

Mytilene Cooper to be postmaster at Sylvania, Ga., in place of Walter I. Cooper, resigned.

ILLINOIS.

Frank E. Davis to be postmaster at Arlington Heights, Ill., in place of Frank E. Davis. Incumbent's commission expired April 22, 1912.

Albert D. Housley to be postmaster at Stonington, Ill., in place of Albert D. Housley. Incumbent's commission expired March 25, 1912.

Fred O. Munn to be postmaster at La Grange, Ill., in place of Fred O. Munn. Incumbent's commission expired May 11, 1912.

William Wilson to be postmaster at Palatine, Ill., in place of William Wilson. Incumbent's commission expired January 22, 1912.

KANSAS.

Harvey J. Penney to be postmaster at Hays, Kans., in place of Harvey J. Penney. Incumbent's commission expired January 13, 1912.

MISSOURI.

C. A. Cox to be postmaster at Chaffee, Mo., in place of Elwood Alley. Incumbent's commission expired April 13, 1912.

NEW MEXICO.

Arthur Jay Rolland to be postmaster at Carrizozo, N. Mex., in place of William Reilly; admission of Territory as State.

TEXAS.

Benjamin M. Sheldon to be postmaster at Rockport, Tex., in place of Benjamin M. Sheldon. Incumbent's commission expired April 28, 1912.

CONFIRMATIONS.

Executive nominations confirmed by the Senate August 9, 1912.

REGISTER OF THE LAND OFFICE.

John W. Cook, of Lander, Wyo., to be register of the land office at Lander, Wyo.

POSTMASTERS.

GEORGIA.

Daniel E. McRae, Mount Vernon.

IDAHO.

Walter E. Hood, Elk River.

ILLINOIS.

Frank E. Davis, Arlington Heights.

Frank C. Eckard, Vandalia.

Albert D. Housley, Stonington.

Fred O. Munn, La Grange.

Harry H. Nichols, Mt. Wood.

William Wilson, Palatine.

INDIANA.

Thompson Turner, Walkerton.

KENTUCKY.

Alfred R. Dyche, London.

MISSOURI.

Henry Oehler, Bismarck.

NEW YORK.

Edward J. Monroe, Croghan.

NORTH DAKOTA.

Charles R. Kendall, Granville.

OHIO.

John S. Ellen, Willoughby.

OKLAHOMA.

John L. Morgan, Warrika.

Lincoln D. Trent, Hammon.

VIRGINIA.

Joseph E. Graham, Jonesville.

WEST VIRGINIA.

J. D. Hewett, Bramwell.

WITHDRAWAL.

Executive nomination withdrawn August 9, 1912.

UNITED STATES MARSHAL.

Leslie M. Scott, of Oregon, to be United States marshal for the district of Oregon.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty God, our heavenly Father, in whose presence is life, come now in all the fullness of Thy power and possess our minds and hearts that we may worship Thee in spirit and in truth by the thoughts that we think, the words that we speak, and the deeds that we do. For Thine is the kingdom and the power and the glory forever. Amen.

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

RADIO COMMUNICATION.

The SPEAKER. The unfinished business is the bill (S. 6412) to regulate radio communication, and the Clerk will read.

The Clerk read as follows:

USE OF UNNECESSARY POWER.

Fourteenth. In all circumstances, except in case of signals or radio-grams relating to vessels in distress, all stations use the minimum amount of energy necessary to carry out any communication desired.

Mr. MANN. Mr. Speaker, I move to strike out the last word. I want to ask the gentleman whether he considers this provision of the bill sufficiently definite, and whether it would be practicable to make it more definite than to say the use of the minimum amount of energy necessary to carry out any communication desired.

Mr. ALEXANDER. I hardly think it is practicable to make it more definite. That regulation is in the language of the Berlin convention. Conditions vary so much that it would be impossible to formulate a definite rule.

Mr. MANN. The gentleman understands that many of these instruments and apparatus for radio communication are adjusted to different amounts of energy. This proposition is to require all stations to use the minimum amount of energy necessary to carry out the communication, which would require a constant adjustment and readjustment of the apparatus. A very serious objection has been made to this provision on the ground that it is practically unworkable. If there was a penalty for it it might be very disastrous.

Mr. ALEXANDER. I do not recall what the specific penalty is, but the fact that it would be, from a practical standpoint, difficult to say what amount of energy they might employ to send a message a given distance is the reason that it is couched in general terms. The radioactivity in the daytime is about 50 per cent of the same energy at night. Daylight seems to dissipate it, and for that reason, in order that the stations might not have any hardships imposed upon them, it was thought the wisest to couch the regulation in general terms so as not to impose a hardship. The great difficulty in formulating all these regulations is to frame them so as not to impose hardships on these companies using wireless telegraphy.

Mr. MANN. Mr. Speaker, I withdraw the pro forma amendment.

The Clerk, proceeding with the reading of the bill, read as follows:

GENERAL RESTRICTIONS ON PRIVATE STATIONS.

Fifteenth. No private or commercial station not engaged in the transaction of bona fide commercial business by radio communication or in experimentation in connection with the development and manufacture of radio apparatus for commercial purposes at the date of passage of this act shall use a transmitting wave length exceeding 200 meters or a transformer input exceeding 1 kilowatt, except by special authority of the Secretary of Commerce and Labor contained in the license of the station.

Mr. ALEXANDER. Mr. Speaker, on page 10, lines 13 and 14, I move to strike out the words "at the date of the passage of this act."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 10, lines 13 and 14, strike out the words "at the date of the passage of this act."

Mr. MANN. Mr. Speaker, I understand the language in the bill as it passed the Senate would have forbidden any new commercial stations, practically.

Mr. ALEXANDER. I think that is correct.

Mr. MANN. And inadvertently would have created a monopoly, and the gentleman desires to correct that.

Mr. ALEXANDER. Yes. I think the amendment was suggested by the gentleman from Illinois himself.

The SPEAKER. The question is on the amendment.

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

Mr. MANN. Mr. Speaker, I move to strike out the last word. I want to ask the gentleman from Missouri if there was not to be another amendment to this paragraph. While I should like

to move to strike out the "200 meters and 1 kilowatt" and make them in both places "300 meters and 1 kilowatt" in the interest of the amateur. I understand that there was to be an amendment which gentlemen had discussed. Does it come in here?

Mr. ALEXANDER. I have an amendment that was agreed to by the representatives of the Department of Commerce and Labor and the Wireless Association of Pennsylvania, which they thought would meet the objection, and which I am going to offer.

Mr. MANN. Does not that come in here?

Mr. ALEXANDER. Page 10, line 17.

Mr. MANN. This is the place.

Mr. ALEXANDER. Yes; it is. I am glad the gentleman called my attention to it. Mr. Speaker, I offer the following amendment.

The Clerk read as follows: Page 10, line 17, end of fifteenth regulation, change period to colon and add:

"Provided, That the owner or operator of a station of the character mentioned in this regulation shall not be liable for a violation of the requirements of the third or fourth regulations if the penalty of \$100 or \$25, respectively, provided in this section, unless the person maintaining or operating such station shall have been notified in writing that the said transmitter has been found upon tests conducted by the Government to be so adjusted as to violate the said third and fourth regulations and opportunity has been given to said owner or operator to adjust said transmitter in conformity with said regulation."

The SPEAKER. The question is on the amendment. The question was taken, and the amendment was agreed to. The Clerk read as follows:

Seventeenth. In general, the shipboard stations shall transmit their radiograms to the nearest shore station. A sender on board a vessel shall, however, have the right to designate the shore station through which he desires to have his radiograms transmitted. The station on shipboard shall then wait until such shore station shall be the nearest. If this can not be done, the wishes of the sender are to be complied with only if the transmission can be effected without interfering with the service of other stations.

Mr. MANN. Mr. Speaker, I move to strike out the last word. I call attention of the gentleman from Missouri to this situation: This provision requires that the station on the ship shall send its message to the nearest shore station. If the sender of the message desires that the message shall be sent to some other shore station, he can so indicate, in which case the message shall not be sent until the ship is nearest that station.

Take, for instance, a vessel on its way to our station at Guantanamo Bay and Panama. A man desires to send a message, which comes back to the United States. It is perfectly practicable to do that when you are more than half way to Panama. But under the provision of this paragraph when you are more than half way the station at Panama would be the nearest station and you would be required to send a message to Panama, possibly there to be sent back by wireless to Guantanamo Bay. You could not send a message to Guantanamo or the United States, but you are required to send it to the nearest station, which is Panama. Or you can indicate that it shall be sent to the United States, in which case the message can not be sent until the ship has been by Panama and is more than half way back. I do not see any escape from that conclusion.

Mr. ALEXANDER. I will say that this regulation was taken from the Berlin convention.

Mr. MANN. I understand; but the regulation in the convention for the guidance of operators is quite a different thing from putting it into a statute with a penalty. That messages should ordinarily be sent to the nearest station may be correct. But to require a vessel to send its message to the nearest station when perhaps that station may be an island in the sea, or Panama, where it would have to be sent up there by wireless over the very line that the vessel is traversing seems to me a very roundabout method of sending communications.

Mr. ALEXANDER. Mr. Speaker, it seems to me the provision here gives sufficient latitude. In general it is provided that the shipboard station shall transmit radiograms to the nearest shore station. That is the general regulation.

Mr. MANN. Yes; and then the exception is made in the same paragraph.

Mr. ALEXANDER. And the sender on board the vessel shall have the right to designate the shore station through which he desires to have his radiogram transmitted.

Mr. MANN. Yes. If you stop there, I would not have any question about it.

Mr. ALEXANDER. It is then provided that the station on shipboard shall wait until such shore station shall be the nearest, and that if this can not be done the wishes of the sender are to be complied with only if the transmission can be effected without interfering with the service of other stations. Now, it seems to me if we strike out, in line 10, the word "only," that

would meet the objection. The purpose is to avoid interference, and the framers of the regulation had that in view.

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

Mr. ALEXANDER. Certainly.

Mr. FOSTER. I would inquire what would be the result in leaving out that language, following what the gentleman from Illinois has said, up to that point. Would that interfere with the bill at all?

Mr. MANN. Suppose we leave out the language: The station on shipboard shall then wait until such shore station shall be the nearest.

That is an absolute requirement.

Mr. ALEXANDER. I have no objection to that at all, because I agreed with the gentleman. I can not see any good reason for the requirement in the instance the gentleman mentions. If he will offer that as an amendment, I will accept it.

Mr. MANN. Very well. Mr. Speaker, I move to amend, in lines 7 and 8, page 11, by striking out the language: The station on shipboard shall then wait until such shore station shall be the nearest.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to. The Clerk read as follows:

SECRETARY OF MESSAGES. Nineteenth. Every operator shall be obligated in his license to preserve, and shall preserve faithfully, the secrecy of radiograms which he may receive or transmit; and for failure to preserve such secrecy his license may be revoked by the Secretary of Commerce and Labor.

Mr. ALEXANDER. Mr. Speaker, I offer the following amendment by way of substitute for the nineteenth regulation, which I send to the Clerk's desk.

The Clerk read as follows: On page 12 strike out, after the word "Nineteenth," lines 23, 24, and 25, and on page 13 strike out lines 1 and 2 and insert the following in lieu thereof:

"No person or persons engaged in or having knowledge of the operation of any station or stations shall divulge or publish the contents of any message transmitted or received by such station except to the person or persons to whom the same may be directed, or to another station employed to forward such message to its destination, unless legally required so to do by a court of competent jurisdiction. Any person guilty of so divulging or publishing any message, except as herein provided, shall, on conviction thereof, be punishable by a fine of not more than \$250, or imprisonment for a period of not exceeding three months, or both fine and imprisonment, in the discretion of the trial court."

Mr. ALEXANDER. Mr. Speaker, this amendment was suggested by a representative of the Marconi Co. He urged that the penalty prescribed by the section as written in the bill is too severe. The regulation in the bill provides that for failure to preserve such secrecy of messages the licensee may have his license revoked by the Secretary of Commerce and Labor. It was urged that it would be preferable, if an offense were committed, that a fine or imprisonment, or both, be imposed. The court could judge of each case on its merits and impose the penalty accordingly. I inserted the following language, however, to the proposed substitute:

Unless legally required so to do by a court of competent jurisdiction. That is, that he should not divulge the contents of a message unless required to do so by a court of competent jurisdiction.

Mr. MANN. Mr. Speaker, we have recently had an investigation by a committee of the Senate in reference to the *Titanic* disaster, where it seemed to become quite important to question the radio operatives. Under this provision the radio operator could not answer such a question without having his license revoked. I take it the gentleman does not want to have that go into the law.

Mr. ALEXANDER. This amendment provides that if the operator discloses the contents of the message he shall be subject to a fine or imprisonment, or both, unless he is required to disclose the contents of the radiogram in a judicial proceeding. It occurs to me that perhaps that is too restrictive; that the exception should include any authorized investigation, like a congressional investigation.

Mr. MANN. Certainly, it seems to me, it ought to permit Congress to carry on an investigation. Then I ask, further, in reference to that, whether a radio operator who had sent a signal of distress under that provision would be able to communicate that fact to anybody else? It might be very important.

Mr. ALEXANDER. The distress signal is made up of 3 dots, 3 dashes, and 3 dots. That is the distress signal recognized by the international code.

Mr. MANN. I understand; but suppose he had received or sent signals of distress and desired to communicate that fact to some other ship? Under this provision he would have his license revoked if he did so. One ship might send a signal of

distress to an operator and he would not have the right to notify another ship of that fact without having his license revoked.

Mr. ALEXANDER. I do not think that would come within the language of regulation 19 or within the language of the proposed substitute. The regulation relates to radiograms and not to signals. Then, it does not prohibit a party from testifying that he had sent a message; but if he sends a message, he can not disclose the contents of the message itself unless required to do so by a court of competent jurisdiction. In other words, it is just like an ordinary telegram; the secrecy of the message, then, is protected by law, and if he willfully discloses it he shall be subject to punishment.

Mr. MANN. Suppose one ship is in distress and sends a signal of distress to another ship and then sends a radiogram telling where the ship in distress is. That is a radiogram, is it not?

Mr. ALEXANDER. That would be, yes; and it would be delivered to the ship for which it was intended. It would not violate the law.

Mr. MANN. The gentleman would not forbid the other ship from then sending a message, telling where the ship was, and telling that he had received such information. I suppose nobody would pay any attention to it in such a case.

Mr. ALEXANDER. I do not think the regulation would apply to any such case as that.

Mr. McCALL. Why should there be any such provision as that any more than in the case of telegraph operators? Of course the regulations of the company would restrict them from making public messages. Now, why should we have a penal provision here drawn upon lines that might make it necessary for a man sometimes in the public interest to commit a crime?

Mr. ALEXANDER. The telegraph operator has no right to disclose the secrets of a message.

Mr. McCALL. Of course, but we have not a statute of the United States on that subject, have we?

Mr. ALEXANDER. I am not sure whether we have or not.

Mr. MANN. Well, we have not.

The SPEAKER. The time of the gentleman has expired.

Mr. McCALL. I ask that the gentleman's time be extended.

The SPEAKER. The gentleman from Massachusetts asks that the time of the gentleman from Missouri be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. McCALL. I do not know of any statute of the United States that would be in accordance with this. I think if an agent of a company receiving the dispatch, a telegraph operator, discloses the contents the company would be liable for damages to the people who are interested in the transmission of that message and to the man who had paid for it. I do not see why we should have any penal provision here when the practice and custom are so well settled as they are in the case of telegraph operators. The lot of one of these operators is sufficiently hard now without putting criminal statutes in his path.

Mr. ALEXANDER. I will call the gentleman's attention to the fact that this relates to secrecy of messages and is required by the Berlin convention, and we are simply carrying out the provisions of that convention to which we became party by the action of the Senate.

Mr. BURKE of Pennsylvania. Will the gentleman yield?

Mr. ALEXANDER. I will.

Mr. BURKE of Pennsylvania. Does the amendment of the gentleman offered to paragraph 19 strike it out as it stands?

Mr. ALEXANDER. Yes.

Mr. BURKE of Pennsylvania. And substitutes?

Mr. ALEXANDER. Yes.

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

The Clerk read as follows:

Sec. 5. That every license granted under the provisions of this act for the operation or use of apparatus for radio communication shall prescribe that the operator thereof shall not willfully or maliciously interfere with any other radio communication. Such interference shall be deemed a misdemeanor, and upon conviction thereof the owner or operator, or both, shall be punishable by a fine of not to exceed \$500 or imprisonment for not to exceed one year, or both.

Mr. BURKE of Pennsylvania. Mr. Speaker, I move to strike out the last word, and I would like to ask the gentleman in charge of the bill whether or not the penalty provided in the bill originally and which the Clerk just read will not in some manner conflict with the amendment which the gentleman has just offered?

Mr. ALEXANDER. I think not.

Mr. BURKE of Pennsylvania. And if it does not, what is the necessity of having two classes of penalties when you specify, in line 4, page 13, "for violation of any of these regulations," and so forth, a certain fine and imprisonment? That is all-embracing and very comprehensive and you clearly have

a conflict between your provision set out in your amendment and the one originally in the bill.

Mr. ALEXANDER. Mr. Speaker, I desire to offer an amendment to correct that. On page 13, in line 11, after the word "regulations," insert the words "except as provided in regulation 19."

The SPEAKER. The Clerk will report the amendment. The Clerk read as follows:

Page 13, line 11, after the word "regulations," insert "except as provided in regulation 19."

The question was taken, and the amendment was agreed to. The SPEAKER. Without objection, the gentleman withdraws his pro forma amendment.

There was no objection.

Mr. McCALL. Mr. Speaker, I suggest to the gentleman from Missouri that he prepare an amendment relative to the suggestion made by the gentleman from Illinois. Instead of leaving it a technical crime for an operator receiving a message of danger to transmit it to another ship the law ought to make it his duty to transmit it to another ship, and it seems to me the gentleman is leaving his bill so that a man would have committed a crime and would have to rely upon there not being a prosecution. I think that is very bad policy to carry out. I think if you are going to have anything in the law covering the point you should make it the man's duty to retransmit a message of danger. I think that should be amended.

Mr. ALEXANDER. I will say to the gentleman I do not think the amended section applies to that case at all, but since the gentleman from Illinois calls attention to it I will scrutinize it and, if necessary, I will offer an amendment later; or, if the gentleman has any amendment to suggest, I will be glad to hear it.

Mr. MANN. Mr. Speaker, I move to strike out the last word. I understood that the gentleman was going to strike out, on page 13, lines 9 and 10, the language "which shall be deemed a misdemeanor."

Mr. ALEXANDER. I intend to do that. Mr. Speaker, I desire to offer the following amendment: Page 13, lines 9 and 10, amend by striking out the words "it shall be deemed a misdemeanor."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 13, lines 9 and 10, by striking out the words "which shall be deemed a misdemeanor."

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

The SPEAKER. Without objection, the gentleman from Illinois withdraws his pro forma amendment.

There was no objection.

Mr. ALEXANDER. I also desire to offer an amendment, in line 10, page 13, by striking out the words, "which shall be deemed a misdemeanor."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 13, line 10, by striking out the words "which shall be deemed a misdemeanor."

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

Mr. ALEXANDER. In line 17, page 13, strike out the word "may" and insert "shall," and after the word "suspended" insert the words "or revoked," so that it will read, "the license shall be suspended or revoked."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 13, line 17, by striking out the word "may" and insert in lieu thereof the word "shall," and insert after the word "suspended" the words "or revoked."

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

Mr. BURKE of Pennsylvania. Will the gentleman yield? Does not the gentleman wish to make the same amendment, line 11, page 13, after the word "regulations," that he made after the word "regulations," in line 4, on the same page, by inserting the words "except as provided in section 19"?

Mr. ALEXANDER. Mr. Speaker, I offer this amendment, in line 4, page 13, after the word "regulations," insert the words "except as provided in section 19."

The SPEAKER. The Clerk will report the amendment.

Mr. ALEXANDER. Mr. Speaker, I withdraw the amendment.

The SPEAKER. Without objection, the amendment is withdrawn. [After a pause.] The Chair hears none.

Mr. MANN. I think that paragraph relates only to sections 1 and 2.

Mr. ALEXANDER. That is what I thought at first. Mr. Speaker, I withdraw that amendment.

The SPEAKER. The amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

Sec. 7. That a person, company, or corporation within the jurisdiction of the United States shall not knowingly utter or transmit, or cause to be uttered or transmitted, any false or fraudulent signal, call, or radiogram of any kind. The penalty for so uttering or transmitting a false or fraudulent signal or call shall be a fine of not more than \$2,000 or imprisonment for not more than five years, or both, in the discretion of the court, for each and every such offense, and the penalty for so uttering or transmitting any other false or fraudulent signal, call, or radiogram shall be a fine of not more than \$1,000 or imprisonment for not more than two years, or both, in the discretion of the court, for each and every such offense.

Mr. MANN. Mr. Speaker, I move to strike out the last word.

The SPEAKER. The gentleman from Illinois [Mr. MANN] moves to strike out the last word.

Mr. MANN. This section again says:

Any false or fraudulent distress signal or call or false or fraudulent signal, call, or radiogram of any kind.

Would not the gentleman be willing to insert before the word "other," so that this would apply only to those things that are in some sort radio communications?

Mr. ALEXANDER. I think that would be well.

Mr. MANN. There might be a question arising at the same time. I move to insert, page 14, line 12, before the word "radiogram," and in line 19, before the word "radiogram," the word "other."

The SPEAKER. The gentleman from Illinois [Mr. MANN] withdraws his pro forma amendment, and offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 14, line 12, by inserting before the word "radiogram" the word "other," and in line 19, before the word "radiogram" the word "other."

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. MANN].

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

The SPEAKER. The Clerk will read.

The Clerk read as follows:

Sec. 9. That the trial of any offense under this act shall be in the district in which it is committed or in any district in which the offender may be found, or if the offense is committed upon the high seas or out of the jurisdiction of any particular State or district the trial shall be in the district where the offender may be found or into which he shall be first brought.

Mr. ALEXANDER. Mr. Speaker, I desire to offer an amendment. In lines 7 and 8, page 15, strike out the words "or in any district in which the offender may be found."

The SPEAKER. The gentleman from Missouri [Mr. ALEXANDER] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 15, lines 7 and 8, by striking out the words "or in any district in which the offender may be found."

Mr. MANN. Mr. Speaker, if I understand that amendment, it is for the purpose of complying with the constitutional provision that a man shall be tried in the district in which the offense is committed, if it be on land.

Mr. ALEXANDER. Yes. It conforms to the section of the judiciary act, defining the jurisdiction of courts.

Mr. MANN. The Constitution requires it. It seems to have escaped the attention of our friends at the other end of the Capitol.

The SPEAKER. The question is on agreeing to the amendment.

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

The SPEAKER. The Clerk will read.

The Clerk read as follows:

Sec. 10. That this act shall take effect and be in force on and after 90 days from its passage.

Mr. ALEXANDER. Mr. Speaker, I desire to offer the following amendment: On line 14, page 15, strike out the words "after 90 days" and insert "four months."

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Missouri [Mr. ALEXANDER].

The Clerk read as follows:

Amend, page 15, line 14, by striking out the words "after 90 days" and inserting "four months."

The SPEAKER. The question is on agreeing to the amendment.

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

Mr. MANN. Mr. Speaker, this practically concludes the consideration of this bill. There are many things in it which I do not like, but I wish to congratulate the gentleman from Missouri in charge of the bill [Mr. ALEXANDER] and his committee for the very excellent work they have done on this bill as well as on other bills.

I am very much afraid that this bill will have the effect of practically destroying the amateur work in reference to wireless communication. That work, probably, has done as much to-

ward the advancement of wireless communication as any other one thing, or possibly all other things.

There are other people who are opposed to the provisions, and I send to the Clerk's desk and ask to have read a communication given to me by one of the newspaper men representing one of the California papers. I do not know the gentleman from whom this communication comes, or how important it may be to him.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

Make every effort to stop bill. My point is not covered by bill referred to Secretary of Commerce and Labor.

Our stations and works with only one wave length, a part and duplex; that is, one station can cover two messages at the same time, while the other station is sending two messages. One operator can be listening for distress signals all the time, if necessary, on a given wave, and there would be no interference from a station a mile away sending messages all the time.

If the bill passes, Marconi could claim that we interfered with him and thus make any end of trouble. As soon as the Government has its powers in Washington complete, we shall be glad to put in our set and show them what we can do. All legislation so far as it affects the system using continuous waves should be held in abeyance until proper knowledge can be placed before Congress.

We now have a complete system for both land and water, the greatest invention of the age. It must not be hampered by legislation passed in ignorance of its requirements.

DEACB THOMPSON,
President of the Federal Wireless Co.

Mr. ALEXANDER. Mr. Speaker, I move to strike out the last word. I received a communication from the same source. I will say that these gentlemen have hid their invention under a bushel. This legislation has been proposed for two or three years past, and hearings were had on a bill to regulate radio communication in the Sixty-first Congress, and a bill was reported from the committee, and this bill has been under consideration for the last five or six months. We never heard from this concern or of their invention until the last few days. They then came in and demanded that this legislation be held up until the department could investigate their invention. The committee did not feel justified in doing so.

Let me call attention to a provision in this bill. On page 5, in section 4, there is this provision:

The Secretary of Commerce and Labor may, in his discretion, waive the provisions of any or all of these regulations when no interference of the character above mentioned can ensue.

That provision was inserted so that the Government might avail itself of any discovery that might be made, or avail itself of any instrument that might be perfected to avoid interferences, and if our California friends have such a wonderful invention as they suggest, the Government would be very glad indeed to avail itself of that invention.

Now there is a company at Pittsburgh, the National Electric Signaling Co., which is at work on the same kind of a device. They think they have it nearly perfected. It is under the eye of the department, and the department is only too eager that it may be perfected, because then all these regulations in regard to interferences can be wiped out. Until that is done these regulations are absolutely imperative.

Now, with reference to the effect of this legislation on the development of the art, it is true that objection has been made to this legislation upon the ground that it would interfere with or retard the development of the art of wireless telegraphy by discouraging experiments and inventions. The committee regards this as a groundless fear, and that is the view taken by those who have given the subject careful consideration. Instead of interfering with or restricting or retarding the development of the art, the Government and the Congress would encourage it in all legitimate ways. The most notable progress in the art has been made in Europe and in those countries where the regulation of the art has been under governmental control for several years past.

Mr. McCALL. Mr. Speaker, will the gentleman yield to me?

Mr. ALEXANDER. Yes.

Mr. McCALL. To recur to the nineteenth regulation, on page 12, does the gentleman from Missouri have at hand the provision in the convention of which he spoke?

Mr. ALEXANDER. I have not had time to refer to it.

Mr. McCALL. As I understand the effect of the amendment to that regulation offered by the gentleman from Missouri, it makes the regulation more stringent than it was in the bill as reported, does it not?

Mr. ALEXANDER. I think not. It does not make it any more restrictive.

Mr. McCALL. But as I understand it, you provided a penalty, fine and imprisonment, and this provides a penalty by the revoking of the license.

Mr. ALEXANDER. That is the penalty provided in the bill. The substitute provides a fine or imprisonment, or both. The

punishment will depend upon the gravity of the offense. It may be as low as \$1. This was suggested by the Marconi Co., because they said the other penalty was too severe.

Mr. McCALL. I understood the penalty provided in the gentleman's amendment was a fine or imprisonment, and possibly both.

Mr. ALEXANDER. One or both.

Mr. McCALL. Do you strike out the provision in the bill for the revoking of the license and insert the provision which is now proposed?

Mr. ALEXANDER. Yes.

Mr. McCALL. I would suggest that there should be an exception there, so that it would make it the duty of an operator at sea to transmit messages relating to safety of navigation, instead of imposing upon him the burden of committing a technical crime.

Mr. ALEXANDER. If the gentleman will listen while I read the substitute, I think it will do away with his objection.

Mr. MANN. Will the gentleman yield for a question first? Did the gentleman intend to strike out what is now in the bill as paragraph 19?

Mr. ALEXANDER. Yes; and to insert the other in lieu of it.

Mr. MANN. The gentleman did not offer his amendment in that way, and the Clerk has not got it that way, so that had better be corrected.

Mr. ALEXANDER. The language of the amendment is:

On page 12 strike out lines 23, 24, and 25, and on page 13 strike out lines 1 and 2 and insert the following in lieu thereof:

Mr. MANN. The Clerk did not report it that way.

Mr. ALEXANDER. I have a copy of it here.

Mr. McCALL. Will the gentleman read what he proposes to insert in place of what he strikes out?

Mr. ALEXANDER. It reads as follows:

No person or persons engaged in or having knowledge of the operation of any station or stations shall divulge or publish the contents of any messages transmitted or received by such station, except to the person or persons to whom the same may be directed, or to another station employed to forward such message to its destination, unless he is required so to do by a court of competent jurisdiction. Any person guilty of divulging or publishing any message except as herein provided shall, on conviction thereof, be punishable by a fine of not more than \$250 or imprisonment for a period of not exceeding three months, or both fine and imprisonment, in the discretion of the trial court.

Mr. McCALL. I did not understand the amendment as read by the Clerk to be what the gentleman has just stated it to be.

Mr. BURKE of Pennsylvania. Does the gentleman think it ought to be prohibited to deliver a message to an authorized agent? Does not the gentleman think it would be well to provide that the message might be delivered to the person to whom it was addressed or to his authorized agent?

Mr. ALEXANDER. It is expressly stated that he may do that.

Mr. BURKE of Pennsylvania. No; there is no qualification whatever. Your amendment provides that the message must be delivered to the individual alone. It can not be delivered to an authorized agent under the amendment.

The SPEAKER. The question is on agreeing to the amendment to section 10. If the pro forma amendment is withdrawn, the vote will be on the amendment of the gentleman from Missouri.

Mr. ALEXANDER. That amendment provides that the act shall go into effect in 4 months after the passage of the act instead of 90 days.

The amendment was agreed to.

Mr. ALEXANDER. Now, Mr. Speaker, I ask to return to regulation 19, and to the substitute that was offered in lieu of that regulation.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Add the following at the end of line 2, page 13—

Mr. ALEXANDER. Mr. Speaker, there is something that goes before that. I will send the amendment to the Clerk so that it may be correctly reported.

The Clerk read as follows:

On page 12 strike out lines 23, 24, and 25, and on page 13 strike out lines 1 and 2, and insert the following:

No person or persons engaged in or having knowledge of the operation of any station or stations shall divulge or publish the contents of any messages transmitted or received by such station, except to the person or persons to whom the same may be directed, or to another station employed to forward such message to its destination, unless he is required so to do by a court of competent jurisdiction. Any person guilty of divulging or publishing any message except as herein provided shall, on conviction thereof, be punishable by a fine of not more than \$250 or imprisonment for a period of not exceeding three months, or both fine and imprisonment, in the discretion of the trial court.

Mr. McCALL. Mr. Speaker, I would like to offer an amendment to strike out that regulation entirely. When would it be

in order—before the amendment offered by the gentleman from Missouri or afterwards?

Mr. ALEXANDER. That amendment has already been agreed to.

Mr. McCALL. I did not understand that this amendment had been voted on.

The SPEAKER. The Chair did not understand the gentleman's parliamentary inquiry.

Mr. McCALL. I understood that the gentleman was proposing the amendment which has just been read, which would change the nineteenth regulation. Now, I ask if it would be in order before or after the adoption of that amendment to move to strike out the nineteenth regulation?

Mr. ALEXANDER. It is offered as a substitute for the nineteenth regulation as it appears in the bill, and it has been agreed to as a substitute for the nineteenth regulation.

Mr. MANN. I should like to suggest to the gentleman from Missouri that where it says "court" he might insert the words "competent authority," so that it would cover a congressional inquiry or possibly other cases.

Mr. ALEXANDER. The gentleman from Pennsylvania [Mr. BURKE] has an amendment to offer. I ask unanimous consent that it may be considered now.

Mr. BURKE of Pennsylvania. Let the gentleman from Missouri offer it. It is simply to insert the words "or authorized agent."

The SPEAKER. The understanding of the Chair is that this amendment which the gentleman from Missouri now sends up was adopted three or four days ago.

Mr. MANN. Three or four minutes ago.

The SPEAKER. Anyway, it has been adopted.

Mr. ALEXANDER. I move to reconsider the vote by which the amendment was agreed to.

The SPEAKER. The gentleman from Missouri moves to reconsider the vote by which the amendment was agreed to.

The motion was agreed to.

Mr. ALEXANDER. Now, I reoffer the amendment, which I send to the Clerks' desk.

The SPEAKER. The Clerk will report the amendment as offered now.

The Clerk read as follows:

On page 12 strike out lines 23, 24, and 25, and on page 13 strike out lines 1 and 2, and insert the following in lieu thereof:

No person or persons engaged in or having knowledge of the operation of any station or stations shall divulge or publish the contents of any messages transmitted or received by such station, except to the person or persons to whom the same may be directed, or to another station employed to forward such message to its destination, unless he is required so to do by a court of competent jurisdiction. Any person guilty of divulging or publishing any message except as herein provided shall, on conviction thereof, be punishable by a fine of not more than \$250 or imprisonment for a period of not exceeding three months, or both fine and imprisonment, in the discretion of the trial court.

Mr. ALEXANDER. Mr. Speaker, I offer the following amendment to the amendment. After the word "directed" add the words "or to their authorized agent," and after the word "jurisdiction," where it first occurs, add the words "or other competent authority."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend the amendment by inserting after the word "directed" the words "or to their authorized agent," and after the word "jurisdiction," where it first occurs, the words "or other competent authority."

Mr. McCALL. Mr. Speaker, I wish to know when I can move to strike out the whole section. I imagine it would be in order to perfect the provision before the motion to strike out would be in order. I desire to move to strike out the nineteenth regulation, and my question is whether it would be proper to do it before the substitute is perfected.

The SPEAKER. Is the nineteenth regulation the one the gentleman's amendment relates to?

Mr. ALEXANDER. Yes.

Mr. MANN. I think the motion to strike out would come after the paragraph had been perfected.

The SPEAKER. The Chair thinks that is correct. The question is on the amendment to the amendment offered by the gentleman from Missouri.

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

Mr. MANN. Now, Mr. Speaker, I think the way the amendment was sent up by the gentleman from Missouri it would strike out the word "nineteenth" in line 23. The gentleman does not desire to do that.

Mr. ALEXANDER. My amendment is or should be to strike out all after the word "nineteenth."

Mr. MANN. I suggest that the gentleman ends this with the words "in the discretion of the trial court." That is not the usual phraseology, but "in the discretion of the court."

Mr. ALEXANDER. Mr. Speaker, I move to strike out the word "trial."

The amendment was agreed to.

The SPEAKER. The question is on the amendment offered by the gentleman from Missouri to perfect the paragraph.

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

Mr. McCALL. Now, Mr. Speaker, I move to strike out the paragraph. I would like to say a few words on that proposition. As I understand it, the amendment as proposed applies to ships at sea, and might make it a criminal offense for an operator to disclose a message of danger he had received—that is, it would make it a criminal offense if he should send it to another ship. While I imagine that no operator would ever be fined or imprisoned for that act, it seems to me that it is contrary to public policy for us to have a provision in the law which would lead in the opposite direction from what a man's duty is to go.

That would not look well in an investigation. If the operator was being questioned why he did not send the message, he could point to the act of Congress which made it a criminal offense to divulge that message. I think the gentleman should perfect that proposition. It seems to me that it is an unusual proposition anyway. There is no provision making it a criminal offense for an operator to divulge a telegraphic message sent between the States. That would rest on general principles of right conduct, and parties interested in the message could have a ground of action for damages against the company. I believe there is no more reason why we should thus protect the sending of messages through the air by a penal provision than we should when sending them over the wire. I think the whole paragraph should be stricken out, and certainly in the form in which it is in the bill.

Mr. ALEXANDER. Mr. Speaker, that certainly would be a great error. There is nothing in the amendment that would make it an offense for an operator to disclose a message under the circumstances mentioned by the gentleman from Massachusetts. It is entirely proper that the secrecy of messages should be provided for, and that operators should understand that when they come to the receipt of the message they should not disclose it unless they do so under proper restrictions.

Many commercial transactions may be carried on by wireless. Messages of the very greatest importance to the parties may be involved, and to say that an operator might disclose the contents of such a radiogram without incurring any penalty is not right or fair or just. It would be very dangerous indeed to allow them to do so. The international conference thought it of so much importance that it expressly provided that a regulation of this sort should be adopted by the signatory nations.

The SPEAKER. The question is on the motion of the gentleman from Massachusetts to strike out regulation 19.

The question was taken, and the motion was lost.

Mr. ALEXANDER. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

Mr. MARTIN of Colorado. Mr. Speaker, I ask unanimous consent to say a word. I think there is an error in the distress signal mentioned on page 7, line 17. The signal of distress is "s o s." In the international alphabet or code the letter o is made by a dot, space, and a dot, whereas the "o" as stated in line 17 in the bill is made by three dashes, which are said to represent the figure "5." So that the signal of distress reads in the bill "s 5 s" instead of "s o s."

The SPEAKER. Is the gentleman debating the previous question?

Mr. MARTIN of Colorado. No; I asked unanimous consent.

Mr. ALEXANDER. Mr. Speaker, I will withdraw the motion for the previous question.

Mr. MARTIN of Colorado. I do not make this criticism of my own knowledge, but a gentleman representing the Associated Press called my attention to it.

Mr. ALEXANDER. I will say that the gentleman connected with the Associated Press had better be sure of his premises. The signal as set out in the bill is the distress call provided by the Berlin convention as the international signal or distress. I do not know what they mean.

Mr. MANN. Mr. Speaker, I think the gentleman from Missouri did not offer the amendment that this act shall not apply to the Philippine Islands. I think he intended to offer it as a new section.

Mr. ALEXANDER. That is correct, Mr. Speaker, and I offer as a new section the following.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

After section 9 add a new section, to be known as section 10, as follows:

"This act shall not apply to the Philippine Islands."

The SPEAKER. The question is on the amendment adding a new section.

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

Mr. ALEXANDER. Now, Mr. Speaker, I move to strike out the figure "10," in line 13, and insert the figure "11."

The motion was agreed to.

Mr. ALEXANDER. Mr. Speaker, I now move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. ALEXANDER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

REGULATION OF RADIO COMMUNICATION.

Mr. ALEXANDER. Mr. Speaker, under the leave granted to me to extend my remarks in the Record by inserting the report from the Committee on the Merchant Marine and Fisheries on the bill (H. R. 15357) to regulate radio communication, I wish to make a brief explanation to precede the printing of the report.

H. R. 15357, as reported to the House, is substantially the same in form as Senate bill 6412—just passed by the House with amendments—was in when that bill was reported to the Senate. As I recall, some few amendments to the bill were adopted in the Senate. Others have been agreed to in the House, but none of them materially changing the general scope or provision of the bill. They remove some objections to minor provisions of the bill and perfect it in other regards. Hence the report on the House bill, H. R. 15357, may be of some interest to those who may wish a more extended explanation of the provisions of the Senate bill just passed than was given while the bill was under consideration in the House.

[House Report No. 582, Sixty-second Congress, second session.]

REGULATION OF RADIO COMMUNICATION.

Mr. ALEXANDER, from the Committee on the Merchant Marine and Fisheries, submitted the following report, to accompany H. R. 15357:

The Committee on the Merchant Marine and Fisheries, to whom was referred the bill (H. R. 15357) to regulate radio communication, having considered the same, report it to the House, with the following amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Amend by striking out all after the enacting clause and insert the following:

"That a person, company, or corporation within the jurisdiction of the United States shall not use or operate any apparatus for radio communication as a means of commercial intercourse among the several States, or with foreign nations, or upon any vessel of the United States engaged in interstate or foreign commerce, or for the receipt or transmission of radiograms or signals the effect of which extends beyond the exclusive jurisdiction of the State or Territory in which the same are made, or where interference would be caused thereby with the receipt of messages or signals from beyond the jurisdiction of the said State or Territory, except under and in accordance with a license, revocable for cause, in that behalf granted by the Secretary of Commerce and Labor upon application therefor; but nothing in this act shall be construed to apply to the transmission and exchange of radiograms or signals between points situated in the same State: *Provided*, That the effect thereof shall not extend beyond the jurisdiction of the said State or Territory, or interfere with the reception of radiograms or signals from beyond said jurisdiction; and a license shall not be required for the transmission or exchange of radiograms or signals by or on behalf of the Government of the United States, but every Government station on land or sea shall have special call letters designated and published in the list of radio stations of the United States by the Department of Commerce and Labor. Any person, company, or corporation that shall use or operate any apparatus for radio communication in violation of this section, or knowingly aid or abet another person, company, or corporation in so doing, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding \$500, and the apparatus or device so unlawfully used and operated may be adjudged forfeited to the United States.

"Sec. 2. That every such license shall be in such form as the Secretary of Commerce and Labor shall determine and shall contain the restrictions pursuant to this act, on and subject to which the license is granted; that every such license shall be issued only to citizens of the United States or to a company incorporated under the laws of some State, and shall specify the ownership and location of the station in which said apparatus shall be used and other particulars for its identification and to enable its range to be estimated; shall state the purpose of the station, and, in case of a station in actual operation at the date of passage of this act, shall contain the statement that satisfactory proof has been furnished that it was actually operating on the above-mentioned date; shall state the wave length or the wave lengths authorized for use by the station for the prevention of interference and the hours for which the station is licensed for work; and shall not be construed to authorize the use of any apparatus for radio communication in any other station than that specified. Every such license shall be subject to the regulations contained herein and such regulations as may be established from time to time by authority of this act or subsequent acts and treaties of the United States. Every such license shall provide that the President of the United States in time of war or public peril may cause the closing of any station for radio communication and the removal therefrom of all radio apparatus, or may authorize the use or control of any such station or apparatus by any department of the Government, upon just compensation to the owners.

"Sec. 3. That every such apparatus shall at all times while in use and operation as aforesaid be in charge or under the supervision of a person or persons licensed for that purpose by the Secretary of Commerce and Labor. Every person so licensed for the operation of any radio apparatus on shore shall be a citizen of the United States.