William P. Lovejoy to be postmaster at Barnstable, Mass., in place of W. P. Lovejoy. Incumbent's commission expires June 4, 1924.

MICHIGAN

Ralph M. Powers to be postmaster at Jonesville, Mich., in place of W. B. Howlett. Incumbent's commission expires June 5, 1924.

John H. Ter Avest to be postmaster at Coopersville, Mich., in place of J. S. Walling. Incumbent's commission expires June 4, 1924.

Earl Brown to be postmaster at Brighton, Mich., in place of C. S. Case. Incumbent's commission expires June 4, 1924.

MINNESOTA

Henry O. Halverson to be postmaster at Gonvick, Minn., in place of H. O. Halverson. Incumbent's commission expired February 18, 1924.

NEBRASKA

Minnie L. Smith to be postmaster at Blue Springs, Nebr., in place of J. W. Henthorn, resigned.

Archie L. Smith to be postmaster at Imperial, Nebr., in place of A. L. Smith. Incumbent's commission expires May 21, 1924.

Frank W. Fuhlrodt to be postmaster at Fremont, Nebr., in place of F. W. Fuhlrodt. Incumbent's commission expired May 11, 1924.

Henry V. Ingram to be postmaster at Exeter, Nebr., in place of H. V. Ingram. Incumbent's commission expired May 11, 1924.

Oscar M. Fenstermacher to be postmaster at Cedar Bluffs, Nebr., in place of W. F. Nick. Incumbent's commission expires June 4, 1924.

Jesse R. Teagarden to be postmaster at Bethany, Nebr., in place of C. L. Demarest. Incumbent's commission expires June 4, 1924.

NEW JERSEY

John E. MacIlwain to be postmaster at Magnolia, N. J., in place of J. E. MacIlwain. Office became third class April 1, 1924.

NEW YORK

E. DeLancy Walters to be postmaster at Bolivar, N. Y., in place of E. D. Walters. Incumbent's commission expired May 6, 1924.

Arthur J. Lytle to be postmaster at Angelica, N. Y., in place of G. O. Hinman. Incumbent's commission expires May 28, 1924.

NORTH CAROLINA

Thomas A. Kennedy to be postmaster at Troutmans, N. C., in place of Worth Williamson. Office became third class January 1, 1924.

John E. Corbitt to be postmaster at Sunbury, N. C., in place of J. E. Corbitt. Office became third class April 1, 1924.

John M. Sharpe to be postmaster at Statesville, N. C., in place of R. R. Clark. Incumbent's commission expired February 18, 1924.

PENNSYLVANIA

Robert T. Barton to be postmaster at Meadowbrook, Pa., in place of R. T. Barton. Office became third class April 1, 1924.

TENNESSEE

James M. Gresham to be postmaster at Smyrna, Tenn., in place of J. M. Gresham. Incumbent's commission expired September 5, 1923.

TEXAS

James A. Morgan to be postmaster at Vega, Tex., in place of J. A. Morgan. Office became third class April 1, 1924.

Minerva M. F. Cowart to be postmaster at Turkey, Tex., in place of M. M. F. Cowart. Office became third class April 1, 1924.

VIRGINIA

James O. Fant to be postmaster at Brandy (late Brandy Station), Va., in place of J. O. Fant. Office became third class April 1, 1924.

WASHINGTON

James R. Patterson to be postmaster at Malden, Wash., in place of G. R. Patterson. Incumbent's commission expired March 11, 1924.

WEST VIRGINIA

Millard M. Mason to be postmaster at Seth, W. Va., in place of M. M. Mason. Office became third class April 1, 1924.

WYOMING

Frank G. Brown to be postmaster at Fort Laramie, Wyo., in place of F. G. Brown. Office became third class April 1, 1924.

Neletta P. Howard to be postmaster at Manville, Wyo., in place of E. R. Spragg. Incumbent's commission expires June 5, 1924.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 17 (legislative day of May 14), 1924

UNITED STATES ATTORNEYS

Ross R. Mowry to be United States attorney, southern district of Iowa.

Allen Curry to be United States attorney, eastern district of Missouri.

POSTMASTERS

ALABAMA

Anna H. Kinney, Elberta.

ARIZONA

Charles E. Hand, Winkelman.

ARKANSAS

John N. Phillips, Jasper.

ILLINOIS

Louis W. Richter, Melrose Park.

INDIANA

Clara I. Boesen, Griffith.

IOWA

Charlie C. Clifton, Thompson.

NEBRASKA

Hillery D. Bartley, Crookston.

NORTH CAROLINA

Sue M. Vick, Bailey.
Joseph S. Mitchell, Draper.

OHIO

Melroy C. Johns, Caldwell.
Guy G. Patchen, Columbiana.
Robert E. Friel, Lore City.
Don B. Stanley, Lowell.
Ben J. Filkins, Wakeman.

OKLAHOMA

Henry F. Harwell, Bryant.

PENNSYLVANIA

Joseph S. Gillingham, Lincoln University.

SOUTH DAKOTA

C. Albert Zeitner, Mission.
Lewis W. Ford, Wakonda.
Will C. Bromwell, Wessington Springs.

WYOMING

Epsie L. Winn, Superior.

HOUSE OF REPRESENTATIVES

SATURDAY, *May 17, 1924*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O God, our heavenly Father, around about us are always Thy everlasting arms. A mighty fortress is our God, a refuge never failing. To Thee we yield ourselves, acknowledge our dependence, and confess our sins. Enlarge and extend the range of our understanding, and we always have the deepest concern for others and for the welfare of our country. In Thy light may we see light and strive for the best possible work by being the best possible men. In the name of Jesus our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

ELECTION TO COMMITTEES

Mr. GARNER of Texas. Mr. Speaker, I offer the resolution (H. Res. 316), which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That J. ZACH SPEARING of Louisiana be, and he is hereby, elected a member of the standing committees of the House on Coinage, Weights, and Measures and Railways and Canals.

The question was taken, and the resolution was agreed to.

WASHINGTON MONUMENT GUIDE BOOK

Mr. GIBSON. Mr. Speaker, day before yesterday the gentleman from Tennessee [Mr. GARRETT], the minority leader, extended some remarks in the RECORD in relation to the Washington Monument Guide Book. In order to complete the record and for the information of the House, I ask permission to extend some brief remarks in relation to the same subject matter.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. GIBSON. Mr. Speaker, I rise in opposition to the conference report on the independent offices appropriation bill. Senate amendment 15, to restore the right of sale at the Washington Monument of the guidebook authorized by the Congress in 1909, should be adopted.

The discontinuance of the Washington Monument Guide Book, which was prepared by Miss Ina C. Emery, a native of Bethel, Vt., is a gross injustice to her. She has had the book at the Monument approximately 20 years with the unanimous approval of Members of both Houses of Congress, of the succeeding Secretaries of War and Chiefs of Engineers, of the public, including heads of patriotic organizations, until it remained for one man, an Army officer, to stop it on July 1, 1923, and to replace it a month later with a book copyrighted by a private organization—the Society of American Military Engineers, Mills Building, Washington—of which he is a member.

MISS EMERY'S BOOK APPROVED

I ask permission at this time to insert as part of my remarks a letter of Chairman MADDEN, of the House Appropriations Committee, to the Secretary of War, on July 2, 1923, citing the law governing the matter, pointing out that Miss Emery's book at the Monument, in pursuance of that law, had given satisfaction to the public and asking the Secretary of War to restore to Miss Emery that right to sale of her guidebook at the Monument.

I also ask permission to insert as part of my remarks a copy of the hearing of Miss Emery, on January 14, 1909, on the urgent deficiency appropriation bill of 1909. That hearing was before the House appropriations subcommittee, consisting of Representative James A. Tawney, of Minnesota (chairman of the full committee); Edward B. Vreeland, of New York; J. Warren Keifer, of Ohio, who had been Speaker of the House; S. Brundidge, jr., of Arkansas, and Leonidas L. Livingston, of Georgia, who were in charge of deficiencies for the fiscal year 1909. There were also present at that time Representative Graff, of Illinois, and Representative Rodenberg, of Illinois.

SECRETARY WEEKS APPROVED IT IN 1922

It was Mr. Rodenberg who arranged for Miss Emery's hearing before the committee in 1909. Many years later, on or about June 1, 1922, Mr. Rodenberg, familiar with all the facts about the Washington Monument Guide Book, accompanied Miss Emery to the Secretary of War when a subordinate Army officer had threatened to take away Miss Emery's right to have the book at the monument. When the conversation, including the threat, was repeated to the Secretary of War, the latter stated to Mr. Rodenberg, Miss Emery, and her brother:

Miss Emery, I am thoroughly familiar with your guide book. I have no criticism to make of its price or criticism of it in any way. So far as I am concerned, I see no reason why it should not be there for 20 years to come if you want it.

Yet the subordinate officer succeeded in having the book discontinued, as he had threatened to do, and he stated before a House subcommittee (on the War Department appropriation bill) on February 14, 1924, that it was on his recommendation that the book was discontinued. He did not state that the book he put in its place is copyrighted by a private organization of which he is a member (the Society of American Military Engineers), nor did he say that his book is made up largely of the same material as in Miss Emery's book, some of it practically verbatim, nor that the book he put there bore a notice advising the public that additional copies may be obtained by sending 20 cents a copy to the Mills Building office of the private organization, of which he is a member.

The letter of Chairman MADDEN in favor of Miss Emery's book follows:

CHAIRMAN MADDEN'S LETTER

COMMITTEE ON APPROPRIATIONS,
SIXTY-SEVENTH CONGRESS,
Washington, D. C., July 2, 1923.

MY DEAR MR. SECRETARY: In Statutes at Large, volume 35, page 615, will be found the following: "That hereafter no advertisement of any kind shall be displayed and no articles of any kind, except a guidebook to the Monument, shall be sold in or around the Washington Monument."

Then, later, in Statutes at Large, volume 35, page 997, there appears the following: "That hereafter no advertising of any kind shall be displayed and no articles of any kind shall be sold in or around the Monument, except upon the written authority of the Secretary of War."

In pursuance of this authority Miss Emery has been selling a guidebook to the Monument, which she has prepared at her own expense. The sale of this book involves no expenditure of public money, and she has paid the Government $75 per annum for the privilege. Recently you have ordered the sale of the book discontinued. It seems to me that in view of the expense incurred by Miss Emery in the preparation of the book and the satisfaction which its sale has given all these years to the visiting public she should be permitted to continue its sale.

I shall consider it a personal favor if you can find it consistent to withdraw the order recently issued by you and reinstate Miss Emery's right to the sale of the book at the Monument.

MISS EMERY'S HEARING IN 1909

The hearing of Miss Emery in 1909, referred to in Senate amendment 15 to the independent offices bill, shows textually that it was the purpose of the committee, without specifically mentioning her name, to authorize the sale of Miss Emery's guidebook to the Monument. Her book was the only one under consideration, and later when the provision the committee reported was before the House and the Senate copies of Miss Emery's book were before the membership of the two Houses. This provision and the subsequent one relating to the subject, both in 1909, are set forth in Mr. MADDEN's letter to the Secretary of War. The first provision authorized her guidebook; the second provision provided how it should be placed on sale. The present Senate amendment is in no way in conflict with the existing law.

The hearing, from the printed record of the House Appropriations Committee hearings on deficiency bills in 1909, is as follows:

WASHINGTON MONUMENT, SALE OF ARTICLES IN

STATEMENT OF MISS INA C. EMERY

The CHAIRMAN. Miss Emery, you have called our attention to a provision in the sundry civil law for the current fiscal year in connection with the Washington Monument, asking that it may be abrogated. It reads as follows:

> "*Provided*, That no advertisement of any kind shall be displayed and no articles of any kind shall be sold in or around the Monument."

That is the Washington Monument, here in the city?

Miss EMERY. Yes.

The CHAIRMAN. What reason have you for asking that this provision be abrogated, for wanting this law changed?

Miss EMERY. It is because I have a book, the only book that has ever been published, containing all the inscriptions, the history, and a description of the construction of the Washington Monument. It is the only one that has ever been prepared, and it has cost me over $1,600 to prepare the book, and it has been there for nearly six years, without a single adverse criticism from anywhere. On the contrary, I have had letters from all over the country, and even from Europe, telling me what a pleasure it has been to the writers to read an inscription on a tablet that an aunt or an uncle or some one had placed there, and it is the only book of the kind ever published.

The CHAIRMAN. Were you selling this book at the time that the Superintendent of Public Buildings and Grounds recommended to the committee the adoption of this paragraph?

Miss EMERY. Yes, sir.

The CHAIRMAN. Did you know about the paragraph at the time of its adoption?

Miss EMERY. No, sir; I had no intimation of it.

Mr. KEIFER. When was that passed?

The CHAIRMAN. At the last session of Congress.

Mr. LIVINGSTON. What objection have you to advertisements that do not affect your book?

Miss EMERY. I have no objection. I only want my book placed back there.

Mr. VREELAND. She wants the right to sell her book there. The right has been taken away.

Mr. RODENBERG. They construed that provision in such a way as to exclude her book.

Mr. LIVINGSTON. Suppose the law is changed so that it will not exclude the selling of your book?

Miss EMERY. That is all I ask.

Mr. VREELAND. She is not seeking to exclude anybody else.

Miss EMERY. No. I only ask that my book may be sold there, as it is a benefit to the public, and I think that Mr. Tawney knows of the various persons who have interested themselves in it who know the book and know what it has done.

Mr. LIVINGSTON. Can anyone tell why that law was passed?

The CHAIRMAN. Yes. It was enacted at the last session of Congress on the recommendation of the Superintendent of Public Buildings and Grounds. It was placed as a provision on the sundry civil bill.

Mr. LIVINGSTON. I was not here at the time and did not get a chance to hear a thing about it. What reason did he give?

The CHAIRMAN. He wanted to shut out the vending of anything at that place, because, as he said, if you will allow one you would have to license others.

Mr. GRAFF. There is no book vended there except this book, is there, Mr. Chairman?

The CHAIRMAN. I do not recall the testimony now. My recollection, however, is that there were applications for permission for the vending of all sorts of articles—postal cards, souvenir postal cards, and souvnirs of all kinds.

Mr. GRAFF. But there is no history of the Monument except this one?

The CHAIRMAN. Not that I know anything about.

Mr. VREELAND. We could amend the provision by excepting books describing the Monument, or views of the Monument.

The CHAIRMAN. This is a guide to the Monument?

Miss EMERY. It is a guide to the Monument. There is nothing in it except a guide to the Monument.

The CHAIRMAN. Then if we were to amend this provision so as to read that no advertisements of any kind should be displayed or any articles should be sold except this book, that would be satisfactory to you?

Miss EMERY. Yes, sir; that is all I ask.

Mr. LIVINGSTON. I do not see why they should prohibit anybody.

The CHAIRMAN. There was reason for this legislation. Of course, the committee did not know anything about this book at the time, but if you allow these people to go there indiscriminately you would have a crowd of people selling things there, especially during the week of inauguration and perhaps weeks afterwards.

Mr. VREELAND. It is a great convenience for the people to go there and buy it. I want to look at it myself.

The CHAIRMAN. This is of benefit to visitors, in that it will enable them to understand the history of the Monument and the history of the inscriptions inside of it?

Miss EMERY. Yes, sir.

Mr. KEIFER. I think we can amend that in a way to be satisfactory to you.

Mr. VREELAND. I wish you would send up two or three copies of that book. When it comes up in the House we would like to show just what it is.

Miss EMERY. I have already sent a copy to each member of the committee. I thank you, gentlemen, very much.

EXTENSION OF REMARKS

Mr. CONNERY. Mr. Speaker, I ask unanimous consent to insert in the RECORD a short editorial from the Boston Transcript, nationally known as a conservative Republican newspaper, asking the Congress to pass the adjusted compensation bill over the President's veto.

The SPEAKER. Is there objection?

Mr. SPROUL of Illinois. I object.

HAUGEN-M'NARY BILL

Mr. SNELL. Mr. Speaker, I present a report (H. Res. 317, Rept. No. 775) from the Committee on Rules.

The SPEAKER. The gentleman from New York presents a report from the Committee on Rules on a bill, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 9033) entitled "A bill declaring an emergency in respect to certain agricultural commodities, to promote equality between agricultural commodities and other commodities, and for other purposes."

The SPEAKER. Referred to the House Calendar.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its chief clerk, announced that the Senate had further insisted upon its amendment to the amendment of the House to the amendment of the Senate No. 47 to the bill (H. R. 5078) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1925, and for other purposes, had asked for a still further conference with the House on the disagreeing votes of the two Houses thereon and had appointed Mr. SMOOT, Mr. CURTIS, and Mr. HARRIS as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment the bill (H. R. 6298) to authorize the leasing for oil and gas mining purposes of unallotted lands on Indian reservations affected by the proviso to section 3 of the act of February 28, 1891.

The message also announced that the Senate had passed with amendments the bill (H. R. 6357) for the reorganization and improvement of the foreign service of the United States, and for other purposes.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 698. An act for the relief of the Great Lakes Engineering Works;

S. 1174. An act authorizing the Secretary of the Interior to consider, ascertain, adjust, and determine claims of certain members of the Sioux Nation of Indians for damages occasioned by the destruction of their horses;

S. 1975. An act for the relief of the Commercial Union Assurance Co. (Ltd.), Federal Insurance Co., American & Foreign Marine Insurance Co., Queen Insurance Co. of America, Fireman's Fund Insurance Co., United States Lloyds, and the St. Paul Fire & Marine Insurance Co.;

S. 2052. An act to carry out the decree of the United States District Court for the Eastern District of Pennsylvania in the case of United States of America, owner of the steam dredge *Delaware*, against the steamship *A. A. Raven*, American Transportation Co., claimant, and to pay the amount decreed to be due said company;

S. 2138. An act for the relief of First Lieut. Harry L. Rogers, jr.;

S. 2397. An act to provide for refunds to veterans of the World War of certain amounts paid by them under Federal irrigation projects;

S. 2448. An act to amend the organic act of Porto Rico approved March 2, 1917;

S. 2455. An act to authorize the payment of an indemnity to the Government of Nicaragua on account of damages alleged to have been done to the property of Salvador Buitrago Diaz by United States marines on February 6, 1921;

S. 2526. An act providing for an allotment of land from the Kiowa, Comanche, and Apache Indian Reservation, Okla., to James F. Rowell, an intermarried and enrolled member of the Kiowa Tribe;

S. 2457. An act to authorize the payment of an indemnity to the Government of Nicaragua on account of the killing or wounding of Nicaraguans in encounters with the United States marines;

S. 2593. An act for the extension of Rittenhouse Street in the District of Columbia;

S. 2669. An act for the relief of J. R. King;

S. 2975. An act validating certain applications for, and entries of, public lands and for other purposes;

S. 2693. An act in reference to writs of error;

S. 2826. An act for the relief of the Italian Government;

S. 2905. An act to amend section 25 (a) of the act approved December 23, 1913, known as the Federal reserve act;

S. 2919. An act to extend the provisions of the national bank act to the Virgin Islands of the United States;

S. 2928. An act authorizing the Secretary of the Navy to accept certain lands in the vicinity of Pensacola, Fla., to assure a suitable water supply for the United States naval air station at Pensacola;

S. 2949. An act authorizing the Secretary of War to sell a portion of the Carlisle Barracks Reservation;

S. 3025. An act to authorize the construction of a bridge across the Oostanaula River in Gordon County, Ga.; and

S. 3211. An act authorizing the sale of Gasparilla Island Military Reservation.

VETO MESSAGE—ADJUSTED COMPENSATION BILL

The SPEAKER. The business before the House is, Will the House on reconsideration pass the adjusted compensation bill, the objections of the President to the contrary notwithstanding?

Mr. LONGWORTH. Mr. Speaker——

The SPEAKER. The gentleman from Ohio.

Mr. LONGWORTH. Mr. Speaker, it seems to me that the large attendance to-day justifies the wisdom and propriety of the motion I made on Thursday to give Members an opportunity to be here and vote upon this most momentous question. However, I feel that the House does not desire to hear prolonged

debate on this question, so therefore I shall very shortly move the previous question. I now yield five minutes to the gentleman from Illinois [Mr. MADDEN]. [Applause.]

Mr. MADDEN. Mr. Speaker, the President is the Nation's leader. The people of the United States look to him for guidance. They admire his courage and his wisdom. They are willing to follow him, and I know of no reason why I should not follow him. [Applause.] I have always favored a bonus and voted for it, but I think that the present financial condition of the country justifies a change of opinion on my part, and I shall therefore vote to sustain the veto of the President. [Applause.] The State of Illinois has voted a bonus to the men of that State, $55,000,000. I paid my share of that. I am proud to pay my share of anything that is justified for the ex-service men.

The Nation since the war has done wonders to stabilize the world and put our own finances on a sound basis. As chairman of the Committee on Appropriations I think I would be unworthy to stand in my place day by day and advocate economy in every other direction and then vote to override the veto of the President. [Applause.]

I am assuming the responsibility here which the chairmanship of the Committee on Appropriations imposes upon me, and I do so gladly. I believe that in doing that I am doing what the Nation as a whole would have me do. The tax-reduction bill pending wipes out any surplus that might have existed in the 1925 program of receipts and expenditures, and it is possible that the bill itself will result in a deficit. Proposals for additional expenditures for the fiscal year 1925, pending in legislation, if approved by the President, would call for appropriations of nearly $400,000,000 more for the fiscal year 1925 over and above what the Budget for 1925 asked. No revenues are provided to meet these unusual expenditures. In other words, all these large pending proposals for expenditures would either effectively destroy tax reduction or, if tax reduction should accompany their enactment, they would result in a large deficit in the next fiscal year's running expenses of the Government.

The public debt has been reduced in the last five years approximately $4,500,000,000. Any bonus proposal for which no revenue is provided would serve to start the public debt on an upward climb, because borrowing would have to be resorted to to meet it.

Appropriations to meet the bonus would cost in 20 years $2,280,000,000. The appropriation for the fiscal year 1925, under the bonus, would amount to $152,500,000. The face value of the bonds to retire these policies plus the interest reinvested will equal the maturity value of the insurance policies, aggregating at the lowest estimate $3,145,000,000. Appropriations for compensation, insurance, vocational training, hospital construction and hospital treatment to June 30, 1925, will amount in the net to $2,750,000,000. Appropriations for the next fiscal year for these purposes alone will aggregate $349,065,000. Legislation pending to liberalize compensation and other features and provide additional hospitals aggregates $46,500,000 and if enacted will bring the total for next year to approximately $400,000,000.

So that it can not be said by the ex-service men of the Nation that we have been undmindful of the services they have rendered. There is nothing that appropriations could supply that has not been supplied to every man who needed attention, and I am sure that the Nation is proud to have been enabled to supply these needs; and to the extent that it can supply the needs of the men who came back with armless sleeves and sightless eyes and other deformities as the result of their services to the Nation I am sure that every man and woman everywhere from end to end of the Nation will be proud to do their duty. [Applause.]

Mr. LONGWORTH. Mr. Speaker, I yield five minutes to the gentleman from South Dakota [Mr. JOHNSON].

The SPEAKER. The gentleman from South Dakota is recognized for five minutes.

Mr. JOHNSON of South Dakota. Mr. Speaker, it has been my duty and pleasure to have drawn each of the three caucus or conference calls which have in the past presented the matter of adjusted compensation to the Republican conference. In all of these years this will be my first, only, and last speech on adjusted compensation in the Congress, because within five days the law will have passed both the House and Senate and be an accepted law. [Applause.] I approach it without any feeling of rancor, because it is a question upon which men may logically and fairly and honestly disagree, and I respected the men who have opposed adjusted compensation because of their manifest courage—men of the type of the gentleman who preceded me [Mr. MADDEN], the distinguished chairman of the Committee on Appropriations. He, like so many others, votes his convictions on the floor of this House, regardless of the effect upon his political fortunes.

Mr. GARNER of Texas. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of South Dakota. I will say to the gentleman that I have only five minutes. This is the only speech on this subject that I have ever made on the floor of the House, and I do not have the time to yield.

It is not a political question. Each President of the United States that we have had since the war opposed the granting of adjusted compensation—President Wilson, President Harding, and President Coolidge. Each of the Secretaries of the Treasury of both parties has disapproved adjusted compensation, the distinguished Secretary under the Democratc administration just as much as the distinguished Secretary under a Republican administration. The question of party politics can not come in it. It is a question purely of right and justice.

What we should have done in this Congress in 1919 was to have given a sufficient appropriation to have furnished each of these men who returned from the service a suit of clothes, a pair of shoes, a hat, and an overcoat, and this question would have been settled at that time if men had had that viewpoint. But Congress did not have it, and has not come to this viewpoint until after there has been much discussion of the question throughout the country.

The question of insurance comes into the veto. I do not think it properly belongs there. No man who secured insurance under the war risk insurance act but who pays for everything that he has received, and he could have purchased insurance in the open market as well as he could have secured it from the Government, the actual war risk expected.

I am firmly convinced that the passage of this act—and it will be passed—will do much to avoid the issuance of pensions to well, sound men. No service man in this House has ever introduced a pension bill for able-bodied veterans, and I hope the time will not come in my lifetime when pensions for fit and sound men will be presented. The fact that men will be able to get this insurance policy and pass insurance to their families ought to be sufficient for men who are able-bodied.

I do not like the statement that adjusted compensation is capitalizing patriotism. There was no question of capitalizing patriotism when these men were in the trenches. [Applause.] I can recognize the fact that men can divide fairly and honestly on the question, but I think that the burden of proof is on those who say it is a capitalization of patriotism. George Washington did not capitalize his patriotism when he received adjusted compensation from the Government. Abraham Lincoln did not capitalize his patriotism when he secured his land grant from the Government. Grant and Lee did not capitalize their patriotism when application was made or when they received something from the Government for their services, and that is the only part of the argument that to me does not appeal as being exactly fair. I hope that this question will be settled, that it will never come before this Congress again, and that it will be settled right by enacting finally the adjusted compensation law. [Applause.]

Mr. LONGWORTH. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. GARRETT].

The SPEAKER. The gentleman from Tennessee is recognized for five minutes.

Mr. GARRETT of Tennessee. Mr. Speaker, I shall vote against the motion to pass this bill, the objection of the President notwithstanding, and I shall do so not because of but despite the message which the President sent. In so doing, whether right or wrong, I am consistent in my position.

My reason for opposing the so-called bonus bill has been stated on the floor of the House upon different occasions when the subject matter has been before it, and more important than that, perhaps, they have been stated before my constituents in a spirited campaign in which that constituted the principal issue.

I can not fail to take advantage of this opportunity to condole with my distinguished friend from Illinois [Mr. MADDEN], and possibly may have to condole with the leader of the majority [Mr. LONGWORTH], although I do not know, as yet. [Laughter.]

What the gentleman from Illinois has stated as his reason for now voting was known to me at the time we voted on the passage of the bill. It was known to me in the last Congress when we voted on the passage of the bill, and in the Congress before that time I thought I knew. I congratulate the gentleman from Illinois that he lives and learns as he lives. [Applause.]

I was opposing the bonus when the present President of the United States, then Governor of Massachusetts, was signing a bonus bill. [Applause.]

Mr. LONGWORTH. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. FISH].

The SPEAKER. The gentleman from New York is recognized for five minutes.

Mr. FISH. Mr. Speaker, as the sponsor of the 20-year endowment insurance bill—I believe I was the only one to introduce a 20-year endowment measure—I wish to protest against the objections raised on the ground of poverty.

Here we are, five years after the armistice, pleading poverty to escape an obligation that has been recognized and fulfilled by every one of the Allies during the World War and partly with money we loaned them.

This bill was changed from the previous cash bill to the endowment-insurance feature in order to harmonize with the financial condition of the Treasury. The gentleman from Illinois [Mr. MADDEN], the chairman of the Committee on Appropriations, now comes before the House and says that we are not in a financial position to pass a 20-year endowment measure requiring an appropriation of approximately $100,000,000 annually for the next 20 years. I submit that such an appropriation will in no way harm the economic stability of our country or affect the price of Liberty bonds or hamper in any way the business conditions of the country at this time or for the next 20 years.

Both parties have pledged adjusted compensation to the veterans of the World War. Former President Harding in a speech prior to his election stated that he was for adjusted compensation, and he vetoed the Fordney-McCumber bill for a reason which proved to be a false reason. He was informed by Secretary Mellon that there would be a deficit of $600,000,000 in the Treasury on June 30, 1923, but it turned out instead that there was a surplus of $329,000,000. On June 30, 1924, there will be a further surplus of $370,000,000 in the Treasury; and now the statement is made on the floor of the House that the Treasury is not in a position to finance this particular bill. That is the main issue I want you to consider in voting on the bill. Is there sufficient money at the present time, and will there be sufficient money in the future to finance an appropriation of $100,000,000 to pay adjusted compensation by means of endowment insurance policies to veterans of the World War? This bill is based on sound business and insurance principles and without hampering business fulfills a pledge given during and after the war by the American people. It is nothing but a simple act of justice and recognition of the services of these men during the war. It is not a complete adjustment of compensation based on the difference of wages paid back home and the pay of the soldiers, as that would amount to thirty billions. This bill will cost eventually about two billions, or about half the cost of the Fordney-McCumber measure, which President Harding vetoed.

It carries out a continuous policy from Revolutionary days.

We adjusted the compensation of Washington, of LaFayette, of Steuben, and of all the soldiers and officers. It is an American policy; it is a sound policy; and it is a policy to which we have pledged ourselves individually and collectively.

We adjusted the payments of the war contractors, the railroads, and the munition makers and in one day passed the Dent bill appropriating $4,000,000,000 for the adjustment of business claims. I do not propose to discriminate in favor of everyone as against the soldiers, nor do I propose on this question to march up the hill and then down again. When will we meet the issue unless we meet it now? The whole trouble is that we did not meet it when we should have, five years ago, and given $300 to every soldier that was honorably discharged. We are now simply doing what we should have done five years ago by giving them partial adjusted compensation as the grateful act of a grateful Republic and the consummation of a debt of honor. [Applause.]

Mr. LONGWORTH. Mr. Speaker, I yield five minutes to the gentleman from North Carolina [Mr. POU].

Mr. POU. Mr. Speaker, when the Congress immediately after the war voted a bonus of $240 to every employee of the Government who remained at home and was never exposed to any danger or suffered any discomfort, it was all right; * * * when we treated the railroads liberally and poured millions into their coffers, that was all right; when we guaranteed the earnings of the railroads, that was all right. It is only wrong when we propose in a small way to recognize the services of the men who saved the civilization of the world. [Applause.]

Five years ago, standing at this desk, I urged my colleagues on this floor to treat the ex-service men exactly as they had treated the army of officeholders at home, to wit, to give each sailor and soldier $240; and if that had been done, I think the adjustment would have been reasonably satisfactory. But it was not done. When the great naval and military figures of the world are given money enough to make them comfortable for life, it is all right; the large donations are a proper recognition of successful, patriotic service; but when the buck privates and the sergeants and lieutenants, who led them from the front trenches forward in no man's land in the face of deadly fire of the enemy—when we propose to give these men a little pittance, it is capitalizing patriotism. [Applause.]

I respect the President of the United States, Mr. Speaker, and I am sincere when I say it was with profound regret that I heard his message read. I shall, of course, vote to pass this bill over his veto, and I want to say here once again in the moment I have that this agitation for adjusted compensation can not be properly charged to the ex-service men. It was started on this floor and in the other Chamber. In some small degree I am myself responsible, and to my dying day I shall feel proud of the part I have taken.

I regret that I can not vote for a better bill than this. It would only be partial justice if we treated every ex-service man as we have treated the war workers for a single year. But, Mr. Speaker, for my own self-respect, feeling that my position is absolutely just, I must hurl back to the President the insinuation that there is any effort to capitalize patriotism when we proceed to pass this eminently just but unsatisfactory bill. In face of all the benefits which the Government has bestowed upon others who, exposed to no danger, aided in winning the World War, I am utterly amazed that anyone should suggest sordid capitalizing of patriotism when we pass such a bill as this.

It is said that the wealth of this Nation increased from the time we entered the World War until now from $50,000,000,000 to $100,000,000,000. Nobody knows accurately, of course, but we do know that during and after the war millionaires sprung up all over this Nation, like the teeth of Cadmus, overnight; and now, because we propose to pass this eminently just measure which takes but a little pittance of the wealth that has been poured into this country from every quarter of the globe, because we would do that the charge must be hurled in the face of Congress and the ex-service men that it is an effort to capitalize patriotism. God have mercy upon the man who honestly feels that is so; for that man is groping in the dark. [Applause.] Surely he must have forgotten five years of recent history. [Applause.]

Mr. LONGWORTH. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. RANKIN].

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD.

Mr. MADDEN. Mr. Speaker, I make the same request.

Mr. JOHNSON of South Dakota. Mr. Speaker, I make the same request.

Mr. FISH. Mr. Speaker, I make the same request.

Mr. KINDRED. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from New York has no remarks to revise and extend.

Mr. KINDRED. But I wish to formulate some.

The SPEAKER. Is there objection to these requests? [After a pause.] The Chair hears none.

Mr. RANKIN. Mr. Speaker, if the President of the United States had contented himself merely with vetoing the adjusted compensation bill, I should have had no quarrel with him. I voted for the adjusted compensation bill because I believe the soldier boys are entitled to it, and I expect to vote to pass it over his veto; but I have no quarrel with the President because of his views on economic questions. I have no right to quarrel with any man because we happen to differ on political or economic issues.

But, Mr. Speaker, I must resent, as I feel every other American citizen should resent, that bitter veto message in which he went out of his way, as I said a few days ago, to gratuitously insult those ex-service men who are asking for adjusted compensation.

This message is no ordinary document. If it were an editorial in a local paper, or if it were an article in some transitory publication, I would not even take the time to refer to it here; but this message will not only go down in the crystallized archives of this Republic for future generations to read how the President of the United States, in a solemn document, reflected upon the ex-service men and referred to them as capitalizing their patriotism, but it will go on down to future generations to be read perhaps "in states unborn and in accents yet unknown" as a manifestation of the President's gratitude, or ingratitude, for the services rendered and the

sacrifices made by our soldiers in the World War. [Applause.] The gentleman from South Dakota [Mr. JOHNSON] has said that other Presidents have vetoed adjusted compensation measures, but no other President has ever referred to these men in the terms employed by the present Chief Executive in this harsh and unusual document.

Listen to what he says:

We must either abandon our theory of patriotism or abandon this bill. Patriotism which is bought and paid for is not patriotism.

What does he mean by that expression? There can be but one answer, and that is that those who favor this measure have abandoned their patriotism. Ah, what a pitiless rebuff to those legions of ex-service men who went through the grime and dirt and fire and danger and misery of the World War for the pitiful compensation of $30 a month—"deducting twenty-nine" for insurance, allotments, and other necessities—and who are now asking for this adjusted compensation!

Cold, indeed, must those words fall upon the aching hearts of the saddened mothers, whose heroes died in Flanders Field, when they come to receive this small pittance, which is offered them in this bill, to adjust the compensation of their boys who gave their lives in the Nation's cause! [Applause.]

The President says:

This bill would condemn those who are weak to turn over a part of their earnings to those who are strong.

What a horrible spectacle it would be to see these strong ex-service men holding up and robbing those weak and friendless profiteers who made their fortunes out of the war—those cold-blooded grasping individuals who coined their millions out of the blood and tears of the suffering men, women, and children of the world during that great conflict, and who are now abusing the ex-service men for asking for this slight recognition; those consciousless ingrates who have either placed their ill-gotten gains beyond the pale of taxation, or who are demanding that this measure be defeated in order that they may realize a greater tax reduction on their own swollen fortunes!

In concluding his unfortunate message, the President says, in referring to this measure, that "there is no moral justification for it." In other words, that those men and women who are asking for this adjusted compensation, in addition to abandoning their patriotism, are guilty of espousing an immoral cause. Thank God, that is not the view of the American people, or that of the American Congress! In asking for the passage of this legislation the ex-service men of the country feel that they are merely demanding what is justly due them; and in responding to their requests and in supporting this measure, we are not encouraging them to "abandon their patriotism" or abetting them in the commission of an immoral act. We are simply endeavoring to render justice to those brave men who support the Nation in times of peace, and who fought its battles in times of war. [Applause.]

Mr. LONGWORTH. Mr. Speaker, I yield five minutes to the gentleman from Minnesota [Mr. NEWTON].

Mr. NEWTON of Minnesota. Mr. Speaker, I had not planned on saying anything to-day and would not have uttered a word upon the floor here had it not been for the statements that have just been made by the gentleman from Mississippi [Mr. RANKIN].

Neither during the Sixty-sixth Congress, the Sixty-seventh Congress, nor this Congress have I been in accord with the majority of my colleagues on the question of the bonus or adjusted compensation. However, in these various discussions, whether upon the floor or upon the stump, I have respected the views of those who differed with me and who now differ with me. They have accorded me the same privilege. I also think that they should respect the President of the United States in the expression of his views. [Applause.]

I do not care whether I look to the right or to the left, to men who agree with me or to men who disagree with me, there is not a man here who does not in his heart acknowledge and admire the courage of the President of the United States. [Applause.]

Mr. Speaker, it ill behooves the members of the minority to criticize the President for his veto. He is the Chief Executive of our Nation and as such responsible to all of the people. In his first message to Congress he voiced the sentiments of the Nation in calling upon Congress for tax reduction. We went to work upon his recommendations. You, my Democratic friends, did your utmost to obstruct and prevent the adoption of this program by unsound proposals. You succeeded in part by making changes which would result in the creating of a deficit. The bill then went over to the other end of the Capitol, where members of the minority party so mutilated it as to create an annual deficit of over $250,000,000. The passage of this bill would increase this deficit over $100,000,000. Yet you who are responsible for creating this situation criticize him for doing the only thing he could do.

But, Mr. Speaker, they have not stopped at this. The effort has been made here to misrepresent the attitude of the President by adroitly extracting sentences and phrases out of their context and to make them mean what they do not mean. Some of them have been quoted here and I say have been given a meaning that was never intended. The President said:

The first duty of every citizen is to the Nation.

Who will deny that?

The veterans of the World War performed this first duty.

Did they not do so?

He then went on to say:

To confer upon them a cash consideration or its equivalent for performing this first duty, is unjustified. It is not justified when considered in the interests of the whole people; it is not justified when considered alone on its merits. The gratitude of the Nation to these veterans can not be expressed in dollars and cents.

[Applause.]

This is the President of the United States speaking. Is there anyone here who will deny the truth of that statement?

I quote further:

No way exists by which we can either equalize the burdens or give adequate financial reward to those who served the Nation in both civil and military capacities in time of war. The respect and honor of their country will rightfully be theirs for evermore.

That is the tribute of the President to the ex-service men, whom the gentleman from Mississippi said——

Mr. WATKINS. Will the gentleman yield?

Mr. NEWTON of Minnesota. I can not yield. I quote further:

But patriotism can neither be bought nor sold. It is not hire and salary. It is not material but spiritual. It is one of the finest and highest of human virtues.

Does the gentleman from Mississippi disagree with those sentiments? [Applause.] No; we know the gentleman from Mississippi too well. He agrees with every sentiment there as announced by the President of the United States.

Mr. RANKIN. I deny that. I do not agree with the message of the President.

The SPEAKER. The time of the gentleman from Minnesota has expired.

Mr. LONGWORTH. I yield the gentleman two minutes more.

Mr. RANKIN. Will the gentleman yield?

Mr. NEWTON of Minnesota. I can not be interrupted. Let me say this, that it was the politician, not the service man, who initiated this movement. It has seemed to me as the discussion for the bonus has gone on through the several years that the effect has been to take the emphasis from duty and obligation to country and to place it upon other grounds. Its effect upon many has been to create a false conception of citizenship. Its effect has been to build up the idea that it is the business of the Government to support the people rather than that of the people to support the Government. It would be a great misfortune if any such idea should become prevalent. It would mean the death knell of our institutions. I grant you this has not been intended. It is, however, the natural result of some of the arguments that have been made in its behalf. I imagine that the President had something of this in mind when he uttered these sentiments.

Mr. Speaker, let me say that President Coolidge in his message uttered the same sentiments that were uttered by President Harding in his veto message on the bonus some two years ago. It is different only in words. I quote from President Harding's message:

It is sometimes thoughtlessly urged that it is a simple thing for the rich Republic to add four billions to its indebtedness. This impression comes from the readiness of the public response to the Government's appeal for funds amid the stress of war. It is to be remembered that in the war everybody was ready to give his all. Let us not recall the comparatively few exceptions. Citizens of every degree of competence loaned and sacrificed precisely in the same spirit that our armed forces went out for service. The war spirit impelled. To a war necessity there was but one answer; but a peace bestowal on the ex-service men, as though the supreme offering could be paid for with cash, is a perversion of public funds, a reversal of the policy which ex-

alted patriotic service in the past, and suggests that future defense is to be inspired by compensation rather than consciousness of duty to flag and country.

So spoke President Harding. So far as I can recall there was no criticism of him or his language by anyone, on the floor of this House. In substance it is no different than the message of President Coolidge. But then we were not on the eve of a presidential election.

Mr. RANKIN. Will the gentleman yield?

Mr. NEWTON of Minnesota. No; I can not yield. Let us determine this question without rancor, without partisanship, without misrepresentation of what the President has said, strictly in accordance with the way we individually believe in reference to this question. [Applause.]

Mr. LONGWORTH. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has 23 minutes.

Mr. LONGWORTH. Mr. Speaker, I yield three minutes to the gentleman from Iowa [Mr. GREEN].

Mr. GREEN of Iowa. Mr. Speaker, when the preparation of this bill was referred to the Ways and Means Committee it was the duty of that committee to take into consideration not only what we owed to the soldier but what we owed to the rest of the country. The Ways and Means Committee did so. It made up a bill consistent with the financial program. I can not, of course, give all the details now and all the calculations and estimates which were necessary to bear in mind with reference to what the country could raise in the way of taxes and what the bill would cost, but we fully considered them at that time. As a result we reported a bill with which I had considerable to do, which was, as everybody ought to agree, an extremely moderate measure, if any action whatever was taken. It was one which I thought at the time was, as far as financial matters were concerned, so reasonable that nobody could take exception to it.

Mr. Speaker, nations like Canada and Australia several years ago paid their soldiers in cash more than we propose to pay by this bill. Even when we make every allowance for the greater number of soldiers in this country, we are so much superior in natural resources and wealth that there can be no comparison; and yet they say we can not afford to pay the sum carried by this bill. Mr. Speaker, I say that it is idle to make such a contention. The amount we save every year is estimated by good authorities at $8,000,000,000. Only a little over one-quarter of this amount is to be paid under this bill, and that we propose to distribute over 20 years. Do you tell me that the country can not afford to make that payment? How little sacrifice that is. It seems to me unworthy to say that so great, so rich, so powerful, so prosperous a Nation is unable to pay this sum, and I think it ought to be done without question. [Applause.]

The SPEAKER. The time of the gentleman from Iowa has expired.

Mr. FISH. I ask unanimous consent that the gentleman be given half a minute more.

Mr. LONGWORTH. I yield half a minute to the gentleman.

Mr. FISH. I would like to ask the chairman of the Ways and Means Committee if it is not a fact that the primary cost of the Fordney-McCumber bill is about $4,000,000,000 and the primary cost of this is about $2,000,000,000?

Mr. GREEN of Iowa. That is correct, only this bill will cost a little over $2,000,000,000, and that is distributed over 20 years. [Applause.]

Mr. LONGWORTH. Mr. Speaker, I yield three minutes to the gentleman from Ohio [Mr. BRAND].

Mr. BRAND of Ohio. Mr. Speaker and Members of the House, I want to say to the gentleman from Mississippi that the President of the United States has not insulted his own conscience. He has not been willing to open the doors of the Treasury to anybody, to any voter, in order to please that voter, when he did not believe in the principle involved. The President is right and has refrained from fully stating the case. The issue is greater than the bonus problem, and the time has come to meet it. In the discussion of the old bonus measure, vetoed by President Harding, in the last Congress I said publicly, "More people are suffering from the burdens of present taxation than there are those suffering from the lack of the bonus," but the terms of the bonus were so changed that tax reduction and the bonus were both practical and possible had a program of economy been otherwise followed and, right or wrong, I voted for it.

However, I did not then realize the temper of Congress which has since been revealed to me. Extravagance runs wild. Since the bonus was passed Congress has passed or will pass new expenditure after new expenditure until the surplus in the Treasury is consumed and tax reduction is a myth.

I have talked with the ranking members of the Appropriations Committee and the chairman of the Finance Committee of the Senate, and I am convinced that we are planning to spend, in addition to the grand total of three billion plus anticipated by the Budget, the following:

Bonus annually	$114,000,000
Post-office employees	80,000,000
Reclassification Government employees	15,000,000
Roads	10,000,000
Veterans' Bureau	32,000,000
Rivers and harbors	31,000,000
Deficiency bills	10,000,000
Hospitalization of World War veterans	6,500,000
Hospitalization of Civil War veterans	1,500,000
Cape Cod Canal	11,500,000
District of Columbia extra expenditure	4,000,000
Reforestation	2,000,000
Miscellaneous items	10,000,000
Total new expenditures	327,500,000

In addition, we have a right to face the following items which are understood now to be sure of favorable consideration in the near future:

Naval program	$110,000,000
Public-building program	300,000,000
Total	410,000,000
The tax reduction bill exceeds the surplus in the Treasury by	166,000,000
New expenditures	327,500,000
Grand total deficiency	903,500,000

The bonus is but a part of the problem. All the above either have passed or will pass Congress with a whoop. No one save the President can subtract from these new expenditures. Shall his veto fail?

The picture in my mind has changed radically since I voted for the bonus early in the session. I did not then realize the temper of Congress.

There is not much between us and the confiscation of property and men's earnings for taxation purposes when you include the inclination in the States, except the President's veto. Shall it fail? If so, we must face increased taxation.

Every hand held out, especially if it has the power to strike, bids fair to be filled. To please, to grant a demand, or satisfy a plea, to protect one's own interest by opening the doors of the Treasury—this is the evil and the wickedness directly facing us.

We must sacrifice ourselves and accept the opposition that develops.

The bonus is but a part of the problem.

I yield my wish to recognize the patriotism and services of the World War Veterans, and join the President completely in the bigger issue, of saving the public from tax destruction.

I will vote to sustain his veto. [Applause.]

Mr. LONGWORTH. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Speaker, I shall not ask to extend my remarks in the RECORD. I am hurt; I am offended; I am saddened. I simply want to protest in the name of my comrades in the service of their country during the World War against the unwarranted insult contained in the message of the President of the United States. In that message, Mr. Speaker, the President has placed a question mark on the honorable discharge granted to 4,000,000 gallant American soldiers. [Applause.]

In the crucial moment of the war when the last offensive was started, the commander in chief of the allied forces sent a message to the commander of the First Division to retire, to withdraw his troops for strategic reasons, but the gallant American general replied that he could not retire, that he could not retreat, because he would not be able to explain a retreat to his soldiers. My colleagues, if you retreat now, you will never be able to explain it to the American people. [Applause.]

I might state, Mr. Speaker, that some of the reasoning contained in the message was based on a false premise. I read from it the following statement:

> This bill would condemn those who are weak to turn over a part of their earnings to those who are strong.

Perhaps the President had in mind the Mellon tax bill; but that also has been changed by this Congress. In conclusion I will say that if there is anything spiritual in this whole problem it is not the opposition to this measure. No; the opposition is not spiritual; it is sordidly material. [Applause.]

Mr. LONGWORTH. Mr. Speaker, I yield three minutes to the gentleman from Vermont [Mr. GIBSON].

Mr. GIBSON. Mr. Speaker, yesterday the gentleman from Massachusetts [Mr. CONNERY], and to-day the gentleman from Mississippi [Mr. RANKIN] and the gentleman from New York [Mr. LAGUARDIA], have suggested that the message of the President is an insult to the soldiers who served in the Great War. I know that the gentleman from Massachusetts served in one of the best divisions that ever wore the khaki. I think he feels that he states the views of the soldiers. I, too, served in the war for two years, recruited 1,200 men, many of whom sleep under the poppies of France. I refer to this not in the way of a boast of service, but to show that I, too, may speak for the service men. I read that message, and after the remarks of the gentleman from Massachusetts I studied it, and I confess that I could not find a word that indicated any insult, open or implied, to the men who served under the Stars and Stripes. [Applause.] I may be rather old-fashioned, but it strikes me that the heart of every citizen ought to be filled with pride that we have a Chief Executive who stands courageously for what he believes to be right.

Mr. WATKINS. Mr. Speaker, will the gentleman yield?

Mr. GIBSON. No; I have not the time. The message is a fearless statement of an honest Executive trying to do his duty without regard to the soldier vote or the vote of any other group, and I say that, notwithstanding the fact that I shall vote to pass the bill over the President's veto.

What is there about that message, pray you, that indicates an insult? The gentleman from Minnesota [Mr. NEWTON] has called attention to some of it. Is it where the President says that patriotism is not to be bought or sold? Oh, my comrades, I ask you if you would part with the experience that you went through and the sacrifice that you made for dollars and cents? No; your service is something higher, something more spiritual than all that. The gentleman from Minnesota has referred to this matter as not being a partisan question. It is not, and you can not make it so, because Calvin Coolidge has so won the confidence and the respect of the American people that he is going to be triumphantly elected in November. [Applause.]

[By unanimous consent Mr. GIBSON was granted leave to extend his remarks in the RECORD.]

Mr. LONGWORTH. Mr. Speaker, I yield half a minute to the gentleman from Maryland [Mr. HILL].

Mr. HILL of Maryland. Mr. Speaker and gentlemen of the House, the President said that "we must either abandon our theory of patriotism or abandon this bill," and that "patriotism which is bought and paid for is not patriotism." I am one of the few Members of this House who voted with the President on his Japanese immigration policy, but I can not follow this veto. I shall vote to pay adjusted compensation to the men of the last war.

I saw Maryland men of the One hundred and fifteenth Infantry working as carpenters at Camp McClellan in Alabama in 1917 at soldiers' pay, while across the road men not in the service got $10 a day for doing exactly the same sort of work.

I saw American soldiers in France in 1918 breaking stone on the roads at soldiers' pay, while at home in the United States others lived softly and worked in munitions factories at $10 a day or in Government departments in Washington with a bonus of $240 a year.

You can not buy patriotism! But this adjusted compensation bill dares not and does not attempt to buy patriotism. It is a just attempt to settle an economic debt, a debt far below and far removed from the battle risk that all war service either actually or potentially involved.

I am for this bill. I shall vote to pass it over the President's veto. I know it will pass, because it is just. [Applause.]

Mr. LONGWORTH. Mr. Speaker, I yield three minutes to the gentleman from North Carolina [Mr. BULWINKLE].

Mr. BULWINKLE. Mr. Speaker, if the President of the United States had been content with vetoing this bill and not casting an aspersion on the 4,500,000 men who lately composed the American Army, I would not have risen to-day, but when the President of the United States goes out of his way to say that the men who were in the service are now attempting to sell their patriotism, I for one, and on behalf of these men, must deny it and condemn the statement. [Applause.]

Mr. Speaker, in the 10 divisions that our Artillery supported there were men from Massachusetts, the President's own State, and men to whom he later, as Governor of Massachusetts, granted a bonus. Did they sell their patriotism when they received that bonus, or when they asked for it? Surely not. I say to the gentleman from Illinois [Mr. MADDEN] that my artillery supported a division from his State, and there were in that division men whom I know intimately, men who are asking that this adjusted compensation bill be passed, and not one of those men would be guilty of selling his patriotism. But this is not all.

The President, in the last paragraph of his veto message, says:

> America entered the World War with a higher purpose than to secure material gain. Not greed but duty was the impelling motive. Our veterans as a whole responded to that motive.

Does the President mean that because these organizations and these men are asking for adjusted compensation that they are actuated by the spirit of greed, and that they were part of that minority who did not respond to the highest motive? This is the construction that I place upon his remarks.

I wish to say this, Mr. Speaker, that no matter whether adjusted compensation is ever granted to the ex-service men, or not; no matter how long they may live, they will be as patriotic and as loyal to America as they have been in the past, and if the occasion should ever arise again, while they have the strength that God Almighty gives them, they will go into battle for their country with the same spirit they displayed in the World War. [Applause.]

Every Member here has received letters from the organization called the Ex-Service Men's Anti-Bonus League. Every Member here has received letters and propaganda from the United States Chamber of Commerce. Both of these organizations have repeatedly stated that they were willing to "do and to give everything for the disabled, but nothing for the able." Yet, during the six weeks the Committee on Veterans' Legislation had hearings on relief for the disabled veteran, no representative from either organization came before the committee. No single member of either organization wrote even a letter to the committee asking for any legislation for the disabled. At the same time we were having hearings for the disabled, representatives of these organizations were appearing before the Ways and Means Committee protesting against adjusted compensation.

I voted for adjusted compensation before, and I shall vote to override the President's veto. [Applause.]

Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. LONGWORTH. Mr. Speaker, before moving the previous question, I have just this to say: Some three and a half years ago, seated on the same platform with the Republican candidate in my home city, on the Saturday before the presidential election, I heard him commit himself definitely to the policy of paying compensation to able-bodied ex-service men. Some few months after that my State, my congressional district, by substantial majorities confirmed that principle by granting a bonus to its citizen soldiers. At that time I felt myself bound by what I regarded as not only a party mandate but a popular mandate, and so I actively participated in the drafting of a bill to provide compensation for the World War veterans.

I voted for that bill. During this session of Congress necessarily, being no longer a member of the Ways and Means Committee, I did not participate in the drafting of the bill presented by it, but I voted for it. If I change my position now I am perfectly well aware that my friend from Tennessee may have ground to criticize me for lack of consistency and to condole with me as well as with the gentleman from Illinois, for which condolence I am very grateful. However, Mr. Speaker, after a most careful consideration of circumstances and conditions to-day as I see them, I can not bring myself to vote to override the veto of the President. I shall vote to sustain the President. [Applause.] I move the previous question.

The previous question was ordered.

The SPEAKER. The question is, Will the House on reconsideration pass the bill, the objections of the President to the contrary notwithstanding? A yea-and-nay vote is provided by the Constitution.

The question was taken; and there were—yeas 313, nays 78, answered "present" 3, not voting 39, as follows:

YEAS—313

Abernethy	Bell	Bulwinkle	Cleary
Allen	Berger	Burtness	Cole, Iowa
Allgood	Black, N. Y.	Busby	Collins
Almon	Black, Tex.	Byrnes, S. C.	Colton
Andrew	Blanton	Cable	Connally, Tex.
Anthony	Bloom	Campbell	Connery
Arnold	Bowling	Canfield	Connolly, Pa.
Aswell	Boylan	Cannon	Cook
Ayres	Brand, Ga.	Carew	Cooper, Ohio
Bacharach	Briggs	Carter	Cooper, Wis.
Barbour	Browne, Wis.	Casey	Cramton
Barkley	Browning	Celler	Crisp
Beck	Brumm	Christopherson	Croll
Beedy	Buchanan	Clague	Crosser
Begg	Buckley	Clancy	Crowth

Cullen	James	Minahan	Simmons
Cummings	Jeffers	Mooney	Sinclair
Davey	Johnson, Ky.	Moore, Ga.	Sinnott.
Davis, Minn.	Johnson, S. Dak.	Moore, Ohio	Sites
Denison	Johnson, Tex.	Morehead	Smith
Dickinson, Iowa	Johnson, Wash.	Morgan	Smithwick
Dickinson, Mo.	Johnson, W. Va.	Morin	Speaks
Dickstein	Jones	Morrow	Sproul, Kans.
Doughton	Kearns	Mudd	Steagall
Dowell	Keller	Murphy	Stedman
Driver	Kelly	Nelson, Wis.	Stephens
Eagan	Kendall	Nolan	Stevenson
Elliott	Kent	O'Connell, N. Y.	Strong, Kans.
Evans, Iowa	Kerr	O'Connell, R. I.	Strong, Pa.
Evans, Mont.	Ketcham	O'Connor, La.	Sullivan
Fairchild	Kincheloe	O'Connor, N. Y.	Summers, Wash.
Fairfield	Kindred	O'Sullivan	Sumners, Tex.
Faust	King	Oldfield	Swank
Favrot	Knutson	Oliver, Ala.	Swing
Fish	Kopp	Oliver, N. Y.	Swoope
Fisher	Kunz	Parks, Ark.	Tague
Fitzgerald	Kurtz	Patterson	Taylor, Colo.
Foster	LaGuardia	Peery	Taylor, Tenn.
Frear	Lampert	Perlman	Taylor, W. Va.
Free	Lankford	Porter	Thatcher
French	Larsen, Ga.	Pou	Thomas, Ky.
Frothingham	Larson, Minn.	Prall	Thomas, Okla.
Fulbright	Lazaro	Purnell	Thompson
Fuller	Lea, Calif.	Quayle	Tillman
Fulmer	Leatherwood	Quin	Timberlake
Funk	Lee, Ga.	Ragon	Tincher
Garber	Lindsay	Rainey	Tydings
Gardner, Ind.	Lineberger	Raker	Underwood
Garner, Tex.	Linthicum	Ramseyer	Upshaw
Gasque	Little	Rankin	Vaile
Geran	Logan	Ransley	Vare
Gibson	Lowrey	Rathbone	Vestal
Glatfelter	Lozier	Rayburn	Vincent, Mich.
Goldsborough	Lyon	Reece	Vinson, Ga.
Green, Iowa	McClintic	Reed, Ark.	Vinson, Ky.
Greene, Mass.	McDuffie	Reed, N. Y.	Volgt
Greenwood	McKenzie	Reid, Ill.	Watkins
Griest	McKeown	Richards	Weaver
Griffin	McLaughlin, Mich.	Roach	Wefald
Hadley	McLaughlin, Nebr.	Robinson, Iowa	Weller
Hammer	McLeod	Robsion, Ky.	White, Kans.
Hardy	McNulty	Rogers, Mass.	Williams, Ill.
Harrison	McReynolds	Romjue	Williamson
Hastings	McSwain	Rouse	Wilson, Ind.
Haugen	McSweeney	Rubey	Wilson, La.
Hawley	MacGregor	Sabath	Wilson, Miss.
Hayden	MacLafferty	Salmon	Wingo
Hersey	Major, Ill.	Sanders, Ind.	Wolff
Hickey	Major, Mo.	Sanders, N. Y.	Wood
Hill, Ala.	Manlove	Sanders, Tex.	Woodruff
Hill, Md.	Mansfield	Sandlin	Wright
Hill, Wash.	Mapes	Schafer	Wurzbach
Hoch	Martin	Schall	Wyant
Holaday	Mead	Schneider	Yates
Howard, Nebr.	Michaelson	Sears, Fla.	Young
Hudspeth	Michener	Sears, Nebr.	Zihlman
Hull, Iowa	Miller, Ill.	Shallenberger	
Hull, William E.	Miller, Wash.	Sherwood	
Jacobstein	Milligan	Shreve	

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Ackerman	Dempsey	Longworth	Sproul, Ill.
Aldrich	Dominick	Madden	Stalker
Bacon	Drewry	Magee, N. Y.	Sweet
Beers	Edmonds	Magee, Pa.	Taber
Bixler	Fenn	Merritt	Temple
Bland	Fleetwood	Mills	Tilson
Box	Fredericks	Moore, Ill.	Tinkham
Boyce	Freeman	Moore, Va.	Treadway
Brand, Ohio	Garrett, Tenn.	Moores, Ind.	Tucker
Britten	Garrett, Tex.	Nelson, Me.	Underhill
Browne, N. J.	Graham, Ill.	Newton, Minn.	Wainwright
Burton	Graham, Pa.	Newton, Mo.	Watres
Butler	Hawes	Paige	Watson
Chindblom	Hooker	Parker	Welsh
Clarke, N. Y.	Hudson	Perkins	Wertz
Collier	Hull, Morton D.	Phillips	Williams, Mich.
Corning	Humphreys	Scott	Winslow
Darrow	Jost	Seger	Woodrum
Davis, Tenn.	Lanham	Snell	
Deal	Lehlbach	Spearing	

ANSWERED "PRESENT"—3

Byrns, Tenn.	Gifford	Montague

NOT VOTING—39

Anderson	Dyer	Leavitt	Rosenbloom
Bankhead	Gallivan	Lilly	Snyder
Boies	Gilbert	Luce	Stengle
Burdick	Howard, Okla.	McFadden	Ward, N. Y.
Clark, Fla.	Huddleston	Morris	Ward, N. C.
Cole, Ohio	Hull, Tenn.	O'Brien	Wason
Curry	Kahn	Park, Ga.	White, Me.
Dallinger	Kiess	Peavey	Williams, Tex.
Doyle	Kvale	Reed, W. Va.	Winter
Drane	Langley	Rogers, N. H.	

So, two-thirds having voted in favor thereof, the bill was passed.

The Clerk announced the following pairs:

Soldiers' bonus:

Mr. Boies and Mr. O'Brien (for) with Mr. Montague (against).
Mr. Burdick and Mr. Howard of Oklahoma (for) with Mr. Snyder (against).
Mr. Leavitt and Mr. Peavey (for) with Mr. Luce (against).
Mr. Dallinger and Mr. Dyer (for) with Mr. Gifford (against).
Mr. Hull of Tennessee and Mr. Stengle (for) with Mr. Byrns of Tennessee (against).
Mr. Morris and Mr. Rogers of New Hampshire (for) with Mr. Wason (against).
Mr. Curry and Mr. Winter (for) with Mr. McFadden (against).
Mr. Kvale and Mr. Doyle (for) with Mr. Ward of New York (against).
Mr. Bankhead and Mr. Drane (for) with Mr. Williams of Texas (against).

General pairs:

Mr. Kahn with Mr. Clark of Florida.
Mr. Anderson with Mr. Huddelston.
Mr. Reed of West Virgina with Mr. Lilly.
Mr. Kiess with Mr. Gallivan.
Mr. Cole of Ohio with Mr. Park of Georgia.
Mr. Rosenbloom with Mr. Ward of North Carolina.
Mr. White of Maine with Mr. Gilbert.

Mr. BYRNS of Tennessee. Mr. Speaker, I voted "no." I am paired with the gentleman from Tennessee, Mr. HULL, and the gentleman from New York, Mr. STENGLE, who are unavoidably absent, and who would have voted "aye" if they had been present. I therefore wish to withdraw my vote of "no" and ask to be recorded as "present."

Mr. MONTAGUE. Mr. Speaker, I voted "no." I am paired with the gentleman from Iowa, Mr. BOIES, and with the gentleman from New Jersey, Mr. O'BRIEN. I desire to recall my vote. If those gentlemen were present, they would vote "aye" and I would vote "no."

Mr. GIFFORD. Mr. Speaker, I voted "no." I am paired with the gentleman from Massachusetts, Mr. DALLINGER, and with the gentleman from Missouri, Mr. DYER. If they were present, they would have voted "aye" and I would have voted "no."

Mr. WEFALD. Mr. Speaker, my colleague, Mr. KVALE, is unavoidably absent. If he were here, he would vote "aye."

The result of the vote was announced as above recorded.

AGRICULTURAL CONDITIONS

Mr. GARBER. Mr. Speaker, I ask unanimous consent to extend my remarks on the subject of agricultural relief.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. GARBER. Mr. Speaker and gentlemen of the House, chiseled in granite over the portals of the Union Station in our Nation's Capital, so that all who enter may read, is the fitting inscription:

> The farm—The best home of the family—Source of national wealth—Foundation of civilized society—The natural providence.

Such has been and such always should be the recognized important relationship of agriculture to the wealth and general prosperity of the country, and the farm as the abode of the unit of society essential to self-government. The family on the farm is the Government's most valuable and substantial asset. From such source the Nation gets its political oxygen purifying its blood; its courage and confidence to maintain its independence; its leaders and statesmen to solve the perplexing problems of to-morrow.

In his address of February 12, 1924, before the National Republican Club in New York City, President Coolidge well said:

> The farm has a social value which can not be overestimated. It is the natural home of liberty and the support of courage and character. In all the Nation it is the chief abiding place of the spirit of independence. I do not need to dwell upon the moral requirement for the equitable distribution of prosperity and the relief of distress by the application of every possible and sound remedy. This problem is not merely the problem of the agricultural sections of our country. It is the problem likewise of industry, of transportation, of commerce, and of banking. I bring it to you, because I know that in part it is your problem.

THE MOST IMPORTANT PROBLEM BEFORE THE NATION TO-DAY

What is the problem to which the President referred? It is the problem of the rehabilitation of agriculture, its restoration to that plane of equality and prosperity enjoyed by the industries of commerce and labor. It is the most important problem before this Nation to-day. With the exception of providing the essential revenues to keep the Government itself in operation, it is of far higher importance and outweighs the necessity of all other proposed legislation. Of more importance than transportation, of greater necessity than manufacturing, of higher consequence than mining, is agriculture, with the family on the farm. Tax reduction is important. Restricted immigration is necessary. The child labor amendment is essential. Likewise the tax exempt security amendment. But they are as nothing compared to the importance and necessity of relieving our basic industry from its present deplorable condition and restoring prosperity to the farm.

AGRICULTURE IS OUR GREATEST NATIONAL ASSET

Agriculture is not only the basic industry but the largest industry as well. It is a $75,000,000,000 concern, in which are directly interested not less than 30,000,000 people living and working on the farms. They constitute 40 per cent of the home market, which in turn consumes 90 per cent of our home products. At one time agriculture furnished 50 per cent of the Nation's bank deposits. With the exception of the railroads, it is the largest consumer of steel and iron products. It consumes 50 per cent of the timber products. It is the largest purchaser of leather and textile goods and motor vehicles. It is the greatest single asset of the Nation, and when prosperous furnishes steady employment to more people than any other industry. Whatever contributes to its prosperity and well-being unquestionably benefits all other lines of industry. When the farmers are prosperous the merchant, the banker, the laborer, the mechanic, the professional man, and all lines of legitimate business are prosperous. Legislation, therefore, in the interest of agriculture is not class legislation, but basic and general. It is in the interest of all.

OPPOSITION TO LEGISLATIVE RELIEF

But when we ask for legislative relief we are confronted with the answer that the low prices for farm products are caused by overproduction and the demoralized condition of the world markets; that the problem is not legislative but economic; that farming should be conducted on a business basis; that the farmers should organize, curtail production, diversify, and market in an orderly manner; that as existing conditions gradually change the price levels will adjust themselves to their economic relations; that we are opposed to price fixing, inflation, legislative interference with economic law; and that you can not legislate prosperity—you must dig it out of its natural sources.

In the school of economics under ordinary conditions such objections might be sufficient, but in the forum of equity they are not sufficient; they are not brought in "with clean hands."

SURPLUS PRODUCTION NECESSARY FOR PROTECTION OF CONSUMING PUBLIC

Because of the uncertainties of yield, effects of the elements, or pestilences, which may so easily produce crop shortage and food famines, and because it is impracticable to regulate production, as in the industries, a surplus is a necessary element of the agricultural system and an economic necessity for the protection of the consuming public. Any loss by reason of having to sell such surplus for a lower price in the world markets is a proper economic charge against the consumer of the home product because it is produced for his protection. Beyond that necessary protective degree of production only can surplus be charged as an unnecessary burden of agriculture.

Such overproduction is but the continuing result of the Government's demands for increased production during the war. It is impossible for unorganized agriculture to curtail production like organized industry. It requires time and money to change wheat land into alfalfa, dairy, hogs, or beef. And even though these changes could have been effected it would only have added to the heavy losses already sustained by the producers, as even the prices for these products have been below the cost of production.

THE GOVERNMENT'S WAR DEMANDS INCREASED PRODUCTION ABOVE CONSUMPTION

In 1916 we produced only 636,518,000 bushels of wheat, and in 1917 636,655,000 bushels. July 1, 1917, we had only 62,000,000 bushels of wheat on hand, an amount sufficient to run our mills for only one month. Our consumption of wheat per capita at that time was 5.3 bushels, or an aggregate consumption of 556,000,000 bushels for food and 80,000,000 bushels for seed—making a total consumption of 645,000,000 bushels for home use. In answer to the insistent appeals of the Government the wheat acreage was increased from 47,000,000 before the war to 75,000,000 acres in 1919. The yield was increased from 636,655,000 bushels in 1917 to 967,979,000 bushels in 1919.

GOOD PRICES FOR FARM PRODUCTS

In May, 1917, wheat was selling on the Chicago market for $3.45. The average wholesale price of spring-wheat flour at Minneapolis during the same month was $14.88 per barrel, and at one time went as high as $16.75. No overproduction then! No lack of diversification! For the first time in many years farm prices were sufficiently high to warrant the hope of accumulation and independence ordinarily entertained by those engaged in business, manufacturing, or professional lines. At last we can make money on the farm, pay off our indebtedness, reestablish our financial independence, was the joyful anticipation of the farmers as they viewed the substantial prospect of good prices.

CONSUMERS DEMAND GOVERNMENT PROTECTION AGAINST PRICES OF FARM PRODUCTS

Was such prospect permitted to materialize? No! It was not. The consuming public would not stand for it. Whoever heard tell of a farmer becoming wealthy and independent on the profits of his farm products? He is not entitled to do so.

Such was the opposing mental conception of the possibilities of agriculture. Gradually it had become so depressed by economic law and organized industry that it was no longer looked upon as being entitled to produce wealth for the producers like other lines of business. Those who engaged in farming must leave such hope behind.

When confronted with such prices for foodstuffs the consuming public squealed like a stuck hog. It exclaimed: "Just see what the prices of farm products are in comparison to ours; we can not pay even our living expenses; such outrageous prices are unconscionable; they should be prohibited by law; the farmers should be compelled to increase their production; prices are all out of proportion; there is but one of two things to do—you will have to lower the prices of farm products to our level or raise our prices up to theirs."

FARMERS PREVENTED FROM MAKING PROFITS BY GOVERNMENT'S INTERVENTION

In the midst of all this clamor the Government was faced with the necessity of feeding our Army and voluntarily assumed the task of feeding those of the Allies. On August 10, 1917, the food control act was approved for the purpose of "encouraging production, conserving the supply, and controlling the distribution of food products and fuel." It especially provided in section 14 that—

> Whenever the President shall find that an emergency exists requiring stimulation of the production of wheat, and that it is essential that the producers of wheat produced within the United States shall have the benefits of the guaranty provided for in this section, he is authorized from time to time, seasonably and as far in advance of seeding time as practicable, to determine and fix and give public notice of what, under specified conditions, is a reasonable guaranteed price for wheat, in order to assure such producers a reasonable profit.

On August 10, 1917, under the authority of the act, by Executive order the President created the Food Administration and appointed Herbert Hoover as United States Food Administrator. On August 14, 1917, by Executive order the President, under the authority of the act, also created the Grain Corporation and appointed Julius Barnes president of the corporation. On that date he also appointed a fair price committee, consisting of 11 men, representing all interests, to fix a price for the wheat crop of 1917. On August 30, 1917, the committee presented its report to the President, recommending that the price of No. 1 northern spring wheat or its equivalent at Chicago be $2.20 per bushel. This recommendation was adopted and the amount per bushel declared to be the minimum price by law; but the Grain Corporation and the Food Administration immediately made it the maximum price by their administration of the law. They gathered within their assumed jurisdiction all the leading grain buyers, elevators, millers, traders, jobbers, and bakers in the country.

The Grain Corporation entered into written contracts with grain dealers, elevators, and millers not to pay more than $2.20 per bushel for the wheat known as No. 1 northern at the primary markets. It prohibited the export of wheat and the storage of wheat for more than 30 days; also the storage of flour; prohibited all hoarding of either, so that it kept wheat and flour on the move. It closed down the exchanges, prohibited speculation, and successfully kept the price down to the minimum, nothwithstanding the fact that the law simply authorized it to keep the price up to that amount.

When the fair price committee found that $2.20 was a fair price for a bushel of wheat delivered at the primary markets, August 30, 1917, wheat was then selling for $2.72 per bushel. On September 1, 1917, the day the President issued his proclamation fixing the maximum price of wheat at $2.20, the price fell 52 cents a bushel at all the primary markets. In describing the effect of its administration, the Grain Corporation claimed credit in the following language, which is quoted from its own report:

> The high prices of flour and bread led to bread riots in New York and other eastern cities. The United States was a hot bed of incipient strikes and labor disorders in the summer of 1917 growing out

of high prices and high living costs. If there had been no prospect of lower food prices, no curb upon speculation, the temper of the industrial population might easily have broken out in an upheaval which would have paralyzed the whole national effort in prosecuting the war. It was positively necessary that some relief be given to our people if the public morale was to be sustained and a united front presented to the enemy.

Had wheat been permitted to rise in price at an equal rate with all commodities during the three years of control, to wit, from August, 1917, to February, 1920, the prices would have undoubtedly fluctuated between $3 and $5 per bushel instead of being held down from $2.20 to $2.26. The index of all commodities rose from 100 in 1914 to 210 in 1919. It is reliably estimated that the fixed and maintained price of the Government was not less than $1 per bushel below what the farmers would have received without such interference, making the total aggregate loss to the farmers on their wheat for such period, $2,094,918,000, in which amount the consuming public and the Government received full benefit in the reduced prices.

LEGISLATIVE RELIEF WAS THE ONLY SOUND REMEDY THEN

Thus a limitation was placed on the price of the farmer's wheat. But no limitation was placed on the prices of the things he had to buy. This very objection was emphatically made at the time without avail. No squeamishness then about price fixing; no learned platitudes about the necessity of permitting the price values to adjust themselves without interference; no sage reminder that it was an economic, not a legislative problem; no familiar protesting resolutions from chambers of commerce. No, indeed! Schoolroom economics could go hang. It was clearly an emergency, demanding immediate emergency relief.

UNJUST DISCRIMINATION AGAINST AGRICULTURE

On the 1st of September, 1917, when the President issued his proclamation fixing the price of a bushel of wheat at $2.20 at the primary markets, the average compensation per hour for all labor including general and division officers upon all class A railroads in the United States was 32 cents per hour. On December 28, 1917, Mr. William G. McAdoo, Secretary of the Treasury, was appointed Director General of Railroads. He had hardly got his seat warm until he began to play politics, and on January 1, 1918, he issued what is known as General Order No. 27, which, together with other supplementary orders issued by him in 1918 and 1919, increased the average compensation of labor on the railroads in the United States in 1919 to 56.5 cents per hour, an increase of 76 per cent over the wages paid for labor on our railroads when the fair price committee found that $2.20 per bushel was a fair price for a bushel of wheat. Such total increase of wage was 104 per cent above the price paid for labor in 1916 before the passage of the Adamson law.

On July 20, 1920, the Railroad Labor Board issued its decision No. 2, effective retroactively as of May 1, 1920. It increased the average compensation of our railroads for all labor including general and division officers to 67.6 cents per hour, an increase of 121 per cent over 1917, when the President issued his proclamation fixing the price of a bushel of wheat at $2.20, and 146 per cent above the price paid for labor on our railroads on January 1, 1917, before the Adamson law became effective.

In 1921 the Labor Board made a small reduction in the price of labor upon our railroads. For that year the average compensation was 66.7 cents per hour. In 1922 the Labor Board made further reduction, and for that year the average compensation per hour was 61.3 cents. The price of labor on our railroads to-day is 127 per cent above the price paid for labor upon our railroads on January 1, 1917, before the Adamson law became effective.

Up to January 1, 1917, there had been no increase in the price of labor in our shipyards, but in that year the Government increased it 10 per cent. In 1918 the Government increased the price of labor in our shipyards 81 per cent, and in 1919 granted another increase until the total amount was 122 per cent above the pre-war price. In 1921 and 1922 there were some reductions in wages in our shipyards amounting to about 10 per cent, so that the price paid for labor in our shipyards to-day is 110 per cent above the price paid for labor before the war, and 100 per cent above the price paid for labor when the President fixed the price of the farmer's wheat at $2.20 per bushel.

On September 1, 1917, when the Government fixed the price of a bushel of wheat at $2.20 at the primary markets the price of farm labor was 25 per cent above the pre-war price; in 1918 it was 75 per cent above the pre-war price; in 1919 it was 100 per cent above the pre-war price; and in 1920, 130 per cent above the pre-war price. Now, it is 70 per cent above the pre-war price.

In 1917, when the price of wheat was fixed at $2.20, farm machinery of all kinds was 31 per cent above the pre-war price; in 1918 it was 78 per cent above the pre-war price; and in 1920 it was 96 per cent above the pre-war price.

On June 24, 1918, William G. McAdoo, Director General of Railroads, having increased the wages of his employees, made a horizontal increase in all freight rates of 25 per cent, excepting that the increase on freight rates on wheat should not be increased more than 6 cents per hundred.

On July 1, 1918, the President ordered an increase of 6 cents per bushel in the price of wheat at the primary markets, which was the only increase given the farmers during the period of the war. While such increase might compensate the farmers for the 25 per cent increase on freight rates on wheat, yet it did not compensate them for the increase on their farm machinery, building material, binding twine, barbed wire, and everything else the farmer had to buy.

During such period the Government handed out its 10 per cent plus contracts to unconscionable profiteers without any limitation of expenditure. It guaranteed the railroads against loss and a reasonable return on their investment. But the farmers were limited to a price for their wheat far below the world-market price and wholly out of proportion to the enormous prices of the products they had to buy and the high wages they had to pay. In other words, the Government, through its agencies, hog-tied the farmers down to $2.20 for their wheat and let the prices of other products soar sky-high.

HEAVY FARM LOSSES

When the farmers were at the peak of production, producing with implements purchased at war prices and labor employed at war wages, in May, 1920, the deflation policy of the Federal reserve banks and the depressed foreign markets shrunk the value of their products alone in excess of $8,000,000,000 in two years, leaving them stranded high upon the rocks of bankruptcy, with their increased indebtedness contracted under high prices unpaid and with the purchasing power of their products shrunken 35 per cent. In 1919 the total tonnage production of crops was approximately 255,000,000, valued at $15,423,000,000. In 1921 the total production was still approximately 255,000,000 tons, but the value had shrunk to $6,934,000,000, a loss in value on crops alone in two years of $8,489,000,000.

INCREASE IN FARM INDEBTEDNESS

The increase in farm indebtedness prior to 1920 is shown by the last Federal census, a very considerable part of which was contracted within the four or five years just preceding 1920, when prices of farm products were relatively high, and the American farmer was encouraged to enlarge the scale of farm operations and expenditures to meet the war and post-war demands for food supplies. In 1910 the average owner-operated farm debt was $1,715 per farm. By 1920 the average debt per farm had increased to $3,356. In addition to farm mortgages farmers carry a large volume of debt represented by short-term cash loans from bankers and individuals, as well as credit accounts with merchants of all kinds. With these items included the total farm debt as of January 1, 1920, was estimated to be $13,000,000,000.

AVERAGE FARM INCOME

The average size of an American farm is about 148 acres. Its average value is estimated at about $8,500. The average mortgage debt is about $3,400 per farm. The average personal debt is over $800 per farm. The average annual interest charges are about $315 per farm. The average annual taxes are about $105 per farm. Hence interest and taxes alone take, roughly, $425 per annum from the farmer's income. The average income per farm family in 1919 has been estimated, roughly, at $1,774. The average in 1920 had fallen to $964. Estimates for 1921, though not on a wholly comparable basis, were $1,075. Estimates for 1922, though also on a different basis, indicate a return of $917 on the average to the owner-operator of over 6,000 representative farms included in a survey made by the Department of Agriculture. Although the foregoing figures of income are not wholly comparable they indicate the low rate of income per farm family in the United States.

TAXES AND INTEREST CHARGES

In his annual report for 1923 the Secretary of Agriculture estimates the property taxes and interest combined, paid by agriculture in 1920, at about $1,457,000,000; in 1921 at about $1,684,000,000; and in 1922 at $1,749,000,000. We quote further from this report:

In 1920 practically the entire value of the wheat and tobacco crops, or about two-thirds of the wheat and cotton crops, were required to pay property taxes and interest charges. This was during the period of high prices and lagging charges for taxes and interest.

In 1921 property taxes and interest were equal to the entire value of the wheat, oats, potato, and tobacco crops. The wheat and cotton crops combined would pay but five-sixths of the taxes and interest. This was during the period of low prices and rising charges for taxes and interest.

In 1922 the value of the wheat, oats, and tobacco crops, and one-half of the potato crop were required to pay taxes and interest. In that year, although cotton was very high in price, taxes and interest charges were equivalent to the entire value of the cotton crop plus two-thirds of the wheat crop. Property taxes increased from $532,000,000 in 1920 to $797,000,000 in 1922.

Unfortunately reliable estimates of taxes and interest charges are not available for the pre-war years. It is estimated, however, that property taxes alone in 1914 aggregated about $344,000,000. which was equivalent to less than two-fifths of the 1914 wheat crop, while in 1922 taxes totaled $797,000,000, which was approximately equivalent to the total value of the 1921 or the 1922 wheat crops. The wheat crop is approximately equal to the pre-war value, but taxes have more than doubled. It should be kept in mind that the increase in taxes is due to local and State governments, not Federal.

Under such a situation farmers who are out of debt can get along fairly well, but those who are heavily in debt, and especially those young farmers who have not become thoroughly established, are having great difficulty in meeting interest and principal on public and private debts.

THE PRICE LEVELS HAVE NOT RETURNED

Each year we have been waiting and hoping for the price levels to adjust themselves and for the purchasing power of agricultural products to raise to that of labor and industry. And each year we have been confronted with a market offering but from 75 to 80 cents per bushel for wheat, and prices for other farm products in proportion.

The price levels remain the same. The purchasing power of the farmers' products continues out of all proportion. In February, 1924, a bushel of wheat would exchange on the average for 71 per cent as much of commodities in general as it would before the war, 1910–1914; a bushel of corn, 82 per cent; beef cattle, 69 per cent; hogs, 59 per cent.

The following table shows these purchasing-power indexes for each February in the last four years:

Purchasing power

[Index of average price received by farmers divided by index of wholesale prices of all commodities]

[1910–1914=100]

Date	Wheat	Corn	Beef cattle	Swine
February, 1921	102	64	72	74
1922	83	58	69	81
1923	73	76	68	67
1924	71	82	69	59

DEPRECIATION IN PURCHASING POWER OF HOGS

To show the tremendous depreciation of hogs in their purchasing power the following comparison of the number of pounds needed to purchase certain farm implements in 1913 and 1923 is given:

	Cost, 1913	Cost, 1923	Pork needed		Increase
			1913	1923	
			Pounds	*Pounds*	*Per cent*
Walking plow, 14-inch, general purpose	$11.75	$21.25	157	332	111
Gang plow, 14-inch	53.25	99.00	744	1,549	108
Disk harrow, 7-foot, 16-inch	23.00	47.50	321	743	131
Corn planter, 2-row	31.75	64.50	443	1,009	128
Grain drill, 22-7	106.00	190.00	1,481	2,973	101

Farm prices, hogs, per 100 pounds: 1913, $7.16; 1923, $6.39.

DEPRECIATION IN PURCHASING POWER OF WHEAT

In order that the relative situation as between wheat and pork may be clearly understood the following comparison is given of the number of bushels of wheat needed to purchase certain farm implements in 1913 and 1923:

	Cost, 1913	Cost, 1923	Wheat needed		Bushel increase
			1913	1923	
			Bushels	*Bushels*	*Per cent*
Walking plow, 14-inch, general purpose	$11.75	$21.25	15	23	53
Gang plow, 14-inch	53.25	99.00	67	107	60
Disk harrow, 7-foot, 16-inch	23.00	47.50	29	51	76
Corn planter, 2-row	31.75	64.50	40	70	75
Grain drill, 22-6	106.00	190.00	132	206	56

Farm price of wheat per bushel:

1913	$0.799
1923	.923

	Per cent
In terms of pork, a 14-inch walking plow had increased in cost	111
In terms of wheat, a 14-inch walking plow had increased in cost	53
In terms of pork, a 14-inch gang plow had increased in cost	108
In terms of wheat, a 14-inch gang plow had increased in cost	60
In terms of pork, a 7-foot disk harrow had increased in cost	131
In terms of wheat, a 7-foot disk harrow had increased in cost	76
In terms of pork, a 2-row corn planter had increased in cost	128
In terms of wheat, a 2-row corn planter had increased in cost	75
In terms of pork, a 22-6 grain drill had increased in cost	101
In terms of wheat, a 22-6 grain drill had increased in cost	56

and so on, through practically all of the farm implements that the producer must buy, and through every other commodity.

It is astonishing to know that a gang plow that in 1913 cost 744 pounds of pork cost 1,549 pounds in 1923, and that a grain drill that cost 1,481 pounds in 1913 cost 2,973 pounds in 1923.

The farmer buys other commodities with his commodities. The money into which he first exchanges his commodities is a mere convenience of trade. His suffering is due to the fact that when converted into money and then converted into other commodities his products are so deficient in purchasing power that he is being crushed under an economic weight from which he can not escape of his own effort.

Thus we see the farmer's dollar to-day in its purchasing power is substantially 70 per cent of its pre-war value.

THE FARMER ONLY RECEIVES 37 CENTS OUT OF THE CONSUMER'S DOLLAR

Between the farmer and the consumer is a vast army of middlemen. The unorganized condition of the farmers is such that 19,000,000 middlemen are permitted to make their living out of the exchange of farm products. Why should it be necessary for the 6,500,000 farmers to feed and support such an army? It accounts for the enormous spread of $15,000,000,000 between the farmers and the consumer. Out of the $22,500,000,000 paid by the consumers for farm products the farmers only receive $7,500,000,000. Who gets the $15,000,000,000 difference? Some of it, of course, is for legitimate and necessary purposes, essential to the change of the raw material into the finished product; its necessary transportation and distribution. But the amount is out of all proportion to what the farmers who produce the products receive. They get only 37 cents out of the dollar paid by the ultimate consumer, when they ought to be receiving at least 60 cents, which amount they would receive if properly organized to market their products direct; if they were organized as business is organized, as labor is organized, to market their products. But such degree of efficient organization will require years to effect. The farmers must have relief now.

THE WORLD'S PRICE FOR SURPLUS FIXES THE PRICE OF PRODUCT FOR DOMESTIC CONSUMPTION

While benefited by a protective tariff to the extent of largely preventing all imports of farm products, the farmers must necessarily produce a surplus, which makes them sell their whole crop in a free-trade market on the basis of the world's price, in competition with the cheap lands and labor and low standards of living of foreign countries, at a purchasing price much lower than that of the high standard of American living prices, which they are required to pay for everything they have to buy.

It is frequently claimed that the farmer is robbed by the tariff, and that the only remedy is by a repeal of our present protective tariff law and the enactment of a substitute providing for tariff for revenue only or free trade. Nearly all the articles consumed by the farmers are on the free list, the high prices of which are not caused by the tariff but by the high wages of labor and the intensive organization of industry being able to fix their prices, adding all costs, and passing them on to the consumer. In order that there might be no mistake about this contention, the following commodities principally used by the farmers are on the free list:

Lumber, shingles, fence posts, barbed wire, netting wire, farming machinery of all kinds—excepting cream separators—binding twine, leather, harness, saddles, boots and shoes, gasoline, and coal oil.

The farmers are not asking that the walls be leveled, that the gates be opened, so that our home markets may be exploited by the cheap labor of the world, although it would enable them to buy at cheaper prices in proportion to the purchasing power of the prices they receive. They know that free trade or tariff for revenue only in effect would be more devastating and destructive than the ravages of war. They know too well the disastrous results of such a policy. They have experienced this. They know that every purchase abroad would curtail employment just that much here; that such curtailment of employment would result in a gradual discharge of labor; in an army of unemployed, in closed factories, idle mills, abandoned mines, Coxey's armies, and discontent threatening the Government itself.

The crops of which the farmers have an exportable surplus are not sheltered by protection. The post-war world conditions fixed the prices of their surplus, and consequently of their entire production.

Before the war the effect of this was not so marked and noticeable because there was not so much difference between the markets. As a result of the war the markets of the world have been demoralized, depressed, and largely destroyed by unstable values, inflated currency, enormous indebtedness, high taxes, and labor reduced to a lower condition than ever before, bordering on a state of peasantry in some countries and starvation in others.

LABOR AND INDUSTRY FULLY PROTECTED

The industrial interests are protected from peasant labor and the low standards of living of foreign countries. Behind a tariff wall of protection they are permitted to enjoy our home market, which is greater than all the markets of the world combined. The manufacturing, railroad, and mining interests of the country have been giving steady employment to American labor at high wages because of their ability to fix the prices for their products, add all additional charges to the cost, and pass them on to the ultimate consumer. Building programs halted by the war's interference have furnished steady employment to labor at good wages. Labor is protected by a restricted immigration law which wisely keeps out the millions who would come here and lower the American standards of wages and living and of Government.

The Adamson law in effect gave to the 2,000,000 railroad employees an 8-hour day with the same rate of pay they had been receiving for 10 hours. Through intensive organization and collective bargaining, labor has been able to exact a high wage scale, an 8-hour day, and working conditions sufficient to maintain their high standards of living.

THE FARMERS MUST PAY THE HIGH PRICES

These high wages are all reflected in the high freight rates which the farmers are compelled to pay both ways. And such rates in turn are protected by the constitutional guaranty of a reasonable return upon the investment. Rates are fixed sufficiently high to cover all costs, pay the high wages of labor, and yield a net return to the stockholders. This the railroads have been doing for the last several years.

The United States Steel Corporation controls its output and markets its products in such an orderly way through its efficient organization as to yield annual dividends of 6 to 7 per cent to its stockholders. It does not permit the prices of its surplus in foreign countries to fix the prices of its product for domestic consumption. It separates and segregates that surplus and sells it abroad, and then is in a position to fix the prices for domestic consumption, adding the high wages and passing them along to the consumer.

THE FARMERS CAN NOT FIX THEIR PRICES

The farmers are not sufficiently organized to exact the high wages of organized labor. They are not in a position to exact a constitutional guaranty of a reasonable return like the railroads. They can not segregate and sell their surplus abroad so that the prices for their products for home consumption will be proportionate to the prices they have to pay. They can not fix the prices of their products. They can not pass the high prices for implements and high wages on to the consumer. Producing the most important and most essential of all products, they are compelled to take whatever is offered.

THE INEVITABLE RESULT

The temporary prosperity now existing has been exacted from the credit and credit momentum of the farmers given to them by increased credit facilities of recent legislation, but such increased credit facilities have almost been exhausted. While they have been furnishing 40 per cent of the home market, which in turn consumes 90 per cent of all our products, they can not do it any longer. Their purchasing power has been exhausted. The indebtedness contracted by them during the high prices, in response to the appeal of the Government for increased production, remains unpaid. They are no longer able to meet the daily exactions of the high cost of living and high industrial prices, the annual demands of high taxes, and interest charges. They have ceased buying farm implements or making farm improvements or necessary repairs. Even now they are drawing on their last reserve—their remaining equity in their land.

Another year of ruinous prices and the farm will be sacrificed. His farm—"the best home of the family"—will be sold at sheriff's sale and the ancient independence of our once proud agriculture will be gone. What will be the result when 40 per cent of the purchasing power of our home market is gone? Can there be any doubt as to what the result will be? Curtail industrial production 40 per cent and what will you have? You will have closed mines, closed factories, silent mills. You will have millions out of employment, hungry women and children, bread lines, and widespread dissatisfaction and discontent.

WE MUST RAISE FARM PRICES OR LOWER INDUSTRIAL PRICES

Organized labor has seen the result and requested immediate agricultural relief. Will cautious capital see the impending peril and do likewise; or, having eyes, will it see not? Having ears, will it refuse to listen?

From admitted existing agricultural conditions there is but one conclusion. We are confronted with the alternative of either lifting agriculture up to the industrial conditions of trade and commerce, or depressing industrial conditions down to those of agriculture. We will have to resort to either one of the two remedies. There can be no escape.

It is probably true that in the course of time conditions will finally right themselves and the price levels again return to proportionate values, but in the meantime the farming interests of the country would be reduced to a state of peonage and peasantry. Already we have waited four years for this restoration of equality in purchasing power, during which period thousands of farm mortgages have been foreclosed and the farms sold at sheriff's sales, and many voluntarily abandoned by their owners.

In his November 30, 1923, report Henry C. Wallace, Secretary of Agriculture, said:

> Reports were secured from 15 States covering a period from January, 1920, to March, 1923. Out of over 68,000 owner-operated farms included in this survey, 4 per cent lost their farms through foreclosure or bankruptcy. Four and five-tenths per cent lost their farms without legal proceedings and a little over 15 per cent had been spared such loss only because of the leniency of their creditors.

Describing the economic situation in the wheat-growing sections of the Northwest in his message to Congress December 6, 1923, President Coolidge stated:

> The distress is most acute among those wholly dependent upon one crop. Wheat acreage was greatly expanded and has not yet been sufficiently reduced. A large amount is raised for export, which has to meet the competition in the world market of large amounts raised on land much cheaper and much more productive.

In his message of January 23, 1924, the President stated:

> Great numbers of individual farmers are so involved in debt both on mortgages and to merchants and banks that they are unable to preserve the equity of their properties. They are unable to undertake the diversification of farming that is fundamentally necessary for sound agricultural reconstruction of the area. They are unable to meet their obligations, and thereby has been involved the entire mercantile and banking fabric of these regions. Not only have there been large numbers of foreclosures on actual farms but there are great numbers of farmers who are continuing in possession of sufferance from their creditors. There have been large and increasing bank failures.

In his address of February 12, 1924, President Coolidge, urging the imperative need of immediate agriculture relief, again stated:

> But agriculture has only partially revived. Its position has been improved, and the returns for the year are nearly 30 per cent in excess of two years ago. But the great food staples do not sell on a parity with the products of industry. Their average price is little above the pre-war level, while manufactures are about 50 per cent higher. The farmer is not receiving his fair share. The result has been a decrease in the value of farm lands, the choking of the avenues of credit with obligations which are worthless or doubtful, the fore-

closure of mortgages, and the suspension of a large number of banks. To this depression there have been other contributing causes, but the main difficulty has been the price of farm produce.

REMEDIAL RELIEF NEEDED

The ills of the farmers are fundamental, demanding immediate relief. This can only be furnished by governmental aid and assistance. Equitable treatment demands that the Government, through an appropriate agency, help them to dispose of the surplus that it caused them to create, charging any losses sustained back against the producer receiving the benefits. This would curtail production to home consumption and, when supplemented by prohibitive tariffs on farm products, would raise the prices proportionate to those of industry and labor.

If protection to the consuming public from the alleged high prices of farm products during the years 1918 and 1919 was a sufficient emergency for the Government to step in and fix the prices of the farmers' wheat far below the world market price, why is not the present emergency sufficient for the Government to step in and protect the consuming farmers from the high industrial prices now? If through its Grain Corporation it could control prices then, why, through an export corporation with similar powers, can it not establish and maintain proportionate purchasing prices for farm products now? And do this for a sufficient length of time to enable the farmers to organize, establish their marketing agencies, curtail production, diversify, and become strong enough to carry the load themselves. It has done as much for industry, labor, and transportation; why should it not do as much for agriculture until it extricates itself from its present condition?

When such assistance is rendered agriculture, prosperity will be diffused and prevail, your mines will continue to operate and produce their output, your mills will continue to run full time, your factories will continue to hum with industry and happiness, your building campaign will enlarge and gather momentum and go forward, your cities will build and further extend, confidence in business and in the Government will be restored, and the Nation will again be in the enjoyment of a world's peace and prosperity—a prosperity which will be basic and fundamental in its quality and character and lasting and permanent in its effect.

THE NATION'S HONORED HEAD

Mr. GARBER. Mr. Speaker—

Can storied urn, or animated bust,
Back to its mansion call the fleeting breath?
Can honor's voice provoke the silent dust,
Or flatt'ry soothe the dull, cold ear of death?

Woodrow Wilson has passed on. His troubled spirit is at rest. No more will his soul be tortured by the limitations of a man. He voiced the idealism of the world—at least a hundred years in advance of his time—in advance of the capacity of nations to execute. He was a crusader with as knightly and chivalrous a mein and as lofty a purpose as ever set out on a perilous journey to the Holy Land. His was to keep the way open for the poor and downtrodden of the earth in their upward climb for equality and liberty. His idealism framed the issue of our entrance into the world's great war—"We must make the world safe for democracy."

By virtue of his office he became Commander in Chief of the greatest army ever raised up in the championship of any cause in the history of the world. The greatest in its numbers, in its loyalty to country, in its intelligence, and most deadly efficiency upon the field of actual conflict. When all seemed lost and the Allies stood with their backs to the wall—in position occupied, in morale or fighting force, in necessary finances—the American Army turned the tide and saved the day for self-government in the world. From Commander in Chief of this great and victorious Army, Woodrow Wilson became the world's champion for peace. Rescued from the deadly menace of invasion and exploitation, his countrymen could not visualize the practical execution of his peace program for the prevention of future wars. It was then he entered the forum of discussion, and in his efforts to overcome the opposition, to persuade and educate the people up to the required degree for its adoption, he sacrificed his life for peace and against war. He therefore became a war and peace casualty.

It is the law of mankind that the living, however great and good, shall not be permitted to enjoy to the full the merited appreciation they deserve. And since the death of Woodrow Wilson millions mourn. With his looming greatness uncertainty increases as to his most fitting resting place. This should not be. Let it be beside the Unknown Soldier, whose commander he was, in his own democratic simplicity, side by side, so that all future generations may see the humility of the great and the greatness of the humble typically representing equality and democracy, side by side.

EXTENSION OF REMARKS

Mr. HILL of Maryland. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. TAGUE. Mr. Speaker, I ask unanimous consent to extend my remarks on the veto message.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. CONNERY. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on adjusted compensation.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. SABATH. Mr. Speaker, I ask unanimous consent to extend my remarks.

Mr. SNELL. Mr. Speaker, reserving the right to object to these extensions, I suppose it is confined entirely to gentlemen's own remarks?

Mr. SABATH. Yes, sir.

The SPEAKER. The gentleman from New York makes the reservation that extension shall be confined to Members' own remarks.

Mr. YATES. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. SNELL. I am willing to allow a man to extend his own remarks, but not to insert editorials from various papers.

VETO MESSAGE—ADJUSTED COMPENSATION BILL

Mr. TAGUE. Mr. Speaker, in voting for this bill when it was passed by the House of Representatives some time ago I stated that I was doing so because I had been requested to do so by National Commander Quinn, State Commander General Edwards, and representatives of other veterans' organizations in the United States and in my home State. I wish to reiterate that statement in connection with my vote to override the President's veto.

As a member of the House Committee on Ways and Means, which had to do with drafting this legislation, I had hoped consideration of adjusted compensation would be raised above the level of petty partisan politics. Adjusted compensation has been an issue in Republican and Democratic National Conventions for the past five years, and is the child of no particular party. Accordingly it was reasonable for me to expect that my committee would proceed to the consideration of adjusted compensation without any resort to party politics, and I entered the hearings on the bills with that expectation. To the discredit of the Republican members of that committee, however, adjusted compensation was made a political football, and Democratic members of the committee were denied any part in the framing of a bill. Further than that, representatives of veterans' organizations were led to believe that the efforts of Democratic members of the Committee on Ways and Means to have drafted a genuine adjusted compensation bill were sinister designs against the success of any bill. This insidious campaign had its effect in the subsequent indorsement of the present bill by authorized representatives of the veterans' organizations—indorsement secured by duress and implied threats that no other adjusted compensation legislation could be enacted. If the Republican Party in the United States can stoop to such shallow methods in fulfilling its pledges as it has in the instance of this legislation, the day is at hand when the Republican Party will be taught, as was the German Emperor by the World War veterans, that a solemn pledge is just as sacred as a treaty between governments.

I would like the opportunity of voting for an adjusted compensation bill which would hit the bull's-eye of the wishes of the people of the United States and properly dispose of this important question. By steam-roller methods the Republican Party has denied me this opportunity. I have no other course but to surrender my individuality in order to record myself consistently as in favor of adjusted compensation for World War veterans. In this I am fortified in the present instance by an editorial appearing Thursday, May 15, 1924, in the Boston Evening Transcript, a leading Republican newspaper, published in the same State in which Governor Coolidge signed a State soldier bonus.

THE DUTY OF THE CONGRESS

The House of Representatives we are told received "with absolute silence" the reading of the President's message which accompanied his veto of the bill providing the veterans of the war and their dependents with a modest amount of paid-up insurance. If they expected him to

refer to the solemn promise of his predecessor and his party in the campaign of 1920 to write upon the statute books some such law, the Members of the House were doomed to disappointment. For President Coolidge was careful to avoid any reference to this moral and highly pertinent aspect of the case. Here was a campaign pledge concerning the keeping of which he maintained an "absolute silence." Instead of condemning his predecessor and his party for making such a promise and soliciting votes four years ago upon the assumption that if elected to power the promise would be kept, President Coolidge addressed the argument in his message to the economic features of the bill and reserved all of his condemnation for the veterans of the war and their dependents who have advocated the passage of the bill, which originated not with the American Legion but with the leaders in Congress of Mr. Coolidge's own party.

Under all the circumstances, therefore, we think the House of Representatives is to be commended for the dignity and self-restraint and the respect for the exalted office of the Presidency which was shown by Members on both sides of the aisle in receiving such a message from the White House "with absolute silence." Perhaps even the friends of the President found themselves wishing that he had modeled his message on the statesmanlike speech of Senator BORAH against the same bill several weeks ago instead of leaning so heavily upon his inherited Cabinet for counsel.

But the duty of the Senate and the House of Representatives is alike plain and alike imperative. Pass this bill promptly over the veto of the President by the largest vote that can be mustered to its support, regardless of the pressure which may be exerted from any source upon individual Members of either House of Congress, whether in the form of "fear of punishment or hope of reward." For to keep faith with the electorate of an honorable Nation by keeping campaign promises and to deal fairly with the defenders of a rich and mighty Nation and their dependents, regardless of the cost, are aspirations dearer, as we believe, to the hearts of the plain people of the land of Washington and Lincoln and Roosevelt than to pass a hundred tax bills or to elect any President or either party to power. Here and now is the opportunity for the Congress respectfully to remind the President, his people, and their press that "he serves his party best" who "keeps the faith."

Mr. YATES. Mr. Speaker, I remember certain solemn words:

And when you come back, you shall have what is left.

Gentlemen, who uttered those words? The answer is: I did; and you did, nearly all of you.

When were they uttered? Why, they were uttered throughout the year 1917 and the year 1918, in all parts of my State, and of all States.

In my State, great, wonderful, honest, square, truthful Illinois, I uttered such words at every Red Cross rally, every Liberty loan meeting, and every going-away occasion that I could get to.

Looking into the eyes, the big honest, questioning eyes of thousands of young men about to leave for the camp, thence to go across the ocean, and then to the march and field of battle—yes, looking into those eyes and feeling upon me the eyes of fathers and mothers and wives and sweethearts who trusted me and showed it—I said such things as this:

THE PLEDGE

"The people of America, 110,000,000 strong, give you the pledge that they—we—will build a bridge of sympathy and support all the way from Yankeeland to No Man's Land and back again, until you are the best fed, the best clothed, the best armed, and the best equipped sailors and soldiers—and the best—the world ever saw, and when you come back you can have what is left."

Of course, there is no use in talking; you all know that that pledge, or its equivalent, was given—given to unnumbered thousands of our bravest and our best—given in the presence of their mothers, their fathers, their wives, or their sweethearts; denial would be idle.

There is only one question, and this is, "Is there or can there be any excuse whatever for failing to keep the pledge?"

All our lives we have talked about pledges and obligations and covenants and promises and vows and oaths of fidelity and loyalty and devotion and consecration, and have been talked to by the hour about such things. And now here is a real obligation. Shall we hesitate? I for one will not. If there ever was a sacred, solemn, binding obligation it is this one, and in the fear of God I intend to keep it.

The only objection seems to be that the Nation can not afford the bonus, or rather that the Nation now owes too much money in the effort to support all our Government activities and bureaus and boards and commissions in addition to the effort to finance Belgium, France, England, and the world.

THE DEBT

Of course, some men say that the soldier ought not to have any bonus—he ought to be thankful to go without any compensation or gift—if he managed to escape, unhit and unhurt, the bullets fired at him by 2,000,000 Germans every five minutes—say 240 bullets for say 500 days—2,000,000 Germans firing in 500 days two hundred and forty times 2,000,000, that is 480,000,000 bullets.

Very few soldiers say such a thing except those independent and well-to-do. As for the men, fat and suave, who sit back in their soft seats in the smokers and sneer at mercenary patriotism and say the country owes no debt to the soldier—I am in favor of a law right now to put right into the Army the very minute the next war begins every man over 31. Why not? The boys went this time, why not the rest of us next time?

Of course, it is all nonsense to assert the soldier has no moral claim. Disabled or not, mutilated or not, wounded or not, destitute or not, he it was who stood between this Nation and this Government and this people on the one hand and the attack of a crowned kaiser on the other who boasted he would ride down Pennsylvania Avenue in the sight of a conquered American people—he it was—our boy! "The kid has gone to the colors. And we don't know what to say." And he it was who from April 6, 1917, to November 11, 1918—one year and seven months and five days—opened and closed every day with the thought that he had a "rendezvous with death."

And he it was who had about 500 valuable and irrecoverable days taken right out of his young life by law, while his caustic critic of to-day did not sacrifice anything.

Thank heaven Congressmen are not frightened by such critics' cries or by the faces they make.

THE VETO

I do not agree with the words used by the President in his veto message that—

We must either abandon our theory of patriotism or abandon this bill.

I regret that he made such a statement. I can not think he meant it. There must surely be some explanation. I feel sure that the country at large does not concur or approve. I can not believe that the President regards as unpatriotic the 313 of us Representatives here in this House at this moment who are going to vote for this bill over and above the President's veto. I consider myself a patriot, and I so consider my 16 colleagues from Illinois—Mr. Rathbone, of Chicago; Mr. Denison, of Marion; Mr. Hull, of Peoria; Mr. McKenzie, of Galena; Mr. Miller, of East St. Louis; Mr. Fuller, of Belvidere; Mr. King, of Galesburg; Mr. Major, of Hillsboro; Mr. Rainey, of Carrollton; Mr. Funk, of Bloomington; Mr. Kunz, of Chicago; Mr. Michaelson, of Chicago; Mr. Reid, of Aurora; Mr. Arnold, of Robinson; Mr. Sabath, of Chicago; and Mr. Williams, of Flora. Including myself, 17 of the 27 Illinois Congressmen voted against the veto. Nor do I believe that we are excelled in patriotism by Mr. Chindblom and Mr. Graham and Mr. Moore, of Monticello; by Mr. Sproul and Mr. Madden and Mr. Britten and Mr. Hull, of Chicago, all of whom I respect most highly.

And I regard as highly patriotic men such Representatives as:

Mr. Andrew, of Massachusetts; also Connery, Frothingham, Greene, Rogers, and Tague.

Mr. Anthony, of Kansas; also White, and Hoch, and Tincher, and Sproul, and Little, and Ayres, and Strong.

Mr. Barkley, of Kentucky; also Thatcher, and Johnson, and Robsion, and Thomas, and Kincheloe.

Mr. Blanton, of Texas; also Connally, and Garner, and Black, and Sanders, and Mansfield, and Sumners, and Rayburn, and Wurzbach.

Mr. Browne, of Wisconsin; also Cooper, Frear, and Nelson, and Lampert.

Mr. Burtness, of North Dakota; also Young and Sinclair.

Mr. Byrnes, of South Carolina; also McSwain and Stevenson.

Mr. Cannon, of Missouri; also Major and Manlove, Rubey, and Roach.

Mr. Christopherson, of Minnesota; also Larson and Schall.

Mr. Cole, of Iowa; also Green and Dickinson.

Mr. Cooper, of Ohio; also Foster, and General Sherwood, Murphy, and Speaks, Cable, and Thompson.

Mr. Cramton, of Michigan; also Ketcham, and McLeod, and Mapes, and Hudson, and McLaughlin.

Mr. Crisp, of Georgia; also Lee and Upshaw.

Mr. Elliott, of Indiana; also Purnell, and Vestal, Hickey, and Wood, Fairfield, and Sanders.

Mr. Fish, of New York; also LaGuardia, and O'Connell, Perlman, and Crowther, A. D. Sanders, and Reed.
Mr. French, of Idaho; also Smith.
Mr. Gibson, of Vermont.
Major Stedman, of North Carolina.
Mr. Hastings, of Oklahoma; also McKeown, Howard, and Carter, and Hastings, and McClintic, and Swank.
Mr. Morrow, of New Mexico.
Mr. Hawley, of Oregon, also Mr. Sinnott.
Mr. Hadley, of Washington, also Mr. Summers and Mr. Hill.
Mr. Hersey, of Maine, also Mr. Beedy and Mr. White.
Mr. Hill, of Maryland, veteran.
Mr. Bulwinkle, of North Carolina, veteran.
Mr. Johnson, of South Dakota, veteran.
Mr. Reece, of Tennessee, veteran.
Mr. Jeffers, of Alabama, veteran.
Mr. Connery, of Massachusetts, veteran.
Mr. Speaks, of Ohio, veteran.
Mr. Lineberger, of California, veteran.
Mr. Howard, of Nebraska.
Mr. Sanders, of Indiana.
Mr. Sanders, of New York.
Mr. Sanders, of Texas.
Mr. Reed, of Arkansas.
Mr. Reed, of New York.
Mr. Reid, of Illinois.
Mr. Johnson, of Kentucky.
Mr. Johnson, of South Dakota.
Mr. Johnson, of Texas.
Mr. Johnson, of Washington.
Mr. Johnson, of West Virginia.
Mr. Campbell, of Pennsylvania, also Mr. Wyant, Mr. Kelly, Mr. Vare, and Mr. Porter.
Mr. Lazaro, of Louisiana.
Mr. Lea, of California, also Mr. MacLafferty.
Mr. Smithwick, of Florida.
Mr. O'Connell, of New York.
Mr. O'Connell, of Rhode Island.
Mr. O'Connor, of Louisiana.
Mr. O'Connor, of New York.

And I know that there are no men more patriotic than the Senators—59 in number—who are voting to pass this bill over the veto.

"REASONS"

There are numerous reasons for this bill and accordingly reasons for riding over the veto. Among those which appeal to me are the following:

I

1. A debt is owing the ex-soldier and ex-sailor: The war was not won by the uniformed service alone. Capital and labor performed services universally recognized to be as patriotic and necessary to victory as the services of soldiers. Men were legally exempt from military duty on that assumption, and were assured that they rendered the greater service to their country, by remaining apart from the armed forces, as members of the great industrial army which supported the fighting forces.

2. Equal service was not equally rewarded: There was a great discrepancy in pay between those in uniform and the civilian war worker and war contractor—between the members of the fighting forces and those of the industrial forces. This disproportionate payment increased the cost of the war by several billion dollars. To pay this cost a national debt has been incurred.

3. The returned soldier is bearing his share of the burden of paying off this debt, which was contracted for the prosecution of a war, which yielded enormous sums in increased wages and profits to those who stayed at home, but imposed a distinct economic handicap on the soldier.

4. The soldier asks no reward for his services while in uniform. But returning home he asks that, in providing for himself and his family and in bearing his share of the national debt, he be given economic equality with the man who stayed at home. The soldier has not had this equality, because of the superior economic position attained during the war by those who did not go to war, and because they did not go.

5. Therefore a debt is owing, and some adjustment of compensation—or equalization of economic values—is due the soldier to balance the scale in the daily economic struggle between him and his competitor who did not fight and by reason of that fact was able to improve his economic position at the expense of those who did fight.

II

This debt has been acknowledged by the country, and payment has been promised to the veteran.

1. In the national elections of 1920 and of 1922 a majority of the candidates of all parties for national legislative offices campaigned and were elected on platforms which contained the statement that an adjustment of compensation was due the veterans and should be paid. The late President Harding, as a candidate, placed himself explicitly on record as favoring the passage of the adjusted compensation bill. Candidates who declined to go thus on record in nearly every instance were defeated at the polls.

III

The country wants this debt paid.

1. The people of 20 States at general elections have voted in favor of adjusted compensation.
2. The legislatures of 23 States have petitioned Congress to enact the Federal adjusted compensation bill.
3. The governors of 33 States called on the President to sign the adjusted compensation bill when it was before him.
4. The legislatures of 22 States have acted favorably on State legislation of a similar nature.
5. The House of Representatives has passed the adjusted compensation bill three times, the last vote being 333 to 70.
6. The United States Senate, through its Finance Committee, has approved of this bill three times, the Senate as a whole passing it once by a vote of 47 to 22, in 1922. The vote in the Senate this time, May 19, 1924, is 59 to 26.
7. The Chamber of Commerce of the United States, a national organization which has been a consistent and active opponent of compensation, polled local chambers of commerce throughout the country on the four options of the bill. The result was 4,116 votes for and 2,657 against adjusted compensation.
8. The American Federation of Labor and many other organizations of large membership have indorsed the bill.
9. In addition to the American Legion, every recognized national organization of war veterans, from the Civil War down, has indorsed the bill and urged its enactment.

IV

The country can afford to pay this debt; the funds are available.

1. In 1921 and again in 1922, though a majority of the American people and a majority of their Representatives in Congress favored the adjusted compensation bill, the measure failed of enactment because of the plea of the Secretary of the Treasury that the finances of the country were not equal to the obligation. If this were the state of affairs in 1921 and 1922, it can not be the state of affairs to-day. The Treasury reported a surplus of $300,000,000 for the fiscal year ending June 30, 1923. In his last communication to Congress on the subject the Secretary declared that the surplus for 1924 would be so great as to permit of a reduction of income taxes in the amount of $323,000,000.
2. The officially estimated cost of adjusted compensation is approximately $80,000,000 a year for the first three years. Therefore the Treasury surplus of free funds for 1924 will be enough to pay that year's installment on the Nation's debt to the veterans four times over. Compensation can be paid and taxes reduced $243,000,000 in 1924.

V

1. The bill now before Congress arranged for the payment of this debt in ways which would benefit not only the individuals compensated but the country as a whole.

The veteran who is entitled by reason of his length of service to more than $50 must take his compensation in one of these three ways:

(a) A 20-year endowment paid-up life insurance policy; or
(b) A contribution toward building or paying for a home or a farm or for improvements on a farm; or
(c) A contribution toward a vocational or industrial education; or
(d) If he is entitled to $50 or less, he must accept compensation in cash.

2. The options (a), (b), and (c), which would apply to the preponderant majority of the veterans, represent investments which would make for a better, more stable, and more prosperous citizenship among the 4,000,000 who would benefit by them. They offer no chance by which these values, which represent money that is owing the soldier and which the country desires shall be paid to him, may be dissipated by unwise or uneconomic use or investment. Life insurance, homes, farms, education—the money must go into these things. No sounder investments could be suggested.

3. In the transactions comparatively little actual money will change hands. Credits simply will move from the Treasury

into 4,000,000 individual investments in discharge of an actual and acknowledged debt which the Nation owes to 4,000,000 men who bore arms in the World War, and as a consequence suffered an economic disability which can be and should be made good in part without further delay.

VI

1. The United States is not in the habit of repudiating its war obligations. It is an established American custom to adjust the compensation of individuals and economic groups which have sustained financial losses by reason of participation in a war effort. In the last war this custom was observed except in the single instance of the soldiers.

After the Revolutionary War President Washington asked Congress to adjust the compensation of the soldiers, and this was done. President Lincoln did the same after the Civil War. Mr. Lincoln previously had applied for and received his compensation following the Black Hawk War, in which he served as an Infantry captain.

2. During or since the World War an adjustment of compensation, in addition to their regular pay, was paid to Federal civilian employees totaling $225,000,000, and to the civilian employees of the Army and Navy totaling $100,000,000.

3. The Government drafted the railroads during the war and guaranteed them satisfactory profits, and to this end in 1922 settled upon them an adjustment of compensation totaling $764,271,000.

4. War contractors were guaranteed and paid profits which were always fair, frequently liberal, and sometimes exorbitant. Since the war contractors have been paid an additional $700,000,000 in adjusted compensation and these payments are still going on.

5. The returned soldier, despite his economic handicap, is now paying and for four years has been paying his share of the foregoing in addition to the other expenses of the war. All other war debts having been liquidated, and with a surplus in the Treasury, the soldier, who has waited four years, merely asks that what is owing to him be paid now.

CONCLUSION

There has been in some quarters some contention to the effect that this bill raises the question whether party men are going to uphold and stand by their President. I think it is wrong to put the matter in that way. I do not think that there is involved in this situation any question of standing by the President on the one hand or rebuking him upon the other for the sake of party. There is no question of party loyalty or party disloyalty. This bill is not a Republican Party measure. It is being voted for to-day by almost as large a percentage of Democrats as the percentage of Republicans. I think the opponents of the bill are going a long way, and in fact going entirely too far, when they, directly or indirectly, charge that a Republican must vote to sustain the veto or be guilty of disloyalty to his party.

Mr. Speaker, I do not admit that any man in this House is a more loyal Republican than I. I drummed a little drum in 1868 for Grant and Colfax whenever I could get out of my home. In 1872 I drummed a bigger drum for Grant and Wilson. In 1876 I marched in a real drum corps for Hayes and Wheeler, and in 1880, for Garfield and Arthur, I carried my first torch in the beautiful torch-light processions of that year, and in 1884 I was the proud young chairman of a proud young Republican county committee that followed to undeserved defeat James G. Blaine, the plumed knight, and John A. Logan, the black eagle. God bless them. I am for them yet.

And from that day to this no nights have been too dark, no road has been too rough, and no lane has been too long to prevent me from going up and down the State of Illinois from end to end and from side to side advocating the sublime principles of the Republican Party. I believed then, and I believe now, that it is the best party for you and the best party for me and the best party for the American people. I believe that this is so because it is the best business party and the best labor party and the most patriotic party. Whenever the Democratic Party is in power the country is confronted by continued menace. At times the menace has been a threat of free trade; at other times a threat of unsound money. In 1920 the menace took the form of lack of employment for 5,000,000 men. Again and again under Democratic administration we have had the soup house in the city and the tramp army in the country and famine at the fireside, and no one grew any richer but the rich and no help came to the poor. When the Republican Party is in power every furnace fire is burning and every factory wheel is turning and the people are again learning the important lesson that when the Republican Party is in power the American people eat more bread, wear more clothes, own more homes, and have more happiness. I am not deserting that great organization, the Republican Party, when I vote for this soldiers' bonus against the veto of the President. On the contrary, I consider that when I vote for the adjusted compensation I am voting in accordance with the Republican Party, its history of glory, and its bright prospects of renown.

I want it said at the end of my life that this one life, although short and full of shortcomings, was full of loyalty to this old party of Lincoln and Logan; of Sumner, Seward, and Grant; Garfield, Arthur, and Blaine; McKinley, Roosevelt, and Taft; yes, and Harding and Coolidge and Dawes.

So far as loyalty to country is concerned, I am willing that the chief witness in my behalf be the American Legion. I am in receipt of a letter from the officers of that Legion, and there is nothing which could be said by any executive, even the highest, which I will cherish and treasure more than this letter of praise and confidence from the American Legion by John Thomas Taylor, national legislative committee, as follows:

MY DEAR CONGRESSMAN: Now that Congress has adjourned, I wish to take this opportunity, on behalf of the American Legion and the ex-service men and women of the World War, to thank you for the splendid manner in which you supported the legislative program in which we were vitally interested.

The present Congress enacted into law the adjusted compensation bill which had been pending for more than four years; the Reed-Johnson bill, extending the benefits of the war risk insurance act to thousands of disabled veterans; and the Fernald-Langley bill, providing sufficient money to complete the hospital building program. These were, of course, all matters of major legislation.

We appreciate the fact that you cast your vote for the adjusted compensation bill when it was before the House, but more particularly do we appreciate the fact that you supported this legislation after it had been vetoed by the President, and in the name of the service men and women of America I wish to thank you for your undeviating adherence to the cause of the veteran. The great mass of the citizens of America desired you to take this action and they now approve it. This has been clearly demonstrated in every instance where the people have voted upon the question.

The progress of human rights in America is the history of clashes of administrative authority with the forward-looking ideas of the chosen representatives of the people. Ever since the election of the House of Burgess at Jamestown in 1619, when the right of taxation by consent of the people alone was established as a fundamental American principle, the representatives of the people have enlarged the scope of human rights only over the protests of administrative authority.

But in spite of the desires of those who would retard progress, the representatives of the people have slowly but surely made additional gains for the right of the constituents whom they represent and to whom they are responsible.

The unfairness in the methods employed by the opposition to this legislation made the task of Congress a difficult one. The avenues of publicity available to them were closed to the advocates of the measure, and the editorial comment often misleading regarding questions of fact and the motives actuating the Congress. The members of the American Legion and the veterans of the World War, understanding these facts, appreciate more deeply the sincere manner in which you supported this legislation.

The Legion will never forget its friends.

CONFERENCE REPORT—NAVAL APPROPRIATION BILL

Mr. FRENCH. Mr. Speaker, I present a conference report on the naval appropriation bill for printing under the rule.

The SPEAKER. The gentleman from Idaho presents a conference report on the naval appropriation bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 6820) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1925, and for other purposes.

Mr. GARRETT of Tennessee. May I ask the gentleman from Idaho if that is a complete agreement?

Mr. FRENCH. It is a complete agreement; yes.

The SPEAKER. Ordered printed under the rule.

REORGANIZATION OF THE FOREIGN SERVICE OF THE UNITED STATES

Mr. ROGERS of Massachusetts. Mr. Speaker, I ask the Speaker to lay before the House the bill H. R. 6357, with Senate amendments, and on those amendments I desire to move to concur.

The SPEAKER. The gentleman from Massachusetts calls up a House bill with Senate amendments, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 6357) for the reorganization and improvement of the foreign service of the United States, and for other purposes.

The SPEAKER. The Clerk will report the amendments.

The Clerk read as follows:

Senate amendment No. 1: Page 3, line 5, after the word "appointment," strike out all down to and including "minister" in line 6 and insert, "to some other position in the Government service."

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. ROGERS of Massachusetts. I suggest the Senate amendments be reported.

Mr. BLANTON. On an important matter, I would like to ask the gentleman a question.

Mr. ROGERS of Massachusetts. I think the Senate amendments should be reported.

Mr. BLANTON. Does not the gentleman think——

Mr. SNELL. Will the gentleman allow the reporting of the amendments?

Mr. BLANTON. I would like to ask the gentleman this: This bill has been just brought in here, and it has been contested in the House, and we do not know what amendments the Senate has placed on it. Does the gentleman not think he ought to give us time——

Mr. ROGERS of Massachusetts. It has been printed in the RECORD for two days.

Mr. BLANTON. Has it not just been brought in from the Senate?

Mr. ROGERS of Massachusetts. It has.

Mr. BLANTON. Are there additional amendments put on it?

Mr. ROGERS of Massachusetts. I think there are probably four or five minor amendments as to which I have consulted gentlemen——

Mr. BLANTON. Has the gentleman from Texas [Mr. CONNALLY] agreed to it?

Mr. ROGERS of Massachusetts. I do not know about the gentleman from Texas, but I consulted with gentlemen on that side, Mr. LINTHICUM, the gentleman from Virginia [Mr. MOORE], and the gentleman from Tennessee [Mr. GARRETT].

The SPEAKER. Does the gentleman from Massachusetts wish to make a motion?

Mr. ROGERS of Massachusetts. Yes; I move to concur in the Senate amendment just read.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Massachusetts.

The motion was agreed to.

The SPEAKER. The Clerk will report the next Senate amendment.

The Clerk read as follows:

Senate amendment No. 2: Page 8, line 16, after "gathering" insert: "*Provided further*, That the Secretary of State is authorized to prescribe a per diem allowance not exceeding $6, in lieu of subsistence for foreign service officers on special duty or foreign service inspectors."

Mr. ROGERS of Massachusetts. Mr. Speaker, I move to concur in the Senate amendment.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Massachusetts.

The motion was agreed to.

The SPEAKER. The Clerk will report the next Senate amendment.

The Clerk read as follows:

Senate amendment No. 3: Page 14, line 15, strike out "fifty" and insert "seventy-five."

Mr. ROGERS of Massachusetts. Mr. Speaker, I move to concur in the Senate amendment.

The SPEAKER. The question is on agreeing to the motion to concur.

The motion was agreed to.

The SPEAKER. The Clerk will report the next Senate amendment.

The Clerk read as follows:

Senate amendment No. 4: Page 17, after line 8, insert:

"SEC. 22. The titles Second Assistant Secretary of State and Third Assistant Secretary of State shall hereafter be known as Assistant Secretary of State without numerical distinction of rank; but the change of title shall in no way impair the commissions, salaries, and duties of the present incumbents.

"There is hereby established in the Department of State an additional Assistant Secretary of State who shall be appointed by the President by and with the advice and consent of the Senate, and shall be entitled to compensation at the rate of $7,500 per annum.

"The position of Director of the Consular Service is abolished, and the salary provided for that office is hereby made available for the salary of the additional Assistant Secretary of State herein authorized."

Mr. ROGERS of Massachusetts. Mr. Speaker, I move to concur in the Senate amendment.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. ROGERS of Massachusetts. Yes.

Mr. BLANTON. What is the effect of that amendment No. 3, to strike out the "25" and insert "50"?

Mr. ROGERS of Massachusetts. It strikes out "50" and inserts "75." When the bill passed the House it provided that contributions made by foreign service officers who retired voluntarily should be returned to them, 50 per cent, without interest. The Senate provision provides that 75 per cent shall be returned, without interest. That amendment was sponsored by the gentleman from Ohio [Mr. BEGG] and I have conferred with him, and I think I am authorized to state that he is satisfied with the compromise.

Mr. Speaker, I move that the amendment just read be concurred in.

Mr. WINGO. Mr. Speaker, there has been considerable confusion in the Chamber. This seems to be an amendment creating a new position. I would like to have an explanation of it. I think the temper of the House is against creating new positions unless they are necessary.

Mr. ROGERS of Massachusetts. This does not create a new position and it creates no new salary. As the gentleman knows, for many years the Director of the Consular Service has been Mr. Wilbur F. Carr. He has been treated as on a level with the Assistant Secretary of State, and he has always had the same salary as the Assistant Secretary of State, namely, $4,500. It gives him the other title and does not increase his salary.

Mr. WINGO. As I heard it read at the desk, I thought it was $7,500. I will ask the gentleman if that is not so?

Mr. ROGERS of Massachusetts. It provides for a salary of $7,500 after July 1, with the understanding that this will take effect if the reorganization bill or reclassification goes through. The other Assistant Secretaries of State are to receive $7,500.

Mr. WINGO. The net result is a change of title of the man who has been discharging these duties, and makes him an Assistant Secretary, and after July 1 the salary will be $7,500, whereas it is $4,500 now?

Mr. ROGERS of Massachusetts. Yes; provided the classification law goes through.

Mr. WINGO. It will be a change of title and a change of salary from $4,500 to $7,500 a year. That is the net effect, is it not?

Mr. ROGERS of Massachusetts. That is the net effect.

Mr. CONNALLY of Texas. Mr. Speaker, will the gentleman yield?

Mr. ROGERS of Massachusetts. Yes.

Mr. CONNALLY of Texas. Did the gentleman from Massachusetts call attention to the fact that a member of the minority had concurred in this?

Mr. ROGERS of Massachusetts. The gentleman from Maryland [Mr. LINTHICUM] and the gentleman from Virginia [Mr. MOORE] and the gentleman from Tennessee [Mr. GARRETT] were conferred with.

Mr. CONNALLY of Texas. I am glad to hear that. I had no knowledge of it, although I have been on the floor all the morning.

Mr. ROGERS of Massachusetts. I would have consulted with the gentleman from Texas if I had seen him.

Mr. CONNALLY of Texas. It seems to me that the gentleman from Massachusetts, in conferring with the gentleman from Virginia and the gentleman from Maryland, has conferred with gentlemen who entertain the same view with himself, but the gentleman from Texas does not entertain the same view. Does the gentleman from Massachusetts think that is fair?

Mr. ROGERS of Massachusetts. I am sorry that I did not see the gentleman.

Mr. CONNALLY of Texas. Does the gentleman from Massachusetts think the gentleman from Texas should keep himself bodily before the eyes of the gentleman from Massachusetts in anticipation of having Senate amendments to a bill brought on this floor?

Mr. ROGERS of Massachusetts. I did not think there were any Senate amendments in relation to which the gentleman from Texas had any opposition. The amendments were printed in the RECORD two days and were available to the gentleman.

Mr. SABATH. The bill came back only to-day, did it not?

Mr. ROGERS of Massachusetts. Yes. I tried to be more than fair with the gentlemen on the minority side.

Mr. CONNALLY of Texas. When was the bill messaged back from the Senate?

Mr. ROGERS of Massachusetts. This morning, within a few minutes.

Mr. CONNALLY of Texas. I have been in attendance here and have been out of the Chamber only about 20 minutes. I had no knowledge that this matter would be taken up. It may be all right, but as matters stand I can not act intelligently on the subject.

Mr. SABATH. Mr. Speaker, I have no objection to the amendment referring to Mr. Carr. I consider him as a very capable and deserving gentleman. I understand that the statement of the gentleman from Massachusetts [Mr. ROGERS] is right when he states that this amendment does not increase Mr. Carr's salary. The amendment, as I heard it read, states that it shall be changed from $4,500 to $7,500.

Mr. ROGERS of Massachusetts. This is the only salary that is affected by this bill—Mr. Carr's salary.

Mr. SABATH. But it would be increased from $4,500 to $7,500?

Mr. ROGERS of Massachusetts. Yes.

Mr. SABATH. So that he will be placed on a par with the other Assistant Secretaries?

Mr. ROGERS of Massachusetts. Yes.

Mr. SABATH. I think he is the best man, anyway.

Mr. ROGERS of Massachusetts. I think the Members of the House understand that Mr. Carr is a most efficient and hard-working gentleman.

Mr. BLANTON. I would like to be heard on this amendment for a moment, Mr. Speaker.

This amendment is going to determine the question of policy of the House, in a small way, with respect to economy. This man is now rendering good service for $4,500 a year. His duties are not to be changed by this amendment. He would still perform the same duties, but by it he will have his salary increased from $4,500 to $7,500.

Mr. COLE of Iowa. May I ask the gentleman from Texas where he will get such a man who will continue in the service at such a salary?

Mr. BLANTON. He is performing the service now for $4,500, and on the 1st of July this amendment increases that salary by $3,000 to $7,500. The House ought to go on record on this question. I hope the gentleman will have a roll call on this amendment, and let us determine now whether you are going to carry out the President's so-called policy of economy; whether you are going to stop this raising of salaries, and whether you are going to adopt this amendment increasing this man's salary by $3,000. It is an amendment put on in the Senate and the bill came back to the House just about five minutes ago, was called up immediately and you are now asked to pass it without anybody knowing anything about it. I think we ought to go on record on this amendment, and I intend to force a record vote on it.

Mr. TINCHER. But the forcing of a roll call on this would not help it.

Mr. BLANTON. But it would let the people of the country know who are voting to raise this salary from $4,500 to $7,500.

Mr. COLE of Iowa. Who voted for the bonus?

Mr. BLANTON. I did and I am not ashamed of it, but I voted against the $11,500,000 Cape Cod bill; I voted against giving our $100,000,000 Muscle Shoals away——

Mr. COLE of Iowa. So did I.

Mr. BLANTON. And I voted against the bill for $10,000,000 German relief, as well as other extravagant propositions.

Mr. CONNALLY of Texas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CONNALLY of Texas. How did this matter get before the House—by unanimous consent?

The SPEAKER. No; it is a House bill with Senate amendments.

Mr. CONNALLY of Texas. In the regular course ought not these amendments go to the committee?

The SPEAKER. No.

Mr. CONNALLY of Texas. Is not that the regular parliamentary procedure?

The SPEAKER. No; this is a House bill with Senate amendments and it can be called up at any time.

Mr. WINGO. Mr. Speaker, I want to get some time. I believe the gentleman from Massachusetts [Mr. ROGERS] has the floor and I ask the gentleman to yield me five minutes.

Mr. ROGERS of Massachusetts. I yield the gentleman five minutes.

Mr. WINGO. Mr. Speaker, I do not know whether this amendment should be agreed to or not. I understand that this man is possibly the best man in the State Department, but, gentlemen, here is the situation you are facing: We are now coming to the close of this session, and I have seen this thing happen for 11 years, and you are going to get in trouble if you continue the policy that is represented by the procedure on this bill. We just had a very interesting measure up for consideration, the veto of the President of the bonus bill. There was a great deal of confusion and Members got up and left to go to lunch and a lot of them had already gone out. Amidst that confusion the gentleman from Massachusetts [Mr. ROGERS]—who, necessarily, by reason of his character and his service, commands the respect of the House—gets up and calls up this bill. No one opposed it being called up, and, as I recall, under the rules he had the right to do it though the impression was he was calling up a conference report. But the bill on which the gentleman wants action and on which we are now acting, so far as the amendments of the Senate are concerned, has just been presented to the House. Amidst the confusion of Members leaving after the roll call on the bonus bill, a message from the Senate comes in with multitudinous measures messaged over from the Senate and among the group was this bill with certain Senate amendments. The gentleman from Massachusetts immediately called it up. I contend that is not conducive to orderly legislation. If I had time to consider this matter, and the members of the committee who say they are opposed to this kind of legislation had had an opportunity to consider it and discuss it, it may be that I should vote for it. But, gentlemen, I am not going to vote for amendments which are brought up on the spur of the moment, with the ranking member of the committee, who holds contrary views to the gentleman who brings it up, absent from the Hall and not having had an opportunity to consider it and advise with those who agree with his views and his judgment on the bill. That does not look to orderly discussion and procedure by this House. It brings confusion, and if it is attempted on some other bill, however unpopular such action may be, I shall resort to every parliamentary tactic and filibuster to prevent such hasty consideration of a measure. I shall not do it now, but I shall content myself with expressing my doubt by simply voting no, although I might on consideration—and I am inclined to think I should—agree that it is a meritorious proposition.

There are a lot of men in the service, good men, who ought to have their salaries raised but they ought not to be raised by a rider put on in the Senate, one man at a time and piecemeal.

We have attempted to reclassify, and I suspect the reclassification will cover this.

Mr. COLE of Iowa. It does.

Mr. WINGO. I do not know. But the Senate, instead of picking out one favorite man and saying, "We are going to jump his salary from $4,500 to $7,500," should do it in an orderly way, so that those public servants who are less popular by reason of their not being in touch with Members of the House can get their just demands for adequate compensation considered by the House, and all of them placed on an equality. That is the way to treat these deserving public servants who are underpaid—consider all of them and not consider just a few favored ones by piecemeal amendments of the Senate.

Mr. CONNALLY of Texas. Mr. Speaker, I make a point of order. I understand this first amendment raises Mr. Carr's salary.

Mr. ROGERS of Massachusetts. Yes.

Mr. CONNALLY of Texas. I make the point of order, Mr. Speaker, that this amendment properly goes to the Committee of the Whole, because it increases salaries and therefore is a charge on the Treasury. I cite subdivision 2, Rule XXIV.

The SPEAKER. The Chair will state that when the gentleman from Massachusetts rose the Chair had no knowledge of what his purpose was in getting the floor. The gentleman had not notified the Chair in advance and the Chair recognized him, and then he called this bill up. The Chair thinks it is now too late to make that point of order.

Mr. CONNALLY of Texas. If the Chair will permit the gentleman from Texas to make the observation, the Chair must have been more considerate of the gentleman from Massachusetts than other gentlemen, because usually he inquires for what purpose does the gentleman rise, and I recall that only several days ago when the gentleman from Mississippi rose and the Chair courteously gave him the floor and then found out that the gentleman was making a request the Chair did not think proper, the Chair then withdrew the recognition and said that the gentleman must first consult the Chair before making such request, and in all fairness, I suggest it might be well for the Chair——

The SPEAKER. The Chair assumed the gentleman from Massachusetts had arranged with the gentleman from New York [Mr. SNELL], who was entitled to recognition, to bring the matter up.

Mr. SNELL. If the Chair will allow me to make the observation, I understood it was a regular conference report and that I could not object. I object to anything else coming up except the regular unfinished business.

Mr. WINGO. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WINGO. I may be wrong, but it occurs to me that the Speaker is in error when he says it is now too late.

The SPEAKER. The Chair is not sure.

Mr. WINGO. I want to refresh the Chair's mind. I may be in error, but I think it is too important a matter to pass by in this way.

The SPEAKER. The Chair thinks so.

Mr. WINGO. The customary procedure when a matter comes up, if it is a matter that requires consideration in the Committee of the Whole, is to ask unanimous consent that it be considered in the House as in Committee of the Whole. I want to suggest to the Chair that I think it would be a very unwise precedent to establish, if it has not been already established, especially with the confusion that obtained, and while I am not criticizing the gentleman from Massachusetts, yet in the confusion that existed here the chairman of the Rules Committee really thought this was a conference report.

Mr. SNELL. That is what I thought.

Mr. WINGO. I thought that, too. If I had not thought it was a conference report, there would have been some question on my part in the absence of the gentleman from Tennessee [Mr. GARRETT] on this side. I think the Chair ought to rule now that the point can be raised at any time in reference to a bill that makes a charge on the Federal Treasury, and that it is not too late now. We have just started its consideration, and I do not think it is too late now to say that this is a charge upon the Treasury, and the House has to go into Committee of the Whole to consider it.

The SPEAKER. The parliamentary clerk is looking up the precedents.

Mr. CONNALLY of Texas. Mr. Speaker, I had not finished my citation.

The SPEAKER. Will the gentleman allow the Chair to state the way this came about? The Chair did not know what was coming up, and assumed that the gentleman from Massachusetts had arranged with the gentleman from New York, who was beside him and whom the Chair had expected to recognize, to bring up this bill; and when the gentleman from Texas asked the Chair the question the Chair supposed it was a matter that did not require consideration in the Committee of the Whole. The question now is whether, once consideration has begun, it is too late. The Chair will be glad to hear the gentleman from Texas.

Mr. CONNALLY of Texas. This is what the rule says——

Mr. ROGERS of Massachusetts. May I interrupt the gentleman? Perhaps I can simplify this procedure. I frankly, Mr. Speaker, intended to do only what I thought would be the will of the House. If I have inadvertently erred in any respect, I am extremely sorry. If it is in order, I should be glad to ask unanimous consent that action upon this amendment be postponed until such time next week as it would clearly be in order under the rules of the House.

The SPEAKER. It might not be in order at that time without unanimous consent.

Mr. ROGERS of Massachusetts. It is a House bill with Senate amendments. Is not that in order after the reading of the Journal?

The SPEAKER. Not if the amendment must be considered in the Committee of the Whole.

Mr. ROGERS of Massachusetts. I took this Senate amendment to be an authorization and not an appropriation. I assumed it was privileged, but I do not wish to have any Member of this House think I am trying to crowd this matter unfairly. I ask unanimous consent, in deference to the apparent preferences of several Members, that I may be permitted to withdraw this temporarily.

Mr. BLANTON. With the understanding, Mr. Speaker, that action on the other two amendments is to be vacated?

The SPEAKER. The other two amendments have been adopted, and the Chair does not know what the purpose of the gentleman is.

Mr. BLANTON. Mr. Speaker, if a bill comes back from the Senate that has objectionable matter with reference to the House, it ought to go into Committee of the Whole on all the amendments, and the gentleman ought to ask to vacate action on those two amendments.

The SPEAKER. That is for the gentleman from Massachusets to determine.

Mr. ROGERS of Massachusetts. I do not think there is any occasion to vacate the action, although if the gentleman from Texas wishes it I will ask that also.

Mr. CONNALLY of Texas. I will say this, Mr. Speaker, in all deference to the gentleman from Massachusetts, what I have said and done was not meant as any reflection on the gentleman's intention to put anything by speedily, intentionally, or willfully. I only attribute that to his zeal in the cause. What I have said and done has been to maintain the right of the minority to be consulted about legislation on the floor of this House, and it does not make any difference whether that minority is one or one dozen, and I am referring to those who have minority views on a bill.

Mr. ROGERS of Massachusetts. May I interrupt to ask if the gentleman desires that the whole proceeding be vacated?

Mr. CONNALLY of Texas. I think it would be better in order not to set a bad precedent.

Mr. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent that the entire proceedings on the Senate amendments be vacated.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the entire proceedings be vacated. Is there objection? [After a pause.] The Chair hears none.

ADDITIONAL JUDGES, SOUTHERN DISTRICT OF NEW YORK

Mr. SNELL. Mr. Speaker, the unfinished business is House bill 3318, a bill to provide for the appointment of two additional judges of the district court of the United States for the southern district of New York.

Mr. CAREW. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. It is clear there is not a quorum present.

Mr. SNELL. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

Anderson	Faust	Lee, Ga.	Schall
Anthony	Fenn	Linthicum	Scott
Bankhead	Fleetwood	Little	Sites
Barkley	Frear	Luce	Smith
Bell	Gallivan	McFadden	Smithwick
Bixler	Garrett, Tex.	McKenzie	Snyder
Boies	Gilbert	McLaughlin, Nebr.	Sproul, Kans.
Britten	Glatfelter	Mead	Steagle
Browne, Wis.	Hardy	Michaelson	Swoope
Buckley	Hawes	Miller, Ill.	Taylor, Colo.
Burdick	Howard, Okla.	Minahan	Vare
Clague	Huddleston	Moore, Ill.	Ward, N. Y.
Clark, Fla.	Hudson	Morgan	Ward, N. C.
Cole, Ohio	Hull, Tenn.	Morris	Wason
Connolly, Pa.	Hull, William E.	Nelson, Wis.	Wefald
Cooper, Ohio	Humphreys	Nolan	White, Me.
Corning	Johnson, Ky.	O'Brien	Williams, Tex.
Cramton	Kahn	Park, Ga.	Winslow
Croll	Kendall	Peavey	Winter
Curry	Kerr	Porter	Wolff
Dallinger	Kiess	Purnell	Wood
Davis, Minn.	Knutson	Quayle	Wyant
Dominick	Kvale	Ransley	Zihlman
Doyle	Langley	Reed, W. Va.	
Drane	Leatherwood	Rogers, N. H.	
Dyer	Leavitt	Rosenbloom	

The SPEAKER pro tempore (Mr. TREADWAY). On this call 332 Members have answered to their names. A quorum is present.

Mr. BEGG. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were reopened.

PRESIDENT'S VETO OF ADJUSTED COMPENSATION BILL

Mr. JOST. Mr. Speaker, I ask unanimous consent to insert in the RECORD some remarks in relation to the President's veto and my vote in support thereof.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD by inserting a statement in regard to his support of the President's veto. Is there objection?

Mr. SNELL. I have no objection if they are the gentlemans' own remarks.

Mr. JOST. They are my own remarks.

There was no objection.

Mr. JOST. Mr. Speaker, following the passage of this measure by the House and as soon as I was permitted so to do, I placed of record the reasons which moved me to vote for it. Those who may be interested to the point of referring to that statement will there learn that I regarded the measure not as a

bonus but in the nature of a preliminary pension, and I voted for it on that theory. Sooner or later pensions on a huge scale will be paid to veterans of the late war and their dependents. Whether the task of meeting that inevitable obligation should be begun now by some such measure as the one in hand or postponed until the existing financial burdens of the Government shall have been lightened is the question of the moment for me to answer with my vote.

From my viewpoint, the immediate solution of the problem is not of such overruling importance as to preclude me from voting to sustain the President's veto, and I shall so vote. While my vote is in agreement with the result sought by the veto, I certainly and most vigorously dissent from the statements therein with reference to the ex-service men and their relationship to the Government during and since the war. It seems to me that the language of the veto in that respect is unnecessarily harsh.

The responsibility of running this Government just now is with the Republican Party, of which the President of the United States is the titular head. He has solemnly declared that the instant measure is wrong, that ex-service men as a whole do not want it, that those who do, do not deserve it, and that the country can not afford to pay the cost which the bill will entail. To overrule his veto and thrust this measure on the Government against his protest is to furnish an excuse and cover for the failure of his administration to relieve the people and business from the heavy and distressing taxes which afflict the Nation.

The President speaks for his party. It is now certain he will be the candidate of the Republican Party at the next general election. He has declared positively and unequivocally against a soldiers' adjusted compensation measure in any form. In doing so he made an important and far-reaching decision. The responsibility is his. By sustaining his veto, this presidential policy would become the policy of his party and the subject of a solemn referendum at the next general election. In my humble judgment it is neither good business nor good politics to overrule this veto.

NANCY HANKS LINCOLN

Mr. WILSON of Indiana. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an address I delivered at the dedication of a memorial tree transplanted from the grave of the mother of Abraham Lincoln in Spencer County, Ind., to the Lincoln Memorial grounds, Washington, D. C.

The SPEAKER pro tempore. The gentleman from Indiana asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. WILSON of Indiana. Mr. Speaker, under leave granted to extend my remarks, I insert a revised address I delivered April 21, 1924, at the dedication of a memorial tree transplanted from the grave of the mother of Abraham Lincoln, in Spencer County, Ind., to the Lincoln Memorial Grounds, Washington, D. C., as follows:

We are gathered here to-day to perpetuate the memory of a mother, Nancy Hanks Lincoln, a woman whose brave, honest, and kindly spirit gave cheer to many struggling pioneers who were making inroads into the wilderness of Kentucky and Indiana.

Here in the shadow of the great Lincoln Memorial, dedicated to her martyred son, we are planting a living memorial to the beloved mother.

The cooperation and enthusiasm exhibited by so many people interested in the transplanting of this tree has been very gratifying. Let us extend our thanks to Lieut. Col. C. O. Sherrill; Mr. F. E. Peters, editor of the Evansville Press; the Boy Scouts of Evansville, Ind., and of Washington, D. C., and their executives; Mr. Noah Spurlock, custodian of the Nancy Hanks Lincoln Memorial Park, at Lincoln City, Ind.; and the school children of southwestern Indiana, for their assistance in the undertaking. It demonstrates their willingness to aid the promotion of any worthy civic or patriotic enterprise.

I have long thought that the people of my district, who have a strong claim to the fame of Abraham Lincoln because he spent several years molding into manhood in Spencer County, Ind., should donate something to the grounds of the Lincoln Memorial, which has become an international shrine, visited daily by hundreds of people from all over the world. This great memorial is not complete without something to remind the traveler and sightseer of Lincoln's mother, who contributed so much to the great President's success and of whom he himself said, "All that I am or hope to be I owe to my sainted mother." Trees have about them something beautiful and attractive to everybody. Hence I could think of nothing that would be more appropriate than this white oak tree from the Nancy Hanks Lincoln Memorial Park, in which Lincoln's mother and sister are buried and of which all Hoosiers are justly proud. Here this tree will grow and expand into a mighty oak as a living memorial to the great American's youthful days spent with his mother in the backwoods of Spencer County, Ind. Only a short distance from the thriving little village of Lincoln City is the final resting place of Nancy Hanks Lincoln.

There the State set aside and maintains a beautiful park dedicated to her memory.

Every time I look at this great monument, unequaled by any in the world, costing thousands and thousands of dollars, erected to the memory of a man whose public life exhibited such brilliant talents and who has become one of the greatest characters in history, it takes me back to the quiet little park resting among the hills of Spencer County. In that vicinity Lincoln spent some of his most trying days, enduring the hardships of the rugged pioneer, endeavoring to obtain an education under the most difficult circumstances, and molding his mind and character so that in later years he was able to deal successfully with the great questions which involved the destiny of the Nation.

Let us briefly review here the history of the Hanks family and the life of Nancy Hanks herself. It seems that all the different branches of the Hanks family come from the old town of Malmsbury in Wiltshire, 96 miles from London. In the year 878, Alfred the Great defeated the Danes, who had overrun the whole Kingdom of the West Saxons. All of the Malmsbury men who fought in this battle under King Alfred were rewarded with 500 acres of land. Among these so-called "commoners" were two brothers named Hanks, whose descendants still hold the "commoner's rights" in Malmsbury, each succeeding king having given them a charter to the land.

A descendant, Thomas Hanks, moved from Malmsbury to Stop-on-the-wold, married and had three children. One, Thomas, jr., married and had a son named Thomas 3d, who is said to have been a soldier under Oliver Cromwell. He had one son, Joseph, who married; and one of the latter's sons, Benjamin, married and came to America, landing at Plymouth, Mass., in 1699.

Interwoven in the annals of New England, we find that members of the Hanks family are remarkably inventive and that it is a "family of founders."

Suffice it to say, that the mother of Abraham Lincoln belonged to a family which has given to America some of her finest minds and most heroic hearts.

One son of Benjamin Hanks, named William, migrated to Virginia. William's son, Joseph, then moved to Amelia County, Va., where Nancy Hanks was born on the 5th of February, 1784. Here she lived until she was five years of age, when her parents decided to find a new home in Kentucky, becoming thus a part of the great migration to that State—the migration which began when Daniel Boone and James Harrod founded Harrodsburg and Boonsborough in 1774–75, and which reached its height during the last 20 years of the eighteenth century.

The journeys were practically all made via the Virginia Valley, through Cumberland Gap, and thence by what was known as Wilderness Road to the Ohio River at Louisville. The Hanks family settled on a farm of 150 acres near Elizabethtown, in what is now Nelson County, Ky. The Indians were still disputing the rights of the white people to Kentucky, and it was necessary for settlers to live in stockades. Shortly after her father's death in 1793 Nancy's mother died, and Nancy went to live with her aunt, Mrs. Richard Berry.

On June 12, 1806, when Nancy Hanks was 22 years old, she was married to Thomas Lincoln, a cousin, in a log cabin in Beechland, Washington County, near the town of Springfield, Ky., by Jesse Head, a Methodist minister of Springfield. After their marriage they went to Elizabethtown, where a child was born, named Sarah, in 1807. They then moved to Buffalo, Ky., where a son was born to them, whom they named Abraham, a name common in both the Hanks and Lincoln families.

Thomas Lincoln, like his son after him, had a notion that fortunes could be made by trips to New Orleans on flatboats. It was probably about 1815 that he built a flatboat, which, because of an idea which he had about making water crafts speedy, was high and narrow and very unsuccessful at the time because of lack of ballast. He loaded this boat with a cargo of whatever he could gather from his farm, and also of deer, bear, and buffalo furs, and floated down Salt River into the Ohio, which was flushed from recent rains and full of whirlpools and snags. Before he reached the Mississippi River, however, his boat upset. He was able to save his tool chest and part of his cargo only because he was near the Indiana shore. He stored what he had saved under the bank and went home afoot, and in debt to the neighbors who had helped him. In those days, though, people never pressed a man who had lost by Indians or by water. Later Mr. Lincoln made a trip into Indiana, prospecting for new land, and returned home to sell and move to that State.

His son wrote in later years, "This removal was partly on account of slavery but chiefly on account of difficulty in land titles in Kentucky." It might be stated here that Thomas Lincoln had advanced ideas about slavery.

In the year 1816 the family prepared to leave Kentucky. They packed their household furniture and farm tools into a wagon. What-

ever of stock they owned was driven behind, and the procession started. The first part of their journey probably was not difficult, for it is claimed that the road to the Ohio was good. After crossing the river and entering Indiana their pilgrimage, no doubt, became troublesome. They then had to literally cut their way through the forests to the land which Thomas Lincoln had taken up for himself and his family.

This land lay in what is now Spencer County, Ind., on Little Pigeon Creek, about 15 miles north of the Ohio River, about 35 miles east of Evansville, Ind., and 1½ miles east of Gentryville, Ind. The hardships of the Lincoln family began after Indiana was reached and their camp in the wilderness, which was to be their shelter, was built.

Their first home was what was called "a half-faced camp"—a kind of log lean-to without doors or windows.

The winters of 1816 and 1817 were spent in this camp. The next year Thomas Lincoln built a crude cabin which was sufficient shelter. The family began to find new friends and neighbors in that far-distant country. They joined the Pigeon Creek Baptist Church and gradually became associated in whatever interested the neighborhood.

Several of Nancy's friends and relatives moved to Indiana, and the new home became more interesting as it became more habitable.

History tells us that Nancy Hanks was bright, scintillating, noted for her keen wit and repartee, and withal a great, loving heart. Her gentleness and brightness she left everywhere she went, like a ray of sunshine. Such a woman, who can face and surmount difficulties with a smile and be ever willing to lend others a helping hand, is the kind which gives us our sturdy Americans and gives power and vitality to our race.

On October 5, 1818, after an illness of a few days, she died from an intensified form of malaria. Death in the home was a peculiarly intimate thing for those early settlers; for the body lay in the room where they ate and slept, and it was necessary for the family to make all the preparations for the funeral as well as to make the coffin itself. It was customary for people of the community to attend the funeral of one of their numbers; but at this time an epidemic of malaria was raging through all of southern Indiana, and people did not dare to congregate. So the little woman was laid to rest without a funeral service under the golden autumn leaves in a lonely and yet enchanted spot on top of a hill near what is now Lincoln City—there where Nancy Hanks Lincoln and her boy had often sat together and watched the gorgeous colors of the glorious sunset far over the distant hills.

Although she gave her life as a victim to the same grinding poverty in which Abraham Lincoln grew from boyhood to manhood, and although it was, no doubt, her early influence which made of Abraham Lincoln the great man that he was, no monument has been erected in Washington to Nancy Hanks Lincoln.

The appropriateness of such a monument is obvious. And what could be more fitting than this memorial oak transplanted from that hallowed soil in Indiana to this position beside the massive monument in memory of her martyred son?

While only the eve of her life was lived in Indiana, yet the story of the inroads made into the wilderness of that State by Nancy Hanks and her little family will live to eternity.

With these things in mind plans were formulated and permission was granted by the War Department for the transplanting of this tree. Mr. Peters, of the Evansville Press, proposed to secure the tree and sought the cooperation of Mr. Zion, the Scout executive. Representatives of 14 Boy Scout troops were gathered, and they started from Evansville on Friday, April 4, 1924, at 4 p. m. They reached Tennyson, Ind., without mishap, but after that they not only walked a good portion of the way from Tennyson to Lincoln City, which is 12 miles, but pushed the two cars they had taken with them. The lights on one of the cars failed and a flash light was used.

Three miles out of Lincoln City the automobiles had to be abandoned, and the party plodded through the mud on foot the rest of the trip. Lincoln's spirit must have smiled kindly upon the courage of these boys, trudging the last long miles of an arduous journey to his old home to help perpetuate the memory of the mother whom he loved so well. The muddy and tired, but cheerful, party of 14 boys and 2 men had been invited to bunk in Mr. Wayne Hevron's barn, and there they slept soundly during the remainder of the night.

Mr. Noah Spurlock, custodian of the Nancy Hanks Lincoln Park, had the tree ready for its journey to the Capital. Working in shifts, the boys started back, hoping that they would be able by the light of day to make the journey back to Tennyson without having to walk and push. The party arrived in Evansville late in the afternoon of April 5, and the tree was shipped immediately to Washington, arriving on Tuesday, April 8, where it was received by Mr. Henlock, the superintendent of the Propagating Gardens, and the Washington Boy Scouts, under the supervision of their executive, Mr. E. D. Shaw.

To-day we plant this 10-year-old white oak tree in memory of the noble woman, the products of whose hardships and perils are commemorated by this magnificent memorial dedictated to her great son.

We have taken this tree from the soil hallowed by the possession of her mortal remains, and are transplanting it on memorial grounds established for the sole purpose of bringing mankind into the great nature of her martyred son.

May this memorial oak in future years become beautiful in its majestic grandeur. May it send out its branches to the heavens and rival its ancestors which grew on the Lincoln farm in Indiana. May it become an important addition to these grounds, beneath whose shade future tourists may stop and be reminded of the woman whose strong but gentle influence played such an important part in molding the character of one of our greatest Americans.

I now christen you Nancy Hanks Lincoln Memorial Oak.

A PLAN TO PREVENT WAR

Mr. THOMAS of Oklahoma. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in explanation of a joint resolution I have introduced proposing an amendment to the Constitution of the United States.

The SPEAKER pro tempore. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

Mr. SNELL. I have no objection if they are the gentleman's own remarks.

Mr. THOMAS of Oklahoma. They are my own remarks.

There was no objection.

Mr. THOMAS of Oklahoma. Mr. Speaker, I have just introduced a joint resolution (H. J. Res. 266) proposing an amendment to the Constitution of the United States in the following language:

Amendment —.

SECTION 1. The Congress shall have power to declare war, provided three-fourths of the Members elected to and constituting each House shall concur.

SEC. 2. After a declaration of war and prior to the reestablishment of peace the Congress shall have power to enact legislation for the prosecution of such war, notwithstanding existing contracts made after ratification of this amendment.

The proposed amendment has for its purpose the prevention of war. This greatly desired end is to be accomplished by mobilizing the forces in America in an effort to prevent war rather than in the preparation for war.

The amendment, if adopted, will accomplish the following:

1. Will make it more difficult to declare war;
2. Will give Congress power to draft property and material as well as men; and
3. Will make it possible to prevent any man or interest from making profit out of war.
4. With this amendment adopted, all contracts will be made subject to "acts of God" and "declarations of war by the Congress of the United States."

At this time the majority of a quorum in each House can declare war. Under the proposed amendment such a declaration can be made only by the vote of three-fourths of the total membership elected to and constituting each House of Congress.

Congress now has power to draft and force into war boys, men, and even women; but it is not certain that Congress has the power to enact laws to provide that all the profits of war can be used in defraying the expenses of war.

Powerful interests, such as shipbuilders, armor plate and munition makers, and manufacturers of war supplies, and all who thrive on war, will oppose this amendment; but in the event of its adoption all peoples and institutions which prosper in peace and are injured by war will join in an effort to stop war throughout the earth.

With the amendment in force and in the event a defensive war is necessary, the whole resources of the country—men, money, material, and property—will be subject to mobilization by Congress to repel such invasion.

With profits withdrawn from war; with property subject to draft and mobilization the same as men; with contracts which interfere with the prosecution of war abrogated, suspended, or annulled; and with the possibility of a general moratorium being declared, warfare will be so terrible and so costly to the interests which bring about armed conflicts that war will soon become a memory of barbaric activity.

At present the United States, along with other Nations, is getting ready for the next war. We are spending hundreds of millions annually in preparation for the next "carnival of slaughter." The next war will not be confined to battles between armed and trained soldiers, but instead will be a war of destruction of property and of extermination of people, including noncombatants, women, and children.

I have introduced this proposed amendment in the hope that the attention of the people may be diverted from the preparation for war to the prevention of war, and unless this

can be accomplished, this generation, without regard to sex or age, may see a conflict the horribleness of which the human mind can not now comprehend.

ADDITIONAL JUDGES FOR SOUTHERN DISTRICT OF NEW YORK

Mr. PERLMAN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 3318) to provide for the appointment of two additional judges for the district court in the southern district of New York.

The SPEAKER pro tempore. The gentleman from New York moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 3318) to provide for the appointment of two additional Federal judges for the district court of New York.

The question was taken; and on a division (demanded by Mr. CAREW) there were 44 ayes and 55 noes.

Mr. PERLMAN. Mr. Speaker, I object to the vote on the ground that no quorum is present.

The SPEAKER pro tempore. The gentleman from New York makes the point that no quorum is present. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll. All those in favor of going into Committee of the Whole will answer "aye" and all those opposed will answer "no."

The question was taken; and there were—yeas 161, nays 158, not voting 114, as follows:

YEAS—161

Ackerman	Fredericks	Magee, N. Y.	Sinclair
Aldrich	Free	Manlove	Smith
Andrew	Freeman	Mapes	Snell
Bacharach	French	Merritt	Speaks
Bacon	Frothingham	Michaelson	Sproul, Ill.
Barbour	Fuller	Michener	Sproul, Kans.
Beedy	Graham, Ill.	Miller, Wash.	Stalker
Beers	Graham, Pa.	Mills	Stephens
Begg	Green, Iowa	Moore, Ohio	Strong, Kans.
Berger	Greene, Mass.	Moores, Ind.	Strong, Pa.
Bixler	Griest	Morgan	Summers, Wash.
Britten	Hadley	Morin	Swing
Browne, Wis.	Hardy	Murphy	Taber
Brumm	Hawley	Nelson, Me.	Taylor, Tenn.
Burton	Hersey	Nelson, Wis.	Tayler, W. Va.
Butler	Hickey	Newton, Minn.	Temple
Cable	Hill, Md.	Newton, Mo.	Thatcher
Campbell	Hoch	Nolan	Thompson
Chindblom	Holaday	Paige	Tilson
Christopherson	Hudson	Parker	Timberlake
Clague	Hull, Iowa	Patterson	Tincher
Clarke, N. Y.	Hull, William E.	Perkins	Tinkham
Cole, Iowa	James	Perlman	Treadway
Colton	Kearns	Phillips	Vaile
Cooper, Ohio	Keller	Porter	Vestal
Cooper, Wis.	Kelly	Rathbone	Vincent, Mich.
Darrow	Kendall	Reece	Voigt
Davis, Minn.	Ketcham	Reed, N. Y.	Wainwright
Dempsey	King	Reid, Ill.	Watson
Denison	Knutson	Roach	Wefald
Dickinson, Iowa	Kopp	Robinson, Iowa	Wertz
Edmonds	Kurtz	Robsion, Ky.	White, Kans.
Elliott	LaGuardia	Rogers, Mass.	Williamson
Evans, Iowa	Larson, Minn.	Sanders, Ind.	Winslow
Fairchild	Lehlbach	Sanders, N. Y.	Woodruff
Fairfield	Lineberger	Schafer	Wurzbach
Faust	Longworth	Schneider	Wyant
Fenn	McLaughlin, Mich.	Sears, Nebr.	Young
Fish	McLeod	Seger	
Fitzgerald	MacGregor	Shreve	
Foster	MacLafferty	Simmons	

NAYS—158

Abernethy	Celler	Griffin	McKeown
Allen	Clancy	Hammer	McNulty
Allgood	Cleary	Harrison	McReynolds
Almon	Collier	Hastings	McSwain
Arnold	Connery	Hawes	McSweeney
Aswell	Cook	Hill, Ala.	Major, Ill.
Barkley	Crisp	Hill, Wash.	Major, Mo.
Beck	Crosser	Hooker	Mansfield
Black, N. Y.	Cullen	Howard, Nebr.	Martin
Black, Tex.	Cummings	Hudspeth	Mead
Brand	Davis, Tenn.	Jacobstein	Milligan
Blanton	Deal	Johnson, Tex.	Mooney
Bloom	Dickinson, Mo.	Johnson, W. Va.	Moore, Ga.
Bowling	Dickstein	Jones	Moore, Va.
Box	Doughton	Kent	Morehead
Boyce	Drewry	Kincheloe	Morrow
Boylan	Driver	Kindred	O'Connell, N. Y.
Brand, Ga.	Eagan	Kunz	O'Connell, R. I.
Briggs	Evans, Mont.	Lanham	O'Connor, La.
Browning	Favrot	Lankford	O'Connor, N. Y.
Buchanan	Fisher	Larsen, Ga.	O'Sullivan
Bulwinkle	Fulbright	Lazaro	Oldfield
Busby	Fulmer	Lee, Ga.	Oliver, N. Y.
Byrnes, S. C.	Gardner, Ind.	Lilly	Parks, Ark.
Byrns, Tenn.	Garner, Tex.	Lindsay	Peery
Canfield	Garrett, Tenn.	Logan	Pou
Cannon	Garrett, Tex.	Lowrey	Prall
Carew	Gasque	Lozier	Quin
Carter	Geran	McClintic	Ragon
Casey	Greenwood	McDuffie	Rainey
Raker	Sanders, Tex.	Sumners, Tex.	Watkins
Rankin	Sandlin	Swank	Weaver
Rayburn	Sears, Fla.	Tague	Weller
Reed, Ark.	Shallenberger	Thomas, Ky.	Wilson, Ind.
Richards	Sherwood	Thomas, Okla.	Wilson, La.
Romjue	Sites	Tillman	Wilson, Miss.
Rouse	Smithwick	Tucker	Woodrum
Rubey	Steagall	Underwood	Wright
Sabath	Stedman	Upshaw	
Salmon	Stevenson	Vinson, Ky.	

NOT VOTING—114

Anderson	Frear	Leavitt	Sinnott
Anthony	Funk	Linthicum	Snyder
Ayres	Gallivan	Little	Spearing
Bankhead	Garber	Luce	Stengle
Bell	Gibson	Lyon	Sullivan
Boies	Gifford	McFadden	Sweet
Brand, Ohio	Gilbert	McKenzie	Swoope
Browne, N. J.	Glatfelter	McLaughlin, Nebr.	Taylor, Colo.
Buckley	Goldsborough	Madden	Tydings
Burdick	Haugen	Magee, Pa.	Underhill
Burtness	Hayden	Miller, Ill.	Vare
Clark, Fla.	Howard, Okla.	Minahan	Vinson, Ga.
Cole, Ohio	Huddleston	Montague	Ward, N. Y.
Collins	Hull, Morton D.	Moore, Ill.	Ward, N. C.
Connally, Tex.	Hull, Tenn.	Morris	Wason
Connolly, Pa.	Humphreys	Mudd	Watres
Corning	Jeffers	O'Brien	Welsh
Cramton	Johnson, Ky.	Oliver, Ala.	White, Me.
Croll	Johnson, S. Dak.	Park, Ga.	Williams, Ill.
Crowther	Johnson, Wash.	Peavey	Williams, Mich.
Curry	Jost	Purnell	Williams, Tex.
Dallinger	Kahn	Quayle	Wingo
Davey	Kerr	Ramseyer	Winter
Dominick	Kiess	Ransley	Wolff
Dowell	Kvale	Reed, W. Va.	Wood
Doyle	Lampert	Rogers, N. H.	Yates
Drane	Langley	Rosenbloom	Zihlman
Dyer	Lea, Calif.	Schall	
Fleetwood	Leatherwood	Scott	

So the motion was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. McFadden with Mr. Minahan.
Mr. Curry with Mr. Quayle.
Mr. Fleetwood with Mr. Bell.
Mr. Barbour with Mr. Wolff.
Mr. Mudd with Mr. Lea of California.
Mr. Gifford with Mr. Ayres.
Mr. Dallinger with Mr. Collins.
Mr. Johnson of Washington with Mr. Morris.
Mr. Burdick with Mr. Drane.
Mr. Scott with Mr. O'Brien.
Mr. Dowell with Mr. Browne of New Jersey.
Mr. Boies with Mr. Hayden.
Mr. Vare with Mr. Spearing.
Mr. Wood with Mr. Bankhead.
Mr. Leavitt with Mr. Oliver of Alabama.
Mr. Wason with Mr. Tydings.
Mr. Luce with Mr. Linthicum.
Mr. Winter with Mr. Goldsborough.
Mr. Madden with Mr. Connally of Texas.
Mr. Welsh with Mr. Hull of Tennessee.
Mr. Magee of Pennsylvania with Mr. Kvale.
Mr. Purnell with Mr. Williams of Texas.
Mr. Connolly of Pennsylvania with Mr. Montague.
Mr. Ramseyer with Mr. Buckley.
Mr. Cramton with Mr. Glatfelter.
Mr. Johnson of South Dakota with Mr. Jeffers.
Mr. Lampert with Mr. Stengle.
Mr. Williams of Illinois with Mr. Vinson of Georgia.
Mr. Ransley with Mr. Croll.
Mr. Sweet with Mr. Wingo.
Mr. Watres with Mr. Dominick.
Mr. Frear with Mr. Howard of Oklahoma.
Mr. Swoope with Mr. Taylor of Colorado.
Mr. Dyer with Mr. Davey.
Mr. Crowther with Mr. Lyon.
Mr. McLaughlin of Nebraska with Mr. Corning.
Mr. Anthony with Mr. Sullivan.
Mr. Miller of Illinois with Mr. Rogers of New Hampshire.
Mr. Leatherwood with Mr. Jost.
Mr. Morton D. Hull with Mr. Doyle.
Mr. Sinnott with Mr. Johnson of Kentucky.
Mr. Funk with Mr. Kerr.
Mr. Yates with Mr. Humphreys.
Mr. Brand of Ohio with Mr. Cannon.

The doors were reopened.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 3318, with Mr. LEHLBACH in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the President of the United States, by and with the advice and consent of the Senate, shall appoint two additional judges of the District Court of the United States for the Southern District of New York, who shall reside in said district and who shall possess the same powers, perform the same duties, and receive the same compensation as the present district judges of said district.

Mr. PERLMAN. Mr. Chairman and gentlemen of the committee, the southern district of New York comprises the counties of New York, Westchester, Columbia, Dutchess, Greene, Orange, Putnam, Rockland, Sullivan, and Ulster. The population of this district, according to the census of 1920, is 3,801,364,

and the population of this district has increased considerably since the taking of the 1920 census.

The United States District Court for the Southern District of New York has six permanent judges. This bill proposes that two additional permanent judges shall be appointed for this judicial district.

At the close of June 30, 1923, there were pending in this court 24,724 civil and criminal cases.

The following is a statement of business transacted in the United States district court, southern district of New York, during the fiscal year ending on June 30, 1923:

Cases	Commenced during year	Terminated during year	Pending June 30, 1923
Civil suits to which United States is not a party:			
Equity	545	477	1,151
Law	648	566	2,184
Admiralty	787	819	3,518
Civil suits to which United States is a party	1,159	750	3,773
Bankruptcy proceedings	2,471	1,615	5,262
Total civil suits and proceedings	5,610	4,227	15,888
Criminal cases	2,919	2,559	8,836
Total civil and criminal cases	8,529	6,785	24,724

In addition there were on the motion calendar of this court during this fiscal year 15,084 motions, divided as follows:

General motions	4,117
Motions in bankruptcy cases	5,306
Final hearings in naturalization	5,661

During the six months from July 1 to December 31, 1923, the net increase in the cases awaiting trial, exclusive of prohibition and bankruptcy cases, was as follows: (This was the net increase in cases added to the general calendar from cases disposed of during that period):

Equity	70
Law	38
Admiralty	324
Criminal	482

I am reliably informed that a case on the equity calendar in this court is reached in not less than 16 months; a case on the law calendar, two years and four months; a case on the admiralty calendar, two years and six months. Many criminal cases have been on the calendar more than two years. The jury, admiralty, and equity calendars are about two years behind and on account of increased litigation the situation is daily growing worse. This congestion amounts to a denial of justice.

There was a hearing on this bill before the Committee on the Judiciary on February 13, 1924. At this hearing Mr. Henry D. Williams, representing the New York Patent Law Association, appeared and spoke in favor of the bill. Mr. Williams informed the committee that because of the congestion many patent cases are not brought in the southern district court, for it is impossible to get the amount of care and thought and attention that such patent cases require, and that citizens residing in this district are compelled to bring the patent cases in Chicago, Pittsburgh, and sometimes in San Francisco. You can appreciate that the expense incident to the bringing of witnesses from New York to Chicago, to Pittsburgh and San Francisco, makes this litigation unnecessarily expensive. This additional expense to the litigants is of no benefit to anyone and is an inexcusable waste of money.

Hon. Henry Wade Rogers, senior United States circuit judge, second judicial district, wrote to Representative OGDEN L. MILLS, the introducer of this bill, as follows:

I am writing you in reference to a bill now pending either in the House of Representatives or before the Judiciary Committee of the House which relates to the appointment of two additional Federal judges in the southern district of New York.

The situation in the southern district is one of the matters which came before the judicial conference at its meeting in Washington in September, 1923. The judicial conference, as you know, is composed of the Chief Justice of the Supreme Court and the senior circuit judge in each of the nine circuits of the United States.

After a full consideration the conference voted in favor of the appointment of two additional judges for the southern district and two additional circuit judges for the eighth circuit. This action was taken by a unanimous vote.

In the southern district of New York the situation is most serious. On the 1st of July, 1923, there were 25,000 cases on the docket. This means that a case is on the docket for two years before it can be heard. We have been doing everything in our power to relieve that congested condition and brought in during the preceding year such district judges from other districts as we could find free to come. With all our efforts in that year, instead of reducing the number of cases on the docket, there were a thousand additional cases at the beginning of the next year.

That being the condition, it is evident that in many cases a situation exists which amounts to a denial of justice.

This is a condition which ought not to be permitted to continue. Perhaps better than any other person, I know the difficulties of bringing in additional judges, and I am entirely satisfied that there is no way out to remedy the existing situation except through the appointment of at least two additional district judges in the southern district of New York.

Col. William Hayward, United States attorney for the southern district of New York, recently wrote as follows:

There is no question that the two judges asked for in this district is a most modest request. We are two or three years behind on our calendars, and although the chief justice has tried to get us additional judges to help out from other districts, they are few and far between. We have so many mail-fraud cases awaiting trial that I despair of ever reaching them. Each case takes several weeks, sometimes as much as six weeks, consuming the entire time of judge and jury. The Sherman Act cases are equally long. The prosecution of the Cement Trust, which resulted in a disagreement, took seven weeks. We ordinarily have one or at best two of the Federal judges assigned for criminal work. Judge Mack, who has been of great help to us, I understand is going to Cincinnati. We could use four times the number of judges suggested for the next two years and then only catch up with our calendars. I think Judge Hand, who makes the assignment of the judges, has done the best for me he can without neglecting or interfering with the very important work of the judges. Of course, you know of the burden of admiralty, patent, and other civil litigation they have. On the question of additional judges I feel like yelling, "Help, more help, and still more help."

There are now sitting in this district 10 Federal judges. Next month we are to have 11 judges.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. PERLMAN. Yes.

Mr. LAGUARDIA. The four extra judges come from other districts?

Mr. PERLMAN. Yes.

Mr. LAGUARDIA. And they are allowed additional compensation?

Mr. PERLMAN. Yes.

Since January 1, 13 judges from outside of the southern district of New York were assigned to the southern district of New York. Each received, in addition to his salary, $10 per day computed from the day the judge left his home to the day he returned to his home, and railroad and Pullman fares. The judge takes with him his stenographer, who, in addition to his salary, receives $4 per day, plus railroad and Pullman fares.

Now, in respect to the cost of the two additional judges the salaries of these two judges will be $15,000, and the salaries of their stenographers will be $3,680, making a total of $18,680 per year.

In this connection permit me to read a statement of the cost of the assignment of outside judges to this district, submitted to the Judiciary Committee by Mr. George E. Strong, chief clerk of the Department of Justice. It is as follows:

From January 1, 1921, to June 4, 1923, expense of travel and per diem for judges assigned to the southern district of New York from without the second circuit, under the provisions of the act of October 3, 1913 (38 Stat. 302), is $17,088.12; expense of stenographers to judges is $8,104.23; total, $25,192.35; in addition, there are stenographic assistants and incidental expenses which it is impossible to compute. There is also an item of expense due to loss of time on the part of judges when traveling to and from New York City.

The expense for the other assignments which are authorized by the act of September 14, 1922, is not available at the present time, as same would require a search of records by the marshals of the several districts.

The estimated expense for two additional judges in the southern district of New York is as follows: Salaries of judges ($7,500 each), $15,000; salaries of stenographers ($1,840 each), $3,680; total, $18,680.

It is only fair to add that in view of the general congestion throughout the United States it is most difficult to secure an available judge, and often delays occur pending the consent of the senior circuit judge and the district judge; furthermore, whenever the congestion is of a permanent nature same should be cared for by the creation of additional judges, and the provisions for assignment from one circuit to another should only be utilized to relieve congestion of a temporary character, where the general business of the district would not be sufficient to occupy all the time of an additional judge. However, if it were not for these assignments the congestion in the southern district of New York would be even more serious than exists at present.

Mr. O'CONNOR of New York. Is it not a fact that in addition to the judges' salaries we will have to get them court rooms and various attendants?

Mr. PERLMAN. No. The court rooms are there now. Last year for five months the Department of Justice paid to the outside judges and their stenographers for their per diem allowance the sum of $25,192.35, and in addition their Pullman and railroad fare. At that rate it cost the Government nearly $70,000 a year, while the cost of these two additional judges, including stenographic service, will be $18,680 per year.

Yesterday the gentleman from New York [Mr. CELLER] spoke in opposition to this bill, stating that there was no need for any additional judges in this district. The gentleman's district is not in the southern dstrict of New York. The gentleman lives in and represents a district in the eastern district of New York, where there is no congestion. Permit me to read to the gentleman from New York [Mr. CELLER] and to the other Democrats from New York, all of whom are opposing this bill, the testimony of one of their colleagues [Mr. WELLER], who is a member of the Judiciary Committee.

Mr. WELLER is an attorney and has practiced extensively in the southern district court. Until yesterday he advocated the passage of this bill. To-day he is not participating in the debate, and I believe he will vote against the bill. I wonder who changed his mind. Permit me to read his testimony at the hearings before the Judiciary Committee on February 13, 1924:

Mr. WELLER. I only want to supplement, Mr. Chairman, the remarks of Mr. Williams in reference to the condition of business and to indicate that in communications in writing from all our judges in the southern district, including the circuit judges, we have letters from all the judges approving additional judges, and up in my office I have possibly more than 150 letters from members of the bar who, like myself, practice especially in the Federal courts.

On December 31, 1923, there were approximately 25,000 actions pending in the southern district, of which 7,000 are matters which we call ex parte matters, or matters which can be threshed out by the lawyers before referees in bankruptcy, and all kinds of patent cases in which a sitting court is not required, there being 13,143 cases on the docket on December 31, divided into 561 equity cases, 1,647 law cases, 1,803 admiralty cases, 6,495 criminal cases, exclusive of prohibition cases, cases under the prohibition law, 2,610, making a total of 13,143.

The condition of the calendar is little short of a scandal.

Mr. MICHENER. Those 6,000 plus criminal cases—are many of those cases—cases which have been on the calendar a long time and are carried along?

Mr. WELLER. I dare say 25 per cent have been on the calendar for five years.

Mr. MICHENER. Those will not be tried, will they, the criminal cases?

Mr. WELLER. In all probability, no. Many of those cases consist of what we call mail-fraud cases, and the average time it takes to try a mail-fraud case is over two weeks and as long as eight months, and those cases have been piling up, and I might say we have tried, the Chief Justice has tried, and the senior circuit judge of our district, Judge Rogers, has tried to get out-of-town judges from other States to come and dispose of the so-called fraud calendar. Inasmuch as they are prolonged cases there is no disposition, I might say, for out-of-town judges to come and take up that calendar. Not only is there no disposition on the part of the judge, but on the part of the senior circuit judge of the court of which he is a member, to permit him to sit there any length of time.

The matters that are attended to by judges, especially bankruptcy hearings and the motion calendar, keep a judge busy practically all day and all night. I am not stressing the statement when I say—and I think my colleague, Mr. PERLMAN, will concur in what I say—that on the motion call in room 231 of the Post Office Building it is almost impossible to get to the door, let alone to get inside of the door. The people who are in the court at that time are not litigants; they are lawyers and lawyers' clerks who have come up to answer matters ready for argument, and time is fixed during the day when certain parts of the calendar may be taken up and lawyers able to get to a point before the bar where they can be heard by the judge.

I am not going to take up any further time. Mr. MILLS's bill has the recommendation of the Chief Justice, the President of the United States, the Attorney General, the district attorney, and all of the circuit judges of our district.

I would like to file in the record, Mr. Chairman, just a few letters—one from Judge Rogers, one from Judge Goddard, and one from Mr. I. Maurice Wormser, who is the editor in chief of the New York Law Journal and professor of law, and then the letter of the district attorney, Colonel Hayward.

I think that on the merits of this question the Democrats from New York ought to be guided by the testimony of the gentleman from New York [Mr. WELLER], a member of the Judiciary Committee, rather than by what has been said by the gentleman from New York [Mr. CELLER].

It occurs to me that the Democrats who are opposed to this bill, especially those from the city of New York, are not concerned about the congestion in this court and the denial of justice. I think that they are opposed to this bill because if it is enacted into law President Coolidge will appoint the two judges. I am certain that the people of the United States and the people of New York have confidence in President Coolidge and are satisfied that he will appoint conscientious, honest, and competent judges.

I believe that it will be of interest to you to know the comparison of the business of the southern district court with that of the district courts having the next largest amount of business:

Business of United States district courts

[Statement showing business pending in United States district courts, year ending June 30, 1923, of districts having the largest amount of business]

	Present judges	United States civil	Criminal, including prohibition	Admiralty	All other civil	Bank	Total
New York, southern district	6	3,773	8,836	3,518	3,335	5,262	24,724
New Jersey	4	523	12,023	264	652	1,419	14,881
New York, eastern district	3	633	2,283	2,449	3,586	1,815	10,766
Massachusetts	3	261	5,914	128	933	1,818	9,054
Pennsylvania, western district	3	226	320	180	1,972	2,267	4,965
Illinois, northern district	3	852	1,184	20	1,055	2,191	5,302
Pennsylvania, eastern district	3	547	539	374	1,879	1,524	4,863
California, northern district	3	385	1,598	809	595	1,440	4,827

Since June 30, 1923, the calendar of prohibition cases in this court has been greatly increased. This particularly is due to the fact that prior to that day the New York State Legislature repealed the Mullen-Gage law, which was New York State's prohibition enforcement act. The repeal of this law transferred to the United States district court all prohibition cases. The following is a telegram which I have just received from the chief clerk of the southern district court:

Replying to your second telegram, 511 prohibition and 106 other criminal cases on calendar Monday, May 12. On Monday, May 19, we will have 611 prohibition cases and 97 other criminal cases on calendar in court room 331.

Recently the naturalization service in New York County was reorganized, and since May 12, 1924, nearly all naturalization cases are heard by the United States district court judges of the southern district of New York. This has added considerably to the work of the judges of this court. I recently wrote to Mr. Charles M. Weiser, deputy clerk of the United States District Court of the Southern District of New York, to ascertain the volume of naturalization work of this court. Mr. Weiser replied to me as follows:

Final hearings in naturalization are conducted once a week and the calendars are increasing in length as the months progress. Since talking with you on Saturday it has developed that the local bureau of naturalization contemplates confining naturalization activities at this point to United States courts, which will mean naturalization calendars of 400 cases each final-hearing day. The demand this will impose on the time of the judiciary is apparent.

It has always been possible to keep the naturalization calendars precisely up to date in this court, whereas in the State courts in this county and Kings they are a year and two years, respectively, in arrears. With our present complement of judges, under the conditions the contemplated changes will bring about, this court will soon reach the condition of chaos which now obtains in the several State courts.

Mr. HARDY. And will the employment of these two judges help to enforce the prohibition law?

Mr. PERLMAN. If we do not have these two additional judges, it will be difficult to speedily try all cases.

The gentleman from New York [Mr. CELLER] said that if there was a willingness to work on the part of some of the judges of this court that the equity docket would be cleared quickly. I am very much surprised that the gentleman makes this statement, for he ought to know that the judges of this court are the hardest-worked judges in the United States. Every one of them is either in his chambers or in a court room from about 9 o'clock in the morning until late in the evening. All of them have at all times done more than their share of the work of this court. I have no doubt that the outside judges

will substantiate my statement, for they, too, when sitting in this district, are at work from early morning to late in the evening. The business in this court is so great that six judges working continuously every day from 9 in the morning until 6 in the evening could not keep the calendars up to date. That is why I urge the enactment of this bill.

WHO WILL BENEFIT BY THE DEFEAT OF THIS BILL?

The confidence men, who have been indicted and are awaiting trial for using the mails to defraud the people of millions of dollars by selling fake stocks and bonds; the postal thieves, who are pilfering your mail and my mail, who have been indicted and are now awaiting trial; all other criminals who have been indicted for violating Federal statutes—they favor the congestion in this court, because the congestion means delay. They know that delay will give them time to intimidate and spirit away Government witnesses. They know that delay gives them an opportunity to continue violating the law while they are out on bail. Others who benefit by the defeat of this measure are the thousands who are the defendants in civil suits brought against them by the United States Government. They do not want speedy trials, for delay means much to them, and they know that less judges than are necessary means more congestion and more delay before they can be brought to pay their debts to the Government. Defendants in civil actions brought by individual citizens also favor the defeat of this measure, for in most cases they have nothing to gain by a speedy trial and most of the time considerable to gain by delay.

WHO FAVOR THIS BILL?

President Coolidge, who, in his first message to Congress, recommended the enactment of this legislation.

Chief Justice Taft and the judicial council, who adopted a resolution recommending this legislation.

The Attorney General, who is anxious that there be speedy trials in all criminal prosecutions and all actions in which the Government is a party.

The judges of this district, who want and need help to clear the calendars of this court.

The United States attorney for the southern district of New York.

The Bar Association of the State of New York, the New York County Lawyer's Association, the New York Patent Law Association, and all the lawyers in this district.

The people of the United States are in favor of this bill, for without sufficient judges the laws of the United States can not be enforced and the people can not get the justice which is guaranteed by our Constitution.

I appeal to you to vote for this bill, for justice should not be sacrificed and slaughtered at the altar of partisanship.

Mr. Chairman, I yield five minutes to the gentleman from Michigan [Mr. MICHENER].

Mr. MICHENER. Mr. Chairman and gentlemen of the committee, something has been said by the last speaker about the prohibition question in New York. On yesterday our friend from New York [Mr. CELLER] had something to say along that line, and, inasmuch as that matter has been brought up, I am going to read what Mr. CELLER said. In assigning one of the principal reasons why we should not have additional judges in New York he said:

> We read in the record given by some of the proponents of the bill that the criminal cases have flooded the courts, and that they have so many criminal cases as a result of prohibition violations that it was utterly impossible to get any cases disposed of; but I will tell you something, my good friends, about that. The judges themselves in the southern district have only themselves to blame for this condition; and why? They have passed a resolution, the six of them, in concert with one, I believe, of the judges of the Circuit Court of Appeals, that they will not fine first offenders for violation of the prohibition law. What has been the result of that particular position which they have assumed? We find that none of the attorneys who represent these offenders in the prohibition cases will file pleas of guilty when assured of jail sentences only for their clients—

And so forth.

In other words, he tells us that these judges up there, six judges, are attempting to enforce the prohibition law, and he tells us that these judges will not promise to let men off with fines, but tells us that they passed a resolution providing that a man who violates the prohibition law will be sent to jail. He goes further and tells us that in order to get around jail sentences they are bringing into New York outside judges, and when those judges come in they exercise more leniency and let these men off with fines. He favors this system. I am quoting the substance of the speech of the gentleman made on the floor yesterday, and in concluding his thought along this line he said:

> I say, my good friends, they have no right in New York, considering the public opinion of New York's population, to impose imprisonment in cases of first offenders when in most parts of the country the Federal judges refuse to imprison and only fine; and I will say that if they will be more lenient in their attitude concerning prohibition cases, perhaps they would not have so many violations of the prohibition law.

Now, gentlemen, this should not be a question of politics or prohibition. This is simply a question of having enough suitable judges to enforce the law. Then, again, yesterday, when a gentleman was on the floor discussing this measure, something was said about the trouble in selecting a judge to fill the last vacancy and the time it took. Gentlemen, I am ready, and I believe the country is ready, to say to the President of the United States, "You may take all the time that is necessary, but you must select a judge in New York who believes in enforcing the law. You must select a man who will stand up and enforce the law." Now, it is a well-known fact—and I defy my good Tammany friends to deny it—that some of your judges in the New York State courts were elected on a wet and dry issue——

Mr. O'CONNOR of New York. Does not the gentleman know that such questions do not come up in our State courts?

Mr. MICHENER. I know they do not come up at this time and that you have repealed your prohibition enforcement law, but some judges were elected on that platform.

Mr. CELLER. Will the gentleman yield for a question?

Mr. MICHENER. I can not. In answer to that question, I want to go a step further. This gentleman from New York tells us that because of the attitude in New York the law should not be enforced. I appreciate that there is a strong sentiment along that line in New York, and I appreciate that within the last year the chief executive of that great State signed the repealing act, giving expression to that sentiment by saying that he would sign any law that brought back the foam on the glass and the brass rail.

Mr. DICKSTEIN. Will the gentleman yield for one question? Did the gentleman read the opinion of the governor on the repeal of the act?

Mr. MICHENER. No; I am quoting what the governor said in his explanation of the signing of the bill. If this is the attitude in New York to-day with reference to this question of having more judges to enforce the law, it seems to me that it is our duty to supply sufficient judges to enforce the law. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SUMNERS of Texas. I yield five minutes to the gentleman from New York [Mr. GRIFFIN]. [Applause.]

Mr. GRIFFIN. Mr. Chairman and gentlemen of the committee, at first I was strongly inclined to support this bill. It seemed to me to be a respectable measure, having for its purpose the enlargement of a very important court for the facilitation of public business. But the longer I have listened to the arguments in its support the more convinced I am of the lack of good faith behind it. I see in it now nothing but a sordidly partisan attempt to gather under the wings of the Republican organization in New York City the district court of the United States.

Mr. SNELL. Will the gentleman yield right there?

Mr. GRIFFIN. Pardon me, not now; a little later.

The CHAIRMAN. The gentleman declines to yield.

Mr. GRIFFIN. You can gather almost any argument you need from statistics, or philosophy, or history in support of a bad measure. The cloven hoof is disclosed in the speech of the last speaker when, to support a sordid patronage grab, he rails against Tammany Hall. Now the best test is the opinion of the people of New York City, who regard the Republican organization in New York City as without conscience—corrupt and venal—and having so lost the confidence of the people that at the last election they beat it by over 200,000 votes.

The real animus behind this bill is no longer a secret. It is confessed on page 3 of the report, in this language:

> It has developed that the local bureau of naturalization contemplates confining naturalization activities at this point to United States courts.

Now, if the district court in the southern district of New York is so far behind in its business, as the sponsors of this bill would have us believe, why are they so anxious to saddle this naturalization work upon it, a work that has been done and

done satisfactorily by the local county clerks through the New York State Supreme Court?

Is it not manifest that they do not need the judges so much to do the naturalization work as they need them to furnish an excuse to take the naturalization work from the State courts? In other words, to build up another patronage nest in the naturalization bureau in the city of New York they planned to enlarge the office of the local naturalization examiner, take the naturalization cases out of the New York Supreme Court, and send them into the United States district court. And the fact that the United States court already had its hands full did not deter them even from attempting to inaugurate the change this year.

They had progressed so far as to have made commitments for additional floor space and other outlays to carry out the scheme, when it was blocked in the Committee on Appropriations by the prompt and manly, straightforward stand of the chairman of our subcommittee, the gentleman from Pennsylvania [Mr. SHREVE]. He saw through the scheme and, without a thought of partisanship, but acting wholly in the public interest, he put his foot down on the brazen, partisan patronage adventure. Of course, it was not known at that time that the next step in the campaign was to be an appeal to Congress to enlarge the district court to take care of the increased naturalization cases. That feature was kept in the background. In fact, when, in the hearings, some doubt was expressed as to the ability of the United States district court to take care of the business, Mr. Crist, the naturalization commissioner, quite confidently assured us the court was fully competent to handle the increased business.

I quote from page 107 of the hearings of the Committee on Appropriations before the Subcommittee on Labor. Mr. Crist, Commissioner of Naturalization, was testifying:

Mr. GRIFFIN. Then, how do you account for the congestion in the Federal courts?

Mr. CRIST. I do not know that there is any.

* * * * * * *

Mr. OLIVER. Let me ask at this point, if they confine themselves to naturalization cases alone, what will become of the regular cases on the calendar, which is entirely congested, in so far as the southern district of New York is concerned? It is so much congested that they are seeking new judges, and are asking Congress to give them new judges down there to help them in their work so that they may keep their calendars clear.

Mr. SHREVE. It is very necessary that we differentiate between these two lines of activities so that we know what is being done by the department over here. If I grasp your thought, the situation is this: The court is so congested with legal business that it is your contention that they would possibly be handicapped and not be able to handle naturalization business.

Mr. CULLEN. Yes.

Mr. CRIST. As to that, I can only say this: The three judges in New York, or the United States judges for the southern district of New York, Mr. Sturges, the chief naturalization examiner, and the special deputy clerk of the court having charge of naturalization work had a conference, and as a result of that conference, and of the presentation of the plans of the Bureau of Naturalization to the judges, the judges said, "We will take care of all the cases that arise in Manhattan in our jurisdiction."

From that is the inference unreasonable that the enlargement of the naturalization office in New York and the increase of the United States district judges were both essential interrelated parts of one deep-laid scheme to build up a large local patronage machine?

Now, I take it that the Members of this House will consider the local situation and what the people of the city of New York want, instead of what a patronage-hunting machine may want. The Republican organization there does not stand for the principles of the Republican Party at large throughout the United States.

Furthermore, the people of New York are opposed to this bill because they do not want to see the district court of the United States enlarged until there is some improvement in its personnel and procedure. How pleased do you imagine the people of New York will be to learn that this bill is passed granting an increase of two more judges who will doubtless be of the same type as those who are already on the bench of the district court—men who come from the bosom of reactionary social strata——

Mr. PERLMAN. Mr. Chairman, will the gentleman yield?

Mr. GRIFFIN. Men whose sympathies are invariably with the corporate interests of the city, the railroads, and other public-utility corporations; men whose reputation throughout the country among members of the bar is that they are dominated by the corporations? An eminent lawyer in New York, one of the ablest men practicing in the United States courts, the author of a valuable Federal practice work, once told me in the presence of witnesses that it was a well-known fact then—three years ago—that the District Court of the United States for the Southern District of New York was practically owned by the railroads and the big corporations.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. GRIFFIN. I need five minutes. May I proceed for five additional minutes?

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. GRIFFIN. He said that whenever there was a judge to be appointed for the southern district of New York either the Pennsylvania Railroad, the New York Central Railroad, or some local public-utility corporation was sure to dictate the appointment.

Take the New York Times of to-day. Here we find a judge of this particular district asked to lend his support to the granting of an injunction designed to put the burden of an increased tax on the people of New York in increased telephone charges.

The New York Telephone Co. makes an application to the district court for an interlocutory injunction restraining the public service commission of the State of New York from interfering with its increase of telephone rates. Attorney General Carl Sherman, representing the State, said in his brief that the proceedings of the telephone company were practically an invitation to the Federal courts to usurp the functions of a State body. He continues further:

"Never before has there been a case," he said, "where a matter was pending before a State body that the Federal judges had been asked to prevent the State officers from even making a decision in a matter pending before them. Heretofore public utilities have had the good grace to wait until either a temporary or final order had been made by the State officers before appealing to the United States courts."

The administration of receiverships in the southern and eastern districts of New York has long been a public scandal, and if a citizen, or even a public officer, dares to open his mouth in protest he is fined or slapped into jail for contempt. You remember the case of Comptroller Craig. He made a criticism of a certain judge that every fair-minded citizen in New York knew to have been absolutely true. He was haled before the court and actually punished with a jail sentence, and it required the intervention of the President with an Executive pardon to keep this high-minded, public-spirited official out of prison. The only saving circumstance in the whole ridiculous travesty was that the Hon. Martin Manton, a judge of real sterling merit, ability, and courage, intervened at one stage in the proceedings to prevent the fall of the judicial ax.

The New York World some time ago made an exhaustive study of the receivership scandal in connection with the United States district courts. Frank L. Hopkins and Henry F. Pringle, of the World staff, made an analysis of 233 separate cases.

They found that the courts of the southern district of New York in the last seven years have been carrying on various businesses through receiverships, involving a turnover of about $60,000,000 and having nominal assets of over $750,000,000. The patronage in all of this has been enormous—receivers, special masters, auctioneers, engineers, accountants, all designated by the court.

The fees paid to all of these have been prodigious; $7,695,498.46 of payments authorized have been analyzed as follows:

Compensation to receivers	$3,405,086.96
Paid to attorneys for receivers	2,610,636.83
Paid to other attorneys	883,780.82
Paid to special masters	151,731.49
Paid to appraisers, auctioneers, accountants, engineers, and others for special services	644,262.36
Total	7,695,498.46

It appears also from this analysis that out of the 233 concerns taken over by the court only 35 reorganized or will be able to reorganize. The practical, net result of the court's intervention, owing largely to the red tape and the heavy mulcting of the concerns for exorbitant fees, has been the liquidation of most of the concerns that are intrusted to the tender mercy of "judicial" supervision.

Dickens in Bleak House, has been equaled, if not outdone, Dickens in "Bleak House," has been equaled, if not outdone, in the United States district court; and well might the warning be put above the door:

Abandon hope all ye who enter here.

The aim of everyone connected with these receiverships seems to be to prolong the proceedings as far as possible and to get as much as possible out of the "assets," even if the creditors never get a cent. Only too often the lawyers get the oyster and the creditors are left the pleasure of drawing lots for the two parts of the shell.

For instance, in the cases analyzed by Messrs. Hopkins and Pringle, where the creditors got nothing, the receivers and their counsel collected allowances and fees of $234,000.

Here are some of the fees paid in cases where something has been realized or where it is hoped something will be realized:

In the Aetna Explosives Co. case:	
Governor Odell and former Judge George C. Holt received	$609,000
Winthrop & Stimson	347,500
Stanchfield & Levy Ingraham, Sheehan & Moran, and Thorndyke, Palmer & Dodge	185,000
Other lawyers	89,700
Total	1,213,200

All of these men appear as drawing large fees in many other receiverships. They are all, or have been, active in politics. Benjamin B. Odell was former governor of New York State. Henry L. Stimson served as United States Attorney for the southern district of New York from 1906 to 1909, and ran unsuccessfully for governor in 1910. Later he went into the Cabinet of President Taft as Secretary of War. The records show that while they may have been politicians, they are by no means pikers. They seem to have got the cream.

The receiverships of the Brooklyn Rapid Transit Co. and the New York Railways furnish another example of the liberal patronage dispensed by this court:

Receiver Lindley M. Garrison and his counsel, Carl M. Owen, received as fees	$475,000.00
And as expenses to Owen	12,622.00
Larkin, Rathbone & Perry, fees	75,000.00
Larkin, Rathbone & Perry, expenses	21,831.78
E. Henry Lacombe, special master	52,500.00
P. J. McCook, special master	15,000.00
Job E. Hedges, receiver	125,709.68
Winthrop & Stimson, attorneys for receiver	245,100.00
Winthrop & Stimson, expenses	12,985.66

In addition to this were big allowances to engineers, certified accountants, and more special masters, and so forth, too numerous and too tedious to mention.

I do not blame a single judge in distributing this patronage, nor a single man who received it. They were simply cogs in the wheels of an obsolete legal machine which ought to be abolished.

The moral of my story is that they should be content with the patronage and power they have for the brief time, I hope, they will have it. They ought not to be reaching out to take naturalization matters out of the control of the State courts as an excuse to come to Congress asking for an increase of judges in their court. The judges of the New York Supreme Court are not complaining of the work. They are willing to do it and are doing it ably and satisfactorily. They ought to be permitted to continue in this and the United States district court ought to be satisfied with the judges, the jurisdiction, and the powers that it has.

This is a measure affecting the city of New York, and I ask you gentlemen who come from the farming districts of the West and South to consider our needs as you ask us to consider yours, and not give ear to specious arguments for the enlargement of a court, the main purpose of which is the aggrandizement of political interests which are largely hostile to the welfare of our city. [Applause.]

Mr. SUMNERS of Texas. Does the gentleman from New York [Mr. PERLMAN] desire to use any more of his time at this time?

Mr. PERLMAN. Not at this time.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. SUMNERS of Texas. Mr. Chairman and gentlemen of the committee, the question very clearly is whether or not there should be added two judges to the southern district of New York. I desire to direct the attention of the committee to some statistics with regard to the condition of business in that district as shown from the hearing before the Judiciary Committee on this bill.

On June 30, 1923, there were pending 1,151 cases in equity.

On December 31, 1923, six months thereafter, there were pending 561 cases in equity.

On June 30, 1923, there were pending 2,184 law cases.

On December 31, 1923, there were pending 1,647 law cases.

On June 30, 1923, there were pending 3,518 admiralty cases.

On December 31, 1923, there were pending 1,830 admiralty cases.

The records of this court further show that during the year 1922 there were filed 607 equity cases, and during 1923 only 545 equity cases.

In 1922, 1,002 law cases were filed; in 1923, 648 law cases.

In 1922, 1,386 admiralty cases were filed; in 1923, 787 admiralty cases.

It is to be borne in mind also that a vacancy in the list of judges, exclusive of those provided for in the omnibus bill of September 14, 1923, had obtained from October 5, 1921, to March 2, 1923. In other words, there had been only three regular judges in this district during that period, and the two additional judges provided for by the act of September 14, 1922, were not appointed until the first part of the year 1923, so that these three new judges were sitting somewhat less than six months during the year 1923, through which period this reduction in pending business is shown.

That district which from October, 1921, to March, 1923, only had three regular judges now has six regular judges.

It is said there is a row on between the organized Republicans of New York and the organized Democrats of New York as to these judgeships. But the question for us to decide is, What shall the House of Representatives do in regard to putting two additional judges upon the pay roll in New York for life and for the lives of their successors? The people of the United States have got to pay the taxes. This bill proposes to give that district two additional permanent judgeships. Gentlemen, we have enough Federal judges. It is claimed now they are not properly placed. They say now that outside judges ought not to be sent in from districts where they are not needed to clean up this district. Nothing will do now but two more permanent resident judges, they say. Gentlemen, there are some things we all must stand for, and one of those things is the Federal judiciary shall be kept, as nearly as we can keep it, free from the influence of partisan politics. [Applause.]

When this administration came into power there were 106 district judgeships. That is correct, approximately. In one bill this administration—in an omnibus bill that no administration ought ever to pass, whether Democratic or Republican—added 22 district judges. I opposed that bill then, and you gentlemen will recall that in the discussion of that bill here it was shown beyond doubt that there were judgeships being provided for districts where the business would not justify their appointment. They were not needed there. It was a pork-barrel judgeship bill.

It was then argued on the floor of this House that those judges appointed in the districts where the business would not justify their appointment would be shifted to take care of just such conditions as obtain now in the southern district of New York. That is the fact. That is the record. That is what was argued until these 22 judges were safely attached to the pay roll for life. That was bad business. That sort of business does not help to hold public confidence in the Federal judiciary. If it is evident that politics enters into the creation of a position it is not possible to convince the public that political considerations end short of the appointment. And now when the facts show that a goodly number of these judges are not needed in their respective districts, and that they might be moved into the southern district of New York, the whole argument is reversed. The contention is now made that such a use of these judges is not desirable; that such a use is expensive, and so forth. Nothing will do, we are now told, except to add two new judges. In other words, having stuffed the Federal judiciary from one end and provided 22 jobs at one time for the faithful on the theory that those not needed in the districts where they reside could be used abroad, it is now proposed to stuff the judiciary from the other end on the theory that it is not desirable to so use these idle judges, and we must have some new resident judges.

We gave a new judge to the northern district of Texas because we had a congested docket. I read this clipping from a paper published in my home city which came in just the other day. It states that Judge Atwell is being assigned to the southern district of New York, and this is the concluding part of the statement:

> Judge Atwell came on the bench from the northern district of Texas with a congested docket and within the 12 months' period he had brought the docket up to date.

I doubt not, gentlemen, that what is true of this docket is happening with regard to dockets in other sections of the country. I know it is happening in these courts where the judges work as does Judge Atwell.

In considering this matter of congestion in the Federal courts you gentlemen should bear in mind that after you got control

of both branches of the Congress during the last two years of Mr. Wilson's administration you permitted very few judgeship bills to pass. You did not even permit the filling of vacancies which occurred in districts.

You permitted congestion to increase through a failure to provide the judges required by law and required by the business of the country in order, I think it a fair assumption, that a Republican President might fill these places after the next election. Maybe you can justify that procedure, but unquestionably it added to the congestion and it helped this administration to make a record for appointing Federal judges unequaled, unapproached in the history of this country. In addition to the 22 district judges provided for in the omnibus bill, this administration in three years has appointed 26 district judges, making a total of 47, approximately one-half of the total number authorized by law on September 1, 1922, and now you want the opportunity to appoint two more in a district which already has six regular judges and into which you can send a half dozen or a dozen of these omnibus judges, at least some of whom you knew at the time they were appointed were not needed in the districts where they were appointed. I do not like to make these statements, but they are facts. I tried to keep you from doing what you did at the time. You acted with your eyes open.

Besides this, of these 22 judges provided for September 14, 1922, in the omnibus bill, it is shown by the records of the Department of Justice that all the political kinks had not been straightened out when the list of judges was published the last of January of this year; there were two appointments yet to be made. But they have all been made now, and for the balance of their lives they are safely and permanently attached to the Federal pay roll.

What are you going to do with them if you are not going to use them to help clean up the docket of the southern district of New York? Of course, you will have to pay their traveling expenses and $10 per day in addition to their salaries when they are out of their districts. But you knew that when you created their jobs and when they were appointed.

Mr. HUDSPETH. Will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. HUDSPETH. We also provided a judge for the State of New Mexico and for the State of Arizona among the 22, did we not?

Mr. SUMNERS of Texas. Yes.

Mr. HUDSPETH. And the record shows that Judge Duval West, of the San Antonio district of the western district of Texas, tried more cases last year than those four judges down there.

Mr. SUMNERS of Texas. I suppose there is no doubt about it. And these are not the only districts where unnecessary judges were located. Gentlemen, I do not care whether it is a Democratic administration or a Republican administration; I say to you as one man who believes that he is a patriot as you believe you are patriots that you can not afford to juggle and play politics with the Federal judiciary of this country.

You can not afford to come in here and create judgeships for districts like New Mexico and justify your attempt to do it in the first instance by saying that you will shift them to districts where congestion obtains, and then when the judges in New Mexico, Arizona, the eastern district of Illinois, and in a number of other districts which could be enumerated, are not needed, you propose to give jobs to two more judges in the southern district of New York on the plea that these other judges can not be satisfactorily shifted.

Mr. SNELL. Will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. SNELL. I was influenced by the statement made by Chief Justice Taft when he said that the southern district of New York is absolutely congested in its business, which really results in a denial of justice. That statement by Chief Justice Taft influenced me in bringing this proposition to the floor of the House, and further, I was definitely informed that there was actual need for these judges. I never heard anything about the political proposition until yesterday afternoon. I want to make my position absolutely plain to the Members of this House.

Mr. SUMNERS of Texas. We understand the position of the chairman of the Rules Committee. There is not a Member of this House for whom I entertain a higher regard. Now, gentlemen, we put a man in New Mexico where there was already a Federal judge who had tried in the preceding year but 44 cases, criminal and civil. With all respect to the Chief Justice of the United States, he came before the Judiciary Committee when this omnibus bill was pending, and recommended 18 judges who should be moved around over the United States in order to clean up exactly such conditions as obtain in the southern district of New York.

Mr. MICHENER. Will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. MICHENER. Was New Mexico included in the 18?

Mr. SUMNERS of Texas. No.

Mr. MICHENER. And Arizona was not included in the eighteen?

Mr. SUMNERS of Texas. No.

Mr. MICHENER. Those two were put on by the Senate, and the recommendation for the two did not come from the Judiciary Committee?

Mr. SUMNERS of Texas. New Mexico was put in in the Senate, and over my protest the House agreed to accept.

Mr. MICHENER. And they did not have Chief Justice Taft's recommendation?

Mr. SUMNERS of Texas. No; but the point I make is that Chief Justice Taft advocated 18 judges who should be moved over the States in order to take care of congested conditions in particular districts.

I want to call your attention to this particular district. I am not going to charge, gentlemen, that this situation has been juggled with. I am going to state the facts and let them speak for themselves. It is a fact that a vacancy was held open there for one year and a half—I mean of one of the four regular judges—while they were trying to straighten out the kinks in the Republican organization in New York, and no man on the floor will contradict that.

Mr. BLACK of New York. Will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. BLACK of New York. I wonder whether the gentleman has any suspicion as to whether or not this bill came in here to help solve the problem that was then presented to them.

Mr. SUMNERS of Texas. I do not know. I do not like to deal in suspicions when we have so many plain facts.

Mr. TINCHER. Will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. TINCHER. What was the trouble? Could they not find a judge up there who would enforce the prohibition legislation?

Mr. SUMNERS of Texas. No; I will tell you what was the trouble. There were three or four Republicans who wanted jobs and you had but one job created by the elevation of one of the judges to the circuit bench, and you held that job open, while congestion increased, until you stuffed two more men into the omnibus bill, which gave you three jobs, and then you were able to straighten out the kinks with three judgeships when you could not handle them with one. That is the absolute fact about it. [Applause.]

Now, gentlemen, it seems to me that these 22 new judgeships in less than three years ought to be about all that any group of Republicans solicitous for the record of their party with reference to the Federal judiciary ought to be willing to stand for. They were provided for in September of 1922, and when the good year 1924 rolled around they had not yet all been appointed. They had a vacancy in the southern district of California, only recently filled. I see my friend from California smiling. They had one in Oklahoma, and they juggled around with important Republican politicians until very recently before that place could be filled. But the question is: What are we going to do this afternoon with regard to attaching two additional Federal judges upon the pay roll of this country, when many of these 22 judges have nothing to do—at least a number of them?

Mr. DEMPSEY. Will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. DEMPSEY. Is there any dispute about these two facts: First, that it will take two years and a half to reach certain classes of cases in the southern district of New York, and second, that it costs $70,000 a year to reduce the calendar, as the gentleman has described, by importing these outside judges, whereas it can be reduced in the same way at an expense of $18,000 by adding these two judges?

Mr. SUMNERS of Texas. I want to answer the gentleman, and this is my idea about it: If the statement of gentlemen favoring this bill is correct, you need in New York to move into that territory a number of these omnibus judges put on in 1922, that have nothing on earth requiring their presence in their respective districts except to try to entertain their associate judges in their districts. [Laughter.]

You ought to move them in there and put them to work and clean up that docket and then the judges now there—six of them—should keep it clean.

I want to say, gentlemen, the time has about come when we have got to let some of these Federal judges, who think that their chief business is to attach themselves from now on to the

Federal pay roll—I do not know about these men up here—know they must work if they are to hold their jobs. Nobody has a right to draw money from the Treasury under the false pretense that he is earning his salary. The judge of my district works.

What are you going to do with these extra judges out in New Mexico and Arizona and other districts now supplied by the omnibus bill? They have nothing else to do. What are you going to do about that? Let them stay at home and do nothing, and appoint other permanent judges to clean up the temporary congestion?

Mr. DEMPSEY. Will the gentleman yield further?

Mr. SUMNERS of Texas. Yes.

Mr. DEMPSEY. It does seem to me that you ought to do it in a businesslike way, and if it is going to cost four times as much to import these judges as it will cost to appoint two additional judges, you ought not to get your remedy by paying $4 where $1 will answer the purpose.

Mr. SUMNERS of Texas. I agree with the gentleman.

Mr. DEMPSEY. Will the gentleman yield just one moment further?

Mr. SUMNERS of Texas. Yes.

Mr. DEMPSEY. I think you ought to pass a measure to lessen the number of judges where you do not need their services, but you ought not to deny relief in the city of New York where you need the additional judges.

Mr. SUMNERS of Texas. You gentlemen ought to have acted on that policy when I plead with you to do it in 1922, but we are not denying them where they are needed. We have all sorts of district judges that will be getting rusty. They have got to keep in practice because once in a while they will get a case in their district and must know how to handle it. And you must bear in mind that for a year and a half you had but three judges in this district of New York, where you now have six, and bear in mind also that when you passed the bill in September, 1922, you were not able to straighten out your kinks in New York until the next year when you put the other two judges on and also filled the protracted vacancy. You had three vacancies from September, 1922, until January, 1923, one of which vacancies had extended from 1921.

Mr. DEMPSEY. Of course, during all that time, if the gentleman pleases, the business was piling up in New York.

Mr. SUMNERS of Texas. Yes.

Mr. CELLER. If the gentleman will yield, the difficulty, if any, existing in New York now is only temporary and yet you are providing here a permanent remedy and when the situation clears up you will still have the judges appointed who will be doing nothing.

Mr. PERLMAN. Will the gentleman yield for a question?

Mr. SUMNERS of Texas. For a very brief one.

Mr. PERLMAN. I call the gentleman's attention to the fact, as a matter of information, that not only have the number of cases increased, but the naturalization work now has to be done in the Federal courts.

Mr. SUMNERS of Texas. The gentleman will yield me such time as he consumes of my time?

Mr. PERLMAN. I will yield the gentleman as much time as I take. I want to call the gentleman's attention to the fact that the naturalization work in New York has been transferred to the Federal court because the Supreme Court of New York that had the work was 10,000 cases, or over two years, behind. This is additional work on the Federal court which they did not have before and should require at least one judge in daily attendance all the time in order to handle the naturalization work in New York.

Mr. SUMNERS of Texas. Does not the gentleman think that the new naturalization bill will relieve them somewhat of that work?

Mr. PERLMAN. No.

Mr. BLACK of New York. Does not the gentleman think we ought to be a little charitable? This is about the only thing the President asked for in his message that he is likely to get from that side. [Laughter.]

Mr. LOWREY. Will the gentleman yield just a minute?

Mr. SUMNERS of Texas. Yes; I yield.

Mr. LOWREY. I just want to say that the gentleman is at least consistent, because I have approached him twice about a new judge in my State, and he has answered me positively that he will not favor it in the committee, because he is not willing to be piling up new judges for life when temporary judges can go in and relieve the dockets, and that he will not favor the appointment of new judges for a lifetime under such condition.

Mr. SUMNERS of Texas. Gentlemen, seriously, I do not think this bill can be justified. I do not think it can be justified by anybody under the present circumstances.

You have these six judges there now. The statistics show a decrease in the filings in that district; and no gentleman will stand in his place on this floor and say that there are not enough idle district judges now in the United States to move into the southern district of New York and clean up that business.

I say that no gentleman will stand in his place now and make that statement because he would not be justified. With that situation, gentlemen, confronting you, with the heavy public expense, with the record already that you have added 22 new judges by one bill, increasing by 20 per cent the existing number of Federal judges, with these idle judges, how can you gentlemen face your constituencies demanding reduced expenses? What can you offer in excuse except that you are trying to give jobs to somebody? It is not true in your heart that you want to do that; you are not built that way. You have enough to face in the omnibus Federal judiciary bill.

Now, I do not want to take any further time.

Mr. TINCHER. Will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. TINCHER. Does the gentleman think that the Democrats are fighting this bill because they want Al Smith to make the appointments?

Mr. SUMNERS of Texas. Here is what I think about it. I will be candid with the gentleman. I do not speak for Tammany—Tammany might not fight the bill if out of the two one Democrat could be appointed.

Mr. TINCHER. I understand that is the proposition.

Mr. SUMNERS of Texas. That might be so. I assume from their position, if that is true, that it is understood that no Democrat is to be appointed if the bill passes. I am assuming that.

Mr. TINCHER. I do not know.

Mr. SUMNERS of Texas. I am assuming that. I do not speak for Tammany. I speak for myself and in a sense for this side of the House. I give the gentleman my own views. There are already four Republicans on the bench of that district. I understand there are two Democrats—I do not know how much democracy they have in their systems. But as between the contention of the two New York political organizations, the Republican and the Democratic, which is correct if you are going to understake to preserve any semblance of nonpartisanship in your judiciary?

I say that there ought to be in that court not more than two to one of any political party. That is what I think about it. [Applause.]

The CHAIRMAN. The Clerk will read.

The Clerk, proceeding with the reading of the bill, read as follows:

Be it enacted, etc., That the President of the United States, by and with the advice and consent of the Senate, shall appoint two additional judges of the District Court of the United States for the Southern District of New York, who shall reside in said district and who shall possess the same powers, perform the same duties, and receive the same compensation as the present district judges of said district.

Mr. CELLER. Mr. Chairman, I move to strike out the last word. Mr. Chairman, while I was in the lobby I believe the gentleman from New York stated that probably I did not know much about the situation, because I did not happen to be a resident of that part of the judicial district covered by this bill to create two additional judgeships for the United States District Court for the Southern District of New York. I live just across the river from that district in Brooklyn, and I do know something about the district court for the southern district of New York, because I have practiced in that court for the last 10 years. I know something about the complexion of its judges, the character of the judges, and the particular kind of judicial procedure in that court. I believe it was rather in bad taste on the part of my good friend from Michigan [Mr. MICHENER] to use Governor Smith's remarks on prohibition as a stalking horse for the logic and argument. It is unfair to bring in the governor and his attitude toward prohibition and thereby raise dust to becloud the issue. Governor Smith, one of the finest executives of the Nation, is not an issue in this bill.

The question is whether there is a necessity for the two judges and whether this Congress shall approve some wretched practices obtaining in that court. Yesterday I pointed out that the calendar of that court was not as congested as the proponents of this bill would have us believe. But furthermore there is the rotten system that now exists in this particular court with reference to equity receiverships. I believe you should know something about it. If you will take the trouble to examine carefully into the equity receiverships in that court and the

practices of the judges now resident in that court apropos thereof, you will not put the seal of approval on those practices by voting for these two judges, so that you might thereby have two more judges to augment and continue the practice. I know for example that there is one particular judge on that bench who has been a flagrant offender in this regard, although every one of the six judges of that court are not without guilt.

Mr. PERLMAN. A point of order, Mr. Chairman; the gentleman is not speaking to the bill.

Mr. BLANTON. Oh yes he is.

The CHAIRMAN. The point of order is overruled.

Mr. CELLER. We find that it costs the people of the city of New York millions of dollars that have gone into the pockets of certain attorneys and certain receivers and certain custodians and certain auctioneers, and all the many other attachés of receiverships who have only been dyed-in-the-wool Republicans, and just because they happen to be on the Republican side of the political fence receive emoluments far in excess of what their labors entitle them to. Governor Odell was the receiver in two cases and received $373,500. The judge who appointed him had some years ago received from Odell a State nomination in New York. The receivership plums were the redemption of the political debt. There is no man living who could really earn $375,500 in any two receiverships. The whole business, as is said in Hamlet, "smells to heaven."

Former District Judge Holt acted as receiver in one case and received $304,500, and the law firm of Winthrop & Stimson, the latter of whom was the Republican Secretary of War, received as attorney's fees for a receiver in one case $593,450. Gentlemen, are you going to countenance that kind of practice? I could go on and on and on and show you situations which really constitute a menace. Until this menace is destroyed let us not appoint any more judges who are bound to be selected from the political party that thrives upon these rotten equity receiverships.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CELLER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CELLER. Under such leave I desire to insert extracts from a very illuminating and instructive article upon these equity receiverships written by Mr. Frank L. Hopkins under the auspices of that liberal and forward-looking newspaper, the World, of New York. The World has rendered a splendid service in inducing the writing and publishing of these articles:

INTRODUCTION

In an effort to ascertain the extent to which the Federal courts have been engaging in business through receiverships, the World has made careful investigation of the entire subject, 233 separate cases having been analyzed by Frank L. Hopkins and Henry F. Pringle, of the World staff.

The articles setting forth the results of their inquiry, republished herewith after their appearance in the World had provoked wide and approving interest, have no other purpose than to present the facts concerning the system which the Federal judges are called upon to administer. Whether the system is good or bad is a question which can best be determined by a study of the conditions which have arisen since it came into operation.

UNITED STATES COURTS IN BIG BUSINESS HAVE ANNUAL TURNOVER OF $60,000,000

This is the story of equity receiverships in New York City; the story of the Federal courts going into big business.

It is the story not so much of individuals as of a system to which eight Federal judges in New York City and scores of others throughout the country are compelled by existing laws to bow. Some of the judges approve the system. Some do not. Many of them find the work that is involved, embracing as it does business administration more than law, distasteful.

Under the procedure, as it has been dictated by Congress, the courts of the southern district of New York for the last seven years have been carrying on businesses through receivers with an aggregate annual turnover of approximately $60,000,000—as large as that of the Lehigh Valley Railroad.

One judge alone has supervised commercial dealings as large as those ordinarily handled by the administrative officers of a city of 600,000 people—and this in addition to the ordinary run of other court business.

The patronage that is involved, as is freely conceded by the judges themselves, is enormous. There are receivers to be appointed, attorneys for receivers, special masters, auctioneers, engineers, accountants, all subject to designation by the court. There are fees and frequently very large fees, which it is the province of the court to award to each of these participants in the conduct or liquidation of the commercial concerns.

There is a touch of romance in the story. In the gloomy chambers of the old post-office building sits a judge to whom is paid what many regard as a pittance of $7,500 a year. Yet with one hand he may be touching the wires which pull the copper out of Mexican mountains, direct the operations of ships on the seven seas, or control the work of negroes on southern sugar plantations, while the other runs a street railroad or two in New York City, and a dozen or so miscellaneous manufacturing enterprises.

All this is made possible because the courts, under the law as it exists to-day, are called on to do what ordinarily successful business men acknowledge they can not do—take a failing business and revive it. A friendly creditor or a group of friendly creditors complains that the X. Y. Z. Co. can't pay its debts, although its books show assets in excess of its liabilities, and that diversity of State citizenship between the corporation and one or all of the creditors makes it necessary to seek the jurisdiction of the United States court. The X. Y. Z. Co. acknowledges these allegations are true.

The concern may be in fact bankrupt. The judge may believe it to be bankrupt. But unless one of the creditors will make an affidavit that such is the case, thereby involving liability to himself if he has guessed wrong, the court has virtually no other course than to appoint an equity receiver to take over and operate the X. Y. Z. Co. In practice, the only accepted justification for refusing is a suspicion of attempted fraud or on the ground that the allegations of the complaint do not themselves set forth a cause of action.

RECEIVER MERELY AN ASSISTANT

Having appointed a receiver the judge occupies a position not dissimilar to that of the president of a large company. The receiver is the assistant to the president—sometimes also the business manager. It is with the success or failure of this system in operation, the patronage, the character of the appointments, the awards for services, that the World inquiry has dealt. Among the chief facts disclosed are these:

1. That between January 1, 1917, and December 1, 1923, the Federal courts of the southern district of New York have taken over 233 separate business enterprises, with nominal assets in excess of $750,000,000. These figures have not included unimportant ancillary receiverships.

2. That through receivers the judges have carried on a business for which, based on the receipts from operations, a minimum of $428,000,000 can be fixed. This does not include the completed transactions of several receiverships concerning which up to date reports were lacking in the files.

HUGE PAYMENTS AUTHORIZED

3. That in connection with their operations eight judges have authorized payments of which clear record was found either in judicial orders or receivers' reports of $7,695,498.46, divided approximately as follows: $3,405,086.96 as compensation to receivers; $2,010,686.83 as allowances to attorneys for receivers; $883,780.82 to other attorneys, including those for the petitioning creditors; $154,781.49 to special masters; $644,262.36 to appraisers, auctioneers, accountants, engineers, and others called on to perform services. A negligible proportion of these payments included reimbursement for expenses.

4. That the great majority of the receiverships have resulted not in saving the business but in liquidation, and that of the 233, only 85 reorganized or will reorganize on a basis to give the general creditors nominal payment in full.

5. That even where there has been nominal payment in full, it has almost invariably been not in cash but in stock or notes, the value of which has depended on the future success of the reorganized company.

6. That there has been the repeated appointment of certain lawyers to positions as receivers, attorneys for receivers or special masters, out of which the recipients have made large and in a few instances enormous incomes.

7. That receivers frequently have conducted operations for the court at a loss, thus further depleting the assets which on the records at the inception of the receivership are available for distribution to creditors. It is contended in justification for this practice that such operation, even at a loss, is frequently advantageous to the creditors, since it sometimes makes possible the sale of a business as a going concern instead of at junk value.

8. That in some of the liquidations there have been allowances to receivers and attorneys which, taken with the other expenses of the receivership, have exhausted from 50 to 100 per cent of the funds that otherwise would have been available for the unsecured creditors.

9. That receivers' certificates, issued under the stamp of approval of the Federal court, have been dishonored because when the receiver got through with his operations there was not enough left to pay them.

NEW CREDITORS CREATED

10. That in several instances receivers have incurred obligations in the conduct of the business which they were unable to meet, thereby adding to the first group of creditors, who got nothing, a second group who got next to nothing. In seven shipping cases the receiver was

able to pay only 1 per cent of his own liabilities, amounting to many thousand dollars, although the attorneys who figured in the cases had large compensation, as did one receiver.

11. That there is in the mind of at least one of the judges a belief that the system is bad and should be changed, and that in the minds of several there is a feeling that the whole big question of overhauling the Federal receivership law merits earnest consideration.

In considering the significance of the above statements it should be remembered that they set forth only the conditions that actually have been found in the southern district of New York. But what has been going on in New York is being repeated—probably in lesser scale—in judicial districts from the Atlantic to the Pacific. In fact, the World found a record of one receiver to whom a judge in a western district made an allowance of $240,000 a year.

In the aggregate the business of the Federal courts of the United States is reaching into undreamed millions; their direct patronage, as indicated by the results of the survey in this district, probably being greater than that of all the governors of all the States in the Union, with a few mayors and sheriffs added.

In considering the question of patronage it is necessary to distinguish between the various classes of allowances. The receivers are appointed directly by the court, and their fees are fixed by the court. Sometimes a man connected with the business or an individual selected by the creditors is put in as receiver. Often the judge places a receiver of his own selection in sole charge of a business. Often he takes one man suggested by the creditors and adds one of his own appointees as coreceiver, giving to each an equal fee. There has been wide variation of the practice of the different judges in this matter.

The attorney for the receiver also is subject to direct appointment by the court. It is the practice for the receiver a few days after his appointment or on the same day to submit an application for permission to employ a certain law firm as counsel, together with an order to be signed by the judge confirming the appointment. Although attorneys for the petitioning creditors sometimes are taken, it is well understood that certain judges occasionally suggest the lawyers who are to be employed.

The judge does not himself ordinarily appoint lawyers other than those of the receiver, although he does fix the amount of compensation they are to receive. Special masters, appraisers, special accountants, auctioneers, and others usually are appointed by the court.

MORE JOBS FOR LAWYERS

In a large proportion of the cases the receivers are lawyers, but, no matter how small the receivership may be, it appears that the lawyer-receiver is virtually never able to handle the legal end of it. About his first step is to get another man on the pay roll by asking the judge to appoint an attorney. Next in order come the special accountants and special masters and finally the appraiser, who is called in to view the corpse before it is consigned to the auctioneer.

On going through the papers in a good many cases where the assets are small one wonders just what there is left for the receiver to do after he has hired the various assistants. Cases are on record of the appointment of two firms of lawyers for one receiver in one day.

Incomplete returns in the Federal files have made it impossible to determine exactly how much the creditors have received in comparison with the $7,700,000 allowances for service made to the other important figures in the receiverships. It is, however, possible to present an approximately accurate picture of what has happened to the creditors in each of the 233 cases which were studied.

Because he is the outsider, whose claim is not protected by any sort of a mortgage or other lien giving him a prior claim on the assets of the estate, the general creditor has been taken as a standard. It is found that in 26 out of the 233 cases the general creditor has received nothing, and the indications from the reports are that he will receive nothing. Twenty-eight additional cases ended in an adjudication of bankruptcy, which means generally that the general creditor's chance of recovering any substantial portion of his claim is slight.

CREDITOR'S CHANCE SLIM

There were 42 cases where a study indicated that the general creditor will not receive more than 75 per cent of his claim as allowed—in most of them very much less than this, the prospective or actual payments running as low as 1 per cent. In 24 cases the reports indicate the general creditor will get something in excess of 25 per cent and less than 100 per cent, while in 29 others he had not been paid in full and there seemed no prospect of his being paid in full on the records available, the available data being insufficient to warrant even a guess at the exact amount.

In 49 cases not the slightest indication was found in the papers of what is going to happen to the creditor, while there were 35 receiverships in which the general creditor nominally was paid in full or the promise was made he would be paid in full. What he actually received in nearly all of these cases was a small percentage of his claim in cash and a gamble on the future prospects of a reorganized company through issuance to him of stock or notes in the new company for the balance of his claim. Actual cash payments in full have taken place only in an insignificant number of cases.

In the receiverships where the general creditors got nothing the allowances to receivers and counsel have amounted to approximately $234,000.

SOLVENCY ALWAYS CLAIMED

In order to understand the significance of the above figures it is necessary to know that almost invariably the judge appointed a receiver only after an allegation had been made to him that the person or corporation going into receivership was solvent. Frequently the order of appointment referring to the defendant company notes that the company appears to be solvent. The company itself in consenting to the receivership has filed a sworn statement in effect claiming solvency.

And yet in only about 15 per cent of the cases are the general creditors of nominally solvent companies getting payment in full in either cash or the promises of a reorganized company. Company after company is being operated by the receiver for a few weeks or a few months and then liquidated for a small percentage of the assets claimed when the receiver was appointed.

Thus it appears that one of two things must be true in the majority of the cases: Either the courts are appointing equity receivers for companies which are bankrupt at the time of the appointment or the receivers' operations are on the whole a miserable failure.

No ordinary business man has the advantages of carrying on business which fall to the lot of the court. The creditors who may be pressing for the collection of sums long due them are blocked. The order of appointment carries with it an injunction forbidding any creditor to begin any action at law against the receiver to collect the amount which is past due.

HARD TO COLLECT JUDGMENT

It is true that the receiver himself may be sued in any court for damages which the receiver may have caused in the operation of the business. But even if a judgment is obtained in such a suit, collection may be difficult, since the appointing judge himself may decide, in case of doubt, whether any funds in the possession of the receiver are subject to prior liens on the estate or whether they are available for the new claims. Thus the court in business has a distinct advantage over its corporation rivals. Instances where creditors have been hung up for some three to four years before getting anything have not been unusual.

The essential facts which have been set forth above have been presented to each of eight judges, who have managed all but three of the receiverships. Their answer is that almost invariably they have been acting in accordance with the wishes of the creditors, emphatically expressed to them, in appointing the receivers, in continuing the failing businesses, and that where a receivership has not turned out well it is the fault of the creditors themselves in not seeking speedy liquidation through bankruptcy proceedings.

JULIUS M. MAYER, AS JUDGE AT $8,500 A YEAR, RUNS ENTERPRISES OF $300,000,000

Judge Julius M. Mayer, now a circuit judge, but none the less active in handling the big receiverships started while he was a district judge, is the "big business" man of the Federal courts.

Through receivers he is shown in the compilations that have been made in the course of the world survey to have carried on a business extending from the Atlantic to the Pacific, from Canada to Mexico, and including some of the islands of the Atlantic, for which a minimum can be fixed of $298,000,000. In view of the business done since the filing of the receivers' reports from which the records were taken, it is certain the total business was well in excess of $300,000,000.

MILLIONS TO COURT OFFICERS

In view of the magnitude of the operations carried on under Judge Mayer's direction, it is only natural that his allowances to those who assisted him were far in excess of those of any other judge. His own salary as circuit judge is $8,500 a year. There have been dispensed in allowances to receivers, receivers' attorneys, special masters, and other attorneys in cases over which Judge Mayer had control, a total of $3,519,254.04, of which $107,500 was in the preferred stock of a reorganized company or notes.

Special accountants, engineers, and other special appointees approved by the court received $443,490.50, making total payments found in Judge Mayer's receiverships of $3,962,744.54. A few of these allowances have been specified as covering expenses. The amount so specified is not a large item in the total.

HOW FEES ARE DISTRIBUTED

Here is approximately the way they have been divided:

To receivers appointed by Judge Mayer, $1,619,733.33, including the preferred stock and note allowance noted above.

To attorneys for receivers appointed by Judge Mayer, $1,241,694.89.

To other attorneys who have figured in the cases over which Judge Mayer (in the receivership cases only), $95,400.

To appraisers, $3,500.

These were the payments authorization for which either was found in court orders or which were shown by receivers' reports to have been made. The figures of the payments to receivers and their own attorneys are subject to readjustment, inasmuch as in one or two instances the order merely specified the amount to be paid to the two individuals, without stating how it was to be divided.

O. K'S THE WORLD'S FIGURES

It may be stated that Judge Mayer himself has seen the records of the World compilations, and without referring to his own records has conceded that they are substantially correct. In one instance allowances which came not from the estate but from the reorganization managers were included.

Here are some of the allowances made by Judge Mayer:

To former Gov. Benjamin B. Odell, who acted as Judge Mayer's receiver in two cases, $373,500.

To former District Judge George C. Holt, who acted as receiver in one case, $304,500.

To the law firm of Winthrop & Stimson, who have been appointed regular attorneys in two cases and for special service in one receivership, $593,450 up to September, 1923.

In fairness it should be stated that these men all performed continuous, extensive, and extremely important services, for which their allowances were in remuneration.

AETNA CASE EXPENSIVE

In one of Judge Mayer's receiverships, that of the Aetna Explosives Co., there was allowed for a period of approximately four years $1,244,200, of which $609,000 went to Messrs. Holt and Odell, and $347,500 to Winthrop & Stimson. Orders were found on file making allowances of $185,000 to be divided among three other law firms—Stanchfield & Levy; Ingraham, Sheehan & Moran; and Thorndyke, Palmer & Dodge. Numerous other lawyers who figured in the reorganization of the company got allowances of $89,700.

Twenty years ago, when Odell was governor and the big Republican boss of the State, Judge Mayer was an active figure in city and State politics. In 1904, when Odell backed Senator Platt off the map by nominating Higgins to succeed Odell as governor, the Odell convention nominated Mayer for attorney general and the latter was elected.

One of the members of the firm of Winthrop & Stimson is Henry L. Stimson, who also was an active political figure when Mayer was in the ring, having served as United States attorney for the southern district of New York from 1906 to 1909, and made an unsuccessful run for governor in 1910, later going into the Cabinet of President Taft as Secretary of War. The other members of his firm, which is acknowledged to be one of the best in the city, include Bronson Winthrop and Edgerton L. Winthrop, jr.

ODELL'S SECRETARY A RECEIVER

Nor is ex-Governor Odell the only man from Newburgh on whom Judge Mayer has called for service. James G. Graham, who was Odell's secretary, and who was later appointed by Mayer as a deputy attorney general, was picked as receiver in a series of shipping cases, out of which he got an allowance of $25,000. It is interesting to note in this connection that records are on file showing that in the Brooklyn Union Gas Rate case—in no way related to equity receiverships—Mayer ordered an allowance of $42,500 to Graham, taxed against the public, for acting as special master.

Ex-Governor Odell had an almost continuous job as receiver in two big cases from April, 1917, to March, 1923. His final report in the Aetna Explosives case was dated May 22, 1920, although the final order in the case was not issued until sometime later. On March 16, 1921, Odell was appointed as receiver of Gaston Williams & Wigmore (Inc.), a big exporting house, for liquidating which the ex-governor got allowances of $69,000, the last of which came in the order to pay himself $36,500 in February, 1923.

In addition to their allowances in the Aetna case, Winthrop & Stimson got a picayune $850 for some special services rendered the receiver of the D. & C. Co., a flour concern, and $245,000 in the New York Railways receivership, which will be treated in another story.

NOMINAL ASSETS $30,000,000

No story is more illustrative of the immense scope of the business undertakings of the Federal court than is that of the Aetna Explosives Co. When this company got into difficulties seven years ago it had nominal assets of $30,000,000 and controlled or directly operated munition and explosive plants in 16 cities. When the receivers took charge there was not sufficient money to meet the current pay rolls, and creditors on all sides were pressing for payment of their bills.

In 23 other court districts ancillary receivers were appointed by other judges to take over the various properties and stave off legal actions in these States. By virtue of their position here Holt and Odell themselves were appointed ancillary receivers in most of the other districts. In their final report to Judge Mayer the only comment made on the fees in the other districts is the following:

> "The accounts of all the ancillary receivers have been passed, their compensation paid, and they have all been discharged and their bonds canceled."

Thus Judge Mayer began the operation of one of the largest explosive concerns in the country. Plants which had been wrecked were rebuilt. A new TNT plant was erected by the receivers at Mount Union, Pa. A war was on. The sale of explosives was easy. The receivers, with the approval of Judge Mayer, made 30 separate contracts with the United States Government and France for delivery of picric acid, TNT, smokeless powder, guncotton, and benzol. In their final report the receivers' record they did a total of more than $82,000,000 in business. It was done at a profit.

MANY CLAIMS CONTESTED

Meanwhile an attack was opened on the claims against the company. In this connection it should be stated there are three ways in which the justice of a claim against a company in receivership may be adjudicated. It may be settled by negotiation between the receiver and the creditor. Or if no adjustment is reached, it may be decided directly by the judge having charge of the receivership, or a special master who is himself an appointee of the judge and whose findings are subject to review by the judge.

Except on an appeal to the circuit court or by the express permission of a Federal judge court the creditor can put his claim before no other tribunal. Nor can he get a trial by jury unless the court directing the receivership assents. Many believe that these considerations give a receiver a tremendous advantage in negotiating with claimants.

Messrs. Holt and Odell record in their report that they adjusted claims of $4,600,000 for $137,000. Another claim of $3,000,000 was settled for $900,000. Other claims were adjusted for new contracts, and finally when the reorganization of the company came the allowed claims were all paid in full with interest. From the standpoint of the acknowledged creditors it was undoubtedly one of the few completely successful receiverships. Judge Mayer is known to be immensely proud of it and the big business which he directed.

FEES DECLARED JUSTIFIED

The extent of the business itself has been advanced to the World representative as a complete justification for the size of the awards. It is explained that such a large business naturally involved an immense amount of litigation and that the Winthrop and Stimson record of their services is itself a volume of two or three thousand pages. The other lawyers were said to have conducted successfully litigation which saved the company several times the amount of their fees.

It has been pointed out to the World that in bankruptcy cases where more than $10,000 is involved a receiver is entitled to a fee of 1 per cent on everything that he collects. A similar fee goes to the trustee in bankruptcy who follows the receiver; and if they carry on the business, they are each entitled to a fee of 2 per cent. A referee before whom a bankruptcy estate is administered is entitled to from one-half to 1 per cent on the amount that is paid to creditors. The total allowances made to receivers and lawyers in the Aetna case amounted to approximately 1½ per cent of the actual business done.

But this was not the only receivership that Judge Mayer was running in 1917 and 1918. In addition to some which had their inception prior to 1917, he also ran the D. & C. Co., whose receiver did $1,000,000 in business, made money, and then lost all his profits; the Batavia Rubber Co., whose receiver recorded sales of $472,000 from June to September, 1918, and a few lesser operations.

BIG EXPORT HOUSE TAKEN OVER

The second receivership in which Odell figured was started in 1921, and its outcome was far different from that in the Aetna case, although the receivers and their attorneys got fees of $132,000. Gaston, Williams & Wigmore (Inc.) was a big exporting house whose books showed assets of $16,000,000 when they went to the wall.

But the receiver found that the real value of the assets was only $4,680,000, of which more than $3,000,000 were pledged. After making other deductions and settlements the receiver reported the total assets at the time of the receivership were $633,145, plus certain contingent claims against the United States and Russian Governments on which little appears to have been realized.

On the basis of this figure the allowances amounted to about 20 per cent of the assets, although the amount actually passing through the hands of the receivers was much more than this. Up to November 9, 1921, they had taken in $904,000 and disbursed $508,000.

By way of business in this case, the receivers carried out some old contracts. Their report of October 8, 1921, showed receipts from liquidation of $225,000 and receipts from sales of merchandise of $230,908. As against this there was an operating expense of $201,000 and $202,000 for the cost of the merchandise sold. Of the expenditures $137,000 had been for salaries, although these were said to have been greatly reduced.

CREDITORS GET 25 PER CENT

In the final order of Judge Mayer creditors' claims of $2,226,000 were ordered transferred to Wilbur L. Ball, as nominee of the Guaranty Trust Co., on the payment of the receiver of $66,000, thus releasing the receiver. The general creditors got 25 per cent on allowed claims. The sum of $793 in preferred claims was paid in full. Oscar A. Lewis, the attorney, received allowances of $41,500.

February 19, 1923, there were payments to the receiver and his counsel in this receivership of $56,500 out of total allowances of $132,000. The 25 per cent dividend to general creditors which was paid about the same time, amounted to $53,334. The balance in

the receivers' hands just before the payments amounted to $282,070.55, the difference going in the payment of the $66,750 on the claims transferred to Ball and in various other adjustments under the settlement.

Judge Mayer is said to regard this as a very successful receivership on the ground that at its inception it looked as if the general creditors would get almost nothing, and it was only through the hard work and good business judgment of ex-Governor Odell and Mr. Lewis that they received as much as 25 per cent. The settlement undoubtedly involved a large amount of executive and legal work. Mr. Odell is said to have given virtually all his time to the case for many months.

RECEIVERSHIPS COST CITY TRANSIT LINES $1,700,000, CHIEFLY "SPECIAL SERVICES"

As a result of its inquiry into equity receiverships the World is able to disclose to-day some of the things that have taken place while the receivers of the Brooklyn Rapid Transit Co. and the New York Railways have dragged their slow way toward the reorganization of these corporations.

These two receiverships have, according to the accounting standards set up by the transit commission, cost to date more than $1,700,000, of which $1,499,000 was in payment of some form of special service. Included in these items is $444,000 for engineers and accountants, questioned by some of the auditors as being a distinct receivership expense.

Among the facts brought to light are these:

That from the inception of the receivership until his death in September, 1919, the late Theodore P. Shonts was carried on the pay roll of Job E. Hedges, receiver of the New York Railways Co., at a salary rate first of $30,000 and later of $20,000 a year.

HEDLEY ALSO ON PAY ROLL

That Frank Hedley, who has a big job on his hands as president and general manager of the Interborough Rapid Transit Co., is still continued general manager of the New York Railways in receivership at $12,000.

That although Receiver Hedges has employed regular counsel at an expense of $266,000 to November 30, James L. Quackenbush, chief attorney of the Interborough Rapid Transit Co., has been receiving $15,700 a year additional from the receiver, his special function being to direct the legal work of the bankrupt railroad as distinguished from the litigation arising particularly out of the receivership.

Some of the payments made by the receivers of these two lines are:

Brooklyn Rapid Transit Co.:

To Receiver Lindley M. Garrison and his counsel, Carl M. Owen, $475,000, in addition to expenses of Owen of $12,622.68.

To Larkin, Rathbone & Perry, allowance of $75,000, and in addition expenses of $21,831.78.

To E. Henry Lacombe, special master, $52,500 allowance.

To P. J. McCook, special master, $15,000 allowance.

APPRAISAL COST $140,627

To Stone & Webster, engineers, who made an appraisal of the property, $140,627 (shown in an accounting independent of the court records).

To Price, Waterhouse & Co., certified public accountants, $51,968.41 (also shown in an independent accounting).

For printing, $80,783.69.

New York Railways Co. (to September 30, 1923):

Job E. Hedges, receiver, $125,769.68.

Winthrop & Stimson, attorneys for the receiver, $245,100, in monthly payments and allowances under court order, and $12,985.66 for expenses.

Price, Waterhouse & Co., $23,750.

Stone & Webster, $229,485.43.

Francis M. Scott, special master, $1,600.

E. Henry Lacombe, special master, $2,200.

Guaranty Trust Co. as trustee, $3,500 for services and $96,195.82 for covering expenses.

The Hecla Press for printing, $30,230.94.

Nor do these items represent the total expense to be attributed to the receiverships. Receiver Garrison and Receiver Hedges and their attorneys have not yet received their final allowances. These may be substantial. And the matter of reorganization may prove more expensive than the receiverships themselves.

REORGANIZATION PLAN EXPENSIVE

The B. R. T. reorganization plan contains an item of $6,484,119 to adjust claims and liabilities of the receivership not otherwise provided for, to provide for past-due taxes in litigation, to pay expenses of foreclosures and sales and cash expenses of reorganization, including compensation and expenses of committees, allowances, counsel fees, court costs, master's and referee's fees, services of experts, commissions of underwriters and syndicates, costs and taxes on incorporation and reorganization, disbursements, and miscellaneous requirements, "any balance to go to the new company for working capital."

One of the lawyers informed the World that the amount turned over for working capital would be $2,000,000. The three banking houses underwriting the reorganized company will receive approximately $1,300,000 for their services. Other allowances will be fixed by Judge Mayer after the work has been completed.

But it is not alone on the basis of expense that objection is made to Federal equity receivers for rapid transit and street railroad companies. A receiver in bankruptcy may not, under the law, be appointed for such corporations. The business must be kept running in the interest of the public.

STATE LAWS MADE INOPERATIVE

Objection is made, however, that by going to the Federal courts for the appointment of such receivers the companies avoid the operation of State laws, which would still be binding were the receiver to be appointed by the State court. Corporation Counsel Nicholson has pointed out, for instance, that without the permission of the Federal judge the city may not bring suit to revoke a franchise with the terms of which the receiver fails to comply.

It is largely to deal with this situation that a bill already has been introduced in Congress forbidding such companies or their creditors to go to the United States courts until the resources of the State court have been exhausted.

It will be noted that the two receivers, Stone and Webster, for their appraisal work have had total payments in excess of $370,000. It is also recalled that Winthrop & Stimson, who received $245,000 for services to Receiver Hodges, were also awarded $347,500 by Judge Mayer for their services to the receiver of the Aetna Explosives Co.

The Aetna Explosives Co. (Inc.) went into the hands of Receivers Benjamin B. Odell and George C. Holt in 1917, and the final report of the receivers was not rendered until May, 1920, their actual discharge coming in June, 1921. It thus will be seen that over a considerable period Winthrop & Stimson were serving both companies. The year 1920 appears to have been their most profitable year, since the records indicate them to have received in that period $53,200 from Mr. Hedges, in addition to nearly $200,000 from Messrs. Odell and Holt, receivers of the Aetna.

MANAGES COMPETING LINES

The retention of Mr. Hedley as a general manager is all the more interesting in view of the fact that at certain points the New York Railways and the Interborough are competitors for the short-haul traffic.

The payments to Mr. Shonts will no doubt be a surprise even to the city administration, which thought it had made a careful examination of the transit situation. When Hedges became receiver Mr. Shonts started on the pay roll at $30,000. This lasted for about two months. In May, 1919, Shonts received a payment of $2,083.33, which is at the rate of $25,000, and the following month it was dropped to $20,000. There it remained until Mr. Shonts's death in the following September. The total payments recorded to him amount to $13,194.42.

It is interesting to compare these payments with the fate of the general creditors in the case of the reorganized B. R. T.—now the B. M. T.—and their probable fate in the case of the New York Railways. The former road illustrates well the fallacy of the theory that creditors are paid in full when they get back stock in a reorganized company.

When the reorganization plan of the B. R. T. came out last March everybody was shown exactly what he was going to get except the general creditors. Opposite their names appeared an estimate of $1,600,000, as the amount of their allowed claims, and after that a series of blanks. Elsewhere it was explained that they might turn in their claims if they assented to the plan of reorganization and provision would be made for them.

OPERATING CLAIMS PREFERRED

Later they were divided into two classes. First, were the operating claims—put forward by those who had sold materials to the road shortly before the receivership and who were in a sense preferred. They got an option of 100 per cent cash, or 87 per cent cash and 40 per cent preferred stock, the last to cover 13 per cent of the claim and interest which had been piling up for four and one-half years. Most of them took cash.

The general creditors, however—those who had no preference—got 25 per cent in cash and 102 per cent preferred stock. On the face of it, this looked like a fine adjustment. The preferred stock, however, on January 12 was quoted at 50¾, which means that the general creditor who had a claim of $1,000 and is still holding his stock has, after his long wait, $250 in cash and stock worth approximately $516.

The tort claimants—those with claims for damages against the railroad, including the relatives of the victims of the Malbone Street wreck—were placed in a class by themselves. The 3,106 tort claims were filed with the receiver for a total of $21,013,828.25. Of those 2,950 were reduced and settled for $2,030,775. After waiting four and one-half years for the reorganization they were paid in full in cash without interest.

Yet the manner of dealing with the tort claimants is declared to have been particularly liberal. They were given a chance, should they desire, of bringing a suit in the State courts to fix the amounts, with the alternative of settling them either by negotiation or before a special master. Most of them chose either negotiation or a hearing before

Philip H. McCook, the special master assigned particularly to this work. His findings were subject to review on appeal before Judge Mayer or the circuit court of appeals.

FEDERAL OFFICIAL SQUEEZED

Much worse was the fate of some of the stockholders. The World representative was told of one important Federal official who held Brooklyn Rapid Transit stock that had cost him $1,200. He held on to it throughout the period of the receivership because he feared that its sale might be misinterpreted. He was offered the opportunity of going into the reorganization if he would put up $35 a share in cash. He didn't have the $600 which would be required. The result was that he took the stock to a broker and sold it for $17.50.

In view of the fact that the city has a vital interest in the B. R. T. receivership expense by virtue of its relation to contract No. 4, under which the city hopes some time to get a return on its huge investment in subways, the World made efforts to learn just what decreases there had been in company salaries to offset the big increase brought about by the receivership.

Those in a position to know reported there had been one decrease in the pay roll, brought about by dropping as president Timothy S. Williams, with his salary of $75,000 a year. As against this the allowance to receivers and lawyers, excluding the engineers as an expense which might possibly have been incurred anyway in connection with the transit commission proposal to take over the lines, have amounted to well over $125,000 a year.

TEN LAWYERS ON LIST

There has been no public allotment as between Mr. Garrison and Mr. Owen of the $475,000 already paid them, but the surmise is it will be divided about equally. But, as in the case of the New York Railways, this has not been the only legal expense of the railroad in receivership. Its ordinary legal business has been looked after by a staff of lawyers in the Brooklyn office. Last May, before the receivership ended, there were, the World is informed by those in a position to know, 10 lawyers in that office on a pay roll amounting to about $90,000 a year.

Early in the receivership an effort was made to tax the entire expense of the B. R. T. receivership against operating expenses, which would have meant that it would have militated against the time when the city would get a return. The transit commission objected to this form of accounting and arbitrators have been selected to determine how much of the receivership bill will be charged against operating cost.

It is generally agreed that from the standpoint of the B. R. T. security holders Mr. Garrison handled the road in masterful fashion. He made many improvements, costing millions, expanded the powerhouse facilities, purchased additional cars, improved the operating methods, and the operating revenues from increased passenger traffic steadily increased in volume, so that on April 30, 1923, he showed a net corporate income of $25,000,000 from rapid-transit and street-car operation.

COMPANIES PREFER MAYER

It has been rumored from time to time that many lawyers and executives of the big companies have preferred to have the receiverships administered before Judge Mayer. In the case of the B. R. T., the World is reliably informed that a distinct move was made to get the receivership before him.

From a reliable source it was learned that late in December, 1918, some of those who were contemplating the receivership went to Judge Learned Hand, who it appeared might be sitting in the motion term when the matter came up, and asked him if he had any objection if the matter were presented to Judge Mayer. Judge Hand is described as being somewhat surprised at the attempt to dodge him. He, nevertheless, gave his consent and the matter was presented to Judge Mayer, who ordered the receivership on December 31, 1918, the papers not being filed in the clerk's office until after the New Year's holiday.

One thing which made the examination of the New York Railways receivership difficult was that many payments to counsel had been made without the usual allowance orders being on file in the records. It was learned subsequently from Special Master Lacombe that authorization for monthly payments to counsel was contained in a letter written by Judge Mayer to the receiver in July, 1919. Since that date Winthrop & Stimson have had a regular salary of $3,600 a month—more than $100 a day—in addition to special allowance of $61,500. Mr. Hedges has received $2,000 a month plus three extra orders totaling $17,000.

DECLARES PROPERTIES IMPROVING

Is the property of the New York Railways Co. depreciating or improving under receivership? Are conditions better than they were on the date of the receivership? Receiver Hedges presents convincing figures that they are. His reports to the transit commission to November 30, 1923, show deficit in his receivership operations of $1,118,270.03, and in the estate account, which includes all the unpaid interest on securities, of $13,244,267. But in these figures is included a reserve set up for maintenance and depreciation of $5,979,258.52.

Excluding this reserve and including $3,200,000 interest payments on underlying obligations authorized by the court to prevent foreclosures, Mr. Hedges shows a net income from March 21, 1919, to date of $1,538,811.

At the same time the latest report shows the receiver has spent nearly $5,000,000 on the maintenance of way and structures and a similar amount on maintenance of equipment. Although a preliminary plan has been put forward for reorganizing the New York Railways, it is yet too soon to say when and how much water is actually to be squeezed out of the securities and how soon the receivership will end. The plan does, however, call for the wiping out of the present stockholders. Outside the various classes of bondholders, the creditors' claims against the New York Railways amount to about $1,800,000.

Mr. CAREW. Mr. Chairman, I ask unanimous consent that my colleague [Mr. GRIFFIN], who spoke heretofore on this bill, may have permission to extend his remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PERLMAN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SUMNERS of Texas. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STEVENSON. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. STEVENSON: Page 1, line 6, after the word "shall," insert the words "be residents of the district when appointed and shall thereafter."

Mr. PERLMAN. Mr. Chairman, there is no objection to that amendment.

Mr. STEVENSON. Very well; I shall waste no time upon it.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from South Carolina.

The amendment was agreed to.

Mr. MOORE of Virginia. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. MOORE of Virginia: Line 4, strike out the word "two" and insert the word "one," and in line 5, strike out the word "judges" and insert "judge."

Mr. MOORE of Virginia. Mr. Chairman, of course I believe in equipping the courts sufficiently to enable them to transact business, and in the proper administration of all of the laws within the jurisdiction of the courts. I am not concerned about any political controversy in the city of New York, or about any controversy that may exist between the two party organizations that function there. But here is a proposition to appoint two new judges forthwith, and I do not think that any harm, so far as I have been able to analyze the statistics and understand the arguments, can come from limiting the number to one at this time and delaying the appointment of the other, if it should become really necessary to appoint another, until a little later on. We can not rely too implicitly upon the alleged facts, as our experience shows. At least I can not feel the same certainty that my friend from New York [Mr. MILLS] has expressed. In 1922, what was the situation? The committee and Congress then dealt with the entire country so far as the matter of appointing additional judges was concerned. It rested its conclusions largely upon the views of the Chief Justice and the Attorney General, Mr. Daugherty; and now the views of those gentlemen are presented as a reason for adding to the number of judges then apparently deemed sufficient. At that time the southern district of New York was given two additional judges, and now two more are proposed. To show how much at fault opinion as to these matters may be, I recall that it was assumed in 1922 at the outset that in the eastern district of Virginia, where I live, there should be an additional judge. I took the matter up at once with the judge there—he does not belong to my political party, but he is a man whom I hold in the very highest esteem and honor—and he informed me that it was absurd to think that the condition of business in that court necessitated another judge, and the suggestion was abandoned. We were told at the time of the enactment of the law of September, 1922, that we might look forward into the future and assume that for a considerable time it would not be necessary to provide any new judges. Two years have not elapsed, and we are now advised that there is the most urgent necessity existing in a certain district, notwithstanding there is authority

now to make use in that district of judges appointed for other districts and for other courts, and which we were told was going to operate materially to take care of all of the necessities. The President has just appointed, or is just about to appoint, our friend from Illinois, Mr. GRAHAM, a judge of the Customs Court of Appeals, and under the express terms of the law of 1922 Mr. GRAHAM will be eligible to be sent to New York to handle the business in the southern district, and many other judges not remote from New York will be eligible. I think the House should pause and consider whether the taking of one step at a time is not best, selecting one additional judge instead of two, if there is to be any increase.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The question was taken; and on a division (demanded by Mr. MOORE of Virginia) there were—ayes 78, noes 88.

Mr. O'CONNOR of New York. Mr. Chairman, on that I demand tellers.

Tellers were ordered, and the Chair appointed Mr. PERLMAN and Mr. MOORE of Virginia to act as tellers.

The committee again divided; and the tellers reported—ayes 103, noes 91.

So the amendment was agreed to.

Mr. REECE. Mr. Chairman, I move to strike out the last word. I do this for the purpose of speaking out of order, if I may have permission to do so, for about two minutes, because I shall have to leave the Hall before I have another opportunity to do so.

There is no more conscientious and hard-working committee in the House than the Committee on World War Veterans' Legislation.

In reporting the Johnson bill the Committee on World War Veterans' Legislation has done a splendid piece of work. The members of this committee are to be congratulated upon the efforts which they have put forth to conserve the interests of our disabled ex-service men. I hoped that the bill which has been reported might be passed by the House at the earliest possible moment. A similar bill has already passed the Senate. There is one provision in the Senate bill which has not been included in the House bill to which I wish to call the attention of the House in the hope that when the bill goes to conference that the House conferees may agree to accept it, and that is section 202, paragraph 2, Senate bill 2257, providing:

Where a tuberculous disease is diagnosed as other than that of complete arrest compensation shall be on a permanent and total basis, which shall not be changed until one year after such ex-service man has reached an arrested stage, at which time a permanent rating for life shall be granted, which shall not be below $50 per month during the remainder of his life.

This is the provision in which I am particularly interested, and unless such a provision is adopted our Government, in my opinion, will not have met its obligation to our disabled veterans who have this unfortunate disease. I am not a doctor, but I have devoted considerable study to the tubercular ex-service men, as there is in my district one of the largest sanatoriums in the country. Experts are agreed that there is no permanent cure for tuberculosis, the disease being diagnosed as either active or arrested. By arrested is meant the germ is temporarily inactive, but will become active upon the slightest provocation. The degree of resistance of each tubercular determines the period of life. Those with a great degree of resistance naturally survive the longest. The handling of this class of ex-service men has been very unsatisfactory, due to inadequate laws, which the above provision, in my judgment, will tend to correct.

The conditions under which the tubercular patient may live, together with the resulting mental ease or mental disquietude, largely affect his power of resistance. If, when the patient's tubercular condition is marked arrested his compensation is cut, he is forced again to begin to work to support himself and family. He knows also that at best his life has been shortened and consequently worries about making suitable provision for his wife and children after his death. The result is that the tuberculosis though once arrested soon becomes again active and the veteran must again be hospitalized. A majority of the patients in the National Sanatorium are readmissions, that is, men who were once marked with arrested cases again became active and who had to be readmitted. A recent contact made for approximately 1,000 ex-service men shows that over 75 per cent of the men contacted had been forced to return to hospitals from two to eight times. These men had been either in training and broke down, or had been given arrested cases and returned to civil life, compensation cut, and on account of having to return to strenuous work, to provide for themselves and families, had become active tuberculars. If these men had been given a permanent rating by the Veterans' Bureau so that they could have lived in peace and quiet without worry of the future, doubtless most of them would not have again become active. The Director of the Veterans' Bureau has submitted the following letter, estimating the cost of this provision:

MAY 16, 1924.

Hon. B. CARROLL REECE,
House of Representatives, Washington, D. C.

MY DEAR MR. REECE: In accordance with your request of this morning for an estimate of the cost of provisions under S. 2257, affecting ex-service men suffering from tuberculosis, you are advised that it has been estimated that the cost for the first year of extending the presumptive period from three years to five years for automatic service connection, would involve an expenditure approximating $11,380,000.

The additional amendment included under section 202, paragraph 2, providing for a permanent rating where tuberculosis disease is diagnosed as other than a complete arrest, and a rating of not less than $50 a month for the remainder of his life where tuberculosis has reached an arrested stage, is estimated to cost for the first year as applied to cases rated under existing legislation, $10,468,500, and when further applied to the cases estimated to come under the five-year presumption, assuming that the distribution of these cases will be on the same basis as are the total tuberculosis cases at the present time, it would increase the estimate of cost for this presumptive period by $3,900,000. The total estimated cost therefore of S. 2257 as applied to tuberculosis cases is approximately $25,748,500 for the first year of award.

In this connection it is to be borne in mind that there is no experience other than the recorded experience of the Veterans' Bureau to determine the probable development on many of these proposed changes, and it is further true that the recorded experience, while accurately showing the trend of certain activities of the Veterans' Bureau in the past, can only in a general way be used to determine what may be the result with relation to future claims. However, it is possible to apply certain broad general assumptions based upon past experience and existing records and the above cost figures are a result of this application and are considered indicative of probable future cost.

Very truly yours,

FRANK T. HINES, *Director.*

This shows the yearly cost of providing a permanent rate of compensation to these men to be around $14,000,000 yearly, but when the expense of training is deducted from the cost and when mortality is figured, it will be seen that there will be no cost, but will result in a saving, if such things can be figured in the life of a veteran.

A system of permanent rating for the tuberculars must be adopted if their problem is to be solved and I hope that it may be included in the pending bill. [Applause.]

Mr. PERLMAN. Mr. Speaker, I move that the committee do now rise and report the bill to the House with the amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LEHLBACH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 3318, had directed him to report the same back with amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. PERLMAN. Mr. Speaker, I move the previous question.

The SPEAKER. The previous question was ordered by the rule. Is a separate vote demanded on either amendment?

Mr. PERLMAN. Mr. Speaker, I demand a separate vote on the Moore amendment.

The SPEAKER. The first vote is on the amendment which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. MOORE of Virginia: In line 4, strike out the word "two" and insert "one" and in line 5 strike out the word "judges" and insert "judge."

Mr. LEHLBACH. Mr. Speaker, there is another amendment adopted previous to the Moore amendment, an amendment offered by the gentleman from South Carolina [Mr. STEVENSON] that has to be voted on by the House. It is a separate amendment.

Mr. BEGG. There are three amendments.

The SPEAKER. The Chair is informed there are only two as two are of the same substance. The question is on agreeing to the amendment just reported by the Clerk.

The question was taken, and the Speaker announced the noes seemed to have it.

On a division (demanded by Mr. MOORE of Virginia) there were—ayes 105, noes 95.

Mr. PERLMAN. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The question is on ordering the yeas and nays.

The yeas and nays were ordered.

Mr. LONGWORTH. Mr. Speaker, before the roll call starts I would like to propound a parliamentary inquiry. In case the House adjourns will this vote be taken on Tuesday?

The SPEAKER. It would.

Mr. LONGWORTH. Mr. Speaker, I move that the House do now adjourn.

The question was taken, and the Speaker announced the noes seemed to have it.

Mr. PERLMAN. Mr. Speaker, I ask for a division on that.

The House divided; and there were—ayes 93, noes 117.

So the House refused to adjourn.

Mr. SNELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SNELL. Do I understand now that we come to a yea-and-nay vote on the amendment?

The SPEAKER. Yes. The yea-and-nay vote has been ordered.

The question was taken; and there were—yeas 157, nays 151, answered "present" 4, not voting 121, as follows:

YEAS—157

Abernethy	Dickstein	Lea, Calif.	Rouse
Allen	Doughton	Lee, Ga.	Rubey
Allgood	Drewry	Lilly	Sabath
Arnold	Driver	Lindsay	Salmon
Aswell	Eagan	Logan	Sanders, Tex.
Ayres	Evans, Mont.	Lowrey	Sandlin
Barkley	Favrot	Lozier	Schafer
Black, N. Y.	Fisher	Lyon	Sears, Fla.
Black, Tex.	Fulbright	McDuffie	Shallenberger
Bland	Fulmer	McKeown	Sherwood
Blanton	Gardner, Ind.	McNulty	Smithwick
Bloom	Garner, Tex.	McReynolds	Spearing
Box	Garrett, Tenn.	McSwain	Steagall
Boyce	Gasque	McSweeney	Stedman
Boylan	Geran	Major, Ill.	Stevenson
Brand, Ga.	Goldsborough	Major, Mo.	Sumners, Tex.
Briggs	Griffin	Mansfield	Swank
Browning	Hammer	Martin	Tague
Bulwinkle	Harrison	Mead	Taylor, W. Va.
Busby	Hastings	Mooney	Thomas, Ky.
Byrns, Tenn.	Hawes	Moore, Ga.	Thomas, Okla.
Canfield	Hill, Ala.	Moore, Va.	Tillman
Cannon	Hill, Wash.	Morehead	Tucker
Carew	Hooker	Morrow	Tydings
Casey	Howard, Nebr.	O'Connell, N. Y.	Underwood
Celler	Hudspeth	O'Connell, R. I.	Upshaw
Clancy	Jacobstein	O'Connor, La.	Vinson, Ga.
Cleary	Jeffers	O'Connor, N. Y.	Vinson, Ky.
Collier	Johnson, Tex.	Oldfield	Watkins
Collins	Johnson, W. Va.	Oliver, N. Y.	Weaver
Connally, Tex.	Jones	Peery	Weller
Cook	Jost	Prall	Wilson, Ind.
Crisp	Kent	Quin	Wilson, La.
Crosser	Kerr	Rainey	Wingo
Cullen	Kincheloe	Raker	Wolff
Cummings	Kindred	Rankin	Woodrum
Davey	Lanham	Rayburn	Wright
Davis, Tenn.	Lankford	Reed, Ark.	
Deal	Larsen, Ga.	Richards	
Dickinson, Mo.	Lazaro	Romjue	

NAYS—151

Ackerman	Fish	Larson, Minn.	Reid, Ill.
Aldrich	Fitzgerald	Lehlbach	Roach
Andrew	Fredericks	Lineberger	Robinson, Iowa
Bacon	Free	Longworth	Robsion, Ky.
Beedy	French	McLaughlin, Mich.	Sanders, Ind.
Beers	Fuller	McLeod	Sanders, N. Y.
Begg	Funk	MacGregor	Schneider
Berger	Garber	Madden	Sears, Nebr.
Bixler	Graham, Ill.	Magee, N. Y.	Seger
Brand, Ohio	Green, Iowa	Magee, Pa.	Shreve
Browne, Wis.	Greene, Mass.	Mapes	Simmons
Bramm	Hadley	Merritt	Sinclair
Burtness	Hardy	Michaelson	Sinnott
Burton	Haugen	Michener	Smith
Butler	Hawley	Mills	Snell
Campbell	Hersey	Montague	Speaks
Chindblom	Hickey	Moore, Ill.	Sproul, Ill.
Christopherson	Hill, Md.	Moore, Ohio	Sproul, Kans.
Clague	Hoch	Moores, Ind.	Stalker
Cole, Iowa	Hudson	Morgan	Stephens
Colton	Hull, Morton D.	Morin	Strong, Kans.
Cooper, Ohio	Hull, William E.	Murphy	Strong, Pa.
Darrow	Hull, Iowa	Nelson, Wis.	Summers, Wash.
Davis, Minn.	James	Newton, Minn.	Taber
Dempsey	Johnson, Wash.	Newton, Mo.	Taylor, Tenn.
Denison	Kearns	Paige	Temple
Dickinson, Iowa	Keller	Parker	Thatcher
Dowell	Kendall	Patterson	Thompson
Edmonds	Ketcham	Perkins	Tilson
Elliott	King	Perlman	Tincher
Evans, Iowa	Kopp	Phillips	Tinkham
Fairchild	Kurtz	Rathbone	Treadway
Faust	LaGuardia	Reece	Vaile
Fenn	Lampert	Reed, N. Y.	Vestal
Vincent, Mich.	Watson	Williams, Mich.	Wurzbach
Voigt	Wertz	Williamson	Wyant
Wainwright	White, Kans.	Winslow	Young
Watres	Williams, Ill.	Woodruff	

ANSWERED "PRESENT"—4

Carter	Connery	Johnson, S. Dak.	Sites

NOT VOTING—121

Almon	Dyer	Leavitt	Reed, W. Va.
Anderson	Fairfield	Linthicum	Rogers, Mass.
Anthony	Fleetwood	Little	Rogers, N. H.
Bacharach	Foster	Luce	Rosenbloom
Bankhead	Frear	McClintic	Schall
Barbour	Freeman	McFadden	Scott
Beck	Frothingham	McKenzie	Snyder
Bell	Gallivan	McLaughlin, Nebr.	Stengle
Boies	Garrett, Tex.	MacLafferty	Sullivan
Bowling	Gibson	Manlove	Sweet
Britten	Gifford	Miller, Ill.	Swing
Browne, N. J.	Gilbert	Miller, Wash.	Swoope
Buchanan	Glatfelter	Milligan	Taylor, Colo.
Buckley	Graham, Pa.	Minahan	Timberlake
Burdick	Greenwood	Morris	Underhill
Byrnes, S. C.	Griest	Mudd	Vare
Cable	Hayden	Nelson, Me.	Ward, N. Y.
Clark, Fla.	Holaday	Nolan	Ward, N. C.
Clarke, N. Y.	Howard, Okla.	O'Brien	Wason
Cole, Ohio	Huddleston	O'Sullivan	Wefald
Connolly, Pa.	Hull, Tenn.	Oliver, Ala.	Welsh
Cooper, Wis.	Humphreys	Park, Ga.	White, Me.
Corning	Johnson, Ky.	Parks, Ark.	Williams, Tex.
Cramton	Kahn	Peavey	Wilson, Miss.
Croll	Kelly	Porter	Winter
Crowther	Kiess	Pou	Wood
Curry	Knutson	Purnell	Yates
Dallinger	Kunz	Quayle	Zihlman.
Dominick	Kvale	Ragon	
Doyle	Langley	Ramseyer	
Drane	Leatherwood	Ransley	

So the amendment was agreed to.

The Clerk announced the following additional pairs:

On this vote:

Mr. Minahan (for) with Mr. McFadden (against).
Mr. Quayle (for) with Mr. Curry (against).
Mr. Bell (for) with Mr. Fleetwood (against).
Mr. Wolff (for) with Mr. Cramton (against).
Mr. Morris (for) with Mr. Vare (against).
Mr. Parks of Georgia (for) with Mr. Connolly of Pennsylvania (against).
Mr. Williams of Texas (for) with Mr. Gibson (against).
Mr. Almon (for) with Mr. Gallivan (against).
Mr. Croll (for) with Mr. MacLafferty (against).
Mr. Carter (for) with Mr. Cooper of Wisconsin (against).
Mr. Stengle (for) with Mr. Barbour (against).
Mr. Connery (for) with Mrs. Nolan (against).
Mr. Buchanan (for) with Mr. Johnson of South Dakota (against).
Mr. Pou (for) with Mr. Thompson (against).
Mr. Bowling (for) with Mr. Miller of Washington (against).
Mr. Ragon (for) with Mr. Underhill (against).
Mr. Sites (for) with Mr. Manlove (against).
Mr. Milligan (for) with Mr. Knutson (against).
Mr. Byrnes of South Carolina (for) with Mr. Porter (against).

Until further notice:

Mr. Griest with Mr. Browne of New Jersey.
Mr. Bacharach with Mr. Dominick.
Mr. Kiess with Mr. Doyle.
Mr. Ransley with Mr. Garrett of Texas.
Mr. Sweet with Mr. Johnson of Kentucky.
Mr. Gifford with Mr. Kvale.
Mr. Dallinger with Mr. Parks of Arkansas.
Mr. Foster with Mr. McClintic.
Mr. Dyer with Mr. O'Sullivan.
Mr. Purnell with Mr. Wilson of Mississippi.
Mr. Mudd with Mr. Greenwood.
Mr. Freeman with Mr. Kunz.
Mr. Rogers of Massachusetts with Mr. Glatfelter.
Mr. Frothingham with Mr. Wefald.

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will report the other amendment.

The Clerk read as follows:

Amendment offered by Mr. STEVENSON: Page 1, line 6, after the word "shall," insert the words "be residents of the district where appointed and shall thereafter."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. CAREW. A division, Mr. Speaker.

The SPEAKER. A division is called for.

Mr. MILLS. Mr. Speaker, is this on the passage of the bill?

The SPEAKER. Yes.

Mr. MILLS. I demand the reading of the engrossed copy.

The SPEAKER. It has been read.

The House divided; and there were—ayes 131, noes 145.

Mr. PERLMAN. Mr. Speaker, I ask for a yea-and-nay vote on this.

The SPEAKER. The gentleman from New York demands the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Those in favor of the passage of the bill will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 150, nays 160, answered "present" 2, not voting 121, as follows:

YEAS—150

Ackerman	Fuller	Magee, N. Y.	Sinnott
Aldrich	Funk	Mapes	Smith
Andrew	Garber	Merritt	Snell
Bacon	Graham, Ill.	Michaelson	Speaks
Beedy	Green, Iowa	Michener	Sproul, Ill.
Beers	Greene, Mass.	Mills	Sproul, Kans.
Begg	Hadley	Montague	Stalker
Berger	Hardy	Moore, Ill.	Stephens
Bixler	Haugen	Moore, Ohio	Strong, Kans.
Brand, Ohio	Hawley	Moores, Ind.	Strong, Pa.
Browne, Wis.	Hersey	Morgan	Summers, Wash.
Brumm	Hickey	Morin	Swing
Burtness	Hill, Md.	Murphy	Taber
Burton	Hoch	Nelson, Wis.	Taylor, Tenn.
Campbell	Hudson	Newton, Minn.	Temple
Chindblom	Hull, Morton D.	Newton, Mo.	Thatcher
Christopherson	Hull, William E.	Paige	Tilson
Clague	Hull, Iowa	Parker	Tincher
Cole, Iowa	James	Patterson	Tinkham
Colton	Johnson, Wash.	Perkins	Treadway
Cooper, Ohio	Kearns	Perlman	Valle
Darrow	Keller	Phillips	Vincent, Mich.
Davis, Minn.	Kendall	Rathbone	Voigt
Dempsey	Ketcham	Reece	Wainwright
Denison	King	Reed, N. Y.	Watres
Dickinson, Iowa	Kopp	Reid, Ill.	Watson
Dowell	Kurtz	Roach	Wertz
Edmonds	LaGuardia	Robinson, Iowa	White, Kans.
Elliott	Lampert	Robsion, Ky.	Williams, Ill.
Evans, Iowa	Larson, Minn.	Sanders, Ind.	Williams, Mich.
Fairchild	Leatherwood	Sanders, N. Y.	Williamson
Faust	Lehlbach	Schafer	Winslow
Fenn	Lineberger	Schneider	Woodruff
Fish	Longworth	Scott	Wurzbach
Fitzgerald	McLaughlin, Mich.	Seger	Wyant
Fredericks	McLeod	Shreve	Young
Free	MacGregor	Simmons	
French	Madden	Sinclair	

NAYS—160

Abernethy	Davis, Tenn.	Lanham	Reed, Ark.
Allen	Deal	Lankford	Richards
Allgood	Dickinson, Mo.	Larsen, Ga.	Romjue
Almon	Dickstein	Lazaro	Rouse
Arnold	Doughton	Lee, Ga.	Rubey
Aswell	Drewry	Lilly	Sabath
Ayres	Driver	Lindsay	Salmon
Barkley	Eagan	Logan	Sanders, Tex.
Black, N. Y.	Evans, Mont.	Lowrey	Sandlin
Black, Tex.	Favrot	Lozier	Sears, Fla.
Bland	Fisher	Lyon	Shallenberger
Blanton	Fulbright	McDuffie	Sherwood
Bloom	Fulmer	McKeown	Smithwick
Box	Gardner, Ind.	McNulty	Spearing
Boyce	Garner, Tex.	McReynolds	Steagall
Boylan	Garrett, Tenn.	McSwain	Stedman
Brand, Ga.	Garrett, Tex.	McSweeney	Stevenson
Briggs	Gasque	Major, Ill.	Sumners, Tex.
Browning	Geran	Major, Mo.	Swank
Bulwinkle	Goldsborough	Mansfield	Tague
Busby	Griffin	Martin	Taylor, W. Va.
Byrnes, S. C.	Hammer	Mead	Thomas, Ky.
Byrns, Tenn.	Harrison	Mooney	Thomas, Okla.
Canfield	Hastings	Moore, Ga.	Tillman
Cannon	Hawes	Moore, Va.	Tucker
Carew	Hill, Ala.	Morehead	Tydings
Casey	Hill, Wash.	Morrow	Underwood
Celler	Hooker	O'Connell, N. Y.	Upshaw
Clancy	Howard, Nebr.	O'Connell, R. I.	Vestal
Cleary	Hudspeth	O'Connor, La.	Vinson, Ga.
Collier	Jacobstein	O'Connor, N. Y.	Vinson, Ky.
Collins	Jeffers	Oldfield	Watkins
Connally, Tex.	Johnson, Tex.	Oliver, N. Y.	Weaver
Cook	Johnson, W. Va.	Peery	Weller
Corning	Jones	Prall	Wilson, Ind.
Crisp	Jost	Quin	Wilson, La.
Crosser	Kent	Rainey	Wingo
Cullen	Kerr	Raker	Wolff
Cummings	Kincheloe	Rankin	Woodrum
Davey	Kindred	Rayburn	Wright

ANSWERED "PRESENT"—2

Carter	Connery

NOT VOTING—121

Anderson	Butler	Drane	Greenwood
Anthony	Cable	Dyer	Griest
Bacharach	Clark, Fla.	Fairfield	Hayden
Bankhead	Clarke, N. Y.	Fleetwood	Holaday
Barbour	Cole, Ohio	Foster	Howard, Okla.
Beck	Connolly, Pa.	Frear	Huddleston
Bell	Cooper, Wis.	Freeman	Hull, Tenn.
Boies	Cramton	Frothingham	Humphreys
Bowling	Croll	Gallivan	Johnson, Ky.
Britten	Crowther	Gibson	Johnson, S. Dak.
Browne, N. J.	Curry	Gifford	Kahn
Buchanan	Dallinger	Gilbert	Kelly
Buckley	Dominick	Glatfelter	Kiess
Burdick	Doyle	Graham, Pa.	Knutson
Kunz	Milligan	Ramseyer	Underhill
Kvale	Minahan	Ransley	Vare
Langley	Morris	Reed, W. Va.	Ward, N. Y.
Lea, Calif.	Mudd	Rogers, Mass.	Ward, N. C.
Leavitt	Nelson, Me.	Rogers, N. H.	Wason
Linthicum	Nolan	Rosenbloom	Wefald
Little	O'Brien	Schall	Welsh
Luce	O'Sullivan	Sears, Nebr.	White, Me.
McClintic	Oliver, Ala.	Sites	Williams, Tex.
McFadden	Park, Ga.	Snyder	Wilson, Miss.
McKenzie	Parks, Ark.	Stengle	Winter
McLaughlin, Nebr.	Peavey	Sullivan	Wood
MacLafferty	Porter	Sweet	Yates
Magee, Pa.	Pou	Swoope	Zihlman
Manlove	Purnell	Taylor, Colo.	
Miller, Ill.	Quayle	Thompson	
Miller, Wash.	Ragon	Timberlake	

So the bill was refused passage.

The Clerk announced the following additional pairs:

On this vote:

Mr. McFadden (for) with Mr. Minahan (against).
Mr. Curry (for) with Mr. Quayle (against).
Mr. Fleetwood (for) with Mr. Bell (against).
Mr. Cramton (for) with Mr. Parks of Arkansas (against).
Vare (for) with Mr. Morris (against).
Mr. Connolly of Pennsylvania (for) with Mr. Parks of Georgia (against).
Mr. Gibson (for) with Mr. Williams of Texas (against).
Mr. MacLafferty (for) with Mr. Croll (against).
Mr. Cooper of Wisconsin (for) with Mr. Carter (against).
Mr. Barbour (for) with Mr. Stengle (against)
Mrs. Nolan (for) with Mr. Connery (against).
Mr. Johnson of South Dakota (for) with Mr. Buchanan (against).
Mr. Thompson (for) with Mr. Pou (against).
Mr. Miller of Washington (for) with Mr. Bowling (against).
Mr. Underhill (for) with Mr. Ragon (against).
Mr. Manlove (for) with Mr. Sites (against).
Mr. Knutson (for) with Mr. Milligan (against).
Mr. Porter (for) with Mr. Byrnes of South Carolina (against).
Mr. Gallivan (for) with Mr. O'Sullivan (against).

Mr. CONNERY. Mr. Speaker, I voted "nay." I have a pair with the lady from California, Mrs. NOLAN. I wish to withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

Mr. LONGWORTH. Mr. Speaker, I move that the House do now adjourn.

Mr. GARRETT of Tennessee. Mr. Speaker, I move to reconsider the vote.

The SPEAKER. A motion to adjourn is a preferential one.

Mr. BEGG. Mr. Speaker, I ask for a division.

The question was taken; and on a division (demanded by Mr. BEGG) there were—ayes 111, noes 146.

So the motion to adjourn was rejected.

Mr. GARRETT of Tennessee. Mr. Speaker, I move to reconsider the vote by which the bill was defeated and to lay that motion on the table.

The SPEAKER. Without objection it is so ordered.

There was no objection.

ADDITIONAL COPIES OF HEARINGS BEFORE THE COMMITTEE ON AGRICULTURE

Mr. JOHNSON of Washington. Mr. Speaker, I call up the privileged report from the Committee on Printing.

The SPEAKER. The gentleman from Washington offers a privileged report, which the Clerk will report.

The Clerk read as follows:

House Resolution 320

Resolved, That, in accordance with paragraph 3 of section 1 of the printing act approved March 1, 1907, the Committee on Agriculture of the House of Representatives be, and is hereby, authorized and empowered to have printed 900 additional copies of the hearings before said committee of the Sixty-eighth Congress, first session, on bills relating to the McNary-Haugen bill.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

EXTENSION OF REMARKS

Mr. KINDRED. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD.

Mr. UPSHAW. Mr. Speaker, I make the same request.

Mr. GRAHAM of Illinois. Mr. Speaker, I make the same request.

Mr. PERLMAN. Mr. Speaker, I make the same request.

Mr. BACON. Mr. Speaker, I make the same request.

Mr. CHINDBLOM. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection to these requests? [After a pause.] The Chair hears none.

ADJUSTED COMPENSATION

Mr. UPSHAW. Mr. Speaker and gentlemen, under the privilege granted me by the House, I wish to say without equivocation or apology to any man or corporation, I declare my ex-

quisite pleasure in canceling my most important speaking engagement of the year, before the Southern Baptist Convention, 8,000 strong, in Atlanta, and rushing all the way to Washington to help "spank" the President for going back on his own party promises concerning the soldier bonus. It is not so much the worthiness of redeeming this long-delayed pledge for which I have voted three times that brought me, but a vigorous protest against five years of acrobatic evasion and partisan duplicity. I have seen it at close range, and here is the proof: With ample majority to do the thing, the Republicans waited until the 20th of May, three days before the Sixty-sixth Congress adjourned, before passing the bonus bill in the House, when they knew it was legislatively impossible to carry it through the Senate. On this tardy House action they went successfully after the soldier vote, saying, "See what we have done for the defenders of our country; we will complete the job for you when Congress convenes in December."

But President Harding, who had declared himself in favor of "adjusted compensation for the ex-service man," acting on the advice of Secretary Mellon and his doleful tale of a Treasury deficit of $800,000,000, came before the Senate and urged postponement—not defeat, mind you, but postponement of action. And then when a new bonus bill was brought out, the President demanded by veto that it should pay for itself through a discredited revenue plan which his own party dared not bring on the floor for action. Broken pledge No. 2. And now behold President Coolidge, who declared before high heaven that he was going to "carry out the Harding policies," vetoes even a "tombstone tip" to the ex-service man to whom his predecessor had pledged "adjusted compensation," and does it with a nonchalant, standpat, "big business" bravado that flatly declares the soldier deserves no bonus.

Shades of Frank Mondell, Phil Campbell, and Frank Murphy! The first two, with all their fervid hair-raising eloquence in behalf of "the soldier defenders of the flag," have been gathered, alas, to the limbo of all naughty Republicans, while FRANK MURPHY, who bravely fought and filibustered for the American doughboy, lives yet in the House to testify that I have told the incontestable truth about his vanishing reactionary comrades.

Let it be remembered that when Secretary Mellon, sitting on his throne of hundreds of millions—much of it made distilling and selling liquor—wanted to defeat the bonus to the soldiers who had made his fabulous fortune secure, he declared a deficit of eight hundred millions, but when he wanted to show how smart his administration had been with the Treasury he showed a surplus of three hundred millions. This is my indictment: If the bonus was right, it ought to have been passed five years ago when it would have been a godsend to the vast majority of returning soldiers who found their former business shot to pieces; if it was wrong, it should have been promptly repudiated and not used as a vote getter in two congressional elections before this final climax of presidential repudiation by the reactionary representative of big business in Pittsburgh, Wall Street, and Boston.

INTEMPERATE, UNFORTUNATE WORDS

I honor our President personally, but I marvel at the following intemperate, unfortunate words:

> We must either abandon our theory of patriotism or abandon this bill. Patriotism which is bought and paid for is not patriotism. * * * There is no moral justification for it.

In other words, in common parlance, the President tells party pledges and the ex-service men to "go where it doesn't snow."

Take this—and no man will dare deny; everybody knows that the whole country would have applauded if Uncle Sam had met every soldier at the ship when he came back with a handclasp of benediction containing a crisp $500 bill, saying: "My boy, I am not paying you for your patriotism—I am just reaching out to you the hand of good fellowship to help you get on your feet. Civilian employees have drawn many times as much as you, and millionaires have become billionaires while you protected them. You stood amid the mud and misery, the ice and lice, the dearth and death, the horror and hell of war for them and for me, and with this check—not solos and anthems and cheers and tears—but with this check I help you to start life again in the land you have defended by every inch and atom of your loyal arms."

Ah, fellow Americans, you know that such a practical deed by Uncle Sam to his heroic defenders would have brought more than a hundred million Americans to their feet with a continent of ringing, singing approval.

If it would have been right to do it then, who dares to say—except a few reactionary administration defenders—that five years of pitiful double-dealing has canceled this grateful obligation? It is a poor brand of personal or national honor that hides behind "the statute of limitation."

All honor to the brave young fellow who nobly says, "I do not want any compensation for my patriotism"; but he and his friends must not indict the patriotism of his comrades who feel the need of help and the sting of neglect. One equation is certain; Republican leadership, through its five years of evasion, equivocation, and final repudiation of party pledges, has forfeited all right to the soldier vote in America.

Mr. GIBSON. Mr. Speaker, an early study of the adjusted-compensation proposal convinced me that it was a measure extending justice to the men who served and sacrificed. One of the reasons for this conclusion was the fact that during the late war the Government paid a bonus to practically every civil employee, and most of these bonus payments have been continued to the present day. Every employee in the classified service with a salary of $2,500 or less receives a bonus. Thus, prohibition agents, customs employees, janitors of public buildings, clerks of all kinds in Washington and throughout the country come under the bonus provision of the law. During the past six years we have paid over $250,000,000 as a bonus in addition to regular salaries; $30,000,000 of this went to the civilian personnel of the Army and Navy.

In fact, a bonus was paid to nearly every employee during the war except the fighting man of the Army and Navy, the man who left gainful employment, who suffered untold hardships, who went into places of danger carrying proudly the flag of his country that we might continue to exist as a nation and civilization be saved. I felt that this great Nation might well treat these men who were willing to sacrifice all as well as the civilian employees were treated in the matter of adjusting compensation. These civilian employees were doing their duty and no criticism attaches to them.

Feeling the justice of the proposal, it was made one of the issues of my campaign for nomination as Representative. The issue was discussed at practically every meeting, and I endeavored to make my position clear. What I said was in the nature of a promise of action, if elected, and was made before the attitude of the President was known.

My vote on this question has given me more concern than any other since I have been a Member of the House. Personal friends and supporters have urged me to vote to sustain the veto. My great desire is to follow the lead of the President, but I can not bring myself to disregard my pledges made in good faith. Common honesty requires the carrying out of campaign promises. Failure to do so justly sacrifices the confidence of friends and forfeits self-respect.

It was my privilege to serve in the World War at home and abroad. I entered the service before the declaration of war, leaving a business and my wife and children to serve my country to the best of my ability. My State, with commendable pride, desired to send a regiment of its own across the seas and in furtherance of that purpose I traveled its hills and its valleys seeking volunteers. As a result some twelve hundred joined the colors voluntarily. I knew them, their families, their ancestry. It was my endeavor as an officer to keep close to these men and to be of help to them in every way. Twenty-five hundred of the men of the regiment in which I went overseas were from the State of Tennessee, and I came to know them and to appreciate the sterling quality of the patriotism of these men of the South. I think I can speak for service men quite as well as some of the gentlemen who have addressed the House on the question now before us.

Speaking for them, I am not in sympathy, Mr. Speaker, with the criticisms of the veto message that have been uttered in this debate. It has been charged by able men, some of them my personal friends for whom I have the highest regard, that the message is an insult to the service men. These statements made for the purpose of partisan advantage are not substantiated by the text of the message. It is not a challenge. It is rather the honest statement of the objections of a courageous Executive in the faithful execution of the duties of his office.

Service men appreciate and honor a man with courage. They may differ with him in his conclusions, but if they are true to honest impulses they admire the man who stands out in the open and in an upstanding manner states his case. That is just what the President did.

A careful study of the message shows it to be a splendid appreciation of the high motives that brought millions of the best of our manhood to the service. The very highest tribute is paid when the President says, "The first duty of every citizen is to the Nation." The veterans of the World War performed this first duty. And again, "No way exists by which we can equalize the burdens or give adequate financial reward to those who served the Nation both in civil and military capacities in time

of war. The respect and honor of their country will be rightfully theirs for evermore." When he stated "patriotism can not be bought nor sold. It is not hire and salary. It is not material but spiritual. It is one of the finest and highest of human virtues," he expressed truths to which every human heart responds.

In the message the President speaks for all the people in accordance with his duty as he sees it. No service man will criticize the performance of duty. The courageous statement of objections without regard to political effect should commend the message to every man and woman who served the Nation.

The President came from a people who put duty and patriotism above all other things. His forbears after service in the Revolution became pioneers in that undeveloped land of the Green Mountains, where the settlers were battling for independent existence. These forbears joined the men of valor who had fought against Canada and Great Britain, and were then defying the Continental Congress and all the other colonies. They established their own independence and maintained it against all the world for 13 years, and until the Union would accept admission as a sovereign State.

These pioneers were silent, God-fearing men, who made plain duty the test of citizenship. They labored with a stubborn soil, eked out a scanty existence, all the time molding character, until they wrought out of the wilderness a wonderful little State and peopled it with men and women who have been the strength of our Nation. You are all familiar with the work and service of Edmunds, Morrill, Proctor, Morton, Arthur, Hayes, Taft, and scores of other national figures whose forbears are of the common heritage of our President.

The characteristics of these pioneers have come down the generations. They have furnished the defense of the principles of the fathers at every crises of our history. They wrote into the law that memorable resolution of 1799, the guiding principle that made possible the continued existence of this Republic. They repelled foreign invasion. They stood firm as the rock against the assaults of the brave men of the South at Gettysburg. They helped swing open the gates of the Orient to the civilization of the West. One in twenty of the population of Vermont served in the World War, 75 per cent being volunteers. These pioneers and their descendants have written a record of service unmatched by achievements of other men in this country.

Calvin Coolidge is of these men. Born and reared amid humble surroundings, he knows the meaning of work, hard work on the farm, because he has done all of it. He knows the full meaning of earning an education, because he had a struggle to gain one. He knows what it means to earn money with which to pay taxes, because he has helped dig it out of the soil. He knows the value of honest service, because he has always rendered it. He has experienced the worries and faced the problems of the common people, because he is one of them. He speaks their language and gives voice to their ideals. The message is their call to a higher standard of patriotism.

We are passing through a period filled with great dangers. We need a President of calm judgment and fearless action, a man who will not turn from the straight pathway for personal advancement or cater to any group for political power. Such a man is now at the head of this Nation. No man better fitted by training, temperament, or experience ever occupied that position.

Born and reared where men do the day's work and live within their means, he has brought to the office a plain integrity and honesty of purpose which the people understand and embrace. His sense of duty, his patriotic zeal gives them a singular sense of security in their country and its institutions. They feel safe with him at the helm. The outstanding points of his character have won him the confidence of the American people to an extent that makes it one of the most striking things in all American political history.

In his native State, where he is known as a man is known by his friends and neighbors, he will have the support of the service men, both Democrats and Republicans. They accept the message as that of an honest Executive, standing courageously for what he believes to be right, and doing his duty without regard to its effect on the vote of any group.

When all this tumult has subsided and a proper appraisal can be made of this day there is one figure that will stand out in bold relief typifying the honesty of the people, the honor and conscience of the Nation, and that is our President, Calvin Coolidge.

BEER OF 2.75 PER CENT ALCOHOLIC STRENGTH

Mr. KINDRED. Mr. Speaker, the question of the control of alcoholic beverages is a very old one in the United States and in other countries. I wish to state, in the first place, that my own personal attitude as a physician and law-abiding citizen with regard to the use of strong alcoholic liquors, meaning whisky, brandy, and other stronger alcoholic liquors, is and has been that they should be used with great moderation and in proper quantities and under proper conditions. I wish further to emphasize that any argument and statement that has been or will be made by me on this whole subject is made from the viewpoint of a law-abiding citizen who has been and always intends to be a sober man with respect to indulgence in alcoholic intoxicating liquors, and also from the viewpoint of a physician of long experience in the special study and treatment of the diseases known as alcoholism and insanity and other diseases complicated with excesses in the use of intoxicating liquors.

While I am, of course, aware that during the age-long discussion of the evils of excessive alcoholic indulgence a great moral question has been injected—and very properly so—into this whole question by well-meaning reformers and professional temperance advocates, I shall not, for the purposes of a purely medical presentation of this whole matter, discuss or refer to any moral or political aspects of this question, so important in its moral, sociological, economic, and health aspects. I shall confine my statement to the naked question of the leading medical facts, and particularly to the question of whether or not ordinary, well-brewed beer made of hops, barley, and malt, and containing 2.75 per cent alcoholic strength, is in fact intoxicating from a strictly medical and legal standpoint.

As to the medical use of the so-called stronger alcoholic liquors, like proof whisky, brandy, and so forth, I wish to refer to the fact that the eighteenth amendment to the Constitution of the United States specifically provides that "no intoxicating liquors shall be manufactured, transported, or sold, except for medicinal and sacramental purposes." Under the ruling of former Attorney General Palmer there existed no prohibition against the use for medicinal purposes in reasonable quantities of spirituous or intoxicating liquors—that is, whisky and brandy and wine and beer or other malt liquors of sufficient alcoholic content to be intoxicating—if in the good and honest judgment of the attending physician they should be used in the treatment of disease. This contention of the medical profession has been since upheld in two different decisions of the United States district courts, and the question will be finally settled, it is to be hoped in the near future, by the United States Supreme Court as to whether physicians shall be permitted, within the spirit of the eighteenth amendment, to prescribe such intoxicating liquors without any regulation of the prohibition enforcement and other departments of the United States Government. It is obvious that if physicians can legally prescribe and furnish, as they may do under the Volstead law, to any one patient in any period of 10 days as much as one-quarter of a gallon of vinous liquor—that is, wine of 24 per cent alcoholic content by volume—and can also furnish or prescribe for any one person within the same period of time any liquor that contains as much as 1 pint of intoxicating liquors, such as the strongest whisky or brandy, there would be no violation of the spirit of the prohibition amendment if physicians were permitted—as they are not permitted under the Volstead law—to prescribe beer and malt liquors of much less alcoholic content.

The leading medical authorities in the United States and Europe indorse the use, in all their textbooks and teachings for physicians and medical students from time immemorial, of beer, stout, porter, and ale as types of malt liquors to be used in the successful treatment of various diseases.

Prof. Hobart Amory Hare, professor of therapeutics and materia medica at the Jefferson Medical College, Philadelphia, in his textbook of Practical Therapeutics, seventeenth edition, 1918, says on page 82:

> Stout and porter and well-brewed beer are of value in wasting diseases and in convalescence from acute diseases and for nursing women. Most of the beer in America contains about 4 to 6 per cent of alcohol.

George Butler, A. M., M. D., and so forth, professor of therapeutics and pharmacology, Chicago College of Medicine and Surgery, and so forth, in his textbook of Materia Medica, Pharmacology, and Therapeutics, sixth edition, says:

> Alcohol in the form of beer or ale, taken before or during meals, is an efficient stomachic [meaning a good medicine and tonic for the stomach]; a tonic for dyspepsia and weakened digestion attendant on or upon convalescence from acute diseases. Convalescents are often greatly benefited by some form of alcohol as it is contained in beer and ale. When the digestion becomes impaired as the result of physical or mental exhaustion the drug (alcohol in the form of beer and ale) serves a useful purpose as a tonic.

Prof. Oliver T. Osborne, department of medicine, Yale University, is also authority for the following statement:

Strenuous exercise and hard labor will allow a man to take more alcohol without harm than can be used by a man of sedentary habits. There is no doubt alcohol can be used as a substitute for food in the place of sugar and starch. In emergencies it may thus sustain and give life.

This particularly applies to the use of malt liquors, beer, ale, stout, and porter, and it also proves that alcohol, particularly the small percentage contained in malt liquors, is a food as well as a reconstructive tonic, stimulant, and tissue builder in wasting and other diseases.

Prof. Otis Larch, medical department, Tulane University, at New Orleans, in his standard textbook on Medical Diagnosis, page 39, says:

Malt beer is rich in carbohydrates and is frequently prescribed.

Sir Victor Horsley, M. D., and Doctor Sturge, the authors of the well-known book "Alcohol and the Human Body," and who violently oppose the use of intoxicating beverages and whose book was written solely against the use of strong alcoholic drinks as beverages, in discussing the effect of malt liquors on the human digestion, page 212, state:

These beverages (malt liquors) contain only from 4 to 6 per cent of alcohol, so that the alcohol contained in them could scarcely ever on its own acount produce any bad effect.

Note that the claim is made by this most widely read and extensively quoted medical authority on the effects of alcohol on the human body that the effect of malt liquors, which include beer, porter, and stout, of the small alcoholic content of from 4 to 6 per cent, could scarcely ever on its own account produce any bad effect, except through the effects of large quantities of such beverages, if taken with meals, causing dilution of the food in the process of digestion.

Everyone knows that too much water, coffee, tea, and so forth, taken with meals would retard digestion in the same way, and also that digestion is not only not interfered with but that it is aided by reasonable quantities of good malt liquor, beer, ale, porter, or stout. The existing Volstead law permits regularly licensed physicians to legally prescribe for their patients whisky, brandy, wines, beer, and malt liquors of such alcoholic strength as to be intoxicating. But with the excuse of preventing the abuse of prescribing beer, by a very small percentage of physicians, the pending measure (H. R. 7294) proposes arbitrarily and without reason to prohibit physicians from prescribing beer and malt liquors of standard alcoholic strength of 3 to 6 per cent. This bill, notwithstanding this prohibition as regards the prescribing of such beer, permits physicians to legally prescribe for medical purposes spirituous and vinous liquors—wines—that contain not more than 24 per cent of alcohol by volume, provided that not more than one-fourth of a gallon of such vinous liquor is prescribed or furnished for use for any one person within any period of 10 days, and also so permits the prescribing or furnishing by the physician of any liquor that contains as much as one-half pint of alcohol—grain alcohol—for the use of any one person within a period of 10 days.

Both the existing Volstead law and the amendments to it now proposed constitute a grave interference with the rights of both the physician and his patients, for whom he should at all times have the right to prescribe any drug or agent which, in his honest and good judgment, is really needed. Under the Harrison narcotic drug law and under all of the laws of the respective States intended to regulate the prescribing of dangerous narcotic and other drugs, the physician is permitted to prescribe most poisonous narcotic drugs, under proper regulations, but he can not under the pending measure prescribe any beer of the weak alcoholic strength of from 3 to 6 per cent. How inconsistent and absurd. It is also a matter of fact, from the medical point of view, that this proposed law will not meet the needs of the physician and his patients in respect to the alcoholic and vinous liquor which the physician may legally prescribe or furnish. I as a physician practicing for over 30 years in the specialty of treating alcoholic and drug addicts, know of my own knowledge and experience that many alcoholic and other cases require for the most scientific treatment of their diseases, particularly in the so-called tapering treatment of alcoholism and delirium tremens cases, from 2 to 3 fluid ounces of proof whisky, diluted, every three of four hours, one patient thus requiring more whisky in 24 hours than the physician is allowed to legally prescribe in any period of 10 days.

This amount would be actually necessary in many such cases to save a valuable life or to prevent an outright attack of insanity. The only way, legally, the physician could obtain a greater amount of spirituous liquor—that is, the equivalent to about 1 pint of proof whisky or brandy which he could prescribe in a 10-day period—would be for him to prove to the Commissioner of Internal Revenue that the circumstances in a given case would constitute an extraordinary reason. This would mean, according to the experience of many physicians who may have dozens of such cases under treatment, that either the physician would incur a risk of a prison term in a Federal prison if he took the law into his own hands in order to save the life of his patient, or if he obeyed this unjust law, allow his patient to die because of the lack of proper medical treatment.

These restrictions are all the more unjust because they not only allow the prescribing of too small quantities of liquors, as just pointed out, but because they limit the physician to 100 prescriptions in 90 days, although a busy physician might have honest and urgent reason to use many more than this number of prescriptions in this period of time.

After a study of this whole question from the viewpoint of the ultimate welfare of our country, I believe that the deplorable conditions as regards increasing drug addictions and bootlegging, and the increasing contempt for the laws that are causing these conditions, could be rapidly relieved if the Congress would pass reasonably liberal laws for the enforcement of the prohibition amendment; if, instead of fixing arbitrarily one-half of 1 per cent of alcoholic content for beer, an alcoholic content were fixed sufficient to make decent beer—to prevent the fermentation of the vegetable ingredients contained in the beer, this would satisfy the masses of people and bring about more real temperance and more respect for law and order. If respect for law and order is not restored in this country, it would be difficult to predict the consequences.

As a protest against these conditions and against the enactment of new blue laws of repression and oppression, the people of the district I have the honor to represent here, the borough of Queens, New York, will parade, to the number of many thousands, made up of law-abiding citizens of all classes, to-morrow night.

I hope my esteemed colleagues, particularly those of the majority party who control the committees which have reported this un-American, unreasonable, unjust, and repressive measure, will agree that I have made out the case, at least from the medical side, as to the usefulness of beer and malt liquor in the practice of medicine, and that is strictly the issue drawn in the most important section—section 2— of the pending bill.

Appended are the scientific opinions of Noble P. Barnes, M. D., chairman of the council of the American Therapeutic Society, Arlington Hotel, Washington, D. C., and also resolutions of the American Therapeutic Society:

THE ARLINGTON,
Washington, D. C., Saturday, June 25, 1921.

Mr. J. J. KINDRED, M. D.,
House of Representatives of the United States,
Washington, D. C.

MY DEAR MR. KINDRED: The secretary of the American Therapeutic Society, Dr. Lewis Taylor, is not in the city, but will return to Washington Monday morning. I have left instructions for him to get into communication with you at once upon his return.

The mental note I have of the resolution of the American Therapeutic Society is as follows: "That physicians and surgeons should have the unimpaired right of prescribing this drug (alcohol) without any foolish restrictions."

The society does not approve of liquor-prescribing doctors, the society does not wish to interfere with or violate the eighteenth amendment, but the society does want to go on record as maintaining that no legislative body or enforcement authority should limit or hamper a doctor of medicine in the legitimate exercise of his functions as a physician.

Alcohol, per se, is a drug, and should be classed as such. It has a definite physiological action and a wide range of therapeutic application. It is not only useful but absolutely necessary in the treatment of certain conditions and in the manufacture of other drugs.

The restrictions, regulations, and taxation placed about and upon this drug to-day makes an enormous cost to the sick, who are usually poor. The limit in quantity—e. g., a pint of whisky every two weeks—and other regulations that are effected by ignorant if well-meaning clerks and Government officials are little short of insults to the honest, scientific members of the medical profession.

Alcoholic products constituting the so-called intoxicating liquors should likewise be classed as drugs. Just here I will add that the proper persons to determine the toxicity of drugs are recognized scientific physicians, chemists, and physiologists.

There are many conditions where light wines, beer, ale, stout, porter, etc., are needed, and if the articles contain an intoxicating amount of

alcohol they, too, should be classed as drugs, and the physician should be given the privilege to practice his profession with as little red tape as possible. An active scientific physician with his mind occupied in important problems does not want to be annoyed by excessive clerical detail.

I am inclosing a published letter written by Dr. C. E. de M. Sajous. Doctor Sajous is a member of the council of the American Therapeutic Society and one of the recognized leaders in the American medical profession. His deductions are well worth serious consideration.

Thanking you for your courtesy to me and your interest in matters pertinent to the medical profession, I am, with every good wish,

Yours fraternally,

N. P. BARNES, M. D.,
Chairman of the Council of the American Therapeutic Society.

AMERICAN THERAPEUTIC SOCIETY,
June 27, 1921.

Hon. JOHN J. KINDRED.

DEAR MR. KINDRED: At the request of Dr. Noble P. Barnes, I am sending you the resolution adopted by the American Therapeutic Society at its last annual meeting, which is as follows:

"Whereas the use of ethyl alcohol and its preparations for medicinal and surgical purposes is not only justified but also indicated by observations made by laboratory investigations and clinical experience: Be it

"*Resolved by the members of the American Therapeutic Society in convention assembled,* That alcohol has a proper place in the treatment of disease; and be it further

"*Resolved,* That the least possible restrictions in the use of this drug compatible with the enforcement of the eighteenth amendment be imposed on the members of the medical profession; and be it further

"*Resolved,* That a copy of these resolutions be sent to the proper authorities."

Very truly yours,

LEWIS H. TAYLOR,
Secretary American Therapeutic Society.

According to my own personal experiments as a practicing physician of more than 30 years' experience, and also in accordance with the experience of many other physicians in this and other countries who have studied the question from a purely scientific point of view, beer made of hops, malt, and barley of 2.75 per cent alcoholic content, have concluded that such beer of such alcoholic content is not intoxicating, either in a legal, scientific, or other sense.

What do we mean by intoxication?

There are first, second, and third degrees of intoxication.

The first stage of intoxication from alcohol would cause the same symptoms or signs as would the exhilaration that is caused by strong tea or coffee in a person of average susceptibility to either one of these agents. The symptoms of the first stages are a slight accelaration or increase of the heart action, a slight increase in breathing, or respiration, and a subjective feeling of well-being or mild exhilaration.

These symptoms of the first stage of intoxication, which is not intoxication at all in a scientific sense or in a legal sense, would be exactly the same whether they were caused by one or two pints or a stomach full of beer or by one or two cups of strong coffee or tea.

The second and third stages of intoxication or poisoning by alcohol, such as the mental symptoms of hallucination and other mental disturbances, like extreme mental exhilaration, deepening into more or less stupor and coma, and the physical symptoms, such as muscular relaxation, weak and failing heart action, cool, moist skin, noisy breathing, livid lips, are scientifically and legally intoxication.

It is absurd and entirely unfounded both from a legal and scientific standpoint to claim that the full capacity of the human stomach, which would amount to about two pints, or a quart, of 2.75 per cent beer under the ordinary condition of the stomach, could cause intoxication in a scientific sense or in a legal sense.

This brings us to the all-important questions of the percentage of alcoholic strength in a given alcoholic beverage that will cause intoxication as defined by the eighteenth amendment to the Constitution of the United States and by medical science.

I have made actual personal experiments with myself and my friends which conclusively prove that beer of 2.75 per cent alcoholic content consumed by us to the full capacity of the stomach would not and could not cause intoxication.

Two pints of bear, which is about the capacity of the stomach under its ordinary condition, meaning about six modern beer glasses full of beer, contain not enough alcoholic content or anywhere near enough to cause intoxication.

Two pints of beer, meaning 32 fluid ounces, would contain, in the strength of 2.75 per cent alcoholic content, only about 3½ dessert teaspoonfuls, or less, or ethyl alcohol or grain alcohol, which is certainly not enough to intoxicate any normal adult.

As to whether or not this amount of beer or any other amount of beer which the human stomach is capable of taking would intoxicate must be considered both from a legal and medical standpoint of the susceptibility or immunity of the average, normal human being under normal conditions of life in a state of civilized society.

The observations and experiments to which I have referred in my verbal statement before the Judiciary Committee and which statement here follows are fully borne out by the sworn medical statements of such eminent physicians as Dr. Amory Hobart Hare, for many years past the distinguished professor of materia medica in the Jefferson Medical College, of Philadelphia; and also of Dr. Smith Ely Jelliffe, a distinguished specialist and professor of materia medica in the College of Physicians and Surgeons—Columbia University—city of New York; and also of Dr. A. A. Brill, a distinguished specialist in mental and nervous diseases, of the city of New York.

STATEMENT OF HON. JOHN J. KINDRED, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK, SECOND CONGRESSIONAL DISTRICT, BEFORE THE JUDICIARY COMMITTEE OF THE HOUSE OF REPRESENTATIVES, JUNE 4, 1924

Mr. KINDRED. Mr. Chairman and gentlemen of the committee, I desire to discuss the naked fact as to the intoxicability of beer containing 2.75 per cent of alcohol. My conclusions are founded upon extensive reading and investigation of the whole subject of the physiological effects of alcohol and the various concoctions or beverages containing alcohol.

My observations and conclusions are particularly founded on personal observations, personal experiences of myself as a sober man, and on others as to the actual effects of beer containing 2.75 per cent alcohol, with a view to observing whether it were possible that any quantity of beer of this alcoholic content that could be contained in the average human stomach could cause intoxication in any sense of the word.

In discussing the question of alcoholic intoxication we must, of course, be guided by what may be called both a medical and legal definition of intoxication.

Mr. DYER. Doctor, will you allow an interruption for a moment?

Mr. KINDRED. Certainly, Judge DYER.

Mr. DYER. Mr. Chairman, the members of the committee will be needed on the floor in these closing days of Congress, and I think we should be there. I ask that the witness, my colleague, and such other men as have statements file them with the committee.

Mr. KINDRED. I can conclude very quickly.

The CHAIRMAN. Doctor, as your statement is a scientific statement, would it not be possible, as well as proper, that you submit it in writing and let it be added to the record?

Mr. KINDRED. I readily agree. If you will allow me to make in conclusion just one or two remarks, I should like to do so.

My conclusion, based on medical facts to be herewith filed with your committee, is that beer of 2.75 per cent alcoholic content is not intoxicating, based on experiments with myself as a sober man and as an average normal being, in which experiments I included many other normal men who tried their best to get drunk on 2.75 per cent beer. Their stomachs were not capable of containing enough beer of that two and three quarters of 1 per cent alcoholic content to produce even the first stage of intoxication as defined by medical science.

No more effects could be produced from that quantity of 2.75 per cent beer than are produced constantly by one or two cups of strong coffee or tea.

With that statement I shall be glad to file my further statement.

Mr. PERLMAN. How many drinks were taken in, say, five hours?

Mr. KINDRED. About six or seven or eight modern beer glasses, which would contain, speaking more accurately, about 32 fluid ounces, and 32 fluid ounces of beer with 2.75 per cent of alcoholic strength could contain about seven small teaspoonfuls of ethyl alcohol or grain alcohol, which would not make any normal being drunk, especially in such diluted form as 2.75 beer. This would be absorbed so slowly by the stomach and circulation that it would not have even the intoxicating effects of that amount of alcohol taken in undiluted form, as I will show by the testimony of reliable medical authorities.

The CHAIRMAN. The hearings are now closed, except that all statements of Members of Congress which they desire to file may be submitted to the committee for addition to the record.

Mr. DYER. I ask an amendment to that, that Mr. Volstead may be permitted to file a statement.

The CHAIRMAN. There is no objection to that. I think it is magnifying an incident as to the recollection of what was said at that time, and it does not require a statement, because he explains it in his testimony afterwards.

Mr. DYER. As a courtesy to a former chairman of the committee, I should like to ask that.

The CHAIRMAN. As a courtesy to a former chairman, we will permit it, although I think it is utterly irrelevant.

Mr. DYER. I move we adjourn.

Professor Hare, in a sworn statement on this subject, deposes as follows:

IV. It is not generally known that there is produced in the human body every day certain quantities of alcohol, not infinitesimal, but in very definite amount, and for this reason alcohol can not be considered a foreign substance, and therefore can be considered as being practically at all times present in the human body. This alcohol is produced principally, if not entirely, by fermentation processes in the intestinal tube; it is absorbed and is contained in the fluids and tissues of the body in general.

It appears, therefore, that the body is accustomed daily to the utilization or oxidation of a certain percentage of alcohol, which is utilized or oxidized in exactly the same manner as alcohol which is produced outside the body and then swallowed in ordinary quantity. For these reasons alcohol can not be considered as a foreign substance to which the tissues are entirely unaccustomed, and the effects which it produces are governed entirely by the quantity ingested and by the ability of the body to deal with a substance with which it is qualified to deal. If taken in such quantities as to be beyond the power of the body to utilize it or oxidize it, it, like every other substance capable of being swallowed, is capable of producing evil effects. This is true, for example, of water and ordinary table salt. In other words, the question of the power or influence of a given substance introduced into the body is determined by the quantity and concentration of that substance. In general terms the greater the quantity and the greater the concentration the greater the effect, and, conversely, the smaller the quantity and the greater the dilution the less the effect. Salt, if taken in strong solution, irritates the stomach and causes vomiting or, if not vomited, causes such an outpouring of liquid from the tissues of the body into the stomach and intestines as to cause diarrhea. So, too, it is generally known that a considerable quantity of 50 per cent solution of alcohol when taken undiluted may, by its irritant action on the stomach, produce injury, or by its rapid absorption into the blood may produce a condition which is commonly called drunkenness. On the other hand, it is generally recognized that the same quantity of alcohol when diluted with water, so that the alcohol content by per cent is low, is absorbed so slowly as to be deprived of its power or influence in direct ratio with the degree of its dilution. This is due to the fact that the dilution results in a greater volume of fluid having to be absorbed, with a consequent slow or delayed entrance of the alcohol into the blood, so that there is at no time a very large quantity in that fluid. During the time of this slow absorption the system is busily engaged in oxidizing or destroying the alcohol as it enters in comparatively small quantities, with the result that the total quantity of alcohol present in the blood at a given moment is comparatively small. In one instance the alcohol may be said to be toxic, because it overwhelms the ability of the body to deal with it, just as water may be toxic when taken in such quantity that the body can not deal with it. On the other hand, if alcohol is taken so that the body can deal with and destroy it, minute by minute, there is never a time at which it can act as alcohol and, therefore, can not exercise any intoxicating properties.

It follows from the foregoing that if a man drinks a considerable quantity of alcohol of such concentration as to equal 50 per cent it will enter his blood more rapidly than if it is in dilute form and therefore more rapidly than he can deal with it, whereas if he drinks a liquid containing a comparatively small percentage of alcohol, or, in other words, alcohol in a highly diluted form, it may be delivered to those parts of the body which utilize or oxidize the alcohol so slowly that it will never be present in sufficient quantity to produce any of the definite effects caused by alcohol which has escaped oxidation. The rapidity with which an alcoholic fluid is swallowed and the degree of its dilution to a large extent determines its effects, or, in other words, a man in one or two swallows, or one drink, of a 50 per cent solution would take as much alcohol as would a man who ingested about 1 pint of beer. The dilution in the pint of beer results in so slow an absorption of the alcohol content present as to give the body an opportunity to deal with or oxidize it as it is absorbed.

As illustrative of the delaying effect of dilution upon the absorption of alcohol, attention may be called to the well-known fact that all the strong alcoholic beverages commonly used produce their effect much more mildly if food is taken with them than if they are taken without food.

These deductions are supported by the following practical observations:

1. I have in times past taken as much as 1 quart of beer in one hour without any manifestations of intoxication, the said beer containing a higher percentage of alcohol than 2.75 per cent, by weight, although I am not an habitual user of beer or other alcoholic beverages.

2. I have frequently observed many other persons do likewise.

3. I have given whisky and brandy containing amounts of alcohol far in excess of the quantity of alcohol contained in 2.75 per cent beer in a quantity that a person can ordinarily drink several times a day without noticing symptoms of intoxication.

4. A careful study of the report of the Central Control Board of Great Britain (liquor traffic), published in 1918, which board was composed in part of men recognized the world over as authorities upon the influence of drugs or medicines upon the living body, confirms the opinions reached by me from personal experience and observation.

From these personal experiences and observations and considerations of the literature on the subject I am of the opinion that beer containing not to exceed 2.75 per cent of alcohol by weight is not intoxicating under the legal definition of that term.

Dr. Smith Ely Jelleffe also says:

III. I first became interested in the action of alcohol while I was an instructor at Columbia University. I made special expermental studies for four or five years, psychological investigations, as well with students and animals, and made a number of extensive experimental studies with animals and men on changes in the nervous tissues due to acute and chronic poisoning, alcoholic and otherwise, some of the results of which have been incorporated in some of the articles referred to, especially studies on multiple neuritis and Korsakow psychosis, and the mentality of the alcoholic, morphine, heroin, alcohol, and other drug addicts. In addition I have seen thousands of acute and chronic alcoholic cases in the wards of the City Hospital, Bellevue, Bloomingdale Hospital, the Government Hospital for the Insane, Binghamton State Hospital, Hospital of La Salpetriere in Paris, and the Charity Hospital in Berlin, and to a great extent I have made psychological investigation in private practice of patients addicted to the various grades of alcoholism.

IV. Practically all of the older data relative to the subject of alcoholism and the taking of beer or light wines pertain to solutions of from 4 to 12 per cent of alcohol, and there are practically no available data that can be said to be scientific or medically reliable on beers containing less than 4 or 5 per cent of alcohol by weight.

V. A very wide investigation of the literature of the subject reveals that nearly all of the statistics concerning beer drinking dealt with beers of from 6 to 10 per cent in strength. The extensive psychological and neuro-muscular experiments of Kraepelin were conducted on beers and alcoholic beverages of far greater alcoholic strength than 2.75 per cent by weight. In some of these cases the alcoholic percentage was not stated and the results of these experiments are thereby entirely vitiated.

VI. From my personal experience and investigation and from observations made upon others, as well as from my study of the experiences, investigations, and experiments recorded by others in the scientific literature of many countries, I am of the opinion that beer or any beverage which contains not to exceed 2.75 per cent of alcohol by weight, when consumed by an ordinary man or woman in such quantities as the human stomach can ordinarily hold, is not intoxicating.

Dr. A. A. Brill makes a sworn statement, as follows:

V. I have for many years taken a keen interest in the subject of inebriety, especially in its psychological aspects, and have examined a great number of persons suffering from various manifestations of alcoholism.

VI. I am acquainted with the substance now known and sold as "war beer," both from my own consumption of the same and from being in company of others who have drunk it; which substance, I am informed and verily believe, has an alcoholic content not to exceed 2.75 per cent by weight; and from my experience and observation I am of the opinion that such beer which is now made and sold would not tend to cause inebriation or alcoholism in any average, normal adult drinking the same; but, on the contrary, it exerts a very beneficial effect, and in my opinion it would be impossible for any such person to drink a sufficient quantity of this substance to cause drunkenness.

From both the medical and legal viewpoints, therefore, it will be evident to any person who is possessed of good common sense and who is without prejudice that well-brewed beer of 2.75 per cent alcoholic strength is not intoxicating within the meaning of the eighteenth amendment to the Constitution of the United States, and that therefore a pure wholesome beer of 2.75 per cent alcoholic strength should be permitted, under the provisions of the eighteenth amendment, to be manufactured, transported, and sold as a matter of constitutional right.

COMPARISON OF LABOR PROVISIONS OF THE TRANSPORTATION ACT WITH THOSE OF THE BARKLEY-HOWELL BILL

Mr. NEWTON of Minnesota. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Barkley-Howell bill by printing in parallel columns a synopsis of the

present provisions of the transportation act and corresponding provisions in the Barkley-Howell bill.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. NEWTON of Minnesota. Mr. Speaker, under leave to extend my remarks I am inserting a brief analysis and comparison in parallel columns of the labor provisions of the transportation act of 1920 with the provisions of the bill prepared by representatives of the railway brotherhoods and known as the Barkley-Howell bill:

COMPARISON IN GENERAL OF PROVISIONS OF LABOR PROVISIONS IN TRANSPORTATION ACT WITH THOSE IN BARKLEY-HOWELL BILL

TRANSPORTATION ACT	BARKLEY BILL
SEC. 300. The term "carrier" includes: (a) Any express company. (b) Any sleeping-car company. (c) Any carrier by railroad subject to the interstate commerce act, except a street, interurban, or suburban electric railway not operating as a part of a general steam railroad system of transportation.	SECTION 1. The term "carrier" is enlarged to include the provisions of section 300, but also the following: (a) Interurban and suburban electric railways operating as independent units. (b) Bureaus, associations, committees, and institutions, etc., in furtherance of interest of carriers. (c) Barges, boats, tugs, bridges, ferries. (d) Other transportation facilities, whether electric, gas, or steam.
SEC. 301. Duty upon carriers and employees to settle: "It shall be the duty of all carriers and their officers, employees, and agents to exert every reasonable effort and adopt every available means to avoid any interruption to the operation of any carrier growing out of any dispute between the carrier and the employees or subordinate officials thereof."	SEC. 2. General duty: "It shall be the duty of all carriers and all officers, agents, employees, and subordinate officials to exert every reasonable effort to make and maintain agreements concerning rates of pay, rules, and working conditions, and to settle all disputes arising out of the application of said agreements in order to avoid any interruption to the operation of any carrier growing out of any dispute between the carrier and the employees or subordinate officials thereof."
SEC. 301. Disputes first decided in conference: "All such disputes shall be considered and, if possible, decided in conference between representatives designated and authorized so to confer by the carriers or the employees or subordinate officials thereof, directly interested in the dispute. If any dispute is not decided in such conference, it shall be referred by the parties thereto to the board which under the provisions of this title is authorized to hear and decide such dispute."	SEC. 3. (A) (1) The provision is substantially the same as in the transportation act: "All disputes arising out of (a) grievances, or the application of all agreements concerning rates of pay, rules, or working conditions, or (b) proposed changes in rates of pay, rules, or working conditions between a carrier and its employees or subordinate officials shall be considered and, if possible, decided, with all expedition, in conference between representatives designated and authorized so to confer, respectively, by the carriers and by the employees or subordinate officials thereof interested in the dispute." (This provision is followed by provisions relating to the designation of representatives, time, and places of meeting which are not in existing law.)
SEC. 302. Boards of adjustment are permissive and the representatives are paid by their own group, not out of the public Treasury. "Railroad boards of labor adjustment may be established by agreement between any carrier, group of carriers, or the carriers as a whole, and any employees or subordinate officials of carriers, or organization or group of organizations thereof."	SEC. 3 (B) There are established four adjustment boards, as follows: No. 1. Consists of 14 members, 7 from carriers and 7 from employees, from engineers, firemen, conductors, and other operating employees. No. 2. Consists of 14 members, 7 from carriers and 7 from shop employees, such as boilermakers, other mechanics, and helpers. No. 3. Consists of 6 members, 3 from carriers and 3 from clerks, station workers, laborers, etc.

TRANSPORTATION ACT—con.	BARKLEY BILL—con.
	No. 4. Consists of 6 members, 3 from carriers and 3 from marine workers, such as masters, pilots, longshoremen, marine engineers, etc.
Appointed by employees and management as they agree.	Appointed by President from nominees by employee organizations and managements. Only "nationally organized crafts" of employees can send in nominations.
Salaries of members and employees to be met by the parties, not the public.	Salaries $7,000 per year, payable out of Public Treasury. "Can employ and fix salaries of such employees as may be necessary."
No specific provision as to powers.	Are given extensive powers as to conducting hearings, including right to require access to all books and papers.
ADJUSTMENT BOARDS	ADJUSTMENT BOARDS
SEC. 303. Jurisdiction applies only to disputes involving grievances, rules, or working conditions.	SEC. 4. (A) "Has jurisdiction only as to grievances or application of agreements concerning rates of pay, rules, and working conditions."
Provision is made as to instituting proceedings before adjustment boards, including petitions by unorganized employees.	No mention of how proceedings are to be commenced.
SEC. 304. Establishes a Railroad Labor Board, composed of nine members, as follows: (a) Three from labor group. (b) Three from management group. (c) Three from public generally. All are appointed by President. Salary, $10,000.	Repeals provision as to Labor Board.
Subject to civil service; has power to appoint and remove employees.	Establishes Board of Mediation and Conciliation, composed of five. Salary, $12,000. All appointed by the President. No member can, while an active member or officer in employee organization, or an officer of or pecuniarily interested in a carrier, shall be eligible. Salary, $12,000. Can employ as see fit and fix salaries.
SEC. 307. Has appellate jurisdiction as to grievances, rules, and working conditions from adjustment boards.	SEC. 5. Has appellate jurisdiction as to grievances or out of application of agreement relating to rates of pay, rules, or working conditions.
Has original jurisdiction as (1) to above if adjustment boards not organized; (2) as to wages not agreed to in conference upon request of either side or on own motion if likely to substantially interrupt commerce. (3) May suspend agreements in conference if agreement for increased wages likely to necessitate a substantial readjustment of rates. Take testimony. As to this latter decision, one of public must concur.	Has original jurisdiction to mediate only as to (1) changes in rates of pay, rules, or working conditions when not agreed on in conference when request for amicable adjustment is made by either party. (2) No jurisdiction whatever if parties agree. No power of suspension. Confined merely to mediation and conciliation.
Decisions and reasons to be published as required.	No power of decision.
	In event of failure to get parties to agree, only recourse is to request voluntary arbitration. Expressly made not illegal to refuse to arbitrate. Board names arbitrators if parties unable to agree. One of its members on request may sit in and observe. Award of arbitrators made final and conclusive as to the facts and as the merits of controversy and that both shall faithfully perform. This is qualified as to employees as follows:

TRANSPORTATION ACT—CON.

BARKLEY BILL—CON.

"(8) Nothing in this act shall be construed to require an individual employee or subordinate official to render labor or service without his consent, nor shall anything in this act be construed to make the quitting of his labor or service by any employee or subordinate official an illegal act; nor shall any court of the United States or of any State issue any process to compel the performance by any employee or subordinate official of such labor or service without his consent."

In other words, the award binds the carrier but not the employees, who have voluntarily agreed to arbitrate.

In the meantime the carrier is prohibited from changing rates of pay, rules, or working conditions prior to final action or without notice.

"(B) Any attempted change of rates of pay, rules, or working conditions by the carrier without notice, or prior to final action as heretofore provided, shall be void, and the offender shall be liable in damages to each and every party aggrieved to the amount of double any loss occasioned by such unlawful action. Such damages shall be recoverable by appropriate proceedings in the United States district court for the district wherein the offense was committed, which proceeding may be brought by individuals or by representatives of classes of individuals aggrieved."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. GALLIVAN, for 3 days, on account of illness.

To Mr. DYER, for 3 days, on account of very important business.

To Mr. FLEETWOOD, for 10 days, on account of business.

To Mr. GIBSON, for 7 days, on account of business.

EXTENSION OF REMARKS

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the immigration bill.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD on the immigration bill. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, are they the gentleman's own remarks?

Mr. RAKER. Well, public records and matters which I have gathered together.

ADJOURNMENT

Mr. LONGWORTH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 2 minutes p. m.) the House adjourned until Monday, May 19, 1924, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

490. A communication from the President of the United States, transmitting a communication from the Treasury Department under date of May 5, 1924, submitting claim of Rev. S. T. Matthews in the sum of $97.85, which has been adjusted and which requires an appropriation for its payment (H. Doc. No. 291); to the Committee on Appropriations and ordered to be printed.

491. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the Treasury Department for the fiscal year 1924, $45,000, and for the fiscal year 1925, $8,330,100; in all $8,375,500; also, a proposed authorization to use an existing appropriation (H. Doc. No. 292); to the Committee on Appropriations and ordered to be printed.

492. A communication from the President of the United States, transmitting two communications from the Postmaster General, submitting an estimate of appropriation in the sum of $3,023.72, to pay claims for damages to or losses of privately-owned property, which he has adjusted and which require an appropriation for their payment (H. Doc. No. 293); to the Committee on Appropriations and ordered to be printed.

493. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Green Bay Harbor and Fox River, Wis., from Oshkosh to its mouth (H. Doc. No. 294); to the Committee on Rivers and Harbors and ordered to be printed, with three illustrations.

494. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation "to authorize the appointment of Machinist Henry F. Mulloy, United States Navy, as an ensign in the regular Navy"; to the Committee on Naval Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SNELL: Committee on Rules. H. Res. 317. A resolution providing for the consideration of H. R. 9083, a bill declaring an emergency to exist in agricultural commodities, etc.; without amendment (Rept. No. 775). Referred to the House Calendar.

Mr. FISHER: Committee on Military Affairs. H. R. 7909. A bill granting the consent of Congress to the construction, maintenance, and operation by the Denver & Rio Grande Western Railroad Co., its successors and assigns, of a line of railroad across the southwesterly portion of the Fort Logan Military Reservation in the State of Colorado; without amendment (Rept. No. 777). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. LITTLE: Committee on Claims. S. 1253. An act to reimburse J. B. Glanville and others for losses and damages sustained by them through the negligent dipping of tick-infested cattle by the Bureau of Animal Industry, Department of Agriculture; without amendment (Rept. No. 778). Referred to the Committee of the Whole House.

Mr. PATTERSON: Committee on Naval Affairs. H. R. 7018. A bill for the relief of Joy Bright Little; without amendment (Rept. No. 779). Referred to the Committee of the Whole House.

Mr. EDMONDS: Committee on Claims. H. R. 9080. A bill for the relief of Christina Conniff; without amendment (Rept. No. 780). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. JACOBSTEIN (by request): A bill (H. R. 9292) to prohibit the collection of a surcharge for the transportation of persons or baggage in connection with the payment of parlor or sleeping car accommodations; to the Committee on Interstate and Foreign Commerce.

By Mr. GIBSON (by request): A bill (H. R. 9293) to extend the commerce of the United States by creating the world commerce corporation and authorizing the establishment of foreign trade zones; to the Committee on the Judiciary.

By Mr. CASEY: A bill (H. R. 9294) providing for the purchase of a site and the erection thereon of a public building at Nanticoke, Pa.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9295) providing for the purchase of a site and the erection thereon of a public building at Plymouth, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. RICHARDS: A bill (H. R. 9296) to provide for the acquisition of a site and the erection thereon of a Federal building at Las Vegas, Nev.; to the Committee on Public Buildings and Grounds.

By Mr. PORTER: A bill (H. R. 9297) to authorize the payment of an indemnity to the Government of the Dominican Republic on account of the death of Juan Soriano, a Dominican subject, resulting from the landing of an airplane belonging to the United States Marine Corps at Guerra, Dominican Republic; to the Committee on Foreign Affairs.

By Mr. COOPER of Ohio: A bill (H. R. 9298) to abolish the Railroad Labor Board, to provide for the settlement, mediation, conciliation, and arbitration of railway labor disputes between carriers and their employees and subordinate officials, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. LAGUARDIA: Joint resolution (H. J. Res. 265) for the purpose of outlawing war and to establish permanent peace in the world; to the Committee on Foreign Affairs.

By Mr. THOMAS of Oklahoma: Joint resolution (H. J. Res. 266) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. JACOBSTEIN: Resolution (H. Res. 318) providing for an inquiry into the policy and methods of the Post Office Department in leasing private property for public purposes, and specifically the leasing of the Fitzhugh Street property in Rochester, N. Y., for a new parcel-post station; to the Committee on Rules.

By Mr. COOPER of Ohio: Resolution (H. Res. 319) for the consideration of H. R. 8578, to amend the act to promote the safety of employees and travelers upon railroads, etc.; to the Committee on Rules.

By Mr. O'CONNELL of New York: Memorial of the Legislature of the State of New York for liberal appropriations for the National Guard and the Organized Reserves; to the Committee on Military Affairs.

By Mr. GRIFFIN: Memorial of the Legislature of the State of New York urging Congress to provide a liberal appropriation for carrying out the spirit of the national defense act; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BLACK of Texas: A bill (H. R. 9299) for the relief of John W. King; to the Committee on Claims.

By Mr. BURDICK: A bill (H. R. 9300) granting an increase of pension to Mary A. Winsor; to the Committee on Invalid Pensions.

By Mr. DICKINSON of Missouri: A bill (H. R. 9301) for the relief of W. J. Laffoon; to the Committee on Claims.

By Mr. GIBSON: A bill (H. R. 9302) granting an increase of pension to Emma F. Niles; to the Committee on Invalid Pensions.

By Mr. HILL of Washington: A bill (H. R. 9303) for the relief of C. H. Reynolds, assignee of the Bitu-Mass Paving Co., of Spokane, Wash.; to the Committee on War Claims.

By Mr. KURTZ: A bill (H. R. 9304) granting an increase of pension to Mary A. Schroeder; to the Committee on Invalid Pensions.

By Mr. MANLOVE: A bill (H. R. 9305) granting an increase of pension to I. J. Howard; to the Committee on Pensions.

By Mr. PERLMAN: A bill (H. R. 9306) granting a pension to Philippine Stelze; to the Committee on Invalid Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 9307) granting a pension to Alonzo L. Hansel; to the Committee on Pensions.

By Mr. STEPHENS: A bill (H. R. 9308) to authorize the appointment of Machinist Henry F. Mulloy, United States Navy, as an ensign in the regular Navy; to the Committee on Naval Affairs.

By Mr. THOMPSON: A bill (H. R. 9309) granting a pension to Harry Bayless; to the Committee on Pensions.

By Mr. WEFALD: A bill (H. R. 9310) granting an increase of pension to Frank C. Myrick; to the Committee on Invalid Pensions.

By Mr. WELLER (by request): A bill (H. R. 9311) for the relief of Antti Merihelmi; to the Committee on Claims.

Also, a bill (H. R. 9312) for the relief of Agnes De Jardins; to the Committee on Claims.

By Mr. WINTER: A bill (H. R. 9313) granting an increase of pension to Martha E. Moore; to the Committee on Invalid Pensions.

PETITIONS, ETC.

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

2798. By the SPEAKER (by request): Petition of Woman's Club of Casagrande and the city commission of the city of Phoenix, Ariz., favoring the passage of Senate bill 966; to the Committee on Indian Affairs.

2799. Also (by request), petition of conference of delegates from several States in the Mississippi Valley, meeting at St. Paul, Minn., asking for favorable action on House bill 8914; to the Committee on Rivers and Harbors.

2800. Also (by request), petition of Voorhees Rubber Manufacturing Co., opposing the passage of the Barkley bill; to the Committee on Interstate and Foreign Commerce.

2801. By Mr. EVANS of Iowa: Petition of farmers of Page County, Iowa, favoring the passage of the McNary-Haugen bill; to the Committee on Agriculture.

2802. My Mr. GALLIVAN: Petition of employees of Boston & Maine Railroad, Boston, Mass., recommending passage of the Howell-Barkley bill; to the Committee on Interstate and Foreign Commerce.

2803. Also, petition of C. F. & G. W. Eddy (Inc.), Boston, Mass., protesting against passage of the McNary-Haugen bill; to the Committee on Agriculture.

2804. By Mr. KIESS: Petition of citizens of Renovo, Pa., favoring the Howell-Barkley bill; to the Committee on Interstate and Foreign Commerce.

2805. By Mr. O'CONNELL of New York: Petition from the Board of Aldermen, city of New York, favoring the passage of House bill (H. R. 9035) for the increase in salaries for postal employees; to the Committee on the Post Office and Post Roads.

SENATE

MONDAY, *May 19, 1924*

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

O Thou who inhabitest eternity, we bless Thee that Thou art pleased to dwell with him of an humble and contrite heart. We beseech of Thee that such may be our qualifications that each of us may have Thee enthroned in our being, directing our every movement, influencing every decision and helping us to realize constantly that Thou art the judge of all things in human estate and destiny. Hear us, we beseech of Thee. Bless our land and all who have to do with its administration for the highest interests and holiest welfare. We ask in Jesus Christ's name. Amen.

The reading clerk proceeded to read the Journal of the proceedings of the legislative day of Wednesday, May 14, 1924, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL

Mr. WALSH of Montana. Mr. President, I suggest the absence of a quorum.

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

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

Adams	Edwards	Kendrick	Reed, Pa.
Ashurst	Elkins	Keyes	Robinson
Ball	Ernst	King	Sheppard
Bayard	Fernald	Ladd	Shields
Borah	Ferris	Lodge	Shipstead
Brandegee	Fess	McKellar	Shortridge
Brookhart	Fletcher	McKinley	Simmons
Broussard	Frazier	McLean	Smith
Bruce	George	McNary	Smoot
Bursum	Gerry	Mayfield	Stanfield
Cameron	Glass	Moses	Stephens
Capper	Gooding	Neely	Sterling
Caraway	Hale	Norbeck	Swanson
Colt	Harreld	Norris	Trammell
Copeland	Harris	Oddie	Underwood
Cummins	Harrison	Overman	Wadsworth
Curtis	Heflin	Pepper	Walsh, Mont.
Dale	Howell	Phipps	Warren
Dial	Johnson, Calif.	Pittman	Weller
Dill	Johnson, Minn.	Ralston	Wheeler
Edge	Jones, Wash.	Ransdell	Willis

The PRESIDENT pro tempore. Eighty-four Senators have answered to their names. There is a quorum present.

PETITIONS AND MEMORIALS

Mr. WARREN presented a resolution adopted by Lodge No. 686, Maintenance of Way Organization, of Cheyenne, Wyo., favoring the passage of the so-called Howell-Barkley railway labor bill, which was referred to the Committee on Interstate Commerce.

Mr. LODGE presented resolutions adopted by the convention of the diocese of Massachusetts, favoring the participation of the United States in the Permanent Court of International Justice and also the passage of the proposed child labor amendment to the Constitution, which were referred to the Committee on Foreign Relations.