2916. Also, petitions of the Chicago Association of Commerce and sundry citizens of Sycamore, Ill., favoring the bill (H. R. 4088) to establish the upper Mississippi River wild life and fish refuge; to the Committee on Agriculture.

2917. Also, petitions of the Rockford (Ill.) Chamber of Commerce; Streator (Ill.) Drain Tile Co.; Albert Dickinson Co., of Chicago; the Lions Club of Belleville, Ill.; National Printing & Engraving Co., of Chicago; Truscan Steel Co., of Chicago; and sundry citizens of Illinois, opposing the Howell-Barkley bill (H. R. 7358); to the Committee on Interstate and Foreign Commerce.

2918. Also, petitions of the legislative board of the Brotherhood of Railroad Trainmen of Illinois and sundry organizations, favoring the Howell-Barkley bill (H. R. 7358); to the Committee on Interstate and Foreign Commerce.

2919. Also, petitions of the North Pacific Millers' Association, the Illinois Grain Dealers' Association, and Eugene Frey, of Argyle, Ill., opposing the McNary-Haugen bill; to the Committee on Agriculture.

2920. Also, petitions of the Cass County (Ill.) Farm Bureau, the Virginia (Ill.) Chamber of Commerce, the St. Paul Association, the National Cooperative Milk Producers' Federation, First National Bank of Mazon, Ill., and the joint labor legislative board of Illinois, all favoring the McNary-Haugen bill; to the Committee on Agriculture.

2921. Also, petitions of the Isaac Walton League of America, Chapter 32, Mendota, Ill.; Rockford (Ill.) Chamber of Commerce; Isaac Walton League of Rockford, Ill.; Milvin Grover, of Malta, Ill.; and Peru (Ill.) Chapter, No. 74, Isaac Walton League of America, favoring the bill (H. R. 4088) to establish the upper Mississippi River wild life and fish refuge; to the Committee on Agriculture.

2922. Also, petition of sundry citizens of La Salle County, Ill., favoring the bill (H. R. 188) to provide for the deportation of certain undesirable aliens; to the Committee on Immigration and Naturalization.

2923. By Mr. GALLIVAN: Petition of Robert E. Buffum, of Boston, Mass., recommending passage of Senate resolution restoring original name of Mount Tacoma, in the State of Washington; to the Committee on the Public Lands.

2924. Also, petition of C. L. Hauthaway & Sons (Inc.), of Boston, recommending passage of the Dallinger bill, which provides for extension of air mail service from Boston to San Francisco; to the Committee on Interstate and Foreign Commerce.

2925. By Mr. KIESS: Petition of members of Hebron Grange, No. 1251, and others, of Roulette, Pa., protesting against increased parcel-post rates; to the Committee on the Post Office and Post Roads.

2926. By Mr. ROUSE: Petition of American Council of the Daughters of America, of Bellevue, Campbell County, Ky., favoring Sterling-Reed educational bill; to the Committee on Education.

SENATE

WEDNESDAY, *May 28, 1924*

(Legislative day of Monday, May 26, 1924)

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed the bill (S. 112) providing for a comprehensive development of the park and playground system of the National Capital, with amendments, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

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

S. 2169. An act to amend in certain particulars the national defense act of June 3, 1916, as amended, and for other purposes;

S. 2450. An act to amend section 2 of the legislative, executive, and judicial appropriation act, approved July 31, 1894;

S. 3272. An act granting the consent of Congress to the Panola-Quitman drainage district to construct, maintain, and operate a dam in Tallahatchie River;

H. R. 1869. An act for the incorporation of the Grand Army of the Republic;

H. R. 3009. An act for the relief of Robert J. Kirk; and

H. R. 4820. An act to amend the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922.

CALL OF THE ROLL

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

The PRESIDENT pro tempore. The Clerk will call the roll.

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

Ball	Ernst	Keyes	Shipstead
Bayard	Fernald	King	Shortridge
Borah	Ferris	Ladd	Smith
Brandegee	Fess	Lenroot	Smoot
Brookhart	Fletcher	Lodge	Spencer
Broussard	Frazier	McKellar	Stanfield
Bursum	George	McKinley	Stanley
Cameron	Gerry	McNary	Sterling
Capper	Glass	Mayfield	Swanson
Caraway	Gooding	Moses	Trammell
Colt	Hale	Norbeck	Underwood
Copeland	Harreld	Oddie	Wadsworth
Couzens	Harris	Overman	Walsh, Mass.
Cummins	Harrison	Pepper	Walsh, Mont.
Curtis	Heflin	Phipps	Warren
Dale	Johnson, Calif.	Pittman	Watson
Dial	Johnson, Minn.	Reed, Mo.	Willis
Dill	Jones, N. Mex.	Robinson	
Edge	Jones, Wash.	Sheppard	
Edwards	Kendrick	Shields	

Mr. CURTIS. I was requested to announce that the Senator from Nebraska [Mr. NORRIS] and the Senator from Louisiana [Mr. RANSDELL] are engaged at a meeting of the Committee on Agriculture and Forestry.

The PRESIDENT pro tempore. Seventy-seven Senators have answered to the roll call. There is a quorum present.

PERSONNEL CLASSIFICATION BOARD (S. DOC. NO. 122)

Mr. STERLING. Mr. President, on last evening there were presented to the Senate two communications, one from one member of the Personnel Classification Board in regard to certain services and the other a communication from another member of the Personnel Classification Board. Both were referred to the Committee on Civil Service, and no order was made for printing the communications. I ask unanimous consent that the communications be printed as a Senate document.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the communications will be printed as a public document.

WORLD COURT

Mr. JOHNSON of California. Mr. President, on day before yesterday the senior Senator from Pennsylvania [Mr. PEPPER] filed a report from the majority of the Foreign Relations Committee upon the so-called World Court. I want the RECORD to show that I do not subscribe to that report, nor do I concur in it.

JUDGE WILLIAM S. KENYON

Mr. BROOKHART. Mr. President, on yesterday the Secretary of the Treasury, Mr. Mellon, submitted a list of ex-Senators who, he claimed, had been practicing before the Treasury Department. In that list he includes the name of former Senator William S. Kenyon, my predecessor, and he lists about 100 cases in which he says Senator Kenyon was associated with B. M. Kelleher. He then says this in his letter:

> In connection with the claims represented by ex-Senator Kenyon's firm, I am informed that all of these involve the same general question raised by the different taxpayers.
>
> I have attached hereto photostats of correspondence with the attorneys mentioned in the report.

Mr. President, I have this telegram from Judge Kenyon:

> ST. PAUL, MINN., *May 28, 1924.*
>
> Hon. SMITH W. BROOKHART,
> *Washington, D. C.:*
>
> Any statement Mellon report that I have been connected with any claim before that department is false. If my name used in any way, it was without authority and unknown to me. Have not been connected with any law firm for over eight years. Please investigate. Write full particulars.
>
> W. S. KENYON.

Mr. President, I have examined the photostat copies of the correspondence which Mr. Mellon submitted with his statement, and there is absolutely no warrant for using Senator Kenyon's name in any way. Many years ago Mr. Kelleher was a partner of Senator Kenyon, but, according to this telegram and accord-

ing to my own knowledge, that partnership was ended a long time ago.

These letters distinctly state that the powers of attorney filed in the cases were filed by Mr. Kelleher personally, and there is no warrant whatever for including the name of ex-Senator Kenyon, now Judge Kenyon, who was an ex-Senator only one day, and who was then sworn in as judge of the United States Circuit Court of Appeals.

Under that situation I am at a loss to know why the Treasury Department should put in its statement the name of Senator Kenyon in that way, and I certainly shall see that the department corrects that matter in some way, if possible. I have asked for a check on all these powers of attorney that have been filed, and I will find out if his name has been included in any of them. If so, it has been done absolutely without authority; but the letters which the Secretary of the Treasury himself filed with this report indicate clearly that Senator Kenyon's name was not used in this connection.

PETITIONS AND MEMORIALS

Mr. SHIPSTEAD presented a petition of sundry citizens of Minneapolis, Minn., praying an amendment to the Constitution granting equal rights to women, which was referred to the Committee on the Judiciary.

Mr. PEPPER presented a petition, numerously signed, by John S. Lynch, president of the Navy Yard Retirement Association, and sundry employees of the Philadelphia (Pa.) Navy Yard, praying for the prompt passage of the bill (S. 3011) to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof, which was referred to the Committee on Civil Service.

Mr. WILLIS presented a resolution adopted by the Men's Bible Class of the First Presbyterian Church of Wellsville, Ohio, favoring the participation of the United States in the Permanent Court of International Justice, which was referred to the Committee on Foreign Relations.

He also presented petitions of sundry members of local chapters of the Izaak Walton League of America, of New Philadelphia, Uhrichsville, and Dennison, all in the State of Ohio, praying for the passage of legislation establishing the Upper Mississippi River Wild Life and Fish Refuge, which were referred to the Committee on Commerce.

Mr. McLEAN presented the petition of James W. Milne Camp, No. 14, United Spanish War Veterans, of Rockville, Conn., praying for the passage of Senate bill 3314, the so-called Bursum bill, granting pensions and increase of pensions, which was referred to the Committee on Pensions.

He also presented resolutions of the Stamford Musicians' Protective Association of Stamford; Local Union No. 76, United Association of Journeymen Plumbers and Steam Fitters of Hartford, and Painters and Decorators Union, Local No. 21, of New Britain, all in the State of Connecticut, favoring an amendment to the Constitution relative to the regulation of child labor, which were referred to the Committee on the Judiciary.

He also presented a resolution of Charter Oak Lodge No. 285, Brotherhood of Locomotive Firemen and Enginemen, of Hartford, Conn., favoring the passage of the so-called Howell-Barkley railway labor bill, which was referred to the Committee on Interstate Commerce.

He also presented a telegram in the nature of a memorial from the Hartford Chamber of Commerce, of Hartford, Conn., remonstrating against the passage of the so-called Howell-Barkley railway labor bill, which was referred to the Committee on Interstate Commerce.

He also presented a telegram in the nature of a petition from Vater John Lodge, D. O. H., of New Britain, Conn., praying for the passage of the joint resolution (H. J. Res. 180) for the relief of the distressed and starving women and children of Germany, which was referred to the Committee on Foreign Relations.

He also presented petitions of the congregation of the Main Street Baptist Church, of Meriden; the congregation of the Greenfield Hill Congregational Church, of Fairfield, and the Connecticut Universalist Convention at New Haven, all in the State of Connecticut, praying for the participation of the United States in the Permanent Court of International Justice, which were referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

Mr. BRANDEGEE, from the Committee on the Judiciary, to which was referred the bill (S. 3392) to amend section 558 of the Code of Law for the District of Columbia, reported it without amendment.

Mr. ERNST, from the Committee on Patents, to which was referred the bill (S. 3324) to amend section 5 of the trademark act of 1905, as amended, relative to the unauthorized use of portraits, reported it without amendment.

Mr. CAPPER, from the Committee on Claims, to which was referred the bill (S. 1056) for the relief of A. V. Yearsley, reported it without amendment and submitted a report (No. 641) thereon.

Mr. HARRELD, from the Committee on Indian Affairs, to which was referred the bill (S. 2557) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Cowlitz Tribe of Indians may have against the United States, and for other purposes, reported it with an amendment and submitted a report (No. 642) thereon.

Mr. SPENCER, from the Committee on the Judiciary, to which were referred the following bills, reported them each without amendment:

A bill (S. 292) to incorporate the American Bar Association; and

A bill (S. 3213) to incorporate the American War Mothers.

Mr. SPENCER also, from the Committee on the Judiciary, to which was referred the joint resolution (S. J. Res. 109) proposing an amendment to the Constitution of the United States relative to the adoption of amendments thereto, reported it with amendments.

He also, from the Committee on Claims, to which was referred the bill (S. 3034) for the relief of Ida Smith, reported it with an amendment and submitted a report (No. 643) thereon.

Mr. JOHNSON of California, from the Committee on Territories and Insular Possessions, to which were referred the following bills, reported them each without amendment:

A bill (H. R. 6255) to amend an act entitled "An act to authorize the incorporated town of Ketchikan, Alaska, to issue its bonds in any sum not to exceed $100,000 for the purpose of constructing a schoolhouse in said town and equipping the same," approved February 7, 1920; and

A bill (H. R. 6950) to authorize the incorporated town of Cordova, Alaska, to issue bonds in any sum not exceeding $100,000 for the purpose of constructing and equipping a public-school building in said town of Cordova, Alaska.

Mr. BAYARD. The junior Senator from Maryland [Mr. BRUCE] is ill, and on his behalf I ask leave to submit reports from the Committee on Claims.

The PRESIDENT pro tempore. The reports will be received.

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

A bill (S. 1937) for the relief of the Staples Transportation Co., of Fall River, Mass. (Rept. No. 646);

A bill (S. 2254) for the relief of the Beaufort County Lumber Co. of North Carolina (Rept. No. 647);

A bill (S. 2568) for the relief of the owners of the steam tug *Joshua Lovett* (Rept. No. 648);

A bill (S. 2774) for the relief of G. Ferlita (Rept. No. 649);

A bill (S. 2992) for the relief of the Berwind-White Coal Mining Co. (Rept. No. 650);

A bill (H. R. 6383) for the relief of the Maryland Casualty Co., the United States Fidelity & Guaranty Co. of Baltimore, Md., and the National Surety Co. (Rept. No. 651); and

A bill (H. R. 6384) for the relief of the Maryland Casualty Co., the Fidelity & Deposit Co. of Maryland, and the United States Fidelity & Guaranty Co. of Baltimore, Md. (Rept. No. 652).

Mr. BAYARD (for Mr. BRUCE) also, from the Committee on Claims, to which were referred the following bills, reported them severally with an amendment and submitted reports thereon:

A bill (S. 1022) for the relief of Francis Nicholson (Rept. No. 653);

A bill (S. 2079) for the relief of the owner of the American steam tug *O'Brien Brothers* (Rept. No. 654);

A bill (S. 2130) for the relief of the owner of the ferryboat *New York* (Rept. No. 655); and

A bill (S. 2860) for the relief of the Canada Steamship Lines (Ltd.) (Rept. No. 656).

ENROLLED BILL AND JOINT RESOLUTION PRESENTED

Mr. WATSON, from the Committee on Enrolled Bills, reported that on the 27th instant that committee presented to the President of the United States an enrolled bill and joint resolution of the following titles:

S. 946. An act for the relief of Amy L. Fallon, mother of Lieut. Henry N. Fallon, retired; and

S. J. Res. 105. Joint resolution authorizing the President to detail an officer of the Corps of Engineers as Director of the Bureau of Engraving and Printing, and for other purposes.

BILLS AND JOINT RESOLUTION INTRODUCED

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

By Mr. GERRY:

A bill (S. 3397) to remit the duty on a carillon of bells to be imported for the Church of Our Lady of the Rosary, Providence, R. I.; to the Committee on Finance.

By Mr. SWANSON:

A bill (S. 3398) to authorize the city of Norfolk, Va., to construct a dam from the southern and northern banks of Lafayette River to the southern and northern edges of the channel of said river; to the Committee on Commerce.

By Mr. BORAH:

A bill (S. 3399) granting an increase of pension to Nancy Conklin (with accompanying papers); to the Committee on Pensions.

By Mr. HALE:

A bill (S. 3400) for the purchase of the tract of land adjoining the militia target range at Auburn, Me. (with accompanying papers); to the Committee on Military Affairs.

By Mr. McLEAN:

A bill (S. 3401) granting a pension to Rose A. Rafferty (with accompanying papers); to the Committee on Pensions.

By Mr. COPELAND:

A bill (S. 3402) for the relief of the Rochester Merchandise Co.; to the Committee on Claims.

A bill (S. 3403) granting an increase of pension to William R. S. George; to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 3404) for the relief of James A. Simpson; to the Committee on Military Affairs.

A bill (S. 3405) granting the consent of Congress to the T. & O. Red River Bridge Co. (Inc.), of St. Jo, Tex., a corporation organized under the laws of the State of Texas, to construct a toll bridge across the Red River in the vicinity of Illinois Bend, Montague County, Tex.; to the Committee on Commerce.

By Mr. SMOOT:

A bill (S. 3406) relating to the use or disposal of vessels or vehicles forfeited to the United States for violation of the customs laws or the national prohibition act, and for other purposes; to the Committee on Finance.

By Mr. NORBECK:

A bill (S. 3407) granting an increase of pension to Tilghman Stone (with accompanying papers); to the Committee on Pensions.

By Mr. WADSWORTH:

A bill (S. 3408) to amend an act entitled "An act to give indemnity for damages caused by American forces abroad," approved April 18, 1918, and for other purposes; to the Committee on Military Affairs.

By Mr. BAYARD:

A bill (S. 3409) granting the consent of Congress to the Delaware State Highway Department to construct a bridge across the canal near Rehoboth, Del.; to the Committee on Commerce.

By Mr. LODGE:

A bill (S. 3410) to provide for the preservation of the frigate *Constitution;* to the Committee on Naval Affairs.

By Mr. STANLEY:

A bill (S. 3411) to facilitate the marketing of farm products; to the Committee on Finance.

By Mr. TRAMMELL:

A joint resolution (S. J. Res. 132) authorizing the United States Marine Band to attend the celebration of the centennial of the first meeting of the Legislative Council of the Territory of Florida and furnish music for the occasion; to the Committee on Naval Affairs.

OSCAR M. SIMPKINS

Mr. BORAH submitted an amendment intended to be proposed by him to the bill (H. R. 6426) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors, which was ordered to lie on the table and to be printed.

ALVIRA M. STEVENS

Mr. PEPPER submitted an amendment intended to be proposed by him to the bill (H. R. 6941) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, which was ordered to lie on the table and to be printed.

REGULATION OF CHILD LABOR

Mr. DIAL and Mr. BAYARD each submitted an amendment intended to be proposed to the joint resolution (H. J. Res. 184) proposing an amendment to the Constitution of the United States, which were ordered to lie on the table and to be printed.

MIGRATORY-BIRD REFUGES

Mr. ROBINSON submitted an amendment intended to be proposed by him to the bill (S. 2913) for the establishment of migratory-bird refuges to furnish in perpetuity homes for migratory birds, the establishment of public shooting grounds to preserve the American system of free shooting, the provision of funds for establishing such areas, and the furnishing of adequate protection for migratory birds, and for other purposes, which was ordered to lie on the table and to be printed.

TARIFF REDUCTION ON MANUFACTURED PRODUCTS

Mr. STANLEY submitted the following resolution (S. Res. 240), which was referred to the Committee on Finance:

Whereas on account of the depressed condition of agricultural products and the urgent necessity for the marketing of the same at a living profit: Be it

Resolved, That whenever the various marketing associations now organized in the United States, not for profit but for the sale of agricultural products, can not sell such products at home at exceeding the cost of production or at a fair profit and shall export the same in exchange for finished products in foreign markets; that when such cotton, grain, wool, tobacco, or other farm products are thus exchanged by such cooperative-marketing associations in any foreign market for finished products, such as cloth, cutlery, tools or utensils, or other articles necessary or essential to the domestic or industrial life of an agricultural community, and the President of the United States shall have been so advised of the importation of such articles, it is the sense of the Senate that he shall immediately, by proclamation, reduce the duty upon such products by 50 per cent, as provided in the tariff act of 1922, approved September 21, 1922.

HEARINGS BEFORE COMMITTEE ON INDIAN AFFAIRS

Mr. HARRELD submitted the following resolution (S. Res. 241), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That Senate Resolution 112, agreed to January 7, 1924, authorizing the Committee on Indian Affairs or any subcommittee thereof during the Sixty-eighth Congress to hold and report hearings upon any subject which may come before said committee, be, and hereby is, amended to enable said committee or any subcommittee thereof to hold such hearings at such times and places as may be considered necessary by the committee or its subcommittee, the expenses incident thereto to be paid out of the contingent fund of the Senate.

PARK AND PLAYGROUND SYSTEM OF THE NATIONAL CAPITAL

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill from the Senate (S. 112) providing for a comprehensive development of the park and playground system of the National Capital, which were, on page 2, lines 3 and 4, to strike out "Public Buildings and Grounds" and to insert "the District of Columbia"; on page 3, lines 23 and 24, to strike out "to be available until used"; on page 3, line 24, after the word "commission," to insert "for the payment of its expenses and"; and, on page 4, to strike out all after "appropriations," in line 4, down to and including "District," in line 8, and to insert "The funds so appropriated."

Mr. BALL. I move that the Senate concur in the House amendments.

The motion was agreed to.

PRESIDENTIAL APPROVAL

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on May 28, 1924, the President approved and signed the act (S. 589) for the relief of James Moran.

AGRICULTURAL DEPARTMENT APPROPRIATIONS (S. DOC. NO. 123)

Mr. McNARY submitted the following report, which was ordered to lie on the table and to be printed:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7220) making appropriations for the Department of Agriculture

for the fiscal year ending June 30, 1925, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 13, 17, 18, 19, 21, 26, 28, 30, 33, 36, and 42.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 8, 9, 14, 20, 23, 24, 29, 35, 38, 39, and 43, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "$573,000: *Provided*, That of this sum $30,000 may be used for the purchase and distribution of blackleg vaccine at cost"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$91,115"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$185,450"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$50,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$85,602"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,098,004"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,687,924"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,280,606"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,781,489"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "$231,920"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,111,305"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,065,848"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$786,150"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$892,490"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "and for investigation of the economic costs of retail marketing of meat and meat products, $549,628"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,288,001"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,325,864"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$800,000"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "$452,540: *Provided*, That the Secretary of Agriculture may require reasonable bonds from every market agency and dealer under such rules and regulations as he may prescribe, to secure the performance of their obligations, and whenever, after due notice and hearing, the Secretary finds any registrant is insolvent or has violated any provision of said act, he may issue an order suspending such registrant for a reasonable specified period. Such order of suspension shall take effect within not less than five days, unless suspended or modified or set aside by the Secretary of Agriculture or a court of competent jurisdiction"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,000,000"; and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,000,000"; and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$58,575,274"; and the Senate agree to the same.

CHAS. L. MCNARY,
W. L. JONES,
ARTHUR CAPPER,
E. D. SMITH,
WM. J. HARRIS,
Managers on the part of the Senate.

MARTIN B. MADDEN,
WALTER W. MAGEE,
EDWARD H. WASON,
J. P. BUCHANAN,
GORDON LEE,
Managers on the part of the House.

PROTECTION OF ALASKAN FISHERIES

Mr. JONES of Washington. Mr. President, I do not want to delay the District of Columbia appropriation bill, the unfinished business now before the Senate, but the bill (H. R. 8143) for the protection of the fisheries of Alaska, and for other purposes, is in a shape to be passed except that the junior Senator from Utah [Mr. KING] desires to discuss for a little while a matter in connection with it. The fishing season is almost on in Alaska and the people there ought to know what we are going to do. I do not think it will materially delay the District appropriation bill, in charge of the Senator from Colorado [Mr. PHIPPS]. I ask if he will not consent to lay aside that bill temporarily and let us take up the Alaskan fisheries bill? I think probably half or three-quarters of an hour will be sufficient to dispose of it.

Mr. PHIPPS. I have no objection to that course of procedure. I am willing to lay aside temporarily the District appropriation bill for that purpose.

The PRESIDENT pro tempore. Is there objection? The Chair hears none. The District of Columbia appropriation bill, the unfinished business, is temporarily laid aside, and the Chair lays before the Senate House bill 8143.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8143) for the protection of the fisheries of Alaska, and for other purposes.

The PRESIDENT pro tempore. The bill was considered on May 26 and amended. It is open to further amendment.

Mr. KING. Mr. President, I would not have trespassed upon the time of the Senate to discuss the bill before us, except for the misleading statements and unfounded criticisms of the Secretary of Commerce, Mr. Hoover, with respect to myself, and because the bill reported by the Senate Committee on Commerce contains an amendment to the bill as it passed the House, which I think will nullify some of its meritorious features.

Judging from statements recently furnished the press by Mr. Hoover one would be led to believe that the Secretary of Commerce was the foe of monopoly and was the one person manifesting solicitude for the preservation of the fisheries of Alaska. The conduct of this department under his administration has not furnished convincing proof that either Mr. Hoover or the officials dealing with the Alaskan fisheries were much concerned in preventing the destruction of these fisheries. Indeed, many residents of Alaska, as well as many American citizens who have visited Alaska, and who have studied the question under consideration, have been forced to the conclusion that the policy of the Department of Commerce during the past three years in dealing with the fisheries of Alaska has been in the interests of certain large canning corporations, so integrated as to constitute a monopoly; and that such policy, if followed for a few years more, will result in the practical destruction of the salmon fisheries along the entire Alaskan coast from British America to the Aleutian Islands.

Many streams and districts which formerly had enormous quantities of fish are now depleted. This has aroused public sentiment, and some American newspapers have been criticizing the governmental policy which has resulted in the destruction of this great source of wealth in so many waters of the Alaskan coast. These criticisms, as well as the denunciation of the department's policy by persons who have investigated the subject, have evidently had their effect, and we now find the Secretary of Commerce, and perhaps some of the officials of his department, supporting a measure which will give some relief, and if properly executed tend to prevent the destruction of more of the fisheries along the Alaskan coast.

I confess that it is somewhat amusing to witness the newfound zeal exhibited by the Secretary of Commerce for the inauguration of a fish conservation policy. Appeals which have been made by the people of Alaska and by public-spirited and patriotic citizens against the policy of the Secretary of Commerce found no response. And it is only since Congress has been in session and investigations have been demanded that there seems to have been an awakening upon the part of officials in the Department of Commerce to the perils which beset the great industry under consideration and secured its support of a measure, not comprehensive and drastic as it should be but possessing some meritorious features which, as I have stated, will afford some protection to the salmon industry if the provisions of the bill shall be honestly and rigidly enforced. I shall call attention later in my remarks to the provisions of the bill and some of its weaknesses as well as its valuable provisions.

Mr. Hoover in one of his statements attacks what he calls "the Hearst press," Hon. DAN SUTHERLAND, Delegate from Alaska, and myself. His attacks upon the Hearst newspapers, I presume, grow out of the fact that they have devoted considerable attention to the vanishing salmon fisheries and to the unwise policies which have been adopted and are now being followed by the Department of Commerce in dealing with this matter. Mr. SUTHERLAND is subjected to a fierce assault at the hands of Mr. Hoover because he has exposed what he believed to be evils in the administration of the Bureau of Fisheries. Why the distinguished Secretary of Commerce has leveled his guns upon me I am somewhat at a loss to know, except that I offered a resolution on the 11th of December last asking for the appointment of a special committee to investigate and report the facts relative to the creation and administration of the various fish reserves in Alaska and to investigate and report the facts relative to any monopolization of the fisheries industry or of preparing fish for the market in said territory. The resolution also called for the ascertainment of further facts. I shall later in my remarks invite attention to the resolution and shall ask permission to have it inserted in the RECORD.

I have before me the Washington Star of the date of May 1, 1924, which contains a statement of Mr. Hoover's, which, in part, is as follows:

"The test of the character of the renewed attacks to-day upon the Alaskan salmon fisheries conservation by the Hearst press, quoting Senator KING and Delegate SUTHERLAND, is very simple and very direct," said Mr. Hoover's statement. "Does the Hearst press or do these gentlemen favor the conservation bill reported unanimously out of the House Committee on Merchant Marine and Fisheries after weeks of investigation and reported unanimously out of the Senate Committee on Commerce after personal investigation on the ground by members of that committee?"

I submit the facts show that Mr. Hoover is trying to develop a smoke screen behind which his department may take refuge. Mr. Hoover knew when he gave out this statement and when he gave out other statements that Mr. SUTHERLAND was persistent and militant in his efforts to secure legislation for the protection of the Alaskan fisheries and to take from Mr. Hoover and his department the power to perpetuate a monopoly controlled by certain canning interests in the Northwest. He knew that the same purpose actuated various newspapers, and that they were attempting to present to the public the facts with respect to this monopoly and the imminent destruction of the salmon fisheries along the Alaskan coast.

Of course I do not know what information the Secretary had respecting my own attitude upon this question, although I had, in November last, called his attention to complaints which I had received "regarding the destructive policies adopted by the Government in dealing with the fisheries problem in Alaska." I also called his attention to the fact that I had been informed that many of the best salmon streams had been totally depleted, among them being the Frazier and Copper Rivers. I quoted from a letter which I had received from an engineer of standing and ability, who was familiar with the fisheries of Alaska, having resided in that Territory for a number of years. Two of the paragraphs quoted are as follows:

The traps destroy all of the salmon caught, whereas only a few of them, the red fish, for example, are used.

The reservation system is not effective as a conservation measure, and seems un-American and unjust. It prohibits the small fisherman from fishing within the reservations, at the same time permitting the trap, an instrument of destruction, to continue its awful work. No privileged few should be permitted to catch to the exclusion of all others not intrusted with the preservation of so valuable a food supply as the Alaska salmon.

In my letter I stated that I had not brought the matter to the attention of the Senate during the preceding session, hoping that something would be done to remedy the evils of which complaint was made; and in conclusion I expressed the desire to be advised as to whether the Government intended to adhere to its policy in dealing with the Alaska fisheries matter. My letter clearly indicated my disapproval of the policy of the Department of Commerce, and particularly for the reason that such policy was in the interest of a monopoly and would further deplete the streams of their fish supply.

Repeatedly since December I have attempted to secure legislation for the conservation of the salmon and other fish in Alaskan waters and to break up the canning monopoly which has fastened itself upon the fish industry of the Northwest. I made frequent appeals to the chairman of the committee and members of the committee for action upon my resolution, believing that an investigation would reveal such facts as would result in imperatively needed legislation.

After the Committee on Commerce had reported the bill now before us I asked the chairman of the committee, Mr. JONES, on the 25th of April of this year, what disposition would be made of the bill passed by the House. And when he replied that the Committee on Commerce had reported the bill, I stated that I was glad to learn of that fact. I also stated that I had examined the bill which had passed the House and was afraid that the Committee on Commerce of the Senate would bury it. In view of the fact I stated on the floor of the Senate on the 25th of April that I had prepared a resolution, which I then read to the Senate. The resolution is as follows:

Whereas the Secretary of Commerce, without authority of law, has suspended the fishery laws relating to Alaska, and has granted exclusive fishery rights to favored packing corporations, and has denied to American citizens the common right of fishery as established by the law of the land and recognized by the courts of the United States; and

Whereas the Committee on the Merchant Marine and Fisheries of the House of Representatives of the United States has investigated the administration of the Alaskan fisheries and has recommended

unanimously that the practice of granting exclusive fishing rights in Alaskan waters should cease: Now, therefore, be it

Resolved, That it is the sense of the Senate of the United States that all orders and regulations granting exclusive fishing rights to packing corporations or others in Alaskan waters should be immediately rescinded and abrogated.

Senators will perceive that I challenged attention to the granting of exclusive fishing rights and declared that it was the sense of the Senate that all orders and regulations granting exclusive fishing rights to packing corporations or others in Alaskan waters should be immediately rescinded and abrogated. Mr. Hoover knew when he gave out the statement appearing in the Star, and which I have just referred to, that I was giving what support I could to the Delegate from Alaska in his efforts to secure legislation which would destroy the monopoly which the Department of Commerce had aided in building up, and to preserve the salmon industry from destruction.

And yet he continues in the statement from which I have quoted as follows:

> This publicity campaign can have no other purpose than to aid in the defeat of the bill, for there has not been a word in these statements favoring the measure itself. In these days of credulity the smooth and artful way to destroy legislation that interferes with some people's private interests is not to oppose the measure on merit, but to slander the men who have the responsibility of protecting interests.

Mr. Hoover knew when he gave out this statement that there was no campaign to defeat the bill unless it was being conducted by his department or by the canning monopoly. He knew that Mr. SUTHERLAND and various newspapers were earnestly seeking to secure just and proper legislation, and that I was doing what little I could to accomplish the same result. It would seem that his statement was an appeal to the "credulity" of the people in a "smooth and artful way." He knew that Mr. SUTHERLAND had not only favored remedial legislation in the House but had attempted to make the bill stronger than it was. And he knew that an important amendment strengthening the bill and which Mr. SUTHERLAND had aided in having adopted in the House was stricken out by the Senate committee. And the Secretary of Commerce knows that his department was favorable to this important provision being eliminated from the bill, and must know that its elimination weakened the bill.

I could with propriety retort that if there is any slander relating to this matter it must be laid at the door of the Secretary of Commerce. Much could be said upon the subject but I forbear, because the conduct of the Department of Commerce and the Secretary furnishes conclusive evidence to the American people as to who have been the friends of monopolists and the enemies of a policy to preserve the salmon fisheries in American waters.

Mr. President, it is known that Mr. Hoover induced President Harding to create certain salmon reservations, notwithstanding the fact that efforts in prior administrations to establish such reservations were unavailing. Judge Wickersham, who is a Republican and who represented Alaska in the House for a number of terms, stated:

> Congress persistently refused for several years to do this extraordinary thing, but it is now being done, in spite of Congress, under Executive authority. It results in a complete monopoly of the great fisheries of Alaska in the hands of a few foreign corporations, to the great harm of Alaska and to the destruction of our settled fishing population.

He also, in his letter to Delegate Sutherland under date of January 27, 1923, stated:

> We are very much interested out here in the present effort of the Secretary of Commerce and the Bureau of Fisheries to put the worst features of the old Alexander bill into force in the territory through the power of the President to make reservations.

Senators will recall that the so-called Alexander bill was defeated largely because it provided for the exclusive rights to the fisheries of Alaska. It is worthy of note that Congress, as Judge Wickersham states, had refused to create reservations or to confer upon the President or the Department of Commerce such power. Notwithstanding this consistent and undeviating policy, Mr. Hoover conceived the idea of establishing reservations by Executive order without law or authority from Congress. What the effect of his plan was is indicated by Judge Wickersham. It resulted in—

> A complete monopoly of the great fisheries of Alaska in the hands of a few foreign corporations.

Mr. FESS. Mr. President, will the Senator from Utah yield?

Mr. KING. Yes.

Mr. FESS. I understand that there are at least 400 companies of fishermen operating in Alaska. How is that a monopoly?

Mr. KING. Mr. President, I stated that the establishment of these reservations and the permits granted to canneries aided in establishing a monopoly. That is the view of Judge Wickersham and others who have made an investigation of the subject.

Mr. FESS. Mr. President, will the Senator from Utah yield further?

Mr. KING. Yes.

Mr. ROBINSON. May I interrupt the Senator?

Mr. KING. Yes.

Mr. ROBINSON. Mr. President, I do not think there is any question about what the Senator from Utah [Mr. KING] has stated. The Secretary of Commerce himself, I think, feels that that is so. The effect of these contracts has been to create monopolies and, in certain areas, to shut out from their usual vocation hundreds of fishermen who make their living by fishing.

Mr. FESS. But is there any privilege granted to what is styled a monopoly that was not granted before Mr. Hoover became Secretary of Commerce?

Mr. ROBINSON. I think perhaps the Senator from Utah [Mr. KING] himself would want to answer that question; but I myself have no information that the practice of granting exclusive rights to fish originated prior to the time of Mr. Hoover. I think he originated that practice in an effort to control the fisheries and to protect the supply.

Mr. KING. May I say to the Senator from Ohio that I am advised that Mr. Hoover has recently declared that this bill, if passed, will break up the monopoly?

Mr. FESS. I think the Senator from Utah did not catch my question and I want the Senator to answer it. Is there any company that he denominates a monopoly which was not operating in Alaska before Mr. Hoover became Secretary of Commerce?

Mr. KING. I did not say that any one company is a monopoly. There are some large canning companies which, as I have heretofore stated, are so integrated and joined together that they constitute a monopoly. They handle and dispose of most of the fish caught in Alaskan waters. A majority of the few individuals who are allowed permits are brought within the zone of their operations and find no market for their "catch" except through these large canning corporations. There are a number of individuals—Indians and small fishermen—who get permits to fish, and there are various persons connected with or related to the canning corporations who likewise get permits, but they are, in fact, "appendages,"—if I may use this expression—of the corporations themselves.

I do not know what corporations were operating prior to Mr. Hoover's entering the Department of Commerce. Undoubtedly some of those now operating were in existence prior to 1901, but they were not so powerful then as at present, nor did they have the exclusive rights or privileges referred to by Judge Wickersham, which they now enjoy under permits granted by Secretary Hoover.

Mr. ROBINSON. Mr. President, will the Senator from Utah yield to me?

Mr. KING. I yield.

Mr. ROBINSON. The first question of the Senator from Ohio [Mr. FESS] was directed as to the time when the practice of granting exclusive rights to fish in Alaskan waters was inaugurated. My information is that that practice began after Mr. Hoover became Secretary of Commerce; and until Mr. Hoover granted exclusive rights to fish in Alaskan waters that practice had not prevailed anywhere in those waters.

Mr. FESS. Let me ask the Senator from Utah another question.

Mr. KING. Does the Senator from Ohio challenge the statement which has just been made by the Senator from Arkansas [Mr. ROBINSON]?

Mr. FESS. I still am in doubt about that statement; but let me ask the Senator from Utah another question.

Mr. KING. The Senator from Arkansas stated what I understand to be the facts.

Mr. ROBINSON. One of the things that the fishermen in Alaska complained of most was that under the practice of the department which prevailed last season hundreds of men who made their living by fishing had their occupation destroyed by reason of the fact that the Secretary of Commerce had made contracts with concerns which gave them the exclusive right to take fish in certain waters where the common right of fishing had theretofore prevailed.

Mr. FESS. I have understood that there was a greater curtailment of the fishing rights of the larger companies in 1923 as compared with 1922 than there was of the rights of the smaller companies. I think I have the figures to demonstrate that.

Mr. KING. I think the facts are, Mr. President, that in the reservations where exclusive rights have been given the streams have been so denuded that the canning companies could not get as large a catch in 1923 as they obtained in 1922.

Mr. FESS. But does not the Senator agree with me that the purpose of the administration, so far as the fisheries in Alaska are concerned, is to conserve the fish; and if there is any privilege denied it is in order to prevent the decrease of the salmon supply?

Mr. KING. No; I do not agree with the Senator.

Mr. FESS. That is my impression.

Mr. KING. I think, Mr. President, that Mr. Hoover's policy has fostered monopolies and has been disadvantageous to the best interests of the people. In my opinion, the Executive order creating these reservations was illegal, and the granting of exclusive privileges to fish within these reservations was not only unfair and unjust, but was likewise illegal. It permitted the growth of monopolies and was a discrimination against those denied fishing permits. Protests were made by the Legislature of Alaska as well as by the residents of that Territory, and the policy of Mr. Hoover was denounced as a violation of the rights of American citizens and calculated to promote the interests of the large canning corporations which, if not individually, at least collectively, constitute a monopoly. In the face of these protests and the charges that the action of the President in creating reservations was illegal and that the granting of certain exclusive privileges was unjust and promotive of monopoly, the Department of Commerce in November last issued permits to the same corporations to continue their fishing operations within the reservations so created.

On page 7 of the Pacific Fisherman, a publication issued at Seattle, Wash., being the December, 1923, number, a list of corporations to which permits were granted appear, and in the November number of the same publication, on page 15, under the head of "Alaska fish permits issued," it will be observed that some of these corporations to which I have referred were named as permittees.

Mr. FESS. Will the Senator from Utah yield?

Mr. KING. I yield.

Mr. FESS. Mr. President, the Senator complains that the Secretary of Commerce has not discontinued the rights of fishing to those companies that have been fishing there for years, and because he has not done so therefore he is granting exclusive privileges. I do not get the angle of the Senator as to that. He is complaining about the Secretary's refusal to allow these companies to go on. It strikes me that that is not a fair complaint against the Secretary.

On the question of reserves—those reserves were created after the recommendation of Commissioner Smith, who was on the ground and understood the destruction of the salmon, and that seemed to be the only way, without legislation, to take care of the salmon, the supply of which is rapidly declining.

Mr. KING. I would prefer the Senator would make his speech in his own time and defend Mr. Hoover and the administration of the Bureau of Fisheries not in my time. I think they need defense.

Mr. FESS. I beg pardon of the Senator. I will do that.

Mr. KING. I did not concede that these corporations have been fishing there for years; nor do I admit that they had the same rights and privileges now enjoyed prior to the administration of Mr. Hoover. My understanding is that a few corporations for several years have been engaged in salmon fishing in Alaskan waters and had canning establishments in which fish caught by them, as well as by many persons whose operations were unimportant, were processed and made ready for market, but that these corporations had no exclusive privileges.

There were no "reserves" marked off by Executive order from which all were excluded unless they obtained permits from the Department of Commerce. My particular complaint is not that the Department of Commerce has not discontinued the rights of fishing which these companies may have had prior to 1920, but rather that this department has had fishing reserves created and has made them in many instances exclusively available to large corporations which practically control the canning industry in the Northwest. I might add, however, that these corporations have become so powerful and are so much of a monopoly as to have challenged the attention of the Secretary of Commerce. Notwithstanding that fact he has granted them exclusive permits instead of denying them permits or reducing their catch to limits far below those allowed in the permits granted. My complaint is against the policy of marking off reservations and granting exclusive permits to corporations and a few individuals, most of whom were employees or attachés of the corporations which have been fostering monopolies or were dependent upon them for a market for their "catch," and the adoption of a course which I regard as at variance with the traditions of this Republic and inimical to the interests of the people.

Mr. President, I was commenting upon the fact that the order of the President in creating these reservations was, in my opinion, without authority of law. I believe that it was as invalid as was the order of President Harding when he sought to transfer from the Navy Department to the Interior Department certain naval oil reserves.

Mr. FESS. That is a question to be adjudicated.

Mr. KING. The Senator from Ohio has been a teacher. He is regarded as a scholar and a man of learning. I hope he will forgive me if I express a lack of confidence in his legal ability and his judgment upon legal questions. Upon educational and scholastic matters, because of his erudition, I might be inclined to follow him, but I respectfully submit that I would not care to sit at his feet as a modern Gamaliel when great constitutional questions or legal principles were to be determined or elucidated.

Mr. FESS. I hope the Senator's opinion will not be the same of the court which will hand down a decision later on.

Mr. KING. Mr. President, I confess, as many lawyers are compelled to confess, that the decisions of the courts are not always satisfactory—and it might be added that the views of lawyers are not always satisfactory to the courts. However, under the best system of government the world has ever seen we have made the judiciary a coordinate branch of the Government. The judicial department is a vital feature of our republican form of government. It should not be weakened, and it must not be destroyed.

But, to return after the diversion resulting from the interruption of Senators, I am gratified to know that Secretary Hoover has finally come to support the bill which is now before the Senate. I regret that he has not used his influence with the Senate Committee on Commerce to have retained in the bill certain provisions which were included within it when it passed the House. The House bill contained the following provision:

> It shall be unlawful to drive, construct, set, or fish, with any fixed or floating trap, weir, or pound net, or fish with purse seines in any bay, inlet, or estuary in Alaska, the width of which at its entrance is 3 miles or less, or within any channel or passage connecting larger bodies of water where the width of said channel or passage is 3 miles or less, or within 1 mile of the entrance to any bay, inlet, or estuary which is 2 miles or less in width at its entrance, or within 1 mile of the mouth of any stream into which salmon are accustomed to run.

It was stricken out by the Senate committee and, as I understand, the committee's action has been agreed to by the Senate. At the conclusion of my remarks I may ask the Senate to reconsider the vote by which this provision was stricken from the bill. In my opinion, the bill has been weakened and provisions to conserve the fish supply emasculated. At least, the provision prohibiting the use of traps should be restored. It is in the interest of conserving the salmon fisheries of the Pacific. If I had time, I think I could convince the Senate of the importance of preventing the use of traps and certain other devices which are being employed in catching fish.

Mr. SMITH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from South Carolina.

Mr. KING. I yield.

Mr. SMITH. In order to follow the Senator clearly, do I understand that the Secretary of Commerce obtained a permit to set aside territory for the preservation of salmon?

Mr. KING. I referred to the action of the President in transferring from the Secretary of the Navy to the Secretary of the Interior certain oil reserves, and stated that, in my opinion, such action was illegal. I also stated that the Secretary of Commerce had procured from the President of the United States an order creating certain fish or salmon reservations, from which all persons or corporations were excluded and denied any fishing rights unless permits were granted by certain officials in the Department of Commerce. These officials have assumed to deny permits to many fishermen and have granted permits to the large corporations engaged in the fish industry and to a few small concerns and to a limited number of persons.

Mr. SMITH. Those reserves, set aside by the authority of the President through the Department of Commerce, were for the purpose of preserving the salmon on the Alaskan coast;

and within those reservations the Senator now states that Secretary Hoover has permitted certain individuals to monopolize the fishing rights, to the exclusion of the public?

Mr. KING. Yes. That is, a few large corporations practically control these reservations. The public may not fish within them. A few persons, however, mostly connected with or dependent upon the canning companies, have been granted permits to fish within these reserves.

Mr. SMITH. Is there evidence to the effect that application was made by others than those representing the monopoly to which the Senator refers?

Mr. KING. That is my information.

Mr. SMITH. That they were denied the privilege of entering these preserves set aside for the preservation of the fish, and that the right of fishing there was granted exclusively to these monopolistic concerns?

Mr. KING. To them and to a few small and unimportant concerns, and also a few individuals whose principal market for the fish which they catch is the large canning companies.

Mr. FESS. Mr. President, will the Senator yield there?

Mr. KING. Yes; I will yield, though I am desirous of concluding as soon as possible.

Mr. FESS. I understand that in the last permits granted——

Mr. KING. The Senator means in November of 1923?

Mr. FESS. Yes. I understand that there were greater reductions on the large corporations than on the smaller fishermen—a greater per cent—so that the suggestion of the chairman of the Committee on Interstate Commerce, I think, is misleading.

Mr. KING. I think the Senator from South Carolina made an inquiry. If there is anything that is misleading, the Senator must lay the fault at my door.

Mr. SMITH. If the Senator from Utah will allow me, I wanted to follow him intelligently, and I had to get the premise from which he was arguing; and it was to the effect that through the Interior Department the President had allowed certain reservations to be set aside for the protection of the fish, and in these reservations the Secretary of Commerce had granted exclusive rights to certain monopolistic concerns to the exclusion of others.

Mr. FESS. I think that is a mistake.

Mr. SMITH. I asked for that information.

Mr. KING. I think that is the fact, with the qualifications which I have just stated.

Mr. FESS. I think I have figures to show that that is not true.

Mr. KING. The Senator calls attention to the fact that these large operating companies, under the permits which have recently been given them, do not have the same rights that they had under former permits. Of course, the reasons for the limitations are found in the constant protests of the people of Alaska as well as other American citizens against the policy of the Department of Commerce which has denuded the streams of their fish and aided the monopoly enjoyed by the big canning and packing interests. The department, too, was made aware of the fact that within a few years these big companies, with their traps and wheels and various devices to obtain fish, would leave Alaskan waters without any salmon, thus destroying the fishing industry in Alaska waters as it has been destroyed in most of the streams and waters of Oregon and Washington.

It is the packing corporations—and they have a community of interest which amounts to a monopoly—which have depleted the Alaskan fisheries and destroyed the fisheries on many of the Alaskan streams. It is a cardinal fact in regard to the salmon fisheries that the salmon only returns to the stream in which it was spawned, and this return is after an interval of from two to five years. This periodic return of the salmon to spawn and to die makes the annual run of fish in the salmon streams. It is these greedy packing companies that have fished some of the streams clean year after year, until the particular schools of salmon related to that stream have been exterminated, and there are no more salmon to return.

In 1906 Congress passed an act which was designed to keep the packing companies out of the mouths and estuaries of the salmon streams, so as to permit the spawners to return and reproduce themselves. But this law was not enforced, or violations were merely followed by a nominal fine, and the evil, with its irreparable results, continued. Undoubtedly the strict enforcement of the law of 1906 would have prevented the great havoc which has been wrought in the salmon fisheries of Alaska. Many streams which have been depleted would still have an abundant supply of fish. Prior administrations are subject to censure because of their failure to strictly enforce the law, and to anticipate that with the aggressive character of the big packers the time would come when the fish supply in Alaskan waters would be exhausted.

I am not attempting to justify the course of former administrations nor to lay all the blame for the serious condition of our Pacific fisheries at the door of the present Republican administration.

It is a fact, however, that the Department of Commerce, when Mr. Hoover came to power, was fully advised that the salmon industry was threatened, and that unless drastic steps were taken it would soon be annihilated. With full knowledge of this fact, the new Secretary, when he obtained reservations, gave the big canners and packers almost complete control of these reservations instead of reducing to a minimum the right to fish therein. These corporations were permitted the right to obtain large catches and thus further deplete the fish supply.

Packing companies last year, when an attempt was made to enforce the provisions of the law, moved out into the shoal water along the coast, but kept within 500 yards of the mouth of the streams. The salmon proceed, when the run is on, along the coast, each school turning to its own stream when it is encountered. Unrestricted fishing, especially with these modern traps, along the shoal-water coast can be made quite as effective for the destruction of salmon as fishing within the mouths of the streams. The packing companies had merely moved in the last year from the mouths of the streams to the shoal waters on the coast.

Permit me to again refer to the Executive order made in 1922 relating to the waters of western Alaska which were the particular habitat of the red salmon. I submit that these reservations were not for the purpose of conserving the Alaskan fisheries, but they seemed to have been created for the purpose of making them areas in which exclusive privileges to fish should be granted to packing corporations, at the same time American citizens, including natives of Alaska, who desired to exercise their ancient right to fish in public waters, were denied the required permits. Among the corporations which were granted these exclusive fishing rights within the so-called reservations were the Alaskan Packers' Association, Libbey, McNeill & Libbey, and Booth & Co. These three packing corporations in 1923 captured within the Bristol Bay area alone over 12,000,000 salmon, while six other small packers, who were also admitted to the reserve, took 3,034,000 salmon. These big packers took 80 per cent of the catch in 1923; and over half of the total fish caught, or 8,906,729, were taken by the Alaskan Packers' Association.

In 1923 the Department of Commerce for the Cook Inlet section of the reservation pretended to fix the pack limit to be allowed these packing companies. The packers took all the fish they could, and then only got about 40 per cent of the restricted quantity which had been prescribed by the Department of Commerce as a measure for the "preservation" of the salmon fisheries within the Cook Inlet section. This is typical of the regulations for pack limits fixed by the Department of Commerce for the preservation of the Alaskan salmon fisheries.

Mr. Hoover now admits that the Alaskan fisheries are in imminent danger of permanent destruction. He would have us believe that he has always been in favor of fish conservation in Alaska. The only measures which have been taken by the Department of Commerce for this purpose are the creation of these reserves within which packing corporations and their agents, or a few persons dependent upon them for a market, are given exclusive privileges, and where their destruction of the salmon fisheries is proceeding quite as effectively as of yore. The fact is that these fishing reservations in Alaska are reservations of the packing companies. The facts warrant the conclusion that the reservations were created for and by the packers, and that the regulations were drawn for and by the packers.

The real mind of the Department of Commerce as it relates to the preservation of Alaskan fisheries was disclosed in the bill which the department brought in—H. R. 2714—on December 6 last. This bill was also introduced in the Senate on the same day. The bill was merely designed to confirm the reservation scheme which had been put into effect without express authority of law. It was merely to give legality to the packers' plan for the conservation of the Alaskan fisheries.

Mr. President, if we are to judge what the attitude of the Department of Commerce was upon the question before us, we might discover it in these bills. What is known as the White bill—H. R. 2714—was offered in the House early in December, and the Jones bill—S. 486—was introduced in the Senate by the chairman of the Committee on Commerce December 6, 1923. The phraseology of these bills is the same. The language of the bills is as follows:

A bill to provide for the conservation and protection of fish in Alaskan waters, and for other purposes

Be it enacted, etc., That for the purpose of protecting and conserving the fisheries of the United States in Alaskan waters until such time as Congress shall enact general legislation applicable thereto, the President of the United States may from time to time set apart and reserve any lakes, rivers, streams, bays, inlets, estuaries, or any other bodies of water within or adjacent to the Territory of Alaska over which the United States has jurisdiction, and may by public proclamation declare the establishment of such reserves and the limits thereof; and from and after the date of such public proclamation it shall be unlawful to fish or to operate any boats, seines, nets, traps, or other gear or apparatus for the purpose of taking fish, within the limits of any such reserve, except to the extent, in the manner, at the time, and under such rules and regulations as the President may from time to time prescribe.

Any person violating any of the provisions of this act shall be punished by a fine of not more than $1,000, or by imprisonment for not more than one year, or both.

I repeat, Mr. President, these bills reflected the views of the Secretary of Commerce and the Bureau of Fisheries when Congress met. Hearings were had in the House upon the House bill. My recollection is that those who appeared as witnesses before the House committee as representatives of the department did not express disapproval of their own child. An examination of this bill reveals that it contains no real conservation features. It seems intended to perpetuate the monopoly enjoyed by the fish packers and to increase the authority of the Secretary of Commerce or, rather, the Department of Commerce to create further reserves and, of course, to grant exclusive rights of fishing therein.

I do not know whether Mr. Hoover and the Department of Commerce ever repudiated this vicious and un-American bill. I do not know whether they have ever abandoned it. The showing before the House committee was such that the committee would not approve the department's measure, and they reported a bill which, with the amendment to which I have above referred, passed the House and is now before us stripped of the amendment just alluded to. The House hearings furnished convincing proof of the unwisdom of the past policy of the department and the evils which would result if the so-called White bill or the so-called Jones bill—S. 486—was enacted into law.

If I were critical, I should say that this bill, which the department wanted, is not a conservation measure, but is a bureaucratic and destructive measure, which, if enacted into law, would have soon brought an end to the salmon fisheries in Alaskan waters. As stated, the House repudiated the measure, and the Senate committee followed the same course with respect to the so-called Jones bill.

Mr. SMITH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from South Carolina?

Mr. KING. I yield.

Mr. SMITH. Is there no law now to prohibit the taking of the salmon during the running or spawning season in certain localities, absolutely forbidding any and all persons from taking? It is almost the universal fixed law throughout the Atlantic Coast States that during the seasonal running of certain fish certain days are set aside when there is a closed season, so to speak. Certain days during the week are set aside when fishermen may go in and take, but on the days when they are prohibited no one may do so, and the game warden is empowered to see that the law is rigidly carried out. Under the provisions of the bill the Senator has just read, the President may make such rules and regulations as to lead rather to destruction than to conservation.

Mr. KING. And to confirm a monopoly which has been granted.

Mr. SMITH. It seems to me the Congress ought to pass rigid legislation prohibiting anyone from taking the fish upon which the supply is dependent during certain days and at certain places.

Mr. KING. I agree with the Senator, but the act of 1906, to which I may refer later, contains a provision which, if properly interpreted and strictly enforced by the Department of Commerce, would have prevented the destruction of salmon in many of the streams in the Alaskan fisheries.

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

Mr. KING. I yield.

Mr. FESS. The law of 1906 covered only the waters within 500 yards of the mouth of any river. That is not sufficient protection.

Mr. KING. My position is that if the act of 1906 had been enforced by the Department of Commerce, the canning and packers monopoly would not have existed and the salmon industry would not have been threatened with extinction.

Mr. FESS. That is really why this legislation is necessary.

Mr. KING. Further replying to the Senator from South Carolina [Mr. SMITH] the act of 1906 provides that—

it shall be unlawful to erect or maintain any dam, barricade, fence, trap, or fish wheel or other stationary obstruction, except for purposes of fish culture, in any of the waters of Alaska at any point where the distance from shore to shore is less than 500 feet, or within 500 yards of the mouth of any red salmon stream where the same is less than 500 feet in width with the purpose or result in capturing salmon or in preventing or impeding their ascent to their spawning ground, and the Secretary of Commerce is hereby authorized and directed to have any and all such unlawful obstructions removed or destroyed.

Perhaps I should place in the RECORD at this point sections 4, 5, and 6 of the act of 1906, which will more fully answer to the suggestions of the Senator from South Carolina.

I ask that the same be inserted in the RECORD without reading.

The PRESIDING OFFICER (Mr. LADD in the chair). Without objection, it is so ordered.

The provisions are as follows:

SEC. 4. That it shall be unlawful to lay or set any drift net, seine, set net, pound net, trap, or any other fishing appliance for any purpose except for purposes of fish culture across or above the tidewaters of any creek, stream, river, estuary, or lagoon for a distance greater than one-third the width of such creek, stream, river, estuary, or lagoon, or within 100 yards outside of the mouth of any red-salmon stream where the same is less than 500 feet in width. It shall be unlawful to lay or set any seine or net of any kind within 100 yards of any other seine, net, or other fishing appliance which is being or which has been laid or set in any of the waters of Alaska, or to drive or construct any trap or any other fixed fishing appliance within 600 yards laterally or within 100 yards endwise of any other trap or fixed fishing appliance.

SEC. 5. That it shall be unlawful to fish for, take, or kill any salmon of any species in any manner or by any means except by rod, spear, or gaff in any of the waters of Alaska over which the United States has jurisdiction, except Cook Inlet, the Delta of Copper River, Bering Sea, and the waters tributary thereto from 6 o'clock p. m. of Saturday of each week until 6 o'clock a. m. of the Monday following, or to fish for, or catch, or kill in any manner or by any appliances except by rod, spear, or gaff any salmon in any stream of less than 100 yards in width in Alaska between the hours of 6 o'clock in the evening and 6 o'clock in the morning of the following day of each and every day of the week. Throughout the weekly close season herein prescribed the gate, mouth, or tunnel of all stationary and floating traps shall be closed, and 25 feet of the webbing or net of the "heart" of such traps on each side next to the "pot" shall be lifted or lowered in such manner as to permit the free passage of salmon and other fishes.

SEC. 6. That the Secretary of Commerce may, in his discretion, set aside any streams or lakes as preserves for spawning grounds in which fishing may be limited or entirely prohibited; and when, in his judgment, the results of fishing operations in any stream or off the mouth thereof indicate that the number of salmon taken is larger than the natural production of salmon in such stream he is authorized to establish close seasons or to limit or prohibit fishing entirely for one year or more within such stream or within 500 yards of the mouth thereof, so as to permit salmon to increase: *Provided, however,* That such power shall be exercised only after all persons interested shall be given a hearing, of which due notice must be given by publication; and where the interested parties are known to the department they shall be personally notified by a notice mailed not less than 30 days previous to such hearing. No order made under this section shall be effective before the next calendar year after same is made: *And provided further,* That such limitations and prohibitions shall not apply to those engaged in catching salmon who keep such streams fully stocked with salmon by artificial propagation.

Mr. KING. I repeat, Mr. President, that it would appear that the bills favored by the Department of Commerce, namely, the White bill—H. R. 2714—and the Jones bill—S. 486—were designed to continue present conditions, or rather to give authority to create further fish reserves without restriction upon the department as to the method of dealing with the same, thus confirming its present policy of granting exclusive fishing rights. I might add that the people of Alaska are quite as intent upon the preservation of the fisheries as are the people who do not live in Alaska. They are opposed to the monopolistic packers combine and to the terms of the departmental bill just referred to, and to the present policy of the Department of Commerce.

It has been said that the potential wealth of Alaska lies in its fisheries, not in its coal deposits or its mineral resources. Senators may be surprised to learn that in 1918, 6,000,000 cases of fish were packed, all taken from Alaskan waters, and that

the value of the same exceeded $50,000,000. It would be a most reprehensible thing if Congress were to take no steps to preserve this great industry. It is to be regretted that the bill before us is not full and comprehensive, and that it does not deal with the entire subject in a manner that those familiar with the industry agree is essential, if the subject is handled in a broad, scientific, and comprehensive manner. The measure before us, while it has meritorious provisions, is not, as I have already stated, the last word upon the subject, and it will need to be supplemented by further legislation within the near future. Why the Committee on Commerce of the Senate has not added to the House bill further needed provisions, and why it has eliminated the provision to which I had called attention, has not been satisfactorily explained.

It has been stated that the act of 1906 did not meet the situation. Why did not the Department of Commerce with its knowledge suggest a broad and satisfactory bill instead of the repudiated measure which legalized the illegal establishment of reservations and provided for additional ones within which the same exclusive rights were to be granted?

I accept the bill before us and desire its passage because I can not get a better bill and believe that it will, if properly enforced, prove of some benefit in protecting a decadent industry.

Mr. President, at this point I should like to have read a copy of resolutions adopted by the Society of the Pioneers of Alaska, at Anchorage, November 3, 1923.

The PRESIDENT pro tempore. Without objection, the Secretary will read the resolutions.

The principal clerk read as follows:

RESOLUTION

Be it resolved, That Igloo No. 15, Pioneers of Alaska, disapprove and condemn the fisheries reservations of the Department of Commerce as applied to the Territorial waters of Alaska as arbitrary, un-American, anti-Alaskan, and in violation of Article X of the Constitution of the United States, and in support of this resolution offer the following reasons:

1. The reservations, in principle, repudiate the ancient and inalienable right of fisheries as a common heritage of all the people and establish a protectorate, over the fish, in the department to determine who shall and who shall not fish.

2. The restrictions, which are designed to limit the catch of fish, are not applied primarily to the number of fish permitted to be caught but rather to the particular persons who are permitted to catch them, and the right to determine who these particular persons shall be is reserved to the department, to be determined arbitrarily and without the right of appeal.

3. By granting private rights to particular zones the department has revived an ancient custom long ago abandoned by all the civilized nations of the world—that is, that the fish in the sea can be allotted to individuals before they are caught.

4. That any right of property in fish before they are caught can not be defended on any principle of American or English jurisprudence since Magna Charta was wrested from King John.

5. That no right to the migratory uncaught fish of the sea can be predicated on the ownership of land or property on the shore or on floating equipment on the water.

6. That the method by which the department determines the persons who may be privileged to fish, as well as the number of fish which each may catch, is, of necessity, whimsical, arbitrary, unscientific, dependent on personal prejudice, and subject to gross abuse.

7. That the practical operation of the fishing reserves is to establish in the large packing and canning companies, which have removed the fishing industry from Alaska to Seattle and San Francisco and which take 90 per cent of Alaska's fish, a perpetual and exclusive monopoly, calculated to drive the Alaska fishermen from the Territorial waters.

8. That while the commendable purpose of the fishing reserves is the protection of Alaska's fish, the principle upon which it is founded is so fundamentally inequitable, unjustifiable, and antagonistic to the popular American doctrine of "equal rights to all and special privileges to none" that there is no hope that it will ever be accepted and approved by the people of Alaska.

9. That this Igloo, composed of 300 members, residents of Alaska for more than 18 years, desires to offer constructive and not destructive criticism, and to this end suggests the following principles as best calculated to solve Alaska's fish problem:

First. That all limitations on fishing be directed toward a restriction of the catch rather than to the persons who may make the catch; and that the free right of fisheries be restored to Alaska waters.

Second. That the simplest and easiest way to restrict the catch is to place time limitations on the fishing periods.

To place restrictions on the kind and amount of gear to be used, with special attention given to the traps.

Third. That no general regulations can successfully be applied to all the Territorial waters of Alaska; but that each particular fishing district must have consideration given to its own peculiar conditions, which are very different in different parts of the Territory.

Fourth. That theories evolved without experience in Washington, D. C., are of little value in Alaska.

Fifth. That a careful and unprejudiced inquiry be directed into the question as to whether a complete separation of the packing from the fishing branches of the industry would not result in the conservation of the fish, as well as building up a fishing population in the Territory.

Sixth. Failing in all these, that the question be considered of the propriety of turning over Alaska fish to Alaska, whose people may, with some reason, be supposed to know more about the fish problem and to have a greater interest in the conservation of Alaska fish than the people of the United States.

Unanimously adopted at the regular meeting of Igloo No. 15, Pioneers of Alaska, in Anchorage, November 3, 1923.

HENRY SOGN, *President*.

Attest:

[SEAL.]

C. R. BOOTH, *Secretary*.

Mr. FESS. Mr. President, will the Senator yield again?

Mr. KING. I yield.

Mr. FESS. Does the Senator indorse the recommendation of that resolution to turn the fisheries over to the people of Alaska?

Mr. KING. The suggestion referred to is made only as a dernier ressort. If Congress will not do something to preserve the industry, then the residents of Alaska suggest that they have an opportunity to deal with the matter. I would rather turn over to the people of Alaska the control of the fisheries than to have them controlled by the Department of Commerce, if it pursues in the future the same course which it has pursued in the past. The people of Alaska are more interested in the preservation of this great industry than is the Department of Commerce and its officials, if we are to judge of that interest by their past record. I have great respect for the people of Alaska, for their courage and for those fine qualities which have sustained them in their struggles against an inhospitable climate and the vicissitudes encountered in that far-off land. They have carried our flag into the frozen regions of the north and maintained the institutions common to our civilization and found under our form of government. They have contributed not only to the wealth of the United States but they have put into the arteries of trade and commerce, which vitalize the industries of the world, millions of gold and other precious metals. They have added to the reservoir of the world's wealth.

The Senator's question would imply criticism of the Alaskan people.

Mr. FESS. Will the Senator yield?

Mr. KING. I have known many of the people of Alaska. They have proven themselves to be fine, upstanding, patriotic American citizens, competent to deal with big questions in a big and American way. I now yield to the Senator.

Mr. FESS. I listened to the reading of the resolution very carefully. The complaint of those people is against conservation of the fish. They want free privilege to enter the fishing industry there. Our purpose is to conserve, and the whole resolution is against the Secretary of Commerce because of his policy of conservation.

Mr. KING. Mr. President, I do not agree with the Senator. The people of Alaska have become exasperated because of the nonenforcement of the act of 1906 and the illegal reservation policy which has been supported by the packers' monopoly and which was inaugurated by Mr. Hoover. They see their streams being denuded of fish and this great industry being destroyed. If the control of the fisheries had been committed to the Territory of Alaska, it would have adopted measures sound and rational which would have conserved the salmon industry and operated justly and fairly toward all persons engaged in the fishing industry. Perhaps the resolution goes too far, but it is a condemnation of a policy the evils of which they have suffered from and which if continued will drive thousands of residents of Alaska from the Territory.

Mr. REED of Missouri. Will the Senator from Utah permit me to ask a question?

Mr. KING. I yield to the Senator.

Mr. REED of Missouri. If the resolution is an attack upon the Secretary of Commerce, or the manner in which he has conducted this business, why is it proposed now to put the whole of the business into his hands?

Mr. FESS. Because it belongs there.

Mr. REED of Missouri. Why?

Mr. FESS. Because we are responsible for what is done in Alaska.

Mr. REED of Missouri. Why should the Senator propose putting it into the hands of the Department of Commerce——

Mr. FESS. There is no other place to put it.

Mr. REED of Missouri. When he stands here admitting that the Secretary of Commerce has arbitrarily, without any real authority, assumed to do wrongful acts, which the Senator now criticizes?

Mr. FESS. I do not admit that he is doing an illegal act or that it is wrong.

Mr. REED of Missouri. But the Senator said this whole resolution was aimed at his misconduct.

Mr. FESS. No; at his conduct in conserving the fish.

Mr. REED of Missouri. It is aimed at his conduct. Then does the Senator approve his conduct, or disapprove it?

Mr. FESS. I approve of his conduct in the conservation of the fish in Alaska.

Mr. REED of Missouri. And granting a monopoly to a few gentlemen?

Mr. FESS. He has not done that.

Mr. REED of Missouri. That is my information.

Mr. FESS. The Senator's information is not accurate. I have the figures here.

Mr. KING. Mr. President——

Mr. REED of Missouri. May I pursue that thought just a moment?

Mr. KING. I yield to the Senator.

Mr. REED of Missouri. Is it not true that the Secretary gave the privilege of taking fish to two or three companies?

Mr. FESS. He gave the privilege to 400.

Mr. REED of Missouri. How many took it?

Mr. FESS. That number. I have the figures, and I shall put them into the RECORD.

Mr. REED of Missouri. I shall be glad to see them, because my understanding is that he turned this industry over largely to two or three companies.

Mr. FESS. I know the Senator will be glad to get these facts.

Mr. REED of Missouri. There has been bitter complaint about it. I understood the Senator from Utah [Mr. KING] to say that this resolution was aimed at the Secretary of Commerce, which I interpreted to mean that it was intended to be in the form and nature of a criticism, or at least of a reformation of his acts.

Mr. FESS. It is intended to be that.

Mr. REED of Missouri. If it is in the nature of a criticism, why is it proposed that the business be put in the hands of the man whose conduct has been such that it is found necessary to criticize him? That gets us back to the question I started with.

Mr. FESS. Because the Government is responsible for the conservation of the fish industry in Alaska, and if the Secretary of Commerce has the administration to conserve, those who are opposing it desiring to go on fishing, with unlimited privileges, we ought to forbid it.

Mr. REED of Missouri. But we do not have to put it in the hands of the Secretary of Commerce. We have a Secretary of the Interior, and if necessary we can pass a general law on conservation.

Mr. FESS. That is what we are going to do in this legislation.

Mr. REED of Missouri. But you put it in the hands of a man who has already abused the powers he has had——

Mr. FESS. I do not agree that they have been abused.

Mr. REED of Missouri. And who, by virtue of his misconduct, and without legal authority, and by the abuse of a power he once had of licensing dealers in grain, fixed the price on farm products in this country, and robbed the farmers of the country of not less than $3,000,000,000, and did it in the interest of the country he belongs to—Great Britain.

Mr. FESS. I am not raising that question about the administration of food control. I know how the Senator feels about that. I may differ from him in that, but I do not know that I do. The question here is the conservation of fish in Alaska, a very important question.

Mr. REED of Missouri. I agree that is true.

Mr. FESS. I think he has taken the right view.

Mr. REED of Missouri. The Senator agrees that he has taken the right view, and yet says he is subject to criticism.

Mr. FESS. Criticism ought never to be taken as always justified. If that were true, the Senator from Missouri would be a very unhappy man.

Mr. REED of Missouri. Undoubtedly, but when I admit that my critics are right.

Mr. FESS. I do not admit that.

Mr. REED of Missouri. But the Senator has admitted it by his statement not two minutes ago in which he said that this was aimed at the Secretary of Commerce and was a criticism of his acts.

Mr. FESS. And those criticisms are unjust.

Mr. REED of Missouri. But the Senator said this is a report which he asked to have adopted and is a criticism.

Mr. FESS. I did not ask to have it adopted.

Mr. REED of Missouri. The Senator said he was criticizing it. I can not follow the Senator. He travels in one direction when I ask him about that, and then says that is not the way he is going, but he is going some other way.

Mr. FESS. The Senator from Missouri does not mean to state that any criticism which might be offered of him or of me or of the Secretary of Commerce is evidence that that is the fact?

Mr. REED of Missouri. Certainly not, but I understood the Senator to say that the conduct of this matter by the Secretary of Commerce had not been proper——

Mr. FESS. Oh, no.

Mr. REED of Missouri. And that he was trying to rectify it by the bill.

Mr. FESS. Certainly the Senator misunderstood me. I never stated it had not been proper. I say it has been proper, and that is the reason why I am on my feet now.

Mr. KING. Mr. President, it is rather remarkable that the Senator from Ohio [Mr. FESS] defends the policy of the Department of Commerce and argues that it has been in the interest of the public, and yet declares that we must have constructive legislation to deal with this matter. As I understand his position, he indorses the illegal establishment of reserves and the exclusive permit privileges granted to a limited number of corporations and individuals. I do not understand that he condemns the bill which the Department of Commerce brought to the attention of the House and Senate in December last, which was not a comprehensive measure and was aimed solely at perpetuating an evil and granting further unrestricted powers to the Department of Commerce.

But I refer to the suggestion made by the Senator [Mr. FESS] concerning the people of Alaska. I repeat they are more interested in the conservation of the Alaskan fisheries than is Mr. Hoover or the able Senator from Ohio or myself. The future of Alaska largely depends upon the preservation of these fisheries. The prosperity of the residents of Alaska are inseparably connected with the preservation of Alaska salmon fisheries. Their interest, it must be confessed, is not solely altruistic; they have a personal, a material, indeed I might say a selfish, interest in preserving the fishing industry. They perceive what has happened to the fisheries in the rivers of Oregon and Washington, and the inevitable destruction of the salmon fisheries in Alaskan waters within the next 10 or 15 years if the Department of Commerce shall continue the same policy which has guided it in the past.

I repeat, I would prefer to trust the people of Alaska to handle this problem than I would trust an unrestrained bureaucracy. However, the responsibility rests upon Congress to deal with this subject. It should approach it without prejudice and having in view only the public welfare. A source of such great wealth must not be destroyed. The food supply of the future must be conserved.

There has been much talk, particularly since Mr. Roosevelt was President, about conserving the natural resources of our country. There has been no little hysteria upon this subject at various times, and fantastic and irrational schemes were often projected. "Pinchotism," as it was called, was responsible for frightful blunders and absurd and reactionary policies. Where the Constitution commits to the Federal Government authority to deal with questions, whether under the interstate commerce clause of the Constitution or under some other grant of power, it must not shirk such responsibility; but in a wise and comprehensive way it must deal with such subjects, keeping in mind the welfare of all the people. But in dealing with questions we must avoid the evils of a deadly paternalism or a despotic bureaucracy. We must avoid the delegation of unrestricted authority to boards and bureaus and Federal agencies. Human nature is much the same in a democracy as in an autocracy. A despotic government may exist under a republic where the executive powers of the government are committed to bureaus and commissions and agencies without proper limitations being imposed upon them.

Many writers who have examined our Constitution and the experiences of the American people under it have been impressed with the stupendous growth of commissions and the almost absolute power exercised by them. It has been remarked that this is not a republic but a commission form of government. In many of our States hundreds of commissions are found, and the personnel of those in the public service is multiplying out of all proportion to the needs of public service

and to the interests of the people. And so in the Federal Government hundreds of commissions and bureaus and Federal agencies and boards are being created, and hundreds of thousands of Federal officials are being sent through the land to execute absurd and oftentimes tyrannical and oppressive rules and regulations and to eat out the substance of the people.

It is becoming more and more the rule when some evil, real or imaginary, is discovered for Congress to create a new commission or a new bureau or some form of executive agency and commit to it, without proper and oftentimes without any restriction, authority to deal with the question and all cognate matters. Rules and regulations are promulgated by the thousands. They are regarded as having the same force as penal statutes, and American citizens are often haled into court and punished for the infraction of some absurd or tyrannical regulation. The assumption is indulged in that wisdom and common sense and a spirit of justice will always guide these executive and Federal organizations and the multitude of officials and employees attached thereto.

We are developing a most exasperating and indeed despotic Federal executive system, and the hysterical and irrational schemes which find legislative and executive sanction are promoted by vociferous and often neurotic individuals who have no conception of our form of government or the limitations to which the Federal Government is subject or the rights which belong to a free people.

But I shall not pursue this subject further, as it may not be germane to the matter under discussion. I only alluded to it because the bill offered by the Department of Commerce—H. R. 2714—was a bureaucratic and unjust bill and because the Senator from Ohio seemed to indorse it as well as the bureaucratic methods which have been followed by the Department of Commerce in its dealing with the fisheries question.

The bill before us is not sufficiently guarded. It gives too much legislative and regulatory power to the department. A most offensive and despotic system may be built up under it and grave injustices be perpetrated; but it is to be hoped that the power to promulgate and enforce rules and regulations conferred by the bill may not be abused, and that reason and common sense may find some place in the administration of the law. Imperfect and incomplete as the bill is—and I hope I shall be pardoned for repetition—I shall support it because of the few valuable provisions found therein.

Mr. President, the Legislature of Alaska memorialized Congress upon this subject. They condemned the creation of fish reserves and indirectly the policy of the Department of Commerce in dealing with the Alaskan fisheries. The memorial reads as follows:

To the President and the Congress of the United States:

Your memorialists, the Senate and House of Representatives of the Legislature of Alaska, respectfully present:

That we deplore the indiscriminate creation of fish reserves in the Territory of Alaska and consider the same not only unjustifiable but inexcusable. We know them to entail numerous evils which are more than a loyal and self-respecting people should be expected to bear uncomplainingly.

We have been taught to believe, and we do believe, that all the law-making power of the Federal Government has been by the Constitution confided to Congress.

The creation of fish reserves in Alaska is for the avowed purpose of suspending the laws enacted by Congress and to substitute others made by a bureau. We regard this as a vicious infraction of the fundamental law of the land.

It is astounding for patriotic citizens of a republic to contemplate that, whenever the executive department is dissatisfied with the laws enacted by the legislative branch of government or with the failure of the latter to amend those laws in such manner as the former may desire, any executive may authorize some officer to substitute arbitrary rules of conduct in place of statutes enacted under constitutional powers.

A government of a reserve is essentially a government by men instead of by law and places the individual fortunes at the mercy of official whim. Irrespective of the good intentions of present officials, the privileges upon a reserve must, in the very nature of things, go to those who maintain the strongest lobby. It can not be presumed that before the Bureau of Fisheries, any more than before a tribunal primarily created to administer justice, a claimant who can neither appear in person nor by counsel can possibly have an even chance with one who is constantly represented by men specially skilled in presenting facts.

The people of Alaska crave that equal opportunity in the pursuit of happiness and that equal protection of the laws vouchsafed by the Constitution which they have been taught to respect.

To remove from the entire fishing population of Alaska all those constitutional and statutory protections for equal opportunities is such a violent departure from sound governmental principles that we can view the new system with only the greatest apprehension and as unnecessary affront to the people of this Territory.

Your memorialists beg to submit that there is no elective official authorized to speak for the people of the Territory of Alaska, except the members of this legislature and the Delegate to Congress from this Territory.

Wherefore, your memorialists respectfully urge that no further fish reserves be created in Alaska, and that those which have already been created be immediately abolished, and that the Territorial Legislature of the Territory of Alaska be granted full power and authority to manage and control its fisheries.

And your memorialists will ever pray.

Passed by the House March 24, 1923.

CASH COLE,
Speaker of the House.

Attest:
E. EARL BLOSSOM,
Chief Clerk of the House.

Passed by the Senate, April 6, 1923.

FORREST J. HUNT,
President of the Senate.
SELMA N. SCOTT,
Secretary of the Senate.

Mr. President, an examination of the hearings before the Committee on Merchant Marine and Fisheries of the House, held between January 31 and February 8 of this year, will confirm my statements as to the injustice of the reservation policy and the discriminatory and unfair, as well as inefficient manner in which the Department of Commerce has administered existing laws and departmental regulations. In a letter from Mr. William L. Paul, representing an Alaskan organization, found in the hearings on pages 72 and 73, reference is made to the White and Jones bills and the unsatisfactory character of the same. The writer says:

There are no people who have a greater right to demand of Congress that its rights be protected than the natives of Alaska. We live on fish and have lived on it as our principal source of food for centuries. To-day we still live on fish; we buy our clothing with fish, support our families with fish, educate our children with fish, and bury our dead from that source.

And yet by the irony of fate we are the one people who have had no consideration given us by Congress or by the President's Cabinet. There are over 10,000 of us on this coast. Laws are being made with but one end in view, to wit, protection of certain special interests that have come into Alaska within the last few years. As these special interests have grown, the welfare of our people has gone downward. We are too poor this year to send a man to Congress, but the special interests will have highly paid agents and skillful lawyers to talk for them.

I have been told that the interests that monopolize the salmon industry upon the Pacific coast have opposed a comprehensive bill and have remonstrated against the House provision which forbade the use of traps and certain other devices for the catching of fish. They favored exclusive privileges which the department's bill provided for. They do not want this bill, imperfect as it is, because it prevents exclusive rights of fisheries being granted to them or to any person. Mr. Paul further states:

Several facts stand out as indisputable as we look back 20 years: First, the depletion of the fisheries of Alaska began with the advent of the fish trap; second, that whereas depletion has been well known to fishermen, the Bureau of Fisheries have never discovered the fact until it was accomplished; third, that the Bureau of Fisheries is the only governmental agency that has had charge of fisheries, and yet that agency has never made a specific recommendation to Congress as a basis for adequate law—on the contrary, it has shifted the burden by telling Congress that something drastic must be done, and yet opposing everything that approximated such a term; fourth, that every law heretofore presented, with the exception of the final draft of the White bill (H. R. 2394) was written by special interests, cannery men and trap owners, whose sole purpose was conservation of fish for them by recognizing the trap which to-day is a mere license, like the saloon, and thus creating it into property and bringing it under the protection of the fourteenth amendment; fifth, that the principle of the White bill (H. R. 2394) has been conceded by all parties, and yet opposed by certain few powerful associations because in particular districts depletion has not yet made their inland traps too expensive.

Senators will bear in mind that when Mr. Paul refers to the "final draft" of the White bill he does not mean the bill as it was introduced and as prepared by the Department of Commerce, but he means the perfected bill as it was reported by the House committee and as it is now before us.

On page 66 of the House hearings reference is made to the action of Mr. Wingate, of the Fisheries Bureau, who denied permission to Mr. Gardner, who was born in Alaska and has a

family there, to fish on Unimac Island, but at the same time the Pacific American Fisheries Co. were given the necessary permit to fish. Similar instances are referred to in the record, and my attention has been called to many cases where the representatives of the Fisheries Bureau have denied residents of Alaska the right to fish within so-called reservations, but the big canning companies were accorded whatever rights they desired.

A letter from Mr. O. L. Grimes is found on pages 62 and 63 of the hearings. It is dated November 3, 1923. He refers to the fact that some of the small canneries have been discriminated against:

Alaska has been cut up into zones—fishing zones—it is claimed by the Bureau of Fisheries, for the purpose of controlling the escapement of salmon up the fish streams. It is declared unlawful to carry fish from one zone to another; the object of this is to do away with competition, for prior to the zoning of Alaska waters the Katmai Packing Co., which has a small cannery located at Ouzinkie, Alaska, and in which I hold stock, fished near Karluk at what is known as the "Waterfalls" for two years, but after the Bureau of Fisheries made the entire waters a reservation, cutting it into zones, the Katmai Packing Co. was not allowed to fish at Karluk or the waterfall; but our fishermen could fish there, they were told, but they were also told that they would have to sell their fish to the Alaska packers, since they could not be taken out of the zone. * * * The Robinson Packing Co. had fished one season at Karluk with purse seines, not at the waterfalls, where we had fished, but the Bureau of Fisheries gave them the waters where we had fished, but prohibiting them from fishing at Karluk. Result, the Karluk natives received $50 per 1,000 for fish this last season, and we paid the natives $200 per 1,000 for much smaller fish. The Karluk natives want competition, and if they had competition they would be getting more for their fish.

It is argued that the Alaska Packers' Association has invested big sums of money and that it would almost be equivalent to confiscation to allow strong competition to destroy or render their investments valueless. This is all rot; if the packers can not stand competition, they should quit business.

* * * We pack fish that cost us $200 per 1,000 and sell them in the market against fish that cost the packers $50 per 1,000.

Mr. SUTHERLAND follows this statement with these words:

This thing has just reversed the situation of the little canneries. They could sell fish cheaper than the packers when they were permitted to catch the red fish; but now they are driven into the pink-fish district, where they can not catch any red fish, but they get a few red fish and pay $200 a thousand for them, while the packers get the natives in there to sell exclusively to them and pay $50 per 1,000.

Mr. Grimes further states that the Bureau of Fisheries "has set apart streams for the canneries." He protests against discrimination, but does not object to a policy that will protect the fish "even to the extent of closing the streams entirely, but when they are open give everybody an equal show."

The evidence before the committee shows that the Alaska Packers' Association designed the zones in the great Bristol Bay district, where the red-salmon fishing abounds, that they limited the number of boats to 1,260 for the entire bay, the Alaska packers having 578 boats and Libbey, McNeill & Libbey 682. The Federal Trade Commission in its report states that in the fish-packing industry—

Great profits of the packers were not primarily due to exceptional efficiency in operating packing houses and manufacturing plants, but were secured through the monopolistic control of the shipping machinery. With the control of the distributing machinery, which these canning factories which are affiliated with the meat packers now possessed, added to the relation of the salmon canners and the sales agencies which market the bulk of the pack and control the price, a monopoly of the source of the supply will enable the dominant interest to exert a control in the industry which might even surpass that exerted by the Big Five in the meat industry.

The evidence shows that Libbey, McNeill & Libbey is a subsidiary of Swift & Co., that the Booth Fisheries and the Northwestern Fisheries Co. are a part of the Booth Co., of Chicago. The Alaska Packers' Association is a subsidiary of the California Packing Corporation, and the Pacific-American Fisheries Co., as I am advised, is connected with the Cudahy Co.

Mr. President, I received the following letter, which throws considerable light upon the method in which the salmon fisheries have been controlled by the Department of Commerce:

SEATTLE, WASH., *December 11, 1923.*

Hon. WILLIAM H. KING,

United States Senate, Washington, D. C.

DEAR SENATOR: * * * I am a pioneer and father of Nome, Alaska, but have been engaged in curing and shipping as well as fishing on Puget Sound since 1889 and in Alaska from 1898 to 1919. I have also been a producer of codfish oil, which was on exhibition at the St. Louis Exposition in 1902.

Salmon on Puget Sound were very plentiful in 1889 and remained so until the traps used by the cannery owners to catch salmon gradually became more numerous and the salmon caught less and less, until now it is almost nothing.

May I suspend for a moment and ask the Senator from Ohio if he favored the elimination from the bill of the provision prohibiting the use of traps? Is he in favor of the action of the Senate committee in striking out such provision? Of course, the canners are opposed to it, and the Senate committee has reported in favor of eliminating this provision, which the House in its wisdom inserted in the bill? Does the Senator favor it?

Mr. FESS. I am of the opinion that the use of the fish trap is being abused, and therefore should be regulated; but as to whether or not it should be entirely discontinued is to be developed.

Mr. KING. Ah, we have the same old conditions and provisos. As I understand the Senator, his attitude is the same as that of the fish-canning monopoly. His position is that next summer or next century we will look into the alleged evils resulting from the use of traps and other destructive devices, but in the meantime we will continue to deplete the streams.

The writer of the letter continues:

In Alaska the cannery owners have lately put up traps more and more. Not satisfied with one trap for each cannery, they now have up to five and six, and sometimes more.

And yet, let me add, the Senate has stricken from the House bill important provisions which would protect the fish from the devastating operations of the canning monopoly, and it was done, evidently, to satisfy the demands of this monopoly.

The writer continues:

Each trap of any consequence catches up to 500,000, 800,000, and 1,000,000 salmon during the season. How many traps there are in Alaska now I do not know, but I have been informed there are over 300. The fish law forbids the use of traps for fishing from Saturday 6 p. m. to Monday 6 a. m., but the cannery owners do not care if they keep them open and pay $150 fine for taking 20,000 to 40,000 salmon out in 36 hours. Their fine should be $5,000 and five years in prison.

The taking of so many salmon from the traps is leading to overproduction, which causes the small packers to lose out, and it is a matter of no consequence to the big packers when the little fellow goes broke.

Mr. Herbert Hoover, Secretary of Commerce, claims to have tried to place a restriction on the fishing, but as long as there is protection for the big canneries such as the Alaska Packers, Northwestern Fisheries, Libby's, and other big concerns, the results of this restriction are not very apparent, and one is forced to the conclusion that Mr. Hoover must have been incorrectly informed and have gained a wrong impression as to the actual facts concerning the salmon industry. He should not only listen to the cannery owners and their lawyers, but also to the fishermen and experienced citizens. That he has not done so thus far is apparent from the way he has given the Alaska Packers and Northwestern Fisheries entire control of the Karluk River, Kodiak Island, which river is now almost fished out of the most valuable salmon for canning—the "sockeye."

I wonder if the Senator from Ohio denies the statement of this man as to exclusive control of this company of that island?

Mr. FESS. I will place figures in the RECORD which will deny it.

Mr. KING. The letter continues:

That canneries can operate without traps has been proven by the Pacific Coast Packing Co., Mr. Hale, manager, Klawack, Prince of Wales, Alaska, who buys his fish from the natives and fishermen at an agreed price for the season, and a stipulated pack for the season, but the greed of the Canneries Association demands the whole profit.

If I might be permitted to make a suggestion, I would advise that no cannery should be allowed to put up more than a certain stipulated pack, and no company should be allowed to have more than one trap. If the run of fish is not sufficient to fill the pack, then the fish should be purchased from the fishermen. This regulation of the pack and number of traps used should be by the Government.

The Senator from Ohio asks what should be done? Here is a suggestion from a man who knows the situation and seems to be dealing with it in a fair and impartial manner.

Some of the canneries pay no attention whatever to Government rules. In one instance that I recall a cannery took seine and skiff up to the lagoon in southeastern Alaska, where there was a hatchery, and took out from the lagoon 60,000 sockeye salmon in 10 days. The United States fish warden was there enjoying himself, but paid no

attention to this outrage. He did, however, arrest an Indian, who was fined $200 for taking out 200 salmon from a river mouth.

As a rule the fish wardens notify the managers of the canneries when they will make a visit, so they in the meantime can break the laws until the fish warden arrives.

Mr. President, scores of Americans who have visited Alaska have stated to me facts substantiating what is written in the letter from which I am now reading.

The greed of the canneries can be proven by the act of Lindenberger Bros. in 1919 when they took so many salmon from their traps at Craig that they were unable to handle them, most of the fish rotting before being canned, and as a consequence 100,000 cases, or 1,000,000 salmon were confiscated by the United States inspectors. If the canneries were controlled by the Government and one fish warden with a good salary employed with every cannery or on each place of fishing, the canneries would cease their outrages.

Why is Alaska not more populated? Because all the canneries or most of them take their Japanese or Chinese crews up with them in the spring and back in the fall, and there you are. If a white man wishes to settle down in Alaska he gets no support either from the United States Government or the canneries. The motto seems to be "Help yourself and God will help you." That is all right for the cannery owners and bankers; but not for a poor man who wishes to make Alaska his home for himself and family in the future. The Government should step in here now as is done in other northern countries. Thank you.

Very respectfully,

REGNOR DAHL.

Mr. President, I have other letters from persons familiar with conditions in Alaska corroborating the statements in the letter I have just read.

I wish to read a few excerpts from a letter written to me by Mr. Earl Hyde, a civil engineer, who has spent years in Alaska, and is intimately acquainted with the fisheries situation. After being absent for a few years he returned to Alaska last November, and he wrote me as follows:

The Frazier—

Speaking of the river of that name—

always considered one of the greatest salmon streams, is among them—

The preceding part of the letter shows that many of the streams have been fished out—

and to-day there is not a red fish to be had in the Frazier River. Going north the same condition prevails, streams being more or less depleted, many of them totally so. I remember the Copper River, flowing into Prince William Sound, which seemed at one time to be an inexhaustible supply, and now is of no commercial importance.

The fact of the matter is that the industry, under the existing conditions, is being destroyed, already many of the best streams being totally depleted.

Fish in the ocean belong to all of the people, and all should be allowed to catch them under some system that will insure their conservation and permit enough fish to escape and reach the spawning grounds to insure the permanence of the industry. It would seem that this could best be accomplished by standardizing and limiting the gear with which they are caught, thus leaving the fishing, or the catching, under restrictions, free to all; or removing the traps to a greater distance from the entrance to the streams, or the abolishing of them altogether.

The traps destroy all of the salmon caught, whereas only a few of them, the red fish for example, are used.

Think of the waste that results from the perpetuation of this trap system of fishing!

The reservation system is not effective as a conservation measure and seems un-American and unjust. It prohibits the small fisherman from fishing within the reservation, at the same time permitting the trap, an instrument of destruction, to continue its awful work. No privileged few should be permitted to catch to the exclusion of all others not intrusted with the preservation of so valuable a food supply as the Alaska salmon.

Mr. President, I could read for an indefinite period from letters which I received, and from the hearings before the House committee, showing that the people of Alaska have a real grievance and that the policy of the Department of Commerce in handling the Alaskan fisheries question has been, and is, unfair and discriminatory, and if continued will destroy the great salmon industry of the Northwest. Because of the numerous complaints brought to my attention, and because I believed a real evil existed, I felt constrained to demand an investigation of the fisheries question by the Senate.

Accordingly, I offered a resolution on the 11th of December last, which was referred to the Committee on Commerce. In company with the Delegate from Alaska [Mr. SUTHERLAND], I appeared before the committee and called their attention to the resolution and the grievances of the people of Alaska and the general criticisms which were leveled against the Department of Commerce in its administration of the 1906 act and in its dealing with the Alaskan fisheries. I also called attention to the investigations made by grand juries and to their findings—findings which revealed the power of the canning and packers monopoly and the ruthless and brutal way in which they conducted their operations. I also called attention to the fact that the grand-jury reports, as well as reports from officials and persons interested in the subject, showed the insanitary methods attending the canning operations, the character of persons employed in the business, and the inevitable results that would attend the continuation of the present governmental policy.

I ask that Senate Resolution No. 58, which I offered, be inserted in the RECORD without reading.

The PRESIDING OFFICER (Mr. LADD in the chair). Without objection, it is so ordered.

The resolution is as follows:

Whereas by Joint House Memorial No. 1 the Legislature of the Territory of Alaska, recently in session at Juneau, Alaska, condemned the creation of fish reserves in Alaska by presidential proclamation, denounced the same as a dangerous usurpation of legislative power by the executive department of the Government, and charged that the fishing population of the Territory has become the prey of vicious discrimination practiced by the Bureau of Fisheries; and

Whereas the Delegate from Alaska has charged that the creation of said reserves was conceived for the purpose of abolishing the common right of fishery in Alaska and of turning the fishing grounds of that Territory over to a few favored corporations; that the said reservations have been dishonestly administered by the Bureau of Fisheries; and that vicious discrimination has been practiced by that bureau, to the detriment of the public; and

Whereas a grand jury recently in session at Valdez, Alaska, and another grand jury recently in session at Ketchikan, Alaska, has each condemned the practices of many concerns engaged in catching and canning salmon in the Territory of Alaska; and

Whereas in said house joint memorial No. 1 the Legislature of the Territory of Alaska urge the immediate abolishment of said reservations and pray that the legislature of the Territory be given full authority to legislate on the subject of fisheries within the Territorial waters: Therefore

Resolved, That the President of the Senate appoint a special committee of five members to investigate, ascertain, and report the facts relative to the inception, creation, and administration of the various fish reserves in Alaska; to investigate, ascertain, and report the facts relative to any monopolization or attempt at monopolization of the industry of fishing or of preparing fish for the market in said Territry, the partiality or impartiality of public officials in the enforcement of the law applicable to said industry, and the conditions of labor and sanitation and the standards of living connected with such industry; and to ascertain the truth of the statements contained in the said memorial and in the said charges made by the Delegate from Alaska and the said grand-jury reports above referred to; also that said committee report such measures as they may deem necessary to remedy any evils found to exist and to protect the fisheries of the United States.

For the purpose of this resolution the committee is authorized to sit and act at such times during the Sixty-eighth Congress in the city of Washington, D. C., to hold such hearings and to employ counsel and such clerical and stenographic assistance as it deems necessary, the cost of stenographic services to report such hearings to be not in excess of 25 cents per 100 words.

The committee is further authorized to send for persons, books, and papers; to administer oaths; and to take testimony. The expenses of the committee, including fees and mileage for witnesses, shall be paid from the contingent fund of the Senate.

Mr. KING. Mr. President, I regret to say that no action was taken upon the resolution and that no investigation was made. My understanding is that the Senate committee reported out the bill now before us without any hearings.

This bill, when reported to the House by the Committee on Merchant Marine and Fisheries, was accompanied by a report submitted by Mr. WHITE, of the committee. In that report he stated that for several years those interested in the Territory of Alaska and who were familiar with the fisheries—

have been gravely concerned with the diminution in the numbers of salmon found in the waters adjacent to Alaska and in the bays and streams thereof; also that it has been repeatedly urged upon the Con-

gress that unless some conservation measures were adopted this valuable food supply would disappear.

He further states that—

the evidence before the committee discloses that in particular rivers and areas there has been an almost total extinction of salmon.

He then states:

Your committee are unanimous in the opinion that the situation calls for immediate and drastic consideration. * * * At the present time it is the policy of the department, as one means of control of fishing, to grant a limited number of fishing permits within any designated area and to exclude all others from fishing rights therein.

Your committee does not question the purpose of the department in this regard, but it has reached the unanimous and positive opinion that this practice of granting exclusive fishing privileges should cease, and in this section it is declared that all regulations authorized to be made shall be of general application and that no exclusive or several right of fisheries shall be granted, nor shall any citizen be denied the right to take fish in waters where fishing is permitted.

This declaration of policy and prohibition of law was earnestly urged upon the committee by the Delegate from the Territory (Mr. SUTHERLAND) and has the general support of the people of the Territory.

It will be seen that the House committee condemns the reservation policy with its exclusive privileges.

Mr. FESS. Mr. President, will the Senator from Utah yield?

Mr. KING. I yield.

Mr. FESS. I am interested to know how else we can limit the fishing and conserve it than is suggested by the report. Is there any other way?

Mr. KING. The statement which I have just read from the committee's report, I think, answers in part, at least, the Senator's question. I repeat, the committee condemns the creation of reserves and the discrimination in the granting of permits by the Bureau of Fisheries. Of course, there must be regulations in the salmon streams of Canada. Regulations are imposed by the Canadian Government, which are just to all, and which do not favor or create monopolies. The common-law right of fishing is recognized and the people of Canada are satisfied that the policies pursued are just and equitable and that the law is fairly administered.

The manner in which the law has been administered by the Department of Commerce is a scandal, and has justified the criticisms to which I have referred, and demand an immediate, and in the language of the committee, "a drastic" change in the law and its administration. I repeat, of course, there must be regulations, and these may call for permits——

Mr. FESS. Let me ask the Senator a question.

Mr. KING. Will the Senator permit me to conclude my sentence?—but a system which favors individuals or corporations or permits the department to grant exclusive permits or privileges, as Mr. WHITE, in his report, states the Department of Commerce was doing, is to be condemned. I submit that my friend from Ohio, notwithstanding his apparent admiration for Mr. Hoover and the Department of Commerce, can not defend the course which they have pursued.

I now yield to the Senator from Ohio.

Mr. FESS. Will the Senator tell the Senate how it is possible to limit fishing, if we allow permits to be unlimited to all those who want to fish?

Mr. KING. Mr. President, regulations can easily remedy this matter. Of course, there must be a limitation placed upon the quantity of fish which each permittee may take from the waters. In the first place, no permit ought to be granted to any monopoly or to individuals or corporations who are fostering or promoting monopolistic control of the salmon or fish industry. These big packing companies which have monopolized the salmon trade should be denied the right to fish within the waters controlled by the Government until they have quit their evil practices and conformed their business activities and their fishing and canning operations to the standards of fair dealing and with due regard for the laws of the land.

It may be that proper rules and regulations would limit the number permitted to fish within certain streams or districts, but if such limitation was imposed, equally valuable fishing rights should be granted in other sections and districts. In other words, there should be no favoritism and no discrimination. The little canning company and the lone fisherman with his small catch should not be deprived of their rights, and they should have the same privileges, differing only in degree, as are granted to larger companies.

Canada has no serious problem in handling her fisheries. The ancient rights of fishery are preserved and her officials have adopted a course which has conserved the fish supply; whereas our Department of Commerce has built up monopoly, destroyed the fish in many streams, and carried out a policy of discrimination which has been resented and denounced by thousands of residents of Alaska and by many citizens of the United States.

Mr. FESS. If the Senator would yield, I desire to say that I understand that a monopoly is not a monopoly unless it has control of the thing that is being done. How can four companies have a monopoly where 400 other people are permitted to do the same thing?

Mr. KING. Oh, Mr. President, there is incontestable proof that there is a packers and canning monopoly. The Standard Oil, while it does not own all the oil fields in the United States, is nevertheless a monopoly. It has the power, and it exercises it, to fix prices and to dominate and control the market. The oil investigation conducted by one of the committees of the Senate recently furnished convincing proof of this fact. The record in the matter before us shows that in a particular stream, while there were a number of permits granted to what are called small fishermen, the catch of two companies was more than 9,000,000 salmon, and the catch of all other companies and individuals was but approximately 3,000,000. The fact is that many of these so-called fishermen are directly or indirectly connected with the big companies, and others are dependent almost exclusively upon the big companies for markets for their catch. If a large company was operating in a given field and had the only canning factory in the district it could fix the price of all the fish caught by small operators, no matter their number. That is exactly the situation in some of the districts in the Alaskan fisheries.

I repeat, there can be a monopoly in the canning and fishing industry without the monopolizing corporations catching all the fish or owning all the canneries. I can not understand why the Senator denies the monopolistic operations of the packers and canners. The hearings prove that the big canning companies constitute a monopoly, oppressive to the small fishermen and oppressive to the public. Judge Wickersham, to whom I have referred, stated that under the reservation policy a complete monopoly of the great fisheries of Alaska had resulted and that it was in the hands of corporations who are not interested in Alaska and whose course was destroying the "settled fishing population." The House committee's report declares that the policy of granting a limited number of fishing permits within any designated area, and excluding all others, "is a practice which must cease." The Senator knows that the permits granted to these big corporations have given them the right to take more fish from the waters than they could possibly obtain because of the diminishing supply of fish within these reservations. For instance, the permits granted for fishing in the Cook Inlet section of the reserve for 1923 show that the Alaska Packers' Association had a pack limit of 40,000 cases, and they obtained only 14,611 cases; Libby, McNeil & Libby had a pack limit of 40,000 cases and obtained only 26,088 cases; Northwestern Fisheries Co. (Booth) were granted permits to catch 40,000 cases, but actually obtained but 15,931 cases; the pack limit granted to the Fidalgo Co. was 40,000 cases, but the actual pack was only 14,344 cases. Of 10 important canneries granted permits to fish within the Cook Inlet during the season of 1923, the pack limit was 208,000 cases, but the actual pack obtained was but 88,937 cases. The evidence shows that the permits to these corporations have resulted in the practical extinction of the salmon in Cook Inlet; and this has been done under the pretext of conservation!

In the Chignik Bay district three large companies received allotments of 50,000 cases each for the year 1923. The actual pack amounted to but 69,886 cases. There was intensive fishing within the district, but the limited number of fish prevented the companies from obtaining their full allotment.

These companies receiving these privileges are powerful factors in the monopolization of the fish industry. The Department of Commerce knew that they could not catch the full allotment, but they were so indifferent to the preservation of the fish that they gave these companies permits which enabled them to absolutely deplete the streams. The Senator knows that the existence of this monopoly in the Alaskan waters is recognized by those familiar with the situation, and he must have learned of the enormous output of the few companies and the reiterated charges that they dominate the market. These companies put in enormous traps and wheels and resorted to all sorts of fishing devices to increase the number of fish caught, and their monopolistic activities have been the subject of investigation and have been provocative of universal criticism.

Mr. FESS. How can the fishing industry be controlled when it is unlimited?

Mr. KING. Is it not so controlled? Does the Senator from Ohio deny it?

Mr. FESS. I deny it.

Mr. KING. Well, the Senator——

Mr. FESS. How can it be so controlled when there are 400 people fishing there?

Mr. KING. Mr. President, how can four packing companies in the United States control the meat market and create a monopoly such as every person knows exists, though every man in the United States is free to butcher his own cattle and sheep and hogs if he desires. The Senator knows the methods by which Armour & Co., Swift & Co., Cudahy Packing Co., and the Wilson Co. have gotten control of the meat industry of the country. They have built up a gigantic monopoly which controls the livestock industry of the United States. The prices of cattle and sheep and hogs raised upon the farms are determined by these four companies. It is true there are a number of independent packing companies, and that there are perhaps thousands of small slaughterhouses and meat markets, but nevertheless the powerful hand of the Big Four controls meat prices in the United States. Everybody knows this, and I am sure the Senator from Ohio can not plead lack of knowledge.

The Legislature of Alaska declares that the big fish-canning companies constitute a monopoly. Grand juries have so declared. The Federal Trade Commission, in effect, has indicated the same view, and Mr. Hoover, as I understand, seeks this bill upon the ground that it will aid in terminating this monopoly. The Senator from North Dakota [Mr. LADD], who is now in the chair, if he will leave the chair and speak upon this measure, I am sure would corroborate what I am stating. Senators know that he spent several weeks in Alaska during June and July, 1923, and made a thorough investigation of conditions obtaining in that territory.

Mr. FESS. Would the Senator offer as a remedy that those who have been fishing, whom he denominates as monopolists, be denied the privilege of fishing there? Is that his remedy?

Mr. KING. Mr. President, with the knowledge which I have of the manner in which the big canning factories and packers have operated and with the information which I have received as to the manner in which they dealt with the Government during and immediately following the war, I certainly would deny them permits to engage in fishing in waters controlled by the Government until they had quit their illegal practices and changed their method of business.

Mr. President, I have not been in Alaska. I have no business or other interests there, but I have been concerned in the development of Alaska and have been desirous of seeing her resources developed and the population of the Territory increased. I am anxious for the adoption of a policy that will prevent the destruction of the salmon fisheries—indeed, a policy which will increase the annual output of this important food product. I am not a member of the Commerce Committee of the Senate.

I have no desire to criticize any individual or any department of the Government, but when my attention was repeatedly challenged to evils which I had every reason to believe existed I felt it a public duty to try and ascertain the facts and to secure proper action by Congress in order to terminate an unpleasant, not to say an intolerable, condition and to bring about the adoption of a policy which would be a benefit to the people of Alaska as well as to the people of the United States.

Before resuming my seat I desire to ask the Senator from Washington [Mr. JONES] if he does not agree with what has been stated by the Legislature of Alaska, by Mr. Hyde, and others, that the traps now employed ought to be abolished? Does not the Senator think that his committee made a mistake in rejecting the provision of the House bill which prohibited the use of traps as well as certain other fishing devices?

Mr. JONES of Washington. Mr. President, I want to say this to the Senator: There is quite a controversy involved in the provision that is stricken out of the bill. That provision covers not only traps but purse seines. There is a very great difference of opinion as to the destructiveness of purse seines. The incorporation of that language in the bill means the destruction of a very large amount of property.

Mr. KING. The Senator means the traps?

Mr. JONES of Washington. Both traps and purse seines. That provision strikes out practically all the purse seines. I think about 29, according to the estimates of the department, could be used in the waters of Alaska. While, of course, the seines are not nearly so expensive as the traps so far as the money invested is concerned, a great many purse seines are used by the local fishermen up in Alaska, and their prohibition would work a very great hardship upon many of the people in whom I know the Senator is very much interested.

Mr. KING. No; I have no interest in any particular person in Alaska. I have only a general interest that all citizens of the United States have in the development and progress of Alaska.

Mr. JONES of Washington. The Senator understands what I mean. I do not mean that the Senator is financially interested or especially interested——

Mr. KING. Not the slightest.

Mr. JONES of Washington. Except that he wants the small man to have his opportunity, and so on. That is the only sense in which I used the word, and I am sure the Senator understood it in that way.

Mr. FLETCHER. Mr. President, there was a strong appeal, was there not, on behalf of the local people, the residents there, to eliminate the purse-seine proposition?

Mr. JONES of Washington. The local people are divided. Some of them want to eliminate the traps, some of them opposed the purse seines, and so there was a controversy that our committee felt that under the exigencies of the situation we ought not to go into. When the committee struck out that language it did not express its opinion one way or the other upon the merits of the contentions with reference to traps and purse seines, but the committee acted in the interest of getting some legislation that we thought would be effective in the conservation of the salmon. We knew that if we left in this language there would be a great controversy. The parties were insisting upon having a hearing, because this language, too, was put in on the floor of the House. Since the matter involved such property interests as it did, and such a controversy as we knew to be involved in it, we concluded that in the hope of getting beneficial legislation we would strike out that provision, and that we would take up the question when we had plenty of time to do so.

I want to say frankly to the Senator that that was the purpose of striking out those provisions, simply in the interest of getting what I think everybody concedes to be some good legislative enactment. I feel this way, and I do not say it to influence anyone, except that I just feel this way: If those provisions should not be stricken out, then, in justice to the interests that are involved, there would have to be some hearings.

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

Mr. JONES of Washington. Yes.

Mr. KING. The House committee went into this matter exhaustively, and after hearings reported out a bill which prohibited the use of traps.

Mr. JONES of Washington. Yes; but we are not striking out any language in this bill that the House committee reported—not a word. The language that we strike out in this bill was put in the bill on the floor of the House. As the Senator said, the committee over there had extensive hearings, and they did not recommend this provision. They reported to the House other provisions which our committee is perfectly willing to accept, and which in the interest of the conservation of the fish, in which I know the Senator is so much interested, I am glad to support. It was in the interest of getting legislation that would conserve the fish that our committee struck out a provision that does involve a very great controversy, and one that would, in justice to the interests involved, require extensive hearings upon the specific proposition.

So I hope the Senator will not endanger the passage of the bill by insisting upon further controversy over that language. Next winter, or at any time when we have time, we shall be glad to take up that controversy and do what is thought to be wise, but in the interest of legislation that will promote what both the Senator and I want we struck out that provision.

Mr. KING. The Senator knows that the bill with this Senate amendment will have to go to conference?

Mr. JONES of Washington. Oh, yes; but I want to say that I have conferred with the Delegate from Alaska. I have recognized the Delegate's position in this matter, and I want to carry out his views in regard to these matters as representing the people of Alaska as much as I can consistently with what I think is right. While the Delegate from Alaska would like to have one part of the language go out, he does not want the trap provision to go out. He wants that left in. He wants the purse-seine provision to go out. There are others who are opposed to the purse seines, and so we have that controversy.

Mr. KING. Mr. President, I shall not insist upon a vote to reconsider the action of the Senate in striking out the amend-

ment to which I have just called the attention of the Senator. I have such confidence in the Senator from Washington that when matters arise in the Senate upon which we differ I feel instinctively a disposition to either accept his view or modify mine. I regret, however, that he has not seen his way clear to accept my views upon this matter and to support a plan that will limit the use of traps and other destructive devices employed in fishing, and which, if the unrestricted use thereof shall continue, must inevitably result in destroying the salmon industry in the Pacific waters.

Mr. JONES of Washington. If the Senator will permit me, when we take up this matter and give it full consideration there may be no difference between the Senator and me.

Mr. KING. I say this because the information which I have received is to the effect that the present method of fishing is destructive of the fish in the streams. There is some controversy as to the effect of permitting "purse fishing," but no one can possibly defend the use of the deadly and destructive traps which are being so extensively employed. I am anxious to have legislation. I have not the confidence that the Senator has in the efficacy or virtues of this bill, but it seems that it is the best that can be obtained. Therefore I shall vote for it. For several weeks I have joined with the Senator in trying to have the bill considered in order that it might be passed at the earliest possible moment.

I relinquish the floor.

Mr. FESS. Mr. President, I am pleased with the last statement of the Senator from Utah that he will support the measure. I had some fear that he was going to oppose it; and that would appear to me to be a very serious decision from the standpoint of one who is interested in the conservation of salmon fishing.

My interest in the subject is exactly as his, not because I have ever lived in Alaska, nor because I know so much about all the facts concerning that great country; but I have known, and it has been a matter of common knowledge, that the salmon fishing is very rapidly decreasing. It has been one of the great sources of food supply as well as one of the chief activities of a great number of people. We used to have it on the Atlantic. It is no more. We used to have it in certain sections of the Pacific where now it has disappeared. There was no fact more patent than that under the present situation, without protection other than the law of 1906, we would ultimately have no salmon fishing in Alaska.

I was somewhat surprised at the statement of the Senator from Utah—and I regret very much that he has found it necessary to leave the Chamber—when he said that the Secretary of Commerce has finally agreed to support some measure of conservation. There is no one thing, so far as I know, in which the Secretary has been more interested and as to which he has been more aggressive right from the beginning of his service than to see the salmon-fishing industry protected; and because of that he has written upon the subject, he has appeared before committees upon the subject, and has stated very distinctly the necessity of some further legislation.

My interest in this matter arose from reading an editorial coming from one of the New York papers, in which the Secretary of Commerce was severely indicted on a charge that I thought was quite critical, if true, and I immediately began an investigation. I read all the hearings before the House committee. I read the various charges that had been made. I read the hearings of the committee on those charges, and, to my surprise, all of them were dismissed as without foundation, and perfectly futile, and the bill recommended unanimously.

If these charges, many of which have been repeated to-day, were true, certainly a great committee like the committee of the House, headed by the veteran legislator, Mr. GREENE of Massachusetts, and the great committee of the Senate would not have dismissed the subject by making a recommendation such as we have here in this bill.

I also noted that there was a charge—and it has been repeated here—that the reservation plan is illegal, and that the operation under it was therefore without force of law. That is a question which may be the basis of controversy.

The same question that was raised on another matter is a question of controversy in the courts, not to be forestalled by some opinion that I or some one else might have, but to be determined by judicial procedure. As to whether this reservation plan, devised for the purpose of conserving fish in that one remaining country where they can be found, is illegal or not, I doubt it very much; secondly, the purpose of it was certainly to be commended by anyone interested in this great industry.

We have had no legislation on protection of this great industry since 1906. All of these facts came to my knowledge by an investigation. The legislation of 1906 was so limited that the protection extended only 500 yards from the mouth of the river, and the habits of salmon, as anyone conversant with them must know, are such that that sort of protection will not preserve the salmon in any section where they are found.

With that lack of protection and with the salmon decreasing at a dangerous rate, without ability to secure protective legislation, something had to be done. The Secretary of Commerce asked that Congress pass some protective legislation. Congress did not see fit to do so, for reasons I do not know; I presume on account of the pressure of the calendar. Again, a second time, the Secretary of Commerce made the recommendation, and a third time he made the recommendation, all of which indicates that the Secretary of Commerce has not "finally agreed" to support legislation, but from the very initial hour has been recommending that this protection be granted by the only body that can give it. In view of the fact that protection was not given by Congress, the Secretary of Commerce acted upon the recommendation of the commissioner, who, of all people, ought to know the situation, that there be reservations granted in order to cover certain streams. Those reservations were granted after the Secretary of Commerce made his recommendation. On the matter of objection of the people of Alaska to the reservation, it is interesting to know that last summer the Secretary of Commerce while in Alaska called conferences in six cities to go over the question of reservations. By unanimous vote in each conference the policy was commended and urged to be extended to cover the rest of the area needing protection.

I was glad to hear the magnificent approval uttered by the Senator from Utah of the probity and the honesty of purpose of the Senator from Washington [Mr. JONES]. The Senator from Washington was up in Alaska last year. I have not talked with him on this subject at all other than to inquire when the bill would come up, but I read the suggestions of the Senator from Washington as he reported them in the city of Seattle when he returned from his trip, and I note that he is reported as saying: "I will urge President Coolidge to put all of Alaska into a fish reserve, as has been done in western Alaska." He further stated that—

> The Secretary of Commerce should then take such steps as may be necessary. The experience of two or three years would demonstrate what legislation, if any, is needed—

The Senator declared—

> A general outline of an administrative policy would be limitations of the pack, regulation of the number, kind, and size of the gears suitable to each locality, fixing closed seasons, and zoning, with such other regulations as may be necessary.

That was the recommendation made upon the condition that, if we do not get legislation protecting the fisheries, then the President ought to extend over all Alaska the power of the reservation,

I think he is right, and I believe everyone who is interested in the conservation of that industry will agree that he is right. Unless this body and the other can put on the statute books protection of an industry being rapidly depleted, then the President should use all legal measures within his power to do what Congress thus far has neglected to do, in spite of the persistent urgency of the Secretary of Commerce.

It has been charged here, and it is one of the things that has attracted my attention, that the administration of the Secretary of Commerce tends to the maintenance of monopolies. I took occasion to ask for the facts. I did not want opinion. I might now state for the information of the Members of this body my relationship with the Secretary of Commerce. I have no brief for the Secretary. There is no man in public life from whom I have differed more sharply than I have differed from Secretary Hoover, and there is no man in public life I have gone out of the way to criticize with greater vehemence than I criticized him in 1918. So that what I say is not the result of any particular friendship or any particular relationship whatever that exists between the Senator from Ohio and the Secretary of Commerce. It is only in the interest of fair play that I am thus taking the floor.

I asked for the figures, not for an opinion, as to whether or not monopolies controlled the salmon fisheries in Alaska, as is so generally charged. I have these figures, and I am not going to ask that they be read, but I do want them printed in the RECORD in order completely and for all time to answer this futile charge, which is based pretty largely upon either misinformation, or, I should say, prejudice on the part of certain interested parties.

Here are the fishery permits, issued by the bureau's representatives in Alaska, numbering nearly 400, stating the amount

of fish which could be taken. It is a very important document in connection with this controversy, and must be conclusive against this unfounded charge, and I ask unanimous consent that it be printed in the RECORD.

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

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

Fishery permits issued by bureau's representatives in Alaska, 1923

KODIAK-AFOGNAK DISTRICT

Permit No.	Permittee	Location	Gear allotment	Catch or pack limit
1	John Brodtkorb	Kiupalik Island	Cod and halibut gear; 1 beach seine and 2 60-fathom gill nets.	20,000 salmon to prepare 100 barrels and fox feed.
61	John P. Johnson	Paramanof Bay	3 50-fathom gill nets	No limit; for sale.
62	Simeon Barrestoff, Daniel Elynak, John Peterson, Nick Barrestof, and Yaska Barrestof.	Malina Bay	1 110-fathom beach seine	Do.
63	Peter Chickenof, Alexander Chickenof, Alexis Chickenof, and Peter Nekrasof.	do	do	Do.
64	Gregora Chernikof and Afony Lukin	Paramanof Bay	do	Do.
65	Mike Boskofsky, Dmitry Boskofsky, William Boskofsky, and John Demidof.	Malina Bay	do	Do.
66	Afoney Malutin, Nicolai Agik, Tichon Sheratine, and Herman Pichoon.	do	do	Do.
67	John Arlof, Peter Arlof, Wanka Panamariof, and Wasili Izuwawak.	Seal Bay	do	Do.
68	Joe McCormick	Raspberry Strait	1 25-fathom beach seine, and 1 50-fathom gill net.	Do.
69	Ivan Alghoon, Tim Noya, and Nekifer Noya	Paramanof Bay	1 110-fathom beach seine	Do.
70	Elia Kangin, George Chanium, and Herman Shangin.	Little Afognak	do	Do.
71	Gregora Yakonak, Paul Yakonak, Fred Demidof, and William Lukin.	Paramanof Bay	do	Do.
72	Zenovia Boskofsky, Simeon Alexandrof, Kelly Gregora, and Willie Gregora.	Little Afognak	do	Do.
73	Peter Derenof, Macar Derenof, and Nick Anderson	Malina Bay	do	Do.
74	Nick Amachuk, Walter Kewan, and Nick Lukin	Paramanof Bay	do	Do.
75	Ernest Strickler	Raspberry Strait	3 50-fathom gill nets	Do.
76	Barney Mullin and John Noumeof	Little Afognak	1 110-fathom beach seine	Do.
77	C. D. Whitney	Kizhuyak Bay	150 fathoms gill net	Do.
78	Albert Johnson	Kodiak and Spruce Island waters.	5 50-fathom gill nets and 1 40-fathom beach seine.	No limit; for fox feed and for sale.
79	Arthur Levine	do	4 50-fathom gill nets and herring, cod, and halibut gear.	No limit; for sale.
80	William Castell and Leo Haskins	do	400-fathom gill net and 1 40-fathom beach seine for salmon and herring, cod, and halibut gear.	Do.
81	Theodore Rosenberg	do	250-fathom gill net for salmon and herring and cod gear.	Do.
82	Hardy Hofstad	Zone 3	4 50-fathom gill nets and 1 150-fathom beach seine for salmon and herring and cod gear.	Do.
83	Rickleff C. Richardson	Nelson Island	1 80-fathom gill net and 1 60-fathom beach seine.	3,000 salmon for fox feed.
84	George Chernikof, Mike Chernikof, Tichon Chernikof, and Alexis Wache.	Seal Bay	1 110-fathom beach seine	No limit; for sale.
85	Senofone Yagashof, Dick Yagashof, Trafen Chernikof, and Herman Shanagan.	Little Afognak	do	Do.
86	Gus Freeburg and Oscar Carlson	Zone 3	400-fathom gill net for salmon and herring and cod gear.	Do.
87	John Vick	do	250-fathom gill net	Do.
88	Harry Eden	do	do	Do.
89	Otto Erickson and Leo Erickson	do	200-fathom gill net and 100-fathom beach seine for salmon and herring and cod gear.	Do.
90	John Swanson	do	3 60-fathom gill nets	Do.
91	Charles W. Gunderson, Adrian E. Moorehead, Bud Bergh, and Frank Reeder.	Shuyak Island	1 110-fathom beach seine and 2 50-fathom gill nets.	200 barrels salmon, fox feed, and salmon for sale. Herring, cod, and halibut.
92	Harry Morrison, Peter Maltsoff, and Larry Cope	Kodiak and Spruce Island waters.	1 110-fathom beach seine and herring, cod, and halibut gear.	No limit; for sale.
93	August Heitmann	Chiniak Bay and vicinity	1 50-fathom beach seine and 1 40-fathom gill net.	Do.
94	Robert Scott	Zone 3	150-fathom gill net for salmon, and cod, herring, and halibut gear.	Do.
95	Ole Olsen	do	1 50-fathom beach seine and 100-fathom gill net for salmon, and herring, cod, and halibut gear.	Do.
96	Charlie G. Anderson	do	200-fathom gill net, and herring, cod, and halibut gear.	Do.
97	Alfred Paakkanen	Alf's Island	1 60-fathom beach seine and codfish lines.	No limit; 25 barrels salmon bellies, fox feed, and for sale.
98	Peter Petrovsky	Amook Island	1 60-fathom beach seine and 2 codfish hand lines.	No limit; 30 barrels salmon other than reds or kings, fox feed, and for sale.
99	William H. Boll	Harvester Island	100 fathom gill net and 3 codfish hand lines.	No limit; fox feed and for sale.
100	Harry Carlsen	Carlsen Lagoon	1 60-fathom beach seine, 2 80-fathom gill nets, and 2 codfish hand lines.	Do.
101	Charles Pajoman, Roy Trout, Fritz Laurenzen, Philip Katellnakoff, and Carl Pajoman.	Raspberry Island	1 140-fathom beach seine and 5 50-fathom gill nets.	No limit; for sale.
102	Fritz Laurensen	Dry Island	110-fathom beach seine and 150-fathom gill net.	7,500 mixed salmon for fox feed. Other fish for fox feed and commercial purposes.
103	Dr. Basil C. Parker	Whale Island	150-fathom beach seine and 150-fathom gill net.	25,000 mixed salmon for fox feed. Other fish for fox feed and commercial purposes.
104	Alexander Lukin	Paramanof Bay	1 110-fathom beach seine	No limit; for sale.
105	Tony Benchola	do	do	Do.
106	Fred Squartzoff, Sergay Panaronioff, Tete Pestrikoff, and John Panaronioff.	Seal Bay	do	Do.
107	Wasceli Squartzof, Dick Squartzof, Innocence Squartzof.	do	do	Do.
108	Nick Katellnakof, Fred Thorsen, Nick Susarenkin, and Nick Susarenkin, jr.	do	do	Do.
109	Nicholai Laireionoff	Whale Strait and Kizhuyak Bay.	do	Do.
126	Charles Petersen	Northeast Harbor	2 40-fathom gill nets or 1 60-fathom beach seine.	Do.
174	M. C. Knutsen	Black Island	1 beach seine and 1 gill net	20,000 mixed salmon for fox feed or for sale.
1	Mike Taoshwak and Antone Noya	Litnik Bay	1 110-fathom beach seine	No limit.
2	Peter Malutin, Paul Malutin, and Ralph Demidoff	do	do	Do.

Fishery permits issued by bureau's representatives in Alaska, 1923—Continued

KODIAK-AFOGNAK DISTRICT—continued

Permit No.	Permittee	Location	Gear allotment	Catch or pack limit
3	Martin Larzen, John Keegan, Antone Larson	Litnik Bay	1 135-fathom beach seine	No limit.
4	Oscar Ellison, Fred Sunberg, and Rudolph Sunberg	do	1 150-fathom beach seine	Do.
5	John Ketelnikoff, Pete Squartoff, Stepan Panimarioff, and Teet Pestrekoff.	do	do	Do.
6	Stephan Apalone, Andrew Shenagak, and Martin Panimarioff.	do	1 110-fathom beach seine	Do.
7	Waselie Nikrassoff and Nikrassoff	do	do	Do.
9	Efim Alpiak, Paul Nikrossoff, Willie Apalone, and Alesa Knagin.	do	do	Do.
10	Robert Knagin, Alek Knagin, and Fred Knagin	do	1 120-fathom beach seine	Do.
	COOK INLET DISTRICT			
2	J. A. Gustavason and W. L. Lippincott	Kamishak Bay	2 hand traps	No limit; 200 barrels and for sale.
3	Nick Elznit and Tom N. Anderson	East shore	3 30-fathom gill nets, king; 3 30-fathom gill nets, red.	No limit; for sale.
4	Ralph Sparks	Kachemak Bay	3 25-fathom gill nets; 3 codfish hand lines.	No limit; for sale. See No. 194, as to herring.
5	U. G. Norton	do	1 50-fathom gill net and gear for crabs and codfish.	No limit; for sale. See No. 195 as to herring.
6	Gudni Jackson	East shore	1 60-fathom beach seine; 3 30-fathom gill nets; herring and cod gear.	No limit; 5 tierces kings, 3,000 mixed salmon for fox feed, and for sale.
7	Nathan White	Kamishak Bay and Kachemak Bay.	1 90-fathom beach seine and cod gear	No limit; 12,000 salmon for fox and dog feed, and for sale. See No. 196 as to herring.
8	John Leiren	do	do	No limit; 5,000 salmon for fox and dog feed, and for sale. See No. 197 as to herring.
9	Fred I. Munson	Halibut Cove	1 30-fathom beach seine, 1 25-fathom gill net, and cod gear.	No limit salmon, herring, and cod; for sale. See No. 186 as to herring; 50 cases butter clams; 25 cases crabs.
10	Ansium Alexanderoff	Kachemak Bay	1 beach seine, 30 fathoms	No limit; for fox feed and for sale.
11	Andy Lundgren and Hilmar Olsen	do	1 30-fathom gill net	Do.
12	Andrew Berg and Chas. De LaMatyr	East shore	1 hand trap	No limit; for sale.
13	John Peterson and Martin Peterson	Kachemak Bay	1 50-fathom beach seine, 1 30-fathom gill net.	No limit; for sale and for fox feed.
15	Wm. H. Cantwell	East shore and Kachemak Bay.	150-fathom gill net and crab and cod gear.	No limit; for sale.
16	Niels M. Jensen	Kamishak Bay	1 60-fathom beach seine	Do.
17	Edward T. Jensen, Simon Josefson and Axel Anderson.	East shore and Kamishak Bay.	1 90-fathom beach seine and 1 trap	Do.
18	James A. Hart	Kamishak Bay or east shore.	1 hand trap or 1 90-fathom beach seine.	Do.
19	Andy Anderson	Seldovia head or east shore.	1 hand trap or 1 90-fathom beach seine and 2 30-fathom gill nets, crab and cod.	No limit; for sale. See No. 198 as to herring.
20	Isam F. Burgin, Lawrence A. Dunning, and Frank H. Burgin.	Kachemak Bay	1 35-fathom beach seine, 1 60-fathom beach seine, and 3 30-fathom gill nets.	18,000 cheap salmon for fox feed and for sale. Small amount red and king.
21	John Yackaloff	do	1 50-fathom beach seine	No limit; fox feed and for sale.
22	Tollak Tollestad	do	1 35-fathom beach seine and 1 60-fathom beach seine.	1,000 red and king salmon for sale, and 11,000 other species for fox feed and for sale.
23	Keith McCullough	do	1 60-fathom beach seine and 2 30-fathom gill nets	5,000 red and king salmon for sale, and 15,000 other species for fox feed and for sale.
24	Anton Johansen and Peter D. Olssen	do	1 40-fathom beach seine and 1 30-fathom gill net.	No limit; for fox feed and for sale.
25	Chas. R Olssen	East Shore	1 90-fathom beach seine and 2 25-fathom gill nets.	Do.
26	Rufus H. Bowen	do	1 90-fathom beach seine and 2 25-fathom gill nets.	Do
27	Sholin Bros. Fox Ranch Co	Kachemak Bay	75-fathom gill net	5,000 cheap salmon for fox feed and red and king salmon for sale
28	William J. Babis	do	1 skate, 200 hooks, codfish gear	4 tons codfish.
29	Arne C. Olson	do	Codfish and halibut gear	5 tons codfish and 5 tons halibut.
30	Henry Ladehoff and Arsende Romanoff	do	1 50-fathom beach seine and 1 30-fathom gill net.	20,000 salmon for fox feed and for sale.
31	Julius Christiansen and Tim Balashoff	do	1 30-fathom beach seine and 1 30-fathom gill net.	7,000 cheap salmon for fox feed and red and king salmon for sale
32	Mike Moonin	Port Chatham to Port Graham.	1 80-fathom beach seine	No limit; for sale.
33	DeMetrick Moonin	Port Chatham to Halibut Cove.	do	Do.
34	Emil Berg	East Shore	1 hand trap	Do.
35	Gust Ness	Corea Bend	do	Do.
36	Matt Yuth	Kachemak Bay	1 30-fathom beach seine; 1 25-fathom gill net.	5,000 cheap salmon for fox feed; and red and king salmon for sale.
37	Tom O. Perry	do	1 25-fathom beach seine, 3 50-fathom gill nets.	Do
39	Knik Pete	Kustatan River	3 25-fathom king salmon gill nets; 1 25-fathom red salmon gill net.	No limit; for sale.
40	Paul Kalifonski	Kalifonski Beach	do	Do.
41	Jim Marmelia	Kustatan River	do	Do.
42	Ed. G. Kagden	do	do	Do
43	Little Maxime	do	do	Do.
44	Nick P. Mishakof	do	3 25-fathom king salmon gill nets and 1 25-fathom red salmon gill net.	Do.
45	John Nicholai	do	do	Do.
46	Knik Paul	do	do	Do.
47	Nakishka Pete	do	do	Do.
48	Serge Pete	do	do	Do.
49	Alex Shaska	do	do	Do.
50	Ely Stephen	do	3 25-fathom king salmon gill nets and 1 25-fathom red salmon gill net.	Do.
51	Victor Anton	do	3 25-fathom king salmon gill nets and 1 15-fathom red salmon gill net.	Do.
52	Julius Kallender	Point Possession	1 hand trap 2 25-fathom king salmon gill nets and 1 25-fathom red salmon gill net.	Do.
53	Harry Wodell	Point Possession to Moose Point.	125 fathoms gill net	Do
54	Johnny X. Nicholai	Point Possession	2 25-fathom king salmon gill nets and 2 25-fathom red salmon gill nets.	Do
55	Alex Cleutna	Anchorage to Fire Island	2 25-fathom gill nets	Do.
56	August Juntunen	Point Possession to Moose Point.	4 25-fathom king salmon gill nets and 1 25-fathom red salmon gill net	Do.

Fishery permits issued by bureau's representatives in Alaska, 1923—Continued

COOK INLET DISTRICT—continued

Permit No.	Permittee	Location	Gear allotment	Catch or pack limit
57	Emil Anderson	Moose Point to Point Possession.	4 25-fathom king salmon gill nets	No limit; for sale.
58	Alfred Danilof	Kustatan River	3 25-fathom king salmon gill nets and 1 25-fathom red salmon gill net.	Do.
59	Richard Crisp and Gus Abrahamson	Point Possession to Nakishka.	2 25-fathom king salmon gill nets and 2 25-fathom red salmon gill nets.	No limit; for salting and smoking, and for sale fresh.
60	George Bolga, Russell R. Hermann, and George Hermann.	Chuit River to Beluga River	1 hand trap, 1 25-fathom king salmon gill net, and 1 25-fathom red salmon gill net.	No limit; for sale.
110	Axel Norstadt	Anchor Point and Kachemak Bay.	150-fathom king salmon gill net and 2 30-fathom gill nets for red and silver salmon.	10 tierces king; 50 barrels salted silver. No limit, others; for sale.
111	Eric Albert A. Gissberg	East Shore	100-fathom king salmon gill net and 1 16-fathom beach seine, cod gear.	10 tierces kings, 50 barrels silvers. No limit others than kings; for sale; 10 tons codfish. See No. 200.
112	Anderson and Koch	Trading Bay to Tyonek	1 hand trap and 2 25-fathom king salmon gill nets.	No limit; 20 barrels salted, 2 tons dog feed, and for sale fresh.
113	Frank Standifer and Albert Thompson	East Forelands	1 hand trap	No limit; for sale.
114	Pitka Backoff and Alex Demidoff	Kalgin Island	1 hand trap and 2 25-fathom king salmon gill nets.	Do.
115	Charlie Wagner	Kustatan River	3 25-fathom king salmon gill nets and 1 25-fathom red salmon gill net.	Do.
116	Nick Kalifonski	Kalifonski Beach	1 hand trap	Do.
117	Heywood March	Corea Bend	do	Do.
118	Ero Walli	Anchor Point to Starichkof	2 25-fathom king salmon gill nets and 2 25-fathom red salmon gill nets.	Do.
119	Clyde Coombs	Port Chatham	1 50-fathom gill net	5,000 mixed salmon for fox feed; no limit others for sale.
120	Harry Leonhardt and C. S. Patterson	Kachemak Bay	1 35-fathom beach seine and 1 25-fathom gill net.	3,000 mixed salmon for fox feed; no limit for sale.
121	James S. Collius and Gus Drimeris	Elizabeth Island	75-fathom beach seine	10,000 mixed salmon for fox feed; no limit for sale.
122	Alex Elxnit	Anchor Point to Ninilchik	3 25-fathom king salmon gill nets	No limit; for sale.
123	W. E. Ludy	Port Chatham Bay	1 hand trap for herring	See No. 201, as to herring.
124	Virgil Waller	Anchor Point	1 25-fathom gill net	No limit; for fox feed and for sale.
125	Fred Sundel	Corea Bend	1 hand trap	No limit; for sale.
127	Chas. M. Robinson and E. W. Robinson	Chuit River to Beluga River	6 25-fathom gill nets	Do.
128	T. W. Lloyd	Seldovia Bay	1 50-fathom gill net	No limit; for fox feed and for sale.
129	J. E. Dwyer	Chugach and Rocky Bays	100-fathom gill net	Do.
130	Gabriel Egoraff	Kachemak Bay	120-fathom beach seine	No limit; for sale.
131	Axel Ursin	East Shore	100-fathom gill net	Do.
132	Per E. Johnson	Lewis River to Three Mile Creek.	4 25-fathom king salmon gill nets	Do.
133	Albert Johnson	Knik Arm	1 25-fathom king salmon gill net	Do.
134	Ed Rothe	Kustatan River	3 25-fathom king salmon gill nets	Do.
135	John Lund	do	do	Do.
136	Eric Isaacson	do	do	Do.
137	Chas. West	Humpy Point	1 25-fathom gill net	Do.
138	Gregory Oskalkof	Corea Bend	2 25-fathom gill nets	Do.
139	Mike Graford	Corea Bend to Deep Creek	do	Do.
140	Steff Churkin	do	do	Do.
141	Philip Wilson	Kustatan River	3 25-fathom king salmon gill nets; 1 25-fathom red salmon net.	Do.
142	Billy Stephen	do	do	Do.
143	Mike Damilof	do	do	Do.
144	Nicholai L. Meshagof	do	3 25-fathom king salmon gill nets and 1 25-fathom red salmon net.	Do.
145	Louis Nisson	Kasilof River	1 25-fathom gill net	Do.
146	Garasen Oskolkof	Corea Bend to Deep Creek	2 25-fathom gill nets	Do.
147	Louis Kvasnikof	do	do	Do.
148	Mike Oskolkof	do	do	Do
149	Alex Kalifonski	Kalifonski Beach	1 25-fathom king salmon gill net	Do.
150	Nick Onorka	do	do	Do.
151	Nick A. Sackalof	Kustatan River	3 25-fathom king salmon gill nets and 1 25-fathom red salmon net.	Do.
152	P. S. Meshagof	do	do	Do.
153	Andrew Dolchak	do	do	Do.
154	Chief Nicholai	do	do	Do.
155	Simeon Ynasha	do	3 25-fathom king salmon gill nets	Do.
156	William Avemof	do	do	Do.
157	Joe Oskolkof	do	do	Do.
158	Paul Murphy	do	do	Do.
159	Nick Toman	do	do	Do.
160	William Hunter	do	do	Do.
161	John Otterstrom	Salamato to East Forelands	1 25-fathom gill net	Do.
162	Joe Martinez	Kasilof River	do	Do.
163	Eric Soderberg	do	1 25-fathom king salmon gill net	Do.
164	R. O. Burgess	Port Chatham to Halibut Cove.	1 100-fathom beach seine	Do.
165	Lloyd Swan	Port Chatham to Anchor Point.	1 60-fathom beach seine, 2 30-fathom gill nets.	Do.
166	George Hilleary, Pat McNamara, and Alvin Norton	Boulder Point to Swansons Creek or Kalgin Island and Fire Island.	1 hand trap or 1 60-fathom beach seine and 4 25-fathom gill nets.	Do.
167	Joe Filardo	Kachemak Bay	1 25-fathom beach seine and 1 25-fathom gill net.	No limit; for fox feed and for sale.
168	Joe Magill	Three Mile Creek and Beluga River.	1 hand trap and 4 30-fathom gill nets	50 tierces mild cured kings; 100 barrels red salmon; 300 barrels other species; 3 tons fox or dog feed; sell 4 tons fresh salmon.
169	Ivan Asou Paulik and Pavilla Tokolnik	Kamishak Bay	1 60-fathom beach seine	No limit; for sale.
170	Ivan John Chenik and Simeon John Chenik	do	do	Do.
171	Chas. Danielson	Chuit River to Three Mile Creek.	2 25-fathom gill nets	Do.
172	William Hauck	Moose Point	3 25-fathom gill nets	Do.
173	Ent. N. Pond, R. E. McDonald, Fred M. O'Neil	Northern end	1 100-fathom beach seine	Do.
175	L. W. Bishop	Russian River		4,500 mixed salmon for dog and fox feed.
176	Jones and Williamson Silver Black Fox Farm	Kasilof River		10,000 mixed salmon for fox feed.
182	Carl E. Anderson	do	50-fathom gill net	250 barrels herring.
183	J. A. Gustavson, Axel Anderson, and Simon Josefson	do	100-fathom gill net	500 barrels herring and 25 tons bloaters.
184	Fred Stone	do	50-fathom gill net	150 barrels herring.
185	Charles Engstrom	do	do	Do.
186	Fred I. Munson	do	100-fathom gill net	250 barrels herring and 5 tons bloaters or dry salted herring.

Fishery permits issued by bureau's representatives in Alaska, 1923—Continued

COOK INLET DISTRICT—continued

Permit No.	Permittee	Location	Gear allotment	Catch or pack limit
187	San Juan Fishing and Packing Co. (Inc.)	Halibut Cove and Kachemak Bay.	500-fathom gill net and one 200-fathom purse seine.	2,000 barrels herring and 150 tons bloaters or dry salted herring.
188	Northern Products Corporation	Halibut Cove	1,000-fathom gill net	5,000 barrels herring and 150 tons bloaters or dry salted herring.
189	Vogen and Uthein	do	200-fathom gill net	1,000 barrels herring and 10 tons bloaters or dry salted herring.
190	Charles F. Dies	do	50-fathom gill net	150 barrels herring.
191	Meyers and Armstrong	do	150-fathom gill net	1,000 barrels herring and 10 tons bloaters or dry salted herring.
192	H. B. Sundsby	do	100-fathom gill net	700 barrels herring and 10 tons bloaters or dry salted herring.
193	Edward T. Jensen and Anton J. Johnson	do	do	1,000 barrels herring and 75 tons bloaters, or dry salted herring.
194	Ralph Sparks	do	50-fathom gill net	250 barrels herring.
195	Eugene Norton	do	do	150 barrels herring.
196	Nathan White	do	do	250 barrels herring.
197	John Leiren	do	250-fathom gill net	3,000 barrels and 10 tons bloaters, or dry salted herring.
198	Andy Anderson	do	50-fathom gill net	150 barrels herring.
199	Axel Norstadt	do	100-fathom gill net	300 barrels and 50 tons bloaters, or dry salted herring.
200	Eric Albert Gissberg	do	do	250 barrels and 75 tons bloaters, or dry salted herring.
201	W. E. Ludy	Port Chatham Bay	1 herring trap	150 barrels and 10 tons bloaters, or dry salted herring.

BRISTOL BAY DISTRICT

W1	William Sullivan[1]	Kvichak	Gill net, 200 fathoms	No limit; for sale.
W2	Eric Dohlberg[1]	do	do	Do.
W3	August Nelson[1]	Nushagak	do	Do.
W4	Andrew Nelson[1]	do	do	Do.
W5	Joseph Shaffer[1]	do	do	Do.
W6	Peter Knudsen[1]	do	do	Do.
W7	John Nichelson[1]	Clark Point	do	Do.
W8	Chris Peterson[1]	Snag Point	do	Do.
W9	Peter Krause[1]	do	do	Do.
W10	F. Garne	Ugashik	do	Do.
W11	Galba Meluk[1]	Egegik	do	Do.
W12	A. Meluk[1]	do	do	Do.
W13	Alek Strom	do	do	Do.
W14	Fuma Afognak	do	do	Do.
W15	Matteo Nanakin	do	do	Do.
W16	Charley Strom	do	do	Do.
W17	Dan Amaguk	do	do	Do.
W18	Demmion Begeroff	do	do	Do.
W19	Constantine Mekam	do	do	Do.
W20	Luke Mekan	do	do	Do.
W21	George Amelek	do	do	Do.
W22	Evan Takudak	do	do	Do.
W23	Custro Takudak	do	do	Do.
W24	Ablama Takudak	do	do	Do.
W25	Tamelak Meluk	do	do	Do.
W26	Fedore Upugak	do	do	Do.
W27	Pete Olympic	Naknek	do	Do.
W28	Harold Backman	do	do	Do.
W29	James Roach	do	do	Do.
W30	Ed. Ahola[1]	do	do	Do.
W31	D. Andrew[1]	Nushagak	do	Do.
W32	Mike Micolie[1]	do	do	Do.
W33	E. Sarge[1]	do	do	Do.
W34	B. Sarguis	do	do	Do.
W35	Andrew Krause	do	do	Do.
W36	George Gakup	do	do	Do.
W37	K. Wassalie	do	do	Do.
W38	H. Moxie	do	do	Do.
W39	L. Bronchos	do	do	Do.
W40	Evan Hiyeuak	do	do	Do.
W43	Nicholas Christenson	Ugashik	do	Do.
W44	Andrew Arenson	Naknek	do	Do.
W45	Antone Roe	do	do	Do.
W46	John A. Johnson	do	do	Do.
W47	Mike Anderson	do	do	Do.
W48	Willis Zumgumgmik	Ugashik	do	Do.
W49	Chas. Smith	do	do	Do.
W50	Luis Smith	do	do	Do.
W51	Nick Mikuguglak	do	do	Do.
W52	Joe Mikuguglak	do	do	Do.
W53	R. Neucklavaela	do	do	Do.
W54	J. Aleauk	do	do	Do.
W55	Charles Johnson	do	do	Do.
W56	Mike Thompson	do	do	Do.
W57	Mike Oknak	Igushik	do	Do.
W58	Petla Ivanowich	do	do	Do.
W59	—— Alexi	do	do	Do.
W60	Medicine Man	do	do	Do.
W61	Sam Sapsop	Ugashik	do	Do.
W62	Barney Sapsop	do	do	Do.
W63	John Spoon	do	do	Do.
W64	Frank Spoon	do	do	Do.
W65	John Nickelson[1]	do	do	Do.
W66	John Washa[1]	do	do	Do.
W67	Alfred Anderson[1]	do	do	Do.
W68	Chas. Dahl[1]	do	do	Do.
W69	Axel Johnson[1]	do	do	Do.
W70	Sig Heglund[1]	do	do	Do.
W71	P. Evans	Nushagak	do	Do.
W72	M. Pavlo	do	do	Do.
W73	P. Vasile	do	do	Do.
W74	Farmer Nelson	do	do	Do.

[1] Not used.

Fishery permits issued by bureau's representatives in Alaska, 1923—Continued

BRISTOL BAY DISTRICT—continued

Permit No.	Permittee	Location	Gear allotment	Catch or pack limit
W75	Evan Togiak [1]	Nushagak	Gill net, 200 fathoms	No limit; for sale.
W76	Wesley Togiak [1]	do	do	Do.
W77	Joe the Jap	do	do	Do.
W78	Oscar Kuskokwim [1]	do	do	Do.
W79	Gregorg	do	do	Do.
W80	Julius	do	do	Do.
W81	Willis Togiak [1]	do	do	Do.
W82	Evan Togiak No. 2	do	do	Do.
W83	Tyon [1]	do	do	Do.
W84	Fred Carlson	do	do	Do.
W85	E. Day [1]	do	do	Do.
W86	H. Helmerson [1]	do	do	Do.
W87	Jim Timmerman	Snag Point	do	Do.
W88	H. Johnson	Nushagak	do	Do.
W89	Malka	do	do	Do.
W90	Paplok	do	do	Do.
W91	Ole Nelson	do	do	Do.

SHUMAGIN DISTRICT

1-W	A. Ostermark	Popof Straits	One-half purse seine	2,500 salmon.
		Acheredin Bay		3,500 salmon.
		West Nagai Straits		8,250 salmon.
2-W	Harry Olsen	Popof Straits	One-half purse seine	2,500 salmon.
		Acheredin Bay		3,500 salmon.
		West Nagai Straits		8,250 salmon.
3-W	N. H. Johnson [1]	Popof Straits	One-half purse seine	10,000 salmon.
		West Nagai Straits		18,500 salmon.
4-W	S. Brandal	Paul and Jacob Islands	1 gill net	50 barrels salted red salmon.
5-W	Sam Larsen	Popof Straits	One-half purse seine	7,500 salmon.
		West Nagai Straits		21,000 salmon.
6-W	August Lindquist	Orzenoi Bay	1 beach seine	665 barrels, all species.
7-W	Andrew Hanson	Barlof Bay	1 beach seine or gill net	2,500 salmon.
8-W	Chas. Christiansen [1]	Sandy Cove and Coal Harbor.	1 beach seine and gill net	140 barrels, all species.
9-W	A. Grosvold [1]	Sand Point and Unga Strait	do	200 barrels salted red salmon; 25,000 humpbacks for fox feed.
10-W	J. Olsen	Nagai Island	1 beach seine or gill net	10,000 humpbacks for fox feed.
11-W	A. Pedersen and T. Skulstad	Simeonof Island	1 beach seine or set net	Do.
12-W	R. Grosvold	Little Koniugi Island	1 beach seine or gill net	15,000 humpbacks for fox feed.
13-W	R. Reeve	East Nagai Straits	1 beach seine and gill net	10,000 mixed salmon for fox feed.
14-W	Chas. McCallum	do	do	Do.
16-W	Knut Knutsen [1]	Ivanof Bay	1 beach seine or gill net	7,000 all species.
20-W	Ed Johnson	Barne Cove	1 beach seine	100 barrels, all species.
21-W	H. Sharpneck, W. Hubbley, T. Foster, S. Larsen, and H. Olsen.	Sandiego, Balboa, and Ivanof Bays, and Stepovak flat.	One-half purse seine	75,000 humpbacks and chums; 5,000 red salmon.
25-W	S. Brandel		Codfish gear	No limit on codfish.

IKATAN DISTRICT

15-W	Porter and Wolf	Belkofsky Bay and Deer Island.	One-half purse seine	50,000 salmon, all species.
17-W	Peter E. Nielsen	Cold Bay	Beach seine and half purse seine	15,000 red and 50,000 other salmon.
18-W	Edward Smith	King Cove	Set gill nets	5,000 salmon of all species
19-W	Chas. Hansen and Oscar Longsmith [1]	Boiler Point to Whalebone Bay.	Set gill net or beach seine	3,000 salmon, all species.
23-W	Oscar Vanner	Isanotski Strait	1 beach seine	50,000 chum salmon.
24-W	Fred Brandel		Codfish gear	No limit on codfish.

PORT MOLLER DISTRICT

22-W	M. Gunderson, Peterson and Michaelson	Nelson Lagoon	3 50-fathom gill nets	100 barrels coho salmon.

ALEUTIAN ISLANDS DISTRICT

W1	San Juan Fishing & Packing Co	Unalaska and Akutan Pass	Codfish gear	No limit of codfish.
W2	A. C. Goss	Umnak and Nicholsky Bay		175 barrels salt salmon.
	E. H. Larson	Umnak Island		100 barrels salt salmon.

[1] Not used.

Mr. FESS. Here is another. This is in reference to the character of machinery, the gear that is used, which will answer completely the insinuations that have been offered here on the floor of the Senate imputing certain motives to the Secretary of Commerce. This is headed:

"Comparison of allotments of gear and salmon pack under 1923 and 1924 permits for the Alaska Peninsula Fisheries Reservation and the Southwestern Alaska Fisheries Reservation."

I ask unanimous consent that this may be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

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

Comparison of allotments of gear and salmon pack under 1923 and 1924 permits for the Alaska Peninsula Fisheries Reservation and the Southwestern Alaska Fisheries Reservation

Permit No.	Permittee	Location	District	Reservation	Allotment of gear		Allotment of pack	
					1923	1924	1923	1924
							Cases	*Cases*
1	Alaska Packers Association.	Kvichak [J]	Bristol Bay	Southwest Alaska	62 gill-net boats	51 gill-net boats		
2	Do	Kvichak [X]	do	do	60 gill-net boats	50 gill-net boats		
3[1]	Do	Naknek [NN]	do	do	do	do		
4	Do	Naknek [O]	do	do	do	do		
5	Do	Naknek [M]	do	do	do	do		
6	Do	Egegik [E]	do	do	36 gill-net boats	30 gill-net boats		
7a	Do	Ugashik [U]	do	do	24 gill-net boats	20 gill-net boats		
8	Do	Nushagak [PHJ]	do	do	48 gill-net boats	28 gill-net boats		
9	Do	Nushagak [NC]	do	do	60 gill-net boats	35 gill-net boats		
10	Alaska-Portland Packers' Association.	Nushagak	do	do	54 gill-net boats	31 gill-net boats		
11	Do	Naknek	do	do	42 gill-net boats	35 gill-net boats		
12	Alaska Salmon Co	Kvichak	do	do	12 gill-net boats	10 gill-net boats		
13	Do	Wood River	do	do	36 gill-net boats	21 gill-net boats		
14a	Bristol Bay Packing Co.	Koggiung	do	do	60 gill-net boats	60 gill-net boats		
15	Carlisle Packing Co	Ships Anchorage	do	do	36 gill-net boats	30 gill-net boats		
16	Columbia River Packers' Association.	Nushagak	do	do	do	21 gill-net boats		
17a	International Packing Co.	Ugashik (floating)	do	do	18 gill-net boats	15 gill-net boats		
18	Libby, McNeill & Libby.	Ekuk	do	do	36 gill-net boats	21 gill-net boats		
19	do	Nushagak	do	do	do	do		
20a	do	Libbyville	do	do	48 gill-net boats	35 gill-net boats		
21	do	Koggiung	do	do	60 gill-net boats	50 gill-net boats		
22	do	Igushik	do	do	10 gill-net boats	6 gill-net boats		
23	Naknek Packing Co	Naknek [B]	do	do	48 gill-net boats	40 gill-net boats		
24	Northwestern Fisheries Co.	Naknek	do	do	do	do		
25	do	Nushagak	do	do	36 gill-net boats	21 gill-net boats		
26a	Red Salmon Canning Co.	Ugashik	do	do	24 gill-net boats	20 gill-net boats		
27a	Alaska Packers' Association.	Chignik	Chignik	Alaska Peninsula	3 traps	3 traps	50,000	
28a	Columbia River Packers' Association.	do	do	do	do	do	50,000	
29a	Northwestern Fisheries Co.	do	do	do	do	do	50,000	
30	Shumagin Packing Co	Squaw Harbor	Shumagin	do	4 traps	5 traps	50,000	75,000 (25,000 red).
31	P. E. Harris & Co	False Pass	Ikatan	do	4 traps, 2 purse seines.	4 traps, 2 purse seines, 1 beach seine.	70,000	69,500.
32	Pacific American Fisheries.	Ikatan	do	do	8 traps	8 traps	76,000	70,000.
33	do	King Cove	do	do	8 traps, 3 beach seines.	8 traps, 3 beach seines.	100,000	90,000.[1]
34	do	Kupreanof Harbor	Shumagin	do				
35a	Alaska Packers' Association.	Larsen Bay	Kodiak-Afognak	Southwest Alaska	Beach seines	Beach seines, 2 traps.	50 per cent of run	50 per cent of reds.
36a	Northwestern Fisheries Co.	Uyak	do	do	do	Beach seines		
37	Alaska Packers' Association.	Kasilof [CI]	Cook Inlet	do	10 traps	5 traps	40,000	30,000 (15,000 red).
38	Fidalgo Island Packing Co.	Port Graham	do	do	7 traps	do	40,000	Do.
39	Libby, McNeill & Libby.	Kenai	do	do	10 traps	do	40,000	Do.
40	Northwestern Fisheries Co.	do	do	do	do	do	40,000	Do.
47	North Coast Packing Co.	Ninilchik	do	do	2 traps	1 trap	100 tierces, 100 barrels, and 5,000 cases.	3,000 (1,300 red)
48	Robinson Packing Corp	Zachar Bay	Kodiak-Afognak	do	6 beach seines and 10 gill-net boats.	6 beach seines and 10 gill-net boats	20,000	20,000.
50	Arctic Packing Co	English Bay	Cook Inlet	do	1 trap, 1 beach seine, and 3 gill nets.	1 beach seine and 3 gill nets.	100 barrels and 5,000 cases.	3,000 (1,500 red), 100 barrels.
51	Libby, McNeill & Libby.	Egegik	Bristol Bay	do	36 gill-net boats	30 gill-net boats		
52	Red Salmon Canning Co.	Naknek [P]	do	do	do	do		
53	Peter M. Nelson	Squaw Creek	do	do	12 boats	10 boats		
		Copenhagen Creek	do	do	2 boats	2 boats		
		Igushik	do	do	4 boats	3 boats		
54	Belkofsky natives	King Cove (P. A. F.).	Ikatan	Alaska Peninsula		2 traps and 2 beach seines.		(1)
55	August Lindquist	Orzenoi River	Shumagin	do	1 beach seine	1 beach seine	665 barrels	500 barrels or 2,250 cases.
56	Libby, McNeill & Libby.	Lockanok	Bristol Bay	Southwest Alaska	48 gill-net boats	40 gill-net boats		
57	Pacific American Fisheries.	Port Moller	Port Moller	Alaska Peninsula	2 traps, 4 purse seine boats.	2 traps, 3 purse seine boats.		
58	Alitak Packing Co	Lazy Bay	Kodiak-Afognak	Southwest Alaska	4 traps, 6 beach seines, 4 gill nets.	3 traps, 6 beach seines, 4 gill nets.	7,500 reds; no limit others.	7,500 reds; no limit others.
59	Alaska Packers' Association.	Olga Bay	do	do	7 traps, 3 beach seines.	5 traps, 6 beach seines.	do	do
60	Kadiak Fisheries Co	Kodiak	do	do	1 trap, 19 beach seines, 7 gill nets.	2 traps, 10 beach seines.	40,000	40,000.
61	Katmai Packing Co	Uzinki	do	do	15 beach seines, 300-fathom gill net.	15 beach seines, 300-fathom gill net.	20,000	20,000
62	Kodiak Island Fishing & Packing Co.	Uganik Bay	do	do	5 beach seines	5 beach seines	20,000	15,000.
63	Everett Packing Co	Herendeen Bay	Port Moller	Alaska Peninsula	3 purse seine boats	3 purse seine boats		
64	Pacific American Fisheries.	Nelson Lagoon	do	do	3 traps	3 traps, 3 days a week.		
65	Bering Sea Salmon Packing Co.	King Salmon Creek.	Bristol Bay	Southwest Alaska	12 gill-net boats	10 gill-net boats		
66	J. A. Magill	Three Mile Creek	Cook Inlet	do	1 trap, 4 30-fathom gill nets.	1 trap, 4 30-fathom gill nets.	50 tierces, 400 barrels, 4 tons fresh, 3 tons dog feed.	

[1] Pack from fish caught under permit No. 54 not to be included in limit under permit No. 33.

Comparison of allotments of gear and salmon pack, etc.—Continued

Permit No.	Permittee	Location	District	Reservation	Allotment of gear		Allotment of pack	
					1923	1924	1923	1924
							Cases	*Cases*
69	Phoenix Packing Co.	Herendeen Bay	Port Moller	Alaska Peninsula	2 purse seine boats	2 purse seine boats		
70	Pajoman & Trout	Tiger Cape	Kodiak-Afognak	Southwest Alaska	1 beach seine, 5 set nets	1 beach seine, 5 set nets.	2,000 cases	2,000 cases.
71	Peter E. Nielsen	Cold Bay	Ikatan	Alaska Peninsula	1 seine	1 seine	15,000 red salmon, 50,000 others.	15,000 red salmon, 50,000 others.
72	Alaska Year-Round Canneries.	Seldovia	Cook Inlet	Southwest Alaska	2,000-fathom gill nets.	500-fathom gill nets.	3,500 cases	3,000 cases (1,500 red)
74	Henry J. Emard	Moose Point	do	do	2 traps, 6 gill nets	1 trap, 250-fathom king salmon gill nets, 250-fathom red salmon gill nets.	5,000 cases	Do.
75	Fidalgo Island Packing Co.	Herendeen Bay	Port Moller	Alaska Peninsula	2 purse seine boats	2 purse seine boats		
76	Kamishak Canning Co.	Kamishak Bay	Cook Inlet	Southwest Alaska	3 beach seines, 5 gill nets.	1 trap, 1 beach seine.	5,000 cases	3,000 cases (1,500 red).
78	Opheim and Sargent	Shuyak Island	Kodiak-Afognak	do			100 barrels red, 300 barrels cohos, 500 barrels pinks, herring, and cod.	50 barrels reds, 300 barrels cohos, 500 barrels pinks, herring, and cod.
79	Cook Inlet Packing Co. (1923, Seldovia Packing Co.)	Seldovia	Cook Inlet	do	2 traps, 1,000 fathoms gill net, 5 beach seines.	1 trap, 500 fathoms gill net.	5,000 cases	3,000 cases (1,500 red).
80	John Delorne	Cottonwood Creek	do	do	2 king, 2 red gill nets	2 75-fathom king, 2 75-fathom red gill nets.	200 cases	200 cases
81	Polar Fisheries Co.	Snug Harbor	do	do	4 traps, 2 beach seines, 300 fathoms gill nets.	2 traps	15,000 cases	10,000 cases (5,000 red).
82	Anchorage Packing Co.	Anchorage	Cook Inlet	do	4 traps	1 trap	15,000 cases	7,500 cases (3,750 red).
86	International Packing Co.	Makushin Bay	Aleutian Islands	Alaska Peninsula		5 beach seines		
88	Michael P. Galvin	Our Island	Kodiak-Afognak	Southwest Alaska			5 tons fox feed	2 tons fox feed.
90	Illinick Packing Co.	Port Heiden	Port Heiden	Alaska Peninsula	Gill nets	Gill nets	700 barrels	700 barrels.
91	Hopp & Danielson	Uganik Bay	Kodiak-Afognak	Southwest Alaska	1 beach seine	1 beach seine	500 cases, 200 barrels cohos.	200 barrels red, 200 barrels cohos, 200 barrels humpbacks.
92	Alaska Commercial Co.	Unalaska	Aleutian Islands	Alaska Peninsula				100 barrels humpbacks.
94	Harry S. Crosby & Sons	Izembeck Bay	Port Moller	do		3 traps, 1 beach seine.		5,000 cases reds, 5,000 cases others.

Mr. FESS. There is also a charge that there was a limitation that is exclusive of the rights of certain others who would like to fish. I have here the allotments under permits to date, for 1924, compared with similar allotments for 1923, giving the facts in the matter of licenses covering every one of the districts where fishing is now engaged in, which is conclusive; not opinion, but figures from the records. It should put an end to this unfortunate charge so loosely made by certain people. I ask unanimous consent that that be also printed in the RECORD.

I submit the facts touching allotments in each district of the reservations, which disclose the efforts to conserve the industry.

The PRESIDING OFFICER. Is there objection?

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

(December 1, 1923; revised to January 2, 1924; February 13, 1924; February 18, 1924)

Allotments under permits to date for 1924, compared with similar allotments for 1923

SOUTHWESTERN ALASKA FISHERIES RESERVATION

BRISTOL BAY DISTRICT

In 1923 a total of 1,260 gill-net boats were permitted to the companies operating. For 1924 permits are given for 966, a net reduction of 294 boats. No pack limit for either year was placed on the plants in Bristol Bay.

COOK INLET DISTRICT

According to the report of the bureau's representative on Cook Inlet in 1923 a total of 61 traps were constructed and operated under permits. Of these 45 were company traps (8 others authorized but not operated) and 16 were independent traps under permits issued by the bureau's local representative.

In 1924 only 27 of the 45 will be allowed to operate and 20 independents, making a total of 47 for the season of 1924, a reduction of 14.

Pack allotments for 1923 totaled 223,500 cases, with no specification as to the proportion which might be red salmon. In 1924 the total of allotments will be 158,700 cases, with provision that not more than half shall be red.

KODIAK-AFOGNAK DISTRICT

In 1924 two companies at Karluk will again operate, as in 1923, taking not over 50 per cent of the run of red salmon, as indicated by the count at a weir, no specific limit being imposed on the pack.

At Alitak Bay two companies will again each have a limit of 7,500 cases of reds each, without a limit on the pack of other species. Their gear has been reduced from a total of 11 traps, 9 beach seines, and 4 gill nets in 1923 to 8 traps, 12 beach seines, and 4 gill nets in 1924.

Permits to all the other salmon canneries in the district which allowed 1 trap, 46 beach seines, and 26 gill nets in 1923 have been changed to 2 traps, 37 beach seines, and 19 gill nets for 1924. These same companies received a reduction on pack limit from 102,000 cases in 1923 to 97,000 cases in 1924.

At Chignik 6 traps are to be operated by the three companies in Chignik Bay in 1924 instead of 9 as in 1923, and not to exceed 50 per cent of the red salmon run, as determined by the count at a weir, will be permitted to be packed. No limit is imposed on other than reds.

In Nelson Lagoon the three traps operated in 1923 will be fished only three days a week. In the remainder of the Port Moller-Herendeen Bay region there is a reduction of one purse seine boat, leaving the total allotment of gear 2 traps and 10 purse seine boats. No limit is placed on the pack.

In the waters previously fished in the Ikatan and Shumagin Districts there has been a reduction of 1 trap and 1 purse seine in the gear to be operated, and of 21,500 cases. A local resident has been given a permit to can 2,250 cases in 1924 in lieu of previous permit for salting 665 barrels. Gear allotted to him is 1 beach seine, as in 1923.

Waters not previously fished in the reservation, and which are allotted in 1924, include the following: (a) Swanson's Lagoon, on northern shore of Unimak Island; (b) Izembeck Bay; (c) Makushin Bay; (d) vicinity of Belkofsky; (e) region of Kupreanof Harbor; and (f) vicinity of Chignik.

Mr. FESS. I also have here a statement of the reduction of the fishing privileges. It has been charged that the administration of the Commerce Department is in the interest of a few great companies, and against the rights of the general people in the territory. I asked for this information, "Pack of

salmon in Alaska Peninsula and Southwestern Alaska Fisheries Reservation in 1923, compared with pack in the same area in 1922."

This is to indicate whether there is any effort to conserve this industry by limiting the output. The large packers, those named a while ago by the Senator from Utah, Alaska Packers, Libby, McNeill & Libby, Northwestern Fisheries Co. and Pacific-American Fisheries, in 1922 took 1,504,874 and in 1923 they took 1,141,930, a decrease of 24 per cent. That is the decrease to the large packers, while the decrease to the small packers was from 781,215 cases to 651,571, a decrease of only 16 per cent. If the administration of the Commerce Department is in the interest of the big packers, then why should the decrease in 1923 over 1922 be 24 per cent for them, while the small packers had a decrease of only 16 per cent? That ought to be sufficient evidence of whether this is partial to the big fishermen or not.

On the subject in which the Senator from Utah was interested, as evidenced by his observations, much interest had been shown, and on November 20, 1923, Secretary Hoover made a full and fairly complete statement, as I take it, in a letter to the Senator from Utah. I have a copy of the letter. It is so comprehensive, covering this subject, that I would like to have that also printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

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

NOVEMBER 20, 1923.

Hon. WILLIAM H. KING,
United States Senate, Washington, D. C.

MY DEAR SENATOR KING: I have felt for some time that the condition of our Alaskan fisheries was not receiving the public attention which its seriousness merits. It has been and is a source of great concern to me, and I am glad to see from your letter of the 7th that you are giving thought to it. I am in complete agreement with the view of your correspondent that the industry is in danger of destruction and that many of the streams have been or are being depleted. In reality we are facing an emergency, and the future of these fisheries will depend very largely upon action taken in the immediate future. It is not, however, correct to say that this condition arises from any "destructive policies of the Government." Indeed, the truth lies in the opposite direction. The streams and bays are being overfished and the supply of young salmon destroyed not because of the existence of a Government policy, but because of the lack of it.

There has been no congressional action on this subject since 1906. The law then passed empowered the Secretary of Commerce to prohibit or regulate fishing in the rivers of Alaska and within 500 yards of their mouths. No other authority was given. Whatever may have been the situation then, that law wholly fails to meet present conditions.

The department has exercised its powers within the area allowed by this act, but great fishing operations are now carried on in open waters far beyond the very limited area within which the statute permits control.

Because of the extreme seriousness of the situation and to furnish some protection pending congressional action, President Harding in 1922 created two fisheries reservations in Alaskan waters, the Alaska Peninsula and the Southwestern Alaska. His thought was that regulations prescribed for these reservations would accomplish a measure of conservation and would also provide a record of practical experience in this wholly new regulatory field in the light of which Congress could legislate with knowledge of its actual workings. These two reservations have been administered by the Department of Commerce, and I think I may say that they have accomplished conservation to a large extent. There has resulted in the streams within their limits a proper escapement of salmon to allow sufficient propagation; and while this has necessarily meant a curtailment of fishing operations and a decrease in the number of fish taken, it has been accomplished with as little harm as possible to the industry and with a minimum of complaint.

But compared with entire Alaskan waters these reservations are small. They cover only about 40 per cent of the fishing grounds, and only about 35 per cent of the total salmon pack was made within their boundaries in 1923. In all other Alaskan waters, excepting in the rivers and the areas at their mouths regulated under the 1906 law, fishing proceeds unregulated and unrestricted, limited only by the total number of available fish and the facilities for their destruction. There is no law to cover them. It is no wonder that depletion has resulted and ruin is threatened.

Two rivers, the Fraser and the Copper, are specifically cited by your correspondent as having been depleted as far as commercial fishing is concerned. It is true that the Fraser River was at one time a very important red-salmon stream and that it is now almost wholly depleted. Its history affords an impressive instance of the fate that awaits the salmon fisheries when left without adequate regulation by competent authority. This river, however, lies wholly in Canadian territory. Our law is not applicable to it.

The Copper River, which seemed at one time to have an almost inexhaustible supply of salmon, is now comparatively of no commercial importance. It lies outside of the reservations. Under the act of 1906 fishing in this stream and within an area of 500 yards from the delta mouths has been wholly prohibited. It is futile to hope for any recovery of this important fishing under present conditions, inasmuch as no legal restrictions or limitations can be imposed beyond the 500-yard limit.

I note the statement that the reservation system in Alaska prevents the small fisherman from operating. In this respect your correspondent is misinformed. Permits are given them at any time before the beginning of the fishing season upon application to a local representative of the Department of Commerce. Others must make application direct to the Secretary of Commerce by October 1 of the year preceding that in which operations are proposed.

The statement that "the traps destroy all of the salmon caught, whereas only a few of them, the red fish, for example, are used," is also incorrect. All the species of salmon in Alaska are valuable and all are usable. The wanton waste of any is forbidden by law, and any violation coming to the attention of the department is vigorously prosecuted.

Your correspondent states that the reservation system permits the continuous use of traps. Existing legislation contemplates the use of traps, and specifically places limitations upon their use. Without entering into a discussion of the merits or demerits of traps from an economic standpoint, it may be stated that the reservation policy has resulted in a restriction upon them at least equal to that upon other forms of fishing gear, and perhaps even greater. Throughout the entire Bristol Bay district, in which are the largest and most important red-salmon fishing grounds in the world, the use of traps has been entirely prohibited. Beach seines and purse seines have also been eliminated from this district as a result of the reservation policy. For commercial fishing in this district drift-gill nets only are permissible, and the smallest operator can use this type of gear to as good advantage as the largest.

One of the methods suggested by your correspondent for conserving these fisheries is the removal of traps to a greater distance from the entrance to the streams or the abolishment of them altogether. The present law gives the department no authority to abolish them. It does, however, permit the department to prohibit their use in or within 500 yards of the mouth of any salmon stream, and this has been effected by department regulation since 1921 for every salmon river in Alaska.

The object to be accomplished is the conservation of the salmon. It can only be brought about by limitation or in some places prohibition. Those now guilty of excessive fishing do so generally under the assertion that the right to fish in public waters is a natural common-law right inherent in every citizen. Obviously only a legislative body can properly deal with such a subject in a final manner. Executive measures must necessarily be temporarily or merely palliative, except to the extent that the law may lay down a definite policy which the Executive may follow, carry out, and administer. It is for that reason that I am especially glad that your attention has been called to the subject. I hope you will take an active interest in constructive legislative methods for a solution of this important problem. I shall welcome your aid and suggestion. I am asking Mr. O'Malley, Commissioner of Fisheries, to hand this letter to you personally so that he may give you any further information and detail which you desire, and I would be glad to discuss the whole subject myself with you at any time.

It will also afford me much pleasure to discuss with you at any time this department's policy regarding the disposition of fur-seal skins taken at Pribilof Islands.

Yours faithfully,

HERBERT HOOVER,
Secretary of Commerce.

Mr. FESS. I regret that the charge has been made—although not here on the floor—that the Secretary had shielded some persons from punishment or prosecution by the Department of Justice. That was not mentioned in the debate to-day. However, it has been mentioned in the press. It was one of the things that attracted my attention.

I have a letter from the Attorney General, Harlan Stone, covering that particular item. I ask unanimous consent that that letter may be printed in the RECORD, together with a supplemental letter written by Mr. Frank Reavis, the assistant in the Department of Justice whose business it was to prosecute these cases. I would like to have these letters printed in the RECORD to make up the record.

The PRESIDING OFFICER. Is there objection?

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

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., May 20, 1924.

Hon. HERBERT HOOVER,
Secretary of Commerce.

MY DEAR MR. SECRETARY: I beg to reply to your communication of the 3d instant relating to action on your part, which, it has been suggested in newspaper reports, occasioned delay on the part of this department in instituting certain contemplated actions against a number of salmon packers. I have to say that I have caused a thorough investigation to be made of this matter and I am most happy to say that any criticism of you in connection with it is without any foundation whatever.

The prosecution of these cases has been under the immediate direction of C. Frank Reavis, Esq., special assistant to the Attorney General. I inclose herewith copy of a letter from him to me dated May 19, in which he makes it clear that the sole cause of delay in prosecuting these suits has been the great difficulty in gathering the essential data and documentary evidence necessary to prove the Government's case.

I may say further that the request that the salmon packers be given an opportunity to present their case before the Government instituted action in the courts was entirely proper, and the granting of it was in accord with the practice which I have adopted since I came into the department. It is my understanding, however, that the packers did not avail of the opportunity which was given them to present their side of the case and that no delay whatever has been occasioned by the willingness of this department to grant the request.

Sincerely yours,

HARLAN STONE, *Attorney General.*

WAR TRANSACTIONS SECTION,
May 19, 1924.

The honorable the ATTORNEY GENERAL,
Washington, D. C.

MY DEAR MR. ATTORNEY GENERAL: The letter addressed to you under date of May 3 by Mr. Herbert Hoover, Secretary of Commerce, relating to any action on his part that might have caused delay in the institution of certain contemplated actions against a number of salmon packers, has been handed me for my attention.

The facts in the case, as briefly as possible, are as follows:

The War Department shortly after the signing of the armistice made a reclamation contract with a number of salmon packers for the sale of all surplus salmon in the hands of the department. It was, and still is, the opinion of this section that the contract was inspired by mistake and misrepresentation and resulted in large and unnecessary loss to the Government. I was appointed special assistant to the Attorney General to prosecute these cases through the courts. The contracts, correspondence, and supplemental agreements were scattered through every zone supply depot throughout the United States. It was necessary not only to have an accounting of all of these cases but it was essential that all data and documentary evidence necessary to prove the Government's case be collected, tabulated, and catalogued. This work presented difficulties that were almost insurmountable, and notwithstanding the most painstaking and continuous effort of the accounting division of the war transactions section, it has required approximately two years for them to prepare the Government's case. This work has been admirably done by the accounting division, and the cases will be ready to present to the courts within the next few weeks.

The delay has been occasioned solely by the facts above stated, and Mr. Secretary Hoover has not in the remotest degree been responsible for the same. The request of his letter that the salmon packers be given an opportunity to present their case before the Government instituted action had nothing to do with the delay of the Government in starting the cases.

It has been my policy ever since I took up the work in which I am now engaged to give every business institution the opportunity of a conference with me before I started any case against it. It frequently occurs that what may appear to be unrighteous conduct by a superficial examination is susceptible of a complete explanation. I have been very reluctant to charge anyone, even in a civil action, with taking advantage of the country when it was wounded and in distress, unless I was certain that my charges were correct. I have always felt that if I could not win my case in my own office I would have a very poor chance of success in a court, consequently, following this custom I, on my own motion, agreed with the salmon packers that I would confer with them as soon as the Government's case was complete; and unless such action should meet with your disapproval, I should like to keep this promise.

This action was taken in obedience to the custom which I have adopted and not because of the request of Mr. Secretary Hoover, though I should have been very glad to have complied with his request in the absence of the custom I have suggested. Any criticism of Mr. Hoover in this particular is entirely unjustified.

Sincerely yours,

C. FRANK REAVIS,
Special Assistant to the Attorney General.

Mr. FESS. Mr. President, my only interest in this matter is, to begin with, the conservation of an industry which I regard as exceedingly important. I have great sympathy with the effort of the Commerce Department to conserve the industry. It is easy to see that conservation is impossible if the elements opposing Secretary Hoover have their way. The Secretary has been unable thus far to induce legislative action. Under the law of 1906 this can not be done, because it is not far-reaching enough. He has tried to supplement the law by the only method which has now come into controversy with some criticism, namely, the reservation plan.

The Secretary is not in favor of the reservation plan as a policy, but only as an emergency to cover the interregnum until Congress acts. He stated in a letter that it was subject to criticism in that it would, in a sense, favor exclusive privileges, and be subject to the charge of monopoly. Therefore he did not like the reservation plan, and for three years he has been urging that Congress pass some additional legislation to take care of this industry thus far so rapidly depleting.

So far as I know, very little serious opposition has been displayed to the proposed legislation, and I sincerely hope, in the interest of not only the people of Alaska but of all of our people in a great source of food supply in one of the great industries of the land, that the Congress will not be derelict but will take speedy action for the conservation of the salmon fisheries.

The attack upon the Secretary I very much deplore as certainly unfounded, as is clearly shown by a mere recital of the facts.

The idea that any monopoly has been created in Alaska is nonsense. Everybody fishing there to-day was fishing before the reservations were put in. If there is a fishing trust in Alaska it was there when the Secretary of Commerce undertook to curtail the destruction of fisheries.

The first reservation, covering 20 per cent of the Alaskan fisheries, has been in operation for only two seasons.

The second reservation, covering another 20 per cent of the Alaskan fisheries, has been in operation for one season.

The reservations were based on holding the status quo until Congress could act and were the result of failure of Congress to act on application of the Secretary of Commerce. The regulations under the reservations were designed to reduce the amount of fish taken by limiting the amount of fishing gear, preventing the addition of new canneries, and limiting the season. Everybody who was fishing at the time before the reservations were put in was given a license to continue to fish on a reduced scale.

Last season 400 licenses were granted and 20 refused. Among the applicants who were refused licenses were some of the big packers as well as small ones.

At every session of Congress during this administration the Secretary of Commerce has applied for legislation.

On December 21, 1922, he addressed the chairman of the House Committee on Fisheries as follows:

> We have through Executive order during the past year made two reservations covering southwest Alaska, purely for temporary purposes. We have now before us applications from all of the commercial and public bodies of southeastern Alaska to extend these reservations over the whole of the fisheries of that territory. This method of protection works many inequities and has a tendency to establish monopolies and is only in public interest as a temporary emergency method. It becomes critical, therefore, that adequate legislation for the protection of the fisheries should be advanced.

This method of regulating the fisheries was established as an emergency measure on recommendation of the experts of the Bureau of Fisheries as the only practicable method which could be applied quickly with limited staff and resources available and until such time as there was fundamental law upon the subject. It was put in action because preparations were being made to largely increase the number of canneries, particularly by the large canning companies.

The result of these measures was to reduce the amount of fish caught in 1923 in the reserve area by about 20 per cent, whereas it increased in the nonregulated area of Alaska by over 40 per cent.

The reservations were recommended by practically every civic body in Alaska and by the Governor of Alaska.

The extension of reservations over the remaining 60 per cent of Alaska has been strongly recommended by the governor and many civic bodies of Alaska if there should be further failure in legislation.

The statement that the Secretary of Commerce has in any way favored the creation of trusts, or any individual in Alaska, is nonsense in the face of this reduction of their activities and in the face of persistent application to Congress to save the fisheries.

The extension of the reservation idea over the balance of Alaska was recommended during last summer by the governor and the civic bodies in Alaska and was also recommended by the senior Senator from Washington after spending two months in Alaska in inspection of the system.

The Secretary of Commerce, on the other hand, refused to extend the reservations because he preferred that Congress should act.

Thirty-five men of the Bureau of Fisheries reduced salmon taken by 20 per cent over a coast line of 2,600 miles.

The PRESIDING OFFICER. If there be no further amendments as in Committee of the Whole, 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.

Mr. JONES of Washington. Mr. President, I ask permission to have printed in the RECORD a letter from the President of the United States with reference to the bill which has just been passed; also a statement showing the effect of the provision in the bill as passed by the House, which the Senate committee struck out; and also a letter from Secretary Hoover to the Attorney General, dealing with the very matter to which the Senator from Ohio [Mr. FESS] referred.

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

The letter and statement are as follows:

THE WHITE HOUSE,
Washington, April 30, 1924.

MY DEAR SENATOR JONES: In my message at the opening of Congress I called attention to the necessity for legislation to preserve the Alaskan fisheries from destruction. Legislation to prevent the continued exploitation of these fisheries has been urged by Secretary Hoover and the Department of Commerce for the last three years. It has been supported by exhaustive scientific inquiry, by personal investigation of Members of the House and Senate in Alaska, and the whole subject has been traversed in public hearings on frequent occasions before congressional committees. These fisheries are in extremely precarious condition. The salmon are being rapidly depleted in many sections and are in grave danger of extinction. The situation can not be met under existing law. To-day practically one-half of the fishing areas are absolutely unregulated and unprotected, open to private exploitation in its most ruthless form, for there is no law which may be applied to them. The remaining areas are covered by reservations established by President Harding two years ago and by regulations which have limited the establishment of new canneries and curtailed the operations of those already existing. It has been frequently stated by the department that these executive measures are of a purely temporary nature. They were wholly inadequate to meet the permament necessity. They are justified by the exigency of the need to prevent the extension of further destructive operation pending action by Congress, and they have served that purpose.

H. R. 8143 offers a solution of these difficulties. It has passed the House of Representatives, been reported with an amendment by unanimous vote of your committee, and is now pending before the Senate. I am advised that this bill in its present form affords ample powers for the preservation of this great but fast-failing source of food supply for the American people. It necessarily means the curtailing of fishing operations. No conservation measure can be worth the name unless it reduces the amount of fish that may be taken and thus provides for sufficient proportion of escapement to the spawning grounds to assure the runs for future generations. Any reduction necessarily means sacrifice for those now engaged in these fisheries, but selfish considerations must always yield to the public interests. In the long run, it is in the interest of both canners and fishermen that the industry should be preserved and that it should be placed on a sound and stable basis of contribution to American food supply and that it should become the basis of a permanent livelihood to the people engaged in it.

I can not too strongly urge upon you the necessity for the prompt passage of this legislation as the fishing season for this year is rapidly approaching.

Very truly yours, CALVIN COOLIDGE.

Hon. WESLEY L. JONES,
United States Senate, Washington, D. C.

Statement showing the effect of H. R. 8143 on the fishery industry of Alaska as passed by the House

The canneries not affected in the bill as passed by the House total 41, with a pack in 1923 of 1,237,469 cases.

An estimate of the total pack for 1924, assuming the passage of this bill, shows 1,392,847 in southeastern Alaska, 490,331 in central Alaska, and 1,254,080 in western Alaska.

The pack of 1923 compared with the estimate for 1924 is as follows:

District	Pack in 1923	Estimated pack in 1924	Per cent of decrease.
Southeastern Alaska	3,007,119	1,392,847	54
Central Alaska	743,640	490,331	34
Western Alaska	1,284,938	1,254,258	2
Total	6,035,697	3,137,436	48

APRIL 28, 1924.

List of companies probably losing traps under the terms of H. R. 8143 (on basis of traps operated in 1923)

Port Moller:	
Pacific American Fisheries	4
Ikatan:	
Pacific American Fisheries	2
P. E. Harris & Co	1
Morzhovoi Bay:	
Pacific American Fisheries	4
Shumagin Islands:	
Shumagin Packing Co	1
Chignik:	
Alaska Packers Association	3
Northwestern Fisheries Co	3
Columbia River Packers' Association	3
Kodiak Island:	
Kadiak Fisheries Co	1
Alitak Packing Co	2
Cook Inlet:	
Fidalgo Island Packing Co	1
Northwestern Fisheries Co	2
Libby, McNeill & Libby	3
Alaska Packers Association	1
North Coast Packing Co	1
J. A. Hart	1
Henry J. Emard	1
Anchorage Packing Co	2
Joe Magill	1
Moquawkie Reservation	1
Anderson & Koch	1
Backoff & Demidoff	1
Prince William Sound:	
Emel Packing Co	2
Moore Packing Co	1
Copper River Packing Co	3
San Juan Fishing & Packing Co	1
Southeastern Alaska:	
North of fifty-seventh parallel:	
Wilson Fisheries Co	1
Deep Sea Salmon Co	6
Pyramid Packing Co	1
Geo. T. Myers	3
Auk Bay Salmon Canning Co	1
Carlson Bros. (Inc.)	3
Alaska Pacific Fisheries	6
Columbia Salmon Co	1
Libby, McNeill & Libby	4
P. E. Harris & Co	1
Superior Fish Co	1
Hoonah Packing Co	3
Pacific American Fisheries	1
Thlinket Packing Corporation	1
Booth Fisheries Co	2
South of fifty-seventh parallel:	
Pyramid Packing Co	1
Sam Buttes	1
Southern Alaska Canning Co	8
Hoonah Packing Co	3
Booth Fisheries Co	8
Hanseth & Kildahl	1
Petersburg Packing Co	1
Alaska Packers Association	4
Grant & Darwell	1
F. S. Barnes	1
F. C. Barnes	1
Simmons & Barnes	1
Burnett Inlet Packing Co	3
Karheen Packing Co	4
Swift, Arthur, Crosby Co	5
North Pacific Trading & Packing Co	2
Sea Coast Packing Co	1
Alaska Fish Co	2
Alaska Pacific Fisheries	6
A. & P. Products Corporation	2
Beegle Packing Co	1
Kubley Payne	1
H. Bergman	2

Southeastern Alaska—Continued	
South of fifty-seventh parallel—Continued	
J. L. Smiley & Co	3
George Inlet Packing Co	2
Annette Island Packing Co	2
Starr-Collinson Packing Co	1
Fidalgo Island Packing Co	1
Sunrise Packing Co	2
Sunny Point Packing Co	2
Ketchikan Fur Farms (Inc.)	1
Alaska Consolidated Canneries	1
Gambel, Anderson & Lambert	1
Chacon Fish Co	1
Duke Island	1
Total	160

Summary of traps probably eliminated under terms of H. R. 8143 (on basis of operations in 1923)

Booth Fisheries Co. (10) and Northwestern Fisheries Co. (5)	15
Pacific American Fisheries (11) and Shumagin Islands Packing Co. (1)	12
Alaska Packers Association	8
Libby, McNeill & Libby	7
	42
All others	118
Total	160
Number of traps operated in canning industry in 1923	397
Number not affected by H. R. 8143	237

Statement showing salmon-canning companies whose operations by purse seines will be affected by the proposed law, with number of seining areas occupied in 1923 and the number which would be closed under the terms of the bill:

Companies	Areas used in 1923	Areas closed	Areas unaffected
Western Alaska: None affected.			
Central Alaska:			
Shumagin Islands—			
Shumagin Packing Co	4	2	2
Prince William Sound—			
Carlisle Packing Co	19	19	0
Emel Packing Co	12	12	0
Moore Packing Co	5	5	0
Southeastern Alaska:			
Northern District—			
Alaska Consolidated Canneries—			
Pybus	5	0	5
Tee Harbor	5	1	4
Tenakee	11	6	5
A. & P. Products Corporation, Ford Arm	24	24	0
Astoria & Puget Sound Canning Co	1	0	1
Auk Bay Salmon Canning Co	2	0	2
Carlson Bros. (Inc.)	8	7	1
Deep Sea Salmon Co	10	9	1
Haines Packing Co	2	1	1
Hidden Inlet Canning Co	27	20	7
Hoonah Packing Co	1	1	0
George T. Myers & Co	2	1	1
Northwestern Fisheries Co	27	24	3
Pyramid Packing Co	24	22	2
Superior Fisheries Co	5	0	5
Sitka Packing Co	9	9	0
Southern District—			
Alaska Sanitary Packing Co	15	15	0
Alaska Consolidated Canneries—			
Chomly	16	15	1
Quadra	14	13	1
Rose Inlet	19	19	0
Alaska Consolidated Canneries, Yes Bay	28	25	3
A. & P. Products Corporation—			
Heceta	5	5	0
Hidden Inlet	7	7	0
Union Bay	15	15	0
Alaska Fish Co	11	11	0
Annette Island Packing Co	11	11	0
F. C. Barnes Co	9	9	0
Beauclaire Packing Co	12	12	0
Burnett Inlet Packing Co	5	5	0
Chas. W. Demmert	12	12	0
Dobbins Packing Co	7	6	1
Fidalgo Island Packing Co.—			
Bay of Pillars	7	6	1
Ketchikan	3	3	0
George Inlet Packing Co	8	8	0
Hetta Packing Co	1	1	0
International Packing Co	1	1	0
Karheen Packing Co	6	5	1
Mountain Point Packing Co	13	12	1
North Pacific Trading & Packing Co	43	41	2
Northwestern Fisheries Co.—			
Shakan	7	7	0
Kasaan	20	20	0
Quadra	15	15	0
Petersburg Packing Co	18	15	3
Pure Food Fish Co	37	36	1
Sanborn Cutting Co	27	25	2
Sea Coast Packing Co	27	27	0
J. L. Smiley & Co	25	24	1
Starr Collinson Packing Co	6	6	0
Straits Packing Co	18	15	3
Sunny Point Packing Co	20	20	0
Stuart Packing Corporation	6	6	0
Ward's Cove Packing Co	16	16	0

Total number of purse-seine areas reported in 1923	348
Number closed under terms of H. R. 8143	319
Number not affected by H. R. 8143	29

MAY 5, 1924.

The honorable the ATTORNEY GENERAL,
Washington, D. C.

MY DEAR MR. ATTORNEY GENERAL: A statement has appeared in the press in the last few days on authority of some member of the Department of Justice that a war fraud case against certain Alaskan salmon packers had been held up due to intervention of the Department of Commerce. I wish to state emphatically that this is not true.

So far as this department is concerned the facts are as follows:

In the month of December, 1922, while in San Francisco, I was approached by Mr. Warren Gregory, attorney for the Alaskan Packers Association, who stated that he had heard rumors that there were some war fraud prosecutions in preparation in the Department of Justice against certain of the salmon canners. He stated that the association had no desire whatever to defend any malpractices on the part of individual canners, but that if the matter involved the association he would like to have opportunity to appear before the Department of Justice and state their side of the case, and asked if I could ascertain if they could have this privilege before he came all the way from California on the question.

On my return to Washington I communicated with the Department of Justice, under date of December 18, as follows:

> "I have received an appeal from the Salmon Packers' Association, which cooperated with the Government during the war, that in case rumors of actions against them for wickedness in their war business should come before you they should be given opportunity of a hearing before such actions are launched. It appears to me that this would only be justice, because the destruction to reputation is irretrievable once such things are put afloat.
>
> "I have no knowledge of the intrinsic merits of the matter and am in no way desirous of entering upon the functions of your office. I merely pass this suggestion along."

I received the following reply:

> "Beg to acknowledge receipt of your letter of December 18 relative to the appeal which you received from the Salmon Packers' Association. This matter is under the jurisdiction of the Hon. C. Frank Reavis, and I have requested him to get in touch with the advisory council of the war transactions section, composed of Senator Thomas, Judge Bigger, and Judge Kerr, so that a hearing may be granted to those parties and an opportunity given them to present their side of the case before any action is taken by the Government. I can assure you that the Advisory Council and Mr. Reavis will give them every consideration."

I notified Mr. Gregory of the purport of this letter and from that day I never heard of the matter again until this statement appeared in the press.

It is obvious from the lapse of time that the delay could not have been due to the simple suggestion I made—a suggestion which I am informed is consonant with the usual practice of all branches of the Government.

Yours faithfully,

HERBERT HOOVER.

REGULATION OF CHILD LABOR

Mr. FLETCHER. Mr. President, I ask that the unfinished business, House Joint Resolution 184, be laid before the Senate, as I desire to submit some comments upon it.

Mr. SMOOT. It will be understood that the District of Columbia appropriation bill is to be only temporarily laid aside?

Mr. FLETCHER. Oh, yes; I do not call up the joint resolution with the purpose of having it kept before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. J. Res. 184) proposing an amendment to the Constitution of the United States.

Mr. FLETCHER. Mr. President, the proposed amendment to the Constitution reads as follows:

SECTION 1. The Congress shall have power to limit, regulate, and prohibit the labor of persons under 18 years of age.

SEC. 2. The power of the several States is unimpaired by this article except that the operation of State laws shall be suspended to the extent necessary to give effect to legislation enacted by the Congress.

Now that we are to have a 5-day week and 8 hours' work a day, what are we to do with our idle time?

With all persons under 18 years of age forbidden to work, the problem shifts—we must devise some method for occupying the time between sleep and work.

The measure of our civilization will become the use to which we put our leisure. There was a time when a man worked 10 or 12 hours a day, and you had no difficulty in finding him at night.

In the case of a healthy boy 17½ years old, restrained from work, forbidden to labor, new emphasis will be given to the refrain, "Where is my wandering boy to-night?" He can not go to school all the time he has to spare, nor a major portion of it. New proofs will be furnished of the old saying, "An idle mind is the devil's workshop."

Constantly fighting to lessen the hours of labor—in some instances warranted—encouraging the disposition to avoid and shirk labor, are harmless compared to the reflections on honest toil and the effect of the efforts put forth to brand labor as a curse. Coming generations will be taught to glorify leisure and idleness and to condemn all manual labor.

Why attempt to degrade labor?

Why bring labor into contempt?

Six days shalt thou labor and do all thy work (Ex. 20:29).
Come to Me all ye that labor (Matthew 11:28).
The laborer is worthy of his hire (Luke 10:7).
The laborer is worthy of reward (1 Timothy 5:8).

The holiness of labor is to be effaced.

The new Nation which "our fathers brought forth on this continent, conceived in liberty and dedicated to the proposition that all men are created equal," we are asked to say shall not endure.

"Freedom is the last best hope of the earth," we are now to learn is a mistaken doctrine.

The man making those announcements went to work when he was 7 years of age. His biographers tell us, "During his years in Indiana young Abraham grew strong and athletic and long before he was 20 he made a full hand at all kinds of heavy work."

It is proposed now to send out to the humble homes of Thomas and Nancy Lincolns, all over the country, and tell them how to rear and treat their children. We will have agents of the Federal Government to direct what shall be the occupation, the recreation, the environment of their girls and boys. It is proposed to set up a guardianship over the children of these "plain folks," who have furnished the country Presidents, Congressmen, governors, judges, ministers, teachers, and leaders in industry. We will even intervene between parent and child, and advise the child to disobey the parent and flout the domestic authority. It will discredit the judgment of the parent with the child, displace the parent as guide and adviser. It would destroy the respect and lessen the affection which should obtain in the family relation.

There is strong evidence that the only progress the world has made for over 3,000 years has been along social lines. We may include the uses of steam and electricity. It is proposed now to set that back to the beginning.

A large number of new jobs will be created. That feature impresses a good many people. It will cost a large amount of money to enforce the laws Congress will enact. Who will pay the expenses?

The philanthropic, benevolent, kind-hearted, self-appointed friends of the "persons" under 18 years of age will contribute little revenue along with much advice and insistence for more power, extension of the work, and unlimited control.

Mr. Average Individual pays $103.84 taxes a year. He would like to feel this is not to be used to interfere with his family relations, his household affairs, and to oppress him. He has supposed that when any regulating was required it was an affair of his State. He recalls that section 4 of Article IV of the Constitution of the United States provides that "The United States shall guarantee to every State in this Union a Republican form of Government," and so forth. He wonders why it is proposed now to bore into the Constitution, disregard this mandate in the fundamental law, and instead give the States dictatorial government directed from Washington.

Are we to permit surface-minded sentimentalists, unthinking enthusiasts, to change the government from one by the people to one by self-appointed dictators?

The second section amounts to nothing. All State laws must give way before the laws of Congress. Nothing is reserved by this section that is embraced by the first section. Congress becomes the supreme lawmaking power in dealing with the subject. The States might as well abandon every attempt to handle it. They are to be silenced. Their laws are to be suspended. Congress will now legislate and be obeyed. This section merely repeats what was laid down in Fletcher *v.* Peck in 1810.

Not only is the power granted, in the first section, to Congress but along with it goes the power to make the grant effective. This may mean that the power to prohibit the labor of persons under 18 years of age and to prescribe the conditions of such labor will include the power to prescribe how persons under 18 shall be occupied, how and to what extent they shall be educated, and what standard of conduct must be observed.

The powers granted to Congress by such an amendment to the Constitution, and necessarily implied, would involve and include, it may reasonably be held, national control of education and of the care, custody, and guardianship of all minors under 18 years of age. The Children's Bureau would have its hands full.

The idea of regulating, much less prohibiting, the labor of a person 17½ years of age is absurd. Youthful labor may be invaluable to such a person as well as to a large family of struggling people.

Such an amendment followed by legislation it implies would bring great distress to many families, throw many children into idleness, prevent them from acquiring knowledge and experience to fit them for some gainful occupation, deprive them of opportunities, and destroy their future.

Besides, it would break down the ideal government that the Constitution provided. It is proposed to graft on that precious document that which never was intended to be a part of the original law.

On the contrary, the master builders intended the States should forever reserve such powers.

The report of the committee on Senate Joint Resolution 1—reported the same as the preceding resolution—is quite fair, frank, and illuminating. It refers to the two attempts of Congress heretofore made to encroach upon the prerogatives of the States and indicating how far Congress is disposed to go.

Let us examine it. At page 14 of that report the committee said:

Inasmuch as the Congress has twice considered it necessary and wise to enact a law for the protection of the child life of our Nation, it would seem to be the mature, deliberate judgment of the people that such a law would be beneficial.

That is an assumption that the people insist upon the action taken by Congress.

We must assume that Congress considers that it has power to enact such laws, and thought it for the welfare of the Nation to accept that power.

Congress was greatly mistaken. It had no such power, as the Supreme Court of the United States subsequently declared. I think Congress was in error likewise when it assumed that the people of the country insisted upon it exercising that supposed power.

The report states:

But inasmuch as the Supreme Court of the United States, in Hammer *v.* Dagenhart (supra) and Bailey *v.* Drexel Furniture Co. (supra), decided that the Congress under the existing Constitution did not have that power, it is proposed to confer or delegate that power by way of a proposed amendment.

Frankly it is now proposed to grant the power which Congress heretofore presumed it had, and to grant it with such emphasis and such comprehensiveness as to leave no doubt or question about its grant and extent. Turning now to page 3 of the report, it recites:

The foregoing act—

Referring to the act of September 1, 1916, entitled "An act to prevent interstate commerce in the products of child labor, and for other purposes"—

based on the commerce clause of the Constitution, was held to be unconstitutional in the case of Hammer *v.* Dagenhart (247 U. S. 251).

the comment is—

It was not intended as an authority to Congress to control the States in the exercise of their police power over local trade and manufacture, always existing and expressly reserved to them by the tenth amendment.

The opinion was rendered by Mr. Justice Day, and it is interesting to note the concluding paragraph, which is as follows:

Thus the act in a twofold sense is repugnant to the Constitution. It not only transcends the authority delegated to Congress over commerce but also exerts a power as to a purely local matter to which the Federal authority does not extend. The far-reaching result of upholding the act can not be more plainly indicated than by pointing out that if Congress can thus regulate matters intrusted to local authority by prohibition of the movement of commodities in interstate

commerce, all freedom of commerce will be at an end, and the power of the States over local matters may be eliminated, and thus our system of government be practically destroyed.

That is precisely what is proposed to be accomplished by this suggested amendment to the Constitution. If the joint resolution proposing this amendment be passed by Congress by the requisite vote, and the amendment be ratified by a sufficient number of States, then we shall see what Justice Day predicted in his opinion—"our system of government will be practically destroyed." The report continues:

The act of September 1, 1916, having been declared unconstitutional, the Congress passed another child labor law based on the taxing power, approved February 24, 1919.

That act is a part of the revenue act, being "Title XII—tax on employment of child labor."

This latter act met the same fate as its predecessor—it was declared unconstitutional in the case of Bailey *v.* Drexel Furniture Co. (259 U. S. 20).

The opinion in that case was rendered by Mr. Chief Justice Taft; and in that opinion, at page 12 of this report, I quote:

It is the high duty and function of this court in cases regularly brought to its bar to decline to recognize or enforce seeming laws of Congress dealing with subjects not intrusted to Congress, but left or committed by the supreme law of the land to the control of the States.

Here were two instances when Congress, being appealed to by the same influences that are behind this joint resolution to a large extent, undertook to pass laws which were in contravention to the Constitution, assuming powers which were reserved to the States and which were under the control of the States. The opinion further says:

In the maintenance of local self-government on the one hand and the national power on the other our country has been able to endure and prosper for near a century and a half.

Now, the proposition is to change all that. We are not satisfied with this progress; we are not satisfied with this dual exercise of power contemplated by the framers of the Constitution. It is now suggested that the whole plan and system be changed and that we shall launch upon the idea of centralization of power.

Why abandon now that principle to which the court so strongly referred in its opinion? What is the call for it? What is the need for it? The opinion further says:

To give such magic to the word "tax" would be to break down all constitutional limitation of the powers of Congress and completely wipe out the sovereignty of the States.

If that would have been the result of the effort attempted by Congress in the exercise of its assumed power—mistaken though it was—unquestionably that would be a consequence following this broad, unlimited grant of power to Congress and the legislation which would follow from such grant. We would "completely wipe out the sovereignty of the States." I venture to quote just a little further from this opinion, as found on page 14 of the report. Referring to a previous opinion, it is stated:

The court there made manifest its view that the provisions of the so-called taxing act must be naturally and reasonably adapted to the collection of the tax, and not solely to the achievement of some other purpose plainly within State power.

To meet these decisions, sound in every respect, upholding our institutions, sustaining our form of government as the founders planned and purposed, it is proposed to break down the proper relation between the States and the Federal Government, make a vital departure from the true American system, and adopt the bureaucratic system. It is proposed now to give Congress authority over every detail of the citizen's personal life and habits; it is proposed to discontinue the State as an entity in our national system. Is this extravagant? Let me read further from the report of the committee on Senate Joint Resolution No. 1, at page 15, where the committee very frankly says:

Still further, it will not be questioned but that that power should be given to control, regulate, or even to prohibit the use of such labor in all cases where the character of the labor is dangerous in itself or may become dangerous through the inexperience or heedlessness of childhood, where in itself or in its surroundings it is detrimental to the physical or moral welfare of childhood, or where it is in character too onerous for the growing bodies of youth.

Who is to determine these matters? Who is to decide whether the labor engaged in or proposed to be engaged in is "dangerous in itself or may become dangerous"? Who is to determine whether the person just under 18 years of age is "inexperienced or heedless"? If such a person be prohibited from labor, he will die inexperienced and he will continue heedless. Who is to pass upon all these questions and then give orders and directions in reference to the application of and enforcement of that decision? Undoubtedly the Federal agents, who will have supervision and control and unlimited power in the premises.

Who is to determine whether the surroundings are what they should be; whether they are "detrimental to the physical or moral welfare of childhood"? Is that to be turned over absolutely to a passing Federal agent in every community of the country? Who is to determine whether the labor proposed to be engaged in is "too onerous for the growing bodies of youth"? The parents have no further right or authority; they are supposed to be incapable of settling these questions; they must refer them to some Federal agent engaged in this business and sent out by the Children's Bureau or some other governmental authority. The report further says:

Equally manifest is it that in all occupations where child labor is permitted legislative authority should have a determinative voice as to the terms, times, conditions, and environment of its use.

In other words, Congress must pass the law; that law must be obeyed, and Congress is to determine, by and through regulations which some department or bureau will prescribe, the terms, times, conditions of employment, and environment of all persons under 18 years of age throughout this country.

Think of the audacity of a proposition like that! It is absolutely inconceivable that people who know anything about the fundamental principles of this Government or any other civilized country should propose to vest in a bureau in Washington the power over the lives and destinies of the youth of the land that is suggested here.

Mr. DIAL. Mr. President——

Mr. FLETCHER. I yield to the Senator.

Mr. DIAL. I do not want to disturb the thought of the Senator, but I should like to hear the Senator on the injury to agriculture that will result from the adoption of this amendment. I have an amendment which I should like to have printed and lie on the table exempting agriculture, and I should like to hear the Senator on that point.

Mr. FLETCHER. I am perfectly willing to yield for that purpose, and I will discuss that matter a little later.

The PRESIDING OFFICER. The amendment will be received, printed, and lie on the table.

Mr. FLETCHER. Mr. President, this same legislative authority, if vested in Congress under this proposed amendment, will determine further as to day and night work, where allowable and where not allowable, as to reasonable hours, as to dangerous machinery, as to hygienic conditions, and the like. The father of the child, the mother of the child, the civic pride and public spirit of the community—none of those matters are to be taken into consideration; but it is the Federal agent that will determine all these questions and give orders about obeying them.

Mr. SMITH. Mr. President, does the Senator understand the word "terms" there to mean wages—"terms, conditions, and environment"?

Mr. FLETCHER. I take it that would be included. If the wages were not sufficient, this agent could say: "Stop that employment entirely!" They have the right not only to limit, not only to regulate, but to prohibit the labor of any person. The amendment does not even say "child"; it says "persons under 18 years of age." There are mothers under 18 years of age. I read in the paper the other day that the fastest typist in the world is only 16 years of age.

This report undertakes to palliate matters a little by referring to section 2. It says:

The amendment is not designed to deprive the States of any of their police powers, except that the operation of State laws shall be suspended to the extent necessary to give effect to legislation enacted by the Congress.

That exception includes everything. All State laws are to be suspended in obedience to every act of Congress passed to carry out section 1, so that section 2 is utterly valueless.

The report further says:

It seemed wise to adopt the word "labor" in lieu of the suggested word "employment." The former word expresses precisely the matter of the proposed amendment. It is the use of the labor rather than the matter of its employment which is of direct concern—

Concern to whom? Mainly to the national child labor committee of New York—

and to state it thus avoids all possibility of the shufflings and evasions which might follow the adoption of the latter word.

They wish to avoid the possibility of any narrow construction being placed upon any amendment that might be submitted and ratified. They wish to make the amendment, under a strict construction, so broad that it will include the whole field of employment and labor under 18 years of age.

At page 16 of the report they proceed further to say:

An age limit is declared.

There is method in that madness.

It unquestionably would have been simpler to have provided for the regulation and prohibition of the labor of children and to have stopped there.

They did not do that. They do not refer to children. In the whole amendment there is no reference to children. They refer to labor—not employment but labor, the whole field—and they refer not to children but to persons, and they fix the matter beyond any sort of doubt or question by putting the age at 18 years.

They say:

A marked difference of opinion was developed at the hearings before the subcommittee, it being argued on the one hand that after 18 years of age girls and boys had passed the period of dependency and were physically and mentally capable of fending for themselves.

In such cases they are willing to turn them loose. When they are capable of taking care of themselves, when they are on their own resources, then the Federal Government says, "You can be free, and you can look out for yourself."

They say further in this report—

while, on the other hand, it was argued that many cases and classes merited protection after the age fixed, and that as the State's police power embraced the protection of its children during the period of their nonage—

They admit that. They concede that. Everything that I claim with reference to the power of the State is admitted. The State's police power embraces the protection of its children during the period of their nonage. Why should the State give it up? Why should it relinquish its police power? Why turn over to a Federal Government or to any other agency that power which they have reserved to themselves from the very beginning of the life of this country?—

and up to the instant of their majorities it was reasonable to ask that identical police power be conferred on the National Government.

Identical police power with the State government, but superior to it, and suspending the power of the State by any legislative act on the part of Congress. The power thus vested in the National Government is to take the place of the police power of the State.

The report further says:

Your committee finally concluded to insert the 18-year limitation, because such limitation would certainly embrace the vast majority of cases calling for protection and remedial legislation, while the exceptional cases calling for legislation after that age might arise in one State and not in another and therefore might safely be left to the wisdom of each State.

How generous! How gracious! What a concession—to leave to the State the exercise of its police power over persons after they reach the age of 18 years!

They say:

In order to remove all doubt as to the power to be delegated it was thought wise to use the word "persons."

And so they have used it in this proposed amendment.

Here we have set forth the plan, the purpose, to send Federal agents into the homes, the schools, and churches of the citizens, to give orders and enforce the laws which Congress may enact and the regulations which a bureau of the Federal Government may prescribe.

The Senator from South Carolina [Mr. DIAL] made some reference to the labor of persons under 18 years of age on the farms. I have here a bulletin issued by the National Child Labor Committee, New York City, June, 1924, Volume VI, No. 6.

Mr. SMOOT. Not June, 1924?

Mr. FLETCHER. Yes; that is what it says.

Mr. SMOOT. We have not arrived there yet.

Mr. FLETCHER. No; but this is anticipating it.

They say:

The committee has always recognized that child labor can not be disassociated from the other problems relating to the welfare of children, and has given much attention to problems of education, health, and comfort.

I suppose the mothers and fathers of this country have not been attending to that business at all. This committee has assumed to do that.

But while associating in the most harmonious cooperation with other agencies we have considered that our special mission lay in the field of child employment, in efforts to study exact conditions, to report these to the public, and to cooperate wherever possible in securing remedial legislation and efficient administration.

These people certainly have some assurance. They are assuming a good deal, and they evidently assume that whatever they want done Congress will do.

In this statement they say:

The National Child Labor Committee has no intention of trying to secure any Federal action to regulate the work of children in agriculture under the direction of their own parents on their own farms.

That is to say, we are to adopt or to reject a proposed amendment to the Constitution of the United States on an expression of the intention of a committee established in New York as to the legislation that will follow.

The National Child Labor Committee has no intention of asking Congress to pass legislation which will prohibit the labor of persons under 18 years of age on the farms. What difference does that make to us when we are considering a bold proposition here, the end of which can not be misunderstood, and which gives the Congress the very power they say they have no intention of asking it to exercise?

Suppose Congress should have the assurance to go on and exercise it without the consent of this committee. It has the power to do it if this resolution is agreed to and the amendment is ratified, and I am unwilling to base my vote upon this resolution on a statement made by a voluntary association or committee as to what its purpose is in reference to the subsequent legislation which the amendment would authorize.

They say further:

The National Child Labor Committee, in advocating a Federal constitutional child labor amendment, does not understand that such amendment contemplates or would make desirable Federal legislation to prohibit the normal employment of children by parents or guardians on their own farms.

It is very unfortunate that this committee does not understand what this resolution means, but there can be no doubt in the mind of any person that this resolution is broad enough, comprehensive enough, unrestricted and unlimited enough, to give the very power to Congress which this committee says it does not understand will be authorized.

Mr. SMITH. Did they say "authorize" or "desirable"?

Mr. FLETCHER. They say they do not understand "such amendment contemplates or would make desirable" such legislation. I do not think it would make it desirable, either, and therefore I do not propose to vote to give Congress the power to do the undesirable thing.

This is another quotation from this publication:

The National Child Labor Committee seeks to protect the interests of the child.

The parents of children, it seems, have no interest in that.

And it can not remain true to its past traditions without recognition of the fact that thousands of children are now and are likely to be in the future exploited by an industrialized agriculture.

In one breath they say they do not intend to ask Congress to prohibit the labor of children upon the farms under certain conditions, their own farms, and under the supervision of their own parents, and in the next breath they say that there are conditions in this country which they propose to correct, that they recognize the fact "that thousands of children are now and are likely to be in the future exploited by an industrialized agriculture." So that they intend to go after that situation.

Mr. SMITH. They might go after our pages.

Mr. FLETCHER. They would not only regulate them; they are likely to prohibit their employment.

The wealthy, who have few children—the well to do—may be able to carry out the directions of the Federal agents respecting the disposition of their children; but I shudder to think

what unhappy conditions may be imposed upon the plain people of limited circumstances—the "average man."

Prof. William G. Sumner, in 1883, said in his "The forgotten man":

> The forgotten man is delving away in patient industry, supporting his family, paying his taxes, casting his vote, supporting the church and school, reading his newspaper, and cheering for the politician of his admiration, but he is the only one for whom there is no provision in the great scramble and the big divide.

All he asks is to be allowed to pursue his orderly way unmolested. He gives no trouble. He excites no admiration. He is the plain, commonplace man. He is not a hero—not notorious, not an object of sentiment, not a burden, not an object out of which social capital may be made, not an object of charitable aid and protection, not the object of a job. All the burdens fall on him or her, for it is time to remember that the "forgotten man" is not seldom a woman.

They are the very life and substance of society.

He contended then that we have been striving for the last 500 years to bring it about that each man and woman might live out his or her life according to his or her own notion of happiness and up to the measure of his or her own virtue and wisdom.

That civil liberty is the status of man, who is guaranteed by law and civil institutions the exclusive employment of all his own powers for his own welfare. Vice is its own curse. If we let nature alone she cures vice by the most frightful penalties. Jobbery is the great evil and abuse.

He tells us "there are 100,000 Federal officeholders; public office is treated as spoils, benefices, and sinecures, as jobs, and a part of pillage." I venture to suggest the situation has not improved, but at least the number of officeholders has greatly increased. There are now some 600,000 Federal officeholders and agents supposed to be at work. Now it is proposed to add more and reach out further for "stratagem and spoils."

We have prided ourselves on the establishment on this continent of a representative democracy—by which we mean equality of opportunity and a share in control. The proponents of this resolution propose to change the program. They will not remedy any of the conditions yet needing correction but increase all the evils which may be complained of and add others of a revolutionary, destructive sort.

They would turn toward the ideals of Lenin. They would destroy all initiative, break down self-reliance, substitute governmental judgment for that of the individual, let the Government fix prices and wages, impair the homely virtues that fashion the structure of any permanent State, and short-circuit the individual dynamos that provide the only power for economic progress and national development. No one favoring this resolution should criticize Soviet Russia.

This, threatened or partially accomplished, warns us—

> But it hath not yet been shown what we shall be.

When this was written 900 of every 1,000 men were slaves.

Do we want to go back to that situation? We must realize that when Congress absorbs the police power of the States it is difficult to conceive what is left to the States.

For 135 years we have been taught and have believed that the Federal Government is one of enumerated powers. This principle has been universally admitted.

Very early in our career the Supreme Court declared—

> The power of the States to regulate their purely internal affairs by such laws as seem wise to the local authority is inherent and has not been surrendered to the General Government. (11 Pet. 102, 139; 16 Wall, 36, 63.)

In the presence of this proposal we are made to wonder if we have been in error all these years regarding the character of our Government or if the time has come to change our course and reverse fundamental principles.

In the light of the glorious history of this Republic; its marvelous growth from a struggling 3,000,000 on the Atlantic seaboard to more than 100,000,000 from ocean to ocean, from Lakes to Gulf, and into the islands of the seas; its position of leadership among the nations of the earth, I would, like Victor Hugo, appeal from the propaganda powers to the tombs of Washington, Madison, Jefferson, Hamilton, Marshall, and all the mighty men of the mighty past.

Turn to that oration on Voltaire in Paris, May 30, 1878, which the eloquent Victor Hugo concluded in these words:

> Let the eighteenth century come to the help of the nineteenth.
>
> The philosophers, our predecessors, are the apostles of the time; let us invoke their illustrious shades; let them, before monarchies meditate wars, proclaim the right of men to life, the right of conscience to liberty, the sovereignty of reason, the holiness of labor, the beneficence of peace, and since right issues from the thrones, let the light come from the tombs.
>
> Let the light come to-day from the tombs of men who stood for liberating humanity, who believed in a universe unrestricted by fear, who insisted upon liberty, a synonym of opportunity.

Clearly the States have the power and authority to deal with the subject of child labor in all its phases. There is no dispute as to that, and the States are dealing with it. Many, if not all States, have laws that declare no child under 16 years of age shall be employed in any occupation injurious to health or dangerous to life, limb, or the morals of such child.

Florida provides a State inspector whose duty it is to see to the enforcement of the law. I know of no complaint in that regard. I deny that there is need of Federal inspectors to supervise the work of State officers, empowered to harass and inconvenience and oppress our people by arbitrary inspections, making complaints before United States commissioners, arresting and prosecuting them before the Federal courts in the process of earning their salaries. We have too many inspectors, special agents, secret service employees, and the like now, costing the people hundreds of thousands of dollars for the privilege of being watched from the time they arise in the morning until they retire at night.

Laws have been and are being enacted by the States on this subject, as fast and as effective as the need for them is brought home to the people. Local conditions should not be ignored, and these conditions no general national legislation can adequately meet. Granted such legislation proposed would serve a high purpose, I can not believe it would be wise to pass Federal legislation or that it is the best way to handle the subject. It is a field already occupied by practically all the States, and the States and local communities are in position to deal with it directly and to correct every evil, national or individual, which it is desired to correct.

It is argued that the State laws are not enforced, but I answer, Who is given the right to pass that judgment? And if that conclusion be true, it by no means follows the Congress has power for that reason to go into a State and interpose to correct such dereliction. That would be an unwarranted, bold assumption of power by Congress.

If that amendment were adopted, then they would have it.

I can quite appreciate that in some circumstances and under some conditions the privilege of a child under 16, and even under 14, years of age to work is a blessing of the highest character. The welfare of the child, the good of society, may be subserved by the reasonable employment of such a child in useful labor. Work under proper conditions—wholesome, healthful employment, not too hard or difficult—never on earth injuriously affected the morals of the child. Idleness, with its proximate consequences, on the other hand, voluntary or forced, has always been a fruitful source of vice and evil.

The situation does not make it necessary or justify the enactment by Congress in the public interest of a measure which must inevitably lead to conflict of jurisdiction, confusion of laws, and clashing of authority. Such legislation would open the way, move far along that road which leads toward the gradual destruction of the rights of the States and the undermining of the constitutional liberty Americans have not ceased to love. The leadership of the future will be founded on commercial and industrial progress. Admit the constitutionality of such legislation and you recognize a power in Congress to shackle commerce and strangle industry. When that day comes you will realize you have thrown to the winds the leadership and the power of the United States.

I made that comment when we had legislation before us. Now the legislation that would follow the adoption of this amendment would be broader in scope and more comprehensive than any that Congress has ever attempted to enact in the past.

THE ORIGINAL DESIGN

Instead of getting away from them, it is high time we were returning to the principles declared by the fathers of the Republic.

What was the work of that convention of delegates from the States, composed of the best intellect and character of this country, who met in Philadelphia in May, 1787, and continued in session nearly four months?

Gladstone called it "the most wonderful work ever struck off at a given time by the brain and purpose of man."

Fiske called it "one of the longest reaches of constructive statesmanship ever known in the world."

It guaranteed to every State a republican form of government. It expressly recognized human slavery, though in "discreet and euphemistic phrases," so careful were the authors

to adjust the division of powers between the National Government and the States.

It created a duality form of government—a Nation composed of sovereign States, with its system of checks and balances. It embodied a great governmental principle.

All objections were met by the adoption of the 10 amendments—the Bill of Rights—containing those provisions for the protection of individual liberty and property.

The great achievement was the creation of a dual system of government and the apportionment of its powers. There was fear expressed then of loss of liberty, State and individual, through encroachment of the central power.

The purpose was to limit the National Government to "the irreducible minimum of functions absolutely needed for the national welfare." (Bryce.)

Hence, the powers granted to the Federal Government were specified and all other powers were reserved to the States respectively, or to the people. (Tenth amendment.)

Says Mr. Pierson in his Our Changing Constitution, page 22—

> The State sovereignty doctrine was not a mere political dogma, but had its roots in history. It was an expression of the pride of the inhabitants of the thirteen Colonies, in their respective Commonwealths. To them it stood for patriotism and traditions.

Particularly pertinent is the admonition:

> There is danger, however, that in the process of change something may be lost; that present-day impatience to obtain desired results by the shortest and most effective method may lead to the sacrifice of a principle of vital importance.
>
> The men who framed the Constitution were well advised when they sought to preserve the integrity of the States as a barrier against the aggressions and tyranny of the majority acting through a centralized power. The words "State sovereignty" acquired an odious significance in the days of our civil struggle, but the idea for which they stand is nevertheless a precious one and represents what is probably America's most valuable contribution to the science of government.
>
> We shall do well not to forget the words of that stanch opposer of national power and authority, Salmon P. Chase, speaking as Chief Justice of the Supreme Court in a famous case growing out of the Civil War:
>
> > "The preservation of the States and the maintenance of their government are as much within the design and care of the Constitution as the preservation of the Union and the maintenance of the National Government. The Constitution in all its provisions looks to an indestructible Union composed of indestructible States."

Again says Mr. Pierson:

> Some profess to view the recent encroachments of Federal power as a triumph of the principles advocated by Alexander Hamilton and John Marshall over the principles of Thomas Jefferson. Such a claim does Hamilton and Marshall an injustice. While both stood for a strong National Government, neither of them contemplated any encroachment by the Government on the principle of local self-government in local matters or the police power of the States.
>
> Marshall, in one of his most powerful and far-reaching pronouncements in support of the national supremacy, speaks of—
>
> > "that immense mass of legislation, which embraces everything within the territory of a State not surrendered to the General Government; * * * inspection laws, quarantine laws, health laws of every description * * * are component parts of this mass."
>
> Later in the same opinion he refers to—
>
> > "the acknowledged power of a State to regulate its police, its domestic trade, and to govern its own citizens. * * * The power of regulating their own purely internal affairs whether of trading or police."
>
> Hamilton devotes an entire number of the Federalist to combating the idea that the rights of the States are in danger of being invaded by the General Government. In another place he returns to the idea—
>
> > "that there is greater probability of encroachments by the members upon the Federal head than by the Federal head upon the members."
>
> And concludes that it is to be hoped that the people—
>
> > "will always take care to preserve the constitutional equilibrium between the general and the State governments."
>
> That hope has failed of realization. The "constitutional equilibrium" of which Hamilton wrote is not being preserved. Some will say that this is an ogre of progress and we are improving upon Hamilton. Others, however, think we are forgetting the wisdom of the fathers.

This author points out, also, that in the days of Marshall the Supreme Court was the bulwark of national power against the assaults of the States. To-day it is the defender of the States against the encroachments of national power. It has been the most consistent factor in our governmental scheme. May providence guard and guide the Supreme Court.

There is one branch of the Government, at least, which brings assurance of security at all times to the country and establishes a sense of repose and justifies the confidence and faith of all the people.

Said the Supreme Court in South Carolina *v.* United States (199 U. S. 437):

> The Constitution is a written instrument. As such its meaning does not alter. That which it meant when adopted it means now.

Referring to the particular subject under consideration, Mr. Pierson says:

> No well-informed person supposed for a moment that the regulation of child labor was one of the functions of the General Government as those functions were planned by the makers of the Constitution. The United States Supreme Court has declared over and over again that such matters were the province of the States; that "speaking generally, the police power is reserved to the States, and there is no grant thereof to Congress in the Constitution."

May I draw attention to the concluding chapter of this book, "Our Changing Constitution," which deals with the future in a most thoughtful way? I wish to read an extract from page 143:

> What, then, of the future? Is the Constitution hopelessly out of date? Are the States to be submerged and virtually obliterated in the drift toward centralization? No thoughtful patriot can view such a possibility without the gravest misgivings. The integrity of the States was a cardinal principle of our governmental scheme. Abandon that and we are adrift from the moorings which, to the minds of statesmen of past generations, constituted the safety of the Republic.

I say it is of vital importance to every man, woman, and child in the Republic that that scheme should be saved.

> There is another aspect of the matter, however; the burden of Federal bureaucracy is beginning to be felt by the average man. He is being regulated more and more in his meats and drinks, his morals, and the activities of his daily life, from Washington. If he will only stop and think, he must realize that no one central authority can supervise the daily lives of a hundred million people, scattered over half a continent, without becoming top-heavy. He must realize, too, that, even if such a centralization of power and responsibility were humanly possible, our National Government is unsuited for the task. The electorate is too numerous and heterogeneous; its interests and needs are too diverse. Shall the conduct of citizens of Mississippi be prescribed by vote of Congressmen from New York, or supervised at the expense of New York taxpayers? Will an educational system suitable for Massachusetts necessarily fit the young of Georgia? Such suggestions carry their own answer. In the very nature of things there is bound to be a reaction against centralization sooner or later. The real question is whether it will come in time to save the present constitutional scheme.

I read further from page 144:

> The makers of the Constitution never intended that the people of one State should regulate, or pay for supervising, the conduct of citizens of another State. They made a division of governmental powers between Nation and States along broad and obvious lines. To the Federal Government were intrusted matters of a strictly national character—foreign relations, interstate commerce, fiscal and monetary system, post office, patents, and copyrights. Everything else was reserved to the States or the people. Here was a scheme at once explicit and elastic.

This is a very interesting chapter, but I am only troubling Senators with a few brief extracts. From page 147 I read further:

> Social welfare legislation presents a very different problem. Some of the most dangerous assaults upon the Constitution to-day are being made in that field. The leaven of socialistic ideas is working. Representative government is becoming more paternalistic. Legislation dealing with conduct and social and economic conditions is being demanded by public sentiment in constantly increasing measure. Such legislation for the most part affects State police power and lies clearly outside the scope of the powers conferred by the Constitution on the National Government.

If Congress will proceed year after year to enact legislation outside the Constitution and in violation of the Constitution to control, direct, and manage the social and domestic affairs in the States, what may it be supposed Congress will do when it

shall be given the unlimited and vast authority proposed by this amendment?

Accordingly, recourse is had to Congress, and Congress looks for a way to meet the popular demand. There being no direct way, and public sentiment being insistent, Congressmen find themselves under the painful necessity of circumventing the Constitution they have sworn to uphold. The desired legislation is enacted under the guise of an act to regulate commerce or raise revenue, and the task of upholding the Constitution is passed to the Supreme Court.

Such subterfuges, far from arousing public condemnation, are praised by the unthinking as far-sighted statesmanship. It is popular nowadays to apply the term "forward looking" to people who would make the National Government an agency for social-welfare work, and to characterize as "lacking in vision" anyone who interposes a constitutional principle in the path of a social reform. Friends of progress sometimes forget that the real forward-looking man is he who can see the pitfall ahead as well as the rainbow; the man of true vision is one whose view of the stars is steadied by keeping his feet firmly on the ground.

It can not be reiterated too often that, under our political system, legislation in the nature of police regulation (except in so far as it affects commerce or foreign relations) is the province of the States, not of the National Government. This is not merely sound constitutional law; it is good sense as well. Regulations salutary for Scandinavian immigrants of the Northwest may not fit the Creoles of Louisiana. In the long run the police power will be exercised most advantageously for all concerned by local authority.

The present tendency toward centralization can not go on indefinitely. A point must be reached sooner or later when an overcentralized government becomes intolerable and breaks down of its own weight. As an eminent authority has put it: "If we did not have States, we should speedily have to create them." The States thus created, however, would not be the same. They would be mere governmental subdivisions, without the independent, the historic background, the traditions, or the sentiment of the present States. These influences, hitherto so potent in our national life, would have been lost.

* * * * * * *

Will the people see these things in time? Americans with pride in their country's past and confidence in her future dare not say no. The awakening may be slow. Currents of popular will are not readily turned. It is hard to make the people think. But if leaders and teachers do their part, American intelligence and prudence will assert themselves and the slogan of an awakened public sentiment may yet be, "Back to the Constitution!"

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

The PRESIDING OFFICER. Will the Senator from Florida yield to the Senator from Colorado?

Mr. FLETCHER. I yield to the Senator.

Mr. PHIPPS. I should like to inquire of the Senator if he can give me any indication of the time he will require in order to finish his remarks? His answer will have a bearing on the action which I shall have to take with reference to the District of Columbia appropriation bill, of which I am in charge.

Mr. FLETCHER. I shall be very glad to answer the Senator. In response to his question I will say that I expect to conclude in 10 or 15 minutes.

Mr. PHIPPS. I thank the Senator.

Mr. FLETCHER. I think what I have just read is a very conservative and absolutely sound expression by a thoughtful student of political affairs and of public questions. I fully indorse every word of it. In the face of this proposed amendment to the organic law of the land I would go even further than he has gone, giving reasons why now has come a time when we should cry aloud throughout the land, "Back to the Constitution!"

At the expense of some repetition, may I refer again to our scheme of government and the Constitution? The first 10 amendments to the Constitution being a bill of rights, were brought forward by Mr. Madison June 8, 1789, and there was little opposition shown to them.

Twelve proposed amendments were submitted by the Congress on September 25, 1789, to the several States. Ten were quickly ratified and became a part of the Constitution and are to be treated as part of the original document. The eleventh amendment, proclaimed in 1798, provided that the judicial power of the United States should not extend to any suit prosecuted against one of the United States.

There matters rested until after the Civil War, when the thirteenth, fourteenth, and fifteenth amendments were ratified and proclaimed to incorporate in the fundamental law the results of that great struggle.

No change was made in the text of the Constitution after the proclamation of the fifteenth amendment in 1870 until 1913, when the sixteenth amendment, providing for the levy of income taxes, was proclaimed. Three months later the seventeenth amendment, providing for the election of Senators of the United States by direct popular vote in the several States instead of by the State legislatures, was proclaimed. In January, 1919, the eighteenth or prohibition amendment was proclaimed. In August, 1920, the nineteenth or woman suffrage amendment was proclaimed.

The nineteenth amendment, asserting the right of suffrage to be within the control of the National Government, rests upon the same basis as the fifteenth. The seventeenth amendment established no new principle of government. The eighteenth amendment introduced for the first time a drastic and uniform exercise of the police powers.

Now, it is proposed to extend that power into a new and wider field to be exercised without limitation by the Federal Government.

A number of other proposals to amend the Constitution are pending. We seem to be getting into the habit of tinkering with the Constitution. It is enough to amaze and alarm the friends of the Republic.

Doctor Butler, in his work, "Building the American Nation," page 284, well says:

A hundred years ago to contend for State rights meant to attack and to weaken the Constitution; to-day to contend for State rights means to defend and strengthen the Constitution.

The political system of the United States of America is neither an imperial state nor a parliamentary state nor a class-government state; it is a Federal Republic having a government of limited and carefully defined powers. If the proper balance be preserved between those powers which are delegated to the National Government and those powers which are retained for the State governments, the Federal principle will be protected and its usefulness will grow with time and political experience. Under centralization of authority with the bureaucratic system of control which this always brings in its train will be avoided, as will undue weakening of the central authority, which is the forerunner of disintegration and even of separation.

His prediction that we would avoid "undue centralization" is about to be shown not well founded. It is now proposed to do what he said we would avoid.

If this amendment should be adopted, ratified, and proclaimed, it should be followed with another amendment abolishing all State governments. To continue the use of the State governments after that would not be worth the cost thereof. The fears of those who opposed the ratification of the original Constitution, as expressed in the conventions to which its ratification was submitted, would be realized.

The attempt in section 2 to say that the power of the State is not impaired by the article is absurd, for this very section says that State laws shall be suspended to give effect to the enactments of Congress.

When those enactments take place, we will see in greatly increased force what Doctor Butler describes, page 282, and which already excites alarm, to wit:

The agents and officers of the National Government are in almost every community and in almost every place of business. In number they have multiplied manyfold, and consequently the cost of maintaining the National Government has advanced by leaps and bounds. Where 50 years ago the appearance of an official bearing credentials from Washington was a rare event, and occurred only in connection with the Postal Service, the customs service, or the collection of internal revenue from tobacco and alcoholic liquors, that appearance is now an everyday occurrence. It may relate either to some large public interests or to the most intimate details in the administration of a national bank, a railway, an industrial corporation, or to the food and drink and medicine of the humblest household.

The Constitution puts no time limit upon the period for which a proposal to amend it remains unacted upon.

In addition to the 19 amendments already made a part of the original Constitution four other proposals for amendment have been submitted by the Congress, but have never been acted upon by a sufficient number of States to secure their ratification. Two of these have now been before the States for nearly 135 years—since the First Congress, September 15, 1789. The third was proposed more than 113 years ago and is still pending. The fourth was submitted the day Abraham Lincoln was to be first inaugurated President.

I can not believe that this proposed amendment under discussion will be passed in this body by the requisite votes. If it should be submitted to the States, I can not conceive of a sufficient number ratifying it to make it a part of the Constitution, now or at any other time. My hope would be that it would take its place with those submitted 134 years ago and now forgotten.

Mr. President, I wish above everything else that I might adequately respond to the call of this hour. I hope in this debate some one will measure up to the commanding responsibilities which now confront us. We are to preserve American institutions or abandon them as out of date and weak. Truth, justice, honor never get old or need revision. We are to hold fast to the system of government laid in the blood and treasure of a free people, designed by the inspired vision and wisdom of the master builders, or discard that system for one which the experience of mankind has discredited.

The century-old conflict between dominion founded upon power and a confederacy founded upon law has never met but one ending wherever waged. Between an autocracy or a dictatorship and democracy the gulf is wide and can never be successfully bridged. We hoped to develop true constitutional liberty here. We aspired to be a Nation that loves liberty—where every man is set free to do his best and be his best.

The danger the early statesmen apprehended now confronts us—the centralization of power in the National Government, the destruction of local self-government, and the relinquishment of the sovereign powers of the State. Against that those far-seeing patriots set their souls, and we have had no occasion to question their wisdom. They would be distressed beyond measure if they could look upon this vital thrust at the sacred instrument of their prayerful making.

I would stay the hands that would strike that blow.

It is supreme folly and inexcusable rashness to push down the pillars of the temple.

Mr. WADSWORTH. Mr. President, I do not intend to address the Senate at this time on the so-called child-labor amendment; but, as I can not help regarding this amendment as being by far the most important proposal for the amendment of our Constitution since the fifteenth amendment was adopted, I do not think I am transgressing the proprieties of the occasion if I seek permission of the Senate to put into the CONGRESSIONAL RECORD some tables showing, first, the condition of the law in every State of the Union as to compulsory school-attendance standards affecting the employment of minors, contained in a chart published by the United States Department of Labor, Children's Bureau, and also a table showing the condition of the law in every State of the Union relating to child-labor standards.

These two sets of tables are as of January 1, 1921, the latest which I understand are available and complete. I ask unanimous consent that they be printed in the RECORD for the information of Senators who are sufficiently interested in the Constitution of the United States to inform themselves as to the state of affairs in each of the 48 States.

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

Mr. REED of Missouri. Mr. President, I hope the Senator who presents this tabulation will have some order made so that the tabulation, when it is printed in the RECORD, will appear in such form as to preserve its effect. If some such stipulation is not made about it, it is liable to be printed without being set up in a form where it speaks for itself, as it does now.

Mr. WADSWORTH. My request is that these tables be reprinted in the RECORD just as they appear upon the sheets which I have sent to the desk.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The tables follow:

[U. S. Department of Labor, Children's Bureau]

State compulsory school-attendance standards affecting the employment of minors, January 1, 1921

This summary presents briefly the main provisions of the various State laws making attendance at day, continuation, and evening schools compulsory. The day-school laws constitute prohibitions of employment of children during the hours of required attendance at school and often in effect fix educational requirements for going to work. The provisions for attendance at continuation and, in many cases, at evening school are imposed primarily upon employed minors.

Under "exemptions" are given the conditions under any one of which a child between the specified ages may be excused from attendance. Clauses exempting from attendance at public schools children receiving "equivalent instruction" elsewhere are not classed as exemptions.

State	Day school			Continuation school			Evening school		
	Children affected		Minimum attendance required	Children affected [1]	Minimum attendance required [2]	Localities where schools must be established	Children affected	Minimum attendance required	Localities where schools must be established
	Ages	Exemptions							
I	II	III	IV	V	VI	VII	VIII	IX	X
Alabama	8 to 16	(1) 14 and completed elementary school course; (2) 14 and employed; [3] (3) exemptions (*a*), (*b*), and (*c*)	Entire session; board of education may reduce to 100 days.	No provision			No provision		
Arizona	8 to 16 [4]	(1) Completed grammar school course; (2) excused [5] for "satisfactory" reasons; (3) exemption (*a*).	Entire session	14 to 16, regularly employed	5 hours per week; 150 hours per year; between 8 a.m. and 6 p.m. [6]	School district where there shall have been issued 15 employment certificates, unless excused. [7]	do		
Arkansas	7 to 15 [8]	(1) Completed 7th grade; (2) poverty exemption; [9] (3) exemption (*a*).	Three-fourths entire session	No provision			do		
California	8 to 16	(1) Has permit to work; [10] (2) has age and schooling certificate; [11] (3) exemptions (*a*) and (*b*).	Entire session	Under 18, [12] "too old to be subject to" day-school attendance law. Exemptions: [13] (1) Personal service to be rendered to dependents; (2) exemptions (*a*), (*b*), and (*c*).	Four 60-minute hours per week, between 8 a. m. and 5 p. m., [14] during regular school term [15]	High-school district wherein there were enrolled, in the regular day classes of the high schools during the school year next preceding, 50 or more persons living within 3 miles of high school in said district; provided there are in the district 12 or more minors who would become subject to attendance according to the provisions of this act.	18 to 21, who expect to remain in district for 2 or more months, who can not "speak, read, or [sic] write" English with the proficiency required for completion of 6th grade and who are not receiving equivalent instruction in part-time classes. Exemptions: (1) Personal service to be rendered to dependents; (2) exemptions (*a*) and (*b*).	Four 60-minute hours per week (instruction shall be given for at least 36 weeks). [16]	High-school district wherein there are living within 3 miles of high school in said district 20 persons 18 to 21 who would become subject to provisions of this act (exemptions not excluded).
Colorado	8 to 16	(1) 14 and completed 8 grades; (2) poverty exemption; [9] (3) 14 and exemption is for his "best interests"; (4) exemption (*a*).	do	No provision			14 to 16, employed in any occupation, who can not read and write simple sentences. [17, 18]	Regular attendance.	No provision.
Connecticut	7 to 16	(1) 14 and employed; [3] (2) exemptions (*a*) and (*c*).	do	do			14 to 16, having employment certificate. Exemptions: (1) Excused by board of school visitors, town school committee, or board of education; (2) exemption (*f*).	8 hours per week for period of 16 weeks per calendar year.	Do.
Delaware:									
City of Wilmington. [19]	7 to 14	(1) Excused [5] because prevented from attendance or study by mental, physical, or other urgent reasons; [20] (2) exemption (*b*).	5 months, or if so voted by school district, 3 months.	do			No provision		
Outside city of Wilmington.	7 to 17	(1) 14 and completed eighth grade; (2) 14 and employed [3] (if 14 and not exempted under (1) or (2), child must attend for only 100 days); (3) in cases of "necessary or legal absence"; [21] (4) exemption (*a*).	180 days (100 days for child over 14 not exempted). (See also exemption (3).)	do			do		
District of Columbia.	8 to 14 [22]	(1) Acquired branches taught in public schools; (2) exemption (*a*).	Entire session	do			do		

Florida	7 to 16[8]	(1) Completed 8th grade; (2) poverty exemption;[9] (3) any unusual cause acceptable to attendance officer; (4) instruction by parent or guardian;[22] (5) exemptions (*a*), (*b*), (*c*), and (*x*).	Entire session of school attended.	do			do	
Georgia	8 to 14	(1) Completed 7th grade; (2) temporarily excused for "good reason";[24] (3) exemption (*x*).	6 months	do			do	
Idaho	8 to 16	(1) 15 and completed 8th grade; (2) poverty exemption,[9] if 15; (3) 15 and exemption is for his "best interests"; (4) exemption (*a*).	Entire session	do			do	
Illinois	7 to 16	(1) 14 and employed;[3] (2) completed private or parochial school and entitled to 8th grade diploma; (3) exemptions (*a*), (*d*), and (*x*).	Entire session (not less than 7 months of actual teaching).	14 to 18, regularly and lawfully employed[25] in city or district where continuation school or class has been established "for the instruction of minors of such minor age." (See Column VII.) Exemptions: (1) Minors attending private or parochial schools or receiving training at home; (2) exemption (*e*).	8 hours per week; 36[26] weeks per year between 8 a. m. and 5 p. m.[27]	City or school district, on the following dates, where there are 20 minors of the following ages not in regular attendance upon all-day schools; 14 to 16, beginning Sept. 1, 1921; 14 to 17, beginning Sept. 1, 1922; 14 to 18, beginning Sept. 1, 1923.	do	
Indiana	7 to 16	(1) 14 and employed;[3] (2) exemption (*a*).	Entire session	14 to 16,[28] regularly employed, if board of education or township trustee requires attendance.	4 hours per week, between 8 a. m. and 5 p. m., during public-school term (board of education or township trustee is authorized, not compelled, to require this attendance).	No provision	do	
Iowa	7 to 16[8]	(1) 14 and completed eighth grade; (2) 14 and employed;[3] (3) excused[6] for "sufficient reasons;" (4) exemptions (*a*), (*b*), and (*d*).	24 weeks. (In cities of first or second class entire year may be required by board of school directors.)	14 to 16, (1) holding work certificates, or (2) who have not completed eighth grade and are working in mercantile establishment employing less than 9 persons, or in "establishments or occupations owned or operated by their own parents," or (3) who have completed the eighth grade and are not engaged in some useful occupation.[29]	8 hours per week, between 8 a. m. and 6 p. m., during public-school term.[6]	Organized school district whenever there are 15 minors resident therein who would become subject to the act.	do	
Kansas	8 to 16	(1) Completed common-school course; (2) [child 14, literate in English, and regularly employed for support of self or dependents, is excused from all but 8 consecutive weeks]; (3) temporarily excused[6] in extreme cases of emergency or domestic necessity; (4) exemption (*a*).	Entire session of school attended. [See also exemption (2).]	No provision			do	
Kentucky:								
In cities of first, second, third, or fourth class.	7 to 16	(1) 14 and employed;[3] (2) exemption (*a*).	Entire session	14 to 16, lawfully and steadily employed on employment certificate. Exemptions: (1) Exemption (*f*).	Not less than 4 nor more than 8 hours per week, between 8 a. m. and 5 p. m. (but not Saturday afternoon or Sunday), during public-school term.	No provision	do	
In county school districts.	(30)	(1) Completed full course of instruction offered by public schools of district where he resides; (2) exemption (*a*).	do	do	do	do	do	

[For footnotes see pp. 9720 and 9721]

State compulsory school-attendance standards affecting the employment of minors, January 1, 1921—Continued.

State	Day school			Continuation school			Evening school		
	Children affected		Minimum attendance required	Children affected [1]	Minimum attendance required [2]	Localities where schools must be established	Children affected	Minimum attendance required	Localities where schools must be established
	Ages	Exemptions							
I	II	III	IV	V	VI	VII	VIII	IX	X
Louisiana:									
In parish of Orleans.	8 to 16	(1) Completed elementary school course; (2) 14 and employed; [3] (3) exemptions (*a*) and (*b*).	Entire session.	No provision			No provision		
Outside parish of Orleans	7 to 14	(1) Completed elementary course; (2) poverty exemption; [9] (3) no adequate school facilities; (4) exemptions (*a*) and (*b*).	140 days, or entire session if less than 140 days.	do			do		
Maine	7 to 17	(1) 15 and literate in English; (2) has work permit (but same law fixes minimum age of 15 for work during school hours); (3) excused [5] for necessary absence; (4) exemption (*a*).	Entire session.	[Provisions of the law are not compulsory, but schools are established for benefit of persons 14 to 18 engaged in industrial occupations who have not completed elementary school course.]	[Instructions shall cover 144 hours per year. Law defines "continuation" school as such school or class as is conducted during regular working hours of person employed.]	[No provision—superintending school committee and boards of education are authorized to establish.]	do		
Maryland:									
In Baltimore City.	8 to 16	(1) 14 and employed; [3] (2) excused [5] for necessary and legal absence; (3) exemption (*a*).	do	No provision			do		
Outside Baltimore City.	7 to 13	(1) Excused [5] for necessary and legal absence; (2) exemption (*a*).	do	No provision			do		
	13 to 17	(1) 15 and completed elementary school course; (2) exemption (*a*).	At least 100 days, and entire session if not employed.[3]						
Massachusetts	7 to 16	(1) 14, has such ability to read, write, and spell in English as is required for completion of sixth grade, and is employed; [3] (2) exemptions (*a*) and (*z*).	Entire session.	14 to 16, engaged in regular employment or business, on employment certificates, or to whom such certificates have been issued and who are temporarily unemployed, or who are engaged in profitable employment at home, on home permit.[32]	4 hours per week for minors regularly employed not less than 6 hours per day at home or elsewhere, and 20 hours per week (provided school is in session for 20 hours) for minors who have employment certificates but who are temporarily unemployed; hours to be between 8 a. m. and 5 p. m. of working days except Saturday.[33]	City and town in which, during a calendar year ending Dec. 31, 200 minors under 16 are regularly employed,[34] by authority of employment certificates or home permits, for not less than 6 hours per day, shall establish continuation schools or courses at the beginning of the next school year.[35]	16 to 21, if illiterate [36]. Exemptions:[37] (1) Married women; (2) exemption (*a*).	Entire session (school shall be maintained for at least 40 evenings during school year).	City or town in which there are issued, from Sept. 1 to Aug. 31, certificates authorizing the employment of 20 illiterate [36] minors.
Michigan	7 to 16	(1) Completed eighth grade and employed; [3] (2) poverty exemption, [9] if 14 and completed sixth grade; (3) regularly employed as page or messenger in either branch of legislature; (4) exemptions (*a*), (*b*), and (*d*).	Entire school year (but, where school is maintained during entire year, not more than three quarters.)	Minors under 18 [38] who have ceased to attend all-day school. Exemptions: (1) Minors may be excused for same reasons and under same conditions as children under 15 may be excused from provisions of compulsory education law (see column III); (2) exemption (*e*)	8 hours per week, [39] between 8 a. m. and 5.30 p. m.[37]	School district having a population of 5,000 or more and containing 50 children subject to provisions of this act.	No provision		

Minnesota	8 to 16	(1) Completed 8th grade; (2) except in cities of first or second class, child 14 whose help is required in permitted occupations in or about his home may be excused from Apr. 1 to Nov. 1; (3) exemptions (*a*), (*b*), (*d*), and (*x*).	Entire session (but no child shall be required to attend more than 10 months). In districts where school sessions are of different lengths, attendance may be for shorter term. [See also exemption (2).]	No provision			do		
Mississippi	7 to 14 [8] (county may release itself from law).[39]	(1) Completed common-school course; (2) temporarily excused [8] in extreme cases of emergency; (3) exemption (*a*).	80 days	do			do		
Missouri	7 to 16	(1) Completed common-school course; (2) 14 and employed; [9] (3) exemption (*a*).	Entire session of school attended.	Under 16, lawfully engaged in regular employment; under 18, who have not completed elementary school course.	4 hours per week, between 8 a. m. and 5 p. m., for a period not less than regular school term.	School district wherein have been issued, and are in full force and effect, 25 employment certificates for children under 16.[7]	do		
Montana	8 to 16 [40]	(1) 14, literate in English, and regularly employed (but later law prohibits employment under 16 during school term and while public schools are in session unless child is 8th grade graduate or is over 14 and services are necessary for support of family); (2) exemptions (*a*) and (*b*).	Entire session of school attended, to be in no case less than 16 weeks.	14 to 18,[41, 42] employed. Exemptions: (1) Exemption (*e*).	4 hours per week, between 8 a. m. and 6 p. m., during regular public-school term.[6]	School district of the first class or county high school located in district of the first class, in which there shall reside or be employed, or both, 15 children 14 to 18 [42] who have entered upon employment.[7]	do		
Nebraska	7 to 16	(1) 14 and employed [3] for support of self or dependents; (2) exemptions (*a*) and (*b*).	Entire session in city or metropolitan school district; elsewhere at least 12 weeks and where term is longer, two-thirds of term, but in no case less than 12 weeks.	14 to 16 who hold employment certificates in force.	8 hours per week (instruction shall cover a period of at least 144 hours per year [6]).	School district having 15 children 14 to 16 who hold employment certificates in force.	14 to 16, employed in occupations requiring certificate who have not completed work of 8th grade.[43]	2 hours per evening; 3 evenings per week; 20 weeks per year.	No provision.
Nevada	8 to 16	(1) Completed 8th grade; (2) poverty [9] exemption; [44] (3) exemptions (*a*) and (*b*).	Entire session.	14 to 18 [41] who are employed.[45] Exemptions: (1) Exemptions (*a*) and (*b*).	4 hours per week, between 8 a. m. and 6 p. m., during public-school term.[6]	School district in which there shall reside or be employed, or both, 15 children 14 to 18 who have entered upon employment.[7]	No provision		
New Hampshire	8 to 16	(1) 14 and completed elementary school course; (2) 14 and excused [9] "for such period as seems best for the interests of the child" on ground that his "welfare" will be best served by withdrawal from school; (3) exemptions (*a*) and (*x*).	Entire session; law applies to districts "in which public school is annually taught."	(46)	(46)	(46)	16 to 21, unable to read and speak English understandingly.[47] Exemptions: (1) Excused by commissioner of education or person designated by him.	Regular attendance until minimum course prescribed by State board is completed.	School district in which reside or are employed 15 persons, 16 to 21, who can not read and speak English understandingly.
New Jersey	7 to 16	(1) 14 and employed; [3] (2) exemption (*a*).	Entire session.	14 to 16, regularly and lawfully employed on age and schooling certificate or temporarily unemployed.	6 hours per week; 36 weeks per year (if temporarily unemployed, 20 hours per week); between 8 a. m. and 5 p. m. on any day except Saturday or Sunday.[42a]	School district in which are employed 20 children 14 to 16 to whom have been granted age and schooling certificates.[42a]	No provision		

[For footnotes see pp. 9720 and 9721]

State compulsory school-attendance standards affecting the employment of minors, January 1, 1921—Continued.

State	Day school			Continuation school			Evening school		
	Children affected		Minimum attendance required	Children affected [1]	Minimum attendance required [2]	Localities where schools must be established	Children affected	Minimum attendance required	Localities where schools must be established
	Ages	Exemptions							
I	II	III	IV	V	VI	VII	VIII	IX	X
New Mexico	6 to 16	(1) 14 and excused by issuance of employment certificate; (2) exemptions (*a*) and (*b*).	Entire session	14 to 16, to whom employment certificates have been issued.[49]	5 hours per week; 150 hours per year; between 8 a. m. and 6 p. m.[6]	School district in which have been issued 15 employment certificates to children 14 to 16.[7]	No provision		
New York	7 to 16[50]	(1) 14 and employed[3] (child under 15 who has not completed elementary school course can not obtain certificate for employment during school term); (2) exemption (*a*).	Entire session, which in cities or school districts having a population of 5,000 or over and employing a superintendent shall be for not less than 180 days.	Under 18, not attending day school, or who are regularly and lawfully employed, or temporarily out of employment. Exemptions: (1) Exemption (*e*).	Not less than 4 nor more than 8 hours per week[51] (20 if temporarily unemployed), between 8 a. m. and 5 p. m. during entire session,[36] on regular school days.	City or school district having a population of 5,000 or over, where 20 minors 14 to 18 are not in regular attendance upon instruction.[52]	16 to 21 who do not possess such ability to speak, read, and write English as is required for completion of 5th grade. Exemptions: (1) Exemption (*a*).	Entire session[54]	
North Carolina	8 to 14[55]	(1) [State board of education shall describe what constitutes truancy, what causes constitute legitimate excuses for temporary nonattendance due to physical or mental inability to attend, and under what circumstances teachers, principals, or superintendents may excuse pupils for nonattendance due to immediate demands of farm and home in certain seasons]; (2) temporarily excused [4] on account of sickness, distance from school, or other unavoidable cause which does not constitute truancy as defined by State board of education.	Entire session (any district without adequate buildings allowed until July 1, 1921, to make proper provisions).	No provision			No provision		
North Dakota	7 to 17	(1) Completed 8th grade; (2) poverty [9] exemption; [57] (3) exemptions (*a*) [57] and (*b*).[57]	Entire session	do			do		
Ohio	8 to 16	(1) Boy 15, who has completed 6th grade and is regularly employed; (2) exemption (*a*).	Entire session, in no case to be less than 28 weeks.	Boys 15 to 16, having age and schooling certificates and regularly employed. Exemptions: (1) Exemption (*f*).	Not to exceed 8 hours per week, between 8 a. m. and 5 p. m., during school term.	No provision	do		
Oklahoma	8 to 18	(1) 16, has completed 8th grade, and is employed;[3] (2) 16 and has completed full course of instruction provided by public schools of his district; (3) exemption (*a*).	Two-thirds of entire session (State constitution directs legislature to provide for compulsory school attendance "for at least 3 months").	16 to 18, employed. Exemptions: (1) Minors who have completed common-school course plus 2 years of high school.	144 hours per year.	School district where 20 minors 16 to 18 are employed.	do		
Oregon	9[58] to 16[59]	(1) 14, completed grammar grades, and employed;[3,59] (2) exemptions (*a*) and (*b*).	Entire session.	14[60] to 18, legally employed. Exemptions: (1) Exemption (*j*).[60] (Evening school attendance for same period accepted as substitute.)	5 hours per week, or 180 hours per year,[26] between 8 a. m. and 6 p. m.	School district in which there shall reside, or be employed, or both, 15 children 14 to 18 who have entered upon employment.	do		

	16 to 18 (continuation school law).	(1) Legally employed	do						
Pennsylvania	8 to 16	(1) 14, literate, and employed;[5] (2) excused by school board because prevented from attendance or study by physical, mental, or other "urgent" reasons;[20] (3) exemption (*b*).	Entire session, but board of school directors in any district of 4th class may reduce period to 70 per cent of school term for pupils 12 years of age or over.	14 to 16, employed with certificate. Exemptions: (1) Children employed on farms or in domestic service; (2) exemption (*b*).	Period or periods equivalent to 8 hours per week, between 8 a. m. and 5 p. m., on any day except Saturday.[61]	School district where there are 20 children eligible to attend. (Ruling of State board of education.)[62]	do		
Rhode Island	7 to 16	(1) Completed 8 grades (excluding kindergarten); (2) 14 and employed;[5] (3) excluded "by virtue of some general law or regulation;" (4) exemptions (*a*) and (*c*).	Entire session.	(63)	(64)	(65)	16 to 21, who can not speak, read, and write English in accordance with standards approved by State board of education.	200[64] hours in each year between Sept. 1 and June 1, until reasonable facility in speaking, reading, and writing English shall have been acquired.	Town[65] in which are resident 20 persons 16 to 21 who can not speak, read, and write English.
South Carolina	8 to 14	(1) Poverty exemption,[9] if 12; (2) attendance officer "may excuse any absence;" (3) exemptions (*a*), (*b*), and (*z*).	4 consecutive months or 80 days (entire session if less than 80 days); entire session upon petition of majority of qualified electors.[66]	No provision			No provision		
South Dakota	8 to 16	(1) Completed 8th grade; (2) exemption (*a*).	Entire session, but district boards may decrease time to 16 consecutive weeks after child has completed 6th grade.	(67)	(67)	(67)	16 to 21[68] who are unable to speak, read, and write English with the proficiency required for completion of 5th grade. Exemptions: (1) Exemptions (*a*) and (*b*).	8 hours per week for entire time class of the proper grade is in session. (Schools shall be maintained for a period of 25 weeks, or a total of 200 hours during school year.)[69]	Any school district when so directed by State superintendent of public instruction,[69] but no district shall be required to maintain a class for fewer pupils than minimum number which said superintendent shall determine.[70]
Tennessee	7 to 16[8]	(1) Completed 8th grade; (2) 14, literate, and employed,[5] (3) exemptions (*a*), (*b*), and (*c*).	Entire session.	No provision			No provision		
Texas	8 to 14	(1) Poverty exemption,[9] if 12 and completed 4th grade; (2) exemptions (*a*) and (*b*).	100 days or entire session if less than 100 days.	do			do		

For footnotes see pp. 9720 and 9721

State compulsory school-attendance standards affecting the employment of minors, January 1, 1921—Continued.

State	Day school			Continuation school			Evening school		
	Children affected [1]		Minimum attendance required [2]	Children affected [1]	Minimum attendance required [2]	Localities where schools must be established	Children affected	Minimum attendance required	Localities where schools must be established
	Ages	Exemptions							
	II	III	IV	V	VI	VII	VIII	IX	X
Utah	8 to 18. [See note in Column III.]	(1) Completed 8th grade and legally excused to enter employment; (2) 16 and legally excused to enter employment. [These provisions are those of the day-school law combined with the later continuation-school law, as interpreted by the State board for vocational education. The two laws are not entirely consistent, the earlier one applying to children between 8 and 16 and exempting child who has acquired branches taught in the district schools whose services are necessary for support of his parents, whose home is 2½ miles from school, or who is physically or mentally incapacitated. It limits the requirement of 30 weeks to cities of the first and second class, permitting elsewhere attendance of only 20 weeks (10 consecutive). The later law requires for children 16 to 18 and those under 16 who have completed the 8th grade the 30 weeks' attendance here specified.]	30 weeks [but see note in Column III.]	Under 18, legally employed. Exemptions: (1) Minor is taught at home the required number of hours; (2) exemptions (*a*), (*b*), and (*c*).[71]	144 hours per year. (Classes shall be in session 4 hours per week between 8 a. m. and 6 p. m.)	School district in which there are 15 minors resident, or employed, or both, who would be subject to this act.[7]	Aliens 16 to 21 [alien adults up to 45 also included] who do not possess such ability to speak, read, and write English as is required for completion of 5th grade. Exemptions: (1) Exemptions (*a*) and (*b*).	4 hours per week while school of proper grade is in session, school shall be maintained for 200 hours during school year.[69]	School district directed by State board of education to establish such schools, but no district shall be required to maintain a class for fewer pupils than minimum number to be determined by State board of education.[69]
Vermont	8 to 16	(1) Completed elementary school course or rural school course and first 2 years of junior high-school course; (2) if 15 and completed rural school course, child may be excused [6] for poverty [9] or any other sufficient reason; (3) excused [9] for a definite time not to exceed 10 consecutive school days, such excuse to be granted only for emergencies or for absence from town; (4) exemption (*a*).	Entire session; if session is more than 170 days, superintendent of school may excuse any child from attending more than that period.	No provision			No provision		
Virginia	8 to 12 [73]	(1) Child is literate; (2) excused "for cause" by district school trustee; (3) exemptions (*a*) and (*b*).	16 weeks [73]	do			do		

Washington	8 to 16	(1) Attainment of "reasonable proficiency" in branches taught in first 8 grades; (2) 15 and employed;[73] (3) excused by school superintendent for "other sufficient reason"; (4) exemption (*a*).	Entire session.	14 to 18, not in attendance upon full-time day school. Exemptions: (1) Child can not in judgment of superintendent of schools or of county superintendent profitably pursue further school work; (2) child regularly and legally employed during school year ending June 30, 1919; (3) exemptions (*a*) and (*e*).	4 hours per week, between 8 a. m. and 5 p. m. on school days and between 8 a. m. and 12.30 p. m. on Saturday, during public-school term.	No compulsory provision. Board of school directors in any organized school district, upon the written request of 25 adult bona fide residents, may within 1 year from date of request establish part-time schools or classes when there are 15 minors who would be required to attend under the provisions of this act.	No provision.		
	[8] to 18 (continuation school law).[74]	(1) Completed high-school course; (2) has employment [75] permit, which may be issued only to child 15, or to child 14 who either has completed 8th grade or "can not profitably pursue further regular school work," provided that family needs or personal welfare make leaving school necessary or advisable.	Entire session (implied).						
West Virginia	7 to 16[76]	(1) 14 and employed[3] (not to be excused on ground of completion of elementary school course if high school is within 2 miles of home); (2) poverty exemption[3] (to cease after aid has been given); (3) exemptions (*a*), (*b*), (*d*), and (*x*); (4) excused[5] for other causes accepted as valid.	Entire session.	Same as in Column VIII.	Same as in column IX. (Child must attend either continuation or evening school.)	No provision.	14 to 16, regularly employed for 6 or more hours durin the day. Exemption: (1) Exemption (*b*).	5 hours per week for 20 weeks, or for such period as school is in session if less than 20 weeks.[77]	No provision.
Wisconsin	7 to 16.	(1) Completed eighth grade; (2) 14 and employed;[3] (3) exemptions (*a*) and (*b*).[78]	Entire session in all cities of first class; 8 school months in any other city; 6 school months in any town or village.[78]	14 to 17 (excluding minors indentured as apprentices),[79] not regularly attending other recognized school. Exemptions:[80] (1) Exemptions (*a*) and (*b*).	8 hours per week in the daytime, for 8 months and such additional months or parts thereof as other public schools are in session,[81] or the equivalent as determined by the local board of industrial education.	In every town, village, or city of over 5,000 inhabitants there shall be (and elsewhere there may be) a local board of industrial education, which shall establish such school whenever 25 persons qualified to attend file a petition therefor.	Minor over 17 who can not read at sight and write legibly simple sentences in English, if employed.[82] Attendance at public vocational (continuation) school accepted as substitute.	4 hours per week.[77]	[See Column VII for provisions for the establishment of vocational (continuation) schools, which apply to the establishment of evening as well as part-time day schools.]
Wyoming	7 to 14[8]	(1) Excused by district board because law would "work a hardship" to child; (2) exemptions (*a*) and (*x*).	Entire session.	No provision.			No provision.		

[For footnotes see pp. 9720 and 9721]

Exemption (*a*). Physically or mentally incapacitated, except for the following variations: *Michigan, Oregon,* and *Wyoming*—physically incapacitated; *South Carolina*—physically, mentally, or morally unfit; *South Dakota*—physical or mental condition such as to render attendance unsafe, impracticable, or harmful to himself or others (day-school attendance); *Virginia*—"weak in body or mind"; *Washington*—attendance would be injurious to health (continuation-school attendance).

Exemption (*b*) Home (in continuation-school laws sometimes place of employment) specified distance from school; in day-school laws usually with proviso that exemption cease if free transportation is provided. The distance sometimes varies with age of child and occasionally is expressed in general terms, as "distance from school makes attendance undue hardship."

Exemption (*c*). Parent or person in loco parentis unable to provide books or clothing, or both, sometimes with provision that child shall be dealt with as a dependent child, and often with proviso that exemption shall cease after aid has been otherwise provided.

Exemption (*d*). Child is exempted under some one of the following conditions: Attending religious service or receiving religious instruction, or excused for observance of regular church ordinances, or child is between 12 and 14 years of age and is attending confirmation classes conducted for specified period.

Exemption (*e*). Completion of four-year high-school course, or equivalent.

Exemption (*f*). Completion of elementary-school course.

Exemption (*x*). Miscellaneous exemptions as follows: *Florida*—"Occasional nonattendance" amounting to not more than 4 days' unexcused absence in any school month, does not render parent liable to penalty; *Georgia*—temporarily excused, by principal or teacher in charge, because of bad weather, sickness, etc., or other reasonable cause; *Illinois*—temporary absence excused by principal or teacher "for cause"; *Massachusetts*—excused for necessary absence (not exceeding 7 days in 6 months); *Minnesota*—conditions of weather or travel make attendance impossible; *New Hampshire*—excused for part of session on stated days to receive instruction in music; *South Carolina*—absence due to providential cause or cause that would seriously endanger child's health does not make parent liable to penalty; *West Virginia*—(1) conditions making attendance impossible, or hazardous to life, health, or safety; or (2) death or serious illness in immediate family of pupil; *Wyoming*—child is excluded from school for legal reasons and no provision has been made for his schooling.

[1] The limitation of required attendance to places where schools or classes of the type under consideration have been established is usually expressed in the law and would necessarily be implied. This limitation is made (1) by requiring attendance only of children living, or working, or both, in the school district or other specified unit in which the school has been established, or (2) by making the requirement general in application and exempting children not within a specified distance of any such school, or (3) by requiring attendance of children only within a specified distance of such a school. Cases (2) and (3) are noted under exemption "(*b*)." The provisions under "Localities where schools must be established" should be carefully noted in connection with the columns "Children affected," as they directly affect the number of children amenable to the law.

[2] It is generally intended that the time spent at continuation school shall be deducted from the child's working time. This end is attained by various provisions. The most usual is that the time in continuation school shall be counted as part of the child's legal working hours or of the time he "can be employed" (Illinois, Massachusetts, Michigan, Missouri, Pennsylvania); in Arizona, Montana, Nevada, New Mexico, Oregon, Utah, and Washington it is specified that the hours of attendance are to be counted as part of the hours of employment fixed by "Federal or State law." In California it is provided that the daily hours of employment, except in agricultural and home-making occupations, plus required attendance, must not exceed eight. In Iowa, Nebraska, and New Jersey the weekly legal hours for children under 16 in the regulated occupations are reduced by the number of hours of required attendance. The Wisconsin law, in addition to providing that the time shall be counted as part of the legal working hours, states that where the working hours and class time coincide the reduction in hours shall be allowed at the time when the classes are held. The legal requirements as to the holding of classes during daylight hours and on working-days are given in this column.

[3] The employment exemption in some States specifically covers children employed at home; in others it is indefinitely worded, so that child working at home may or may not be included; a few States limit the exemption to children who have employment certificates and are actually at work. In Michigan, child must be regularly employed on employment certificate (not granted for work during school hours under 15), "if physically able to do so," or excused for work for which employment certificate is not required.

[4] Continuation school law passed later than law here tabulated, but apparently not superseding it, requires attendance at school of all children between 8 and 16, except those physically incapacitated and those 14 or over excused to enter regular employment.

[5] Excuses are granted by the following officials: *Arizona*—board composed of specified school officials and probation officer; *Delaware*—(Wilmington)—majority of school commissioners (excuse countersigned by county superintendent); *Iowa*—court of record or judge thereof; *Kansas*—local school board; *Maine*—local school committee, superintendent, or teacher; *Maryland*—superintendent or principal of school or his deputy; *Mississippi*—school trustees, with approval of county superintendent of education; *New Hampshire*—State superintendent of public instruction; *North Carolina*—principal, superintendent, or teacher in charge; *Vermont*—superintendent of an elementary school; *West Virginia*—county superintendent or supervisor or superintendent of schools.

[6] Law states merely that schools must give instruction for this period, but the general tenor of the law implies that child must attend for this period. In Montana this interpretation is put upon the law by State board of education.

[7] Excuse from establishing may be granted by State authority (in some States the State board of education and in others the State board for vocational education). In Montana, however, the State board of education refuses to recognize as valid any reason except that there are fewer than 15 employed children of ages amenable to the law.

[8] In the following States the age to which these provisions apply is made ambiguous by the use of the word "inclusive": *Arkansas*—"between the ages of 7 and 15, both inclusive"; *Florida*—"between the ages of 7 and 16 years, both inclusive" (another section of the law states that the compulsory school attendance period shall begin with beginning of term nearest seventh birthday, and end at close of term nearest sixteenth birthday); *Iowa*—"of the age of 7 to 16 years, inclusive" (a ruling of the attorney general, 1904, under the section of which this is an amendment, would make provision extend only to time child becomes 16); *Louisiana*—"between the ages of 7 and 14 years, both inclusive," law applying outside Parish of Orleans; *Mississippi*—"between the ages of 7 and 14 years of age, inclusive"; *Tennessee*—"between the ages of 7 and 16 years, inclusive"; *Wyoming*—"between the ages of 7 and 14 years, inclusive."

[9] "*Poverty exemption*" for the various States in which it is found is as follows: *Arkansas*—services necessary for support of widowed mother; *Colorado*—services necessary for support of self or parent (child must be given such poor relief as shall enable him to attend, but it is not to be required to attend more than three hours per day); *Florida*—services necessary for support of widowed mother or other dependent; *Idaho*—services necessary for support of self or parent; *Louisiana*—services necessary for support of widowed mother; *Michigan*—services necessary for support of parent; *Montana*—services necessary for support of family; *Nevada*—child's labor necessary for support of self or parents; *North Dakota*—services necessary for support of family; *South Carolina*—in case of widowed mother or crippled father, child whose labor is necessary for support "of any person" may be excused; *Texas*—services necessary for support of parent or guardian; *Utah*—services necessary for support of parent; *Vermont*—services needed for support of dependents; *West Virginia*—destitution of parent or person in charge of child.

[10] Not issued under 14.

[11] Not issued under 15. (If child having such certificate is unemployed for more than two weeks he must return to school while unemployed.)

[12] Law provided that compulsory school-attendance provisions were to become operative as follows: During school year 1919–20 they apply to all persons under 21 who can not "speak, read, or write" English with the proficiency required for completion of sixth grade and to all other persons subject to its provisions under 16; 1920–21, also to all persons subject to its provisions under 17; 1921–22, also to all persons subject to its provisions under 18.

[13] District high-school board may exempt any minor whose "interest would suffer" if compelled to attend; but such board may not exempt a number of minors "greater than three and in addition thereto a number which shall exceed 5 per cent of the total number of minors" subject to attendance.

[14] Classes may be on Saturday afternoon, and shall be at that time if five or more minors residing in district can not arrange with employers for attendanee at any other time.

[15] Local school authorities may accept in lieu thereof not less than 144 hours of attendance, beginning with the opening of the high schools of the district and accumulated at a rate of not less than four 60-minute hours per week; or they may arrange with parent, etc., for child's full-time attendance at special class, maintained at a convenient season, wherein he may secure the 144 hours of attendance required of him.

[16] Law applies to all school districts except where seating capacity is insufficient.

[17] Applies to children only in town or city where evening school is established, but elsewhere employment certificate can not be issued to such children for work in the occupation in which minimum age is 14.

[18] Earlier law, partially nullified by later provisions for attendance at day and evening school (see provisions tabulated), requires any minor 14 to 16 who can not read and write English to attend school at least one-half day of each day, or to attend public night school or take regular private instruction from some qualified person until he obtains certificate from county superintendent that he can read at sight and write legibly simple sentences in English.

[19] The city of Wilmington has not yet (December, 1920) accepted the provisions of the State law tabulated below.

[20] "Urgent reasons" to be strictly construed.

[21] State board of education is to prescribe rules controlling "necessary absence," giving due consideration to needs of parents and welfare of children. Working at agricultural pursuits shall be considered a proper and necessary reason for absence, but no child shall be excused for cause other than illness or physical or mental incapacity so as to reduce attendance to less than 120 days.

[22] Child labor law, passed later than compulsory school attendance law, provides for the issuance of work permits to child 12 or over whose services are necessary for support of self, parents, or younger brother or sister.

[23] Upon permission from county superintendent of public instruction, such permission granted only in case of necessity, and child to be examined twice a year.

[24] Local board of education, which grants excuse, is authorized to consider need for agricultural labor in excusing child in farming districts.

[25] Including minor employed or kept at home in the service or assistance of parent, etc.

[26] Classes must be maintained during entire session of public schools in city or district. In Illinois day school law specifies that employed children under 16 must attend continuation school entire session.

[27] Sessions are to be on regular business days, but not on Saturday afternoon.

[28] The law applies to all children "between the ages specified by the school attendance laws of the State" who are regularly employed, but the present day school attendance law requires full-time attendance up to 16 unless child is 14 and employed or is physically or mentally disqualified.

[29] Nowhere does the law specify that these children must attend, but this requirement may be implied from the general tenor of the law and from the fact that the provision fixing a maximum 48-hour week for children under 16 employed in the occupations for which the minimum age is 14 specifies that where these schools are established such children must not be employed for more than 40 hours per week.

[30] Law is ambiguous as printed, a line apparently having been omitted. State department of education considers law applicable to children between the ages of 7 and 16 years, inclusive (until seventeenth birthday).

[31] This limitation is expressed in the title only, not in the body of the law.

[32] This applies only to minors issued employment certificates or home permits in city or town where school is established, but any minor under 16 who has been regularly employed in city or town other than that of his residence, who is temporarily unemployed, may be required, under conditions approved by board of education, to attend in the city or town of his residence.

[33] School to be in session same number of weeks as high schools.

[34] Minors so employed during vacation not included.

[35] This act shall take effect in any city or town upon its acceptance by the qualified voters thereof voting thereon at the annual State election in the current year. Law provides that "a city or town which refuses or neglects to raise and appropriate money for the establishment and maintenance of * * * schools or courses * * * as required by this act, to be instituted not later than September 1, 1920, shall forfeit from funds due it from the Commonwealth a sum equal to twice that estimated by the board of education as necessary properly to establish and maintain such schools or courses."

[36] Illiteracy is defined in the law applying to minors at work on educational certificates as lack of such ability to read, write, and spell in English as is required for completion of sixth grade.

[37] These exemptions are found only in the law applying to illiterates not employed on educational certificates.

[38] Act shall not apply to employed minors who have reached the age of 16 prior to September 1, 1920.

[39] By majority vote of qualified electors at an election held for the purpose, which election may be ordered only upon petition of 20 per cent of the qualified electors. [The counties of Franklin, Jefferson, Claiborne, and Wilkinson have voted to release themselves from the act (information as of December 13, 1920).]

[40] In first-class districts, according to continuation school law, children who have not completed high school must attend school up to the age of 18 unless exempted as provided in Column III.

[41] Sections imposing penalty on parent, etc., refer only to children "between and including the ages of 15 and 17."

[42] This act shall refer only to minors under 18 who are issued employment permits after September 1, 1919. (State board of education interprets provisions as applying only to children becoming 16 on or after September 1, 1919.)

[43] Attendance is required only in city or village where evening school is maintained for at least 20 weeks each year, 3 evenings each week, and 2 hours each evening, but elsewhere employment certificate can not be issued to child who has not completed work of the 8th grade. Compulsory day school attendance law provides also that enforcing officials may require attendants specified in Column IX of any child exempted from regular school attendance under exemption (1), Column III.

[44] The minimum age for employment in any business or service during school hours is 14.

[45] Section 3 of compulsory continuation school attendance law requires all children to attend school up to 18 years of age unless they are employed and excused under exemption (3) of compulsory day school attendance law (see Column III). But according to information received (February, 1921) from the State director of vocational education, the State attorney general has issued a formal opinion to the effect that this section is inoperative by reason of being foreign to the title of the act.

[46] The provisions tabulated in Columns XIII–X, inclusive, require attendance at either "special day" or evening schools; the type of school which shall be established is optional with school district.

[47] Provision does not apply to persons cutting, harvesting, or driving pulp wood and timber, nor to persons temporarily employed in any sort of construction or agricultural work.

[48] Attendance shall be in school district or county where child is employed, but for reasons satisfactory to State board of education attendance may be in school district or county where child resides.

[48a] In any county having a board of education of the county vocational school the board of education of a school district the municipalities of which have a population of 25,000 or less may request said board to establish a continuation school or schools, and said board must do so, but no such school shall be established with an enrollment of less than 20 pupils.

[49] Compulsory attendance is implied though not directly stipulated by the law.

[50] Eight to sixteen in places other than cities or school districts having a population of 5,000 or over and employing a superintendent.

[51] But the school authorities may, subject to approval of commissioner of education, permit minor to increase the number of hours per week and decrease the number of weeks.

[52] Board of education shall begin to operate such schools in September, 1920, and annually thereafter additional schools and classes shall be opened and maintained, so that by September, 1925, a sufficient number of such schools shall have been established.

[54] Minor subject to provisions of act may not be employed unless employer has weekly record of regular attendance.

[55] No specific provision, but fact that law absolutely requires attendance of such minors implies that schools must be established for them. Any employer may meet requirement of act by conducting, under supervision of local school authorities, a class in his place of employment for teaching English and civics to the foreign born, and any minor may satisfy requirements by attendance thereon.

[56] Act is not in force in any city or county having a higher compulsory attendance law than that here given.

[57] Not clear whether this exemption extends only to children between 7 and 15 years of age or to children between 7 and 17 years of age.

[58] Act creating parental schools (acts of 1917, ch. 242), by defining an habitual truant to be "a child between 7 and 16 years of age who willfully and habitually absents himself from school," apparently lowers this age from 9 to 7 years.

[59] These provisions are a combination of the compulsory school-attendance requirements of the education law, the labor law, and the rulings of the industrial welfare commission.

[60] Ruling of industrial welfare commission (Aug. 12, 1919) forbids employment of child under 16 unless he has completed common-school course, which in effect limits the continuation-school requirement to children 16 to 18 who have not completed such course.

[61] School shall be part of public-school system of district.

[62] Information as of December, 1920.

[63] The provisions tabulated in Columns VIII and IX require attendance at either evening or "special-day" schools, where established, but the compulsory establishment provisions apply only to evening schools.

[64] School shall be taught for two hours on each of at least 100 nights.

[65] School committees of two adjoining towns may establish jointly.

[66] Act shall not shorten period of school attendance in any district where a longer term is now maintained and attendance required under the local option law.

[67] Regular attendance at public day or part-time school shall be accepted in place of attendance at evening school (see Columns VIII–X, inclusive).

[68] Law applies to "all persons between the ages of 16 and 21 years, inclusive."

[69] State superintendent of public instruction (South Dakota) or State board of education (Utah) shall make regulations concerning establishment, attendance, etc., necessary to carry out provisions of act.

[70] The same provision applies to establishment of evening schools in any subject for which in the opinion of State superintendent of public instruction there is a sufficient demand among persons over 16.

[71] Evidence of each of these causes must be sufficient to satisfy superintendent of district, who shall issue certificate of exemption.

[72] An amendment to the State constitution passed at the election of 1920 gives the legislature power to provide for the compulsory education of children "of school age" instead of only, as formerly, of children 8 to 12 years of age.

[73] Two weeks' attendance at half time or night school is considered equivalent to one week's attendance at day school.

[74] In effect only in districts where part-time schools are established—see Column VII.

[75] The "employment" (which may include home occupations, home study, or private instruction) must be "legal for minors."

[76] A number of independent districts have differing but not directly conflicting requirements, but none has a lower standard than the State law.

[77] Employer shall, if necessary, release such children from work for five hours per week to attend such school.

[78] Child whose home is 2 miles from school is exempted if no free transportation, except that if between 9 and 14 and living between 2 and 3 miles from school he must attend at least 60 days per year.

[79] Indentured apprentices (minor over 16) must attend school according to agreement contained in indenture. During the first two years of apprenticeship attendance must be not less than five hours per week or the equivalent, and the total number of hours of instruction and service must not exceed 55 per week.

[80] The exemptions are found in the sections of the education law which require attendance at continuation school, but not in the sections of the labor law imposing the same requirements.

[81] When work time and class time coincide, reduction in hours shall be allowed by employer at time when classes are held.

[82] Upon presentation of physician's certificate showing that child's physical condition or the distance necessary to be traveled would render school attendance in addition to employment prejudicial to health, the State industrial commission may authorize his employment for such period as it may determine.

State child-labor standards, January 1, 1921

This summary covers the more important restrictions upon the employment of children in factories and stores, together with those fixing a minimum age for boys in mines. Where, in addition to work in factories and stores, other specific employments are included in the minimum age and hour laws for general occupations, these additional employments have been indicated by the word, "etc.," but where the law applies to all occupations or to all work during school hours, this fact is noted. Canneries are specifically named wherever mentioned in the law.

Work in agricultural pursuits, domestic service, street trades, or in connection with theatrical or other exhibitions, is not included, even though such employment may constitute an exemption to a prohibition of work in "any gainful occupation."

NOTE.—In order to ascertain all exemptions to the minimum age requirements, the footnotes on both the age and occupation columns must be consulted.

States	Factories, stores, etc.									Mines and quarries[1]	
	Minimum age[2]		Hours of labor under 16[3]				Night work prohibitions under 16[3]		Requirements for regular employment certificates under 16[4]		
	Occupations	Age	Occupations	Maximum hours: Daily	Maximum hours: Weekly	Days per week permitted	Occupations	Hours between which work is prohibited	Physicians's certificate of physical fitness	Educational requirements[5]	Minimum age for boys	Occupations[1]
Alabama	Any gainful occupation[6] at any time, or in any employment or service during school hours.	[a] 14	Any gainful occupation.	8	48	6	Any gainful occupation.	7 p. m. to 6 a. m.	Mandatory	Completion of fourth grade (until Sept. 1, 1921, school record showing specified school attendance in previous year will be accepted).	16	In, about, or in connection with mines, quarries, or coal breakers.
Arizona	Factories, stores, etc., at any time, or any business or service during school hours.	[a] 14	do	8	48		do	7 p. m. to 7 a. m.	do	Completion of fifth grade.	18 16	Underground in mines. In, about, or in connection with mines, quarries, or coal breakers.
Arkansas	Any remunerative occupation.	[a] 14	Any occupation	8	48	6	Any occupation	7 p. m. to 6 a. m.	[No provision.]	Completion of fourth grade.	16	In mines, quarries, or coal breakers.
California	Factories, stores, etc., or "any other place of labor."[6]	[b] 15	Factories, stores, etc., or "other places of labor."[6,7]	8	48	6	Factories, stores, etc., or "other places of labor."	10 p. m. to 5 a. m.[9]	Mandatory	Completion of eighth grade, or completion of seventh grade plus attendance at evening or continuation school.	16	In or about or in connection with mines, quarries, or coal breakers.
Colorado	Any "gainable" occupation in factories, stores, etc., at any time, or in any work for compensation during any part of any month when school is in session.	[b] 14	Any gainful occupation.[10]	8	48		Any gainful occupation.[10]	After 8 p. m.[11]	[No provision.]	No grade specified; proficiency in certain subjects required (evening school attendance accepted as substitute).	16	In any underground works or mine, or in or about the surface workings thereof.[12]
Connecticut	Factories, stores, etc., at any time, or in any occupation during school hours.	14	Factories, etc. Stores[13,14]	10	55 58	6 6	Factories, stores, etc.[14]	After 6 p. m.[15]	Mandatory	No grade specified; proficiency in certain subjects required.	16	In mines or quarries.
Delaware	Any establishment or occupation	[b] 14	Any establishment or occupation except fruit and vegetable canneries	10	54	6	Any establishment or occupation except fruit and vegetable canneries	7 p. m. to 6 a. m.	do	Completion of fifth grade.	15	In or about or in connection with mines, quarries, or coal breakers.
District of Columbia.	In factories, stores, etc., at any time, or in any work for compensation during school hours.[6]	[b] 14	Factories, stores, etc.	8	48	([16])	Factories, stores, etc.[17]	7 p. m. to 6 a. m.	Optional with issuing officer.[18]	No grade specified; proficiency in certain subjects required.		[No provision.]
Florida	Factories, etc. Stores, etc.	14 12	Factories. No provision for stores.	9	54	6	Factories. No provision for stores.	8 p. m. to 5 a. m.	do	do		[Law contains no specific provisions.[19]]
Georgia	Factories. No provision for stores.	[b] 14	Cotton or woolen factories.[20] No regulation for other factories (except a "sunrise to sunset" provision for persons under 21) or for stores.		[20a] 60		Factories (applies only to children under 14½). No provision for stores.	7 p. m. to 6 a. m.	[No provision]	Attendance for 12 weeks during the preceding year.		[No provision.]
Idaho	Factories, stores, etc., at any time, or in any business or service during school hours.[21]	[22] [21] 14	Any gainful occupation.	9	54		Any gainful occupation.	9 p. m. to 6 a. m.	do	No grade specified; proficiency in certain subjects required.	14	In underground mines.[22]

Illinois	At any gainful occupation[25] in or in connection with factories, canneries, stores, etc., at any time, or in any work for compensation during school term.	14	....do	8		6	....do	7 p. m. to 7 a. m.	Mandatory	Completion of fifth grade.	16	In mines or quarries
Indiana	In any gainful occupation.	*14	....do	[25]8	[25]48		....do	6 p. m. to 7 a. m.	[No provision][26]	....do	14	Do.
Iowa	Factories, packing houses, stores, etc. (but no provision for stores where less than 9 persons are employed).	b 14	Factories, packing houses, stores, etc. (but no provision for stores where less than 9 persons are employed).[27]	8	48		Factories, packing houses, stores, etc. (but no provision for stores where less than 9 persons are employed).[27]	....do	Mandatory	Completion of sixth grade.	16	During school term, in or about mines; 14 in mines at any time.[28]
Kansas	Factories, packing houses, canneries, etc., at any time, or in any business or service during school hours.[29]	14	Factories, canneries, packing houses, stores, etc.	8	48	6	Factories, canneries, packing houses stores, etc.	6 p. m. to 7 a. m.	[No provision][32]	Completion of elementary school course.	16	In or about mines or quarries.
Kentucky	Factories,[30] stores, etc., at any time, or any business during school term.	14	Factories, stores, etc.[30]	8	48	6	Factories,[30] stores, etc.	6 p. m. to 7 a. m.	Mandatory	Completion of 5th grade.	16	In, about, or in connection with mines or quarries.
Louisiana	Factories, packing houses, stores, etc., or "any other occupation whatsoever."	14	Factories, packing houses, stores, etc., or "any other occupation whatsoever."[31]	10	60		Any occupation [31]	7 p. m. to 6 a. m.	[No provision]	[No provision]	14	In mines.
Maine	Any business or service for hire during school hours. 14 in manufacturing and mechanical establishments outside school hours. No minimum age for employment in stores outside school hours.	15	Factories (establishments handling perishable products exempted), etc.[33]	[34]9	54		Factories (establishments handling perishable products exempted), etc.[33]	6 p. m. to 6.30 a. m.	Optional with issuing officer.[18]	Completion of 6th grade.		No specific provision. [Minimum age in any business or service during school hours is 15.]
			Stores, etc.[13]		54		Apparently no provision for stores.					
Maryland	Factories, canning or packing establishments, stores, etc.	14	Factories (canning and packing establishments not included), stores, etc.	8	48	6	Factories (canning and packing establishments not included), stores, etc.	7 p. m. to 7 a. m.	Mandatory	Completion of 5th grade.	16	In, about, or in connection with mines, quarries, or coal breakers.
Massachusetts	Factories, stores, etc., at any time or in any work for compensation during school hours.	14	Factories, stores, etc.	8	48	6	Factories, stores, etc.	6 p. m. to 6.30 a. m.[35]	....do	Such ability to read, write, and spell in English as is required for completion of 6th grade.		No specific provision. [Minimum age in any work for compensation during school hours is 14.]
Michigan	In or in connection with factories (canneries included), stores, etc.	a 15	Factories (fruit and vegetable canneries exempted), stores, etc.	10	54		Factories, etc.[36] Apparently no provision for stores.	6 p. m. to 6 a. m.	Optional with issuing officer.[18]	Completion of 6th grade.	15	In or in connection with mines.
Minnesota	In or in connection with factories, etc., at any time, or in any business or service during school term. No minimum age for employment in stores outside school term.	14	Any gainful occupation.	8	48		Any gainful occupation.	7 p. m. to 7 a. m.	Mandatory	Completion of common-school course.	14	In mines.
Mississippi	Factories and canneries (but penalty clause does not specify canneries). No provision for stores.	*12 †14	Factories and canneries (but penalty clause does not specify canneries). Boys between 14 and 16 in cotton or knitting mills exempted.[37] No provision for stores.	8	48		Factories and canneries (but penalty clause does not specify canneries). Boys between 14 and 16 in cotton or knitting mills exempted. No provision for stores.	7 p. m. to 6 a. m.	[No provision]	[No provision]		[No provision.]
Missouri	Any gainful occupation.	b 14	Any gainful occupation (provision does not apply to children working for their parents or guardians).	8	48		Any gainful occupation (provision does not apply to children working for their parents or guardians).	7 p. m. to 7 a. m.	Optional with issuing officer.[18]	No grade specified; proficiency in certain subjects required.	16	In, about, or in connection with mines or underground works.

* Boy. † Girl.

For footnotes see pp. 9726 and 9727]

State child-labor standards, January 1, 1921—Continued

States	Factories, stores, etc.									Mines and quarries	
	Minimum age		Hours of labor under 16				Night work prohibitions under 16		Requirements for regular employment certificates under 16		
	Occupations	Age	Occupations	Maximum hours		Days per week permitted	Occupations	Hours between which work is permitted	Physicians's certificate of physical fitness	Educational requirement	Minimum age for boys	Occupations
				Daily	Weekly							
Montana	Factories, etc., or where any machinery is operated. No regulation for employment in stores except requirement of certificate [38] for any work "during school term while the pubilc schools are in session."	16	[Employment of child under 16 in factories, etc., is entirely prohibited. Apparently no provision for stores except maximum 8-hour day for all females (10 hours allowed in retail stores during week preceding Christmas).]				[Employment of child under 16 in factories, etc., is entirely prohibited. No provision for stores.]		[No provision [39]]	Completion of eighth grade.	16	In or about mines.
Nebraska	Factories, stores, etc., at any time, or in any business or service during school hours.	14	Factories, stores, etc. (law covers packing houses and beet fields).	8	48		Factories, stores, etc. (law covers packing houses and beet fields).	8 p. m. to 6 a. m.	Optional with issuing officer.[18]	Completion of eighth grade, or literacy in English plus attendance at evening school.		No specific provision. [Minimum age in any business or service during school hours is 14.]
Nevada	Any business or service during school hours.[40]	14	Any gainful occupation.	8	48		[No provision]		[No provision]	[No provision]	16	In, about, or in connection with mines, quarries, or coal breakers.
New Hampshire	Factories, stores, etc., at any time, or in manufacturing, mechanical, mercantile, or other employment when school is in session.	14	Manual or mechanical labor in any employment.[6,41]	10½	54		Any gainful occupation.	7 p. m. to 6.30 a. m.	Mandatory	No grade specified; proficiency in certain subjects required.[44a]	14	In, about, or in connection with quarries.
New Jersey	In factories, places where manufacture of goods of any kind is carried on, mercantile establishments,[42] etc.	a 14	Factories, etc., or mercantile establishments.[42]	8	48	6	Factories, etc., or mercantile establishments.[42]	7 p. m. to 7 a. m.	do	Completion of fifth grade.	18	Underground in mines. (Earlier law fixes minimum age of 14 in mines or quarries.)
New Mexico	[No provision]		[No provision]				[No provision]		[No provision]	[No provision]	14	In mines.
New York	Factories (canneries and canning sheds included by definition, etc.; mercantile establishments in cities or villages of 3,000 population or over; and any business or service during school term. No provision for employment in stores outside school term in places of less than 3,000	14	Factories (canneries and canning sheds included by definition), etc.; stores in cities or villages of 3,000 population or over. Apparently no provision for stores in places of less than 3,000	8	48	6	Factories (canneries and canning sheds included by definition), etc. Stores in cities or villages of 3,000 or over; apparently no provision for stores in places of less than 3,000.	5 p. m. to 8 a. m. 6 p. m. to 8 a. m.	Mandatory	Completion of eighth grade if child is under 15 years of age; otherwise completion of sixth grade.	16	In or in connection with mines or quarries.
North Carolina	Factories, canneries, stores, etc.	b 14	Factories.[20] No provision for stores.	11	60		Factories,[43] canneries, stores, etc.	9 p. m. to 6 a. m.[43]	[No provision, but employment certificate is to be issued "under such conditions" as State child welfare commission may prescribe.]	No educational requirement, but employment certificate is to be issued "under such conditions" as State child welfare commission may prescribe.	16	In, about, or in connection with mines or quarries.
North Dakota	Factories, stores, etc., at any time, or any business during school hours.	14	Any gainful occupation	8	48	(44)	Any gainful occupation	7 p. m. to 7 a. m.	Optional with issuing officer.[18]	No grade specified; proficiency in certain subjects required.[44a]	16	Any service or labor in any underground workings or mine.

Ohio	do	{*15 / †16}	Factories, stores, etc. (girl under 16 prohibited from employment in these establishments).	8	48	6	Factories, stores, etc. (girl under 16 prohibited from employment in these establishments).	6 p. m. to 7 a. m.	Mandatory	Completion of sixth grade for boys, seventh for girls.	16	In, about, or in connection with mines, quarries, or coal breakers.
Oklahoma	Factories, etc. No provision for stores.	14	Any gainful occupation.	8	48		Factories, etc. Apparently no provision for stores.	do	Optional with issuing officer.[13]	No grade specified; proficiency in certain subjects required.	16	Underground in mines or quarries.
Oregon	Factories, stores, etc., at any time, or in any work or labor of any form during school term.	[a] 14	Any occupation	8		6	Any occupation	do	do[15]	Completion of eighth grade.		[Law contains no specific provision.[17] Minimum age in any work or labor during school term is 14.]
Pennsylvania	Any establishment or occupation.	14	Any establishment or occupation.	9	51		Any establishment or occupation.	8 p. m. to 6 a. m.	Mandatory	Completion of sixth grade.	16	In mines.
											18	In or about quarries.[48]
Rhode Island	Factories or manufacturing or business establishments.[49]	14	Factories, stores, etc.	10	54		Factories, stores, etc.[49]	do	do	No grade specified; proficiency in certain subjects required.	{a 14	(50)
South Carolina	Factories. No provision for stores.	14	Cotton or woolen factories and knitting mills.[20] No provision for stores except a maximum 12-hour day and 60-hour week for all females.	11	[20] * 60		Factories, etc.	do[51]	[No provision].[56]	[No provisfon][46]	14	In mines.
South Dakota	At any gainful occupation in factories, etc., or in any other work for compensation during school hours.[53]	15	Any occupation[53]	10	60		[No provision]		do	No grade specified; proficiency in certain subjects required (specified school attendance may be substituted).	14	In mines.[54] Minimum age for employment in mines (among other occupations) during school hours is 15.
Tennessee	Factories, canneries, etc., or any business or service which interferes with child's attendance at school during school term (provision interpreted to apply to all establishments where labor is employed).	14	Factories, canneries, etc. (provision interpreted to apply to all establishments where labor is employed).	8		6	Factories, canneries, etc. (provision interpreted to apply to all establishments where labor is employed).	7 p. m. to 6 a. m.	do	No grade specified; proficiency in certain subjects required (by implication from compulsory school attendance law).	16	In mines or quarries.
Texas	Factories, etc. No provision for stores.	[b] 15	Any occupation (applies only to children under 15; no provisions applicable to children 15 to 16 except those of the hours of labor for women).[55]	10	48		[No provision]		[No provision][56]	[No provision][46]	17	In or about mines or quarries.
Utah	[No provisior][57]		Any gainful occupation except fruit or vegetable packing (applies only to boy under 14 and girl under 16; no provision for boy over 14).	8	48		do		do	do	16	In mines, quarries, or coal breakers.
Vermont	Factories, canneries, etc.[58] No provision for stores.	14	Work connected with manufacturing, etc.[58] Apparently no provision for stores.	8		6	Work connected with manufacturing, etc.[58] Apparently no provision for stores.	7 p. m. to 6 a. m.	do	Completion of elementary-school course, or rural-school course and 2 years of junior high-school course.	16	In mines or quarries.
Virginia	Factories, canneries,[59] etc., and in stores in places of 2,000 or more inhabitants. No provision for stores in other places.	[b] 14	Factories, canneries,[59] etc., and in stores in places of 2,000 or more inhabitants.[60] No provision for stores in other places.	8		6	Factories, canneries,[59] etc., and in stores in places of 2,000 or more inhabitants.[60] No provision for stores in other places.	9 p. m. to 7 a. m.	do	[No provision]	16	Do.
Washington	Factories, stores, etc.	[b] 14	Factories, stores, etc.	8		6	Factories, stores, etc.	7 p. m. to 6 a. m.	do	(61)	16	In coal mines[62] except those in which less than 5 men are employed underground on one shift and those in which less than 10 men are employed.

* Boy.

† Girl.

[For footnotes see pp. 9726 and 9727]

State child-labor standards, January 1, 1921—Continued

States	Factories, stores, etc.								Mines and quarries	
	Minimum age		Hours of labor under 16				Night work prohibitions under 16		Requirements for regular employment certificates under 16		Minimum age for boys	Occupations
	Occupations	Age	Occupations	Maximum hours		Days per week permitted	Occupations	Hours between which work is permitted	Physician's certificate of physical fitness	Educational requirement [4]		
				Daily	Weekly							
West Virginia	Any gainful occupation at any time, or in any business or service during school hours.	[a] 14	Any gainful occupation.	8	48	6	Any gainful occupation.	7 p. m. to 6 a. m.	Mandatory	Completion of sixth grade.	16	In mines, quarries, or excavations.
Wisconsin	Factories, stores, etc., or in any gainful occupation or employment.	[a] 14	do	8	48	6	do	6 p. m. to 7 a. m.	Optional with issuing officer.[18] (Mandatory in Milwaukee.)	Completion of seventh grade.	18	In or about mines or quarries.
Wyoming	[No provision [62]]		Any gainful occupation (applies only to children under 14; no provision applicable to children 14 to 16 except those of the hours of labor law for women [64]).	9	56		[No provision]		[No employment certificate required.]	[No employment certificate required.]	14	In underground works or mines or in or about the surface workings thereof.[a]

[a] *Exemptions limited to outside school hours.—Alabama:* Boy 12 or over during summer vacation in mercantile establishments (except soft-drink and ice-cream establishments, restaurants, and cafés) and business offices. *Arizona:* Boy 10 to 14 outside school hours at labor not harmful physically or morally, on license. *Arkansas:* During school vacation child under 14 may be employed by parent, etc., in occupation owned or controlled by him. *Colorado:* Child 12 or over (during that part of June, July, and August when public schools are not in session), on permit. *Idaho:* Child 12 or over during public-school vacation of two weeks or more. *Indiana:* Child 12 or over, June 1 to October 1, in business of preserving or canning perishable fruits and vegetables (later law prohibits work in any gainful occupation during school hours, but apparently exempts child physically or mentally unfit to attend school). *Michigan:* Permit to work outside school hours may be obtained at 14. *New Jersey:* Child 10 or over desiring to assist in support of self or family may obtain permit for work outside school hours in street trades and "other light employments" not otherwise prohibited by law (another section of the law, however, limits such work to "employment in the open air"). *Oregon:* Child 12 or over during school vacation of over two weeks in nonharmful work, on permit. *West Virginia:* Boy 12 or over in mercantile establishments and business offices outside school hours, on permit. *Wisconsin:* Child 12 or over may be employed during school vacation, on permit, in store, office, mercantile establishment, warehouse, or telegraph, telephone, or public messenger service, in place where he resides.

[b] *Exemptions not limited to outside school hours.—California:* Child 14, on permit (if he has completed elementary-school course and services are needed for family support); child 12 during school vacation or on weekly school holidays. *Delaware:* Boy 12 or over, on permit, in occupations not dangerous or injurious, at any time when he is not required by law to attend school; child 12 or over in fruit and vegetable canneries; any child on permit from chairman of labor commission issued on account of poverty. *District of Columbia:* Child 12 or over in occupations not dangerous or injurious, on permit issued because of poverty. *Georgia:* Child over 12, on permit issued because of poverty. *Iowa:* Child working in establishment or occupation owned or operated by parent exempted. *Missouri:* Provision does not apply to children working for their parents or guardians. *North Carolina:* Except in cases and under regulations prescribed by State child-welfare commission (commission allows employment of boy 12 to 14 at any time outside school hours, on certificate, under certain specified conditions; exempts children employed under direct personal control of parents in or about places owned or operated by the latter; and allows employment of boys 12 to 14 during school hours for a limited time where arrangements have been made for "continuation schools," and the outside employment is to be a unit of the school work). *Texas:* Child 12 or over may obtain permit to work on account of poverty, but not "in or around any mill, factory, workshop, or other place where dangerous machinery is used" or where child's moral or physical condition is liable to be injured. *Virginia:* Child over 12 employed in fruit and vegetable canneries "when public schools are not actually in session," and in running errands or delivering parcels—the latter group of occupations interpreted by bureau of labor and industrial statistics to be permitted also only "when public schools are not actually in session." (Employment in establishment owned or operated by parent is not to be "prevented.") *Washington:* Child 12 or over may obtain permit on account of poverty for work in occupations not dangerous or injurious to health or morals (a later law prohibits employment of boy under 14 or girl under 16 in factories, stores, etc., or any inside employment not connected with farm or housework, except on permit from judge of superior court).

[1] All minimum age laws applying specifically to employment of boys in mines, quarries, or coal breakers are included.

[2] The indirect effect of compulsory school attendance laws, which by requiring children to be in school sometimes in effect raise the minimum age for going to work during school hours for many children, could not be indicated in this chart.

[3] The laws here summarized often apply also to children up to 18 or 21 years of age or to all females, but this fact is not noted, and laws applying only to women or to all employees are included only when they are broader in scope than those applying to children, and consequently affect the work of children under 16. Laws requiring attendance of working children at continuation school usually specify that the school time shall be counted as part of the working hours, thus lessening the number of hours of actual employment in the States where they are in effect.

[4] These columns show very briefly only the physical and educational requirements for the regular employment certificates granted to children who are of legal age to work, but over whom the law still exercises a degree of supervision. These requirements are often waived for special permits, such as those issued for work during vacation or on account of poverty or under other specified conditions. Except in Texas and Wyoming such an employment certificate is required, at least in some occupations, in every State. In Texas, however, a temporary permit is issued under certain specified conditions to a child under the minimum age. In North Carolina the law does not specifically demand the certificate, but if issued under such conditions as the State Child Welfare Commission prescribes it is prima facie evidence that the child is of legal age for employment. The occupations covered include factories and stores and often many other employments, with the following exceptions: In Iowa, stores where fewer than nine and in Louisiana stores where fewer than six persons are employed are exempted; in New York, stores in places of less than 3,000 inhabitants, and in Virginia stores in places of less than 2,000 are outside the operation of the law; Florida, Georgia, Mississippi, Oklahoma, South Carolina, and Vermont do not include stores among the occupations for which the regular certificate is required, but the South Carolina school law requires for children under 14 a certificate for any work during school hours showing that child has attended school during the current term for the period required by law or has been excused for mental, moral, or physical unfitness. In Kansas the law is ambiguous as to whether stores are included. The ages covered extend from the minimum age up to 16, with the following variations: Georgia, to 14½ years of age; Ohio, girls to 18; Wisconsin, minors to 17; Michigan, Nevada, Oregon, Utah, and Washington, to 18 (according to continuation school law). It is not clear whether the Oregon physical requirement extends up to the age of 18, and its educational requirement extends only up to the age of 16. The California continuation school law brings the certificate age up to 18, but the relation between this law and the requirements of the labor law tabulated in these columns is not defined.

[6] Only the grade of school work required is given, without regard to additional requirements, such as ability to read and write English, or attendance at continuation school.

[7] Certain employments apparently not affecting work in factories and stores are either entirely or partially exempted.

[8] Law has exemption allowing more hours to make repairs or to make one short day per week; but orders of Industrial Welfare Commission fix for minors under 16 an 8-hour day, 48-hour week, and 6-day week without exemptions in factories, mercantile establishments, fruit and vegetable canning or packing and fish canning.

[9] Six-day week for all employees, except in cases of emergency, and sometimes in case of certain specified occupations and employees.

[10] 7 p. m. to 6 a. m. in factories, fruit and vegetable canning or packing, and fish canning (order of Industrial Welfare Commission).

[11] Apparently child 14 to 16 (12 to 16 during summer vacation) may secure exemption on special permit.

[12] Under 14, 8 p. m. to 7 a. m.

[13] Later law prohibits employment of boy under 16 in or about coal mines, except in mine office in clerical capacity.

[14] Stores exempted during week before Christmas, with qualifying provisions (Connecticut), or during that week and for eight days before Easter (Maine).

[15] The hours of labor and night-work laws apparently apply to all establishments, since they cover manufacturing and mechanical establishments and "any mercantile establishment other than manufacturing and mechanical."

[16] Employment permitted until 10 p. m. on one day per week and during week before Christmas. In event of war or other serious emergency governor may suspend limitations as to such industries and occupations as he may find demanded by such emergency.

[17] Six-day week for all females.

[18] Under 14 employment prohibited 7 p. m. to 6 a. m. in any occupation except in service of Senate.

[19] Because issuing officer's power to require an examination by a physician is implied from the fact that the law requires him to certify to child's physical condition (District of Columbia and Oregon); because issuing officer must certify to child's physical condition and is specifically empowered to require examination by physician (Florida, Michigan, Missouri, Nebraska, North Dakota, and Oklahoma); because issuing officer is empowered to require examination "in doubtful cases" (Maine); or because issuing officer (Industrial Commission or some person designated by it) may refuse permit to a child who seems physically unable to perform intended work or if in his judgment "the best interests of the child would be served by such refusal" (Wisconsin).

[20] State labor inspector classes work in a mine or quarry as a dangerous occupation and prohibits employment of children under 16 therein.

[20a] Engineers, watchmen, etc., exempted.

[20a] Time lost on account of accident may be made up under certain conditions.

[21] Compulsory school attendance law appears in effect to raise minimum age for employment during school hours to 15 (child mentally or physically incapacitated exempted).

[22] Constitutional provision. Employment in or in connection with all mines also covered by minimum age of 14 (12 during vacation of two weeks or more) applying to factories, etc.

[23] Child under 14 doing voluntary work of a temporary and harmless character, for compensation, when school is not in session is exempted. It has been ruled by the Attorney General, however, that this clause does not exempt employment in any occupation specifically prohibited for children under 14, and that it permits work in the summer vacation period only.

[24] 6 p. m. to 7 a. m. for children under 14.

[25] Child with consent of parents may work 9 hours per day, 54 per week.

[26] If specified evidence of age is not available, issuing officer may certify that in his opinion child is 14 or over and physically fit for intended work.

[27] Child working in establishment or occupation owned or operated by parent is probably exempted (law ambiguous).

[28] Employment in "establishments or occupations" owned or operated by parent is exempted.

[29] Mercantile establishments are not mentioned in the minimum-age section, but a work permit showing child to be 14 is required for all vocations mentioned in the child labor act, and mercantile establishments are mentioned in the hours of labor section of that act.

[30] Canneries may also be included—law not clear.

[31] Stores and mercantile establishments employing more than five persons exempted on Saturday nights.

[32] Child at work, however, who appears to factory inspector to be under legal age must obtain certificate of physical fitness from city or parish physician. Since factory inspector is also the issuing officer, there is a possibility that he might require this before issuance of employment certificate.

[33] Employers engaged in public service exempted in certain cases of public emergency.

[34] More hours permitted to make one short day per week.

[35] The same night-work prohibition applies to children under 14 in all occupations.

[36] "The provisions of this section in relation to the hours of employment shall not apply to nor affect any person engaged in preserving perishable goods in fruit and vegetable canning establishments."

[37] Maximum 10-hour day, 60-hour week, for all employees in cotton and knitting mills would apply to boys 14 to 16 in cotton and knitting mills.

[38] Granted only to eighth-grade graduate or to child over 14 whose services are necessary for support of family.

[39] Children under 16, however, are prohibited from employment in factories.

[40] No limitation, apparently, on employment outside school hours, other than requirement of permit for boy under 14 or girl under 16 employed in factories, stores, etc., or in any inside employment not connected with farm or housework.

[41] Act is suspended as regards manufacture of munitions or supplies for the State or Federal Governments while the United States is at war; former law fixing maximum 11 hours per day, 58 per week, for children under 16 in any gainful occupation except domestic service and work on a farm would apparently apply under these conditions. Mercantile establishments are exempted (as to regular employees) during week preceding Christmas if total hours during year do not exceed 54 per week for full year.

[42] Mercantile establishment is to be construed to apply to any employment for compensation other than in the occupations covered by the provisions for factories, etc. (factory, workshop, mill, place where the manufacture of goods is carried on, mine, quarry), or in agricultural pursuits.

[43] An earlier law, perhaps not entirely superseded, prohibits employment of children under 14 in factories between 8 p. m. and 5 a. m.

[44] Six-day week for all females in factories, stores, etc., except in villages or towns of less than 500 population.

[44a] Minimum-wage department of workmen's compensation bureau has issued ruling (now suspended by injunctional orders) fixing eighth-grade requirement for employment during school hours.

[45] The requirement of a certificate for any employment, this certificate to prove boy to be 15 or girl to be 16, apparently extends this provision to all occupations.

[46] Previous record of school physician showing child sound in health may be accepted in lieu of physician's certificate.

[47] Board of inspectors of child labor under its power to refuse to issue certificates to children not physically able to do the work required; refuses to issue certificates to children under 16 to work in mines or quarries.

[48] This prohibition is contained in P. L. 283, acts of 1909. Nearly all the provisions of this act are superseded by P. L. 286, acts of 1915, but, since the latter act does not specify quarries, they would appear to be still regulated by the earlier law. Ruling of industrial board of State department of labor and industry, July 10, 1918, prohibits employment under 18 in quarries.

[49] Every person, firm, or corporation employing children under 16 is subject to these provisions, "whatever the business conducted."

[50] There are no provisions specifying mines and quarries, but a minimum age of 14 for employment in factories or manufacturing or business establishments is fixed by the child labor law, and another section of that act states that every person, firm, or corporation employing any child under 16, whatever the business conducted, is "subject to its provisions."

[51] Employment permitted until 9 p. m. to make up time lost on account of accident to machinery.

[52] In factories and workshops during vacation and outside school hours during school term, and in stores outside school hours during school term, the minimum age is 14, except that child may obtain permit to work on account of poverty. Apparently no provision for employment in stores during school vacation.

[53] A proviso permits employment until 10 p. m. on Saturdays and for 10 days before Christmas.

[54] A later law prohibits employment under 14 "about" mines (among other employments) except on permit granted on account of poverty.

[55] Hours for women vary from 9 to 11 per day and 54 to 60 per week, according to occupations, with exemptions, and with provisions for extra pay for overtime work in certain occupations.

[56] No "regular" employment certificate required, but a permit may be granted on account of poverty to child between 12 and 15, and for this permit a sworn statement of the child or his parent or guardian that he can read and write English and is physically able to perform intended work is required.

[57] Certain dangerous or injurious manufacturing processes are prohibited under 16.

[58] Commission of industries, with approval of governor, may suspend provisions for not more than two months per year in case of manufacturing establishment or business handling perishable products.

[59] Canneries are omitted from the penalty clause.

[60] Not clear whether these provisions apply to children employed in running errands and delivering parcels. Employment in establishment owned or operated by parent is not to be "prevented."

[61] Labor law provides for several permits or certificates, for which there are no educational requirements. Continuation school law demands for employment certificate of child between 14 and 15 that he must have graduated from eighth grade or present proof that he "can not profitably pursue further regular school work"; no requirement for child 15 or over.

[62] Except that (1) boys 14 or over may be employed in or about the surface workings of coal mines; (2) act does not affect employment of children for clerical or messenger duty about such surface workings subject to the provisions of the school law.

[63] Certain dangerous or injurious manufacturing processes are prohibited under 14.

[64] Ten hours per day, 52 per week, in factories, stores, etc., with proviso permitting 60 hours per week for persons working seven days per week.

[65] The constitution prohibits employment of boys under 14 in or about coal, iron, or other dangerous mines, or in underground works, exempting employment in office or in clerical work.

Mr. WADSWORTH. Mr. President, in addition, I desire to have printed in the RECORD a letter addressed to me by Mr. Gray Silver, the Washington representative of the American Farm Bureau Federation, under date of May 26, in which Mr. Silver very briefly refers to this so-called child-labor amendment; and, together with his letter, a small table showing the laws in each State relative to the employment of children in factories, as contrasted with other types of gainful occupations.

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

The matter referred to is as follows:

AMERICAN FARM BUREAU FEDERATION,
Washington, D. C., May 26, 1924.

To Members of Senate.

DEAR SENATOR: The inclosed list will indicate to you that all of the States have passed laws relative to the employment of children in factories, and these States consider this subject within their jurisdiction and have endeavored to prohibit the employment of children under 14 to 16 years of age. Of course, in the case of Mississippi the age runs lower, but that is a matter which the State can take care of.

As I have repeatedly pointed out, the farmers feel that the proposed amendment to the Constitution is an effort to erect a bureaucracy in Washington which will create idleness on the part of children on the farm, and that the bureau will try to take the place of the parents in telling their children what they should or should not do and what kind of work they should perform. Child labor in factories and the giving of boys and girls on the farm something to do in the line of light tasks which cheats the devil of unemployment and which builds sturdy frames and muscles are two distinctly different things.

Very truly yours,

AMERICAN FARM BUREAU FEDERATION,
GRAY SILVER, *Washington Representative.*

STATE LAWS RELATIVE TO EMPLOYMENT OF CHILDREN IN FACTORIES

Alabama: Prohibited under 14.

Arizona: Prohibited under 14. (Exception—Boy 10 to 14 may, upon license, outside school hours, work at labor not harmful.)

Arkansas: Prohibited under 14.

California: Prohibited under 15. (Exception—Child 12 during school vacation.)

Colorado: Prohibited under 14. (Exception—Child 12 during summer vacation.)

Connecticut: Prohibited under 14.

Delaware: Prohibited under 14. (Exception—Child 12 outside school term on special permit.)

Florida: Prohibited under 14.

Georgia: Prohibited under 14. (Exception—Child 12 on permit if orphan or has widowed dependent mother. One hundred and twenty-seven such permits issued during 1923.)

Idaho: Prohibited under 14.

Illinois: Prohibited under 14.

Indiana: Prohibited under 14.

Iowa: Prohibited under 14.

Kansas: Prohibited under 14.

Kentucky: Prohibited under 14.

Louisiana: Prohibited under 14.

Maine: Prohibited under 15.

Maryland: Prohibited under 14.

Massachusetts: Prohibited under 14.

Michigan: Prohibited under 15.

Minnesota: Prohibited under 14.

Mississippi: Boy prohibited under 12; girl, 14.

Missouri: Prohibited under 14.

Montana: Prohibited under 16.

Nebraska: Prohibited under 14.

Nevada: Prohibited under 14.

New Hampshire: Prohibited under 14.

New Jersey: Prohibited under 14.

New Mexico: Prohibited under 14.

New York: Prohibited under 14.

North Carolina: Prohibited under 14. (Exception—Boy 12 on special permit outside school hours. Only 66 so employed during 1923.)

North Dakota: Prohibited under 14.

Ohio: Prohibited under 16. (Exception—Child 14 outside school term.)

Oklahoma: Prohibited under 14.

Oregon: Prohibited under 14. (Exception—Child 12 outside of school term.)

Pennsylvania: Prohibited under 14.

Rhode Island: Prohibited under 14.

South Carolina: Prohibited under 14.

South Dakota: Prohibited under 15.

Tennessee: Prohibited under 14.

Texas: Prohibited under 15.

Utah: Prohibited under 14.

Vermont: Prohibited under 14.

Virginia: Prohibited under 14.

Washington: Prohibited under 14. (Exception—Child 12 on permit of superior court judge in case of poverty.)

West Virginia: Prohibited under 14.

Wisconsin: Prohibited under 14. (Exception—Child 12 during school vacation.)

Wyoming: Prohibited under 14.

Mr. WADSWORTH. May I take this opportunity to say just one sentence? I beg Senators to examine these tables. They are illuminating, and they are, from the standpoint of the humanitarian and the person interested in preventing the exploitation of little children in exhausting labor, the most encouraging thing I have ever encountered, and they are somewhat of a commentary as to the necessity of the Federal Government superseding all the powers of the States in this regard.

Mr. OVERMAN. Mr. President, I want to say that I am very much interested in this child-labor legislation. I am compelled to leave here to-night to attend a funeral. I give notice that on Saturday morning I shall address the Senate on that subject.

PEEDEE RIVER BRIDGE, SOUTH CAROLINA

Mr. SHEPPARD. From the Committee on Commerce, I report back favorably, without amendment, Senate bill 3355, granting the consent of Congress to the counties of Marion and Florence, in the State of South Carolina, to construct a bridge across the Peedee River at or near Savage Landing, S. C., and I submit a report (No. 644) thereon. I direct the attention of the Senator from South Carolina to the bill.

The PRESIDING OFFICER. Without objection, the report will be received.

Mr. SMITH. Mr. President, I ask unanimous consent for the immediate consideration of the bill. It is a local matter, and the bill is favorably reported upon by the department.

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

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the counties of Marion and Florence, in the State of South Carolina, or their assigns, to construct, maintain, and operate a bridge and approaches thereto across the Peedee River at a point suitable to the interests of navigation, at or near a point known as Savage Landing, S. C., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

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

MONONGAHELA RIVER BRIDGE

The PRESIDING OFFICER (Mr. LADD). The present occupant of the chair, as from the floor, reports favorably from the Committee on Commerce Senate bill 3395, granting the consent of Congress to the commissioners of Fayette and Greene Counties, Pa., to construct a bridge across the Monongahela River near Masontown, Fayette County, Pa., and submits a report (No. 645) thereon. The Chair calls the attention of the Senator from Pennsylvania to the bill.

Mr. PEPPER. Mr. President, I ask unanimous consent for the immediate consideration of that measure.

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

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the commissioners of the counties of Fayette and Greene, in the State of Pennsylvania, and their successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Monongahela River, at a point suitable to the interests of navigation, at or near Masontown, in the county of Fayette, in the State of Pennsylvania, in accordance with the provisions of the act entitled

"An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. PEPPER. I ask that the bill be put upon its passage. It is favorably reported from the committee. It has the approval of the department, and relates merely to the construction of a bridge across a navigable stream within the limits of the State.

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

INLAND WATERWAYS CORPORATION

Mr. RANSDELL. Mr. President, I desire to call up a bill which passed the House several days ago. I do not think it will lead to any debate. It is House bill 8209, Order of Business 596, to create the inland waterways corporation.

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

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8209) to create the inland waterways corporation for the purpose of carrying out the mandate and purpose of Congress as expressed in sections 201 and 500 of the transportation act, and for other purposes.

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

Mr. RANSDELL. I ask unanimous consent that Senate bill 3161, a Senate bill on the same subject, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it will be so ordered.

DISTRICT OF COLUMBIA APPROPRIATIONS

Mr. PHIPPS. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside for the purpose of taking up and completing House bill 8839, the appropriation bill for the District of Columbia.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8839) 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, 1925, and for other purposes.

Mr. PHIPPS. Mr. President, I understand that the Senator from New York [Mr. COPELAND] has an amendment which he desires to offer.

Mr. COPELAND. Mr. President, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The READING CLERK. On page 59, in line 14, after the word "hospital," it is proposed to strike out "$40,000" and to insert:

and including $10,000 for the prevention of diphtheria and making provision for the use of the Schick test in the schools of Washington, $50,000.

Mr. PHIPPS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Colorado?

Mr. COPELAND. I do.

Mr. PHIPPS. The Senator from New York has submitted that amendment to me for consideration. It appeals to me as being a proper item to be included in the bill, and, so far as I have authority, I am willing to accept it and take it to conference.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from New York.

The amendment was agreed to.

Mr. PHIPPS. Now, Mr. President, I ask that we return to the first amendment in the bill, which was passed over yesterday.

The PRESIDENT pro tempore. The Secretary will state the amendment.

The READING CLERK. On page 1, line 5, the committee proposes to strike out "$8,000,000" and to insert:

Fourteen million dollars, or in lieu thereof 40 per cent of each of the following sums, except those herein directed to be paid otherwise.

Mr. OVERMAN. Mr. President, the Senator knows how I stand on this matter. Probably we ought to have a quorum.

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

Mr. PHIPPS. That is just what I was about to do.

The PRESIDENT pro tempore. The Secretary will call the roll.

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

Adams	Dill	Kendrick	Shipstead
Ball	Edwards	King	Smoot
Bayard	Ernst	Ladd	Spencer
Borah	Ferris	Lodge	Stanfield
Brandegee	Fess	McKellar	Stanley
Brookhart	Fletcher	McKinley	Sterling
Broussard	George	McNary	Swanson
Bursum	Glass	Moses	Trammell
Cameron	Gooding	Oddie	Underwood
Capper	Hale	Overman	Wadsworth
Caraway	Harris	Pepper	Walsh, Mass.
Colt	Harrison	Phipps	Warren
Copeland	Heflin	Ransdell	Watson
Couzens	Johnson, Calif.	Reed, Mo.	Wheeler
Cummins	Johnson, Minn.	Robinson	Willis
Curtis	Jones, N. Mex.	Sheppard	
Dial	Jones, Wash.	Shields	

The PRESIDENT pro tempore. Sixty-six Senators have answered to their names. There is a quorum present.

Mr. PHIPPS. Mr. President, yesterday I made some statements with reference to the contribution on the part of the Federal Government toward the expenses of the District of Columbia. I want to call the attention of Senators to the law approved June 29, 1922, after lengthy discussion and weeks of conference between the representatives of the two Houses. It reads:

That, annually, from and after July 1, 1922, 60 per cent of such expenses of the District of Columbia as Congress may appropriate for shall be paid out of the revenues of the District of Columbia derived from taxation and privileges, and the remaining 40 per cent by the United States, excepting such items of expense as Congress may direct shall be paid on another basis; and that in order that the District of Columbia may be able annually to comply with the provisions hereof, and also in order that the said District may be put upon a cash basis as to payment of expenses, there hereby is levied for each of the fiscal years ending June 30, 1923, 1924, 1925, 1926, and 1927, a tax at such rate on the full value, and no less, of all real estate and tangible personal property subject to taxation in the District of Columbia as will, when added to the revenues derived from privileges and from the tax on franchises, corporations, and public utilities, as fixed by law, and also from the tax, which hereby is levied, on such intangible personal property as is subject to taxation in the District of Columbia, at the rate of five-tenths of 1 per cent on the full market value thereof, produce money enough to pay such annual expenses as may be imposed on the District of Columbia by Congress, and in addition to such annual expenses a surplus fund sufficient to enable the District of Columbia to get upon a cash-paying basis by the end of the fiscal year 1927.

Mr. McKELLAR. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Tennessee?

Mr. PHIPPS. I was attempting to make a statement that would be concise——

Mr. McKELLAR. I just wanted to ask the Senator from what act he was reading.

Mr. PHIPPS. From the appropriation act for the fiscal year 1923, approved June 29, 1922, as I stated.

Mr. FLETCHER. Mr. President——

Mr. PHIPPS. I yield.

Mr. FLETCHER. Yesterday I heard some statements made on the floor to the effect that the tax rate in the District of Columbia was only about six-tenths of 1 per cent, or something of that sort, less than 1 per cent. I thought that must have been an error——

Mr. CARAWAY. If the Senator will pardon me, he heard the Senator from Tennessee talking about what would be the cost of an election. Nobody said anything on the floor yesterday about the tax rate being one-sixth of 1 per cent. It is $1.20 a hundred, figured on the assessment. The Senator from Tennessee was talking about the cost of elections in the States.

Mr. FLETCHER. I had reference to remarks made by the junior Senator from Nebraska [Mr. HOWELL]. He said he had investigated certain property, and he stated that the rate was less than six-tenths of 1 per cent.

Mr. CARAWAY. As a matter of fact, on the full assessment, it is less than 1 per cent. It is less than one-half of 1 per cent in the District of Columbia.

Mr. FLETCHER. I only know that the rate is $1.20.

Mr. CARAWAY. Everybody knows that.

Mr. PHIPPS. Mr. President, I do not contend that the law from which I quoted definitely fixed the contribution on the

part of the Federal Government for a term of five years, but my contention is that after years of dispute between the two Houses, it was the belief of everyone interested that the enactment of this law, which was a change in the basic law under which the District government had operated since the year 1878, or at least 1884, fixed the matter so that it could not again be changed on any appropriation bill; that any change in the basis of contribution on the part of the Federal Government must come as a result of definite legislative action, taken in the regular course of procedure, being considered by the Committees on the District of Columbia in both Houses, and enacted by both Houses of the Congress.

Mr. CARAWAY. And the Senator changes it right here in his own amendment, and makes it 50-50.

Mr. PHIPPS. Mr. President, the Senator makes that statement, and I can see his basis for it, but the Senator can not charge the members of the committee with any intention of making the change. The House has opened the door, and the Senate must take cognizance of that, and follow with such action as it may think warranted by the action of the House.

Mr. CARAWAY. In other words, if it is an open door then everybody has a right to express his opinion. How can the Senator from Colorado insist that everybody is bound but himself? In other words, if we can not lower the taxes so we can get justice, we must raise them and lay the burden still heavier on those who ought not to bear it.

Mr. PHIPPS. I do not believe anything I have said would justify any such interpretation of my remarks.

Mr. CARAWAY. Was not the Senator contending that it was fixed and could not be changed on an appropriation bill until 1927? Was not that the Senator's contention?

Mr. PHIPPS. No; I did not say until 1927. I said it could not be changed on an appropriation bill under the rules of both Houses.

Mr. CARAWAY. And at the same time the Senator comes along with an amendment that does change it. It is so beautifully consistent that the Senator can not do it and then does do it.

Mr. PHIPPS. I think I have made my position clear. I do not believe the Senator is justified in making that assertion.

It seems to me that the proper method of procedure has been open to the Members of the House and to the Senate ever since the enactment of the law of June 29, 1922. The legislative committees have not seen proper to function during that period of time. The committee of the House preparing the bill wrote into it a 60–40 proportionate contribution plan. On the floor of the House the Holman rule, so-called, was resorted to as a means of overriding the generally established rule of the House, and an amendment was offered fixing a definite amount as the contribution of the Federal Government for the coming fiscal year. That was accepted by the Committee of the Whole with less than 40 Members present on the floor of the House. The bill was reported to the House with the amendment in it and that report of the Committee of the Whole was accepted without any record vote whatever.

The Senate has for years contended for the 50–50 proportion. The Senate yielded after long discussion and under the pressure of the House to the 60–40 plan, for which the House had been contending. I feel, under the terms of the agreement which was reached in the act from which I have quoted, that the House should not have resorted to the method it adopted in attempting to fix a definite sum as the contribution of the Federal Government for the coming fiscal year.

Mr. President, the item has had careful consideration on the part of the subcommittee and the Committee on Appropriations, at which there was a full attendance. I can not say that every member was present, but there was no objection to the plan suggested and now written in the bill in amendment No. 1, which would permit the representatives of the Senate to take up with the Members of the House in conference a method of arriving at a settlement of the question in the pending bill. I earnestly hope that the Senate will confirm the action of the committee in presenting the amendment.

Mr. McKELLAR. Mr. President, I can not see how it is possible for the Senate to adopt the committee amendment, because it provides two things as a substitute for the $8,000,000 appropriation item contained in the House text. It is impossible for the Senate, on any theory of conduct that could be suggested, to adopt the Senate committee amendment for the reason that it provides that the $8,000,000 provision in the House text shall be stricken out and $14,000,000 inserted, or in lieu thereof $11,200,000. It is idle to talk about adopting both of those figures. It would be meaningless. There would be no sense in it. One is to appropriate $14,000,000 and the other is to appropriate $11,200,000 for the benefit of the District. Who is to pass on it? There is no one to pass on it as provided in the bill. It simply can not be done, and I know the Senate will not adopt any such amendment as that.

On the general question I merely want to suggest some figures, and for the purpose of illustrating to Senators I have taken only three States and three cities. I have tried to be fair about it by taking the State of the Senator from Delaware [Mr. BALL], the State of the Senator from Colorado [Mr. PHIPPS], and my own State, and also taking the cities in our respective States. I have the figures. The bill proposes to appropriate upon the part of the National Government more money for the conduct of the affairs of the city of Washington than is required for the whole State of Colorado, or about that amount. I will give the figures, as follows:

Colorado in 1922 spent $16,269,101; Delaware spent $5,683,129; Tennessee spent $15,130,292. The population of the State of Tennessee is 2,378,000, and the entire State government costs just about as much as what it is now proposed the Federal Government shall appropriate for its share of the conduct of the affairs of the city of Washington.

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

Mr. McKELLAR. I will yield in just a moment.

Mr. BALL. I only want to make a correction. I do not know where the Senator got his figures, because in Wilmington alone we spent $4,000,000.

Mr. McKELLAR. They must have spent a very much smaller sum, for the reason that I obtained these figures from the Library of Congress, and they were taken from the Department of Commerce statistics and the bankers' economic service, and unquestionably the figures I am giving are correct.

I want to state that the State of Delaware, for all of its State government and activities in government, spent just a little more than one-third of what the chairman of the Committee on the District of Columbia [Mr. BALL] proposes shall be the Government's share for the expenditures in the city of Washington for the next fiscal year. Colorado spent a little more, in the proportion of 16 to 15, than the Senator proposes for the District. I also call attention to the fact that the city of Denver, Colo., spent $13,372,632.

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

Mr. McKELLAR. I yield.

Mr. PHIPPS. There seems to be some discrepancy between the Senator's figures for the State and those for the city of Denver. Did I understand the Senator to say that the expenses of the State were $16,000,000?

Mr. McKELLAR. Yes; $16,269,101.

Mr. PHIPPS. And that the city of Denver spent $13,000,000 in addition thereto?

Mr. McKELLAR. Oh, of course, that is the city government.

Mr. PHIPPS. In addition to the State government?

Mr. McKELLAR. Why, of course.

Mr. PHIPPS. What becomes of the other municipalities where we have populations varying from 12,000 to 75,000? The total population of the State is, in round numbers, 1,000,000. The District of Columbia is actually comparable to what we would have in the entire State plus the city and the county administrations. Therefore any comparison as between the cost of a State government on the one hand and a city government on the other hand would be merely futile. The population of Colorado is about 1,000,000.

Mr. McKELLAR. The Senator made his speech a while ago, and I hope he will not undertake to make one in my time.

Mr. PHIPPS. I beg the Senator's pardon.

Mr. McKELLAR. I merely wish to say in reply to what the Senator said that the National Government takes the place of the city and county governments in so far as the District of Columbia is concerned.

The District of Columbia is not taxed directly for its own national government. The comparison is true. The city of Denver spent $13,372,632, and yet the Senator from Colorado brings a bill before the Senate in which he saddles or undertakes to saddle upon the people of the United States more than $14,000,000 as the Government's part of the expense of the upkeep of the city of Washington.

The city of Memphis, Tenn., in 1922 spent $8,814,434. It is proposed here to nearly double that sum as the Government's part of the administration of the affairs of the city of Washington. The city of Wilmington, Del., spent $4,810,721. I do not recall the population of the city of Wilmington.

Mr. BALL. One hundred and twenty thousand.

Mr. McKELLAR. The sum is nearly four times as much as the Senator from Delaware proposes in this bill that the Gov-

ernment should contribute to the conduct of the affairs of the city of Washington by the Federal Government as is spent in his own State.

I call attention to the fact that while the city of Washington has a tax rate of $1.20, the home city of the Senator from Delaware [Mr. BALL] has a tax rate of $1.93. The tax rate is $1.93 in Wilmington and $1.20 in Washington. In my own city of Memphis we have a tax rate of $2.10, or nearly double the tax rate in the city of Washington. Besides that, in the Senator's city of Wilmington they pay a county tax and State tax in addition. I have not the figures, but the county and State tax would probably amount to more than $1 on the hundred. In other words, the taxpayers of the city of Wilmington pay more than $3 per hundred, whereas the taxpayers in the city of Washington, under the provisions of the bill now pending, if enacted into law as reported by the committee, would only pay $1.20, or not much more than one-third what they are paying in the Senator's own city.

The Senator from Colorado is in a little better condition. The city of Denver tax is $1.14, and the State and county tax just about the same, making it nearly double, all told, that the taxpayers pay in Denver over what they pay in the city of Washington. Yet the Senator from Colorado and the Senator from Delaware, notwithstanding these figures, have reported out a bill that makes the Government pay one-half of all the costs of government in the city of Washington, provided the first horn of their dilemma is enacted into law.

These figures apply to the cities and counties and States of every Senator in this body. When we stand here and let bills like this pass we are simply reducing taxation to the lowest limit upon the citizens of Washington and disregarding the rate of taxation or what the amount of taxation is upon our own people in our own States and in our own counties and in our own cities. I have nothing against the people of Washington. I feel that they ought to be treated absolutely fair; but they ought not to ask for a lower rate of taxation than is paid in any other city in the United States. We ought to be fair alike to all taxpayers. We ought to adjust our rates of taxation so as to be absolutely fair not only to the people of Washington but to the people of all the United States. We ought not to take out of the Treasury of the United States the money taken from all the people by taxation and use it to lift the load or the burden from the people of any one city, even the city of Washington, which we always like to favor in every possible way.

Mr. President, I ask that the figures furnished me by the Library of Congress may be printed in the RECORD as a part of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

Governmental-cost payments and tax rates for specified States

State	Total governmental-cost payments, 1922	Tax rate per $1,000, 1922
Colorado	[1] $16,269,101	[2] $4.48
Delaware	[1] 5,683,129	[2] 2.50
Tennessee	[1] 15,130,292	[2] 3.60

[1] United States Department of Commerce, Bureau of the Census, special release on "Financial Statistics of State Governments: 1922."
[2] Bankers' Economic Service, Special Bulletin, State Finances, Dec. 31, 1923, section 4, Vol. XII, No. 14.

Governmental-cost payments and tax rates for specified cities

City	Total governmental-cost payments, 1922	Tax rate per $1,000 of assessed valuation, 1923. City rate alone
Denver, Colo.	[1] $13,372,632	[2] 8.85
Memphis, Tenn.	[3] 8,814,434	(4)
Wilmington, Del.	[3] 4,810,721	[2] 16.00

[1] United States Department of Commerce, Bureau of the Census, special release on "Financial statistics of cities of 30,000 population and over: 1922," p. 5.
[2] Compilation of "Comparative tax rates for 177 cities over 30,000 for 1923," by Detroit Bureau of Government Research (Inc.), in National Municipal Review, December, 1923, pp. 719-728.
[3] Ibid. p. 7.
[4] The Bureau of the Census from a tabulation as yet unpublished gives a tax rate for Memphis of $2.10 per hundred dollars for 1922 for city purposes only. Its corresponding figures for the other cities are: Denver, $1.14, and Wilmington, $1.93.

Mr. BALL. I should like to state to the Senator, if he will yield to me——

Mr. CARAWAY. The Senator from Tennessee yielded to me, but I will yield to the Senator from Delaware.

Mr. BALL. I wish to say just a word.

Mr. CARAWAY. Very well.

Mr. BALL. In figuring the tax under the gasoline tax bill, which has now been placed on Washington, it amounts to about $3 upon every inhabitant of Washington.

Mr. McKELLAR. Oh, Mr. President, the tax——

Mr. BALL. Just one second——

Mr. McKELLAR. The Senator from Delaware refers to the gasoline tax bill. We have the same tax imposed in my city in Tennessee and in almost every other city in the United States.

Mr. BALL. I was trying to explain, if the Senator will permit me, that when a 2-cent tax was placed upon gasoline in the Senator's State and in my State and in 14 other States, they relieved the citizens of those States of the tax on their automobiles.

Mr. McKELLAR. Oh, no, Mr. President.

Mr. BALL. Oh, yes. I was just like the Senator, and I made that statement on the floor of the Senate, but I had to retract it, and so will the Senator if he will investigate the matter.

Mr. McKELLAR. I have just recently investigated it.

Mr. BALL. In 14 States that is the case.

Mr. McKELLAR. Just one moment. I have recently investigated the matter, and I desire to say that the people of Washington pay a very small tax, I believe $1 each on their cars. They also pay 2 cents a gallon on gasoline and they pay a property tax on about one-half of the value of their automobiles.

Mr. BALL. They pay on the full value of their automobiles.

Mr. McKELLAR. In the State of Tennessee we pay a 2-cent tax on gasoline. I pay—I can only account for a little Reo coupe, a very small car—I pay a privilege tax of $18.75, and I pay a property tax on about 70 per cent of the value of the car. That is the overwhelming difference in the rate of taxation on automobiles in my city and in the city of Washington. We ought to be fair about these matters; we ought not to take the people's money and apply it to reduce the taxes in any one of the cities of our country, not even, as I say, in the city of Washington. I think we ought to have a more equitable arrangement about taxes in the city of Washington. I think it would be wiser to assess a fair tax against all property, including the Government property, except, perhaps, that which is used for parks and graveyards. The Government property ought to be taxed just like everybody else's property. Then there would not be any charge of unfairness or impropriety in it. Then the city of Washington could do just as any other city does, pay its own way from taxes that come from its own property, whether belonging to the Government or to anyone else.

Mr. President, in conclusion I want to say that I believe $8,000,000 is decidedly more than the Government's proportion of a just tax that should be applied in the city. For a long time the plan of taxation was 50–50, but recently, as a compromise, it was made 60–40, and now it is proposed to make a lump-sum contribution from the Federal Government. None of these plans form a proper basis of taxation. The fiscal system ought to be put upon a right principle, and that principle is that all property, whether belonging to the Government or to anyone else, ought to be assessed, and the Government should then pay its taxes to the city of Washington just like any other resident of the city.

Mr. PHIPPS. Mr. President, will the Senator from Tennessee yield to me?

Mr. McKELLAR. I yield.

Mr. PHIPPS. I should like to say to the Senator that if he will introduce a bill for that purpose I shall be very glad to give it my hearty support and endeavor to secure its enactment.

Mr. McKELLAR. I think that is the only fair and just way to settle the matter. It is too late in the session, however, to do it now.

Mr. CARAWAY. Mr. President, I realize that it is hardly worth while to rehash what we discussed in the Senate on yesterday with reference to the matter of the assessment of taxes in the District of Columbia. In the first place, the Senators who are to vote upon the question are not present; in the second place, life is too short to convince either the Senator from Delaware [Mr. BALL] or the Senator from Colorado [Mr. PHIPPS] that the people of the District of Columbia ought to pay as much taxes as people pay in other places.

Mr. McKELLAR. Even in Delaware or Colorado.

Mr. CARAWAY. The Senator from Delaware on yesterday was entirely frank; he admitted that the tax rate here was lower than in other places; but he said it ought to be lower because the people here did not have certain governmental functions to perform for themselves; that the Congress and the President performed that duty for them, and it ought to be done at the expense of the people outside of the city, of course.

Mr. BALL. Mr. President, I should like to make a statement so as not to be misquoted.

Mr. CARAWAY. When the Senator from Delaware shall have made his statement, I will read the statement which he previously made. I do not expect to rely upon memory. He may proceed and make his statement, and I will then read what he said on yesterday.

Mr. BALL. I said that if the people of Washington should pay all of the expense, the expense of the Government here would not be as great as it would be in the States.

Mr. CARAWAY. And the Senator was opposed to making these people bear that expense, and therefore he was not in favor of making them pay as much taxes as the people pay in the States. That is the conclusion, is it not?

Mr. BALL. No.

Mr. CARAWAY. Does the Senator want the people here to pay as much taxes as the people pay in Delaware?

Mr. BALL. All I want the people of the District of Columbia to do is pay taxes in accordance with a law to be properly prepared and reported by a legislative committee of Congress. I differ somewhat from the Senator from Tennessee [Mr. McKELLAR]. I believe there is only one fair basis of taxation for the District of Columbia, and we must come to that in the end; and that is that a fair rate be fixed by equalizing the taxes on property by assessment and the other taxes which the people pay with the taxes which are paid by the States; and then let the Government appropriate freely, more or less, as may be necessary to make this the greatest and most beautiful city in the world.

Mr. CARAWAY. Of course, the Senator does not answer the question, and I do not care to yield for a speech that deals with the beauty of Washington.

Mr. BALL. What is the question?

Mr. CARAWAY. The question was, Does the Senator believe the people of Washington ought to pay as high taxes proportionately as the people of Delaware pay—just yes or no?

Mr. BALL. Well——

Mr. CARAWAY. Oh, well, I knew the Senator did not, and therefore there is no use to talk further about that. Of course, I realize——

Mr. BALL. Mr. President, I think they should.

Mr. CARAWAY. Actually?

Mr. BALL. Actually.

Mr. CARAWAY. Then, how, in the name of common sense, can the Senator vote for his own amendment which is intended to make them pay only about 50 cents on the hundred dollars when people in Delaware pay $3 on the $100?

Mr. BALL. Mr. President, I own property in Delaware and own property in the District of Columbia.

Mr. CARAWAY. I did not know the Senator owned any in Delaware.

Mr. BALL. According to the valuation of the property in the two places, I pay 1½ per cent more taxes in the District of Columbia than I do in Delaware.

Mr. CARAWAY. On the same valuation?

Mr. BALL. On the valuation that I would place on the property.

Mr. CARAWAY. I am curious to know how that comes about. The Senator has either been mulcted in the District of Columbia or he is dodging his taxes in Delaware, because the rate in Delaware is $3 and the rate in Washington is $1.20, yet he pays 1½ per cent more with a rate of $1.20 than he does with a rate of $3. That is a peculiar way of figuring that nobody except a member of the District of Columbia Committee, perhaps, could comprehend. It is so absolutely absurd that if it happened anywhere else—and I desire to observe the requirements of parliamentary procedure—it would make everybody smile, but of course happening here, we must be serious about it.

Mr. BALL. I should like to state in explanation——

Mr. CARAWAY. It needs an explanation.

Mr. BALL. That the property in Delaware is outside of the city limits, of course, while in Washington I pay the city taxes.

Mr. CARAWAY. I do not think the tax assessor ever found the Senator, else he would not be able to make that statement.

Mr. McKELLAR. The Senator said the property in Delaware was outside of the city entirely.

Mr. CARAWAY. Oh, yes; but the State rate is higher than that. I do not know anything about how one may talk to the tax assessor of Delaware and avoid paying taxes, but I live in a little city of 14,000 people—of course for advertisement purposes we say we have fifteen and a half thousand—and I own a house there; that is, I have an equity in it, and I can get for it less than one-third of that which I can get for the place I own in the District of Columbia—at least I own an equity in it—and yet I actually pay twice as much on that house in Jonesboro, Ark., as I do on the property in the District of Columbia, for which I can get more than three times as much. That is my experience.

The Senator talks about an automobile tax. We pay a 4-cent gasoline tax in Arkansas, while 2 cents is paid here. In addition to that we pay one-half of 1 per cent income tax for State purposes on gross income; in addition to that we pay a poll tax, in addition to that we pay a water, light, and sewer tax, and in addition to that we pay a highway tax. Yet the Senator from Delaware wants me to join him in laying on that little town down in Arkansas a tax that will be equivalent to $3,500 in order that the people in the District of Columbia should pay 50 cents on $100.

Another thing, Senators who come from the West have been talking about the tremendous hardships through which agriculture is going now in the West, and yet some of them are asking more for the District of Columbia out of the funds of the people of the West than they are willing to give them in order to rehabilitate the crushed industry of agriculture in all the Western and Northwestern States. I would have a contempt for the man who wanted to lay taxation on the District of Columbia that was excessive; it would be a cowardly thing to do because they are without a voice in its levy; but I say they ought to pay a fair tax, and they ought not to have anything more. They have many advantages that the people in ordinary cities do not possess; they have the magnificent parks, and the Senator from Delaware has just put through a bill designed to increase their number. I am not complaining about that; but the parks and the libraries and the museums and art galleries and intellectual and amusement centers make Washington an exceedingly delightful place in which to live.

I have seen some live here so long that they forgot they did not get their commissions from the District of Columbia and absolutely ignored their States, except when they went to them to get their names put on the ballot in order to be reelected. Of course, I am naming no names and looking at nobody when I say it.

I pay taxes here, and I have had no favors shown me, I am sure. I never went to the officers who assess the taxes and those who collect them—I have accepted whatever they said—and nobody can accuse me of being a sycophant to the people of the District of Columbia. I have tried to be just to them; but certainly I have not wanted, as some people I have known—again naming no names—to give them everything and lay all the burdens elsewhere.

Now, therefore, no honest man in the District of Columbia or out of it, after he takes time to find out what the facts are, can afford to say that he wants anybody else to bear his burdens. It is not honest to do it; it is not honest for us to require some people to bear the burden and other people to be excused from their proportionate part of the burden of government. It does not make for good citizenship to do it. People who have such things done for them are in some way injured by it.

I do not care anything about arguing particular cases, because some people have made up their minds that all their affairs are regulated from the District and that the people back home have nothing to do; but if the amendment of the Senator from Delaware should prevail, on a per capita basis, he would lay a burden on Wilmington, a city of 120,000 people, of over $18,000 in order to relieve the people of the District from paying their fair share. Of course, Wilmington is a beautiful city; I have been in it. Its streets are somewhat narrower than those of Washington, and many of them are not well paved. They have a good deal of trouble in trying to pay their municipal activities; but, according to the Senator from Delaware, let us lay our hand on them and mulct them for $18,000 more every year so that the people in the District of Columbia shall pay only 50 cents on the hundred dollars, while the people in Delaware shall pay $3.

Mr. McKELLAR. Mr. President, how much will it cost the people of Denver?

Mr. CARAWAY. The Senator from Colorado disputes every figure that is given, and I do not care about making any guess at that. All I do know is that it will cost the city of Denver a great deal more than they will get out of it.

The Senator from Delaware [Mr. BALL] repeated an argument that these people made to me the first day I came here, and I know where he got it; that is, that this should be the most beautiful city in the world. Well, of course, while the people in some of the States are tottering to ruin, while banks are failing and farmers are being driven off of their land, ruined, without ability to clothe themselves decently or feed themselves properly or send their children to school at all, their Senator wants to strip off even that which is left them, in order to make this the most beautiful city in the world and the city of refuge for every man who does not want to pay his taxes.

The Senator from Colorado referred a minute ago to the act of 1922, and I am going back to discuss his reading in the RECORD of that act. If he had read it before—which I take it for granted he never did, although he was a conferee—he would have known that the tax provisions for the years 1924, 1925, 1926, and 1927 were provisions that the authorities here must assess the property at a certain rate in order to create a surplus, so that they could go on a cash basis, and had nothing on earth to do with the 40–60 provision. Of course, the Senator never found that out, and it is no use now to tell him, because it will not impress him.

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

Mr. CARAWAY. I yield.

Mr. PHIPPS. I call the attention of the Senator to my remarks, in which I said that I did not contend that the 60–40 basis was established for a period of five years by that law, and I repeated that statement on the floor to-day.

Mr. CARAWAY. I know; the Senator said it was, and then he said it was not, as I understood the Senator.

Mr. PHIPPS. I beg the Senator's pardon. The RECORD will show.

Mr. CARAWAY. I hope it does show, because I used to be able to remember what was said, and I should hate to think I had gotten so now that I could not at all comprehend the English language; but I want to be entirely courteous to the Senator from Colorado. That is not material. I know his viewpoint just as well as I know the way to the door out there. I know where his heart lies.

If the Senator from Colorado did not intend to say that this act bound us, that we were bound by it, I can not understand why he was complaining about the House changing it, or why he said then that we had a right to change it now because the House had done so. Of course I know what the Senator said, and everybody else does who heard it; and I know another thing: I have heard, ever since I have been here, all this talk, "If you will just wait and propose a measure we will vote for it." We voted for a measure here in 1921, and it was killed somewhere between here and the other House. I refer to the Jones bill. The tax bill was written here, and the conferees surrendered it.

The amendment we are discussing undertakes to say that this amount shall be $14,000,000. There are other provisions in the acts so that when it is all through it will cost about $18,000,000 or $19,000,000 with the four and a half million dollars that is sought to be covered in those other acts. I do not want the District to pay a cent more than is fair. I would not vote to have it pay a cent more than is fair. I am not seeking to lay excessive taxes on myself. I have paid taxes until it seems to me that is about all I have been able to do; but I do not want to make this a place where people may pay no taxes, or comparatively none, and the people somewhere else must make up the deficit.

The amendment offered in the committee proposes to strike out $8,000,000 and insert $14,000,000, and then, as the Senator from Tennessee [Mr. MCKELLAR] says, with a contradictory statement—

> Or in lieu thereof, 40 per cent of each of the following sums, except those herein directed to be paid otherwise.

Mr. MCKELLAR. That is about $11,200,000.

Mr. CARAWAY. Nobody knows what it would mean if it were enacted. The only thing that is perfectly apparent is that they want to make somebody else pay the tax. Whichever way will get the most out of them is the correct measure, and whatever will let the District pay the least meets their entire indorsement.

Ordinarily, it is unwise to legislate on appropriation bills. I was a member of the Committee on the District of Columbia for a while in the House, and we tried to legislate, and every measure that we put through, that would have been somewhat remedial, died. The only legislation that has been at all effective, or certainly the only legislation dealing with taxes, had to be put upon appropriation bills. It has to be there now, or it will not become law. I should be perfectly willing to write into this bill what is fair, and then agree that before another District bill shall come up there shall be a perfectly fair tax bill passed. I do not know; it may be entirely proper, but I do not know why there should be an estate tax or an inheritance tax in the States and none here. I know people who have had fictitious residences in the District of Columbia, made their money in some State, and when they died it was discovered for the first time that they were not citizens there, but were citizens here, and they thus avoided paying estate taxes.

Mr. MCKELLAR. Mr. President,——

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

Mr. MCKELLAR. I desire to propound a parliamentary inquiry both to the Chair and to the Senator from Arkansas. Inasmuch as this is a double-barreled amendment, providing both for the 50–50 plan and for the 60–40 plan, can we not have the amendment divided and each part voted on separately—first the $14,000,000, and second the 40 per cent of the $29,000,000?

Mr. JONES of Washington. Mr. President, I want to say just a word, if the Senator is through.

Mr. CARAWAY. I was practically through. I had not quite completed what I had expected to say, but I will yield the floor at this time.

Mr. JONES of Washington. No; I thought the Senator was through.

Mr. CARAWAY. That is all right. I hope the Senator will proceed.

Mr. JONES of Washington. Mr. President, I want to say just a word with reference to this amendment. I think I ought to say it in fairness to the Senator in charge of the bill, because I suppose I was more responsible for the adoption of the amendment in the form it is in than any other Senator, and I am willing to take the responsibility.

The amendment is perfectly plain to me. It is really to meet the parliamentary situation which confronts the Senate that that amendment was put in the form that it is in. Of course, no one expects the proposition to be adopted in the form it is in as proposed by the committee, and no one expects the bill to pass without going to conference; and so, from my standpoint, the amendment was framed as it is to meet the parliamentary situation that confronts the Senate and the House upon any measure that goes to conference.

Mr. MCKELLAR. Mr. President, what would happen if the House agreed to the Senate amendments instead of sending the bill to conference? Would not this appropriation then be in a very peculiar situation?

Mr. JONES of Washington. That is such a remote contingency that I do not care to take the time of the Senate to discuss it.

Mr. MCKELLAR. It frequently happens, however, that the House does accept the amendments of the Senate.

Mr. JONES of Washington. It never has happened, in my years of experience here, that the House has accepted an appropriation bill with all the amendments of the Senate put on it; so there can be no question but that this bill is going to go to conference.

This is the situation: The House adopted in its bill a provision that does away with the law that we passed a couple of years ago that we thought would be permanent, or at least would be in force for some years, determining the basis of taxation in the District on the basis of 60–40.

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

Mr. JONES of Washington. I yield.

Mr. KING. I beg the Senator's pardon for interrupting him. The Senator said, as I understood him, "which we thought would be permanent, or at least for some time, as fixing the basis of taxation." I did not believe it. I thought it was a very unjust and a very capricious and arbitrary manner of determining the relative amounts to be paid by the District and by the Government. I have opposed that plan, as I have opposed the 50–50 plan, and have continued and shall continue to do so until we have a rational system which imposes a fair rate of taxation upon the property in the District of Columbia.

Mr. JONES of Washington. Probably I had better say, then, that some of us thought it would be a little bit permanent.

Mr. KING. Yes; that is better.

Mr. JONES of Washington. I am not sure but that I have a good deal of sympathy for the position of the Senator from Utah; but we have been having a controversy every year for several years with reference to this matter of the contribution of the District, and I know that a couple of years ago we adopted a provision—I think we passed a bill through the Senate, and then we put it onto the appropriation bill—and we worked for many days in the conference trying to get a

proposition that we could agree upon, and finally we did agree upon the proposition relating to 60–40, with the various provisions contained in it.

I will say frankly that I had no understanding that this legislation was to continue in force for any definite or fixed period; but I think it was the general hope, at any rate, of everybody that it did fix the basis of our dealings with the District for some years.

Mr. McKELLAR. Mr. President, if the Senator will permit me to interrupt him, if that was true why did the Senator in this amendment report the old 50–50 plan?

Mr. JONES of Washington. Oh, that has nothing to do with what I have just been talking about.

Mr. McKELLAR. Yes; that is the pending amendment. If the Senator was so much in favor of letting the 60–40 plan continue as he says he was, why did he propose an amendment, and have it adopted by the committee, which first put back the 50–50 plan which had been discarded?

Mr. JONES of Washington. Mr. President, I did not say that I was in favor of this plan continuing. I said that some of us hoped that it would, and we did hope so.

Mr. McKELLAR. Then why uproot it by proposing to restore the 50–50 basis?

Mr. JONES of Washington. I want to say to the Senator that so far as I am personally concerned I was pretty strongly in favor of the 50–50 basis, and I am frank to say so, and I stated to the people of my State that I was, and I want to say that I got no more applause for anything I said than I did for that. They have not complained and they are not complaining about the development of the Capital of their country, in which they feel that they are just as much interested as any citizen of the District of Columbia. After several years of controversy, however, as a matter of compromise we finally agreed upon a basis of 60–40, and, as I say, some of us hoped that it would continue for a while, but we are confronted now with a controversy, and I want to refer briefly to what we are confronted with in a legislative way and what we are attempting to meet.

The House, as Senators know, has adopted a provision carrying a lump sum of $8,000,000. In other words, so far as their bill went and so far as they could go they did away with the 60–40 plan and put in their bill a proposal to appropriate a lump sum. So far as the terms of their bill are concerned the 60–40 plan is not in it at all, and could not be considered in conference if we took no other course than to change the amount of $8,000,000.

Mr. McKELLAR. Mr. President——

Mr. JONES of Washington. I yield.

Mr. McKELLAR. I am very much interested in the Senator's explanation about having the 50–50 proposal in his amendment, and, at the same time, the 60–40 proposal. I can not think that the Senator had any idea of trading with the House when he put that amendment in.

Mr. JONES of Washington. I am going to tell the Senate frankly what I had in mind when I offered this amendment.

Mr. McKELLAR. I hope the Senator will.

Mr. JONES of Washington. That is exactly what I am going to do. As the bill came to us from the House, it provided for a contribution of $8,000,000 upon the part of the Federal Government toward carrying on the public business of the District of Columbia. That was the only matter in the bill in that regard. There was no 60–40 plan in it at all.

If we strike out the $8,000,000 and put in the $14,000,000 and nothing else, that means the abandonment of the other, and the conferees could not consider the 60–40 proposition. In other words, it would leave only the straight proposition as to the amount of the contribution by the Federal Government toward the expenses of the District of Columbia. If we strike out the $8,000,000 and put in the appropriation upon the basis of the 60–40, then we will leave in issue the proposition of the 60–40. But if we should find that the House conferees would not accept the 60–40 proposition at all, it seemed to the parliamentarians with whom we consulted that all we could have would be the $8,000,000 contribution toward the expenses of the District of Columbia, or any amount less than that.

In other words, if we did nothing except change the $8,000,000 and put in another sum it would mean the absolute abandonment of the principle of the 60–40 ratio. If we cut out the $8,000,000 and put in the 60–40, then that would leave us the 60–40 in issue, with a possibility or probability or likelihood of our losing the 60–40 and not being able to get anything more than the $8,000,000.

I thought we had better word it so that we would have the whole matter in issue. Some of us think that $8,000,000 is not a sufficient contribution on the part of the Federal Government toward the expenses of the District of Columbia, and I wanted to be in a position in conference where we would have some chance, at any rate, of getting a little bit nearer, if we had to take the lump-sum contribution, toward what we thought the National Government ought to contribute than we would be if we simply had the $8,000,000 in issue.

For that reason on that proposition we struck out the $8,000,000 and put in the $14,000,000, so that we would have a leeway between $8,000,000 and $14,000,000, but we also wanted to have an opportunity to consider the retention of the 60–40 proposition, and the only way we could have that under consideration by the conferees was to put it in. So we inserted it in order to have both propositions before the conference committee, so that the Senate conferees would not be limited to just one thing.

Of course, if the Senate desires to take a definite stand for the abolishment of the 60–40 ratio established by what was supposed to be general or permanent legislation until changed in the regular parliamentary way it will strike out that feature of the amendment; but if the Senate does not desire to take that position, and desires to express its desire that the 60–40 ratio may stand, and still leave the Senate conferees with an opportunity, if they find the House conferees adamant against that, to get a little bit more contribution than $8,000,000 for the support of the District it will leave in the bill the $14,000,000 provision and also the 60–40 proposition.

Personally, I do not believe that $8,000,000 is the just proportion the National Government should contribute toward the maintenance of the District of Columbia. So I suggested this proposition and urged it before the committee in order that both of the propositions might be considered by the conferees. I believed it was wise from a legislative point. I believed it was wise from the standpoint of the people of the District of Columbia.

With many of the suggestions made with reference to the fixing of the really proper basis of taxation between the District of Columbia and the National Government I am in sympathy, and yet I believe that the people of the country want us to pursue even a liberal policy toward the District of Columbia and toward the people here.

I am not going into that phase of it. I have no doubt every Senator has made up his mind with reference to it. I simply wanted to take whatever responsibility there may be for having this amendment in this form. I think it is perfectly plain. It at least is perfectly plain to me. It simply proposes, first, that there shall be in conference the question of the lump sum, as to whether it shall be $8,000,000 or something more than that, up to $14,000,000.

It is also desired that the conferees have an opportunity to consider whether or not we want to do away entirely with the 60–40 proposition. Of course, as I said awhile ago, if the Senate desires to say that we want that done away with the proposal will be voted out and nothing will be left at issue in the conference except the question of the contribution that shall be made.

Mr. BROOKHART. Mr. President, could not that sum have been reduced to $6,000,000 just as well as raised to $14,000,000?

Mr. JONES of Washington. Certainly. Then, of course, there could have been an issue between $6,000,000 and $8,000,000. I think the committee was not in favor of that. Of course, if the Senate is in favor of a smaller amount of contribution, four or five million, whatever it may be, the Senate will vote such a provision in, and then we will have that at issue between the House and the Senate in conference.

The PRESIDENT pro tempore. The Chair has had no opportunity to answer the parliamentary inquiry propounded by the Senator from Tennessee.

Mr. McKELLAR. I would like very much to have an answer.

The PRESIDENT pro tempore. This is a motion to strike out and insert. Undoubtedly the part to be inserted presents two questions, but the rule of the Senate provides that if the question in debate contains several propositions any Senator may have the same divided, except a motion to strike out and insert, which shall not be divided. So the Chair is compelled to answer the question of the Senator from Tennessee in the negative, that it can not be divided; but the proposal of the committee can be amended if the Senate shall desire to amend it.

Mr. McKELLAR. Mr. President, in order that we may have it before us I move to strike out of the proposed committee amendment, in line 5, "$14,000,000 or in lieu thereof." That would divide the question. In other words, that would leave the amendment this way: It would strike out the "$8,000,000"

and insert "40 per cent of each of the following sums, except those herein directed to be paid otherwise." In other words, the striking out of the "$14,000,000, or in lieu thereof" would properly divide the amendment.

The PRESIDENT pro tempore. The question is upon agreeing to the motion of the Senator from Tennessee.

Mr. KING. Mr. President, I am not quite sure that I apprehend the meaning of the Senator from Tennessee. I invite his attention to the fact that, if his motion shall prevail, as I understand it it would call for a 40 per cent contribution from the Treasury of the United States for each of the items carried by this bill except those herein directed to be paid otherwise.

Mr. McKELLAR. I am in favor of the House provision, but the Senator will see that there are two propositions there. The first is the $14,000,000, and the second is the 40-60 per cent proposition.

Mr. KING. The Senator moves to strike out the words "in lieu thereof 40 per centum"?

Mr. McKELLAR. No; just "$14,000,000, or in lieu thereof." If my amendment were adopted, then the question would arise on the motion to strike out the "$8,000,000" and insert the words "40 per centum of each of the following sums"; in other words, establishing the present system.

Mr. KING. Mr. President, I do not think I can agree to the amendment offered by the Senator. Personally, I prefer to strike out the "$14,000,000." Then, if it is necessary to segregate the amendment offered, we can strike out the following words, "or in lieu thereof 40 per centum of each of the following sums, except those herein directed to be paid otherwise," and then, of course, restore the $8,000,000. In that way it would give us the same provision contained in the bill as it passed the House.

Mr. McKELLAR. If the Senator will permit, then the words "or in lieu thereof" would have no meaning in the act. Let us suppose the 40 per cent proposition were adopted, so as to make it read, "That in order to defray the expenses of the District of Columbia for the fiscal year ending June 30, 1925, 40 per centum of each of the following sums, except those herein directed to be paid otherwise, is appropriated." That is a complete amendment. In order to complete that amendment so as to make it read in that way, we would have to strike out "$14,000,000, or in lieu thereof." That would be the way to divide it.

Mr. KING. As I understand what the Senator is seeking, it is to strike out the $14,000,000?

Mr. McKELLAR. Yes.

Mr. KING. And the $8,000,000?

Mr. McKELLAR. No; I am just moving to strike out the $14,000,000 now and divide the question.

Mr. KING. May I inquire of the Senator if he wants to strike out the $14,000,000, and then wants to adhere to the recommendation of the Senate committee to strike out the $8,000,000, and then commit us to a policy of 40 per cent?

Mr. McKELLAR. Oh, no. I regret that apparently I am utterly unable to make my meaning clear. I am in favor of amending the amendment by striking out the $14,000,000. Then I am going to join the Senator from Utah, I believe, in voting down the committee amendment, after I have amended it by striking out the $14,000,000. I do not see how I can express it any more clearly.

Mr. KING. That is all right, if the Senator succeeds in accomplishing both results; but it seems to me, if the Senator will pardon me, that the wiser way would be to disagree to the entire amendment, which would then leave us the House provision appropriating $8,000,000, which we could add to or subtract from, as our judgment might determine.

Mr. McKELLAR. If the Senator would rather have it that way, I have no objection. I am opposed to all of them.

Mr. KING. The Senator and I seek the same objective but by different routes.

Mr. PHIPPS. Before the Senators propose any further amendments or modifications of the pending amendment, I merely want to call their attention to the fact that the Senate has already added four and a half million dollars to the amount appropriated under the bill as it came from the House. If the $8,000,000 is in the minds of Senators as a proper amount to contribute, they should carry with that the thought that the bill, as approved by the Senate up to date, carries in round figures $30,000,000, as against $26,000,000, as it came from the House.

Mr. KING. Let me say to the Senator that, in my judgment, a contribution of 25 or 30 per cent from the Treasury of the United States would be a fair amount to be paid by the Federal Government under the present circumstances. That is my judgment. I think a payment by the Federal Government of $8,000,000 would be sufficient to meet the demands of justice, notwithstanding the large increases which have been made by the Senate. Of course, we will bear in mind the fact that the Senator has an amendment which, if he has not offered it, I understand he intends offering, which will take $4,000,000 or more, which is a sort of floating fund, anchored neither in the heavens nor on the earth, something like Mahomet's coffin, supposed to be taken out of the Treasury of the United States and turned over to the District. I make no comment upon the justice or propriety of that proposition; but if I am in error in assuming that is the purpose of the Senator I shall be glad to be corrected.

Mr. PHIPPS. The amendment to which the Senator refers was offered by me. It has not as yet been acted upon. It makes disposition of and fixes the status of the amount of accumulation which now rests in the Treasury of the United States. No one can dispute its existence. The money is found to be there, but it can not be used for any purpose until the Congress takes action. The Senate has already taken action——

Mr. KING. I am familiar with that fact.

Mr. PHIPPS. By declaring that it belongs to the general fund of the District of Columbia.

Mr. McKELLAR. Mr. President, will the Senator yield to me?

Mr. KING. Certainly.

Mr. McKELLAR. In view of the opinion just expressed by the Senator from Utah and the opinion of other Senators about me, I withdraw the amendment which I offered.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Tennessee is withdrawn.

Mr. KING. I was about to observe that I am not satisfied with stating in the bill the precise amount in dollars and cents to be contributed by the Federal Government. I attempted yesterday to make my position clear when I stated that I thought the property of the District should have imposed upon it a fair and reasonable tax. If that shall raise only $20,000,000 or $15,000,000, then my position is that the Federal Government should pay the balance, whether it be $10,000,000 or $15,000,000.

I share with the able Senator from Washington [Mr. JONES] in the pride which he said his constituents away off on the Pacific coast have in this magnificent Capital. We are all proud of our Capital. But our pride in the Capital ought not to close our minds to legislation which would be just and fair. The people of the District of Columbia ought to be proud of the District and they ought to be willing to make their fair contribution to the maintenance of the municipality from which they derive benefits greater than derived from any municipality in the United States.

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

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Arkansas?

Mr. KING. I yield.

Mr. CARAWAY. I merely wish to suggest that the Senator's pride in the Capital ought not also to blind him to the fact that other people have a right to keep something that they worked for and earned, and they should have a little chance to raise their families and educate their children and put a roof over their heads. They ought not to be stripped absolutely naked in order to uphold the pride one might have in the magnificent city called the Capital.

Mr. KING. I agree with the Senator.

Mr. CARAWAY. That seems to have been overlooked altogether.

Mr. KING. We all have, of course, a just pride in the Capital of the United States. But, as I was observing, our pride in the Capital should not manifest itself in unjust legislation from which the masses of the people of the United States have to suffer. The people of the District of Columbia, I assert, have the best governed city in the United States. The District Committees of both the House and the Senate give as much, if not more, attention to the interests of the city of Washington than is given by the city councils and commissions of most of the municipalities of the United States. As chairman of the District Committee, the Senator from Delaware [Mr. BALL] has given days and weeks and months of his service to the affairs of the District. Other Senators upon the Senate District Committee give very much of their time. I shall not speak of myself, but I know that other Senators sacrifice of their time, sacrifice perhaps their duties upon other committees, in order to perform the work that is assigned to them as members of the District Committee. So that the people of the District of Columbia are getting, I repeat, the best municipal government of any city in the United States.

The people of the District have greater advantages in many ways than the people of other cities in the United States.

Why should the people of Arkansas and the people of Delaware be assessed to pay deficits arising from the failure of the people of the District to pay a fair and just tax?

I repeat, Mr. President, that we must have a fair system of taxation here. The bill unfortunately does not provide that, and we may be compelled to vote upon the alternative, the 40 per cent or a fixed amount, $8,000,000 or $6,000,000 or any other sum. Rather than vote for the 40 per cent plan I shall vote for the $8,000,000. I believe that if the people of the District paid a fair tax the Federal Government would not be compelled to contribute even $8,000,000 in an appropriation bill that carries less than $30,000,000. In other words, I believe that a fair tax paid by the people of the District of Columbia to-day would raise more than $30,000,000.

The Government will soon be spending millions of dollars here for the erection of new buildings. A bill is pending now and is being pressed by a number of Senators, one of them the Senator from Maine [Mr. FERNALD], carrying $50,000,000 for new public buildings in the District of Columbia. Whom do they immediately benefit? The inhabitants of the District of Columbia, the property owners of the District. In anticipation of the expenditure of $50,000,000 already there has been an accretion to the property value of real estate within the District. That is being urged as one of the reasons for the extortionate rents which are being charged by the landlords of the District of Columbia. "We are going to have more people here. We are going to have $50,000,000 spent by the Government soon and it will bring more people. It will give employment to more individuals. It will put more money into circulation. Therefore the property becomes more valuable, and our rents must be that much higher." It is a logical argument. Spending $50,000,000 more in the District undoubtedly will enhance the value of real estate. So the people of the District of Columbia ought to be compelled, if they are unwilling, to pay a fair tax for the maintenance of the city.

I wish we had a bill before us that required the assessment of the property at the fair cash value and the imposition of a reasonable tax levy, perhaps 2 or 2.5 or 3 per cent upon the fair cash value of the property of the District, not only the personal property and the real estate, but the intangible assets, which I believe aggregate millions and millions of dollars and which are hidden by the tax dodgers who take refuge in the District of Columbia.

Mr. McNARY. Mr. President, will the Senator from Utah yield for a question?

Mr. KING. Certainly.

Mr. McNARY. I have been interested for a good many years in this problem, which affects the interests of every property owner and taxpayer in the country. The Senator is a member of the District Committee and conversant with the problem. Is it not the theory of the 60–40 plan that the Government and the property owners pay upon the basis of the area owned by the Government and the private-property owners?

Mr. KING. May I say to the Senator that I have heard that suggested, but I can not state what is the reason. The Senator will recall that we superseded the 50–50 basis. I do not think the acquisitions of the Government during the transition from 50–50 to 60–40 would justify the assumption that it was based upon the acreage, and yet I can not answer the Senator one way or the other.

Mr. McNARY. I have never been able to satisfy myself as to what is the proper basis. The thought occurred to me that out through the West, in the 13 Western States known as the public-land States, an accurate calculation shows that 62 per cent of the area is owned by the Government and 38 per cent is owned by private ownership. The Government's property is untaxed and untaxable. The Government does not contribute one cent toward the upkeep and maintenance of those State governments. More than that, most of the roads that are built on Government-owned lands are made at the expense of the taxpayers of the State.

Mr. KING. Yes; and the States pay to police them, too.

Mr. McNARY. That is the fact in that part of the great public domain known as the States of Washington and Colorado. Now, we find in the Senators from those States the champions of this iniquitous system in the District of Columbia. I am wondering if it is not just as fair for the Government to contribute to the upkeep of the administration of the affairs of the State of Colorado and the State of Washington and the other 11 public-land States as it is to help to pay the upkeep of privately owned lands in the District of Columbia.

Mr. KING. The Senator has made a very fine argument.

Mr. McNARY. I propounded a question. Furthermore, to carry out the analogy and show the unfairness to the western people I undertake to say that if the Government's activities were not bound up in the District of Columbia it would be a mere pasture, and the only thing that imparts value to the privately owned land in the District is the expenditure of public money and the salaries that flow from Government activities.

Mr. KING. I think the Senator is right.

Mr. McNARY. That does not give any value to the publicly owned land at all in the West, because it is idle land. That is all the more reason why the Government should contribute its proper proportion to the upkeep of the governments in those States.

If the Senator from Utah is not familiar with that situation, I would like to ask the distinguished Senator who has the bill in charge, and who comes from Colorado, if he does not believe that the taxpayers of Colorado are entitled to the same consideration that is given the owners of private property in the District of Columbia?

Mr. KING. I shall be glad to surrender the floor and have my friend from Colorado answer the question of the Senator from Oregon.

Mr. PHIPPS. Mr. President, it seems strange to me that the debate on an appropriation bill should take a personal turn, as though the Senator from Washington or the Senator from Colorado or the Senator from Delaware were responsible or accountable for the action the Congress has taken in the past and now in the present and were solely responsible with reference to the distribution of the expenses necessary to maintain the Government.

I have contended on the floor of the Senate as long as three years ago for some basis upon which a fair distribution of the burden might be fixed. I suggested the very thought that has now been brought forward by the Senator from Tennessee [Mr. MCKELLAR], that there should be a valuation of the usable Government property within the District limits, and that compared to the private property, and the rates or proportions fixed according to that finding. I state frankly that I did not at that time even find one supporter. I remember that the Senator from Wisconsin [Mr. LENROOT] was very prompt in saying that that was a proposal which could not have consideration for one minute, that no one in the House would at all consider such a proposition.

We are in this situation. The Senator from Oregon may not have been in the Chamber at the time, but, as I stated before, the law which was enacted in 1922 was enacted in as nearly a definite form to settle a disputed question for a period of time as it was possible to do. It was understood by the citizens of the District as represented by their associations that no change in the proportionate rate of contribution of 60–40 could be made without legislative action; that such a provision could not under the rules of either House be attached to an appropriation bill. That law has been in force and effect for two years, and no legislative action has been had. Suddenly, without warning, comes a motion on the floor of the House of Representatives to change the proportionate contribution as written into the bill by the committee which prepared the bill, and to substitute a lump sum for the established 60–40 basis.

Mr. McNARY. Mr. President, that does not touch my inquiry. More than three years ago I made complaint against unjust discrimination favorable to the property owners in the District, much along the same line as I have briefly stated to-day. I have never observed any effort to enact corrective legislation in these three years. If the Senator from Colorado admits that the people here are favorably treated as compared with those who privately own property in his own State, which he must admit, then it is high time, and it has been for a number of years, for us to get together and enact some legislation that will protect the people living out in his State and other western States that have a great area of untaxed property so that they may be put on the same favorable footing as are the people in the District of Columbia. I should like to have a promise that something of that kind will be done.

Mr. PHIPPS. I have contended that it is not the province of the Appropriations Committee to deal with this question. I have said on the floor here that I was quite willing and anxious to support the Senator from Tennessee [Mr. MCKELLAR] or any other Senator who will devise some workable plan that will deal exact justice or as nearly as may be in the matter, but the Appropriations Committee have attempted to deal with this point, which has been brought up by the other House through action on the floor without a record vote. If it be the sense of the Senate to approve the action of the Committee on Appropriations and allow this disputed question

to go to conference, I shall do my best to see that the 60–40 basis is maintained until legislative action can be had, but I should be quite willing to be and should like to be relieved of the responsibility and the work of attempting to deal with this question in conference if that were possible.

Mr. McNARY. I should like to ask the Senator from Colorado a question. Does he think the basis of 60–40 is fair to the taxpayers of the country generally outside of the District of Columbia?

Mr. PHIPPS. I believe it to be fair in view of the fact that the majority of the residents of the District of Columbia are Government employees who are either living in apartment houses, boarding houses, or hotels, who have no taxable property, and yet are the ones who derive the benefit from the public improvements for which some one has to pay. Their children use the public schools.

Mr. McNARY. I assumed that the majority of the taxpayers owning private property were not in the employ of the Government; but, at any rate, I want to propound a further question to the Senator. If he contends that 60 per cent is a proper proportion for the taxpayers to pay in comparison with the public generally, does he think the people out in his State, where more than half the property is publicly owned, should have any contribution from the Government?

Mr. PHIPPS. The people in the District are paying their Federal taxes in addition to their property taxes in the District of Columbia. The people who live here or who have their homes here or their business here, pay into the Federal Treasury very much more than the people of many of the States pay by way of revenue to the Government.

Mr. McNARY. I appreciate that; but that is hardly an answer to the question. I want to know if the basis which the committee used in arriving at the allocation of 60–40 is entirely upon the theory of acreage controlled, respectively, by the Federal Government and private citizens?

Mr. PHIPPS. No; not so far as I am aware. When I came here I found the proportion 50–50. Assuming that in 1919 the proportion of land ownership was 50–50; the relation between private property and Federal property has changed to the extent that the private investment has gone ahead by leaps and bounds, whereas that of the Government has remained almost stationary.

Mr. McNARY. That is true.

Mr. PHIPPS. That was one argument for the 60–40 basis.

Mr. McNARY. Is it not true, though, that the area is one of the factors taken into consideration in arriving at the basis of taxation?

Mr. PHIPPS. I can not say it is; I am not informed as to that. I wish to say to the Senator that had I been a member of the legislative committee having to do with the District of Columbia, and this had been a problem for the committee, I think I should have addressed myself to the study of the subject. I am not, however, a member of that committee. I have only had to deal with the District of Columbia appropriation bill, and I have not made a definite study of this subject. I have not sent out to other cities in order to find how their taxation compares with the tax payments which are made here. Some other Senators, who are members of the committee, have done that.

Mr. McNARY. I have heard it repeated here on the floor, and I think by the very able Senator from Colorado, that the Government makes its contributions because of the large ownership of Government property within the confines of the District.

Mr. PHIPPS. That is one of the elements.

Mr. McNARY. Very well.

Mr. PHIPPS. There is another element, namely, the fact that the children of the employees of the Government must be provided with schools. There are also other elements.

Mr. McNARY. Then may I ask the Senator from Colorado another question? In his State more than 50 per cent of the domain lying within the confines of the State is owned by the Government. Is it not fair, then, that the Government should contribute its proportion to the maintenance of that State government the same as it does in the Disrict of Columbia?

Mr. PHIPPS. That is a very broad question.

Mr. McNARY. It is a very simple question.

Mr. PHIPPS. The question involves so much that I can not answer it offhand. As the Senator perhaps knows, I contended that it was unfair that the taxable property of the State should be called upon to bear the burden of building public roads on the public domain and succeeded in having an amendment adopted so as to cover that situation. The people of Colorado, while they contend that the State should have been allowed to own and dispose of its own property, have never to my knowledge made any complaint as to the proportionate contribution to the expenses of the upkeep of the National Capital. I have the first complaint to receive from a resident of Colorado to that effect.

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

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Tennessee?

Mr. McNARY. I yield the floor.

Mr. McKELLAR. Mr. President, I merely wish to ask the Senator from Colorado a question. A hasty calculation shows that the people in the Senator's State, Colorado, will be called upon to pay about $120,000 of taxes to make up this sum for the District of Columbia. Does the Senator from Colorado think that he ought to impose an additional burden upon the people of his own State, in view of the fact that the rate of taxation now in the city of Washington is just about one-half of what it is in the Senator's own State?

Mr. PHIPPS. Mr. President, the Senator, of course, says "an additional burden," assuming that there is some other burden to which this is added. That is one statement. The other is the flat assertion that taxation here is about 50 per cent of what it is in my home city, the city of Denver.

Mr. McKELLAR. No; I said the State of Colorado.

Mr. PHIPPS. Very well, the State of Colorado. As I remarked on the floor yesterday, it is almost impossible to obtain proper comparative figures when questions affecting real estate and property valuation are under consideration. The Senator from Delaware on the floor yesterday gave two instances where property in the District had been mortgaged for enormous amounts, and yet when it came to a sale the cash price—the actual value at which the two properties exchanged hands—was less than 10 per cent above the amount of the assessed valuation of those properties.

Mr. President, the attempt is made, in the consideration of an appropriation bill, to legislate on taxation. I contend that this is not the proper time nor the proper place to take such action. There is not sufficient opportunity to study the question. Senators can not get down to an intelligent discussion and consideration of the problem of taxation in this manner. I contend that that should be done after the consideration and action of a legislative committee, for the question is within the province of such a committee.

At this point I should like to inquire of the Senator from Tennessee if those who are opposed to the action of the Committee on Appropriations in having written the first amendment into the bill desire to continue the discussion for any length of time, or are they ready to vote?

Mr. McKELLAR. No; we are ready to vote, and I have no doubt will vote immediately. I merely wish to say a word further: The Senator has said he had no proper figures from his own State. I have presented to the Senate this afternoon figures showing the tax rate. It is just about double what it is here in the District. My question was very pertinent, for it seems to me that the Senator is imposing an additional burden of about $120,000——

Mr. PHIPPS. What is the original burden on which the additional burden is added?

Mr. McKELLAR. That is Colorado's proportion of the $14,000,000 which the Senator is seeking to impose upon the people of the United States.

Mr. PHIPPS. What is the proper burden if that is an additional burden?

Mr. McKELLAR. If it is a proper burden, that is for the Senator to say.

Mr. PHIPPS. What should be the entire burden?

Mr. McKELLAR. The Senator can take his own course about that. My judgment is that, in view of the fact that the tax rate in the city of Washington is only $1.20, which is about one-half of what it is in the city of Denver, including State, county, and city taxation, the Senator ought not to seek to impose this additional burden upon the people of his own State.

Mr. PHIPPS. I am ready to vote, Mr. President.

Mr. McKELLAR. We are ready to vote, Mr. President.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the committee.

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

The yeas and nays were ordered.

Mr. McNARY. Mr. President, I rise to a parliamentary inquiry. I am not advised as to the form which the amendment has taken and ask that it be stated.

The PRESIDENT pro tempore. The Secretary will state the amendment now pending and about to be voted upon.

The READING CLERK. On page 1, line 5, after the date "June 30, 1925," the committee propose to strike out "$8,000,000" and to insert in lieu thereof, "$14,000,000, or in lieu thereof 40 per

cent of each of the following sums, except those herein directed to be paid otherwise."

The PRESIDENT pro tempore. The Secretary will call the roll.

The reading clerk proceeded to call the roll.

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. GREENE] and will vote. I vote "yea."

Mr. TRAMMELL (when his name was called). I transfer my pair with the senior Senator from Rhode Island [Mr. COLT] to the junior Senator from West Virginia [Mr. NEELY] and will vote. I vote "nay."

The roll call was concluded.

Mr. JONES of New Mexico. I transfer my pair with the Senator from Maine [Mr. FERNALD] to the Senator from Nevada [Mr. PITTMAN] and will vote. I vote "nay."

Mr. FESS. I have a pair with the junior Senator from Mississippi [Mr. STEPHENS]. I transfer that pair to the senior Senator from New Jersey [Mr. EDGE] and will vote. I vote "yea."

Mr. HARRELD. Has the senior Senator from North Carolina [Mr. SIMMONS] voted?

The PRESIDENT pro tempore. That Senator has not voted.

Mr. HARRELD. I have a pair with the senior Senator from North Carolina, which I transfer to the senior Senator from Illinois [Mr. MCCORMICK], and will vote. I vote "yea."

Mr. SPENCER. I have been requested to announce that the Senator from North Dakota [Mr. LADD], the Senator from Nevada [Mr. PITTMAN], the Senator from Oregon [Mr. STANFIELD], the Senator from Washington [Mr. DILL], and the Senator from Colorado [Mr. ADAMS] are engaged on business of the Senate in the Committee on Public Lands and Surveys.

Mr. ERNST (after having voted in the affirmative). I transfer my pair with the senior Senator from Kentucky [Mr. STANLEY] to the senior Senator from Maryland [Mr. WELLER] and will allow my vote to stand.

Mr. JONES of Washington (after having voted in the affirmative). Has the senior Senator from Virginia [Mr. SWANSON] voted?

The PRESIDENT pro tempore. That Senator has not voted.

Mr. JONES of Washington. He is necessarily absent, and I have promised to take care of him for the day. I find that I can transfer my pair with him to the Senator from Utah [Mr. SMOOT]. I do so and will allow my vote to stand.

Mr. GLASS. I am paired with the junior Senator from Connecticut [Mr. MCLEAN] and therefore withhold my vote.

The result was announced—yeas 31, nays 24, as follows:

YEAS—31

Ball	Dale	Keyes	Reed, Pa.
Bayard	Ernst	Lodge	Sheppard
Brandegee	Fess	McKinley	Spencer
Bursum	Fletcher	Moses	Sterling
Cameron	Hale	Oddie	Warren
Capper	Harreld	Pepper	Watson
Cummins	Harrison	Phipps	Willis
Curtis	Jones, Wash.	Reed, Mo.	

NAYS—24

Borah	George	King	Shipstead
Brookhart	Harris	McKellar	Smith
Caraway	Heflin	McNary	Trammell
Copeland	Johnson, Minn.	Norbeck	Walsh, Mass.
Dial	Jones, N. Mex.	Robinson	Walsh, Mont.
Ferris	Kendrick	Shields	Wheeler

NOT VOTING—41

Adams	Frazier	McLean	Smoot
Ashurst	Gerry	Mayfield	Stanfield
Broussard	Glass	Neely	Stanley
Bruce	Gooding	Norris	Stephens
Colt	Greene	Overman	Swanson
Couzens	Howell	Owen	Underwood
Dill	Johnson, Calif.	Pittman	Wadsworth
Edge	Ladd	Ralston	Weller
Edwards	La Follette	Ransdell	
Elkins	Lenroot	Shortridge	
Fernald	McCormick	Simmons	

So the amendment of the committee was agreed to.

The PRESIDENT pro tempore. The Secretary will state the next amendment passed over.

The READING CLERK. On page 7, lines 5, 6, and 7, the committee proposes to strike out the following words:

of which not more than $1,000 shall be available for enforcement of the act entitled "An act for the relief of street-car motormen," approved March 3, 1905.

Mr. KING. Mr. President, I should like to know the reason for that amendment. The House provided $1,000, as I understand, and it is increased to $5,000.

Mr. PHIPPS. Mr. President, this provision was offered as an amendment on the floor of the House presumably to take care of the requirement of the law that street cars must have inclosed fronts for the protection of the motormen. Why it should be necessary to set aside $1,000 out of the $5,000 allotted to that office for that special purpose was beyond the understanding of our committee. There was no hearing on the question. There was no evidence submitted. The amendment was merely offered on the floor of the House. Striking this out takes it into conference, and we will then have time to see what the real reason was for inserting it on the floor of the House.

Mr. MCKELLAR. Mr. President, the trouble about that is this——

The PRESIDENT pro tempore. The Senator from Utah has the floor.

Mr. KING. May I inquire of the Senator from Colorado whether there is any reason for any appropriation at all? Why did the Senate committee increase it to $5,000?

Mr. PHIPPS. I beg the Senator's pardon; the Senate committee did not increase it. The $5,000 item was not changed. The Senate committee has simply stricken out the words that are crossed through in the print, which relate to the $1,000 and were meant for a designation of that amount out of the $5,000. We have not changed the figure.

Mr. MCKELLAR. Mr. President, if the Senator will yield, as a matter of fact the law requiring the street-car companies to put doors on their trains was passed several years ago. One of the companies has paid no attention to that law. The other company has. The commissioners claim that they have no money with which to make the investigation and enforce this law. In view of those facts, the House has simply set aside $1,000 for that purpose. It is a very worthy purpose. It ought to be done in behalf of the motormen, and I hope the Senator will not insist on that amendment.

Mr. PHIPPS. Mr. President, I tried to make clear the attitude of the committee, which was that we wanted to carry this matter to conference to find out the reason which the House had for adopting the amendment on the floor.

Mr. MCKELLAR. That is precisely the reason. It is in order to conform to a law that the Congress has passed for the protection of street-car motormen. Of course, both companies ought to have complied with it. My understanding is that one company has complied with it and that the other company has not; and the commissioners give as the reason why the other company has not compiled with it that they have no money with which to enforce the law. This provision merely says that $1,000 of that sum shall be so used. That was the explanation that a House Member gave to me this morning.

Mr. PHIPPS. Mr. President, I am quite willing to accept the verdict of the Senators present. I will not ask for a yea and nay vote on it, but I should not like to recede from the action of the committee without a vote.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment.

The amendment was agreed to.

The PRESIDENT pro tempore. There is one further amendment which was passed over, which the Secretary will report.

The READING CLERK. On page 34, line 6, the committee proposes to strike out "$151,270" and to insert the following:

$158,570; of which $144,270 shall be paid wholly out of the revenues of the District of Columbia and $14,300, or so much thereof as may be expended, for the purchase of land for playground purposes, shall be paid 40 per cent out of the Treasury of the United States and 60 per cent out of the revenues of the District of Columbia.

The amendment was agreed to.

Mr. MCKELLAR. Mr. President, I offer the following amendment.

The PRESIDENT pro tempore. The Secretary will report the amendment.

The READING CLERK. On page 7, line 3, after the figures "$36,120," the Senator proposes to insert a colon and the following proviso:

Provided, That this appropriation shall not become available until the Public Utilities Commission of the District of Columbia shall fix rates of fare for the street-railway companies in the District of Columbia at rates not in excess of the rates of fare fixed in existing charters or contracts heretofore entered into between said companies and the Congress; and from and after the passage and approval of this act the said street-railway companies shall receive 5 cents per passenger as a cash fare, but they shall issue and sell six tickets for 25 cents, as provided in existing charters.

Mr. CURTIS. Mr. President, I understand the Senator from Tennessee would like to discuss his amendment at some length. I wondered if we could not by unanimous consent vote on the surplus amendment, which I understand is the only one left, and then enter into a unanimous-consent agreement that the Senate recess until 11 o'clock to-morrow and that after 12 o'clock to-morrow debate shall be limited to 10 minutes on all amendments and on the bill.

Mr. McKELLAR. I understand that the Chair has recognized me to speak on my amendment, and with that understanding that agreement will be entirely satisfactory to me.

Mr. CURTIS. Would the Senator object to voting on the surplus amendment to-night?

Mr. McKELLAR. Not at all, with the understanding that I am to have the floor to-morrow.

Mr. KING. I would like to state to the Senator from Colorado that with respect to the tubercular-school item, which was covered in an amendment, I want to move to reconsider the vote by which it was agreed to; but I can say what I care to say in 5 or 10 minutes.

Mr. McKELLAR. That can be done after the bill reaches the Senate.

Mr. PHIPPS. Yes; it can be done in the Senate.

Mr. KING. I do not want to delay the progress of the committee.

The PRESIDENT pro tempore. The Chair will ask the Senator from Kansas to repeat his unanimous-consent request.

Mr. CURTIS. I ask unanimous consent that we take an immediate vote upon the surplus amendment, and after that is done I will submit the further unanimous-consent request.

Mr. PHIPPS. The surplus amendment is the one that was sent to the desk and was passed over.

The PRESIDENT pro tempore. The Senator from Kansas asks unanimous consent that the Senator from Colorado may offer an amendment at this time.

Mr. CURTIS. That is correct.

The PRESIDENT pro tempore. Is there objection?

Mr. KING. I would like to inquire whether the unanimous-consent agreement would preclude raising a point of order against the amendment?

Mr. CURTIS. It would not.

Mr. KING. Nor, if the point of order should be overruled, would it preclude a two or three minute statement.

The PRESIDENT pro tempore. The way the Chair understands it, the unanimous-consent agreement simply goes to the offering of the amendment. Is there objection? The Chair hears none, and the Secretary will report the amendment offered by the Senator from Colorado.

The READING CLERK. On page 99, after line 11, the Senator proposes to insert the following:

To carry out the provisions of Senate bill No. 703, Sixty-eighth Congress, first session, entitled "An act making an adjustment of certain accounts between the United States and the District of Columbia," as passed the Senate May 5, 1924, there shall be credited to the general account of the District of Columbia the net balance of $4,438,154.92, as set forth in said Senate bill No. 703, and said credit shall be subject to the provisions and limitations contained in said Senate bill.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. BROOKHART. I would like to inquire of the Senator from Colorado if that item refers to surplus revenues that have come back to the Treasury, paid by the Government and appropriated by the Government?

Mr. PHIPPS. The fund consists of the difference between the amount of taxation paid into the Federal Treasury by the residents and property owners of the District of Columbia over the period of years from about 1916 to 1922, and half of which was expended. On account of war conditions, the money was not expended for the upkeep of schools and streets and other things. In other words, the District's proportion of money expended in the upkeep was less than the amount of the taxation received. That surplus is in the Treasury of the United States.

A joint committee of the House and Senate found, upon investigation, and by using expert accountants, the exact figure, which balance has been confirmed by the general accounting officer. That amount belongs to the general fund, and would be available for the purpose of paying the expenses of the District of Columbia.

Mr. BROOKHART. Were there Government appropriations in these items where these savings occurred?

Mr. PHIPPS. I am trying very hard to make it as simple as possible, so that the Senator will get a correct understanding. To illustrate, in one certain year the tax receipts in the District of Columbia were, say, $22,000,000. The District's proportion of the total expenses for the upkeep of the District was $20,000,000. The Senator will see that there are $2,000,000 left over unexpended. This merely states that any balances left over and covered into the general fund may be available for expenditure in future years.

Mr. BROOKHART. Was all the Government's proportion expended in those years? I can not quite understand that.

Mr. PHIPPS. We were operating under the 50-50 ratio. When the cost of running the District for one year was $20,000,000, the District's share would be $10,000,000, and the share of the Federal Government would be $10,000,000. The receipts from taxation in the District amounted to $11,000,000, so that their proportion would be overpaid by $1,000,000, which balance would be left in the general fund, and this finding merely confirms what the general accounting officer states, and what was ascertained by the examination of expert accountants.

Mr. BROOKHART. No part of these surpluses was furnished by the Government in any way?

Mr. PHIPPS. No part of this amount we are dealing with in this bill was ever furnished by the Federal Government. This is all money derived from taxation or other receipts from the District of Columbia. It has been passed by the Senate, and reported favorably by the Committee on the District of Columbia of the House.

Mr. KING. Mr. President, a bill passed the Senate a few days ago providing for this item. It has gone to the House in a legislative way. It is pending before the House committee, I am advised, and I doubt the propriety of attaching it to this bill. We ought to give the House an opportunity in a legislative capacity to pass on an item that is of so much importance. We had the advantage of discussion here and of full consideration of the subject, and of the able presentation which was made by the Senator from Colorado when the bill was before the Senate legislatively. If we attach it to this bill it will go to conference, the conferees will deal with this important matter, and the House will have no opportunity whatever to inquire into it or to examine it, except as the conferees, when they report back to the House, shall make revelations to the House.

It does seem to me that it is not quite fair to the House—it is not a fair method of disposing of a matter so important as this—conceding that it is a measure of merit and of justice. I am inclined to think, from the limited opportunity which I have had to investigate, that the proposition which has been submitted by the Senator from Colorado is a fair proposition. I listened to a portion of his statement when the bill was before us some weeks ago, and I was inclined to support his proposition; and, as I remember, I did vote for it. Nevertheless, I believe in fair play and in fair dealing with both branches of Congress, and it does occur to me that we are not dealing quite fairly with the House when we have sent them this important bill, now to attach it as a rider to this bill, thus denying the House full opportunity for examination.

I do not like to be put in the attitude of objecting to a measure which I supported, and which superficially, at least, appears to me to be just. I do feel, however, that the Senator should not press it. We ought to give the House a chance to consider it.

Mr. McKELLAR. Mr. President——

Mr. KING. I yield.

Mr. McKELLAR. As I understand it, the House has reported the bill, or perhaps there have been a majority and a minority report filed. May I ask the Chair if the amendment is subject to a point of order?

The PRESIDENT pro tempore. It is subject to a point of order, the Chair understands.

Mr. McKELLAR. It does seem to me that the House ought to pass on this matter. We should not undertake to pass it without giving them any opportunity to act upon the matter in the regular way. It seems to me that that should not be done, and if the Senator from Utah will permit me, I will make a point of order against the amendment.

Mr. PHIPPS. Mr. President, I want to say that my information is to the effect that the Committee on the District of Columbia in the House have favorably reported the bill, and that there was only one dissenting vote in the committee. The bill is going to conference. In case the House conferees are willing to accept the proposition of the Senate they would undoubtedly feel impelled to refer it back to the House for consideration first before definitely agreeing. That would give the House an opportunity to consider the measure. It should be considered. It is entitled to consideration. We should know how much money is going to be available for expenditures for the needs of the District.

On yesterday I called attention to the important matter of the water plan. If we do not follow that course—and I am frank to say it was my purpose in offering it as an amendment to this bill—there is danger that in the congested condition of affairs in the closing days of the session the House may not act upon the bill. As Senators know, they are only accorded one day a week in the House for District legislation and very often they are deprived even of that, particularly in the closing days of a session.

I therefore trust that the Senators will withdraw the objection and permit the amendment to be agreed to. I will say to the Senator from Tennessee that I am confident the amendment is not subject to a point of order, or I would not have offered it.

Mr. McKELLAR. Mr. President, I make the point of order against the amendment that it is general legislation on an appropriation bill. I think it is unquestionably that, and I think it is a matter which ought to have the consideration of the House. I do not think it ought to be passed on by the Senate and the conferees of the two Houses, but it ought to be passed on by both Houses. The city of Washington can not lose a thing by it. The money is in the Treasury. Not a penny of it is coming out. Delay should be had in the matter so that both Houses may give it proper consideration. I do not think either House should be deprived of an ample opportunity to consider the matter. Therefore I insist upon the point of order.

The PRESIDENT pro tempore. The Senator will state the point of order.

Mr. McKELLAR. It is that the amendment is general legislation upon an appropriation bill and contrary to the rule.

Mr. PHIPPS. I desire to call the attention of the Chair to the fact that the measure passed the Senate during the present session.

The PRESIDENT pro tempore. The fact that it passed the Senate only goes to show that it is general legislation.

Mr. CURTIS. Rule XVI provides:

> 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.

This bill passed at this session.

The PRESIDENT pro tempore. Passed the House?

Mr. CURTIS. No; passed the Senate. It does not have to pass the House to come within the rule. It passed the Senate.

The PRESIDENT pro tempore. To what part of the rule does the Senator from Kansas refer?

Mr. CURTIS. Rule XVI, paragraph 1, the latter part of the paragraph.

Mr. JONES of Washington. There is no question about the rule.

Mr. McKELLAR. It does not apply to this case at all. It says, "An act passed."

Mr. CURTIS. Or resolution.

Mr. McKELLAR. It can not be an act until both Houses have acted on it.

Mr. CURTIS. Just as soon as a bill passes the House it is called an act. Any measure that comes from the other body is called an act.

Mr. McKELLAR. It has not passed the other body.

Mr. CURTIS. It has passed the Senate and therefore becomes an act.

Mr. McKELLAR. Oh, no; there would be no such thing as general legislation in such a case. Of course it is general legislation.

Mr. WARREN. That rule has been in force for a great many years, and many times it has been ruled upon.

The PRESIDENT pro tempore. It is the opinion of the Chair that the rule stated by the Senator from Kansas does not apply. It states in the first paragraph:

> And 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 submitted in accordance with law.

Mr. CURTIS. The amendment is to carry out the provisions of an act that passed the Senate at this session of Congress.

The PRESIDENT pro tempore. It may be so, but the provision of the rule is in the first paragraph:

> And 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—

And so forth.

Mr. CURTIS. It is made to carry out the provisions of an act previously passed by the Senate.

The PRESIDENT pro tempore. Paragraph 3 of Rule XVI provides that—

> No amendment which proposes general legislation shall be received to any general appropriation bill.

The Chair is of the opinion that the point of order is well taken, and it is sustained.

Mr. CURTIS. Mr. President, I ask unanimous consent that after 12 o'clock to-morrow debate be limited on the pending bill and amendments to 10 minutes. If this agreement is entered into I shall move that the Senate take a recess until 11 o'clock to-morrow.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Kansas?

Mr. McKELLAR. Reserving the right to object, inasmuch as it is an amendment which I have proposed, may we have the request amended so that I may have the floor at the beginning of the session to-morrow to explain the amendment?

Mr. CURTIS. I have no objection to the Senator being recognized now and let him have the floor when we meet to-morrow.

Mr. McKELLAR. That will be entirely satisfactory to me. Let my amendment be stated.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Tennessee will be stated.

The READING CLERK. On page 7, line 3, after the figures "$36,120," insert a colon and the following proviso:

> *Provided*, That this appropriation shall not become available until the Public Utilities Commission of the District of Columbia shall fix rates of fare for the street-railway companies in the District of Columbia at rates not in excess of the rates of fare in existing charters or contracts heretofore entered into between said companies and the Congress; and from and after the passage and approval of this act the said street-railway companies shall receive 5 cents per passenger as a cash fare, but they shall issue and sell six tickets for 25 cents, as provided in existing charters.

The PRESIDENT pro tempore. The Senator from Tennessee is recognized upon the amendment offered by him. Is there objection to the unanimous-consent request of the Senator from Kansas? The Chair hears none and the agreement is entered into.

The agreement was reduced to writing as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered (by unanimous consent), That after the hour of 12 o'clock m., on Thursday, May 29, 1924, no Senator shall speak more than once or longer than 10 minutes upon the bill (H. R. 8839) making appropriations for the government of the District of Columbia, etc., or more than once or longer than 10 minutes upon any amendment offered thereto.

RECESS

Mr. CURTIS. I move that the Senate take a recess until 11 o'clock to-morrow.

The motion was agreed to; and (at 6 o'clock and 5 minutes p. m.) the Senate took a recess until to-morrow, Thursday, May 29, 1924, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *May 28, 1924*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, we thank Thee for the manifestation of Thyself through the dawn of another day. Surely Thou art abundant and rich and gracious in Thy mercy. Continue to enlarge our conception of Thee, of life, and its obligations. May we again take the pledge of service and may we feel the high honor which is ours in serving our country and our fellow men. Let the intelligence of our people work toward purity, honor, and righteous strength. May the shades of ignorance, injustice, and of prejudice continue to dissolve into good will, cooperation, and the golden rule. Thus our land shall be blest and the gladness of the world's morning shall reach everywhere. Amen.

The Journal of the proceedings of yesterday was read and approved.