States, having met, after full and free conference report as follows:

That the conferees are unable to agree.

GEO. P. McLEAN,
GEORGE WHARTON PEPPER,
DUNCAN U. FLETCHER,

Managers on the part of the Senate.

L. T. McFADDEN,
PORTER H. DALE,
OTIS WINGO,

Managers on the part of the House.

Mr. KING. I inquire what is the purpose of the bill?

Mr. McLEAN. It is what is known as the national bank tax bill.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

Mr. McLEAN. I understand that the bill is now in the possession of the Senate, and I ask the Chair to lay before the Senate the action of the House of Representatives with reference to the Senate amendment.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives receding from its disagreement to the amendment of the Senate and concurring therein with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert the following:

"That section 5219 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"SEC. 5219. The legislature of each State may determine and direct, subject to the provisions of this section, the manner and place of taxing all the shares of national banking associations located within its limits. The several States may tax said shares, or include dividends derived therefrom in the taxable income of an owner or holder thereof, or tax the income of such associations, provided the following conditions are complied with:

"1. (a) The imposition by said State of any one of the above three forms of taxation shall be in lieu of the others.

"(b) In the case of a tax on said shares the tax imposed shall not be at a greater rate than is assessed upon other moneyed capital in the hands of individual citizens of such State coming into competition with the business of national banks: *Provided*, That bonds, notes, or other evidences of indebtedness in the hands of individual citizens not employed or engaged in the banking or investment business and representing merely personal investments not made in competition with such business shall not be deemed moneyed capital within the meaning of this section.

"(c) In case of a tax on the net income of an association, the rate shall not be higher than the rate assessed upon other financial corporations nor higher than the highest of the rates assessed by the taxing State upon the net income of mercantile, manufacturing, and business corporations doing business within its limits.

"(d) In case the dividends derived from the said shares are taxed, the tax shall not be at a greater rate than is assessed upon the net income from other moneyed capital.

"2. The shares or the net income as above provided of any national banking association owned by nonresidents of any State, or the dividends on such shares owned by such nonresidents, shall be taxed in the taxing district where the association is located and not elsewhere; and such associations shall make return of such income and pay the tax thereon as agent of such nonresident shareholders.

"3. Nothing herein shall be construed to exempt the real property of associations from taxation in any State or in any subdivision thereof to the same extent, according to its value, as other real property is taxed.

"4. The provisions of section 5219 of the Revised Statutes of the United States as heretofore in force shall not prevent the legalizing, ratifying, or confirming by the States of any tax heretofore paid, levied, or assessed upon the shares of national banks, or the collecting thereof, to the extent that such tax would be valid under said section."

Mr. McLEAN. I move that the Senate concur in the amendment of the House of Representatives to the amendment of the Senate.

Mr. ROBINSON. Mr. President, I ask the Senator in charge of the bill to explain the effect of the House amendment.

Mr. KELLOGG. Will the Senator from Connecticut allow me to explain it?

Mr. McLEAN. I yield to the Senator from Minnesota for that purpose.

Mr. KELLOGG. Mr. President, down to subdivision (b), read by the Clerk, the House passed substantially—in a little different language, but substantially—the Senate bill. Subdivision (b), the future basis of taxing stock of national banks, the House changed. I will read the Senate provision and explain the difference.

The Senate provision was as follows:

(b) In the case of a tax imposed by a State or any agency thereof on said shares the rate of taxation shall not be higher than the rate applicable to other moneyed capital employed in the business of banking within the taxing State: *Provided*, That whenever by any taxing district the shares in mercantile, manufacturing, or business corporations doing business therein are taxed the rate applied by said taxing district to the shares in banking associations shall not exceed the average of the rates applied by it to the shares of such other corporations or to the shares of such of them as are taxed therein.

That is the provision which the Senate passed. The House refused to concur in that and adopted this provision:

(b) In the case of a tax on said shares the tax imposed shall not be at a greater rate than is assessed upon other moneyed capital in the hands of individual citizens of such State coming into competition with the business of national banks—

So far, that is the old law—not in words, but practically as construed by the Supreme Court. I do not think this goes as far as it ought to, but it is all we can get. Then a proviso was put on. Instead of making stocks in other companies the basis, which I admit was rather unscientific, the House provided as follows:

Provided, That bonds, notes, or other evidences of indebtedness in the hands of individual citizens not employed or engaged in the banking or investment business and representing merely personal investments not made in competition with such business shall not be deemed moneyed capital within the meaning of this section.

That is the House provision. My object in introducing the original bill, which said that the rate should not be higher than that on all other moneyed capital engaged in banking, was to get away from the provisions of State laws that made the basis of taxing national banks the individual credits in the hands of the citizen. The House has attempted to get by that by providing that these investments in the hands of individuals shall not be deemed moneyed capital engaged in banking. I think myself it is rather a cumbersome provision; but we can not get anything else, and I think it is better to accept it than to get no law at all.

The Senate made another change, and provided that if the real estate of the bank is taxed—and that has always been the law, that they could tax the real estate of the bank—it must be deducted from the capital before the stock is taxed. The House struck out the provision that it must be deducted from the capital, because some States tax the real estate and then they tax the stock at a rate sufficiently lower to make it up. That is another change.

Those are the principal changes in the House bill. I think the others are unimportant changes of language.

Mr. ROBINSON. That was substantially the language of the original House bill, was it not?

Mr. KELLOGG. It was exactly the language of the original House bill, except that they put in that proviso as to bonds and securities. I do not think the bill as it stands is all we ought to have, but it is all we can get.

Mr. SMITH. Mr. President, I should like to ask the Senator a question. Is he asking the Senate to concur in the House amendment?

Mr. KELLOGG. Yes. The Senator from Connecticut [Mr. McLEAN] is asking the Senate to concur in the House amendment, and I am explaining the difference between the two bills.

Mr. SMITH. The reason why I rose was that my attention had been called to the amendment that the House had made, and I found that the language was substantially the same as it was before; and I for one am in favor of the bill passing as it is, especially since it is so late in the session.

Mr. KELLOGG. Let me say to the Senator from Arkansas [Mr. ROBINSON] that there is one other very material change. The Senate authorized the States to ratify any taxes which had been levied in the past. The House authorizes the States to

ratify the taxes to the extent that they would have been valid under the old law, which I do not think amounts to much. It may amount to something in the States where they have declared the entire assessment invalid, instead of merely declaring the excess invalid.

Mr. GLASS. Mr. President, it amounts practically to a nullification of the Senate bill; does it not?

Mr. KELLOGG. It takes out the ratification clause, the real merits of it.

I will not take any more time.

Mr. WARREN. I was about to say that if this bill is to lead to any debate, I shall have to ask that it go over.

Mr. KELLOGG. I do not want to take any more time.

Mr. McLEAN. Mr. President, I realize the necessity of haste. I just want to say that it is this or nothing. The House has already voted on the proposition, and I hope the amendment will be concurred in.

Mr. KING. Mr. President, the Senator from New York [Mr. CALDER] was very much interested in the bill which was before the Senate. He claimed that a situation existed there that called for remedial legislation. Does this report afford the relief that the Senator was interested in?

Mr. KELLOGG. Not entirely; but the Senator from New York wishes to have it accepted.

Mr. McLEAN. It is the best we can get.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Connecticut [Mr. McLEAN].

The motion was agreed to.

DEFICIENCY APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14408) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1923, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes.

The VICE PRESIDENT. The Secretary will continue the reading of the bill.

The reading of the bill was resumed, beginning on page 12, line 4; and the reading clerk read as follows:

ELECTRICAL DEPARTMENT.

For general supplies, repairs, new batteries and battery supplies, etc., including the same objects specified under this head in the District of Columbia appropriation act for the fiscal year 1923, \$2,500.

Lighting: For purchase, installation, and maintenance of public lamps, lamp-posts, etc., including the same objects specified under this head in the District of Columbia appropriation act for the fiscal year 1923, \$15,000.

PUBLIC SCHOOLS.

For assistant principal and dean of girls of the Eastern High School at \$2,400 per annum from March 1 to June 30, 1923, inclusive, \$800: *Provided*, That said assistant principal shall be placed at a basic salary of \$2,400 per annum and shall be entitled to an increase of \$100 per annum for five years.

Mr. KING. Mr. President, if the meeting of deficits is the principal object of this bill, I do not understand the propriety of adding to the section legislation which goes further than meeting a deficit and establishes a basic salary and perpetuates the salary for five years.

Mr. WARREN. That is already established by law. That is all under the provisions of the law as it now exists.

Mr. KING. May I inquire whether an additional assistant principal has been employed?

Mr. WARREN. The position is provided for in the law. We assume that the person has been engaged. As long as the school authorities were within the law we did not consider it our function in each case to look up what they were doing, because the House had done that thoroughly, and the House hearings show it.

Mr. KING. Mr. President, I confess that I do not yet understand this item. Did the Board of Education employ an additional assistant principal for whom no provision had been made; and if so, was the employment only for the year?

Mr. WARREN. As I understand that it is to continue what they are already doing from March of this year to the end of the year, June 30. That is all I have understood.

Mr. KING. Certainly the appropriation in the regular bill would have made provision for the principals of all the schools and would have made provision for the entire year.

Mr. PHIPPS. Mr. President, I read from the House testimony. Doctor Ballou testified before the House committee with reference to this position as follows:

This is a new position in this new high school which is being opened this month. The practice has been to appoint an assistant principal, a woman, when the number of pupils in the high school exceeded 1,000. There are more than 1,200 pupils in the Eastern High School. The enrollment there has exceeded 1,000 already and will probably be 1,200 or more before the end of the year.

The CHAIRMAN. This is because you are opening a new high-school building?

Doctor BALLOU. The new Eastern High School, into which we move this month with an increased enrollment.

As a matter of fact, the students are going into that building this morning.

The VICE PRESIDENT. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "public schools," on page 13, after line 3, to insert:

For Americanization work and instruction of foreigners of all ages in both day and night classes, including the same objects specified under this head in the District of Columbia appropriation act for the fiscal year 1923, \$2,730.

Mr. KING. Mr. President, will the Senator from Colorado explain this item?

Mr. CALDER. Mr. President, I know of no more important provision in this bill than the one just read. I live in a city where we have a very large number of foreigners, and we are doing our best to Americanize them, and the Federal Government can take no better course here in our own schools than to do likewise.

Mr. President, I want to address the Senate for about 10 or 15 minutes on another subject, and I think there is no better time than the present.

The VICE PRESIDENT. The Senator from New York will proceed.

VIEW OF SENATOR CALDER ON POLITICAL AND LEGISLATIVE MATTERS.

Mr. CALDER. Mr. President, it is a perfectly natural thing for a man after a long period in a given service to look back to the beginning of that service and then to permit his mind to travel through the years that have intervened.

When I came to Washington, first as a Representative, 18 years ago I was fresh from active business in New York City. I was comparatively a young man and I had fixed notions as to what I believed to be the duty of a legislator, being particularly interested in and intimate with that service since the Civil War.

Mr. CANNON was at that time Speaker of the House; Sereno E. Payne, of New York, was the Republican leader; my distinguished friend, Senator WILLIAMS, was Democratic leader; Senator WATSON was Republican whip; and Senators UNDERWOOD, TOWNSEND, SHEPPARD, ROBINSON, JONES of Washington, RANDELL, CURTIS, MCKINLEY, and HEFLIN, now Members of the Senate, were in the House. Senators LODGE, WARREN, McCUMBER, NELSON, SMOOT, BRANDEGEE, DILLINGHAM, LA FOLLETTE, SIMMONS, OVERMAN, and CULBERSON were Members of this body. Senator Aldrich, of Rhode Island, was Republican leader; Senator Gorman, of Maryland, was Democratic leader; and Senator Allison, of Iowa, was chairman of the Appropriations Committee. So much for reminiscence.

Now, the outstanding achievement during these 18 years in America has been not politics but the gigantic development of American industry to a foremost position in the world; the establishment of great factories, improved machinery, the uses to which electricity has been put, and the saving of man power as the result of undreamed-of initiative and organization. And it is, indeed, unfortunately true that during this period our political life has not kept pace with our great industrial development.

RAILROADS.

While industry in general received a marked impetus as a result of the Great War, one industry in particular—railroads—has in this time suffered a blight that is now reacting severely throughout the whole Nation, and we are forced to the realization that the brains and the ability of America are being turned away from the direction of our railroads.

During the days of the Civil War and immediately following we developed the country west of the Mississippi River with the industry, foresight, and ingenuity of men like Hill and Harriman, who had the courage to struggle against tremendous odds in order to open that great country to the American people. These men were, indeed, the great builders, and should be appreciated as the benefactors of their country. But Government regulations and demagogic denunciation here and elsewhere are slowly breaking down this great industry, until to-day very few of the men of wealth of America have their fortunes invested in railroad securities.

I myself voted for the Cummins-Esch bill, which incorporated in the law a provision compelling owners of railroads and men employed on them to settle their differences through arbitration, supervised by a Government labor board. I am now convinced that this was a grave mistake, for as long as the railroads are

operated by private individuals or corporations, without any Government investment, the owners should be able to settle their differences between themselves and their employees. With the Government regulations giving the Interstate Commerce Commission the right to fix rates the roads themselves must have some opportunity to determine their best policy in order to give reliable service to the people and make a just profit.

During the year 1922 the railroads, for the first time since the war, began to show a tendency toward returning a balance on the right side. This tendency should be encouraged and not threatened by vicious legislation.

The time has come when American brains and capital have turned away from railroad investment to other more profitable fields. During the past 10 years no important railroad project has been started and few extensions have been undertaken. This great arm of American industry, of the utmost importance to all our national development, is being gradually paralyzed through governmental malevolence. It has become the sport of politicians to find fault with the railroads.

My views on this subject may be unpopular with those who make a practice of denouncing public utilities, but the time has come when the truth must be told if the railroads are to be kept out of bankruptcy or public ownership and encouraged to further extension and development. That is the trouble here. Some of us have been afraid to tell the truth; we have been afraid to act on the truth. We are fearful of every move that we make and every vote that we cast. A reflected Senator—and, for that matter, he might be one of a number of Senators—recently said to me that he had made it a practice never to vote against a bill which a considerable group of his people favored. We were talking of the Cummins-Esch bill, the soldier bonus, and the prohibition law.

Is it possible that the men who represent the Nation in Congress realize even what this serious state of affairs will logically lead to in our national life? As to the actual legal status of Government ownership, the railroads, even though condemned, could not be taken over without due remuneration at their real value. This, it has been estimated, would be above \$19,900,000,000. Anyone who has made a study of the management of the railroads and of the Government's finances realizes how impossible of achievement the whole thing is. The experience of national control during the war, when in a short period we expended a sum estimated at \$1,800,000,000 in operating the railroads in excess of the income, stamps the project as a most unsound undertaking. And unless the private operation of the railroads is encouraged, the farmer and workingman will find that they have been grossly misled by their champions, loose-thinking, uninformed men, who have been loud in their denunciation of the railroads of the country, working ignorantly to destroy that which they do not understand.

The farmers of the country to-day are entitled to the interest and sympathy that are being extended to them. Not in one whit less degree should there be promoted an intelligent understanding of our national railroad conditions. There is this difference, however, the farmers are now to receive necessary assistance; the railroads have so far met with discouraging interference.

MILITARY SERVICE.

I had hoped before my service here was ended to have seen enacted a law providing for the training of our young men, which would equip them both for industry and the service of their country in time of need. The trouble with the youth of America in the main is that they lack responsibility and discipline, not only for their country's good but for their own as well. They should be taught how to care for their health and instructed how to protect their country. Every youth at some time between the ages of 18 and 22 should be required to give from 60 to 90 days in training, and for this I am confident, as demonstrated by the records of the late war, he would be better physically, mentally, and morally, and the spirit of the Nation in general would be more sound.

BLOCS.

I have never associated myself with any bloc in Congress, perhaps because of the fact that I come from the great Empire State, the State of New York, with its tremendous interests interwoven with every city and hamlet of the land. Indeed, I have sat in amazement in this Chamber and heard Senators from other parts of the country denounce New York and its business interests—the great industrial New York, which is the very heart of the Nation, first in commerce, first in manufacture, and almost first in agriculture. Senators in my hearing have condemned our banks and our business ethics and our shipping methods. They forget that New York is theirs; that we are their banker, their market place; that we are the port through which their commerce comes and goes. If the farmer

is prosperous, if the wheat grower of Kansas, the corn grower of Iowa, and the cotton grower of the South have good crops and fair prices, this is immediately reflected upon the prosperity of New York more than upon any other place in America, and if the crops are poor and the prices low New York records the fact, and we all suffer.

When I speak of New York and the men who have made that city great, I realize that a vast number have come from the farm or the factory in the village. The metropolis is filled with men from the South, West, and North. They come to us to seek their fortunes. They intermingle with the natives, which tends to make them stronger and our own men better for the association, and in the end both are more valuable because of their greater understanding.

On this account I should like to appeal here for the ending of all blocs or petty sectionalism, for a better spirit, a more thorough understanding, and a more wholesome regard for each other among the legislators who should represent our United States.

I shall return to my former vocation when I leave here, but I shall give what time I can in the interests of a national America, an industrial America, in the interest of the man of brains and intelligence, whether he is the owner of the largest plant in the land or whether he is just emerging from a group of workers to take his place among those men of responsibility who have already succeeded and made our Nation great in the world.

HISTORICAL FRIEZE IN THE CAPITOL.

Mr. BRANDEGEE. From the Committee on the Library I report back favorably without amendment Senate Joint Resolution 61, authorizing the Joint Committee on the Library to provide for the restoration and completion of the historical frieze in the rotunda of the Capitol.

I would like to have the joint resolution lie on the table, as the Senator from Massachusetts [Mr. Lodge] may desire to offer it as an amendment to the pending bill.

The PRESIDING OFFICER (Mr. WADSWORTH in the chair). It will lie on the table.

DEFICIENCY APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14408) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1923, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment on page 13, inserting line 4 to line 7.

The amendment was agreed to.

The reading was continued to line 21, page 13, the last paragraph read being as follows:

For textbooks and school supplies for use of pupils of the first eight grades, etc., including the same objects specified under this head in the District of Columbia appropriation act for the fiscal year 1923, \$15,000.

Mr. KING. May I inquire of the Senator from Colorado whether the items embraced in the last two paragraphs were the result of the construction of the new buildings?

Mr. PHIPPS. The result of the opening of the new buildings.

Mr. KING. Is that true with respect to the item of \$15,000, and then \$15,000 for books destroyed by fire?

Mr. PHIPPS. The \$15,000 appropriation is to make up a shortage in the supply of textbooks generally for the schools, another case where we were not liberal enough in giving them the amounts estimated for in the bill for 1923. The next item is entirely due to the fire which occurred in the storage warehouse.

The next amendment was, on page 13, after line 21, to insert:

For amount required to replace textbooks and supplies for the public schools which were destroyed or damaged by fire, fiscal year 1923, \$15,000.

The amendment was agreed to.

The reading of the bill was continued to line 4, page 14, the last paragraph read being:

For maintenance of motor vehicles, fiscal year 1923, \$3,025.

Mr. KING. That is not an amendment. I was about to ask that it go over until the Senator from Tennessee [Mr. McKEELAR] could be in the Chamber, as I would have done had it been an amendment.

The next amendment was, on page 14, line 7, to strike out "\$50,000" and to insert "\$90,000," so as to make the paragraph read:

POLICEMEN AND FIREMEN'S RELIEF FUND.

To pay the relief and other allowances as authorized by law, a further sum not to exceed \$90,000 is appropriated from the policemen and firemen's relief fund, fiscal year 1923.

Mr. KING. May I inquire, in view of the rather generous appropriation carried in the last District of Columbia appropriation bill for this item, what the necessity is for an additional appropriation of \$90,000?

Mr. PHIPPS. In estimating for relief it is a rather difficult matter to fix the exact sum which will be needed; it can not be accurately estimated in advance. As the Senator knows, estimates are made more than a year before the money is used. This comes out of the policemen and firemen's fund, and at the time the estimates were made even the Budget was requested to make a supplemental estimate of \$50,000, raising the amount for the year from \$250,000 to \$300,000. It was afterwards found that that would not be sufficient and that an additional \$40,000 would be required to cover the full requirements of the year up to July 1.

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

The amendment was agreed to.

The next amendment was, under the heading "Courts," on page 14, after line 18, to insert the following:

Courthouse: For repairs and improvements to the courthouse and the Court of Appeals Building, District of Columbia, to be expended under the direction of the Architect of the Capitol, \$15,300.

Mr. WARREN. I move to amend the text of the committee amendment as reported.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The READING CLERK. On page 14, line 22, after the word "Capitol" insert "fiscal years 1923 and 1924."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The PRESIDING OFFICER. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The READING CLERK. A bill (H. R. 8086) to prohibit the shipment of filled milk in interstate or foreign commerce.

Mr. WARREN. The measure is in charge of the Senator from North Dakota [Mr. LADD].

Mr. LADD. I ask unanimous consent that the unfinished business may be temporarily laid aside until the consideration of the deficiency appropriation bill is concluded.

The PRESIDING OFFICER. Without objection, the unfinished business will be temporarily laid aside and the consideration of the deficiency appropriation bill will be continued.

The reading of the bill was continued, as follows:

For such miscellaneous expenses as may be authorized by the Attorney General for the Supreme Court of the District of Columbia and its officers, including the furnishing and collecting of evidence where the United States is or may be a party in interest, including also such expenses other than for personal services as may be authorized by the Attorney General for the Court of Appeals, District of Columbia, fiscal year 1923, \$15,500.

Mr. KING. Mr. President, we have made very liberal appropriations for the Department of Justice in all of its branches and for all of its activities, which appropriations have run into millions of dollars. I would like to ask the Senator having the matter in charge whether, with those enormous appropriations, there is a deficiency with respect to the work in the District courts?

Mr. WARREN. The number of cases still untried is beyond comprehension unless one takes up the records from day to day. Witnesses we had before us only a short time ago, in particular no less a witness than the Chief Justice of the United States, stated that there are some 40,000 cases in one district. Matters of violation of the prohibition law and other matters, but largely prohibition cases, are accumulating in every quarter. The item to which the Senator has alluded is a House provision which they feel ought to be added. There will be another addition or two which will have to be made, provided we are going to sustain our courts. It is simply a question whether we are going to let the cases accumulate without trial and get beyond all reach, and fill the jails with people waiting for trial, which in itself creates an additional expense.

Mr. KING. The statements of the eminent judge to whom the Senator refers, or, if not his statements, statements of the same character, were carefully analyzed by the senior Senator from Tennessee [Mr. SHIELDS] when we had under discussion the bill to increase the number of Federal judges. It was conclusively demonstrated that the charges made that there were a vast number of cases had been undisposed of had to be modified. The evidence showed that in many of the districts where judges were active, where district attorneys and their assistants did their duty, there was no accumulation of business; that many of the cases reported as pending were bankruptcy cases, and many others were dead but had remained on the

calendar for years. They were not live cases and could be disposed of very quickly.

It was urged by those pushing the bill for more judges that the necessity for additional judges was imperative. Under the whip and spur of the administration a law providing for 24 or 25 additional Federal judges was enacted. Months have elapsed and only 13 or 14 of the authorized judges have been appointed, notwithstanding the alleged supreme necessity, as declared by the proponents of that measure.

May I say that the judges appointed have all been Republicans. There has been a manifest purpose on the part of the administration to create a partisan judiciary. It is unfortunate that the same policy that the administration has pursued of making all departments and agencies of the Government partisan is being applied to the judicial department of the Government.

I call attention to the fact that we have appropriated literally millions of dollars for the Department of Justice for the enforcement of the laws and I do not see any necessity for this deficit. It seems to me that the appropriations have been so liberal and so generous for all the activities of the department that if there had been a wise and economical and efficient administration of the affairs of the Government by the Department of Justice there would not be the chaotic condition referred to nor would there be the deficit for which this demand is made.

Mr. HARRISON. Mr. President, may I ask the Senator from Utah a question?

Mr. KING. Certainly.

Mr. HARRISON. I do not know just how long it was before the recent election took place, but some time before that event we passed what was known as the omnibus judges' bill. I think it was some time in October.

Mr. KING. I think it was earlier than that.

Mr. HARRISON. If I recall the arguments which were presented at the time when we created those various offices, aside from taking care of certain favored sons within the Republican Party, it was said that an emergency existed and that it was necessary to enact the legislation immediately in order to take care of the situation.

Mr. KING. The Senator will recall that the able senior Senator from Iowa [Mr. CUMMINS] was upon the floor day after day pleading with tears in his voice, if not in his eyes, for the passage of the bill, because, as he contended, the fountains of justice were clogged and the country was going to rack and ruin because of the great number of cases undisposed of.

Mr. HARRISON. There has been a rumor that a large number of those judges to be appointed under the provisions of that law had purposely not been named before the election. Of course, I attach no political significance to that, although some may do so. The administration may think it has helped them to promise the job to several and then wait until after the election to fill the place. But there is a rumor that a large number of names of appointees to fill those places will be submitted to the Senate before we adjourn, hardly giving the Senate time to consider the qualifications of the appointees. Does the Senator from Utah know anything about that?

Mr. KING. I have heard the rumors, and I have heard that some of the judges would not be appointed now, but that recess appointments would be made. I have understood that there are controversies between rival Republican leaders in various judicial districts and in various cities and States, and by reason of the rivalries and jealousies and controversies upon the part of Republican leaders and Republican machines in various States no agreement can be had, and the fountains of justice must still continue to be clogged, if we are to accept the vehement statements made by those who procured the passage of the judges' bill.

Mr. HARRISON. It may be that since the next election is only two years off—and I notice Mr. Harding's campaign has already started—they will defer the matter of the naming of the judges until after the next election. Does the Senator know anything about that?

Mr. KING. No; I am not advised as to some of the policies of this administration.

Mr. HARRISON. I am just reminded that quite a number of these appointments came in yesterday, just three or four days before we are to adjourn. I do not know whether we will have time to consider their qualifications or not. So the rumor we were just talking about was well founded, I presume.

Mr. KING. Apparently, from the information just conveyed to the Senator; and the information evidently came from the distinguished leader of the Republican Party, because of his proximity to the Senator from Mississippi—

Mr. LODGE. If the Senator will allow me, the appointment of the judges referred to was brought to my attention by a distinguished member of the Democratic Party, who asked that the appointees be confirmed at once and without fail.

Mr. HARRISON. That shows that the Democrats are sometimes willing to allow a Republican to be confirmed.

Mr. HEFLIN. Mr. President, while these inquiries are being made as to the confirmation of certain Federal judges, I want to make inquiry again of the Banking and Currency Committee as to why it is that Mr. Crissinger's name is not reported to the Senate. He was named several weeks ago by the President to be governor of the Federal Reserve Board. Congress is to adjourn in a few days, and I would like to know why his name was not reported and we given a chance to confirm him. I want to vote for his confirmation.

Mr. COUZENS. Mr. President, the chairman of the Committee on Banking and Currency is not here, so I will attempt to answer for the committee by saying that the name of Mr. Crissinger was reported out unanimously by the committee several days ago.

Mr. HEFLIN. Why can we not take his name up this evening in the executive session and pass on his confirmation?

Mr. COUZENS. I am not on the steering committee and do not regulate the Senate. The Committee on Banking and Currency has done its part and reported the name out to the Senate.

Mr. HEFLIN. I would like to see action taken in the matter. There is no necessity for having to give him a recess appointment. He ought not to be hampered by a recess appointment. He ought to be confirmed at this session of the Senate. I do not think there will be a dissenting vote on this side of the Chamber.

Mr. CALDER. Is the Senator referring to the appointment of Mr. Crissinger?

Mr. HEFLIN. To the confirmation of Mr. Crissinger.

Mr. CALDER. The Committee on Banking and Currency authorized a favorable report upon the nomination of Mr. Crissinger, and that report will be made in the next executive session.

Mr. HEFLIN. I am glad to hear that. I want to see him confirmed at the next executive session.

The reading of the bill was continued.

The next amendment was, on page 15, after line 17, to insert:

Municipal court: For contingent expenses, including books, law books, books of reference, fuel, light, telephone, blanks, dockets, and all other necessary miscellaneous items and supplies, fiscal year 1923, \$1,000.

The amendment was agreed to.

The next amendment was, on page 16, after line 5, to insert:

Board of children's guardians: For board and care of all children committed to the guardianship of said board by the courts of the District of Columbia and for temporary care of children pending investigation or while being transferred from place to place, including two supervisory placing and investigating officers, at the rate of not to exceed \$150 per month each and not more than \$400 for burial of children dying while under charge of the board, fiscal year 1923, \$9,000.

The amendment was agreed to.

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

Medical charities: For care and treatment of indigent patients under contracts to be made by the Board of Charities with the following institutions and for not to exceed the following amounts, respectively: Children's Hospital, fiscal year 1923, \$5,000; Central Dispensary and Emergency Hospital, fiscal year 1922, \$2,991.15; fiscal year 1923, \$8,000; Eastern Dispensary and Casualty Hospital, fiscal year 1922, \$878.35; fiscal year 1923, \$9,000.

The amendment was agreed to.

The next amendment was, under the head "Department of Agriculture, Forest Service," on page 21, line 3, to increase the appropriation for fighting and preventing forest fires, fiscal year 1923, from "\$340,000" to "\$375,000."

The amendment was agreed to.

Mr. KING. My attention was diverted for a moment. The Senator from Colorado is better acquainted with the matter to which I desire to refer, and I can recur to it later.

Mr. WARREN. What was the inquiry the Senator from Utah desired to make?

Mr. KING. The Senator from Colorado is familiar with the matter; and as he has temporarily left the Chamber, I shall not propound my inquiry until his return.

Mr. McNARY. Mr. President, I wish to refer to the item on page 21 in reference to forest fires. I desire to ask the chairman of the Committee on Appropriations, having the bill in charge, if that item was estimated for by the Budget Bureau?

Mr. WARREN. The sum of the two items was estimated for by the Budget Bureau. The first one was put in by the other

House exactly as called for. Since then there has been a further and separate estimate for \$35,000 sent in by the Budget Bureau, and we have added that to the first item, so that the two items cover the Budget estimates exactly.

Mr. McNARY. So that the additional sum of \$35,000 is conformable to the estimate recently received by the Committee on Appropriations from the Budget Bureau?

Mr. WARREN. Yes; that is correct.

The reading of the bill was resumed. Under the subhead "Bureau of Entomology," on page 22, at the beginning of line 7, to strike out "\$15,000" and insert "\$40,000," so as to read:

To enable the Secretary of Agriculture to meet the emergency caused by the occurrence of the Japanese beetle in the States of New Jersey and Pennsylvania, and to provide means for the control and prevention of spread of this insect in these States and to other States, in cooperation with the States concerned, and with organizations or individuals, as he may deem necessary to accomplish such purposes, including the employment of persons and means in the city of Washington and elsewhere, and all other necessary expenses, \$40,000, fiscal year 1923.

The amendment was agreed to.

The next amendment was, on page 22, after line 13, to insert:

To enable the Secretary of Agriculture, in cooperation with the Secretary of War, to investigate and develop the use of the airplane as a means of distributing insecticides for the control of the boll weevil and other cotton insects, including the employment of persons and means in the city of Washington, D. C., and elsewhere, and all other necessary expenses, fiscal year 1923, \$40,000, or so much thereof as may be necessary.

The amendment was agreed to.

The reading of the bill was continued to the end of line 3, page 25.

Mr. KING. Mr. President, I was called from the Chamber while an item relative to the appropriation for bringing suits against farmers for money which has been advanced to them by the Department of Agriculture was read.

Mr. SMOOT. That item is found on page 21.

The PRESIDING OFFICER. The item referred to by the Senator from Utah is on page 21, beginning in line 14, carrying an appropriation of \$25,000.

Mr. KING. Mr. President, I desire to inquire of the Senator from Wyoming, what is the necessity for that appropriation? It seems to me with the machinery which the Department of Agriculture has—and it has a vast amount of machinery, some of which is superfluous and deadwood—there is no necessity of another appropriation. That department had the machinery to make the loans to the farmers, and it seems to me it would have the machinery for the collection of any sums now in default.

Mr. WARREN. It comes to us in the regular way as having been estimated for by the Secretary of Agriculture, the Bureau of the Budget, and so on.

As disclosed by the hearings, the facts are that the farmers must pay the loans from their crops. They may pay a part of the amount of the loan the first year, and then pledge the growing crop until it is harvested for the balance, or it may run into the following year. So it is necessary for the Government to have agents in various places; and the collection of the amounts due becomes an expensive process. At the same time, however, the department is anxious to make the collections without undue hardships to the debtors. Quite a considerable amount has been collected, but I fear that unless we provide sufficient men to conduct the work we might as well cross off the amount due, mark it a bad debt, and let it go.

Mr. KING. Can the Senator advise us as to the amount which is still due?

Mr. WARREN. As I remember, about 40 per cent of the original loan is still due. A considerable part of it is secured by growing crops, such provision being made to prevent others taking advantage of the debtor, and to enable him to have an opportunity to pay the Government as he wishes to do.

Mr. KING. Mr. President, the Department of Agriculture has received very generous treatment at the hands of Congress, and I make no complaint of that; but I have felt that there was a disposition upon the part of the present Secretary of Agriculture, as well as of his predecessors, to reach out and extend the functions of that department and to obtain appropriations perhaps not absolutely necessary.

Mr. WARREN. Perhaps the Senator from Utah would like to have me give him a little further information. I will read from the testimony which was taken before the House committee in reference to this matter:

Mr. WARBURTON. When we requested the \$50,000 for the fiscal year 1923 we estimated that we could probably complete the work of collections, so far as the 1922 crop was concerned, by the end of February. However, conditions during the fall and early winter have delayed payments by farmers, and while we have collected more than we anticipated, we feel that there is still a considerable amount which is collectible out of the 1922 crop.

Last fall the price of wheat and other grains was rather low and farmers were loath to sell at the prices then prevailing. There was also a considerable car shortage in the spring-wheat States which delayed marketing. Recent reports from elevators in that territory indicate that considerably more than the usual proportion of the wheat crop is still in farmers' hands, either on the farm or in country elevators.

AMOUNT COLLECTED DURING 1922.

We have collected, including interest, somewhat more than \$1,200,000 since July 1. When we asked for the \$50,000 item I think we told you we hoped to collect \$1,000,000, so that we have done rather better than we prophesied.

The CHAIRMAN. You say you have collected about \$1,200,000?

Mr. WARBURTON. Yes; together with interest.

The CHAIRMAN. How much was the interest?

Mr. WARBURTON. The interest collections to February 10 are about \$65,000.

TOTAL AMOUNT OF LOANS.

The CHAIRMAN. How much was the total amount of the loans?

Mr. WARBURTON. The total amount of both loans?

The CHAIRMAN. Yes.

Mr. WARBURTON. \$3,437,513.

The CHAIRMAN. How much is still due?

Mr. WARBURTON. As of February 10, which is the latest date for which we have figures, approximately \$1,632,000.

The CHAIRMAN. In what years were these loans made?

Mr. WARBURTON. These loans were made in the spring of 1921 and in the spring of 1922.

The CHAIRMAN. When we made the loans did we take any security on the growing crops?

Mr. WARBURTON. We took mortgages on the crops of that year.

The CHAIRMAN. What is the present state of the loans? Have we any security at all now?

Mr. WARBURTON. As to the 1922 loans outstanding, we have mortgages on the 1922 crops which, as I have just stated, are, to a considerable extent, still in farmers' hands.

It seems that the farmers desired to secure better prices for their crops and that the department is accommodating them by allowing the loans to remain in force.

As to the 1921 loans, many of which were uncollectible that year because of crop failures, we were able to obtain, in many cases, mortgages on the 1922 crops in connection with extensions—

And so on, corroborating what I have heretofore read.

Mr. KING. Mr. President, in my opinion the Department of Agriculture has sufficient machinery, legal and otherwise, for the performance of the work which may be required in connection with the collection of these obligations on the part of the farmers. I do not approve this appropriation. I think it is wholly unnecessary.

The reading of the bill was resumed and continued to the end of line 24, page 25, the last item being the following:

BUREAU OF FISHERIES.

For protecting the seal fisheries of Alaska, including the furnishing of food, fuel, clothing, and other necessities of life to the natives of the Pribilof Islands of Alaska, transportation of supplies to and from the islands, expense of travel of agents and other employees and subsistence while on said islands, hire and maintenance of vessels, and for all expenses necessary to carry out the provisions of the act entitled "An act to protect the seal fisheries of Alaska, and for other purposes," approved April 21, 1910, and for the protection of the fisheries of Alaska, including travel, hire of boats, employment of temporary labor, and all other necessary expenses connected therewith, fiscal year 1923, \$29,800.

Mr. KING. Mr. President, most Senators must have had their attention called many times to the Bureau of Fisheries and to its alleged inefficiency, not to say improper administration of the activities in connection with the seals and with the fisheries of Alaska. I understand that there has been some investigation with respect to the disposition of the furs obtained from the seals. My attention has recently been called to the fact—and it is stated to me by an engineer of reputation and standing for whose integrity I vouch—that under the administration of the Bureau of Fisheries, in view of the monopoly which they are creating or have created with respect to the salmon fisheries of Alaska, it is only a question of a year or two when there will be no salmon of a particular species to be found in the waters of that part of the country.

I should like to ask the Senator, if he can, to explain the necessity for this appropriation, why there was a deficit, and if he is sufficiently advised as to the activities of this bureau as to be able to report concerning the justice of the criticisms to which I have referred?

Mr. WARREN. I think there is no doubt about it. In addition to other evidence, I happened to be seated last night for some time next to the Secretary of Commerce, who related in even stronger terms than the Senator has done the necessity for the protection of the salmon and other fisheries in Alaskan waters, where the United States can exercise control.

Mr. KING. May I say to the Senator that my information with respect to the fisheries is to the effect that the Bureau of Fisheries has given a monopoly to one or more—I think it is two, but possibly one—of the great canning establishments on the Pacific coast to fish in certain waters in and about Alaska, and that by reason of this monopolistic control—which, of course, is an evil, and is unjustifiable—a certain species of salmon is being destroyed, and within a very short time—the

gentleman to whom I refer stated, as I recall, a year—there would be none left of this particular species. He said that unless something was done, and done quickly, the injury to the salmon fishery would be irreparable, and that the wrong which was done to the American people by reason of the conduct of the fisheries bureau was one which deserved investigation.

Mr. WARREN. That may be true. I think it is rather an overstatement about the fish disappearing; but all of the fish except that intended for local consumption has to go to the various canneries, and I know that there is quite sharp competition among certain of the canneries; and I think what we must do is to strengthen the matter of police control over the property of the United States to prevent their exceeding the proper supply of the fish—in other words, to prevent their fishing.

Mr. KING. I give notice that when we complete the consideration of the Senate committee's amendments I shall move to strike out this item.

The PRESIDING OFFICER. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head "Department of Commerce," on page 26, after line 9, to insert:

The appropriation of \$40,000 for the fiscal year 1923 for the establishment of a fish-rescue station on the Mississippi River made by the deficiency appropriation act approved July 1, 1922, is hereby continued and made available during the fiscal year 1924.

The amendment was agreed to.

The reading of the bill was resumed; and the reading clerk read to line 6 on page 27, the last paragraph read being the following:

PRINTING AND BINDING.

For the Patent Office: For printing the weekly issue of patents, designs, trade-marks, prints, and labels, exclusive of illustrations; and for printing, engraving illustrations, and binding the Official Gazette, including weekly, bimonthly, and annual indices, fiscal year 1923, \$55,000.

Mr. KING. Mr. President, may I inquire of the Senator the necessity for this appropriation? I recall very distinctly that when we were dealing with the Patent Office, after we had passed the bill increasing the number of employees and the compensation, there was a very generous appropriation for printing for this department. In view of that fact, is there a deficit?

Mr. WARREN. I will say to the Senator that this is a House item, and was, of course, inserted pursuant to regular estimates. I will say further that before the Senate committee they asked for \$40,000 more, which the Senate committee did not include.

The PRESIDING OFFICER. The Secretary will continue the reading of the bill.

The reading of the bill was resumed, and the reading clerk read as follows:

TERRITORY OF ALASKA.

For care and custody of persons legally adjudged insane in Alaska, including transportation and other expenses, fiscal year 1923, \$15,000: *Provided*, That authority is granted to the Secretary of the Interior to pay from this appropriation to the Sanitarium Co., of Portland, Oreg., not to exceed \$600 per capita per annum for the care and maintenance of Alaskan insane patients during the fiscal year 1923.

Mr. KING. Mr. President, for years an item has been included in the appropriation bills for the transportation of the insane of Alaska to Oregon, and a certain doctor has had charge of this matter, and he has been here from time to time in the interest of an appropriation. The appropriation last year was substantially the same as that for the preceding year. The Senator knows that the population of Alaska has diminished during the last year, and the year before that it was less than it was the preceding year. In view of the fact that the appropriation, as I recall, has been substantially uniform for a number of years, notwithstanding the diminution in the population, may I inquire of the Senator what is the reason for this deficit?

Mr. WARREN. The problem is a very difficult one to handle. The insane are handled by bringing them out to a point where a sanitarium had been constructed for other purposes, and they are handled there by parties who give them the best possible care at the lowest possible figures. I do not know of an item in the bill that is more deserved than this is for the purpose for which it is appropriated.

Mr. KING. The Senator misunderstands me. I am not attacking the item or the subject matter upon the ground that it is not a meritorious one. Indeed, it is one that of course would appeal very strongly to Congress, and it is obvious that provision must be made for caring for those insane; and it was considered that the best arrangements could be made for their care in proper houses in Seattle or some place in that vicinity.

Mr. WARREN. In just one establishment.

Mr. KING. Yes; as I recall, in an establishment in Seattle. There has been no criticism of the selection of that place. The point I am trying to make is that the appropriation for the fiscal year which will end the 30th of June was the same, as I recall, as for the preceding year, and that appropriation was a little larger than for several years back. In view of the reduction in the population, I was wondering why this deficit arose.

Mr. WARREN. The matter of less population would naturally make the per capita charge higher, because they have the same overhead expenses. This appropriation is simply to give \$600 a year for the support of each patient.

I want to say to the Senator—and I ought not unnecessarily to expose the business of others—that the man who is handling this establishment was well known to former Senator Chamberlain, and, as a matter of fact, he was almost bankrupt as a result of carrying out a contract at a figure which was far too low for the support of these people. The creditors were kind enough to allow him to go on, and we appropriated something in addition in the way of a deficiency to help him out, and we started again with another figure that was lower than he has been able to support the insane for. It is up to us now to give him enough to support his establishment—he does not appear to be making any money—or to take over these people on our own shoulders, which I know the Senator would not want us to do—

Mr. KING. No.

Mr. WARREN. As it would cost us a great deal more.

The PRESIDING OFFICER. The Secretary will continue the reading of the bill.

The reading clerk read as follows:

To reimburse the Territory of Alaska for moneys advanced to the Governor of Alaska for repairs to his residence at Juneau, Alaska, necessitated by a fire in the building, fiscal year 1923, \$857.

BUREAU OF INDIAN AFFAIRS.

For expenses necessary to the purchase of goods and supplies for the Indian Service, etc., including the same objects specified under this head in the Indian appropriation act for the fiscal year 1922, \$201,759.69.

Mr. KING. Mr. President, I dislike very much to interrupt the speedy disposition of this bill. The Indian appropriation bill for the year 1922-23 was very carefully considered. Officials of the Indian Bureau were before the Appropriations Committee, and a very generous provision was made in the general appropriation bill for this year.

Mr. CURTIS. Mr. President, may I interrupt the Senator?

Mr. KING. Yes.

Mr. CURTIS. I think on this one item that they were not given anywhere near what they asked. For years they have not been given what they asked. The deficiencies for this branch of the service for the last five years have been from \$79,000 to \$179,000 a year. This is one of the items where they have not been given what they have asked for and what they really need; and every year for the last five years they have been given these extra appropriations in deficiency bills.

Mr. KING. The Senator knows that the Indian Bureau were advised a year ago, when the bill was passed—and I think the bill was very generous—that they were not to create any deficit.

Mr. CURTIS. I agree with the Senator on all items but this one item. I happened to have charge of the bill for a couple of years, and I know something about this item. It has been hard to get the other body to give them what they wanted or to agree to the amount put in by the Senate. The Senator will recall that a number of years ago we reduced the items below what the House put in, but we did not take out any item that the department could not get along without, and we put in the items that they said they needed. That year we got along with a smaller deficit for this item than any other year for the last five years.

The PRESIDING OFFICER. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

ASSISTANT CLERK TO COMMITTEE ON PUBLIC LANDS AND SURVEYS.

Mr. SMOOT. Mr. President, I ask unanimous consent for the present consideration of Senate Resolutions 416 and 453. I will state to the Senate that the Senator from North Carolina [Mr. OVERMAN] and the Senator from South Carolina [Mr. DIAL] have withdrawn their opposition to these two resolutions.

Mr. WARREN. Reserving the right to object, I have no objection, unless the resolutions lead to discussion. If they do, I shall have to ask that they be laid aside.

Mr. SMOOT. If they lead to any discussion, I will withdraw them.

The PRESIDING OFFICER. The resolutions will be read. The reading clerk read Senate Resolution 416, submitted by Mr. SMOOT on January 22, 1923, as follows:

Resolved, That Senate Resolution 468, agreed to March 3, 1921, authorizing the Committee on Public Lands to employ an assistant clerk, payable out of the contingent fund, during the Sixty-seventh Congress, be, and the same is hereby, extended in full force and effect until the end of the Sixty-eighth Congress.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution? The Chair hears none.

The resolution was considered by unanimous consent and agreed to.

MESSENGER FOR COMMITTEE ON FINANCE.

The PRESIDING OFFICER. The Secretary will read the second resolution referred to by the Senator from Utah.

The reading clerk read Senate Resolution 453, submitted by Mr. SMOOT on February 26, 1923, as follows:

Resolved, That the Committee on Finance be, and is hereby, authorized to employ a messenger at the rate of \$1,200 per annum, to be paid out of the contingent fund of the Senate during the Sixty-eighth Congress.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution? The Chair hears none.

The resolution was considered by unanimous consent and agreed to.

DEFICIENCY APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14408) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1923, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes.

The PRESIDING OFFICER. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head "Department of the Interior," at the top of page 29, to insert:

For payment to the Allied Contractors (Inc.), of Omaha, Nebr., as additional compensation for the construction of a bridge across the Little Colorado River near the Leupp Indian Agency, Ariz., \$17,471.25, as authorized by the act approved February 26, 1923: *Provided*, That said amount shall be reimbursable to the United States from any funds now or hereafter placed in the Treasury to the credit of the Navajo Indians in Arizona, to remain a charge and lien upon the lands and funds of said tribe of Indians until paid.

The amendment was agreed to.

The next amendment was, on page 30, after line 6, to insert:

NORTH DAKOTA.

For rebuilding and reequipping the shop building at Fort Totten Indian School, Fort Totten, N. Dak., recently destroyed by fire, \$10,000.

The amendment was agreed to.

The next amendment was, on page 30, after line 10, to insert:

SOUTH DAKOTA.

Relief of Charles F. Peirce: That the Comptroller General of the United States be, and he is hereby, authorized and directed to allow credit in the account of Charles F. Peirce, as superintendent and special disbursing agent of the Indian school at Flandreau, S. Dak., for the quarter ended March 31, 1920, for payment of \$1,100 to Frank L. Van Tassel, of Yankton, S. Dak., said sum being the difference between the original contract price of flour purchased from the said Frank L. Van Tassel and the price specified in a modified contract approved by the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, on page 30, after line 22, to insert:

Relief of Mollie V. Gaither: That the Comptroller General of the United States be, and he is hereby, authorized and directed to allow credit in the account of Mollie V. Gaither, as superintendent and special disbursing agent of the Hope Indian School, at Springfield, S. Dak., for the quarter ended March 31, 1920, for payment of \$266.40 to Frank L. Van Tassel, of Yankton, S. Dak., said sum being the difference between the original contract price of flour purchased from the said Frank L. Van Tassel and the price specified in a modified contract approved by the Secretary of the Interior.

The amendment was agreed to.

The reading of the bill was continued to line 9, page 33, the last two paragraphs read being as follows:

PENSION OFFICE.

Army and Navy pensions, as follows: For invalids, widows, minor children, and dependent relatives, Army nurses, and all other pensioners who are now borne on the rolls, or who may hereafter be placed thereon, under the provisions of any and all acts of Congress, fiscal year 1923, \$16,000,000: *Provided*, That the appropriation aforesaid for Navy pensions shall be paid from the income of the Navy pension fund, so far as the same shall be sufficient for that purpose: *Provided further*, That the amount expended under each of the above items shall be accounted for separately.

For an additional amount for the payment of fees and expenses of examining surgeons, pensions, for services rendered within the fiscal year 1923, \$177,015.

Mr. KING. I would like to inquire of the chairman of the committee what this item of \$16,000,000 is for.

Mr. WARREN. For pensions. We go on passing bills from day to day increasing pensions, and, of course, we can not tell in advance just what the sums will amount to.

Mr. SMOOT. A bill was passed near the close of the last session changing the time of payment.

Mr. WARREN. The time of payment was changed to monthly payments from quarterly payments.

Mr. KING. That would not increase the amount of the pensions.

Mr. WARREN. Under the old law, we will say, two months' pensions would be due, but when we passed the new law last year the pensions became due monthly, and this is simply to provide for that.

Mr. KING. As I recall, we appropriated approximately \$260,000,000 for those who were entitled to pensions for services in the Civil War, in the Mexican War, in the Indian wars, and other wars, down to the date of the passage of the act. Those figures were based upon the estimates submitted and upon the rolls showing those who were entitled to pensions.

Mr. WARREN. Probably my explanation was not clear. I tried to give the Senator to understand that we passed a law on May 3, 1922, which changed the manner of payment. I will read from the testimony, which I think will clear the matter up as to quite a portion of the money. It shows that nearly \$40,000,000 was paid sooner than it would have been paid under the old law, and that has been carried forward. For instance, Mr. Haymaker said:

Mr. HAYMAKER. On May 3, 1922, there was an act passed providing for the monthly payment of pensions, changing the method of payment from quarterly payments to monthly payments. On September 4, 1922, those pensioners last paid on the 4th of June preceding received checks for the usual quarterly amounts. Those last paid on July 4 received checks for two months, and those last paid on August 4 received checks for one month.

The CHAIRMAN. What has that to do with this proposition?
Mr. HAYMAKER. That caused the disbursement of \$39,783,558.52 in the month of September.

The CHAIRMAN. That is last September?
Mr. HAYMAKER. Yes, sir; September, 1922.

The reading of the bill was continued.

The next amendment was, on page 34, after line 3, to insert:

NATIONAL PARK SERVICE.

Rocky Mountain National Park: For continuing the construction, reconstruction, improvement, widening, and surfacing of highways in Rocky Mountain National Park, fiscal years 1923 and 1924, \$50,000.

The amendment was agreed to.

The next amendment was, on page 34, after line 8, to insert:

Zion National Park: For continuing the construction, reconstruction, improvement, widening, and surfacing, inclusive of necessary bridges, of highways and trails in Zion National Park, including \$40,000 for construction of a bridge across the Virgin River outside the boundaries of said park, fiscal years 1923 and 1924, \$133,000.

The reading of the bill was continued to line 22, page 34, the last paragraph read being as follows:

DEPARTMENT OF JUSTICE.

The aggregate of the amounts of \$3,500 and \$500 for salary of the chief clerk and administrative assistant and superintendent of buildings, Department of Justice, provided in the act making appropriations for the Departments of State and Justice and the judiciary for the fiscal year ending June 30, 1924, is hereby made available for the salary of the chief clerk and administrative assistant.

Mr. KING. Mr. President, is it not a fact that the \$500 in addition to the \$3,500 was to compensate him for caring for the building of the Department of Justice; that the basic salary for his activities as clerk was \$3,500; and because they devolved upon him the duty of taking care of the building, an additional \$500 was paid? Now he is relieved of that latter responsibility, and it seems to be the purpose of this amendment to continue the appropriation of \$500, which was given to him as a sort of special payment for annuity, although he is relieved of the duty which justified that appropriation.

Mr. WARREN. That is a House item, and we should not attack it without knowing the reason why it was put in. I will read from the testimony taken before the House committee.

Mr. Harris, of the Department of Justice, said:

The salaries are provided for in the appropriation bill for 1924, but recent legislation in the independent offices bill, whereby the maintenance of the building is transferred to the superintendent of the State, War, and Navy Building, forces us to ask relief in this bill so that the chief clerk and administrative assistant may draw the salary of \$4,000 already appropriated after July 1 next.

This is not to appropriate \$500, but to allow the money already appropriated to be paid to the clerk.

Mr. KING. May I inquire of the Senator whether, in the appropriation bill we passed a few days ago for the next fiscal year, the \$500 was continued?

Mr. WARREN. I was just reading it. I will start from the beginning again:

The salaries are provided for in the appropriation bill for 1924, but recent legislation in the independent offices bill, whereby the maintenance of the building is transferred to the superintendent of the

State, War, and Navy Building, forces us to ask relief in this bill so that the chief clerk and administrative assistant may draw the salary of \$4,000 already appropriated after July 1 next.

The next amendment was, under the head "Department of Justice," at the top of page 35, to insert:

For books for the law library of the department, including their exchange, fiscal year 1923, \$1,000.

The reading was continued to line 23, page 35, the last paragraph read being:

MISCELLANEOUS OBJECTS, DEPARTMENT OF JUSTICE.

Defending suits in claims against the United States: For necessary expenses incurred in the examination of witnesses, etc., including the same objects specified under this head in the act making appropriations for the Departments of State and Justice and for the judiciary for the fiscal year 1923, \$15,000.

Mr. KING. I want to make one observation here, and to ask the Senator from Wyoming if he believes that these appropriations are warranted? I repeat what I said a moment ago, that the Department of Justice received exceedingly liberal appropriations for the fiscal year ending June 30, 1923, and in addition to the regular appropriation for the regular machinery we have made other appropriations, aggregating hundreds of thousands of dollars, for increased activities, for the investigation of alleged war frauds, for the increased work which was devolved upon the department in the enforcement of the prohibition law, and for the enforcement of the deportation law. Notwithstanding those very, very large appropriations, we have here deficits—a few pages back one for \$15,000, on this page one of \$10,000 in one item, \$4,500 in another and \$15,000 in another, and I do not know how many more deficits there will be.

Mr. WARREN. These items are House items and are caused largely by the department defending the Government in suits which are being brought. What are the suits, and why do we have to defend them? They are matters which arose in war time, and have been submitted, or should be submitted, to the various authorities authorized to settle claims, but when settlement is refused the claimants naturally seek redress through the courts. So we are now coming to that class of business, and it requires defense on the part of the United States and that is what these items are. For instance, here is an item:

Defending suits in claims against the United States: For necessary expenses incurred in the examination of witnesses, etc., including the same objects specified under this head in the act making appropriations for the Departments of State and Justice and for the judiciary for the fiscal year 1923, \$15,000.

In the first place, those were cut short by the House, and we saw fit to leave them as they were, instead of adding to them at the time. They have gone on with the work, and they are now approaching a point where they can see through to the 1st of July. Of course, they now ask for a sufficient amount to protect them in going on with the business.

Mr. KING. The Senator will perceive that one of the items for \$10,000 is for repair of buildings and care of grounds, books of reference, typewriters, and so forth.

Mr. WARREN. That is true.

Mr. KING. Those items were all covered by the general appropriation bill, and were the items which we have passed over, and which have been allowed in the deficiency appropriations. The committee, I suppose, are pledged to these items, and I shall not move to strike them out, although I feel they are not warranted.

The next amendment was, under the subhead "United States Supreme Court," on page 36, at the end of line 22, to strike out "\$4,500" and insert "\$6,000," so as to make the paragraph read:

To enable the Joint Committee on the Library to procure for the court room of the Supreme Court of the United States a marble bust, with a pedestal, and for the robing room an oil portrait of the late Chief Justice Edward Douglass White, to remain available until June 30, 1924, \$6,000.

The amendment was agreed to.

The next amendment was, under the subhead "Marshals, district attorneys, clerks, and other expenses of United States courts," on page 37, after line 5, to insert:

Expenses of additional district courts: For expenses of courts held in any judicial district pursuant to assignment under the act approved September 14, 1922, or other laws, of a judge from without that district, to be immediately available and to remain available until June 30, 1924, \$300,000: *Provided*, That this appropriation shall be construed as additional and supplementary to the several appropriations for the judiciary, for the fiscal years 1923 and 1924, for the employment and expenses of assistant district attorneys, deputy marshals, deputy clerks, and all other officers and employees of the courts, the payment of rent of court rooms, fees of witnesses and jurors, pay of bailiffs, and all other necessary expenses connected with or incident to the holding of court in any judicial district by a judge other than the judge or judges appointed for the judicial district in which the court is held: *Provided further*, That expenditures shall not be required to be made directly from this appropriation, but the expenses of courts held in any judicial district by a visiting judge shall be determined by the Attorney General from time

to time, under such regulations as he may prescribe, his determination of the amount of such expenses in any case to be conclusive, and to the extent that he finds any expenses are so incurred he may direct payment from such regular appropriations and the transfer thereto from this additional appropriation of the amount of such expenses: *Provided further*, That so much as may be necessary of this sum may be used, under the direction of the Supervising Architect of the Treasury, in providing additional court rooms in public buildings already erected to accommodate the additional judges recently appointed in holding court therein.

The amendment was agreed to.

The reading was continued to line 13, page 40, the last paragraph read being:

For supplies, including the exchange of typewriting and adding machines for the United States courts and judicial officers, to be expended under the direction of the Attorney General, fiscal year 1923, \$15,000.

Mr. DIAL. I understand that by unanimous consent it was agreed on yesterday that the debate on the filled milk bill would end at 5 o'clock this afternoon. I have proposed an amendment to that bill, a very important amendment, and I desire to address the Senate briefly on it. I do not want to cut off any other Senator from replying in case he cares to reply, and I therefore ask unanimous consent that the pending bill be temporarily laid aside and that the filled milk bill be laid before the Senate.

Mr. WARREN. Mr. President, I hope the Senator will not ask that. If he wishes to discuss the filled milk bill it will be unnecessary to lay this bill aside.

Mr. DIAL. I knew I could discuss the other bill.

Mr. WARREN. It will only take a short time to finish the appropriation bill, and I would like to finish it.

Mr. DIAL. About how long will that take?

Mr. KING. I do not think the Senator can finish in as brief a time as he thinks. There are several items that will provoke discussion.

Mr. DIAL. I have no desire to delay the passage of the deficiency appropriation bill.

Mr. WARREN. I hope Senators will relieve me of the responsibility involved. We have to go into a conference with the House on a good many items.

Mr. DIAL. About how long does the Senator think it will take to complete the consideration of the deficiency bill?

Mr. WARREN. Unless there is debate it will not take over 15 minutes.

Mr. DIAL. Very well.

Mr. KING. Let me say to the Senator, so he will be fully advised, that it will not be finished in 15 minutes nor in an hour nor perhaps two hours.

Mr. WARREN. I would rather the Senator would not threaten. Let us go on and find out.

Mr. KING. The Senator is not threatening. The Senator is giving information.

Mr. HARRISON. Mr. President, there was a unanimous-consent agreement entered into that all debate on the filled milk bill should cease at 5 o'clock. The Senator from South Carolina has an amendment which, in his opinion, is very important, to be offered to the filled milk bill. He desires to discuss it for some little time. It will provoke controversy. It would seem, if it would not disarrange things too much, especially in view of the unanimous-consent agreement, that the filled milk bill should be laid before the Senate while the Senator is addressing himself to the amendment that he desires to attach to the filled milk bill.

Mr. WARREN. I will say to the Senator that I supposed the filled milk bill was in charge of the Senator from North Dakota, and he consented to lay it aside to enable us to proceed with the deficiency appropriation bill. I think the Senator in charge of that bill at least ought to be consulted about it before we take it up.

Mr. HARRISON. I am sure the Senator of the committee in charge of the filled milk bill would not object to having his bill laid before the Senate.

Mr. DIAL. Very well. I have no desire to delay the passage of the appropriation bill.

Mr. HARRISON. Mr. President, will the Senator from South Carolina yield to me?

Mr. DIAL. I yield.

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

The PRESIDING OFFICER. The Secretary will call the roll.

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

Ashurst	Broussard	Caraway	Dial
Ball	Bursum	Couzens	Dillingham
Bayard	Calder	Culberson	Edge
Borah	Cameron	Cummings	Fernald
Brookhart	Capper	Curtis	Frelinghuysen

George	Ladd	Oddie	Spencer
Glass	La Follette	Overman	Stanley
Hale	Lenroot	Page	Sterling
Harrell	Lodge	Pepper	Sutherland
Harris	McCormick	Phipps	Swanson
Harrison	McKellar	Pittman	Townsend
Heffin	McKinley	Ransdell	Wadsworth
Jones, N. Mex.	McNary	Reed, Pa.	Walsh, Mass.
Jones, Wash.	Moses	Robinson	Walsh, Mont.
Kendrick	New	Sheppard	Warren
Keyes	Norbeck	Smith	Watson
King	Norris	Smoot	Willis

The PRESIDING OFFICER. Sixty-eight Senators have answered to their names. A quorum is present. The Senator from South Carolina will proceed.

FILLED MILK—DEALING IN COTTON FUTURES.

Mr. DIAL. Mr. President, ever since I have been in the Senate I have been endeavoring to bring about the adoption of an amendment to the present cotton futures contract law. I have been unsuccessful in my efforts up to the present time. I now have prepared an amendment to that effect which I propose to offer to the filled milk bill and I trust that it will have but little further opposition. I feel that if the Senate had understood the proposition it would have adopted my amendment long ago. But there has been a good deal of confusion and misrepresentation abroad as to the object of my amendment.

I desire to say without egotism that I am interested in the farmers of my country. For many years I operated a bonded warehouse in which cotton was stored. Also for many years I aided in loaning money to farmers to help carry their cotton. I am interested in a small way in the manufacture of cotton goods. I know by the results of these interests something of the operation of the cotton futures contract law. Therefore I think I am reasonably familiar with the subject.

There was no law regulating cotton future contract operations until 1914. Before that time a custom had grown up in the exchanges which was most ruinous to the cotton-growing sections of the country. In fact, it was worse than legalized robbery. Since my early boyhood I have heard the farmers of my section complaining about the operation of cotton exchanges. I desire to say now that I am not fighting the exchanges. I am complaining at the action of Congress. I think perhaps the exchanges would serve a useful purpose. Inasmuch as we have heretofore exported something like one-half of the cotton we raised, the exchanges would serve a very good purpose in bringing the buyer and seller together. But we should have a just, an equitable, a fair law regulating those contracts. The custom on the exchanges from the time the exchanges originated, which was during the Civil War, and down to 1914, has been that the exchanges might tender any one of 32 grades of cotton on a contract. The contract was sold then as now on the basis of middling, but under the old custom the seller of the contract had a right to deliver any one of the 32 grades on the contract. Thereby the price of the actual commodity was greatly depressed.

My contention is that the interests of the grower of the cotton and the seller of the future contract are diametrically opposed. The interests of the grower of the cotton and the purchaser of the contract are identical until the day of disposition comes. My contention further is that the price of the future contract controls the price of the spot cotton. This is not absolutely true in every case, but it is substantially true.

As I said once before, I inherited almost the complaint of the injustice of the contract from my father. He was a farmer and he complained most bitterly until the time of his death about the injustice of the contract. The contention of the farmers of the South was that the exchange members kept a lot of so-called dog-tail cotton on hand and tendered it on contracts, and that depressed the price of the actual cotton. That is literally true. That is the foundation of my complaint to-day.

Mr. President, the great amount of wealth that was unjustly taken out of the South under the operations of the old system is unknown. We had but few friends beyond the Potomac River. We appealed to Congress in 1884, and it took exactly 30 years, or until 1914, to enact the present law.

There is some misunderstanding about my position with reference to the present law. I want to point out first the injustice of it, as I see it. The present act limited the number of grades tenderable to 10. As under the old system, so it is under the law, that contracts are sold on the basis of middling. As before, the seller of the contract has the right to deliver any one or all of the grades of his selection on that contract. Right there is where the injustice comes. There is no use to have any ill will toward mills, because there is nowhere else for our cotton to go. It eventually has to land in a mill. No mill running one class of machinery can use all the 10 grades of cotton in the making of one kind of cloth. The machinery is constructed to manufacture certain grades of material and the mill has to buy the commodity suitable for that purpose.

Mr. President, after 30 years of attempted legislation Congress passed the existing law. I wish to give all praise to the authors of that law; they are entitled to the thanks not only of the cotton growers of the South but of the entire population of the United States for that law. This is not a local question. It is true that we down South, the producers of cotton, are more directly interested than are people in other sections of the country, but when under this unjust system of exchanges the price of our cotton is depressed, and, therefore, the people in other regions of the world come in and purchase it for less than its value, we are deprived of that much wealth, and we are crippled in our capacity to buy from the other parts of the United States. Therefore it is a question in which everyone is interested.

If the proverbial Philadelphia lawyer were employed to draw a more subtle law than the existing law he could not do so. The trouble with the situation is that there are no definite grades of cotton fixed. The public think there is definiteness in buying a contract for middling cotton, but when they come to look into the contract they find that such is not the case. The contract is fixed on the basis of middling, with a sliding option for the seller of the contract to deliver any one or all of 10 grades of cotton at an adjusted price.

Many Senators will not take the trouble to look into the proposition. They say it is complicated. Well, yes; it is a little complicated, but it is not at all difficult to understand. I might cite a parallel case. Let me assume that the law provided that 10 grades of hats could be manufactured, and that the manufacturer when he went around undertaking to sell hats to the merchant, who wanted a certain quality of hats, could say that he had a right to select the quality and he would contract to sell at a certain price for a certain quality, but that he, the manufacturer, would have the right to substitute any one or all of 10 different qualities at an adjusted price. Well, it may very easily be seen that no person would pay as much for that kind of contract as he would for a contract specifying the identical grade of hat which was to be delivered.

This proposition reverses the laws of common sense, the laws of merchandise, the laws of reason. More particularly is it inappropriate when the commodity to be purchased is to be used in machinery. Certain kinds of machinery can use but one kind of cotton; not one grade only; therefore the indefiniteness of the contract depreciates its value. Under the terms of the law—the framers of which deserve great credit, because they cut out a great deal of the former indefiniteness of the contract, to wit, 22 grades, which are off grades and some of which were even unspinnable—the number of grades which might be delivered was reduced to 10. If they had gone further and made the contract definite and had specified the identical grade which was intended to be dealt in, then they would have had a perfect law, so far as I can see. However, they deserve commendation for doing what they did. In all probability they accomplished all they could at that time.

However, the time has now come when we shall have to change the law. People can not any longer continue to raise cotton under any unjust, one-sided law. We have about bankrupted the country; we have worn out our land; our labor is leaving us, and has left us in the last season, by the thousands. It is now beginning to be whispered around that a great many of the spindles in the world will have to lie idle in the near future, and I do not question that prediction.

It was a little pathetic to my mind to notice the other day that there had been a meeting in Atlanta, Ga., to try to check or to exterminate the boll weevil. Every effort to exterminate the weevil is commendable; but when I saw that the meeting had been taken charge of by members of the cotton exchange I could not help but think that they had about killed the goose that has laid the golden egg.

What we want in the South is a just law under which we may market the product of our labor. What I am attempting to do is to show the indefiniteness of the existing contract. Such indefiniteness would depreciate the price of any commodity. When the price of that contract is fixed, that fixes the price of the actual commodity. Some of my good friends are looking at the matter in a superficial way. They say it makes no difference whether or not the contract is definite, because the buyer of a contract knew at the time he entered into the contract that he did not have equal rights with the seller thereof; that he knew that the seller had a right to tender him any one of 10 grades of cotton on the contract at an adjusted price, and therefore he ought not to complain.

I am not much of a complaining man, and I will admit that it is true that the buyer of such a contract would have no

right to complain, for he knew at the time he entered into the contract that the other man had the advantage of him.

It is like this: I go to my good friend the Senator from Oklahoma [Mr. HARRELD] and I say to him, "I want to buy some wheat. I hear you are a wheat man." "Yes, sir." "All right; what is your price?" "Seventy-five cents a bushel." "Well, I am delighted; it is cheaper than I thought it was. Here is my check." I put up my margin; I make the contract. However, he tells me, "But I want to tell you I am only delivering 3 pecks for a bushel." "I am delighted with the price, but I did not know that." He says, "But that is true." "All right." We enter into the contract, and there is no harm done; we know what we are doing; we trade with our eyes open, and neither one of us has any right to complain. But what I am complaining about is that under the present law the contract is sold by auction on the exchange, and when the price is fixed on that contract that controls the price all over the Cotton Belt. As in the case of the wheat illustration I have just used, I am not complaining on account of the parties to the transactions; but when the quotation goes out in the afternoon papers that wheat is selling at 75 cents a bushel and it is not stated that only 3 pecks constitute a bushel in the particular transaction that practically fixes the price of the wheat of Jim Jones out in the country who has only, we will say, 37 bushels of wheat to sell. That is what I am kicking about.

The quotations as to cotton go over the country every few minutes, just as often as the parties care to pay for them. In the section where I live, where there are many small towns, the market report comes in every 20 minutes. A buyer goes around with these quotations from the exchange and approaches a farmer who has cotton to sell. The farmer says, "I want to sell my cotton." The buyer says, "Very well." The farmer asks, "What will you give me?" The reply is, "I do not know; what do you want?" The farmer answers, "I want 31 cents for it." The buyer replies, "You are wrong, Mr. Farmer; your price is too high; you are out of line with the market. Here is a quotation from the New York Exchange, received just 10 minutes ago, where this month's cotton is selling at 30 cents. You want more than they are getting in New York; you ought to take as much less than the New York price as the cost of carrying your cotton to New York"—which would be 1 cent or $1\frac{1}{2}$ cents a pound—"your price is entirely too high." The farmer looks at the quotation and says, "Yes; I guess I am a little out of line; my price is a little too high." And so he sells his cotton for less. I maintain that is a false quotation; it is a misnomer to call it a quotation; it is a false representation. I do not say that the buyer uses it viciously nor maliciously. It is true that if he could get a telegram to the exchange quickly enough he could buy it at that quotation, but then he would not know within 10 grades what kind of cotton he was going to get under that contract. Therefore he will not give as much for that kind of a contract as he would for a contract making the quality definite. That is the iniquity of the proposition; that is the fraud. It amounts to the confiscation of a large portion of the value of every pound of cotton which we raise. I believe as firmly as I believe that the sun shines that we are deprived of several cents a pound on every pound of cotton we sell and have sold since the Civil War. Even 1 cent a pound in an ordinary year would amount to \$65,000,000 to the South, and perhaps there would be a difference of several cents a pound.

It is probable that we are losing at the rate of one-half to one million dollars a day and have lost that amount for a long time past under the present practice. Therefore, it will not do to say that the contract is fair between the parties to the contract.

If I could separate the effect of the exchange contract from the price of the actual cotton, I would care nothing about it. I would be content to let them dance and play and sing and buy and sell and gamble or do whatever they care to do to their heart's content; but when these quotations go out over the country and our people are thereby scared into selling their cotton and they get less than it is worth, I say it is nothing short of a crime.

Mr. President, a Senator has said here on the floor that the purchaser of a contract has no right to complain, because if he did not get middling cotton, the kind of cotton that was specified in the contract, he would get at the market price one or the other of the 10 grades or all of the 10 grades mixed up, and therefore no one should complain when he buys goods at the market price. That is a fallacious argument. A man does not want articles at the market price if they do not suit his purposes. We can go uptown and buy all the clothes in town at the market price, but if we can not use them, if they do not fit us, we do not want them at the market price.

As I say, that is a fallacious argument. It is a little confusing and tends to mislead the unthinking people. It sounds nice to say that the Secretary of Agriculture will fix the price of the grade that is tendered in case middling is not tendered, but the Secretary of Agriculture has no right to change a price. He merely ascertains what price that other grade was bringing in 10 spot markets on that particular day. You might just as well say that the reporters of the Senate could do that. All that they would have to do would be to telegraph to those places and ascertain what that grade of cotton was bringing, and that would be the price at which the buyer and the seller of the contract would have to settle. If it were below middling, there would be a discount, and if it were above middling, there would be a premium.

Mr. President, that would not be so bad between the buyer and the seller, because the buyer and the seller knew at the time they entered into this contract the nature of the contract; that is, that the seller had 10 options and the buyer had none. What I am complaining about, however, with all the power at my command, is that the price of any and all those grades in those 10 spot markets on any particular day would have been higher if it had not been for this superstructure—this cotton-future contract proposition on top of it—fixing the price. That is where the iniquity of the proposition comes in; so it is simply a device, a plan, a mode, a method of running down and lessening the price of the actual commodity.

I have no more interest in this proposition than other Senators, particularly those from the South, and I hope they will give this matter most careful attention. We are all trying to accomplish the same purpose, but we are getting there in different ways. I trust that we shall be able to agree upon some equitable amendment. If other Senators can propose one better than mine I shall be most happy to accept it, and have always been ready to do so.

Mr. JONES of Washington. Mr. President, may I interrupt the Senator a moment?

Mr. DIAL. I yield.

Mr. JONES of Washington. I do not know anything about this proposition that the Senator has. I have heard a great deal about the cotton situation, and the ways of selling cotton, and so on; but I have not gone into the subject personally and have depended for legislation upon the Senators who are thoroughly familiar with that industry and the methods of dealing with it in business. I have always felt that if they could agree upon the legislation that they thought was essential I would take their judgment about it and vote with them upon it.

There seems to be, however, a very great difference among the people from the cotton-growing States with reference to the merits of the Senator's proposal. As I understand, in a general way the situation is—at least according to the Senator's contention now—that when a man makes a contract for a certain kind of cotton a different kind can be delivered to him, and the contract will be deemed to have been fulfilled; and as I understand the Senator's proposal, it is simply to make it so that whatever a man contracts for that he gets under his contract. Is that correct?

Mr. DIAL. I shall be delighted to answer any question the Senator may ask. The Senator is substantially correct, but the technical proposition is this: The exchanges do not sell you any specific grade. You know the law provides that 10 grades shall be tenderable. The contract is on the basis of middling. You do not buy middling. That is where the "joker" comes in. The purchaser thinks he did buy middling. That is the middle grade, or supposed to be. The purchaser thinks he did buy middling; but when you look further into it, you find that the contract says "on the basis of middling," with the right to the seller therefore, since he has not specified any particular cotton—it just says "cotton," practically—to select any one of the 10 grades or mix them all up in what he delivers, as he sees proper. What I am trying to do is to make him specify the grade he sells, just like any other contract in the world. Then, of course, I am trying to make him deliver what he contracts to deliver, just like any other contract. That is all I am after.

Mr. JONES of Washington. In other words, according to the rules of the business of dealing in cotton, the contract for the purchase of cotton simply specifies a certain description of cotton under which the seller can deliver 8 or 10 different kinds?

Mr. DIAL. Any one of 10 different kinds.

Mr. JONES of Washington. And the Senator's bill proposes to require a statement in the contract of purchase of the particular grade of cotton that is to be delivered?

Mr. DIAL. Practically that. I will come to that in a moment. The law, if the Senator will allow me, has two sections in it. One of them is that at the time the contract is made the identical grade must be specified. That is a perfect law.

I have no kick against that; but, unfortunately, the New York exchange have never sold one of those contracts. They will not deal that way. The other section of the law says that the contract shall be on the basis of middling, with the right of the seller to select any one of the 10 grades. My contention is that no man would pay as much for that kind of a contract, not knowing within 10 grades what he would get, as he would for a contract specifying the identical grade.

Mr. JONES of Washington. Is the Senator going to make invalid such a contract as he has described, that can be entered into now under the law?

Mr. DIAL. I hope to amend that contract. I should have no objection to striking out the section which makes 10 grades tenderable, and letting it be the identical grade, under the other section of the law; but one objection to that would be that the exchanges would be opposed to it. Another objection would be that you would have 10 quotations every day. Each grade then would be quoted separately and there would be great confusion. Another objection would be that the exchange then would be practically a spot market; they would have to live up to their contracts, and therefore they would not trade much, and it would dry up the business in a great measure.

Mr. JONES of Washington. Let me understand that a little better. Under one section a contract can be made for the delivery of a specific kind of cotton?

Mr. DIAL. That is the law; yes.

Mr. JONES of Washington. Then, under the other section a contract can be made for the delivery of cotton that can be complied with by the delivery of any one of 10 different grades?

Mr. DIAL. That is correct—at the option of the seller.

Mr. JONES of Washington. Yes. Now, is the Senator going to leave that still in force and to provide for a third contract?

Mr. DIAL. No; I propose to amend that. I propose to strike that out.

Mr. JONES of Washington. That is what I want to get at. The Senator proposes, then, to do away with that?

Mr. DIAL. I propose to do away with that.

Mr. JONES of Washington. Suppose the Senator's amendment should be adopted, but a contract of this other kind should be entered into. Would it be illegal?

Mr. DIAL. I hope so; yes.

Mr. JONES of Washington. I mean, under the terms of the Senator's bill?

Mr. DIAL. That is my intention, to make it illegal.

Mr. McKELLAR. Mr. President, does the Senator's bill make it illegal?

Mr. DIAL. My bill revises section 5 and groups the 10 grades into 3 classes.

Mr. McKELLAR. On what constitutional authority is the Senator's bill grounded—on the interstate commerce power?

Mr. DIAL. No; on the taxing power.

Mr. McKELLAR. Oh, the Senator taxes other contracts out of existence?

Mr. DIAL. Yes. There are three clauses of the Constitution under which Congress can deal with this matter. The first is the post-office clause, the second is the interstate-commerce clause, and the third is the taxing clause of the Constitution. For a long time it was thought that Congress had no jurisdiction over the subject matter.

Mr. JONES of Washington. As I understand, then, the Senator levies a tax in his bill?

Mr. DIAL. Yes.

Mr. JONES of Washington. Can a bill like that originate in the Senate?

Mr. DIAL. Yes; that is where it originated. It is in the law now.

Mr. JONES of Washington. I know; but what the Senator proposes is another bill, an independent bill.

Mr. DIAL. Oh, no; I just propose to amend this bill.

Mr. JONES of Washington. I know; but it is an independent bill, amending a statute.

Mr. DIAL. The tax is already levied. I do not interfere with the tax.

Mr. JONES of Washington. Oh, the Senator does not interfere with the tax?

Mr. DIAL. No; I do not interfere with it. The object is not to collect the tax, as a matter of fact. I will be candid with the Senator. As I understand—I was not in the Senate at the time the law was passed—the tax was put in merely to give the Senate jurisdiction. It provides a tax; then it exempts it, as it were; it relieves them from the tax if they comply with the specified contract. As I fix it I am not interfering with that at all.

Mr. CARAWAY. Mr. President, the Senator would not like to say that there was no revenue anticipated, because, if so, he would read his bill out of the constitutional provision in regard to taxes.

Mr. DIAL. I did not put it in there. We find it there. I am not an authority on the subject.

Mr. McKELLAR. Mr. President, will the Senator yield to me again?

Mr. DIAL. I will.

Mr. McKELLAR. What taxes have been collected on contracts of this kind?

Mr. DIAL. None. Of course, there is a war tax.

Mr. McKELLAR. I know; but I mean under this section.

Mr. DIAL. Under the law there is a tax of 2 cents a pound if it does not come within one of these classes of contracts.

Mr. McKELLAR. So that by force it brings all contracts within the terms of that law?

Mr. DIAL. Exactly.

Mr. McKELLAR. So now all contracts are made within that law?

Mr. DIAL. Exactly; within that limit.

Mr. McKELLAR. The Senator's purpose is not to repeal that?

Mr. DIAL. Not at all.

Mr. McKELLAR. But merely to change to a more specific grade. Is that it?

Mr. DIAL. No.

Mr. McKELLAR. I should like to have the Senator explain that.

Mr. DIAL. Very well.

Senators, I have tried to explain to you the injustice of the proposition, in that the contract is too indefinite to be of real value. I hope I can have the attention of the Senator from Washington. I say, I have tried to explain to the Senate that the error in the present law is the indefiniteness of the contract; that no one would give as much for that kind of a contract. It is a wrong contract. My specific remedy is this: I would have no objection to repealing the section which allows the seller 10 options, and then just leave the other section, section 10, and let them specify the identical grades at the time the contract is made; but I am told that that would alarm the exchanges and disrupt business, and curb business tremendously. My amendment, which I think is the best solution of the problem—although people have different views about it—is this, to wit:

You will have to get to the mill at last, you understand. There is no other way in which your cotton can be used. You can not eat it; you can not wear it until it goes through the mill, you understand; and no mill is going to buy something that it can not use.

I am not an expert in milling, but I am told that no mill can use all of these 10 grades of cotton on one kind of machinery, making one kind of goods. It would involve too long a discussion to go into all of that, but that is conceded. Neither is it necessary, Senators—now, here is the point—it is not necessary for a mill to have all of its supplies in one identical grade. The different grades are so similar that grades of a like character can be mixed and used all right through the machinery. I believe the South has been robbed and the farmers have been robbed of millions of dollars by reason of the great discrepancy in price between the different grades. I do not believe that there is as much commercial difference as there is claimed to be many times between these different grades. However, I do not interfere with that. I find that law on the statute books already, recognizing these 10 grades. What I am trying to do, what my amendment provides, is this:

Take the four grades of high-class cotton and class them in class A. Then take the medium-grade cotton and class it in class B. Then take the low-grade cotton and class it in class C. My amendment was prepared by the experts of the Agricultural Department. I am not an expert. Under my amendment I provide that one-third of each contract shall be filled in a basic grade in each class. That basic grade is named in the class. Therefore if a mill wanted high-class cotton it would buy class A. It would know that it would get one-third of the contract in the basic grade mentioned in the contract and it would know that it would get all of the contract in that grade or in the other grades in that class—not in the other classes, you understand. Therefore I do not interfere with these 10 grades at all, except that I just take them and group them for the purpose of the individual contract.

A mill running high-grade goods, fine goods, wants nothing below middling. Let us take a mill running coarse goods; they want a grade below middling. When a mill is making coarse goods it will buy class C. One grade in that class is mentioned

as a basis. It would know it would get one-third of the contract in that basic grade. It would know it would get all of the contract in that class. It can take all of the cotton in that class and mix it up and use it in its mill, and, of course, the price will be adjusted, just as it is now. Therefore, to my mind, that is workable.

I do not object to people trading in cotton contracts; just let them buy and sell all they please, but I want them to specify what they are selling, and to be liable to deliver what they specify. To my mind, grouping these grades in that kind of classes would make the contract broad enough to be traded in. It would make it definite enough to be practicable and usable, and the exporter or the mill could demand delivery of its cotton if the price of the contract was lower than the purchaser wanted to take. But under the law of to-day, when maturity day comes, the purchaser, knowing he has no option of quality within 10 grades, irrespective of what the price is, dumps it on the market. If he knew what he was going to get, he would not dump it on the market. When he dumps it on the market it makes the market top-heavy, and helps depress the price of cotton, as the Senator from Tennessee will see.

It will be remembered that I stated here some time ago that in 1920 we raised in the United States less than 13,500,000 bales of cotton, but on the New York and New Orleans exchanges they sold over 128,000,000 bales of cotton on contracts, and yet they delivered less than 350,000 bales of actual cotton, showing that the man who had the contract would not take the delivery. Hence the market was always top-heavy.

Mr. McKELLAR. Mr. President—

Mr. DIAL. I am glad to yield to the Senator.

Mr. McKELLAR. Is it not a fact that in the great majority of cases, practically all of the cases, it is not intended that there shall be a delivery of the cotton at all? Is it not merely a hedging proposition?

Mr. DIAL. Yes; that is true.

Mr. CARAWAY. Let us not allow that statement to go in quite that way. It is just a gambling proposition, because the majority of people who buy and sell have nothing to hedge. Is not that true?

Mr. DIAL. That is true; perhaps a majority of them never saw a bale of cotton.

Mr. CARAWAY. To call it a hedging proposition is to use a euphemism which should not be indulged in.

Mr. McKELLAR. I think the Senator from Arkansas is right about that.

Mr. DIAL. They call it "hedging." That is a nice way of referring to speculating. I have no harsh terms to use against people who want to speculate. I am against Congress for being on the side of the "bears." We do not do our duty to the people who raise cotton. I have seen them down in the cotton country and I know that they work from sunup to sundown in all kinds of weather. Cotton is a handmade crop and we can not continue to make it at the present cost of production, since the boll weevil is there. In fact, the people down there could not continue to make it and get any reasonable profit.

Mr. McKELLAR. Will the Senator tell us the average difference between the future market and the spot market and what, in his judgment, is the reason for that difference? The Senator is an expert in the cotton business and has been dealing in it all his life.

Mr. DIAL. Let us come to the hedging proposition. It is true that the exchange contracts are used to take care of the so-called hedges of the mills and the exporters.

Mr. McKELLAR. That is a legitimate use.

Mr. DIAL. It is a legitimate use, if they use the contract legitimately. I am not blaming them. I am blaming Congress. I doubt if they do that so very much now. It is a kind of insurance for the exporter or the mill. The mill man will get an offer of so much for his goods. The price would be satisfactory to him if he had the cotton, but in all probability he has not as much cotton as he needs. Say, for instance, he gets an offer for all the goods he can make for the next four months. He would consider it and he would say "If I had my cotton I would take that offer. I can not buy the cotton. I have not enough money and I have not the warehouse space; but I will accept the contract and sell my goods and I will buy future contracts, say, at 30 cents a pound," assuming that his cotton costs him 30 cents a pound. That is a hedging proposition for the mill, a kind of insurance for the mill.

The way he will work it will be this: Let us assume he is going to commence manufacturing that order in 30 days. After a little while he will say to his buyer, "Go out and buy me a thousand bales of cotton," assuming he is running a thousand bales a month. He has sold the goods on the assumption that he can get his cotton for 30 cents a pound. He

has bought his contract at 30 cents a pound. The buyer goes on the market and finds that cotton has declined 1 cent a pound, to wit, to 29 cents, and buys 1,000 bales.

The manufacturer says to the buyer, "When you buy 100 bales, wire my broker in New York to close out a contract." He buys his cotton at 29 cents a pound. Therefore you see the manufacturer has bought his cotton \$5 a bale cheaper than he thought he had to pay at the time he sold his goods. He has lost \$5 a bale on the future contract with which he hedges. Therefore he is even.

He waits 30 days, sends his buyer out again under the same instructions, and the buyer finds that cotton has gone up to 31 cents a pound. The millman paid \$5 a bale more for his cotton than he thought he had to pay at the time he made his contract to sell his goods, but he has made \$5 a bale on his hedging contract. Hence those two cancel each other. Therefore that is a very good proposition for the millman or for the exporter. The exporter would be in the same position as the millman. But where does the farmer come in? Where does the grower of cotton come in? Who will assure him anything?

Mr. McKELLAR. The cotton buyer comes in there. He is commonly the exporter, however.

Mr. DIAL. He hedges. He takes care of himself. The way they work the proposition is this: The large buyers of spot cotton, parties with whom the miller and exporters have contracted, will sell contracts down and depress the price of cotton, and then they will take these false quotations around and buy the actual cotton for less than it would bring otherwise if they did not have this method of procedure.

A man who can stand on the exchange the longest and holler the loudest is going to carry the price of the contract, and when he keeps on beating it down, the farmer will get discouraged, and the banker who is helping him will get blue, and will say to the farmer, "I see the future market is going down, down, down, and you had better sell out."

That is the iniquity of the proposition. All I want them to do is to specify what they contract to sell, and then when they sell, they will be liable to be called upon to deliver that very kind of cotton.

So my friend, the Senator from Washington, can readily see that if a seller of a contract had to specify the identical grade of cotton he would be very slow to sell at a depressed price, because he would know he would be liable to be called upon to deliver; but the law says to him, "You can sell cotton, which means any one of 10 grades, and we will give you the right to deliver any of the other 10 grades on the contract; then if a man has the temerity to stand up and ask you to deliver the contract we will give you 30 days to go out and get the cotton."

Probably the man would not have a bale of cotton at the time he sold the contract, possibly never saw a bale of cotton in his life, and did not have a bale of cotton at the time the contract matured.

Mr. CARAWAY. Will the Senator yield?

Mr. DIAL. I yield.

Mr. CARAWAY. They are selling the October cotton now, and there is not a seed in the ground.

Mr. DIAL. I am coming to that. They are selling the next crop now. If I could get the attention of the Senate, and if Senators would study this matter a little, I do not believe there would be any practical division of sentiment here. I assure Senators that I do not like to harangue them with my views, but this thing is of so great importance to my people that I feel it is worth more than all the rest of the laws that could be put together in operating upon the South.

Mr. JONES of Washington. Mr. President—

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

Mr. DIAL. I yield.

Mr. JONES of Washington. I desire to say to the Senator that the Senator's argument appeals very strongly to me, but I do not know what to do, when so many of the Senators from the Senator's section, who are interested in this matter, I take it, just as vitally as he is, protest against his amendment and oppose it. I do not know enough about the business to say which one is right. As I say, the Senator's argument appeals to me very strongly from just the general standpoint that when a man buys a thing he ought to have that thing delivered to him, and that there should not be an option on the part of the seller of delivering any one of half a dozen different things. That is just a general proposition, which seems to be almost fundamental; yet when we come to apply it to the particular situation and the particular business, there seems to be a very clear difference of opinion.

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

Mr. DIAL. Yes.

Mr. CARAWAY. I wanted to ask the Senator from Washington if he will not go a step farther and agree that nobody ought by law to be licensed to sell something he does not have?

Mr. JONES of Washington. Just as an abstract proposition I would say yes, yet business has grown up in such a complex way and is carried on in so many different ways that I am not prepared to say that that would not be injurious. But just as an abstract proposition, of course, I would say a man ought not to be selling things he does not have.

Mr. CARAWAY. Anyway, the Senator would not say that one ought to be permitted to sell mules and deliver goats?

Mr. JONES of Washington. No. That, it seems to me, is the force of the Senator's argument; and yet many Senators on the other side who are thoroughly acquainted with the cotton business seem to think he ought to be permitted to sell geese, at any rate, when he contracts to sell sheep.

Mr. CARAWAY. They do sell geese.

Mr. DIAL. Mr. President, I have nothing but the kindest feeling for Senators who differ with me, but they will have to speak for themselves. I will not criticize them.

Mr. JONES of Washington. I understand that. I am looking at this in the belief that all Senators are absolutely sincere, and that is what makes it difficult for me to decide which is right. If I thought that one side was not sincere I would have no question at all about determining which side I should support.

Mr. DIAL. I do not question their sincerity, and I think, since the happening of recent events, perhaps they will have no objection to my amendment. At least, I hope so. I have the highest regard for their consistency, of course, and for their interest in the farmer. I feel they have just as much interest in him as I have and just as much right as I have to be interested in him.

But I do not yield to any man in my zeal to help the people of my section. As I said in the beginning, I inherited that feeling from my father, and I would be a traitor to his memory if I did not stand here and do everything in my power to have this law amended in order to make it operate justly on the producers of cotton. I defy any man to answer the argument that I am presenting. I heard the debate here a few years ago on this question, and I have heard it here since, but no Senator yet has ever taken up the proposition itself and argued it. They try to argue sometimes ad hominem a few things like that, but no man can get up on this floor and say that the present provision of the cotton future contract law is just to the grower of cotton.

They will argue the expediency of it, but they will not answer the justice proposition. If I could get Senators like the Senator from Washington, clear in mind, fair, honest, and patriotic, to listen to my arguments then they would understand the proposition and could vote as they saw proper. I shall bring it up at any and all times in an effort to accomplish that result. I shall never stop in my efforts to have the amendment enacted into law.

Now, I would like to come to the Senator's proposition more specifically. It has been stated on the floor of the Senate that the Committee on Agriculture are opposed to my proposition. I have the highest regard for the Senate Committee on Agriculture and Forestry. Every member of the committee is my personal friend. But I feel that the matter has not been well weighed. A year or two ago I introduced an amendment somewhat along this line.

After debating it for some time I concluded that a better amendment could be offered, a better solution of the proposition could be presented. That amendment provided for equality between the buyer and the seller of the contract, and it would have improved the law greatly. But after more mature deliberation I concluded that I could draw a more perfect measure. After consultation with such other southern Senators as I could get together, I was told to proceed along the line of making a specific and identical contract, and for the reason I stated a while ago I thought that the group contract was the better one.

It is true that the matter went before the Agricultural Committee of the Senate. I do not think I am traveling outside of the record when I say that the Senator from Nebraska [Mr. NORRIS], after hearing the proposition discussed, stated that he favored my amendment and was ready to report on it favorably, but other Senators had it held up and it was not reported. After trying for 12 months to get it reported out, I made a motion on the floor of the Senate that the committee be discharged and the measure placed on the calendar, so I could call it up on the floor of the Senate. I desired to cast no reflection, of course, on the Agricultural Committee, but I felt that they were asleep on the job and that the report ought to have been

made. There was some debate on the floor, and I said that if the Agricultural Committee would not report the measure favorably, I wanted them to report it without recommendation if they would, and if they would not do that, just report it back.

I thought since I was magnanimous enough to make that proposition it would come back without any report at all. But for some reason or other they designated one of their members to make the report, and that report was filed and is here now, and the Senator from Washington and other Senators can see it.

With all due respect to the committee, the report deals with the amendment which I had abandoned, the one for which the present amendment is a substitute. The report did not discuss the substitute at all. I do not know whether this is correct or not, but I strongly believe and am satisfied that the report was never read to the full committee of the Senate. The report is not the consensus of opinion of the Committee on Agriculture, but is merely the opinion of the writer of the report. I would ask the Senator from Washington and other Senators to study the report.

Mr. CARAWAY. Mr. President, may I interrupt the Senator?

Mr. DIAL. I yield with pleasure.

Mr. CARAWAY. I am a member of the Committee on Agriculture and Forestry. I think I am familiar with the Senator's amendment. I believe the Senator knows very well where I stand with reference to it. In other words, I think that it starts in the right direction but stops too soon. Therefore, I did not vote to report the Senator's amendment. Of course, a very much better bill was pending before the Senator's committee, which I, myself, had introduced—

Mr. DIAL. Naturally, the Senator would think so.

Mr. CARAWAY. In which I sought to stop gambling in futures altogether. In other words, my viewpoint was that I did not want to license somebody to gamble in the products of the toil of 11,000,000 of our people. I had hoped the committee would finally realize that the bill which I had introduced was the one they should report, and I have had some encouragement, but it stopped at encouragement.

Mr. DIAL. I would not like to have the Senator from Arkansas abolish the exchanges if he could not otherwise amend the law. I rather believe that would be injurious to the growers of cotton and to the trade generally. I think that is going a good long ways. I was in hopes he would vote to report out my amendment and that we could get the situation readjusted and reestablished to meet the conditions of the grower. I hope he is of that view now.

Mr. CARAWAY. I have been opposed to the licensing of gambling, and therefore I did not want to agree with the Senator from South Carolina, whose measure may have some merit. But if a thing is wrong, let us prohibit it. Let us not merely license it.

Mr. DIAL. Mr. President, I think the Senate ought to be satisfied that the report of the Committee on Agriculture is without weight. They did not discuss the merits of the present amendment, which was substituted for the other amendment which was before the committee.

I want to say to the Senator from Washington [Mr. Jones] and other Senators that there is no question about the merit of my proposition in the minds of the actual growers of cotton. I want to read a brief extract from the Cotton News, of Lexington, S. C., the issue of November 1, 1922, which contains the proceedings of a convention held there, having to do with the growing of cotton in South Carolina. I read an extract from a resolution of the Cooperative Marketing Association of South Carolina, which is under the guidance of the American Cotton Association, and they are closely allied. Here is what that organization said:

The buyer of a future contract should have the same rights as the seller, otherwise the cotton market will be always dominated and controlled by those whose business it is to depress the value of the staple.

Now, the point is that this great organization said the buyer and the seller should be upon an equal basis, and that is all we are contending for.

It has been said on the floor of the Senate upon more than one occasion that the Agricultural Department of the Government is opposed to my amendment. That is hardly correct. In 1920 when Congress adjourned I stayed in Washington and took up with the Treasury Department the restoration of the War Finance Corporation. I was one of the first to suggest that the institution should begin to function again. I thought I could see depression coming, and I appealed with all the energy I had to the then Secretary of the Treasury, David F. Houston, who, I am sorry and ashamed to say, is a southern man. He seemed to have no interest in the cotton growers and appeared to be

oblivious to the interests of the South. It seemed to me he almost gloried in an opportunity to bring about deflation and depress the price of our cotton.

At the same time I took up with the Agricultural Department the question of an amendment of the cotton future contract law. I went to the department and spent hours with them. I told them to bring in all the experts they had. They had some very clever gentlemen there. One of them was from my State. I told them they need not answer my questions unless they wanted to, but I desired to know whether they considered the operation of the present future contract law beneficial to the growers of cotton. They said very candidly they did not. I do not think they have changed their minds since, although the testimony is not as strong to-day as it was then. At that particular time future contracts were selling in New York at 36½ cents, whereas the actual cotton was bringing over 42 cents a pound. The future-contract market had fallen down. It had failed to function. That is what the department said at that time.

They expressed no particular objection to my amendment. They thought it would help the cause some, but they did not know exactly how favorable the exchanges would look upon it. It was a matter of no importance to me whether they favored it or did not favor it.

I have in my hand a letter from a gentleman whose name I shall not disclose, a member of the New York Cotton Exchange, in which he said:

I view with extreme alarm the practices being conducted and manipulations of prices of cotton to-day. Cotton future prices have been manipulated up and down for quite a long time without rhyme or reason. For the last two years prices on futures have been running from 300 to 500 and 800 and in some cases 1,000 points below spot.

This shows that the future market was simply a depressant of the price of spot cotton. Some Senator asked awhile ago in reference to the present condition. The future market in New York on yesterday closed with cotton about 30 cents a pound. I read in this morning's paper where cotton all over the South sold for 30 cents a pound, and some for as high as 30½ cents. We all know that it will take something like a cent and a half a pound to pay the freight and expenses to New York. Therefore the result to-day is that the price of the future market is top-heavy and is depressing the price of the actual cotton; yet it is used as a barometer, as a club, in the hands of the speculator, the exporter, and others to deprive the grower of the cotton of what the cotton is actually worth.

Under this law the law of supply and demand is hobbled; it is not allowed to function. We are taught that overproduction decreases the price of a commodity. It does not take a wise man to see that that is true. So overselling has the same effect. Of course, we assume that the cotton is behind the contract. It is just like this, Mr. President: Suppose in Washington to-day there were used 100,000 dozen of eggs and the price was about 50 cents a dozen. Suppose a man over in Alexandria should telephone into Washington, "I want to sell eggs at 48 cents a dozen"; another man should telephone in, "I want to sell them at 46 cents a dozen"; and another should telephone, "I want to sell them at 44 cents a dozen." The buyer here goes to his broker and says, "I want to buy eggs." "All right," the broker responds, "I have them for sale; I will sell them to you at 50 cents a dozen." "Oh, no," responds the buyer, "You are out of line. I am offered eggs at 44 cents a dozen." Do not Senators see there would be nothing for the seller of the eggs to do but to come down in his price? That is the way they rob and steal from us in the South.

In Liverpool, with 65,000,000 spindles, there is a great exchange to buy and sell contracts; not to help their people sell cotton, for they raise none, but to buy and sell contracts. That depresses the New York and the New Orleans prices of cotton, and in 15 minutes afterwards that is affecting my darkey tenant down in South Carolina.

If the seller of the contract had to specify the identical grade he was to deliver he would ask a higher price for the contract. Hence that would bring up the price of the entire crop of cotton.

I have here in my hand a letter from Mr. Chester Morrill, who is assistant to the Secretary of Agriculture. This letter is dated January 29, 1923. Mr. Morrill appeared before the Senate Committee on Agriculture and Forestry and testified in regard to my proposed amendment. A great deal of misrepresentation has gone abroad about what he said. I desire to read briefly from his letter, as follows:

As you remember, Mr. Meadows and I, as well as others in the department, have from time to time discussed these general questions with you at your request, and we have endeavored to give you all the information we could on the subject. I think that the cotton-futures contract has been greatly improved over what it was before the passage of the cotton futures act and believe that it is capable of being further improved for the benefit of all who use it and producers and

others whose business transactions are influenced by it, such as through the adoption of the three-grade delivery rule like that at Liverpool, which we have discussed with you. When it comes to the exact changes that should be made, however, there is so much room for difference of opinion—and we have observed that such differences of opinion immediately arise as to almost every suggestion that is made—that we have felt we should largely confine ourselves to a presentation of the facts and such considerations as you and others would need to have before you in reaching a conclusion. As indicated in my statements before the subcommittee, we think that your amendment would narrow the usefulness of the contract for hedging purposes. We have felt that any specific action should be preceded by public hearings to ascertain the practical effect of any proposed changes.

Yet it has been said here that Mr. Morrill was against my amendment. All he said was that he questioned how favorably the cotton exchange would look upon it. It is a matter of no importance to me how they look upon it. I am trying to have passed an honest, equitable, mutual law. I am not even asking favors for the farmer. If I had any favors to give, I would give them to him, but he does not ask them. I am, however, requesting, in his name and in his behalf, that justice be done in this body.

Mr. President, that disposes of the proposition of the Agricultural Committee of the Senate being against my amendment. It shows that it is not the case. It shows that the Agricultural Department is not against the amendment; it shows that the cooperative marketing associations of the South are in favor of it.

Further, Mr. President, last March, about a year ago, I had the whole question of the cotton exchange referred to the Federal Trade Commission. Possibly Senators have forgotten the resolution which I then had passed through the Senate. That magnificent body of men—the Federal Trade Commission—have been delving into this subject ever since; they have gone into it most thoroughly; and only last Monday they filed their preliminary report with the Senate stating that they would report more in detail later. I ask that an extract from their report, which is found on page 4654 of the Record of February 26, which I have marked, be included as a part of my remarks.

The PRESIDING OFFICER (Mr. McCUMBER in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

The cotton futures act, for the ordinary seller's option contract, grants the seller of a contract for future delivery of cotton the option of delivering any one or more of 10 grades, the money payment being adjusted to equalize the difference in value, and also the option as to the day of delivery in the delivery month. The commission believes that the effect of these options on the part of the seller, as distinguished from the buyer, is generally to make the futures price lower than it probably would be if corresponding buyer's options were used instead. The seller is given a right by law to determine under the contract both the time of delivery in the delivery month and the grade of cotton, and no corresponding contract is provided for with options for the buyer, although provision is made for contracts for delivery of specific grades in the law, which latter provision is practically never used. While a balance between buyers and sellers with respect to value of grade contracted for and grade delivered under present methods may be made by a money payment, the element of quality of goods sold and the option of the seller to choose the quantities delivered may affect the future price.

While traders in futures under these seller's option contracts may be able to take care of themselves in this matter, and thus the situation may be equitable as between buyers and sellers of futures merely, the matter of fundamental importance is the relation between future prices and cash prices. Both in New Orleans and New York there is generally an absence of parity between daily spot prices reported to the Department of Agriculture and daily closing future prices and cash prices. Both in New Orleans and New York there is generally an absence of parity between daily spot prices reported to the Department of Agriculture and daily closing future prices as recorded by the exchange throughout the month of the maturity of the future contracts. This is not an entirely satisfactory basis of comparison; a better test would be the daily average spot quotation of middling upland cotton of average staple or quality and the daily average future quotation. In the last three years the future, according to the best data now available, however, has been generally lower. But a part of the difference may be due to differences in staple, etc., of the spot cotton, compared with that which is delivered on future contracts. Such delivery month discounts, from whatever cause due, probably are reflected also in the general spread between cash and future prices in prior months. This situation, for the reason stated in the next paragraph, may have a tendency to affect unfavorably the prices received by producers of cotton.

Future prices made on the exchanges are more broadly disseminated than spot prices, partly because of the interest in them of a broadly distributed speculative public and partly because the future price is more standardized or easier to describe adequately for commercial purposes. Spot prices are largely quoted on the basis of futures—that is, so much on, or off—and probably they are absolutely influenced by them to some extent. Competition may compel the local buyer to pay a better price than the futures seem to warrant, but the small-town dealer is generally not so well informed as the large buyer of the actual character of the connection between spots and futures and the producer may not fully appreciate the apparent tendency of the future prices to fall short of parity with spot prices. Under these conditions the price received by the producer who has actual cotton to sell in the spot market would logically seem to be unfavorably affected.

Respectfully submitted,

FEDERAL TRADE COMMISSION,
By HUSTON THOMPSON,
Acting Chairman.

Mr. DIAL. They say, in brief, that the present contract operates injuriously to the producers of cotton.

That was my contention and I am delighted that they have borne it out.

Mr. President, while the present law operates injuriously to the grower, I hope no one will mistake what I have said as to the intentions of the framers of the present law. As I have previously stated, I hope no one will get the idea that those men did not do everything in their power to improve the law and to help the people who need help and who are entitled to help, who do not ask favors but merely ask for justice at the hands of Congress. However, I can not see how any Senator, whether he be from the North, or from the South, or from the East, or from the West, can have any doubt about the fundamental proposition that I am making here, that the present law does act injuriously to the growers of cotton. I have asked that the report of the Federal Trade Commission be made a public document, and I hope it will be spread broadcast over the country so that justice may be done to all parties.

Mr. President, it is remarkable how little people know about this question. They rely upon us here as their Representatives to take care of their interests, and I know that we all try to do so in the best way we can; but I am hopeful that a solution will be found of this question, and I believe if my amendment could be enacted into law it would be of great help to relieve the depressed condition of our section of the country and would bring wealth to the United States. Under present conditions, instead of getting what we ought to get for our cotton, it is sold at a cheap price to Japan, to England, to Germany, to France, and to many other countries in the world, where it is manufactured and sent back here to compete with the products of our own people.

I am delighted that the mills are going nearer to the cotton fields, and that what we produce in this country will soon to a great extent be manufactured here. There is not the least shadow of doubt that if we do not find some way to increase the production and to check the ravages of insects there will not be enough cotton to go around, and then wealth of great magnitude invested in mills may have to lie idle and people will be thrown out of employment.

I did not know until a short time ago about the great lobbies that are maintained here. I have gone on and tried to attend to my business in my own way; but just the other day—to be exact, on January 26, 1923—I received a letter from a gentleman who has an office in the Woodward Building and who signs himself "representing the New Orleans Cotton Exchange." The communication from him showed to what extent these propagandists will go. He sent me a book, which I have in my desk, containing a compilation of what has been said or that has been issued favorable to the exchanges, and incorporating also everything that he could put his hands upon tending to militate against my proposed amendment. It seems that he makes a great deal to do over the report of the Senate Agricultural Committee. The document to which I have referred is sent out at the expense of the United States Government. So lobbyists go around over the country trying to poison the minds of the public against me and against the proposal I have made to correct the iniquitous features of the present law. I merely want the country to know that the taxpayers are paying for this propaganda.

Mr. President, as I have said before, I have no particular ill will against the cotton exchanges, but Congress can not get around its duty to legislate honestly and on sound principles for the people who create the wealth of the Nation. How anyone could go down to the South and realize the long hours and the arduous work incident to the production of the hand-grown crop of cotton, see how the people engaged in its production toil, understand how the price is manipulated from day to day so that the producers are deprived of the fruits of their honest toil, and not vote to amend the present laws is more than I can understand.

Frequently the people engaged in the production of cotton work for 10, 12, or 14 hours a day. The crop is made practically by women and children, many of whom are never compensated for their services, but work to aid the husband or father. If the poor people who produce cotton come out even at Christmas time and are able to pay their bills for supplies, then it is claimed they have done fairly well. With all the power that is in me I claim that a reasonable compensation should be allowed for the work that is performed producing that crop. While it is not necessary that the husband and father should pay the wife and the children each Saturday night or at the end of a month in cash, I do say that when the crop is sold the price of the commodity ought to reflect the value of the services of the labor, and the family that produced

it ought to be that much better off. We talk about trying to help the Russian and trying to help the Armenians and trying to help the poor people of other countries of the world, when right here at home under the strong arm of the law we rob our own people.

Mr. President, I could talk for the remainder of the day, but perhaps some other Senator wishes to say something on the subject, and, furthermore, I have no desire to retard the passage of the appropriation bill. So I content myself with expressing the hope that Senators will vote to amend the filled milk bill by adopting the amendment which I have offered. I do not say it is perfect, but I do say, if I may be allowed, that from a so-called amateur business man's standpoint it is the best amendment which I think is obtainable, and I believe it will prove workable and I know it will be of great value to the people of my section, and Senators should not refuse to vote for the amendment because it is on a different bill, as many say they will vote for it as an independent measure.

APPROPRIATIONS FOR DEPARTMENT OF LABOR.

Mr. WILLIS. Mr. President, I do not desire to delay the passage of this bill for more than a brief moment. The statement I make is for the purpose of clearing up a matter which I suspect no one in the Senate misunderstands but which is misunderstood to some extent in the country.

Everybody here understands the purpose of a deficiency bill—to take care of those small items of expenditure that have arisen either after the appropriation is exhausted or after it has become surplus and is covered back into the Treasury under the covering in the act of 1884—and yet, when the last deficiency bill was being considered, and when it passed here, there appeared in a paper that circulates widely in the State of Ohio this item, which indicated to me that there was a misunderstanding about this particular appropriation bill. Here is the article. It says:

SPENDTHRIFT.

Heard about the Department of Labor's windfall? The "second deficiency appropriation bill," carrying a grand total of \$70,872,345.26, has just passed the House of Representatives. In this bill "generous" provision was made for the Department of Labor, as anyone can see by reading the items. For example, there is \$45.87 appropriated outright for "regulating immigration," \$18.78 for "salaries and expenses of commissioners of conciliation," \$8.20 for "security and defense," and 40 cents for "investigation of child welfare."

Altogether a total of \$81.20 is appropriated in this one bill for the various activities of the Labor Department.

When Uncle Sam gets started, he's some spender.

Mr. President, there are only two theories that can be entertained with reference to that. Either the editor did not know what he was talking about, or—which is more likely—he did know what he was talking about and thought that the people would not know. Of course, the answer to that is obvious. The deduction that naturally would be drawn from that newspaper article is that labor got an appropriation of \$81 out of an appropriation bill carrying \$70,000,000. As a matter of fact, everybody here knows that that is not the situation.

I took pains to hunt up the appropriations for the Department of Labor. For 1922 they are \$5,700,000; for 1923, \$6,916,000; and for 1924, \$6,918,000.

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

The PRESIDING OFFICER (Mr. WADSWORTH in the chair). Does the Senator from Ohio yield to the Senator from Utah?

Mr. WILLIS. I yield to the Senator.

Mr. KING. Is the article to which the Senator has called attention from an Ohio paper?

Mr. WILLIS. Yes; it is from an Ohio paper.

Mr. KING. I am glad the editors in other States do not display such lamentable ignorance.

Mr. WILLIS. I think this editor understood it perfectly well, but he was seeking to sow the seeds of discontent, and make the laboring man think he was getting only \$81 out of \$70,000,000.

Of course, I hesitate to discuss this matter here, because everybody in the Senate understands the situation perfectly well; but in order that there may be an authoritative answer to it, I ask permission to insert just here two brief paragraphs from the letter of the Director of the Budget that accompanied these items.

The PRESIDING OFFICER. Without objection, the matter referred to will be printed in the Record.

The matter referred to is as follows:

The appropriations necessary to provide for payment of these claims are required in order to meet outstanding obligations of the Government heretofore authorized by Congress, the balances of appropriations concerned having been exhausted or carried to the surplus fund prior to the allowance of the claims by the proper accounting officers.

These claims are debts of the Government, the validity of which has been approved, including an appropriation heretofore made by Congress

to meet them. Since their status has not been altered, except in so far as the appropriation has lapsed, new appropriations are proper and necessary at this time.

Mr. WILLIS. I also ask the able Senator from Wyoming [Mr. WARREN] if he will make a brief statement on this subject, so that the matter may be understood by the country for all time?

Mr. WARREN. Mr. President, the idea of finding fault with these small items in the deficiency bill is extremely ridiculous, because the Government does not do business by laps and slams, without books, and the books must be closed; and if there is 1 cent of difference in a balance, it has to be accounted for in some way. There may be from time to time \$7 here and \$10 there and \$15 in another place, and the appropriation of those amounts becomes necessary in order to keep the books straight.

As to the allegation that labor did not get its share, I will say that labor got everything it asked for; and in the case to which the article refers, it was simply a matter of the need of a few dollars to close the accounts.

ASSISTANT CLERK TO COMMITTEE ON INDIAN AFFAIRS.

Mr. SPENCER. I ask unanimous consent to take from the table Senate Resolution 394, and ask that it may be given consideration. It continues the employment of a clerk for the Committee on Indian Affairs whom we now have, and who, I assure the Senate, is absolutely necessary to do the work of that committee.

The PRESIDING OFFICER. Is there objection?

Mr. WARREN. Mr. President, reserving the right to object, I have no objection if the resolution may be disposed of without debate.

The PRESIDING OFFICER. The resolution will be read.

The reading clerk read Senate Resolution 394, submitted by Mr. SPENCER on January 4, 1923, as follows:

Resolved, That Senate Resolution 328, agreed to September 13, 1922, authorizing the Committee on Indian Affairs to continue the employment of an assistant clerk, payable out of the contingent fund, until the end of the present Congress, be, and the same hereby is, further continued in full force and effect until the end of the Sixty-eighth Congress.

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

The resolution was considered by unanimous consent and agreed to.

FILLED MILK—TRADING IN COTTON FUTURES.

Mr. HEFLIN. Mr. President, I want to say a word in reply to the Senator from South Carolina [Mr. DIAL].

I am sure that all fair-minded men want to do what is best for the cotton producer. I want to be entirely fair to the cotton producer and to the spinner, and I am sure the Senator from South Carolina does. The Senator from South Carolina is a producer and a spinner and a banker. Producers, spinners, and bankers are all interested in the cotton industry, as I know he is, and they all want to be fair to the industry, as I am sure he does. We simply differ as to what should be done.

I helped to frame and pass the present cotton futures act. It is not perfect, but it is a great improvement over the old act. We reduced the grades of cotton from 28 down to 9. The last time the act was amended 10 grades were provided. These 10 grades are tenderable upon contracts on the exchange. Whenever a man buys a contract on the exchange he knows that he is going to get one of or some of all of these grades. He knows that the seller has the right under the law to tender him cotton named in the 10 grades provided for in the law, so when he buys the contract he does so with his eyes open; he does so with notice served upon him that only the grades named in this law—one of the 10 or some of all of them—may be tendered. They are the grades fixed by law.

Mr. President, we felt that a dispute might arise between the buyer and the seller as to whether or not the seller was complying with the contract, and I suggested a provision that I thought would take care of that situation. Then if the buyer, when the cotton was tendered, should say to the seller: "This is not the cotton that I contracted for; these are not the grades named in the contract, and I do not want this cotton," and if the seller contended that they were the grades named in the contract the buyer can now under the law we have bring him to the Secretary of Agriculture, and the Secretary of Agriculture can and will determine whether or not the contract has been complied with.

That is the law to-day. I want to read it to Senators. Here is the provision. It is very brief:

The parties to such contract may agree, at the time of the tender, as to the price of the grade or grades so tendered, and that if they shall not then agree as to such price, then, and in that event, the

buyer of said contract shall have the right to demand the specific fulfillment of such contract by the actual delivery of cotton of the basis grade named therein at the price specified for such basis grade in said contract.

There it is, Mr. President; it is as plain as the nose on your face—the specific arrangement in the law by which the man who buys cotton can have the contract fulfilled.

Mr. WARREN. Mr. President, may I interrupt the Senator?

Mr. HEFLIN. I yield.

Mr. WARREN. I am very much interested in all this cotton question; in fact, we have something respecting it in this bill, to add to the effectiveness of the fight on the boll weevil; but I feel as if we ought to cut these things pretty short until we can pass this bill and get it to conference.

Mr. HEFLIN. I promise the Senator that I shall not consume over five or six minutes more.

Mr. President, as I said before on this subject, the Senator from South Carolina has provided a proposition here for the regulation of dealing in cotton futures that I believe—I may be mistaken—that would give undue advantage to the spinner and be very hurtful to the producer. I fear that his bill, if enacted into law, would put a premium upon the best grades of cotton, and drive down the low grades, and would outlaw and unduly cheapen the low grades of cotton.

I fear that under this proposition of his the buyer could come into the market and, purely for the purpose of buying all the cotton a farmer had, some of it at a very low figure, pick out the cream of his crop and say, "I can use this. I will pay you a good price for these two or three grades, but I do not want the other grades." Then the farmer would say, "Well, I have got to sell all of it." Then the buyer would say, "Well, I do not need it and I may not be able to use it, but I will give you so much for it rather than have you take it back home." If the buyer wanted to play such a game, low-grade cotton would be seriously handicapped.

Under the present law, which I have helped to work out for a number of years, trying to protect and safeguard the interests of the producer, the buyer in the spot market buys all of it, every grade of it, and he tells the producer when he brings it up, "Here is your cotton, 10 or 20 bales. This is middling fair, strictly middling, low middling," and so on down. I will give you so much all around for your cotton," and he buys it all. I fear that the other thing would happen if the Senator's bill should become a law. I say again that I may be mistaken in that; but I want to say this, Mr. President:

Under the leadership of the Senator from South Carolina [Mr. SMITH] the Agricultural Department made a test of the tensile strength of cotton, and it was shown that there was very little difference in the strength of the various grades, and that for spinning purposes all of these grades were good; and I assert, as I did here once before, that you could take these low grades of cotton and dye them, as the spinners do, red or brown or black or yellow, and nobody but an expert could tell one grade from another. I want a perfectly fair deal given to the producer of cotton, and I am fighting for that purpose.

Mr. DIAL. Mr. President, if the Senator will allow me—

Mr. HEFLIN. I gladly yield to the Senator.

Mr. DIAL. I think the Senator is entirely mistaken about middling fair, because there is very little middling fair grown—only a very few bales.

Mr. HEFLIN. Not so very many bales. I understand the Senator's point; but I assert that when the average grade of our cotton is dyed red nobody but an expert can tell low middling from middling fair.

Here is a statement which I read before from a paper devoted to the cotton producers' side of this question. It is published in the greatest cotton-producing State in the Union. It is the Cotton and Cotton Oil News, published at Dallas, Tex.

This is what it says:

We sincerely hope that no Member of either House or Senate will disturb existing conditions. Let well enough alone.

Then it proceeds:

Our advice to Congress, now in session, is to study well all measures aimed at cotton or grain future dealing, because futures in both commodities are so indivisibly connected with and so vital to the spot interest of both that any interference with existing rules may be fraught with grave consequences to the producers of grain and cotton, and that class of our citizens are, as a rule, less able to stand any adverse condition that might arise from injurious legislation.

Mr. President, my friend from South Carolina tells us that the farmers have lost millions of dollars. That is true. He says they lost it by not getting a good price for their cotton. That is true. I differ from him as to the cause of that. The cause of that is that the producer is not enabled to hold his cotton off the market until the price will yield an amount which will cover the cost of production plus a profit. If you safeguard the farmer in the marketing of his cotton, so that he

can keep it off the market until the price will yield a profit, he will always get a good price for it. But what is the trouble? When the market opens up influences are put to work to drive him into the market, and he has to throw his cotton on the market without regard to market conditions. He is not permitted to hold it until the price will yield a profit.

Let me illustrate briefly. The farmer who has some cotton to-day—and very few of them have any—can get 30 cents a pound for it. The farmer who was forced to sell in the early part of the season, just a few months ago, got 17 or 18 cents a pound for it. He sold it below the cost of production. The thing to do is to enable the farmer to get money on his cotton, to go to a bank and borrow, to put his cotton in the warehouse and keep it out of the hands of the spinner, keep it off the market, and then the price will go up.

If you will throw those safeguards around the farmer, the day will come speedily, as Senator John T. Morgan, of my State, once said it would come, when the farmer will fix the price at his own door.

Mr. President, there is more the matter with the cotton market than the suggestions coming from my friend from South Carolina. It is not an ideal market by any means, but I suggest to my friend, and for the consideration of those from the Southern States with myself, that the next provision we must work on is one to prevent unlimited short selling on the exchanges. That is one of the great evils that we must correct.

Cotton is 30 cents a pound now. If the law of supply and demand were to be permitted to operate, cotton would be 40 cents a pound to-day and higher.

I want to read a brief statement on the cotton situation before I close, just to give Senators and the country an idea of the scarcity of cotton:

Cotton statistics for the season are startling and will make the cotton world sit up and take notice. During the 6 months and 23 days of this cotton season spinners of the world have taken 8,393,000 bales of cotton against 8,621,000 a year ago. After this date last year, spinners took 4,400,000 bales. The 1922 crop was 9,700,000 bales, of which 8,400,000 bales have been taken, leaving 1,100,000 bales, and carrying over 1,726,000 bales, or a total of 2,800,000 bales for the coming five months.

Mr. President, it is simply startling.

The visible supply of cotton this week is 2,662,000 bales, against 2,913,000 bales on the 31st day of July, 1920, or more than a quarter of a million bales less, and it is well known that July cotton sold at 43.75 cents in July, 1920, and yet we find to-day that there are people with nerve enough to sell cotton short, with such a situation as this confronting them.

This is a report from a man who knows the exact condition in the cotton world.

I want to say in conclusion that under the law a man who buys cotton and can have the Secretary of Agriculture force the seller to tender the cotton stipulated in the contract if the cotton named in the contract is not tendered. Not only that, but under the law, if the parties differ as to the amount of money which should be paid, if the contract is settled in money and not in cotton, and the seller is not willing to take the amount of money offered as the difference between the grades, he can then come to the Secretary of Agriculture and force the seller to produce the cotton named in the contract.

With these two provisions in the law I am going to reiterate, the thing we need to do is to stop this unlimited short selling of the cotton upon the exchange. The thing we need to do is to enable the farmer to borrow money on his cotton, and hold the cotton off the market until the price justifies him in selling it. If we do that, all will be well with the cotton producer.

PRINTING OF FOREIGN POSTAGE AND REVENUE STAMPS.

Mr. CUMMINS. Mr. President, I ask the Senator from Wyoming whether he will yield to me for the purpose of calling up a conference report which, in my judgment, will not require more than one minute?

Mr. WARREN. I yield with pleasure, if it will not lead to debate.

Mr. CUMMINS. It is a conference report on Senate bill 2703.

The PRESIDING OFFICER laid before the Senate the conference report, which was read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (S. 2703) to allow the printing and publishing of illustrations of foreign postage and revenue stamps from defaced plates, 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 disagreement to the amendment of the House numbered 1, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment, as follows: In line 3, page 1, after the word "al-

bums." strike out the semicolon and insert a period, and in lieu of the matter proposed insert the following: "Nothing in said sections shall be construed to forbid or prevent similar illustrations, in black and white only, in philatelic or historical articles, books, journals, albums, or the circulars of legitimate publishers or dealers in such stamps, books, journals, albums, or circulars, of such portion of the border of a stamp of the United States as may be necessary to show minor differences in the stamp so illustrated, but all such illustrations shall be at least four times as large as the portion of the original United States stamp so illustrated"; and the House agree to the same.

W. P. DILLINGHAM,
ALBERT B. CUMMINS,
JNO. K. SHIELDS,

Managers on the part of the Senate.

ANDREW J. VOLSTEAD,
W. D. BOIES,
HATTON W. SUMNERS,

Managers on the part of the House.

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

Mr. ROBINSON. Mr. President, I think the Senate is entitled to know what is in progress. What is the conference report and what is the agreement contemplated?

Mr. CUMMINS. The original bill was a measure to allow the printing and publishing of illustrations of foreign postage stamps from defaced plates. There are a great many stamp collectors in this country, and the purpose was to permit them to issue and gather together defaced stamps and print them for the benefit usually of children. Mark you, these stamps are to be printed in black and white, not in color, and they are to be defaced, so that they can not possibly be used again.

The only amendment made by the House of any consequence was to extend this right to the printing and publishing of United States stamps, but with the same, and even more rigorous, protection against any possible misuse. Our bill was confined to foreign stamps. The bill passed the Senate unanimously, it passed the House unanimously, after this amendment had been agreed to, and the conference report is a unanimous report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

DEFICIENCY APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14408) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1923, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes.

The next amendment of the Committee on Appropriations was, under the head "Department of Labor, Bureau of Immigration," on page 41, after line 18, to insert:

Damage claims: To pay claims for damages to or losses of privately owned property adjusted and determined by the Department of Labor under the provisions of the act approved December 28, 1922 (Public, No. 375, 67th Cong.), as fully set forth in the House Document No. 538, reported to Congress at its present session, \$495.69.

The next amendment of the committee was on page 42, line 14, after the numerals "550" to insert the words "and Senate Document Numbered 316," and on line 15, to strike out "\$4,400.52" and insert "\$25,195.15," so as to read:

NAVY DEPARTMENT. MISCELLANEOUS.

Damage claims: To pay claims for damages to or losses of privately owned property adjusted and determined by the Navy Department under the provisions of the act approved December 28, 1922 (Public, No. 375, 67th Cong.), as fully set forth in House Document No. 550 and Senate Document No. 316, reported to Congress at its present session, \$25,195.15.

Mr. KING. I would like to inquire of the Senator in charge of the bill whether in the general naval appropriation act an item was not carried to meet such claims as the Navy Department omitted to ascertain and adjust?

Mr. WARREN. That related to claims under a certain amount. This is for claims that exceed the amount specified in that bill. Claims amounting to less than \$5,000 could be settled without submission to Congress, but they must submit to Congress claims amounting to more than that.

Mr. KING. May I inquire whether or not an investigation was made by the committee, or did they rely wholly on the representations made by the Navy Department?

Mr. WARREN. We have to rely upon the investigations, after they have taken place, because we have no means of going back of them. But the reports show the cases were very care-

fully considered. A board of survey and review has passed upon them, and they have come from the department, and of course have the approval of the Cabinet officer in charge of the department.

Mr. KING. I confess I do not understand the propriety of this course. If we commit to the Navy Department, or to the War Department, the authority to investigate and pay claims up to a certain amount, that is one thing, but if we authorize them to make an investigation and report to Congress, and then Congress shall make payment upon other claims in excess of that amount, Congress relying simply upon the representations of the Navy Department or the War Department, it seems to me would be required to apply the same principle to every other department of the Government, and we might just as well do away with the Committee on Claims. If the Navy Department make recommendations as to claims to be allowed, and the Congress make payments merely upon their representation, without the matters going to the Committee on Claims, we might as well do away with that committee.

Mr. WARREN. This is an entirely different class of claims from what the Senator indicates. These are claims for damages where ships of the Government have damaged private property, and the law has already provided how those claims shall be settled. We are only appropriating under the law, exactly as the law asks us to do.

Mr. HALE. I think I can explain the matter. On December 28, 1922, two laws were approved, one providing as follows:

The Secretary of the Navy is hereby authorized to consider, ascertain, adjust, and determine the amounts due on all claims for damages occasioned since the 6th day of April, 1917, where the amount of the claim does not exceed the sum of \$3,000.

That is in the case of collisions at sea, and damages arising from collisions at sea. The second one provided:

That authority is hereby conferred upon the head of each department and establishment acting on behalf of the Government of the United States to consider, ascertain, adjust, and determine any claim accruing after April 6, 1917, on account of damages to or loss of privately owned property where the amount of the claim does not exceed \$1,000, caused by the negligence of any officer or employee of the Government acting within the scope of his employment. Such amount as may be found to be due to any claimant shall be certified to Congress as a legal claim for payment out of appropriations that may be made by Congress therefor.

These claims come under those two laws. The purpose of enacting the law was to prevent any of these small claims being brought before Congress and Congress having to act upon them. The department is authorized now to act upon them and report to Congress, and Congress then appropriates for the payment of the claim.

Mr. KING. The Senator sees what the amendment means. We select this department and possibly the War Department, although I am not sure of that, and we say that if a tort is committed by some officer of the Navy and a claim results against the Government, then the Navy Department is authorized to make payment for the tort up to a certain amount.

Mr. HALE. Up to a small amount.

Mr. KING. And beyond that amount they are to make an investigation and make recommendations, and that constitutes a legal claim against the Government.

Mr. WARREN. There has to be an investigation in any case by a regular board, no matter how small the amount of the claim.

Mr. KING. If a tort is committed by some official of the Department of the Interior or the Post Office Department or any other department of the Government, the claimant or person injured may not have his claim adjusted in the same way. He has to bring suit against the Government, if the statute permits it, or, in default of suit, present his claim to Congress, and it is referred to the appropriate committee and handled in the usual way.

Mr. HALE. I think the Senator was here when the laws were enacted. This is merely following out the provisions of the law.

Mr. KING. I merely said that the law is discriminatory, and it seems to me manifestly unwise.

Mr. HALE. If that is so, some steps should be taken to have the law repealed.

Mr. KING. I agree with the Senator, and I think the law ought to be repealed if it is as the Senator states.

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

The amendment was agreed to.

The reading of the bill was continued.

The next amendment of the Committee on Appropriations was, under the head "Navy Department, miscellaneous," on page 42, line 14, after the numerals "550," to insert "and Senate Docu-

ment No. 316," and at the end of line 15 to strike out "\$4,400.52" and insert "\$25,195.15," so as to make the paragraph read:

Damage claims: To pay claims for damages to or losses of privately owned property adjusted and determined by the Navy Department under the provisions of the act approved December 28, 1922 (Public No. 375, 67th Cong.), as fully set forth in House Document No. 550 and Senate Document No. 316, reported to Congress at its present session, \$25,195.15.

The amendment was agreed to.

The next amendment was, on page 42, line 23, after the numerals "580," to strike out "\$16,940.61" and insert "and Senate Document No. 323, \$27,336.30," so as to make the paragraph read:

To pay the claims adjusted and determined by the Navy Department under the provisions of the act approved June 24, 1910, as amended by the act approved December 28, 1922 (Public No. 374, 67th Cong.), on account of damages for which naval vessels were found to be responsible, certified to the present Congress in House Document No. 580 and Senate Document No. 323, \$27,336.30.

The amendment was agreed to.

The next amendment was, under the head "Post Office Department," at the top of page 47, to insert:

Reimbursement to postal employees: For reimbursement to Postal Service employees on account of fines improperly levied by local authorities for carrying arms while engaged in Postal Service duty, and for refunds of amounts collected for loss of firearms in excess of War Department value, fiscal year 1923, \$1,000.

The reading of the bill was continued to page 43, line 10, the last paragraph read being as follows:

For making such changes as may be permissible under the terms of the treaty providing for the limitation of naval armament, concluded on February 6, 1922, published in Senate Document No. 126 of the Sixty-seventh Congress, second session, in the turret guns of the battleships *Florida*, *Utah*, *Arkansas*, *Wyoming*, *Pennsylvania*, *Arizona*, *Oklahoma*, *Nevada*, *New York*, *Texas*, *Mississippi*, *Idaho*, and *New Mexico* as will increase the range of the turret guns of such battleships, to remain available until December 31, 1924, \$6,500,000.

Mr. KING. Mr. President, in connection with the item just read, I desire to have read at the desk an article by Rear Admiral Fullam, which is illuminating and instructive and deals with an important feature of our Navy.

The VICE PRESIDENT. Without objection, the article will be read as requested.

The reading clerk read as follows:

[From the Washington Times, Saturday, February 10, 1923.]

UNITED STATES NEEDS PLANES AND SUBS, SAYS FULLAM—ADVOCATES STRONG NAVY—DAY OF DREADNAUGHTS ALMOST GONE, WRITES REAR ADMIRAL—CITES WORLD WAR.

[By Rear Admiral W. F. Fullam, U. S. N., retired, one of the foremost naval authorities.]

In the following exclusive article for the Washington Times, Rear Admiral W. F. Fullam, U. S. N., retired, criticizes Secretary of the Navy Denby's request for \$6,500,000 to modernize some of the old naval vessels, pointing out that it would be far wiser to spend the money for airplanes and submarines:

The proposition to expend \$30,000,000 or more to increase the gun range and to improve the above-water and under-water protection of our present battleships in order that they may the better resist torpedoes, mines, and bombs, presents many interesting and serious problems. This policy should not be approved until it is thoroughly analyzed and its soundness demonstrated beyond question. Let us briefly examine it.

UTILITY OF PATCHING.

In the first place, the plan to spend so much money on the ships that have been declared to be the "backbone" of our Navy is tantamount to an admission of the following facts:

1. That the dreadnaught is very vulnerable to air and submarine attack.
2. That the airplane used in controlling gunfire has increased the practicable range of big guns.
3. That the upper decks are too weak to resist heavy bombs and the plunging fire of heavy guns.
4. That the under-water hull can not at present resist modern torpedoes, heavy mines, and heavy bombs that explode as depth bombs below water.
5. That these weaknesses in the dreadnaught force us to the unfortunate expedients of loading the ships down with more deck armor and adding "blisters" and "bulges" under water, as a protection for the ship's hull.
6. As a result of these changes the ships will sink deeper in the water and their speed will be reduced by the defensive projecting "blisters" attached below the water line.

BATTLESHIP'S WEAKNESSES.

All these weaknesses in the dreadnaught have been known for years. Attention has been called to them repeatedly by progressive officers at home and abroad. It was demonstrated in testimony before the Naval Committees of Congress two years ago and verified by the bombing of the German ships, that the dreadnaught as now designed is so weak that its years, if not its days, are numbered. That submarines and mines in the World War had circumscribed the battleship's usefulness and that air forces, as recently developed, had jeopardized its very existence.

Despite these powerful arraignments, the political and official forces that backed the 1916 building program turned a deaf ear, pooh-poohed submarines and air forces, and would have pushed the battleships and battle cruisers to completion had it not been, most fortunately, for the decrees of the Washington conference that happily stopped the battleship race.

It is not enough to say that some of these ships, had they been completed, would have been provided with these new offensive and defensive features. The best naval minds in the world to-day are of

the opinion that, before these ships are patched up, and before the new British dreadnaughts can be built, the power of the torpedo, the mine, the bomb, and the attacking skill of the submarine and airplane will be so increased as to wreck the new construction as it has the old model. The attack will again overpower the defense.

No sooner had the Washington conference adjourned than we began to hear the moanings and groanings and calamity predictions of the 1916 six-year-old out-of-date building-program advocates. They were silenced, within limits, by the fact that the present administration very properly considers the treaties to be both righteous and wise.

But their conservative behind-the-times mental processes which blind them to the inevitable future domination of air and submarine forces in naval warfare still act to shackle their minds. It may be said, therefore, that this project to attempt to patch up our battleships is a vain effort to resuscitate the defunct 1916 program by some kind of naval blood transfusion.

To be sure there has been some gain in the discussion. Conservative minds have been forced, against their will, to admit the value of submarine and air forces. The Navy Department and Secretary Hughes also have stressed our need of seagoing, long-range submarines, light cruisers, airplane carriers, and airplanes. This is most fortunate, for the Navy is sadly in need of these types. Without them the Navy, even with a hundred battleships, would be powerless. It would be a weak Navy.

The writer believes in a strong Navy. The United States must have a strong Navy. But what is a strong Navy? That is the question. Patching up the slow-moving ice-wagon elements will not make it strong. We do not make it strong by first making it weaker. We must keep the battleships we now have, but we must add the new weapons that we now lack—swift, powerful, deadly weapons that have put the dreadnaught between two such dangerous fires that its proponents now propose to roof it over and armor its bottom.

The fact that England may pursue this patching policy is no reason for our doing so. We must lead, not follow, in naval development. Admiral Sir Percy Scott once said that Sir John Fisher led the German admiralty, previous to the World War, into a vain and foolish battleship race, and that this blind blunder by the Germans won the war for the Allies. And this fact is admitted to-day.

Had Germany refused to enter the dreadnaught race and developed and built a large submarine fleet, as well as a powerful air force in 1910 to 1914, she would have won the war hands down, despite the battleship fleets of England, France, Italy, Japan, and the United States. Suppose Germany had had 100 submarines instead of 30 in 1914?

Ask Jellicoe and Sims what they think about it. Remember the first statement Jellicoe made to Sims in the spring of 1917, when Sims reached London: "We can not go on like this much longer."

The United States must not be led by the nose as stupidly as was Germany, and with the same result—to lose the next war. We must think and act for ourselves—and we must think and act right. We must look ahead, not back.

There is one more important point—the financial. Will Congress and the people give us more millions to put patches on weak battleships and at the same time give us the millions we really need for cruisers, submarines, and air forces? Will they do both? If not, which will they most likely do? Will they readily agree to spend money on the dying naval gladiators of the past, or will they prefer to add to the modern and powerful elements of a 1923 fighting Navy?

We may perhaps add 3 or 4 miles to the range of the battleship guns, making it 15 miles, or we may develop the airplane carrier, whose gun, the airplane, will have a range of 100 miles, four times as great as the 16-inch gun. And the carrier can have a speed from 5 to 10 miles greater than the patched battleships. Which?

The reading of the bill was continued.

The next amendment of the Committee on Appropriations was, at the top of page 47, to insert the following:

Reimbursement to postal employees: For reimbursement to Postal Service employees on account of fines improperly levied by local authorities for carrying arms while engaged on Postal Service duty and for refunds of amounts collected for loss of firearms in excess of War Department value, fiscal year 1923, \$1,000.

The amendment was agreed to.

The next amendment was, on page 47, at the end of line 19, to strike out "\$1,250,000" and insert "\$1,500,000," so as to make the paragraph read:

For temporary and auxiliary clerk hire and for substitute clerk hire for clerks and employees absent with pay at first and second class post offices and temporary and auxiliary clerk hire at summer and winter resort post offices, fiscal year 1923, \$1,500,000.

Mr. KING. Mr. President, I should like to inquire of the Senator with respect to the items under the head of Postal Service, on page 47: First, the item of \$50,682.24; secondly, the item for \$2,000,000; and third, the item just read by the Secretary, of \$1,500,000, being an increase of a quarter of a million dollars over the appropriation allowed by the other House; then the next item for \$75,000; and the next amendment offered by the committee, amounting to \$300,000. We have made appropriations, as the Senator knows, in the general appropriation bill for the Post Office Department.

Mr. WARREN. Mr. President, it is not astonishing to me that the Senator from Utah should make the inquiry, because the committee was also astonished to the extent that it required a great deal of proof to induce us to insert these amendments. It was, however, found to be strictly necessary.

The fact is that the postal business has increased more than 14 per cent since we made our appropriations for these purposes. That business is increasing right along to that extent. Many articles which were formerly sent from one section to another by private transportation companies are now sent un-

der postage stamps. That increases greatly the work of the Post Office Department, but the earnings of the Post Office Department are, of course, correspondingly increased.

It is always necessary to have auxiliary clerks for certain post offices. Take a post office, for example, at watering places in the summer, where there is practically no business in the winter.

We must enlarge the service there. We must also provide additional compensation for transportation and other matters. I will ask that the telegram which I send to the Secretary's desk be read, it being merely one telegram out of thousands which are sent in from postmasters all over the country. The declaration of the Postmaster General was that in the month of June employees would have to be suspended for one-half of the month unless we make this appropriation. The telegram which I send to the desk is from the postmaster at Los Angeles, Calif.

The VICE PRESIDENT. The Secretary will read as requested.

The reading clerk read as follows:

LOS ANGELES, CALIF., February 27, 1923.

FIRST ASSISTANT POSTMASTER GENERAL,
Washington, D. C.:

Conditions this morning at 8 a. m. such that immediate action should be taken for additional help. There were on hand 30,000 city letters, 20,000 outgoing letters, 200 sacks outgoing papers, 150 sacks city papers. All regular clerks working nine hours daily; substitutes working only five hours; this necessary, as auxiliary allowance expended; carriers curtailing delivery, and in many cases parcels can not be delivered day received.

O'BRIEN, Postmaster.

Mr. WARREN. The condition stated in the telegram seems to be general over the country. Business is increasing in almost every post office in the United States. The expenses are increasing and the receipts of the offices are correspondingly increasing. The Post Office Department is a tremendous concern; in fact, it is the greatest business concern we have to provide for unless, perhaps, it be the Shipping Board.

Mr. KING. May I inquire of the Senator as to the first item providing \$50,682.24 for compensation for postmasters. As I understand, the compensation of postmasters was fixed by law. Is this appropriation to pay for the salaries of postmasters in new post offices?

Mr. WARREN. The Senator from Utah, we will say, is a postmaster at some town. So long as he can put in 12 or 13 hours a day and get the work done, it is all right; but when business increases he must temporarily have some help which perhaps can not be provided under the ordinary appropriation providing for the compensation of clerks. Of course, this is nothing new, but is as old as the Post Office Department itself.

Mr. KING. But this appropriation is for compensation of postmasters, not for additional or auxiliary help, to use the expression employed by the bill.

Mr. WARREN. So far as that is concerned, almost every day there comes to the Senate for confirmation the names of postmasters in presidential post offices which had heretofore been of a lower class. It is assumed, of course, that when the offices are raised to a presidential grade the postmasters get the pay of such grade, and where their salaries had previously been a few hundred dollars they may receive \$1,000 or some such sum per annum, perhaps.

Mr. KING. Is it the Senator's view, from the testimony which was taken before his committee, that the compensation for postmasters provided for in this item is because of the transfer from the lower to the higher grades?

Mr. WARREN. That is true to some extent, but the appropriations also cover new post offices.

Mr. McKELLAR. If I may ask a question, I desire to say that I notice the appropriation is for the fiscal year 1922. Is that back pay which the Government owes these postmasters?

Mr. WARREN. The Post Office Department has business almost all over the world, and its accounts often come in late.

Mr. McKELLAR. But this is to pay postmasters themselves and could not be used for any other purposes.

Mr. WARREN. Very well. If the Senator from Tennessee were a postmaster and he had not received compensation, he would want to receive his compensation later, would he not?

Mr. McKELLAR. The remarkable thing about it is that we did not appropriate a sufficient sum to pay the salaries of postmasters at the time the general appropriation bill was passed.

Mr. WARREN. We have been economizing on appropriations for the Post Office Department as closely as we could, and wherever we could cut we have cut. The consequence is that in the case of a great establishment, such as the Post Office Department, which is growing all the time, we are required to fall back on deficiency appropriations.

Mr. McKELLAR. Were all these items passed on by the Budget Bureau?

Mr. WARREN. Every one of them.

Mr. McKELLAR. Every item in this bill?

Mr. WARREN. Every item in the bill.

Mr. McKELLAR. The item providing for postmasters seems to be quite unusual, because we have previously had deficiency bills containing similar items. This is the third one. We made a general appropriation for the Post Office Department in 1922 for the fiscal year 1923, and have since passed several deficiency bills covering the fiscal year 1923. It is quite remarkable, therefore, that these postmasters have not been paid.

Mr. WARREN. I once had the misfortune to own a building which was rented by the Post Office Department, and I obtained what little rental I received from the Government five years after the Government had ceased to occupy the building.

Mr. McKELLAR. I can understand that, but I can not understand why postmasters who served in 1922 should not get their salaries until now.

Mr. PHIPPS. Mr. President, may I read from the testimony before the House committee in reference to this matter?

Mr. McKELLAR. I hope the Senator will do so.

Mr. PHIPPS. I read from the testimony, as follows:

The CHAIRMAN. What is this compensation to postmasters, fiscal year 1922?

Mr. BARTLETT. It is a similar item.

That is, similar to one previously discussed.

The CHAIRMAN. Fifty thousand six hundred and eighty-two dollars and twenty-four cents. Did we not give you a deficiency appropriation for that some time ago?

Mr. BARTLETT. You allowed a deficiency of \$1,399,508.05, but the additional accounts adjusted by the Comptroller General show further sums due postmasters, amounting to \$50,682.24.

The CHAIRMAN. Why is it it takes so long to find out what is due these men?

Mr. BARTLETT. The original appropriation was found to be insufficient, and, as the accounts are adjusted, the Comptroller General certifies the additional amounts found due.

The CHAIRMAN. Of course, he adjusts them if he gets them?

Mr. BARTLETT. Yes, sir.

The CHAIRMAN. Why does he not get them?

Mr. BARTLETT. There are various reasons why we can not secure the rendition of all postmaster accounts promptly. The postmasters, sometimes, at very small offices, desert the office.

The CHAIRMAN. You mean they go away and do not come back?

Mr. BARTLETT. Yes, sir.

The CHAIRMAN. Then what happens?

Mr. BARTLETT. The records of the office eventually reach the central accounting office.

Mr. McKELLAR. It looks to me like a very loose manner of conducting business that the United States Government does not pay its postmasters promptly, but that we have to appropriate one year and a half after their salary was due \$50,000 to pay postmasters that should have been paid promptly every month.

Mr. PHIPPS. I think the Senator would certainly criticize the department if they paid out this \$50,862 before the Comptroller General had an opportunity to pass upon it.

Mr. McKELLAR. Of course.

Mr. PHIPPS. This matter has to be cleaned up every year. We are dealing with very large amounts, and there is a deficiency in that particular item, due to the fact, as the Senator knows, because he sits on the Post Office Committee, that we try to shear the appropriations down and to prevent them from becoming extravagant. Mr. Bartlett testified that in one item alone the deficiency of \$1,400,000 already appropriated was not sufficient. Fifty thousand dollars is relatively small in proportion. The Senator will recognize that.

Mr. McKELLAR. I do not ever remember of such a thing having occurred before in the Post Office Department. This is the first time I ever knew it to happen.

Mr. WARREN. The pay for post-office employees is \$2,000,000 a week.

Mr. KING. Mr. President, may I say in conclusion that the statement just submitted by the able Senator from Colorado shows an appropriation in one deficiency bill quite recently of more than \$1,000,000 for one particular branch of the service. I do not know the aggregate amount carried in the two preceding deficiency appropriation bills for the Post Office Department, but I doubt not that all of the items amount to several million dollars. In addition to those large amounts, we have in this bill deficiency appropriations—I have but hastily examined the items—of between \$12,000,000 and \$13,000,000.

Mr. WARREN. The Senator, I think, hardly realizes how small a percentage even that is to a \$600,000,000 expenditure. It costs us to run the Post Office Department nearly \$600,000,000 yearly.

Mr. McKELLAR. I have before me the deficiency bill signed on January 22, 1923, last month, and it provides on page 7:

For compensation to postmasters, fiscal year 1922—

Just the words that the pending item is in—

\$1,399,508.03.

Mr. PHIPPS. I directed the attention of the Senator to those figures just a moment ago. The item in the pending bill is supplemental to that item of \$1,399,000.

Mr. WARREN. The Senator overlooks the fact that the salaries of the low-class post offices are determined by the earnings of the office, and the earnings of the office can not be determined until the result of the business of the office for a given period is known.

Mr. McKELLAR. Missing the correct amount by \$1,399,508.03 and then missing that by \$50,000 seems to me to be very poor business management. It does seem to me that the Bureau of the Budget ought to be able to submit in January a statement that would be fairly conclusive for at least a month. It has just been slightly over a month since they sent in here a request for appropriations for \$1,399,508.03. It may be that next month we will have an estimate of \$50,000 more, and so on.

Mr. SMOOT. Mr. President, the amount is not a guess. The department or the Budget Bureau can not send here a guess of what amount will be required up to a certain time. An estimate for the amounts in the last deficiency bill came in, and that was the amount at that time found to be actually due postmasters. Since then it has been settled—not guessed at, but settled—that there is a further amount due postmasters of \$50,682.24. The Senator would not want the Bureau of the Budget to guess at the amount that was to be paid to postmasters?

Mr. McKELLAR. No; they ought to know about it.

Mr. SMOOT. They can not know about it in advance.

Mr. McKELLAR. They ought not to be sending in here requests for deficiency appropriations every month.

Mr. SMOOT. No human being could tell in advance what amount would be required.

Mr. McKELLAR. This is not a good way to legislate; it is not the way to manage; and if the Budget Bureau can not do any better than that I think it had better quit.

Mr. SMOOT. No human being can tell what the total compensation of postmasters is going to be. It depends upon the amount of business done by various little post offices, and the amount can not be guessed at. I should not want the Director of the Bureau of the Budget to make any estimate in the form of a guess, and say, "We guess it will be \$50,000," or "We guess it will be a million dollars." Whenever these accounts are finally audited and ascertained, then we appropriate for them, and that has been the policy all the time.

Mr. McKELLAR. The Senator says the bureau ought not to guess. That is true. But when the Budget sent an original estimate here for the Post Office Department last year they must have guessed at it then, because they then said to the Congress that the amount that they submitted was not a guess but an accurate statement of what amount would be necessary. Now we find that they missed it in January, at any rate, by \$1,399,508.03, and even now there is still a further discrepancy of \$50,000 for which we have to appropriate.

Mr. SMOOT. Mr. President, those two accounts are quite different items. As to the item which we are discussing now, no human being knew what it would be until the reports had been submitted from the various post offices and a final statement and audit had been made.

The other proposition, of course, is an estimate. This is not an estimate. This is an actual amount that is found to be owing, and we appropriate to the very cent to cover all of it. All of the others are estimates, and, of course, nobody could tell then exactly what it would be down to the cent or the dollar or the hundred dollars, and in some cases not to the million dollars.

Mr. McKELLAR. Mr. President, I just remark again that it seems to me the Budget, as managed at present, is a fifth wheel to the wagon.

Mr. SMOOT. You will never get a better manager.

Mr. KING. Mr. President, while we are on this item—

Mr. WARREN. Mr. President, why does not the Senator make some motion, if he is not pleased with the bill?

Mr. KING. I can not offer a motion dealing with this matter at the present time, under the rule, until we finish the committee amendments.

Mr. WARREN. The Senator can offer amendments to these committee amendments.

Mr. KING. That is true, but what I was about to ask concerning now was not an amendment. I can get the information now, and save offering an amendment which would call for an explanation, and would delay the matter.

I was about to ask the Senator with respect to the item of \$1,000,000, found on page 48, for 15 division superintendents, 15 assistant division superintendents, and so forth. Is that deficiency?

Mr. WARREN. That is to carry out the law which already exists. Perhaps the Senator will remember that we have had several discussions at different times about the number of those superintendents, and they have had to be added to from time to time.

Mr. KING. Then, as I understand, we have increased the number of superintendents, and this calls for an additional \$1,000,000 for their salaries. I assume that the Senator answers "Yes."

Mr. PHIPPS. Yes.

Mr. KING. Referring to the next item of \$3,500,000 for inland transportation by railroad routes, could not that have been foreseen and estimated for, or is that a deficit?

Mr. PHIPPS. That is covered by what I said. It represents between 14 and 15 per cent of the business which has had to be transported in the last year under our Postal Service.

The VICE PRESIDENT. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 47, after line 22, to insert:

For pay of letter carriers at offices already established, including substitutes for letter carriers absent without pay, City Delivery Service, fiscal year 1923, \$300,000.

Mr. McKELLAR. Mr. President, I should like to have an explanation of that item of \$300,000 for substitutes for letter carriers absent without pay. It is a rather peculiar provision of law when you appropriate \$300,000 to pay for substitutes who are absent without pay in part.

Mr. WARREN. They are all subject, of course, to the leaves of absence that all employees of the Government are. Those substitutes, of course, are paid out of an entirely different fund, and we have to appropriate accordingly.

Mr. McKELLAR. Why could not the Budget have known something about that, and why could not the department have known something about it?

Mr. WARREN. The Senator contends all the time, or seems to understand, that these things were made up by the Budget Bureau with figures before them, lately. The original estimates were made up last August and September, the latest ones. The increase since then, and the shortages, have been estimated as nearly as possible up to date; and these things are in addition to those that were estimated for and appropriated heretofore.

Mr. McKELLAR. I call attention to the language:

For pay of letter carriers at offices already established.

We have already appropriated for letter carriers at offices already established.

Mr. WARREN. Let us assume that the Senator is a letter carrier. He has worked his 11 months and he gets a month's leave. He gets his pay. Who is going to take his place? The work has to be done by a substitute, and that substitute has to be paid.

Mr. McKELLAR. That is provided for in the appropriation bill for the Post Office Department.

Mr. WARREN. No; it is only provided for as far as they had information. The Senator seems to forget all the time that there is this big percentage of business being added month by month, continually.

Mr. SMOOT. Not only that, Mr. President, but no one can tell how much sick leave a man is going to have. Whenever an employee has all of the privileges granted to him in the way of sick leave and leave of absence and half holidays, and so forth, they amount to over 56 days in the year; and the Senator, I think, voted for all of them.

Mr. McKELLAR. Mr. President, permit me to say that this illustrates splendidly one of the objections to the taking over of the authority of the Post Office Committee to appropriate. We have two committees at work on it, and the officers of the departments come in after the Budget is made up and after the bill is passed; whenever there is a deficiency we find these large amounts coming in.

Mr. SMOOT. They always have.

Mr. McKELLAR. We have a law against deficiencies, and yet they come right along, with the usual perseverance, and get large appropriations from the Government. I am inclined to think that it is a very bad way to legislate.

Mr. PHIPPS. Mr. President, I should like to ask the Senator if he did not sit on the subcommittee that passed upon the appropriation bill for the Post Office Department for the coming fiscal year 1924 in the room of the Committee on Appropriations?

Mr. McKELLAR. I did.

Mr. PHIPPS. And was not that bill handled in exactly the same manner that the bill for the fiscal year 1923 was handled?

Mr. McKELLAR. Yes.

Mr. PHIPPS. Did the Senator sit on the subcommittee for the bill of 1923?

Mr. McKELLAR. I do not recall. I believe, though, that I did; but here is the point about it—

Mr. PHIPPS. The bill was prepared by a subcommittee of the Post Office Committee?

Mr. McKELLAR. Yes; and we allowed every appropriation that was properly submitted and that was proper and right, and we had hearings about it, and we cross-examined the witnesses, and we looked into it, and we examined it carefully.

Mr. PHIPPS. In the same manner that it was done this year?

Mr. McKELLAR. Now the bill comes up before the Appropriations Committee, a different committee; and to my mind facts have not been given here showing that these large appropriations were necessary. I call especial attention to this \$300,000. I know that in our committee we went very fully into the matter of the pay of substitutes for letter carriers absent without pay.

Mr. WARREN. If the Senator went into it, why did he not appropriate enough so that we did not have to appropriate for it?

Mr. McKELLAR. I think we did appropriate enough.

Mr. WARREN. Last year the Senator was one of those who provided it.

Mr. McKELLAR. I think we did appropriate enough, and therefore there is no real reason for this appropriation. At any rate the chairman of the committee has not given it to us.

Mr. WARREN. Does the Senator want to say that the Post Office Department has fooled away in the meantime the money that the Senator himself voted to appropriate?

Mr. McKELLAR. Oh, no; I do not say that; but we know that every department here constantly comes before the committee and asks for increased appropriations, and when they have two committees instead of one it is just that much easier for them to get them.

Mr. WARREN. Does the Senator mean to insinuate that the present committee is throwing away the public money on the Post Office Department?

Mr. McKELLAR. Oh, no; not at all.

Mr. WARREN. One would think so from the remarks of the Senator.

Mr. McKELLAR. The committee is doing the best it can in the closing days of the session, of course. I know that.

Mr. PHIPPS. Mr. President, the Senator made one remark which I do not think should be permitted to pass; it might be misunderstood. I do not believe that the Senator meant to insinuate that the subcommittee of which he was a member, sitting on the bill for the coming fiscal year, 1924, did not go into the various items with as much diligence and care as did the subcommittee on which the Senator sat for the year 1923.

Mr. McKELLAR. I did not compare them. The Senator could not possibly misconstrue in that way any statement that I have made. I did not reflect upon anyone.

Mr. PHIPPS. I did not think the Senator did, and I did not want it to appear so in the RECORD.

Mr. McKELLAR. It would not appear that way in the RECORD.

Mr. PHIPPS. But that was the inference that might have been drawn from the Senator's statement.

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

The amendment was agreed to.

The reading of the bill was resumed, the last paragraph read being as follows:

For inland transportation by railroad routes, fiscal year 1923, \$3,500,000.

Mr. McKELLAR. Mr. President, I ask the member of the Post Office Committee who is on the Appropriations Committee—the Senator from Colorado [Mr. PHIPPS]—to explain this item. Here is an item of \$3,500,000 for inland transportation by railroad routes for the fiscal year 1923. Why is it that we have to have that enormous sum added to what we have already appropriated? We had all the facts before the committee when that appropriation was made.

Mr. PHIPPS. Mr. President, I believe the Senator will remember that in many instances the estimates coming from the Post Office Department were allowed in full by the House, and there were cases where the Senate committee thought it was proper to increase amounts that had been allowed by the House, and then, after the Senate had expressed its views and the items would go back into conference, the House would not always recede.

In many instances the House insisted that the amount which it considered proper and sufficient should be the amount allowed, and that we should not go beyond that. That was true in many cases such as this. I have a clear recollection that this very item was one where we did not permit the Post Office Department to have the full amount originally estimated for transportation of mail by inland routes.

Mr. McKELLAR. What was the original amount?

Mr. PHIPPS. I want to say that the effect of the recent railroad strike was such as to add largely to the cost of that transportation. In the Railway Mail Service alone, for salaries, there is a large increase.

Starting last July there was a railroad strike, nation-wide in extent, which included all of the shopmen of the various railroads. Within a few weeks after the start of this strike the effect of the lack of proper men in the shops was very noticeable, with the definite result that the trains began to run behind schedule quite generally. This continued throughout the strike and is still continuing, with no sign of any marked improvement.

Our railway mail clerks are employed on these trains. When the trains are late in arriving at their destinations we are required by law to pay the railway mail clerks for the extra time which they have put in.

Mr. McKELLAR. Is the Senator reading from the hearings before the Post Office Subcommittee of the Appropriations Committee?

Mr. PHIPPS. No; not before the Post Office Subcommittee of the Appropriations Committee. This was before the deficiency subcommittee.

Mr. McKELLAR. We had all of that before us at the time, and we appropriated with that in view, and yet we have a deficiency of \$3,500,000 here.

Mr. PHIPPS. For the fiscal year 1923.

Mr. McKELLAR. 1923. That does not indicate that we did not have it before us. What did the Budget provide?

Mr. PHIPPS. This is additional to the original appropriation. This is not an item that the Senate passed upon.

Mr. McKELLAR. What did the Budget provide for inland transportation?

Mr. PHIPPS. I do not appear to have right at hand here the comparative items as between the bills for the two years.

Mr. WARREN. While the Senator is looking up the items, I send to the desk for printing some matter which I wish to have go into the RECORD along with the debate.

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

The matter referred to is as follows:

Under date of February 20, 1923, the Post Office Department officials notified postmasters that the appropriation for pay of substitutes and of auxiliary and temporary letter carriers was insufficient to meet the requirements of the service and no additional allowances would be made. Postmasters were also notified that the appropriation for regular city delivery carriers, from which the overtime service performed by letter carriers must be paid, is exhausted, and that all overtime of carriers must be discontinued. This order is mandatory on all postmasters, the notice further states, because a deficiency appropriation covering this item has not been approved by the Bureau of the Budget.

Believing that the conditions resulting from insufficient appropriations to properly conduct the Postal Service will work injury to its good name and harm to the interest of its patrons far beyond the economies effected, I desire to submit for your consideration the following statement:

The estimates submitted by the department officials for pay of letter carriers at post offices already established for the fiscal year ending June 30, 1923, was \$71,000,000. The Congress appropriated \$70,200,000, or \$800,000 less than the estimates. The department estimates for temporary and auxiliary service was \$9,000,000. The Congress appropriated \$8,000,000, or \$1,000,000 less than the estimates.

The average annual increase in postal receipts for the preceding 10-year period has approximated 7 per cent. The increase in postal receipts for the current fiscal year beginning July 1, 1922, and continuing on without abatement to the present time have been far in excess of this annual 7 per cent average. The following table, beginning with the month of July, 1922, and including January, 1923, shows the increase in postal revenues from month to month during the current fiscal year as compared with similar months in the preceding fiscal year:

	Increase.	Per cent increase.
July, 1922, over July, 1921.....	\$2,034,410	11.62
August, 1922, over August, 1921.....	2,082,796	10.80
September, 1922, over September, 1921.....	2,357,543	11.55
October, 1922, over October, 1921.....	3,107,418	14.34
November, 1922, over November, 1921.....	3,006,720	13.79
December, 1922, over December, 1921.....	2,422,749	9.00
January, 1923, over January, 1922.....	3,978,036	18.99

The increase in postal revenues has been reflected in a steadily mounting volume of mail matter, but without a corresponding increase in the appropriation for the pay of letter carriers, who are an indispensable factor in handling this mail. In fact, the appropriation granted by Congress for the pay of letter carriers at post offices already established for the fiscal year ending June 30, 1922, was \$70,000,000. The same item for the fiscal year ending June 30, 1923, was \$70,200,000.

or a minor fraction of 1 per cent in the expenditure for letter-carrier service as compared with an approximate increase of 12½ per cent in the volume of mail to be handled as indicated by the receipts. For the fiscal year ended June 30, 1922, the appropriation for temporary and auxiliary carrier service totaled \$10,500,000. The amount appropriated by Congress to cover the same item for the fiscal year ending June 30, 1923, was \$8,000,000 or a decrease in this item alone for the current as compared with the preceding year of \$2,500,000. Thus it will be noted that in those two major items a considerably less amount has been appropriated for pay of letter carriers during the fiscal year 1923 than in the preceding fiscal year, notwithstanding that the increase in the volume of mail during the same period has reached record proportions.

As a result of intensive effort and constant development along lines of greater efficiency, the Postal Service to-day has less duplication, less lost motion, and less misdirected effort than any considerable institution anywhere. The letter-carrier service has achieved a notable efficiency along these lines that offer little prospect of material improvement. In the opinion of trained postal officials, the carrier service has reached the saturation point and no decrease in expenditures for this service can be effected without a corresponding decrease in the character of service rendered postal patrons. This fact is fully confirmed by the testimony of Post Office Department officials before the Subcommittee on Appropriations in charge of the Post Office appropriation bill, which shows that the carrier service is now keyed up as tight as efficient supervision can make it and that the regular carrier force can not handle the mounting volume of mail without further assistance.

In order to meet the actual needs of the City Delivery Service at post offices during the remainder of the fiscal year ending June 30, 1923, it is necessary that a deficiency appropriation be authorized by Congress.

Postmaster General Work recommended to the Bureau of the Budget a deficiency appropriation of \$300,000 for the City Delivery Service for the remainder of the fiscal year. This is a modest and conservative estimate and is only a fraction of the increased revenues of the department for the single month of January, 1923.

From the standpoint of business and in fairness to the public, the employees, and the service we appeal to the Senate to provide the necessary deficiency appropriation requested by the Post Office Department officials.

Hoping you will give this important matter your earnest consideration, with kind regards, I remain,

Sincerely yours,

ED. J. CANTWELL,

Secretary National Association of Letter Carriers.

Mr. PHIPPS. There is quite a lengthy statement. If the Senator had read the hearings of the House committee, which were available, he would have gotten much of the information, but it is very difficult to give the details and condense them. The train schedules show that there were 12,270 connections missed on account of delayed trains during the week of November 19, 1922, alone.

Mr. McKELLAR. I want to call the Senator's attention to the fact that some \$10,000,000 are carried in this third deficiency bill over and above the appropriations we made in the original Post Office appropriation bill and in two of the deficiency bills for the Post Office Department. It just strikes me that a Budget which misses the mark by more than \$10,000,000 is not very accurate in its calculations as to what Congress ought to do.

Mr. PHIPPS. Let me give the Senator some of these figures. When the deficiency bill to which he called attention awhile ago was passed in January we allowed \$1,250,000 for railway transportation. The department then asked for \$4,750,000, or \$3,500,000 more than was allowed. I read now from the hearings:

The CHAIRMAN. Lest there might be any doubt as to the responsibility for the reduction in the appropriation to \$90,000,000 I think it is only fair to say, without intending to reflect on anybody, that when this sum of \$90,000,000 was appropriated it was appropriated at the direct request of Colonel Henderson's predecessor, Colonel Shaughnessy, who has since died, and it was not done by the Committee on Appropriations or by the Congress; it was done at Mr. Shaughnessy's request. Did I understand from the reading of that communication that had not the railroad strike occurred it might have been possible to have come within the \$90,000,000 or close to it?

Mr. TRIEM. No, sir; the railroad strike had nothing to do with this increase in the mail pay. The increase in mail pay is due entirely to the increase in postal business and to the bulk of mails carried.

Mr. HARRISON. Mr. President, I wish to suggest that the Senator from Kentucky [Mr. STANLEY] desires to speak on the filled milk bill, and we have only 15 minutes left for debate.

Mr. STANLEY. Mr. President, I do not care to divert the attention of the Senate from the deficiency bill, but I do take this occasion, as I have only 15 minutes—

Mr. WARREN. Will the Senator excuse me a moment? I do not object, of course, to the Senator doing as he has a right to do, to take the time now to speak on the filled milk bill, but immediately following his address I understand that under the unanimous-consent agreement debate will cease on that bill, and a vote will follow shortly. I give notice at this time that I shall expect the Senate to bear with me after that vote is taken until we pass the deficiency bill, whether it takes a part of the night or all night, because if we have any intention of having it become a law it should be passed by the Senate to-night.

Mr. ROBINSON. I understand it is expected that an executive session will be held immediately following the disposition

of the filled milk bill, and it has been suggested that the Senate then revert to the consideration of the appropriation bill.

Mr. WARREN. That is what I expect when we open the doors and come back into legislative session.

FILLED MILK.

Mr. STANLEY. Mr. President, this matter should be called to the attention of the Senate and of the leader of the minority. The method of legislation upon which we are about to enter is, in my humble opinion, an evidence either of gross carelessness or of a lack of moral courage in facing an issue.

Here is a bill, H. R. 8086, which on its face is essentially commendable. A hurried reading of the bill would lead one to believe that it was an honest attempt to prevent the sale of adulterated milk. It is no such thing. As drawn, it is a plain attempt to utilize the dread powers of legislation to destroy one business in order to foster another.

This bill, after a long and complex definition of what filled milk is and how it may be sold, declares in section 2:

It is hereby declared that filled milk, as herein defined, is an adulterated article of food, injurious to the public health, and its sale constitutes a fraud upon the public.

The sale of this filled milk is not regulated; it is absolutely prohibited, notwithstanding the fact that I can find nothing in the record which indicates that any constituent of this so-called filled milk is deleterious or unwholesome, that it contains anything positively injurious or poisonous. The most that can be said of it is that it is less deleterious than the natural milk.

Mr. ROBINSON. Will the Senator yield?

Mr. STANLEY. Yes.

Mr. ROBINSON. I understand the proponents of the bill claim that a fraud is perpetrated in the sale of filled milk as milk; that, as a matter of fact, it is a mixed, not to say an adulterated, article; that it is used in an attempt to nourish infants; and that to infants it proves deleterious. I understand that to be the theory upon which the proponents of the bill proceed.

Mr. STANLEY. It is claimed it is deleterious to infants because the filled milk is lacking in vitamins which the natural milk contains. But here is the point: Instead of providing, as everybody is willing to provide, that this milk shall not be sold unless it plainly indicates what it contains, and is plainly differentiated from the other milk, or that it shall not be sold at all if it is deleterious to health, the bill provides that because it is not quite as good a food for infants as some other food a man shall go to the penitentiary for so many years and pay a thousand dollars fine for making it and selling it at all.

In the course of the hearing the proponents of the bill called Dr. Joseph Goldberger, of the Public Health Service, who is a scientist of recognized ability. He said:

I tried to inform myself as well as I could by reading this bill that this committee is considering, and it seems there are one or two things about it that perhaps it might be proper for me to express an opinion about. One of those is the word "deleterious," qualifying an article of food, subsection C of section 1.

In my judgment that would not be a correct use of the word deleterious. From what little I know about such food I would say that such food is a wholesome and nutritious article of food and that in the usual conventional use of the word deleterious that would not be a proper qualification of it.

Mr. DIAL. Mr. President—

The PRESIDING OFFICER (Mr. REED of Pennsylvania in the chair). Does the Senator from Kentucky yield to the Senator from North Carolina.

Mr. STANLEY. I yield.

Mr. DIAL. I call the Senator's attention to the fact that the proponents of this bill stated they might have to make this very article, according to their own representation.

Mr. STANLEY. It appears it is a fight between two manufacturers of filled milk. There is every evidence of it.

Mr. DIAL. They said they might have to go into making this very article, showing it is not deleterious.

Mr. STANLEY. There is nothing in the hearings to show it is deleterious; yet the Senate of the United States solemnly agrees that at 5 o'clock they will take this up, with other bills in the way prior to that time, and that when it is taken up no amendment may be discussed, but that the bill and all amendments thereto must be voted on immediately. It is unworthy of the Senate to grind legislation through in that way without it being understood, without it being digested, and with a deliberate attempt to prevent the Senate knowing what it is doing. For if the Senate persists in tying its hands in this way it will cease to be a deliberative body.

Mr. DIAL. Mr. President—

Mr. STANLEY. I yield.

Mr. DIAL. I would like to ask the Senator if he thinks Congress can pass a law declaring an article to be deleterious when it is not deleterious or injurious to health and keep it out of interstate commerce when it is not inherently deleterious?

Mr. STANLEY. It is absurd for the Senate to say a thing is deleterious when there are not three chemists in the body. It is a judicial question. Instead of prohibiting the sale of deleterious foods we are to declare by law what is deleterious without any knowledge on the subject whatever and refuse to discuss it.

What business is it of the Senate to pass upon technical and scientific questions? After a while we will be saying how long skirts shall be and when they are decent or when they are deleterious, and Congress will solemnly pass an act that if a woman wears a skirt more than 18 inches from the ground, or wears a dress more than 8 inches from the top of her shoulder, it is not moral. The exercise of that authority is a *reductio ad absurdum*.

I represent a State where dairy farming is a great industry. I have every desire to encourage this great industry. There are no filled-milk makers in Kentucky. I would have every incentive to support this amendment were I looking simply to that which is popular. Nevertheless I shall not hesitate to express my disapproval of this character of legislation enacted in this sort of way.

A bill prohibiting the use of an imitation milk not plainly marked in such a way as to show it is such imitation would be laudable. A bill prohibiting the making of filled milk or prepared milk which contains any deleterious substance, and providing heavy penalties for that sort of thing, would meet and should meet the approval of every honest and patriotic man in the Senate; but this is not legislation of that character. It is invoking the power of Congress to destroy a business, whether it is legitimate or not, whether it is making a wholesome or a deleterious food or not, by declaring the food unwholesome by fiat of law.

Doctor Goldberger, of the Public Health Service, in further discussing this matter, speaking of this very filled milk as not containing vitamins for babies, was asked:

Doctor, if orange juice were added to the filled milk in feeding the baby, would that make up for the deficiency in vitamin A?

Doctor GOLDBERGER. Not entirely, because orange juice is not especially rich in that vitamin, although it is rich in some of the others, for instance, the antiscorvy vitamin. But if tomato juice is added, as is done now in children feeding, that would contribute very materially to supplying that. But one might say this, that there is no particular necessity for using this preparation in infant feeding, and I am not aware that it is being urged for infant feeding, any more than one might say white bread is urged exclusively in infant feeding. It has its place.

Mr. President, under this precedent I can destroy the cottonseed industry in the South. I can utterly annihilate it. People are selling olive oil every day that is cottonseed oil, and the chemists can be found who will say that the cottonseed oil has less nutritive value than olive oil.

It is a tremendous thing for the Congress of the United States to declare that an article in the market is unwholesome and deleterious, without any proof to support it; to declare it by fiat of law, and then refuse to discuss the matter when it gets ready to enact such legislation.

The bill in itself is not of any special importance. It will put a few filled-milk dealers out of business; but the character of this legislation, the intent and purpose and spirit of it, the use of the lawmaking power to regulate business to-day, to destroy business to-morrow, to foster business the next day, is an ever-growing menace. Every day ingenious men are finding new ways and new hooks and new crooks to invoke the power of Congress, either to destroy or to subsidize some business, and it is time that sort of thing should stop, and it should be challenged whenever it is attempted.

The PRESIDING OFFICER (Mr. REED of Pennsylvania in the chair). The hour of 5 o'clock having arrived, under the unanimous consent agreement the bill (H. R. 8086) to prohibit the shipment of filled milk in interstate or foreign commerce is before the Senate as in Committee of the Whole and will be read for action on the committee amendments.

The reading clerk proceeded to read the bill. The first amendment of the Committee on Agriculture and Forestry was, on page 2, lines 8, 9, and 10, to strike out "and as such is an adulterated and deleterious article of food, and when marketed as such constitutes a fraud upon the public," and to insert in lieu thereof the following:

This definition shall not include any distinctive proprietary food compound not readily mistaken in taste for milk or cream or for evaporated, condensed, or powdered milk or cream: *Provided*, That such compound (1) is prepared and designed for feeding infants and young children and customarily used on the order of a physician; (2) is packed in individual cans containing not more than 16½ ounces and bearing

a label in bold type that the content is to be used only for said purpose; (3) is shipped in interstate or foreign commerce exclusively to physicians, wholesale and retail druggists, orphan asylums, child-welfare associations, hospitals, and similar institutions and generally disposed of by them.

So as to make the first section read:

That whenever used in this act—

(a) The term "person" includes an individual, partnership, corporation, or association;

(b) The term "interstate or foreign commerce" means commerce (1) between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; (2) between points within the same State, Territory, or possession, or within the District of Columbia, but through any place outside thereof; or (3) within any Territory or possession, or within the District of Columbia; and

(c) The term "filled milk" means any milk, cream, or skimmed milk, whether or not condensed, evaporated, concentrated, powdered, dried, or desiccated, to which has been added, or which has been blended or compounded with, any fat or oil other than milk fat, so that the resulting product is in imitation or semblance of milk, cream, or skimmed milk, whether or not condensed, evaporated, concentrated, powdered, dried, or desiccated. This definition shall not include any distinctive proprietary food compound not readily mistaken in taste for milk or cream or for evaporated, condensed, or powdered milk or cream: *Provided*, That such compound (1) is prepared and designed for feeding infants and young children and customarily used on the order of a physician; (2) is packed in individual cans containing not more than 16½ ounces and bearing a label in bold type that the content is to be used only for said purpose; (3) is shipped in interstate or foreign commerce exclusively to physicians, wholesale and retail druggists, orphan asylums, child-welfare associations, hospitals, and similar institutions and generally disposed of by them.

Mr. STANLEY. Is it in order to offer an amendment to the second section of the bill at this time?

The PRESIDING OFFICER. It is not yet in order. The question is on agreeing to the amendment of the committee just read.

The amendment was agreed to.

The next amendment of the Committee on Agriculture and Forestry was, on page 2, line 23, after "Sec. 2," to insert the following:

It is hereby declared that filled milk, as herein defined, is an adulterated article of food, injurious to the public health, and its sale constitutes a fraud upon the public—

So as to make the section read:

Sec. 2. It is hereby declared that filled milk, as herein defined, is an adulterated article of food, injurious to the public health, and its sale constitutes a fraud upon the public. It shall be unlawful for any person to manufacture within any Territory or possession, or within the District of Columbia, or to ship or deliver for shipment in interstate or foreign commerce, any filled milk.

The PRESIDING OFFICER. Does the Senator from Kentucky wish now to offer an amendment to the first part of the section?

Mr. STANLEY. To the whole paragraph. I want to offer an amendment to strike out all of the language just read and to amend the rest of the section so it would read as follows:

It shall be unlawful for any person to manufacture within any Territory or possession, or within the District of Columbia, or to ship or deliver for shipment in interstate or foreign commerce any filled milk which is deleterious or contains any deleterious constituent, or which can be mistaken for natural milk, without being so plainly marked or labeled as to distinguish it from such article.

The PRESIDING OFFICER. Where does the Senator wish to insert that language?

Mr. STANLEY. I want to strike out everything now in section 2 and insert what I have offered.

The PRESIDING OFFICER. The committee amendment to section 2 has not yet been acted upon by the Senate as in Committee of the Whole.

Mr. STANLEY. I am offering this language in lieu of the committee amendment. I want to strike out section 2 as proposed by the committee.

The PRESIDING OFFICER. The Senate, as in Committee of the Whole, has not yet acted on the committee amendment to section 2, and until the committee amendment has been acted on it can not be stricken out.

Mr. STANLEY. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator from Kentucky will state the point of order.

Mr. STANLEY. I offer what I have offered in lieu of section 2 as reported by the committee.

The PRESIDING OFFICER. The Chair is of the opinion that the committee amendment must first be acted upon before the Senator's amendment is in order.

Mr. ROBINSON. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state the point of order.

Mr. ROBINSON. If the committee amendment is agreed to, it would then be impossible for the Senator from Kentucky to offer his amendment. I suggest that it is in order for the Senator from Kentucky to offer a substitute for the committee amendment and submit whatever amendment he chooses to submit. It is in order to perfect the committee amendment be-

fore voting upon the committee amendment. Otherwise there would be no opportunity to amend the committee amendment.

The PRESIDING OFFICER. If the Senator offers his amendment as an amendment to the committee amendment, it is now in order.

Mr. STANLEY. I offer it as an amendment to the committee amendment.

Mr. DIAL. Mr. President, I suggest the absence of a quorum. The PRESIDING OFFICER. The Secretary will call the roll.

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

Ashurst	Ernst	La Follette	Sheppard
Bayard	Fernald	Lenroot	Shields
Borah	France	Lodge	Shortridge
Brandeggee	Frellinghuysen	McCormick	Smith
Brookhart	George	McCumber	Spencer
Broussard	Gerry	McKellar	Stanley
Bursum	Glass	McKinley	Sterling
Calder	Gooding	McNary	Sutherland
Cameron	Hale	Moses	Swanson
Capper	Harrell	New	Wadsworth
Caraway	Harris	Norbeck	Walsh, Mass.
Colt	Harrison	Norris	Walsh, Mont.
Cummins	Hedlin	Oddie	Warren
Curtis	Jones, Wash.	Overman	Watson
Dial	Kendrick	Philpps	Weller
Dillingham	Keyes	Reed, Pa.	Willis
Edge	Ladd	Robinson	

Mr. CURTIS. I wish to announce that the senior Senator from California [Mr. JOHNSON] is necessarily detained on official business.

The PRESIDING OFFICER. Sixty-seven Senators having answered to their names, a quorum is present.

Mr. STANLEY. Mr. President—

Mr. BRANDEGEE. Will the Senator from Kentucky be kind enough to yield to me to submit a report? I think it will take but a moment.

Mr. STANLEY. I yield to the Senator from Connecticut for that purpose.

ALLEGED EXECUTIONS WITHOUT TRIAL IN FRANCE.

Mr. BRANDEGEE. From the special committee which was appointed to investigate the charges made by the late Senator Watson of Georgia as to the hanging of soldiers of the American Expeditionary Forces abroad, I present the following report (No. 1256). It is very brief, and if the Senate will bear with me a moment, I will ask that it may be read.

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

Mr. HARRISON. I do not desire to object, but yesterday a unanimous-consent agreement was entered into so that we might get a vote this afternoon on the filled milk bill and providing that there should be no debate in order after 5 o'clock. It is violative of the spirit of the agreement at least for this other matter to come in at this time. It seems to me it could well wait. Other Senators might then want to introduce other matters, and we never would get through with the filled milk bill. However, I am not going to object.

Mr. SHIELDS. It will only take a few moments, I will say to the Senator from Mississippi.

Mr. HARRISON. I am not going to object.

The PRESIDING OFFICER. Without objection, the Secretary will read the report of the special committee.

The reading clerk read as follows:

The committee of the Senate appointed on the 4th day of November, 1921, under the provisions of Senate Resolution No. 166, to investigate charges made by the late Senator Thomas E. Watson, of Georgia, that members of the American Expeditionary Forces abroad were executed without trial or court-martial, respectfully reports that it has performed the duty imposed upon it by said resolution, and is of opinion that the charges are not sustained by the testimony. The testimony given before the committee is herewith submitted, together with the comments of an assistant to the Judge Advocate General of the Army thereon.

FRANK B. BRANDEGEE.
FRANK B. WILLIS.
LEE S. OVERMAN.
JNO. K. SHIELDS.
RICHARD P. ERNST.

Mr. BRANDEGEE. Mr. President, there is an additional page containing the views of one of the members of the committee, which I will ask the Secretary to read. It is a part of the report.

The PRESIDING OFFICER. The Secretary will read as requested.

The reading clerk read as follows:

I concur in the foregoing report.

During the hearings by the committee much testimony was taken relative to the guilt or innocence of Maj. Hierome L. Ople, of Staunton, Va., formerly commanding the Third Battalion of the One hundred and sixteenth Infantry, United States Army, who was accused of shooting and killing his orderly or other person.

This charge against Major Ople was published broadcast throughout the United States.

Our committee heard much testimony relating solely to this charge, and inasmuch as there is no court or other tribunal which can pass upon the question of Major Ople's guilt or innocence, I deem it only fair to Major Ople to state that, in my judgment, there is no ground whatever for this charge against him.

RICHARD P. ERNST.

Mr. BRANDEGEE. This matter, so far as I am concerned, will take only a moment further. I think I ought to say, in view of the fact that the Senator from Kentucky [Mr. ERNST] has referred to the charges which were made during the hearings before the committee by some witness against Major Ople, that the committee in its report did not refer to that matter or make any finding thereon because the charges made against him arose incidentally in the hearings. The committee was not instructed by the Senate to investigate any charges against Major Ople; and the matter being without our jurisdiction, we did not feel that we were authorized to make a report on it. Inasmuch, however, as a witness blurted out the charge that Major Ople had shot his orderly, and others seeing it in the newspapers came to testify about it, Major Ople asked the privilege of being heard and stating his views upon that question, and the committee could not deny him the opportunity.

I wish to state, however, that personally I entirely agree with the views expressed by the junior Senator from Kentucky, to wit, that the charges made against Major Ople in the hearings were not sustained by the testimony.

Mr. SHIELDS. Mr. President, I do not care to make any extended remarks about the matter, for the Senator from Connecticut has stated my views in reference to it. I did not think that the special charge against Major Ople was within the jurisdiction of the committee under the resolution which was passed by the Senate directing an investigation. As the Senator from Connecticut has stated, it only incidentally came in; but as the charge was made, the committee thought it was entirely, at least, equitable that Major Ople be heard in denial, and the evidence was introduced which we thought completely rebutted those charges. I am very glad to say that I concur with the views of the Senator from Connecticut.

Mr. BRANDEGEE. I ask that the report be printed, with an illustration.

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

FILLED MILK.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8086) to prohibit the shipment of filled milk in interstate or foreign commerce.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Kentucky [Mr. STANLEY] in the nature of a substitute for the amendment reported by the Committee on Agriculture and Forestry in section 2. The Secretary will state the amendment which is proposed by the Senator from Kentucky to the committee amendment.

The READING CLERK. On page 2, line 23, after the words "Sec. 2," the committee propose to insert:

It is hereby declared that filled milk, as herein defined, is an adulterated article of food, injurious to the public health, and its sale constitutes a fraud upon the public.

In lieu of which the Senator from Kentucky [Mr. STANLEY] proposes to insert:

It shall be unlawful for any person to manufacture within any Territory or possession of the United States or within the District of Columbia, or to ship or deliver for shipment in interstate or foreign commerce any filled milk which is deleterious or contains any deleterious constituents or which may be mistaken for natural milk without being so plainly marked or labeled as to distinguish it from such article.

Mr. STANLEY. Mr. President, I ask for the yeas and nays on the amendment to the amendment.

Mr. LENROOT. I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Wisconsin will state it.

Mr. LENROOT. May I ask in what form the amendment of the Senator from Kentucky proposes to strike out the committee amendment?

The PRESIDING OFFICER. The Senator from Kentucky proposes to strike out the amendment to section 2 as proposed by the committee and to substitute therefor the words which have just been read by the reading clerk.

Mr. LENROOT. I call the attention of the Chair—

Mr. BRANDEGEE. Debate is out of order.

Mr. ROBINSON. I suggest to the Senator from Wisconsin that while a parliamentary question could be raised to that procedure—

Mr. LENROOT. Very well, I will make the point of order.

Mr. ROBINSON. It would be more convenient to vote on a single amendment than on two amendments. The Senator from Kentucky has offered an amendment in the nature of a substitute for the committee amendment. The Senator can make the point of order if he chooses to do so.

Mr. STANLEY. I offer my amendment as a substitute for the committee amendment.

Mr. LENROOT. I make the point of order that the Senator's amendment is to strike out the entire section, and therefore is not a substitute for the committee amendment.

Mr. STANLEY. I offer my amendment in lieu of the committee amendment.

Mr. LENROOT. I rise to another parliamentary inquiry, Mr. President. Does the amendment as proposed by the Senator from Kentucky strike out all of the text of the House provision?

The PRESIDING OFFICER. It does.

Mr. LENROOT. Then I make the point of order against the amendment.

The PRESIDING OFFICER. The point of order is sustained.

Mr. STANLEY. No; my amendment does not propose to strike out any of the text to the House provision. If my amendment is agreed to, the House provision would be retained as it is now found in the last clause of the section.

The PRESIDING OFFICER. The Chair now understands that the Senator from Kentucky proposes to strike out only the words inserted by the committee?

Mr. STANLEY. Yes.

The PRESIDING OFFICER. And to insert in lieu thereof the amendment which has been read?

Mr. STANLEY. Exactly.

Mr. LENROOT. And leave the House text as it stands?

Mr. ROBINSON. The Senator may offer an amendment later to that if he desires to do so.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Kentucky to the amendment of the committee.

Mr. STANLEY. On that I ask for the yeas and nays.

The yeas and nays were ordered.

The reading clerk proceeded to call the roll, and Mr. ASHURST voted in the negative when his name was called.

Mr. HARRELD. If it is not too late, I should like to ask to have the amendment to the amendment again read.

The PRESIDING OFFICER. It is too late, a Senator having responded to his name on the roll call.

The call of the roll was resumed.

Mr. FERNALD (when his name was called). I have a general pair with the senior Senator from New Mexico [Mr. JONES]. In his absence I withhold my vote, being unable to secure a transfer of the pair.

Mr. HARRISON (when his name was called). On this vote I am paired with the senior Senator from California [Mr. JOHNSON], and therefore withhold my vote.

Mr. LODGE (when his name was called). I have a general pair with the Senator from Alabama [Mr. UNDERWOOD], but he is paired, I understand, on this bill and all amendments with the Senator from New Mexico [Mr. BURSUM]. Therefore I am at liberty to vote, and I vote "nay."

Mr. McCUMBER (when his name was called). I have a pair with the junior Senator from Utah [Mr. KING]. Not knowing what his vote would be on this question, I withhold my vote.

Mr. MCKINLEY (when his name was called). I am paired with the junior Senator from Arkansas [Mr. CARAWAY], who has not voted, and therefore I withhold my vote.

Mr. SWANSON (when his name was called). The senior Senator from Michigan [Mr. TOWNSEND] is detained from the Senate on account of illness. I am paired with him for the day. Not knowing how he would vote on this amendment, I withhold my vote.

Mr. WATSON (when his name was called). I transfer my general pair with the senior Senator from Mississippi [Mr. WILLIAMS] to the junior Senator from Vermont [Mr. PAGE], and vote "nay."

Mr. WILLIS (when his name was called). I am paired with my colleague, the senior Senator from Ohio [Mr. POMERENE]. I transfer that pair to the junior Senator from Oregon [Mr. STANFIELD], and vote "nay."

The roll call was concluded.

Mr. EDGE. I am paired with the senior Senator from Oklahoma [Mr. OWEN]. I am unable to secure a transfer of that pair. If permitted to vote, I should vote "yea."

Mr. BURSUM. Upon this question I am paired with the senior Senator from Alabama [Mr. UNDERWOOD]. If he were

present he would vote "yea." If I were permitted to vote, I should vote "nay."

Mr. CURTIS. I wish to announce the following pairs:

The Senator from West Virginia [Mr. ELKINS] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from Colorado [Mr. NICHOLSON] with the Senator from Missouri [Mr. REED]; and

The Senator from Minnesota [Mr. NELSON] with the Senator from Texas [Mr. CULBERSON].

The result was announced—yeas 19, nays 43, as follows:

YEAS—19.			
Bayard	George	Overman	Shields
Brandeggee	Gerry	Phipps	Smith
Broussard	Glass	Pittman	Stanley
Dial	Harrel	Robinson	Wadsworth
Dillingham	Heflin	Sheppard	
NAYS—43.			
Ashurst	Gooding	McCormick	Shortridge
Borah	Hale	McKellar	Spencer
Brookhart	Hitchcock	McLean	Sterling
Calder	Jones, Wash.	McNary	Sutherland
Cameron	Kellogg	Moses	Walsh, Mass.
Capper	Kendrick	New	Walsh, Mont.
Cummins	Keyes	Norbeck	Warren
Curtis	Ladd	Norris	Watson
Ernst	La Follette	Oddie	Weller
France	Lenroot	Pepper	Willis
Frelinghuysen	Lodge	Reed, Pa.	
NOT VOTING—34.			
Ball	Fletcher	Nelson	Smoot
Bursum	Harris	Nicholson	Stanfield
Caraway	Harrison	Owen	Swanson
Colt	Johnson	Page	Townsend
Couzens	Jones, N. Mex.	Poindexter	Trammell
Culberson	King	Pomerene	Underwood
Edge	McCumber	Ransdell	Williams
Elkins	McKinley	Reed, Mo.	
Fernald	Myers	Simmons	

So the amendment of Mr. STANLEY to the amendment of the committee was rejected.

The PRESIDING OFFICER. The question now is on the amendment reported by the committee.

Mr. BRANDEGEE. Mr. President, as I understand, the motion of the Senator from Kentucky was to strike out and insert?

Mr. STANLEY. Yes.

Mr. BRANDEGEE. I move to strike out the following language in section 2, beginning in line 23:

It is hereby declared that filled milk, as herein defined, is an adulterated article of food, injurious to the public health, and its sale constitutes a fraud upon the public.

Mr. ROBINSON. Mr. President, I call the Senator's attention to the fact that that is a committee amendment which has not as yet been agreed to, and the parliamentary status is—

Mr. BRANDEGEE. I appreciate that we can accomplish the same purpose by voting against the committee amendment.

Mr. ROBINSON. The same result can be accomplished by voting against the committee amendment.

Mr. BRANDEGEE. I withdraw my amendment.

The PRESIDING OFFICER. The question is on the adoption of the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is still before the Senate as in Committee of the Whole and open to amendment.

Mr. DIAL. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 3, at the end of paragraph 3, it is proposed to insert the following, to be known as paragraph 4:

That the second subdivision of section 5 of the United States cotton futures act, approved August 11, 1916, as amended, is amended to read as follows:

"Second. (a) Specify as the class of the contract one of the following classes:

"Class A, which shall include only middling fair, strict good middling, good middling, and strict middling grades;

"Class B, which shall include only strict middling, middling, strict low middling, and good middling yellow tinged grades;

"Class C, which shall include only strict low middling, low middling, strict middling yellow tinged, and good middling yellow stained grades.

"(b) Specify the basis grade for the cotton involved in the contract, which shall be one of the grades for which standards are established by the Secretary of Agriculture, and which shall be one of the grades included within a class in paragraph (a) of this subdivision; the price per pound at which the cotton of such basis grade is contracted to be bought or sold; the date when the purchase or sale was made; and the month or months in which the contract is to be fulfilled or settled.

"(c) If no other class is specified in the contract, or in the memorandum evidencing the same, the contract shall be deemed a class B contract.

"(d) If no other basis grade be specified in the contract, or in the memorandum evidencing the same, good middling shall be deemed the

basis grade incorporated into a class A contract, middling shall be deemed the basis grade incorporated into a class B contract, and low middling shall be deemed the basis grade incorporated into a class C contract. It is further specified that in case delivery is demanded or cotton is tendered at least one-third of each contract shall be filled in the basic grades specified herein, and that the other two-thirds shall be filled either in that grade or in one of the other grades specified in said class."

That the third subdivision of section 5 of such act is amended to read as follows:

"Third. Provide that the cotton dealt with therein or delivered thereunder shall be of or within the grades for which standards are established by the Secretary of Agriculture and of or within the grades included within the class so specified or incorporated as the class of the contract, and that cotton of any other grade or grades shall not be dealt with therein nor delivered thereunder."

That the fifth subdivision of section 5 of such act, as amended, is amended to read as follows:

"Fifth. Provide that cotton that, because of the presence of extraneous matter of any character or irregularities or defects, is reduced in value below that of strict middling in the case of a class A contract, strict low middling in the case of a class B contract, or low middling in the case of a class C contract, the grades mentioned being of the official cotton standards of the United States, or cotton that is less than seven-eighths of an inch in length of staple, or cotton of perished staple or of immature staple, or cotton that is 'gin cut' or reginned, or cotton that is 'repacked' or 'false packed' or 'mixed packed' or 'water packed,' shall not be delivered on, under, or in settlement of such contract."

That the second paragraph of the seventh subdivision of section 5 of such act, as amended, is amended to read as follows:

"The provisions of the third, fourth, fifth, sixth, and seventh subdivisions of this section shall be deemed fully incorporated into any such contract if there be written or printed thereon, or on the memorandum evidencing the same, at or prior to the time the same is signed, the phrase 'subject to United States cotton futures act, section 5, class A,' if the contract is a class A contract, or the phrase 'subject to United States cotton futures act, section 5, class B,' if the contract is a class B contract, or the phrase 'subject to United States cotton futures act, section 5, class C,' if the contract is a class C contract."

That the provisions of this act shall be effective on and after the thirtieth day after its passage, but such provisions shall not be construed as applicable to nor as affecting any right, power, privilege, or immunity under any contract entered into prior to such day.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from South Carolina.

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

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). Making the same announcement as before, I withhold my vote.

Mr. McCUMBER (when his name was called). Making the same announcement with reference to my pair as on the previous vote, I withhold my vote.

Mr. McKINLEY (when his name was called). Has the junior Senator from Arkansas [Mr. CARAWAY] voted?

The PRESIDING OFFICER. That Senator has not voted.

Mr. McKINLEY. I withhold my vote.

Mr. SWANSON (when his name was called). Making the same announcement that I made on the previous vote, I withhold my vote.

Mr. WATSON (when his name was called). Making the same announcement as before, I vote "nay."

Mr. WILLIS (when his name was called). Making the same announcement as heretofore concerning the transfer of my pair, I vote "nay."

The roll call was concluded.

Mr. EDGE (after having voted in the negative). I transfer my pair with the senior Senator from Oklahoma [Mr. OWEN] to the junior Senator from Washington [Mr. POINDEXTER] and will allow my vote to stand.

Mr. BURSUM. On this question I am paired with the junior Senator from Alabama [Mr. UNDERWOOD]. If I were at liberty to vote, I should vote "nay."

Mr. HARRIS. I have a pair with the Senator from New York [Mr. CALDER], and withhold my vote.

The result was announced—yeas 7, nays 50, as follows:

YEAS—7.

Borah	Harrell	Overman	Stanley
Dial	Jones, Wash.	Shields	

NAYS—50.

Bayard	Gooding	McNary	Smith
Brandeggee	Hale	Moses	Spencer
Brookhart	Heflin	New	Sterling
Broussard	Kellogg	Norris	Sutherland
Cameron	Kendrick	Oddie	Wadsworth
Capper	Keyes	Pepper	Walsh, Mass.
Cummins	Ladd	Phipps	Walsh, Mont.
Curtis	La Follette	Pittman	Warren
Edge	Lenroot	Ransdell	Watson
Ernst	Lodge	Reed, Pa.	Weller
Frelighuysen	McCormick	Robinson	Willis
Gerry	McKellar	Sheppard	
Glass	McGlass	Shortridge	

NOT VOTING—39.

Asburst	Colt	Fernald	Harrison
Ball	Couzens	Fletcher	Hitchcock
Bursum	Culberson	France	Johnson
Calder	Dillingham	George	Jones, N. Mex.
Caraway	Elkins	Harris	King

McCumber	Norbeck	Reed, Mo.	Townsend
McKinley	Owen	Simmons	Trammell
Myers	Page	Smoot	Underwood
Nelson	Poindexter	Stanfield	Williams
Nicholson	Pomerene	Swanson	

So Mr. DIAL's amendment was rejected.

Mr. BRANDEGEE. Mr. President, I desire to give notice that I shall ask for a separate vote on the committee amendment in section 2 when the bill gets to the Senate.

The PRESIDING OFFICER. The bill is still before the Senate as in Committee of the Whole and open to amendment. If no further amendment is proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question is on agreeing to the amendments made as in Committee of the Whole except the one on which the Senator from Connecticut [Mr. BRANDEGEE] has asked for a separate vote.

Mr. STANLEY. I give notice that I shall also ask the Senate to vote upon an amendment to the same paragraph.

Mr. BRANDEGEE. Mr. President, a parliamentary inquiry. As I understand, in section 2, if Senators will look at the bill, the committee amendment is that part of section 2 which is in italics.

The PRESIDING OFFICER. The Chair so understands.

Mr. BRANDEGEE. Very well. Would it be in order to move to strike out that part of section 2 which is in italics, which is the committee amendment, or is the question on concurring in the committee amendment?

The PRESIDING OFFICER. The question, as the Chair understands, is on concurring in the amendment in section 2, which was made as in Committee of the Whole.

Mr. BRANDEGEE. And a motion to strike that out would not be in order?

Mr. LODGE. Mr. President, the question is on concurring in the amendment. The Senator from Connecticut gave notice that he would reserve that. Therefore that amendment is before the Senate, and of course it is open to a perfecting motion, exactly like any other amendment at any other stage.

The PRESIDING OFFICER. But the first question before the Senate, the Chair understands, is on the adoption of the committee amendments other than the one as to which the Senator has given his notice.

Mr. LODGE. There is some confusion about what the amendment consists of.

The PRESIDING OFFICER. The Chair understands that it is the first sentence in section 2, which is printed in italics.

Mr. BRANDEGEE. Have the other amendments agreed to as in Committee of the Whole been concurred in in the Senate?

The PRESIDING OFFICER. They have not. The Chair was about to put the question.

Mr. WADSWORTH. Mr. President, I think the Senator from Kentucky [Mr. STANLEY] just a moment ago gave notice that he desired a separate vote on his amendment. Am I right?

Mr. STANLEY. Yes.

Mr. WADSWORTH. We are up to it now. His amendment comes first.

Mr. LODGE. I think we had better be clear as to just what we are doing. Is the first amendment the amendment on lines 8, 9, and 10, to strike those lines from the House bill? Is that the first amendment?

The PRESIDING OFFICER. The Chair understands that the first amendment is the striking out of the matter in struck-through type in lines 10, 11, and 12, and the insertion in lieu thereof of the matter in italics in lines 12 to 24.

Mr. LODGE. The Chair, then, has a bill in which the numbering is different from mine. It must be a different print.

The PRESIDING OFFICER. The print the Chair has is that reported from the committee.

Mr. LODGE. I have the correct print now. I have just received a fresh one. In that case the amendment begins on line 8 with the word "and"; it strikes out a portion of line 8, the whole of line 9, and the whole of line 10 but one word, and inserts from line 10, page 2, down to line 22.

The PRESIDING OFFICER. The Chair so understands.

Mr. LODGE. That is the first amendment.

Mr. SMITH. Mr. President, will the Senator read the words? I have here a copy that seems to be different.

Mr. LODGE. The committee moves to strike out, beginning on line 8, after the word "desiccated," the words "and as such is an adulterated and deleterious article of food, and when marketed as such constitutes a fraud upon the public," and to insert: "This definition shall not include any distinctive proprietary food compound not readily mistaken in taste"—that word "intesta" is a misprint—"in taste for milk or cream or for evaporated, condensed, or powdered milk, or cream: *Provided,*

That such compound (1) is prepared and designed for feeding infants and young children and customarily used on the order of a physician; (2) is packed in individual cans containing not more than 16½ ounces and bearing a label in bold type that the content is to be used only for said purpose; (3) is shipped in interstate or foreign commerce exclusively to physicians, wholesale and retail druggists, orphan asylums, child-welfare associations, hospitals, and similar institutions and generally disposed of by them."

That ends the first amendment.

Mr. SMITH. Has the Senator offered an amendment to this provision?

Mr. LODGE. No; I am not offering an amendment to it. The Senator from Kentucky reserved the right to offer an amendment to it. The amendment of the Senator from Connecticut [Mr. BRANDEGEE] would come next. It is an amendment to section 2, which reads:

It is hereby declared that filled milk, as herein defined, is an adulterated article of food, injurious to the public health, and its sale constitutes a fraud upon the public.

Those words the Senator from Connecticut proposes to strike out.

Mr. SMITH. What is the amendment now proposed? Does the Senator from Kentucky offer an amendment to the first section?

Mr. STANLEY. The Senator from Kentucky offers to insert after the words "filled milk" the following words—

Mr. BRANDEGEE. What line?

Mr. STANLEY. Line 4, page 3.

Mr. LODGE. We have not reached that as yet.

Mr. STANLEY. It is a part of section 2.

Mr. LODGE. That is not a part of the amendment. It is a further amendment, which the Senator will have a perfect right to offer.

Mr. STANLEY. I will offer the amendment when we have acted on the one now before the Senate.

Mr. LODGE. The Senator has an entire right to offer that amendment.

Mr. BRANDEGEE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The gentleman will state his inquiry.

Mr. LODGE. The question is on the request of the Senator from Connecticut for a separate vote on his motion to strike out section 2.

Mr. STANLEY. I give notice that when the amendment of the Senator from Connecticut has been acted on I will ask in the Senate to amend section 2 by adding, after the word "milk," on line 4, page 3, the following words:

Which is deleterious or injurious, or contains any injurious or deleterious ingredients, or which is not so marked or labeled as to plainly distinguish it from natural milk.

Mr. McCORMICK. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. McCORMICK. Have we disposed of subsection (c)?

The VICE PRESIDENT. That has not yet been disposed of. The question is on concurring in the amendment on page 2, and included in subsection (c).

The amendment was concurred in.

Mr. BRANDEGEE. Now I desire to submit a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. BRANDEGEE. As in Committee of the Whole, the committee agreed to the committee amendment contained in section 2, which is indicated in italics. Is it in order to move to strike that out, the bill now being in the Senate, or is the question simply on concurring in the committee amendment?

The VICE PRESIDENT. The question is on concurring in the amendment in section 2.

Mr. SMITH. I move to strike that out.

Mr. BRANDEGEE. That is not in order. If the Senate does not concur, it would be equivalent to striking it out. I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. McCUMBER (when his name was called). I have a general pair with the junior Senator from Utah [Mr. KING], who is absent from the Chamber, and not knowing what his vote would be upon this amendment, I withhold my vote.

Mr. MCKINLEY (when his name was called). I have a pair with the junior Senator from Arkansas [Mr. CARAWAY]. In his absence from the Chamber, not knowing how he would vote, I withhold my vote.

Mr. SWANSON (when his name was called). I have a pair with the senior Senator from Michigan [Mr. TOWNSEND], and not knowing how he would vote on this amendment, I withhold my vote.

Mr. WATSON (when his name was called). Making the same announcement as before, I vote "nay."

Mr. WILLIS (when his name was called). I am paired with my colleague [Mr. POMERENE]. I transfer that pair to the junior Senator from Oregon [Mr. STANFIELD], and vote "yea."

The roll call was concluded.

Mr. EDGE. Making the same announcement as before as to the transfer of my pair, I vote "nay."

The result was announced—yeas 36, nays 25, as follows:

YEAS—36.

Ashurst	Hale	McCormick	Shields
Borah	Hitchcock	McKellar	Shortridge
Brookhart	Jones, Wash.	McNary	Spencer
Cameron	Kellogg	Moses	Sterling
Capper	Kendrick	Norbeck	Sutherland
Cummins	Keyes	Norris	Walsh, Mass.
Curtis	Ladd	Oddie	Walsh, Mont.
Frelinghuysen	La Follette	Pepper	Weller
Gooding	Lenroot	Reed, Pa.	Willis

NAYS—25.

Bayard	Ernst	New	Stanley
Brandegee	George	Overman	Wadsworth
Broussard	Gerry	Phipps	Warren
Calder	Glass	Pittman	Watson
Dial	Harrell	Robinson	
Dillingham	Heflin	Sheppard	
Edge	Lodge	Smith	

NOT VOTING—35.

Ball	France	Myers	Simmons
Bursum	Harris	Nelson	Smoot
Caraway	Harrison	Nicholson	Stanfield
Colt	Johnson	Owen	Swanson
Couzens	Jones, N. Mex.	Page	Townsend
Culberson	King	Poindexter	Trammell
Elkins	McCumber	Pomerene	Underwood
Fernald	McKinley	Ransdell	Williams
Fletcher	McLean	Reed, Mo.	

So the amendment was agreed to.

Mr. PITTMAN. I offer an amendment, to strike out, on page 1, commencing with line 9, the numeral "(2)" and the words "between points within the same State, Territory, or possession, or within the District of Columbia, but through any place outside thereof." It is the provision which prevents commerce inside of a State.

Mr. LODGE. I ask that the amendment be stated.

The VICE PRESIDENT. The Secretary will state the amendment.

The READING CLERK. On page 1 strike out, beginning with line 9, as follows:

(2) between points within the same State, Territory, or possession, or within the District of Columbia, but through any place outside thereof."

And the semicolon.

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

Mr. WADSWORTH. May I ask the Senator if he has a situation of this kind in mind—

Mr. NORRIS. Mr. President, debate is not in order.

The VICE PRESIDENT. No debate is in order.

Mr. WADSWORTH. I accept the rebuke.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Nevada.

The amendment was rejected.

The VICE PRESIDENT. The question is, Shall the amendments be engrossed and the bill be read a third time?

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 35 minutes spent in executive session, the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed without amendment the following bills of the Senate:

S. 574. An act to amend an act entitled "An act to save daylight and to provide standard time for the United States," as amended;

S. 1076. An act establishing standard grades of naval stores, preventing deception in transactions in naval stores, regulating traffic therein, and for other purposes;

S. 4211. An act authorizing preliminary examination and survey to be made of the Intracoastal Waterway in Louisiana and Texas; and

S. 4469. An act to extend the time for the construction of a bridge or bridges and trestles over the navigable channels of the mouth of the Mobile River in the State of Alabama.

The message also announced that the House had passed the joint resolution (S. J. Res. 240) authorizing the erection on public grounds of a memorial to the late Joseph J. Darlington, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed a bill (H. R. 13550) authorizing the Secretary of the Interior to enter into a contract with the Elephant Butte irrigation district of New Mexico and the El Paso County water improvement district No. 1, of Texas, for the carrying out of the provisions of the treaty of January 16, 1907, between the United States of America and the United States of Mexico, and for other purposes, in which it requested the concurrence of the Senate.

The message also communicated to the Senate the intelligence of the death of Hon. W. BOURKE COCKRAN, late a Representative from the State of New York, and transmitted the resolutions of the House thereon.

ENROLLED BILLS.

The message further announced that the Speaker pro tempore of the House had signed the following enrolled bills:

S. 4197. An act to authorize the Secretary of the Interior to issue to certain persons and certain corporations permits to explore, or leases of, certain lands that lie south of the medial line of the main channel of Red River, in Oklahoma, and for other purposes;

S. 4579. An act to authorize the Lee County bridge district No. 2, in the State of Arkansas, to construct a bridge over the St. Francis River;

S. 4583. An act granting the consent of Congress to the State of South Dakota for the construction of a bridge across the Missouri River between Charles Mix County and Gregory County, S. Dak.;

H. R. 5018. An act to authorize the widening of First Street NE., and for other purposes; and

H. R. 13554. An act authorizing the construction, maintenance, and operation of a dam and appurtenant intake and outlet structures across or in the Potomac River at or near Williamsport, Washington County, Md.

POST OFFICE DEPARTMENT SERVICE (S. DOC. NO. 341).

The Vice President laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a claim amounting to \$4,380.67, allowed by the General Accounting Office, as covered by certificate of settlement under appropriation, the balance of which has been exhausted, for the service of the Post Office Department, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

NITRATE PLANT AT MUSCLE SHOALS (S. DOC. NO. 340).

The Vice President laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the War Department, fiscal year 1923, for payment of awards for land condemned for use by the War Department at the United States nitrate plant No. 2, Muscle Shoals, Ala., in amount \$30,000, which with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

CLAIMS OF CERTAIN OIL COMPANIES.

Mr. McKELLAR submitted an amendment intended to be proposed by him to the bill (S. 4479) for the relief of Rose City Cotton Oil Mill and others, which was ordered to lie on the table and to be printed.

REPORT FROM THE COMMITTEE ON THE JUDICIARY.

Mr. WALSH of Montana, from the Committee on the Judiciary, to which was referred the bill (S. 4543) to amend an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, reported it with amendments and submitted a report (No. 1255) thereon.

ORDER FOR ADJOURNMENT.

Mr. CURTIS. I ask unanimous consent that at the conclusion of the business of the Senate to-day the Senate adjourn until 11 o'clock to-morrow morning.

Mr. SMOOT. Mr. President, what business? After the deficiency bill passes I desire to take up the reclassification bill.

Mr. CURTIS. I say after the conclusion of the business of the Senate. They can go on as long as they like.

Mr. SMOOT. But I want it understood that it is not at the conclusion of this bill.

Mr. CURTIS. I have not asked for that.

Mr. SMOOT. I misunderstood the Senator.

Mr. McKELLAR. What is the proposal—to go on for some time?

Mr. CURTIS. The Senator from South Dakota [Mr. STEBLING] wants to go on with the reclassification bill as soon as we get through with the appropriation bill; but I desire an agreement now, if possible, that when we conclude our business to-day we shall adjourn until 11 o'clock in the morning.

Mr. HEFLIN. There is no objection to that, I guess.

Mr. ROBINSON. Mr. President, I think the agreement should be entered into.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

THE MERCHANT MARINE.

Mr. JONES of Washington. Mr. President, I knew when the shipping bill was defeated that its defeat would bring great delight to the shipping interests and to the people of Great Britain. I did not expect them to express themselves quite so freely and so quickly as they have done; but I find in the New York Times of to-day a dispatch from London to which I wish to call attention. This paper opposed the bill, and therefore no question can be made as to the authenticity of this dispatch. I ask that it may be read. It is short, but it is quite interesting, I think.

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

The reading clerk read as follows:

SAYS WE COLLAPSE AT SEA—LONDON PAPER DECLARES THE GREAT AMERICAN EFFORT FAILS.

[By wireless to the New York Times.]

LONDON, Feb. 28.—"America's collapse at sea" is the big-type headline used by the Daily Chronicle above a dispatch from its New York correspondent announcing the fate of the ship subsidy bill and a decision to place 1,700 American vessels on the market. Commenting editorially the Chronicle says:

"Thus ends in catastrophe the vastest and most futile attempt in history to create artificially a new industry. It represents probably the greatest recorded failure of the protectionist theory in practice, and consequently the greatest triumph for free trade in America. It means almost a dead loss of some £570,000,000. It means a bitter disillusionment, the collapse of a dream which would have put the American flag in every port of the world and on all its seas, the failure of a grandiose national effort in the furtherance of which the Government strained to the utmost its influence and resources and threw into the scale its official authority and unique propaganda.

"The dream has been shattered finally by the American taxpayer, but it is true that the causes of failure are economic, not political. They are simply these: That America could not build ships as cheaply as we could, or as well; that she could neither run them nor man them as we do; that it is beyond the power of our Government or of any Government to create a carrying trade artificially; that Washington has made the same mistake with shipping that Moscow has made with industry.

"Naturally British shipping will benefit. So long as these American ships were run as they were being run, for the purpose of forcing an opening of doors for American traffic, and not for legitimate profit, and so long as the American citizen was patient enough to pay out of his pocket for the experiment, it was useless to hope for recovery in the shipping trade.

"A new chapter now opens for the British mercantile marine. At the same time a chapter closes in economic history that has its lesson not only for America, but for all who have the intelligence to read it."

Mr. ROBINSON. Mr. President, I have no disposition to renew the debate on the shipping bill. It has consumed the attention of the Senate during the special session preceding the present session and the greater part of the time of this session. I think we ought to give our attention now to live subjects of legislation.

DEFICIENCY APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14408) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1923, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes.

The VICE PRESIDENT. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head "Department of State," on page 51, after line 10, to insert:

ADORNMENT OF THE PEACE PALACE AT THE HAGUE.

The appropriation of \$20,000 to enable the United States to contribute to the adornment of the Peace Palace at The Hague, made by the diplomatic and consular act, approved February 28, 1913, including the same objects specified under this head, is hereby reappropriated and made available for the fiscal years 1923 and 1924.

The amendment was agreed to.

Mr. KING. Mr. President, I desire to give notice that I shall move to strike out, when we reach it, the item of \$78,675,000, on page 54, for the Bureau of Internal Revenue.

The next amendment was, under the head "International Exposition at Rio de Janeiro, Brazil," on page 53, at the be-

gning of line 15, to strike out "\$30,000" and insert "\$35,000," so as to make the paragraph read:

The appropriation of \$1,000,000 authorized by Joint Resolution No. 25, approved November 2, 1921, for the expenses of taking part in an international exposition to be held at Rio de Janeiro, Brazil, which was made by the first deficiency act, fiscal year 1922, approved December 15, 1921, is hereby made available for the fiscal year 1924, and the Secretary of State may expend not to exceed \$15,000 of the balance of the appropriation, not required for the expenses of participation in the exposition, for the alteration, adaptation, and furnishing of the exposition building and improvement of the grounds thereof for permanent use as residence and offices of the diplomatic representative of the United States to Brazil; and not to exceed \$35,000 for the purchase of additional land adjoining the site now owned by the United States upon which the exposition building is situated.

The amendment was agreed to.

The next amendment was, on page 53, after line 17, to insert:

CLAIM OF GOVERNMENT OF FRANCE.

To pay the Government of France, as an act of grace and without reference to the question of the legal liability of the United States, in satisfaction of a claim on account of losses sustained by a French citizen in connection with the search for the body of Admiral John Paul Jones, \$13,511.13.

The amendment was agreed to.

The next amendment was, under the head "Treasury Department," on page 54, after line 10, to insert:

DIVISION OF BOOKKEEPING AND WARRANTS.

Contingent expenses, public moneys: For contingent expenses under the requirements of section 3653 of the Revised Statutes, for the collection, safe-keeping, transfer, and disbursement of the public money, etc., including the same objects specified under this head in the act making appropriations for the Treasury Department for the fiscal year 1923, \$15,000.

The amendment was agreed to.

The next amendment was, on page 56, after line 11, to insert:

Denver, Colo., mint building: For additional vault facilities, \$50,000.

The amendment was agreed to.

The next amendment was, on page 58, after line 7, to insert:

River and harbor work: For payment of claims adjusted and settled under section 4 of the river and harbor appropriation act approved June 25, 1910, as amended, certified to Congress during the present session in House Document No. 596, \$4,803.

The amendment was agreed to.

The next amendment was, on page 58, after line 21, to insert:

INTERNATIONAL SHOOTING COMPETITION.

To meet the expenses incident to holding an international shooting competition in the United States in connection with the national matches; to be expended under the direction of the Secretary of War, to be immediately available, and to remain available until December 31, 1923: *Provided*, That the rifles, pistols, equipment, ammunition, and personal effects of the visiting riflemen from foreign countries be admitted to the United States without the imposition of duty, \$25,000.

The amendment was agreed to.

The next amendment was, under the subhead "Quartermaster Corps," on page 59, line 16, after the numerals "1924," to strike out the proviso in the following words:

Provided, That this appropriation shall not become available for expenditure until the State of Kansas shall have entered into an agreement with the Secretary of War to maintain the roads in good condition after their construction or improvement has been completed.

The amendment was agreed to.

The next amendment was, under head "Judgments, United States courts," on page 60, line 23, after the numerals "573," to insert "and Senate Document No. 314," so as to read:

For payment of the final judgments and decrees, including costs of suits, which have been rendered under the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States," as amended, certified to Congress during the present session by the Attorney General in House Document No. 573 and Senate Document No. 314, and which have not been appealed, namely,

The amendment was agreed to.

The next amendment was, at the top of page 61, to insert:

Under the United States Housing Corporation, \$437.50.

The amendment was agreed to.

The next amendment was, on page 61, line 4, before the word "together," to insert a semicolon and the words "in all, \$402,274.12," so as to read:

Under the War Department, \$401,836.62; in all, \$402,274.12, together with such additional sum as may be necessary to pay interest on the respective judgments at the rate of 4 per cent from the date thereof until the time this appropriation is made.

Mr. KING. I would like to have an explanation of that War Department item.

Mr. WARREN. They are judgments of the Court of Claims drawing 4 per cent.

Mr. SMOOT. We want to pay them as quickly as we can.

Mr. KING. They are judgments against the United States?

Mr. WARREN. Yes.

The amendment was agreed to.

The next amendment was, under the head "Judgments, Court of Claims," on page 61, line 11, after the numerals "573," to insert "and Senate Documents Nos. 312 and 324," so as to read:

JUDGMENTS, COURT OF CLAIMS.

For payment of the judgments rendered by the Court of Claims and reported to Congress during the present session in House Document No. 575 and Senate Documents Nos. 312 and 324, namely:

The amendment was agreed to.

The next amendment was, on page 61, after line 12, to insert:

Under the Department of the Interior, \$430.

The amendment was agreed to.

The next amendment was, on page 61, at the end of line 16, to strike out "\$62,750.39" and insert "\$249,257.57," so as to read:

Under the War Department, \$249,257.57.

The amendment was agreed to.

The next amendment was, on page 61, at the end of line 17, to increase the appropriation for payment of the judgments rendered by the Court of Claims and reported to Congress during the present session in House Document No. 575 and Senate Documents Nos. 312 and 324, from "\$72,811.41" to "\$259,748.59."

The amendment was agreed to.

The next amendment was, on page 69, after line 12, to insert:

AUDITED CLAIMS.

Sec. 3. That for the payment of the following claims, certified to be due by the General Accounting Office under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1920 and prior years unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in Senate Document No. 313, reported to Congress at its present session, there is appropriated as follows:

INDEPENDENT OFFICES.

For salaries and expenses, Federal Board for Vocational Education, \$22.82.

For Interstate Commerce Commission, \$7.67.

For salaries and expenses, Veterans' Bureau, 53 cents.

DEPARTMENT OF COMMERCE.

For general expenses, Lighthouse Service, \$9.76.

DEPARTMENT OF THE INTERIOR.

For scientific library, Patent Office, \$2.50.

For maintenance and operation of fuel yards, District of Columbia, Bureau of Mines, \$88.11.

For increase of compensation, Indian Service, \$24.

For purchase and transportation of Indian supplies, \$55.09.

For Indian School, Riverside, Calif., \$161.14.

DEPARTMENT OF JUSTICE.

For detection and prosecution of crimes, \$49.99.

For fees of commissioners, United States courts, \$153.20.

For support of prisoners, United States courts, \$3,906.61.

DEPARTMENT OF LABOR.

For expenses of regulating immigration, \$4.

For enforcement of laws against alien anarchists, \$238.25.

DEPARTMENT OF STATE.

For salaries of secretaries, diplomatic service, \$110.76.

For transportation of diplomatic and consular officers, \$41.06.

For salaries, Consular Service, \$340.18.

For post allowances to diplomatic and consular officers, \$304.16.

For contingent expenses, United States consulates, \$95.11.

For national security and defense, Department of State, \$101.11.

TREASURY DEPARTMENT.

For expenses of loans, act September 24, 1917, as amended, \$88.35.

For salaries and expenses of collectors, etc., of internal revenue, \$38.53.

For collecting the war revenue, \$110.73.

For allowance or drawback (internal revenue), \$144.

For Coast Guard, \$358.54.

WAR DEPARTMENT.

For pay, etc., of the Army, \$10.67.

For mileage to officers and contract surgeons, \$7.68.

For general appropriations, Quartermaster Corps, \$8,015.53.

For supplies, services, and transportation, Quartermaster Corps, \$85,587.76.

For barracks and quarters, \$75.

For Air Service, Army, 30 cents.

For increase for aviation, Signal Corps, \$6.87.

For medical and hospital department, \$73.29.

For Ordnance Service, \$16.50.

For ordnance stores, ammunition, \$8.37.

For ordnance stores and supplies, \$100.86.

For armament of fortifications, \$1,925.42.

For arming, equipping, and training the National Guard, \$471.91.

For increase of compensation, Military Establishment, \$950.84.

For National Home for Disabled Volunteer Soldiers, Pacific Branch, \$6.76.

POST OFFICE DEPARTMENT—POSTAL SERVICE.

For clerks, first and second class post offices, \$299.42.

For power-boat service, \$65.37.

For unusual conditions at post offices, \$100.

Total, audited claims, section 3, \$104,178.75.

The amendment was agreed to.

The next amendment was, on page 72, line 22, to change the section number from "3" to "4."

The amendment was agreed to.

The VICE PRESIDENT. The committee amendments are all disposed of.

Mr. WARREN. I wish to say that the Senate committee has further amendments, and under the agreement they are now in order, and I wish to present them.

The VICE PRESIDENT. They are in order, and the Chair recognizes the Senator from Wyoming for the purpose of offering them.

Mr. WARREN. The first amendment I send to the desk.

The VICE PRESIDENT. The Secretary will state the amendment.

The READING CLERK. On page 3 insert a new paragraph, as follows:

To pay the widow of the late W. BOURKE COCKRAN, late a Representative from the State of New York, \$7,500.

The amendment was agreed to.

Mr. WARREN. I offer the following amendment.

The VICE PRESIDENT. The Secretary will state the amendment.

The READING CLERK. On page 4, line 1, strike out the word "three" and insert the word "four."

The amendment was agreed to.

Mr. WARREN. I offer an amendment for consideration which probably is legislation, in a way. I will send it to the desk to be read, and if any explanation is necessary, it can be made.

The VICE PRESIDENT. The Secretary will state the amendment.

The READING CLERK. On page 9, after line 2, to insert the following:

SMITHSONIAN INSTITUTION.

That additional taxes amounting to \$74,657.70, together with all penalties and other charges thereon, assessed by the Treasury Department against the estate of Charles L. Freer, deceased, late of Detroit, Mich., which estate has been closed, the executors discharged, and the residue paid over to the Smithsonian Institution as an endowment for the Freer Gallery of Art, presented to the Nation by the said Charles L. Freer, are hereby canceled and the Treasury Department is hereby authorized and directed to remit any further taxes, penalties, or charges, which may hereafter be found due from the said estate.

The amendment was agreed to.

Mr. WARREN. I offer the following amendment.

The VICE PRESIDENT. The Secretary will state the amendment.

The READING CLERK. On page 29, after line 24, to insert the following:

The Secretary of the Interior is hereby authorized to pay to R. P. Rueth, of Chamita, N. Mex., the sum of \$350 from the appropriation for the support and civilization of the Indians of New Mexico for the fiscal year 1922, in reimbursement of the amount expended by him from personal funds for the repair of the bridge across the Rio Grande at the San Juan Indian pueblo in the State of New Mexico.

Mr. KING. May I ask the Senator if that is not an item that was contained in a special bill which was rejected by the Senate?

Mr. WARREN. I do not recall that, but it is a matter offered to remedy a situation in which the Commissioner of Indian Affairs finds himself.

The amendment was agreed to.

Mr. WARREN. I offer another amendment, which I send to the desk.

The VICE PRESIDENT. The Secretary will state the amendment.

The READING CLERK. On page 48, after line 4, to insert:

For payment of the claim of J. Leo Skelley allowed by the General Accounting Office, as covered by certificate of settlement, under appropriation the balance of which has been exhausted, and for the service of the Post Office Department, \$4,380.67.

The amendment was agreed to.

Mr. WARREN. I will send to the desk now an amendment which appropriates no money, but changes the application of money appropriated for a certain building, so that instead of all of it being used for painting, repairs to plumbing, and so forth, a certain amount of it may be used for mechanical equipment.

The VICE PRESIDENT. The Secretary will state the amendment.

The READING CLERK. On page 56, after line 20, to insert the following:

West Roxbury, Mass., Public Health Service Hospital No. 44: That the sum of \$50,000 appropriated in the act entitled "An act making appropriations for the Treasury Department for the fiscal year ending June 30, 1923, and for other purposes," approved February 17, 1922, for exterior and interior painting of all buildings, and repairs to plumbing, at the Public Health Hospital, West Roxbury, Mass., is hereby made available for mechanical equipment, in addition to the items already authorized.

The amendment was agreed to.

Mr. WARREN. There is a matter of legislation contained in the amendment I am about to offer which I will describe in a few words before the amendment is read. When our troops were in Cuba and the Philippines, at the time of the war with Spain and immediately afterwards, certain officers and men submitted themselves for experiment in the study of yellow fever and its cure. Certain of the officers died, and years ago we provided that a certain amount should be paid by the War Department to those who survived. The man mentioned in the amendment I am about to send to the desk was an enlisted man who submitted himself with the others and was very ill. He had yellow fever, but he did not die.

It seems he was one of those brave men who did not wish to make it a matter of money, but wanted the glory, as courageous, heroic men do, so he refused to take any money at that time or to have anything done for him. But it seems that afterwards his trouble developed again; he asked for aid, and then we passed a pension bill granting him \$12 a month. That was passed, I think, in 1907, and he was granted a pension of \$12 a month.

Later on, about 1911, the matter was brought before the Committee on Military Affairs and this man was put on the same basis as the others, to draw a hundred dollars a month, to be paid by the War Department. He has drawn that sum ever since, and it seems that through ignorance or neglect he has also drawn the \$12 a month up to the time he was informed and the department corrected itself, so that it would amount to probably \$500 or \$600 received by him which he should not have had.

The man now lies in bed, paralyzed from the waist down; he has a family, and he was provided for in the regular annual Army appropriation bill. When it went to the House, in conference they asked that \$50 a month be reserved from his pay until this debt to the Government was extinguished. This amendment is to clear the record, to remove any charge of debt against this man, and permit him to draw hereafter the \$100 a month and that amount only.

The VICE PRESIDENT. The Secretary will state the amendment.

The READING CLERK. On page 57, after line 25, insert the following paragraph:

That the Secretary of War be authorized and directed to continue on the rolls of the War Department the name of John R. Kissinger, late of Company D, One hundred and fifty-seventh Indiana Volunteer Infantry, and also late of the Hospital Corps of the United States Army, and continue to pay him the sum of \$100 per month during his natural life pursuant to the act of Congress approved February 15, 1911, notwithstanding the fact that certain payments of pension money may have heretofore been made to said John R. Kissinger under a special act of Congress approved March 2, 1907; and that return of such sums as have been paid contrary to law to said John R. Kissinger under said act of March 2, 1907, shall not be demanded, nor shall any deduction on account of such payment be made from moneys due and payable to him under said act of February 15, 1911.

The amendment was agreed to.

Mr. WARREN. I offer a further amendment relating to Muscle Shoals, but I will say that it is only to appropriate a small amount that is due for land that was taken by the Government and was not settled for.

The VICE PRESIDENT. The Secretary will state the amendment.

The READING CLERK. On page 58, after line 21, insert the following:

MUSCLE SHOALS.

Land for nitrate plant No. 2: For amount required to pay awards for land condemned for use by the War Department at the United States nitrate plant No. 2, Muscle Shoals, Ala., \$30,000.

The amendment was agreed to.

Mr. SMOOT. From the committee I offer the following amendment. I will say to the Senate that this is not an appropriation but it is an authorization to use money for the rental of the Lemon Building and to transfer money from one fund to another. I am trying to get more employees in the Lemon Building.

Mr. ROBINSON. Is it a legislative provision?

Mr. SMOOT. Yes; a legislative provision so far as the transfer of the money is concerned. It does not appropriate a cent of money, but gives us more room and saves us money.

Mr. ROBINSON. We have relaxed the rule, so I will not object to this.

The VICE PRESIDENT. The Secretary will state the amendment.

The READING CLERK. On page 58, following line 12, to insert the following:

That \$1,800 from the appropriations for the rental of buildings and parts of buildings for military purposes in the District of Columbia for the fiscal year ending June 30, 1923, is hereby made available for the rental of the Lemon Building for the period beginning April 1, 1923, and ending June 30, 1923, and \$5,400 from the appropriations for the rental of buildings and parts of buildings for military purposes

In the District of Columbia for the fiscal year ending June 30, 1924, is hereby made available for the rental of the Lemon Building for the fiscal year 1924, without regard to the particular purposes for which it is to be used.

The amendment was agreed to.

Mr. WARREN. I have one further amendment on the part of the committee.

Mr. ROBINSON. Is this a committee amendment?

Mr. WARREN. It is the last amendment of the committee.

The VICE PRESIDENT. The Secretary will state the amendment.

The READING CLERK. On page 18, after line 24, to insert the following:

On page 18, after line 24, insert the following:

"That, pursuant to the report of the joint select committee appointed under the provisions of the act entitled 'An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1923, and for other purposes,' approved June 29, 1922, there shall be credited to the general account of the District of Columbia, required under the provisions of said act to be kept in the Treasury Department, the sum of \$7,574,416.90, being the reported balance in the general fund of said District, as shown on the books of the Treasury Department on June 30, 1922, as certified by the Comptroller General of the United States and as verified in the report of said committee, that there shall be charged to said account the proportion of unexpended balances of appropriations on said date, payable by said District, together with obligations and encumbrances which will accrue subsequent to said date and amounting in all to \$2,903,219.93; that there shall also be charged to said account the sum of \$233,707.51, found by the said committee in its report as due from the District of Columbia to the United States, as follows: The District's proportion of the \$240 annual bonus paid to certain of its employees, \$191,890.85, the District's proportion of the cost of additional land for the National Zoological Park, \$41,500, and one-half of amount appropriated by special act of Congress for the relief of Eldred C. Davis, \$317.16; that there shall be credited to said account the sum of \$665.46, found by the said committee in its report as due the District of Columbia from the United States; that in the settlement of said items between the United States and the District of Columbia no interest shall be charged by one to the other; that said settlement when made shall be in full satisfaction of all claims or demands, either for or against the United States or the District of Columbia, in respect to the items involved; that, taking into account the above-mentioned charges and credits, the amount of the free surplus revenues in the United States Treasury on June 30, 1922, belonging to the District of Columbia is found and determined to be \$4,438,154.92, as reported by said committee, and that the said free surplus of \$4,438,154.92 shall be available for the same purposes and to the same extent as amounts otherwise properly credited to the said general account in the Treasury Department."

Mr. LENROOT. Mr. President, this is a very important matter. I doubt if any Senator knows anything about it. I feel compelled to make the point of order against it as being general legislation upon an appropriation bill.

The VICE PRESIDENT. The Chair understands it has been reported by the committee.

Mr. WARREN. It was duly considered by the committee and reported. I am aware, as the Senator has stated, that it is a matter covering a great deal of ground, but to bring it down to a few words it means that either we do or do not owe the District of Columbia some four million and odd dollars as a result of the accounting that has taken place going back as far as 1878 and being brought up to the present hour. It is the opinion of the committee that the United States does owe the District of Columbia that amount.

Mr. LENROOT. I would like to ask how much consideration was given to it by the subcommittee?

Mr. PHIPPS. On February 17 a bill was introduced in the Senate and referred to the Committee on the District of Columbia covering this very language, and the Committee on the District of Columbia reported the bill out favorably, and it is on the calendar. On the same date, February 17, in the House a duplicate of the Senate bill was introduced by Congressman HARDY of Colorado, and it was referred to the House Committee on the District of Columbia, and has been favorably reported by the House committee. The bill, therefore, having received the approval of a standing committee of the House as well as a standing committee of the Senate, I do not see how it can be subject to a point of order.

Mr. LENROOT. It is general legislation. The committee has no right to report general legislation. I happen to know that there is opposition to the matter in another body. I know nothing about the merits of it. It may be all right, but I do know if there be opposition in another body that there will be no opportunity to consider the matter on its merits if it is attached as an amendment to the pending bill. Clearly, it seems to me, it is, of course, general legislation. I think the chairman of the Committee on Appropriations admits that it is subject to a point of order.

The VICE PRESIDENT. The Chair is of the opinion that the point of order is well taken.

Mr. OVERMAN. Mr. President, the Attorney General sent to the Committee on Appropriations an amendment which he

desires to have adopted. The committee thought it was general legislation, and referred it to the Committee on the Judiciary. I have taken it up with the Judiciary Committee, and they report favorably. I think it is in order. I ask unanimous consent to report at this time the amendment, as it is a very important matter.

The VICE PRESIDENT. The amendment will be reported.

The READING CLERK. On page 17, after line 3, insert the following:

SUPERINTENDENT OF THE WASHINGTON ASYLUM AND JAIL.

The superintendent of the Washington Asylum and Jail, appointed by the Commissioners of the District of Columbia, is hereby directed, authorized, and required to execute the judgments of the law heretofore pronounced and hereafter to be pronounced in the District of Columbia by the courts thereof in all capital cases, and the power and the authority heretofore given to and now vested in such commissioners to appoint such superintendent and all appointments to the position of such superintendent made by such commissioners, are hereby ratified and confirmed, and any failure on the part of Congress heretofore or hereafter to make specific appropriation for the salaries or compensation of such superintendent shall not be construed either as an abolition of such superintendent of the Washington Asylum and Jail or as a repeal of the power and authority of such commissioners to appoint such superintendent.

The amendment was agreed to.

Mr. OVERMAN. I ask permission to place in the Record in 8-point type a letter from the Attorney General, so that in conference the amendment may be understood.

There being no objection, the letter was ordered to be printed in the Record in 8-point type, as follows:

DEPARTMENT OF JUSTICE,
Washington, D. C., February 26, 1923.

HON. KNUTE NELSON,

Chairman Judiciary Committee of the Senate,

Washington, D. C.

MY DEAR SENATOR: I have the honor to inclose herewith a copy of a letter from the United States attorney for the District of Columbia. You will note that his letter suggests legislation for the relief of a very serious situation, and I send it to you for your serious consideration.

Respectfully,

JOHN W. H. CRIM,
Assistant Attorney General.

OFFICE OF THE UNITED STATES ATTORNEY,
DISTRICT OF COLUMBIA,

Washington, D. C., February 23, 1923.

The ATTORNEY GENERAL,

Department of Justice, Washington, D. C.

SIR: There is pending in the Court of Appeals of the District of Columbia a case on appeal from the Supreme Court of this District which involves the question whether there is such a position as the superintendent of the Washington Asylum and Jail. The case went up on appeal from a judgment of the lower court overruling the demurrer to the return of the Government to a petition for habeas corpus in a capital case in which the death warrant directed such superintendent to execute the judgment of the court.

As there are a number of other prisoners in the custody of such superintendent under sentence of death, together with many convicted of various crimes, I am somewhat apprehensive as to what would happen should the Court of Appeals hold that there is no such position as superintendent of the Washington Asylum and Jail, and especially so in view of the fact that Congress will not be in session again for 9 or 10 months.

In 1911 Congress abolished the office of warden of the jail, whose duty it had been to execute the judgments of the court in capital cases, and created the office of superintendent of the Washington Asylum and Jail, and authorized the Commissioners of the District of Columbia to appoint such superintendent, and conferred upon such superintendent all the duties, discretion, and powers then vested in and exercised by the warden of the jail of the District of Columbia and the superintendent of the then Washington Asylum.

In the act of June 26, 1912, making appropriation for the District of Columbia, is the following provision:

"That the superintendent of the Washington Asylum and Jail appointed by the Commissioners of the District of Columbia be, and he is hereby, directed, authorized, and required to execute the judgments of the law heretofore pronounced and hereafter to be pronounced in the District of Columbia by the courts thereof in all capital cases." (37 Stat. L., Pt. I, p. 170.)

From that time to the present the judgments of the Supreme Court of the District of Columbia in capital cases have been executed by the superintendent of the Washington Asylum and Jail or by his assistant.

The contention in the case now pending in the Court of Appeals is that the position of superintendent of the Washington

Asylum and Jail has been abolished by reason of the fact that since 1919 Congress has failed to make any appropriation for salary or compensation for the position of superintendent of the Washington Asylum and Jail, while making appropriation for the positions of superintendent of the workhouse and reformatory, and superintendent of the Washington Asylum Hospital.

In view of the above circumstances, and so that there may be no question about the matter, I would suggest that you request Congress immediately to enact legislation as follows:

"An act authorizing the superintendent of the Washington Asylum and Jail to execute the judgments of the courts in the District of Columbia in capital cases, and ratifying and confirming appointments to the position of such superintendent made by the Commissioners of the District of Columbia.

"*Be it enacted, etc.*, That the superintendent of the Washington Asylum and Jail appointed by the Commissioners of the District of Columbia be, and he is hereby, directed, authorized, and required to execute the judgments of the law heretofore pronounced and hereafter to be pronounced in the District of Columbia by the courts thereof in all capital cases. And the power and authority heretofore given to and now vested in such commissioners to appoint such superintendent and all appointments to the position of such superintendent made by such commissioners are hereby ratified and confirmed; and any failure on the part of Congress, either heretofore or hereafter, to make a specific appropriation for the salary or compensation of such superintendent shall not be construed either as an abolition of such position of superintendent of the Washington Asylum and Jail or as a repeal of the power and authority of such commissioners to appoint such superintendent."

Respectfully,

PEYTON GORDON,
United States Attorney.

Mr. LODGE. Mr. President, I offer the following amendment, to be inserted on page 41, under the heading "Department of Labor." It is an amendment which I have offered in another form heretofore and relates to pay for overtime for the immigration officers and inspectors, the pay for overtime to be furnished by the steamship and transportation companies.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. On page 41, after the amendment in lines 19 and 25 heretofore agreed to, insert the following:

The Secretary of Labor is authorized, under such regulations as he may deem advisable, to pay extra compensation to immigrant inspectors and other immigration employees when, at the request of any transportation company, corporation, or individual bringing aliens to the United States, such officers or employees are required to report for extra duty or to work overtime, or on nights, Sundays, or holidays, in connection with the examination of alien passengers or crews; and the transportation company, corporation, or individual requesting such extra service shall pay to the Secretary of Labor as reimbursement the amounts expended by him for such extra service in accordance with his regulations, and such reimbursement shall be credited to the appropriation "Expenses regulating immigration."

Mr. WARREN. That seems to me to be something against which I shall have to make the point of order, but I will withhold it for the moment if the Senator from Massachusetts wishes to explain the amendment.

Mr. LODGE. It is an attempt to get pay for the immigration inspectors when they work overtime, the money to be paid by the transportation companies and steamship companies when they require the immigration inspectors to work overtime and at night. I suppose it is general legislation.

Mr. WARREN. It would seem to me that it is. We did not have it before the committee.

Mr. SWANSON. Mr. President, will the Senators speak louder? It is impossible for us to understand what the amendment is or what they are saying about it.

Mr. KING. A point of order has been made against the amendment.

The VICE PRESIDENT. The point of order is well taken.

Mr. JONES of Washington. Mr. President, with reference to the amendment which the Senator from Massachusetts has offered, I desire to say that a subcommittee of the Committee on Commerce was appointed to consider the legislation, and I think held quite extensive hearings, but was not able to reach a conclusion before the present session should come to a close.

Mr. LODGE. A House committee held hearings on it, too.

Mr. JONES of Washington. We hope during the next session of Congress to present legislation covering the situation.

Mr. LODGE. I think it is desirable that that be done.

Mr. CALDER. Mr. President, I introduced a bill covering this matter and it was referred to the Committee on Commerce. The bill was introduced by me because in the last session of Congress there was passed a bill providing for similar payments for the customs inspectors. The Senator from Massa-

chusetts now desires that the immigration inspectors shall be cared for in the same way. This legislation has been asked for by the great shipping companies in New York City, Boston, and other large cities in the East. They are perfectly agreeable to having the service paid for in this way. It would put the immigration inspectors exactly on the same status as the customs inspectors are to-day. It is most unjust to have the customs inspectors paid for the overtime while the immigration inspectors must work overtime without pay.

Mr. ROBINSON. Mr. President, a point of order.

The VICE PRESIDENT. The Senator from Arkansas will state the point of order.

Mr. ROBINSON. I understand a point of order has been made against the amendment offered by the Senator from Massachusetts and was sustained.

The VICE PRESIDENT. The Chair ruled on the point of order.

Mr. LODGE. I never knew of any rule in the Senate that prevented Senators from talking about a subject after it had been ruled on.

Mr. ROBINSON. There is such a rule in the Senate, but I never knew that anybody observed it very rigidly.

Mr. LODGE. Mr. President, I have another amendment that I desire to offer. On the 9th of May, 1921, the Senate passed an act paying to the State of Massachusetts the sum of \$233,885.82, cost charges and expenses properly incurred by such State for interest and premium paid for coin in payment of such interest on bonds issued for money borrowed and expended at the request of the President of the United States during the Civil War. Other similar amounts have been paid. The matter has been before the court and the finding of the court approves it, though no judgment was entered. Therefore I offer the amendment.

Mr. WARREN. I reserve an objection until the amendment has been reported.

The VICE PRESIDENT. The amendment will be reported.

The READING CLERK. Insert in the proper place the following words:

To pay the State of Massachusetts for interest and premium paid on coast-defense bonds as set forth in the findings reported by the Court of Claims in favor of the Commonwealth of Massachusetts and printed in House Document 359, Sixty-fifth Congress, first session, \$233,885.82.

Mr. WARREN. Mr. President, I regret to have to say that this is a matter against which I shall have to make a point of order. I regret it all the more because it relates to the State of my birth and early training. Different States have been paid various sums at various times, which were considered sufficient at the time. These matters have been brought up since to crowd the matter a little on the question of interest, and so forth. As against that a number of States of the Union—I have forgotten whether Massachusetts was one of the States—in the early years borrowed from the Treasury of the United States. The United States had a full Treasury and for some reason wanted to dispose of its funds, and so loaned them to various States. The States have never repaid those loans, and the United States has seemingly made no practicable effort to collect them. I feel that I shall have to make the point of order against the amendment, because it is a claim, and, while it has behind it the finding of the Court of Claims, it is not a judgment, and it has not passed both Houses to make it suitable to put on the pending bill.

Mr. LODGE. I shall not contest the ruling which I anticipate, but I do want to say that the State of Massachusetts, to my knowledge, never borrowed any money from the United States, but paid gold throughout the Civil War. It is a question of the premium.

The VICE PRESIDENT. The point of order is well taken.

Mr. LODGE. Now, Mr. President, I have one more amendment to offer.

Mr. ROBINSON. Mr. President, I ask recognition to present an amendment. The Senator from Massachusetts has presented three or four amendments.

Mr. LODGE. I think I have presented two.

Mr. ROBINSON. I suggest to the Senator from Massachusetts that there is no Senator entitled to present amendment after amendment and retain the floor, and that there ought to be an opportunity for other Senators to be recognized.

Mr. LODGE. I have been recognized, and I think I have the floor. I do not know of any rule which prevents me from offering more than one amendment.

Mr. ROBINSON. The Senator loses the floor when the amendment he offers is disposed of. Otherwise one Senator would be able to take the floor and offer an indefinite number of amendments.

Mr. LODGE. I was recognized for the purpose of offering an amendment a moment ago, and I have been recognized for the purpose of offering another amendment.

The VICE PRESIDENT. The Chair understood that he recognized the Senator from Massachusetts to present this amendment.

Mr. ROBINSON. Will the Chair indicate how long it is the purpose of the present occupant of the chair to recognize the senior Senator from Massachusetts?

Mr. LODGE. I have no other amendment to present after this one.

Mr. ROBINSON. I suppose if the Senator had an indefinite number he would be recognized to present them.

The VICE PRESIDENT. The Chair made the statement with the understanding that the Senator from Massachusetts asked recognition for only one further amendment.

Mr. LODGE. This is an amendment which I am offering because I was urged very strongly to do so, and I hope the Senate may adopt it.

Mr. ROBINSON. I suggest that the amendment be reported. The VICE PRESIDENT. The Secretary will report the amendment.

The READING CLERK. Insert at the proper place the following:

That the Joint Committee on the Library be, and it is hereby, authorized to provide for the restoration and completion of the historical frieze in the rotunda of the Capitol. For that purpose the said joint committee is empowered to select an appropriate design for the completion of the frieze and to employ such artists in the work of completion and restoration as may demonstrate to the satisfaction of said joint committee their ability to perform the work in a proper manner. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$20,000, or so much thereof as may be necessary, for the purposes of this resolution.

Mr. WARREN. The amendment possesses nearly all the elements that make it nonadmissible now. It has not been before the committee and it is not estimated for.

Mr. LODGE. It was reported from another committee.

Mr. WARREN. That may be, but that does not entitle it to go into an appropriation bill.

Mr. LODGE. I am aware of that.

Mr. WARREN. I am sorry to have to say it, because I think the object is good, but the way to handle these matters is to get them before the proper authorities in season, and not to ask that we shall at the last minute in a session of Congress insert them by way of amendment in an appropriation bill.

The VICE PRESIDENT. The point of order is well taken.

Mr. ROBINSON. I submit the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Arkansas will be stated.

The READING CLERK. On page 2, line 4, it is proposed to insert the following:

After March 1, 1923, the salaries of the Assistant Doorkeeper and Acting Assistant Doorkeeper shall be at the rate of \$4,200 per annum each, and there is hereby appropriated the sum of \$1,600 to carry out said purpose.

Mr. WARREN. Mr. President, I think, through some misapprehension, the Senator offering that amendment believes that we have agreed in the committee to accept it, and while I am sorry that we have to include any amendment of that kind at this time, I shall not object to the two increases proposed in the amendment just stated.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Arkansas.

The amendment was agreed to.

Mr. MOSES. I offer the amendment which I send to the desk to insert a new section and I ask that it may be stated.

The VICE PRESIDENT. The amendment proposed by the Senator from New Hampshire will be stated.

The reading clerk proceeded to read the amendment.

Mr. WARREN. Unless the Senator who offers the amendment wishes the whole amendment read—

Mr. MOSES. This amendment is the same as the printed amendment which I offered some time ago except that the \$4,000 items in the amendment have been reduced to \$3,600 and the \$4 additional clerks are proposed to be carried at a salary of \$1,500 instead of \$1,200; in other words, I make a reduction of \$400 in the amendment as originally offered in the first item which I proposed, and in the last place named I have provided for an increase of \$300 a year. I have no desire to have the amendment read in full, but I desire that it may be printed in the RECORD.

Mr. WARREN. I have no objection to the amendment being printed in the RECORD.

The VICE PRESIDENT. Without objection the amendment will be printed in the RECORD.

The amendment proposed by Mr. MOSES is to add a new section, as follows:

That part of the act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1923, and for other purposes, under the heading "Senate," subheading "Committee employees," is hereby amended to read as follows:

"Clerks and messengers to the following committees: Agriculture and Forestry—clerk \$3,600, assistant clerk \$2,500, assistant clerk \$2,100; Appropriations—clerk \$6,000, assistant clerk \$3,000, two assistant clerks at \$2,500 each, three assistant clerks at \$1,800 each, messenger \$1,200; To Audit and Control the Contingent Expenses of the Senate—clerk \$3,600, assistant clerk \$2,500, assistant clerk \$2,100; Banking and Currency—clerk \$3,600, assistant clerk \$2,500, two assistant clerks at \$2,100 each; Civil Service—clerk \$3,600, assistant clerk \$2,500, assistant clerk \$2,100, additional clerk \$1,800; Claims—clerk \$3,600, assistant clerk \$2,500, two assistant clerks at \$2,100 each; Commerce—clerk \$3,600, assistant clerk \$2,500, assistant clerk \$2,100, assistant clerk \$1,800; conference minority of the Senate—clerk \$3,600, assistant clerk \$2,500, two assistant clerks at \$2,100 each; District of Columbia—clerk \$3,600, assistant clerk \$2,500, assistant clerk \$2,100; Education and Labor—clerk \$3,600, assistant clerk \$2,500, assistant clerk \$2,100; Enrolled Bills—clerk \$3,600, assistant clerk \$2,500, assistant clerk \$2,100, additional clerk \$1,800; Expenditures in the Executive Departments—clerk \$3,600, assistant clerk \$2,500, assistant clerk \$2,100, additional clerk \$1,800; Finance—clerk \$4,000, special assistant to the committee \$4,000, assistant clerk \$2,500, assistant clerk \$2,100, two assistant clerks at \$1,800 each, two experts (one for the majority and one for the minority) at \$1,800 each; Foreign Relations—clerk \$3,600, assistant clerk \$2,500, assistant clerk \$2,100; Immigration—clerk \$3,600, assistant clerk \$2,500, assistant clerk \$2,100; Indian Affairs—clerk \$3,600, assistant clerk \$2,500, assistant clerk \$2,100; Inter-oceanic Canals—clerk \$3,600, assistant clerk \$2,500, assistant clerk \$2,100; Interstate Commerce—clerk \$3,600, two assistant clerks at \$2,500 each, assistant clerk \$2,100; Irrigation and Reclamation—clerk \$3,600, assistant clerk \$2,500, assistant clerk \$2,100, additional clerk \$1,800; Judiciary—clerk \$3,600, assistant clerk \$2,500, two assistant clerks at \$2,100 each, assistant clerk \$1,800; Library—clerk \$3,600, assistant clerk \$2,500, assistant clerk \$2,100; Manufactures—clerk \$3,600, assistant clerk \$2,500, assistant clerk \$2,100; Military Affairs—clerk \$3,600, assistant clerk \$2,500, three assistant clerks at \$2,100 each; Mines and Mining—clerk \$3,600, assistant clerk \$2,500, assistant clerk \$2,100; Naval Affairs—clerk \$3,600, assistant clerk \$2,500, two assistant clerks at \$2,100 each; Patents—clerk \$3,600, assistant clerk \$2,500, assistant clerk \$2,100; Pensions—clerk \$3,600, assistant clerk \$2,500, four assistant clerks at \$2,100 each; Post Offices and Post Roads—clerk \$3,600, assistant clerk \$2,500, three assistant clerks at \$2,100 each; Printing—clerk \$3,600, assistant clerk \$2,500, assistant clerk \$2,100; Privileges and Elections—clerk \$3,600, assistant clerk \$2,500, assistant clerk \$2,100; Public Buildings and Grounds—clerk \$3,600, assistant clerk \$2,500, assistant clerk \$2,100; Public Lands and Surveys—clerk \$3,600, assistant clerk \$2,500, two assistant clerks at \$2,100 each; Revision of the Laws—clerk \$3,600, assistant clerk \$2,500, assistant clerk \$2,100, additional clerk \$1,800; Rules—clerk \$3,600, to include full compensation for the preparation biennially of the Senate Manual under the direction of the Committee on Rules, assistant clerk \$2,500, assistant clerk \$2,100; Territories and Insular Possessions—clerk \$3,600, assistant clerk \$2,500, assistant clerk \$2,100; in all, \$

"CLERICAL ASSISTANTS TO SENATORS.

"For clerical assistance to Senators who are not chairmen of the committees specially provided for herein: Seventy clerks at \$3,600 each, 70 assistant clerks at \$2,500 each, 70 assistant clerks at \$2,100 each, \$574,000; Provided, That such clerks and assistant clerks shall be ex officio clerks and assistant clerks of any committee of which their Senator is chairman.

"Eighty-four additional clerks at \$1,500 each, 1 for each Senator having no more than 1 clerk and 2 assistant clerks for himself or for the committee of which he is chairman, \$126,000; in all, \$

"For compiling the Navy Yearbook for the calendar year 1922, under the direction of the chairman of the Committee on Naval Affairs, \$500."

Mr. WARREN. Mr. President, I desire to say that we can not now take up the matter which is involved in the amendment, much as I should like to do so. It is a matter in reference to which the Senator from New Hampshire has been very properly industrious. He brought it before our committee at the time we were acting upon the legislative appropriation bill. At that time we believed that we should have the reclassification bill before the Senate any day. We asked the Senator from New Hampshire to wait until the reclassification bill should be reported. The reclassification bill, however, has not yet passed.

This proposed legislation, like all other legislation, must, of course, go to the House of Representatives, for finally the legislation to pay Senators and to authorize the payment of their clerks and also the other employees which belong to both the House and the Senate together, such as the police and the drafting service and many other services, has to be acted on by both Houses.

I have here to be brought before the committee a bill which must yet be passed upon by its members, and which I hope may be enacted into law. It is a bill which provides for the continuing of the so-called bonus of \$240 to every employee who is receiving \$2,500 and less per annum. If we are to pass the reclassification bill, and also to change the salaries of our employees, the other House, of course, will have the same right, as they probably have the same intent as we have. They have, however, met the matter in another way, which I think we may follow without too much trouble, and perhaps avoid the

final loss of the pending appropriation bill. At the end of the so-called bonus bill the House has added a specific provision which states:

Sec. 10. That a joint committee of Congress is hereby created, consisting of three Senators who are Members of the Sixty-eighth Congress, to be appointed by the Vice President, and three Representatives elect to the Sixty-eighth Congress who are Members of the Sixty-seventh Congress, to be appointed by the Speaker. It shall be the duty of the joint committee to investigate and report to Congress on the first day of the next regular session what adjustments, if any, should be made in the compensation of the officers and employees of the Senate and House of Representatives, including joint committees and joint commissions, the office of the Architect of the Capitol, the Legislative Drafting Service, and the Capitol police.

Mr. President, as I have stated, the bonus bill carries \$20 a month, or \$240 per annum, to all clerks who are now receiving \$2,500 or less, and it will leave the clerks receiving more than that uncovered after the 1st of next July, unless we may otherwise provide.

I have had some communication with the various Members of Congress; not that I have sought for any directions as to what to do, but they have several times spoken of the unfairness of the proposition—and I acknowledge that it is unfair, and yet we can not help it—that we have had a reclassification bill in hand for 14 months, which we now propose to pass and send over to the House with perhaps 14 minutes remaining, certainly not more than 14 hours of the session. I am advised that they can not and will not undertake to get that measure through, because a large proportion of the Members of the House are going out and are pressing hard, of course, to secure the enactment of various items of legislation, as are also Members who have been reelected.

As to the reclassification bill, my conversation concerning it has been mainly with the chairman of the House committee; and while, of course, he can not bind his committee, and I did not ask him to do so, and I do not now undertake to say what we will do, I said that if we were going into anything of that kind we should date the provisions back so that the legislation would cover the clerks in the same way as if the bill had been passed at an earlier time. He did not personally make any objection to that, but he said the bonus bill, which I shall expect to report to-morrow providing an appropriation of \$37,000,000 or \$38,000,000, would be necessary any way; that if at the last moment a change should come about in the status of the reclassification bill that money would have to be appropriated and that it would only take a line or two added to the end of the bill to apply the appropriation otherwise.

Mr. President, other Senators know the trials of conferees as well as I do. We have had troubles in former times with the House over matters that were of joint concern in a way. We have undertaken to draw the line since I have had charge of the appropriation bills and to reach an understanding that, as the employees of individual Senators and of the Senate, the House must leave those questions to the Senate, and as to the employees of the House and their salaries we would leave such matters to them. So far I have been able to maintain that spirit of comity.

I wish to say furthermore—and never was that condition more apparent than at the last session—we have had periods of disagreement, but along the general line indicated the House committee has been ready to cooperate with the Senate committee in speeding business along without such controversies as have sometimes obliged us to reach the end of a short session of Congress on March 4 without one or more of the appropriation bills having been disposed of.

Much as I want to see these clerks receive proper compensation, I do not want to undertake to accept an amendment of the kind offered and take a chance on the ultimate passage of this deficiency bill, as I know we will be doing if we adopt the amendment. The reclassification bill should be acted upon before we undertake to settle the question involved in the pending amendment; and, at any rate, the bonus bill contains a provision to which I have referred which will bring about a consideration and adjustment of the matter. But I am not willing to undertake now to raise the salaries of our clerks, which were raised during war times, and let it go to the country, as it would, that we have done so, but have made no provision for all the other employees of the Government because we have not passed the reclassification bill or appropriated money in order to bring them up to the level on which we undertook to place our own employees.

I referred a few moments ago to the reclassification bill as having been pending for 14 months or some such time. I am not blaming the Senators who have had charge of that bill, because it has been a very vexatious matter, but I am stating the circumstances exactly as they are. If we proceed in such manner as we are proceeding now, I want to say that probably the bill will not pass.

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

Mr. MOSES. Mr. President, I have the floor.

The PRESIDING OFFICER (Mr. McCUMBER in the chair). Does the Senator from Wyoming make a point of order against the amendment?

Mr. WARREN. I do make the point of order, but I wanted to explain my position before doing so. I did not want to cut off by a point of order the Senator from New Hampshire.

Mr. MOSES. Mr. President, I had the floor and I yielded to the Senator from Wyoming. Before the point of order is ruled on, I should like to make a statement.

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

Mr. MOSES. Mr. President, if the Senator will permit me to proceed and make my statement, then I will yield the floor?

Mr. CAMERON. I should like to offer an amendment to the Senator's amendment.

Mr. MOSES. That may be done when the amendment comes to be acted upon.

Mr. President, the historical recital which has been made by the Senator from Wyoming is completely accurate. However, at all the steps which preceded the offering of this amendment assurances were given to the effect that the amendment should be favorably considered. If I may state the case again to the Senate, I offered this amendment many weeks ago and brought it before the committee at the time the legislative appropriation bill was under consideration. I was then told that the reclassification bill was going along speedily, and this proposed legislation should be made to follow that, with the assurance, however, that if the reclassification bill did not go through, this amendment of mine—at any rate, in its substance—would receive sympathetic consideration. In consequence of that I appeared once again before the Committee on Appropriations when the pending bill was under consideration, and I received again the same assurance.

Mr. President, it is not the fault of the clerks of Senators—it is not the fault of Senators generally that the reclassification bill has not been passed. The Senate will pass the reclassification bill, if it ever gets to it, which will settle the opinion of the Senate on that point.

Mr. SMOOT. Mr. President, will the Senator yield there?

Mr. MOSES. Yes.

Mr. SMOOT. I should like to say to the Senator that the reclassification bill does not include the clerks of Senators. Questions affecting them are and always have been entirely in the hands of the Senate.

Mr. MOSES. Absolutely.

I am simply stating the reasons which were advanced to me for not pressing the matter before and the reasons which actuated me in not pressing it.

I take the position with reference to this amendment that it is not subject to a point of order because it is a question of privilege for the Senate; it is a question of whether the Senate is going to be permitted to conduct its own business. I maintain that the Senate can fix the salary of its employees whenever it sees fit and at any figure it sees fit; may attach a measure fixing their salaries to any measure which is before the Senate or may bring it forward at any time.

It is a matter, I maintain, of privilege which is not subject to a point of order such as the Senator from Wyoming has attempted to make against it. I submit further that the sentiment of the Senate on a question well known to Senators—for it has been discussed here for months, the terms of the amendment having been known for weeks, and the overwhelming opinion on the part of the Senate being that this action should be taken—should not be barred expression by a point of order or by any other consideration.

I maintain further with reference to it that I am not at all entering upon the merits of the question, upon the capacities and capabilities of the persons affected by this legislation, upon the dependence of Senators upon the loyalty and ability of their secretaries. I am stating a case as coldly and baldly as I may.

Mr. President, even if everything that the Senator from Wyoming says were accurate, if it were desired to proceed along the line of the section provided in the bonus bill which the Senator from Wyoming has read, if we determined after all, later on, that we were going to proceed with the joint commission which that bill sets up, the adoption of my amendment at this time would set a standard for the Members on the part of the Senate of that joint commission for the pay of the employees of the Senate—a question which I submit is wholly in the hands of the Senate, which the Senate may handle at any time, in any way, or upon any measure which is before it; and if I understand that the Chair has ruled in support of the point of order raised by the Senator from Wyoming, I must respectfully appeal from the ruling of the Chair, not because I wish to pro-

ceed in a disorderly manner with reference to this thing, but because I wish the Senate to assert itself even against the most resolute of Committees of Appropriation at the other end of the Capitol.

The PRESIDING OFFICER. The Chair will have to correct the Senator, if he will allow the Chair to do so.

Mr. MOSES. And may I add that the Budget has absolutely no jurisdiction over this item.

The PRESIDING OFFICER. The Chair has not passed upon any point of order, nor has any point of order been stated to the Chair.

Mr. WARREN. I have not yet made any point of order.

Mr. MOSES. I beg the pardon of the Chair and of the Senator from Wyoming. I understood the Senator from Wyoming to have concluded with the statement that he did make a point of order, and I understood the Chair to have said that he sustained it. If I am wrong on both of those points—

Mr. WARREN. I stated that I might make it, and I state again that I may make it; but I would not make it, of course, so as to cut off any Senator who wished to present the matter in as able a manner as the Senator from New Hampshire has presented it. So far as I am concerned, the Senator from New Hampshire is not any more generous than I am disposed to be, in my judgment; and it hurts me more perhaps than it hurts him to have to be placed personally in this situation.

I find, for instance, that during the last few moments I have sinned against the honorable Senator, who is my friend, I hope, and whom I respect as highly as any Senator in this body, who represents the great Committee on the Civil Service, and who has here a bill which I hope will pass before the morning hour—the reclassification bill. I hope that bill will pass. I am simply stating what happens to be the situation and what happens to be the way of some of the people whom we shall have to meet and contend with.

It is all right to have the courage to stand at the desk here and tell what the Senate can do, and it is all right to say what the House will do; but on the general proposition it is well to know just what your ground is before you start and whether you are taking or attempting to take an unreasonable advantage of another body with which you are in coordination. I think myself that it would be absolutely unfair to undertake at the last moment to say what we shall pay to our secretaries, when the House is deprived of the privilege of giving similar treatment to its own secretaries.

Another thing: Speaking of this bonus bill, unless we pass that, or something in place of it, of course we will have no money either to pay the increase that is proposed here or to pay the bonus that is now being enjoyed, and that extends only to the 30th of June.

I am simply stating the situation. The Senate, of course, has its rights, and it can proceed, if it desires, in a manner which I think is improper. I have no pride of opinion about it. I state these facts as they seem to me, and what I think is best, and what in the long run I think will please the employees best; and when the debate on this matter is over I shall have to make the point of order.

Mr. CAMERON. Mr. President—

Mr. CURTIS. The Senator has made a point of order. That should be ruled upon before a Senator offers another amendment.

The PRESIDING OFFICER. The Chair will state that the Senator from Wyoming has not announced what point of order he desires to make.

Mr. WARREN. The point of order is that this is the appropriation of a large amount of money that has not come in by reason of any legislation or by the action of any committee. It changes existing law, of course, as to every one of these raises that are proposed. No general legislation could be had, in fact.

Mr. CAMERON. Mr. President—

The PRESIDING OFFICER (Mr. McCUMBER in the chair). The Chair is called upon to rule upon the point of order raised by the Senator from Wyoming, and the Chair rules that the amendment is not in order.

Mr. MOSES. Mr. President, I respectfully appeal from the ruling of the Chair.

The PRESIDING OFFICER. From the ruling of the Chair the Senator from New Hampshire appeals. The question is, Shall the ruling of the Chair be sustained?

Mr. MOSES. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. COLT (when his name was called). I have a pair with the junior Senator from Florida [Mr. TRAMMELL]. I am unable to secure a transfer, and therefore withhold my vote.

Mr. HARRISON (when his name was called). I have a pair with the junior Senator from Minnesota [Mr. KELLOGG]. As he is not here, I shall have to withhold my vote. If at liberty to vote, I should have to vote "yea."

Mr. LODGE (when his name was called). I have a general pair with the Senator from Alabama [Mr. UNDERWOOD]. I transfer that pair to the Senator from Vermont [Mr. PAGE], and will vote. I vote "yea."

Mr. REED of Pennsylvania (when his name was called). I am paired with the junior Senator from Delaware [Mr. BAYARD]. As he has not voted, I will withhold my vote. If at liberty to vote, I should vote "nay."

Mr. SWANSON (when his name was called). I am paired with the senior Senator from Michigan [Mr. TOWNSEND], who is sick and detained from the Senate. I transfer that pair to the senior Senator from Nebraska [Mr. HITCHCOCK], and will vote. I vote "yea."

Mr. WATSON (when his name was called). I transfer my general pair with the senior Senator from Mississippi [Mr. WILLIAMS] to the senior Senator from Maryland [Mr. FRANCE] and will vote. I vote "yea."

Mr. WILLIS (when his name was called). I am paired with my colleague, the senior Senator from Ohio [Mr. POMERENE]. Not being able to obtain a transfer, I am obliged to withhold my vote. If at liberty to vote, though I am in favor of the amendment, I should be compelled to vote "yea."

The roll call was concluded.

Mr. FRELINGHUYSEN (after having voted in the negative). I transfer my general pair with the Senator from Montana [Mr. WALSH] to the junior Senator from Minnesota [Mr. KELLOGG] and will allow my vote to stand.

Mr. ROBINSON (after having voted in the affirmative). I transfer my pair with the Senator from West Virginia [Mr. SUTHERLAND] to the Senator from Massachusetts [Mr. WALSH] and will let my vote stand.

Mr. McCORMICK (after having voted in the negative). Has the junior Senator from Wyoming [Mr. KENBICK] voted?

The PRESIDING OFFICER. The Chair is informed that he has not.

Mr. McCORMICK. Then I must withdraw my vote.

Mr. McKELLAR (after having voted in the affirmative). Has the Senator from Indiana [Mr. NEW] voted?

The PRESIDING OFFICER. He has not.

Mr. McKELLAR. I withdraw my vote.

Mr. CURTIS. I have been requested to announce the following general pairs:

The Senator from Delaware [Mr. BALL] with the Senator from Florida [Mr. FLETCHER];

The Senator from West Virginia [Mr. ELKINS] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from Minnesota [Mr. NELSON] with the Senator from Texas [Mr. CULBERSON]; and

The Senator from Colorado [Mr. NICHOLSON] with the Senator from Missouri [Mr. REED].

The result was announced—yeas 30, nays 19, as follows:

YEAS—30.

Brandegee	Gerry	Overman	Spencer
Caraway	Glass	Phipps	Stanley
Cummins	Jones, N. Mex.	Pittman	Swanson
Curtis	Jones, Wash.	Ransdell	Wadsworth
Dial	King	Robinson	Warren
Dillingham	Lodge	Sheppard	Watson
Ernst	McKinley	Smith	
Fernald	Norris	Smoot	

NAYS—19.

Bursum	Gooding	La Follette	Pepper
Calder	Hale	Lenroot	Shortridge
Cameron	Harris	McNary	Sterling
Capper	Heflin	Moses	Wells
Frelinghuysen	Ladd	Oddie	

NOT VOTING—47.

Ashurst	France	McLean	Shields
Ball	George	Myers	Simmons
Baird	Harrell	Nelson	Stanfield
Borah	Harrison	New	Sutherland
Brookhart	Hitchcock	Nicholson	Townsend
Broussard	Johnson	Norbeck	Trammell
Colt	Kellogg	Owen	Underwood
Couzens	Kendrick	Pago	Walsh, Mass.
Culberson	Keyes	Poinderer	Walsh, Mont.
Edge	McCormick	Pomerene	Williams
Elkins	McCumber	Reed, Mo.	Willis
Fletcher	McKellar	Reed, Pa.	

So the ruling of the Chair was sustained.

Mr. GLASS. I offer the amendment which I send to the Secretary's desk, and which I hope the chairman of the committee will accept.

The PRESIDING OFFICER. The Secretary will state the amendment.

The READING CLERK. On page 2, after line 4, insert the following:

On and after March 1, 1923, the salaries of the two floor assistants shall be at the rate of \$3,600 per annum; and there is hereby appropriated the sum of \$2,933.34 to carry out said purpose.

Mr. WARREN. Mr. President, one sin calls for another, I suppose. I myself will make no objection to this amendment, because of what passed before it, but I do want to state that if any further similar amendments are offered I shall be compelled to object.

The amendment was agreed to.

Mr. OVERMAN. Mr. President, I move to reconsider the vote by which the amendment on page 22, after line 13, was agreed to, in order to reform the language in accordance with the estimates sent down by the Budget Bureau.

I move to amend by striking out, on line 20, the words "fiscal year 1923," and to insert, after the numerals "\$40,000," the words "to remain available until June 30, 1924."

The PRESIDING OFFICER. The question is on the motion of the Senator to reconsider the vote by which the committee amendment was adopted.

The motion was agreed to.

The PRESIDING OFFICER. The Secretary will state the amendment of the Senator.

The READING CLERK. On page 22, line 20, to strike out the words "fiscal year 1923" and, after the numerals "\$40,000," to insert the words "to remain available until June 30, 1924."

Mr. ROBINSON. I will ask that the Senator moving the amendment explain the purpose of it.

Mr. OVERMAN. It will make this money remain available, whereas under this amendment it will amount to nothing. It provides that it shall be in effect until the 1st of July. The bill we will does not come until after the 1st of July, and this makes it available and extends it to 1924.

The amendment was agreed to.

Mr. PEPPER. Mr. President, I offer an amendment which I send to the desk.

The VICE PRESIDENT. The Secretary will state the amendment.

The READING CLERK. On page 22, line 7, after the numerals "\$40,000," to strike out the words "fiscal year 1923" and to insert the words "to remain available until June 30, 1924."

Mr. PEPPER. The effect of this amendment will be precisely the same as the effect of that which has just been agreed to. It is to make the appropriation available in fighting the Japanese beetle pest until the season when the appropriation can be expended with advantage.

Mr. WARREN. I am not going to object to either one of those. I did not object to the first one. I suppose we are taking a chance on it, because these are in no wise deficiencies when they are to be extended into the future for one or two years, but I will do the best I can to keep them in the bill. We have to meet the objections of the conferees, of course, who are trying to hold the deficiency bill down to the limit. We are having very serious times because of these late amendments brought to us at the last moment by Senators who desire to have appropriations extended for two or three years into the future rather than have them apply to the few months between now and the 1st of July.

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

The amendment was agreed to.

Mr. WILLIS. I desire to offer the following amendment.

The PRESIDING OFFICER. The Secretary will state the amendment.

The READING CLERK. On page 52, after line 10, to insert the following:

SEVENTEENTH INTERNATIONAL CONGRESS AGAINST ALCOHOLISM.

For expenses of delegates, not exceeding 10 in number, to be designated by the President, to the Seventeenth International Congress Against Alcoholism, at Copenhagen, Denmark, to be held in 1923, including the cost of secretarial and stenographic work and transcription of the report, \$7,500.

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

Mr. WILLIS. Mr. President, I desire to be heard on the point of order.

Mr. WADSWORTH. I did not desire to make any extensive remarks about it. I understand there is no existing law to authorize such an expenditure, and that this amendment, taken as it is, is legislation to that extent. In view of the fact that there is prohibition in this country, I can see no advantage in having the United States represented in an alcoholic league of nations.

Mr. WILLIS. In response to the suggestion made by my friend from New York, if his contention is true that prohibition has increased the consumption of liquor, there is more reason for this amendment than at any time in the history of the country. I want to address myself to the point of order.

In the first place, there is nothing new about it. This Government has been represented at these congresses for the past 12 years. I have before me Document No. 322, containing the approval of this proposed appropriation by the President of the United States, and also a letter from the Director of the Budget calling attention to the desirability of the appropriation and what it is expected will be accomplished. I contend that this is not general legislation on an appropriation bill. As I said, there is nothing new about it. We have been making similar appropriations for years.

Mr. JONES of Washington. Mr. President—

Mr. WILLIS. I yield to the Senator.

Mr. JONES of Washington. Did I understand the Senator to state that this is pursuant to an estimate submitted according to law?

Mr. WILLIS. Absolutely so.

Mr. WADSWORTH. That is not the basis of the point of order. The mere fact that the item is estimated for does not make it in order. If it is legislation on an appropriation bill it is out of order.

Mr. JONES of Washington. If it is not legislation, however, it is in order.

Mr. WILLIS. I desire to invite the attention of the Chair particularly to the provisions of rule 16 as modified:

All general appropriation bills shall be referred to the Committee on Appropriations, and no amendment shall be received to any general appropriation bill * * * unless the same be moved by direction of a standing committee or select committee of the Senate, or proposed in pursuance of an estimate submitted in accordance with law.

I have in my hand the estimate which was submitted in accordance with law, and I therefore contend that the point of order is not well taken. This is not general legislation upon an appropriation bill.

Mr. JONES of Washington. I want to just emphasize what the Senator from Ohio has said. This is simply an item of appropriation for a specific purpose for this one year. It is not general legislation or new legislation, because, as the Senator has said, it has been carried in appropriation bills for several years.

Mr. WADSWORTH. Will the Senator yield?

Mr. SMOOT. It has not been carried for the last few years.

Mr. JONES of Washington. I did not say last year, but for several years.

Mr. WILLIS. I can correct the Senator from Utah on that point. They hold these congresses only every two years. So there was no point in the suggestion that it was not made last year.

Mr. WARREN. Neither this year, last year, nor the year before.

Mr. WILLIS. There was a congress in 1920.

Mr. WARREN. That was the last one.

Mr. WILLIS. And there was one in 1921.

Mr. WARREN. There was no appropriation for United States delegates to attend it.

Mr. WILLIS. There was one held, and I can call attention to the information in the document that there was one in 1921.

Mr. WADSWORTH. We do not care whether there was one in 1921 or not.

Mr. WILLIS. It was held in Lausanne.

Mr. WADSWORTH. I do not care where it was held; we did not send anybody to it.

Mr. WILLIS. Oh, yes, we did, Mr. President. If the Senator will yield to me, we were represented there at Lausanne in 1921. The Senator is mistaken.

Mr. WADSWORTH. I thought the Senator said that for two years we had not sent anybody.

Mr. WILLIS. I did not say that.

Mr. WADSWORTH. Does the Senator contend it is therefore standing legislation to send them every year?

Mr. WILLIS. Certainly not; but I contend it is not general legislation on an appropriation bill when we have been represented, and have made appropriations from year to year. It is absurd to call it general legislation.

Mr. JONES of Washington. This is an item duly estimated for according to law. If the Chair should hold that this is legislation, and to be excluded from an appropriation bill, there is no new item of appropriation which could not be excluded on the same ground, because this is nothing in the world but an item of appropriation for a particular purpose for a year, of importance to all.

Mr. NORRIS. May I interrupt the Senator from Washington? Is there any question about this being authorized by law?

Mr. JONES of Washington. There is no general authorization for holding these conventions.

Mr. NORRIS. Then the Senator must modify his statement that the estimate has been made in accordance with law.

Mr. JONES of Washington. It has been. There is a law under which the Budget Bureau can make estimates and submit them to Congress. This has been estimated pursuant to that. The Senator may have misunderstood me. I did not mean that the estimate was made to carry out existing law. I contend that an estimate was submitted pursuant to law; that is, the Budget officer was authorized to submit the estimate.

Mr. NORRIS. That is, the estimate was submitted by a person authorized by law to submit an estimate?

Mr. JONES of Washington. Yes.

Mr. NORRIS. The Senator does not mean that there is any law providing for sending delegates to any such convention?

Mr. JONES of Washington. Oh, no; we have not passed any such law.

Mr. NORRIS. I thought from the Senator's observation that we had passed some general law authorizing the appointment of such delegates.

The PRESIDING OFFICER (Mr. McCUMBER in the chair). In the opinion of the present occupant of the chair, a specific appropriation for a specific purpose only is not general legislation, and the Chair overrules the point of order based upon the claim that the amendment is general legislation.

Mr. SMOOT. Then I hope that the Senate will defeat this amendment. For about 15 years we have had these appropriations made, until last year or the year before when no money was appropriated for this purpose. It has grown to a scandal in some cases. I had a list of the names of parties who went over as representatives of the Government at one time for this very purpose. We had stenographers going along as experts to pass upon alcoholism.

Mr. NORRIS. May I interrupt the Senator? What kind of experts would we have on a proposition of prohibition?

Mr. SMOOT. I do not think a lady stenographer knows very much about alcohol.

Mr. NORRIS. No; but the lady stenographers were not the experts. I want to know how a man becomes an expert on that kind of a proposition. They could not get experts out of a prohibition country. We would have to go and employ foreigners if we want an expert to go over there, because we are all prohibitionists over here.

Mr. SMOOT. In theory.

Mr. WILLIS. I understand the amendment is now before the Senate, and I think the observation of the Senator from Utah requires some attention, because it is a reflection upon some people. I have taken occasion to investigate, because I have heard these charges, and I want to say to the Senator that while I was not a member of the delegation that was sent the last time, I know about the delegation, and the allegation he makes concerning that delegation is a mistake. There was nobody who went except the delegates. There was no person who took his wife or anybody else's wife, and the only person who was taken was the person who was elected as secretary of the delegation, and the reflection the Senator makes is not justified.

Mr. SMOOT. Mr. President, I did not say it was last year. I put the names in the RECORD the year I am speaking of.

Mr. WILLIS. What year was it?

Mr. SMOOT. I can not remember the year. I never expected this question to come up. It was five or six years ago.

Mr. WILLIS. Does not the Senator think that is rather an unusual argument, because even if the thing which he relates occurred five or six years ago, to say that therefore now the United States should be without representation does not seem to me carries any force.

Mr. SMOOT. If the Senate wants to appropriate \$750 apiece for these 10 people to go on a junketing trip to Europe, well and good.

Mr. WILLIS. In no case has any person on one of these delegations received a per diem, and when the Senator speaks of the \$750, the Senator knows the money was paid for expenses and nobody received any of it as salary.

Mr. SMOOT. I did not say they did. I said it was \$750 apiece for 10 people to go to Europe. I did not say they were paid salaries besides their expenses.

Mr. NORRIS. Mr. President—

Mr. WILLIS. I yield to the Senator from Nebraska.

Mr. NORRIS. I have not heard the proposition discussed. I would like to know what the object is, and what is proposed to be done.

Mr. WILLIS. I think I can answer the Senator best by reading the letter of the Director of the Bureau of the Budget, which he transmitted to the President of the United States. That letter reads as follows:

TREASURY DEPARTMENT,
BUREAU OF THE BUDGET,
Washington, February 24, 1925.

SIR: I have the honor to transmit herewith for your consideration and, upon your approval, for transmission to Congress, a supplemental estimate of appropriation for the Department of State for the fiscal year ending June 30, 1924, for expenses of delegates to the Seventeenth International Congress Against Alcoholism, at Copenhagen, Denmark, \$7,500.

"Seventeenth International Congress Against Alcoholism: For expenses of delegates, not exceeding 10 in number, to be designated by the President, to the Seventeenth International Congress Against Alcoholism, at Copenhagen, Denmark, to be held in 1923, including the cost of secretarial and stenographic work and transcription of the report (submitted), \$7,500."

The Seventeenth International Congress Against Alcoholism will be held in Copenhagen, Denmark, from August 20 to 24, 1923, and the United States has been invited to be officially represented at the congress. It is expected that the congress will discuss the social, economic, scientific, industrial, and other aspects of the alcohol problem, and that leading scientists, physicians, educators, and publicists in the various countries will be in attendance.

It has been customary for the United States to be represented at the meetings of the International Alcoholic Congress. It sent a delegation of 12 to the thirteenth congress, held at The Hague in September, 1911; 10 to the fourteenth congress, held at Milan in 1913; and 10 to the sixteenth congress, held at Lausanne in 1921. The fifteenth congress was held in Washington in 1920, and an appropriation of \$60,000 was made by Congress for the necessary arrangements and entertainment of the delegates of foreign countries.

The above estimate is for an appropriation required to meet an unforeseen contingency which has occurred since the transmission of the Budget for the fiscal year 1924, and its approval is recommended.

Very respectfully,

H. M. LOMB,

Director of the Bureau of the Budget.

The PRESIDENT.

If Senators suppose that this is a mere propaganda for the prohibition cause, they are entirely mistaken. I have taken pains to inform myself. I hold in my hand a rather large volume, containing the report of the congress which was held in this country in 1920, at which time, by the way, this Government appropriated \$60,000 for the entertainment of the congress. The report is a scientific discussion—not a discussion of the prohibition question but of the effects of alcoholism. I ask Senators, at the time when this has been written into the Constitution of the United States, whether they think it is a wise policy now for the United States to say to the rest of the world, "We have lost interest in the question." I hope the amendment will be adopted.

Mr. NORRIS. Mr. President, I want to interrogate the Senator from Ohio a little. I am impressed by what he has said. I am inclined to think it is a good thing, from what the Senator from Ohio has said. Does the Senator have any knowledge, or can he give us any idea as to who the delegates should be?

Mr. WILLIS. I have not the slightest idea.

Mr. NORRIS. How are they selected?

Mr. WILLIS. They are to be appointed by the President, the number not to exceed 10.

Mr. NORRIS. I can see, it seems to me, how this might be made a junket and, on the other hand, how it might be made a very useful thing. If the real intent is carried out, as outlined by the Senator from Ohio, the result of the congress would be very valuable to the people who want to study the question.

Mr. WILLIS. I think we may trust the President for that. He is given discretion to appoint not to exceed 10. He does not need to appoint more than one, unless he wants to do so.

Mr. NORRIS. The senior Senator from Utah [Mr. SMOOT] called our attention to a time when it was turned into a junket, very likely.

Mr. STANLEY. Mr. President—

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

Mr. STANLEY. If the purpose of the appropriation is to enable well-informed people to go at Government expense across the Atlantic Ocean to place before other countries of the world the manifest evil effects of alcoholism as resulting from wood alcohol and bootleg whisky, I think it is a very wise appropriation.

Mr. KING. Mr. President, I move to strike out the numeral "10" in the second line and insert in lieu thereof the numeral "3."

Mr. NORRIS. What is the effect of that?

Mr. KING. So the number on the junket trip would be limited to 3 instead of 10.

Mr. NORRIS. I want to say to the Senator that I came into the Chamber while the debate was on and I did not hear

the original amendment read. That would cut down the delegation?

Mr. KING. Yes; to 3 instead of 10.

Mr. WADSWORTH. Why not reduce the amount of the appropriation, too?

Mr. KING. If my amendment is agreed to, we will reduce the amount proportionately.

Mr. WILLIS. I do not think the amendment would be a very bad amendment, and yet I do not think it is wise. I call attention to the report of the Director of the Bureau of the Budget which I submitted a little while ago. We sent a delegation of 12 to the thirteenth congress held at The Hague in September, 1911; 10 to the fourteenth congress held at Milan in 1913; and 10 to the sixteenth congress held at Lausanne in 1921. I do not see any good reason why this Republic should become parsimonious in the matter of cutting down the size of the delegation.

Mr. WADSWORTH. It would provide more delegates than we had at the Versailles conference.

Mr. WILLIS. We had but one at the Versailles conference.

Mr. WADSWORTH. I am not stating the number, but certainly it was less than 10.

Mr. WILLIS. I hope the amendment to the amendment will not be adopted.

Mr. NORRIS. Of course we had a good many assistants at the Versailles conference.

Mr. JONES of Washington. Mr. President, I want to suggest that I think there is a little bit more involved in this question than the number of delegates and the amount of money. We held this convention here in 1920. We invited other countries to send delegations to discuss the matter. They accepted the invitation and sent delegations. They sent delegations of this size, and some greater and some less. They have now invited us as a nation to be represented at the forthcoming conference. It is simply a question of whether this great country will refuse the invitation of another country.

I do not think it is a matter that can really be measured in dollars and cents or in the number of delegates that should be sent. I think we owe some consideration as a nation to the people who are interested in this great problem. It is a tremendous problem. Of course we have not solved it entirely, but we are, I think, the great exemplar among the nations of the world upon the problem. They have invited us to send delegates, and I do not think we can afford not to do so.

The PRESIDING OFFICER (Mr. McCUMBER in the chair). The question is on the amendment offered by the Senator from Utah to the amendment of the Senator from Ohio.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question is now on the amendment offered by the Senator from Ohio.

The amendment was agreed to.

Mr. CALDER. Mr. President, I desire to submit the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. Insert at the proper place in the bill the following:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Louis Leavitt, out of any money in the Treasury not otherwise appropriated, the sum of \$620,823.33 in reimbursement of certain moneys paid by him to the United States and for certain expenses incurred under circumstances set forth in the communication of the President of the United States to the Speaker of the House of Representatives dated the 6th day of May, 1922, and in the accompanying report of the Director of the Budget, House Document No. 313, Sixty-seventh Congress, second session.

Mr. CALDER. Mr. President—

Mr. WARREN. I am about to make a point of order, but I do not wish to take the Senator off the floor.

Mr. CALDER. I would like to make a statement on the question of the point of order. This item was estimated for. The Bureau of the Budget has estimated as indicated in the amendment. I have here a copy of that estimate. The item also was carried in a bill introduced by me, reported upon by a committee of the Senate, and passed by the Senate. Rule XVI seems to cover the case, as follows:

No amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate of the head of some one of the departments.

It seems to me it clearly comes within that rule.

Mr. WARREN. I call the attention of the Chair to page 21, clause 4 of Rule XVI, which reads:

No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

Mr. CALDER. The question is whether or not this is a private claim. I know of the rule to which the Senator has referred. This man purchased bacon from the Government. He paid the sum of approximately \$700,000 for it. It was delivered to him. Subsequently he was arrested for hoarding the bacon, a part of which had not yet been delivered to him. He was indicted. The United States marshal took charge of his property and it was held by the marshal for a period of over a year. The value of the property had shrunk materially because of its character and he had a very considerable loss by depreciation.

The War Department urges the adoption of the amendment and the Department of Justice recommends it. The Budget has estimated for it and a committee of the Senate has passed favorably upon it. We have passed a bill of the same character. In fact, I have submitted the exact language of the bill in the amendment. I do not wish to discuss the merits any further. If it is in order I shall be glad to do so.

The PRESIDING OFFICER. The Chair sustains the point of order upon the ground that the amendment involves a private claim.

Mr. CURTIS. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 21, line 22, insert the following:

To enable the Secretary of Agriculture to settle claims against the Government arising out of the activities of the Department of Agriculture which have been thoroughly investigated by his department and where the liability of the Government has been found to be clear and a settlement reached by him, \$245,258.12.

Mr. WARREN. I make the point of order against the amendment. It is a matter of legislation and something that has not been adjudicated in any way. It is not a deficiency matter.

Mr. CURTIS. I admit that it is subject to a point of order. I only apologize to the chairman of the committee for not having brought the matter to his attention when the bill was being considered, but my eyes have been bothering me, and I could not read the letter received with reference to it until this morning. I ask permission to have printed in the RECORD, without reading, the letter which I have received from the Secretary of Agriculture with reference to the matter.

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

DEPARTMENT OF AGRICULTURE,
Washington, February 27, 1923.

HON. CHARLES CURTIS,
United States Senate.

DEAR SENATOR CURTIS: In view of the probability that after adjournment on March 4 the Congress will not be in session until next December, I am hopeful that all matters affecting the administration of the department and requiring congressional action be taken care of as far as possible before adjournment. There have been pending for considerable time a number of miscellaneous claims against the Government arising out of the activities of the department which should be adjusted in justice to the claimants and to the department. I have in mind only claims which have been thoroughly investigated and wherein the liability of the Government has been found to be clear, and which have been recommended to Congress for payment, but which have failed to be reached for action. It will require \$245,258.12 to adjust these claims. I understand that the last deficiency bill for this session is now pending, and if an item could be added making provision for adjusting these claims it would not only prevent continued injustice to the claimants by further long delay but would, in my judgment, promote the interests of the department.

I take the liberty of addressing this letter to you by reason of the fact that you are the author of the bill by which the claims were allowed in the Senate.

Respectfully,

HENRY C. WALLACE, Secretary.

Mr. CURTIS. I want to state further that the War Department is authorized to settle claims, the Navy Department is authorized to settle claims, and, for the life of me, I do not see why the Agricultural Department should not be authorized to settle claims in the same way.

Mr. WARREN. I agree with the Senator; but in both the cases to which he refers it has been done by specific and special legislation. There has been none asked for and none furnished for the Department of Agriculture.

The PRESIDING OFFICER. The point of order is sustained.

Mr. KING. Mr. President, I offer the following amendment, and in view of it being in my own handwriting I will take the liberty, with the permission of the Chair, of reading it myself. I move to strike out, on page 54, all of lines 19 to 24, inclusive, and on page 55, lines 1 and 2, under the head of "Bureau of Internal Revenue," and to insert in lieu thereof the language

which I am about to read. I call the attention of the Senator in charge of the bill to the reading of the provision.

Mr. WARREN. I understand what the Senator means is to strike out the appropriation for about \$79,000,000 for the Internal Revenue Department to pay to those who have had money illegally collected from them and who have waited for its return.

Mr. KING. Yes. I offer, in lieu of the language proposed to be stricken out, the following:

That all claims in excess of \$5,000, now pending or that shall hereafter be presented to the Treasury Department for refund of income taxes or any other taxes paid under a mistake of fact or because of alleged illegal assessment or collection, shall be sent to the Court of Claims, which shall be authorized to find the facts in relation thereto and to enter judgment thereon.

Now, just a word. I think that the policy of intrusting to employees of the Treasury Department, most of whom are young men of no very great experience—certainly they are not judges nor have they had judicial experience—the determination of important questions of fact and of law, particularly of law, involved in the refund of millions and tens of millions of dollars, may not be defended upon any policy of wisdom or propriety. We set up courts to whom we refer claims against the Government of very insignificant amounts. The Court of Claims by common consent has been invested with jurisdiction to determine claims against the Government of the United States that may be referred to it.

We have committed to the Treasury Department and to the officials therein the determination of claims against the Government, some of which I am told aggregate several million dollars. These young men, or the older ones, for that matter, thoroughly honest and competent for the duties for which they were employed, are not, in my opinion, qualified to dispose of these important legal questions. The matter is so important that it seems to me it ought to be referred to a court of competent jurisdiction. It seems to me that the very fact that we leave to these officials of the department the determination of these intricate questions of law, upon their decision resting millions and hundreds of millions of dollars, is a confession of the unwisdom of the policy. My amendment proposes to refer to the court the determination of these questions. In order to avoid sending them all to the Court of Claims, I have placed a limitation of \$5,000. It may not be said, therefore, that persons whose claims are small will be put to the expense of coming to the Court of Claims for the purpose of determining their rights.

Mr. NORRIS. Mr. President, may I ask the Senator a question?

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

Mr. KING. I yield.

Mr. NORRIS. The Senator has not read the language which he proposes to strike out and for which he offers his amendment. I should like to hear read the language which he proposes to strike out.

Mr. KING. I had started to read it when the able Senator from Wyoming [Mr. WARREN] interrupted me. It is as follows:

BUREAU OF INTERNAL REVENUE.

For refunding taxes illegally collected under the provisions of sections 3226 and 3689, Revised Statutes, as amended by the acts of February 24, 1919, and November 23, 1921, for the fiscal year 1923 and prior fiscal years, \$78,675,000: *Provided*, That a report shall be made to Congress of the disbursements hereunder as required by the acts of February 24, 1919, and November 23, 1921.

In other words, my amendment proposes to take away from the department the determination of the claims for a refund of taxes where the amount of any particular claim exceeds \$5,000.

Mr. NORRIS. But the Senator's amendment does not propose to strike out the appropriation, does it?

Mr. KING. Yes; I propose to strike out the appropriation.

Mr. NORRIS. Will not the appropriation be necessary in order to carry out the object of the Senator's amendment?

Mr. KING. Just as soon as the Court of Claims makes its findings, of course, it will report to Congress, and Congress will then make the appropriation.

Mr. NORRIS. The Senator's amendment permits the Court of Claims to render judgment as well as to make a finding of facts?

Mr. KING. Yes; but whenever the Court of Claims renders a judgment, as the Senator from Nebraska knows, Congress immediately makes an appropriation for the purpose of carrying it out. Appropriations are being carried in this bill to meet judgments which have been rendered by the Court of Claims.

Mr. WARREN. Mr. President, we are collecting a vast amount more than we are paying out on account of taxes that were not properly assessed at the time they were collected.

The Senator from Utah, of course, knows that the amendment is subject to a point of order because it proposes to change existing law. The law provides that taxes illegally collected may be credited on taxes levied in later years, or they may be adjudicated under the law and report made to Congress as the basis for an appropriation for their refund. The adoption of this amendment would simply mean delaying the adjudication of these matters longer than it has already been delayed. It would be like going to the Senator and taking money out of his pocket, and after two years kicking him out of his house because he asked for a refund of it. That is all. The Government has illegally taken from men, women, and children, guardians, and so forth, money to which it was not entitled. The law provides a way of returning it. That law ought to be followed, and it has been properly followed. If we should send such cases to the Court of Claims for adjudication it would be years before the court could undertake to pass upon the volume of claims that are now being handled by a very competent force.

Mr. KING. Mr. President, will the Senator from Wyoming yield to me?

Mr. WARREN. Yes.

Mr. KING. The Senator from Wyoming is prejudging the very question that is at issue. He says that we have taken out of the pockets of the people illegally large sums of money. That is the question at issue. Have we taken out of the pockets of corporations and individuals taxes which were illegally assessed against them? I want to submit that question to a court of competent jurisdiction. It is a legal question. It is a question which involves a legal issue.

Mr. WARREN. I make the point of order against the amendment.

The PRESIDING OFFICER. Will the Senator from Wyoming state his point of order?

Mr. WARREN. My point of order is that the amendment proposes general legislation. It changes existing law. It provides for new legislation.

The PRESIDING OFFICER. The point which the Senator makes is that the amendment is general legislation?

Mr. WARREN. That it is general legislation.

Mr. KING. It seems to me that where an appropriation is carried in a bill an amendment which seeks to exclude the appropriation until the facts shall have been determined is not new legislation.

Mr. WARREN. If the Senator from Utah desires to reduce the amount of the appropriation, an amendment to that effect will be in order, and we may vote upon it, but here is a case where the law provides exactly how this duty shall be performed, and the bill provides an appropriation to carry out the law. The Senator from Utah now proposes to make a new law and to transfer jurisdiction to another tribunal.

Mr. CARAWAY. Mr. President, may I ask the Senator from Utah a question?

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

Mr. KING. I yield to the Senator from Arkansas.

Mr. CARAWAY. The Senator objects to the present tribunal finding whether they have assessed and collected too much taxes against the taxpayer, and yet it is the very same tribunal which levies the tax. The question I wish to ask the Senator from Utah is this: If we are to question their judgment and wisdom in refunding the taxes, why should we not question their wisdom in assessing them? So far as I am concerned, I feel more inclined to restrain them from collecting taxes than from refunding them. What little experience I have had in trying to get the department to do justice to people in my State, where they have illegally collected taxes, proves that it is difficult to get them to act at all. They are swift to collect taxes, but slow to return them. If we are going to amend the law, let us make them more careful in collecting illegal taxes instead of refunding them after they shall have been collected.

Mr. KING. I agree with the Senator from Arkansas as to that.

The PRESIDING OFFICER. The Chair sustains the point of order raised against the amendment of the Senator from Utah by the Senator from Wyoming, on the ground that the proposed substitute is clearly general legislation.

Mr. SPENCER. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 3, after line 17, it is proposed to insert the following:

After July 1, 1923, the salary of the laborer in charge of the private passage under the office of the Sergeant-at-Arms and Doorkeeper of the Senate shall be at the rate of \$1,100 per annum, and there is hereby appropriated the sum of \$200 to carry out such purpose.

Mr. SPENCER. Mr. President, the amendment relates to William Montgomery, the colored boy in the washroom. He has been an employee of the Senate for 24 years. His unusual courtesy and efficiency are known to every man upon the floor. In the last appropriation bill we increased the salary of the attendants in the two rooms upstairs from \$720 to \$1,000. The amendment will give to William Montgomery an increase of \$200.

Mr. McKELLAR. I hope the amendment will be adopted. He is a very valuable employee and a good man.

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

Mr. WARREN. Mr. President, this is a matter of very much embarrassment to me because the fact is that, perhaps, the employee referred to does not get a large enough salary, but it is undertaking to go back over the road that we have decided not to follow. As I have said—and I do not say it in any boastful way—I would almost sooner pay the money myself from my own pocket than at this time to include it in this bill and then have to pilot it through the opposition it will encounter in conference.

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

The amendment was agreed to.

Mr. CALDER. Mr. President, I submit an amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 43, line 10, after the figures "\$6,500,000" and before the period, it is proposed to insert a colon and the following proviso:

Provided, That no part of the moneys appropriated in this paragraph shall be used or expended for making such changes in private establishments or for the purchase or acquirement of any article or articles that at the time of the proposed changes, purchase, or acquirement can be made, manufactured, or produced in each or any of the Government navy yards of the United States, if time and facilities permit, for a sum less than they can be made, purchased, or acquired otherwise.

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

Mr. CALDER. Mr. President, I should like to discuss the point of order, if I may.

The PRESIDING OFFICER. The Chair will inquire of the Senator from Wyoming, What is the point of order?

Mr. WARREN. The point of order is that it is general legislation.

The PRESIDING OFFICER. The holding of the Chair is that it is a limitation of an appropriation, and is not general legislation. The Chair therefore overrules the point of order.

Mr. WARREN. The Presiding Officer may understand better than I do what is behind the amendment, but it manifestly proposes to change existing law, and is certainly general legislation.

Mr. CALDER. Mr. President, this amendment provides that all work performed under the particular paragraph which I seek to amend shall be done by the navy yards of the country, provided it can be done cheaper there. If it can be done cheaper in other places, then the amendment will not be effective. It seems to me that with all the navy yards we have in the country we ought to keep them employed, if it is possible to do so, and especially if their activities will not involve any greater expense to the Government.

Mr. JONES of Washington. Mr. President, will the Senator from New York yield?

Mr. CALDER. I yield.

Mr. JONES of Washington. I should like to know how the Senator would determine, until it is actually done, whether work can be done cheaper in a Government navy yard or in a private establishment?

Mr. CALDER. We have very efficient engineers and managers at the navy yards; and my experience has been that in nearly every case they are able to do the work within the limit of their estimate.

Mr. JONES of Washington. Seldom do they do it within the estimate. At any rate, it is nothing more than an estimate. The Senator does not restrict the language of his amendment so that the work can only be done at the navy yard if an estimate is to the effect that it may be done as low as at a private establishment.

The amendment provides that not a dollar of this money shall be spent if the work can be done cheaper in a navy yard. How any accounting officer can say it can be done cheaper until it actually has been done I do not know.

Mr. CALDER. I am sure the Senator understands that if the estimate of the navy yard is higher, or if upon investigation by the Navy Department it is believed the navy yard can not

do the work cheaper than can a private establishment, the work will go elsewhere. That has been the universal practice.

Mr. JONES of Washington. Yes; but suppose it is estimated that it can be done for \$10,000 and then when it is actually done it costs \$12,000, what becomes of the provision of the Senator's amendment?

Mr. CALDER. That sometimes happens, of course.

Mr. JONES of Washington. It very often happens.

Mr. CALDER. I know that the Navy Department in the past has been more disposed to have its work done by private concerns than by navy yards, and the navy yard has to show pretty clearly that it can do the work cheaper before it can get the work.

Mr. NORRIS. Mr. President, this question has a good many times been before the Senate and the House of Representatives. It always seems to me that as long as we keep up the navy yards, with all the machinery and the men required there to perform the work for the Government, it is a very poor business proposition to let out the work to private parties. It would be economy in the end, even if we paid more to a United States navy yard, to keep the men employed, to keep the machinery in operation and the plant going. It is practically an impossibility, I presume, in most cases to figure out to a penny just what it is going to cost in a navy yard to perform a particular work. I think the Senator from New York has well said that for a good many years if the Navy Department has had any prejudice at all it has been in favor of private parties rather than in favor of the navy yards.

Laying that aside, however, whether that be true or not—I will not say myself that it is true—assuming that they are going to be absolutely fair, this is a step toward employing our own men in the Government service when they are able to do the work. They will make an estimate, I presume, and if we assume that they are honest also—which I think we have a right to do—they will have some professional pride in carrying out the estimate. If they made an estimate on one job, and it was found that the cost exceeded the estimate very much, there is not any doubt but that they would begin to lose their reputation. They would be just as anxious to keep within their estimate as they possibly could, and I assume they would make it in good faith; and when they are able to do the work cheaper than private parties, certainly we ought to let them do it and keep our force together.

It is quite important, Mr. President, in the case of an emergency, when you want to enlarge the force in the navy yard, to be able to get it together at once. When you have once assembled it, if there is any work of the Government to do, it seems to me to be the height of folly to go and farm it out to private parties. I would be in favor of going further than this amendment goes. I would provide that just as long as we had a navy yard that was competent to do a job of work and was able to do it it should be done there and not done anywhere else, regardless of all other features.

This amendment does not even go that far. In my judgment it ought to go further, and if we are going to maintain a navy yard at all and we have any work to do we ought to do it in our own shops. A man who is manufacturing anything in his own establishment would be considered a very foolish business man if he had the machinery and the men could do the work if he should farm it out somewhere?

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. NORRIS. I yield to the Senator; yes.

Mr. CARAWAY. What greater interest would the Government have in the navy yard than it had in the shop of any other citizen of the country? It owes nothing more to the shop because it is a Government-owned shop than it does to the private individual who has a place where men are employed. And is a man who happens to be on the Government pay roll to be preferred when times of depression come to the man who is working for himself or for some other American citizen? It honestly concerns me. I do not think the Government ought to rush into business and try to shut out all private enterprise.

Mr. NORRIS. If the Senator is through with his question, I will answer it the best I can.

The Senator assumes, I think, in his question, that there is nothing involved in it but a question of labor. I think something more is involved in this proposition. It is true that the number of men that will be employed on a certain job will be just as great at one place as another. I concede that; but the Senator must admit that the Government has its navy yard. It has its shop. It is not a question as to whether it should go into business. It is there now, and I think it is conceded by all of us that it must stay there. We would not want to scrap our navy yards. We would not think of it for a moment. The

employment of men will be just the same, I concede; but having our navy yards, having the men there, and having some work of our own to do, we ought to do it, I think, rather than to let it out to anybody else.

Mr. CARAWAY. May I ask the Senator another question?

Mr. NORRIS. Yes.

Mr. CARAWAY. We all realize that if the Government shall tax its citizens for the money to build an establishment, and then exempt it from taxation and pay for its upkeep, it can manufacture cheaper than the individuals who must pay the taxes to support the Government; and if the theory is to be extended, the Government can go into any line of business and tax everybody to support it and pay its losses. If the Government buys a plant and exempts it from taxation, it can drive any private industry out of business.

Mr. NORRIS. Mr. President, the Senator, I think, fails to differentiate in this: This is entirely Government business. It is not going out to go into private business. It is not a question of competition with the men who are engaged in the manufacture of things that are in commerce generally, but it is a question of the repair of its ships and its other property. It is the Government's property. If we had no navy yards, if we had no shops, or if we did have and we wanted to scrap them all and go out of the business entirely and not have any, then I concede that the Senator's argument might be good.

Mr. CARAWAY. Let me ask the Senator. Is there anything sacred about the matter simply because it is Government property?

Mr. NORRIS. No; but this does follow, I will say to the Senator: Because it is Government property we are not going out in competition with men in the ordinary business affairs of life. If the Senator had an establishment here capable of building battleships and we were going to build one or repair one, as they need repairs all the time, and here were a navy yard equipped to do the work, with the men there in the employ of the Government, would it not be better business, as a matter of fact, for the Government to do its work in its own shop and keep that shop and the men in good condition so that they would be ready for any emergency that might arise?

Mr. CARAWAY. The Senator, if he will pardon me, must know that that is not really the question. The question is, when hard times come, whether men who are working for themselves shall be let out of employment and the taxes paid used to keep busy men who have been fortunate enough to go into the Government employ, and let the hard times and the depression fall always upon the citizen who is struggling to build up the industries of this country and pay the taxes. Are we to tax everybody, and, when once a man gets on the Government pay roll, determine that we will always keep him well supplied with work and well paid?

Somehow or other I do not feel that the man who works for the Government is any more sacred than the man who works for himself.

Mr. NORRIS. I do not, either.

Mr. CARAWAY. I do not believe in taxing everybody else's business out of existence in order to keep somebody always on the Government pay roll at a salary much better than he can get in private employment; but that is what is going on here.

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

Mr. CARAWAY. If the Senator will pardon me, we have seen that campaign carried on right here in the District of Columbia, and that sort of an idea urged—that nobody must be thrown out of employment who is working for the Government. If anybody is to be laid off, let the private individual who never had a good thing quit, starve, and walk the streets, but always keep the man who has a Government job well paid. That is exactly the question.

Mr. NORRIS. No; it is not exactly the question.

Mr. CARAWAY. Then I do not know what the question is, and I thought I did.

Mr. NORRIS. Perhaps I should modify that by saying I do not think that is all there is in the question. I do not say that the Senator does not understand—

Mr. CARAWAY. Of course, I understand the Senator. I am not trying to be captious with the Senator. That is his viewpoint, and this is mine.

Mr. NORRIS. The Senator has a perfect right to have his viewpoint. I think he is wrong, as I pointed out before, and I am going to point out again where in his recent statement I think he is in error.

He would lead us to believe that if this work is done in these Government shops it must be paid for by taxation; that if it is done privately it would not be paid for by taxation. It does not make any difference where it is done; the taxpayer is going to pay for it. As far as the taxpayer is concerned, he

will pay for it whether it is done in a private shop or whether it is done in a Government shop, and presumably it will take the same amount of labor and the same number of men to do it in one place that it will in another; and if the authorities go out and give other people employment to perform the work, there are people in Government employment that will either not do the work or that will be out of a job. I do not see that that makes a particle of difference.

Mr. CARAWAY. Let me make this suggestion to the Senator: The Government plant pays no taxes. The private industry does. If you are going to close one of the two, which does the public suffer most by having closed? If the private plant closes, and men are out of employment, and they no longer pay taxes, the taxes of every other citizen must be increased to meet that loss. If the Government's plant closes there is no diminution in the Government's revenue. I know why the Senator takes this position. He feels that way with reference to Muscle Shoals. He wants to tax everybody to run Muscle Shoals at the cost of the general public. If it is a success, why, it will be good; if it is a loss, the people will pay for it. We could follow that idea in other lines.

The Government owns coal mines. Why not open them and put every other coal mine out of business? It has iron mines; it has oil lands; it has timberlands. Why not open sawmills on these timberlands, and close everybody else's sawmills, and make the people pay for the upkeep of them?

Mr. NORRIS. Now, the Senator is entering on several other things that in my judgment do not apply to this particular proposition. For instance, the Senator says I am in favor of the Government developing Muscle Shoals and making all the people stand the expense, and if there is a loss all the people will suffer the loss. That states my position correctly. I hope I can be equally successful in stating the Senator's position. He would give Muscle Shoals to one corporation, and have it developed at the expense of all the people, with all the possible profits coming to that corporation, and none to the people.

Mr. CARAWAY. If the Senator will pardon me, he may accurately state his position, but he woefully misstates mine. In the first place, I did not want to give it away; I did not want to develop it at the public expense; but I did want to permit some private citizen to develop it and to use it for the public good.

Mr. WARREN. Mr. President, I ask if either one of the Senators who have the floor, or both of them, will yield for a moment?

Mr. CARAWAY. The Senator from Nebraska has the floor.

Mr. WARREN. What I wish to say is that so far as I am concerned this matter is settled. It has been ruled out by the Chair.

Mr. NORRIS. It will take me only a minute to conclude. I would have been through long ago if it had not been for the interruptions.

Mr. President, if the private party can not build a battleship, if he has the machinery, he will do something else. He is not confined to Government work. He will go into general business. If the Government in its navy yards puts its men out of business and stops its machinery it does nothing. It is idle. The machinery commences to rust and deteriorate. The men who are there are disorganized, and they scatter all over the country and go into other lines of business. We shall want them again some time. We may get into war, perhaps, or danger of war. We may want to build another battleship or something of that kind. Then we will have to get them all together again. They do not understand each other, and many of them are new. Financially it is a great loss to the Government, which means to the taxpayers of the country. Every business man knows that one of the great damaging features to his business is when his organization is dissolved and scattered.

That happens to the Government when they do not do business in their plants because they are confined to Government business. It does not happen to a private corporation which is able to repair a battleship. It can also make automobiles or something else. So it does seem to me, putting it strictly on a business basis, having these navy yards and these repair shops, not a Senator here would cast a vote to scrap them. We must maintain them. We must have the men to operate the machinery we have and to care for it. If we have some work of our own, why not do it in our own shops, with our own men, with our own machinery, all equipped for the work, rather than close down the machinery, disorganize the force, and turn the work out to private parties, who, perhaps, in order to do work for the Government would give up some other business? It might, as a matter of fact, interfere with business operations in the country rather than assist it.

Mr. JONES of Washington. I want to say that the Senator from Nebraska has stated by position exactly, and I wanted to suggest to the Senator from New York that if his amendment would provide that this work shall be done, and these materials, or whatever may be necessary, shall be produced in a navy yard conveniently located, with ample facilities to do it, it ought to be done. I would a great deal rather require the expenditure of money in navy yards, if a navy yard is conveniently located and has ample facilities, than to leave it to this doubtful method of determining whether it can be done more cheaply in a Government navy yard before it is determined where the money will be spent, because I do not see how the officer who is passing upon the voucher can determine whether it could have been done better in another place or not until after the work is actually completed.

Mr. KING. I would like to ask the Senator how it is possible to determine whether it may be done more cheaply in a Government navy yard than in a private yard? You have to take into account, as well as other factors, the Government capital invested, which may be millions and millions, and the accumulation of years; you have to take into account overhead; you have to take into account compensation which is paid to employees under the retirement act; you have to take into account multitudes of officers of the Navy who are there in attendance, all of whom have to be paid by the Government. How is it possible to determine, if that is to be the basis of giving work to the navy yards, which can do the work more cheaply?

Mr. JONES of Washington. I do not know how it can be done. Furthermore, the estimate may include all these things, but it is nothing but an estimate, and if they spend \$10,000 on a job and it is not finished they will come back to Congress and we must appropriate whatever additional amount is necessary.

Mr. KING. Does not the Senator think that if the amendment should prevail it would lead to the maintenance of navy yards which are not needed and to the retention in those yards of a number of employees in anticipation of getting work which might go to private yards?

Mr. JONES of Washington. I do not think this would lead to that.

Mr. CALDER. Mr. President, I am not desirous of providing by this amendment that work shall be done in a Government navy yard unless it can be done as cheaply in the yard as outside the yard.

The PRESIDING OFFICER (Mr. Oddie in the chair). The question is on agreeing to the amendment offered by the Senator from New York.

Mr. KING. I ask for a division.

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

The yeas and nays were not ordered.

On a division the amendment was rejected.

Mr. NORRIS. I ask for the yeas and nays on the question.

Mr. SMOOT. It is too late now to ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been refused, and the Chair has announced the decision.

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

The PRESIDING OFFICER. The Secretary will call the roll.

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

Ball	Hale	McKinley	Sheppard
Brandagee	Harris	McNary	Shortridge
Bursum	Heflin	Moses	Smith
Calder	Jones, N. Mex.	Norbeck	Smoot
Cameron	Jones, Wash.	Norris	Spencer
Capper	King	Oddie	Sterling
Colt	La Follette	Overman	Wadsworth
Curtis	Lenroot	Pepper	Warren
Dial	Lodge	Pittman	Watson
Dillingham	McCormick	Ransdell	Weller
Fernald	McCumber	Reed, Pa.	Willis
Gooding	McKellar	Robinson	

The PRESIDING OFFICER. Forty-seven Senators having answered to their names, a quorum is not present, and the Secretary will call the names of the absent Senators.

The principal legislative clerk called the names of the absent Senators.

Mr. WARREN. I move that the Sergeant at Arms be instructed to secure the attendance of absent Senators.

Mr. HARRISON entered the Chamber and answered to his name.

The PRESIDING OFFICER. The Senator from Wyoming moves that the Sergeant at Arms be requested to secure the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

Mr. FRANCE and Mr. FRELINGHUYSEN entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty Senators have answered to their names. A quorum is present.

Mr. NORRIS. I ask now for the yeas and nays on the amendment on which we were voting.

The PRESIDING OFFICER. The Chair rules that the vote was announced, and the Senator's demand for the yeas and nays is out of order.

Mr. NORRIS. So as to avoid further difficulty, let me make this statement: We are not going to pass the bill without a roll call on the amendment.

Mr. WARREN. There is no objection to that.

Mr. NORRIS. I understand there is no objection, but when we come to voting the vote does not show that. I have not offered the amendment, but if the Senator from New York does not offer it at another place in the bill, I give notice now that I shall offer it in the Senate when the bill gets there; and I want everybody to be here, because I want a roll call on it. That is all I ask, and that I am entitled to. I now offer the following amendment.

The PRESIDING OFFICER. The Secretary will report the amendment.

The READING CLERK. On page 43, line 10, after the figures "\$6,500,000," strike out the period and insert in lieu thereof a colon and add the following:

Provided, That no part of the moneys appropriated in this paragraph shall be used or expended for making such changes in private establishments or for the purchase or acquirement of any article or articles that at the time of the proposed changes, purchase, or acquirement can be made, manufactured, or produced in each or any of the Government navy yards of the United States, if time and facilities permit.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Nebraska.

Mr. NORRIS. I am willing to vote on it without any further argument if we can get a roll call. If we can not, then I want to talk about it. I demand the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. COLT (when his name was called). Making the same announcement as before, I withhold my vote.

Mr. LODGE (when his name was called). I transfer my pair with the senior Senator from Alabama [Mr. UNDERWOOD] to the Senator from Vermont [Mr. PAGE] and vote "yea."

Mr. MCKINLEY (when his name was called). I am paired with the junior Senator from Arkansas [Mr. CARAWAY]. As I have not been able to obtain a transfer, I withhold my vote.

Mr. ROBINSON (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. SUTHERLAND] to the Senator from Massachusetts [Mr. WALSH], and vote "yea."

Mr. WATSON (when his name was called). I transfer my pair with the senior Senator from Mississippi [Mr. WILLIAMS] to the junior Senator from Minnesota [Mr. KELLOGG], and vote "yea."

The roll call was concluded.

Mr. COLT. I transfer my pair with the junior Senator from Florida [Mr. TRAMMELL] to the junior Senator from Washington [Mr. POINDEXTER], and vote "yea."

Mr. MCKELLAR (after having voted in the affirmative). I inquire if the junior Senator from Indiana [Mr. NEW] has voted.

The PRESIDING OFFICER. That Senator has not voted.

Mr. MCKELLAR. I have a pair with that Senator, which I transfer to the senior Senator from Arizona [Mr. ASHURST] and let my vote stand.

Mr. DILLINGHAM (after having voted in the affirmative). I have a pair with the Senator from Virginia [Mr. GLASS], who has not voted. I transfer that pair to the Senator from New Hampshire [Mr. KEYES] and allow my vote to stand.

Mr. BALL. I have a general pair with the senior Senator from Florida [Mr. FLETCHER]. May I inquire if that Senator has voted?

The PRESIDING OFFICER. He has not voted.

Mr. BALL. In his absence I withhold my vote.

Mr. FRELINGHUYSEN. I transfer my general pair with the junior Senator from Montana [Mr. WALSH] to the junior Senator from Oregon [Mr. STANFIELD] and vote "nay."

The roll call resulted—yeas 37, nays 10, as follows:

YEAS—37.

Bursum	Colt	Fernald	Heflin
Calder	Curtis	France	Jones, N. Mex.
Cameron	Dial	Harris	Jones, Wash.
Capper	Dillingham	Harrison	La Follette

Lenroot	Norris	Sheppard	Watson
Lodge	Oddie	Shortridge	Weller
McKellar	Overman	Smith	Willis
McNary	Pittman	Spencer	
Moses	Ransdell	Sterling	
Norbeck	Robinson	Wadsworth	

NAYS—10.

Brandegee	Hale	Pepper	Warren
Frelinghuysen	King	Reed, Pa.	
Gooding	McCumber	Smoot	

NOT VOTING—49.

Ashurst	Fletcher	McLean	Stanfield
Ball	George	Myers	Stanley
Bayard	Gerry	Nelson	Sutherland
Borah	Glass	New	Swanson
Brookhart	Harrell	Nicholson	Townsend
Broussard	Hitchcock	Owen	Trammell
Caraway	Johnson	Page	Underwood
Couzens	Kellogg	Phipps	Walsh, Mass.
Culberson	Kendrick	Polindexter	Walsh, Mont.
Cummins	Keyes	Pomerene	Williams
Edge	Ladd	Reed, Mo.	
Elkins	McCormick	Shields	
Ernst	McKinley	Simmons	

The PRESIDING OFFICER. On agreeing to the amendment of the Senator from Nebraska [Mr. NORRIS] the yeas are 37 and the nays are 10. Senators MCKINLEY and BALL being in the Chamber and paired and not voting, it constitutes a quorum, and the amendment is agreed to.

Mr. NORRIS. I understand that to perfect the bill the same amendment ought to appear on the next page. Since we have had a roll call on the matter, I presume there will be no objection to inserting the same amendment after line 7, on page 45. I therefore offer that amendment.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 45, after line 7, insert as a new paragraph the following proviso:

Provided, That no part of the moneys appropriated in this paragraph shall be used or expended for making such changes in private establishments or for the purchase or acquirement of any article or articles that at the time of the proposed changes, purchase, or acquirement can be made, manufactured, or produced in each or any of the Government navy yards of the United States, if time and facilities permit.

The amendment was agreed to.

Mr. JONES of Washington. Mr. President, I have an amendment which I am going to propose that is subject to a point of order. I have not had an opportunity to confer with the chairman of the committee about it because I received the report from the Department of Commerce just a little while ago with reference to it. I want to explain it, because I believe it will appeal to the Senate and to the chairman of the committee. I will send the amendment to the desk and have it read, and then I ask for an opportunity to give the reason for urging it.

The PRESIDING OFFICER. The amendment will be reported.

The READING CLERK. Insert on page 26, after the committee amendment, the following:

The General Accounting Office is hereby authorized and directed to allow credit in the respective accounts of disbursing agents under the Department of Commerce for payments of loss by exchange of salary and per diem checks issued under appropriations, respectively, for the fiscal years 1917 to 1922, inclusive, containing provision for exchange on official checks the account of which payments may have been heretofore settled or may hereafter become a matter of settlement.

Mr. JONES of Washington. In 1915, under the conditions growing out of the war, exchange against our people became very serious. In submitting the estimates for appropriations for the fiscal years 1916 and 1917 each appropriation included, among other items, a provision for "exchange on official checks."

I now wish to read a statement from a letter from the Secretary of Commerce, which I just received, with reference to the matter. He sent this to me just this evening. I read as follows:

Congress, in approving appropriations for the 1916-17 fiscal year, allowed this clause to stand, presumably, upon the strength of the arguments and statements brought out before the subcommittee of the House Committee on Appropriations in the hearings on the legislative, executive, and judicial appropriation bill for 1917.

Every fiscal year from 1916 to 1922 we had that provision. For the current year the appropriation bill did not contain the provision, possibly upon the assumption that the exchange was getting more nearly normal. He said further:

In view of the fact that the appropriations for the fiscal years 1916-17 provided for "exchange on official checks" the bureau authorized its foreign officers and employees when sustaining a loss in an exchange of their salary or per diem in lieu of subsistence checks for the local currency to include such losses in their official accounts, and after the Auditor for the State and Other Departments had established a method of computing such losses the officers and employees were instructed to compute their claims in accordance with his method.

The amendment which I have offered is subject to a point of order, and I do not want to ask the chairman of the committee to accept it unless he feels that it ought to be accepted. I think it ought to be accepted.

Mr. WARREN. I have no objection to it, as it seems to me proper legislation.

Mr. SMOOT. I would like to ask the Senator from Washington what our representatives are losing now in the exchange on money?

Mr. JONES of Washington. It does not apply now. This only covers the years when we had that provision in the appropriation bills, 1915 to 1922.

Mr. SMOOT. The same people are not asking now that we take from them the advantage which they have in exchange to-day?

Mr. JONES of Washington. Oh, no, indeed.

Mr. SMOOT. It is all one way, to take it out of the Government.

Mr. JONES of Washington. It is simply a matter where these men sustained the losses. Some of them had their accounts adjusted, but they were behind two years and by a reversed ruling of the comptroller it was held that they could not recover, so some of them got it and some did not, and some are held responsible for losses, and had to account for their subordinates' losses.

I will ask that this letter may be printed in the RECORD, in order that the conferees may have all the facts in connection with the matter.

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

The letter referred to is as follows:

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, March 1, 1923.

Hon. WESLEY L. JONES,
Chairman Committee on Commerce,
United States Senate, Washington, D. C.

MY DEAR MR. SENATOR: I have your letter requesting me to furnish your committee suggestions as to the merits of Senate bill 4637 and as to the propriety of its passage.

Inclosed please find copy of a memorandum on this subject, prepared by the chief of the auditing section of the Bureau of Foreign and Domestic Commerce, which presents the facts fully.

This bill requires no new appropriation, but merely provides just relief for certain disbursing agents of the Department of Commerce who would otherwise be unfairly penalized. I believe the passage of this bill is both desirable and urgent.

Yours faithfully,

HERBERT HOOVER,
Secretary of Commerce.

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, February 28, 1923.

(Memorandum.)

Subject: Legislation to relieve special disbursing agents of disallowances on account of claims for loss by exchange.

In 1915 the exchange situation in certain foreign countries where the bureau had officers stationed became so adverse to the agents that they were losing heavily on their salary and per diem in lieu of subsistence checks when exchanged for the local currency. In some few cases this loss amounted from about 10 per cent to 15 per cent of their salary.

In submitting estimates of appropriations for the fiscal years 1916-17, each appropriation included, among other items, a provision for "exchange on official checks." Congress, in approving appropriations for the 1916-17 fiscal year, allowed this clause to stand, presumably upon the strength of the arguments and statements brought out before the subcommittee of the House Committee on Appropriations in the hearings on the legislative, executive, and judicial appropriation bill for 1917 (p. 880), supra, as follows:

"Secretary REDFIELD. Our estimate of the importance of the duties and responsibilities involved in it.

"Mr. PRATT. And, to some extent, the living expenses. May I mention one thing here? I want to refer to those words in italics, 'exchange on official checks.' Our Mr. Thompson, who is in Holland, owing to the exchange system there, is losing about \$40 a month on his salary simply because of the decrease in exchange over there. Now, if we have that provision there it will permit us to equalize those things, and I think it really ought to be done. We will probably have to come to the committee and ask for a deficiency appropriation for Mr. Thompson, because he is really getting cheated out of his money, and through no fault of his own.

"Mr. BYRNS. Those conditions are, of course, temporary?

"Mr. PRATT. Yes, sir; absolutely.

"Mr. STAFFORD. Are there not always some exchange differences?

"Mr. PRATT. Yes; but they are very small in normal times.

"Secretary REDFIELD. The point is that the Government now allows for exchanges on expense accounts, but does not allow them on salaries, and that is the reason for this language."

Congress allowed this provision to remain in each of the appropriations for each of the succeeding fiscal years ended with June 30, 1922.

However, the appropriations for the current fiscal year do not carry this provision, the assumption being that the necessity therefor no longer existed, due to the fact that the exchange situation in practically every foreign country was favorable to the United States.

In view of the fact that the appropriations for the fiscal years 1916-17 provided for "exchange on official checks," the bureau authorized its foreign officers and employees when sustaining a loss in an exchange of their salary or per diem in lieu of subsistence checks for the local currency to include such losses in their official accounts, and after the Auditor for the State and Other Departments had established a method of computing such losses the officers and employees were instructed to compute their claims in accordance with his methods.

Under the régime of the auditors for the various departments, the Auditor for the State and Other Departments, in settling the accounts of the special disbursing agents of this bureau, allowed the special dis-

bursing agent credit for all claims for loss by exchange which he paid when such claims were computed in accordance with his method of computing loss by exchange and when supported by documents demanded by him. The method of computing loss by exchange as used by the Auditor for the State and Other Departments did not reimburse the officer or employee for his actual losses.

Due to the inadequate staff of auditors in the office of the Auditor for the State and Other Departments, the accounts of the special disbursing agents of this bureau were not settled as promptly as they should have been. In a number of cases a period of approximately two years elapsed from the date of the submission of the accounts until notice of their settlement was received by the special disbursing agent. Consequently a large number of claims for loss by exchange in accounts of special disbursing agents were allowed to accumulate.

With the abolishment of the office of the auditors for the various departments, on June 30, 1921, and the creation of the General Accounting Office, with divisions for the various departments, on July 1, 1921, and the numerous changes in personnel, an entirely different construction was placed upon the provision for "exchange on official checks" than was believed to have been the intent of Congress. The General Accounting Office, State and Other Departments Division, submitted a memorandum decision to the Comptroller General for his consideration to the effect that in the opinion of that office claims for "loss by exchange" in cashing salary and per diem in lieu of subsistence checks was not a proper charge against the Government, and that credit should not be allowed in the settlement of the accounts of special disbursing agents for such improper payments. Under date of September 21, 1921, the Comptroller General upheld the memorandum decision of the General Accounting Office, State and Other Departments Division.

Therefore, in view of this decision by the Comptroller General, the General Accounting Office, State and Other Departments Division, in settling the accounts of special disbursing agents of this bureau in which reimbursement was claimed for "loss by exchange" on salary and per diem in lieu of subsistence checks has refused to allow credit for such disbursements and has disallowed claims for reimbursement from their accounts. These settlements have included the accounts of special disbursing agents which were not settled by the office of the Auditor for the State and Other Departments prior to its abolishment. The General Accounting Office, State and Other Departments Division, has often gone so far as to reopen accounts which were settled by the office of the Auditor for the State and Other Departments and to disallow items for which credit had previously been given. The disallowances in some few individual cases amount to approximately \$2,500 to \$3,500. The aggregate claim for loss by exchange during the fiscal years ended June 30, 1917, to June 30, 1922, amounted to approximately \$20,000.

The department under date of November 18, 1922, appealed to the Comptroller General for a reconsideration of his decision of September 21, 1921, on the basis of certain information which it was believed had not been submitted to him. Under date of January 16, 1923, he upheld his former decision.

The General Accounting Office, State and Other Departments Division, is pressing the special disbursing agents for adjustments of these disallowances, and in several instances has referred the matter of adjustment to the bonding companies which bonded the special disbursing agents, thereby placing these men in a very embarrassing position through no fault of their own, the claims for reimbursement having been made in good faith and in accordance with authorization from the bureau.

It should also be borne in mind that the amounts for which the special disbursing agents are seeking credit not only include claims for loss by exchange on their own salary and in many of the cases on that of an entire office personnel for which he was the disbursing officer. In the majority of such cases the personnel to whom payments were made have left the service and their whereabouts is not known. Therefore the special disbursing agent can not recover from them the amount paid. It should also be noted that the amounts disallowed from the accounts of the special disbursing agents represent money actually drawn from the Treasury of the United States by said special disbursing agents and which the General Accounting Office is demanding to be repaid.

The object of this legislation is not that of additional appropriations, but to relieve those special disbursing agents whose accounts have been settled of disallowances on account of claims for "loss by exchange" and to prevent the disallowance of such claims appearing in the accounts of the special disbursing agents whose accounts have not been settled.

H. W. HAUN, *Chief, Auditing Section.*

Mr. NORRIS. Mr. President, I should like to have the amendment stated.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 26, after the amendment heretofore agreed to, it is proposed to insert:

The General Accounting Office is hereby authorized and directed to allow credit in the respective accounts of disbursing agents under the Department of Commerce for payments of loss by exchange on salary and per diem checks issued under appropriations, respectively, for the fiscal years 1917 to 1922, inclusive, containing a provision for "exchange on official checks," the accounts of which payments may have been heretofore settled or may hereafter become the matter of settlement.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Washington.

The amendment was agreed to.

Mr. McKELLAR. I offer an amendment as a new section to the bill.

The PRESIDING OFFICER. The amendment proposed by the Senator from Tennessee will be stated.

The READING CLERK. It is proposed to insert at the proper place in the bill the following:

That clerks to Senators who are not chairmen of committees shall hereafter be paid \$3,300 per annum, payable monthly.

Mr. WARREN. I make the point of order against that amendment that it has already determined to be out of order by a point of order already made against a similar amendment.

The PRESIDING OFFICER. Such an amendment has once been ruled out of order to-night.

Mr. HARRISON. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Mississippi will state it.

Mr. McKELLAR. This amendment has not been ruled out of order.

Mr. WARREN. I make the point of order against the amendment in order that it may be ruled out of order.

Mr. HARRISON. I wish to propound a parliamentary inquiry. Is it not within the province of the Chair, or in his discretion, if he sees fit, to submit this question to the Senate notwithstanding any action heretofore and let them decide it for themselves?

The PRESIDING OFFICER. The Chair will submit the question to the Senate.

Mr. SMOOT. Will the Chair submit the question to the Senate after a similar amendment has been ruled out of order on this very day?

Mr. McKELLAR. The Chair has already done so.

The PRESIDING OFFICER. The wording of this amendment is different from the former one, and the Chair has ruled that he will submit the question to the Senate.

Mr. NORRIS. Mr. President—

Mr. SMOOT. But the principle involved is the same.

Mr. NORRIS. Before the Chair submits it to the Senate, I should like to make an inquiry in order to see if I understand the question. If this amendment were agreed to it would give to the clerks of Senators who are not chairmen of committees a higher salary than is received by clerks to Senators who are chairmen of committees.

Mr. WARREN. Certainly.

Mr. SMOOT. That would be the effect of the amendment.

Mr. NORRIS. The Senator who is chairman of a committee has to attend to the work of that committee which also requires the time of a clerk.

Mr. McKELLAR. I thought the clerks of the chairman of the committee were already paid that amount. If that is not the case—

Mr. NORRIS. Oh, no.

Mr. McKELLAR. Then, I will modify the amendment by striking out the words "who are not chairmen of committees" and insert "clerks to Senators." That will accomplish the object.

Mr. WARREN. This matter has been duly discussed. The question has been presented to the Chair on a similar amendment which was ruled out on a point of order. On the question being submitted to the Senate whether the Chair should be sustained, the Chair was sustained by a large majority. The Senator from Tennessee must know that.

Mr. McKELLAR. But this is a different case.

Mr. WARREN. There can be but one reason left. This amendment can not be sustained unless it is desired to destroy the bill and throw it to the winds.

Mr. SMITH. May not the amendment be again stated, Mr. President?

The PRESIDING OFFICER. The Secretary will again read the amendment.

The READING CLERK. As now modified, the amendment reads: That clerks to Senators shall hereafter be paid \$3,300 per annum, payable monthly.

The PRESIDING OFFICER. The Chair will submit the question to the Senate.

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

Mr. HARRISON. Let us merely have a division, Mr. President.

Mr. SMOOT. Let us have the yeas and nays. We want a record vote on this question.

The PRESIDING OFFICER. The yeas and nays are demanded.

Mr. ROBINSON. A parliamentary inquiry. What is the question which is submitted to the Senate?

The PRESIDING OFFICER. The question submitted to the Senate is, Is the amendment in order? The Chair rules that the Chair, as a matter of right, is privileged to submit the question to the Senate.

Mr. NORRIS. I concede that the Chair has the right to submit it to the Senate and let the Senate decide the question. I think it is true that the Presiding Officer may do so if he wishes to.

Mr. WARREN. As to the germaneness of the question—

The PRESIDING OFFICER. The question is, Is the amendment in order? [Putting the question.] The "noes" seem to have it.

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

Mr. HEFLIN. Let us have the yeas and nays.
The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. COLT (when his name was called). Making the same announcement that I made before with reference to my pair and its transfer, I vote "nay."

Mr. FRELINGHUYSEN (when his name was called). Making the same announcement as before with regard to my pair and its transfer, I vote "nay."

Mr. LODGE (when his name was called). Making the same announcement as before with regard to the transfer of my pair, I vote "nay."

Mr. MCKINLEY (when his name was called). I have a permanent pair with the junior Senator from Arkansas [Mr. CARAWAY]. As he is not present, and I do not know how he would vote, I withhold my vote.

Mr. ROBINSON (when his name was called). Announcing the same pair and transfer as on the previous vote, I vote "nay."

Mr. STANLEY (when his name was called). I inquire if the junior Senator from Kentucky [Mr. ERNST] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. STANLEY. I have a pair with the junior Senator from Kentucky, which I transfer to the Senator from Nebraska [Mr. HIRCHCOCK], and vote "nay."

Mr. WATSON (when his name was called). Making the same announcement as to the transfer of my pair as before, I vote "nay."

Mr. WILLIS (when his name was called). I am paired with my colleague, the senior Senator from Ohio [Mr. POMERENE], who is absent. I am unable to secure a transfer, and, therefore, am compelled to withhold my vote. If permitted to vote, although in favor of this amendment, I should be compelled to vote "nay."

The roll call was concluded.

Mr. BALL. I inquire if the senior Senator from Florida [Mr. FLETCHER] has voted?

The PRESIDING OFFICER. That Senator has not voted.

Mr. BALL. As I have a general pair with that Senator, I withhold my vote.

Mr. MCCORMICK. I inquire if the Senator from Wyoming [Mr. KENDRICK] has voted?

The PRESIDING OFFICER. He has not.

Mr. MCCORMICK. I am compelled to withhold my vote, as I have a pair with that Senator. If permitted to vote, I should vote "yea."

Mr. DILLINGHAM (after having voted in the negative). I am informed that my pair would vote as I have already voted. I therefore feel at liberty to vote, and will allow my vote to stand.

Mr. MCKELLAR (after having voted in the affirmative). I note that the junior Senator from Indiana [Mr. NEW] has not voted. I have a pair with that Senator, which I transfer to the Senator from Arizona [Mr. ASHURST] and allow my vote to stand.

Mr. CURTIS. I wish to announce the following general pairs:

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN];

The Senator from West Virginia [Mr. ELKINS] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from Connecticut [Mr. MCLEAN] with the Senator from Montana [Mr. MYERS];

The Senator from Minnesota [Mr. NELSON] with the Senator from Texas [Mr. CULBERSON];

The Senator from Colorado [Mr. NICHOLSON] with the Senator from Missouri [Mr. REED];

The Senator from Colorado [Mr. PHIPPS] with the Senator from South Carolina [Mr. DIAL]; and

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Virginia [Mr. SWANSON].

The roll call resulted—yeas 21, nays 24, as follows:

YEAS—21.

Bursum	Harrison	McNary	Shortridge
Cameron	Heflin	Moses	Smith
Capper	Jones, N. Mex.	Oddie	Sterling
Gooding	La Follette	Overman	
Hale	Lenroot	Pittman	
Harris	McKellar	Ransdell	

NAYS—24.

Brandegee	France	Norris	Spencer
Calder	Frelinghuysen	Pepper	Stanley
Colt	Jones, Wash.	Reed, Pa.	Wadsworth
Curtis	King	Robinson	Warren
Dillingham	Lodge	Sheppard	Watson
Fernald	McCumber	Smoot	Weller

NOT VOTING—51.

Ashurst	Ernst	McKinley	Shields
Ball	Fletcher	McLean	Simmons
Bayard	George	Myers	Stanfield
Borah	Gerry	Nelson	Sutherland
Brookhart	Glass	New	Swanson
Broussard	Harrell	Nicholson	Townsend
Caraway	Hitchcock	Norbeck	Trammell
Couzens	Johnson	Owen	Underwood
Culberson	Kellogg	Page	Walsh, Mass.
Cummins	Kendrick	Phipps	Walsh, Mont.
Dial	Keyes	Poindexter	Williams
Edge	Ladd	Pomerene	Willis
Elkins	McCormick	Reed, Mo.	

The PRESIDING OFFICER. On this question the yeas are 21 and the nays are 24. The Senator from Illinois [Mr. MCCORMICK], the Senator from Illinois [Mr. MCKINLEY], the Senator from Delaware [Mr. BALL], and the Senator from Ohio [Mr. WILLIS] are in the Chamber paired, but not voting, constituting a quorum. The yeas have it, and the amendment is determined not to be in order.

Mr. CALDER. Mr. President, I submit an amendment.

The PRESIDING OFFICER. The amendment will be stated. The READING CLERK. At the proper place in the bill, it is proposed to add the following:

That all per diem employees of the several departments and independent offices of the Government who were carried on the rolls as employees and excused from work on November 11, 1921, shall be allowed pay for that day.

Mr. CALDER. Mr. President, this amendment is made necessary as the result of the decision of the Comptroller General. Despite the fact that Congress authorized November 11, 1921, the day of the burial of the unknown soldier, as a legal holiday, and gave the President authority to call it a legal holiday and instruct employees of the Government to cease their labors on that day, nevertheless, at this late day, after all the per diem employees have been paid, the comptroller holds that the per diem employees will have to return their pay. The amendment will permit them to retain their pay for that day.

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

Mr. BRANDEGEE. Mr. President, that bill was up in the Judiciary Committee the other day, if my recollection serves me.

Mr. CALDER. It was, and is on the calendar for consideration. It was favorably recommended by the Judiciary Committee.

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

The amendment was agreed to.

Mr. KING. Mr. President, for the purpose of obtaining an explanation, if nothing else, I move to strike out, on page 44, line 20, the numerals "\$8,450,000."

I may say that we recently passed a naval bill appropriating three hundred and thirty-odd millions of dollars. It was assumed, in view of the magnitude of the appropriation, that that was approximately all that would be required of Congress for the next fiscal year. I do not know whether this is for the next fiscal year or is a deficiency. If a deficiency, it was known at the time of the former appropriation bill to which I have referred, and we ought to have dealt with it at that time.

Mr. WARREN. Mr. President, this refers to the ships that were partly built and that were beyond the stage where it was thought either necessary or satisfactory from any point of view to destroy them. Other ships are to be destroyed in place of these in order to conform to the requirements of the treaty. While, of course, some money may be obtained from the scrapping of the others, appropriations are necessary for doing the work.

Mr. KING. May I inquire of the Senator whether the \$20,950,000 found on line 6 of page 45 is for the construction of additional capital ships?

Mr. WARREN. That seems to be a total of other sums appropriated for various purposes. As the Senator knows, all of them are in the text of the House bill.

Mr. KING. Yes.

Mr. WARREN. And they have been carefully considered in all the hearings that have been had. I assume that the acting chairman of the Committee on Naval Affairs will be able to give the Senator any information he desires in regard to these items.

Mr. HALE. Mr. President, these appropriations have not anything whatever to do with any new construction. They are simply appropriations for scrapping the ships that were required to be scrapped under the terms of the treaty for the limitation of armaments. There is nothing whatever for new construction.

The first item to which the Senator has objected—the item of \$8,450,000—is to scrap the armor and armament provided for these ships that are to be given up under the terms of the treaty, and the other item is for the hulls and machinery.

Mr. KING. May I inquire of the Senator whether this is to pay for contracts which have been breached because of the action of the disarmament conference?

Mr. WARREN. I think the Senator is now speaking of what I described, here on page 42. The Senator from Maine is speaking about the later appropriation of some \$8,000,000.

Mr. HALE. It is the whole item for scrapping, I take it, to which the Senator is alluding.

Mr. KING. What I want to know is whether it costs \$20,000,000 merely to scrap a few vessels, or whether a portion of that is to pay persons with whom the Government had contracts?

Mr. HALE. That is one of the principal items in it.

Mr. KING. Were not appropriations for this purpose carried in the regular appropriation bill?

Mr. HALE. Not for that purpose at all. It was announced by the House Committee on Appropriations last year that in the future they would ask for a further appropriation to take care of this scrapping. It was estimated at that time that it would take some \$70,000,000 to provide for the scrapping of the ships that would be given up under the terms of the treaty. Since that time they have been able to cut down that amount, and the present estimate is \$55,000,000, of which \$20,000,000 is appropriated here and \$5,000,000 was appropriated last year. That leaves an additional \$30,000,000 to be appropriated in the years to come.

Mr. KING. Why should not the Government, if it has breached contracts which have entailed claims for damages, settle all of the controversies and report in one bill the obligations which will have to be met? Why come in from year to year with appropriations?

Mr. HALE. None of the countries that were to scrap their ships under the terms of the treaty have done so yet. They have not actually destroyed the ships. They will not do so until the treaty has actually been ratified and takes effect. Therefore in this case the actual hulls of the vessels themselves, and the propelling machinery that is inside of them, are to be kept and are not to be scrapped now under the terms of this provision.

Mr. KING. May I inquire of the Senator whether the corporations which had entered into contractual relations with the Government have presented claims to the Government to the extent of \$70,000,000 by reason of the termination of those contracts?

Mr. HALE. Not altogether; no.

Mr. KING. Then are contracts still in existence, and work being done under them, which will have to be canceled?

Mr. HALE. No; the work is not being done. The contracts are still in existence, with the understanding that they will be paid from time to time as appropriations are made for the purpose. The Navy Department does not want to cancel some of them, as I have said.

Mr. KING. Then what is the \$70,000,000 for to which the Senator referred a moment ago?

Mr. HALE. As I told the Senator, the \$70,000,000 was merely an estimate. Now they have got it down to \$55,000,000. Part of that is for armament.

Mr. KING. Does the Senator understand that in addition to this \$20,000,000, plus the \$5,000,000 which was carried heretofore, further appropriations will be required?

Mr. HALE. Later on \$30,000,000 more will be needed when the department wants to get rid of the ships and actually scrap them.

Mr. KING. I can understand that there would be continuing appropriations to do the actual physical work of scrapping the vessels; but if the Government has broken or canceled contracts which entailed damages for which the Government was liable under its contracts, it would seem that those damages ought to be submitted; the Government could determine at this time what they were, and we could make an adequate appropriation to cover the entire damages.

Mr. HALE. The department takes the stand that they can not do so at the present time until they know exactly when they are going to dispose of the ships finally.

Mr. KING. This piecemeal policy will, of course, entail additional expense. It is very unfortunate that a different procedure was not inaugurated.

Mr. PEPPER. Mr. President, some of the increases of minor salaries that have been made by amendments on the floor have resulted in at least one inequality which I think ought to be

corrected. I therefore offer the amendment which I send to the desk.

The PRESIDING OFFICER (Mr. REED of Pennsylvania in the chair). The question is on the amendment offered by the Senator from Utah [Mr. KING]. Does the Senator insist upon his amendment?

Mr. KING. I will withdraw the amendment.

The PRESIDING OFFICER. The Secretary will state the amendment of the Senator from Pennsylvania.

The READING CLERK. It is proposed to insert in the bill, at the proper place, the following:

For additional compensation to messenger at card door, \$200.

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

The amendment was agreed to.

Mr. MOSES. Mr. President, was no point of order made against that amendment?

The PRESIDING OFFICER. No point of order was made.

Mr. MOSES. Where are the watchdogs of the Treasury now?

Mr. HARRISON. Mr. President, before this bill passes I desire just briefly to call to the attention of the Senate a speech that was made by General Dawes immediately upon taking charge of the Bureau of the Budget.

When the Budget system was put in operation we were told that we would not have any deficiency appropriations; that the pattern would be cut at the beginning of each Congress and the appropriations would be made within that particular pattern, and so forth. Here is what General Dawes said:

The report of the Director of the Budget indicates that the Executive can maintain, through the agencies of coordination, an effective control over expenditures which will substantially eliminate the occasion for deficiency appropriations.

So we can see from this expression of General Dawes, as well as from the expressions which we recall upon the floor of the Senate when this system was enacted into law, that the object was to do away with deficiency appropriations; and yet, in so short a time since the Bureau of the Budget has begun to function, we have passed, or will have passed with the passage of this bill, eight deficiency appropriation bills.

I know it is a startling statement, and it controverts the assertions made by General Dawes; but here we come in with appropriation bills to provide for the expenses of operation of the Government, and men representing the majority party go upon the hustings telling the people that they have cut down appropriations from the enormous amounts carried in previous appropriations to the small amount carried in the general supply bills. Why, the distinguished leader of the majority party, in his campaign in Massachusetts, said that this administration had saved \$7,500,000,000, I believe, since it came into control, and those figures I think were afterwards reiterated by the distinguished ex-chairman of the Republican senatorial campaign committee. Of course, when the matter was called to the attention of the Senator from Massachusetts [Mr. LODGE], he admitted that he was mistaken to the amount of just about \$7,500,000,000; but that is what the country gets. You bring in these general supply bills, saying that they have been cut below the estimates, and that the amounts are much less than those carried in the former appropriation bills, and then you come on and pass eight deficiency appropriation bills. Here in this very bill you appropriate one hundred and fifty odd millions of dollars.

Here are the bills that have been passed:

The first one was passed on June 16, 1921, and carried \$106,000,000.

The next one was passed on August 24, 1921, and carried \$50,000,000.

The next one was passed on December 15, 1921, and carried \$105,000,000.

The next one was passed on March 20, 1922, and carried \$137,000,000.

The next one was passed on July 1, 1922, and carried \$47,000,000.

Another one was passed on September 22, 1922, and carried \$75,000,000.

Then you passed another one recently, and now this one is about to go through for one hundred and fifty-four odd millions of dollars, and I imagine that you have another one there carrying about twenty or thirty millions of dollars to pay the bonus.

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

Mr. HARRISON. Yes.

Mr. WARREN. I know how frightened the Senator is and how very bad he feels about it. We have no further deficiency bills at this session.

Mr. HARRISON. I am glad to hear it; so there will be only eight.

Mr. WARREN. But we shall have another appropriation bill for some \$37,000,000, to which I hope the Senator will not object.

Mr. HARRISON. That is a deficiency?

Mr. WARREN. No; it is not.

Mr. HARRISON. What is it for?

Mr. WARREN. It is for the bonus.

Mr. HARRISON. Oh, for the bonus! It is not provided in the general supply bill?

Mr. WARREN. It is provided in the general supply bill.

Mr. HARRISON. But it has not been passed yet?

Mr. WARREN. This one has not been passed; and it is to provide for the interim after July 1 until we meet again next session.

Mr. HARRISON. Yes; another deficiency.

Mr. WARREN. No.

Mr. HARRISON. It is just for the bonuses, the salaries. Then you were going to claim thirty or forty million dollars more as saved. I merely wanted to call to the attention of the Senate the fact that if you go out and claim great economy and saving, you should not cite alone the figures that are carried in the general appropriation bills but cite, in addition to them, these large amounts, running almost into billions of dollars, carried in the deficiency appropriation bills.

Mr. SMOOT. Mr. President, I simply want to say, of course taking both sessions into consideration, as far as the appropriations are concerned for this year they will amount to less than the appropriation bills of previous sessions, will be many, many hundreds of millions of dollars less.

Mr. OVERMAN. I challenge that statement and will show a different state of facts.

Mr. SMOOT. I will say to the Senator from Mississippi that the amount of every appropriation bill will be put in the Record, not only of one deficiency bill but of all that have been passed, of every appropriation bill that has been passed, and then the Senator can see the total amount of all of them. The Senator must understand that these deficiencies are mostly on account of the war, in which this country took part, and, of course, I am not going to charge them to the former administration.

Mr. MCKELLAR. There is one item that is not due to the war. About \$12,000,000 of this comes in the Post Office Department appropriation, and has nothing in the world to do with the war. Most of them come from sources other than the war.

Mr. SMOOT. Twelve million is a very little item.

Mr. MCKELLAR. Of course, it is a very little item in the mind of the Senator, but it is a good deal when it comes to the taxpayers paying it.

Mr. SMOOT. It is very small in considering three and one-half billion dollars. I am speaking generally and giving the reasons why these appropriations are made.

Mr. HARRISON. How much of it is for the remission of the taxes which have been taken off under this administration?

Mr. SMOOT. Seventy-eight million dollars. It is not a remission at all.

Mr. MCKELLAR. What is it? It is to pay it back.

Mr. SMOOT. It was an illegal assessment of taxes.

Mr. MCKELLAR. Then the Government has been at fault for not assessing them correctly.

Mr. SMOOT. A statement like that does no good and carries no weight. There is no question but that these taxes were illegally assessed; and while they are paying back \$78,000,000, we have collected over \$243,000,000 from those who were not taxed sufficiently. That is a shoe on the other foot.

Mr. WADSWORTH. One never hears that mentioned.

Mr. SMOOT. Of course not; that is not politics, and politics is what we hear all the time.

Mr. HARRISON. Mr. President, I agree with the Senator from Utah, and at the same time I agree with the statement of the Senator from North Carolina. The Senator from Utah says that if you take all these eight deficiency appropriation bills which they have passed since the Budget system came into vogue and add them to the general appropriation bills, it makes a good deal less than was appropriated in preceding years. That was the statement. The Senator from North Carolina said that he would show a different state of facts. The Senator from Utah had in mind those years during the war, when we had to appropriate about \$20,000,000,000.

Mr. SMOOT. Oh, no.

Mr. HARRISON. Wait until I finish. I am trying to offer a good excuse, to get the Senator out of a hole, and he will not let me. So the Senator had those in his mind. The Senator from North Carolina had in mind, when he said they did not reduce it, but added to it, those good old Democratic days of economy preceding the war. So both Senators are correct.

Mr. SMOOT. Oh, yes, Mr. President. Then we will go back, if that is the case, to the good old days of the Republican Party before the war, and see what the appropriations were.

Mr. HARRISON. There were no good old days during Republican administrations.

Mr. SMOOT. We are talking now about the amount of appropriations when the different parties were in power. I want to say to the Senator now that I have no reference whatever to the time we were appropriating \$18,000,000,000. I say these were the appropriations for this coming fiscal year, beginning on July 1, 1923, and ending on June 30, 1924; the appropriations we are making at this session of Congress will be less than for the year previous.

Mr. OVERMAN. About \$400,000,000 more.

Mr. MCKELLAR. I hope that when the Senator from Utah makes up his figures he will include all the unexpended balances of previous years which have been reappropriated in bills during the present year.

Mr. SMOOT. It could not be otherwise, because everyone knows that wherever an appropriation is made of an unexpended balance, it is accounted for in the appropriation.

Mr. MCKELLAR. Many of the figures I have seen from Republican sources did not contain those unexpended balances.

The PRESIDING OFFICER. The bill is in Committee of the Whole and open to further amendment. If there be no further amendment, the bill will be reported to the Senate.

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

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

RECLASSIFICATION OF GOVERNMENT EMPLOYEES.

Mr. STERLING. Mr. President, I move that the Senate proceed to the consideration of the bill (H. R. 8928) to provide for the classification of civilian positions within the District of Columbia and in the field services.

Mr. ROBINSON. Mr. President—

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

Mr. STERLING. I yield.

Mr. ROBINSON. The Senate has been in session for 11 hours. I understand it is the purpose of the Senator to agree to an adjournment immediately after his motion is agreed to, if the Senate agrees to the consideration of the bill he mentions.

Mr. STERLING. That is the intention, to adjourn until 11 o'clock to-morrow.

Mr. ROBINSON. I have no objection to the motion of the Senator from South Dakota.

The PRESIDING OFFICER. The Senator from South Dakota moves that the Senate proceed to the consideration of House bill 8928, the reclassification bill.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill.

MEMORIAL TO THE LATE JOSEPH J. DARLINGTON.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the joint resolution (S. J. Res. 240) entitled "Joint resolution authorizing the erection, on public grounds, of a memorial to the late Joseph J. Darlington," which was, on page 2, line 3, after the word "erection," to insert "or maintenance."

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

The motion was agreed to.

ADDITIONAL REPORTS OF COMMITTEES.

Mr. McCUMBER, from the Committee on Finance, to which were referred the following bills, reported them, each without amendment, and submitted a report as indicated:

H. R. 13770. An act to amend the revenue act of 1921 in respect to capital gains and losses, and for other purposes.

H. R. 14050. An act to amend the revenue act of 1921 in respect to income tax of nonresident aliens (Rept. No. 1257).

Mr. BALL, from the Committee on the District of Columbia, to which was referred the bill (H. R. 13617) to dissolve the Colored Union Benevolent Association, and for other purposes, reported it without amendment and submitted a report (No. 1258) thereon.

Mr. CAPPER, from the Committee on Claims, to which was referred the bill (S. 4648) for the relief of Louis Leavitt, reported it with an amendment.

Mr. CALDER. Mr. President—

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from New York?

Mr. STERLING. I yield.

Mr. CALDER. The Senator from Kansas has just reported Senate bill 4648, permitting the reference of a claim which the Senate has already passed on to the courts of the eastern district of New York. I ask unanimous consent for immediate consideration of the bill.

Mr. ROBINSON. I object.

The PRESIDING OFFICER. Objection is made.

Mr. ROBINSON. I trust that no other unanimous-consent request will be submitted to-night.

RECLASSIFICATION OF GOVERNMENT EMPLOYEES.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8928) to provide for the classification of civilian positions within the District of Columbia and in the field services, which had been reported from the Committee on Civil Service with an amendment.

Mr. WADSWORTH. Mr. President—

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from New York?

Mr. STERLING. I yield to the Senator.

DEATH OF REPRESENTATIVE W. BOURKE COCKRAN.

Mr. WADSWORTH. I ask the Chair to lay before the Senate resolutions which have been sent to the Senate by the House.

The PRESIDING OFFICER (Mr. REED of Pennsylvania). The Chair lays before the Senate resolutions from the House of Representatives, which will be read.

The reading clerk read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
March 1, 1923.

Resolved, That the House has heard with profound sorrow of the death of Hon. W. BOURKE COCKRAN, a Representative from the State of New York.

Resolved further, That a committee of 20 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved further, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved further, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved further, That as a further mark of respect this House do now adjourn.

Mr. WADSWORTH. Mr. President, I offer the following resolutions and ask for their adoption:

The resolution (S. Res. 464) was read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. W. BOURKE COCKRAN, late a Representative from the State of New York.

Resolved, That a committee of six Senators be appointed by the Vice President to join the committee appointed by the House of Representatives to attend the funeral.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Mr. WADSWORTH. Mr. President, as a further mark of respect to the memory of the deceased Representative, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 10 o'clock p. m.) the Senate adjourned, the adjournment being under the order previously entered, until to-morrow, Friday, March 2, 1923, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate March 1, 1923.

GOVERNOR OF PORTO RICO.

HORACE M. TOWNER, of Iowa, to be Governor of Porto Rico, vice E. Mont Reilly, resigned, effective April 1, 1923.

ASSISTANT SECRETARY OF THE NAVY.

Dwight Davis, of Missouri, to be Assistant Secretary of War, vice Jonathan Mayhew Wainwright, resigned.

DIRECTOR OF THE WAR FINANCE CORPORATION.

FRANK W. MONDELL, of Wyoming, to be a director of the War Finance Corporation, vice Dwight Davis, resigned.

COMMISSIONER OF IMMIGRATION.

John D. Nagle, of California, to be commissioner of immigration at the port of San Francisco, Calif.

UNITED STATES DISTRICT JUDGES.

F. C. Jacobs, of Arizona, to be United States district judge, district of Arizona. (An additional position created by the act approved September 14, 1922.)

John F. McGee, of Minnesota, to be United States district judge, district of Minnesota. (An additional position created by the act approved September 14, 1922.)

Orle L. Phillips, of New Mexico, to be United States district judge, district of New Mexico. (An additional position created by the act approved September 14, 1922.)

Paul Jones, of Ohio, to be United States district judge, northern district of Ohio. (An additional position created by the act approved September 14, 1922.)

John J. Gore, of Tennessee, to be United States district judge, middle district of Tennessee. (An additional position created by the act approved September 14, 1922.)

Harry M. Hoffheimer, of Ohio, to be United States district judge, southern district of Ohio, vice John W. Peck, resigned, effective April 4, 1923.

Xenophon Hicks, of Tennessee, to be United States district judge for the eastern and middle districts of Tennessee, vice Edward T. Sanford, appointed Associate Justice of the Supreme Court of the United States.

William Bondy, of New York, to be United States district judge, southern district of New York, vice Julius M. Mayer, promoted to circuit judge.

UNITED STATES DISTRICT ATTORNEY.

Benson W. Hough, of Ohio, to be United States attorney, southern district of Ohio, vice D. Q. Morrow, whose nomination was confirmed and who has declined appointment.

REGISTER OF THE LAND OFFICE.

George W. McKnight, of Oregon, to be register of the land office at Vale, Oreg., vice Thomas Jones, term expired.

PROMOTIONS IN THE REGULAR ARMY.

To be colonel.

Lieut. Col. William Topping Merry, Infantry, from February 27, 1923.

To be lieutenant colonels.

Maj. Thomas Worthington Hollyday, Field Artillery, from February 26, 1923.

Maj. Albert Louis Rhoades, Coast Artillery Corps, from February 27, 1923.

CHAPLAINS.

To be chaplains with the rank of captain.

Chaplain Thomas Albert Harkins from February 28, 1923.

Chaplain Frank Pearson MacKenzie from February 28, 1923.

APPOINTMENTS BY TRANSFER IN THE REGULAR ARMY.

QUARTERMASTER CORPS.

Capt. Joseph Lester Brooks, Infantry, with rank from July 1, 1920.

AIR SERVICE.

First Lieut. Eugene Luther Vidal, Corps of Engineers, with rank from September 28, 1919.

PROMOTIONS IN COAST GUARD OF THE UNITED STATES.

Lieut. Edward D. Jones to be lieutenant commander, to rank as such from January 12, 1923, to fill an original vacancy created by the act of January 12, 1923.

Lieut. (Junior Grade) Thomas S. Klinger to be lieutenant, to rank as such from January 12, 1923, in place of Lieut. H. E. Rideout, promoted.

Lieut. (Junior Grade) Joseph F. Farley to be lieutenant, to rank as such from January 12, 1923, in place of Lieut. R. R. Waesche, promoted.

Each of the above-named officers has passed the examinations required by law.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

MARINE CORPS.

First Lieut. Bruce J. Millner to be a captain in the Marine Corps from the 17th day of December, 1921.

First Lieut. William P. Richards to be a captain in the Marine Corps from the 1st day of January, 1922.

First Lieut. Willett Elmore to be a captain in the Marine Corps from the 26th day of March, 1922.

First Lieut. Francis Fisk to be a captain in the Marine Corps from the 2d day of May, 1922.

Wilson B. McCandless, a citizen of the State of Iowa, to be a second lieutenant in the Marine Corps for a probationary period of two years from the 15th day of February, 1923.

The following named noncommissioned officers in the Marine Corps to be second lieutenants in the Marine Corps for a probationary period of two years from the 26th day of February, 1923:

Corpl. Jonathan O. Becker.
Sergt. Franklin W. R. Brown.
Sergt. Harold C. Roberts.
Sergt. Will H. Lee.
Sergt. Monroe S. Swanson.
Corpl. William E. Lee.
Corpl. August L. Huhn, jr.
Gunnery Sergt. Charles R. Barrett.
Corpl. Joshua B. Langley.
Sergt. John G. Walraven.
Gunnery Sergt. William R. Hughes.
Corpl. James K. Reid.

POSTMASTERS.

ALABAMA.

Hattie M. Guin to be postmaster at Kennedy, Ala., in place of Alma Collins, resigned.

Hubert H. Hughston to be postmaster at Tuscumbia, Ala., in place of H. H. Hughston. Incumbent's commission expired October 24, 1922.

CALIFORNIA.

George Ide to be postmaster at Orcutt, Calif., in place of Calla Winger, resigned.

James C. Tyrrell to be postmaster at Grass Valley, Calif., in place of J. C. Tyrrell. Incumbent's commission expired September 5, 1922.

Ella A. Himes to be postmaster at Hammonton, Calif., in place of L. B. McCarty, resigned.

George F. Russell to be postmaster at Lakeport, Calif., in place of M. A. Craig. Incumbent's commission expired September 5, 1922.

Frederick W. Rohlfing to be postmaster at Placerville, Calif., in place of Joseph Scherrer. Incumbent's commission expired September 5, 1922.

Meta C. Stofen to be postmaster at Sonoma, Calif., in place of J. D. Wagnon. Incumbent's commission expired September 5, 1922.

GEORGIA.

Albert S. Hardy to be postmaster at Gainesville, Ga., in place of A. S. Hardy. Incumbent's commission expired November 21, 1922.

John L. Callaway to be postmaster at Covington, Ga., in place of J. L. Callaway. Incumbent's commission expired September 26, 1922.

Cicero F. Duffee to be postmaster at Jonesboro, Ga., in place of W. W. Brown, resigned.

Ezma D. Lindley to be postmaster at Powder Springs, Ga., in place of A. C. Moore, resigned.

IDAHO.

Burton D. Fox to be postmaster at Challis, Idaho, in place of E. W. Keyes. Incumbent's commission expired September 5, 1922.

ILLINOIS.

Samuel H. Lawton to be postmaster at Delavan, Ill., in place of J. N. Hall. Incumbent's commission expired October 24, 1922.

Edwin E. Jones to be postmaster at Bloomington, Ill., in place of M. M. Morrissey. Incumbent's commission expired October 24, 1922.

Robert B. Marshall to be postmaster at Capron, Ill., in place of William Lascelles, resigned.

Henry F. Maiwurm to be postmaster at Forest Park, Ill., in place of H. F. Maiwurm. Office became third class July 1, 1922.

George A. Roberts to be postmaster at Staunton, Ill., in place of G. H. Luker, resigned.

INDIANA.

Guy H. Walker to be postmaster at Rockport, Ind., in place of C. H. Salm. Incumbent's commission expired September 5, 1922.

IOWA.

Benjamin H. Todd to be postmaster at Ida Grove, Iowa, in place of C. A. Britch, resigned.

Charles O. Shearer to be postmaster at Collins, Iowa, in place of H. R. Sokol, resigned.

Judson P. Holden to be postmaster at Delhi, Iowa, in place of L. M. Barnes. Office became third class April 1, 1921.

Wesley L. Damerow to be postmaster at Dows, Iowa, in place of J. L. Lee. Incumbent's commission expired November 21, 1922.

Russell E. Metcalf to be postmaster at Hawarden, Iowa, in place of F. A. Gefke. Incumbent's commission expired December 6, 1922.

Paul F. Wilharm to be postmaster at Sumner, Iowa, in place of J. H. Noon, deceased.

KANSAS.

Abe K. Stoufer to be postmaster at Liberal, Kans., in place of E. S. Irwin. Incumbent's commission expired September 13, 1922.

Jesse M. Foster to be postmaster at Clifton, Kans., in place of E. W. Caywood. Incumbent's commission expired September 13, 1922.

Walter S. Wright to be postmaster at Minneola, Kans., in place of W. B. Gregory, resigned.

George S. Robb to be postmaster at Salina, Kans., in place of W. F. Grosser, resigned.

Franklin J. Adams to be postmaster at Waterville, Kans., in place of C. C. Holbrook. Incumbent's commission expired September 13, 1922.

KENTUCKY.

Edward R. Lafferty to be postmaster at Cave City, Ky., in place of J. B. Yates, removed.

Alvin Courtney to be postmaster at Falmouth, Ky., in place of J. N. Rule, resigned.

Carl B. Marshall to be postmaster at Lewisburg, Ky., in place of J. B. Lasley, resigned.

MASSACHUSETTS.

Henry T. Maxwell to be postmaster at Millbury, Mass., in place of D. J. Dempsey. Incumbent's commission expired October 1, 1922.

William H. Anderson to be postmaster at Monson, Mass., in place of F. J. Sullivan, resigned.

Joseph V. Curran to be postmaster at Attleboro, Mass., in place of W. J. Kenney. Incumbent's commission expired October 1, 1922.

Godefroy de Tomancour to be postmaster at Fall River, Mass., in place of J. H. Hoar, deceased.

Eugene J. Le Maire to be postmaster at Fisherville, Mass., in place of J. J. Tebo. Office became third class April 1, 1921.

Elizabeth B. Flint to be postmaster at North Attleboro, Mass., in place of T. F. Coady. Incumbent's commission expired October 1, 1922.

MICHIGAN.

Elmer R. Fate to be postmaster at Bellaire, Mich., in place of R. E. Pryor. Incumbent's commission expired September 13, 1922.

MINNESOTA.

Edwin H. Anderson to be postmaster at Monticello, Minn., in place of C. S. Strout. Incumbent's commission expired September 13, 1922.

Albert S. Webb to be postmaster at Sandstone, Minn., in place of L. M. Reinholdson. Incumbent's commission expired November 21, 1922.

Lottie A. Samuelson to be postmaster at Grasston, Minn., in place of J. T. Samuelson. Office became third class April 1, 1922.

Flint E. Stanchfield to be postmaster at Onamia, Minn., in place of Henry Goulet. Incumbent's commission expired August 7, 1921.

Hugh R. Smith to be postmaster at Wabasha, Minn., in place of S. M. Quigley. Incumbent's commission expired September 13, 1922.

MISSISSIPPI.

Robert B. Cox to be postmaster at Batesville, Miss., in place of R. B. Cox. Incumbent's commission expired April 30, 1922.

William M. Nisbet to be postmaster at Pontotoc, Miss., in place of C. W. Bolton. Incumbent's commission expired August 7, 1921.

MISSOURI.

Otto L. Caroutte to be postmaster at Mountainview, Mo., in place of J. L. Walker. Incumbent's commission expired September 5, 1922.

Joseph V. Forst to be postmaster at Silex, Mo., in place of J. B. Williams. Incumbent's commission expired December 20, 1920.

MONTANA.

George R. Moshier to be postmaster at Baker, Mont., in place of C. M. Daugherty. Incumbent's commission expired September 13, 1922.

Harvey St. J. Cannon to be postmaster at Kallispell, Mont., in place of Samuel Hilburn. Incumbent's commission expired September 13, 1922.

NEBRASKA.

Edwin D. Gideon, jr., to be postmaster at Ainsworth, Nebr., in place of F. R. Galbraith, resigned.

Robert W. Finley to be postmaster at Bradshaw, Nebr., in place of G. W. Gilliland. Incumbent's commission expired October 3, 1922.

George Beardsley to be postmaster at Clarke, Nebr., in place of Elizabeth McLean. Incumbent's commission expired November 3, 1922.

William E. Brogan to be postmaster at Tilden, Nebr., in place of C. L. McCord. Incumbent's commission expired October 3, 1922.

George F. McMullen to be postmaster at Walthill, Nebr., in place of A. J. Caldwell. Incumbent's commission expired October 3, 1922.

George W. Howe to be postmaster at Wisner, Nebr., in place of G. W. Howe. Incumbent's commission expired December 6, 1922.

NEVADA.

Madge S. Sweet to be postmaster at Minden, Nev., in place of E. A. Smith, resigned.

NEW JERSEY.

Herman H. Wille to be postmaster at Orange, N. J., in place of J. D. Moriarty, deceased.

John Rotherham to be postmaster at Jersey City, N. J., in place of Matt. Ely, resigned.

Marcus Cramer to be postmaster at Gloucester City, N. J., in place of T. J. Foley. Incumbent's commission expired October 24, 1922.

NEW MEXICO.

Dennis J. Walsh to be postmaster at Santa Rita, N. Mex., in place of J. L. Turner. Incumbent's commission expired September 5, 1922.

NEW YORK.

Delos Wilkinson to be postmaster at Akron, N. Y., in place of R. J. Paxon, removed.

Elmer A. Arnold to be postmaster at Burdett, N. Y., in place of E. A. Arnold. Office became third class October 1, 1922.

Charles H. Brown to be postmaster at Corfu, N. Y., in place of M. J. Flaherty. Incumbent's commission expired September 19, 1922.

William J. Leighton to be postmaster at Avon, N. Y., in place of C. H. Tighe. Incumbent's commission expired September 19, 1922.

Roy W. Munson to be postmaster at Brasher Falls, N. Y., in place of P. A. Hallahan. Incumbent's commission expired October 24, 1922.

Cornelius V. Collins to be postmaster at Troy, N. Y., in place of J. H. Burns. Incumbent's commission expired November 21, 1922.

NORTH CAROLINA.

William H. Parker to be postmaster at Carrboro, N. C., in place of L. D. Whitaker. Office became third class October 1, 1922.

NORTH DAKOTA.

Alexander R. Wright to be postmaster at Oakes, N. Dak., in place of J. M. Hamill. Incumbent's commission expired November 21, 1922.

OHIO.

Alexander M. Renick to be postmaster at Chillicothe, Ohio, in place of M. J. Scott, resigned.

John P. Cramer to be postmaster at Fredericksburg, Ohio, in place of C. E. Cramer, resigned.

Henry W. Gruver to be postmaster at Miamisburg, Ohio, in place of William Alexander, resigned.

Isaac Evans to be postmaster at Vinton, Ohio, in place of H. L. Sausbury, resigned.

Fred H. Tibbetts to be postmaster at Columbus, Ohio, in place of S. A. Kinnear, resigned.

John R. Lloyd to be postmaster at Cambridge, Ohio, in place of R. M. Allison. Incumbent's commission expired September 19, 1922.

OKLAHOMA.

Sam H. Wilson to be postmaster at Barnsdall, Okla., in place of G. S. Clute, resigned.

Lyle H. Ball to be postmaster at Laverne, Okla., in place of H. E. Malloy. Incumbent's commission expired January 27, 1923.

J. Ward McCague to be postmaster at Ralston, Okla., in place of O. E. McCague. Incumbent's commission expired January 27, 1920.

PENNSYLVANIA.

William Z. Mahon to be postmaster at Carlisle, Pa., in place of Fisk Goodyear. Incumbent's commission expired September 13, 1922.

William D. First to be postmaster at Conneaut Lake, Pa., in place of W. D. First. Incumbent's commission expired February 23, 1923.

Joseph A. Hanley to be postmaster at Erie, Pa., in place of J. A. Hanley. Incumbent's commission expired December 23, 1922.

John D. Hart to be postmaster at Export, Pa., in place of J. F. Lauffer. Incumbent's commission expired September 13, 1922.

Samuel G. Williams to be postmaster at Girard, Pa., in place of J. A. Rick. Incumbent's commission expired October 24, 1922.

Ira A. Dinger to be postmaster at Mayport, Pa., in place of J. A. Waltman. Incumbent's commission expired December 23, 1922.

George D. Claassen to be postmaster at Natrona, Pa., in place of J. J. Roll. Incumbent's commission expired December 23, 1922.

Edwin W. Dye to be postmaster at Lawrenceville, Pa., in place of E. W. Dye. Incumbent's commission expired September 26, 1922.

PORTO RICO.

Jaime Tous Soto to be postmaster at Hato Ray, P. R., in place of J. C. Silva. Office became third class January 1, 1923.

SOUTH CAROLINA.

Julia E. D. Tolbert to be postmaster at Ninety Six, S. C., in place of J. W. Stalnaker, removed.

SOUTH DAKOTA.

Leo D. Houk to be postmaster at Colome, S. Dak., in place of H. F. Mettler, resigned.

TENNESSEE.

Dorsey L. Lillard to be postmaster at Englewood, Tenn., in place of D. D. Edgemon. Incumbent's commission expired January 27, 1923.

Hubert B. McCalla to be postmaster at Kerrville, Tenn., in place of H. N. Aycock, deceased.

Henry E. Hudson to be postmaster at Whitwell, Tenn., in place of H. E. Hudson. Incumbent's commission expired January 2, 1921.

VIRGINIA.

John T. Kinlighan to be postmaster at Staunton, Va., in place of S. M. Donald, resigned.

Francis A. Haynes to be postmaster at Barboursville, Va., in place of D. D. Ball, resigned.

Benjamin B. Parker to be postmaster at Middletown, Va., in place of C. E. Wright, removed.

WASHINGTON.

Charles R. Bockmeir to be postmaster at Granite Falls, Wash., in place of D. I. Carpenter. Incumbent's commission expired October 14, 1922.

John F. Samson to be postmaster at Oroville, Wash., in place of R. P. Hoskyn, resigned.

WEST VIRGINIA.

William B. Hines to be postmaster at White Sulphur Springs, W. Va., in place of L. M. Rowan, resigned.

William M. Kidd to be postmaster at Burnsville, W. Va., in place of H. H. Berry. Incumbent's commission expired November 21, 1922.

WISCONSIN.

Durant C. Gile to be postmaster at Edgerton, Wis., in place of C. A. Hoen, resigned.

Ambrose M. Steinnand to be postmaster at Colby, Wis., in place of Carrie Kautsky, resigned.

Frances W. Kulwicz to be postmaster at Lublin, Wis., in place of Bruno Rojewski. Office became third class July 1, 1922.

Wilbur H. Bridgman to be postmaster at Stanley, Wis., in place of W. D. Schultz, resigned.

WYOMING.

Roy Shaver to be postmaster at Greybull, Wyo., in place of J. E. Gilmore, appointee, declined.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 1, 1923.

PROMOTION IN THE CONSULAR SERVICE.

CONSUL GENERAL OF CLASS 3 TO CONSUL GENERAL OF CLASS 2.
Carlton Bailey Hurst.

CONSUL OF CLASS 1 TO CONSUL GENERAL OF CLASS 2.

Horace Lee Washington.

CONSUL GENERAL OF CLASS 4 TO CONSUL GENERAL OF CLASS 3.

DeWitt C. Poole. Claude I. Dawson.
Albert W. Pontius. Frederick T. F. Dumont.

CONSUL OF CLASS 3 TO CONSUL GENERAL OF CLASS 4.

Homer M. Byington.

Tracy Lay.

Clarence E. Gauss.

CONSUL OF CLASS 4 TO CONSUL OF CLASS 3.

Addison E. Southard. Theodore Jaeckel.
Henry P. Starrett. Thomas D. Bowman.
Louis G. Dreyfus, jr. John A. Gamon.
George S. Messersmith.

CONSUL OF CLASS 5 TO CONSUL OF CLASS 4.

Felix Cole. Samuel W. Honaker.
Ernest L. Ives. Thomas H. Bevan.
Paul Knabenshue. George K. Donald.
Irving N. Linnell. Hamilton C. Claiborne.
J. Klahr Huddle. Keith Merrill.

CONSUL OF CLASS 6 TO CONSUL OF CLASS 5.

Henry B. Hitchcock. Carol H. Foster.
Thomas M. Wilson. Homer Brett.
S. Pinkney Tuck, jr. Charles R. Cameron.
Coert DuBois. Avra M. Warren.
Erle R. Dickover. Harry M. Lakin.
David B. Macgowan.

CONSUL OF CLASS 7 TO CONSUL OF CLASS 6.

Walter A. Adams. George Orr.
George Wadsworth. Monnett B. Davis.
Romeyn Wormuth. W. M. Parker Mitchell.
Karl de G. MacVitty. Clinton E. MacEachran.
Cecil M. P. Cross. Herbert O. Williams.
John Corrigan, jr. Fred R. Robinson.
John G. Erhardt. Marshall M. Vance.
Dudley G. Dwyre. Alfred T. Burri.

VICE CONSUL OF CAREER OF CLASS 1 TO CONSUL OF CLASS 7.

John F. Simons. Edmund B. Montgomery.
Robert B. Macatee. Herndon W. Goforth.
Ralph H. Tompkins. Hugh S. Fullerton.
Edward M. Groth. A. Wallace Treat.
Clarence J. Spiker. William J. McCafferty.
John R. Minter. Don S. Haven.
Raleigh A. Gibson. Leroy Webber.
Richard F. Boyce. Digby A. Willson.
Eliot B. Coulter. Reginald S. Castleman.
Hooker A. Doolittle. Maynard B. Barnes.
Harry E. Carlson. Charles B. Hosmer.

CONSULS OF CLASS 6, FROM THE ELIGIBLE LIST.

Normand L. Anderson.
Alfred W. Kliefoth.

MEMBER OF THE TARIFF COMMISSION.

Henry H. Glassie.

CIVIL SERVICE COMMISSIONER.

William C. Deming.

PROMOTIONS IN THE COAST GUARD.

*To be captains.*Byron L. Reed. Preston H. Uberroth.
James M. Moore. Richard O. Crisp.
William B. Jacobs.*To be captains (engineering).*Harry L. Boyd.
John B. Coyle.
John E. Dorry.*To be commanders.*Frederick G. Dodge. John G. Berry.
George C. Carmine. Benjamin M. Chiswell.
Francis S. Van Boskerck. Aaron L. Gamble.
Claude S. Cochran. Frederick C. Billard.*To be commanders (engineering).*William E. Maccoun. Hermann Kotzschmar.
Carl M. Green. Robert E. Wright.
Horatio N. Wood. Urban Harvey.

PROMOTIONS IN THE ARMY.

Hanson Edward Ely to be major general.
Edwin Burr Babbitt to be major general.
George LeRoy Irwin to be brigadier general.
Ira Allen Haynes to be brigadier general.
Malvern-Hill Barnum to be brigadier general, Cavalry.
James Cooper Rhea to be colonel, Cavalry.
James Hanson to be colonel, Infantry.
Fred Radford Brown to be colonel, Infantry.
Walter Trotter Bates to be colonel, Adjutant General's Department.Edmund Anthony Buchanan to be lieutenant colonel, Cavalry.
Benjamin Delahauf Foulois to be lieutenant colonel, Air Service.Ralph Hill Leavitt to be lieutenant colonel, Infantry.
John Doyle Carmody to be major, Quartermaster Corps.
John Curtis Newton to be captain, Infantry.
George Frederick Unmacht to be captain, Chemical Warfare Service.Ranald Trevor Adams to be first lieutenant, Field Artillery.
Charles William Leng, jr., to be first lieutenant, Cavalry.
Edward Ward Hendrick to be first lieutenant, Coast Artillery Corps.Frederick Pearson to be first lieutenant, Infantry.
Charles Frederick Colson to be first lieutenant, Infantry.
Albert Walker Johnson to be first lieutenant, Cavalry.
Donald Frederick Carroll to be first lieutenant, Infantry.
Bernard Wellington Slifer to be first lieutenant, Coast Artillery Corps.Willard Ames Holbrook, jr., to be first lieutenant, Cavalry.
Auston Monroe Wilson, jr., to be first lieutenant, Coast Artillery Corps.Samuel Powell Walker, jr., to be first lieutenant, Cavalry.
Robert Alwin Schow to be first lieutenant, Infantry.
John Harrison Stokes, jr., to be first lieutenant, Infantry.
LeGrande Albert Diller to be second lieutenant, Infantry.

PROMOTIONS IN THE NAVY.

*To be captains.*Clarence L. Arnold.
George B. Landenberger.*To be commanders.*Frank D. Pryor. Isaac C. Kidd.
Frank J. Fletcher. Robert A. Theobald.
John H. Towers. Charles F. Russell.
William H. Toaz. Guy E. Baker.
Turner F. Caldwell. Miles A. Libbey.
Earl R. Shipp. Raymond A. Spruance.
Arthur W. Sears. Henry K. Hewitt.
Charles M. Austin. Felix X. Gygas.
Walter B. Decker. Guy E. Davis.
John P. Miller. Leigh M. Stewart.
Harry L. Pence. William O. Wallace.
Ferdinand L. Reichmuth. William S. Farber.
Harvey Delano. George M. Ravenscroft.*To be lieutenant commanders.*Joseph F. Crowell, jr. Jay K. Esler.
Webb Trammell. George D. Murray.
Charlton E. Battle, jr. Harry R. Bogusch.
Herbert A. Ellis. Robert H. English.
Herbert R. Hein. Carroll Q. Wright, jr.
Herbert H. Bouson. Oliver M. Read, jr.
Ole O. Hagen. Glenn B. Strickland.
Robert M. Griffin. Joseph McE. B. Smith.
Robert H. Skelton. George J. McMillin.
Alfred G. Zimmermann. William H. O'Brien, jr.
Delavan B. Downer. Howard F. Kingman.
Ralph E. Dennett. James G. B. Gromer.
William J. Butler. William M. Quigley.
Frederick Baltzly. Walter S. Haas.
Fred K. Elder. Stephan B. Robinson.
John H. Culin. William G. Greenman.
Robert A. Lavender. Harold H. Little.*To be lieutenants.*John A. Rogers. Lansford F. Kengle.
Arthur H. Cummings. Edward H. Smith.
Alfred J. Byrholdt. Roger F. McCall.
Harold K. Smoot. Frank E. Vensel, jr.

Joseph Buchalter.
William D. Sample.
William E. Marsh.
Arthur F. Anderson.
Braxton Rhodes.
Elwood H. Barkeley.
Emil B. Perry.
Louis T. Young.
Donald McA. Mackey.
James E. Dyer.
Vernon C. Bixby.

To be lieutenants (junior grade).

Henry S. Dunbar, jr.
Daniel F. Worth, jr.
Marcy M. Dupre, jr.
Edgar P. Kranzfelder.
Thomas A. Gaylord.
Robert Bolton, jr.
Robert W. Bockius.
Harry Corman.
Fred B. Avery.
Levi D. York.
Edward P. Wilson.
Gould N. Bull.
John F. Crowe, jr.
Edwin H. Tillman, jr.
William A. Swanston.
John T. Bottom, jr.
Frederick J. Cunningham.
Paul S. Slawson.
Martin J. Gillan, jr.
Valentine M. Davis.
Charles D. Porter.
George W. Mead, jr.
Charles R. Woodson.
Richard P. Glass.
David A. Hughes.
William Butler, jr.
Arthur S. Billings.
Kenneth D. Muir.
Frank Kerr.

Passed assistant paymasters.

Robert H. Mattox.
Golden F. Davis.
Herman F. Gingrich.
Harry R. Hubbard.
Henry C. McGinnis.
John M. Speissegger.
Clarence E. Kastenbein.
George Scratchley.
Charles B. Forrest.
William G. Conrad.
Orville F. Byrd.
Lester B. Karelle.
James D. G. Wognum.
Daniel L. McCarthy.
Charles H. Ritt.
Joseph W. Cavanagh.
Verny Carroll.
Charles Musil.
Forrest Ivanhoe.
Ray W. Byrns.
William W. Wise.

To be assistant surgeons.

Harry J. Scholtes.
Willard S. Sargent.

To be passed assistant surgeon.

Jerome Braun.

To be naval constructors.

Isaac I. Yates.
Ernest L. Patch.

To be chief carpenter.

Hamilton P. K. Lyons.

MARINE CORPS:

Harold C. Snyder to be colonel.
Charles F. Williams to be lieutenant colonel.
Harry Schmidt to be major.
Julius T. Wright to be captain.
Samuel J. Bartlett to be captain.
Oliver A. Dow to be captain.
Louie W. Putnam to be captain.

Frank E. Kennedy.
Lewis H. C. Johnson.
Dean Blanchard.
Donald J. MacCalman.
Steven W. Callaway.
Alfred Doucet.
Percival W. Buzby.
Frederick W. Ickes.
Scott E. Pack.
Charles F. Grisham.
William Hartenstein.

Claude B. Arney.
Marvin G. Fox.
Gilbert R. Whitworth.
John J. Gaskin.
Edward J. Spuhler.
Joseph W. McColl, jr.
James R. Harrison.
Edgar C. Suratt.
John P. Bowling.
Clarence L. Waters.
Clarence H. Pike.
Sidney E. Huff.
James M. Fernald.
Nelson H. Eisenhardt.
Lewis R. McDowell.
Joseph H. Severyns.
John B. Hupp.
Burton W. Lambert.
Godfrey P. Schurz.
Raymond S. Kaiser.
James F. Cooper.
Charles F. Hudson.
Hugo F. Sasse.
Benjamin S. Henderson.
Irvine M. Hansen.
Meinrad A. Schur.
Kenneth C. Hawkins.
John V. McElduff.
Ralph P. Noisat.

POSTMASTERS:

ALABAMA.

Allen R. Byrd, Luverne.

CALIFORNIA.

Charles P. Hoffman, Cement.
Alonzo F. Hann, Compton.
Leonard G. Hardy, jr., South San Francisco.
Nana M. Halferty, Tujunga.

COLORADO.

John L. Nightingale, Fort Collins.

CONNECTICUT.

Lewis E. Clark, South Meriden.

DELAWARE.

Rhubert R. German, Delmar.

FLORIDA.

Nathan B. Winslow, Bushnell.
George E. Gay, Palatka.
Edith C. Ryer, Lake Alfred.
William P. Moore, Wellborn.

GEORGIA.

Earnest C. Smith, Bainbridge.
Charles L. Adair, Comer.
William C. McBride, Newnan.

IDAHO.

George F. McMartin, Coeur d'Alene.

ILLINOIS.

Louis Lindenbauer, Camp Point.
William D. Chambers, East Moline.
Richard W. Miller, Hamilton.
Walter V. Berry, Irving.
William A. Fay, Jacksonville.
Albert O. Kettelkamp, Nokomis.
William R. Landwehr, Northbrook.
Fred A. Sapp, Ottawa.
George S. Faxon, Plano.
Katherine C. Adams, Riverton.
Minnie E. Bailey, Taylor Springs.
Justin P. Crawford, Tolono.

INDIANA.

Milo E. Garrett, Auburn.
Charles G. Covert, Evansville.
John C. Chaille, Otwell.
Amanda B. Gosnell, West Terre Haute.

IOWA.

Charles A. Clark, Fort Des Moines.
Oscar W. Larson, Odebolt.
Ralph A. Rutledge, Sharpsburg.
Joseph C. Allen, Zearing.

KANSAS.

Lida H. Caughron, Fontana.
James G. Frazer, Halstead.
Raymond R. Norris, Marquette.
Jessie I. Dickson, Neosho Falls.
Luella Tapley, Quenemo.

LOUISIANA.

Clyde L. Nelson, Lillie.

MAINE.

Eddy A. Conant, Oldtown.
Florence M. McKey, Wytopotlock.

MICHIGAN.

Gladys E. Gaskill, Delton.
Fred W. Walker, Otsego.

MISSISSIPPI.

Ida E. Roberts, Cleveland.

NEBRASKA.

William A. Gibson, Cedar Rapids.
Gustav A. Koza, Clarkson.
Hiram B. Cameron, Herman.
Frank E. Crawford, Wymore.

NEVADA.

Charles P. Squires, Las Vegas.

NEW HAMPSHIRE.

Harry F. Smith, Peterboro.

NEW JERSEY.

Cooper L. MacMillan, Audubon.
Timothy J. Nevill, Carteret.

Elmer G. Houghton, Cranford.
Mary H. Jeffrey, Deal.
Arthur J. Halladay, Kenilworth.
Rufus O. Walling, Keyport.
Harold Pittis, Lakehurst.
Edward M. Sutton, Ocean City.
James A. Harris, Wildwood.
Jacob Feldman, Woodbine.

NEW YORK.

Spencer K. Warnick, Amsterdam.
Earl J. Franklin, Belfast.
Frank O. Persons, East Aurora.
Roof D. Miller, Fort Plain.
William D. Shepard, Geneseo.
Hilda C. Tuma, Montauk.
Dennis Lamarche, Plattsburg.
William E. Mills, Rose Hill.
Brainard W. Russell, Windsor.
Ashmer R. Collins, Norwood.

NORTH CAROLINA.

Charles F. Smathers, Canton.
Mattie C. Lewellyn, Walnut Cove.

NORTH DAKOTA.

James E. Galehouse, Carrington.
Alfred B. Welch, Mandan.

OHIO.

Oliver R. Gulker, Glandorf.
Paul H. Clark, Junction City.
Henry G. Moellenbrock, Olmstead Falls.

OKLAHOMA.

Ellen K. Marchant, Aline.

OREGON.

Arlington B. Watt, Amity.
Chester G. Coad, Dallas.
Oscar C. Maxwell, Elgin.
Thomas W. Angus, Gardiner.
Nellie G. Reed, Gold Hill.

PENNSYLVANIA.

Joseph P. Fry, Allentown.
Howard C. Emigh, Morrisdale.
George D. Frey, Newville.
Jennie A. Hickernell, Schaefferstown.
Quinn T. Mickey, Shippensburg.
Robert H. Harris, Tamaqua.

RHODE ISLAND.

William H. Godfrey, Apponaug.

SOUTH DAKOTA.

Arnold Poulsen, Lennox.
Olof Nelson, Yankton.
Garfield G. Tunell, Moberidge.

TENNESSEE.

Ira L. Presson, Camden.
Lulu M. Divine, Johnson City.

TEXAS.

Edis T. Oliver, Caldwell.
Carlton A. Dickson, Cleburne.
Fred L. Brown, Plainview.

WASHINGTON.

Alfred B. Brewster, Benton City.
Fred W. Hoover, Eatonville.
Thomas A. Graham, Goldendale.
Edward C. Campbell, Kettle Falls.
James F. Greer, Pe Ell.
Sydney Relton, Richland.
Edward A. Morris, Rockport.
Arthur A. Bousquet, Wenatchee.

WEST VIRGINIA.

Monroe Burns, Cairo.
Henry E. Folluo, Glen Rogers.
Noah W. Russell, Lewisburg.
Oliver A. Locke, Milton.
Alma Hawks, McDowell.
J. Bascom McClure, Omar.
Robert E. L. Holt, Princeton.
Ben Wakeman, Ward.

WYOMING.

Reuben A. Faulk, Lusk.
James Syme, Superior.
Alma N. Johnson, Yoder.

WITHDRAWAL.

Executive nomination withdrawn from the Senate March 1, 1923.

POSTMASTER.

Hans R. Jepsen to be postmaster at Minde, in the State of Nevada.

REJECTION.

Executive nomination rejected by the Senate March 1, 1923.

COMPTROLLER OF CUSTOMS.

Walter L. Cohen to be comptroller of customs, in district No. 20, with headquarters at New Orleans.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March 1, 1923.*

The House met at 12 o'clock noon and was called to order by Mr. CAMPBELL of Kansas as Speaker pro tempore.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

The Lord who gives us life replete with blessings, give us hearts replete with gratitude and inspire them with Thy spirit. Be gentle with us in our sins; teach us the beauty of the upper way. May Thy wisdom be adapted to our weakness, Thy knowledge to our ignorance, and Thy mercy to our needs. Impress us that the greatest rewards of good and useful living are not in external things, but in joy and in peace by the way. Solemn, silent moment; a pillar has fallen. Again the silver cord is loosed, the golden bowl is broken. The pitcher and the wheel are shattered. O help us in our infirmities and claim us as Thine own. Bring to the sick and sorrowing a release from pain, and unto all the hurts of the heart may our answer be, "God is good." Amen.

The Journal of the proceedings of yesterday was read and approved.

ARLINGTON MEMORIAL AMPHITHEATER.

The report of the Arlington Memorial Amphitheater Commission, with illustrations, was ordered printed.

FARM CREDITS LEGISLATION.

The SPEAKER pro tempore. The unfinished business is the bill (S. 4280) to provide for the incorporation and supervision of corporations formed for the purpose of making agricultural and live-stock loans; to amend the Federal reserve act; to amend the Federal farm loan act; to extend and stabilize the market for United States bonds and other securities; to provide fiscal agents for the United States; and for other purposes, which the Chairman of the Committee of the Whole House on the state of the Union, by direction of that committee, has reported back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass. The previous question is ordered under the rule on the bill and amendment to final passage. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, and was read the third time.

Mr. LUCE. Mr. Speaker, I offer the following motion to recommit.

The Clerk read as follows:

Mr. LUCE moves to recommit the bill to the Committee on Banking and Currency with instructions to that committee to report the same back forthwith with the following amendment: On page 51, strike out section 208 and insert in lieu thereof the following:

"The capital and surplus of any farm-credit department, and the income derived therefrom shall be exempt from Federal, State, municipal, and local taxation, but such exemption shall not apply to any debentures or other obligations issued under authority of this title or to any income derived therefrom."

Mr. DOWELL. Mr. Speaker, I make the point of order that the motion to recommit is not in order for the reason that the section which the motion seeks to strike out has already been adopted by the House. It is not in order to strike out an amendment which has already been adopted by the House. This amendment has been adopted by the House because this is all in one amendment, and the House just adopted that amendment in toto. Therefore the motion to recommit by striking out a portion of the amendment is not in order.

Mr. LUCE. Mr. Speaker, an Irish member of the House of Commons said that the way to learn its rules was to break them. If in this motion I propose breaking the precedents of the House I shall be better informed hereafter. The Chair and his