13526. Also, letter from the Toledo Lumber & Mill-Work Co., protesting against a tariff on Canadian lumber; to the Committee on Ways and Means.

13527. Also, resolutions adopted by the national and State affairs committee of Toledo (Ohio) Chamber of Commerce, relative to the tariff on sugar; to the Committee on Ways and Means.

13528. Also, resolution unanimously adopted by the Ohio Farmers' Protective Association, in convention at Columbus, Ohio, February 8, 1929, relating to a tariff on Canadian lumber; to the Committee on Ways and Means.

13529. Also, report of hearings before Committee on Ways and Means on the sugar tariff, and comments thereon by Harry A. Austin, secretary of United States Beet Sugar Association; to the Committee on Ways and Means.

13530. Also, letter of Joseph Barker, of Antwerp, Ohio, concerning the tariff on sugar; to the Committee on Ways and Means.

13531. Also, letter of Harry G. Carr, of Antwerp, Ohio, concerning the tariff on sugar; to the Committee on Ways and Means.

13532. By Mr. TUCKER: Petition of the Thessalonica Baptist Church, 100 present, Fork Union, Va., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

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## SENATE

### WEDNESDAY, *February 27, 1929*

*(Legislative day of Monday, February 25, 1929)*

The Senate met at 11 o'clock a. m., on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed the bill (S. 1727) to amend the act entitled "An act to amend the act entitled 'An act for the retirement of employees in the classified civil service, and for other purposes,' approved May 22, 1920, and acts in amendment thereof," approved July 3, 1926, as amended, with amendments, in which it requested the concurrence of the Senate.

#### CALL OF THE ROLL

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

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names.

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|---|---|---|---|
| Ashurst | Edwards | McKellar | Smith |
| Barkley | Fess | McMaster | Smoot |
| Bayard | Fletcher | McNary | Steck |
| Bingham | Frazier | Mayfield | Steiwer |
| Black | George | Metcalf | Stephens |
| Blaine | Gerry | Moses | Swanson |
| Blease | Glass | Neely | Thomas, Idaho |
| Borah | Glenn | Norbeck | Thomas, Okla. |
| Bratton | Goff | Norris | Trammell |
| Brookhart | Gould | Nye | Tydings |
| Broussard | Greene | Oddie | Tyson |
| Bruce | Hale | Overman | Vandenberg |
| Burton | Harris | Pine | Wagner |
| Capper | Harrison | Ransdell | Walsh, Mass. |
| Caraway | Hawes | Reed, Pa. | Walsh, Mont. |
| Copeland | Hayden | Robinson, Ark. | Warren |
| Couzens | Heflin | Robinson, Ind. | Waterman |
| Curtis | Johnson | Sackett | Watson |
| Dale | Jones | Schall | Wheeler |
| Deneen | Kendrick | Sheppard | |
| Dill | Keyes | Shortridge | |
| Edge | King | Simmons | |

Mr. BLAINE. I desire to announce that my colleague [Mr. LA FOLLETTE] is unavoidably absent. I ask that the announcement may stand for the day.

Mr. BRATTON. I wish to announce that my colleague [Mr. LARRAZOLO] is absent from the Chamber on account of illness. This announcement may stand for the day.

Mr. JONES. I wish to announce that the senior Senator from Connecticut [Mr. MCLEAN] is absent because of illness.

Mr. WATERMAN. I announce that my colleague the senior Senator from Colorado [Mr. PHIPPS] is detained from the Senate by illness.

Mr. GERRY. I wish to announce that the Senator from Nevada [Mr. PITTMAN] is necessarily detained on official business.

The VICE PRESIDENT. Eighty-five Senators having answered to their names, a quorum is present.

#### PERSONAL EXPLANATION

Mr. BRUCE. Mr. President, I rise to a question of personal privilege. I regret to say that yesterday, in the course of a colloquy which arose between the Senator from Virginia [Mr. GLASS] and myself, I used some expressions which were decidedly more heated than the circumstances justified, and I take the blame for that occasion, so far as it is one that calls for notice at all, entirely upon myself.

Everyone who knows me knows that there is no Member of this body for whom I entertain a profounder respect than I do for the Senator from Virginia—respect for his stainless public and private character, for his great abilities, for his unflinching courage and his lofty independence of spirit.

#### NAVAL APPROPRIATIONS—CONFERENCE REPORT

The VICE PRESIDENT. The Chair lays before the Senate the conference report on the naval appropriation bill.

The Senate resumed the consideration of the conference report on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16714) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1930, and for other purposes.

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

Mr. HALE. Mr. President, the conferees on the naval appropriation bill met and reached an entire agreement. There are four matters which have to go back to the House for a separate vote because under the rules of the House they are construed as legislation and must be passed on by that body.

The principal changes that we have made are, first, to reduce the amount available for the second batch of cruisers from $500,000 to $200,000. This will enable us to start those cruisers under the terms of the cruiser law in 1930. They will be started, of course, at the extreme end of that fiscal year.

The House insisted that the Senate conferees give up the amendment providing for a dry dock at Puget Sound. The appropriation for this was $400,000. The Senate conferees were very strong in their insistence upon having the item kept in the bill, but we were unable to prevail.

There was also an item of $154,000 in the bill as it passed the Senate to increase the pay of certain draftsmen. The House would not agree to this and the Senate conferees were compelled to recede on the matter.

On the question of helium production the House provided $160,000 and the Senate restored the Budget figure of $300,000. In coming to an agreement we have split the difference on these figures and have made the appropriation $230,000.

The conference report as agreed to by the conferees takes from the Senate bill $634,000, leaving only very small additions to the House bill, somewhere in the neighborhood of about $100,000, and, of course, the large item that was estimated for by the Budget Bureau, and which we have kept within the figures of the Budget Bureau, for the increase of the Navy, to take care of the cruisers and the new aircraft carrier.

Mr. NORRIS. Mr. President, I hope the Senator from Maine will let me ask him before he concludes his remarks what was done with amendment numbered 17 appearing on page 48?

Mr. HALE. That has to be voted on in the House of Representatives. That is the labor amendment. The conferees made no change whatever in it.

Mr. NORRIS. That amendment is technically in disagreement?

Mr. HALE. It is technically in disagreement.

Mr. NORRIS. If the House shall refuse to recede, then it will come back to the Senate and be adjusted in conference, of course?

Mr. HALE. That is correct.

Mr. NORRIS. But if the House does recede, then the controversy will be ended so far as that amendment is concerned?

Mr. HALE. It will be ended so far as that is concerned.

Mr. NORRIS. Mr. President, in my own right I want to take the floor for just a few moments.

Mr. HEFLIN. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Alabama?

Mr. HEFLIN. Does the Senator from Nebraska desire to occupy the floor now?

Mr. NORRIS. Yes; for a few moments.

Yesterday, Mr. President, when the Senator from Maine [Mr. HALE] asked unanimous consent to proceed to the consideration of the conference report I objected. I had asked the Senator if he would not let the conference report go over

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until to-day, in order that I might examine it. As soon as the objection was made, the Senator moved to take up the report, a motion he had a perfect right, of course, to make under the rules, but I thought my request, since the report had not been printed, was very reasonable under the circumstances. However, if the Senator from Maine at that time had said that if after he had explained the conference report I still wanted it to go over for the day he would consent to that, the conference report would undoubtedly have been agreed to on yesterday, and one day on this bill would have been saved.

It did not seem to me, Mr. President, that a conference report on a bill of this importance, embracing as it does the appropriation of hundreds of millions of dollars of public funds, having to do for an entire fiscal year with the management, control, and operation of our Navy, ought to be agreed to without proper consideration. It did not seem to me that I had made an unreasonable request when I asked that the report be printed and that the Senate might not be required to vote upon it without having it printed. However, the Senator from Maine made a motion to proceed with the consideration of the conference report, and the Senate decided to do it.

I believe, Mr. President, since I have been a Member of this body and of the House of Representatives I have never yet made objection to any Member resorting to any course that the law and the rules of the body gave him the right to follow, and I have never felt piqued or hurt or injured because some other Senator or Representatives pursued that course. It is a right that he has, in which he must be protected; that is the object of law; that is the object of rules. So, realizing as I did and as I do, that the Senator from Maine had done nothing that was in any way a violation of the rules, I concede that he had a perfect right to take the course he took; but, Mr. President, when one resorts to technicalities that are afforded him by the law, he must not complain if other Senators or other Members of a body pursue the same course, and I intended to resort to the same right that the rules give to me to see that the conference report was properly debated. As a matter of fact, I did not have anything to do. All I had to do was to watch the proceedings; other Senators did my work for me more fully and completely than I could have done it.

Upon an examination of the report, Mr. President, so far as I am concerned, I find no fault with it, and it took me less than half an hour of time this morning to satisfy myself as to what the report really was. So that if the consideration of the report has been delayed a day, as it has, the Senator from Maine has himself to blame for it, for not acceding to what I believed to be a reasonable request under the circumstances.

I want to repeat that in no sense am I criticizing the Senator from Maine. I concede he did what he had a right to, and I did nothing but what I think I had a right to do. However, we are confronted now with the fact that one day later the conference report is still before the Senate. So far as I am concerned, I have no objection to the adoption of the conference report.

THE AMERICAN FLAG

Mr. HEFLIN. Mr. President, I send to the clerk's desk a resolution which I ask to have read and then I ask that it may lie upon the table.

The VICE PRESIDENT. The Chair will state to the Senator that the question now is on agreeing to the conference report.

Mr. HEFLIN. That is what I want to discuss at this time.

The VICE PRESIDENT. The clerk will read, as requested.

The Chief Clerk read the resolution (S. Res. 343), as follows:

(By Mr. HEFLIN)

Whereas the United States flag is the symbol of our national sovereignty and is the emblem of both civil and religious liberty, and as such is entitled to occupy the first and uppermost place on its own staff or hoist: Therefore be it

*Resolved*, That it is the sense of the Senate that the Secretary of the Navy be, and he is hereby, requested to formulate such rules and regulations as will prevent the flying of any emblem or pennant on the same staff or hoist above the United States flag on any battleship or other vessel in the naval service of the United States.

Mr. HEFLIN. I ask that the resolution may lie on the table.

The VICE PRESIDENT. The resolution will lie on the table.

Mr. HEFLIN. I now ask the clerk to read the letters which I send to the desk in my time.

Mr. ODDIE. Mr. President, will the Senator from Alabama yield to me for a moment?

Mr. HEFLIN. Not just now.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The Chief Clerk read as follows:

DEAR SENATOR HEFLIN: I, too, believe that no other flag should fly above the Stars and Stripes.

Yours truly,

GEO. FREDERICKSEN,
*341 New York Avenue, Union City, N. J.*

And my friends, Joe Sachs and his mother, 20 Cook Street, Jersey City, N. J.

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75 WOODLAND AVENUE, *Glen Ridge, N. J.*

To the Hon. Senator HEFLIN:

We desire to express our appreciation of your activities with respect to the use of our flag on war vessels, and we earnestly hope that you will continue your courageous and patriotic efforts. Certainly there is only one proper position for the Stars and Stripes in all public places, and that is on a staff by itself, and at the highest point above all flags and pennants. Let any other flags or pennants be placed on entirely separate staffs and at a point lower than the Stars and Stripes. We hold up your hands and trust you will persevere to a triumphant outcome of this question.

FLORA V. ANGELL.
JOB F. ANGELL.

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CEDAR RAPIDS, IOWA, *February 16, 1929.*

Hon. J. THOMAS HEFLIN,
*Washington, D. C.*

DEAR SIR: Please accept my sincere congratulations and best wishes for your consistent and courageous stand for our country and its best traditions against the alien power that is constantly seeking to break down free government in America.

I hope that you will be accorded the appreciation you deserve and that more of the people's representatives follow your lead in trying to preserve America for the Americans.

It is certainly fine to see that there are still a few American statesmen who, regardless of foreign influences, can still work for our best interests in the face of the obstacles we ourselves have built up catering to a bogus tolerance.

More power to you, Senator, and may the American public wake up while there is still time.

With my sincere good wishes and appreciation of your efforts, I am

Respectfully,

J. W. SMILEY,
*515 Merchants National Bank Bldg., Cedar Rapids, Iowa.*

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HILLCREST, N. Y., *February 16, 1929.*

DEAR SENATOR HEFLIN: I would certainly like to go on record as being very much against any kind of a flag or pennant going above our own American flag at any time or place.

Just heard Mr. Ford over Station WHAP read the speech you made to the Senators the other day on your amendment * * *.

It is surely too bad that in America you have to get up and plead with American Senators to fly their own flag first. We need more Senators like you, real Americans, who are not afraid to say what they think.

Sincerely hoping you get another chance to put your amendment through and that our American flag will be the only flag flying at the top of its staff on all American ships.

Respectfully yours,

M. RANNER,
*Hillcrest, Spring Valley, N. Y.*

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ADAMSVILLE CIVIC ASSOCIATION,
*Adamsville, Ala., February 20, 1929.*

Hon. J. THOMAS HEFLIN,
*Washington, D. C.*

DEAR SIR: Hello, stormy petrel, keep it up. I don't want to see any flag or banner hoisted above the Stars and Stripes, and in fact don't want to see them on same staff * * *.

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Yours truly,

M. W. SCOTT.

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9715 WALTHAM STREET,
*Jamaica, Long Island, N. Y.*

Senator HEFLIN,
*United States Senate, Washington, D. C.*

DEAR SENATOR: I feel I should congratulate you on your stand on the flag question. Glad that we have one man in our Senate who is not afraid to uphold the best interests of the American people. The flag is the standard, the supreme emblem of our Nation, representing all that is good and pure in thought and deed, and it should never be placed second in any position for any purpose, sect, or creed.

Very truly yours,

A. DAVISON SHAW.

WEST ORANGE, N. J., *February 17, 1929.*

DEAR SENATOR: In regards to our flag, please use your influence to have it on a staff of its own and do not allow any other flag above it on any of our ships. If there is to be a flag to denote there is a service, let it fly somewhere else. It is wrong to put anything above the Stars and Stripes.

Let us know the votes for and against, and we can vote accordingly when they come up again for reelection.

Respectfully yours,

Mr. and Mrs. F. KOZI,
*71 Whittlesey Avenue, West Orange, N. J.*

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302 FARLEY BUILDING,
*Birmingham, Ala., February 9, 1929.*

Hon. J. THOMAS HEFLIN,
*United States Senate, Washington, D. C.*

DEAR SENATOR: I certainly agree with you that "no emblem, flag, or pennant shall be hoisted above the flag of the United States."

I further believe that every red-blooded American indorses your stand on this subject.

I hope that you will introduce a bill of similar nature and continue the fight. * * *

You are opening the eyes of sleeping American citizens to the dangers that confront us.

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* * * If I can be of service to you, please call on me.

Sincerely,

FLETCHER LORD.

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TUCKERTON, N. J., *February 18, 1929.*

Hon. J. THOMAS HEFLIN,
*Washington, D. C.*

DEAR SENATOR HEFLIN: After reading your speech on the flag in the CONGRESSIONAL RECORD, as a red-blooded American I could not help writing and telling you how I admire you for the stand you are taking to uphold the rights of the flag that we love so well. You are absolutely right and you have many millions of good Americans with you. Keep up the good fight, do not falter for a moment, and victory will be yours in the end. I thank God for your life and hope that in His wise providence He will permit you to live many more years and that the good people of Alabama will return you to the United States Senate as long as you are able to serve. Good luck and may God bless you.

Sincerely yours,

S. S. ANDERSON,
*110 Clay Street.*

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INDIAN SPRINGS, IND., *February 19, 1929.*

Senator THOMAS HEFLIN,
*Washington, D. C.*

DEAR SIR: I want to express my thanks to you for the courageous fight for the rights of the American flag. It is men like you that live forever in the hearts of the people. It is to be regretted that other men with equal opportunity do not display the statesmanship, patriotism, and Americanism that you do.

Sincerely,

E. M. HUFF.

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INDEPENDENCE, W. VA., *February 19, 1929.*

Hon. J. THOMAS HEFLIN,
*United States Senate, Washington, D. C.*

DEAR SIR: I have read with great interest of your fight to keep dear Old Glory on the top of the pole, and can say that I am mighty proud to know that there is one man who is not afraid to say what he thinks when our American rights and interests are at stake.

Let me congratulate you on the noble and patriotic stand that you have taken, and may God give you health and power to keep this constantly before the people.

* * * * * * *

What has recently happened in Italy and Mexico should wake us up and put all true Americans on guard.

Sincerely yours,

E. H. SHAY.

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AUXIER, KY., *February 16, 1929.*

Hon. TOM HEFLIN,
*Member United States Senate, Washington, D. C.*

MY DEAR SENATOR: I heartily agree with you in your opposition to putting any flag above the most outstanding emblem of our Nation or of any other nation in the world.

I speak the voice of one of the most powerful fraternal institutions in America whose principles are founded upon the most patriotic American ideals.

* * * * * * *

We are entertaining the hope that the enlightened people of the States hereafter will send men to the Senate who will uphold the free institutions of the United States.

Very truly yours,

W. N. STRATTON.

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FIRST BAPTIST CHURCH,
*Mansfield, Ark., February 11, 1929.*

Hon. J. THOMAS HEFLIN, M. C.,
*Washington, D. C.*

MY DEAR SENATOR: I have been reading with interest in the CONGRESSIONAL RECORD your noble stand in defense of Old Glory. * * *

I have been thankful to God many times for your stand in the recent presidential campaign. I think our winning was due largely to such men as Straton, Cannon, and yourself.

May I say in closing that I am for you in your defense of our American principles. I am sorry that we do not have more men that have courage and conviction enough to be real Americans.

Hoping that your next bill in regards to the American flag goes over in a great way.

Yours sincerely,

C. L. MILLS.

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GRANITE CITY, ILL., *February 19, 1929.*

Senator J. THOMAS HEFLIN.

MY DEAR SENATOR: I thank God for a Senator like you, who will tell certain people where to head in. It was you who saved us from war with Mexico.

Please send me your speech in regard to preventing the flying of the church pennant above the American flag.

Yours truly,

J. E. BARNFIELD, M. D.

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GUTHRIE, OKLA., *February 8, 1929.*

Senator HEFLIN.

DEAR SIR: Am sorry to see that your flag amendment was voted down. I'm a Republican, but I hope I can have the honor of voting for you for President of the United States.

Yours respectfully,

F. V. HAMMERSLY.

Mr. HEFLIN. Mr. President, these are but samples of hundreds and even thousands of letters that I am receiving upon this subject. I wanted to have them read into the RECORD this morning in order that Senators here may know how the people back home feel upon this very important question.

I have a letter that seems to have been misplaced from an ex-service man, who said that he and others would fight and give their lives, if necessary, to put our flag back upon its staff from which an enemy had taken it, and he resents the action of United States Senators who voted to pull it down from its rightful place on its own staff in order to fly some other banner or pennant above it.

One of the letters read there deplores the fact that a Senator is obliged to get up here and plead with American Senators to fly their own flag first. The chief chaplain of the Navy wrote a letter here a few days ago which was read to this body in which he admitted that the pennant now used above our flag had never been adopted by any American religious group as a church pennant; and I assert to-day that no Protestant group of Christians and no Jewish group has ever indorsed this pennant that is now being used in the United States Navy, a Latin cross, as a pennant to fly above the Stars and Stripes.

As I said before, the chief chaplain admits that Great Britain does not lower the British flag when a church pennant is used at religious services on a man-of-war. The pennant is flown by the side of the British flag or below it. So we have a custom here, it seems, of flying a pennant called a church pennant; and if my Protestant friends do not know, they probably will learn that when one of our Roman Catholic friends refers to "the" church, he refers simply to the Catholic Church, and no other church. With them there is no other "church." The others are religious societies; and when they say "the church pennant," they mean that church.

Mr. President, it is rather shocking and somewhat discouraging, although I am pretty hard to discourage, to see a group of Senators vote twice to continue the practice of flying a cross, a foreign pennant, above our flag. The chief chaplain has told you plainly that it never has been adopted by any religious group in America as a church pennant. He has told you that sometimes they hold service on our ships without flying it at all.

I have suggested that we are willing to fly the pennant somewhere else on the battleship. By doing that you can continue to use a pennant when religious services are being held. Then I ask again why are you not willing to do that and let the

United States flag continue to fly on its own staff in its own right? Senators, what is going to be your final answer.

I have brought to the attention of the Senate the fact that the national flag conference approves this plan of flying the pennant somewhere else. It protests against flying a pennant or any other flag above the United States flag.

I have brought to the attention of the Senate, and shall do so again, the fact that the American Legion, brave boys, who took that flag to the battle fields of France and offered to give their lives under its sacred folds in the war with Germany, have approved this plan of flying the pennant at another place on our ships. They protest against flying any pennant or banner above the United States flag. Do you respect their wishes?

I have brought to the attention of the Senate the fact that the United States Flag Code Commission have a provision in the code they have submitted to the American people in which they say that "no flag or pennant should fly above the United States flag."

I have brought to the attention of the Senate, to both Democrats and Republicans, the fact that 126 patriotic societies, fraternal and otherwise, have indorsed the proposition of flying the pennant at another place on our ships and ceasing to fly it or any other flag above the United States flag.

Mr. President, this debate about the flag is being read as perhaps no other debate has been read in a long time because of what has recently occurred in Italy, the Pope becoming a temporal sovereign, a crowned king. Our people are having their eyes opened. They are thinking more seriously about this subject than they have hitherto. They know the secretive and insidious efforts that were made by Mussolini and the Fascists to bring about the undoing and downfall of Italy. They have followed, step by step, the betrayal of the Italian people by this bastard tyrant of Italy. They have seen this man Mussolini, Mr. President, kill off the great Protestant leaders of Italy. They have seen him strike down the Masonic order established by Garibaldi, the great Italian patriot of other days. They have seen free press destroyed, free speech destroyed, the right of peaceful assembly and religious freedom destroyed in Italy, when those in power denied all the time that that is what they were doing.

Now, what is the situation in Italy with regard to Protestants and Masons. The Knights of Columbus are permitted to have their fraternal orders here in the United States, but the Masonic order is not permitted to operate in Italy. The Masonic order is one of the very greatest American fraternal orders. When the Mexican Government does something that Catholic priests do not want done, this Knights of Columbus group in the United States urges us to go to war with Mexico; but when they kill Freemasonry in Italy, when they deprive the Protestant churches and the Jewish churches of Italy of the right to worship as they choose, which they have done, they seem to think that it is all right and is none of our business.

Now, let me say something to you Senators that I want every one of you to hear.

A Senator said to me the other day that while talking to a leader of the Catholic group he said: "The greatest mistake that has been made by the Catholics in recent years was when the Pope permitted himself to be made a king, a temporal ruler." This Catholic leader to whom he was talking said: "You don't understand, Senator. The Pope can not afford to be under any government. He has to be at the head of his own government. Nothing must be above the Pope. He represents the universal church." The Senator then said: "If that is true, then the Baptists, Methodists, and other religious groups can not afford to be under the authority of any government. The Catholic leader replied: "Oh, that is different. They are religious societies and divided groups, but the Pope represents the universal church." Then the Senator said: "That is a matter about which there is a difference of opinion." I am satisfied many of you did not know that situation existed here. But it does.

What has been announced in the concordat agreed on between Mussolini and the Pope? The Protestant Church in Italy can not, it dare not, go out and solicit or even invite people to join that church. I am giving you the facts, Senators. The Jewish Church of Italy is precisely in the same condition and is not allowed to carry on its propaganda—that is what it means, getting others to join, to increase its number. That is forbidden now.

Senators, this recent move in Italy is the most dangerous step toward destroying religious liberty that has been witnessed in the world in a hundred years. Think of one group of religionists taking charge of a country and saying to all other religious groups—those whose forbears worshiped as they are now worshiping, who died and have gone to their reward, that "You can no longer carry on your religious activities as you have done in the past. You can meet in your churches, those of you who are already members"—that is precisely what it means—"and you can go through your form of service until you die, but when you die, your church must go out of business. You can not carry on your church propaganda to get in new members and build up your church."

I challenge anybody here to deny that. That is what you have in Italy to-day under the agreement entered into by Mussolini and the Pope of Rome. Little by little and bit by bit they have crucified civil and religious liberty in Italy. Free government has perished there.

Now we come to the United States, and I have told you two or three times about how American citizens in Rhode Island have been treated by Roman Catholic authorities in Italy. I do not think it will hurt to remind you again, because you need to be reminded in view of the way some of you have been voting on the flying of the cross above the American flag. By the way, hundreds of my letters are asking me to send the writers the record showing how you voted on the roll call. They want to know how you voted, and they say they will vote too next year. They want to be informed as to your position on the matter of flying the American flag first on its own staff.

I told Senators before that there is no division here in the Senate amongst the Catholic Members on the matter of flying this cross above our flag. Every one of them, without a single exception, votes to continue to fly the cross above our flag, and they carry Protestant Senators along with them, strange, strange indeed, to say.

They know what it means. They are bound to know that when a foreign vessel passes one of our vessels on the high seas and they see the cross flying above our flag what it means to them. So it is certain, I think, that back yonder somewhere somebody put something over on our Navy and ordered the "cross" to fly above our flag. They know what it means when they see it flying above Old Glory at sea, and when you come forward and say, "We want to change that custom," they rise up in solid phalanx here and vote to continue the custom.

Why do they do that? If there were not some significance to it to Catholics, do you not know they would say, "We do not care. Fly the pennant, any sort of a pennant you want, anywhere else on the ship." Why is it that they are fighting to continue this particular custom of flying the cross above the United States flag? These are questions that you must consider. You may not want to consider them here, but you are going to consider them at home amongst the people who sent you here.

Let me tell you what is going on here. That group is writing letters to you thanking you for continuing that custom and saying that you are not "intolerant." They are writing letters to me and to those who voted as I voted to break up this indefensible custom. They are taking me and the Senators who voted as I voted to task, and they are praising those of you who voted to continue the custom of flying the cross above our flag.

Mr. President, I know a Member in one of these bodies who was defeated at the last election because of his secret subserviency to the Roman Catholic political influence in the United States. I have had brought to my attention a number of instances where a question like this arises—perhaps a Senator or a Member of the House would be besieged by some priest or somebody else on that side—and they are keenly alert to anything that interferes with their political program in the United States.

I know of a Senator to whom a group of them went and told that if he did not vote to expel me from the Senate, they would vote against him for reelection. Talk about intolerance! There it is in its most hideous form—Roman Catholics demanding that I be expelled because I did not want to go to war with Mexico for the Catholic Church. Just a few days ago the Senator from Connecticut [Mr. BINGHAM] suggested that these matters ought not to be discussed here, that he was getting tired of it.

Think of that! They have scared out and driven out nearly all the courage there is left in the public men of our country. If the American people do not wake up and make themselves felt you may well tremble for the safety of our country. We ought to discuss the Catholic question here, just as we discuss the Democratic or the Republican question, or the Methodist or the Baptist question. Any question that affects the welfare of this country ought to be discussed here, and people should not rise up and become so sensitive because we get up and talk plainly about great issues in America.

I should think that we have an issue here that needs attention when Catholics seek as they did here and ask to have me

expelled from this body because they did not like what I said. They wrote the Senator from Arkansas [Mr. ROBINSON] demanding that he should have a caucus and read me out of the Democratic Party. A Roman Catholic from Massachusetts wrote the governor of my State and asked him to call the legislature together to remove me from office. O Mr. President, but when we get up and talk about Roman Catholic dangers in the United States and give the facts, we are "intolerant."

Not long ago I was down at the station in this city boarding a train, and the conductor, whom I had seen frequently, although I did not know his name, was speaking to a young man standing there. He came into the train and said, "Did you see that tall young man talking to me there just before the train started"? I said, "I saw a tall boy there with you." The conductor said, "He asked me who you were, and I told him. He said, 'I am glad to see him. I like him. I am a Catholic, but I like him. I think he is telling a lot of truth, things that we ought to know. But my mother does not like him. She is a Catholic. She could kill him.'"

When I was speaking in Iowa last summer I reached Des Moines, and a young man by the name of McGuire phoned up and said he was a newspaper man and wanted to see me. I told him to come up. He came in and said, "Senator HEFLIN, I am a Catholic. I want you to know it. I want to interview you." I said, "That is all right. It does not make any difference to me what you are just so you are a good American. Sit down." He sat down. He said, "I want to ask you some questions. I am a graduate and I have always regarded the Pope only as the spiritual leader. Have you any specific instances that cause you to think to the contrary?"

I said, "Yes. On September 10, 1924, the Pope issued a statement in Rome published in the United States and published especially in Boston newspapers, from which I clipped it, in which he said that it was not only his right but his duty to advise Catholics how to vote." He seemed surprised. I said, "That is taking a good deal of authority, is it not?" He said, "It certainly is." I said, "The idea of the Pope living over in Rome undertaking to tell Catholics how to vote in the United States looks to me like an interference with our civic affairs and meddling with this Republic, and it is a dangerous practice." He said he thought so too.

I said, "There is another one, the Rhode Island incident where Catholics rebelled against the bishop and the priest who collected several hundred thousand dollars from them did not use it for the purpose for which they collected it. They went into a State court to make the priest give an accounting and while the court was proceeding with the case, a continuance being had, the bishop and the priest took the case to Rome and tried it before the college of cardinals, condemned these American citizens in Rhode Island, and the decree ordered that the newspaper belonging to one of those citizens should cease to be published, a newspaper run by an American citizen of the Catholic faith.

"The decree ordered Catholics to stop supporting his paper and excommunicated those people and condemned them in their absence—American citizens. That was done in a foreign country by a foreign potentate. Do you agree with me that that was wrong?" He said, "I do."

Mr. President, we have got to appeal to the young Catholics of America. They do not know the trouble that is awaiting them unless they wake up and inform themselves and face about. The priests must be made to know that they can not control America. We are not going to permit the Pope to have and control America. This is the American Government, a Government of the people, by the people, and for the people, not a government by the Pope and for the Pope, and it never will be such a government.

Mr. President, the Pope claims that he is above all authority on this earth, and Catholics hold that the will of the Pope is the supreme law of the world and they hold that the supreme duty of all Catholics is to do the will of the Pope. Then, if the Pope wills that the church is above the government and he is the ruler of the world, what are we to do and say in the Government of the United States when a case like the one in Rhode Island comes before us? Does it mean anything to have your flag pulled down and the Roman cross flown above it when religious services are being held by Protestants on a ship? Does it mean anything to lower Old Glory and run the cross above it when religious services are being held by Jews upon a ship? Does it mean anything to lower that flag which represents our sovereignty, the thing by which we are recognized in the family of nations, the thing that is the emblem of both civil and religious liberty? Does it mean anything to pull it down and put another banner or pennant above it? It means much to millions of patriotic Americans.

Later on I am going to ask you to pass my resolution, which simply provides that the United States flag shall be permitted to fly in its own right on its own staff on American battleships.

Let me say before I take my seat, if Senators will not vote to change the custom, men will come here in your places who will vote to keep our flag flying first and uppermost on its own staff.

NAVAL APPROPRIATIONS—CONFERENCE REPORT

The Senate resumed the consideration of the conference report on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16714) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1930, and for other purposes.

Mr. JONES. Mr. President, the Senate voted an amendment on the naval appropriation bill providing for the extension of the dry dock at Bremerton, Wash. This was recommended by the Budget Bureau and strongly recommended by the Navy Department. It is felt to be absolutely essential for the care of the Navy. While I do not profess to be an expert in matters of that kind it seems to me under the conditions that the amendment should have been agreed to. As I understand it, there is no Government dock in the Pacific that can dock the two airplane carriers which are on the Pacific. There is a private dock in which they can be docked, but if any substantial repairs are to be made on a vessel there are not the facilities connected with the private dock, as I understand it, that can make such repairs. So that our Navy, so far as the necessity of these ships is concerned, might be in a very unfortunate condition.

In addition to caring for those two vessels, however, I think the extension of dry dock No. 2 is necessary from other standpoints. If the dry dock should be extended a little bit farther, then when there is a congestion of vessels needing repairs two vessels could be put into the dry dock at once and the necessary work done upon them. It seems to me that it is very unfortunate that the extension is not provided for.

I know that as a general rule conferees are not permitted to disclose what takes place in conference, but I would like a brief statement from the chairman of the Senate conferees as to the main reasons why the amendment should not have been agreed to, and whether there is any likelihood of a different conclusion in regard to it hereafter.

Mr. HALE. Mr. President, I can only say to the Senator, without revealing what went on in conference, that the Senate conferees were very strong in their insistence upon the amendment, and we tried in every way possible to have it agreed to, but we could do nothing with the House conferees. I propose to do everything I can to see that the dry dock is extended so that we shall have at least one Government-owned dock on the Pacific coast that will take care of our largest ships.

Mr. JONES. The Senator, as a member of the Committee on Naval Affairs, has given a great deal of study to matters of this kind and I take it he appreciates the importance of the addition.

Mr. HALE. I appreciate fully the importance of the matter and I do not intend to have it dropped now permanently, but I can state that at the present time we were unable to do anything because we could not prevail on the House conferees.

Mr. JONES. I am not disposed to unduly delay the conference report. I feel very much like doing it, but I appreciate the situation of the conferees and the situation that confronts us in case the bill should fail, and I so feel regretfully that we have to accept the final decision of the conferees.

Mr. DILL. Mr. President, I want to say that I agree with everything my colleague has said and that I do not understand the reasoning by which the conferees would eliminate an amendment providing such a badly needed addition for naval purposes as this $400,000 appropriation would have provided.

Mr. HALE. I can only say to the Senator that the Senate conferees were as strong as they could be for the amendment, but we could not allow the bill to fail and we could not get the House conferees to yield.

Mr. DILL. Is there any provision in the bill for a similar construction of any kind of dock for naval purposes on the Pacific coast?

Mr. HALE. No; there is not.

Mr. DILL. While I have the Senator's attention may I ask what happened to the amendment providing an increase in wages for the technical employees, in which amendment the Senator from Virginia [Mr. GLASS] is also interested?

Mr. GLASS. Mr. President, I had risen to ask the same question.

Mr. HALE. That item was stricken out. We made a fight to have it retained, but we could not get the House conferees to agree.

Mr. DILL. I think that is as serious, if not more serious, than the other grievance.

Mr. HALE. The Senator knows that in a conference neither the Senate nor the House can have its way completely. We yielded on certain things and the House yielded on certain things.

Mr. GLASS. Mr. President, we find that is very true, but the trouble is that we also find that the Senate always yields. Some of us are getting rather tired of the practice.

Mr. HALE. Oh, no; the Senate does not always yield.

Mr. GLASS. Here was a proposition to make an almost inappreciable readjustment of a very great difference in the pay received in the bureau here in Washington by draftsmen and the pay received by draftsmen in navy yards. I say it was almost inappreciable. It was such a small readjustment that I felt almost ashamed to ask for so little. But now the Senate conferees have surrendered again to the House. Some of us are getting tired of the process. I would like to inquire of the Senator if this is a complete conference report?

Mr. HALE. This is a complete conference report except as to certain items on which the conferees agreed and which under the rules of the House have to be voted on there under a separate vote.

Mr. GLASS. I suppose whatever the House does will be the final action. This body apparently no longer counts in legislation.

The PRESIDING OFFICER. The question is on the adoption of the conference report.

Mr. DILL. Mr. President, I believe that the Senate conferees have been too ready to yield on the dry dock amendment and the draftsmen's pay amendment. I do not for my own part see any justification for the attitude of the other branch of the legislative body in refusing to allow these technical men to have at least some increase compared to what they are entitled to when their pay is compared with that of men in the service here in Washington.

Mr. HALE. I may say without violating any confidence that we tried to do that, but we could not get any agreement at all on the part of the House conferees. In order to reach an agreement we had to yield.

Mr. DILL. It seems to me the other House might as well begin to realize its responsibility and that the Senate conferees might well impress upon them that they must necessarily yield on some things. In a matter that is so just as the appropriation which has been stricken out it seems to me the Senate conferees could have held out on that item at least.

Mr. HALE. We left the matter with the understanding on the part of the conferees that if there is an inequity in the pay which these men receive, the subject should be looked into very carefully next year and corrected.

Mr. DILL. I do not see how there can be any question of the lack of equity; I do not see how there could be any doubt about it on the part of anybody.

Mr. HALE. I agree with the Senator from Washington, and that is the reason why I was in favor of the amendment and reported it.

Mr. DILL. The Senator's amendment did not give them equity, but it did give some small relief and recognized an inequality to exist. I do not want to be put in the attitude of holding up a great appropriation bill over a matter of this kind, but I really think that the only way that some of these questions can be satisfactorily adjusted will be for some of us to take the position that these bills can not pass unless these inequalities are removed. I do not want, in the closing days of the session, to take that attitude, but I feel that the Senate conferees have been altogether too ready to yield on a matter that is so vital to these employees.

Mr. HALE. No, Mr. President; we were very far from being ready to yield. We simply yielded because we had to do so.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from Washington?

Mr. HALE. I yield.

Mr. JONES. I wish to say that I agree with my colleague, the junior Senator from Washington [Mr. DILL] with reference to the other amendment, and I think that we ought to insist when this bill again comes in that action be taken with reference to both those amendments. The next time the bill goes to conference containing these provisions I hope the conferees will take a firm position, especially with reference to the claim as to pay of the draftsmen, which I think was demonstrated very clearly before our committee to be very deserving and very just. I think the time is coming when the Senate may take a firm stand with reference to these matters, so that the responsibility will rest at least as much upon the House of Representatives as upon the Senate for the failure to pass a bill of this character. If the House of Representatives is ready to assume the responsibility of defeating an appropriation bill because of certain amendments which the Senate, after very careful study and consideration, has added to it, let the House take that responsibility.

Mr. GLASS. Mr. President, the Senator from Washington will recall that the difference in salary between these two classes of Government employees aggregated nearly $800,000, and we compromised the controversy by accepting a pitiful $150,000.

Mr. JONES. With the hope, however, that the balance would be taken care of in a year or two.

Mr. GLASS. We propose by progressive steps gradually to reduce the disparity.

Mr. JONES. That is correct.

Mr. GLASS. The Senate amendment involves simply an expenditure of $150,000, whereas it would have required $800,000 properly to adjust the difference.

Mr. JONES. The Senator from Virginia is entirely correct.

Mr. NORRIS. Mr. President, I believe that it ought to be stated here in defense of the conferees on the part of the Senate that they were confronted with an insurmountable barrier, and I want to come to the defense of the conferees. I agree with the Senator from Washington and the Senator from Virginia that this is a very important matter and that the amendment proposed by the Senate ought to be incorporated in the law.

We are confronted with the condition of having provided for airplane carriers without a dry dock on the Pacific coast where they may be repaired. It might mean the difference between success and failure in a time of war.

However, Senators will remember that our conferees were confronted with the fact that on the 4th day of March next this Congress will be dead; it will have adjourned. This is a "lame-duck" Congress, and we have not been able to get an amendment to the Constitution to eradicate that evil. The House of Representatives is responsible and has been for six years for that failure. We are confronted every two years with this condition. This is only another illustration of the illogical position in which the country as well as the Congress is placed every two years. We shall never recover from this, Senators, until some of these bills are allowed to die, and Senators quit surrendering and let the responsibility fall upon those who are responsible for the failure of the "lame-duck" amendment to the Constitution of the United States.

Mr. BLAINE. Mr. President, I should like to make some inquiries concerning the possible and probable result of the conference report on this bill. As I understand, the Senate conferees have yielded to the House conferees on the provision with regard to dry docks on the western coast. I understand that those dry docks, without the extension proposed by the Senate, will not accommodate the larger vessels, especially the airplane carriers. I also understand that those dry docks are a part of navy yards owned by the Government of the United States on the western coast. If I am mistaken in my conclusions, I hope the Senator from Maine will correct me.

Mr. HALE. Mr. President, the dry dock on Puget Sound is at the navy yard at Bremerton.

Mr. BLAINE. And it is not sufficiently commodious to accommodate the larger vessels?

Mr. HALE. It is large enough to accommodate any of the vessels of the fleet with the exception of the two new aircraft carriers, the *Lexington* and the *Saratoga*.

Mr. BLAINE. But neither one of those dry docks will accommodate two cruisers at the same time?

Mr. HALE. I do not think they will accommodate two cruisers.

Mr. BLAINE. Or two ships?

Mr. HALE. It was figured that with the proposed extension, this dry dock would accommodate one battleship and two destroyers.

Mr. BLAINE. That is my information.

I also understand that the question of whether or not every alternate cruiser is to be constructed in Government navy yards has not as yet been settled by the conferees.

Mr. HALE. Mr. President, the amendment which the Senate adopted, the so-called labor amendment, has been agreed to by the House conferees, but under the rules of the House a separate vote has to be taken on it by that body.

Mr. BLAINE. But the so-called Dallinger amendment has not been agreed to or that part of the Dallinger amendment that affects this appropriation bill?

Mr. HALE. The conferees have agreed as to every amendment that was added in the Senate. The conferees have accepted the amendment.

Mr. BLAINE. The House conferees?

Mr. HALE. The conferees on the part of the House have accepted the Senate amendment as to that.

Mr. BLAINE. Do I understand that when this report goes back to conference that a movement is on foot to eliminate the Dallinger amendment or the requirements of the Dallinger amendment as inserted in the bill authorizing naval construction?

Mr. HALE. No; the Senate amendment specifically provides—

*Provided*, That nothing herein shall be construed as altering or repealing the proviso contained in section 1 of the act to authorize the construction of certain naval vessels approved February 13, 1929, which provides that the first and each succeeding alternate cruiser upon which work is undertaken, together with the main engines, armor, and armament shall be constructed or manufactured in the Government navy yards, naval gun factories, naval ordnance plants, or arsenals of the United States except such material or parts as are not customarily manufactured in such Government plants.

The conferees have agreed to the Senate provision.

Mr. BLAINE. The House conferees have agreed to that provision?

Mr. HALE. They have.

Mr. BLAINE. Then what is the specific disagreement with reference——

Mr. HALE. There is no disagreement but the amendment has to be voted on in the House under the rules of that body.

Mr. BLAINE. I have not finished my question. What is the specific disagreement with respect to the provision concerning wages of those employed in the navy yards?

Mr. HALE. There was another amendment that was added on the floor of the Senate providing $154,000 for increasing the pay of draftsmen. That was a separate amendment and had nothing to do with the labor provision. The amendment in regard to the draftsmen was not agreed to.

Mr. BLAINE. I understand this is only a partial report.

Mr. HALE. No; it is a full report.

Mr. BLAINE. It is a full report subject to the action of the House on four amendments which under the House rules require a separate vote?

Mr. HALE. Yes; subject to the action of the House.

Mr. BLAINE. I understand.

Mr. HALE. But it is a complete agreement on the part of the conferees.

Mr. BLAINE. Should the House action be adverse then will the Senate conferees——

Mr. HALE. Then, the bill will go back for a further conference.

Mr. BLAINE. Will the Senate conferees strenuously refuse to recede from the position of the Senate?

Mr. HALE. On what?

Mr. BLAINE. On the question in dispute on which the House has to vote.

Mr. HALE. I can not tell until that question comes up. I do not think there is much chance of that.

Mr. NORRIS. Mr. President, if I understand the parliamentary situation——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Nebraska?

Mr. BLAINE. I yield.

Mr. NORRIS. As I understand the parliamentary situation, if this conference report shall be agreed to everything in dispute is settled except amendment No. 17.

Mr. HALE. No; there were four amendments that have to go to the House.

Mr. NORRIS. Yes; but the amendment which the Senator from Wisconsin is talking about is included in the conference report and if the conference report is agreed to that question is settled.

Mr. HALE. If the Senator is referring to the appropriation for draftsmen, that is settled in this conference report.

Mr. BLAINE. That is settled.

Mr. HALE. Yes.

Mr. BLAINE. I had no desire to retard the progress of this conference report. My only object in making these inquiries was to be certain of that which we are going into when this conference report is adopted, if it is adopted.

THE RADIO COMMISSION

Mr. DILL. Mr. President, I desire to make a statement, not directly on this subject, which will take about five minutes.

On Monday last I made some remarks about the District Court of Appeals and its attitude toward the Government side of the radio case, and said at that time that I thought the court's action was indefensible. I still believe that. In fact, I think the court's action constitutes reversible error; but I desire now to say a word about the decision.

The District Court of Appeals in this case applied the rule of common sense in furnishing radio service to the people of this country, as against the theories of radio engineers, when it overruled the Radio Commission in the WGY case on Monday. This decision lays down two vital principles of radio jurisprudence: First, that no station has any property or vested right to the air; second, that the Radio Commission's regulations and rulings must be reasonable and in the public interest.

The decision wisely points out that the slight interference for radio listeners at long distances from WGY in Schenectady and KGO in Oakland is not to be compared to the loss of radio service in the suburbs by listeners among the 2,000,000 people who live within a reasonable listening distance of WGY.

Radio engineers maintain that there must be only one station on the air for each channel. They argue that the interference area is such that the people could not hear either WGY in Schenectady or KGO in Oakland; yet, owing to the injunction granted by the court, those two stations have been operating simultaneously, and the members of the Radio Commission tell me that there has not been a single complaint of interference. This fact in itself is a most complete answer to engineers who claimed these two stations could not operate at the same time and give efficient radio service.

If radio channels were unlimited in number, it would be all right to follow the theories of the radio engineers; but the fact is that there are only about 85 or 90 free channels for radio, and there are several hundred stations on the air and other stations are asking for licenses, and communities are asking for service. The commission undoubtedly can serve the public interest much more fully and satisfactorily by keeping down the power of radio stations and giving more stations and more communities the right to have local radio service. I hope the commission will profit by the order of the court.

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

Mr. DILL. In just a moment.

When we passed the radio law we feared that the commission might become so engrossed in theories and engineering arguments that they would forget the public interest, and that their rulings might sometimes be unreasonable and arbitrary, and for that reason we gave the District Court of Appeals the power it has exercised in the hope that it would protect the public interest just as it has done in this case. So, from that standpoint, I think that the District Court of Appeals has served a real need in the radio situation. I think the court should be commended for applying the rule of common sense and calling the commission back to the purpose of the radio law—namely, to give as many people as possible efficient radio service, regardless of these engineering theories that do not work in practice.

Now I yield to the Senator from New York.

Mr. COPELAND. Mr. President, I am much interested in the statement made by the Senator from Washington. To my mind, this decision is very helpful to the radio cause. In the first place, it makes it clear, as the Senator from Washington has stated, that these stations do not have vested rights. That is very clear from this language:

The construction of plaintiff's plant and its operation under the license obtained prior to the act of February 23, 1927, did not create property rights which may be asserted against the regulatory power of the United States if that power is properly restricted.

This language was quoted from the United States district court, and appears to be accepted by the court in its decision.

To my mind, that is a very important, far-reaching decision and makes it clear that Congress had the right to take charge of the air. I hope that part of the decision will be confirmed. Of course, there is a further point in the decision, which, to my mind, indicates very clearly that it is a mistake for the same body which administers the law to pass upon its acts.

I have the feeling that this decision indicates, as is stated in the decision, that the commission failed to recognize the importance of the public convenience, interest, or necessity. In my judgment, if the commission had been a purely appellate body, as the law contemplated it should be after its first year, it would have been more watchful of that particular condition. It would not have been swayed by the engineering problems which were dealt with in the administrative acts of the commission. Of course, when the matter was finally brought from the commission acting as an administrative body to the commission acting as a judicial body, it naturally confirmed the acts that it had done as an administrative body.

So this decision, in my judgment, fully justifies the opinion that many of us have, that there should be an absolute separation of the two functions of radio control, so as to have the administrative control worked out by the engineers of the commission, and then to have these larger things having to do with the public convenience, interest, or necessity, and all legal rights acted upon through appeal to the commission acting as an appellate body.

Mr. DILL. I want to say to the Senator, in reply to that, that the trouble is that under the law, until the commission has laid down the principles of allocation fully, the duties of the Department of Commerce are not administrative; they are legislative and judicial. The work of the commission has been largely legislative and judicial, and until these decisions are made there is no administrative work as such to be compared with the legislative and judicial work; and if this function goes back to the Department of Commerce now, then the decision such as was reversed in this case will be made in the first instance by the Department of Commerce, when these decisions should be made in the first instance by some such body as the Radio Commission.

Mr. COPELAND. Mr. President, if the Senator will permit me further——

Mr. DILL. I have finished.

Mr. COPELAND. Mr. Hoover pointed out very clearly in his testimony that it is necessary to have an administrative body deal with these things which are purely technical, and then that the judicial body should determine on appeal what should be done further in the matter.

I observe that the Senator from Maine [Mr. HALE] is somewhat restless. Does he want to go on with his conference report now?

Mr. HALE. I hope to get a vote on it.

Mr. COPELAND. I shall be very glad to have that done.

ADDRESS BY DR. FRANKLIN FORD

Mr. HEFLIN. Mr. President, I ask leave to have printed in the RECORD an address delivered by Mr. Franklin Ford, of New York, on Washington's Birthday.

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

THE ANNIVERSARY OF GEORGE WASHINGTON

To-night we honor the memory of the greatest American, George Washington, the founder of the American Nation. His life and his character offer so much for comment and for eulogy that we can not adequately cover it all to-night. We may picture him as a boy who could not tell a lie; we may see him as a youth, daring to mount and ride the unbroken horse belonging to his father, and succeeding; we may see him as a young surveyor in his native province of Virginia, but to-night we will present an aspect of George Washington which is not usually to be found, namely, his record as a Protestant.

George Washington was an ardent Freemason, and in his young manhood was grand master of Alexandria Lodge, of Alexandria, Va. He was thoroughly taught in the principles of Freemasonry, and accordingly believed in freedom of speech, the free press, liberal democratic forms of government, and universal, free education, which is to-day embodied in our public-school system. Of the Masonic craft, Washington said: "Freemasonry is a fraternity whose liberal principles are founded upon the immutable laws of truth and justice, and whose grand obligation is to promote the happiness of the human race."

Washington was a man of broad culture and had a thorough knowledge of history. He studied the political institutions of the Old World and recognized that the European system, based upon the fictitious "divine right" of the monarch to rule over subjects, was the great opponent of the rising idea of young America, which was government by the people through popular suffrage. As a Freemason, he was well aware that the chief of all "divine-right" systems was the Roman Catholic organization, headed by the triple crowned Pope; also that the Vatican was a bitter enemy of Freemasonry. As we know, various Popes have condemned this patriotic order. For example, Pope Leo XIII in his encyclical letter against Freemasons dated April 20, 1884, makes the objection to the craft that Masons believe in the separation of Church and State. This is expressed in his words, which I quote from page 90 of his Great Encyclical Letters, as issued by Benziger Bros., under the imprimatur or approval of Cardinal Farley:

"In those matters which regard religion let it be seen how the sect of the Freemasons acts, especially where it is more free to act without restraint, and then let anyone judge whether in fact it does not wish to carry out the policy of the Naturalists. By a long and persevering labor, they endeavor to bring about this result—namely, that the office and authority of the [Roman Catholic] Church may become of no account in the civil State; and for this same reason they declare to the people and contend that [Roman Catholic] Church and State ought to be altogether disunited. By this means they reject from the laws and from the commonwealth the wholesome influence of the Catholic religion; and they consequently imagine that States ought to be constituted without any regard for the laws and precepts of the [Roman Catholic] Church."

Pope Leo XIII further condemns Masonry because the order believes that all men are free and equal, that no one has a divine right to rule over them without their consent, and that government should be by the consent of the governed. On this point, hear these reactionary expressions of the so-called Vicar of Christ, Pope Leo XIII, from page 96 of his volume of letters, from the same encyclical condemning Freemasonry:

"Then come their doctrines of politics, in which the Naturalists lay down that all men have the same right, and are in every respect of equal and like condition; that each one is naturally free; that no one has the right to command another; that it is an act of violence to require men to obey any authority other than that which is obtained from themselves. According to this, therefore, all things belong to the free people; power is held by the command or permission of the people, so that, when the popular will changes, rulers may lawfully be deposed; and the source of all rights and civil duties is either in the multitude or in the governing authority when this is constituted according to the latest doctrines. It is held also that the State should be without God; that in the various forms of religion there is no reason why one should have precedence of another; and that they are all to occupy the same place.

"That these doctrines are equally acceptable to the Freemasons, and that they would wish to constitute States according to this example and model, is too well known to require proof."

George Washington, as a Master Mason, was well aware of the traditional attitude of the Papacy in condemnation of Masonic principles, for the Popes of his time condemned Freemasonry, as Leo XIII did a century later, and he understood that the Roman Catholic organization, with its political allies on various thrones in Europe, was an enemy of American principles of freedom, liberty, and separation of Church and State. His devotion to Freemasonry persisted throughout his entire life, and when he laid the cornerstone of the Capitol he did so in Masonic regalia and with Masonic rites, thus dedicating this country to liberty and free government, in contrast with the papal system of rule by so-called divine right. The oath of office, as our first President, was administered to Washington by Chancellor Livingston here in New York, April 30, 1789, on a Bible borrowed from the Masonic Lodge of St. John. This Bible, I believe, is still preserved to-day by the Masons.

George Washington is on record regarding the Roman Catholic question, as I shall now relate, so that these statements are not matters of mere opinion but of historic fact.

King George III of England, to whom the united English colonies of America attributed the oppressions of which they complained in the Declaration of Independence, was born in the home of a Roman Catholic, the Duke of Norfolk, and educated by another Romanist, the Earl of Bute. When he ascended the British throne, the Earl of Bute was his chief counselor and minister. The administration which precipitated the Revolutionary War was controlled by Roman Catholics. During the entire struggle, the heads of the British War Department, Viscount Barrington and Mr. Charles Jenkinson, were Roman Catholics. The tyrannical spirit of the administration of George III was a result of this reactionary Roman Catholic cabinet.

In the spring of 1774, this Romish administration in England procured the passage of an act establishing the Roman Catholic Church in the Province of Quebec. This act occasioned consternation and great resentment in the American Colonies. George Washington, Samuel Adams, Patrick Henry, Alexander Hamilton, and other colonial leaders, roundly condemned the Quebec act as a menace to the liberty of the American Colonies, and protested against the ascendency of the Roman Catholic Earl of Bute as minister of George III.

The First Continental Congress met at Philadelphia on October 24, 1774, and shortly afterwards in an address to the people of Great Britain, which is now one of our historic State papers, declared:

"At the conclusion of the late war [1763] * * * which was succeeded by an inglorious peace, formed under the auspices of a minister of principles, and of a family unfriendly to the Protestant cause, and inimical to liberty—we say at this period, and under the influence of that man, a plan for enslaving your fellow subjects in America was concerted and has ever since been pertinaciously carrying into execution." (Journal of First Continental Congress, p. 40.)

Speaking of the Quebec act, the First Continental Congress passed the following resolution:

"*Resolved*, That the following acts of Parliament are infringements and violations of the rights of the colonists, and that the repeal of them is necessary, in order to restore harmony between Great Britain and the American Colonies, viz: * * * the act passed in the last session of Parliament establishing the Roman Catholic religion in the Province of Quebec, abolishing the equitable system of English laws, and erecting a tyranny there to the great danger from the total dissimilarity of religion, law, and government, of the neighboring British colonies, by the assistance of whose blood and treasure the said country was conquered from France." (Declaration of Rights, by the First Continental Congress, p. 31 of Journal.)

Bear in mind that George Washington was the leading spirit in these declarations of the First Continental Congress condemning Romanism in Quebec. The address to the people of Great Britain of 1774 was personally signed by George Washington, as well as the other members of that great body of American patriots. The address strongly condemned the establishment of the Roman Catholic Church in Quebec, in the following language, which I quote verbatim from this great State paper, which is available to any student in the Public Library:

"Now mark the ministerial plan for enslaving us:

"Well aware that such hardy attempts to take our property from us, to deprive us of that valuable right of trial by jury, to seize our ports, to destroy our charters, and change our forms of government, would occasion, and had occasioned great discontent in the Colonies, which might produce opposition to these measures, an act was passed to protect, indemnify, and screen from punishment, such as might be guilty even of murder, in endeavoring to carry their oppressive edicts into execution; and by another act the Dominion of Canada is to be so extended, modeled, and governed, as that by being disunited from us, detached from our interests, by civil as well as religious prejudices—that by their numbers daily swelling by Catholic emigrants from Europe, and by their devotion to administration so friendly to their religion, they might become formidable to us; and on occasion be fit instruments in the hands of power, to reduce the ancient, free Protestant Colonies to the same state of slavery with themselves.

"This was evidently the object of the act, and in this view, being extremely dangerous to our liberty and quiet, we can not forbear complaining of it as hostile to British America. Superadded to these considerations, we can not help deploring the unhappy condition to which it has reduced the many English settlers, who, encouraged by the royal proclamation, promising the enjoyment of all their rights, have purchased estates in that country. They are now the subjects of an arbitrary government, deprived of trial by jury, and when imprisoned can not claim the benefit of the habeas corpus act, that great bulwark and palladium of English liberty. Nor can we suppress our astonishment that a British Parliament should ever consent to establish in that country a religion that has deluged your island with blood, and dispersed impiety, bigotry, persecution, murder, and rebellion through every part of the world."

George Washington, therefore, was clear in his mind on the question of Roman Catholicism as an enemy of political liberty, as were the other Members of the Continental Congress. Alexander Hamilton, his chief adviser and our first Secretary of the Treasury, likewise condemned the establishment of Romanism in Quebec, and in a public letter to the people of New York, issued in 1775, he expressed his apprehension in the following words, describing the future condition of Quebec under the Government of Roman Catholic priestcraft. Note that his protest against Roman Catholic immigration is virtually the same as has been voiced by other patriots from colonial days to the present. The following are Hamilton's words:

"The nature of its [Quebec's] civil government will herewith put a stop to emigration from other parts of the British dominions thither, and from all other free countries. The preeminent advantages secured to the Roman Catholic religion will discourage all Protestant settlers, of whatever nation; and on these accounts the Province will be settled and inhabited by none but Papists. If lenity and moderation are observed in administering the laws, the natural advantages of this fertile infant country, united to the indulgence given to their religion, will attract droves of emigrants from all the Roman Catholic States in Europe, and our Colonies (to the south and east of Canada) in time will find themselves encompassed with innumerable hosts of neighbors disaffected to them, both because of difference in religion and government [who] will be the voluntary instrument of ambition, and will be ready at all times to second the oppressive designs of the administration against the other parts of the empire." (The Thirteen Colonies. Hamilton's Works, vol. 1, pp. 186–187.)

The oppressions of the Romanist administration of Great Britain continued, and the Revolutionary War broke out in 1776, with George Washington as Commander in Chief of the American Army. Washington's genius as a military tactician carried the day against forces superior in number, equipment, and training. This period of his history presents him in heroic colors. Whether we see him on his horse leading the dangerous charge at the Battle of Princeton, rallying his scattered forces to victory amid a rain of British bullets, or whether we see him kneeling in the snow at Valley Forge praying to God for support in a righteous cause, his nobility of character, strength of purpose, and gifts of unselfish leadership stand forth in clear light.

An historic incident of the Revolutionary period is little known. This was the effort to poison Washington, planned by a treacherous group, through the hand of one Thomas Hickey, reported to be a Roman Catholic of Irish extraction. Indeed, the number of Roman Catholics in the British Army prosecuting war against the United Colonies was large. The war was unpopular among a large section of the British people, and to carry on the struggle the administration was compelled to pass a law enabling Roman Catholics to serve in the army. Before that time papists had been prevented by law from serving in the British Army, because of suspicion as to their allegiance to the government, in contrast to their allegiance to the Vatican. Gen. Charles Lee, of Washington's staff, has testified that the ministerial troops in America were "composed of the scum of the Irish Catholics." Those are his own words.

Attempts upon the lives of American Presidents have been numerous, and Roman Catholic responsibility therefor, in a number of instances, is well known. The attempt upon Washington's life is known to very few. The facts are related in the official magazine of the Daughters of the American Revolution for January, 1918, in an article written by Augusta Huiell Seaman. Her article is of great historic interest, and so I quote it as follows:

"In June of 1776 General Washington arrived in New York, after the successful campaign that had resulted in the British evacuating Boston and sailing for Halifax. The Commander in Chief at first selected the Kennedy House, No. 1 Broadway, as his headquarters. But summers in the city, then even as now, were at best hot and trying periods. Washington soon removed to Richmond Hill, and there established himself with his military family, among whom was young Aaron Burr.

"What arrangements he may have made with Madame Mortier [the chatelaine of the Richmond Hill estate] are not known. She may have offered him the hospitality of her home, which is highly unlikely, being, no doubt, a staunch Tory. Or, more probably, she may have removed in high dudgeon to the congenial company of Tory relatives and friends, leaving her home at his mercy. Whichever may have been the case, there is no doubt that ample compensation was made her for the use of her domicile. Washington was punctilious in such matters.

"While in residence at Richmond Hill, his excellency was fated to be the center of a singular plot, and had one of his narrowest escapes from death.

"It seems that Tory Governor Tryon, having found it convenient for obvious reasons to take up his abode on the British man-of-war *Asia*, lying in the harbor, decided on a scheme that would simultaneously soothe his ruffled feelings and deal a smashing blow to the new-fledged Continental Army. It was a well-laid plot, wherein at a duly selected moment the Tories were to break down Kings Bridge, blow up the magazines, spike the guns, and massacre every American field officer. The chief item of this little surprise party, however, was that Washington should be killed or delivered over alive to the enemy. Governor Tryon even managed to corrupt one of Washington's own life guards, a man named Thomas Hickey.

"The scheme was cleverly worked out and bade fair to be a success. But, as usual, there was a woman in the case. Thomas Hickey was not above being susceptible to feminine charm, especially when that charm was embodied in the person of pretty Phoebe Fraunces! She was the daughter of the well-known Sam Fraunces of tavern fame, always a loyal admirer of Washington. When the general came to take up his headquarters at Richmond Hill, Sam at once proffered his daughter's services as housekeeper, an offer that was no doubt gladly accepted. Thus it was that Hickey found ample opportunity to carry on a flirtation with Miss Fraunces. So infatuated did he become at length that he committed the indiscretion of confiding to her the conspiracy and beseeching her assistance.

"It is altogether probable that Miss Phoebe had no particular admiration for Thomas—how, indeed, could she?—and her loyalty to Washington was almost a religion. But, shocked and disgusted as she must have been, she was astute enough to feign an absorption in Hickey's interests that completely hoodwinked her lover. She even went so far as to mix with her own hand the poison in the green peas and serve them to His Excellency on the fateful day of the plot's culmination.

"But she had previously sought and obtained a long interview with the General, and it is needless to say that the peas remained uneaten. Hickey and 20 others were arrested. The traitorous life guardsman was court-martialed and sentenced to pay the full penalty of his treachery. He was hung in Rutger's Square, with the full approval of Washington, and with a gaping audience of 20,000 to witness his end."

Here ends the quotation from Mrs. Seaman's account in the Daughters of the American Revolution magazine, and thus we see how a quick-witted and loyal American girl, Phoebe Fraunces, saved the life of General Washington from the cowardly and treacherous poison plot of Thomas Hickey. Fraunces's Tavern still stands in lower New York City, as a museum and patriotic shrine.

Washington's greatness is further illuminated by his steadfast refusal to yield one iota from democratic principles. After the Revolution had ceased, on October 17, 1781, with the surrender of Lord Cornwallis at Yorktown, a group of reactionaries conceived the idea of destroying the democratic movement for government by the people, and endeavored to establish our Government as a monarchy, with George Washington as the king. The conspirators drew up a long letter dealing with the financial troubles of the country, the defective political organization which had hampered the conduct of the Revolutionary War, expressed disapproval of the democratic idea, and ended with the suggestion of an American crown. Washington received this extraordinary letter when he was encamped at Newburgh-on-the-Hudson. He sat at his table

when he had recovered from the shock and wrote the following letter. In all his correspondence, there is nothing more direct, strong, or more cold:

NEWBURGH, *22 May, 1782.*

SIR: With a mixture of great surprise and astonishment, I have read with attention the sentiments you have submitted to my perusal. Be assured, sir, no occurrence in the course of the war has given me more painful sensations than your information of there being such ideas existing in the Army, as you have expressed, and as I must view with abhorrence and reprehend with severity. For the present the communication of them will rest in my own bosom, unless some further agitation of the matter shall make a disclosure necessary.

I am much at a loss to conceive what part of my conduct could have given encouragement to an address which to me seems big with the greatest mischiefs that can befall my country. If I am not deceived in the knowledge of myself, you could not have found a person to whom your schemes are more disagreeable. At the same time, in justice to my own feelings, I must add that no man possesses a more sincere wish to see ample justice done to the Army than I do; and, as far as my powers and influence, in a constitutional way, extend, they shall be employed to the utmost to effect it, should there be any occasion. Let me conjure you, then, if you have any regard for your country, concern for yourself or posterity, or respect for me, to banish these thoughts from your mind and never communicate, as from yourself or anyone else, a sentiment of the like nature.

I am, sir, your most obedient servant,

GEORGE WASHINGTON.

Such was George Washington's repudiation of the suggestion that any citizen of America be subject to a crowned head. Yet there are still to-day, in the democratic United States, people supporting and bowing down to a triple-crowned head, who surrounds himself with all the mummery and flummery of human royalty and extends the pontifical toe to be humbly kissed by his subjects.

From his clear vision of the inevitable conflict between American democracy and Romanized European autocracy in government, Washington saw that the United States must therefore beware of European entanglements. Such institutions as the League of Nations and the World Court would have been anathema to the spirit of the Father of his Country. In his great Farewell Address, he warns us in these words:

"Europe has a set of primary interests which to us have none, or a very remote relation; why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice? * * * Against the insidious wiles of foreign influence, the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government."

Thus, we honor to-night the memory of a great man, a great patriot, a great military genius, a great democrat, a great President, a great Freemason, and lastly, a great Protestant.

In closing, we reverently speak again the tribute paid to George Washington by that humble backwoodsman but great servant of liberty, justice, and honor, Abraham Lincoln, who said:

"Washington is the mightiest name on earth—long since mightiest in the cause of civil liberty; still mightiest in the moral reformation. On that name a eulogy is expected. It can not be. To add brightness to the sun or glory to the name of Washington is alike impossible. Let none attempt it. In solemn awe pronounce the name, and in its naked, deathless splendor, leave it shining on."

AMERICAN COTTON VERSUS EAST INDIAN JUTE

Mr. RANSDELL. Mr. President, I ask unanimous consent that excerpts from statements before the Ways and Means Committee of the House of Representatives made by Representatives COX and JONES, Mr. McCampbell, and myself as to the desirability of substituting American-grown cotton for jute may be inserted in the RECORD.

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

AMERICAN COTTON VERSUS EAST INDIAN JUTE

[Excerpts from the remarks of Hon. JOSEPH E. RANSDELL, of Louisiana, before the Ways and Means Committee of the House of Representatives of the United States, February 4, 1929, together with excerpts from the testimony of Members of Congress and others as to the desirability of substituting American-grown cotton for jute; and a comparison of the wages, standards of living, and other factors in British India and the United States]

Senator RANSDELL. I do not think I overstate the fact in saying that the crisis now confronting the American cotton industry is the most serious in all its history, and that if we can loosen the strangle hold by which its East Indian competitor is slowly choking it to death, a greater service will be rendered the small American cotton farmer, now barely able to coax a hard living from the soil, than anything that has happened since Eli Whitney invented the cotton gin. Our present situation results from the policy we have pursued in the past of admitting jute and its products free of import duties, or practically free; and it has brought the American cotton farmer, as well as the American cotton manufacturer, to a point where that policy must be changed or they will inevitably perish. Under the proposed amendment to the jute schedule, which I have introduced, entries under the free list, as now provided for, would be eliminated, and in lieu thereof a duty of 3 cents a pound would be levied on "waste bagging and waste sugar-sack cloth; jute and jute butts, not dressed or manufactured in any manner and not specially provided for."

ANALYSIS OF RANSDELL AMENDMENT

Under the policy pursued in the past this material has entered free, under the mistaken idea that the cotton farmer could thereby secure a cheaper covering for his crop. As a result millions of pounds have been imported annually to fabricate cotton bagging, and the practical effect has been to leave unused other millions of pounds of domestic low-grade cotton that should have been utilized for this purpose.

The latest complete data dealing with these imports covers the entries for the calendar year 1927 and was prepared by the Tariff Commission. It shows the quantity, the value, the duty collected, and the actual or equivalent ad valorem rate of duty under each of the paragraphs dealing with jute. This table shows that during the calendar year 1927 we admitted free 207,009,600 pounds of "waste bagging, sugar-sack cloth, jute, and jute butts not dressed or manufactured," the equivalent of 414,000 bales of 500 pounds, and the appraised value was given at $12,154,074. The Tariff Commission table for the same calendar year shows that we imported some 2,900,000 pounds of jute sliver, yarn and roving, twist twine, and cordage, valued at $351,556.

This is one of the least important paragraphs dealing with jute duties, and I only refer to it now to explain the amendment that I have suggested. The changes in rates, as proposed by my amendments, on these manufactured products, are in harmony with the proposed removal of jute and jute butts from the free list. These jute imports are very largely the output of the cheap agricultural labor in India, which receives even less wages than the labor in the Indian jute mills. This especially applies to cordage which is provided for under this paragraph. In a report on the jute industry of India made by the Department of Commerce while Mr. Hoover was Secretary, and published in Commerce Reports for August 15, 1927, the statement is made that "labor is so cheap in the jute sections of India that no attempt has been made to introduce labor-saving devices, most farming being carried on with teams of bullocks and wooden plows. * * * Hand spinning of jute twine is still carried on as a cottage industry throughout the jute-growing districts."

It is with paragraph 1008, however, that we are principally concerned. Again using the data furnished by the Tariff Commission for the year 1927, we find that the jute fabrics entered, consisting mostly of burlaps, amounted to 568,707,735 pounds, the equivalent of 1,113,000 bales of 500 pounds, valued at $67,236,554; and this represented goods which could easily have been substituted by cotton grown and fabricated in America. In this paragraph I have suggested striking out the words "1 cent a pound" and substituting in lieu thereof "10 cents," which is not an abnormal figure if the cotton farmer who produces his crop under American standards of living and wages, and the American mill worker are to be placed on terms of equality with their Indian competitors.

With reference to bags, bagging, and gunny cloth, there were imported under paragraph 1019 during the year we have been considering 111,307,946 square yards, and there is hardly anyone who would have the hardihood to deny that if cotton could have been substituted it would have been more desirable in every respect. The bags or sacks, bagging, and gunny cloth brought in under paragraph 1018 on which a duty of 1 cent a pound was paid, plus a small ad valorem duty ranging from 10 to 15 per cent, amounted to 37,845,815 pounds, or over 75,000 bales of 500 pounds. Unfortunately the 111,307,496 square yards of these fabrics entered under paragraph 1019 have not been reduced to pounds. It would amount to a very considerable and unwholesome increase of the total equivalent in bales, of this pauper-grown substitute for cotton, with which we have been flooding the American market.

These, in substance, are the amendments I have offered to the jute paragraphs of the existing tariff law. They are based on the enormous wide spread in the standard of living and the costs of production here and in India, and wherever possible I have made use of statistics and other data whose accuracy can not be successfully challenged. We are fortunate, in this instance, to have the official reports of both the British Government and our own, for these data collected in the ordinary course of governmental routine and published annually by the Governments are free from all bias or ex parte influences, and should enable Congress to enact a tariff schedule that will be fair to all conflicting American interests.

INDIAN AGRICULTURE MORE PROFITABLE THAN AMERICAN

For the purpose of the first comparison I will use data supplied by the United States Department of Agriculture on the one hand and by the Secretary of State for India on the other. In order to avoid any unfairness I have selected the decade preceding the World War. During

that period the British pound sterling was not debased, nor was the American dollar abnormally inflated. Labor and trade conditions in both America and India were likewise normal, and it will thus be seen that we have a fair basis for comparison. My purpose is to show that the American farmer, with his higher standard of living, greater efficiency, and higher cost of production, is hopelessly outclassed by his East Indian rival, whose return per acre from jute is double that of the American cotton farmer. Last Friday, January 25, I received a letter from Mr. Nils A. Olsen, Chief of the Bureau of Agricultural Economics, in response to a request for data, in which he shows that the average value per acre returned by the American cotton farm during the decade 1904 to 1913, both inclusive, and based on the New Orleans price of cotton, was $21.69 for lint cotton. As against the average yield of $21.69 per acre on the American cotton farm I now propose to show that the Indian ryot enjoys an average return of $41.76 from an acre of jute. Those figures are obtained from the Indian Trade Inquiry-Reports on Jute and Silk, and published under the auspices of the Imperial Institute of London in 1921.

On page 3 of that report is a table showing the market value of produce per acre for rice, wheat, cotton, and jute in India. These figures are given for the 10-year period, 1904–1913, both inclusive, as in the case of the data furnished by our own Department of Agriculture. The results in the British document are published in both Indian and English measures, the Indian maunds being translated into English tons; and the wholesale price is given in Indian rupees and English pounds, shillings, and pence. In translating this English money into our own I have figured the English pound at $4.87, the shilling at 24 cents, and the pence at 2 cents, which was its value during the period in question.

By referring to this table it will be seen that the average return to the East Indian ryot from an acre of land during the period covered was as follows: Rice, $17.69; wheat, $10.16; cotton, $8.07; and jute, $41.76. In other words, the average return per acre to the American cotton farmer during the period under consideration for his lint cotton was $21.59 as compared with an acre return for jute in India of $41.76, or a difference in favor of the East Indian of approximately 93 per cent. Small wonder that the British in their official reports speak of their Indian jute industry as a world monopoly that should be fostered.

In making the above comparison it is fair to say to that the ryot and his family cultivate and harvest about 2½ acres of jute, which, at $41.76 per acre, gives an annual return of $104.40, whereas the upland cotton farmer with the aid of his family cultivates and harvests an average of about 12 acres of cotton, which at $21.89 gives an annual value for the crop of $262.68.

Wages in the cotton fields range from $1.25 to $2 for men, and 75 cents to $1 for women, per day. In addition thereto fairly comfortable houses with garden spots, water, fuel, etc., are furnished them free of cost. A pair of mules with a driver can be hired at from $2.50 to $3 per day. In India on the other hand in the jute fields the man is paid 16 cents per day, the woman is paid nothing, except that she is permitted to carry home for fuel the refuse bark and cores of the plants from which she strips the jute. A pair of bullocks and a man to drive them costs 48 cents per day. It thus appears that the wage of the agricultural male laborers in India is about one-seventh to one-tenth of that of the males of the cotton fields of America and it is impossible to make a comparison between the female cotton laborers in this country who receive a modest wage and the women of India who receive no money. A fair question is, How can the American cotton farmer, whose wages are eight times as great as those of the Indian jute farmer, compete with him, if his commodity is permitted to come into this country free of duty, and how can the American factory worker, whose wages are from nine to ten times as great as those of the jute factory worker in India compete with him if his commodities are permitted to enter America free of duty? The question suggests its own answer. It is impossible to compete under such circumstances, and the only way to save our American farmers and American factory laborers from this unfair pauper competition is to impose proper rates of duty on the raw material and the manufactured products.

SLEDDING COTTON CREATES NEW COMPETITION

So much for the rivalry which the American cotton farmer has been compelled to meet from British India. But that is by no means the only competition he must endure. Almost overnight, or, to be strictly accurate, since this committee drafted the existing tariff law six years ago, he has been confronted with a new and unexpected Frankenstein created within our own borders, which threatens his destruction unless an outlet is provided for the new product. I refer to the system of "sledding cotton" which has transformed millions of acres formerly devoted to grazing cattle in the far West into cotton fields, with a resulting supply, especially of low grades, which are produced at a price with which the farmers in the old Cotton Belt can not hope to compete.

I have stated that much of the sledded cotton is of low grade, but all of it is not of that character. A vast amount of it meets every requirement of the United States cotton standards act, and I for one believe the practice of sledding is not only here to stay, but that the greatest expansion of the American cotton crop in the future will be on those vast western plains which were formerly devoted to grazing cattle or sheep. That part of their cotton crop known as bollies and snaps, which does not meet the standard of spinnable cotton tenderable on contract, is a growing problem in the trade, and many of the best minds who have given thought to the subject are of the opinion that this material furnished a substitute for the enormous supplies of jute that are now brought in annually from British India. While sledding has greatly increased the annual output of American cotton, that growth has been inconsiderable when compared with the enormous expansion of the Indian jute crop. In discussing this phase of the question the Textile World, in its issue of February 2, 1926, page 1380, had this to say:

"To appreciate the growth of the (jute) trade, a glance at the statistics of the crop for the last 50 years will be interesting:

"In 1874 the crop (jute) yielded 1,500,000 bales; in 1884, 3,500,000 bales; in 1894, 5,500,000 bales; in 1904, 7,500,000 bales; and in 1914, 9,500,000 bales.

"In other words, the crop has increased about 2,000,000 bales every decade."

HOW AMERICAN AND INDIAN WAGES COMPARE

The inequalities in the cost of production are even more glaring on the manufacturing than on the agricultural side of the picture. This especially applies to the pittance paid in the jute mills of India as compared with the wages paid in our own mills for the same class of labor.

I have received from the United States Department of Labor a letter giving some statistics on this subject and have also compiled the latest available data from the official records of the Indian government, and I would like to call the attention of the committee to these comparative wages furnished by the United States Department of Labor for the same class of work performed in the Indian mills and our own. The Indian figures are taken from "Prices and Wages in India" (1923, p. 220), and the American figures are taken from the Monthly Labor Review, issued by the United States Department of Labor, and will be found at page 91 of the issue of October, 1928.

The only instance where it is impossible to give the comparative wages paid in the two countries is in the case of "shifters" or child employees, whose average wages, as will be seen by the table, amount to 63 cents per week.

Here is the table:

| Occupation | India weekly rates | United States currency | United States Bureau of Labor Statistics, October, 1928 |
|---|---|---|---|
| | *Rupees* | | |
| Carding | 2.9 | $0.83 | $17.42 |
| Rovers | 5.75 | 1.65 | 15.35 |
| Spinners | 5 | 1.43 | 31.75 |
| Shifters (children) | 2.2 | .63 | |
| Winders | 6.3 | 1.69 | 15.10 |
| Beamers | 7.6 | 2.15 | 26.13 |
| Weavers | 9.2 | 2.64 | 21.07 |

These figures, in fine, tell the whole industrial story. They explain how the British may well boast of a monopoly of the jute industry; they make clear why American corporations have been dismantling manufacturing plants in this country and transferring their activities to the banks of the Ganges; and, finally, they put the finger on the sore spot of the American textile problem, for while our own mills have been idle and hunger and want have been stalking through the American textile centers, the Indian mills have been enjoying an era of almost unparalleled prosperity. To quote from the issue of the Textile World of February 20, 1926, already cited:

"The growth of the trade in India has been very rapid. There are now over 50,000 looms running in Calcutta, using between five and six million bales of jute annually. Nothing shows the growth so well as the comparison in shipments of the years 1892 and 1924 to this country and Canada: 1892, 40,000,000 yards; 1924, 1,250,000,000 yards; or over 3,100 per cent increase.

"The trade has been very profitable, remarkably so during the last 10 years, as the following figures show:

"Enormous dividends of Indian mills: Of 51 mills that publish their reports, 43 paid over 50 per cent on the average for the last 10 years. Of these, 22 averaged over 75 per cent; 9 over 100 per cent; 3 over 125 per cent; 1 over 175 per cent."

Mr. Leavelle McCampbell says on page 29 of his Rising Tide of Jute: "If every pound of jute bagging, burlap, and bags (I presume he means twine also) were translated into cotton, there would be consumed annually 1,573,000 bales. It should be remembered, however, that burlap substitutes for cotton cloth are substantially heavier in weight and that acquiring this entire market is not possible. A fair statement would be approximately a million bales. At the present rate of production this would mean 3,000,000 additional acres planted in cotton."

Any student of cotton economics will readily admit that the creation of a market for an additional million and a half bales will add at least 3 cents a pound to the value of that staple.

It is imperative to find additional uses for cotton instead of allowing it to be set aside by jute or anything else. Cotton must reach out for new and additional uses, otherwise the price will fall below the cost of production. There is strong reason to believe that the yield of cotton will increase rapidly as soon as mechanical devices for harvesting it are developed. Engineering talent of the finest quality is striving hard to overcome this difficulty and place the harvesting of cotton somewhat on the same basis as other products of the farm which are handled by machinery. Heretofore cotton has been gathered almost entirely by human fingers, but it is thought that mechanical devices have already been developed which will answer these purposes and greatly reduce the cost of production. If such prove true, many additional acres will be planted, with much increased yields of cotton, and the price of the commodity will be greatly reduced. Above all things we must stop the flow of American capital and American skill to India where the movement has already seriously started to use its jute and its pauper labor as a substitute for our cotton and our domestic labor. We fully recognize that jute is an important and valuable commodity, and is entitled to its place in the sun, but in securing that place it must not push into the shade the greatest textile in the world—cotton.

I have already cited some figures from our Department of Labor, but in order to show the different scales prevailing in New England and the South as compared with British India, I include another quotation from Mr. McCampbell, which will be found on page 13 of the booklet already quoted.

*Average mill wages per week*

| Occupation | Indian, Bengal | American | |
|---|---|---|---|
| | | Southern | New England |
| Carders | $0.94 | $13.20 | $18.10 |
| Spinners | 1.62 | 12.23 | 18.50 |
| Weavers | 2.98 | 18.81 | 22.08 |
| Average | 1.80 | 16.65 | 21.24 |

While fully appreciating that all tariff legislation must originate in the House, in order to focus the attention of the country on this subject I introduced in the Senate two years ago a bill to impose such rates on jute and its manufactures as to place them upon terms of parity with similar commodities in the United States. That bill was reintroduced at the opening of the present Congress; and in a somewhat modified form was again introduced on the 26th of last month. Suffice it to say that under my proposed measure, no jute either in the raw or manufactured state will be permitted to enter free of duty. I have attempted to work out such schedules as will enable the high-priced labor in the cotton fields of our country, who are obliged to live under totally different conditions from those prevalent in India and to maintain a much higher degree of civilization in every way and our skilled mill labor, to complete at least to some extent on terms of equality with the pauper labor of India. We must remember that American cotton is produced largely by the very best classes of our white farmers, descendants of the original stock which settled this country more than a hundred years ago. More than two-thirds of our cotton is cultivated and harvested by these white farmers who are the bone and sinew of our land, and the greater portion of the remaining one-third is produced by negroes, many of whom are first-class citizens, progressive and up to date in every way, who emulate their white neighbors in standards of living.

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[Excerpts from questions by members of the Ways and Means Committee and answers thereto]

Mr. MARTIN. Senator, have you stated what duty you think should be imposed on this article?

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Senator RANSDELL. Yes; I have. I have stated it in my bill, which I will file as an appendix. I have said that the duty on raw jute should be 3 cents a pound and that the duty on burlaps, the manufactured commodities of jute, should be 10 cents per pound instead of the present low rate of about 1 cent, I believe it is now, with a small ad valorem.

Mr. MARTIN. Senator, do you think that cotton bagging is equal in value to jute bagging?

Senator RANSDELL. I am satisfied that cotton bagging is better than jute. We have a large mill in my State at Shreveport, which is manufacturing cotton bagging. I have examined it there. I examined it when we had it here. The Agriculture Department has tested it, and, gentlemen, there is no doubt that the strength of the cotton is greater than that of jute; there is no doubt that the durability of cotton is greater than that of jute. It answers every purpose better than jute, and with a reasonable duty on jute it would certainly compete favorably with jute.

Mr. COLLIER. Senator, you live right across the river from me and I know that you have been associated with the cotton business all your life. We are both trying to do all we can to help the farmers of this country. I was unfortunate in not getting here in time to hear your opening remarks, which I shall read in the record. What did you have to say in reference to the tariff on cotton bagging itself? Have you given a rate for cotton bagging?

Senator RANSDELL. About the same rate practically on cotton bagging that I put on raw jute.

Mr. COLLIER. Because of your great experience in the cotton country—I think that like most of us you are a cotton farmer yourself?

Senator RANSDELL. I am a cotton farmer.

Mr. COLLIER. I should like to ask a few questions to clear up some matters in my mind.

I have found from the Tariff Commission's report and other reports that for the last seven years there has been imported an average of 34,375,000 yards of cotton bagging, which weighs, I understand, 2 pounds a yard. That means about 68,000,000 pounds of cotton bagging, which, taking a 500-pound bale, which is our regular bale, would be about 137,500 bales of cotton, in round numbers. What is the weight per yard of cotton bagging?

Senator RANSDELL. It is in the neighborhood of 1 pound per yard.

Mr. COLLIER. A pound per yard. The jute bagging weighs 2 pounds, does it not?

Senator RANSDELL. One and three-quarters to two and a half pounds, but they rarely ever use 2-pound jute bagging now. I used to cover mine with 2½-pound bagging.

Mr. COLLIER. I have been informed by one of the largest sellers of bagging that the average price of this bagging is about 12½ cents a yard, which at 6 yards would cost the southern farmer about 75 cents to wrap a bale. There are 6 yards to the bale. That would be 12 pounds of bagging in that bale which goes into the weight of the bale of cotton. In other words, he would be paying 75 cents for his bagging, and at 20 cents a pound for his cotton he would get back $2.40 from his cotton, whereas if he used the cotton bagging, which weighed just half that much, and paid the same price for it, he would get back only $1.20. Have you investigated that?

Senator RANSDELL. I have investigated it very carefully, and I have a bill pending in the Senate to require the sale of cotton by the net weight. In an ordinary bale of cotton the tare of the steel ties and the cotton ranges about 23 to 24 pounds to the bale. Does any human being imagine, especially a man of your great intelligence, sir, that the mills of this country pay 20 cents a pound for that tare, those rusty ties, and that bagging? Of course, when they buy a bale of cotton weighing 500 pounds they take into consideration the fact that 23 or 24 pounds of it is useless bagging and useless iron ties, and they fix the price accordingly.

How do the European buyers act? They place upon it a tare of 6 per cent, and when that cotton leaves an American port, to go to Europe, 6 per cent on the weight is deducted, and a bale that weighs 500 pounds is paid for at the rate of 470 pounds. They deduct 30 pounds for tare, and our cotton shippers knowing that, in order not to lose the difference between the 24 pounds of bagging and ties, actually placed on the bale and the 30 pounds that the Englishman is going to deduct, add a patch that weighs 6 or 8 pounds.

So, when that bale of cotton reaches Europe, it weighs 30 pounds or more of actual tare. When the cotton comes from India or from Egypt or any of those countries, the custom of the trade abroad is that they sell by net weight and deduct the bagging and ties. That is a fallacy that has been fooling a number of our southern people for a good while and I am trying to correct it. When you buy a keg of nails you get 100 pounds of nails. They do not charge you for the 25 or 30 pounds that the keg weighs.

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Mr. CRISP. Senator, in order for this plan to be effective to protect the cotton farmer and the textile manufacturers, the tariff would have to be sufficiently high to be practically an embargo on the importation of raw jute and burlap, would it not?

Senator RANSDEL. Pretty nearly that, sir.

Mr. CRISP. If that were true, about how many bales of American cotton do you estimate it would take to manufacture the wrappers for cotton bagging and for the grain industry, the wholesale houses, and others that now use bags, some of which are cotton and some burlap?

Senator RANSDELL. For all the purposes for which jute is used—and you omitted one very important item, in my judgment, to wit, twine—for containers of every kind and sort, for every imaginable kind of groceries, for fertilizers, for cement, and for bagging to wrap our cotton, from the best information I have, sir, it would be about 1,500,000 bales of cotton per annum. Of course, everything in the grocery line requires twine to tie things. That is a simple name for it. It takes an enormous quantity of that.

Mr. CRISP. I have heard it estimated at from 1,000,000 to 1,200,000 or 1,300,000 bales.

Senator RANSDELL. There is a difference of opinion. I was just going to add that even though there be some mistake on that, Mr. Crisp, if we could get a market for 1,000,000 bales of our cotton, that would

add 2 or 3 cents a pound to the price, and that would be a wonderfully beneficial thing to the cotton grower, and, I would like to add, would not hurt the ordinary consumer.

Mr. CRISP. That was the next question I was going to ask you. If cotton were spun in this country to meet that requirement, which would, of course, reduce the surplus or carry-over, how much would it increase the price of cotton to the farmer per pound?

Senator RANSDELL. In my judgment a minimum of 3 cents a pound, certainly on all the low grades, Mr. CRISP.

Mr. CRISP. I agree with your figures, that cotton is sold net weight, in effect. While some of the farmers have the opinion that they are making something on account of selling the bagging and ties, I do not agree with that.

Senator RANSDELL. They are just fooled?

Mr. CRISP. The price, of course, is fixed on the net weight. Then, you think that if Congress should pass such a law as you are advocating, the farmer would receive a large benefit by virtue of getting a higher price for his cotton?

Senator RANSDELL. Yes, sir.

Mr. CRISP. And that benefit would overcome any loss or additional burden that he might have to undergo by reason of paying a higher price for bags, wrappers, and so forth.

Senator RANSDELL. Absolutely, Judge CRISP; not only that, but the manufacturers of America who sell to the cotton growers would find a market for many more millions of dollars worth of their products. The great grocery business of the country does not thrive unless agriculture thrives. If agriculture in all that southern region, and in Arizona, New Mexico, and California, is in the slough of despond, do not the manufacturers of every kind of farm machinery suffer? Do not the grocery merchants throughout the land suffer? Does not everyone in America suffer? It makes better business, sir, all around if you can get a reasonable living price for that great product of the farm.

Not only that, sir, but it will give employment to a great many laborers who, if I am correctly informed, are now out of employment in the mill sections of America.

Mr. CRISP. One other question. How much additional cost do you estimate would follow, per bag used by the grain farmers, the users of fertilizer, and so forth, if the bags they used were manufactured out of cotton rather than jute?

Senator RANSDELL. It is so small that I could not pretend to tell you. It would be a very small fraction of the total cost of the bag. I can not tell you that. I have never found anybody else who could, but I know that a great many of the people who use these bags are extremely anxious to get a chance to use cotton bags.

Mr. GARNER. Following up Judge CRISP's question, it would be a fraction of a cent, less than half a cent?

Senator RANSDELL. I think so.

Mr. GARNER. It would be quite difficult to compute it?

Senator RANSDELL. I thank you for the suggestion.

Mr. GARNER. Senator, Mr. CRISP has asked you about an embargo. What you are asking for is the same consideration for the cotton farmer that other industries have under the protective-tariff theory?

Senator RANSDELL. Absolutely; no more and no less.

Mr. GARNER. That is what you are asking for?

Senator RANSDELL. Yes, sir.

Mr. GARNER. If they will give you the same consideration in the protection of the cotton farmer against jute competition that they give the steel industry, with reference to the production and the consumption in this country, where the importations are less than one-tenth of 1 per cent, you would be willing to take that protection, would you not?

Senator RANSDELL. Entirely so.

I want to call your attention to this one thing. Jute is made in India. They also make sugar over there, and rice and cotton over there.

Mr. GARNER. We are considering now the question of jute bagging.

Senator RANSDELL. I was going to say this: There is a protective duty on rice and sugar, and these things that come in competition. Why not give it to us on cotton?

Mr. GARNER. I can see no reason, speaking for myself, if you want me to answer the question.

Senator RANSDELL. I thank you.

Mr. GARNER. There are coming into this country something over $100,000,000 worth of products of jute.

Senator RANSDELL. Fully that much.

Mr. GARNER. $67,000,000, under the particular paragraph you are speaking of.

Senator RANSDELL. Of burlaps.

Mr. GARNER. If Congress should give you the suggested duty for which you ask, or a duty that will cut that down, say, to 1 per cent of the total consumption in this country—and, I repeat, the steel schedule has less than one-tenth of 1 per cent of foreign importations in competition with its schedule—we would be able to produce in this country from half a million to a million and a half bales of cotton to substitute for that article.

Senator RANSDELL. Beyond any question.

Mr. GARNER. That would undoubtedly increase the price received for cotton, and that is the theory you advocate, in order to protect the cotton grower in this country.

Senator RANSDELL. That is absolutely my theory.

Mr. CROWTHER. Senator, with respect to this fabric for which you are making a plea, I want to know how many mills there are making that, and how many people are employed at the present time, and what the yardage is.

Senator RANSDELL. I could not tell you. I do not think, with all due respect, that that matters very much, because the competition from India has been such that our people could not afford to make the cotton bagging and the cotton sacks in competition with the Indian mills, which make the jute sacks and the jute bagging. Let me state this fact: The jute business over there has grown at a rate of production of 2,000,000 bales per decade for the last 50 years, taking it by 10-year periods, beginning in 1874. The mills over there have actually been earning, according to official reports, a yearly earning of from 75 to 135 per cent on their investments. They have been growing rich and powerful and strong all the time. You know that our mills have not been making very much money.

Mr. CROWTHER. Then your plea here is for an infant industry—one that is not really born yet, in fact?

Senator RANSDELL. It is not born yet, as far as the cotton bagging is concerned, and scarcely born, so far as the cotton bags are concerned.

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Mr. DOUGHTON. Senator, in answer to Mr. Garner's statement, I understood you to state that by increasing the duty on jute you would thereby increase the production of cotton in this country to the extent of a million or a million and a half bales.

Senator RANSDELL. No. It would increase the possible uses of cotton that amount; not necessarily production. We have too much of it produced now. That is why we do not get enough for it. We have overproduction now.

Mr. DOUGHTON. That is what I was wondering. If you increased the production in proportion to the increased use——

Senator RANSDELL. I did not mean that, if I said that. I meant it would increase the uses for cotton and furnish a market for the additional amount, if we do make more than we are making now.

Mr. CRISP. Senator, is it not a fact that Ludlow & Co. are the greatest manufacturers of cotton bagging, and so forth, in this country, and they have one or two mills in India where they manufacture jute and bagging in India at Indian wages, and bring it into the United States in competition with the industry in this country?

Senator RANSDELL. They have a wonderful mill on the Hugli River, about 17 miles below the city of Calcutta. I have got pictures of it here. It is a perfectly beautiful place—100 buildings there—railroads, wharves, and docks; everything, sir; and they bring not only jute but they make enormous quantities of burlaps and bring them in in competition.

Mr. GARNER. Also Ludlow & Co. are in very close touch with all compresses and oil mills in this country, are they not?

Senator RANSDELL. I presume so.

Mr. GARNER. I know they are.

Mr. CROWTHER. I would like to ask you if you at any time have used any quantity of this new material on your own cotton? Have you tried it?

Senator RANSDELL. I have not done it, but my neighbors in the city of Shreveport, La., have. It is a wonderful commodity. They tell me it is better than jute. The Agricultural Department shows that it stands up better than the jute bagging. I can furnish you this report.

Mr. CROWTHER. Would you say as a whole that the cotton farmers are trying to develop this industry by patronizing these people?

Senator RANSDELL. Yes, sir; and they would be glad to do it if they had a chance.

Mr. CROWTHER. And they could get it at a price, do you think?

Senator RANSDELL. I think they would get it at a price slightly in advance of the present prices on jute, but they would be in a business which would help to sell their low-grade cotton; help make a market for the low-grade cotton that they sell at a loss now. While they might lose on the one hand they would make on the other.

The CHAIRMAN. We thank you very much for the information you have given the committee.

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[Excerpts from the brief of Leaville McCampbell in behalf of domestic cotton manufacturers who are seeking increased duties on jute products]

I am a cotton manufacturer, and I am here representing other cotton manufacturers. These manufacturers are engaged principally in the production of the coarser grades of cotton cloth, such as ducks, osnaburgs, drillings, and sheetings.

The idea seems to be prevalent that cotton cloth is used for some purposes and jute cloth is used for other purposes and that there is little competition between them. This is not the case. There are a great variety of uses in which it is possible to employ either cotton or jute. Most of these uses have to do with packaging or wrap-

ping commodities. In a way cotton has quite an advantage. It is not only more sightly, softer, and easier to handle but to attain the same strength requirements jute substitutes for cotton must run approximately one-third heavier in weight.

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The use of jute burlap in the United States, historically, is a rather recent thing. During 1928 substantially over a billion yards came in. In this country the average increase in its use for the past 35 years has been about 25,000,000 yards a year. A reasonable proportion of this increase is proper and is coupled with the industrial expansion of America, but the major portion represents business that has been taken away from American cotton mills. An increase of 5,000,000 yards a year might roughly be said to be due to the former cause. The remainder, or about 20,000,000 yards a year, represents the inroad into our industry.

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As a specific instance of the havoc wrought among cotton mills by this incoming tide of jute products, I cite the production of seamless bags. If you ever lived in the country you will remember when you saw these bags on every hand. They were made in 11, 12, 14, and 16 ounce weights; 2, 2½, and 3 bushel sizes. There was not a dry-goods jobber in America who did not carry them in stock. There were dozens of mills making them, among others:

Amoskeag Manufacturing Co., Manchester, N. H.

Stark Mills, Manchester, N. H., now part of the Amoskeag Manufacturing Co.

Androscoggin Mills, Lewiston, Me.

Boott Mills, Lowell, Mass.

Harmony Mills, Cohoes, N. Y.

Royal River Mills, Yarmouth, Me.

Columbia Cotton Mills, Columbia, Tenn.

Grahamton Manufacturing Co., Grahamton, Ky.

Cherokee Falls Mill, Cherokee Falls, S. C., now part of the Henrietta Mills.

Lynchburg Cotton Mills, now part of the Consolidated Textile Corporation.

Mount Vernon Mills, Baltimore, now part of the Mount Vernon-Woodberry Mills.

A mill at Randelman, N. C., now known as the Deep River Mill.

Royal Mills, Charleston, S. C., now known as the Williamson Mills Co.

Sherman Bag Co., Sherman, Tex., now known as the Sherman Manufacturing Co.

Worth Manufacturing Co., Worthville, N. C., now known as the Leward Cotton Mills.

Androscoggin and Royal River still produce them in a small way, but one at a time the others have had to abandon this product. At least five of these mills had to pass through the process of financial reorganization before they got their machinery changed over and were able to go ahead on other products.

I have seen a comparatively small southern jobber lay down an order for 1,500 bales of part waste osnaburgs. I have seen one of my partners take out of St. Louis in a single day orders for 2,500 bales of cotton duck for use as cotton-pick sacks. This business has been cut to ribbons by the competition of jute burlap.

These are the reasons we are here to-day. These are the reasons that we ask you to give serious consideration to a reconstruction of the tariff schedule on the foreign product that has worked this hardship upon us.

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We understand that as manufacturers we are expected to confine our argument to the processes in which we are interested, but while this subject is under discussion, we would like to put on record our belief that the cotton farmers of America are just as much entitled to protection from jute, a fiber raised at wage levels far below their own by people accustomed to vastly lower standards of living as we and those who work in our mills are to be protected from the competition of foreign manufacturers of jute products.

We want to point out and emphasize that the manufacture of textiles has a definite and positive relation to farming, for the raw materials which feed our textile plants, whether they be cotton or jute, wool, or even silk, originate on the farm. These mills can not run at capacity, can not vie with each other in purchasing these materials, can not prosper without sharing their prosperity with the farmer.

This is more than just a pretty gesture, for in 1928 American cotton mills paid out to American farmers $700,000,000 in hard cash, and we now seek your permission to pay them a hundred million more.

While we are primarily manufacturers, we also lay claim to your attention as large purchasers of jute burlap. Mills which I personally control purchased, during 1928, 364,000 yards of this material. Our industry, as a whole, purchases annually approximately 40,000,000 yards, so if this commodity is protected as we advocate we will at least pick up a sizeable share of any burden created by increased prices so brought about.

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The last yardage figures given on the shipments of jute burlap from Calcutta to North America are for the year 1927. Since the booklet was written, the Daily Mill Stock Reporter, January 15, 1929, published unofficial figures giving 1928 shipments as 1,067,454,445 yards. Of this total 988,044,556 yards came to the United States and the remainder went to Canada. The same proportionate division of shipments is approximately applicable to the table and chart used in the booklet, but it should be borne in mind that these are shipments from Calcutta alone, do not include other Indian ports and do not include imports from Europe. The Daily Mill Stock Reporter gives shipments from Europe for 1927 as 50,909,870 yards, and for the first nine months of 1928 as 38,053,135 yards which nearly offset the shipments to Canada.

It is interesting to note that the total shipments from Calcutta to all parts of the world were 1,552,071,080 yards, so that the United States took over 63 per cent of the total.

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The greater part of all jute yarn is fabricated into some form of jute cloth and the fabrics so manufactured practically all fall into one of two groups. The first is the finer cloth commonly known to the jute trade as "Hessians," although in America the term "burlap" is in general use. The second group, which consists of the coarser and heavier cloth, is designated by the exclusive term "sackings." As it happens, the industry has so developed that Hessians are sold by the producer in cloth lengths, while sackings are usually made up by him into bags and sacks. The Hessian cloth is eventually purchased by bag manufacturers located in various parts of the world. In the United States, bag making from Hessian cloth is an important branch of the trade. The difference between Hessians and sackings is primarily one of fineness, the former being fabricated of medium-size yarns, the latter of the coarser and lower qualities.

Dundee, the original home of the industry, with its supremacy challenged by the low labor costs of the Orient and the tariff-protected fabricators of countries in an intermediate stage of development, has been driven more to the production of certain specialties in which technical skill and relatively highly paid labor can find adequate remuneration. Hessians are there manufactured, particularly those in which unusual quality is required, among which may be mentioned linoleum Hessians, which are much above the average width and particularly free from imperfection.

Calcutta is, for obvious reasons, the antithesis of Dundee. Its particular field is the large-scale production of the standard sizes of Hessions and sackings, and it supplies the major part of the world's requirements of these products, although, as the division of mills into groups for sales purposes shows, the quality of the output varies. In general, the mills of Bengal direct their energies to securing an economical output of common-grade cloth from their large but not too highly skilled labor forces.

The jute factories of the European Continent naturally tend to follow Dundee practice, though in many cases they have the advantage of lower costs than those of the Scotch city because of longer working hours and a lower standard of living among the operatives. To a large extent they produce for their home consumption only.

Finally we come to the United States of America. Handicapped by high wages and consequent high costs, the American jute industry is restricted almost entirely to the home market; and, on account of inadequate tariff protection on woven jute products, jute manufacture in the United States has largely centered in high-grade yarns for carpet manufacturing and in twines.

The United States is probably the largest consumer of jute products among the nations, but there are in the country no manufacturing centers comparable in size with those of India or Europe. Nevertheless, the industry is well established, and in the four years 1923–1926 jute and jute butts were imported at the rate of 71,300 long tons annually. Of this amount, 37.6 per cent on the average entered the port of Boston for the account of the Ludlow Manufacturing Associates and was shipped to Ludlow, a town in central Massachusetts, which is the home of this considerable portion of the American jute-manufacturing industry.

The varied nationality of the labor force at Ludlow is only partly indicated by the three languages—English, Polish, and Portuguese—found on all the signs put up for the instruction of the workers. These three indicate, however, the predominant races. We have already recorded the arrival of the French Canadians in 1868 and 1870, and of a band from the traditional centers of fiber manufacture, Dundee and Belfast, in the latter year also. In 1892 the first group of Poles arrived at Ludlow, and this nationality now has the largest representation. The last large group, the Portuguese, date their arrival from 1912. An analysis of the pay roll indicates the representation of a number of other countries, however, while, on the other hand, a proportion of those who originally came from Europe are now numbered as American citizens.

In 1919, however, the management decided upon the project that had been under consideration for some time—the extension of the business through the operation of a jute mill in India—and steps were taken to acquire a suitable manufacturing site. At the end of 1919, after exhaustive investigations by the company's representatives, a selection was made and a tract of land containing about 160 acres near the village of Chengail, 14 miles downstream from Calcutta and on the right bank of the Hooghly, became the property of the Ludlow Manufacturing Associates.

During this period the Ludlow Jute Co. (Ltd.) was formed to take over the Indian activities of the Ludlow Manufacturing Associates.

The cotton bagging made in No. 1 mill at Chengail is similar to that turned out at Ludlow, and the process of manufacture is identical. This heavy product was first made on any considerable scale in Calcutta by the Ludlow Jute Co. (Ltd.)

CONCLUSION

Cotton textiles is one of our major industries. In point of employment it stands third. If we count those engaged in raising the raw material, it stands first. Nearly half a million people work in our cotton mills and 2,000,000 more find a livelihood in raising the fiber. There is no measure before our Congress more important than the proper protection of this great industry. There is nothing which will so quickly bring order out of textile chaos.

We are living in a protected country. Protests against protection have died until only a faint echo is heard. American farming and textile interests are entitled to a fair share in such protection. If they must buy everything they use in a protected market, it is but simple justice that they should enjoy the same measure of protection when it comes their turn to sell.

Do this and on our cotton farms, in our cotton mills, better hours, better wages, and better working conditions will come of their own accord.

LEAVELLE MCCAMPBELL.

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[Excerpts from the testimony of Congressmen from cotton-producing States]

FROM STATEMENT OF HON. E. E. COX, A REPRESENTATIVE FROM THE STATE OF GEORGIA

There is no class of textile people in the world that is so prosperous and that have for years and years been so prosperous as the workers of jute. The jute mills of India have been declaring high dividends, at the same time with carry-overs of undivided profits greater than any other class of manufacturers in the world, their dividends running all the way from 50 to 400 per cent per year. The jute manufacturers of this country are making a greater return upon their investment than any other class of our textile workers, and that is true, although the average yearly wages are greater than that paid in the cotton-textile industry.

If you will examine the census report you will find it discloses the fact that the jute industry of this country is prosperous, and immensely so. You will find in this hearing that it is the manufacturers of jute bagging and the manufacturers of jute bags that are most concerned as to what this committee will recommend, and as to what the Congress will do with reference to a modification of the law that now exists. Upon the question of wages going into their cost of production, and upon the question of the reasonableness of the tariff upon burlap, these interests are as silent as a tomb.

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I want to bring to the attention of this committee that it is not only the farmer growers of the cotton States of the Union that are interested in this problem. It is the cotton spinner of the country; not only those of the cotton States, but those, with equal degree, of the New England States, and wherever else there may be operations on the part of cotton-textile people.

And that is not all that is involved. Labor is involved; American labor is involved in this case. The gentleman who preceded me stated to the committee and expressed solicitation as to the welfare of American capital invested abroad, and in the statement he made said it should have the same consideration in matters of legislation that domestic capital invested at home should have. I want to say in that connection, and by way of supplementing the argument that was developed as the result of the question, that when domestic capital invests abroad, it takes the status, and identically so, of foreign capital. It is devoted to the building up of foreign enterprise; it is subjected to all of the burdens that government imposes upon property. It employs foreign labor in competition with domestic labor and performs every other function and plays every other rôle that foreign capital does.

Now, I submit that if the welfare of foreigners were to control in the matter of what this Congress should do or this committee should recommend, it would be a very easy matter for capital to paralyze the arm of the Government in the control of its economic problems, so far as the application of tariff is concerned, by simply investing abroad.

Now, that is not all. This law, when you study it in the light of present operation, you would think had been written by two classes of people, the makers of jute bags and the makers of cotton bagging. Now, the question has been asked as to the added cost as a result of the use of cotton for jute. Of course, there would be an added cost. It would be unfair to even stand before this committee and, inferentially or otherwise, contend to the contrary, but the cost would not be anything like in extent or amount what these advocates of do-nothing would have you believe.

These jute people, who built up immense fortunes and in their operations declared large dividends, who come here expressing great solicitude for the women and the children and the men who pour the images of their bodies and the anxiety of their souls into the soil, would have you believe it is in the interest of the welfare of this class, and they are here protesting to you to do nothing by way of rewriting the schedule as it is fixed by law as it now stands.

That is not true. What these people are interested in is profit. They are interested in continuing operations under such conditions as enable them to import here a product that represents an immense amount of labor, which is reflected in the energy expended in putting it into the finished product, cloth. They are here begging this committee to make no interference with that schedule because it will destroy their business.

I want to tell you, from my study of this problem, that there is no disposition in the world on my part to be other than perfectly frank and candid with you; from my study of this case, the farmer, the grower of the cotton, will receive the greatest benefit from the enactment of legislation as is recommended by the proponents of relief; next, labor will profit most, and then the cotton-textile industry of the country will come third; and I want to say to you that the cotton-textile people of the country have for many years been skating on thin ice.

Last year was the best year that they have had since the war. In many instances no dividends were declared, and never in any year in like proportion to the dividends that the jute workers declared.

You will have textile people who are working jute and working cotton here before you, pleading to you to let stand the illogical sort of product that is represented by Schedule 10. Why? They are able to skim along on their cotton operations, but as to their operations in the working of jute, there is an immense profit.

Now, gentlemen, we must come back to the proposition as to what, if anything, should be the rate on the raw product, and that involves the question of cost of production, and upon that question the advocates of "do nothing" have given you no light, so far as I have heard in the hearings on this matter.

We have no recent reliable information as to the cost of Indian labor in the production of the raw commodity, but we have reliable information as to the cost of the jute worker in the textile mills of Calcutta. We have here, taken from the International Yearbook, reliable data as to the wages of the Indian workers in the tea gardens. You will find in India that the workers in the mills receive a wage in excess of the workers on the farm, just as they do here in America.

In America the farm wage, taking the country as a whole, is forty-odd dollars. The wage of the mill worker, taken as a whole, is about $68.80, as I recall offhand. The wage of the mill worker in India, in the jute mills, varies as follows: Carders get 94 cents a week; rovers, $1.89. This is the last report upon the question. Winders get $2.04.

Gentlemen, here is a matter that should be taken into consideration, and it is one about which you have not, so far as I am concerned—certainly not in the hearing to-day—been advised. A month's work in the United States, on the basis of which the calculations are made, consists of 208 hours. A month's work in India, fixed by law, consists of 312 hours. When you reduce these wages to the per hour basis, you will find that the women in the tea gardens get something like seven-twelfths of 1 cent per hour. The children get a wage of one-third of a cent per hour, and the men a little higher wage than the women, but in no instance does it run as high as 1 cent per hour. That is the labor that the Ludlow people are employing now. That is the labor that the whole jute industry is employing, with the exception of that which is engaged in the carrying on of operations in Dundee and other parts of the United Kingdom.

They have gone to India and set up operations there, falling into the scheme of things that has been fixed by the Jute Trust for years and years—almost half a century. They are employing Indian labor, running all the way from 90 cents a month to $1.80, and some higher than that, and throwing it in absolute and direct competition with the wage earners of this country.

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FROM STATEMENT OF HON. MARVIN JONES, A REPRESENTATIVE FROM THE STATE OF TEXAS

Less than 10 per cent of the jute brought into this country is used for cotton bagging.

The other 90 per cent goes into various channels, into which cotton should go, and into which cotton is gradually forcing itself, but it always meets the price question, and that is shown by the fact that immediately following the 1926 abundant crop of cotton the importations of jute were reduced 20 per cent. In other words, the cotton does come into and replace jute when given a fair chance, and it is being used that way at the present time.

I want to say that the mills that are producing cotton in New England and other places, since 90 per cent of this jute comes into other channels into which cotton may go, are interested in this proposition as well as we are. Even on the question of cotton bagging, here is the report of the Department of Agriculture which studied that proposition,

and Table 4 sets out the difference in the cost of cotton bagging and jute bagging, and on the 12-ounce bagging which was shown to be sufficient on shipments of bales to Bremen, Germany, and return, the difference in cost is exactly 36 cents per bale, and it ranges from that to 68 cents per bale. There is the cost of the jute bagging and the cost of the cotton bagging set out in the table.

If the difference in the cost is taken at 68 cents a bale, here is a statement from the Department of Agriculture that shows that if 200,000 bales of cotton, which they estimate would be used if cotton bagging were made of cotton, it would increase the price $2.50 a bale. That is estimated by virtue of their experience in forecasting the prices, and the estimate of the production of cotton.

In other words, when 200,000 bales of cotton are taken off of the market, or if the estimate is reduced 200,000 bales, the price increases $2.50 per bale. So, if the cost of cotton bagging were increased 36 cents, the farmer, even on the cotton bagging, would make $2.14 per bale. If it were 68 cents, he would make nearly $2 per bale. * * * It is a strange thing that the cotton farmer is made to pay a tariff on the steel with which he binds his cotton, and yet he is forced into competition with the cheap labor of India on the cotton that displaces his cotton, and as 60 per cent of his cotton is shipped abroad, millions of bales of that cotton in going across in foreign markets, meets jute coming back here to take its place in the home markets.

According to the Department of Agriculture, there are 325,000,000 pounds of jute being used in the grocery trade, that they estimate could be displaced by cotton, and cotton is better than jute for the bags and for wrapping material. The only reason jute is being used is that it is a little cheaper in price.

Two years ago the Department of Agriculture shipped 24 bales of cotton to foreign markets. Twenty of those bales were covered with cotton bagging of varying weights, and four bales were covered with jute bagging. I arranged for them to be on display up in the majority room, and they remained there for a month. Even the lightweight cotton bagging was in better shape than the jute bagging. The jute became so torn they looked like a bundle of old rags, whereas the cotton bagging gave a neat appearance.

They are using the same cotton bagging now. Some 200,000 bales are being covered by cotton bagging. These exporters will take a great lot of patching material and patch it up and make the weight go nearly 30 pounds per bale, so that in the foreign markets they dock us 30 pounds per bale because of the wrapping that goes over there, and yet in many instances it is the best cotton. The habit has grown up of patching this stuff in going abroad, so that with a 30-pound dockage they do not use much of the cotton bagging.

If the price were put up to where jute would be approximately the same as cotton bagging, I think they would use cotton bagging altogether. But that is merely an incident in this problem, because of the tremendous quantity of jute that is being used for other purposes.

It is a peculiar thing that in the principal heavy cotton years of 1901, 1908, 1921, and 1926, when we had a lot of cotton, and cotton went down in price, the importations of jute were very much decreased. That proves conclusively to my mind that cotton can go into these channels if it is given a half a chance.

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AMENDMENT INTENDED TO BE INTRODUCED BY SENATOR RANSDELL TO THE PROPOSED BILL PROVIDING FOR TARIFF READJUSTMENT

S. 5574, Seventieth Congress, second session

A bill to amend and reenact the provisions of the tariff act of 1922 relating to jute and its products

*Be it enacted, etc.*, That the act entitled "An act to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes," be amended and reenacted as follows:

In Title II the free list, Schedule 15, strike out all of paragraph 1516, reading "waste bagging and waste sugar-sack cloth."

In the same title and schedule, paragraph 1582, after the words "Istle or Tampico fiber," strike out the words "jute, jute butts."

In Title I, Schedule 10, Flax, hemp, and jute, and manufactures of, at the end of paragraph 1001, after the words "hackled hemp, 2 cents per pound," insert a semicolon in lieu of the period and add the following: "waste bagging and waste sugar-sack cloth, 3 cents per pound; jute and jute butts not dressed or manufactured in any manner, and not specially provided for, 3 cents per pound."

In the same title and schedule, paragraph 1003, strike out all after the words "Coarser in size than 20-pound" and insert in lieu thereof the following: "5½ cents per pound; 20-pound up to but not including 10-pound, 7 cents per pound; 10-pound up to but not including 5-pound, 8½ cents per pound; 5-pound and finer, 10 cents per pound, but not more than 65 per cent ad valorem; jute sliver, 4½ cents per pound; twist, twine, and cordage, composed of two or more jute yarns or rovings twisted together, the size of the single yarn or roving of which is coarser than 20-pound, 6½ cents per pound; 20-pound up to but not including 10-pound, 8 cents per pound; 10-pound up to but not including 5-pound, 9½ cents per pound; 5-pound and finer, 11 cents per pound."

In the same title and schedule, paragraph 1008, wherever the words "1 cent" appear, strike out same and insert in lieu thereof "10 cents," so that the paragraph will read:

"PAR. 1008. Fabrics, composed wholly of jute, plain woven, twilled, and all other, not specially provided for, not bleached, printed, stenciled, painted, dyed, colored, nor rendered noninflammable, 10 cents per pound; bleached, printed, stenciled, painted, dyed, colored, or rendered noninflammable, 10 cents per pound and 10 per cent ad valorem."

In the same title and schedule, paragraph 1018 wherever the words "1 cent" appear, strike out same and insert in lieu thereof "10 cents," so that the paragraph will read:

"PAR. 1018. Bags or sacks made from plain woven fabrics of single jute yarns or from twilled or other fabrics composed wholly of jute, not bleached, printed, stenciled, painted, dyed, colored, nor rendered noninflammable, 10 cents per pound and 10 per cent ad valorem; bleached, printed, stenciled, painted, dyed, colored, or rendered noninflammable, 10 cents per pound and 15 per cent ad valorem."

In the same title and schedule, paragraph 1019, after the words "weighing not less than 15 ounces nor more than 32 ounces per square yard," strike out the words "six-tenths of 1 cent" and insert in lieu thereof the words "5 cents"; and in the same paragraph, after the words "weighing more than 32 ounces per square yard," strike out the words "three-tenths of 1 cent" and insert in lieu thereof "5 cents."

LAW AND MANNERS

Mr. COPELAND. Mr. President, I read in the Atlantic Monthly of July, 1924, a most interesting article entitled "Law and Manners," written by the Right Hon. Lord Moulton. This was called to my attention by a friend in Massachusetts. It is such a valuable article I wish every Senator might read it. I am taking the liberty of cutting out parts of it which perhaps are not pertinent to us, but I think the article should be read by all. I ask unanimous consent that it may be inserted in the RECORD.

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

LAW AND MANNERS

By the Right Hon. Lord Moulton

(A word of explanation seems desirable in regard to the form and the authorship of this paper. It is the verbatim record, by an accurate reporter, of an impromptu speech made by Lord Moulton at the Authors' Club in London some years before his death. Because of its pertinent interest for present-day Americans, we count ourselves fortunate to be able to print it in the Atlantic at this time. John Fletcher Moulton, first Baron, Minister of Munitions for Great Britain at the outbreak of the war, a noted judge, a great parliamentarian, and administrator, may be fittingly introduced to Atlantic readers in the words of the Lord Chancellor before the House of Lords at the time of Lord Moulton's death in 1921: "I choose my words carefully when I say that I greatly doubt whether it would have been possible for the war to have been brought to a successful conclusion when it was but for the part Lord Moulton took in it. I hope the country will not soon forget the extraordinary work of this most remarkable man, whose memory his colleagues will long cherish.")

In order to explain this extraordinary title I must ask you to follow me in examining the three great domains of human action. First comes the domain of positive law, where our actions are prescribed by laws binding upon us which must be obeyed. Next comes the domain of free choice, which includes all those actions as to which we claim and enjoy complete freedom. But between these two there is a third large and important domain in which there rules neither positive law nor absolute freedom. In that domain there is no law which inexorably determines our course of action, and yet we feel that we are not free to choose as we would. The degree of this sense of a lack of complete freedom in this domain varies in every case. It grades from a consciousness of a duty nearly as strong as positive law, to a feeling that the matter is all but a question of personal choice. Some might wish to parcel out this domain into separate countries, calling one, for instance, the domain of duty, another the domain of public spirit, another the domain of good form; but I prefer to look at it as all one domain, for it has one and the same characteristic throughout—it is the domain of obedience to the unenforceable. The obedience is the obedience of a man to that which he can not be forced to obey. He is the enforcer of the law upon himself.

One of the reasons why I have chosen this as the subject on which to speak is that I have spent my life as a commissioner for delimiting the frontier line which divides this domain from the realm of positive law. I have had to decide so frequently whether law could say, "You must," or regretfully to say, "I must leave it to you." This is the land in which all those whom the law can not reach take refuge. It might be thought from such a description that I wished to annex that country and bring it under the rule of positive law. That is not the case. The infinite variety of circumstances surrounding the individual

and rightly influencing his action make it impossible to subject him in all things to rules rigidly prescribed and duly enforced. Thus there was wisely left the intermediate domain which, so far as positive law is concerned, is a land of freedom of action, but in which the individual should feel that he was not wholly free. This country which lies between law and free choice I always think of as the domain of manners. To me, manners in this broad sense signifies the doing that which you should do, although you are not obliged to do it. I do not wish to call it duty, for that is too narrow to describe it, nor would I call it morals for the same reason. It might include both, but it extends beyond them. It covers all cases of right doing where there is no one to make you do it but yourself.

All these three domains are essential to the properly organized life of the individual, and one must be on one's guard against thinking that any of them can safely be encroached upon. That law must exist needs no argument. But, on the other hand, the domain of free choice should be dear to all. This is where spontaneity, originality, and energy are born. The great movements which make the history of a country start there. It covers a precious land where the actions of men are not only such as they choose but have a right to claim freedom even from criticism. Men must keep safely guarded this right to follow the bent of their nature in proper cases and act as they would without anyone having the right to utter a word of dictation or command. This country forms the other frontier of the domain of manners and delimits it on the side farthest away from that of positive law.

The dangers that threaten the maintenance of this domain of manners arise from its situation between the region of absolute choice and the region of positive law. There are countless supporters of the movements to enlarge the sphere of positive law. In many countries—especially in the younger nations—there is a tendency to make laws to regulate everything. On the other hand, there is a growing tendency to treat matters that are not regulated by positive law as being matters of absolute choice. Both these movements are encroachments on the middle land, and to my mind the real greatness of a nation, its true civilization, is measured by the extent of this land of obedience to the unenforceable. It measures the extent to which the nation trusts its citizens, and its existence and area testify to the way they behave in response to that trust. Mere obedience to law does not measure the greatness of a nation. It can easily be obtained by a strong executive, and most easily of all from a timorous people. Nor is the license of behavior which so often accompanies the absence of law, and which is miscalled liberty, a proof of greatness. The true test is the extent to which the individuals composing the nation can be trusted to obey self-imposed law.

In the changes that are taking place in the world around us, one of those which is fraught with grave peril is the discredit into which this idea of the middle land is falling. I will give two examples. First, I will take freedom of debate in the houses of legislature such as our own House of Commons. For centuries the members had unrestricted freedom of debate, and no inconvenience was felt. But in recent times some members of this house have said to themselves: "We have unrestricted freedom of debate. We will use it so as to destroy debate. The absence of imposed restriction enables us to do it." This obstruction was developed, and it has destroyed freedom of debate, and, indeed, all useful debate in practically every legislature. The freedom due to absence of positive restriction has been treated by the individual members as leaving their use of debate a matter of absolute choice, fettered with no duty that they were bound to regard. They shut their eyes to the fact that the freedom was given to them in trust to help forward debate, and that it was incumbent on them so to use it. Clumsy and even mischievous regulations have necessarily been introduced which fetter debate but prevent its being absolutely stifled. The old freedom can not now be entrusted to the members, because when they possessed it they did not respond to it by the exercise of that moral sense which would have led them to treat it as a trust, and not as an absolute possession, unburdened by obligations which they should compel themselves to regard.

It is not only the conduct of individual members of the legislature that furnishes an illustration. The conduct of the legislatures themselves furnishes an equally striking one. It is the fundamental principle of democracies to bow to the decision of the majority. But in accepting this we do not surrender ourselves to the rule of the majority in all things, but only in those things which are of a kind fit to be regulated by government. We do not admit, for instance, the right of the majority to decide whom we should marry or what should be our religion. These are but types of a vast number of matters of great interest in life which we hold to be outside the decision of a majority, and which are for the individual alone to decide. But in form the power of a government has no restrictions. It has the power to do everything, and too often it forgets that this limitless power does not leave the scope of its legislation a matter of absolute choice on its part, but a choice fettered by a duty to act according to the trust reposed in it, and to abstain from legislating in matters where legislation is not truly within its province. And what is true as to the scope of legislation is also true to a great extent as to the nature of that legislation. But there is a widespread tendency to regard the fact that they can do a thing as meaning that they may do it. There can be no more fatal error than this. Between "can do" and "may do" ought to exist the whole realm which recognizes the sway of duty, fairness, sympathy, taste, and all the other things that make life beautiful and society possible. It is this confusion between "can do" and "may do" which makes me fear at times lest in the future the worst tyranny will be found in democracies. Interests which are not strongly represented in Parliament may be treated as though they had no rights by governments who think that the power and the will to legislate amount to a justification of that legislation. Such a principle would be death to liberty. No part of our life would be secure from interference from without. If I were asked to define tyranny, I would say it was yielding to the lust of governing. It is only when governments feel it an honorable duty not to step beyond that which was in reality, and not only in form, put into their hands that the world will know what true freedom is.

The tendency of modern legislation is to extend the area ruled by positive law, and to diminish the area of action which is determined by the decision of the individual himself. But there is one great example in the opposite direction. In one instance the people have deliberately chosen to carve a domain out of that previously covered by positive law and to throw it into the domain where the individual can determine for himself his course of action. Take the legislation relating to trade-unions and trade disputes. Limitations on the power of combination have been swept away, and to a great extent that which was previously marked out by law is now in the hands of the individuals themselves.

I am far from suggesting that this was a retrograde step, but to my mind the question whether it is dangerous, and whether it may and will become disastrous, depends on whether the masters of workmen who gained this freedom of action, not allowed them by the common law, look upon the change as justifying their treating the matters to which it relates as belonging to the realm of absolute choice, or whether as belonging to the realm where, though not restrained by positive law, they yet recognize the duty of obedience to the unenforceable. Do they recognize that the increase of their freedom of action brings with it not unfettered choice but the corresponding responsibility of using that freedom? That many have failed to realize that this is the true effect of the change has already been made too clear. * * *

I am not afraid to trust people—my fear is that people will not see that trust is being reposed in them. Hence I have no wish that positive law should annex this intermediate country. On the contrary, I dread it. Instead of the iron rule of law being thrown over it, I would rather see it well policed by the inhabitants. I am too well acquainted with the inadequacy of the formal language of statutes to prefer them to the living action of public and private sense of duty.

The great principle of obedience to the unenforceable is no mere ideal, but in some form or other it is strong in the hearts of all except the most depraved. If you wish to know how strong, remember the account of the *Titanic* disaster. The men were gentlemen to the edge of death. "Ladies first." Why was that? Law did not require it. Force could not have compelled it in the face of almost certain death. It was merely a piece of good manners in the sense in which I have used the phrase. The feeling of obedience to the unenforceable was so strong that at that terrible moment all behaved as, if they could look back, they would wish to have behaved. I have no fear of its strength, whatever be the class appealed to. Even if one takes the least educated—the so-called lower classes, of whom so many are afraid—one would find the same loyal obedience to unenforceable obligation in the relationships with which these classes are familiar. The danger lies in that by the growth of the democratic spirit they have newly come into much larger powers, and they have not yet learned that power has its duties as well as its rights. When they have become familiar with these powers, and when intercourse with those who have a wider outlook has taught them that the domain of obligation includes them in their use of them, I am satisfied that those who have been loyal to duty in the smaller lives that they have led will be loyal in the wider fields in which they are now able to exercise their power. It is this faith that makes me dread lest we should hurriedly let positive law come in and check the growth of self-reliance, check the growth of the sense of personal duty, and lead people to feel that, if they obey the law, they have done all their duty. It is wiser to exercise patience and let them alone till increase of experience in life teaches them to appreciate better their true position, and to feel that it is still needful for them to see for themselves that they behave as worthy men should do.

Now I can tell you why I chose the title "Law and Manners." It must be evident to you that manners must include all things which a man should impose upon himself, from duty to good taste. I have borne in mind the great motto of William of Wykeham—"Manners makyth man." It is in this sense—loyalty to the rule of obedience to

the unenforceable, throughout the whole realm of personal action—that we should use the word "manners" if we would truly say that "Manners makyth man."

ADDRESS BY HON. JAMES HAMILTON LEWIS ON LIFE AND ACHIEVEMENTS OF GEORGE WASHINGTON

Mr. HARRISON. Mr. President, on February 22, 1929, at Poli's Theater here in the city of Washington, Hon. James Hamilton Lewis, of Illinois, an ex-Member of this body, delivered a very eloquent speech on the life and achievements of George Washington. I ask unanimous consent that it may be printed in the RECORD.

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Without objection, that order will be made.

The matter referred to is here printed, as follows:

THE UNION OF NATION AS THE PRINCIPAL POLICY OF WASHINGTON

[Address of ex-United States Senator James Hamilton Lewis, of Illinois, as the honorary guest selected by the District Commissioners of the District of Columbia and the societies of the city of Washington as orator of the day—delivering the George Washington address upon the occasion, February 22, 1929]

We say, with Pericles as he spoke to the Greek patriot, "A country without heroes is a land without history." Horace, the Roman philosopher-poet, declares that "it is sweet and noble to die for one's country." But America replies, "How sweeter and nobler it is to live for one's country."

In this hour when we glorify the deeds of the first American, of the patriots who lived for their countrymen, we ask, "What acts in the exalted career served to secure the most profitable inheritance to his Nation?"

While we salute with sublime praise the valor of the soldier, exalt the strategy of the commander, and bow to the shade of the Christian gentleman, we turn to this occasion to testify to America that on the strength and sovereignty of union, Washington built our house. We hear him declare, as did the great apostle, "On this rock I build my house and the gates of hell shall not prevail against it."

AS GUIDE OF THE CONSTITUTION

We see the soldier-statesman enter the tabernacle where is to be molded the tablet of the Constitution. He is silent and watchful; his soul is vowing to all the gods of fate that, though the monarchs of the world kingdoms had sentenced the first true republican form of democracy to failure and death, they shall see that the sun pictured on the chair, against which the president of the convention leaned, should be the emblem of a rising sun, not a setting one.

Let us know that Washington seeing the past moving in panorama of history, reflected how Greece was shattered by the dissension and disunion of its sections; how in this distraction and division it was overcome by Rome and trampled under iron shod to slavery; noting how Rome with unrestrained power turned upon herself the audacious spears of caste and class, split her cordon of strength until its shivered ranks ran to the hills where it was swallowed by the barbarian hordes swarming from the hidden north; and then how the divided angles were overcome by the Norman conquerers—turning Saxon England into a German-French conquest.

Aye, recalling the desolation put upon the American colonies by their conflicts of pride in the day when France led conquest against them, Washington still feeling the pain thrusting against his heart, where his country divided in purpose, conflicting in systems, with local contention of preference and power; starved the soldiers of the Revolution and froze them with neglect. He remembering how from Trenton to Yorktown, the young Nation from weakness risked surrender to its destroyers, and periled death through the contest of divisions, and that in all this there was not one unit of power anywhere to command—to compel and to save.

Let us feel that something in him spoke the words of the poet:

"I shrink to see a modern coast whose riper times have yet to be;
Where the new rivers claimed them free—from that long drip of human tears—
Which peoples old in tragedy have left upon the centuried years."

The question arose asking, after all that had been done, were national interests to be wrecked upon the rock of local jealousy? Were petty differences and provincial councils to prevail as against a union of desire, a union of hope, a union of purpose—the fulfillment of nation?

Truly through all that Washington endured, wrote Thoreau, as given us by Hampton Carson in his great address before the University of Pennsylvania, "Washington in his erectness and his persistency holds with dignified silence to simple deeds. He does not fluctuate or linger, nor stoop nor swerve. Amidst all he is nobly silent and assured."

WASHINGTON AS PRESIDENT

Stepping to the plane of his greater responsibilities, Washington confronted a public debt of $50,000,000. Eight million dollars of it was due France and Holland who had been our friends in a trying hour. Thousands of our patriotic sufferers at home were holding the dishonored bills of the Continental Congress.

Though Paul Jones had with our splintered Navy swept the seas and forced the corsairs of Algiers to hang their heads in contrition for their assaults upon our commerce, yet everything at home of needed value languished. A Congress had fled from Philadelphia to Princeton. Washington only seemed to arise to the needs. Neither Adams nor Franklin nor Hamilton had yet the birth of his vision.

"He dipt into the future far as human eye could see
Saw the vision of the world—and all the wonder that would be."

On March 4, 1783, he wrote to Hamilton, "My wish is to see the Union established upon permanent principles." In his circular letter to the governors of the States he urged the forgetfulness of local prejudices and policies. He besought concessions and sacrifices of individual advantages to the interests of the community.

To Benjamin Harrison, Governor of Virginia, he wrote, January 18, 1784, "If there is not a change in the system of unreasonable jealousy of localities, there will be our downfall as a Nation."

And to Henry Lee, in October, he cried forth, "Influence is not government. Let us have a government by which our lives, liberties, and properties will be secured or let us know the worst at once." By this creed, by this defiant declaration of liberty or death—"my country or my grave"—that Knox wrote to Washington, saying, "The judgment of the ages entitles you to the encomium of the Father of your Country."

In this struggle for the principle to preserve our Nation as one integral unit, his great object was to avoid divisions which would make us a prey to the assault of vengeful foreign foes. On this issue and purpose Washington suffered the attacks accusing him of ambition to be king—of assuming the schemes of a monarch, taking to himself tyrant force to perpetuate himself in power.

None of these accusations, false and painful as they were, moved him. He must have recalled with King Richard, as Shakespeare expressed his sentiment:

"No might nor greatness in mortality can censure 'scape;
Back wounding calumny the whitest virtue strikes—
There's no king so great can tie up the gall in the slanderous tongue."

In all of this we see the purpose and faith of this father. When arising in the great event he declared the duty of the day, saying: "Let us raise a standard to which the wise and honest can repair. The event is in the hands of God."

By this policy of union of nations and sovereignty of people, Washington as President commanded admiration. He made the minister of France treat us with deference, and forced England to salute us with respect.

Washington had anticipated his Farewell Address by writing to Sir Edward Newham, "I hope the United States will be able to keep disengaged from the labyrinth of European politics and wars; and that before long they will by the adoption of good national government have become so respectable in the eyes of the world that none may assume to treat us with insult or contempt."

It was in this spirit Washington in his farewell message proclaimed to the earth that the policy of America as a people must be friendship with all—but politically as a nation to keep to our homes. It was then he declared to Europe our warning—Stand back! Hands off America! This continent belongs to the American people!

To guarantee this possession he commanded "that in time of peace we prepare for war"—not that we prepare to war on any people—but to be prepared against war made on us. It is the Washington policy that against assault our duty is not flight but fight.

It was the success in the preservation of the Republic with courage to the world and honor to ourselves, that brought Fox and Pitt of England to certify Washington as "The heir of all the ages; in the foremost files of time."

AMERICA AND THE WORLD OF TO-DAY

May we not now in the growth and fullness of our national greatness view the vindication of the Washington policy of national union. Here we abide as against every opposition from without—an harmonious people. Compared to the nations of the earth, we stand superior in strength and power; for service to man, of any nation in the world. Rich in possession of that which gives content and happiness, we bestow blessings on mankind in every sphere of civilization, and rescue the oppressed with the hand of humanity and the angel of peace. We seek no power from our strong union with which to subjugate any people, nor oppress misfortune in any sphere of human endurance.

We summon the world to note that when in the late crisis that threatened the existence of the royal lands once our assailants, each turned to us crying, "Help me, Cassius, or I sink." We answered their call—gave them refuge, rescued them by our union of strength—as our Nation gave our children to die that the children of other nations might live.

Then we turned, as turn we this day to our late foe, to greet new Germany with hope; to aid with favor and bless her with a God's benediction. To-day this union of Washington is the inspiration of

every people struggling for liberty and the hope of every nation praying for justice.

HOOVER AND COOLIDGE TO FOLLOW WASHINGTON

On this natal day as we salute the advent of a new President, paying our due homage to the one retiring in honor, we find our security in the knowledge that as it was from Washington to Wilson—there will be continued from Coolidge and Hoover—to those yet to come to the glory of the power; the preserving policies that has so long guided us, proclaiming, "In matters of home divide as we may, but against attacks from abroad, united, whatever the day."

So in this hour of your tribute, let us know that as the sentry of passing days pacing the rounds on the watchtower of civilization—conning the ominous signs of the times—shall hear rung out to America the challenge, "Watchman, what of the night?" there will come from our united people the answer, saying, "America, firm in the faith and preserved in the teachings of George Washington, thank God—all is well."

NAVAL APPROPRIATIONS—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16714) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1930, and for other purposes.

Mr. BRATTON. Mr. President, I desire to ask the chairman of the conference committee a question, and I shall not delay the Senate beyond that.

The Senate inserted a twofold amendment in the bill. One was in the usual language, with reference to the second and each alternate ship, to the effect that the navy yards should be given preference in construction. The other was preserving the mandatory provisions of the authorization cruiser bill, so that the first and each alternate ship thereafter must be constructed in the navy yards. I understand now that the conference report preserves that amendment and it remains in the bill.

Mr. HALE. Exactly as the Senate passed it.

SURVEY OF INDIAN CONDITIONS

Mr. FRAZIER. Mr. President——

The PRESIDING OFFICER. The Senator from North Dakota.

Mr FRAZIER. At the close of the morning hour yesterday the Senate had before it Senate Resolutions 303 and 308, Orders of Business 1823 and 1824, authorizing the continuation of hearings by the Indian Affairs Committee under Senate Resolution 79, and providing funds to carry on the work.

At that time our able leader here, the Senator from Kansas [Mr. CURTIS], had told me that he expected the Senate to adjourn and have a morning hour this morning. Afterwards, it was agreed not to adjourn. I am interested in getting those measures up, but I have no thought of trying to delay the conference report on the naval bill. I am willing to ask for a unanimous-consent agreement right now, and if it is granted, all well and good. If not, I am prepared to talk for some time, at least.

Mr. ASHURST. Mr. President, will the Senator yield to me?

Mr. FRAZIER. I yield to the Senator from Arizona.

Mr. ASHURST. My colleague [Mr. HAYDEN] was called out of the Chamber on an important matter. I assure the Senator that he will have no objection to the consideration and adoption of the Senator's two resolutions just as soon as the Navy bill is out of the way; and I see no reason why, as soon as this conference report is agreed to, the Senate should not take up the resolutions to which the Senator adverts, and agree to them within a minute.

Mr. FRAZIER. A minute is no longer now than it will be afterwards. We have 20 minutes before 1 o'clock right now.

Mr. KING. Mr. President, does the Senator from Arizona speak for the senior Senator from Ohio [Mr. FESS]?

Mr. ASHURST. I do not mean to speak for my own colleague; but from the conversation I had with him I wish to assure the Senate that he has no intention of objecting, but he reserved the right and had the right to include in the RECORD——

The PRESIDING OFFICER. The Chair must remind the Senator from Arizona of the unanimous-consent agreement whereby, at the conclusion of the consideration of the conference report on the naval appropriation bill, the Senate has agreed to take up the calendar for the consideration of unobjected bills until 1 o'clock.

Mr. ASHURST. I thank the Chair. I would not have known that if the Chair had not told me; but I do say that the way to pass the Navy bill is to agree to the conference report now, and then, by unanimous consent, to take up and agree to the resolutions to which the Senator from North Dakota refers. I think that can be done, and we will be through in two minutes; so I will stop talking and let the Senate do that.

Mr. HALE. Vote!

Mr. FRAZIER. I am perfectly willing to do that if that will be agreed to, but I want a unanimous-consent agreement to that effect.

The PRESIDING OFFICER. Has the Senator from North Dakota submitted a unanimous-consent agreement?

Mr. FRAZIER. Mr. President, I ask unanimous consent that at the conclusion of the consideration of the conference report on the Navy bill Senate Resolutions 303 and 308 be taken up for consideration.

Mr. FESS. Mr. President——

Mr. BLEASE. Mr. President, the Senate has already entered into a unanimous-consent agreement as to what will be done at that time.

Mr. ROBINSON of Arkansas. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator from Arkansas will state the point of order.

Mr. ROBINSON of Arkansas. The business of the Senate has already been fixed by unanimous-consent order providing that the Senate shall proceed, immediately following the conclusion of this conference report, to the consideration of unobjected bills on the calendar, commencing where we left off yesterday.

The PRESIDING OFFICER. Objection is made.

Mr. FRAZIER. Mr. President, under Senate Resolution 79 the Senate Committee on Indian Affairs were authorized to conduct an investigation into the Indian situation.

Mr. ASHURST. Mr. President, will the Senator yield to me?

Mr. FRAZIER. I yield.

Mr. ASHURST. I ask unanimous consent that the Senate now, without further debate, vote upon the two resolutions in which the Senator is interested.

The PRESIDING OFFICER. Is there objection?

Mr. McKELLAR. Mr. President, I desire to make a statement of two or three minutes.

Mr. ASHURST. I suggest that the Senator do that after the resolutions are taken up.

Mr. SWANSON. Mr. President, I am not going to consent to anything until the Navy bill is disposed of. I am not going to be run over here.

The PRESIDING OFFICER. Objection is made.

Mr. FRAZIER. Mr. President, on January 17 and January 23 of this year resolutions were offered authorizing the continuation of the work of the investigating committee and providing further funds to carry on the investigation.

These resolutions were referred to the Committee to Audit and Control the Contingent Expenses of the Senate. I personally asked the chairman of the committee to take up those measures as speedily as possible, in order that we might get action, so that we could make our preparations to go on with the investigations if we were to continue. I was promised from day to day that the resolutions would be taken up. It was not until February 16 that the resolutions were reported to the Senate.

Since that time I have conferred daily with our able leader, the Senator from Kansas [Mr. CURTIS], as to getting the resolutions up, and the Senator was very much interested, because he is interested in Indian questions, and I have taken his advice, but have been unable to get any action on the resolutions.

Mr. BRATTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from New Mexico?

Mr. FRAZIER. I yield.

Mr. BRATTON. As a member of the committee, and in harmony with what the chairman is saying, I ask unanimous consent that the conference report on the naval appropriation bill be temporarily laid aside and that the two resolutions to which the Senator is addressing himself be adopted without debate.

The PRESIDING OFFICER. Is there objection?

Mr. ROBINSON of Arkansas. I object. The Senate is proceeding under a unanimous-consent agreement.

The PRESIDING OFFICER. Objection is made.

Mr. FRAZIER. Mr. President, we have been unable to get any favorable action on these resolutions, and I have been subjected to a great deal of criticism because action has not been taken. As I said, I have been following the advice of the leader on this side of the Chamber, whose advice, I think, is usually very good.

Mr. NORRIS. Mr. President, I ask for order in the Chamber.

The PRESIDING OFFICER. The Senate will be in order.

Mr. FRAZIER. While I am perfectly willing to admit that this conference report is of importance, and perhaps should be acted upon at once, nevertheless, there are other matters which are important, too.

We have in this country a lot of American Indians, people belonging to a race who were here before our ancestors came here, before the white men came to the American continent. The Indians from time to time have been driven back and corraled on certain reservations and they have been made the wards of the Government of the United States.

Complaints have come in vast numbers to the Committee on Indian Affairs since I have been chairman of it asking for investigations. Complaints have been made as to mistreatment and about a number of things. I think without doubt there is great need of investigation. A year ago, after Senate Resolution 79 was adopted, a subcommittee was appointed and the investigation was started. We employed a legal adviser or special investigator, with the consent of the committee, and certain other investigators were employed and sent out to various places to make preliminary investigations and to talk with the people who had made complaints.

Mr. ROBINSON of Arkansas. Mr. President——

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

Mr. FRAZIER. I will be glad to yield.

Mr. ROBINSON of Arkansas. I am informed, and I believe, that when the Senate proceeds to the consideration of the calendar under the order agreed upon the Senator can have his resolution passed without objection. It is on the calendar and will be reached under the procedure the Senate has agreed upon.

Mr. WHEELER. It was passed over when reached yesterday.

Mr. ROBINSON of Arkansas. I understand it was passed over yesterday; but my information is that it will be passed now, if the Senator chooses to let the Senate proceed with the call of the calendar.

Mr. FRAZIER. I want to inquire when we are to proceed with the calendar.

Mr. ROBINSON of Arkansas. We were to have proceeded with the calendar immediately following the disposition of the conference report on the naval appropriation bill.

Mr. FRAZIER. Until 1 o'clock?

Mr. ROBINSON of Arkansas. Yes. Practically the entire time has been taken up with discussion of other subjects than the conference report, but now we are approaching the hour of 1 o'clock, when another order of business will supersede the conference report on the naval appropriation bill. I have not the slightest objection to the resolution which the Senator seeks to have passed, and my information is that it will be passed if it is reached in the orderly procedure.

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

Mr. ROBINSON of Arkansas. I yield to the Senator from Ohio.

Mr. FESS. I objected to the resolution yesterday. I told the Senator from North Dakota that I would not object to-day. I have no objection to it.

Mr. ROBINSON of Arkansas. I suggest that we dispose of the conference report, and then if the Senator wants to call his resolution up out of order, as far as I am concerned, I will not object.

Mr. FRAZIER. Mr. President——

Mr. ASHURST. Let us vote on the conference report on the naval appropriation bill, and then on the resolution of the Senator from North Dakota right away.

The PRESIDING OFFICER. The Senator from North Dakota has the floor.

Mr. FRAZIER. I am perfectly willing to relinquish the floor at this time, with the understanding that the vote will be taken.

Mr. ASHURST. Let the question be put on the conference report on the naval appropriation bill.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. BLAINE, Mr. BROOKHART, and Mr. GEORGE addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. BLAINE. Mr. President, I think there is no necessity for undue haste. I for one am going to exercise the right, which is not a personal right but a representative right of the people. That right involves the duty of a legislative body to give full and fair consideration to every question that is before it.

We are in this situation: There is a possibility of the adoption of a conference report in the Senate which may be rejected in the House under rules quite different from the rules which prevail in this body. It would therefore seem to me, and does seem to me, that the orderly course to pursue is to await action by the other body.

Mr. HALE. Mr. President, the papers are in this body. This is an ordinary conference report and, as is always done with appropriation bills, whenever a matter comes over on which there must be a separate vote in the House, that vote is taken. Then it comes back to the Senate, and we simply agree to the action of the House, and that is all there is to it.

Mr. BLAINE. I understand, but that is the very situation——

Mr. HALE. It is merely pro forma. It happens in the case of every appropriation bill.

Mr. BLAINE. I understand, but that is the very situation which ordinarily drives the Senate conferees to consent to the dictates and demands of one or two men in the House of Representatives. The result has repeatedly been that amendments have been offered and accepted by the Senate with the understanding, the silent consciousness, of those who have had management of the bill, that those amendments would be stricken out when the bill went to conference. I have seen debates proceed in this body for many days when some of us at least assumed that when the Senate adopted an amendment, the conferees of the Senate would not readily recede, but too often the situation has been that there has been no purpose on the part of the conferees to insist upon the amendments adopted by the Senate.

I know that my colleagues around and about me are very seductive in their soft speech, and I say it as a compliment to my colleagues. I am almost persuaded; but, Mr. President, I think there is something more in this proposition than just the adoption or rejection of this conference report. The legislative power of the Senate is practically annulled under the procedure that has been followed in the past.

Mr. President, it seems to me that the constitutional duty and the constitutional prerogative of this body should be asserted. We are presumed to have in America a representative government, but when one or two men in either branch of Congress possess the power to defeat legislation, then we have in America not a representative democracy but a self-constituted dictatorship.

Mr. SHORTRIDGE. Mr. President, all unconsciously the Senator is exercising the same power which he is now denouncing.

Mr. BLAINE. Mr. President, I want to suggest to my very gracious friend from California that I am pursuing my duty on this occasion as he has pursued his duties in the past, and I do not believe that he intends to impute to me any such power.

Mr. SHORTRIDGE. I never insinuate; I state my views clearly if I can.

ORDER OF BUSINESS

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

The CHIEF CLERK. The bill (H. R. 8298) authorizing acquisition of a site for the farmers' produce market, and for other purposes.

Mr. GLASS. Mr. President——

The PRESIDING OFFICER. The Senator from Wisconsin has the floor. Does he yield to the Senator from Virginia?

Mr. BLAINE. Mr. President, I not only yield to the Senator from Virginia, but I desire to inform the Senator that I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

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

Mr. GLASS. For what purpose?

Mr. FRAZIER. In order that I may ask unanimous consent for a vote on Senate Resolutions 303 and 306.

Mr. GLASS. I will yield for that purpose alone if the Senator can assure me there will not be any extended discussion of the matter.

Mr. FRAZIER. I would appreciate it very much if the Senator will let me try it at least. I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 1823 and 1824, being Senate Resolution 303, increasing the limit of expenditure for a survey of Indian conditions in the United States, and Senate Resolution 308, continuing until the end of the first regular session of the Seventy-first Congress Senate Resolution No. 79, authorizing a general survey of Indian conditions.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Dakota?

Mr. GEORGE. Mr. President, yesterday it was stated that after the disposition of the naval conference report this morning we would proceed to the consideration of unobjected bills on the calendar and continue thereon until 1 o'clock. It was also

stated that if we did not dispose of the conference report before 1 o'clock, then further provision would be made for consideration of the calendar. Unless that is to be done, I do not think we ought now to go back to measures on the calendar which have already been passed over when reached on the last call of the calendar.

The PRESIDING OFFICER. Does the Senator from Georgia object?

Mr. CURTIS. Mr. President, will the Senator from Virginia yield?

Mr. GLASS. Certainly.

Mr. CURTIS. I understand the Senator from Ohio [Mr. FESS], who objected, has withdrawn his objection. These are important resolutions. I hope the Senator will let them go through. We will try later on, after the conference report is disposed of, to fix a time for the consideration of unobjected bills on the calendar.

Mr. GEORGE. I wanted some assurance of that fact because it is nothing but fair. These resolutions were reached in their regular order on the calendar and were debated at considerable length, and thereby other matters further down on the calendar were postponed.

Mr. CURTIS. The Senator from Ohio withdrew his objection, and I think the resolutions will be adopted without any discussion or objection.

Mr. GEORGE. At any rate, I wanted some assurance that we would have another chance at the calendar.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Dakota?

Mr. BRATTON. Yes, Mr. President; I object.

The PRESIDING OFFICER. Objection is made.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the following bills and joint resolution of the Senate:

S. 61. An act granting an increase of pension to Louise A. Wood;

S. 1547. An act for the relief of Johns-Manville Corporation;

S. 1766. An act for the relief of R. H. King;

S. 2291. An act for the relief of certain seamen and any and all persons entitled to receive a part or all of money now held by the Government of the United States on a purchase contract of steamship *Orion* who are judgment creditors of the Black Star Line (Inc.) for wages earned;

S. 2695. An act for the relief of Gilliam Grissom;

S. 3002. An act for the relief of Mina Bintliff;

S. 3233. An act for the relief of Harry E. Good, administrator de bonis non of the estate of Ephraim N. Good, deceased;

S. 4234. An act authorizing the purchase of certain lands by John P. Whiddon;

S. 4604. An act for the relief of James L. McCulloch;

S. 4811. An act for the relief of C. J. Colville;

S. 4817. An act for the relief of the Federal Construction Co. (Inc.);

S. 4819. An act for the relief of Roy M. Lisso, liquidating trustee of the Pelican Laundry (Ltd.);

S. 4890. An act authorizing the Secretary of the Treasury to pay the Gallup Undertaking Co. for burial of four Navajo Indians;

S. 5058. An act for the relief of George A. Hormel & Co.;

S. 5090. An act for the relief of Lewis H. Easterly;

S. 5221. An act for the relief of Cary Dawson;

S. 5270. An act to authorize the Secretary of War to donate a bronze cannon to the city of Phoenix, Ariz.;

S. 5326. An act for the relief of Jessie L. Kinsey;

S. 5514. An act for the relief of E. Gellerman, doing business under the name of the Lutz-Berg Motor Co., at Denver, Colo.;

S. 5749. An act authorizing the presentation of the distinguished flying cross to Capt. Benjamin Mendez;

S. 5766. An act for the relief of Andrew T. Bailey;

S. 5776. An act for the relief of Wynona A. Dixon; and

S. J. Res. 58. Joint Resolution to relieve Elizabeth Robins Pennell from necessity of providing a surety on her bond for the benefit of the United States as residuary legatee and remainderman under the will of Joseph Pennell.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 13981) to permit the United States to be made a party defendant in certain cases.

The message further announced that the House had passed the following bills of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. 1338. An act for the relief of James E. Jenkins; and

S. 4848. An act for the relief of T. L. Young and C. T. Cole.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 2441. An act for the relief of William P. Brady;

H. R. 4611. An act for the relief of Marion M. Clark;

H. R. 4624. An act for the relief of Thomas Finley;

H. R. 5933. An act for the relief of Mabel L. Brown;

H. R. 5950. An act for the relief of Alice Sarrazin;

H. R. 6884. An act for the relief of Thomas F. Sutton;

H. R. 7560. An act for the relief of James P. Hamill;

H. R. 8519. An act for the relief of A. N. Worstell;

H. R. 9530. An act for the relief of W. L. Inabnit;

H. R. 10817. An act for the relief of the Merrill Engineering Co.;

H. R. 10912. An act to reimburse or compensate Capt. John W. Elkins, jr., for part of salary retained by War Department and money turned over to same by him;

H. R. 11149. An act for the relief of Albert D. Castleberry;

H. R. 12255. An act for the relief of Martha C. Booker, administratrix of the estate of Hunter R. Booker, deceased; H. H. Holt; and Annie V. Groome, administratrix of the estate of Nelson S. Groome, deceased;

H. R. 12782. An act for the relief of C. L. Beardsley;

H. R. 13127. An act for the relief of Lowell G. Fuller;

H. R. 13288. An act to authorize a cash award to William P. Flood for beneficial suggestions resulting in improvement in naval material;

H. R. 13869. An act for the relief of John Wesley Clark;

H. R. 14089. An act for the relief of Dale S. Rice;

H. R. 14583. An act for the relief of A. Brizard (Inc.);

H. R. 14767. An act for the relief of Howard C. Frink;

H. R. 14975. An act for the relief of Capt. William Cassidy;

H. R. 15029. An act for the relief of Edward A. Burkett;

H. R. 15190. An act granting six months' pay to Annie Bruce;

H. R. 15197. An act for the relief of Alma Rawson;

H. R. 15293. An act for the relief of Lieut. John J. Powers, Quartermaster Corps;

H. R. 15424. An act for the relief of Dr. W. H. Parsons;

H. R. 15489. An act for the relief of Leonard T. Newton, pharmacist mate, first class, United States Navy;

H. R. 15914. An act for the relief of John T. Painter;

H. R. 15976. An act for the relief of Lieut. (Junior Grade) Victor B. Tate, United States Navy, and Paul Franz, torpedo man (third class), United States Navy;

H. R. 16090. An act for the relief of Hugh Dortch;

H. R. 16560. An act for the relief of Francis J. Moore;

H. R. 16893. An act for the relief of Lieut. Thomas C. Edrington, Supply Corps, United States Navy;

H. R. 16894. An act for the relief of Lieut. Edward F. Ney, Supply Corps, United States Navy;

H. R. 16895. An act for the relief of Lieut. Henry Guilmette, Supply Corps, United States Navy;

H. R. 16889. An act for the relief of Lieut. Francis D. Humphrey, Supply Corps, United States Navy;

H. R. 16896. An act for the relief of Capt. Walter B. Izard, Supply Corps, United States Navy, retired;

H. R. 16897. An act for the relief of Lieut. Edward Mixon, Supply Corps, United States Navy;

H. R. 16899. An act for the relief of Lieut. Archy W Barnes, Supply Corps, United States Navy;

H. R. 16900. An act for the relief of Capt. William L. F. Simonpietri, Supply Corps, United States Navy;

H. R. 16902. An act for the relief of Lieut. John M. Holmes, Supply Corps, United States Navy; and

H. R. 17001. An act for the relief of Capt. Walter R. Gherardi, United States Navy.

RETIREMENT OF EMPLOYEES IN CLASSIFIED CIVIL SERVICE

The PRESIDING OFFICER (Mr. BINGHAM in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 1727) to amend the act entitled "An act to amend the act entitled 'An act for the retirement of employees in the classified civil service, and for other purposes,' approved May 22, 1920, and acts in amendment thereof, approved July 3, 1926, as amended," which were, on page 2, to strike out line 21; and in line 22, to strike out the words "of retirement" and insert "any five consecutive years of allowable service at the option of the employee"; on page 3, after line 8, to insert:

SEC. 3. In the case of those who, before the effective date of this act, shall have been retired on annuity under the provisions of the act of May 22, 1920, or said act as amended, or as extended by Executive orders, the annuity shall be computed, adjusted, and paid under the provisions of this act, but this act shall not be so construed as to reduce the annuity of any person retired before its effective date, nor shall any increase in annuity commence before such effective date."

On page 3, line 9, to strike out "3" and insert "4"; and on page 3, line 10, to strike out "1928" and insert "1929."

Mr. DALE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Vermont?

Mr. GLASS. For what purpose?

Mr. DALE. I merely wish to move that the Senate concur in the amendments of the House.

Mr. GLASS. I yield to the Senator for that purpose with the distinct understanding that it involves no discussion.

Mr. KING. Mr. President, may I ask the Senator from Vermont what changes have been made?

Mr. DALE. There are no material changes. The date on which the bill takes effect is changed to July 1, 1929.

The PRESIDING OFFICER. The question is, Shall the Senate concur in the amendments of the House.

The amendments were concurred in.

BITUMINOUS COAL INDUSTRY—STATEMENT OF JOHN L. LEWIS

Mr. WHEELER. Mr. President, I ask unanimous consent to have inserted in the RECORD a statement of John L. Lewis, president of the United Mine Workers of America, which was made before the subcommittee of the Senate Committee on Interstate Commerce on Senate bill 4490, to regulate interstate and foreign commerce in bituminous coal; provide for consolidation, mergers, and cooperative marketing; regulate fuel supply of interstate carriers; require the licensing of corporations producing and shipping coal in interstate commerce; and to create a bituminous coal commission, and for other purposes.

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

STATEMENT OF MR. LEWIS

Mr. LEWIS. Mr. Chairman and gentlemen of the subcommittee, the hearings before the full Senate Committee on Interstate Commerce during the last session of Congress developed conclusive proof that the bituminous-coal industry had drifted into such uneconomic and disorderly operation that nothing short of Government regulation could possibly be relied upon to adjust this basic industry to business and labor standards consistent with American enterprise.

Operators testifying before your committee admitted that the industry is selling the bulk of all coal produced below production costs. These same operators admitted that they were making no concerted effort to stop this wasteful dissipation of capital assets. Six months have passed since Congress recessed and during all this period not one single coal association, not one single leader in the industry has come forward with any proposal to correct the disorderly conduct of "King Coal."

If the operators know the present-day condition of the industry, then it must be admitted by coal management that the industry is by far worse off to-day than was the case when the hearings before this committee were recessed last May.

Since the adjournment of Congress, the United Mine Workers of America have accepted wage reductions ranging from 17 to 33 per cent in the unionized coal fields, not because the economic conditions and possibilities warranted such decreases, but due solely to the fact that the lack of leadership within the industry resulted in no effort being made to stop ruinous competition, external or internal.

The uneconomic wage now forced on the mine workers is but another result of the incompetence of the leadership which has prevailed in bituminous coal since the industry was first classified as an important industry, or more than 70 years.

Operators testifying before your committee endeavored to show that the earnings of the mine workers were comparable with those paid in other industries and that the charge by the union that low wages, distressful living conditions, and, in general, an un-American labor relationship prevailed, was ill-founded propaganda. I want to quote from a speech of Fred W. Shibley, vice president of the Bankers Trust Co., New York, who delivered the principal address before the National Coal Association Convention, November 15, 1928, at Cleveland, Ohio.

"Nobody is happy in the whole bituminous-coal industry," said Shibley. "The correlative facts are that a fair return is not being earned upon the capital actively employed in the coal industry, and that labor is not being permitted to earn wages commensurate with the cost of living in this country or comparable with the wages paid by successful industries.

"There is no industry in this country in a more deplorable condition at the present time than the coal industry. * * * The coal industry is one of the greatest national industries. The agricultural industry is the greatest of all industries. There can be no extended national prosperity until the farmer and the producer of coal each receives his fair share of the national dollar of income.

"Operators know in most cases when they are selling coal at less than cost of production, but their stockholders are not alive to the wasteful destructiveness of such action. Their only excuse is that everyone is doing it, a poor excuse in the extreme."

Here you have straight-shooting criticism of one of the country's leading bankers attributing the plight of coal direct to the men who manage bituminous-coal production. His statements are unqualified. Certainly the remarks of Mr. Shibley can not be characterized as "the wail of a union-labor leader speaking in behalf of barrack dwellers whom he seeks to hold in line that he might control a labor trust and perpetuate himself in political office." Yet there is little difference in the language used by mine union officials and that used by Mr. Shibley, financier of Wall Street. The conclusions of these two divergent forces are identical. And then Mr. Shibley goes on to ask some very pertinent questions of the bituminous-coal operators.

"Do coal operators know their true costs?

"Do coal operators realize that they are drifting toward a great cataract known as bankruptcy?

"Do consumers of coal realize what might happen to them if a large number of coal operators were obliged to discontinue operations for want of working capital?

"Do railroads appreciate their obligation to the coal industry?

"Do public-service corporations properly evaluate the service of coal producers and their indirect contribution to their success?

"Do manufacturers realize the importance of restoring from three hundred to five hundred million dollars represented by increased earnings and increased wages in the coal industry to consumer purchasing capacity?

"Do the great majority of the people know that by paying 50 cents a ton more for the coal they use they would receive indirect dividends greatly in excess of this modest increase in sales price?

"Finally, does labor know the truth about the coal situation? Do the miners realize that the people who are keeping them in a hand-to-mouth condition of existence are the operators who sell below cost and the consumer who purchases at less than cost? Do they know that they can never prosper as long as these two people trade on so uneconomic a basis?

To the last question of Mr. Shibley's address to labor the United Mine Workers give an emphatic "Yes." The leadership of the union has been fighting an uphill fight for 40 years to correct the very abuses which he has detailed in his questions, yet, despite all that has been done by the union, buttressed by investigations by States and the Federal Government, and despite all the warnings of economic agencies, the bituminous-coal operators have refused to adopt any intelligent plan to put the house of coal in order.

As an industrial code to correct the existing abuses in the production and distribution of bituminous coal, Mr. Shibley proposes corrective trade practices which are identical with those suggested by the United Mine Workers of America, the United States Coal Commission, and various economic agencies. Mr. Shibley states the program thus:

"No overproduction of coal.

"No sales of coal to the public carriers or to anyone else at prices less than the cost of production.

"No shipments of unsold consigned coal.

"No duplication of sales effort.

"No unfair and unethical sales practices.

"No expansive invasion of unnatural sales territory, and consequently no uneconomical haulage charge.

"Under such ideal conditions as have been outlined, capital would receive a fair return, labor would be satisfied. There would be no strikes for the same reasons that there are no strikes in the automobile industry. Methods of production and distribution would be standardized and economies effected that would result ultimately in very cheap prices to consumers of coal.

"Instead of purchasing necessitous coal at prices yielding a profit to no one, the public-service corporations and manufacturers generally would find that in paying an equitable price for coal they were stimulating consumer capacity for their own service and products, that the business of the Nation was being strengthened and the national prosperity increased. Miners, like other well-paid workmen, would contribute to the national purchasing power and the deposits in savings banks.

"And right here it should be stated that the predictions recently made of a broadening national prosperity by Charles M. Schwab and Henry Ford can never materialize as long as certain classes of capital and labor are pauperized through a persistence of uneconomic conditions.

"The time has come to show up the coal operator who, in ignorance of his costs, sells his product constantly below the cost of production.

"The time has come to educate the consumers of coal to pay a fair price for the product in their own interests. A great deal of education will be necessary along this line.

"But many large industries refuse to recognize the economics of the situation. They continue to play the necessities of one coal operator against the pitiable condition of another, beating down the price to a ruinous level while they rejoice at the efficiency of their purchasing departments.

"These people in many instances are manufacturers of the machinery and equipment used by the operators, or of the merchandise consumed

by the miners. They are killing the goose that lays the golden egg, but they do not know it, or cynically they disregard the fact.

"Certain large consumers know they are paying an unfair and uneconomic price for coal, but public opinion has not become so aroused that they are ashamed of browbeating coal salesmen."

The evils outlined by Mr. Shibley constitute the prevalent fundamental abuses in the coal industry. The remedial trade practices outlined by him would no doubt solve the major mine problem. But when and how are these trade practices to become effective is the vital question with which 500,000 miners and their families and the business men of the coal regions are concerned. Bituminous coal operators have demonstrated to the satisfaction of every agency that has investigated coal that the 5,000 separate units of the industry can not be brought together under a voluntary cooperative plan of organized production and distribution, embracing the reforms outlined by Mr. Shibley and thereby improving the status of the industry.

Millions have been spent by operators in freight-rate wars to obtain competitive advantages through revised freight-rate structures. Millions of capital assets are being wasted annually in futile competition, but nowhere does the record reveal that the operators have contributed money or applied constructive business thought and ability toward a solution of coal's vital, fundamental, economic problems.

To one informed of the underlying causes for the "disorderly conduct" of bituminous coal, it is utterly absurd even to entertain the thought that the time will ever come when the bituminous coal industry can establish sane business relations through corrective measures brought about of its own free application.

And here again I want to quote Mr. Shibley, to bear testimony to the extraordinary abilities of the operators to pull in opposite directions. All in all, Mr. Shibley's remarks constitute the most thorough raking over that the operators have received from an invited guest in many, many years. It certainly can be no boast of the industry that its leaders were compelled to sit and listen to a banker of the rank of Mr. Shibley tell them the fatally cumulative consequences of their own multitudinous stupidities.

"Much can be accomplished," said Mr. Shibley, "toward a betterment of conditions in the coal industry through the merger of properties lending themselves to economic groupings. The consolidation into one great corporation of the various Pocahontas coal properties which failed recently, would have demonstrated this fact in a convincing way.

"But it failed as many other attempts at consolidation have failed because the attempt was made before the Pocahontas operators, in part at least, were ready for it. The necessity for such a consolidation was felt by them, but they had not learned how to cooperate. The old fear of each other pervaded their thoughts. They dare not risk their properties under a management other than their own, because they had not been convinced that they would prosper more as a group than as individuals.

"The desire for cooperation and the thorough understanding of the fundamental principles of cooperation must be acquired before an economic consolidation of coal properties can be undertaken. It is only through cooperation and subsequent consolidation that the menace of overproduction can be minimized.

"Great corporations effectively managed can produce and market coal so much cheaper than scattered individual operators that there is reason to believe that they can maintain the industry on an economic basis even if the individual operators decide to continue the dying financially by that lingering, but apparently fascinating, disease called 'selling at less than cost.'

"I believe we are entering upon a period in which great producing and distributing corporations will exercise a dominating influence in business.

"The consuming public is intelligent and discriminating. It favors stabilization in prices and is not inclined to view with favor an industry in which prices fluctuate violently, and one which punishes them when the opportunity offers. The coal industry lends itself to consolidation. Mine operations can be readily controlled by a central organization and there can be no argument, of course, as to the possible economies in distribution.

"But how consolidate under present conditions? When the blind lead the blind both are liable to fall in the ditch."

Mr. S. A. Taylor, one of America's foremost mining engineers, was another speaker who analyzed the backwardness and inefficient management of the bituminous coal industry before the assembled delegates to the recent Cleveland convention of the National Coal Association.

"If we assume," said Taylor, "at the present time an excess capacity of 300,000,000 tons, the actual outlay of money to maintain it would be equal to $45,000,000 per year, and when to this is added the cost of capital at 6 per cent, it would make $60,000,000 per year, or for both items the sum of $105,000,000 yearly to carry this excess tonnage capacity."

According to the Standard Statistics Service, coal companies that made public reports to the degree that an intelligent summary could be made for the year of 1927 showed that the per cent of gross margin saved for net income resulted in a deficit of 3.7 per cent. This means that in the year 1927 the reporting coal companies showed a combined loss of around 7½ cents the ton on all coal sold based upon an average selling price of $2 per ton.

If this ratio of loss obtained for the entire industry, it means that an additional loss of $37,500,000 based upon 500,000,000 tons production must be added to the $105,000,000 loss detailed by Mr. Taylor. But the facts will disclose a much greater loss than this huge total of $142,000,000 which only partially tells the story. It is common knowledge that a large majority of operators have been reluctant to deal with depreciation and depletion, fearful that the staggering results would be too much for their credit rating and mental well being.

The most important losses are those resulting from spreading bankruptcies taking heavy toll in all the principal coal fields. As a matter of fact the financial structure of bituminous coal is so insecure and wabbly that no accurate annual loss can be estimated. Not only are the coal companies bankrupting themselves by selling coal below production costs, but in so doing the whole surplus capital of entire mining communities is becoming impaired, as witnessed by the closing recently of three banks within one week in Eastern Kentucky, resulting from frozen assets caused by excessive loans to coal companies.

It is perhaps unnecessary to point out that local depressions of this character do not remain local. In the recent report of the Secretary of Commerce on the state of business in the fiscal year ending June 30, 1928, the slump in industrial output and employment which characterized the later months of 1927 was attributed to the Mississippi floods, the temporary curtailment of activity by a leading motor manufacturer during a change of model, and similar factors.

If passing events such as these can make such a considerable difference in the volume of business and employment, what can be expected from the permanent economic wreckage of great areas of the country, areas which supply the fuel from which comes over two-thirds of the power employed in American industry, areas which supply the lucrative freight to the great rail carriers who serve all other industries more efficiently and cheaply because of the backlog of coal revenues?

In order that the committee might fully comprehend the extent to which selling piracy is being executed by coal companies the following comparisons will reveal the picture in part:

In 1923 Kentucky produced 44,777,000 tons of coal, for which Kentucky operators received $113,735,000. In 1926 Kentucky produced 66,330,000 tons of coal, for which Kentucky operators received $110,194,000. Production increased 21,553,000 tons, or 48 per cent, while sales realization decreased $3,541,000, or 3 per cent.

Virginia in 1923 produced 11,761,000 tons of coal, for which Virginia operators received $32,460,000. In 1926 Virginia produced 14,493,000 tons of coal, for which Virginia operators received $24,827,000. Production increased 2,731,000 tons, or 23 per cent, while sales realization decreased $7,633,000, or 24 per cent.

In 1923 West Virginia produced 107,899,000 tons of coal, for which West Virginia operators received $285,934,000. In 1926 West Virginia produced 147,209,000 tons of coal, for which West Virginia operators received $270,864,000. Production increased 39,310,000 tons, or 36 per cent, while sales realization decreased $15,070,000, or 5 per cent.

The trouble with coal operators is that they have been trying to expand markets by increasing the demand for coal over which they have no control while not concerning themselves about the price at which they sell coal over which the should maintain control.

If there is one man in the country who should intimately know the value of the abilities of individual coal operators, as well as the collective response as regards intelligent cooperation among operators, that man is Harry L. Gandy, secretary of the National Coal Association. It might be well to inquire as to Mr. Gandy's appraisal.

The prevalent practice of selling bituminous coal at the mines below cost of production was the chief topic of discussion at the May, 1925, convention of the American Mining Congress. Mr. Gandy made this contribution:

"Whenever operators acquire sufficient courage and self-control to resolve that no coal shall go out of their mines at an unremunerative price, some of the difficulties of the industry will be over."

The spine of the coal industry, recognized by its executive head as excessively weak in 1925, has evidently completely buckled, for it is a known fact that competition has reached far greater destructive levels in this year 1928.

Mr. Gandy's conclusion is but additional proof that the United Mine Workers have accurately gauged the ability of the industry when we say that no hope of progress can be expected based upon the voluntary cooperation of operators within the industry.

Following the recess of coal hearings last May, Mr. G. J. Anderson, president of the Consolidation Coal Co., evidently concluded that he would assume the lead in launching a movement to restrict production and improve price realization. Mr. Anderson closed down five mines and then began an advertising campaign to enlist other operators to join in the movement to curtail output. The following is the advertisement which appeared in Fairmont, W. Va., newspapers:

"TO OUR FELLOW COAL PRODUCERS WHO BELIEVE WITH US THAT * * * EFFICIENT MEN SHOULD BE RETAINED IN THE INDUSTRY AND INEFFICIENT MINES SHOULD BE ELIMINATED FROM PRODUCTION

"The Consolidation Coal Co. believes that the present plight of the bituminous-coal industry will not be remedied by forcing unwanted coal upon an unwilling market. It sees no relief, either to the industry or to any producing company, by cutting prices below a level that permits a mine to remain in production with its natural overhead unabsorbed in its average realization.

"The Consolidation Coal Co. believes that no present useful purpose nor any contribution to future stability is to be gained by further cutting wages below a sound economic level. Whatever may be the temporary relation of labor costs to selling prices, it holds that the primary object of both mine labor and mine management must be the most regular work-time possible under a proper wage base.

"Holding, as it does, these beliefs, the company is attempting to bring both its marketing and operating policies into line with what it conceives to be a constructive economic basis. To that end it is closing for an indefinite period some of the least efficient mines, and consequently must dispense with the services of a considerable number of valued and loyal employees.

"The company is confident that the elimination of these mines will not only be to the advantage of the industry at this time, but that the greater concentration thus enforced will yield benefits to the labor remaining and to the company as a whole.

"On the other hand, it is recognized equally that there would be a loss to the industry if many of the experienced employees, thus displaced through no fault of their own or by any dissatisfaction with their services, were unable to continue in bituminous coal.

"The company has, therefore, taken this opportunity to give to its fellow producers a frank statement of the policy thus adopted. Further, in behalf of any former employees seeking affiliation elsewhere in the industry, it wishes earnestly to bespeak all proper consideration and courtesy for their applications arising out of this action.

"If the industry is to progress rapidly toward its rightful economic recovery, the Consolidation Coal Co. believes each and every producing unit must make some sacrifice to that end. We speak only for ourselves and only in the spirit of friendly cooperation. The retention of the most economic mines, and the present elimination of the least efficient, adopted voluntarily as a general program, seems to offer the speediest and most effective relief for all.

"THE CONSOLIDATION COAL CO. (INC.),
"G. J. ANDERSON, *President*.

"15 BROAD STREET, *New York, N. Y.*"

It is a sad commentary upon the business sagacity of the industry that there exists no closer relationship between operators in a producing field that produces around 35,000,000 tons annually than that afforded by the insertion of a paid advertisement in a local newspaper. The whole aspect is far more distressing when you take into account the fact that Mr. Anderson is president of the largest American bituminous-coal company, in which John D. Rockefeller, jr., owns controlling interest.

Like all other feeble efforts to get at the control of uneconomic production and distribution at the source, the lamentation of Mr. Anderson failed to win any favorable response from the operators, notwithstanding the trade journals and business newspapers commended the proposal as a fundamental step in the right direction.

As further proof that operators will not heed sound business procedure, such as Mr. Anderson suggested in his advertisement, and have drifted to further depths of helpfulness in the ruinous buyers' market, the following admonition from a bulletin issued by the National Coal Association November 24, 1928, lays bare the cancerous nature of the practice of producing coal without markets:

"Sixteen thousand four hundred and sixty-one cars of bituminous coal were shown to have been unbilled at the mines or in railroad classification yards on October 1, according to the United States Bureau of Mines' stock report, recently issued as of that date. At 50 tons per car the aggregate unsold tonnage on tracks October 1 was considerably over 800,000 tons.

"That that coal had a demoralizing effect on the market will be admitted by all. The questions of unbilled coal and coal on open consignment have been and are of vital concern to the entire bituminous industry. Local associations should renew discussion of these questions. They should ascertain what proportion of that unsold coal on October 1 was in their respective districts and collect figures currently. Perhaps there is no one step that would immediately have such a beneficial effect on the coal market as following the admonition: 'Produce no coal until orders are in hand therefor!'

"If every bituminous operator would firmly resolve to mine no coal until sold, that action would at once cure a situation of disastrous effect on the entire industry. The operator who produces coal before it is sold does not deceive anybody, for purchasing agents know currently how much coal is unbilled at the mines and have information as to coal consignment. Now, all together, every bituminous operator, for the elimination of the production of unsold coal."

Exhorters have been many in the coal industry over a long period of years, and if the response to admonitions be the criterion by which the industry is to be judged, then it can be truly said that the industry displays no sign of conscience. Officials of the National Coal Association know better than to expect cooperation from operators in the matter of restricting output to meet current market requirements. It is just another one of the bulletins that are sent out, received, and wastebasketed.

FUTURE OUTLOOK

The immediate future holds no promise of increased bituminous-coal consumption. Improved combustion methods and the competition of oil, gas, and electricity will take care of new uses for coal such as would have existed in the buried past, for a long period to come. Coal consumption does not depend on the price of coal to any great extent. Sales campaigns and price reductions do not and can not boost coal consumption as in other industries. Considered as a whole coal is a very minor item in the total cost of manufactured products.

Coal operators have not learned the value of the product they produce. Consequently their marketing endeavors are harum-scarum. To fill the needs of a consumer with a particular coal suited to his requirements is not the sales thought of the operator, but, on the other hand, the big idea is to slip his coal in at a reduced price with the hope that he can thereby establish a connection which will afford him a sales opportunity if and whenever there might exist a sellers' market.

In the absence of any organization among the operators a continuation of uneconomic selling methods, costly to the operators and annoying and unsatisfactory to the consumers, is certain. That competition within the coal industry will constantly grow worse and more antisocial, decreasing present price realizations, is the verdict of all who have investigated.

The future offers absolutely no hope for coal prosperity, according to advice sent out by the Standard Statistics Service to brokers and investors.

What is Standard Statistics Service? It can not be classified as political or philanthropic, but quite the contrary is recognized as the high court of financial judgment. Located within a stone's throw of the New York Stock Exchange this organization is rated the best available service on industrial analysis. Here is this organization's appraisal of coal:

"Concentrated efforts toward effecting a basic improvement in the soft-coal industry this year have so far been successful only to a limited degree. Fundamental difficulties remain uncorrected, and there is little hope for early marked improvement in earnings. In fact, larger producers will in almost every case probably report even less satisfactory operating results this year than in 1927 * * *. Reflecting complete failure of the labor union to enforce its wage demands, mining operations are now upon an open-shop basis over a wide area, while in those districts still operating under union conditions wage agreements have recently been negotiated involving rates sharply under those stipulated in the union schedules previously operative. In the aggregate, labor costs throughout the central competitive territory are roughly 20 per cent under those of a year ago * * *. Aside from the peaceful labor situation and the reduction in mining costs, there is little basis for an early optimism.

"Coal prices reflecting increased competition have averaged 10 per cent below last year's levels and currently stand at approximately the lowest point in the past 12 years.

"Furthermore, in view of the industry's fundamental overcapacity it is extremely improbable that any early sustained advance in prices can be effected. Profit margins are generally inadequate under present conditions.

And then as advice to investors this service says:

"Reflecting the unfavorable earnings' prospect interest in coal company securities has been lacking this year. In the absence of any indicated favorable developments in the near term we do not advise purchases of common stocks in this group, even at present deflated levels."

Such is the market verdict of the high court of money in America on coal under date of October 11, 1928. This judgment was rendered at a time when business forecasters everywhere were predicting record breaking earnings for industry as a whole, which in turn resulted in the greatest "bull market" of all time.

In this judgment of the court of money, rendered upon standards which are based upon and expressed in dollars and cents, we find the same conclusion as to the incompetence of the management of the coal industry which has already been placed in the records of the tribunals which have tried coal by ethical and humanitarian standards and found it socially delinquent.

The courts of engineering have found it guilty of technical incompetence. Tried by the standards of conservation of natural resources, the promotion of national self-sufficiency and of potential national defense, the industry has been convicted of imbecile waste.

That American railroads have been profiting for several years past at the expense of the demoralized coal industry by the purchase of a coal supply amounting to more than 25 per cent of the total produc-

tion, at and below production costs, has already been established by the testimony given this committee.

The gas and electric utilities are buying their coal below production costs and using such coal to manufacture gas and electricity to compete with coal in supplying the increased demand for heat and power. Utilities are prosperous. Earnings are constantly increasing. The financial tipsters are advising investors to buy gas and electric utility stocks. Utilities experience no difficulty in securing ample funds to finance consolidations and improvements.

Utility rates are fixed by public-service commissions upon a basis that yields a fair return upon invested capital and the service rendered. These allowances are most generous. For the most part the structure of utility rates in the United States are predicated on coal costs from 30 to 50 per cent higher than the prevailing coal sales prices. Thus behind the unprecedented prosperity of the American public utilities lies a direct loot of the coal industry and of the natural resources upon which the future living standards of our children depend. It does not matter whether it is brought about by a conspiracy on the part of purchasing agents or by the incompetence of coal management, the result is the same. And the result is that the American coal miner is to-day the innocent victim of an un-American and uneconomic wage for his daily drudgery, and along with him the dollar of the owner of coal securities is being diminished at a perilous rate.

The fact that organized utilities are profiting at the expense of the coal industry needs no better proof than to state that utility-owned mines are closed down because utilities find it more profitable to buy coal on the open market than to produce their own requirements.

The continued expansion of gas and electric utility holding companies means a greater concentrated purchasing power and a diminished number of sales outlets for coal. The result will be that the 5,000 separate unorganized units in the coal industry will further reduce prices in an attempt to secure business.

The whole sales policy of the bituminous-coal industry revolves on an uneconomic axis. The organic sales policy embraces the sale of from 30 to 40 per cent of the total production known as screenings at from 30 to 50 cents the ton less than cost of production.

This sales condition prevails when the industry reckons itself on an earning basis. The selling of screenings below the cost of production is an ancient practice born in the industry's infancy when combustion methods demanded the coarse sizes. Hence the lower prices originally prevailed as an inducement to buyers to use screenings. Present-day combustion equipment of utilities and most manufacturing establishments demands screenings. In fact, screenings give almost equal, while powdered coal gives greater, efficiency when used under modern combustion methods than the coarse sizes. The unorganized industry, clinging to the custom of its cradle days of daddyism, has made no organized attempt to meet this changed efficiency in combustion methods which makes screenings and powdered coal a preferred product.

John Morrow, president of the Pittsburg Coal Co., addressing the Illinois Manufacturers' Association, in August, 1928, directed the attention of that group to the disproportionate cheapness of screenings, with a warning that such a condition must be corrected. Imagine, if you will, what a big laugh for an organized group of manufacturers who spend a good part of their daily lives chasing price-cutting coal salesmen from the reception rooms. Not as a feasible plan to correct the evil, but merely as the testimony of the president of one of the largest producing units showing the uneconomic results of selling screenings below cost, Mr. Morrow's address in part follows:

"In my humble opinion, you [manufacturers, industrials] have been buying your coal too cheaply, and you can not expect to keep on doing it. The reason I say that is this: American manufacturing business very largely is built upon the consumption of screenings, the undersizes of coal, and screenings comprise from one hundred to a hundred and fifty million tons of the total production of coal, bituminous, in the United States. Screenings are traditionally sold for 50 cents to a dollar a ton below the cost of producing.

"Now, I say traditionally. That has been the case for many, many years, and you gentlemen have been accustomed to buying your coal on that basis of prices. Now, I say to you that it is only reasonable for you, as business men, to expect us, as business men, to endeavor to get a better price for that one-third of our product which we have been selling to you below our production cost.

"We expect to get it not merely by asking for it, but possibly by taking the screenings away from you, doing something else with them, finding other ways of disposing of that coal, so that there won't be such a quantity of screenings to sell. And, then, if we could just persuade a few coal men that they ought not to crush their mine-run coal so that they can sell it to you at a loss, and thus insure themselves a loss on all of their product, maybe we will get somewhere after a while.

"At any rate, I repeat, that for you, as business men looking 10 years ahead, it would be well for you to take into your account the possible readjustment values on your fine sizes of coal."

What are the effects of this futile antisocial competition?

Wholesome competition is the kind of competition that is referred to as being the "life of trade." Competition that reduces prices where such reduction results in increased consumption of useful goods and services is desirable competition.

Without increased consumption lower prices do not benefit the social order. The measure of the social utility is whether it increases consumption or not. If consumption is not increased by the buyer, any financial benefit he might get and services that might result are counterbalanced by the decreased buying power and living standards of the seller.

Constructive competition has been demonstrated by countless business leaders in automobile and varied manufacturing lines. Increased output from improved manufacturing facilities operated on increased wage rates have enabled far-visioned industrialists to develop efficient methods by which the finished product has been reduced in price to such a degree that consumption increased by leaps and bounds. This plainly is socially useful competition in keeping with American thought and progress.

Destructive competition, such as the coal industry has been pursuing for many years, is distinctly antisocial. Destructive competition reduces wages, sells labor and capital assets, without increasing the consumption of the product. This benefits no one, because it destroys and impoverishes the purchasing power of such great numbers of the social order dependent upon coal for earnings, and also leads to wasteful exploitation of national assets.

The futile competition in coal has not reduced transportation or utility rates. Coal is such an infinitesimal part of manufacturing costs that no possible benefit to the consumer could accrue if the price were cut in half. No increased burden would result if the prices were doubled.

Many coal operators who have testified before this committee have attempted to excuse destructive competition by charging their conduct to the alleged inevitable operation of the law of supply and demand.

Coal operators refer to the law of supply and demand as though some supernatural force controlled a lever by which all production and sales were finally adjusted.

As a matter of fact, the law of supply and demand operates only as a regulator of production under conditions of scarcity. It performs no function, can not possibly serve to remedy or regulate the ills resulting from overproduction and free-for-all selling attempts of its own economic force, unaided and undirected.

Every agency which has investigated coal has been able to penetrate the mindless chaos and to disclose the existing evils in poignant detail.

But few have ventured to suggest a remedy. A bugaboo is met at the close of every analysis. Taboo, slogan, and shibboleth smother reason under ancient metaphysical dogmas which pass current as economic laws among the half informed.

There is an element in American business among whom the fear of governmental invasion of the sacred precincts of industrial management amounts to an obsession. Paradoxically enough the more backward an industry may be, the more it relies upon governmental intervention, such as tariff or carrier regulation in its internal relations, the more it is inclined to disregard all the canons of individualism and political liberty in labor relations, the more fanatically it clings to outworn conceptions as to the public relations and responsibilities of business management. No matter how unprogressive an industry may be, no matter how much the public welfare may depend upon its product, no matter how much poverty and oppression may prevail among its working forces, the mere hint of socially intelligent action to give more progressive management and investment capital a chance to improve things stirs up a frenzy of protest. There is something ludicrous in these fierce assertions of individual rights by the leaders of industries which have the least right to demand a doctrinaire independence of action, unless we are prepared to admit that independence is a corollary of incompetence.

We hear no such language from the leaders of industries which have proved their ability to give service. Some of the successful industries have never been regulated because they discharge their public duties so well that no demand for it ever arose. Others, like the utilities, have been regulated, and now parade their "chains" as inducements to the investor.

In such controversies as this, one hears a good deal about the rights of private property. I think that the old common-law judges in their rulings against perpetuities and spendthrift trusts have crystallized into our law as it is crystallized into common sense the fact that the right of private property is safeguarded by society, because the right to own is the right to manage, and experience has usually been that those competent to acquire property are on the average the best qualified to manage business. But when management is incompetent and appeals to historic rights, it becomes the enemy of those historic rights because it has betrayed the reason for their existence.

Irrational appeals of this sort are a potential menace to the property rights of all other classes of owners. By discrediting one species of ownership, public respect for all ownership may be weakened.

All investigators seem to be satisfied that as the industry stands the thousands of separate coal company units can not hope to reach a voluntary agreement restricting production, consequently most con-

clusions of investigators end in an epilogue of "why it can not be done."

I sometimes ponder the reasoning ability of coal operators, expressing themselves as opposed to Government regulation, when the facts are that fully 35 per cent of bituminous coal is consumed by regulated railroads and utilities. What would happen to transportation if we had a return to rebates and cut-rate wars? Where would our transportation system secure the capital to keep development abreast of the times if it were being operated on a basis of selling its capital assets? It is indeed a curious circumstance, a bewildering stupidity to the casual observer that the average coal leader persistently refuses to do anything of his own accord, through the promotion of consolidation, pool-selling agencies, or acceptance of any of the basic fundamentals of sound business; yet at the mere mention of Government action being invoked to promote betterments and stabilize the industry, he responds to the Babbit clarion call and proclaims his independence, his right of self determination in opposition to Government direction and possible rescue. Just now this type of business underling is busy issuing verbal and written denunciations against further Government investigations of the coal industry.

It is claimed by operators that investigations contribute nothing toward a solution of coal's problems. Furthermore, they point out that coal has been investigated 16 times since 1913, and that nothing has resulted to correct the chaotic conditions.

That nothing has been accomplished from investigations, I will agree, but the responsibility for the lack of progress rests squarely upon the operators who have refused to accept individual and collective responsibility for the improvements which the investigations have shown to be imperative.

The operators are apparently blind to developed facts. They do not seem to comprehend that the future holds nothing more than present profitless operation, unless Government regulation can be invoked under which a code of producing and selling practices can be established and through the instrumentality of Federal license operators can be educated to the advantages of being good, by observing the sane fundamentals of sound business intelligence.

There is no magic by which the industry can be made pliable to American standards. Since failure on its own resources is firmly established, then there is but one recourse left, and that is Government regulation. That such economic reasoning is shared by others, I will quote from A Way of Order for Bituminous Coal, by Hamilton and Wright, published by the Institute of Economics:

"An industry does not automatically organize itself; there is no natural, immutable, indefeasible scheme of order. No industrial structure comes into existence as a result of the 'automatic working' of 'economic forces.' The prevailing system of free enterprise seems natural only to those who look at all industrial organization through the glass of a very simplified picture of its institutions. It is composed of usages and habits, conventions, and practices, taboos upon action and ways of doing things. Its whole make-up consists of understandings and arrangements of a kind with the legal freedom of an individual to enter a trade, the exchange of goods by 'free contract,' the system of profits as a way of getting things done, and the prohibition of 'restraint of trade' by the Government. Each of these bears the confused reality for a long and checkered history.

"No self-maintaining, self-regulating scheme of order has ever existed. A Simon-pure competitive system, in which the interests of all are served by each acting for himself, does not operate unaided. Its maintenance requires a code of rules to determine who is to have and to hold the instruments of production, an elaborate procedure for giving effect to contracts, a nice adjustment between the incentives to action of the parties, and a mechanism of checks and balances to hold personal activities within social bounds. The effort to prevent restraint of trade and to preserve free competition by a resort to coercion is the best evidence of its mundane quality; for the order of nature does not have to appeal to the parliament of man of survival. The confusion in the courts over where competition ends and restraint begins bears testimony to the impossibility of separating the operation of economic laws from the behavior of the human actors in industry.

"A compromised competitive system belongs to a Simian domain far removed from the uniformities of an order of nature. Its tangled scheme under which some matters are left to the market and the rivalry of business concerns, others are regarded as within the province of government, and custom and collusion are not absent from the whole, bears evidence of its prolonged traffic with men. It is not characteristic of the free enterprise that operates in coal to settle the larger affairs of industry for the persons concerned through the beneficent action of economic laws. Instead, the mark of its prevalence is the absence of an authority in large matters, which become mere incidents to the endless making of little decisions, and must get settled as best they may. The whole matter of fitting a scheme of control to the unique requirements of an industry belongs, not to the realm of the inevitables, but well within the domain of conscious choice * * *.

"The task of one who would set coal to rights, beset as it is with countless hazards and numerous choices, at least involves no sacrilege; for there is no way of passing the problem along to nature. There can be no choice between a natural and an artificial organization—between a control by the rules of men and the operation of economic laws. The only large choices are the retention of a very human competitive system which was never planned and works only as well as it works, its deliberate modification, or its conscious replacement by some other scheme of more conscious design but no less human origin.

"An application of the art of organization to bituminous mining involves a critical and constructive inquiry into the arrangements which make up its scheme of control. It means doing for the industry as a whole what the resourceful and farseeing executive is forever doing for his establishment; it means doing with the organization of the industry what the technicians are constantly doing with its technology."

The oil industry has been in similar throes of demoralization due to overproduction and futile price cutting. The industry organized a petroleum institute to advertise new uses and stimulate demand, as well as establish trade practices. States wherein great producing fields are located imposed restrictive production measures. Voluntary agreements covering production were reached. Great improvement has resulted, as attested by increased earnings during 1928, to which oil securities have responded by reaching higher levels. What has been accomplished by the oil industry is merely a beginning toward the attainment of a permanent, sound, economic basis. Oil men have at least expressed a willingness to cooperate, but the large number of units makes it imperative that some superstructure of control be established. This is recognized by oil leaders. Mr. W. S. Farish, president of the Humble Oil Co., writing in the Chicago Journal of Commerce, has this to say on the need for greater control:

"The American Petroleum Institute during its life has accomplished much for the good of the industry, and these accomplishments have also been for the good of the public, as they have resulted mainly in better coordination and lessening of costs. * * * The institute has failed to furnish the leadership necessary for a solution of our problems."

To the open-minded observer it is plainly evident that the future of the oil industry is headed straight for the folds of Government control.

The greater intelligence in oil as compared to coal is working to this end. Writing on the trend of the oil industry toward utility standing, Royal F. Munger, financial editor of the Chicago Daily News, points out:

"Stabilization must mean combination of one sort or another, for otherwise there is no cure for the unrestricted competition that caused low prices. Combination without regulation seldom has been found desirable in the long run. The obvious outcome is that the great oil companies will enter, probably voluntarily, some form of public-utility regulation. After all, they are public utilities, at least at the distributing end of the business. They come too closely into the life of the community to have either their control or their well-being left to chance."

That coal is a public utility is an accepted fact in many channels of public thought. By resort to Federal injunctions coal operators have established the coal business as a public utility engaged in interstate commerce. The United Mine Workers are, therefore, asking your committee to view the bituminous-coal industry as a utility engaged in producing a basic necessity and operating as an interstate commerce unit. In supporting this contention I want to show that the president of the largest bituminous-coal company takes the same view of the utility status of coal.

In 1922 John D. Rockefeller became convinced that the management of the bituminous coal industry was lacking in cooperation and efficiency, and holding large investments in the industry, particularly in the Consolidation Coal Co., he directed his personal counsel to make an investigation.

Mr. G. J. Anderson, now president of the Consolidation Coal Co., who was then associated with Curtis, Fosdick & Belknap as industrial relations counsel, made a survey of the industry. The following, in part, from Mr. Anderson's report plainly shows that back as far as 1922 Mr. Anderson regarded coal as a public utility:

"THE PUBLIC INTEREST

"Most official utterances, the majority of editorial comment, and all proposed legislation for control of the industry stress the truth that coal is not only a basic commodity but endowed with a public interest. The United States Supreme Court, adopting the language of a State supreme court, has also so defined it 'an indispensible necessity of life.' Efforts to refute or minimize this fact, within the industry, would seem ill-advised. Above all other industries, save transportation, coal needs understanding and support from public opinion. Especially does it need them in the field of labor policy.

"In considering the likelihood of this public interest taking active form through the medium of Federal legislation, one fact stands out. For nearly five years now the coal industry has actually been under some form of Government supervision, first through the Fuel Administration, second, under its present scale contract which issued from the Bituminous Coal Commission. This recent chapter, new as it is, nevertheless forms an important piece of background in the present situation. Precedent has already been established.

"Coal, moreover, in addition to being itself a public utility, is closely allied to other public utilities. Two of its three most important customers are the railroads and the public utility companies. These enterprises are already subject to a high degree of public regulation. This, too, forms a precedent. It further provides an uncommon form of industrial pressure on the industry itself. For it is only natural that bodies which are subject to strict scrutiny of expenditures and rates will have a very vital concern in the cost of fuel.

"In connection with labor policy, this implies two important considerations for the coal industry: (1) It maintains even in times of rising prices and justifiable wage advance a form of consumer pressure which may obstruct right industrial relations; (2) resulting from this combination of public interest and consumer pressure a situation is created where mutual agreement between the parties in the coal industry is subject to criticism and suspicion, unless accompanied by some form, voluntary, at least, of public participation."

Mr. Anderson spoke very plainly—no one need mistake what he intended to convey.

1. That bituminous coal is a public utility.

2. That railroads and utilities operating under the protection of fixed revenues, and consuming the bulk of all coal produced, could easily use their purchasing power to batter down prices and thereby increase their own earnings.

3. That the labor relations in the coal industry could not be stabilized beyond the point permitted by consumer pressure of railroads and utilities.

Going into the matter of labor relations more fully, Mr. Anderson verified the oft-repeated statement made by representatives of the United Mine Workers that the maintenance of competitive wages by the union had constituted the only stabilizing force the industry had ever known.

The further analysis on labor relations by Mr. Anderson follows:

"A COMPETITIVE INDUSTRY

"Over and above all other elements, important as some of them are, from the viewpoint of the operator the dominating factor in determining labor policy must be the nature of the industry itself. When the facts are faced—viz, the existence of over 10,000 mines under more than half as many individual managements and industry at all times with a surplus of at least 40 per cent in equipment, labor, and investment—the range of possible labor policy is at once restricted.

"What is economically possible in an industry of a comparatively few enterprises dominated by an overshadowing entity, such as steel, or in an industry where the cooperation of a small group can exert a high degree of stability, such as meat packing; or in industries where the labor item is relatively low in ratio to total cost of production, such as automobiles, it is not at all feasible in a highly irregular, seasonal, and overequipped industry composed of small units. Certainly it is not possible without a far higher degree of voluntary organization and discipline than the coal industry displays at the present time.

"The fluctuation of this industry, in response not merely to seasonal demand but to economic cycles of depression and prosperity, makes a policy of cooperation indispensable. The high degree of competition makes it well-nigh impossible to leave labor, policy, and particularly wage rates, to be determined by the most reckless element. Nor can employers of union labor who intend to operate under any condition of equity, expect to compete with the fluctuation of nonunion policy, either in the rise or in the fall of wages. On the contrary, with the opportunity to fix settlements of the largest single factor in operating costs, both over a wide area in the industry and for a definite period, the purely business value of scale contracts becomes a consideration of prime importance.

"For a highly competitive and otherwise seriously unstable industry, collective labor agreements can form the most important source of industry-wide standards."

That public-utility consumers of coal protected by Government and State regulation actually utilize the consumer pressure described by Mr. Anderson against the unprotected public utility of coal in depressing coal prices, looting the holders of coal securities and victimizing mine workers by destroying American wages through demoralization of labor relations, is admitted in the testimony of Samuel Brady, who has already testified before this committee.

Mr. Brady's testimony in part follows:

"The contract between the company and the miners' union expired by limitation on the 1st day of April, 1924, and the company had been advised by W. H. Warner & Co., its sales agent, through Whitney Warner, that it could secure a contract from the Jersey Central Railroad of 700 tons of coal per day at $1.60 per net ton f. o. b. mine, if it could begin shipping coal on the contract by the middle of May. W. H. Warner & Co. became a stockholder of the Brady-Warner Coal Corporation at the time of the execution of the mortgage in the amount of one-fourth of its capital stock, and the company's executive committee met for the purpose of reaching a decision upon two propositions, (1) whether it would refuse to renew its agreement with the miners' union after the 1st of April, and (2) whether it could afford to take the Jersey Central contract and such other contracts as it might be able to obtain at the very low price of $1.60 per ton and attempt to operate its mines—open shop—on a lower scale of wages.

"At this meeting, after a thorough discussion of the company's affairs, the committee decided that it would not renew its agreement with the miners' union, and since it was the only business in sight and the condition of the market did not justify the presumption of a higher price, the company decided to accept the Jersey Central contract and attempt to operate its mines and to put into effect the 1917 scale of wages.

"At this meeting we were advised by Mr. Charles A. Goodwin, of counsel for the company, that if we did not agree to renew our agreement with the union the courts would protect us in the operation of our mines on the open-shop basis and that under our contracts of lease with our employees under which they occupied our houses, we would give them the notice required by the lease and, if they refused to vacate within a reasonable time, we had the right to evict them, and that this had been decided by the Supreme Court of West Virginia, and that if they attempted to interfere with our rights to operate our mines, with employees who would be willing to work for us, by such acts as intimidation or force, that we could restrain them by an injunction.

"With this advice and driven by the necessities of our situation, we decided, as I have said, to adopt this policy, and the meeting adjourned with that understanding."

That such a business procedure as outlined by Mr. Brady was unusual and unsound in the opinion of some members of your committee is borne out by Senator WHEELER'S questioning of Mr. Brady, which follows:

"Senator WHEELER. Could you make money selling at that price?

"Mr. BRADY. No, sir. But we figured we would break even and maintain our plant and pay our sinking fund and interest.

"Senator WHEELER. The reason I asked you is that I have a telegram here from one of the coal operators, and perhaps you know him, sent from Charleston, W. Va., as follows:

"CHARLESTON, W. VA., *April 19, 1928.*

"Senator BURTON K. WHEELER,

"*Senate Building, Washington, D. C.:*

"New York, Ontario & Western and Delaware & Hudson purchasing agents are offering to close their contracts through jobbers, Morgantown district, mine run coal, one thirty at mines, while both these roads enjoy high freight rates, being more or less associated with anthracite production, getting $8 or $10 per ton at the mine for domestic and household coal. Would like to see purchasing agents of these two railroads as well as Lehigh Valley subpœnaed and made be good by following some reasonable price not to exceed one fifty at mines, which is barely cost and much less than the Pennsylvania, Baltimore & Ohio, and New York Central are now paying. No reply necessary, but please stick to the job until we all get some benefit from your untiring efforts.

"J. A. PAISLEY."

In the testimony of Mr. Brady and the telegram of Mr. Paisley you have a clear case of what Mr. Anderson meant when he reported the menacing evil of consumer pressure to Mr. Rockefeller.

COAL POSSIBILITIES

From time to time the public reads of the wonderful things that can be accomplished from the proper and thorough utilization of coal.

By-products by the hundreds are listed as obtainable from the coal supply. An endless fertile field is pictured ahead for the coal chemist and technician, but you never read about any American coal operator seizing the myriad opportunities offered. To illustrate the backwardness of the American coal operator, I quote a statement in part by President Baker, of the Carnegie Institute of Technology, during the recent Second International Fuel Conference held in Pittsburgh.

"The coal-mine owner in Europe is coking his coal at the mouth of the mine and piping the gas to more or less distant cities. He is shipping his tar to a great central refinery, where it is distilled and made into a hundred different articles, ranging from explosives to perfumes and medicaments. He is creating a great new artificial fertilizer industry, which is changing the agricultural system in Europe and which may some day help to solve our perplexing farm problems. He is building plants for the manufacture of methanol or methyl alcohol from what we regard as waste products of the mine. He is just beginning to make use of scientific brains and scientific data in his business. The American coal man will do well to emulate him."

Apparently President Baker is talking over the heads of the American coal operators, for despite the gloom that pervades the industry and the future dark outlook, the National Coal Association at its recent convention, although the Baker statement was available, voted to oppose Government regulation, and adopted a resolution contending for freedom, a kind of freedom, in the enjoyment of which it has already "sinned away its day of grace." The resolution follows:

"The National Coal Association reaffirms its attitude toward proposed Federal legislation affecting the bituminous-coal industry by saying that it opposes legislation which would seek to single out this industry for regulatory action. This particularly applies to such bills

as S. 4490. At the same time it is recognized that there are other lines of legislation in which the industry may be interested: Therefore, be it

"*Resolved*, That it is recommended that the officers and directors of the National Coal Association keep in close touch with the national legislative situation and cooperate with representatives of other industries for such modification of existing laws and such new legislation as may be in the interest of industry generally and the welfare of the public."

While I accept the resolution as being the official action of the National Coal Association, I am frank to state that the resolution does not express the hopes and aspirations of a very large number of operators who are tired of aimless drifting down the bottomless pit of a disorganized industry. Operators of standing have frankly stated that they can see no correction of the prevailing destructive forces, except through the medium of Government regulations.

Some operators will come before this committee and advocate amendments to the Sherman law, to permit the organization of selling pools, free to operate as the operators may decide, without any form of Government regulation. But I am quite sure that the American public is not ready to permit the incompetence and piracy, such as the coal industry has manifested in the past to exercise a free rein over such vast and basically necessary resources as our coal reserves without maintaining Government regulation.

At the present time we are consuming millions of tons of special-purpose coal annually for steam and domestic uses that should be held in reserve. For let it be known that our high-grade coals can not be linked with the aggregate coal deposits about which America is so proud to boast. These deposits are exhaustible, and at the present rapid rate of misuse, added to the criminal waste in recovery under our present mining methods, we will reach that state of depletion before many years that will cause our Government conservationists to wonder how the unconcern of an enlightened people could have suffered the execution of such an extravagant onslaught of a natural resource so valuable as our special-purpose coals.

The United Mine Workers hold that the public welfare demands Government regulation of the bituminous-coal industry.

It is our opinion that the necessity for Government control was clearly proved by the testimony before this committee during the last session of this Congress.

The mere existence of some court decision that might becloud the right of the Government to assume regulatory powers is no indicator of the practicability and desirability of Government control. Laws can be enacted that will enable the Government to assume regulation whereby uneconomic mines will be eliminated, healthy competition promoted, an American type of labor regulations established, conservation of special-purpose coals assured and the public guaranteed a continuity of a fair-priced coal supply. Industrial America can not afford the price that the cancerous condition of coal will eventually levy as a result of its maladjustment of American enterprise. The interdependence of our separate industrial units, and the necessity for evenly distributed progress is recognized by President-elect Hoover, when he said:

"Behind every job is a vast, intricate, and delicately adjusted system of interlocked industries dependent upon skilled leadership. The forces of credit, communications, transportation, power, foreign relations, and what not, must all be kept in tune. Break this chain of relationship at any point and the whole machine is thrown out of order."

Certainly no one will claim for coal the smooth functioning that President-elect Hoover deems essential on the part of each industrial unit to the accumulative success of all American industry.

The testimony before your full committee failed to develop any plan, save Government regulation, as a means of eliminating the primitive management and the substitution of intelligent direction. Some few operators assented to Government control, but many, fearful of what the other fellow would think of their surrender to Government, dissented. It remained for a large consumer who had to deal with a subsidiary-produced coal, as well as to make purchases from hundreds of operators in various States, to admit frankly that Government regulation was the solution.

William C. Bower, purchasing agent of the New York Central Railroad, by reason of the benefits he knew resulted from Government regulation of railroads, testified as follows:

"Senator WAGNER. Have you thought about a possible remedy, something to bring about a situation where the operators would get a fair return on their investment and the miners get a wage which we call a living wage, so they would be free from exploitation? Have you thought of a remedy to solve that problem?

"Mr. BOWER. Senator, I have been here since the beginning of the hearing, and I think the best solution would be to form a coal commission, something like the Interstate Commerce Commission; and give that commission the right to permit consolidation of coal companies, and their operation under their supervision."

Gentlemen, are we not really indulging in conversation about ancient history when we discuss the need for governmental regulation of coal as if it were any longer a matter of choice? The decision has already been made. Coal is already regulated in one sense, regulated toward waste, anarchy, and chaos by the creation of an unbalanced relationship between a producing industry under economic laissez-faire and consuming industries regulated by government and buttressed by governmental safeguards and implied public support and authority.

To continue such a relationship is to put the lion and the frightened, witless lambs in the same cage.

The Federal Government has brought into existence a quasi public railroad industry and the State governments have created public-utility industries which are virtually arms and branches of government, with the arms and branches sometimes running the show.

These two quasi public industries are buyers of 35 per cent of all soft coal mined. In most price situations the marginal 5 per cent or less determines the price level. It is proposed to control the level of agricultural prices by control of the exportable surpluses of certain crops, the exports being but a small percentage of total production as to some of them. That is evidence enough of the complete control of coal which has already been set up—a control with no safeguards for that industry or the public. It is a dictatorship by the organized and regulated buyer which determines the prices of coal for all consumers, a dictatorship which has demonstrated the power of life and death over many of the units of the industry, a large majority in fact.

Recognizing the failure of the coal industry to adjust its own affairs, the two major political parties incorporated platform planks pledging correction and helpful legislation. To refresh our memories on these party declarations, let us reproduce here the platform planks:

The Republican Party platform declared:

"The party is anxious, hopeful, and willing to assist in any feasible plan for the stabilization of the coal-mining industry which will work with justice to the miners, consumers, and producers."

The Democratic Party platform declared:

"Bituminous coal is not only the common base of manufacture, but it is a vital agency in our interstate transportation. The demoralization of this industry, its labor conflicts and distress, its waste of a natural resource, and disordered public service demand constructive legislation that will allow capital and labor a fair share of prosperity with adequate protection to the consuming public."

Direct examination of the ills of the coal industry has enabled the United Mine Workers to present the plight of coal to this committee intrusted with the decision of protecting the public welfare in matters affecting interstate commerce.

Despite the baseless demand for "less government in business," the United Mine Workers insist that it is a governmental duty to accept in law as well as in theory the universally accepted fact that coal is a public utility and enact the necessary legislation providing sound government regulation. I believe the Watson bill now being considered meets the first requirements.

I do not believe that this bill seeks to bestow any new powers upon the Government, as it merely provides for a wider and more intelligent use of the present powers of government over public utilities by promoting and protecting the public interest in coal to the same degree that has been reflected in transportation through the regulatory powers vested in the Interstate Commerce Commission.

I can find nothing new or revolutionary in the bill now up for consideration. The bill simply embodies the expressed belief of many witnesses who have already testified before your committee that Government participation should be in the form of a coal commission, a somewhat similar structure to that of the Interstate Commerce Commission. The basic powers of the commission would be—

1. License and regulate coal corporations, partnerships, and firms engaged in interstate commerce.

2. Mergers and consolidations are permitted—in fact, encouraged—but are in no wise compulsory; likewise, selling pools and marketing agencies, all to be under regulation of the Federal coal commission.

3. The bill in no manner seeks to destroy property rights or impair contract obligations.

ETTA PEARCE FULPER

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 5453) authorizing the payment of Government life insurance to Etta Pearce Fulper, which was, on page 1, line 9, after the word "issued," to insert:

*Provided*, That no part of the amount appropriated in this act in excess of $10 thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys to exact, collect, withhold, or receive any sum which in the aggregate exceeds $10 of the amount appropriated in this act on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. EDGE. I move that the Senate concur in the amendment made by the House.

The motion was agreed to.

THE UNITED STATES A PARTY DEFENDANT

Mr. NORRIS. Mr. President, will the Senator from Virginia yield to me to have a conference report laid before the Senate?

Mr. GLASS. I yield for that purpose if it requires no discussion.

Mr. NORRIS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 13981) to permit the United States to be made a party defendant in certain cases having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agrees to the same with an amendment as follows:

Strike out section 4 of the matter proposed to be inserted by said amendment, and renumber sections; and the House agree to the same.

G. W. NORRIS,
T. J. WALSH,
C. W. WATERMAN,
*Managers on the part of the Senate.*
G. W. GRAHAM,
L. C. DYER,
HATTON W. SUMNERS,
*Managers on the part of the House.*

Mr. BLEASE. Mr. President, I would like to hear an explanation of the report.

Mr. KING. Mr. President, may I ask the Senator from Nebraska if this is the bill we considered which provides an agreement for extinguishing any inchoate title the Government might have in the property?

Mr. NORRIS. It is the same bill.

Mr. KING. I can assure the Senator from South Carolina that the bill has been fully considered by the committee and is a very proper bill.

Mr. BLEASE. Nevertheless, I object.

The PRESIDING OFFICER. Objection is made.

BRIDGE ACROSS AGATE PASS, WASH.

Mr. JONES. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 15850) authorizing the Bainbridge Island Chamber of Commerce, a corporation, its successors and assigns, to construct, maintain, and operate a bridge across Agate Pass connecting Bainbridge Island with the mainland in Kitsap County, State of Washington, and I submit a report (No. 2003) thereon. I ask for its immediate consideration. It will not lead to debate.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

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

CALL OF THE ROLL

Mr. BLEASE. Mr. President, if we are going to have all kinds of business transacted by the Senate, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum being suggested, the clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Edwards | McKellar | Smith |
| Barkley | Fess | McMaster | Smoot |
| Bayard | Fletcher | McNary | Steck |
| Bingham | Frazier | Mayfield | Steiwer |
| Black | George | Metcalf | Stephens |
| Blaine | Gerry | Moses | Swanson |
| Blease | Glass | Neely | Thomas, Idaho |
| Borah | Glenn | Norbeck | Thomas, Okla. |
| Bratton | Goff | Norris | Trammell |
| Brookhart | Gould | Nye | Tydings |
| Broussard | Greene | Oddie | Tyson |
| Bruce | Hale | Overman | Vandenberg |
| Burton | Harris | Pine | Wagner |
| Capper | Harrison | Ransdell | Walsh, Mass. |
| Caraway | Hawes | Reed, Pa. | Walsh, Mont. |
| Copeland | Hayden | Robinson, Ark. | Warren |
| Couzens | Heflin | Robinson, Ind. | Waterman |
| Curtis | Johnson | Sackett | Watson |
| Dale | Jones | Schall | Wheeler |
| Deneen | Kendrick | Sheppard | |
| Dill | Keyes | Shortridge | |
| Edge | King | Simmons | |

Mr. SCHALL. I desire to announce that my colleague the senior Senator from Minnesota [Mr. SHIPSTEAD] is very ill at home, and is detained from the Senate for that reason.

The PRESIDING OFFICER. Eighty-five Senators having answered to their names, a quorum is present. The Senator from Virginia has the floor.

REPORT FOR EXECUTIVE CALENDAR

Mr. BORAH. From the Committee on Foreign Relations I submit a report for the Executive Calendar.

The PRESIDING OFFICER. Without objection the report will be received and go to the Executive Calendar.

COURTS IN CALIFORNIA

Mr. BORAH. From the Committee on the Judiciary I report back favorably without amendment the bill (H. R. 12351) amending section 72 of the Judicial Code, as amended (U. S. C., title 28, sec. 145), by changing the boundaries of the divisions of the southern district of California and terms of court for each division, and I submit a report (No. 1985) thereon. I call the attention of the Senator from California [Mr. SHORTRIDGE] to the report.

Mr. SHORTRIDGE. I ask unanimous consent for the immediate consideration of the bill just reported by the Senator from Idaho, which changes the divisions of the southern district of California and terms of court for each division. It will provoke no discussion.

Mr. HALE. If it will not lead to any discussion, I shall not object.

Mr. SHORTRIDGE. I have just stated I am quite sure there will be no debate upon it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

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

FEDERAL INDUSTRIAL INSTITUTION FOR WOMEN, ALDERSON, W. VA.

Mr. GOFF. Mr. President, will the Senator from Virginia yield to me?

Mr. GLASS. I will yield provided the matter which the Senator desires to call up does not lead to any debate.

Mr. GOFF. From the Committee on the Judiciary I report back favorably with amendments the bill (S. 5493) relating to the construction of a chapel at the Federal Industrial Institution for Women at Alderson, W. Va., and I submit a report (No. 1897) thereon. The chapel is to cost the Government nothing whatsoever except the services of the Government architect. The bill provides in substance, as will be disclosed by a reading thereof, that the chapel is to be erected by donations to be made to the Attorney General of the United States.

I ask unanimous consent that the bill may now be considered and passed in order that it may go to the House for prompt consideration there.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator pardon me? I did not understand clearly the purpose of the bill.

Mr. GOFF. It is to provide funds to be donated to the Attorney General for the erection of a chapel at the Federal prison for women at Alderson, W. Va. It will cost the Government nothing.

Mr. ROBINSON of Arkansas. I have no objection to its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments were, on page 1, line 4, after the name "United States," to strike out "with thanks to the honors"; in line 6, after the word "subscription," to strike out "by any or all of the following-named organizations"; and in line 9, after the name "West Virginia," to strike out "American Association of University Women, American Home Economics Association, Association of Women in Public Health, Catholic Daughters of West Virginia, Council of Women for Home Missions, Department of Christian Social Service of the Protestant Episcopal Church, General Federation of Women's Clubs, Maryland Federation of Women's Clubs, Medical Women's National Association, the National Association of Colored Women (Inc.), National Board, Young Women's Christian Association, National Council of Jewish Women, National Council of Women of the United States of America (Inc.), National Federation of Temple Sisterhoods, The National Florence Crittenton Mission, National Housewives Alliance (Inc.), National Woman's Christian Temperance Union, National Women's Trade Union League of America, The Needlework Guild of America (Inc.), and Women's Homeopathic Medical Fraternity, and such other organizations as may desire to cooperate in this project," so as to make the bill read:

*Be it enacted, etc.*, That the Attorney General is hereby authorized to accept for and on behalf of the United States funds raised or to be raised by popular subscription for the construction of a suitable chapel upon the premises occupied and used by and for the Federal Industrial

Institution for Women at Alderson, W. Va. The funds so donated shall be expended under the direction of the Attorney General for the construction of such chapel, and after construction the chapel shall be maintained at the expense of the United States: *Provided,* That the Attorney General is authorized to procure by contract preliminary sketches for the chapel, and after approval thereof by the Attorney General to procure by contract working drawings, full-size details, specifications, etc., for the construction of the chapel and supervision of the construction: *Provided further,* That the Secretary of the Treasury is hereby authorized, if requested of the Attorney General, to cause the plans, drawings, specifications, and estimates for the construction of the chapel to be prepared in the Office of the Supervising Architect of the Treasury Department, and the work of constructing said chapel to be supervised by the field force of said office, if practicable: *And provided further,* That the proper appropriation for the support and maintenance of the Office of the Supervising Architect be reimbursed from said donated funds for the cost of preparing such plans, drawings, specifications, and estimates for the aforesaid work and the supervision of the construction of said chapel.

The amendments were agreed to.

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

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

PRESIDENTIAL APPROVALS

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

On February 25, 1929:

S. 1530. An act for the relief of the Gilpin Construction Co.; and

S. 3881. An act to provide for the paving of the Government road, known as the Dry Valley Road, commencing where said road leaves the La Fayette Road, in the city of Rossville, Ga., and extending to Chickamauga and Chattanooga National Military Park, constituting an approach road to said park.

On February 26, 1929:

S. 4861. An act authorizing the Brownville Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Brownville, Nebr.;

S. 5129. An act authorizing Thomas E. Brooks, of Camp Walton, Fla., and his associates and assigns, to construct, maintain, and operate a bridge across the mouth of Garniers Bayou at a point where State road No. 10, in the State of Florida, crosses the mouth of said Garniers Bayou between Smack Point on the west and White Point on the east, in Okaloosa County, Fla.;

S. 5465. An act authorizing V. Calvin Trice, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Choptank River at a point at or near Cambridge, Md.;

S. 5543. An act to establish the Grand Teton National Park, in the State of Wyoming, and for other purposes; and

S. 5630. An act authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Ohio River at or near Carrollton, Ky.

On February 27, 1929:

S. 3936. An act to regulate the practice of the healing art to protect the public health in the District of Columbia; and

S. 4087. An act authorizing the use of certain land owned by the United States in the District of Columbia for street purposes.

NATIONAL ORIGINS (S. DOC. NO. 259)

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Immigration:

*To the Congress of the United States:*

I transmit herewith for the information of the Congress a joint report by the Secretary of State, the Secretary of Commerce, and the Secretary of Labor relating to immigration quotas on the basis of national origin.

CALVIN COOLIDGE.

THE WHITE HOUSE, *February 27, 1929.*

Mr. REED of Pennsylvania. I ask unanimous consent that the message from the President of the United States, with its accompanying papers, just read may be printed as a Senate document.

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

APPOINTMENTS IN PROHIBITION FIELD SERVICE

Mr. WAGNER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the junior Senator from New York?

Mr. GLASS. For what purpose?

Mr. WAGNER. I want to call up a resolution, to which I am sure there is no objection. It simply asks for information from the Prohibition Enforcement Bureau of the Treasury Department. The resolution went over the other day.

Mr. GLASS. I yield, with the distinct understanding that the resolution shall not require any discussion.

Mr. SMOOT. Mr. President, I should like to have the resolution read.

The PRESIDING OFFICER. At the request of the Senator from Utah the resolution will be read by the clerk.

The Chief Clerk read the resolution (S. Res. 332) submitted by Mr. WAGNER on February 15 (calendar day of February 20), 1929, as follows:

*Resolved,* That the Secretary of the Treasury and the Civil Service Commission be requested to inform the Senate on or before March 4, 1929, concerning the following matters:

(1) The reasons for the failure to publish lists of eligibles for appointment to the field service of the Bureau of Prohibition;

(2) The names of all persons employed in the field service of the Bureau of Prohibition who have not been appointed pursuant to the provisions of the civil service laws, as contemplated by the act of March 3, 1927, entitled "An act to create a Bureau of Customs and a Bureau of Prohibition in the Department of the Treasury."

(3) The names of all persons employed in the field service of the Bureau of Prohibition who have been appointed pursuant to the provisions of the civil service laws.

(4) The sums expended for examinations held for appointment to the field service of the Bureau of Prohibition.

(5) The total amount of salaries paid to employees of the field service of the Bureau of Prohibition, not appointed or retained pursuant to the act of March 3, 1927, entitled "An act to create a Bureau of Customs and a Bureau of Prohibition in the Department of the Treasury."

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. WAGNER. The resolution merely seeks information.

Mr. SMOOT. I am aware of that from having heard the resolution read, but I should like to ask the Senator from New York if he expects an answer to the resolution before the 4th of March?

Mr. WAGNER. I do not think there will be any difficulty in getting the information. It is a matter of record in the Treasury Department. I have heard no objection to the resolution at all.

Mr. SMOOT. I am not going to object to the resolution, but I wanted to know whether the Senator expected all the information asked for by the resolution to be furnished before March 4.

Mr. WAGNER. I should like to get the information before the 4th of March if possible.

Mr. SMOOT. I think that will be an impossibility.

Mr. WAGNER. Then the resolution can be amended.

Mr. ROBINSON of Arkansas. Does the resolution require the report to be submitted before the 4th of March?

Mr. WAGNER. Yes; the resolution so requires.

Mr. SMOOT. I do not think it will be possible for the Senator to receive the information by the time indicated, but I will offer no objection.

The PRESIDING OFFICER. Is there objection?

There being no objection, the resolution was considered and agreed to.

BOUNDARIES OF YELLOWSTONE NATIONAL PARK

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3001) to revise the north, northeast, and east boundaries of the Yellowstone National Park in the States of Montana and Wyoming, and for other purposes, which was, on page 4, to strike out all after "Wyoming," in line 3, down to and including the word "land," in line 8, and insert:

*Provided,* That whereas it is the purpose and intent of Congress to retain the areas hereby added to the park in its original wilderness character, therefore no new roads shall be constructed and no hotels or permanent camps shall be authorized or permitted to be maintained on such lands.

Mr. NORBECK. I move that the Senate concur in the House amendment.

The motion was agreed to.

SUPPLY OF NEWSPRINT PAPER

Mr. HEFLIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Alabama?

Mr. GLASS. For what purpose?

Mr. HEFLIN. I want to ask——

The PRESIDING OFFICER. Does the Senator from Virginia yield?

Mr. GLASS. I have asked for what purpose does the Senator from Alabama desire me to yield?

Mr. HEFLIN. I want to ask what became of the resolution of the Senator from Minnesota [Mr. SCHALL]? We had an agreement that the resolution should be adopted this morning.

Mr. SCHALL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Minnesota?

Mr. GLASS. I am unwilling to yield for any discussion.

Mr. SCHALL. I should like to have the Senate adopt Senate Resolution 337, which was called up yesterday, when suggestions were made that it should be amended. It has since been modified to meet the objection then made.

Mr. HEFLIN. Let the resolution be read as proposed to be modified.

The PRESIDING OFFICER. The resolution as modified will be read.

The Chief Clerk read the resolution (S. Res. 337) as modified, as follows:

*Resolved*, That the Federal Trade Commission is requested to make an investigation and hold hearings upon the question of whether any of the practices of the manufacturers and distributors of newsprint paper tend to create a monopoly in the supplying of newsprint paper to publishers of small daily and weekly newspapers or constitute a violation of the antitrust laws, and to report to the Senate as soon as practicable the results of such investigation and the evidence taken at such hearings, together with its recommendations, if any, for necessary legislation.

Mr. REED of Pennsylvania. Mr. President, does the Senator oppose my amendment to the resolution?

Mr. SCHALL. I want to comply with the suggestions which were made on yesterday.

Mr. REED of Pennsylvania. I made some suggestions to the Senator on yesterday, and I am wondering if he has embodied them in the resolution as modified.

Mr. SCHALL. I think they are embodied in the resolution.

Mr. REED of Pennsylvania. The Senator has not adopted all the suggestions that I made to him.

Mr. SCHALL. If the Senator will incorporate them in the resolution I shall have no objection.

Mr. REED of Pennsylvania. If the Senator will indulge me for a moment, I will do that. [A pause.]

Mr. President, I have looked over Senate Resolution 337 and have written a couple of amendments in it which the Senator from Minnesota tells me he is willing to accept. With those amendments, so far as I am concerned, I have no further objection to the adoption of the resolution.

Mr. HEFLIN. How will it then read?

The PRESIDING OFFICER. The amendment as further modified will be read.

The Chief Clerk read as follows:

*Resolved*, That the Federal Trade Commission is requested to make an investigation upon the question of whether any of the practices of the manufacturers and distributors of newsprint paper tend to create a monopoly in the supplying of newsprint paper to publishers of small daily and weekly newspapers or constitute a violation of the antitrust laws and to report to the Senate as soon as practicable the results of such investigation, together with its recommendations, if any, for necessary legislation.

Mr. SMOOT. Mr. President, I should like to ask the Senator from Minnesota if the Senator from Vermont [Mr. DALE] is satisfied with the resolution as it has been modified?

Mr. SCHALL. I did not catch the Senator's question.

Mr. SMOOT. The Senator from Vermont [Mr. DALE] was opposed to the resolution as originally presented by the Senator from Minnesota. I want to know whether the Senator from Vermont is still opposed to it or is in favor of it with the amendments which have been suggested?

Mr. SCHALL. I have never heard that the Senator from Vermont made any objection.

Mr. SMOOT. I am quite sure the Senator from Vermont did object to the resolution. I myself have no objection to it, but I should dislike to have the resolution adopted if it is not satisfactory to the Senator from Vermont, he being at the present time absent from the Senate. If the Senator will allow the resolution to be laid aside for a while, I will endeavor to get in touch with the Senator from Vermont.

Mr. HEFLIN. No, Mr. President——

Mr. SMOOT. Then, I shall object to its consideration.

Mr. HEFLIN. Very well; the Senator may object, but I will occupy four or five hours of the time of the Senate.

Mr. SMOOT. That is all right.

Mr. HEFLIN. The Senator from Minnesota is not going to be treated in any such fashion.

Mr. SMOOT. Oh, well, Mr. President——

Mr. HEFLIN. The resolution ought to be adopted.

The PRESIDING OFFICER. The Senator from Virginia is entitled to the floor. Does he yield; and if so, to whom?

Mr. SMOOT. I have myself no objection whatever——

Mr. GLASS. I do not yield further.

The PRESIDING OFFICER. The Senator from Virginia declines to yield?

Mr. HEFLIN. The Senator from Minnesota was told last night that the resolution would be allowed to pass to-day if he would let it go over then. That is the reason I objected.

The PRESIDING OFFICER. The Senator from Alabama is out of order. The Senator from Virginia has the floor.

Mr. SMOOT subsequently said: Mr. President, a little while ago Senate Resolution 337, which had been submitted by the Senator from Minnesota [Mr. SCHALL], was considered and amended. I asked that it go over until I could confer with the Senator from Vermont [Mr. DALE]. I have seen that Senator, and he informs me that he has no objection, so I now ask that the resolution may be adopted.

The PRESIDING OFFICER. Is there objection?

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

*Resolved*, That the Federal Trade Commission is requested to make an investigation upon the question of whether any of the practices of the manufacturers and distributors of newsprint paper tend to create a monopoly in the supplying of newsprint paper to publishers of small daily and weekly newspapers or constitute a violation of the antitrust laws, and to report to the Senate as soon as practicable the results of such investigation, together with its recommendations, if any, for necessary legislation.

### T. L. YOUNG AND C. T. COLE

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 4848) for the relief of T. L. Young and C. T. Cole, which was, on page 2, line 4, after the word "General," to insert "*Provided further*, That the defendants, T. L. Young and C. T. Cole, pay the costs in case No. 2613."

Mr. CAPPER. I move that the Senate disagree to the amendment of the House of Representatives, ask a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and Mr. CAPPER, Mr. NYE, and Mr. STEPHENS were appointed conferees on the part of the Senate.

### TIMBER STANDS IN YOSEMITE NATIONAL PARK

Mr. JOHNSON. Mr. President, first making my apologies to the Senator from Virginia, I ask the Senator if he will permit me to have considered a bill which has been reported to-day from the Committee on Public Lands and Surveys? It is a bill which the Yosemite Park Commission, in conjunction with the Interior Department and the Federal park commissioner, desire to have passed immediately if possible.

Mr. GLASS. I yield to the Senator for that purpose if it does not require any extended discussion.

Mr. JOHNSON. I ask unanimous consent for the immediate consideration of the bill (S. 5880) to provide for the preservation and consolidation of certain timber stands along the western boundary of Yosemite National Park, and for other purposes.

There being no objection, the Senate as in Committee of the Whole proceeded to consider the bill, which was read, as follows:

*Be it enacted, etc.*, That for the purpose of preserving and consolidating certain timber stands along the western boundary of the Yosemite National Park, the President of the United States is hereby authorized, upon the joint recommendation of the Secretaries of the Interior and of Agriculture, to add to said park by Executive proclamation any or all of the following-described lands: Sections 19, 20, 29, 30, 31, and 32, township 1 south, range 20 east, Mount Diablo meridian; east half section 1; east half section 12; southeast quarter section 24, township 2 south, range 19 east, Mount Diablo meridian; sections 4, 5, and 6; north half section 7; sections 8 and 9, and 19 and 20, township 2 south, range 20 east, Mount Diablo meridian, approximately 9,000 acres.

Mr. ROBINSON of Arkansas. Mr. President, I will inquire of the Senator from California if the report on the bill is unanimous?

Mr. JOHNSON. It is.

Mr. ROBINSON of Arkansas. It is a conservation measure, as I understand?

Mr. JOHNSON. Yes, sir; and it has the approval of the Interior Department and of Doctor Albright, and is for the

purpose of enabling the President to make the consolidations requested in the Yosemite National Park.

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

LETTER FROM FEDERAL RESERVE BOARD CONCERNING SPECULATIVE LOANS

Mr. HEFLIN. Mr. President, the Federal Reserve Board has responded to questions sent to it in a resolution which I introduced regarding the statement that it issued some time ago concerning speculation. The letter is not very long, and I ask that it may be printed in the RECORD.

The PRESIDENT pro tempore. The Chair has already ordered it printed as a document.

Mr. HEFLIN. I think it would be a good idea, Mr. President, to have it printed also in the CONGRESSIONAL RECORD.

The PRESIDENT pro tempore. It will be printed in the RECORD unless objection is made. The Chair hears no objection.

The matter referred to is here printed, as follows:

FEDERAL RESERVE BOARD,
*Washington, February 26, 1929.*

SIR: The Federal Reserve Board is in receipt of Senate Resolution 323, reading as follows:

"Whereas in press dispatches recently the Federal Reserve Board has complained that money is being drawn from the channels of business and used for speculative purposes, and that some of said speculation is illegitimate and harmful: Therefore be it

"*Resolved*, That the Federal Reserve Board is hereby requested to give to the Senate any information and suggestions that it feels would be helpful in securing legislation necessary to correct the evil complained of and prevent illegitimate and harmful speculation."

Inasmuch as this resolution was occasioned by the statement issued by the Federal Reserve Board on February 6, wherein the attitude and viewpoint of the Federal Reserve Board with respect to the growing volume of credit in speculative security loans was indicated, the statement is repeated here in order that there may be no misapprehension of the board's position with reference either to the matter discussed in its statement or to that which is the subject of the Senate's resolution:

"The United States has during the last six years experienced a most remarkable run of economic activity and productivity. The production, distribution, and consumption of goods have been in unprecedented volume. The economic system of the country has functioned efficiently and smoothly. Among the factors which have contributed to this result an important place must be assigned to the operation of our credit system and notably to the steadying influence and moderating policies of the Federal reserve system.

"During the last year or more, however, the functioning of the Federal reserve system has encountered interference by reason of the excessive amount of the country's credit absorbed in speculative security loans. The credit situation since the opening of the new year indicates that some of the factors which occasioned untoward developments during the year 1928 are still at work. The volume of speculative credit is still growing.

"Coming at a time when the country has lost some $500,000,000 of gold, the effect of the great and growing volume of speculative credit has already produced some strain, which has reflected itself in advances of from 1 to 1½ per cent in the cost of credit for commercial uses. The matter is one that concerns every section of the country and every business interest, as an aggravation of these conditions may be expected to have detrimental effects on business and may impair its future.

"The Federal Reserve Board neither assumes the right nor has it any disposition to set itself up as an arbiter of security speculation or values. It is, however, its business to see to it that the Federal reserve banks function as effectively as conditions will permit. When it finds that conditions are arising which obstruct Federal reserve banks in the effective discharge of their function of so managing the credit facilities of the Federal reserve system as to accommodate commerce and business, it is its duty to inquire into them and to take such measures as may be deemed suitable and effective in the circumstances to correct them, which, in the immediate situation, means to restrain the use, either directly or indirectly, of Federal reserve credit facilities in aid of the growth of speculative credit. In this connection, the Federal Reserve Board, under date of February 2, addressed a letter to the Federal reserve banks, which contains a fuller statement of its position:

"'The firming tendencies of the money market which have been in evidence since the beginning of the year—contrary to the usual trend at this season—make it incumbent upon the Federal reserve banks to give constant and close attention to the situation in order that no influence adverse to the trade and industry of the country shall be exercised by the trend of money conditions, beyond what may develop as inevitable.

"'The extraordinary absorption of funds in speculative security loans which has characterized the credit movement during the past year or more, in the judgment of the Federal Reserve Board, deserves particular attention lest it become a decisive factor working toward a still further firming of money rates to the prejudice of the country's commercial interests.

"'The resources of the Federal reserve system are ample for meeting the growth of the country's commercial needs for credit, provided they are competently administered and protected against seepage into uses not contemplated by the Federal reserve act.

"'The Federal reserve act does not, in the opinion of the Federal Reserve Board, contemplate the use of the resources of the Federal reserve banks for the creation or extension of speculative credit. A member bank is not within its reasonable claims for rediscount facilities at its Federal reserve bank when it borrows either for the purpose of making speculative loans or for the purpose of maintaining speculative loans.

"'The board has no disposition to assume authority to interfere with the loan practices of member banks so long as they do not involve the Federal reserve banks. It has, however, a grave responsibility whenever there is evidence that member banks are maintaining speculative security loans with the aid of Federal reserve credit. When such is the case the Federal reserve bank becomes either a contributing or a sustaining factor in the current volume of speculative security credit. This is not in harmony with the intent of the Federal reserve act nor is it conducive to the wholesome operation of the banking and credit system of the country.'"

The board begs leave to call the attention of the Senate to the fact that the purport and language of its statement do not agree with those in the preamble of the Senate resolution. The board's statement concerned itself wtih credit conditions. It disclaimed both the authority and the desire "to set itself up as an arbiter of security speculation or values." That still is the board's position.

At the time of the issue of its statement, it was the belief of the board that it could count upon the cooperation not only of the Federal reserve banks but of leading member banks everywhere in the country in making successful an effort to bring about an orderly readjustment of the credit situation; and the board has been confirmed in this belief by what has taken place since.

This also is the view of the Federal advisory council, as will be seen from the following minute of its proceedings which was presented to the board February 15 on the occasion of its recent quarterly meeting:

"The Federal advisory council approves the action of the Federal Reserve Board in instructing the Federal reserve banks to prevent, as far as possible, the diversion of Federal reserve funds for the purpose of carrying loans based on securities. The Federal advisory council suggests that all the member banks in each district be asked directly by the Federal reserve bank of the district to cooperate in order to attain the end desired. The council believes beneficial results can be attained in this manner."

This whole matter is engaging the earnest attention and efforts of the Federal Reserve Board. If it should develop that the board, through exercise of the powers granted under the provisions of the Federal reserve act or through cooperation with the Federal reserve and member banks, should be unable to bring about a solution of the problem which has awakened the concern alike of the Senate, the Federal Reserve Board, and the general body of public opinion, it will be glad to give consideration to the possibilities of remedy by way of legislation.

By direction of the Federal Reserve Board.

Respectfully,

WALTER L. EDDY, *Secretary.*

The PRESIDENT OF THE SENATE,
*Washington, D. C.*

FARMERS' PRODUCE MARKET

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8298) authorizing the acquisition of a site for the farmers' produce market, and for other purposes.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. GLASS. Mr. President, so far as I am concerned, I am perfectly willing to vote on the proposed amendment to the pending farmers' market bill and on the bill itself without further discussion. I imagine, however, that that may not be done, because I note the absence from the Chamber of the two Senators from Maryland, who are chiefly interested in the bill.

I wish to say as a preliminary to my discussion of the bill itself that it is very much to be deplored if there has been any exhibition of temper during the discussion heretofore, and I want to disavow for myself any purpose whatsoever to be discourteous to any of the Senators who have addressed themselves to this problem. I particularly have no desire to engage in any disagreeable controversy with the distinguished senior Senator from Maryland [Mr. BRUCE], and if I have said anything to ruffle his accustomed composure I regret having done so.

I shall now proceed, Mr. President, in an orderly way, and primarily for the RECORD and not with the expectation of enlightening anybody or of changing any votes, to discuss the history and meaning of this now quite famous market bill.

Mr. President, at the outset it would be well for us to understand the nomenclature of the very title of this market bill. It is a farmers' produce market. The emphasis should be on the "produce" and not on the "farmers'," because all produce marketed in this establishment and kindred establishments is the produce of farmers; and, above all, it must not be considered by the Senate that the term "farmers" should be confined to the comparatively few truckers located in the States of Maryland and Virginia who furnish an inconsequential percentage of the produce consumed in the District of Columbia. The word should, as it was intended, comprehend all farmers who send their produce to this market for consumption and not a few truckers operating in immediate proximity to the District; and when we consider the meaning of the bill with the definition I have given I would have the Senate understand that 98 per cent of the produce consumed in the District of Columbia comes from other States than the two which have figured conspicuously in this discussion.

Now as to the term "wholesale market": The pending measure does not change in any respect whatsoever the nature or the activities of the existing market. While in its original charter it was defined as a wholesale market, it has been accessible for use by any trucker who might want to sell his produce at retail; and, as a matter of fact, it appears from the hearings that at least 8 per cent of the business done at this market is retail business, and 92 per cent wholesale business. So that the nature of the market is not affected by the pending amendment, except that it may be asserted that if the southwest location is accepted, as has been so persistently recommended, the facilities for retail sheds will be nearly doubled.

Mr. VANDENBERG. Mr. President——

The PRESIDING OFFICER (Mr. GLENN in the chair). Does the Senator from Virginia yield to the Senator from Michigan?

Mr. GLASS. I do.

Mr. VANDENBERG. Then would it be fair to say that the new market is as much of a retail market as the old market was at any time?

Mr. GLASS. Absolutely, it would be accurate to say that, and to add that the facilities afforded by the proposed new site are infinitely better for retail purposes than those afforded by the existing site.

Now, briefly, the history of the bill:

This problem has been under discussion now for nearly three years. There is not an available site in the District of Columbia that has not been considered in detail. There is not a fact in connection with the problem that has not already been ascertained and that does not appear in the record as made up. So the proposition longer to defer it upon the supposition that some other commission or authority may obtain information not now in the possession of or available to the Congress is, I submit, merely a strategic movement for further delay.

This bill was elaborately considered by the Committee on the District of Columbia of the House. It had extended hearings on the subject, and its favorable report to the House was almost a unanimous report. The bill was almost unanimously agreed to by the House, and every proposed alteration of it in the House was defeated by a vote of 3 to 1. The bill, as I have stated, was overwhelmingly passed by the other House and sent over here. Committed to the District of Columbia Committee of this body it was given thorough consideration after extensive hearings. It was proposed in the committee to authorize the Commissioners of the District to proceed to acquire a market site for not exceeding $600,000, and to close the matter without coming back to Congress.

On my motion in the committee the Commissioners of the District were authorized to make the investigation and to recommend a site, subject to the approval of the District committee of this body and of the House. In pursuance of this resolution the Commissioners of the District extensively advertised a public hearing on this question. The hearing was had. It was of a searching nature. Everybody interested was given full opportunity to present his case, and thereupon the District Commissioners made their recommendation.

The Senate committee had a second series of hearings, based upon the recommendation of the commissioners, which are available to Senators, extending over a period, as I recall, of a week or more. The subcommittee holding these hearings reported to the full committee in favor of the passage of the so-called Stalker bill; and the full committee by a vote as I recall of 8 to 3 or 8 to 2, favorably reported this bill after ample discussion of its provisions.

That, in brief, is the legislative history of the bill.

It has been said in the course of the discussion that the bill comes here without recommendation from any official sources. I call the attention of the Senate to an extract from the report of the Board of Commissioners. The commissioners said:

> In the opinion of the commissioners the first choice for a permanent farmers' market, if the decision must be made at this time under the present conditions and as dictated by the evidence before them, would be southwest site No. 1. The advantages of this site outweigh the advantages of the Eckington sites Nos. 1, 2, and 4. Southwest site No. 1—

And the Senate will understand that that is the site we are providing in this bill—

> has the preponderance of advantage in that greater railroad facilities exist and that water transportation is present. Cold-storage facilities are already available, as well as a railroad produce terminal on an adjacent square. The municipal fish market is already established one block away from the proposed site.

Right here I pause to tell the Senate that the taxpayers of the District of Columbia provided this fish market at a cost of $350,000.

So that when Senators talk about not providing wholesale markets for the sale of farmers' produce, I direct attention to the fact that the taxpayers of the District of Columbia, at a cost to them of $350,000, provided a fish market in the vicinity of this proposed southwest site, and I draw attention to the further significant fact that the evidence presented shows that this fish market alone does a gross amount of business comparable to that done in the produce market.

> This would be a convenient location for the Virginia farmers as well as all Maryland farmers except those coming directly from the north.

And they are very few. Note further:

> The commissioners do not consider the objection of increased traffic through the Mall as sufficient to prevent the selection of this location, since whatever may be the ultimate development of the Mall, a certain number of north and south bound traffic arteries must be provided for commercial and business use connecting with the southwest section of the city.

The Senator from Utah [Mr. SMOOT] knows that that is a fact.

> The cost of acquiring land in this [southwest] location is substantially less than the various Eckington sites. The development of this location as a general market area would be entirely south of the railroad tracks and would therefore not interfere with the proper Mall development, nor would it encroach upon the harbor front, since a commercial street would separate it from the latter.

I submit to the Senate that that is the official verdict of the Commissioners of the District, charged by the Senate committee with the duty of making a thorough investigation into this problem, a report made after such an investigation had been had, not one sentence of which has been withdrawn, although persistent and importunate attempts have been made to get the Board of District Commissioners to reverse itself. It stands as the only official verdict of the commissioners which we have in the record.

It has been said that the National Park and Planning Commission is against this site. That would not be conclusive were it a fact, but it is not a fact, notwithstanding it has repeatedly been asserted here. One has only to examine the report of the commission to note that it is not a fact. So far from being the truth of the case, the National Park and Planning Commission makes this site a site of priority second only to one other site, the acquisition of which is totally out of the question. On account of its cost, on account of the congested territory, on account of its lack of parking facilities, it was eliminated completely from consideration by the commissioners. That is the verdict of the National Park and Planning Commission as indicated by its report, which I hold in my hand.

The confusion on this point arose out of the fact that Senators have mistaken a report made to the commission by an engineer on a committee who undertook to combat the availability of the southwest site, an engineer who, his superior officer said at our hearings, was without adequate economic information. The report was submitted to the National Park and Planning Commission, and, notwithstanding his argument, that commission is here on record as giving this southwest site priority over any other site considered except one, which I have indicated was eliminated entirely by the District Commissioners because its acquisition would require a very large expenditure of money, and for the other reasons I have here recited. So that clears up that confusion, as I think.

I note the senior Senator from Maryland [Mr. BRUCE] in his seat. He was not present in the Chamber when I took occasion to express very great regret if I have said anything in the course of the discussion that was in any sense disagreeable to him, or that might be construed to be in any wise discourteous. I have very great affection for the Senator and very great respect for his abilities, and very great tolerance for his infirmities, which are akin to my own.

Mr. President, it has been repeatedly asserted here that the Bureau of Efficiency has declared against this southwest site for specified reasons, and that I took occasion to deny when the matter was up for discussion at the last session. With me it would not make one particle of difference were that true. The Bureau of Efficiency has never been charged by either branch of Congress with the duty of determining the question of a market site. It has never been asked by either branch of Congress or any committee of either branch of Congress to report on the subject.

What happened, as the record shows, was this: That after extensive hearings, and after the House committee had reported the Stalker bill, and just prior to favorable action by the House on the bill, an attaché of the Bureau of Efficiency made an investigation. It was not an investigation by the bureau. There is not one particle of evidence to indicate that he was directed by the bureau to make any investigation. It might very pertinently be asked who got him to make an investigation, and whether or not he was compensated to make an investigation, in the midst of a bitter controversy between opposing factions here in the District. At all events, he did make an investigation, and he pointed out what he regarded as certain delinquencies of the southwest section, matters of traffic, matters of street-car facilities, matters of grading, excavation, and so on.

His report, thus unofficially and irregularly made, was seized upon by the very small minority of the House committee and stressed in the discussion of the question on the floor of the House. Notwithstanding that report, thus irregularly made, of an individual who had proved himself to be a zealot for another particular site, backed by an organized syndicate of real-estate speculators, the House overwhelmingly passed what we know as the Stalker bill. So that question should be eliminated.

That gentleman to whom I have referred gave his own interpretation of his report, as late as March 21, when he appeared before the Senate subcommittee. The chairman of the committee asked him this question:

> Did you express any preference as to sites?
>
> Mr. HAVENNER. No, sir; we expressed no preference.

That was his interpretation of his individual report, and it never was pretended to be an official report from the Bureau of Efficiency. It is printed in the RECORD, signed by Mr. Havenner as investigator, and there is not a sentence in the report that would ascribe it to the Bureau of Efficiency as an official document. It was never claimed to be a report of the Bureau of Efficiency until it had been twice stated on the floor of the Senate that the Bureau of Efficiency was opposed to the southwest site.

I sent for Mr. Brown, and he came to my office; and I very definitely and explicitly stated to him, so that there could be no possibility of misunderstanding, that it had been twice stated on the floor of the Senate that the Bureau of Efficiency was opposed to the southwest market site; and he said, just as explicitly and unmistakably, that that was not true, that they had not reported against the site.

With that unmistakable declaration I came upon the floor of the Senate and controverted the statement repeated by one of the Maryland Senators, saying, as I had a right to say in the circumstances and as the record shows, that the Bureau of Efficiency had not declared against the site. Then somebody went after Mr. Brown and got a letter from him, from which it appears that because of the assaults made upon the Havenner individual, irregular and unofficial report as to its accuracy, and obviously for the purpose of saving the face of the statistician who had no business precipitating himself into this affair, Mr. Brown assumed responsibility for a report that he evidently had not read up to that time until somebody called upon him.

Whereupon I wrote Mr. Brown a letter. I do not want to put it in the RECORD, although the junior Senator from Maryland [Mr. TYDINGS] put Mr. Brown's letter in the RECORD. I do not want to be needlessly disagreeable in the discussion of this matter, though I must confess it has gotten considerably on my nerves. I am not going to put the letter into the RECORD, but will content myself with the brief statement that I wrote Mr. Brown that he had flatly contradicted himself and had been guilty of an evasion of such a nature as that I would not confer further with him upon this or any other proposition. If anyone wants the letter to go into the RECORD, all right.

Now, I submit that I have not departed one iota from the record and have not been guilty of a single inaccuracy of statement in this controversy.

Mr. BROOKHART. Mr. President——

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Does the Senator from Virginia yield to the Senator from Iowa?

Mr. GLASS. I yield for a question.

Mr. BROOKHART. The Senator presented the proposition that only 8 per cent of the old market was retail and 92 per cent wholesale. Is not that an indication that there is something wrong with the old market?

Mr. GLASS. Oh, no. The Senator will understand that this is not the only market in Washington. There are a dozen retail markets in Washington, four of them owned by the District itself, the others by private parties, and there is now proposed to be erected in another section of the city still another retail market to cost $3,000,000, privately owned. I do not think it ever will be erected. I think it was suggested to complicate this matter, but I accept the suggestion, and if it is erected, it will to that extent increase the retail facilities.

Mr. BROOKHART. It seems to me that Congress is interested in the retail or direct distribution from producer to consumer rather in having a wholesale market for the middleman.

Mr. GLASS. Yes; and the Congress is interested in the produce that is sent here by the farmers of the whole country and to an infinitely greater extent than it should be interested in a few curbstone farmers from my State and from the State of Maryland.

Mr. SMOOT. Mr. President, if the Senator will permit me——

Mr. GLASS. Certainly.

Mr. SMOOT. The retailer would not be able to get the produce at all unless it came through the wholesale houses. That is the only way the retailer can get hold of the produce.

Mr. BROOKHART. The farmer wants to be his own retailer and does not want the intervening man. He wants a chance to retail it himself.

Mr. GLASS. Ninety-eight per cent of the food consumed in the District of Columbia comes here from other States than Maryland and Virginia, in carload lots.

Mr. SMOOT. Or by water.

Mr. GLASS. Water shipments equivalent to carload lots.

Mr. BROOKHART. Conceding that, I can not see that it would affect the rights of the local farmers to their local retail markets.

Mr. GLASS. The local farmers have access to a dozen retail markets and there is not a sentence in the bill that would propose to change the nature of the market which is to be torn down and transferred to the southwest site. On the contrary, as I said when the Senator was not in the Chamber, it increases the retail facilities and will make possible the construction of sheds which are very much more ample than those which have been torn down.

Mr. SMOOT and Mr. BROOKHART addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Virginia yield; and if so, to whom?

Mr. GLASS. I would prefer to go on in an orderly way.

Mr. BROOKHART. I shall not interrupt the Senator further.

Mr. GLASS. But as pertinent to this very question let me indicate to the Senate some things that relate themselves to the market situation, and I think my facts——

Mr. SIMMONS. Mr. President, I wish the Senator would yield to me just for one question.

Mr. GLASS. Very well.

Mr. SIMMONS. I must confess that I have myself in somewhat of a state of confusion about the whole matter. Is it proposed to establish in the southwest a local market where consumers will go for the purpose of purchasing?

Mr. GLASS. No.

Mr. SIMMONS. Or where the farmers who bring their products into the city of Washington in their carts or wagons or trucks will carry their produce?

Mr. GLASS. They may carry their produce there just as they may carry it to the existing wholesale market for which we want to substitute the proposed market.

Mr. SIMMONS. The proposed market does not and will not in any way interfere with the consumers' market that may be located elsewhere?

Mr. GLASS. On the contrary, it increases its facilities. It nearly doubles its facilities. To be exact, it increases them 86 per cent.

Mr. SIMMONS. This, then, is only for the purpose of establishing a warehouse there for produce that comes to the city in carload lots?

Mr. GLASS. Oh, it is not only for that purpose. It is for the purpose of selling at retail just as has been done in the existing market. The Senator will understand that this is not a new enterprise. The existing wholesale market is to be torn down by the Government, and this is to transfer it to another site a little more than five blocks removed.

Mr. SIMMONS. But it does not interfere with the establishment of retail markets in different parts of the city?

Mr. GLASS. Not the least in the world. I have said to the Senator that it increases the facilities for retail trade.

Now I would like to proceed to show the Senator something in which he and other Senators ought to be vitally interested. I have said that when we talk about a farmers' market it is pertinent to inquire what farmers and how many farmers. The term does not simply comprehend a few truckers in the neighborhood of the District of Columbia. The Senator's own State of North Carolina sends more carloads of potatoes to this market than the produce of the Maryland and Virginia truckers in the immediate vicinity amounts to. The little State of Maine, up yonder on the Canadian border, sends twice as many carloads of potatoes to be consumed here in the District of Columbia as the produce of those local truckers in Virginia and Maryland combined amounts to.

Mr. SMITH. What about the State of Florida?

Mr. GLASS. The State of Florida sent, for the last fiscal year available statistically, 1,040 carloads of farmers' produce to this market, and the State of Maryland sent 66 carloads. It has been stated, to my confusion, in the course of the discussion that Maryland sends a greater amount of farmers' produce for consumption in the District of Columbia than does Virginia.

Mr. TYDINGS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Maryland?

Mr. GLASS. I yield.

Mr. TYDINGS. I have not the figures exactly accurate——

Mr. GLASS. May I say pleasantly to the Senator that it would be surprising to me if he had them accurately.

Mr. TYDINGS. It would be very surprising to me, if I may say so to the Senator from Virginia, if I should find that he has made any accurate statement on this situation.

But Mr. Roberts, superintendent of markets of the District of Columbia, who is in favor of my amendment and who is the man who has spent 20 years in the market service in the District, told us in his report, which is in the Senator's hands, that 20 per cent of all the produce shipped into Washington comes here in trucks, and that most of that 20 per cent is sold directly to the consumer by the producer; whereas the carloads that come from the States go to the commission merchants who in turn sell them to the consumer, thereby injecting into the equation the middleman.

Mr. GLASS. Mr. President, as a matter of fact, I do not find in the record—and I have read his testimony over to-day—that the superintendent of the market particularly favors any one of the sites he examined. He may favor the proposition of the Senator from Maryland further to delay matters, but that is not going to be done. If the Senator understood him to say that 20 per cent of the produce consumed in the District comes in trucks he is merely mistaken. As a matter of fact, the farmers produce shipped into the District of Columbia from other States amounts to 98 per cent of the total, and only 2 per cent of it is carried by trucks.

Now, let us examine some of the other figures. I believe I was saying that, with an attempt to confuse me, it has been asserted here that Virginia furnished an inconsequential amount of the produce consumed in the District of Columbia, and about one-tenth of the amount sent in by Maryland. I am taking the Senator's own figures; he supplied them for the RECORD, and what do they show? They show that for the last available fiscal year Virginia shipped into the District of Columbia farmers' produce amounting in the aggregate to 717 carloads and Maryland shipped in but 66 carloads.

Mr. TYDINGS. Will the Senator from Virginia yield to me?

Mr. GLASS. I should not like to yield every time I state an uncomfortable fact, because I would be constantly yielding to the Senator.

Mr. TYDINGS. It is very comfortable, I will say to the Senator, to find that he can actually quote my own figures without criticizing them when they apply to his side of the case, but I regret that he can not quote them with so much equanimity when they are against him.

Mr. GLASS. I do not find those figures against me in any particular.



Mr. TYDINGS. I am glad to hear that.

Mr. GLASS. I think the Senator from Maryland will regret having put them into the RECORD.

The far-off State of California, away off yonder on the Pacific Ocean, sent in 1,032 carloads of farm products, while Maryland sent in but 66 carloads. So I might go through the whole list of States to impress the Senate with the fact that this is not a curbstone brokers' market for a few farmers living south of the Capital on the Virginia side of the Potomac River or in the State of Maryland on the northern border, but it is a farmers' produce market for farmers all over the country, designed to take the place of a farmers' wholesale produce market, the very charter designation of which was a wholesale market, but which incidentally has a retail trade of 8 per cent, according to the testimony.

Mr. TYDINGS. Whose testimony, may I ask the Senator?

Mr. GLASS. Oh, yes; if the Senator from Maryland doubts it, I can give it to him from a competent witness. [A pause.] I will put it in the RECORD when I can find it, but I assert of my own knowledge that it was so testified before the subcommittee, and I will put it in the RECORD.

Mr. TYDINGS. While the Senator from Virginia is looking up the testimony, I hope he will allow me to point out——

Mr. GLASS. No; I will not.

Mr. TYDINGS. I thank the Senator for his unfailing courtesy.

Mr. GLASS. Oh, I did not intend any discourtesy to the Senator, but I do not want to be interrupted in my orderly presentation.

Mr. TYDINGS. When I held the floor I tried to yield to the Senator each time he asked me to yield.

Mr. GLASS. I will yield to the Senator presently.

Mr. TYDINGS. I have something that will correct an erroneous statement.

The PRESIDING OFFICER. The Senator from Virginia declines to yield.

Mr. GLASS. I decline to be interrupted now, Mr. President.

Mr. TYDINGS. I again thank the Senator for his unfailing courtesy.

Mr. GLASS. Well, I am obliged to the Senator for thanking me. However, I yield to the Senator while I am looking for the particular extract.

Mr. TYDINGS. I have in my hand a report from the Department of Agriculture which was given to me this morning. I will read a paragraph from that report.

On busy days over 500 trucks occupy space at the market.

How do the trucks compare with carloads, when 500 trucks in one day come into the market as against 50 carloads of produce?

Mr. GLASS. If they shall need it, we are proposing to provide space for 1,000 trucks at the southwest site, which is twice as many as use the present market.

Mr. TYDINGS. But the point I was trying to make was that when the Senator was referring to the carloads shipped in from various States he did not count the number of truck loads that came in from various States; and I was attempting to show him that the truck loads were more than the carloads.

Mr. GLASS. In the aggregate?

Mr. TYDINGS. Yes; there are 500 a day.

Mr. GLASS. But there were 786 carloads.

Mr. TYDINGS. On what day?

Mr. GLASS. What day? Oh, on no particular day.

Mr. TYDINGS. That is a large number of cars.

Mr. GLASS. Mr. President, I find in the hearings a statement that verifies what I said a while ago on the percentage matter. It is as follows:

*Maryland*

| | |
|---|---|
| Farmers reporting | 130 |
| Miles traveled to market (average) | 14 |
| Size farm, acres (average) | 118 |
| Acres for market (average) | 26 |
| Total value of sales of Maryland and District of Columbia for year | $357,675 |
| Value of sales (average) for year | $300,946 |
| Per cent retail | 6 |
| Per cent wholesale | 86.5 |
| Per cent commission | 7.5 |

That is, of the farmers who use this so-called farmers' market, their stuff was disposed of 6 per cent at retail, 86½ per cent at wholesale, and 7½ per cent sold to commission men.

Senator COPELAND. Now, Major, when you speak about wholesale, does that mean that was produce that had been contracted for in advance?

Major BROWN. No, sir. Probably very little of it was contracted for in advance, but sold to hucksters and grocers who come down and buy from the farmers and carry their stuff on their wagons or trucks

either on their routes over the city or take it to their retail establishments.

Senator COPELAND. And sold at a lower price because larger quantities were taken? That is the reason for the wholesale selling?

Major BROWN. Yes; and it simplifies the process of disposing of it.

I might interject there, Senator, this fact. There are a great many farmers who come into town who sell partly at retail. Some of those stand around the Center Market, which is in this same general locality, but do not occupy the stalls in this farmers' market, with which we are concerned to-day. A great many others go to the other outlying markets in the city, around K Street and P Street and the others that have been mentioned, and, backing up in the street there, or in some other place where facilities are provided, sell their stuff at retail, but under those sheds in the farmers' market, as we apply the term strictly, the business of these Maryland farmers was 85½ per cent wholesale.

*Virginia*

| | |
|---|---|
| Farmers reporting | 27 |
| Miles traveled to market (average) | 16 |
| Size farm, acres (average) | 92 |
| Acres for market (average) | 18 |
| Total value of sales by Virginia farmers for year | $28,250 |
| Average value of sales (only 21 reported) for year | $1,345 |
| Per cent retail | 12 |
| Per cent wholesale | 81 |
| Per cent commission | 7 |

That statement contains the figures which I mentioned from memory a while ago as presented before the committee.

It has been stated here that all of the Virginia farmers together with the Maryland farmers came up in solid phalanx, to use a classical expression, in favor of putting this market north of Pennsylvania Avenue. As a matter of fact, that is not true. As a matter of fact, every public meeting duly advertised among the Virginia farmers has overwhelmingly declared, as they naturally would, for the southwest site. Boards of trade in Arlington County and in Fairfax County, chambers of commerce immediately across the line, have done likewise. Effort after effort has been made to have them reverse themselves, but they have not done it as yet. Let me quote some testimony from Virginia farmers which is in the record.

I quote from the testimony of Mr. Martin T. Webb, of Fairfax. He says:

I am a farmer and I am in favor of the southwest site. I am a member of a farmers' organization and of our county chamber of commerce and another organization which is composed of five or six hundred actually producing farmers. This matter has been before our organizations for many months. It has been discussed a number of times, and every organization has gone on record unanimously favoring the southwest site.

Here is the testimony—and this is testimony. I am not making any Exhibit A of people who want to sit in the Senate gallery and enjoy themselves listening to people talk. I am giving testimony upon which we based the report and which induced the action of the Senate committee.

Here is a statement from George F. Harrison, a Virginia farmer. He says:

I am a standing committee for six granges of Fairfax County, Va. I am representing the board of supervisors of Fairfax and Arlington Counties, and the Chamber of Commerce of Fairfax County. I have been before the chamber of commerce here and I was before the commissioners and we filed briefs with the House committee setting forth all the facts in the interest of Washington as well as Virginia. We are not a selfish people over there, and I want to say this to you, that if you put the market down here where you almost decided to put it, in the southwest, you will be getting near a mighty good neighbor, and if these farmers of Maryland boycott you because you do it we will furnish you all the produce you want.

You need not worry about their boycotting you. They are going where they can sell their produce, and do not worry about your commission men. They are going where the market is placed.

* * * * * * *

We will promise you faithfully if you will locate the market in the southwest where you have about decided to do it, that the housewives of the city of Washington will save 5 per cent on every article which she has to buy for her house consumption.

Right on that point of saving money, the junior Senator from Maryland [Mr. TYDINGS] yesterday said something about the cat being let out of the bag. Now, I want to exhibit a real cat, and see how it jumped out of the bag inadvertently and unexpectedly.

We had before the House committee a Maryland farmer by the name of Perry F. Skinner, and he gave this interesting testimony:

We might just as well tell the truth. A lot of our farmers do not want to go down there—

That is, to the southwest site on the water front—

because of the competition from the South and the Norfolk boats. That I am pretty sure from people who have told me straight out that that is their reason. I can bring them to you if I need to; and lots of it I get second hand. They do not want to go down there on account of the competition, and anybody who has gone through this game, you can not blame them. We do not want any more competition, but we can not have a market without competition.

So there is the cat out of the bag.

Mr. TYDINGS. It looks like a mouse to me.

Mr. GLASS. Oh, no. If your Maryland farmers can sell their produce to the consumers in Washington at 5 per cent more than they could get in competition on the water front, of course, some of them would like not to locate in the southwest.

"Solid phalanx from Maryland!" I hold in my hand a petition signed by 118 Maryland farmers:

We, the undersigned, dirt farmers and producers of the tidewater counties of Maryland and Virginia, raising produce for sale at the farmers' market in Washington, D. C., petition the United States Senate to pass as quickly as possible the pending bill for the relocation of the farmers' market in southwest Washington adjacent to the municipal fish market and wharves.

I shall put this petition in the RECORD.

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

PETITION

We, the undersigned, dirt farmers and producers of the tidewater counties of Maryland and Virginia, raising produce for sale at the farmers' market in Washington, D. C., petition the United States Senate to pass as quickly as possible the pending bill for the relocation of the farmers' market in southwest Washington adjacent to the municipal fish market and wharves, this being the most suitable site in the city of Washington for the location of our market:

M. R. Bailey, W. N. Ellis, Ned Russell, Harry Ellis, J. W. Ellis, A. F. Cheseldine, jr., River Springs, Md. (seventh district); John Long, Abell, Md. (seventh district); R. P. Bailey, Bushwood, Md. (seventh district); S. M. Bailey, Milestown, Md. (seventh district); Matthew Wise, Walter Jefferson, John D. Young, River Springs, Md. (seventh district); T. G. Reeves, Wm. Blair, Milestown, Md. (seventh district); Cleve Bailey, Mrs. Cleve Bailey, Thos. Bailey, Avenue, Md. (seventh district); E. J. Plowden, Bushwood, Md. (seventh district); Samuel F. Brown, Palmers, Md. (seventh district); J. C. Bailey, Stephen Downs, River Springs, Md. (seventh district); James A. Latham, Gurry, Md. (fourth district); Everett Omens, Bryon Bowles, Jos. E. Cheseldine, Geo. B. Knott, Austin Cheseldine, Palmers, Md. (seventh district); Norman Goodwin, George W. Owens, James Dingee, John G. Jones, Fred Dorsey, Garner Gibson, Bushwood, Md. (seventh district); Rayner Blair, Gladys Blair, River Springs, Md. (seventh district); W. T. Gibson, A. F. Cheseldine, Avenue, Md. (seventh district); J. Allan Coad, Jos. A. Saunders, John R. Drury, James F. Mattingly, Albert B. Grooves, Leonardtown, Md.; J. Franklin Adams, Mechanicsville, Md.; Jos. M. Mattingly, Wm. G. Fenwick, Geo. F. Wathen, county agent, Leonardtown, Md.; Ignatius T. Wathen, Morgan, Md.; Elton Hayden, Theo. Bostwick, John H. Beanson, O. B. Butell, T. S. Hayden, G. H. Gass, James Dorsey, Bansey Jones, Ernest Ellis, Marion G. Gibson, Francis J. Gibson, Garnett Arnold, John Irving Norris, Thos. D. Ellis, J. D. Raley, A. B. Laurence, Frank J. Laurence, Abell, Md. (seventh district); C. D. Gass, George A. Dickerson, Howard Hayden, George D. C. Dickerson, Dan Mattingly, Leged Moddox, J. E. Norris, J. W. Owens, A. C. Beitzell, Abell, Md. (seventh district); W. H. Mattingly, Abell, Md.; Marion Hill, Avenue, Md.; J. Spencer Hammett, J. Bernard Bohanan, River Springs, Md.; Bernard Curtis, Mechanicsville, Md.; Howard Raley, Clements, Md.; Bernard A. Ferguson, Seneca Cheseldin, W. M. Bryant, Wilmer Palmer, Robt. F. Glass, Julia H. Knott, Sadie A. Morris, Emory N. Ellis (seventh district); Joseph F. Bailey, River Springs, Md.; George H. Culkin, Palmers, Md.; Frank Owens, Spillman Banagan, River Springs, Md.; Joseph Renshke, Palmers, Md.; Joseph Bailey, River Springs, Md.; Kinney Jones, Johnnie L. Jones, Palmers, Md.; Charlie Banagan, Elmer Norris, River Springs, Md.; Fred. Amann, Palmers, Md. Philip Gatton, River Springs, Md.; Geo. Gibson, Avenue, Md.; Stephen Mack, Palmers, Md.; James H. Bailey, J. B. Woodburn, John E. Ellis, James A. Young, Abell, Md.; Geo. Young, River Springs, Md.; John E. Jones, James H. Bond, Palmers, Md.; James J. Jefferson, River Springs, Md.; Hart L. Young, Avenue, Md.; Henry M. Thomas, Palmers, Md.; James A. Carter, Avenue, Md.; Leonard Jefferson, River Springs, Md.; John T. Hill, Walter Hall, Avenue, Md.; P. D. Gatton, sr., John B. Gibson, Adam T. Wible, Mrs. Adam T. Wible, Miss W. G. Wible, Abell, Md.

Mr. GLASS. I have here a letter written on the letterhead of the Maryland Senate, signed by J. Allan Coad:

MY DEAR SENATOR GLASS—

This is dated last month, January 15, 1929—

I hope you will pardon this intrusion by one who has no claim upon your services but who has great confidence—

And so forth.

We of southern Maryland are deeply interested in having the so-called southwest market bill pass the Senate at the very earliest opportunity, and I have been requested by several of the farmers' clubs of this section to solicit your assistance—

And so forth, and so forth. I will put that letter in the RECORD.

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

The letter is as follows:

SENATE OF MARYLAND,
*Leonardtown, St. Marys County, Md., January 15, 1929.*

Senator CARTER GLASS,
*Senate Office Building, Washington, D. C.*

MY DEAR SENATOR GLASS: I hope you will pardon this intrusion by one who has no claim upon your services, but who has great confidence in your ability.

We of southern Maryland are deeply interested in having the so-called southwest market bill pass the Senate at the very earliest opportunity, and I have been requested by several of the farmers' clubs of this section to solicit your assistance. I have, of course, written to Senators BRUCE and TYDINGS.

I shall be glad to convey any reply you may care to make to the representatives of the aforesaid farmers' organizations of this locality.

Trusting that you can aid us in this matter really of vital concern to this section of Maryland, and with my highest regards, I beg to remain,

Very truly yours,

J. ALLAN COAD.

Mr. GLASS. So that the phalanx is not so solid as we were assured.

The Senator from Maryland a while ago wanted to know what evidence I had in substantiation of the statement that the record showed that the retail business of this established market was about 8 per cent. The statement was made by Colonel Jungersfeld at the public hearing of the Commissioners of the District of Columbia which is contained in Exhibit 5 on page 69, and it states:

The retail business of the market I find is only about 8 per cent.

Mr. TYDINGS. What is his title?

Mr. GLASS. It appears in the record as "colonel."

Mr. TYDINGS. I mean, has he any connection with the market?

Mr. GLASS. There is nothing here to indicate his connection with the market.

Mr. TYDINGS. I was sure there would not be anything to indicate that he knew anything about the market.

Mr. GLASS. Oh, well, if the Senator wants to inject such irrelevant witticisms into my speech——

Mr. TYDINGS. It could not be more irrelevant than what the Senator says.

Mr. GLASS. All right.

Then here is another report presented before the District Commissioners, called the Hudson report, Exhibit No. 1, and that report furnishes these figures:

Of the total amount of produce sent in from Maryland, only 6 per cent of it is retail, 86.5 per cent of it is wholesale, and 7.5 per cent of it is handled by commission merchants. Of the truck sent in from Virginia, 12 per cent of it—

Just double the amount of Maryland—

is retail, 81 per cent of it is wholesale, 7 per cent of it is handled by commission merchants.

I ask permission to insert in the RECORD an extract from the report of the committee giving further figures in this connection.

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

Dr. T. B. Symons, of Maryland University, states:

"In our opinion, as representing the farm producers, we grant that 80 per cent of the business is wholesale and that about 20 per cent is retail, so it is both wholesale and retail." (Commissioners' public hearing, Exhibit No. 5, p. 167.)

The Hudson report (Exhibit No. 1, p. 7) gives the following:

"If he sells at wholesale, he brings his produce to the farmers' market. If he sells at retail, he takes a stand on the curb at one of the public markets. He has from 6 in the morning to 2 o'clock in the afternoon, and later on certain days, to dispose of his truck load. His principal customers are the retail stores, the hucksters, the hotels, restaurants, and commission men, and the wholesale dealers; thus it is that the commission man and wholesale dealer are both customer and competitor of the produce farmer.

"The following data obtained and compiled by Mr. T. B. Symons, director of extension service, University of Maryland, were the result of a questionnaire answered by 157 farmers in Virginia and Maryland.

* * * * * * *

| | Maryland | |
|---|---|---|
| | *Per cent* | *Per cent* |
| Retail | 6 | 12 |
| Wholesale | 86.5 | 81 |
| Commission men | 7.5 | 7 |

Mr. GLASS. I have given these facts and figures to the Senate in order that it may be seen, comparatively speaking, how inconsequential is the retail business of this market as now established and as it has been conducted for years, and, further, to convince the Senate that the transfer of the market from its present site to a point five and a half blocks south will have no appreciable effect in the matter of diminishing its retail business, which is not now of large consequence. On the contrary, as I have asserted and now repeat, the facilities that will be afforded by the southwest site will be 86 per cent greater in available space than has been afforded by the existing market; and there is no reason on earth why the truckers of my State and of Maryland may not find ample and better accommodations at this new site than they have been finding at the site which soon is to be destroyed by the Government here in the District.

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

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Alabama?

Mr. GLASS. I yield to the Senator.

Mr. BLACK. A statement was made about the destruction of a site. There has been some misapprehension about that which I should like to have the Senator clear up. The belief has been spread around on the part of some that the Government took, without compensation, the old site which was paid for by the city of Washington.

Mr. GLASS. Oh, I can say to the Senator that that is not the fact. The title has always remained in the District. It never has been parted with. I should not undertake here on the floor of the Senate to speak definitely and accurately, although I have examined the matter. No hardship has been inflicted at all.

Yesterday the impression was made—I am sure unintentionally, but the impression nevertheless was made—that this market site in the southwest was owned by the Pennsylvania Railroad and that was the cat that leaped out of the bag. As a matter of fact, it is not owned by the Pennsylvania Railroad; it is owned by private persons, and a good deal of it will have to be condemned for this market site. The Pennsylvania Railroad, at the solicitation of these very commission merchants who subsequently formed a little real-estate speculative syndicate, at their request by written letter, bought a large tract of land down there from the Southern Railway for the purpose of curing the discomfort with which these commission merchants were threatened as a site for commission houses in the vicinity of the proposed southwestern market site.

The land was taken over, on option, at least, from the Pennsylvania Railroad Co., at the exact cost to the company. Not one thrip of profit was involved in the transaction. Those who took over that tract of land are now offering it to these commission merchants who are threatened with ouster at their present places of business without one farthing of profit on the transaction.

It has been asserted—it was asserted here yesterday—that 85 per cent of the commission houses of Washington are opposed to the southwest site. Here is their letter of protest. It is signed by 22 commission merchants. Let me show the Senate how fair these gentlemen are. These are the gentlemen who, by letter, besought the Pennsylvania Railroad to buy this tract of land over there for their commission houses, and never changed front until, for the pitiful sum of $5,000, they obtained an option on the Patterson tract, worth a million dollars, for speculative purposes, and at most 22 of them; and here is how they piece out their numerical strength:

W. H. Harrison & Co. That is the concern. Then the man who owns the concern signs also, "W. H. Harrison." That is two.

W. Charles Hietmuller Co., commission merchants. Then it is signed again by W. Charles Heitmuller.

Thomas A. Cannon Co., a concern, and it is signed again by two individual members of the concern.

N. J. Ward Co., commission merchants, and signed individually by three members of the firm.

That is the way they piece out the 22 signatures to a protest against the southwest site.

Mr. BLACK. Mr. President, will the Senator pardon me for another interruption in connection with his statement?

Mr. GLASS. I yield to the Senator.

Mr. BLACK. I have before me the hearings in this matter, and the statement is made by Mr. Harrison that they have put up $40,000. Was that on the Patterson tract or some other tract?

Mr. GLASS. This is what they did with reference to the Patterson tract: They got the Patterson tract on option for $5,000, and this illustrates the sincerity of the purpose of these gentlemen. That is a tract of land worth a million dollars, and they got an option on it for $5,000. Then they formed their little speculative syndicate for the purpose of building streets, improving the tract, selling off corner lots, and making a profit. The members of the syndicate, in addition to the option of $5,000, have impounded $40,000 worth of checks to certify their faith in the prosecution of the speculative enterprise. That is the amount of it.

We were told yesterday that 85 per cent of the commission merchants of Washington protested this site. I have shown that just about 15 of them about faced after committing themselves in favor of this other tract and for purely selfish purposes signed that protest.

I have here, on the other hand, and shall put in the RECORD along with the paper I have just read, an answer to that paper signed by 40 of the commission merchants of Washington in favor of the southwest site.

Mr. TYDINGS. Will the Senator yield?

Mr. GLASS. Now the Senator is going to bring that old fraudulent stuff here.

Mr. TYDINGS. I did not think the Senator wanted to hear it.

Mr. GLASS. Oh, yes; the Senator can exhibit it to the galleries if he likes, but I shall accompany the exhibition with this statement of facts. The Senator has a newspaper advertisement there that would have led anybody to believe that all the farmers of Virginia and Maryland combined were going to rush to a retail site up here in the center of the city; and the next day, as appeared in a publication in the Star of this city, the market master made the public declaration that only six of those gentlemen came there. It was just an imposition perpetrated.

The statement has been made here that this 85 per cent of the commission merchants of Washington handle 85 per cent of the produce consumed in the District of Columbia. I have not made any individual investigation of the statistics. The fact of the matter is that I have not crossed the threshold of my office to commune with these antagonistic factions. After the overwhelming sentiment of Virginia farmers came to me I did receive a delegation of five farmers from over there who had been induced to change their minds, and I would have received any other delegation that had come to my office, but that is the only one that ever got there. The opposition sent over there and scoured the two or three adjacent counties and got quite a few people to sign petitions, upon misrepresentations, as some of them told me afterwards, and to what did the petitions amount? Even the one said to have been signed by 118 Maryland farmers, which I put in the RECORD to-day, amounted to what? I could get up a petition before sundown on this brief winter's day to hang the junior Senator from Maryland, and he could, I am sure, to hang me, if it circulated among a particular class of people. [Laughter.]

Mr. TYDINGS. I would not hang the Senator. I am too fond of him.

Mr. GLASS. Here is a letter signed by Mr. William O. Shreve, who, up to November last, was president of the National League of Commission Merchants, represented by this remarkable protest here, where four or five members of a firm signed one petition. Shreve was president of the association up to last November, and while I do not much believe in putting the Government to expense by loading up the RECORD with everything, great and small, I am going to put this in the RECORD. This is what he said:

It has been represented to you by the Patterson tract promoters that they handle "85 per cent of the perishable food products shipped to Washington." As a matter of fact, as you will find upon investigation, these promoters do not actually handle as much as 10 per cent of the perishable food shipped into this city of 500,000 inhabitants.

There is the testimony of the man who was president of this national organization up to last November, and he has not signed his name four or five times to any petition of protest.

It has been said with a great deal of plausibility that all of the hotels of Washington are situated north of Pennsylvania Avenue, and that is the truest thing that has been said by my friends who are assailing the southwest site. That is true. Yet at a hearing I asked witnesses if they could name a single hotel in Washington that had not advocated and that did not advocate this southwest site, and they could not do it, and they can not do it. The hotels are among the greatest patrons of this market.

As a matter of fact, the retail grocers of the town, 200 in number, in their organization have advocated the southwest site. Men who get their supplies from this market have advocated the southwest site. There is not a wholesale merchant in the town who does not advocate the southwest site.

Not only is the municipal fish market, at a cost of $350,000 to the taxpayers of Washington, located in this vicinity, but nearly all of the meat packers are located there.

The poultry interests in the produce problem are located there. The large establishments for the sale at wholesale of butter and eggs and dairy products are already located there. The cold-storage plants are located there. The great warehouses that handle these products with facility are located there. The location of commission houses over there is not a mere bluff, as in the case with the Patterson tract. Contracts for the construction of 30 of those houses have already been let and construction begun. There is no real-estate speculation on the southwest site by a close corporation of commission merchants. They have begun the construction of 30 commission houses, and there has not been a brick laid on the Patterson tract and there never will be a brick laid there.

A wholesale market can not be conducted without transportation facilities. The Patterson tract is devoid of all transportation facilities. I am told that under the contractual relations with the terminal company it will be impossible ever to supply it with transportation facilities. There is not a drop of water on the Patterson tract. There are no transportation facilities by water there. Pretty soon, I say to the Senate, the major part of the trucks which will be brought to Washington will largely come up from those counties in Maryland and Virginia which front on the Potomac River and Chesapeake Bay. It was in evidence before the Senate subcommittee that the tracts of land now being used for trucking purposes in Maryland and adjacent to the District are being so rapidly acquired for construction purposes and for sites for homes that there will not be any truck farmers over there, and they will have to move farther back or come over to Virginia.

Then the question of competition comes into consideration, as that keen old Maryland farmer Skinner pointed out, much to the confusion of his colleagues, and showed that by going down on the water front the people of Washington could get the produce in competition and much cheaper.

We were treated to a delightful argument yesterday to the effect that the parking space at the southwest site is not sufficient. Why, it is fourfold greater than at any one of the other proposed market sites. Everybody knows, who is familiar with Washington at all, that automobile traffic of the town is nearly all north of Pennsylvania Avenue. That is where the cars run in unbroken streams along all the streets. Anyone who wants to go to an uptown theater had better go about an hour before the theater opens, because he will have to drive round and round and round the streets before he can get a parking space, whereas the southwest site fronts on a long water street that is now almost as wide as Pennsylvania Avenue and which the Board of Commissioners says is to be made that wide. The Senator from Utah [Mr. SMOOT] knows that in the planning of the Mall, streets will be built that will make this market accessible readily to anybody who wants to go to it.

The junior Senator from Maryland [Mr. TYDINGS] appeared before our committee and brought tears of sympathy from the eyes of his own exhibit there. He said a poor, crippled person living away out in Mount Pleasant would have to cross the entire city of Washington, including Pennsylvania Avenue, to buy a chicken. "Would you be so cruel," he asked, "as to impede a poor cripple in that way?" A cripple like that ought to be sent to a lunatic asylum and not to the market house. All he would have to do would be to hobble around to the corner grocery, perhaps next door to his establishment, or not far removed, and buy all the chickens he wanted to buy. If he insisted on going even to the market now established, which is only 5½ blocks away from the proposed tract, the street-car fare involved would cost him more than the difference in the

price of a chicken which he could purchase at the Piggly Wiggly and the price of a chicken which he would get at the market.

Mr. HEFLIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Alabama?

Mr. GLASS. I do.

Mr. HEFLIN. Is there anything in the Senator's bill that prevents the having of a branch market or submarket at some point out in the neighborhood where the other market is proposed?

Mr. GLASS. I may say to the Senator that there are now 12 retail markets in the city of Washington.

Mr. HEFLIN. There is nothing in the Senator's bill that would prevent that?

Mr. GLASS. Not a sentence. It is not my bill. It is a bill which came over from the House. There is not a sentence in it that would prevent that being done. As a matter of fact, as I have said over and over again, there are 12 retail markets in the District, 4 of them owned by the District government and the others owned by private persons. I will say to the Senator from Alabama, as indicative of the fact that there are already ample retail facilities, that it has appeared in evidence that 40 per cent of the retail stalls in Convention Hall, near by the so-called proposed mid-city site, were at that time vacant. There is a proposition now before the Senate Committee on the District of Columbia to construct new sheds at several of the markets now owned by the District government, which would increase the retail facilities of those markets.

The fact of the business is that there are really but two sites involved in the market question after years of hearings and taking of testimony, and one of those is actually precluded by the excessive cost involved. The proposed southwest site will cost less than $300,000. The other available site would cost $659,000.

It is stated here that many of the civic organizations of the city have protested against the southwest site, but I say that is utterly inaccurate and misleading. Conceding that they bespoke the membership, which they did not do, of all the organizations, what was the action? It was not against the southwest site any more than if as much as against the Patterson site which the opposition has in mind. It was not against the southwest site, but it was in favor of an impossible mid-city site.

Mr. HEFLIN. Then, as I understand the proposition of the measure which the Senator is supporting, it would save the Government about $300,000.

Mr. GLASS. Yes; on the site alone. Then the Senators from Maryland talk about the grade of the site. Somebody went down there and saw a great bank of earth at one end of the lot. The junior Senator from Maryland actually thought that the market was to be built up to that grade of earth and 40 steps cut down instead of the bank of earth being removed altogether, as, of course, it will be. The difference in the price of the proposed No. 1 site of the southwest market and any one of the other sites is sufficient two or three times over to clear the southwest site of every obstruction on it, to tear down and move away every building on the site.

Mr. President, I have no personal interest in the matter. I never go to market. I let some hotel in Washington do my marketing for me, and have done so for 28 years—long enough to have spent sufficient money there to have built a hotel of my own. I have no interest in the matter personally, and I am no more concerned in fairness for Virginia truckers than I am for Maryland truckers.

There may be many points I have overlooked, but there is one in particular to which I wish to call attention. Senators talk about traffic congestion and the peril of crossing Pennsylvania Avenue and all that sort of thing, but they omit to tell the Senate that every director of traffic in the District of Columbia for three years has approved the southwest site and has gone officially on record as saying that traffic conditions ought not to interfere with its selection.

One of the most eminent engineers in the United States at the time, the engineer commissioner of the District, reported that traffic conditions in no sense or degree precluded the selection of the southwest site.

Mr. President, I have occupied just about twice as much time as I intended to occupy, and just about ten times as much as was required to be occupied, except that I wanted some orderly and consecutive statement of the case for the RECORD after the bill shall have been passed. Now I am ready for a vote.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole and is open to amendment.

Mr. TYDINGS. Mr. President, I am not going to prolong the polemics of this matter except for probably two minutes to make a statement and then to ask that a document be read.

The Senator from Virginia has quoted some individual who wrote a letter, but has not quoted the authority of the United States Government, which is charged with looking after the interests of the people. I put letters into the RECORD yesterday to substantiate everything I had said.

Mr. GLASS. The misfortune of the Senator, however, was that they did not substantiate anything.

Mr. TYDINGS. I did not quote from a man named Jungersfeld, or whatever his name was, who had no official title, and as to whom no one knew where he lived or whence he came or whom he represented or what his connection was with the proposition. Nor did I read a letter from some man living 100 miles from here who sold in the market, as the Senator from Virginia was glad to do.

Now, again to substantiate the position which I have taken in this matter, I ask that there may be read by the clerk a survey conducted by the United States Department of Agriculture which is absolutely in conflict with 90 per cent of the statements the Senator from Virginia has made. As this report is based upon the findings of actual inspectors who went to the market and obtained statistics in the course of preparing this report, I think it may be taken as substantially authentic. I send the communication to the desk and ask the clerk to read it.

The PRESIDING OFFICER. Without objection, the clerk will read as requested.

The Chief Clerk read as follows:

MARKET SITUATION

According to a survey just being completed, there were approximately 750 farmers selling on the farmers' produce market in the year 1927, just before the site was taken over for the building program. In the spring and summer there were more than 500 in attendance each Saturday. Their total sales for the year on the market were more than $2,800,000.

At the curb of Center Market there are more than 150 farmers selling at retail. On Saturdays in the spring and summer more than 125 of these attend regularly. Their sales are more than $700,000 per year. Center Market site is to be taken over for the building program within two or three years.

The total number of farmers attending at these two markets is more than 900, and on the busiest days there are more than 625 in actual attendance. Their total annual sales are more than $3,500,000, an average of approximately $4,000 per farmer attending. At this time no provision has been made for them.

Of the sales on the Farmers' Produce Market, recently abandoned, 31 per cent of the total sales in the last year of its operation were directly to family consumers, according to the best estimates the sellers can make. An additional 10 per cent were to hotels, restaurants, schools, hospitals, and similar institutions.

Mr. TYDINGS. Mr. President, I ask the clerk, with the permission of the Senate, to reread the paragraph which he has just read.

The PRESIDING OFFICER. In the absence of objection, the clerk will read as requested.

The Chief Clerk reread the paragraph and concluded the reading of the communication, as follows:

Of the sales on the farmers' produce market, recently abandoned, 31 per cent of the total sales in the last year of its operation were directly to family consumers, according to the best estimates the sellers can make. An additional 10 per cent were to hotels, restaurants, schools, hospitals, and similar institutions.

Including the farmers' line at the curb of Center Market, the sales directly to family consumers of the two markets were more than $1,500,000 per year, approximately 42 per cent of the total sales on the two markets. An additional 9 per cent were to hotels, restaurants, schools, and similar institutions. The total of these sales were more than $300,000 per year.

These farmers' markets have been crowded with family purchasers every Saturday in the summer, and almost equally well attended in the winter. There is no way of determining accurately the number of families patronizing them. However, the Saturday sales in the summer are approximately $50,000 each Saturday. Of this amount, $20,000 is directly to family consumers. It seems perfectly certain that upward of 12,000 families are represented in these Saturday purchases. It is no less certain that upward of 20,000 families make their purchases from these markets regularly or from time to time during the year. This means that of the total population of the District of Columbia, 100,000 are represented in these direct purchases from these two farmers' markets.

There are other farmers' markets in the city of Washington, at which approximately 500 farmers attend. Of these, 300 attend each Saturday in the spring and summer.

The 2,000 grocers (including 600 chain stores) of the District of Columbia buy all their near-by farm produce through the Farmers' Produce Market. This constitutes about one half of their purchases of

fruits and vegetables. The other half comes in by rail. Substantially none comes in by boat.

With the development of the automobile truck the distances traveled by farmers to this market have greatly increased. Many of the farmers travel 20 or 30 miles; some come from as far as Frederick and Westminster, Md.; Charlestown, W. Va.; and Fredericksburg and Culpeper, Va., distances of 40 to 50 miles; some even as far as Hagerstown, Winchester, and Richmond, distances of 70 to 100 miles.

| | Miles |
|---|---|
| Frederick, Md | 44 |
| Westminster, Md | 52 |
| Leonardtown, Md | 56 |
| Warrenton, Va | 49 |
| Fredericksburg, Va | 56 |
| Charlestown, W. Va | 60 |
| Hagerstown, Md | 70 |
| Winchester, Va | 76 |
| Richmond, Va | 116 |

Even in the direction of Baltimore farmers come from a distance of more than 25 miles, within 12 or 15 miles of the city of Baltimore. These farmers are attracted to the Washington market by the opportunity of selling directly to consumers as well as to dealers. Such an opportunity does not exist in the larger farmers' market of Baltimore.

For the many thousands of farmers living within a radius of 15 or 20 miles of Washington this market constitutes the one outlet for their fruits and green vegetables. Thousands of these who do not actually attend at the market themselves send their produce by those who do attend. Many of those in attendance represent 3 or 4 of their neighbors, and a few hucksters bring in produce from 30 or 40 producers each.

Mr. TYDINGS. Mr. President, inasmuch as that report, which was given to me by Mr. Marshall, of the United States Department of Agriculture, at the direction of the Secretary of Agriculture, who caused the inspectors to visit the market place and to obtain the information that the report contains, I respectfully submit to the fairness of the Senate that it must be, in effect, substantially correct, and is by every rule of logic entitled to more weight than is any statement of any testimony offered by one who has perhaps little or no official rank or connection with the proposition and who only bases his figures on speculation and not upon facts which have been actually ascertained.

Mr. GLASS. Mr. President——

Mr. TYDINGS. The Senator from Virginia, with his characteristic ability to minimize the points that are made against him and to accentuate those which are in his favor, referred to a report dealing with the number of carloads of produce which annually came into the District; and he quoted figures to show that only 66 carloads came in from Maryland, while 1,000 carloads came in from some other State, the State shipping the largest number. Of course, the Senator would like the farmer who only lives 5 miles from the city of Washington to haul his produce down to the box car, put it in there, then ship it by rail into Washington, and take it out of the box car to the market. It is perfectly plain, perfectly logical, and perfectly apparent that the obvious thing for the farmer living in the vicinity of Washington is to take his produce to town by truck.

The statement which has just been read shows the large number of trucks that come into the city each day. I think the statement is that on an average 500 truck loads come in daily and 31 per cent of the total amount of produce brought into Washington was sold directly to the consumer—the housewife—and that in the course of a month 100,000 families bought directly from the farmers who raised the products which were offered for sale.

No one can deny the fact that this market, if located on the southwest site, will be on the extreme southern rim of the city of Washington. The whole town is growing north, west, and east. This site is located away from the center of population and is bound to be farther and farther removed from the center of population, from the people who will want to deal at the market as time goes on. It will require every one who wishes to visit the market to traverse Pennsylvania Avenue; and on Saturday afternoon, when the market will be most in use, when the office buildings have turned loose all their thousands of employees, when people are about the streets shopping, when the theaters and moving pictures are open, and the crowds are very dense, the women who are going to do the shopping for the Sunday meals will be forced to penetrate that enormous bulk of traffic to go to one extreme side of the town to purchase their provisions for Sunday's meals.

The PRESIDING OFFICER. The hour of 3.30 having arrived, under the unanimous-consent agreement no Senator may speak more than once nor longer than 10 minutes upon the bill or any amendment thereto.

Mr. TYDINGS. I am speaking now on the bill, Mr. President. I have an amendment pending.

We can not escape the fact that we shall contribute to the traffic congestion of this city to an enormous extent by forcing the number of people who now deal at this market to go through all that traffic on Saturday, and back through it again, in order to purchase the food for Sunday's meals.

If 10,000 housewives per week now deal at this market, it means that on Fridays and Saturdays 10,000 housewives will have to penetrate all that traffic and bring their purchases back again, to say nothing of the enormous distance they will be forced to go to make their purchases here.

What could be fairer than the amendment I have offered? I do not ask that any particular site be selected. I say that no site shall be finally selected until a commission appointed by the President of the United States shall have passed on this matter, taking into consideration the whole picture, and that whatever site they may select shall be the site upon which the market shall be constructed.

Is there any bias in that amendment? That is the amendment upon which the Senate will shortly vote. I have tried to present it without a bit of attachment for any site. I have tried to show my good faith, my interest in this matter not alone for Maryland or for Virginia but for the people who live in Washington, who have been taxed and who will furnish the money to construct this market.

If the commissioners appointed by the President select the southwest site, even though I do not agree with their choice, I shall not raise my voice in protest; but I do submit that this is not the place for us to select the site, and that competent people who will appraise and weigh all the factors that enter into this problem are the ones who should say what site the market should occupy.

The amendment simply provides that the southwest site shall be adopted provided a commission consisting of three persons selected by the President of the United States shall say it is the proper and right place for the erection of this market.

I hope that the interests of the voteless people of this town who have come here and protested over and over again, and 55 citizens' associations that are on record in opposition to it, will receive some kindly consideration at the hands of this body. No harm can be done to the proposition sponsored by the Senator from Virginia. If he has the correct site, the best site, as he says he believes he has—and he may be right; no one has a premium on righteousness—what harm can there be in letting three impartial persons, selected by the President of the United States, say whether or not he is right? But suppose he is wrong: We can not undo the wrong. We will have taken $300,000 of the money belonging to the people of Washington and the people of the United States and placed it in a building which will not serve to the best advantage the end sought to be served.

I can not conceive how any fairer proposition could possibly be offered to the Senate than to have this entire matter weighed, examined, and investigated by three competent persons, and that the site which they believe to be for the best interest of all the people interested in the proposition should be the site which the Senate should finally support. To do other than that is to gamble with the right and the wrong of the whole matter. It is perhaps to waste money; it is perhaps to make a mistake; and what justification can there be, in the last analysis, assuming that the Senator from Virginia is correct, for taking the public money of the people of the United States and using it for the sole benefit of a group of the citizens of this town, and not for all the people who comprise its population?

The only justification at all which we can make for this expenditure would be because of its retail feature, where all the population would have a chance to receive some benefit from dealing with the producer without the intermediary. If we eliminate that feature of it, and the Senator says it is a wholesale market—that is the purpose of it, he says—what justification is there for taking the money of the people of the United States and the taxpayers of Washington and using it to further the ends of a small group of people whose interests are apt to be more selfish than patriotic?

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

Mr. TYDINGS. Yes; I yield.

Mr. KING. Heretofore I have expressed the opinion in a tentative way that as I viewed the situation we ought not to appropriate a dollar either for one site or for the other. Is there any reason why the Government of the United States or the District should make an appropriation for one part of town or for another part of town for a wholesale or a retail market?

Mr. TYDINGS. I will say to the Senator that from a legal standpoint the whole thing is somewhat questionable. I do know that retail markets exist in every city, supported in whole or in part by cities; but I do not know of any purely

wholesale market anywhere which has been constructed with the funds of the people, unless it was constructed with the proceeds of a bond issue submitted to the people of the Commonwealth or municipality, and in that way ratified and made the law.

Mr. GLASS. Mr. President, if the Senator will permit me——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Virginia?

Mr. TYDINGS. I have only three minutes. I should love to yield to the Senator; but I hope he will not ask me to yield, because by the time he finishes my three minutes will be gone.

Mr. GLASS. That would be cruel, I admit. [Laughter.]

Mr. TYDINGS. The Senator is so cruel in his mental processes that he naturally sees himself reflected in everyone at whom he looks.

Mr. President, we can not undo this thing next year, after this money is wasted. This is the last stand for the people of this town. There is not a man who supported the Senator from Virginia who can rightfully say that any harm will be done to the proposition now pending if three men selected by the President of the United States are authorized to pass upon it before it goes into being. If they do not pass on it—if the people come here at the next session and ask for additional money to construct a farmers' market—we will have wasted $300,000 in the building of the southwest market if it proves to be unsatisfactory. The composition of the proposed commission I do not know. I shall not ask the President to appoint anyone. I shall take no part in the selection of the umpires, and I shall be content to abide by their decision; but I do submit that before we make this tremendous expenditure, about which there is so much controversy, the matter should be passed upon by people competent to delve into all the facts and ascertain the proper and best solution.

I therefore hope my amendment will prevail.

Mr. DILL. Mr. President, I make the point of no quorum.

The PRESIDING OFFICER. The point of no quorum having been raised, the Secretary will call the roll.

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

| | | | |
|---|---|---|---|
| Ashurst | Edwards | McKellar | Smith |
| Barkley | Fess | McMaster | Smoot |
| Bayard | Fletcher | McNary | Steck |
| Bingham | Frazier | Mayfield | Steiwer |
| Black | George | Metcalf | Stephens |
| Blaine | Gerry | Moses | Swanson |
| Blease | Glass | Neely | Thomas, Idaho |
| Borah | Glenn | Norbeck | Thomas, Okla. |
| Bratton | Goff | Norris | Trammell |
| Brookhart | Gould | Nye | Tydings |
| Broussard | Greene | Oddie | Tyson |
| Bruce | Hale | Overman | Vandenberg |
| Burton | Harris | Pine | Wagner |
| Capper | Harrison | Ransdell | Walsh, Mass. |
| Caraway | Hawes | Reed, Pa. | Walsh, Mont. |
| Copeland | Hayden | Robinson, Ark. | Warren |
| Couzens | Heflin | Robinson, Ind. | Waterman |
| Curtis | Johnson | Sackett | Watson |
| Dale | Jones | Schall | Wheeler |
| Deneen | Kendrick | Sheppard | |
| Dill | Keyes | Shortridge | |
| Edge | King | Simmons | |

The PRESIDENT pro tempore. Eighty-five Senators have answered to their names, there is a quorum present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed the following bills of the Senate:

S. 1965. An act to authorize the appointment of a district judge for the northern district of Mississippi; and

S. 4276. An act granting a pension to Edith Bolling Wilson.

The message also announced that the House had passed the bill (S. 5453) authorizing the payment of Government life insurance to Etta Pearce Fulper with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 1934. An act for the relief of Rebecca E. Olmsted;
H. R. 2424. An act for the relief of James Moffitt;
H. R. 2436. An act for the relief of Harvey H. Goyer;
H. R. 3280. An act for the relief of James Earl Briggman;
H. R. 3675. An act for the relief of Paul Wallerstein;
H. R. 3738. An act for the relief of Mary Murnane;
H. R. 4699. An act for the relief of William H. Fleming;
H. R. 4813. An act for the relief of Clara Thurnes;
H. R. 4824. An act for the relief of Arthur W. Taylor;
H. R. 6698. An act for the relief of William C. Schmitt;
H. R. 6705. An act for the relief of Clotilda Freund;
H. R. 6757. An act for the relief of W. C. Moye and Nannie Moye;
H. R. 6939. An act for the relief of Thomas T. Grimsley;
H. R. 7051. An act for the relief of George W. Gilmore;
H. R. 7174. An act granting compensation to William T. Ring;
H. R. 7887. An act for the relief of Adrian Van Leeuwen;
H. R. 8401. An act for the relief of Jack Mattson;
H. R. 8175. An act for the relief of William J. McKenna;
H. R. 8691. An act for the relief of Helen Gray;
H. R. 9119. An act for the relief of the estate of James Glover, deceased;
H. R. 9175. An act for the relief of George W. McPherson;
H. R. 9238. An act for the relief of the widow of Ephraim E. Page;
H. R. 9515. An act for the relief of Homer N. Horine;
H. R. 9699. An act for the relief of Benjamin Hagerty;
H. R. 10200. An act for the relief of Carrie McIntyre;
H. R. 10321. An act for the relief of B. P. Stricklin;
H. R. 10516. An act for the relief of the estate of Martin Preston, deceased;
H. R. 10611. An act for the relief of Homer Elmer Cox;
H. R. 10824. An act for the relief of Edward H. Cotcher;
H. R. 11001. An act for the relief of Maj. O. S. McCleary, United States Army, retired;
H. R. 11339. An act for the relief of the estate of C. C. Spiller, deceased;
H. R. 11383. An act for the relief of Angenora Hines;
H. R. 11659. An act for the relief of the Charlestown Sand & Stone Co., of Elkton, Md.;
H. R. 12198. An act to authorize the exchange of timber with the Saginaw & Manistee Lumber Co.;
H. R. 12333. An act for the relief of Charles Davis;
H. R. 12463. An act for the relief of Adam A. Schultz;
H. R. 12498. An act for the relief of Chancy L. McIntyre;
H. R. 12593. An act for the relief of Edward McOmber;
H. R. 12674. An act authorizing the President of the United States to present in the name of Congress a congressional medal of honor to Capt. Edward V. Rickenbacker;
H. R. 12960. An act for the relief of Thomas Barrett;
H. R. 13052. An act for the relief of Malcolm Allen;
H. R. 13258. An act for the relief of H. L. Redlingshafer for payments made in official capacity disallowed by the General Accounting Office;
H. R. 13430. An act for the relief of Arthur E. Rump;
H. R. 13465. An act for the relief of Thomas T. Gessler;
H. R. 13801. An act for the relief of John Bowie;
H. R. 13866. An act for the relief of Adelaide (Ada) J. Walker Robbins;
H. R. 13872. An act for the relief of James J. Gianaros;
H. R. 13959. An act for the relief of Lieut. David O. Bowman, Medical Corps, United States Navy;
H. R. 14022. An act for the relief of Felix Cole for losses incurred by him arising out of the performance of his duties in the American Consular Service;
H. R. 14137. An act for the relief of Patrick P. Riley;
H. R. 14172. An act for the relief of B. Frank Shetter;
H. R. 14579. An act for the relief of Walter Malone;
H. R. 14663. An act directing that copies of certain patent specifications and drawings be supplied to the public library of the city of Los Angeles at the regular annual rate;
H. R. 14723. An act to provide hospitalization for Leroy Wilbur Abbott;
H. R. 14738. An act for the relief of the Marshall State Bank;
H. R. 14765. An act for the relief of Samuel Hooper Lane, alias Samuel Foot;
H. R. 14850. An act for the relief of Leo Byrne;
H. R. 14863. An act for the relief of Harry Hamlin;
H. R. 14873. An act for the relief of Chesley P. Key;
H. R. 14923. An act to amend the naval appropriation act for the fiscal year ended June 30, 1916, relative to the appointment of pay clerks and acting pay clerks;
H. R. 14952. An act to reimburse the estate of Mary Agnes Roden;
H. R. 15021. An act for the relief of William S. McWilliams;
H. R. 15220. An act for the relief of Francis X. Callahan;
H. R. 15288. An act for the relief of Angelo Cerri;
H. R. 15405. An act for the relief of James Luther Hammon;
H. R. 15421. An act for the relief of D. B. Heiner;
H. R. 15440. An act for the relief of Frank Yarlott;
H. R. 15449. An act for the relief of Joel Townsend;
H. R. 15478. An act for the relief of John D. O'Connell, first lieutenant, Quartermaster Corps;
H. R. 15562. An act for the relief of Anna E. Stratton;
H. R. 15590. An act for the relief of Henry I. Power;
H. R. 15635. An act for the relief of George A. Hormel & Co.;
H. R. 15641. An act for the relief of Vernon S. Ross;
H. R. 15686. An act for the relief of E. O. McGillis;

H. R. 15703. An act for the relief of Louis Vauthier and Francis Dohs;

H. R. 15900. An act for the relief of Charles H. Young;

H. R. 15975. An act for the relief of Nelson King;

H. R. 16089. An act for the relief of Elizabeth Quinerly Cummings;

H. R. 16122. An act for the relief of E. Schaaf-Regelman;

H. R. 16258. An act for the relief of Homer D. Neimeister;

H. R. 16291. An act for the relief of Stephen Cole, alias Steven Cole;

H. R. 16342. An act for the relief of Clyde H. Tavenner;

H. R. 16364. An act for the relief of Marmaduke H. Floyd;

H. R. 16466. An Act for the relief of Thomas A. McGurk;

H. R. 16535. An act authorizing the Secretary of War to execute a satisfaction of a certain mortgage given by the Twin City Forge & Foundry Co. to the United States of America;

H. R. 16666. An act for the relief of Katherine Elizabeth Kerrigan Callaghan;

H. R. 16685. An act for the relief of Robert J. Smith;

H. R. 16691. An act to authorize the Secretary of War to settle the claims of the owners of the French steamships *P. L. M. 4* and *P. L. M. 7* for damages sustained as the result of collisions between such vessels and the U. S. S. *Henderson* and *Lake Charlotte*, and to settle the claim of the United States against the owners of the French steamship *P. L. M. 7* for damages sustained by the U. S. S. *Pennsylvanian* in a collision with the *P. L. M. 7;*

H. R. 16732. An act for the relief of Thomas W. Bath;

H. R. 16867. An act for the relief of H. E. Jones;

H. R. 16887. An act for the relief of Capt. George G. Seibels, Supply Corps, United States Navy;

H. R. 16888. An act for the relief of Capt. Chester G. Mayo, Supply Corps, United States Navy;

H. R. 16890. An act for the relief of Capt. P. J. Willett, Supply Corps, United States Navy;

H. R. 16891. An act for the relief of Lieut. Arthur W. Babcock, Supply Corps, United States Navy;

H. R. 16892. An act for the relief of Daniel A. Newman, formerly a lieutenant in the Supply Corps of the Naval Reserve Force;

H. R. 16898. An act for the relief of Lieut. Robert O'Hagan, Supply Corps, United States Navy;

H. R. 16901. An act for the relief of Capt. John H. Merriam, Supply Corps, United States Navy;

H. R. 16903. An act for the relief of Lieut. Commander Thomas Cochran, Supply Corps, United States Navy;

H. R. 16958. An act to provide an appropriation for the payment of claims of persons who suffered damages from death, personal injuries, or property loss due to an airplane accident at Langin Field, Moundsville, W. Va., July 10, 1921;

H. R. 17034. An act for the relief of James Albert Couch, alias Albert Couch;

H. R. 17095. An act to authorize the appointment of Nannie C. Barndollar, Albert B. Neal, and Joseph B. Dickerson as warrant officers, United States Army;

H. J. Res. 339. Joint resolution conferring the rank, pay, and allowances of a major of Infantry, to date from March 24, 1928, upon Robert Graham Moss, late captain, Infantry, United States Army, deceased;

H. J. Res. 362. Joint resolution for the appointment of one member of the Board of Managers of the National Home for Disabled Volunteer Soldiers; and

H. J. Res. 373. Joint resolution authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point, Bey Mario Arosemena, a citizen of Panama.

HOUSE BILL REFERRED

The bill (H. R. 14850) for the relief of Leo Byrne was read twice by its title and referred to the Committee on Claims.

FEDERAL RESERVE BOARD FUND (S. DOC. NO. 260)

The PRESIDENT pro tempore laid before the Senate a communication from the Federal Reserve Board in response to Senate Resolution 323 (submitted by Mr. HEFLIN and agreed to February 9, 1929), requesting the Federal Reserve Board to give its reason for increasing the rediscount rate and to furnish information relative to harmful speculation, which was referred to the Committee on Banking and Currency and ordered to be printed.

PUBLIC-BUILDING PROJECTS (H. DOC. NO. 613)

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury and the Postmaster General, transmitting, pursuant to law, a report of the interdepartmental committee appointed in connection with public-building projects and the $248,000,000 authorization therefor, which, with the accompanying papers, was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

JAMES E. JENKINS

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1338) for the relief of James E. Jenkins, which was, on page 1, line 6, after the word "appropriated," to insert "and in full settlement."

Mr. ODDIE. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

NOTICE OF MOTION TO SUSPEND RULES

Mr. BROOKHART. I desire to give notice of a suspension of the rule to offer an amendment to House bill 17223, the second deficiency bill.

The notice was read, as follows:

Pursuant to the provisions of Rule XL of the Standing Rules of the Senate, I hereby give notice in writing that I shall hereafter move to suspend paragraph 1 of rule 16, for the purpose of proposing to the bill (H. R. 17223) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and so forth, the following amendment; viz, at the proper place insert the following:

"*Provided*, That section 13 of the classification act of 1923 as amended by the act of May 28, 1928, is hereby amended by providing effective on the first day of the month succeeding the enactment of this act one additional salary rate as a maximum rate, which will add 1 increment or step up in each of the professional and scientific grades from 1 to 5, inclusive; all grades of subprofessional service; clerical, administrative, and fiscal services from 1 to 12, inclusive; and the custodial service, grades 2 and 4 to 10, inclusive: *Provided further*, That in the clerical-mechanical service, the rate of compensation for classes of positions in grade 1 shall be 55 to 60 cents an hour; grade 2, 65 to 70 cents an hour; and grade 3, 75 to 80 cents an hour: *Provided further*, That the heads of the executive departments and independent establishments pursuant to authority to adjust the pay of certain employees in the departmental and field service shall, effective the first day of the month succeeding the passage of this act, readjust the compensation of the grades of the departmental services herein named and the corresponding field service positions, so that employees whose positions were affected by the act of May 28, 1928, and who did not receive an increase in salary the equivalent of two steps, or salary rates in their respective grades shall be given such additional step or steps or salary rate or rates within the grade as may be necessary to equal such increase: *And provided further*, That there is hereby appropriated out of the Treasury from any moneys not otherwise appropriated sufficient sums to readjust the salaries as herein directed during the remainder of the fiscal year 1929 and during the fiscal year 1930."

DEGREE-CONFERRING INSTITUTIONS

Mr. BLAINE. Mr. President, will the Senator from Virginia yield to me?

Mr. GLASS. I yield to the Senator from Wisconsin, provided his matter will lead to no extended debate.

Mr. BLAINE. I desire to submit a conference report and ask for its immediate consideration. I will state to the Senator from Virginia that if it involves debate I shall withdraw the request.

Mr. GLASS. Mr. President, I yield to the Senator from Wisconsin to submit his conference report with the understanding that it will not require extended debate.

Mr. BLAINE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2366) to amend subchapter 1 of chapter 18 of the Code of Laws for the District of Columbia relating to degree-conferring institutions having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 2.

That the Senate recede from its disagreement to the amendment of the House numbered (1) and agree to the same with an amendment as follows:

In lieu of the language inserted by the House, insert the following:

"2. That any such degree shall be awarded only after such quantity and quality of work shall have been completed as are usually required by reputable institutions awarding the same degree: *Provided*, That if more than one-half the requirements for any degree are earned by correspondence, or extramural study, such fact shall be conspicuously noted upon the diploma conferred: *Provided further*, That no diploma shall be issued

conferring a degree in medicine or any healing art, or in dentistry, for study pursued or work done by correspondence."

And the House agree to the same.

JOHN J. BLAINE,
D. O. HASTINGS,
ROYAL S. COPELAND,
*Managers on the part of the Senate.*
FREDK. N. ZIHLMAN,
CHARLES L. UNDERHILL,
THOMAS L. BLANTON,
*Managers on the part of the House.*

Mr. BLAINE. I ask unanimous consent for the consideration of the conference report.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wisconsin?

Mr. SMOOT. Mr. President, may I ask the Senator what conference report it is?

Mr. BLAINE. It refers to the so-called diploma bill.

Mr. SWANSON. I object. There is another matter pending.

The PRESIDENT pro tempore. Objection is made.

LETTER FROM DAUGHTER OF THE LATE SENATOR JOHN T. MORGAN

Mr. BLACK. Mr. President, I desire to ask unanimous consent to have inserted in the RECORD a letter from Miss Cornelia I. Morgan, daughter of the late John T. Morgan, formerly a Senator from Alabama. This letter was sent to the senior Senator from New Jersey [Mr. EDGE] in connection with his activities in bringing about a survey for a canal across Nicaragua. I request that the letter be read by the clerk at the desk. It is very short. I feel sure that there are a number of Senators, who knew Senator Morgan, who would be interested in hearing this letter.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the clerk will read as requested.

The Chief Clerk read as follows:

THE MENDOTA,
*Washington, D. C.*

Senator WALTER E. EDGE,
*United States Senate, Washington, D. C.*

MY DEAR SENATOR: There is probably no one in the United States who will rejoice with you more than I over the passage of your resolution providing for a survey of the Nicaraguan canal. I am taking the liberty of sending you my congratulations and thanks, not only as a citizen of our country but because my father, John T. Morgan, of Alabama, gave years of his life to bringing about the building of an interoceanic canal, preferably the Nicaraguan route. For 25 years he toiled and worked, studying every detail, sparing no pains to prove what he believed to be the best and most advantageous location for a great waterway.

Of the manifold tasks and duties which engaged his attention in the 31 years of his service in the Senate, I think none were more absorbing or interesting to him than this project. When the Panama Canal bill passed he gave his earnest attention to furthering its completion, always feeling, indeed saying, there would be some day a canal at Nicaragua as well. So I am naturally intensely interested in your resolution.

May there be no delay in the House to keep us from having our Nicaraguan canal survey at an early day!

With sincere good wishes and high esteem, I am yours,

(Miss) CORNELIA I. MORGAN.

FEBRUARY 26, 1929.

SENATOR FROM WEST VIRGINIA

Mr. GOFF presented the credentials of HENRY D. HATFIELD chosen a Senator from the State of West Virginia for the term commencing March 4, 1929, which were read and ordered to be placed on file.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following memorial of the State Senate of Arizona, which was referred to the Committee on Mines and Mining:

Senate memorial, introduced by Committee on Mines and Mining

NINTH LEGISLATURE, REGULAR SESSION
STATE SENATE.

*To the Senate and House of Representatives of the Congress of the United States:*

Your memorialist, the Senate of the Ninth Legislature of the State of Arizona, in regular session assembled, respectfully represents that—

Whereas mining is a major industry of the State of Arizona, and the development of mineral resources is essential to its prosperity and advancement; and

Whereas such development is in a large measure dependent upon the legitimate regulated sale of mining stocks and securities through the medium of stock exchanges and curb exchanges throughout the country; and

Whereas it has come to the notice of your memorialist that certain curb exchanges, acting through their authorized committees, have adopted policies relative to the listing of and dealing in stocks and securities of American owned mine development companies, prejudicial thereto, and at variance with and less favorable than their policy and requirements as to the listing of and dealing in stocks and securities of similar foreign-owned companies, and companies other than mining companies, which policy, if effectuated, would greatly retard the development of the mining industry of this State.

Now, therefore, your memorialist prays that Congress do take all necessary steps and proceedings to cause investigation to be made of the methods and regulations of curb exchanges throughout the United States relative to the listing of and dealing in stocks and securities of American-owned mine development companies, as compared with methods and regulations made use of in connection with the listing of and dealing in stocks and securities of similar foreign-owned companies and companies other than mining companies.

That if favoritism or discrimination adverse to the Amercian mining industry, or any other lawful industry, be found to exist, the Congress provide, by appropriate legislation, for the proper regulation and control of the listing of and dealing in of stocks and securities, by and through curb exchanges, and for the penalizing of favoritism or discrimination in such listing or dealing; and be it further

*Resolved,* That the secretary of the senate transmit copies of this memorial to Arizona's Representatives in Congress, and to the proper officers of the Senate and House of Representatives of the United States.

Unanimously adopted February 21, 1929.

H. W. HILL,
*President of the Senate.*
W. J. GRAHAM,
*Secretary of the Senate.*

Mr. WHEELER presented a joint memorial of the Legislature of the State of Montana, praying for the passage of legislation providing increased tariff duties on plumbago, graphite, and graphite ores, which was referred to the Committee on Finance.

(See joint memorial printed in full on the 25th instant when presented by the Vice President, page 4201 of the RECORD.)

Mr. WHEELER also presented a joint memorial of the Legislature of the State of Montana, praying for the establishment and promulgation of grades and standards of wheat which will take into account its protein content, which was referred to the Committee on Agriculture and Forestry.

(See joint memorial printed in full when presented on the 26th instant by Mr. WALSH of Montana, page 4332 of the RECORD.)

Mr. WHEELER also presented a joint memorial of the Legislature of the State of Montana, praying for the passage of a resolution submitted by Senator CAPPER directing the Senate Interstate Commerce Committee to take immediate action relative to special export rates on grain, which was referred to the Committee on Interstate Commerce.

(See joint memorial printed in full when laid down by the Vice President on the 26th instant, page 4332 of the RECORD.)

Mr. BINGHAM presented a petition of sundry citizens of New London, Waterford, and Groton, all in the State of Connecticut, praying for the repeal of the national origins clause of the immigration act of 1924, which was referred to the Committee on Immigration.

REPORTS OF COMMITTEES

Mr. DALE, from the Committee on Commerce, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 16641) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Washington, Mo. (Rept. No. 1982);

A bill (H. R. 16824) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Kansas City, Kans. (Rept. No. 2023);

A bill (S. 5830) granting the consent of Congress to the Camp Manufacturing Co. to construct, maintain, and operate a railroad bridge across the Meherrin River, in Hertford County, N. C. (Rept. No. 1996);

A bill (S. 5831) granting the consent of Congress to the Camp Manufacturing Co. to construct, maintain, and operate a railroad bridge across the Chowan River, in Gates and Hertford Counties, N. C. (Rept. No. 1997);

A bill (S. 5836) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Arrow Rock, Mo. (Rept. No. 1998);

A bill (S. 5837) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Miami, Mo. (Rept. No. 1999);

A bill (S. 5845) granting the consent of Congress to the Kentucky & Ohio Terminal Co., its successors, and assigns, to construct, maintain, and operate a railroad bridge across the Ohio River near Cincinnati, Ohio (Rept. No. 2000);

A bill (H. R. 16170) authorizing Walter J. Mitchell, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Patuxent River south of Burch, Calvert County, Md. (Rept. No. 2010);

A bill (H. R. 16432) granting the consent of Congress to the Highway Department of the County of Etowah, State of Alabama, to construct, maintain, and operate a bridge across the Coosa River at or near Gilberts Ferry (Rept. No. 2009);

A bill (H. R. 16719) granting the consent of Congress to the city of Chattanooga and the county of Hamilton, Tenn., to construct, maintain, and operate a bridge across the Tennessee River at or near Chattanooga, Hamilton County, Tenn. (Rept. No. 2008); and

A bill (H. R. 17023) to extend the times for commencing and completing the construction of a bridge across Lake Champlain at or near East Alburg, Vt. (Rept. No. 2007).

Mr. DALE also, from the Committee on Commerce, to which were referred the following bills, reported them severally with an amendment and submitted reports thereon:

A bill (S. 5825) extending the times for commencing and completing the construction of a bridge across the Mississippi River at or near Arkansas City, Ark. (Rept. No. 1990);

A bill (S. 5829) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Alma, Wis. (Rept. No. 1991);

A bill (S. 5844) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Tenth Street in Bettendorf, State of Iowa (Rept. No. 1992); and

A bill (S. 5865) to amend the act entitled "An act authorizing the construction of a bridge across the Missouri River between the cities of Omaha, Nebr., and Council Bluffs, Iowa, and for other purposes," approved March 3, 1887 (Rept. No. 2005).

Mr. DALE also, from the Committee on Commerce, to which were referred the following bills, reported them severally with amendments and submitted reports thereon:

A bill (S. 5832) authorizing Charles B. Morearty, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Omaha, Nebr. (Rept. No. 1983);

A bill (S. 5833) authorizing Charles B. Morearty, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near South Omaha, Nebr. (Rept. No. 1984);

A bill (S. 5824) granting the consent of Congress to the State of Illinois to construct a bridge across the Little Calumet River at or near Ashland Avenue, in Cook County, State of Illinois (Rept. No. 1993);

A bill (S. 5834) authorizing the construction of a bridge across the Missouri River near Arrow Rock, Mo. (Rept. No. 1994);

A bill (S. 5835) authorizing the construction of a bridge across the Missouri River near St. Charles, Mo. (Rept. No. 1995); and

A bill (S. 5858) authorizing the New Harmony Bridge Co., its successors and assigns (or his or their heirs, legal representatives, and assigns), to construct, maintain, and operate a bridge across the Wabash River at or near New Harmony, Ind. (Rept. No. 2004).

Mr. DALE also, from the Committee on Civil Service, to which was referred the bill (H. R. 16393) to include henceforth, under the designation "storekeeper-gaugers," all positions which have heretofore been designated as those of storekeepers, gaugers, and storekeeper-gaugers; to make storekeeper-gaugers full-time employees, and for other purposes, reported it without amendment and submitted a report (No. 2006) thereon.

Mr. CARAWAY, from the Committee on Claims, to which was referred the bill (S. 1112) for the relief of Chesley P. Key, reported it with an amendment and submitted a report (No. 1989) thereon.

Mr. STEPHENS, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 3044) for the relief of Leon Freidman (Rept. No. 2001);

A bill (H. R. 3047) for the relief of J. Edward Burke (Rept. No. 2002); and

A bill (H. R. 14850) for the relief of Leo Byrne (Rept. No. 2012).

Mr. STEIWER, from the Committee on Naval Affairs, to which was referred the bill (H. R. 10274) for the relief of Commander Francis James Cleary, United States Navy, reported it with an amendment and submitted a report (No. 2022) thereon.

Mr. NYE, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 5880) to provide for the preservation and consolidation of certain timber stands along the western boundary of the Yosemite National Park, and for other purposes, reported it without amendment and submitted a report (No. 1986) thereon.

He also, from the same committee, to which was referred the bill (S. 5730) amending act of March 4, 1915, providing relief for desert-land entrymen, reported it with amendments and submitted a report (No. 2011) thereon.

Mr. BAYARD, from the Committee on Claims, to which was referred the bill (H. R. 13869) for the relief of John Wesley Clark, reported it without amendment and submitted a report (No. 2013) thereon.

Mr. BLACK, from the Committee on Claims, to which was referred the bill (H R. 15293) for the relief of Lieut. John J. Powers, Quartermaster Corps, reported it without amendment and submitted a report (No. 2014) thereon.

Mr. NcNARY, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 5716) to authorize the exchange of timber with the Saginaw & Manistee Lumber Co., reported it without amendment.

Mr. NORBECK, from the Committee on Agriculture and Forestry, to which was referred the bill (H. R. 13258) for the relief of H. L. Redlingshafer for payments made in official capacity disallowed by the General Accounting Office, reported it without amendment and submitted a report (No. 2015) thereon.

He also, from the Committee on Banking and Currency, to which was referred the bill (H. R. 13936) to amend the second paragraph of section 4 of the Federal farm loan act, as amended, reported it with an amendment and submitted a report (No. 2016) thereon.

Mr. FRAZIER, from the Committee on Indian Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 5799) to repeal the provision in the act of April 30, 1908, and other legislation limiting the annual per capita cost in Indian schools (Rept. No. 2018);

A bill (H. R. 17079) to repeal the provision in the act of April 30, 1908, and other legislation limiting the annual per capita cost in Indian schools (Rept. No. 2019);

A bill (H. R. 16659) to authorize an appropriation to pay half the cost of a bridge across Cherry Creek on the Cheyenne River Indian Reservation, S. Dak. (Rept. No. 2020); and

A bill (H. R. 16660) to authorize an appropriation to pay one-half the cost of a bridge on the Cheyenne River Indian Reservation in South Dakota (Rept. No. 2021).

Mr. BORAH, from the Committee on Foreign Relations, to which was referred the bill (H. R. 12189) for the relief of Marie Rose Jean Baptiste, Marius Francois, and Regina Lexima, all natives of Haiti, reported it without amendment and submitted a report (No. 2017) thereon.

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on this calendar day that committee presented to the President of the United States the following enrolled bills and joint resolutions:

S. 2068. An act for the relief of certain officers of the Dental Corps of the United States Navy;

S. 3198. An act to amend the act of March 3, 1915, granting double pension for disability from aviation duty, Navy or Marine Corps, by inserting the word "Army," so as to read: "Army, Navy, and Marine Corps";

S. 3590. An act to amend section 110 of the Judicial Code;

S. 3770. An act authorizing the Federal Power Commission to issue permits and licenses on Fort Apache and White Mountain Indian Reservations, Ariz.;

S. 3936. An act to regulate the practice of the healing art to protect the public health in the District of Columbia;

S. 4063. An act to amend certain sections of the teachers' salary act, approved June 4, 1924, and for other purposes;

S. 4087. An act authorizing the use of certain land owned by the United States in the District of Columbia for street purposes;

S. 4691. An act to extend the provisions of section 18a of an act approved February 25, 1920 (41 Stat. 437), to certain lands in Utah, and for other purposes;

S. 5014. An act authorizing the Secretary of the Interior to issue to the city of Bozeman, Mont., a patent to certain public lands;

S. 5073. An act to amend the act of Congress of June 26, 1906, entitled "An act for the protection of the fisheries of Alaska, and for other purposes";

S. 5193. An act to authorize the President of the United States to appoint an additional judge of the District Court of the United States for the Middle District of the State of Pennsylvania;

S. 5621. An act to repeal paragraphs 127 and 128 of the act entitled "An act to discontinue certain reports now required by law to be made to Congress," approved May 29, 1928;

S. J. Res. 111. Joint resolution authorizing the acceptance of title to certain lands in the counties of Benton and Walla Walla, Wash., adjacent to the Columbia River bird refuge in said State established in accordance with the authority contained in Executive Order No. 4501, dated August 28, 1926; and

S. J. Res. 206. Joint resolution to authorize the President of the United States to appoint a Yellowstone National Park Boundary Commission to inspect the areas involved in the proposed adjustment of the southeast, south, and southwest boundaries of the Yellowstone National Park.

INVESTIGATION OF THE SINKING OF THE SUBMARINE "S-4"

Mr. ODDIE, from the Committee on Naval Affairs, submitted a report (No. 1988) of the investigation of the sinking of the submarine *S-4*, which was ordered printed with illustrations.

BILLS INTRODUCED

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

By Mr. REED of Pennsylvania:

A bill (S. 5891) to amend section 201, subdivision (1) of the World War veterans' act, as amended (with an accompanying paper); to the Committee on Finance.

By Mr. HAYDEN:

A bill (S. 5892) authorizing the issuing of certificates of arrival to persons born in the United States who are now aliens; to the Committee on Immigration.

By Mr. WALSH of Montana:

A bill (S. 5893) for the relief of L. M. Winzenburg; to the Committee on Claims.

By Mr. SHORTRIDGE:

A bill (S. 5894) for the relief of Thomas H. Duggan; and

A bill (S. 5895) for the relief of Walter E. Price; to the Committee on Military Affairs.

SETTLEMENT OF CLAIMS AGAINST THE UNITED STATES

Mr. McKELLAR submitted an amendment intended to be proposed by him to the bill (H. R. 9285) to provide for the settlement of claims against the United States on account of property damage, personal injury, or death, which was ordered to lie on the table and to be printed.

CHANGES OF REFERENCE

On motion of Mr. SACKETT, the Committee on the Judiciary was discharged from the further consideration of the bill (H. R. 16393) to include henceforth, under the designation "storekeeper-gaugers," all positions which have heretofore been designated as those of storekeepers, gaugers, and storekeeper-gaugers; to make storekeeper-gaugers full-time employees, and for other purposes, and it was referred to the Committee on Civil Service.

On motion of Mr. McNARY, the Committee on Foreign Relations was discharged from the further consideration of the joint resolution (H. J. Res. 382) to send delegates and an exhibit to the Fourth World's Poultry Congress, to be held in England in 1930, and it was referred to the Committee on Agriculture and Forestry.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to each of the following bills:

H. R. 6687. An act to change the title of the United States Court of Customs Appeals, and for other purposes; and

H. R. 14659. An act to provide for the appointment of two additional judges of the District Court of the United States for the Eastern District of New York.

The message also announced that the House had agreed to the amendment of the Senate to the amendment of the House to the bill (S. 2360) to amend section 1 of the act of Congress of March 3, 1921 (41 Stat. L. 1249), entitled "An act to amend section 3 of the act of Congress of June 28, 1906," entitled "An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes."

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. 13931) to authorize an appropriation for the construction of a building for a radio and communication center at Bolling Field, D. C.

FARMERS' PRODUCE MARKET

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8298) authorizing the acquisition of a site for the farmers' produce market, and for other purposes.

Mr. BLAINE obtained the floor.

Mr. TYDINGS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Maryland?

Mr. BLAINE. I yield.

Mr. TYDINGS. I would like to offer the amendment now lying on the clerk's desk.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 2, line 6, strike out the period, insert a colon, and the following:

*Provided, however*, That the acquirement of such site or any other site in lieu thereof shall be subject to the prior approval of a commission composed of three persons appointed by the President of the United States.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Maryland.

Mr. BLAINE. Mr. President, as a member of the Committee on the District of Columbia, who opposed the proposed location of the market in the District of Columbia, I want to state that my reason for opposing the location in the southwest section does not involve the question of the desirability of any other location. I have not concerned myself with respect to any particular location. I have endeavored to concern myself with respect to that which is bound to occur if Congress locates the market in the southwest region.

While this bill was pending before the Committee on the District of Columbia, I went to the police department and there obtained the services of an expert on traffic conditions of this district, and made a very close personal inspection of the proposed site, in company with a traffic officer, with a view of ascertaining whether or not it was desirable, from the traffic standpoint, to locate the market in the southwest.

I found from that inspection that there are but four uninterrupted streets that run through the main portion of the city. Those streets are Sixth Street, Seventh Street, Twelfth Street, and Fourteenth Street. Each one of them leads across the Mall.

When we establish the community center for the city of Washington, which I am sure will soon be done, the west boundary of that community center will be Sixth Street, and the south boundary Pennsylvania Avenue. Therefore, the present plans as contemplated, if this market is located in the southwest, will require all of the patrons of this market to traverse the most congested area of the city of Washington. The result will be that 99 per cent of the traffic of the city of Washington to market, I would say, would be led into the bottle neck at the very location proposed in the southwest.

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

Mr. BLAINE. Let me state to the Senator that I have only 10 minutes on the bill and 10 minutes on the amendment.

Let me go into this location a little further. Maryland Avenue is contiguous to the proposed site for the market. That avenue would accommodate a very limited number of people on the east and south of the Capitol Grounds. As I have said, the great bulk of the people of Washington live in the section of Washington north and northwest of the proposed site, as indicated by the lines drawn by the pointer on this map.

Moreover, Fourteenth Street is the main artery leading from the city of Washington to the gateway of the South, to the land of Dixie. It leads to the highway which goes through to Richmond, and, in fact, down through North Carolina, South Carolina, Georgia, and Florida. It is the most congested highway in the United States during the summer-vacation time. From the time of the cherry blossoms, in the early spring, until the tourist season closes, there is a veritable caravan of automobiles traveling north and south on that highway.

The result, therefore, will be that those who do the marketing for 500,000 or more people of Washington will be required to intersect what I know to be and what the Senator from Virginia will confess to be the most congested road in this whole country, outside, perhaps, of the large urban sections.

Mr. TYDINGS. Mr. President, may we have order? The Senator is making a very important speech.

The PRESIDENT pro tempore. The Senate will be in order.

Mr. BLAINE. There are, therefore, two leading streets—Maryland Avenue and Fourteenth Street. Sixth Street, Twelfth Street and Seventh Street are contiguous to the market, but I

want to repeat that upon the completion of the plans for the Mall, and upon the completion of the plans for the community center, those who do the marketing for half a million people will be required to intersect the congested highways and streets.

I have observed for a period of at least 10 days when it was utterly impossible to cross Maryland Avenue at Fourteenth Street, contiguous to the proposed market site, as the people went to view the cherry blossoms in Potomac Park. The establishment of the market in the southwest section would result in menacing those people who find it desirable to patronize this market, and, bringing further congestion, it would menace the tourists on their way to the Southland.

Moreover, it will do more than that—it will establish a market in the southwest which means the perpetuation of one of the most unsightly sections in Washington. I am speaking now of the Potomac or Washington Channel.

The PRESIDENT pro tempore. The time of the Senator from Wisconsin on the amendment has expired. He still has 10 minutes on the bill.

Mr. BLAINE. The Potomac River has all been improved down to and beyond the Lincoln Memorial, except this very small section from the War College to the Bureau of Printing and Engraving. That section contains coal yards, lumber yards, ramshackle buildings, and is ugly in appearance. It would appear to me that those who have some pride in the National Capital would desire to clean up that eyesore in the next few years. If we establish permanent buildings, if private parties invest large sums of money, as they will, when the Government finds it desirable to improve the balance of the Washington Channel water front, we will find that the District of Columbia and the Government of the United States will be taxed an unnecessary amount and will be taxed also by the unearned increment that comes to the real-estate speculators in that section. Therefore it is undesirable from the standpoint of the beauty of Washington to erect there permanent and substantial and expensive buildings which will delay the improvement of the last section of the Potomac River and Washington Channel, which now joins the Mall near the Capitol Square and the approach to the city of Washington.

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

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Virginia?

Mr. BLAINE. The Senator from Virginia will have an opportunity of 20 minutes in which to answer my contention.

From the two standpoints I have in view the national interest. I care not where the market may be located, so far as the market itself is concerned. I am concerned about the national interest. I think we ought to protect the beauty of the Capital. We ought to protect the approaches to the Capital, and one of the main approaches to the Capital of our Nation is the gateway to the South.

So, Mr. President, I hope that the Senate will adopt the amendment proposed by the junior Senator from Maryland providing for a commission to be appointed by the President for the purpose of working out a proper location for the market and also for the proper protection of the beauty and as well the utility of the Capital of our Nation and also to consult and advise carefully respecting the undesirable traffic conditions which are bound to be created by bringing those who market for 500,000 people into this bottle neck, thereby menacing the lives of visitors to our Capital as well as of the men and women who may find it desirable or necessary to patronize the market.

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

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from New York?

Mr. BLAINE. The Senator from New York will have 20 minutes in which to respond.

While I am not concerned about the interest the Pennsylvania Railroad Co. may have in this matter, I have no doubt that the Pennsylvania Railroad is deeply interested. I have no doubt that it has been most obnoxious in its attitude toward Members of the Senate. I have no doubt that to-day and at this very moment a representative of the Pennsylvania Railroad stands just outside the Senate door inviting Senators to come from the Chamber so that he may urge upon them the passage of the bill.

Mr. GLASS. Mr. President, does the Senator mean to suggest that any agent of the Pennsylvania Railroad has ever approached me on the subject?

Mr. BLAINE. I think that the Senator from Virginia is earnest and enthusiastic for this project, not because of any interest he has in the Pennsylvania Railroad. I do not believe he has any such interest. He has the interest, it is true, of making a market convenient and contiguous to the State of Virginia. His interest is a State interest. His motive is a proper motive. I am not questioning the motive of the Senator from Virginia.

Mr. GLASS. But the Senator has suggested that an agent of the Pennsylvania Railroad is at one of the doors of the Senate Chamber sending for Senators. I ask the Senator if he means to apply that suggestion to me?

Mr. BLAINE. I did not say that he called the Senator from Virginia out of the Chamber, and I do not even intimate any such thing.

Mr. GLASS. The implication is against every Senator here.

Mr. BLAINE. I say now that I do not believe the Senator from Virginia has any interest in this project from the standpoint of the Pennsylvania Railroad.

Mr. GLASS. And I will say to the Senator that no agent of the Pennsylvania will ever send for me on the subject, either.

Mr. BLAINE. I have no doubt about it.

So, Mr. President, the interest I have taken in the matter has been an interest from the standpoint of the welfare of our National Capital. We can not afford to create in this section of the city a bottle neck into which are going to be poured those who market for 500,000 people in Washington and the tourists who visit Washington. It is unfair to both of those great groups of people.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Maryland [Mr. TYDINGS].

Mr. BRUCE. Mr. President, it does seem to me that the pending amendment ought to reconcile not a few Senators to the opposition of my colleague and myself to the pending bill. The proposal of the amendment is that the President of the United States shall appoint three persons to consider and pass upon the relative value of the different sites mentioned in the testimony bearing upon the bill, and to select the site which they believe to be most eligible for the purposes of a farmers' market from the point of view of the public welfare.

I am sure that Senators have been impressed with the fact that the testimony relating to the respective value of the different sites under consideration by us is to say the least, decidedly conflicting, and that is so because much of that testimony is more or less tinged by selfish considerations. So why not let the President select a commission to choose a site for the farmers' market? We have every reason to believe that such a commission would be an able one. We have every reason to believe that such a commission would be disinterested. Why, therefore, should not even Senators who have favored the bill heretofore give assent to the pending amendment?

So much for that. Something has been said about our being approached by representatives of the railroad companies. I have been approached by none, but I take this occasion to say that I do not think that there is anything with respect to which there is so much "can't" spoken as this thing that is called lobbying. So far as I am concerned I am glad at any time to be approached by any lobbyist provided he is not some irredeemably disreputable scamp in whose statements no one could under any circumstances repose any confidence. As I said some time ago, my cry with regard to knowledge upon any subject that I am required to deal with as a Senator is that of Goethe upon his death bed, "Light, more light!" I care not from what quarter that light comes, whether it comes from a railroad like the Pennsylvania Railroad or from some private individual. I think that I can always trust myself to make the proper allowance for the workings of self-interest in the breast of any lobbyist whatsoever.

In conclusion, in a perfectly good-natured manner, I wish to add that the subject which we are discussing is at least an illustration of the utter untrustworthiness of promises made by Senators with reference to the amount of time that they intend to take up in the discussion of a question. The Senate will recollect that I began by declaring that I did not have a word to say with respect to the pending bill. Then the Senator from Virginia [Mr. GLASS] promptly followed suit and said that he did not have a word to utter with respect to it. And yet it so happens that I have made three speeches on the bill and if my computation is not incorrect the Senator from Virginia [Mr. GLASS] has made four. Just exactly how many speeches the junior Senator from Maryland [Mr. TYDINGS] has made I forget at the moment.

If the Senator from Virginia will accept it as a mere pleasantry, I am bound to say that the number of speeches that he has made reminds me of something that was once said about the famous writer, Thomas Carlyle. Carlyle had a way of constantly dilating upon the shallowness of speech and the profound significance of silence, and, of course, I need not tell the Senate that he was one of the most voluminous of writers of his time. Finally, some one was unkind enough

to say that Carlyle had preached the doctrine of silence in 30 volumes. So I shall, perhaps, be pardoned for calling attention to the fact that after assuring us that he was not going to speak at all, the Senator from Virginia [Mr. GLASS] poured out speech after speech, and very zealous and able speeches they were, I am bound to confess.

Mr. GLASS. The only trouble about that illustration is that the Senator is mistaken in saying that I ever assured anybody I was not going to speak on the bill.

Mr. BRUCE. The Senator certainly stated two or three times that he did not have a word to say on the subject, and then afterwards that he was afraid that he might be driven to talk against time, something that he had never done in his life before, and, so far as I am concerned, I am compelled to admit that I did say that I did not propose to utter a word with respect to the pending bill, and yet a few minutes later was threatening to talk for at least an hour or an hour and a half if the return of my colleague to the Senate was not awaited by the Senate. All of which, of course, is but another proof of the lamentable facility with which a Senator can build up an imposing superstructure of words on any foundation however contracted.

Mr. COPELAND. Mr. President, I was very much interested in what the Senator from Wisconsin [Mr. BLAINE] said about the location of the market, about it being a bottle neck, about the traffc on Pennsylvania Avenue, and the difficulty of getting to and from the market, and the congestion of the street. The busiest place in the world is the corner where the Bank of England is located in London. The greatest congestion in the world is there. I have been at the Bank of England corner on Sunday morning when there was not a vehicle or an individual in sight. The next busiest place in the world is Columbus Circle, in New York City. Anyone can go there early in the morning and not see anyone there at all.

The Senator from Wisconsin utterly fails to appreciate the fact that this market is not intended to be a retail market. It is a wholesale market and has been such from its very beginning. The purpose of the market is that the farmers, as well as those who ship their produce by rail and by water, may take their produce to the market early in the morning and dispose of it to the retail dealers, the wholesale dealers, the boarding-house keepers, and those who buy in wholesale lots.

At the time when the market is used there are practically no vehicles or individuals on the streets. So, Mr. President, it is utterly unfair, I think—and I do not say this with any thought of criticizing the Senator, for I know his earnestness and studiousness—to attempt to convey the impression that the southwest site is in a location where in the middle of the day it would be difficult of access.

I was a member of the subcommittee that studied this question. On two or three different occasions our committee went into the matter, not alone in this Congress but in a previous, and it was brought out by the testimony of the police department which had made a study of the question that the traffic on the part of produce dealers coming in by motor car or by wagon would not be an objection particularly in view of the fact that the market is principally used early in the morning.

I hope the Senate will bear in mind that this is not a retail market. If I were seeking to locate a retail market I would put it in the vicinity of the baseball park, in the center of the city, where it could be easily reached from every section of the city. That would be the natural place for a retail market; but the market we are talking about and have been discussing for several days is not a retail market, where it is intended that an individual may go and buy a single article such as a pound of butter; that is not the intention. This market is a place where the farmers and produce dealers may bring their goods and sell them in quantities to commission merchants and to large users of such commodities. That is the purpose of the market that we are discussing. The natural place for it to be located is where there are available all possible means of transportation, not alone motor trucks, not alone wagons drawn by horses, but also where railroad facilities are present and where there are the steamboat facilities.

In the very nature of the case, as we develop our interior waterways, there will be more and more traffic from the South which will be brought up to the North. The place where that traffic will be handled will be in the southwest section of the city. Therefore, as I view it, the natural and proper location for this market is that provided for in the pending bill.

Mr. KING. Mr. President, will the Senator yield for a question?

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Utah?

Mr. COPELAND. Yes.

Mr. KING. I should like to ask the Senator to explain why there is any obligation on the part of the public, the people of his State, and the people of other States, and the people of the District of Columbia to make a contribution to buy a market place for the wholesale dealers of whom the Senator speaks and for the benefit of the railroads that ship produce to Washington? Why should they not pay for their own market?

Mr. COPELAND. I will say, in reply to the Senator from Utah [Mr. KING] that he has asked a very proper question. I think there is no Senator in this body who is more attentive to his duties or more watchful of the Public Treasury than is the Senator from Utah, and I love him for his personal qualities as well as for his other qualities, but he must bear in mind that the Congress of the United States is not only the Congress in the ordinary sense of enacting legislation but it is also the board of aldermen for the city of Washington. We have resting upon us as a Congress exactly the same obligation to deal with the local problems of the city of Washington as has the board of aldermen, or in my State the board of estimate, in dealing with local problems in other cities. Every city, including Salt Lake City, I have not doubt—though I am not informed as to that, but it is a progressive city and I therefore think that it has these progressive ideas in operation—provides a place where fresh food may be bought and distributed to the citizens of the community.

It is most important for the Senator from Utah, in order that he may provide his fine family with good food, that this wholesale market shall be available, in order that the retail merchant who has his establishment in the neighborhood of the Senator's home may get fresh supplies and sell them to the Senator's family. We are under the same obligation to provide such a market here as the board of estimate or the board of aldermen is to establish it in any other city.

The PRESIDENT pro tempore. The time of the Senator from New York on the amendment has expired. He still has 10 minutes left on the bill.

ANNIVERSARY OF BIRTH OF HENRY W. LONGFELLOW

Mr. COPELAND. Mr. President, if I may be permitted to depart from the particular matter in hand, I should like to make reference to another subject.

To-day is the birthday of America's poet, Henry Wadsworth Longfellow, and I think we ought not to pass the day by without recalling that fact. Longfellow is one of the world's best-loved poets. We have in existence the Longfellow Association, and I observe that their latest endeavor is to establish the Longfellow international highway, to extend from the land of Evangeline to the Queen of the Antilles, connecting the northland with Cuba.

Mr. President, in commemoration of the day, and of this great poet, whose memory we all love, I ask permission that there be printed in connection with my remarks the short poem by Longfellow, which is entitled "The Builders," the first verse of which reads:

All are architects of fate,
Working in these walls of time;
Some with massive deeds and great,
Some with ornaments of rhyme.

Without further reading, I ask that the poem be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NEELY. Mr. President, the poem—a stanza of which the Senator from New York has just read—is so much more interesting and instructive than anything else that we have heard in the Senate to-day that I insist upon its being read in full. [Laughter.]

The PRESIDENT pro tempore. Does the Senator desire it read in his time?

Mr. NEELY. Let it be read by the Clerk in my time.

The PRESIDENT pro tempore. The Senator from West Virginia is recognized, and, in his time, the Clerk will read the verses which the Senator from New York started to read.

Mr. NEELY. Mr. President, before the Clerk reads the poem, may I observe that time does not seem to have any value in the Senate during the last hours of a rapidly and fitfully expiring Congress. For four days we have debated the question "where shall the people of the District of Columbia buy a basket of eggs, a peck of potatoes, or a spring chicken?" The Senate is a greater spendthrift of time than the man who drove his hogs 20 miles to mast. A neighbor said to the hog driver "You evidently waste a great deal of time in making these long trips to the mountains where the acorns grow." The swine herder replied, "What's time to a hog?" [Laughter.]

So, Mr. President, what is time to the Senate when statesmen—

With their thumb-worn creeds,
Their loud professions and their little deeds,
Mingle in selfish strife
While freedom weeps,
Wrong rules the land,
And waiting justice sleeps?

Mr. HEFLIN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from West Virginia yield to the Senator from Alabama?

Mr. NEELY. I yield with pleasure.

Mr. HEFLIN. Does not the Senator have any pity at all on the Senator from Maryland, who said of one of his patriotic constituents that he would have to make a long pilgrimage across the city to purchase a pullet? [Laughter.]

Mr. BRUCE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from West Virginia yield to the Senator from Maryland?

Mr. NEELY. Not until I reply to the Senator from Alabama.

The PRESIDENT pro tempore. The Senator from West Virginia declines to yield.

Mr. BRUCE. I merely want to ask the Senator a civil question.

Mr. NEELY. I shall require more information as to the kind of "pullet" the Senator from Alabama has in mind before I commit myself on the question of pity. For example, a woman sent her husband to town to purchase a common household article. The husband, as usual, forgot the name of the thing that his wife wanted him to buy. In his embarrassment he said to a merchant, "My wife told me to buy either a camisole or a casserole, but which I am unable to remember." The merchant replied, "My friend, if it is for a live chicken, it is a camisole; if it is for a dead one, it is a casserole." Therefore let me inquire whether the Senator from Alabama means a camisole pullet or a casserole chicken. [Laughter.]

Mr. BRUCE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from West Virginia yield to the Senator from Maryland?

Mr. NEELY. I shall be glad to yield, but if the Senator from Alabama referred to the senior Senator from Maryland who now seeks recognition, I know that it is a casserole. [Laughter.]

Mr. BRUCE. I merely wish to remind the Senator of the old saying that there is reason even in roasting an egg.

Mr. NEELY. Particularly a bad one.

Mr. SWANSON. Mr. President, I hope the clerk will now be allowed to read. Unanimous consent, as I understand, has been given.

The PRESIDENT pro tempore. The clerk will read, as requested.

The Chief Clerk read as follows:

THE BUILDERS

All are architects of fate,
Working in these walls of time;
Some with massive deeds and great,
Some with ornaments of rhyme.

Nothing useless is, or low;
Each thing in its place is best;
And what seems but idle show
Strengthens and supports the rest.

For the structure that we raise,
Time is with materials filled;
Our to-days and yesterdays
Are the blocks with which we build.

Truly shape and fashion these;
Leave no yawning gaps between;
Think not, because no man sees,
Such things will remain unseen.

In the elder days of art,
Builders wrought with greatest care
Each minute and unseen part;
For the gods see everywhere.

Let us do our work as well,
Both the unseen and the seen;
Make the house, where gods may dwell,
Beautiful, entire, and clean.

Else our lives are incomplete,
Standing in these walls of time,
Broken stairways, where the feet
Stumble as they seek to climb.

Build to-day, then, strong and sure,
With a firm and ample base;
And ascending and secure
Shall to-morrow find its place.

Thus alone can we attain
To those turrets, where the eye
Sees the world as one vast plain,
And one boundless reach of sky.

FARMERS' PRODUCE MARKET

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8298) authorizing the acquisition of a site for the farmers' produce market, and for other purposes.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Maryland [Mr. TYDINGS].

Mr. BROOKHART. Mr. President, the bill under consideration is entitled:

An act authorizing acquisition of a site for the farmers' produce market, and for other purposes.

I have proceeded on the theory with reference to this bill all the time that it was in the interest of the farmers. I have proceeded on the theory that it would furnish a marketing site where the farmers might sell their produce at retail to the people of the city and the community. Now I find that it is not such a market at all. It is merely a wholesalers' market, says the Senator from New York. Being a scientific man, he ought to know. So we are asked to appropriate $300,000 in the name of the farmers for the benefit of the middlemen!

I am not for any bill of that character. If it were in good faith for the farmers of the community, I certainly should support it; but I can see but little farmers' benefit in the provisions of this bill.

Three hundred thousand dollars! Of course, that is not as much as the $300,000,000 that we are appropriating for cruisers; but this is only for one town, for one community. If the wholesalers of this city are entitled to a market, constructed at the expense of the Government, costing $300,000, I think the wholesalers of Des Moines, Iowa, are entitled to some such appropriation. The Senator from California [Mr. JOHNSON] says I ought to wait until next week to get that. It is too long to wait. If this is to be the principle, that we are to furnish a wholesale market, I can see no restrictions to the principle.

That may prove to be a good thing in the end. If we can establish these markets all over the United States with Government money and then tax the right fellows to pay the money, that might work out better. But, Mr. President, this is not a farmers' market.

That is quite evident; and I understand now why so many of the farmers, not only of Maryland but of Virginia—that is, the real dirt farmers—have written me and interviewed me in every other way against this bill. They are opposed to it, and have been consistently opposed to it all along.

We have held up a lot of important business here for this little transaction. I do not care so much about that, because I think a good deal of that business ought to have been defeated anyhow; but I protest against this being called a farmers' market, and the name "farmers" ought to be stricken out of the bill entirely before it is passed, if it is going to be passed. Let us call it by its right name.

I maintain that the producer and the consumer have a common interest in the marketing of everything in the United States, and, in fact, of everything in the world. I am a believer in the system of establishing markets on that theory of direct trading between the producer and the consumer. That theory is worked out under cooperative development. There is no other way to do it. That would mean that the producers or the farmers would be in cooperative control of their marketing.

In this instance the Government of the United States will be in control, and it will be in control for the profiteers between the producer and the consumer. Will it benefit a farmer to have a chance to ship a carload of eggs down to this market and then take whatever price they choose to give him? The farmers will not patronize it upon that theory. And so as to all the other products that come in there for sale, far removed from the farmer, it is a convenience for the middlemen who profiteer upon the farmer and who then in turn profiteer upon the consumers, a large portion of whom in this case will be the employees of the Government of the United States.

I believe it would be a good thing to build a Government city here for the Government employees, including the Congress itself, and to establish a buying and selling market in that city; but I should want the whole thing conducted on the cooperative plan and upon cooperative principles. I do not under-

stand that the Senator from Virginia, the author of this bill, is opposed to cooperation and the cooperative idea.

Mr. GLASS. Mr. President——

Mr. BROOKHART. I yield to the Senator.

Mr. GLASS. I did not exactly understand what the Senator from Iowa said about the Senator from Virginia.

Mr. BROOKHART. I said I did not understand that the Senator from Virginia was opposed to the cooperative idea and the cooperative development. My understanding is that he favors that idea, although I never yet could get him to join me in a cooperative banking system that I want to start some of these times. But, Mr. President, if we establish this precedent of the Government going into business in this direct way for business men, and if this offensive system that we hear so much about of getting the Government into business is approved by the President of the United States, a Republican administration, and all these things, then I shall claim the right to use this as a precedent and a reason for the Congress, at the expense of the Government, building a Government city here, where our Government employees can buy their cooperative apartments from the Government, and where they will be sold back to the Government when they no longer need them, and where we can have a great cooperative market that will buy for these employees and sell to them, in order that they may avoid paying the profits which they will have to pay in this other profiteering market that the Government of the United States is now establishing.

It is my theory that those who do not believe in all this profiteering between producer and consumer have as good a right to the protection and help of the Government of the United States as those who do.

The PRESIDENT pro tempore. The time of the Senator from Iowa on the amendment has expired. He still has 10 minutes on the bill.

Mr. BROOKHART. I shall not use all of it. I am about ready to quit.

It will not be a square deal to go into the Treasury of the United States to help the profiteers, and then deny the aid of the Treasury of the United States to the producers and the consumers of the District of Columbia.

Mr. HEFLIN. Mr. President, I have no desire to delay the vote upon this question, but I expect to cast my vote in favor of this southwest market place. I have been convinced by the speeches that have been made that 85 per cent of the produce that comes into Washington comes over the railroads and up the Potomac River. This market ought to be located somewhere near the railroad and somewhere near the Potomac River.

It has been said that this is a wholesale market. I asked the Senator from Virginia if there was anything in the bill to prevent the establishment of local markets or branch markets about in the city, and he said there was not. So there is nothing in the bill to prevent the people in other portions of the city from having local retail markets to suit their convenience.

Mr. GLASS. Nor, may I say to the Senator, is there anything in the bill to prevent a continuance of the retail part of this market.

Mr. HEFLIN. Already in existence?

Mr. GLASS. Already in existence.

Mr. HEFLIN. So none of these things are to be disturbed unless the people of the city who operate them want to abandon them.

The Senator has spoken here about the people coming in and out of moving-picture places bumping into people who are going to and coming from market with baskets. That is a horrible thing to contemplate. [Laughter.]

Just think of the danger to which they will be subjected of butting into somebody with a basket of cabbage heads, or potatoes, or eggs, or chickens, or whatever they might have! No doubt many a one of these little fellows coming out of these moving-picture shows would like to get a good glimpse of a real fat chicken all dressed and ready to be fried or broiled and served. And, Mr. President, speaking about putting the market down close to where the boats run and where the railroad trains run reminds me of a story that I heard on former Senator Joe Bailey, of Texas.

He was traveling out in west Texas. He went into a town where he had not been before. He got there about 8 o'clock at night, and a drizzling rain was falling. He stepped out of the train, and there were several negro boys around there with old-fashioned hacks, and they were hollering, "Hackman! Hackman! Hackman!" One of them stepped up to the Senator from Texas and said, "Do you want a hackman?" He said, "Yes. Put my grips in your hack and take me to the hotel."

The hackman got him and his grips in the hack and whirled away from the station, which was brilliantly lighted, and in a little while he was out on the road in the dark, and the hack was jogging along. Bailey knocked on the door and said to the hackman, "Where are you taking me?" He said, "I am taking you up to the hotel." Bailey said, "Where is the hotel?" The hackman said, "It is uptown." "How far is it?" "It is about three-quarters of a mile." Bailey said, "Well, what in the world did they build the station away down here for?" The hackman said, "I don't know, sir; but I always had the idea that they done it because the railroad track was down here." [Laughter.]

Mr. KING. Mr. President, I have listened with no little interest to the discussion of the present bill. The Senator from Virginia [Mr. GLASS] has presented in a logical and convincing manner, his reasons for supporting the measure. I am, however, unable to follow him and shall cast my vote against the bill.

I have visited the place designated in the bill for the market site, and am convinced that it is not a suitable place, nor is it for the best interests of the people of the District. If the Government and the District are to furnish a site, and perhaps buildings, for those engaged as wholesalers in food products, then the site selected should be in an entirely different part of Washington if the convenience and interests of the people are to be considered. As I view the situation the place provided in the bill is largely in the interest of the Pennsylvania Railroad Co. and the convenience of the people are subordinated to its interests. The inhabitants of the District reside north of the point selected, and only a very small fraction of the population reside near the proposed site. It is not suitable for retail purposes, and will, in my opinion, be little availed of by the inhabitants of Washington as a retail market.

It has been stated that there are a number of retail markets in various parts of the city. What is the necessity of providing another retail market? I think the answer must be that it is not designated by this bill to provide retail facilities for the people of Washington to purchase food products. What then may be the real purpose of the bill? It is for the commission houses and wholesale dealers, engaged in handling food products within the District.

What obligation is there upon the part of the Federal Government and the District to spend hundreds of thousands of dollars for the benefit of the wholesale dealers? They have their own buildings and warehouses or if not are able to procure them. Why should the Government undertake to furnish them building sites, and perhaps buildings, in which to conduct their business. If the wholesale dealers perceive that it is advantageous to them to have their warehouses and places of business near the Pennsylvania Railroad station and near the Potomac River, then they will pursue the course they regard as of the greatest material advantage to themselves.

If the taxpayers of the District and of the United States are to spend hundreds of thousands of dollars for the wholesalers and commission dealers, why should they not spend at least an equal amount for the benefit of the retailers? And if the taxes of the people are to be devoted to purposes of this character, why should the line be drawn in favor of the commission merchants and wholesale dealers in food products? Of course, food is important, but so are clothing, and gas, and electricity, and coal, and various other commodities. The Government does not furnish building sites or buildings for brokers and commission merchants, or wholesale dealers in the multitudinous commodities entering into the lives of the people. I repeat, if we are to furnish building sites and buildings for commission merchants and those engaged in the wholesaling of food products, I see no reason why the Government should not be as generous to corporations and persons dealing in a wholesale manner in other commodities imperatively required by the people.

It is well known that the wholesale dealers and the commission merchants handling food products throughout the United States are not an impoverished class. Indeed, they have greatly profited in the business in which they are engaged. In my opinion, considering as a class, commission merchants and wholesale dealers in all forms of food products, their profits upon the capital invested will be found to be as great, if not greater, than the profits resulting from most of the business enterprises in our country. The wholesale dealers in shoes and clothing and other necessities of life are not demanding special legislation for themselves; they are not asking that building sites be furnished them or that huge buildings be erected in which they may conduct their business activities.

The Senator from New York [Mr. COPELAND] stated a few moments ago, in answer to a question which I propounded, that in most cities of the United States markets were furnished for commission merchants and wholesale dealers in food products. I have no doubt that there are a considerable number of cities which do provide market facilities for not only those engaged

in dealing in food products as wholesalers but those who fall within the category of retailers.

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

Mr. KING. I yield.

Mr. COPELAND. In my city the municipality expended a very large sum of money to build a market of this sort, and the next time the Senator goes through the city of Newark he can see from the railroad a market which has been established there for the same purpose, in order that the outsiders who come in—truck raisers and others—may have a decent place to stay and display their wares until sales can be made, and in that way the community is benefited.

Mr. KING. Mr. President, the hearings, as I remember the record, show that a very small percentage of the food products consumed in this city is obtained at or near the site where this market is to be erected. This site, as I have indicated, will be of great advantage to the Pennsylvania Railroad Co.; and if commission merchants and wholesalers can have the Government furnish them a market site adjoining the railroad station, it will be of great benefit to them.

The great mass of the consumers within the District do not live near the proposed site. The hotels and the retail dealers will be required to cross the city, encountering all of the obstacles and difficulties incident thereto, in order to purchase from the wholesale dealers whose business houses will be upon the site which is to be purchased under the provisions of the bill before us.

As I have stated, the railroad will be greatly benefited. As I am advised, its representatives are now in the corridors of the Capitol urging the passage of this bill. Perhaps the railroad company is not to be blamed for urging this measure. Doubtless, if it was proposed to establish a market place convenient to the Baltimore & Ohio Railroad Co., representatives of that corporation would earnestly favor a similar measure.

Mr. President, I regard this bill as unjust and unwise. I think it is unfair to the people of the District, as well as to the taxpayers of the United States, who will be called upon to make no small contribution to the acquisition of the grounds referred to in the bill before us. In my opinion, the overwhelming majority of the people in the District are not in favor of the bill. As a member of the District Committee, hundreds of people have called upon me to register their opposition to this measure. I am unwilling to take the money out of the Treasury of the United States for the purpose of benefiting the Pennsylvania Railroad Co. and the commission merchants and wholesale dealers who are greatly profiting in their business activities within the District of Columbia.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Maryland [Mr. TYDINGS].

Mr. TYDINGS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll, and Mr. BARKLEY answered to his name.

Mr. TYDINGS. Mr. President——

The PRESIDENT pro tempore. No business can be transacted, inasmuch as the roll call has commenced and a Senator has answered to his name.

Mr. BROOKHART. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state the inquiry.

Mr. BROOKHART. What is the question we are voting on?

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the junior Senator from Maryland [Mr. TYDINGS].

The Chief Clerk continued to call the roll.

Mr. REED of Pennsylvania (when his name was called). I have a general pair with the senior Senator from Delaware [Mr. BAYARD]. I transfer that pair to the senior Senator from Massachusetts [Mr. GILLETT], and will vote "nay."

Mr. SCHALL (when Mr. SHIPSTEAD's name was called). I wish to announce that my colleague [Mr. SHIPSTEAD] is ill, and confined to his home.

Mr. SIMMONS (when his name was called). I wish to inquire whether the junior Senator from Ohio [Mr. BURTON] has voted.

The VICE PRESIDENT. He has not voted.

Mr. SIMMONS. I have a pair with that Senator, and in his absence I withhold my vote.

Mr. THOMAS of Idaho (when his name was called). I have a pair with the senior Senator from Colorado [Mr. PHIPPS]. In his absence I withhold my vote. If he were present and voting, he would vote "nay," and if I were permitted to vote, I would vote "yea."

The roll call was concluded.

Mr. NYE. Upon this subject I have a pair with the junior Senator from Delaware [Mr. HASTINGS]. Were he present, I understand that he would vote nay. If I were permitted to vote, I would vote yea.

The result was announced—yeas 24, nays 49, as follows:

YEAS—24

| | | | |
|---|---|---|---|
| Ashurst | Capper | Hayden | Ransdell |
| Blaine | Dale | Johnson | Steck |
| Bratton | Dill | King | Thomas, Okla. |
| Brookhart | Frazier | McMaster | Tydings |
| Broussard | Gerry | McNary | Walsh, Mass. |
| Bruce | Hawes | Norbeck | Wheeler |

NAYS—49

| | | | |
|---|---|---|---|
| Barkley | Fletcher | Mayfield | Steiwer |
| Bingham | George | Metcalf | Stephens |
| Black | Glass | Moses | Swanson |
| Blease | Glenn | Oddie | Trammell |
| Borah | Goff | Overman | Vandenberg |
| Caraway | Hale | Reed, Pa. | Wagner |
| Copeland | Harris | Robinson, Ark. | Walsh, Mont. |
| Couzens | Harrison | Robinson, Ind. | Warren |
| Curtis | Heflin | Sackett | Waterman |
| Deneen | Jones | Schall | Watson |
| Edge | Kendrick | Sheppard | |
| Edwards | Keyes | Smith | |
| Fess | McKellar | Smoot | |

NOT VOTING—22

| | | | |
|---|---|---|---|
| Bayard | Howell | Nye | Shortridge |
| Burton | La Follette | Phipps | Simmons |
| Gillett | Larrazolo | Pine | Thomas, Idaho |
| Gould | McLean | Pittman | Tyson |
| Greene | Neely | Reed, Mo. | |
| Hastings | Norris | Shipstead | |

So Mr. TYDINGS's amendment was rejected.

The VICE PRESIDENT. The bill is in Committee of the Whole and open to amendment. If there is no further amendment to be proposed, the bill will be reported to the Senate.

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

The VICE PRESIDENT. The question is, Shall the bill pass?

Mr. TYDINGS. On the passage of the bill I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. FESS (when Mr. BURTON's name was called). I desire to announce that my colleague, the junior Senator from Ohio [Mr. BURTON], is unavoidably detained from the Senate. He is paired with the senior Senator from North Carolina [Mr. SIMMONS].

Mr. NYE (when his name was called). On this subject I have a pair with the junior Senator from Delaware [Mr. HASTINGS]. Were he present I understand he would vote "yea." Were I permitted to vote I would vote "nay."

Mr. REED of Pennsylvania (when his name was called). I transfer my general pair with the Senator from Delaware [Mr. BAYARD] to the Senator from Massachusetts [Mr. GILLETT], and vote "yea."

Mr. SCHALL (when Mr. SHIPSTEAD's name was called). My colleague, the senior Senator from Minnesota [Mr. SHIPSTEAD], is ill and confined to his home.

The roll call was concluded.

Mr. GERRY. I desire to announce that the Senator from Nevada [Mr. PITTMAN] and the Senator from Tennessee [Mr. TYSON] are detained from the Senate on official business.

Mr. OVERMAN. I desire to announce the absence of my colleague the senior Senator from North Carolina [Mr. SIMMONS] on official business. He is paired with the junior Senator from Ohio [Mr. BURTON].

Mr. JONES. I desire to announce the absence of the senior Senator from Colorado [Mr. PHIPPS] on account of illness. If present, he would vote "yea."

The result was announced—yeas 52, nays 24, as follows:

YEAS—52

| | | | |
|---|---|---|---|
| Barkley | Fletcher | McNary | Smith |
| Bingham | George | Mayfield | Smoot |
| Black | Glass | Metcalf | Steiwer |
| Blease | Glenn | Moses | Stephens |
| Borah | Goff | Norbeck | Swanson |
| Caraway | Hale | Oddie | Thomas, Idaho |
| Copeland | Harris | Overman | Trammell |
| Couzens | Harrison | Reed, Pa. | Vandenberg |
| Curtis | Heflin | Robinson, Ark. | Wagner |
| Deneen | Jones | Robinson, Ind. | Walsh, Mont. |
| Edge | Kendrick | Sackett | Warren |
| Edwards | Keyes | Schall | Waterman |
| Fess | McKellar | Sheppard | Watson |

NAYS—24

| | | | |
|---|---|---|---|
| Ashurst | Capper | Hayden | Ransdell |
| Blaine | Dale | Johnson | Steck |
| Bratton | Dill | King | Thomas, Okla. |
| Brookhart | Frazier | McMaster | Tydings |
| Broussard | Gerry | Neely | Walsh, Mass. |
| Bruce | Hawes | Pine | Wheeler |

NOT VOTING—19

| | | | |
|---|---|---|---|
| Bayard | Hastings | Norris | Shipstead |
| Burton | Howell | Nye | Shortridge |
| Gillett | La Follette | Phipps | Simmons |
| Gould | Larrazolo | Pittman | Tyson |
| Greene | McLean | Reed, Mo. | |

So the bill was passed.

NAVAL APPROPRIATIONS CONFERENCE REPORT

Mr. HALE. Mr. President, I move that the Senate proceed to the consideration of the conference report on the naval appropriation bill (H. R. 16714) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1930, and for other purposes.

Mr. VANDENBERG. Mr. President, under the recommendations of the committee on order of business I fully appreciate——

Mr. MOSES. Mr. President, a point of order.

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

Mr. MOSES. The motion made by the Senator from Maine is not debatable.

The VICE PRESIDENT. The Senator is correct. The question is on agreeing to the motion of the Senator from Maine.

The motion was agreed to; and the Senate resumed the consideration of the conference report on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16714) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1930, and for other purposes.

Mr. VANDENBERG. Mr. President, it was quite unnecessary to make the point of order in order to protect the Senator from Maine. I rose for the purpose of saying that I fully appreciated the fact that under the regulations and purposes of the committee on order of business appropriation bills have the right of way over other general recommended legislation, and for that reason I am not opposing and have not opposed the proposal to take up the conference report. But I now have very great respect for the committee on order of business, particularly since listening to my friend, the distinguished Democratic leader [Mr. ROBINSON], insist that it should be acknowledged in all its authority.

I will state now that I shall oppose the intervention of any other general legislation except appropriation bills, and will undertake to protect the place of the reapportionment measure which is now next upon the general order of business program.

Mr. ROBINSON of Arkansas. Mr. President, the Senator from Michigan in his remarks just now made an allusion to me that I did not hear. I would like to be informed what it was.

Mr. VANDENBERG. It was a very generous allusion because my distinguished friend from Arkansas, so far as I am concerned, has a twinkle in his eye that is the lighthouse of the Senate and I would not do anything at any time to put out the light. I said merely that I had taken so much to heart the Senator's recommendation as to the authority of the steering committee that I was now yielding to the steering committee with great enthusiasm.

Mr. ROBINSON of Arkansas. I do not know what the Senator from Michigan has in mind. I have made no reference to the steering committee or to the right of the steering committee to control the action of the Senate. The Senate at last is the judge of what measures it shall proceed to consider. The steering committee's action is merely suggestive or advisory.

Mr. VANDENBERG. The Senator was very enthusiastic the other day when I was trying, with freshman enthusiasm, to upset the committee, and I was moved by his words of wisdom, which I then took to heart as he uttered them.

Mr. ROBINSON of Arkansas. I still do not know what the Senator from Michigan is talking about. I presume it is my own obtuseness.

Mr. FRAZIER. Mr. President, I ask unanimous consent for the immediate consideration of calendar numbers 1823 and 1824, Senate Resolutions 303 and 308.

Mr. HALE. Mr. President, may I ask what the resolutions are?

The VICE PRESIDENT. The resolutions will be stated for the information of the Senate.

The CHIEF CLERK. The resolution (S. Res. 303) increasing the limit of expenditure for a survey of Indian conditions in the United States, and the resolution (S. Res. 308) continuing until the end of the first regular session of the Seventy-first Congress Senate Resolution 79, authorizing a general survey of Indian conditions.

The VICE PRESIDENT. Is there objection to the request of the Senator from North Dakota?

Mr. SWANSON. I object.

The VICE PRESIDENT. Objection is made.

Mr. SWANSON. Mr. President, I now ask unanimous consent that the conference report on the naval bill be immediately passed.

Mr. WHEELER. I shall have to object to that.

Mr. SWANSON. Very well.

SURVEY OF INDIAN CONDITIONS

Mr. WHEELER. Mr. President, it is quite apparent, from statements made by the Senator from Virginia [Mr. SWANSON] and from other objections which have been made, that we are not going to be able to have the investigation into Indian affairs continued. At the last session of Congress the Senate of the United States unanimously voted to cause an inquiry into the Bureau of Indian Affairs. That investigation was started during the vacation and has been carried on since.

Just a few days ago when unanimous consent was asked to take up this resolution the Senator from Arizona [Mr. HAYDEN] directed some statements against the committee and made some criticisms which were entirely unfair, intimating very strongly that the committee had not entirely been doing its duty. In order that the Senate of the United States may understand and know what has been going on and the necessity for an investigation, I propose to read to the Senate some of the reports that have been furnished to the Committee on Indian Affairs with reference to the various reservations in the State of Montana. I now read from the report of Walter W. Liggett on the Tongue River Reservation in Montana:

REPORT OF WALTER W. LIGGETT ON TONGUE RIVER INDIAN RESERVATION

Tongue River Indian Reservation is situated in southeastern Montana close to the Wyoming State line and immediately adjacent to the Crow Indian Reservation. It is 32 miles long and 18 miles wide, containing approximately 464,000 acres. Tongue River runs along the eastern boundary of the reservation and the Rosebud River traverses the western half. The central portion is cut up by Muddy and Lame Deer Creeks. The only land suitable for agriculture lies along the creek bottoms and on the surrounding plateaus. There are approximately 80,000 acres which could be farmed. The remainder of the reservation consists of heavily timbered mountains and extremely rough foothills, suitable only for grazing. As yet the Tongue River Reservation is unallotted. Indians are living on tracts selected by them in years gone by and it is presumed that when allotments are made each Indian will be given the tract which he has been occupying.

Tongue River Reservation was set aside in 1884 to afford a home for several bands of Northern Cheyenne Indians who then were prisoners of war in Oklahoma. In 1892 some 333 Northern Cheyenne Indians from the Pine Ridge Reservation in South Dakota were brought to Tongue River. In 1901 the Tongue River Reservation was enlarged to its present proportions. At the present time there are 1,449 Northern Cheyenne Indians on Tongue River. There are no white settlers on the reservation and the only town is the little hamlet of Lame Deer, where the agency is situated, and Busby, where the boarding school is located.

The Northern Cheyenne Indians probably are the most primitive among the tribes in the northern part of the United States. With the Sioux, their allies, they were the last Indians to become "pacified" after the Custer battle in 1876. The reservation is isolated and the fact that it has not been allotted has kept whites away. Consequently, these Indians are probably more backward and closer to savagery than any other Montana Indians. They are not well organized and have not importuned Congressmen or Senators for special favors. As a result they seem to have been neglected by the Indian Bureau, and the sanitary and economic conditions existing on the Tongue River Reservation are a damning indictment of bureaucratic indifference. This reservation is literally a plague spot and the entire Northern Cheyenne Tribe is rotten with disease. The actual conditions repeatedly have been called to the attention of responsible Indian Bureau officials at Washington, D. C. No attempt whatever has been made to ameliorate the perfectly appalling health situation. In fact, the Indian Bureau refused to finance a Red Cross unit which was established on the reservation, and discontinued the services of a single field matron who was doing splendid work. The inevitable result is that the health situation on the Tongue River Reservation is steadily growing worse and now has reached a stage so unbelievably bad that it constitutes a black blot on the American flag. We have established sanitary zones in the Philippines and the Caribbean, but the Cheyenne Indians are allowed to slowly perish amid almost indescribable dirt, disease, and general degradation. It is almost incredible that responsible officials of any civilized government should permit such disgraceful conditions in this day and age. That such conditions do exist on the Tongue River Reservation reveals the characteristic callousness of the Indian Bureau—or else its total lack of imagination—

in dealing with the human factors of health and happiness of its helpless wards. It is very difficult to discuss the situation on Tongue River Reservation in moderate language, but the following facts seem to justify any superlatives that may be called forth by honest indignation:

DEATHS STEADILY EXCEED BIRTH RATE

Since 1916 the death rate on the Tongue River Reservation has exceeded the birth rate by a wide margin. The accompanying table speaks eloquently of official neglect:

| Year | Births | Deaths |
|---|---|---|
| 1916 | 38 | 26 |
| 1917 | 73 | 61 |
| 1918 | 39 | [1] 112 |
| 1919 | 15 | 38 |
| 1920 | 21 | 40 |
| 1921 | 63 | 64 |
| 1922 | 43 | 47 |
| 1923 | 48 | 42 |
| 1924 | 20 | 22 |
| 1925 | 39 | 36 |
| 1926 | 27 | 33 |
| 1927 | 44 | 62 |
| 1928 | 49 | 58 |
| Total | 519 | 641 |

[1] The sudden increase in deaths in 1918 was due to the influenza epidemic. But even after the deaths due to influenza are deducted, the death rate for the past 13 years—that is, the normal reservation death rate—exceeds the births.

Estimates of the tuberculosis rate among the Northern Cheyenne Indians vary from 30 to 60 per cent. Dr. C. A. Kerner, agency physician, informed me that 30 per cent of the Indians had some form of tuberculosis. Espy G. Cate, teacher at the Birney day school, said that at least 35 per cent of the Indians were tubercular. Miss Margaret Moran, formerly field matron at Tongue River Reservation, now stationed on the Crow Reservation, stated that 60 per cent of the Tongue River Indians were infected with tuberculosis. Doctor Krulish, traveling physician for the Indian Bureau, on several occasions has called attention of his superiors to the abnormally high tuberculosis rate among the Tongue River Indians.

No health survey has been made on Tongue River Reservation, but in 1927 there were 35 Indians examined for tuberculosis and positive symptoms were found in 30 cases. This, of course, proves nothing except that the resident physician was not very active in examining Indians.

There are no facilities on the reservation for treating tubercular cases, and no attempt is made to isolate those suffering from the disease in its most virulent stages. Tubercular patients are not admitted to the hospital. Consequently they stay at home and infect other members of the family.

I personally visited homes where men and women, evidently far advanced in tuberculosis—they were coughing and spitting profusely—were crowded in dirty, stinking, poorly lit, 1-room cabins with adults, small children, and babes in arms. During the severe winter weather there is no ventilation whatever in most of these cabins—except what wind blows through chinks in the walls—and in some cases 10 or more persons live in 1-room cabins not to exceed 15 by 20 feet in dimensions. Under these conditions tubercular infection is bound to be widespread. Personally, I believe that a thorough health survey by a competent expert would reveal that more than 75 per cent of these Indians are suffering from some form of tuberculosis. The tragedy is that virtually nothing whatever is being done by the Indian Bureau to combat the fearful ravages of this dreaded disease.

AT LEAST 50 PER CENT OF INDIANS HAVE TRACHOMA

Trachoma is far more prevalent on the Tongue River Reservation than on any other reservation in Montana. Doctor Kerner, agency physician, told me that more than 50 per cent of the Indians are afflicted with this eye disease. Miss Margaret Moran, former field matron, estimated the trachoma at 55 per cent. Espy G. Cate, of the Birney day school, said practically every one had trachoma. He pointed out that when the 56 pupils of his school were examined, trachoma was found in every child. Dr. Paul Mossman, of Raleigh, Mo., chief of the United States Government trachoma hospital, who visited Tongue River Reservation in June, 1928, stated that between 50 and 60 per cent of the Indians have trachoma. Doctor Krulish, traveling medical inspector for the Indian Bureau, stated in 1926 that it was an exception to find a normal eyelid among school children, and that practically all the adults were infected.

A hospital was established at Lame Deer in the fall of 1926, and since then an effort has been made to combat trachoma. The agency physician has endeavored to induce Indians to submit to operations, but so far only about 50 cases have been operated on. Doctor Kerner undoubtedly has done all in his power to check this eye disease, but he has not been given proper cooperation by other agency employees.

So late as August 29, 1928, Doctor Kerner wrote to Superintendent Lohmiller, including a list of more than 100 school children who were infected with trachoma. These children had been examined by Doctor Mossman, who declared they "should be excluded from school this fall or segregated from the other children." Doctor Kerner suggested to Superintendent Lohmiller that all these children be enrolled at some separate school, and that special efforts be made to induce them to submit to operations. This request entailed no great difficulties, and certainly should have been acted on favorably. Superintendent Lohmiller, however, according to Doctor Kerner, contemptuously threw the letter back to him and refused to take the desired action. Doctor Kerner also has made efforts to have a trachoma clinic held on the Tongue River Reservation.

INFANT MORTALITY ABNORMALLY HIGH

Infant mortality also is abnormally high among the Tongue River Indians. In the year 1927, of the 58 deaths, 25 were of infants under 3 years of age. This is more than 200 for every 1,000 live births, or more than three times the rate prevailing among the white children of Montana. Any vital statistician knows the full significance of these figures.

Even more significant is the statement made by Doctor Kerner in a letter to Superintendent Lohmiller, dated September 15, 1928—copy of which is attached—which shows that of the 58 deaths occurring during the year ending June 30, 1928, only 6 of the Indians dying received any medical care whatsoever.

Doctor Kerner wrote as follows:

"Out of the 58 deaths occurring on this reservation, I signed 15 death certificates. Six of these really were under my care, the other 9 were just death-bed calls, practically the balance of the 43 were dead and buried before we received report of the same."

No resident physician should be too severely censored for conditions existing on Tongue River Reservation. The fault rests squarely at the door of the Indian Bureau. There are nearly 600 square miles of territory in the reservation. The country is rough, and the roads are almost impassable for weeks at a time during certain seasons. Moreover, there is, on the average, one physician for every 600 persons in settled parts of the United States. Doctor Kerner has 1,450 persons to look after, scattered over 600 square miles, and everyone of these Indians is a potential patient. It is wholly impossible for any one physician to accomplish much under these conditions.

Mr. SWANSON. Mr. President, will the Senator from Montana yield to me for a moment?

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Montana yield to the Senator from Virginia?

Mr. WHEELER. I yield.

Mr. SWANSON. I wish to submit for the consideration of the Senate the following proposal for a unanimous-consent agreement:

That the Senate proceed at once to vote on the conference report on the naval appropriation bill, and immediately after that to vote on Senate Resolution 303 and Senate Resolution 308.

Mr. WHEELER. I have no objection to that.

The PRESIDING OFFICER. Is there objection to the request for unanimous consent preferred by the Senator from Virginia? The Chair hears none.

NAVAL APPROPRIATION BILL

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16714) "making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1930, and for other purposes."

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

SURVEY OF INDIAN CONDITIONS

The Senate resumed the consideration of the resolution (S. Res. 303), as follows:

*Resolved*, That the limit of expenditures to be made under authority of Senate Resolution 79, Seventieth Congress, agreed to February 1, 1928, providing for a general survey of the condition of Indians in the United States, is hereby increased from $30,000 to $45,000.

Mr. HAYDEN. Has the committee amendment been agreed to?

The PRESIDING OFFICER. The Chair is informed that the amendment has heretofore been agreed to. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

The Senate resumed the consideration of the resolution (S. Res. 308).

Mr. HAYDEN. Mr. President, I have offered an amendment to that resolution.

The PRESIDING OFFICER. The Chair is informed that the Senator's amendment has been agreed to.

The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to, as follows:

*Resolved*, That Senate Resolution No. 79, agreed to on February 1, 1928, authorizing the Committee on Indian Affairs to make a general survey of Indian conditions, hereby is continued in full force and effect until the end of the first regular session of the Seventy-first Congress: *Provided*, That any officer or employee of the Bureau of Indian Affairs whose official conduct may be under investigation by said committee shall have the right to appear before the committee in person or by counsel and cross-examine any witness appearing before the committee.

THE UNITED STATES AS PARTY DEFENDANT

Mr. NORRIS. I ask unanimous consent for the immediate consideration of the conference report on the bill (H. R. 13981) to permit the United States to be made a party defendant in certain cases.

The PRESIDING OFFICER. Is there objection?

Mr. VANDENBERG. Will it lead to debate?

Mr. NORRIS. I do not think so.

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

The report was agreed to.

DEFICIENCY APPROPRIATIONS

Mr. WARREN. I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 17223) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1929, and June 30, 1930, and for other purposes.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

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

Mr. HARRISON. I object to the request.

The PRESIDING OFFICER. Objection is made. The clerk will proceed to read the bill.

The Chief Clerk proceeded to read the bill.

SURVEY OF INDIAN CONDITIONS

Mr. HAYDEN. Mr. President, under the circumstances, I did not object a few moments ago to the consideration of the two Senate resolutions continuing the investigation of Indian Affairs which were adopted by the Senate as amended. I ask unanimous consent to have printed in the CONGRESSIONAL RECORD a statement of the expenditures heretofore made by the subcommittee of the Committee on Indian Affairs and a more detailed statement of the expenditures of a certain investigator, together with three reports upon Indian schools in Arizona made by citizens of that State.

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

(The matter referred to will be found at the conclusion of Mr. HAYDEN'S speech.)

Mr. HAYDEN. I desire to direct the particular attention of the Committee to Audit and Control the Contingent Expenses of the Senate to one of the statements which I am filing, which shows that an investigator employed by the subcommittee, Mr. George B. Schwabe, drew not only his salary of $400 a month but that he also received $5 a day as a per diem in lieu of subsistence while he remained at home, which would ordinarily be a violation of law. I do not believe that the Committee to Audit and Control the Contingent Expenses of the Senate would knowingly approve a charge of that kind, but I direct attention to the fact that this investigator did receive such additional compensation. Any employee of the United States Indian Service, when away from home on official business, may draw a per diem in lieu of subsistence, but if he is at home he is not legally entitled to draw such per diem. However, for the entire four months in which Mr. Schwabe was employed, he drew $5 per diem in lieu of subsistence, although he was not away from his home but a part of the time.

Mr. WALSH of Massachusetts. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Massachusetts?

Mr. HAYDEN. I yield.

Mr. WALSH of Massachusetts. I should like to say to the Senator that the members of the Committee to Audit and Control the Contingent Expenses of the Senate had the figures presented to them, and were surprised at some of the items disclosed, but they felt—and I say this for the information of the Senator—that the Committee to Audit and Control the Contingent Expenses of the Senate have no right to control the detailed expenses of any committee conducting an investigation; that our duties begin and end with determining the amount of money that may be expended from the contingent fund, and that we can not examine into, find fault, criticize, or prevent the payment of any individual items that the committee may ask for any service whatever.

Mr. HAYDEN. I will say to the Senator from Massachusetts that a claim like that could not get by the Comptroller General for a moment in the case of an ordinary Government employee.

Mr. WHEELER. Mr. President, I will say to the Senator that if it had been called to my attention, and if the facts are as stated by the Senator from Arizona, it would never have gotten by me. Of course, I have not paid any attention to the expenditure of money by the clerk because that information has not been filed, but I can not conceive that has been done. I want to say to the Senator if he were really interested in the Indian investigation, instead of calling it to the attention of the Senate he would certainly have called it to the attention of the Indian Committee.

I appreciate that the Senator from Arizona has not been for this investigation, and is not now for it, and probably would like to see it stop; and the only result that his statement can have now is to try to do exactly what Mr. Burke, the Commissioner of Indian Affairs, has done, namely, to attempt to discredit the committee in every possible way.

I am getting pretty tired of having Mr. Burke come here and try to discredit the members of the committee. He tried to discredit the Senator from Oklahoma [Mr. PINE]. That is the usual procedure that is inaugurated every time any of these investigations are started. I am surprised that the Senator from Arizona would do a thing of this kind.

Mr. HAYDEN. Mr. President, I will frankly say that I am not in favor of the kind of an investigation that has been conducted by the subcommittee of the Senate Committee on Indian Affairs up to this time. They have conducted a kangaroo court in a manner which is a disgrace to the United States Senate. I hope that from now on that subcommittee will conduct itself with due order and propriety, and with proper respect for the rights of officials and employees of the Bureau of Indian Affairs whose official conduct is to be investigated.

Since this matter has been brought up in detail, I direct the Senator's attention to the report of the payments to this hired investigator, Mr. George B. Schwabe, during the month of June, 1928. He was paid, for services rendered the Committee on Indian Affairs under Senate Resolution 79, a salary of $400; per diem in lieu of subsistence, 31 days at $5 a day, $155; automobile expenses, Tulsa to Muskogee and return, $13.50. Evidently he was home every day in that month except one day, when he went to Tulsa. He charged the Government of the United States $13.50 for automobile expense in traveling about 60 miles between two Oklahoma cities where a bus line operates every day. A Member of Congress informs me that the bus fare is about $2 each way. Mr. Schwabe charged in his expense account $13.50 for transportation service that by riding a bus he could have obtained for $4. I commend these figures to the Committee to Audit and Control the Contingent Expenses of the Senate, and I hope that in the future it will not be necessary for that committee to audit claims of this kind.

Mr. WALSH of Massachusetts. Mr. President, let me say to the Senator, as a member of that committee, that it is becoming apparent that some serious abuses such as the Senator points out are developing in the expenditures by committees of the Senate; and if that continues, it is going to result in some limitations and restrictions being placed upon these committees.

I hope the members of committees will try to exercise the power and right to pass upon these bills without censorship by any committee, with due regard to the Public Treasury. I do not mean to intimate that anything improper has been done in this case, but again and again our attention is being called to what appears to be growing leniency or extravagance in expenditures by committees that are conducting investigations.

Mr. WHEELER. Mr. President——

Mr. HAYDEN. I yield to the Senator from Montana.

Mr. WHEELER. I want to correct the statement that has been made by the Senator from Arizona. He has made the statement that this committee carried on a "kangaroo court." There could not be a statement that was more wholly untrue than that statement made by the Senator from Arizona.

Mr. HAYDEN. That is my impression of it.

Mr. WHEELER. Oh, yes; I know; and that is the same statement that was made when we started in the Daugherty investigation. It is the same statement that was made when they started in the Fall investigation. It is the same kind of statement and the same kind of propaganda that has always been made.

Mr. HAYDEN. Let me ask the Senator from Montana a question.

Mr. WHEELER. Let me say this to the Senator——

Mr. HAYDEN. May I first ask the Senator a question?

Mr. WHEELER. Certainly.

Mr. HAYDEN. In the Daugherty investigation and in the Fall investigation the Senator from Montana conducted his own investigation. He, as a member of the committee, examined the witnesses. He did not hire an attorney or send an investigator out to gather up witnesses and bring them before the committee, and then permit an attorney or an investigator to ask nine-tenths of the questions of the witnesses, did he?

Mr. WHEELER. Now, wait a minute.

Mr. HAYDEN. Did the Senator permit that?

Mr. WHEELER. The Senator has asked a dozen questions in one. I am going to answer them, and say this:

In the Daugherty investigation we did hire special counsel to help; we did hire special investigators to get evidence; and we did permit them to ask questions, in some instances, before the committee.

Mr. HAYDEN. But the record will not show that the great majority of the questions asked in the Daugherty investigation were asked by attorneys or investigators, and not by the Senators present.

Mr. WHEELER. Neither will this investigation. The trouble is that the Senator is not informed. Ever since this committee has been holding its hearings here in Washington——

Mr. HAYDEN. I am referring solely to the investigation in the field, conducted by a subcommittee of the Senate Committee on Indian Affairs.

Mr. WHEELER. Oh, well, I am not able to speak about the investigation in the field, because I did not participate in the investigation in the field, and do not know what went on there.

Mr. HAYDEN. The record made in the printed hearings shows for itself that my statement is correct.

Mr. WHEELER. But when the Senator says that it was a "kangaroo court," there is not any truth in that statement, and it is not fair for the Senator to get up and make it.

I am not the chairman of this committee. I perhaps would not have conducted the hearings as the chairman has. I do not know anything about these expenditures that have been made; but it is inconceivable to me that they should have been permitted to go on if what the Senator has stated is correct. If they have been paying out money under such circumstances that it should not have been paid out, and if an investigator of the Indian Affairs Committee has been defrauding the Government, I want to say to the Senator from Arizona that I shall be the first one to ask that anybody who has been misappropriating Government funds, whether he is working as an employee of the Indian Affairs Committee or of any other committee, shall be prosecuted criminally for his actions. But if the Senator was so much interested in the thing, why did he not come, as a member of the Indian Affairs Committee, himself——

Mr. HAYDEN. I am not a member of that committee.

Mr. WHEELER (continuing). And present it to the Senator from North Dakota [Mr. FRAZIER], the chairman of the committee?

I have confidence and faith in the Senator from North Dakota, the chairman of the committee, and I know that he would not permit anything to go on that was not proper; but I am informed by the Senator from North Dakota that as a matter of fact these charges that have been referred to by the Senator were not made while this man was at home, but while he was away from home.

Mr. HAYDEN. The report does not show it.

Mr. WHEELER. But of course the trouble with the Senator is that apparently he is taking just the kind of thing that the Commissioner of Indian Affairs and the Assistant Commissioner of Indian Affairs have been circulating around ever since this committee started. They have been trying to stop the investigation from its very inception.

Mr. HAYDEN. Will the Senator yield to me in my own time?

Mr. WHEELER. Yes.

Mr. HAYDEN. I will say that the investigation has not been stopped. The continuing resolution has been passed by the Senate. Fifteen thousand dollars has been allowed from the contingent fund to continue this work. I have directed the attention of the Senate to these matters in the sincere hope that from now on the Committee on Indian Affairs will be fair and just to those who are under investigation, and will not waste the public funds in the employment of investigators. My object has been accomplished, because I am sure that the Senator from Montana or the chairman of the Committee on Indian Affairs, once their attention has been directed to such matters, will not permit any irregularities in the future.

Mr. WHEELER. I assure the Senator that from now on this investigation into the Bureau of Indian Affairs will be properly carried on, and that there will not be any money spent unless it is spent in accordance with the provisions of law. As I say, I am not the chairman of the committee, and I had nothing at all to do with the expenditures. I have entire confidence in the Senator from North Dakota [Mr. FRAZIER], the chairman of the committee, and of course, as in all matters of that kind, the chairman handles them. I regret, however, that the Senator from Arizona has seen fit to do this, because, as I say, there has been a studied effort on the part of the Indian commissioner to try to discredit this committee, just exactly as there was a studied effort to discredit the Fall committee, and just exactly as there was a studied effort to discredit the Daugherty committee, of which the Senator's colleague [Mr. ASHURST] was a member. They went around and tried to dig up everything they possibly could upon every member of the committee. They went out and prosecuted pretty nearly every witness who came before the committee. They went out and tried to besmirch his character; and what did they do in this case?

Commissioner Burke came before the committee and made a charge, if you please, which, if true, would have subjected the Senator from Oklahoma [Mr. PINE] to a criminal prosecution. We immediately stopped the investigation to investigate that charge, and found that there was not one scintilla of truth in it. I do not think the Senator from Arizona wants to be a party to going to the extent of trying to discredit this commitee just because of the fact——

Mr. HAYDEN. Upon the contrary, Mr. President, I have every confidence in the world in members of the Senate Committee on Indian Affairs, just as I have great confidence in the author of the resolution, authorizing the investigation, the Senator from Utah [Mr. KING]. All of these Senators, if they attend to the business themselves, will bring proper and correct results to the Senate. When Senators delegate their authority to others, and allow them to expend the public funds in making junkets to out-of-the-way corners of the United States without any direct supervision, the result is not a fair investigation. Whatever the Senators look at themselves will be properly evaluated and whatever report they may make to the Senate will undoubtedly be fair and just. But I do object to the way the investigation in the field has been conducted in the past, and I am sure, after what I have said, that from now on the investigation will be properly conducted. My entire object will, therefore, be accomplished.

Mr. WHEELER. The Senator from Arizona says "in the past." I object to that, because, as far as I know anything about it, the investigation has been conducted fairly and honestly ever since it has been going on in the city of Washington. What took place when they were out in the West I do not know, because I was not there.

Mr. HAYDEN. If the Senator from Montana will permit me, I have made no criticism of the conduct of the investigation by the Senate Committee on Indian Affairs here in the committee room in Washington. My whole objection has been directed to the field investigations as conducted in various parts of the United States. For that reason I have inserted in the RECORD, as has my colleague, the senior Senator from Arizona [Mr. ASHURST], statements by some of the very best and most responsible people in Arizona who have made personal inspections of a number of Indian schools as a result of these charges, and who have answered the charges by a calm statement of the facts. The men and women who have signed these reports are just as jealous of their integrity and their good names as any Senator here to-day. They have looked into the Indian schools and reservations to answer the outrageous charges that have been made by the investigators of the subcommittee in the field. Let me repeat that it is to the field investigation that my complaint is directed.

Mr. WHEELER. Let me ask what investigator has made outrageous charges against any Indian school down there. Let me get that. I have not heard of it. No investigator has told me anything about any school down in Arizona. As I say, I was not a member of the committee. I think the Senator perhaps is confusing what somebody outside of the committee is doing with what is going on in the committee.

Mr. HAYDEN. There has been broadcast a mass of misinformation that I am certain was entirely inspired from some such source.

Mr. WHEELER. Oh, well, the Senator is entirely wrong about it. The Senator reads an article, possibly, in some magazine, and immediately thinks that is inspired by the Committee on Indian Affairs. That is not so. Articles have been

written by people not connected with the Indian Affairs Committee in any way, shape, or form, and for which the Indian Affairs Committee is in no wise responsible. So far as I am concerned, I have refused to issue any statement in connection with what has been going on, or to give out any statement making any comment upon the evidence in the case, because I wanted first to hear the evidence myself; and the only reason why I wanted to have this investigation go on was so that we could check up and ascertain the truth or the falsity of the statements that have been made by some of these people who are constantly coming before the Indian Affairs Committee and saying that there is corruption and graft, and children are being starved, and everything of that kind. If I were in the place of the Commissioner of Indian Affairs, I should most assuredly want the investigation to go on.

Mr. WARREN. Mr. President, may I ask the speaker at least to look this way once in a while?

Mr. WHEELER. If the Senator can not hear me without my looking at him, I will talk louder.

Mr. WARREN. I should like the Senator to look me in the face once in a while.

Mr. WHEELER. All right; I yield the floor.

Mr. HAYDEN. Mr. President, I ask unanimous consent to have printed at this point certain papers relating to the matters to which I have referred.

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

COMMITTEE ON INDIAN AFFAIRS,
*February 21, 1929.*

Surveying Indian conditions under authority of Senate resolution of February 1, 1928.

| | |
|---|---|
| Amount authorized to be expended | $30,000.00 |
| Amount expended to date | 28,324.16 |
| Balance | 1,675.84 |

Expenditures as follows:

| | Salary | Expenses | Total |
|---|---|---|---|
| Mary H. Proctor, clerk | $1,498.33 | | $1,498.33 |
| R. T. Bonnin, investigator | 1,125.00 | $1,363.63 | 2,488.63 |
| Louis R. Glavis, investigator | 5,791.67 | 3,194.30 | 8,985.97 |
| Walter W. Liggett, investigator | 1,875.00 | 1,235.74 | 3,110.74 |
| Geo. B. Schwabe, investigator | 1,600.00 | 869.80 | 2,469.80 |
| J. A. Tatro, investigator | 780.00 | 642.26 | 1,422.26 |
| Witnesses, $2,139.66; clerical and stenographic expenses, $4,504.30 | | | 6,643.96 |
| Traveling expenses of committee | | | 1,704.47 |
| Total | 12,670.00 | 7,305.73 | 28,324.16 |

PAYMENTS TO GEORGE B. SCHWABE

| | |
|---|---|
| George B. Schwabe, 1928: | |
| June 1 to 30, for services rendered the Committee on Indian Affairs surveying Indian conditions, under resolution of Feb. 1, 1928, as investigator | $400.00 |
| Per diem in lieu of subsistence, 30 days at $5 per day | 150.00 |
| Railroad fare, Pullman charges, porterage from Tulsa to Oklahoma City, Okla., and return and from Tulsa, Okla., to Duluth, Minn., and return | 108.70 |
| Taxicab fare | 2.45 |
| Telegrams and telephone calls | 3.90 |
| Automobile expenses during above-mentioned period from Columbia to Kansas City, Mo., and return and from Tulsa to Okmulgee, Okla., and return | 37.00 |
| Total | 702.05 |
| George B. Schwabe, 1928: | |
| July 1 to 31, for services rendered the Committee on Indian Affairs surveying Indian condition under resolution of Feb. 1, 1928, as investigator | 400.00 |
| Per diem in lieu of subsistence, 31 days at $5 per day | 155.00 |
| Automobile expenses Tulsa to Muskogee and return | 13.50 |
| Total | 568.50 |
| George B. Schwabe, 1928: | |
| Aug. 1 to 31, for services rendered the Committee on Indian Affairs surveying Indian conditions, under resolution of Feb. 1, 1928, as investigator | 400.00 |
| Per diem in lieu of subsistence, 31 days at $5 per day | 155.00 |
| Auto expenses Tulsa to Miami and return, Tulsa to Pawhuska and return, and Tulsa to Okmulgee, Okla., and return | 43.00 |
| Telephone calls | 2.50 |
| Total | 600.50 |
| George B. Schwabe, 1928: | |
| Sept. 1 to 30, for services rendered the Committee on Indian Affairs surveying Indian conditions, under resolution of Feb. 1, 1928, as investigator | 400.00 |
| Per diem in lieu of subsistence, 30 days at $5 per day | 150.00 |
| Traveling expenses: | |
| Tulsa to Muskogee and return | 13.00 |
| Tulsa to Henryetta and return | 12.50 |
| Tulsa to Miami and return | 20.00 |
| Telephone calls | 3.25 |
| Total | 598.75 |

REPORT OF INVESTIGATION OF THE UNITED STATES INDIAN SCHOOL AT PHOENIX, ARIZ.

After a personal inspection and investigation we find the following:

GENERAL CONDITIONS AND OBSERVATIONS

After careful investigation of the various departments of the school and talking with pupils, teachers, employees, and officers, we found that the general conditions relating to the sanitation and general cleanliness, food, health, and discipline of the pupils to be of the highest order. The large group of children, numbering nearly 1,000 boys and girls ranging in age from 7 to 20 years, are apparently well clothed and present an appearance which seemed to us to indicate extreme good health and happiness. We saw nearly every pupil of the school either indoors, engaged in work, interested in their organized play and athletic practice, or in military formation, or as they marched into the dining room for their meals. Throughout the school the children seemed to be happy and content.

By consulting records in the administration building of the school we found that entry of the children in the school is not compulsory. A file maintained for each child registered contained a complete record of the child's time spent in school; among other things each file contained an application blank which had been filled out and signed by the parents, guardian, or next of kin in the presence of witnesses. This blank states, "I do hereby voluntarily consent and agree to enrollment in said school for a period of (not less than three) years, and also obligate myself to abide by the rules and regulations for Indian schools."

The parents and other relations are permitted to visit the children in the Phoenix school at any time they may desire. Many Indians come each week to this school to visit their children; particularly on Saturday and Sunday many families of Indians are to be found camping on the school grounds and visiting with their children.

In talking with the old father of one of the boys who had come to the school at the time of our visit, we learned that both he and the boy's mother were very glad to have their child in school, and that they felt he was much better off in the Phoenix school than at home or elsewhere. This particular boy had run away from school and gone home, saying he was lonesome. The father had solicited the aid of an Indian policeman, brought the boy back, and reentered him in the school.

The Phoenix Indian School is located in a fairly thickly populated district, with stores, dwellings, service stations, etc., immediately adjoining it. Inquiry at a near-by drug store and a service station regarding any knowledge of complaints by the students at the school or rumor of ill-treatment of children brought only expressions of surprise that such a thing could ever have been thought of. Those talked to had never heard any such complaints.

While we were able to secure much valuable information from pupils and employees of the school, also from the citizens who have resided in the vicinity of the school for many years, we give credence to the unbiased statement made to us in an interview with Mr. C. L. Phillips, manager of the Mission Ranch Dairy, the largest modern dairy in the State of Arizona. Mr. Phillips was connected with the Phoenix Indian School as a teacher of agriculture and manager of the gardens, dairy, and other agricultural departments of the school for eight years. He left the employ of the Indian school on January 1, 1928. Mr. Phillips stated that in all of his experience he had not seen or heard of any complaint as to the mistreatment of any pupil of the school; no severe physical punishment had been administered to any pupil, and none of the pupils had ever complained to him of food conditions, either as to lack of sufficient food being served or as to the manner of preparation of the meals. All of the milk and vegetables, eggs, and other products of the farm are used exclusively in preparing meals for the children of the school, according to Mr. Phillips, and he further added that during the time of his employment by the school none of these products were either sold to or used by any employee or officer of the school.

Our own observation covering the period of years is that both the boys and girls of the school are much interested in their bands and athletic teams and that the children are enthusiastically happy in their life at the school.

We do not believe that the pupils of the school could be better fed and cared for with the present available funds which are allotted for each pupil during the fiscal year.

REGARDING HEALTH

We found every possible precaution taken for the prevention of disease and for the care of the sick. Two physicians and several graduate nurses are in constant attendance at the Phoenix school and the tuberculosis sanatorium, which is conducted in connection with the school. The physicians and nurses not only take care of the children who may be sent to the hospital, but keep in close touch with all of the children in the school through contact with the teachers in the classrooms, matrons in the dormitories, and the heads of various departments of the school. In order to keep close watch on the health of the children, they are encouraged to consult freely with the doctors and nurses. The records of the hospital show that an average of from two to three hundred calls have been made each week during the present school year, either for consultation or medical services in addition to the actual number of cases which were cared for by the hospital.

The hospital was found to be spotlessly clean, the bed linen and floors throughout being in the best of condition on our visit. The operating room, pharmacist laboratory, dental-room office, and all departments of the hospital were very satisfactory.

In interviewing Dr. Fred Loe, who has been in charge of the school hospital for the past three years, and in looking over the records of the hospital departments, we find that each child attending the school is given a thorough physical examination upon entering the school and also at the beginning of the second semester. We find that, owing to the prevalence of influenza in the school (as a part of the general epidemic throughout Arizona and the western United States) and the illness of Doctor Loe, the examinations for the second semester have not been made this year. These physical examinations were made on all the pupils in the school at the beginning of the fall term, however, and are kept as a part of the hospital records, so as to be immediately available for reference should the pupil thereafter be sent to the hospital for any ailment. The examinations include records of the conditions found in the eyes, ears, teeth, throat, skin, lungs, heart, the weight and general condition of the pupil. Any abnormalities which will interfere with the general health or be dangerous to other pupils, such as decayed teeth, trachoma, skin diseases, etc., are corrected before the pupil enters school. Thereafter the pupils are weighed at monthly intervals and given inspection by teachers. Should the pupil lose weight or fail to gain weight in normal manner, or should any illness develop, the pupil is referred promptly to the hospital department for investigation. The scope of this work may be judged from the fact that during the week prior to our inspection 385 pupils were so referred for ailments or examination, not including those ill enough to be regularly entered as hospital patients.

The hospital records are not the records of a class A standardized hospital, because the personnel allowed the hospital can not keep such records. However, the records contain all the essential information, were neat and accurate, filed where they could be readily accessible, and will compare favorably with the records of the majority of civilian hospitals of the same size.

While the personnel of the hospital department is not sufficient for the work required of them, we find that the work is being done in a very creditable manner. One physician and two nurses are not sufficient for the 40-bed hospital, caring for all kinds of medical and surgical cases, attending from 200 to 400 patients a week in the outpatient department, making physical examinations on a thousand pupils twice a year, and exercising sanitary supervision over kitchen and dairy. The hospital does not have a night nurse, although one of the day nurses sleeps where she is on call during the night for any emergency. In performing surgical work Doctor Loe is assisted by Dr. A. J. Wheeler, of the East Farm Sanatorium, located a mile and a half east of the school. Doctor Loe also assists Doctor Wheeler in such surgical work as is done at the sanatorium. An average of more than one surgical operation a day is thus performed. During one 5-month period we found 180 general anæsthetics had been administered for surgical operations.

According to Doctor Loe, and the records of the hospital department, pupils do not contract tuberculosis at the school, but contract it on the reservations, and it is detected when they enter the school and have physical examination. Sometimes pupils with an arrested tuberculosis case enter the school, and during the school term the disease becomes active again. Whenever they are found to have active tuberculosis, either at the time of the entrance examination or at any time during the school year, they are transferred immediately to the sanatorium .The number of cases discovered in pupils just entering the school or returning to the school in the fall after a summer on the reservation are many times more numerous than those breaking down during the school term.

A fact likely to be overlooked is that a return of activity in an arrested tuberculosis case is very likely to occur at the age of life when these pupils are in school, 12 to 20 years, regardless of conditions of life. Our observation would lead us to believe that the likelihood of a breakdown is much less under the conditions of life at the school than on the reservation. However, at the Phoenix school no pupil with active tuberculosis is kept in school, but is transferred to the sanatorium, where conditions are the best possible and where the child will have every chance to recover.

During the school year of 1927-28, according to the records of the hospital, there were 87 cases of pneumonia, from which no deaths resulted. These pneumonia patients were cared for in the school hospital, where each pupil was kept for two weeks convalescing after the crisis. According to Doctor Loe, after release from the school hospital, each of these pneumonia patients was sent to the sanatorium for rest and observation for a short time. Eighty-five cases of trachoma are now being treated in the school, but no new cases have developed during the present school year. Acute cases of trachoma are assigned to the hospital and segregated. All of the pupils who are now being treated for trachoma have separate towels, and are kept under close observation.

On account of his own ill health during the last two months, Doctor Loe has not been devoting his full time to the work in the school and Dr. A. J. Wheeler was personally in charge of the medical work at the school during this period. In interviewing Doctor Wheeler and verifying his statement by the hospital records, we found that during the recent epidemic of influenza, 452 children were given treatment and were kept in bed until fully recovered. At one time during the epidemic approximately 200 pupils were in bed, the others being sick at different periods during December and January. This number of influenza cases was cared for among the approximate 960 pupils of the school. In addition to this number, 45 in the tuberculosis sanatorium were also cared for with attacks of influenza.

Out of the total of 497 cases of influenza only one pupil developed pneumonia; that pupil is now in the sanatorium convalescing. There were no deaths as a result of the epidemic.

At the present time we found approximately 15 cases of influenza with which pupils are confined to their beds in the hospital. Ten or twelve of the smaller girls were also being cared for by doctors and nurses who have confined them to their beds in the girls' dormitory on account of all the beds in the hospital being occupied.

Food for the children in the hospital is prepared in a special hospital kitchen which we found to be thoroughly sanitary and well equipped. The meals for the hospital patients are prepared and served strictly under the direction of the doctors and nurses.

In interviewing Miss Helen McLemore and Miss Darline Loe, two graduate nurses at the hospital, we were advised that all of the food served patients confined to beds in the dormitories, as well as the hospital, is prepared and served under their jurisdiction.

FOOD

In talking with children and Indian employees of the school we did not hear a single complaint as to meals, kind of food supplied, or the manner in which it was prepared. The boys and girls apparently have plenty of food to eat, and we were advised that each child is given all he wants to eat of the plain foods.

We found that both the boys and girls march to their meals in military formation, and that each company occupies a group of tables, eight children seated at a table. Company officers are placed in charge of each group of children, with the corporal at each table. New waiters are appointed each week from the company by its captain. Before the children march into the dining room food is served family style on each table, and after being seated at the table an officer serves each pupil and then asks that an additional supply of bread, potatoes, meat, and whatever else may be desired be brought from the kitchen. If any pupil asks his officer for more food, it is brought immediately.

Doctor Loe exercises general supervision over the quality of food served in the general dining room, as well as over that served at the hospital. He makes it a practice to eat a meal at least once a month in the general dining room in order to judge from personal observation the quality of the meal. A copy of the menu for the week during which this inspection was made is attached, and we are assured that this is a fair sample of the food served at this school. One of us visited the dining room and kitchen after the meal was over, while the tables were being cleared and dishes washed. Numerous uneaten portions of bread and other food could be seen as evidence that there was no lack of quantity. Dishes were washed in an automatic washer with live steam, coming out clean and undoubtedly sterilized. Tables were being scrubbed with stiff brushes and cleansing powder; tables are covered with linoleum cemented upon wood.

We inspected the kitchen, bakery, warehouses, and cold-storage plant. We found them to be absolutely clean. Fruits and vegetables, all of very good quality, were stored in the large cold-storage warehouses; fresh meat, stamped as being inspected and certified under Government supervision, was hung in a large separate compartment of the cold-storage plant.

In interviewing Mrs. Jennie Howard, who has been in the employ of the school for 14 years, spending the last 5 years in charge of the kitchen, we were advised that she orders from 400 to 500 pounds of fresh meat daily, and that this is delivered each day by the Arizona Packing Co. She personally inspects all of the meat delivered, and during the last few years has never had occasion to reject any meat, although she stated that she was authorized to reject anything which was not strictly first class. She said that five years ago, when she first took charge of the kitchen, she had on a few occasions rejected meat.

Mrs. Howard stated that she had never used, and had never been required to use, any food, flour, corn meal, meats, vegetables, or anything else which had been spoiled or which might be considered unfit for consumption.

Mrs. Ada Dessau, who is in charge of the warehouses containing foodstuffs, both cold storage and dry storage, stated that they had received consignments of food which was unfit for use on a few occasions during the term of her employment. She stated that during the present school year a shipment of corn meal had arrived containing weevils, and that the entire lot had been delivered to the Agricultural Department for use as chicken feed. Mrs. Dessau advised that the feeding of the corn meal to the chickens did not deprive the children of food, as there is a large quantity of vegetables provided from the school's garden, as well as milk from the dairy, eggs from the poultry department, all of which are used in feeding the pupils.

We found potatoes, raisins, prunes, grapefruit, bacon, flour, oatmeal, sirup, and many other foodstuffs in the warehouses, all being in good condition and all of good eatable quality.

Visiting the dairy, we found that the school is milking 56 head of very good Holstein cows, many of which are registered purebred stock. At the present time 170 gallons of milk is being produced daily, and we were advised by employees and pupils that all of the milk is used in the hospital and dining room as food for the children. According to records for the year 1928, 48 cows in the herd produced an average of 9,250 pounds of milk per cow.

The sanitary conditions at the dairy will compare favorably with those of any dairy supplying Grade A milk to the city of Phoenix. The Indian school claims to have the most sanitary dairy in the valley, and we are not prepared to dispute this.

The dairy is not screened, and this is the only fault to be found with it. The cows are milked upon a slightly raised cement floor, after being brushed and cleansed in the runways which approach the milking stalls. Just behind the cement platforms is a gutter into which urine and feces falls. This is washed out with hose after each milking. Cows are milked with milking machines; they were inspected during afternoon milking period and teats and udders were found clean. Stripping is done by hand by Indian students. They are dressed in white cotton trousers and jackets while milking.

Boiler furnishes hot water and steam at 50 pounds pressure twice daily. Milk is aerated and cooled immediately by modern apparatus. The milk cans are washed with cold water, then hot water, finally with live steam; then placed behind wire screens so that the sun will shine into them. Dairy is superintended by Mr. Hendrix, who gives every evidence of knowing his business and in taking pride in accomplishing his work in the most modern and sanitary manner. We could make no suggestions for improving the sanitary surroundings or handling of the milk, although Mr. Hendrix seemed anxious to have these, if we had any to make.

This dairy herd is tuberculin tested and certified to be free from tuberculosis. (There is some abortus infection in the herd, as there is in every dairy herd in the Salt River Valley, but so far there is no evidence that this has resulted in any human infection in the school.)

The pupils are fed whole milk and butter is not served.

In our visit to the agricultural department we found a large quantity of vegetables are produced each year, and we were advised that all of these vegetables, as well as grapes, watermelons, and eggs and milk produced are used in the dining room which takes care of the pupils of the school.

DISCIPLINE

We found the children throughout the school very well behaved and heard no complaints from any pupil or from any other source as to cruelty or mistreatment. In the classrooms each teacher has charge of discipline as well as instruction of the pupils; in the dormitories a matron is constantly in touch with the children. We found everything in the dormitories, as well as in the classrooms and the entire grounds surrounding the school, to be in orderly condition. In the various shops and departments, including the laundry, dairy, printing office, etc., the employees in charge of such shop or department are in control of the discipline of the pupils who may be assigned to them.

According to regulations, any unruly child is first sent to the principal or head of the department in which the child is engaged. In turn the principal is to refer the child to the chief disciplinarian, if such action should become necessary.

In conferring with Jacob Duran, a full-blood Indian of the Pueblo Tribe, who is the chief disciplinarian of the school, we learned quite frankly the troubles of both boys and girls in school, as well as the manner of settlement of the children's difficulties by the school.

Mr. Duran advised us that he had attended the Indian schools at Santa Fe, Albuquerque, and Haskell as a boy, and that he has been working at the Phoenix Indian School for the last 10 years. He advised that the principal difficulty experienced with the pupils of the school when they become unruly would be the trait of stubbornness, which is to a greater or less degree in most Indians. His treatment, through persuasion and kindness, has consistently proven a success in influencing the children to do right, according to Duran's statement to us. Not one child has been sent to the chief disciplinarian by either teacher, principal, or head of departments during the present school year. Duran advised that he had heard of ill treatment of Indians since he was born, but that he had never seen or known of any severe punishment being given the boys and girls in any Indian school in all of his experience, and that he has personally given no physical punishment to the children of the school during the present school year in Phoenix.

Mr. Duran stated that the principal matters which had required his attention during the present school year have been violations of rules and regulations. He stated that the principal rule which is violated is boys going to town, leaving the school grounds and going to athletic games without first obtaining permission. His method of punishment for this violation is to deprive the pupil of certain privileges, such as refusing permission to attend football games, etc., for a certain period. Such action in disciplining the pupils apparently accomplishes the desired results, according to the testimony of many pupils and employees of the school.

Mr. Duran advised that the parents who visit the school, as well as the children attending the Phoenix school, are very happy and contented. He stated that he has seen only one fight between Indian boys in the last 10 years, and then the two participants were so ashamed that they ran away from school instead of facing their fellow pupils.

Keeping the children busy through their work in classrooms, in the industries and farms of the school, and their athletic activities is the chief thing which keeps the children satisfied, in the opinion of Mr. Duran.

Lewis, who is in charge of the printing office of the school, a full-blood Indian of the Pima Tribe, has spent 20 years in the school as a pupil and more recently as an employee. He advises us that the children of the Poenix Indian School are well satisfied with their food, clothing, and their treatment in all departments of the school.

We hereby certify that the above findings are a statement of the true conditions which now exist in the United States Indian school at Phoenix.

Respectfully submitted.

DEAN STANLEY,
*Secretary-Treasurer Phoenix Evening Gazette.*
CHAS. A. STAUFFER,
*Secretary and General Manager The Arizona Republican.*
W. WARNER WATKINS, M. D.,
*Secretary Medical and Surgical Association of the Southwest.*

PHOENIX, ARIZ., *February 8, 1929.*

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CITIZEN COMMITTEE OF SURVEY OF INDIAN BOARDING SCHOOLS

KINGMAN, ARIZ., *February 13, 1929.*

Re Circular No. 2546, E. B. Meritt, assistant commissioner.

*To Senate Indian Committee, House Indian Committee, Congressional Delegation, Office of Indian Affairs, Washington, D. C.*

HONORED SIRS: Acting under and in accordance with instructions in the above captioned, under date of February 2, 1929, Supt. F. T. Mann, of the Truxton Canyon Indian School at Valentine, Ariz., requested Mr. Allen E. Ware, manager of Tarr, McComb & Ware Commercial Co., Kingman, Ariz., to select a suitable committee of which he would be chairman, to examine into the affairs of said school, and to report thereon. Mr. Ware appointed the following:

Mrs. Nelle E. Clack, former county superintendent of schools; Miss Letetia B. Mould, Red Cross nurse in charge of schools in Mohave County; H. L. Horner, assistant manager, the Arizona Central Bank, Kingman, Ariz.; who beg to submit the following:

This committee left Kingman by automobile at 10.10 a. m., and arrived at Valentine at 11.10 a. m. on the above date, the distance being approximately 35 miles.

First, believing that your office would appreciate having (though not asked for in above-mentioned circular) complete information as to the various buildings and equipment, and condition of same, in addition to treatment of the inmates or attendants. This, therefore, is embodied in the report.

There are at this time approximately 220 children in daily attendance—a greater number of boys than girls. Ages running from about 6 to 19 years. There is one Albino boy in the school, in age about 18 years, decided blond, light hair, and blue eyes. We believe Albinos are rare among the Indians. He looks robust and strong, and of average intelligence. All children appear to be healthy, and in a general way compare very favorably with white children in attendance at public schools. There are only four cases of sickness at the present time, three girls and one boy, all of which are in the hospital and receiving good treatment. One boy and one girl afflicted with tuberculosis, the other cases minor ailments, not serious.

All children appear contented and happy and there is no appearance of ill-treatment or abuse. Playgrounds nd equipment apparently ample and in good condition, and in use daily, giving sufficient exercise.

We attended mess at noon in the general dining room, and while the food served was of the so-called "coarse" or "heavy" variety, it was good in quality, wholesome, well cooked and well served, and ample in quantity. Children marched into dining room in an orderly manner, stood at their respective places, and in unison asked blessing before being seated. This being so well done shows it to be the custom. All children were clothed properly and well, and though clothing was simple and inexpensive in texture, was clean and warm. Also each child has the regulation change of clothing, ample for needs, and kept in good repair.

In the dormitory the sexes are separated, each occupying a wing of the building and both upper and lower floors. With one or two exceptions in the case of very small children each child has a separate bed, linens clean and coverings ample. Rooms are large, well ventilated, and with good sunlight. We were informed by the employee in charge that fire drill was held frequently at unexpected intervals, and, while the building is not by any means fireproof, it can be emptied quickly, if necessary, by means of the exits and metal-covered chutes or slides from the upper floor to the ground.

The hospital, a frame, 1-story, substantial structure, with a registered nurse in charge of rooms, is in charge of Doctor Leeds, the school physician, whom we believe to be thoroughly capable and efficient. There are 16 beds, and in addition to the regular and necessary equipment of a hospital of the kind and size, has a small dining room and kitchen, both of which are clean and well kept and ample in size. However, if we may be permitted to make a recommendation, it would be that a separate and distinct building be erected for the care of tubercular patients. As noted previously herein, there are two cases of tuberculosis in the same building and room with other patients at this time. This condition we believe should not be permitted to continue any longer than it would take to make a transfer or allotment of the necessary funds to remedy the existing condition.

For your further information, if your present records at hand do not show it, the following tribes are represented by children in attendance: Wallapai, Supai, Hopi, Navaho, Apache, Pima, and Papago, Wallapai, we believe, predominating.

Summing up, we consider conditions at this school to be very good; children not mistreated in any way, generally healthy and happy, well provided for as to food, clothing, housing, schooling, medical attention, and amusement.

PHYSICAL STRUCTURE OF SCHOOL

Houses for both superintendent and employees are of brick and wood construction, and though small are probably ample and appear to be in good condition both inside and out.

School: Brick construction, with, in addition to classrooms, a good-sized and well-constructed auditorium, with stage, etc. The classrooms, however, seem to be crowded to capacity, but in fairly good shape as to lighting and ventilation. There are two new wings or additions just about finished, containing wash rooms, sanitary toilets, baths, lockers, etc., strictly modern and up to date in every way; one for the boys and one for girls. These additions will be ready for occupancy in a short time.

Laundry: Brick building; old, but clean. Capacity, one washer only. This we beleive too small and incomplete for present requirements.

Hospital: Frame, 1-story structure; apparently quite new. Capacity, 16 beds. Well equipped as to other necessaries. Immaculate and probably ample, with the exception, as previously noted herein, that patients with contagious diseases are placed in the same rooms with the noncontagious. This condition should not be.

Warehouse: Brick building, in good condition, both as to building and contents. Apparently inadequate, however, as some stock is carried in basement or storeroom of another building. As this extra stock consists principally of foodstuffs and is located closer to kitchen, this may be done for convenience. Stock is in good condition.

Mess hall and kitchen: Equipment plain and substantial and in good condition, but just to its full capacity. Kitchen not fully equipped—refrigeration inadequate for protection and preservation of foods. Additional equipment badly needed for wholesome and efficient handling.

Domestic science: Immaculately clean and apparently ample for present needs.

Manual training: Seventy-six pupils now in daily attendance; each class receives 1½ hours instruction per day. This department only started about three months ago and doing wonderful work with the present equipment. Pupils seem very apt and take delight in this class of work and instruction. With more equipment, they can turn out some really fine products.

Sewing room: Ample in size, but in bad location for this class of work, being too dark and not well ventilated; very hard on the eyes.

Dormitory: Just about to capacity. Good ventilation and plenty of sunlight. Individual beds; very clean and sufficient bedding. Rooms in need of minor repairs, however; principally plastering. Metal ceilings should be substituted for plaster.

Water: Pumped from wells to tank of 30,000 gallons capacity located on hillside above property. Tank not covered or protected. Quality of water apparently good, however.

Pumping plant: Not good either as to building or equipment. We are informed, however, that a small appropriation will soon be available with which to increase this to greater capacity and, in addition, to make of it a central power and heating plant. This badly needed.

Dairy: Nine cows, seven of which are now milking and producing about 21 gallons of milk daily. In addition 5 gallons per day purchased from an adjacent ranch. This supply, however, we do not believe to be sufficient for needs and should be increased. In addition to the cows, there are two 2-year-old and five 1-year-old heifers, four calves, and one bull, Holstein stock. Milking is done in the barn which is an old structure, unsightly and unsanitary, and needs remedying badly. There are also about 25 or more hogs and young pigs. Too many to supply from the tables, and as feed is quite expensive, believe some should be sold.

Poultry: Approximately 300 white leghorns—excellent-looking stock. Producing an average of about 10 dozen eggs per day.

Farm: About 7 or 8 acres under cultivation. Corn, squash, tomatoes, carrots, spinach, etc. Last year produced about 20,000 pounds of tomatoes. With proper equipment and irrigation could be made more productive.

Office: Office in good order, books and records appear to be well kept. Room apparently too small for requirements, however, and there should be a vault for storing records. As a preventive against loss by fire, a vault of concrete could be added at small cost. Records for last fiscal year show a total cost (exclusive of superintendent's salary, repairs, and transportation) of $49,343.88, and during that time an average daily attendance of just about 200, making the cost per capita a little under $250, which, considering location, equipment, and facilities, we consider quite low, and bespeaks efficient management.

Employees: Superintendent Mann we believe to be thoroughly capable and efficient, honest and fair both with employees and attendants, firm but just. The type who probably could and would use harsh measures if made necessary, but one with whom those measures never become necessary. All employees appear capable, efficient, and happy in their work and surroundings, and well satisfied.

Not having been asked to make recommendations, we trust we have not overstepped the bounds. However, could they be complied with, we believe it would mean increased efficiency and lowered costs.

Hoping the information supplied herewith will be of service, and assuring you it has been our pleasure to serve you, we are,

Very sincerely,

ALLEN E. WARE,
LETITIA B. MOULD, R. N.,
NELLIE E. CLACK,
H. L. HORNER,
*Committee.*

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REPORT OF INSPECTION, FORT MOHAVE INDIAN SCHOOL, BY ALLEN E. WARE, C. J. WALTERS, MRS. G. H. CLACK, AND LEROY ROOT, FEBRUARY 16, 1929

In conformity with circular No. 2546, issued by the Office of Indian Affairs, Department of the Interior, dated February 2, 1929, and at the invitation of Supt. W. E. Thackery, of the Fort Mohave Indian School, the undersigned citizens of Kingman, Mohave County, Ariz., visited the said school and investigated existing conditions there.

We found that all Indian school children were properly fed. The food was of good quality and sufficient. The daily menus indicated a considerable variety. More eggs and milk would be desirable.

We found that all children were adequately and comfortably clothed and housed. The dormitories are in need of repairs.

We found that the children received all needed medical attention. The hospital building should be larger.

We learned of no cruel punishments of children. The discipline appeared excellent and the children contented, happy, and interested in their work. Some of the school work showed marked ability.

The preceding four paragraphs answer in particular the questions asked in the circular letter. We feel justified, however, in making further comment relative to conditions.

In the school there are approximately 275 pupils, representing 15 different Indian tribes, i. e., Mohave, Navajo, Papago, Chimejuevis, Paiute, Hava-supai, Pueblo, Sioux, Mission, Apache, Pima, Shoshone, Cherokee, Maricopa, and Mono (Digger). This intermingling is undoubtedly having a most desirable effect.

The main school building and assembly hall is in good condition, but inadequate in room. Two rooms in dormitory buildings are used for school purposes. This is inconvenient and undoubtedly detracts from the school efficiency.

The warehouse contains a reasonable stock of food supplies of good quality, as well as a quantity of necessary clothing. The building, however, is an old "adobe" with crumbling walls. Its roof is leaky and daylight can be seen through it in many places. It is, therefore, impossible to keep the food and clothing free from dust.

The kitchen and dining room are very good and are exceptionally clean and sanitary. A new refrigeration plant and a bakery are now building, being removed from the basement of the kitchen and dining hall.

The laundry is modern, both building and equipment.

The power plant is well housed, in excellent condition, and apparently adequate for present needs.

The employees' quarters are generally comfortable, although many of them are in old "adobe" buildings and have a rather unsightly exterior appearance. The interiors are much more inviting.

One of the two elevated water-storage tanks giving pressure to the mains, although roofed, is open entirely around underneath the eaves. A new tank is needed. The other tank appears in good condition.

The bathing conditions are inadequate, but we are told an appropriation has been made to adjust this situation.

A dairy herd of 25 cows belongs to the school, 12 of which are being milked, furnishing about 25 gallons per day. At least 10 more milch cows should be added to the herd to bring the daily menu to a proper balance.

No chickens except a very few, whose eggs are used at the hospital, are on the farm. Sufficient chickens should be added to the farm stock. Eggs are needed for their food value.

The farm is in rather poor condition at this time due to the channel of the Colorado River changing and the pumps being unable to deliver

water to the land at a time when it was most vitally needed during the past season. This is the first time that there has been a shortage of water from this cause. The situation is easily remedied. Instead of taking water directly from the stream flow wells should be sunk. Wells driven or bored to a considerable depth below the level of the river will furnish an adequate supply of water. Such wells have been frequently tested, with satisfactory results. We are informed that the school now has a well 365 feet deep, 12 inches in diameter, which has been severely tested, with gratifying results. With an assured supply of water for irrigation needs, chickens and more cows could be kept and eggs and milk furnished at an economical cost. The gardens would furnish an adequate supply of vegetables at low cost over an extraordinary long season, due to the temperate climate. A large variety should also be grown. The hogs were in excellent condition.

In the matter of housing, we found the dormitories greatly in need of repairs. The roofs are in bad condition and there is a great need of paint and a general overhauling to put them in real serviceable condition. They are kept clean and sanitary, however, so far as their existing condition will permit. The buildings generally are far below the standard buildings at other Indian schools of which we have acquaintance. Because of this condition the school has rather a rundown appearance. We do not believe this condition is due to the school superintendency or the school employees. They appear to be making the best of what they have to do with. There is apparent ability on the part of all employees. The forlorn appearance is due, as we see it, to inadequate appropriations by the Government to construct and maintain the buildings up to the usual governmental standards. An appropriation is needed to place the buildings in repair and to construct new ones necessary to meet the demands of the schools. If this were done, the Fort Mohave Indian school under an intelligent and able superintendency, as it now has, with a corps of loyal employees, such as it now possesses, would be one of the most economically conducted schools in the country. It is very evident that the Government is not as adequately supporting this school as it is many others. An appropriation of $50,000 over a period of two years would ultimately make this school compare favorably with other schools.

We make these comments, not in a spirit of criticism but in a sincere effort to correct a condition which detracts from the school standard, provokes criticism of the Indian Department, and handicaps the school employees.

Very respectfully submitted.

ALLEN E. WARE.
C. J. WALTERS.
Mrs. G. H. CLACK.
LEROY ROOT.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 16878) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; requested a conference with the Senate on the disagreeing votes of the two Houses thereon; and that Mr. KNUTSON, Mr. ROBSION of Kentucky, and Mr. HAMMER were appointed managers on the part of the House at the conference.

The message also announced that the House had passed the following bills of the Senate:

S. 675. An act to establish the Ouachita National Park in the State of Arkansas; and

S. 5684. An act to amend the War Finance Corporation act approved April 5, 1918, as amended, to provide for the liquidation of the assets and the winding up of the affairs of the War Finance Corporation after April 4, 1929, and for other purposes.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. 11722) to establish a national military park at the battle field of Monocacy, Md.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 12793) for the relief of Alonzo Durward Allen.

The message further announced that the House had agreed to the amendments of the Senate to the concurrent resolution (H. Con. Res. 37) to print 3,000 additional copies of the hearings during the Sixty-ninth Congress on the bill (H. R. 7895) relating to the stabilization of the price level of commodities.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and they were signed by the Vice President:

S. 61. An act granting an increase of pension to Louise A. Wood;

S. 710. An act conferring jurisdiction upon the Court of Claims to hear, adjudicate, and render judgment in claims which the northwestern bands of Shoshone Indians may have against the United States;

S. 1168. An act to amend an act entitled "An act to authorize the collection and editing of official papers of the Territories of the United States now in the national archives," approved March 3, 1925;

S. 1547. An act for the relief of Johns-Manville Corporation;

S. 1648. An act for the relief of Oliver C. Macey and Marguerite Macey;

S. 1766. An act for the relief of R. H. King;

S. 1965. An act to authorize the appointment of a district judge for the northern district of Mississippi;

S. 2206. An act to amend section 260 of the Judicial Code, as amended;

S. 2291. An act for the relief of certain seamen and any and all persons entitled to receive a part or all of money now held by the Government of the United States on a purchase contract of steamship *Orion*, who are judgment creditors of the Black Star Line (Inc.) for wages earned;

S. 2695. An act for the relief of Gilliam Grissom;

S. 3002. An act for the relief of Mina Bintliff;

S. 3162. An act to authorize the improvement of the Oregon Caves in the Siskiyou National Forest, Oreg.;

S. 3233. An act for the relief of Harry E. Good, administrator de bonis non of the estate of Ephraim N. Good, deceased;

S. 4125. An act to amend chapter 15 of the Code of Law for the District of Columbia, and for other purposes;

S. 4234. An act authorizing the purchase of certain lands by John P. Whiddon;

S. 4276. An act granting a pension to Edith Bolling Wilson;

S. 4451. An act to amend the act entitled "An act authorizing Roy Clippinger, Ulys Pyle, Edgar Leathers, Groves K. Flescher, Carmen Flescher, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Wabash River at or near McGregors Ferry in White County, Ill.," approved May 1, 1928;

S. 4528. An act authorizing the Secretary of the Interior to employ engineers and economists for consultation purposes on important reclamation work;

S. 4604. An act for the relief of James L. McCulloch;

S. 4704. An act to authorize the Secretary of the Interior to investigate and report to Congress on the advisability and practicability of establishing a national park to be known as the Tropic Everglades National Park in the State of Florida, and for other purposes;

S. 4811. An act for the relief of C. J. Colville;

S. 4817. An act for the relief of the Federal Construction Co. (Inc.);

S. 4819. An act for the relief of Roy M. Lisso, liquidating trustee of the Pelican Laundry (Ltd.);

S. 4890. An act authorizing the Secretary of the Treasury to pay the Gallup Undertaking Co. for burial of four Navajo Indians;

S. 4981. An act to include in the credit for time served allowed substitute clerks in first and second class post offices and letter carriers in the City Delivery Service time served as special-delivery messengers;

S. 5058. An act for the relief of George A. Hormel & Co.;

S. 5090. An act for the relief of Lewis H. Easterly;

S. 5095. An act to amend section 1, rule 3, subdivision (e), of an act to regulate navigation on the Great Lakes and their connecting and tributary waters, enacted February 8, 1895, as amended May 17, 1928;

S. 5181. An act to amend section 4 of the act of June 15, 1917 (40 Stat. 224, sec. 241, title 22, U. S. C.);

S. 5879. An act authorizing Llewellyn Evans, J. F. Hickey, and B. A. Lewis, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge and approaches thereto across Puget Sound, within the county of Pierce, State of Washington, at or near a point commonly known as the Narrows;

H. R. 1993. An act to correct the naval record of William E. Adams;

H. R. 2474. An act for the relief of the San Francisco, Napa & Calistoga Ry.

H. R. 2486. An act for the relief of Andrew Jackson Seward, jr., deceased;

H. R. 4770. An act for the relief of Lieut. Timothy J. Mulcahy, Supply Corps, United States Navy;

H. R. 5286. An act for the relief of J. H. Sanborn;

H. R. 5287. An act for the relief of Etta C. Sanborn;

H. R. 5288. An act for the relief of William F. Kallweit;

H. R. 5289. An act for the relief of Loretta Kallweit;

H. R. 5758. An act amending the act approved May 4, 1926, providing for the construction and maintenance of bathing pools or beaches in the District of Columbia;

H. R. 5952. An act for the relief of Robert Michael White;
H. R. 9009. An act for the relief of Francis Leo Shea;
H. R. 10238. An act for the relief of Lieut. L. A. Williams, Supply Corps, United States Navy;
H. R. 10657. An act to authorize the assessment of levee, road, drainage, and other improvement-district benefits against certain lands, and for other purposes;
H. R. 10957. An act to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by act of March 6, 1920;
H. R. 11406. An act to consolidate or acquire alienated lands in Lassen Volcanic National Park, in the State of California, by exchange;
H. R. 12339. An act authorizing the Secretary of the Interior to grant a patent to certain lands to Joseph M. Hancock;
H. R. 12390. An act for the relief of Frank C. Messenger;
H. R. 12409. An act to grant to the city of Fort Wayne, Ind., an easement over certain Government property;
H. R. 12638. An act for the relief of David A. Wright;
H. R. 12666. An act for the relief of William S. Shacklette;
H. R. 13060. An act to recognize the high public service rendered by Maj. Walter Reed and those associated with him in the discovery of the cause and means of transmission of yellow fever;
H. R. 13632. An act for the relief of Ruth B. Lincoln;
H. R. 13658. An act for the relief of Hugh Anthony McGuigan;
H. R. 13721. An act for the relief of Edwin I. Chatcuff;
H. R. 13812. An act for the relief of Lieut. Robert O'Hagan, Supply Corps, United States Navy;
H. R. 13957. An act to repeal certain provisions of law relating to the Federal building at Des Moines, Iowa;
H. R. 14148. An act to amend the act of May 17, 1928, entitled "An act to add certain lands to the Missoula National Forest, Mont.";
H. R. 14457. An act validating certain conveyances heretofore made by Central Pacific Railway Co., a corporation, and its lessee, Southern Pacific Co., a corporation, involving certain portions of right of way, in and in the vicinity of the city of Lodi, and near the station of Acampo, all in the county of San Joaquin, State of California, acquired by Central Pacific Railway Co., under the act of Congress approved July 1, 1862 (vol. 12, U. S. Stat. L. 489), as amended by the act of Congress approved July 2, 1864 (vol. 13, U. S. Stat. L., 356);
H. R. 14472. An act to extend the time for completing the construction of a bridge across the Mississippi River at the city of Vicksburg, Miss.;
H. R. 15201. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Maysville, Ky., and Aberdeen, Ohio;
H. R. 15330. An act authorizing the acceptance by the United States Government, from the Woman's Relief Corps, auxiliary to the Grand Army of the Republic, of proposed gift of bronze tablets to be placed in Andersonville National Cemetery in Georgia;
H. R. 15468. An act to repeal the provisions of law authorizing the Secretary of the Treasury to acquire a site and building for the United States subtreasury and other governmental offices at New Orleans, La.;
H. R. 15651. An act for the relief of Leonidas L. Cochran;
H. R. 15700. An act for the relief of the heirs of William W. Head, deceased;
H. R. 15714. An act to extend the times for commencing and completing the construction of a bridge across the Ocmulgee River at or near Fitzgerald, Ga.;
H. R. 15724. An act to authorize the Secretary of the Interior to exchange certain lands within the State of Montana, and for other purposes;
H. R. 15727. An act to relinquish all right, title, and interest of the United States in certain lands in the State of Washington;
H. R. 16026. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Randolph, Mo.;
H. R. 16612. An act granting the consent of Congress for the construction of a dam or dams in Neches River, Tex.;
H. R. 16661. An act to amend the act entitled "An act authorizing the paving of the Federal strip known as International Street adjacent to Nogales, Ariz.," approved May 16, 1928;
H. R. 16881. An act to approve, ratify, and confirm an act of the Philippine Legislature entitled "An act amending the corporation law, Act No. 1459, as amended, and for other purposes," enacted November 8, 1928, approved by the Governor General of the Philippine Islands December 3, 1928;
H. R. 16959. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Tiptonville, Tenn.; and
H. R. 17053. An act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1930, and for other purposes.

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by their titles and referred as indicated below:
H. R. 2441. An act for the relief of William P. Brady;
H. R. 4611. An act for the relief of Marion M. Clark;
H. R. 4624. An act for the relief of Thomas Finley;
H. R. 5933. An act for the relief of Mabel L. Brown;
H. R. 5950. An act for the relief of Alice Sarrazin;
H. R. 6884. An act for the relief of Thomas F. Sutton;
H. R. 1934. An act for the relief of Rebecca E. Olmsted;
H. R. 2424. An act for the relief of James Moffitt;
H. R. 2436. An act for the relief of Harvey H. Goyer;
H. R. 3280. An act for the relief of James Earl Briggman;
H. R. 3675. An act for the relief of Paul Wallerstein;
H. R. 10817. An act for the relief of the Merrill Engineering Co.;
H. R. 11149. An act for the relief of Albert D. Castleberry;
H. R. 13127. An act for the relief of Lowell G. Fuller;
H. R. 14767. An act for the relief of Howard C. Frink;
H. R. 15029. An act for the relief of Edward A. Burkett;
H. R. 15293. An act for the relief of Lieut. John J. Powers, Quartermaster Corps;
H. R. 16560. An act for the relief of Francis J. Moore;
H. R. 4699. An act for the relief of William H. Fleming;
H. R. 4824. An act for the relief of Arthur W. Taylor;
H. R. 7051. An act for the relief of George W. Gilmore;
H. R. 7887. An act for the relief of Adrian Van Leeuwen;
H. R. 8175. An act for the relief of William J. McKenna;
H. R. 9238. An act for the relief of the widow of Ephraim E. Page;
H. R. 9515. An act for the relief of Homer N. Horine;
H. R. 9699. An act for the relief of Benjamin Hagerty;
H. R. 10200. An act for the relief of Carrie McIntyre;
H. R. 10824. An act for the relief of Edward H. Cotcher;
H. R. 11383. An act for the relief of Angenora Hines;
H. R. 12333. An act for the relief of Charles Davis;
H. R. 12463. An act for the relief of Adam A. Schultz;
H. R. 12498. An act for the relief of Chancy L. McIntyre;
H. R. 12593. An act for the relief of Edward McOmber;
H. R. 12674. An act authorizing the President of the United States to present in the name of Congress a congressional medal of honor to Capt. Edward V. Rickenbacker;
H. R. 12960. An act for the relief of Thomas Barrett;
H. R. 13052. An act for the relief of Malcolm Allen;
H. R. 13465. An act for the relief of Thomas T. Gessler;
H. R. 13866. An act for the relief of Adelaide (Ada) J. Walker Robbins;
H. R. 13872. An act for the relief of James J. Gianaros;
H. R. 14137. An act for the relief of Patrick P. Riley;
H. R. 14579. An act for the relief of Walter Malone;
H. R. 14723. An act to provide hospitalization for Leroy Wilbur Abbott;
H. R. 14765. An act for the relief of Samuel Hooper Lane, alias Samuel Foot;
H. R. 14863. An act for the relief of Harry Hamlin;
H. R. 15021. An act for the relief of William S. McWilliams;
H. R. 15405. An act for the relief of James Luther Hammon;
H. R. 15449. An act for the relief of Joel Townsend;
H. R. 15562. An act for the relief of Anna E. Stratton;
H. R. 15590. An act for the relief of Henry I. Power;
H. R. 15641. An act for the relief of Vernon S. Ross;
H. R. 15686. An act for the relief of E. O. McGillis;
H. R. 15703. An act for the relief of Louis Vauthier and Francis Dohs;
H. R. 15975. An act for the relief of Nelson King;
H. R. 16258. An act for the relief of Homer D. Neimeister;
H. R. 16291. An act for the relief of Stephen Cole, alias Steven Cole;
H. R. 16364. An act for the relief of Marmaduke H. Floyd;
H. R. 16466. An act for the relief of Thomas A. McGurk;
H. R. 16685. An act for the relief of Robert J. Smith;
H. R. 16732. An act for the relief of Thomas W. Bath;
H. R. 17034. An act for the relief of James Albert Couch, alias Albert Couch;
H. R. 17095. An act to authorize the appointment of Nannie C. Barndollar, Albert B. Neal, and Joseph B. Dickerson as warrant officers, United States Army;
H. J. Res. 339. Joint resolution conferring the rank, pay, and allowances of a major of Infantry to date from March 24, 1928,

upon Robert Graham Moss, late captain, Infantry, United States Army, deceased;

H. J. Res. 362. Joint resolution for the appointment of one member of the board of managers of the National Home for Disabled Volunteer Soldiers; and

H. J. Res. 373. Joint resolution authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point Bey Mario Arosemena, a citizen of Panama; to the Committee on Military Affairs.

H. R. 7560. An act for the relief of James P. Hamill;

H. R. 8519. An act for the relief of A. N. Worstell;

H. R. 10912. An act to reimburse or compensate Capt. John W. Elkins, jr., for part of salary retained by War Department and money turned over to same by him;

H. R. 12255. An act for the relief of Martha C. Booker, administratrix of the estate of Hunter R. Booker, deceased; H. H. Holt; and Annie V. Groome, administratrix of the estate of Nelson S. Groome, deceased;

H. R. 12782. An act for the relief of C. L. Beardsley;

H. R. 13869. An act for the relief of John Wesley Clark;

H. R. 14583. An act for the relief of A. Brizard (Inc.);

H. R. 15197. An act for the relief of Alma Rawson;

H. R. 15424. An act for the relief of Dr. W. H. Parsons;

H. R. 15489. An act for the relief of Leonard T. Newton, pharmacist mate, first class, United States Navy;

H. R. 15914. An act for the relief of John T. Painter;

H. R. 16090. An act for the relief of Hugh Dortch;

H. R. 3738. An act for the relief of Mary Murnane;

H. R. 4813. An act for the relief of Clara Thurnes;

H. R. 6698. An act for the relief of William C. Schmitt;

H. R. 6705. An act for the relief of Clotilda Freund;

H. R. 6757. An act for the relief of W. C. Moye and Nannie Moye;

H. R. 6939. An act for the relief of Thomas T. Grimsley;

H. R. 7174. An act granting compensation to William T. Ring;

H. R. 8401. An act for the relief of Jack Mattson;

H. R. 8691. An act for the relief of Helen Gray;

H. R. 9119. An act for the relief of the estate of James Glover, deceased;

H. R. 9175. An act for the relief of George W. McPherson;

H. R. 10321. An act for the relief of B. P. Stricklin;

H. R. 10516. An act for the relief of the estate of Martin Preston, deceased;

H. R. 10611. An act for the relief of Homer Elmer Cox;

H. R. 11001. An act for the relief of Maj. O. S. McCleary, United States Army, retired;

H. R. 11339. An act for the relief of the estate of C. C. Spiller, deceased;

H. R. 11659. An act for the relief of the Charlestown Sand & Stone Co., of Elkton, Md.;

H. R. 13801. An act for the relief of John Bowie;

H. R. 14022. An act for the relief of Felix Cole for losses incurred by him arising out of the performance of his duties in the American Consular Service;

H. R. 14172. An act for the relief of B. Frank Shetter;

H. R. 14738. An act for the relief of the Marshall State Bank;

H. R. 14952. An act to reimburse the estate of Mary Agnes Roden;

H. R. 15288. An act for the relief of Angelo Cerri;

H. R. 15421. An act for the relief of D. B. Heiner;

H. R. 15478. An act for the relief of John D. O'Connell, first lieutenant, Quartermaster Corps;

H. R. 15635. An act for the relief of George A. Hormel & Co.;

H. R. 15900. An act for the relief of Charles H. Young;

H. R. 16089. An act for the relief of Elizabeth Quinerly Cummings;

H. R. 16122. An act for the relief of E. Schaaf-Regelman;

H. R. 16342. An act for the relief of Clyde H. Tavenner;

H. R. 16535. An act authorizing the Secretary of War to execute a satisfaction of a certain mortgage given by the Twin City Forge & Foundry Co. to the United States of America;

H. R. 16666. An act for the relief of Katherine Elizabeth Kerrigan Callaghan;

H. R. 16691. An act to authorize the Secretary of War to settle the claims of the owners of the French steamships *P. L. M. 4* and *P. L. M. 7* for damages sustained as the result of collisions between such vessels and the U. S. S. *Henderson* and *Lake Charlotte*, and to settle the claim of the United States against the owners of the French steamship *P. L. M. 7* for damages sustained by the U. S. S. *Pennsylvanian* in a collision with the *P. L. M. 7*;

H. R. 13288. An act to authorize a cash award to William P. Flood for beneficial suggestions resulting in improvement in naval material;

H. R. 15190. An act granting six months' pay to Annie Bruce;

H. R. 15976. An act for the relief of Lieut. (junior grade) Victor B. Tate, United States Navy, and Paul Franz, torpedo man (third class), United States Navy;

H. R. 16893. An act for the relief of Lieut. Thomas C. Edrington, Supply Corps, United States Navy;

H. R. 16894. An act for the relief of Lieut. Edward F. Ney, Supply Corps, United States Navy;

H. R. 16895. An act for the relief of Lieut. Henry Guilmette, Supply Corps, United States Navy;

H. R. 16889. An act for the relief of Lieut. Francis D. Humphrey, Supply Corps, United States Navy;

H. R. 16896. An act for the relief of Capt. Walter B. Izard, Supply Corps, United States Navy, retired;

H. R. 16897. An act for the relief of Lieut. Edward Mixon, Supply Corps, United States Navy;

H. R. 16899. An act for the relief of Lieut. Archy W. Barnes, Supply Corps, United States Navy;

H. R. 16900. An act for the relief of Capt. William L. F. Simonpietri, Supply Corps, United States Navy;

H. R. 16902. An act for the relief of Lieut. John M. Holmes, Supply Corps, United States Navy;

H. R. 17001. An act for the relief of Capt. Walter R. Gherardi, United States Navy;

H. R. 13959. An act for the relief of Lieut. David O. Bowman, Medical Corps, United States Navy;

H. R. 14923. An act to amend the naval appropriation act for the fiscal year ended June 30, 1916, relative to the appointment of pay clerks and acting pay clerks;

H. R. 16887. An act for the relief of Capt. George G. Seibels, Supply Corps, United States Navy;

H. R. 16888. An act for the relief of Capt. Chester G. Mayo, Supply Corps, United States Navy;

H. R. 16890. An act for the relief of Capt. P. J. Willett, Supply Corps, United States Navy;

H. R. 16891. An act for the relief of Lieut. Arthur W. Babcock, Supply Corps, United States Navy;

H. R. 16892. An act for the relief of Daniel A. Newman, formerly a lieutenant in the Supply Corps of the Naval Reserve Force;

H. R. 16898. An act for the relief of Lieut. Robert O'Hagan, Supply Corps, United States Navy;

H. R. 16901. An act for the relief of Capt. John H. Merriam, Supply Corps, United States Navy;

H. R. 16903. An act for the relief of Lieut. Commander Thomas Cochran, Supply Corps, United States Navy;

H. R. 14089. An act for the relief of Dale S. Rice;

H. R. 15440. An act for the relief of Frank Yarlott;

H. R. 13258. An act for the relief of H. L. Redlingshafer for payments made in official capacity disallowed by the General Accounting Office;

H. R. 14663. An act directing that copies of certain patent specifications and drawings be supplied to the public library of the city of Los Angeles at the regular annual rate;

H. R. 9530. An act for the relief of W. L. Inabnit;

H. R. 12198. An act to authorize the exchange of timber with the Saginaw & Manistee Lumber Co.;

H. R. 13430. An act for the relief of Arthur E. Rump;

H. R. 14975. An act for the relief of Capt. William Cassidy;

H. R. 15218. An act to amend section 8 of the act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended; and

H. R. 15220. An act for the relief of Francis X. Callahan.

EXECUTIVE BUSINESS REFERRED

The PRESIDING OFFICER (Mr. FESS in the chair). The Chair, as in executive session, transmits certain nominations and treaties for proper reference.

Mr. GOFF, from the Committee on the Judiciary, reported executive nominations, which were placed on the Executive Calendar.

SECOND DEFICIENCY APPROPRIATIONS

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 17223) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1929, and June 30, 1930, and for other purposes.

The PRESIDING OFFICER. The clerk will state the first amendment of the committee.

The CHIEF CLERK. On page 2, after line 2, insert a subhead "Senate"——

Mr. COUZENS. Mr. President, a parliamentary inquiry. Was unanimous consent given to dispense with the reading of the bill?

The PRESIDING OFFICER. It was not. The clerk is reading the first amendment.

The CHIEF CLERK. Insert a subhead "Senate" and the following:

To pay William A. Folger for extra and expert services rendered the Committee on Pensions during the second session of the Seventieth Congress as assistant clerk to said committee, by detail from the Bureau of Pensions, fiscal year 1929, $1,200——

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

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Edge | Kendrick | Smith |
| Barkley | Edwards | Keyes | Smoot |
| Bayard | Fess | King | Steck |
| Bingham | Fletcher | McKellar | Steiwer |
| Black | Frazier | McMaster | Stephens |
| Blaine | George | Mayfield | Swanson |
| Blease | Gerry | Metcalf | Thomas, Idaho |
| Bratton | Glass | Moses | Thomas, Okla. |
| Brookhart | Glenn | Neely | Trammell |
| Broussard | Goff | Norbeck | Tydings |
| Bruce | Gould | Norris | Vandenberg |
| Capper | Hale | Overman | Walsh, Mass. |
| Caraway | Harris | Pine | Walsh, Mont. |
| Copeland | Harrison | Reed, Pa. | Warren |
| Couzens | Hawes | Robinson, Ark. | Waterman |
| Curtis | Hayden | Sackett | Watson |
| Dale | Heflin | Sheppard | Wheeler |
| Deneen | Johnson | Shortridge | |
| Dill | Jones | Simmons | |

The PRESIDING OFFICER. Seventy-four Senators having answered to their names, there is a quorum present.

Mr. ROBINSON of Arkansas. Mr. President, a situation has arisen which endangers the passage of both the deficiency appropriation bills. A number of amendments were inserted in the Senate to the bill, H. R. 15848, and, conference agreement having been reached touching the provisions of those amendments in the body at the other end of the Capitol, many provisions in the deficiency bill referred to were incorporated in the pending bill, the effect of which was to defeat final disposition of the deficiency bill, H. R. 15848.

The following appears on page 175:

Title III—Items transferred from H. R. 15848, Seventieth Congress (first deficiency act, fiscal year 1929).

Then follow on down substantially to the end of the bill, on page 213, those provisions which were in the bill to which I have referred, the first deficiency bill.

This constitutes a precedent which all Senators with whom I have talked feel should not be established. It is the universal conviction of the Senators with whom I have discussed the matter that the provisions which were incorporated in the bill H. R. 15848 should be considered and disposed of in the conference under that bill. To take out of that bill such items as some of the members of the conference favor and incorporate them in another bill is a most extraordinary procedure, and one which I think neither branch of the Congress would want to establish or approve.

I am therefore going to submit an amendment, to which I desire to call the attention of the Senator from Wyoming [Mr. WARREN], designed to strike out of the bill now before the Senate all of Title III, which was embraced in the former deficiency bill, and such provisions in the pending bill as have direct relationship to the amendment of the Senator from Georgia [Mr. HARRIS], to the amendment of the Senator from Virginia [Mr. GLASS], and to the amendment of the Senator from Tennessee [Mr. MCKELLAR]. I think, however, that as to the latter amendment, there is nothing in this bill.

Mr. MCKELLAR. Not in the pending bill.

Mr. ROBINSON of Arkansas. The effect of the adoption of this amendment would be to preserve the rights of the conference under the first bill, and I think it is of paramount and primary importance that that course be pursued.

Mr. President, with this explanation, I desire to submit the following amendment. Permit me to say that if the amendment is agreed to, it will enable the conferees to work out all amendments that have been presented to both bills. It will give the conferees a free hand in reaching an arrangement, and it will probably result in the passage of both bills, whereas I fear, from statements made to me by other Senators, that if some such action be not taken, both bills will fail during this session.

I now offer the amendment.

Mr. WARREN. Mr. President, may it be read?

The PRESIDING OFFICER. The clerk will read the amendment for the information of the Senate.

The CHIEF CLERK. Strike out all of Title III.

Strike out the following: Commencing with line 4 on page 7 and extending down to and including line 7 on page 8.

Strike out all language on page 57, lines 1 to 6, inclusive.

On page 71 strike out all language commencing with line 23 extending down to and including line 9, page 72.

On page 55 strike out all language commencing with line 22 down to the end of line 3, on page 56.

On page 73, commencing with line 12, strike out all down to the end of line 17.

Mr. WARREN. Mr. President, as I understand this, the Senator from Arkansas is aiming to bring about very nearly if not exactly that which is attempted in the two bills as they would probably finally come out of conference. As I understand, the Senator from Arkansas wishes to have us strike out the provision in the pending bill in reference to Title III and to go back to the original bill and act upon that.

Mr. ROBINSON of Arkansas. That would be the legal effect of it and the moral effect of it, and that is the purpose of it.

Mr. WARREN. The purpose of the Senator from Arkansas is very nearly the same as mine; and although I can speak only as chairman of the committee, not having had an opportunity to confer with the other members of the committee, nevertheless, so far as I may speak for the committee, I am willing to accept the amendment offered by the Senator from Arkansas.

Mr. ROBINSON of Arkansas. I ask unanimous consent that the amendment be considered now.

The PRESIDING OFFICER. Is there objection?

Mr. BRUCE. I object.

Mr. HARRISON. Mr. President, I dislike to make any objection, but I think the bill ought to be read first before the amendment is offered.

SEVERAL SENATORS. Oh, no!

Mr. HARRISON. May I say that the next bill on the program, which the Senator from Michigan [Mr. VANDENBERG] has said must be taken up, and that statement seems to be in accord with the view of a good many Senators, is the apportionment bill. I had been hopeful that some arrangement could be made, since the sentiment here is clearly in opposition to the apportionment bill, or at least there will be a great deal of discussion about it, that the measure might be referred to a committee or that the Senator from Michigan would, in the public interest of having other legislation enacted, agree not to press that particular bill. We have had no such assurance from the Senator from Michigan. Therefore, in view of that fact, the deficiency bill now before the Senate will be considered at length. I have no objection in the world to the amendment of the Senator from Arkansas, but I think the bill ought to be read after his amendment is voted on.

Mr. ROBINSON of Arkansas. Mr. President, I ask unanimous consent for the consideration of my amendment out of order. Of course, I realize that any Senator can object to it.

Mr. HARRISON. I shall not object.

Mr. BRUCE. Mr. President, I should like to know specifically what is the object of the amendment.

Mr. ROBINSON of Arkansas. I tried to state it.

Mr. BRUCE. The Senator explained the difficulties and all that.

Mr. ROBINSON of Arkansas. Very well, I will explain it again.

Mr. BRUCE. I suppose the Senator thinks it will take two explanations to explain anything to the Senator from Maryland.

Mr. ROBINSON of Arkansas. No; not that at all. My own obscurity of expression in all probability did not make clear the purpose of the amendment.

Mr. BRUCE. Never mind; I will waive the explanation.

Mr. ROBINSON of Arkansas. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Arkansas.

The amendment was agreed to.

Mr. WARREN. Mr. President, may we now proceed with the consideration of the bill?

The PRESIDING OFFICER. The clerk will proceed with the bill.

The CHIEF CLERK. The first amendment of the Committee on Appropriations was, on page 2, lines 3 to 10, inclusive, under Title I, legislative, to insert the following:

SENATE

To pay William A. Folger for extra and expert services rendered the Committee on Pensions during the second session of the Seventieth Congress as assistant clerk to said committee, by detail from the Bureau of Pensions, fiscal year 1929, $1,200.

For payment to Guy E. Ives for services rendered the Senate and committees thereof, fiscal year 1929, $600.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was on page 3, after line 4 to insert:

For payment to Everett Kent for expenses incurred in presenting the case against the right of JAMES M. BECK to a seat in the House of Representatives, as audited and recommended by the Committee on Elections No. 2, $422.33.

The amendment was agreed to.

Mr. HARRISON. Mr. President, this is the first reading of the bill, as I understand it, and we are not accepting these amendments yet. They are still open to amendment, I believe.

The PRESIDING OFFICER. The amendments are to be acted upon as they are reached in the reading of the bill.

Mr. HARRISON. Is it the ruling of the Chair that as the amendments are read they are to be acted upon?

The PRESIDING OFFICER. The Chair would call the attention of the Senator from Mississippi to the fact that the bill was read twice under the rule by title, and this is the third reading of the bill. If the Senator insists, the bill will be read at length, but when amendments are reached the Senate will act upon them.

Mr. HARRISON. Mr. President, I ask unanimous consent that we reconsider the vote by which the first amendment, on page 2, lines 3 to 10, inclusive, was agreed to.

Mr. MOSES. I object for the moment.

Mr. HARRISON. Then I move that the vote by which the first amendment was adopted be reconsidered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Mississippi.

Mr. HARRISON. First I make the point of no quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Barkley | Glass | McNary | Smoot |
| Bingham | Glenn | Mayfield | Steiwer |
| Black | Goff | Moses | Swanson |
| Blaine | Hale | Norbeck | Thomas, Idaho |
| Bratton | Harris | Norris | Thomas, Okla. |
| Bruce | Harrison | Oddie | Trammell |
| Capper | Hayden | Overman | Vandenberg |
| Copeland | Heflin | Reed, Pa. | Wagner |
| Couzens | Johnson | Robinson, Ark. | Walsh, Mont. |
| Curtis | Jones | Robinson, Ind. | Warren |
| Dale | Kendrick | Sackett | Waterman |
| Edge | Keyes | Sheppard | Watson |
| Edwards | King | Shortridge | Wheeler |
| Fess | McKellar | Simmons | |
| Fletcher | McMaster | Smith | |

The PRESIDING OFFICER. Fifty-eight Senators having answered to their names, a quorum is present.

Mr. BLACK. Mr. President, I move that the Senate take a recess until to-morrow at 11 o'clock a. m., and on that motion I ask for the years and nays.

The PRESIDING OFFICER. Is the demand sufficiently seconded? Apparently it is, and the clerk will call the roll.

Mr. SHORTRIDGE. Mr. President, a point of order—or, rather, I ask for information first, and then I shall make a point of order. Does the Chair rule that there was a sufficient demand for a roll call?

The PRESIDING OFFICER. The Chair so ruled.

Mr. SHORTRIDGE. I am not disposed to appeal from the ruling of the Chair, and so I shall let it go.

The PRESIDNG OFFCER. The question is on the motion of the Senator from Alabama [Mr. BLACK] to take a recess until 11 o'clock to-morrow morning, on which the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REED of Pennsylvania (when his name was called). I have a general pair with the Senator from Delaware [Mr. BAYARD], but he authorized me to vote without regard to the pair, and I vote "nay."

The roll call was concluded.

Mr. SCHALL. I wish to announce that my colleague [Mr. SHIPSTEAD] is ill and confined to his home.

Mr. OVERMAN. I desire to state that my colleague [Mr. SIMMONS] is detained from the Senate on official business. He has a general pair with the junior Senator from Ohio [Mr. BURTON].

The result was announced—yeas 16, nays 49, as follows:

YEAS—16

| | | | |
|---|---|---|---|
| Black | Caraway | Harrison | Thomas, Okla. |
| Blaine | Dale | Heflin | Walsh, Mont. |
| Brookhart | George | Mayfield | Waterman |
| Bruce | Harris | Nye | Wheeler |

NAYS—49

| | | | |
|---|---|---|---|
| Barkley | Gerry | Moses | Smoot |
| Bingham | Glass | Norbeck | Steiwer |
| Blease | Glenn | Norris | Swanson |
| Bratton | Goff | Oddie | Thomas, Idaho |
| Broussard | Hale | Overman | Trammell |
| Capper | Hawes | Pine | Vandenberg |
| Couzens | Hayden | Reed, Pa. | Wagner |
| Curtis | Johnson | Robinson, Ind. | Walsh, Mass. |
| Edge | Jones | Sackett | Warren |
| Edwards | Keyes | Schall | Watson |
| Fess | King | Sheppard | |
| Fletcher | McKellar | Shortridge | |
| Frazier | McMaster | Smith | |

NOT VOTING—30

| | | | |
|---|---|---|---|
| Ashurst | Gould | McNary | Shipstead |
| Bayard | Greene | Metcalf | Simmons |
| Borah | Hastings | Neely | Steck |
| Burton | Howell | Phipps | Stephens |
| Copeland | Kendrick | Pittman | Tydings |
| Deneen | LaFollette | Ransdell | Tyson |
| Dill | Larrazolo | Reed, Mo. | |
| Gillett | McLean | Robinson, Ark. | |

So the Senate refused to take a recess.

PENSIONS AND INCREASE OF PENSIONS

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 16878) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ROBINSON of Indiana. Mr. President, I move that the Senate insist on its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Indiana.

Mr. BLACK. I do not know what the bill is. I should like to ascertain.

Mr. ROBINSON of Arkansas. It is House bill 16878, a pension bill.

Mr. BLACK. I should like to have the bill read or to know something about it before we are called upon to act.

The PRESIDING OFFICER. The bill can not be read. The question before the Senate is on the motion of the Senator from Indiana that the Senate insist upon its amendments and agree to the conference asked by the House, and that the Chair appoint the conferees.

Mr. HARRISON. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BINGHAM. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. BINGHAM. I inquire what is the question upon which we are about to vote?

The PRESIDING OFFICER. The question is on the motion of the Senator from Indiana that the Senate insist upon its amendments to House bill 16878, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHALL (when Mr. SHIPSTEAD's name was called). I should like to repeat the announcement of the unavoidable absence of my colleague [Mr. SHIPSTEAD] on account of illness.

The roll call was concluded.

Mr. SMITH. I have been requested to announce that the Senator from North Carolina [Mr. SIMMONS] is unavoidably absent.

The result was announced—yeas 63, nays none, as follows:

YEAS—63

| | | | |
|---|---|---|---|
| Barkley | Edwards | McKellar | Sheppard |
| Bingham | Fess | McMaster | Shortridge |
| Black | Fletcher | McNary | Smith |
| Blaine | Frazier | Mayfield | Smoot |
| Blease | George | Moses | Swanson |
| Bratton | Gerry | Norbeck | Thomas, Idaho |
| Brookhart | Glass | Norris | Thomas, Okla. |
| Broussard | Glenn | Nye | Trammell |
| Bruce | Goff | Oddie | Vandenberg |
| Capper | Hale | Overman | Wagner |
| Caraway | Harrison | Pine | Walsh, Mont. |
| Copeland | Heflin | Reed, Pa. | Warren |
| Couzens | Johnson | Robinson, Ark. | Waterman |
| Curtis | Jones | Robinson, Ind. | Watson |
| Dale | Keyes | Sackett | Wheeler |
| Edge | King | Schall | |

NOT VOTING—32

| | | | |
|---|---|---|---|
| Ashurst | Deneen | Greene | Hayden |
| Bayard | Dill | Harris | Howell |
| Borah | Gillett | Hastings | Kendrick |
| Burton | Gould | Hawes | LaFollette |

| | | | |
|---|---|---|---|
| Larrazolo | Phipps | Shipstead | Stephens |
| McLean | Pittman | Simmons | Tydings |
| Metcalf | Ransdell | Steck | Tyson |
| Neely | Reed, Mo. | Steiwer | Walsh, Mass. |

So the motion of Mr. ROBINSON of Indiana was agreed to.

The PRESIDING OFFICER. The Chair appoints as conferees on the part of the Senate the Senator from Indiana [Mr. ROBINSON], the Senator from South Dakota [Mr. NORBECK] and the Senator from Iowa [Mr. STECK].

SECOND DEFICIENCY APPROPRIATIONS

The Senate, as in Committee of the Whole resumed the consideration of the bill (H. R. 17223) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1929, and June 30, 1930, and for other purposes.

The PRESIDING OFFICER. The question now is on the motion of the Senator from Mississippi [Mr. HARRISON] to reconsider the vote whereby the first committee amendment was agreed to.

Mr. HARRISON. To save the time of the Senate, I ask unanimous consent that the vote be reconsidered.

The PRESIDING OFFICER. Without objection, that will be done.

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

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Wisconsin?

Mr. HARRISON. I yield to the Senator.

Mr. BLAINE. I ask unanimous consent for the immediate consideration of a conference report submitted this morning on Senate bill 2366.

The PRESIDING OFFICER. Is there objection?

Mr. VANDENBERG. If it leads to any debate, I shall have to object. I suspect it might.

The PRESIDING OFFICER. The Secretary will read the report.

The legislative clerk proceeded to read the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. 2366) to amend subchapter 1 of chapter 18 of the Code of Laws for the District of Columbia relating to degree-conferring institutions.

The PRESIDING OFFICER. Is there objection?

Mr. VANDENBERG. I object.

Mr. HEFLIN. I suggest that the Senator move to take it up.

Mr. BLAINE. I move that the Senate now proceed to the consideration of the conference report on Senate bill 2366.

Mr. BLACK. On that I call for the yeas and nays.

The PRESIDING OFFICER. Is the demand seconded? [A pause.] Not a sufficient number have seconded the demand.

Mr. HARRISON. I ask for the other side.

The PRESIDING OFFICER. Those opposed to the yeas and nays will raise their hands. [A pause.] The Chair will state that the rules require only one-fifth of the Members present to second the demand for a roll call. That is not necessarily to be determined by a show of the other side. However, the Chair is going to order that the roll be called this time. The Secretary will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. There seems to be some confusion about what the vote is on. It is on the motion of the Senator from Wisconsin [Mr. BLAINE] to take up the conference report on Senate bill 2366. The Secretary will proceed with the roll call.

The legislative clerk resumed the calling of the roll.

Mr. SCHALL (when Mr. SHIPSTEAD's name was called). I wish to announce that my colleague [Mr. SHIPSTEAD] is ill, and confined to his home. I ask that this announcement may stand for the day.

The roll call was concluded.

Mr. REED of Pennsylvania. I transfer my pair with the Senator from Delaware [Mr. BAYARD] to the Senator from Massachusetts [Mr. GILLETT] and will vote. I vote "nay."

Mr. GEORGE. I am paired with the Senator from Colorado [Mr. PHIPPS]. I transfer that pair to the Senator from Missouri [Mr. REED], and will vote. I vote "yea."

Mr. OVERMAN. I desire to announce that the Senator from North Carolina [Mr. SIMMONS] has a general pair with the Senator from Ohio [Mr. BURTON].

The result was announced—yeas 21, nays 37, as follows:

YEAS—21

| | | | |
|---|---|---|---|
| Black | Dale | Hawes | Thomas, Okla. |
| Blaine | Frazier | Heflin | Wagner |
| Blease | George | McMaster | Waterman |
| Brookhart | Glass | Mayfield | |
| Copeland | Harris | Nye | |
| Couzens | Harrison | Swanson | |

NAYS—37

| | | | |
|---|---|---|---|
| Bingham | Glenn | Norbeck | Shortridge |
| Bratton | Goff | Oddie | Smith |
| Broussard | Hale | Overman | Smoot |
| Bruce | Johnson | Pine | Thomas, Idaho |
| Capper | Jones | Reed, Pa. | Vandenberg |
| Caraway | Keyes | Robinson, Ark. | Warren |
| Curtis | King | Robinson, Ind. | Watson |
| Edge | McKellar | Sackett | |
| Fess | McNary | Schall | |
| Fletcher | Moses | Sheppard | |

NOT VOTING—37

| | | | |
|---|---|---|---|
| Ashurst | Gould | Neely | Stephens |
| Barkley | Greene | Norris | Trammell |
| Bayard | Hastings | Phipps | Tydings |
| Borah | Hayden | Pittman | Tyson |
| Burton | Howell | Ransdell | Walsh, Mass. |
| Deneen | Kendrick | Reed, Mo. | Walsh, Mont. |
| Dill | La Follette | Shipstead | Wheeler |
| Edwards | Larrazolo | Simmons | |
| Gerry | McLean | Steck | |
| Gillett | Metcalf | Steiwer | |

So Mr. BLAINE's motion was rejected.

Mr. HARRISON. Mr. President, I wish to inquire of the chairman of the committee about the first item in the bill. I have sought information in the hearings, but I do not think the Senate committee had any hearings. Am I right about that?

Mr. WARREN. What is the Senator's question?

Mr. HARRISON. The first item on page 2, Title I—"Legislative, Senate"—where we seek to pay William A. Folger for extra and expert services rendered the Committee on Pensions during the second session of the Seventieth Congress as assistant clerk to said committee, by detail from the Bureau of Pensions, fiscal year 1929, $1,200. I do not think the committee had any hearings.

Mr. WARREN. So far as that is concerned, as the Senator very well knows, for many years we have had a man come from the Pension Office each year to assist the Pensions Committee of the Senate.

Mr. HARRISON. What does this man, Folger, do? I am trying to get a general idea of the services he performs.

Mr. WARREN. I invite the Senator to attend some of the meetings of the committee, and be really industrious for a time, to acquaint himself with these matters.

Mr. HARRISON. I want to ask the Senator from Utah about this proposition.

Mr. SMOOT. I know what the Senator from Mississippi is undertaking to do. I know that he knows just about as much about this amendment as I do.

Mr. HARRISON. I do not know anything about it.

Mr. SMOOT. Oh, yes; the Senator does. I will say to the Senator, however, that this item has been in every appropriation bill for the last 20 years—not for this particular man, but for this particular service. He has furnished the Committee on Pensions with a report upon every pension bill that was referred to it, as found in the Pension Office. He has to collate information on every bill amending the pension laws, stating what it will cost, and why it will cost the amount that he estimates. That is his particular work, and he is an experienced man along that line. The Senator, however, knew all that.

Mr. HARRISON. Why was not this item carried in the House bill?

Mr. SMOOT. Because this is a Senate item. This man has nothing whatever to do with the House.

Mr. HARRISON. How long has he been in the service of the Government?

Mr. SMOOT. I think about 30 years.

Mr. HARRISON. Does the Senator recall whether he came from Utah or from Mississippi? [A pause.] I think the Senate is entitled to all the information it can get with reference to these various items. This is an important proposition. We shall have to vote on it. Of course, it may appear to some Senators that $1,200 is not much, but $1,200 is a lot of money.

Mr. HEFLIN. Mr. President, I hate to accuse the Senator from Utah of anything that smacks of wrongdoing, but it looks to me like he is trying to withhold from this body information that he ought to be required to furnish to it.

Mr. BLACK. Mr. President——

Mr. HARRISON. I have heard it suggested that this gentleman has another job. Has he another job?

Mr. BLACK. Will the Senator yield?

Mr. HARRISON. I yield.

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

Mr. WARREN. What business have we transacted since the last call?

The PRESIDING OFFICER. No business has been transacted.

Mr. COUZENS. Mr. President, we declined to take up a conference report. Business has been transacted.

Mr. HARRISON. I ask for the yeas and nays on the adoption of this amendment.

The PRESIDING OFFICER. The absence of a quorum has been suggested, and the clerk will call the roll.

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

| | | | |
|---|---|---|---|
| Ashurst | Fletcher | McMaster | Shortridge |
| Barkley | Frazier | Mayfield | Smith |
| Bingham | George | Moses | Smoot |
| Black | Glass | Norbeck | Steiwer |
| Blaine | Glenn | Norris | Swanson |
| Blease | Goff | Nye | Thomas, Idaho |
| Bratton | Hale | Oddie | Thomas, Okla. |
| Broussard | Harrison | Overman | Trammell |
| Capper | Hawes | Pine | Vandenberg |
| Copeland | Hayden | Reed, Pa. | Wagner |
| Couzens | Heflin | Robinson, Ark. | Warren |
| Curtis | Johnson | Robinson, Ind. | Waterman |
| Dale | Jones | Sackett | Watson |
| Edge | Keyes | Schall | Wheeler |
| Fess | King | Sheppard | |

The PRESIDING OFFICER. Fifty-nine Senators having answered to their names, a quorum is present.

The question is on agreeing to the first amendment of the committee.

The amendment was agreed to.

Mr. HARRISON. Mr. President, that was the first amendment. The next amendment is:

For payment to Guy E. Ives for services rendered the Senate and committees thereof, fiscal year 1929, $600.

The PRESIDING OFFICER. The Chair will state that that amendment has been agreed to.

Mr. HARRISON. I ask unanimous consent that the vote by which the amendment was agreed to be reconsidered.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the vote is reconsidered.

Mr. HARRISON. I know Mr. Ives; I know he is a competent man, as was Mr. Folger, but I am just wondering why Mr. Folger is paid $1,200 and Mr. Ives $600. I want the Senator from Utah, a member of the committee, to explain this discrepancy, if he can, if the committee got any information about it.

Mr. SMOOT. Mr. Ives does not give one-half the time Mr. Folger does.

Mr. HARRISON. They both get the same salary per month?

Mr. SMOOT. The services of one are more than those of the other.

Mr. HARRISON. The Senator stated that, but I think if he will look he will see that he is wrong in that assertion.

Mr. SMOOT. I do not want to help the Senator look. He looked at this long enough without my helping him.

Mr. HARRISON. The Senator certainly would not make a statement to the Senate that they both got the same salary if they did not. Is the Senator sure they both get the same salary?

Mr. SMOOT (from his seat). I did not say that.

Mr. HARRISON. I do not know where we are to get this information.

Mr. COUZENS. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. COUZENS. Is not the Senator supposed to rise when he is speaking in the Senate?

The PRESIDING OFFICER. The point is well taken.

Mr. HARRISON. When a point of order such as that is made, and it is held to be well taken, is it not then the duty of the Senator to rise?

The PRESIDING OFFICER. When he addresses the Senate.

Mr. HARRISON. Now, I will ask the Senator from Utah if the salaries of Mr. Folger and Mr. Ives are the same; that is, if the hearings before the Senate committee disclosed that fact.

Mr. SMOOT. They did not.

Mr. HARRISON. I did not understand the Senator.

Mr. VANDENBERG. Does the Senator want to have the salaries reapportioned?

Mr. HARRISON. No; I am very well satisfied with the salaries. I did not understand the Senator from Utah in answer to the question.

Mr. President, I am sorry that the distinguished Senator from Kansas [Mr. CURTIS] is not in the Chamber; but the Senator from Michigan Mr. [VANDENBERG] is here. We see what we are up against with reference to this legislation. I am hopeful that the steering committee, which has put on the program the reapportionment bill to be taken up as the next order of business, can see the situation we are up against. I dislike to try to find out so much about these many paragraphs, but I state that I am going to find out about them if I possibly can. I dislike to ask the questions of the Senator from Wyoming [Mr. WARREN], who is always so glad to answer every question, out of consideration for him. I know the Senator from Utah [Mr. SMOOT] is always glad to answer questions, and consequently I do not have much sympathy for him. But I say that, so far as it is within my power—and I think there are other Senators here who take the same position—in view of the fact that the Committee on Commerce of the Senate did not give the consideration to the reapportionment bill that it deserved, and the time that necessarily should be taken in the discussion of such a question as that, it can not possibly pass during the remaining days of this session.

APPORTIONMENT OF REPRESENTATIVES

Mr. SMOOT. Mr. President, may I ask the Senator a question?

Mr. HARRISON. Yes.

Mr. SMOOT. Does the Senator really believe that there are Senators enough here to prevent the passage of the reapportionment bill?

Mr. HARRISON. If the Senator from Utah, who has been here since a time whereof the memory of man runneth not to the contrary, really believes that the reapportionment bill, in view of the situation here, has any possible chance of passing at this session, then he has not the judgment I think he has. I ask the Senator if he thinks it possible to pass that bill.

Mr. SMOOT. I asked the Senator if he thought it was impossible to pass it.

Mr. HARRISON. I know it is impossible to pass it.

Mr. SMOOT. If the Senator knows that, of course there is no need of my expressing an opinion. I was in hopes it could pass, but if the Senator has even 10 or 12 Senators who feel as he feels, who have made up their minds that they will not allow the bill to be passed, I am quite sure it could not pass.

Mr. HARRISON. I thought the Senator would see it in that way, and I had hoped the steering committee would see it that way. I was hopeful that the Senator from Michigan, who has made a great and gallant fight because he believes in this particular reapportionment bill, would see the situation in that light. I know that if he did not regard the bill as he does, he would not be advocating it. He has used every possible effort to bring it before the Senate, but I do not think it is possible for him to do that, and it is just clogging up the wheels here.

I had hoped that the Senator from Michigan might consent to having the bill referred back to the Committee on Commerce, or give us assurance that he would not press for its consideration at this time.

Mr. SMOOT. The Senator does not for a moment think that the Senator from Michigan is asking anything but what he thinks is absolutely fair and right?

Mr. HARRISON. I just said that the Senator from Michigan is sincere and conscientious in his efforts to have the legislation become a law, but it matters not what his efforts may be. We have seen for the last four weeks or more how he has endeavored to get it before the Senate, and because of the condition of the calendar he could not. I hope that the Senator will permit the reapportionment bill to go to the committee, so that we can get along in an orderly way.

Mr. VANDENBERG. May I ask the Senator from Mississippi one or two very frank questions?

Mr. HARRISON. I will answer them just as candidly as I know how.

Mr. VANDENBERG. I will ask them good-naturedly as well as frankly. But I ask them with great earnestness. Does the Senator mean that it is his purpose to invoke all possible of the technical and dilatory rules of the Senate in order to prevent an expression by roll call on the part of the Senate upon the constitutional question involved in the reapportionment bill?

Mr. HARRISON. Absolutely, and there are others who believe as I do.

Mr. VANDENBERG. Does the Senator think that by the invocation of those rules in such obstructive fashion he can prevent the Senate of the United States from reaching an expression upon the reapportionment bill?

Mr. HARRISON. We have before us now the second deficiency appropriation bill of 200 pages which touches every agency of the Government. If an explanation of the innumerable items therein contained is demanded, I think it would take six weeks at least for us to get through with that measure, and we have only three or four days yet remaining; so I am sure the Senator could not possibly get his bill up. Therefore, holding it here as he is attempting to do, he is clogging the wheels of the Senate.

Mr. VANDENBERG. Will the Senator permit me to make a brief statement?

Mr. HARRISON. I yield the floor to the Senator from Michigan.

Mr. VANDENBERG. Mr. President, the last thing in the world I would be willing to do would be to take the responsibility upon myself for needlessly defeating these great supply bills upon which the uninterrupted maintenance of the Government depends. But apparently the Senator from Mississippi and those who agree with him in their opposition to constitutional reapportionment are quite willing to take the responsibility for defeating the very revenues of the Government in order to protect their unwarranted representation in Congress, although they can not maintain their contention for the representation which they thus protect. It is indeed a sordid contemplation.

I repeat that I would be unwilling to take the responsibility for holding up the supply bills when the only possible net result would be to defeat not only those bills but the reapportionment bill as well, so that at the end of the entire session all that we could have would be a total and complete failure of everything.

Mr. President, in length of service I am a very young Member of the Senate. I am in no position to assess the ability of the Senator from Mississippi and his associates to prolong these operations in the fashion he has so irritatingly exemplified the last few hours. Therefore I have consulted those in whose judgment I have great reliance and I am bound to pay the Senator from Mississippi the compliment of saying to him that there is apparently a unanimous opinion upon this side of the Chamber that he has the fortitude and the genius and the imagination and the perversity which is amply sufficient to accomplish precisely the result he prophesies. Therefore I am bound to consider that the inevitable net result of the proceedings as it now goes on, if uninterrupted, is the defeat, not only of reapportionment but also of other great measures, vital to the Government, which otherwise may carry.

During this afternoon, anticipating precisely the situation which now exists, I made other inquiries. I am not at liberty to indicate their nature in detail, but I am able to say with considerable confidence that, in my judgment, if the reapportionment measure and the census measure are recommitted to the Commerce Committee, they will come back out of the committee early in the special session of the Congress and in a sufficient potentiality and with adequate authority so that inevitably in the special session we shall have this belated acknowledgment of the constitutional rights of 32,000,000 disfranchised Americans.

Mr. President, in proposing a unanimous-consent agreement, which I shall do and which leads to this net result, I express very great regret, I express a very keen disappointment, a certain degree of most unwelcome disillusionment, that it is possible that the first constitutional responsibility in the great charter upon which our representative government is framed and functions not only can be ignored and spurned for eight sterile years but that when at last the Senate of the United States is forced for the first time in 18 years to confront it, there is a convenient maze of Senate rules which can prevent it and there is actually an insufferable failure to look with seriousness upon the thing which I have brought to the bar of the Senate. On the contrary, it is treated with mockery. I do not think the people of the United States will contemplate this ugly spectacle with any enthusiasm or approval. I want the country to understand what is happening to their Constitution in the forum foresworn to its defense. It is entirely possible that the constituents of some of my distinguished friends across the aisle who have led in this aggravated filibuster may be satisfied; but in the long run, Mr. President, I very much doubt whether the American people, regardless of their self-interests and regardless of the State in which they live, will be willing to subordinate this essential representative principle of government which has been outrageously sacrificed for the last eight years and is sacrificed again to-day.

Oh, it is an easy thing, a very, very, easy thing, to contemplate this as a mere matter of casual mathematics and something which has no serious purport in our constitutional scheme of things. But it is vastly more. It involves the very roots of the institutions of the Republic. I wish I had Edwin Markham's poignant poem here describing the fall of the Bell Tower of Venice and indicating with terrible eloquence how a tremendous structure can be eaten away by insignificant insects beneath the ground in the basic timbers, until the work of a thousand years can fall in a single tragic moment. There is this analogy. One can never tell when a breach in the continuity of constitutional warrants will lead to a breach so much broader in the net result that ultimately the entire structure suffers.

If I speak earnestly it is because I feel earnestly.

Mr. President, I believe in the eighteenth amendment and I happen to be one of those who practices what he preaches. I have applauded many a time the devotionals that have been poured out to the eighteenth amendment by some of my friends across the aisle who join to-day in making it impossible to have a roll call upon reapportionment. But I want to say in this testimony to-night that so far as I am concerned we can not approach the Constitution of the United States merely from the back door via only the eighteenth amendment and stopping there. We have got to approach it from the front end too, and when we do we reach Article No. 1, and Article No. 1 insists that the representatives in the Congress of the United States shall be apportioned according to the numbers of the people, and that has not been done for eight years. It is about time we gave our dependable fidelities to the entire document. Anything less is hypocrisy and can not.

There is involved in the decision which we are about to make not only the disfranchised 32,000,000 people who are not represented in this body, but there also is involved the constitutionality of the Electoral College which is equally impaired and outraged. There is involved the fundamental fidelity and validity of the whole theory of American representative Government. It is almost impossible for me to believe my ears when Senators rise and say that they are willing to resort to parliamentary subterfuge in order to prevent a roll call; to prevent the free expression of the American Senate on whether or not it wants representative Government maintained pursuant to the theory of the Constitution.

Taxation without representation is tyranny, it was said when the fathers of the Republic carried forward the vivid, initial adventure of which we are the beneficiaries. Taxation without representation is just as much tyranny to-day as it ever was, and those who are victimized will not forever be satisfied with the answer that the rules of the Senate—rules written in the name of freedom of debate—prevent them from having an opportunity to record the opinion of their Congress as to whether or not their constitutional guaranties shall be preserved. There is something wrong with such rules, and there is particularly something wrong with those short sessions which permit such a checkmate upon Government functions.

In the face of the situation, it may well be imagined with what feeling I make this proposal. I make it in the face of unescapable necessity. I make it acknowledging the baneful power of the Senator from Mississippi [Mr. HARRISON] and those associated with him to use the rules in order to prevent all legislation unless this is done. I make it with the promise that reapportionment will reappear in the next Congress in the extra session and stay before the bar of the Senate until it is acted upon. I make it with the assurance from others that there will be recruitments and support for the effort which will then be made, and made successfully. I make it in the mature belief that it is the surest way to save these constitutional warrants.

To complete the situation, I submit this unanimous-consent agreement——

Mr. BRUCE. Mr. President, may I make just one observation, if the Senator will pardon me? I hope the Senator will not feel it necessary to tie up the census bill with the reapportionment bill. I do not see any necessity for a motion to recommit those bills, and I hope the Senator may not feel it necessary to do that.

Mr. COUZENS. Mr. President, I want to assure the Senator that if my colleague does not do so, I will do so.

Mr. VANDENBERG. May I submit the unanimous-consent agreement?

Mr. BRUCE. Even the senior Senator from Michigan can not speak for the unanimity of the Senate.

Mr. COUZENS. No; but he can do just as the Senator from Mississippi has done.

Mr. VANDENBERG. Mr. President, I ask unanimous consent that the reapportionment bill and the pending census bill be recommitted to the Committee on Commerce.

Mr. BRUCE. Mr. President, I say again what I said a moment ago. I do not see why the census bill should necessarily be tied up to the reapportionment bill.

Mr. VANDENBERG. It may come out separately and it may not. I can not permit the reapportionment bill to be set aside in this fashion without also setting aside the census bill, because the census has only one constitutional purpose and that is as a basis for reapportionment. We have had our last anti-constitutional census if I can prevent it.

Mr. BRUCE. But what I mean to say is that the other night, to all appearances, the Senate was ready to pass the census bill in advance of the passage of the reapportionment bill.

Mr. HEFLIN. Mr. President——

Mr. BRUCE. I yield to the Senator from Alabama.

Mr. HEFLIN. I want to say to the Senator that the census bill could not be passed at this session unless the Senator from

Michigan would agree not to offer his bill to it as an amendment.

Mr. VANDENBERG. That is correct. It is impossible to pass it.

Mr. HEFLIN. Nobody would agree to limit the debate on that bill, because if we did so then the Senator from Michigan would offer his amendment.

Mr. VANDENBERG. That is correct.

Mr. HEFLIN. I am in favor of reapportionment, and I think we can get together on it in another session.

Mr. VANDENBERG. I thank the Senator for his enthusiasm.

Mr. HEFLIN. I am not objecting to those States which are entitled to more representation having it, but we differ somewhat on the method as to how the result shall be brought about, as my colleague pointed out the other night.

Mr. BRUCE. I drop the subject, Mr. President.

Mr. COPELAND. Mr. President, after hearing the remarkably patriotic address of the Senator from Michigan [Mr. VANDENBERG], I am amazed beyond words that he would pull down the flag and surrender as he has. The Senator waited until he saw the whites of the eyes of the enemy, and then he turned around and ran away. I am amazed at the Senator. Of course, we must have reapportionment; it is our constitutional duty to provide it; and if the Senator from Michigan is not willing to have it now, I am going to do my part to have this Congress do its constitutional duty. Therefore I object to the proposal of the Senator from Michigan.

Mr. HARRISON. Mr. President, I am deeply sorry that the Senator from New York objects to that course. I move that the bill (H. R. 11725) for the apportionment of Representatives in Congress and the census bill (H. R. 393) be referred to the Committee on Commerce.

The VICE PRESIDENT. The motion of the Senator from Mississippi is out of order, because the bill to which he refers is not before the Senate.

Mr. HARRISON. By a majority vote, I suggest it may be done.

The VICE PRESIDENT. If the bill should be laid before the Senate by a majority vote, then the Senator's motion will be in order, but the bill is not before the Senate at the present time.

Mr. HEFLIN. Mr. President, the Senator from Michigan has already discussed this proposition. The bills are really under consideration, in a way, and the Senator from Mississippi wants to move to refer them to the committee, in keeping with the suggestion of the Senator from Michigan.

Mr. HARRISON. Mr. President, I ask unanimous consent—and in making this request, of course, I am relying upon the fact that I know the Senator from Michigan and other Senators who have expressed themselves as in favor of sending the bill to the committee will cooperate—that the bill now being considered be temporarily laid aside and that the census bill be taken up for consideration.

Mr. WATERMAN. I object.

Mr. HEFLIN. I move that the Senate take a recess until 11 o'clock to-morrow.

Mr. SMOOT. I ask the Senator from Alabama to withhold his motion just for a few moments.

Mr. HEFLIN. I will withhold the motion for a moment, Mr. President.

The VICE PRESIDENT. The Chair recognizes the Senator from Utah.

Mr. BLACK. Mr. President——

The VICE PRESIDENT. The Senator from Utah has the floor. Does he yield to the Senator from Alabama?

Mr. SMOOT. I yield.

Mr. BLACK. Mr. President, in view of one or two statements which have been made by the Senator from Michigan [Mr. VANDENBERG], and without having any desire or intention of delaying the Senate longer at this time, I wish to say that I feel it necessary to make a statement with reference to my position on reapportionment.

I believe in reapportionment every 10 years. I do not agree with the Senator that the Constitution is mandatory to that effect. It is my judgment that it is not mandatory. The Constitution does not say, as has been suggested here, that there shall be a reapportionment every 10 years. The Senator made the statement that we were objecting to a constitutional reapportionment. I do not object to a constitutional reapportionment, but I object to an unconstitutional reapportionment, and that is what is offered in the bill which has been before the Senate.

I state to the Senator and to the Senate now that after the census shall have been taken I shall join in an effort to bring about a reapportionment according to a fair, equitable, and just method, but not according to the method of major fractions, which is unfair and unjust to the people of the smaller States.

Mr. SMITH. Mr. President, will the Senator from Alabama allow me to interrupt him?

Mr. BLACK. Yes, sir.

Mr. SMITH. I want to commend the statement that the Senator is now making. It has been sought to create the impression in the country at large that the Senators on this side who are opposing this measure are opposed to reapportionment, when we are opposed only to the method proposed, and believe that it will work an injustice to some of the States that are as heartily in favor of reapportionment as are the other States. Besides that, it involves in it a method of reapportionment that is not contemplated by the Constitution.

Mr. BLACK. Yes, sir. The statement is correct that there has been a deliberate effort made to convince the public that those of us who are opposed to this bill are opposed to reapportionment. There was in the Washington Post to-day an editorial to that effect, which is untrue. I do not oppose reapportionment. I believe that it should occur every 10 years. I am willing to join the Senator from Michigan or the Senators from any other State, after a census shall have been taken, in securing a reapportionment, but I deny that the Constitution requires me to stand up in the Senate and vote for a measure proposing to turn the method of computation over to the Secretary of Commerce. How do we know who the Secretary of Commerce will be? How do we know the method he will adopt? We do know that in the last census the States of Mississippi, New Mexico, Ohio, and Texas lost a Representative each, although they were entitled to that Representative under the system of major fractions. There is exactly the statement that was made by the Assistant Director of the Census.

I simply want to make it clear, so that even the Washington Post can understand me, that I am not opposing reapportionment. The Washington Post selected a part of one sentence of a statement I made last week, and left out the remainder of the sentence, concealing the real view that I entertained. I do not know why the Washington Post should have done that, unless it is in the habit of concealing and aiding others in the concealment of other things; but I do know that in that editorial they concealed my real views by taking a part of the statement I made.

Now I wish to repeat, so that there can be no doubt about it, that I favor the reapportionment every 10 years. I shall vote for a reapportionment after the census shall have been made even if it takes Representatives away from my State. I have no sympathy in the slightest degree with any effort to defeat that which I believe to be implied in the Constitution, a reapportionment every 10 years.

I think it is unjust and wrong to deprive the State of Michigan and the State of Florida and the State of California or any other State of increased representation which they should have, if they have an increase in population; but I think it is just as unfair and unjust to attempt to cram a method down the throats of the people of this country which does not give a just apportionment and at the same time to couple with it an effort to turn it over to the Secretary of Commerce, who will determine the method of computation from a partisan standpoint.

If Congress has become so weak, so ignoble, that it is willing to turn over to a Secretary of Commerce or any other assistant executive or bureau the most sacred right that is given Congress in determining what shall be the proper proportion of representation from a State, then, I think it is time to abolish Congress by an amendment just as Congress is attempting to amend the Constitution by this unjust, unconstitutional measure which has been pending here.

I have made this statement for this reason, and then I shall be through: The intimation has been made that those of us who oppose this measure are opposing obedience to the Constitution. I say that the method which is adopted in the so-called reapportionment bill is unconstitutional and is an absolute robbery of the rights of Congress and the prerogatives which are given to the Congress by the Constitution itself. I do not think that any man can hold up his hand and swear to obey the Constitution and at the same time vote for the pernicious measure which it has been sought to pass through the Senate.

Mr. JONES. Mr. President, I am heartily and earnestly in favor of the reapportionment bill, and also in favor of the census bill, but I think I have learned to appreciate a situation in the Senate when it confronts us. I have had some little experience along that line. A few years ago I held out for a bill practically all through the session until a few days before its close, when the situation became very much as it is now.

Then I realized that it was absolutely impossible to secure the passage of that bill, and when I came to that conclusion I was perfectly willing to give it up. In the interest of other legislation it was absolutely necessary to do so.

I am absolutely convinced that it is impossible to pass the reapportionment bill at this session. I have also talked to several Senators and find that they are unwilling to allow the census bill to pass until the reapportionment bill shall be up for consideration with a chance of passage. So, recognizing the situation which confronts us, and that we are going to lose other important legislation without securing the passage of either of these bills, it seems to me that it is wise upon the part of Senators of the United States to recognize the situation and accept it as it is.

I know that the Senator from New York is interested in radio legislation. I am also interested in that legislation. It appears to me that there is much more likelihood of enacting that measure than any other controverted legislation, and if the reapportionment bill and the census bill be kept before the Senate, I can see no possible chance for the radio bill, in which the Senator from New York, as well as other Senators, is so much interested.

As I have said, with these two measures out of the way, it would seem to me that we ought, without very serious trouble, to act upon the other legislation. I appeal to the Senator from New York in the interest of legislation that is essential that he do not object to the proposal that has been submitted to the Senate. I myself think it is wise under all the circumstances, much as I should like to have the reapportionment bill pass. The State of Washington has been deprived of a Representative in Congress, to which it is entitled, for practically 20 years. Of course, I would do nothing that would sacrifice the interests of that State; if I thought that it would promote the State's interests by continuing to urge the attempt to pass the reapportionment bill, I would do that; but I think it is not only useless but it threatens the defeat of other important legislation which otherwise would pass. So I appeal to the Senator from New York and the Senator from Colorado to allow to be taken the action which has been proposed.

Mr. COPELAND. Mr. President, I think perhaps the Senator from Washington is somewhat confused as to my attitude toward the radio bill. I am perfectly willing to have the radio bill passed with certain modifications.

Mr. JONES. That is what the Senator from Washington understood; and he had hoped that possibly the bill could be modified in such a way as to meet the approval of the Senator from New York.

Mr. COPELAND. I shall be very glad to hear what suggestions are to be made about modifications.

Mr. JONES. Of course, I do not know. I am not on the committee that has that bill in charge.

Mr. GLASS. Mr. President, I do not think the impression ought to go out that every Senator who is opposed to this reapportionment bill is opposed to reapportionment. I do not exactly know what effect it will have on my State. I have heard the assertion made that it may deprive Virginia of a Representative. I do not think that is especially important. I am convinced that 9 Representatives from the State of Virginia would be just as competent to take care of the interests of that Commonwealth as 10 Representatives. I think the Congress of the United States should have attended to its constitutional duty and have passed a reapportionment bill at the required time. I think the Congress of the United States ought now to do its constitutional duty in the premises, and not delegate it to some executive department of the Government.

So the assumption of the junior Senator from Michigan [Mr. VANDENBERG] or any other Senator that those who are opposed to this particular reapportionment bill are opposed to constitutional reapportionment is an inaccuracy of conclusion. I am in favor of reapportionment, but I am not in favor of abandoning my constitutional privilege or duty to any executive officer of the Government; and I may add that I have not participated in any of these strategic maneuvers here to-night to defer matters. I have voted to go right along with the business of the Senate.

Mr. DALE. Mr. President, this matter seems to be presented to the Senate as one of the utmost importance—a matter about which we are to take some position now, or, failing to take that position, we are remiss in our conduct.

Mr. President, this matter is not only not of the slightest importance to the Senate at this time, but it is absolutely impossible for us constitutionally to take any action on it. The only way in which the Senate can act now is to reapportion on the basis of the 1920 census; and before that could be put into effect we would have the 1930 census, and then it would be beyond our action.

No matter what Congress may have done or may have failed to do in the past, I want to say now to my distinguished friend from Michigan that I was very greatly interested in what he said about the sanctity of the Constitution. I consider that he made a very able address. I am not referring to what he said to-night, but to what he said the other day. [Laughter.]

Mr. SMITH. Outside of that, it is all right.

Mr. DALE. What he said to-night is all right, too, for that matter. I think he was very able and very courteous, and I commend him for the magnificent address that he made to-night, and I stand just where he stands as to the sanctity of the Constitution. That, however, is in the past——

Mr. VANDENBERG. Eight years past.

Mr. DALE. And we can not remedy that, and that is none of our business. We are asked to come in here and pass a reapportionment bill that has no effect whatsoever. We can not tell the Seventy-first Congress what they are going to do about reapportionment. It is none of our business.

I am, however, considerably interested in what the chairman of the Committee on Commerce [Mr. JONES] has said, and what the distinguished Senator from New York [Mr. COPELAND], who is a member of that committee, has said. I have been greatly interested in what the chairman of that committee said years ago about reapportionment. I say this with all due respect to both the Senator from Washington and the Senator from New York: They know that the Commerce Committee did not give one minute's consideration to this bill; and I am going to assume to say, knowing the good judgment of the Senator from Washington and the Senator from New York, that if they would give some consideration to the bill that is before us, if they would study this bill, they would both say it is the worst apology for a reapportionment bill that has been presented to Congress in 140 years.

Mr. JONES. Mr. President——

Mr. DALE. For half a century Congress attempted to pass reapportionment bills without major fractions. They studied the subject, and the ablest men in Congress spoke about the question, not taking into consideration major fractions. Then they changed to major fractions, and for three-quarters of a century they have dealt with major fractions. They have been studying this question for 125 years, and every time they said, "We shall have to take this bill because we can not find anything better"; and yet now, after all that time, when a method is proposed that will solve this perplexing question, a method that anybody, on study of it, will see will solve it perfectly—and it does not make any difference to my State which method you use—now, after 125 years of studying this perplexing question, they come to us with a bill to which they have attached the greatest fault possible.

They have prevented what Daniel Webster said was the only redeeming feature in a major fractions apportionment bill. He said, "The redeeming feature about it"—using the major fractions—"is that you can add to or take from, and therefore, get over this objection." This bill, however, says, "You shall neither add to nor take from; you shall have 435, and not 436 or 434"; and you have put into this bill a mathematical impossibility. You can not do it.

With all this behind us, and with a new method before us, that is perfectly clear, accurate, equal, and free from all these inconsistencies, the Senate and the Commerce Committee say, "You shall not study this new method. We will not give a minute's consideration to this bill, but we are going to put it through, and we are going to tell the next Congress they will have to take it."

That is the reason why I oppose this bill. I am for the Constitution first, last, and always; and I want to commend my friend from Michigan when he says he is for the eighteenth amendment and that he practices it. I am sick and tired of Senators getting up here in the Senate and casting reflections on their colleagues on the ground that they do not practice the eighteenth amendment. I am with you, Senator VANDENBERG. I believe in the eighteenth amendment first, last, and always; and, so help me God, I am going to practice it as long as I live! I feel the same way about this proposal. I am ready to stand behind the Constitution; I believe in its sanctity; and I will put my shoulder to the wheel with you, Senator VANDENBERG, any time that you bring in a bill that I can, by any stretch of the imagination, support; and the fact that I can not do that now is the reason why I am opposing this bill.

SECOND DEFICIENCY APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 17223) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1929, and June 30, 1930, and for other purposes.

Mr. WARREN. Mr. President, I again ask unanimous consent that the formal reading of the bill be dispensed with and that it be read for amendment, the committee amendments to be first considered.

The VICE PRESIDENT. Is there objection?

Mr. HARRISON. Mr. President, reserving the right to object, I desire to say just a word.

Mr. WARREN. Does the Senator object?

Mr. HARRISON. For the present I reserve the right to object.

Mr. President, I shall not be provoked into a discussion of this reapportionment bill by any allusions of the eloquent Senator from Michigan [Mr. VANDENBERG]. He and I differ about it. I am following the course that I think is in the interest of the country. The Senator from Michigan seems to think this is the most important measure in all the world, and that we have been most negligent here for eight years in not passing it, and should pass it now.

I hope that before we adjourn a resolution will be passed by the Senate, and by the House, too, for that matter, giving authority to somebody to appoint a commission of a certain number of expert statisticians versed in these matters to study the various plans that have been proposed—the rejected fractions, the major fractions, and all of these plans—and to get up some data as to how each plan will affect every State, the arguments pro and con, and make their report to the next session of the Congress. I think it ought to be done. It will give us something to work upon, and something that we have not now in the measure that we should have.

Mr. President, I am going to accept the statements of the Senators on the other side—the Senator in charge of this bill [Mr. VANDENBERG], his colleague [Mr. COUZENS], the Senator from Kansas [Mr. CURTIS], the Senator from Washington [Mr. JONES], chairman of the Commerce Committee, and other Senators—that even though this bill be on the calendar and not be recommitted to a committee they will vote with those of us who oppose consideration of the reapportionment bill at this session of Congress; and I am going to withdraw any further opposition to this particular measure, assuming that that will be the course that will be pursued by these Senators.

Mr. VANDENBERG. The Senator understands that my agreement in this connection carries with it the census bill.

Mr. HARRISON. I understand that.

Mr. VANDENBERG. Because, if the census bill were brought up, I should have to reserve the right——

Mr. HARRISON. I think we understand that thoroughly. So I have no objection to dispensing with the formal reading of the appropriation bill.

Mr. BROOKHART. Mr. President——

Mr. WARREN. Mr. President, I have made a request for unanimous consent. Does the Senator object to that request?

Mr. BROOKHART. I want to reserve the right to object for a moment. I desire to see if some arrangement can not be made in reference to the amendment I wish to offer, so that I shall not need to object. If the rules have to be suspended, it would have to go over until to-morrow so that I could offer it.

Mr. WARREN. Certainly I can not say beforehand what I will do with a matter that has not yet come up at all.

Mr. BROOKHART. Is the Senator endeavoring to pass this bill to-night?

Mr. WARREN. I do not know exactly what the Senator wishes. If the Senator presents something that is out of order, and some Senator makes a point of order against it——

Mr. BROOKHART. There is a difference of opinion as to whether it would be out of order; but I have given notice of a motion to suspend the rules. That was done to-day, and it would have to go over until to-morrow under the rule. I did not know that there was such urgency to pass this bill to-night.

Mr. WARREN. If we do not pass it to-night, I do not think there will be much chance of the Senator getting anything into the bill or of my getting anything into the bill.

Mr. WATSON. If my friend the Senator from Wyoming will permit a suggestion, he may waive the rule as to the motion to suspend the rules, because when the Senator from Iowa offers his amendment, if it is subject to a point of order, the Senator from Wyoming can make the point of order.

Mr. WARREN. I have no desire to be in the Senator's way at all. I make no objection to his application for a suspension of the rules.

Mr. BROOKHART. I offered the amendment on the theory that it is regular, but if it is not I want to give notice of a motion to suspend the rules.

Mr. NORRIS. Let me suggest to the Senator from Wyoming in order to prevent delay that he might agree to this: I ask unanimous consent that the Senator from Iowa be permitted to offer his amendment—I suppose the Senator from Wyoming knows what it is; I do not——

Mr. WARREN. I think I do.

Mr. NORRIS. And that there will be no objection made to it on account of its being offered at this time.

Mr. WARREN. I am willing to waive the matter of precedence and let the Senator offer it now, if he desires.

Mr. BROOKHART. Very well.

Mr. McKELLAR. Mr. President, may I ask the Senator from Iowa what that amendment contains? Did he strike out the last part of it?

Mr. BROOKHART. The amendment I showed the Senator a while ago was one suggested by Mr. LEHLBACH of the House. That is not the amendment I offered. That provision is not in my amendment.

Mr. CURTIS. Mr. President, why could we not proceed with the bill in order, and then, when we reach the amendment, let the Senator offer it?

Mr. BROOKHART. That would be very agreeable to me.

The VICE PRESIDENT. The clerk will state the next amendment.

The next amendment of the committee was, on page 3, after line 4, to insert a new paragraph, as follows:

For payment to Everett Kent for expenses incurred in presenting the case against the right of JAMES M. BECK to a seat in the House of Representatives, as audited and recommended by the Committee on Elections No. 2, $422.33.

The amendment was agreed to.

The next amendment was, on page 3, line, 9, to strike out "two" and insert "three," so as to make the paragraph read:

The three preceding appropriations shall be disbursed by the Clerk of the House.

The amendment was agreed to.

The next amendment of the committee was, on page 4, after line 19, to insert a new subhead and paragraph, as follows:

LIBRARY OF CONGRESS

Printing and binding: For printing and binding the indexes and digests of State legislation required to be prepared by the act of February 10, 1927 (U. S. C., Supp. I, p. 4, secs. 164, 165), fiscal years 1929 and 1930, $5,000.

The amendment was agreed to.

The next amendment of the committee was, on page 5, after line 13, to insert a subhead and a paragraph, as follows:

EXECUTIVE

Executive Mansion: For the care, maintenance, protection, and repair of the premises known as Mount Weather, in the counties of Loudoun and Clarke, in the State of Virginia, comprising approximately 84.81 acres of land, including buildings and other improvements thereon and all machinery, tools, equipment, and supplies used or for use in connection therewith, and including the alteration, refurnishing, improvement, heating, lighting, electric power and fixtures for buildings and grounds, and including traveling expenses, to be expended by contract or otherwise as the President may determine, fiscal years 1929 and 1930, $48,000.

Mr. BLEASE. Mr. President, does that relate to a place over here in the mountains of Virginia?

Mr. WARREN. It is a place called Mount Weather.

Mr. BLEASE. I was over there the other day, and I say that if this money were appropriated it would be a waste of money.

Mr. WARREN. I did not hear what the Senator said.

Mr. BLEASE. That place is not fit to be fixed up. That is the reason I objected to the resolution offered by the Senator from Ohio for the appointment of a commission to look into the matter of a summer home for the President. I was over at this place in Virginia the other day. The improvements there are old, dilapidated buildings.

Mr. WARREN. Does the Senator want to have it stricken out?

Mr. BLEASE. Yes; if that is in order.

Mr. McKELLAR. It is just a question of agreeing to the committee amendment. We can vote it down.

Mr. GLASS. Vote what down?

Mr. BLEASE. This proposed appropriation to fix up dilapidated buildings on a hill over in Virginia.

Mr. GLASS. As a matter of fact, the President of the United States made the recommendation for this in a special message to Congress, the matter has been considered by the Budget and approved by the Budget, it has been considered by the Committee on Appropriations, and I do not see why it should be stricken out.

Mr. BLEASE. Mr. President, the Senator from Ohio [Mr. FESS], the present occupant of the chair, offered a resolution

providing for the creation of a commission to look into the matter of a summer home for the President, to which I objected myself, but after having a conversation with the Senator from Ohio about the resolution, I told him that I would withdraw my objection, which I did. I do not think there should be a cent spent on these buildings until the commission provided for under that resolution shall have been appointed, and has an opportunity to go over there and look at the buildings. I was over there by accident a short time ago, while out driving with some friends, and I will say that, while that location may be all right for a summer home, it will take thousands of dollars to erect a home there. The old buildings can be torn down and new ones erected for less money than it would take to repair the old buildings and put them in proper condition. I think this matter should go over, let the commission be appointed, and when the commission makes its report, then we can decide whether we will spend any more money on these old dilapidated buildings. I hope that this amendment will be rejected.

Mr. GLASS. Mr. President, this is in accordance with the recommendation of the President of the United States, who is familiar——

Mr. BLEASE. Does the Senator suppose that the President of the United States has ever seen that place?

Mr. GLASS. I imagine that he has.

Mr. BLEASE. I have serious doubts about whether he ever had time to waste going up there.

Mr. GLASS. The buildings are of a very substantial nature. It will require only the modest sum of $48,000 to put them in good working order. Not only does the present incumbent of the White House approve this proposition, but my information is that the incoming President concurs. It has gone through the regular processes of budgetary examination and approval, and I hope the Senate will not reject the amendment.

Mr. SWANSON. Mr. President, this is one of the most beautiful sites, I suppose, in the East. There are about 84 acres of land owned by the Government at that place, it is about 1,700 feet high, there are good roads to it, and I do not know a better place in the world for an Executive who lives in Washington to go to spend a week end. This is very little money to put it in good shape. We will save the tremendous expense that would be incurred by commissions going all over the country, creating hopes which would never be realized. There are a good many places in Virginia which want the summer home for the President, but I think the best and most economic way to obtain a good place, a salubrious place, a beautiful place, is to carry out the recommendation made by the President.

This matter was agreed on after a thorough examination, and it went out, I think, on a point of order in the House when it was first suggested, because it had not been estimated for. That objection now has been overcome. It does seem to me, since the Government owns this property—this beautiful place—and that the buildings may need repairs the expense of which has been carefully estimated, it would be wise for the Senate to allow the improvements to me made.

Mr. COPELAND. Mr. President, I am not sure whether this is the place for such a home as is contemplated, but whether it is or not the appropriation will be made available, and we will soon learn whether it is the right place or not.

I appeal to Senators to realize that the President of the United States ought to have some place outside of this city where there is altitude, where he can have fresh and stimulating air. Whether this is the right place or not I am not competent to say, but I do know that for the sake of the welfare of the President and his health there should be a summer home in such a spot. So I am inclined to approve of this appropriation, hoping that if this is not the right place, as has been suggested by the able Senator from South Carolina, we will quickly find out that the money ought to be used somewhere else. At least we will have this much available.

Mr. BLEASE. Mr. President, I have not said a word against this location, but I am stating that this money should not be spent on the buildings there now, until the commission proposed to be appointed shall have an opportunity to investigate this matter. I doubt whether there is a man in the Senate outside of myself who has been up there and seen those buildings. I doubt whether there is a member of the Committee on Appropriations, which has made this recommendation, who has ever been to that spot. I would like to know if there is one here, the chairman or anybody else?

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

Mr. BLEASE. With pleasure.

Mr. COPELAND. I take it, then, that the Senator from South Carolina is in favor of a summer home for the President——

Mr. BLEASE. Absolutely.

Mr. COPELAND. He does not object to this location, but feels that in the interest of economy it would be better to vote more money and put up a new building?

Mr. BLEASE. I suggest that we wait until the commission is appointed for which a resolution was offered, and if they decide that this is the place, then we can spend the money there. Why spend $48,000 there when possibly the proposed commission will report that that is not the proper place?

Mr. GLASS. The possibility is that when the commission comes in with a report, it will cost the Government of the United States four or five million dollars instead of $48,000.

Mr. BLEASE. Well, we give millions away here nearly every day.

Mr. GLASS. This land, 84 acres, is already owned by the Government of the United States. I wish I had the photographs of the place here to show to the Senate. The buildings are of a substantial nature, of such a substantial nature that the President of the United States thinks that the expenditure of $48,000 will put them in complete order for presidential purposes.

Mr. WATSON. Mr. President, I want to ask a question for information. Who is responsible for the selection of this particular site for that particular purpose?

Mr. GLASS. I am not. I have not approached the President of the United States on the subject. The matter was presented to him——

Mr. WATSON. I am not charging that the Senator is responsible. I am asking who is.

Mr. GLASS. I can not say who is.

Mr. COPELAND. The President is, is he not?

Mr. GLASS. The President himself recommended the site.

Mr. WARREN. I did not catch the question, but this property was bought by the Government for purposes of the Weather Bureau many years ago.

Mr. GLASS. It is owned by the Government.

Mr. WARREN. As to who brought this matter up at this time is quite another matter, but I understand that it was put into the House bill and went out on a point of order——

Mr. GLASS. It went out on a point of order because it had not at that time been estimated for.

Mr. WARREN. Someone simply made a point of order against it.

Mr. GLASS. That is the fact.

Mr. WARREN. It is simply a matter of Senators voting for the amendment or against it.

Mr. WHEELER. Mr. President, will the Senator tell us how much it is going to cost to maintain this summer home after we appropriate this $48,000?

Mr. WARREN. I can not tell the Senator that, but I can say that this provision is for an appropriation of $48,000.

Mr. WHEELER. After we appropriate this $48,000, then are we not going to have to maintain a whole retinue of servants to keep up this new summer home?

Mr. WARREN. I have no information on that whatever.

Mr. WHEELER. Before we appropriate to build a summer home, I think the Senate ought to have information as to whether or not we are going to have a whole retinue of servants up there the year around.

Mr. WARREN. My young friend, society gentleman as he is, and well acquainted with the habits of society, knows as much as I can tell him about the White House retinue of servants of all kinds.

Mr. SMITH. May I suggest that when the President moves out there, he could leave a caretaker here at the White House, and take his retinue along with him?

Mr. GLASS. I was going to say that if we give the President of the United States a summer home at all, he will have to have some servants to look after it. As many, perhaps, would not be required at this suggested place, as at some palatial place that a commission going around the country would wind up in recommending.

Mr. BLEASE obtained the floor.

Mr. REED of Pennsylvania. Will the Senator permit a question?

Mr. BLEASE. Just a moment. This is simply indirect legislation, fixing upon this place for a summer home for the President. That is all it means. When this $48,000 is spent it will mean that we will be compelled to go on further and spend more money for the purpose of establishing this summer home. Why not leave this matter out, and let the matter as to where this home shall be be settled by the Senate and the House? This is not a thing but an effort to choke down the throats of the people, through this indirect legislation, this place as a summer home.

Mr. COPELAND. Will the Senator yield?

Mr. BLEASE. I do not object to the idea of a summer home for the President. If the proposed commission says that this is the place for it, I will not object to that. But I do object to an attempt to secure an appropriation of $48,000 for the repair of these old dilapidated buildings, and then come back here at the next session and say, "Why, you have already selected this place; $48,000 has already been spent on it."

Mr. REED of Pennsylvania. Mr. President, will the Senator yield for a question?

Mr. BLEASE. Certainly.

Mr. REED of Pennsylvania. Mr. President, I saw a picture of this place in the newspaper the other day. It may be that it was unfortunately taken, but the picture which was published did not show a single tree on the property. Can the Senator tell us whether there are any trees there?

Mr. GLASS. A part of the $48,000 is to be used for transplanting trees. As this is the season for the transplanting of trees, I expect the next President will enjoy it in the approaching summer a little while after he comes into the White House.

Mr. REED of Pennsylvania. There are many places in the Blue Ridge Mountains in Pennsylvania where it would not be necessary to transplant any trees.

Mr. GLASS. Yes; and there are plenty of places in the Blue Ridge Mountains of Virginia where we do not need to transplant any trees.

Mr. WHEELER. I assume probably the State of Pennsylvania would be willing to give some land for use as a summer home for the President.

Mr. REED of Pennsylvania. Of course, and they would be equally willing and glad in Virginia and in Maryland and in all the other near-by States.

Mr. WHEELER. If you can not find any in Pennsylvania, we will give some in Montana, and not only that, but we will build a home for the President.

Mr. REED of Pennsylvania. Certainly. The point I make is that for the Senate to select a summer White House which none of us have ever seen, which admittedly has no trees on it, is a most unintelligent way of going at the business.

Mr. GLASS. Of course, the Senator is mistaken in saying that there are no trees on the property. There is a forest there. There is inadequate shade in the immediate proximity of the building located there now.

Mr. REED of Pennsylvania. That is what I mean, and none of the trees in the forest showed in the picture of the property which was published in the paper. The place we are going to make a summer White House looks in its picture as if it was a reform school or some such institution.

Mr. BLEASE. Perhaps that is the reason why they want to send Hoover up there.

Mr. WHEELER. Is not that the reason why they picked it out so they could send the next President up there?

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

Mr. REED of Pennsylvania. I yield.

Mr. KING. I think existing law has required the sale of this property. Congress, as I recall, a number of years ago ordered a sale of the property. The proposed legislation is improper and I am going to make a point of order against it, because it is an attempt to legislate upon an appropriation bill.

Mr. GLASS. As a matter of fact, it is not an attempt to legislate on an appropriation bill. It involves an expenditure of $48,000 which has been submitted to the Bureau of the Budget, and by the Bureau of the Budget approved and submitted to the Congress of the United States.

Mr. SMITH. Mr. President, may I ask the Senator from Virginia if I understood him correctly to say that the present incumbent of the White House and the incoming President had approved or agreed to the place as being a desirable one for a summer White House?

Mr. GLASS. President Coolidge strongly recommended the selection of this place as a summer White House. I am told that the incoming President assents to the suggestion. I think that would naturally be assumed because it is incredible that President Coolidge, going out of office within a few days, would recommend the selection of a summer White House without the cordial assent of the incoming President.

Mr. REED of Pennsylvania. Can the Senator tell us whether either Mr. Coolidge or Mr. Hoover ever saw the place?

Mr. GLASS. No; I can not.

Mr. FLETCHER. If the President does not like it, he could turn it over to the Vice President.

Mr. GLASS. I assume that President Coolidge knew what he was about when he recommended the place.

Mr. SMITH. Mr. President, I think a happy solution of the matter has been suggested, that after we try it if it does not suit the President we could turn it over to the genial Vice President.

Mr. WHEELER. Yes; if it is not good enough for the President we can turn it over to the Vice President. [Laughter.]

Mr. SMITH. It might be so undesirable that neither one of them would care for it.

Mr. BLEASE. Mr. President, I would be very much delighted to see the President, 5 or 10 minutes after noon on the 4th day of March, turn the Presidency over to the Vice President elect, but I know he is not going to do that. God Almighty will have to do it if it is done within four years. I still contend that it is not right indirectly to foist upon the coming Congress the selection of this place by an expenditure of $48,000 to purchase these old sheds.

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

The PRESIDING OFFICER (Mr. FESS in the chair). The clerk will call the roll.

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

| | | | |
|---|---|---|---|
| Ashurst | Edwards | Kendrick | Robinson, Ark. |
| Bingham | Fess | Keyes | Robinson, Ind. |
| Black | Fletcher | King | Sheppard |
| Blaine | Frazier | McKellar | Shortridge |
| Blease | George | McMaster | Smith |
| Bratton | Glass | McNary | Smoot |
| Brookhart | Glenn | Neely | Steiwer |
| Broussard | Goff | Norbeck | Swanson |
| Bruce | Hale | Norris | Thomas, Okla. |
| Capper | Harrison | Nye | Trammell |
| Copeland | Hawes | Oddie | Walsh, Mass. |
| Curtis | Hayden | Overman | Warren |
| Dale | Heflin | Pine | Watson |
| Deneen | Johnson | Ransdell | Wheeler |
| Dill | Jones | Reed, Pa. | |

The PRESIDING OFFICER. Sixty Senators having answered to their names, a quorum is present.

Mr. GLASS. Mr. President, I have here the House hearings on this item, from which it would appear that the property was specially inspected by Colonel Grant at the direction of the President of the United States. It is specifically stated over and over again by Colonel Grant that the buildings on the property are of a very substantial nature; that the main building is of brick and completely fireproofed; that the value of the property is $184,000; that the proposed appropriation of $48,000 would put the buildings not only in thorough repair, but in readjustment to suit the purposes of a President.

Colonel Grant testified that the view in every direction is exceptionally fine, and that the property of 84 acres is heavily wooded in places, but that there are no trees in immediate proximity to the main building, for the reason that the trees there were cut down when the property was used for Weather Bureau purposes.

I may say that I have not interested myself about the matter. I never opened my lips to the President on the subject. It seems from the RECORD that an aide of the President, who very likely concurred in his attitude of economy toward public expenditures, foresaw that it would be much simpler to take an exceptionally fine piece of property of this sort already owned by the Government and devote it to this purpose.

Mr. KING. I raise the point of order against the amendment that it is general legislation.

The PRESIDING OFFICER. The Chair will be glad to hear the Senator on the point of order.

Mr. KING. I find that in the House of Representatives when this matter was under consideration, Mr. LAGUARDIA made the point of order on the amendment, declaring—

> It is legislation on an appropriation bill, and there is no authority for the appropriation.
>
> The CHAIRMAN. Does the gentleman from Indiana, the chairman of the committee, concede the point of order?
>
> Mr. WOOD. I do not think there is any doubt that it is subject to the point of order.
>
> The CHAIRMAN. The point of order is sustained.

Mr. WATSON. On what was the point of order based?

Mr. KING. That the amendment was general legislation upon an appropriation bill.

Mr. WATSON. Was there anything said at that time in the discussion about the Government having authorized the sale of the property?

Mr. KING. No; that was not stated, but had it been, it would have strengthened the point of order, of course.

Mr. WATSON. I was just wondering as to that.

Mr. GLASS. Mr. President, when the proposition was offered in the House of Representatives with the approval of the House committee it was conceded that it was legislation on an appropriation bill, because it contained a provision which changed the existing law. In the Appropriations Committee of the Senate, as other members of the committee will attest, I very carefully eliminated everything from the amendment that could be subject to a point of order, so that we are now simply called upon

to appropriate $48,000 for the improvement of the buildings and grounds now owned by the Government of the United States, an appropriation which has been estimated for by the Budget Bureau, approved, and sent to the Congress.

Mr. WATSON. If I understand the Senator correctly, then, in the House of Representatives this item carried a provision repealing the act to authorize the sale of the property?

Mr. GLASS. Yes.

Mr. WATSON. And that was legislation on an appropriation bill?

Mr. GLASS. It was legislation. It also contained a provision transferring jurisdiction of the property, which was likewise legislation; but all that has been eliminated from this amendment.

Mr. KING. Mr. President, I had the floor, but I do not want to interrupt the Senator from Virginia.

Mr. GLASS. Go ahead.

The PRESIDING OFFICER. The Chair would like to ask the Senator from Virginia a question. Was the part of the amendment as proposed in the House, which made it subject to a point of order, the portion repealing the authorization for the sale of property?

Mr. GLASS. Yes; and also providing for the transfer of jurisdiction.

The PRESIDING OFFICER. If there has been an authorization for the sale of the property and this amendment would change that provision, it would be subject to a point of order.

Mr. GLASS. I did not understand the statement of the Chair.

The PRESIDING OFFICER. If the authorization for the sale is not repealed, then an appropriation added to the property would be in violation of that authorization.

Mr. GLASS. I do not see how the Chair reaches that remarkable conclusion. We might spend $150,000 on that Government property and yet not repeal the authorization for the sale. The Government could sell the property with the buildings on it, rehabilitated and repaired. Why not?

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. GLASS. I appeal from the decision of the Chair.

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate? [Putting the question.] The ayes seem to have it.

Mr. NEELY. I call for a division, Mr. President.

On a division, the question being put,

The decision of the Chair was not sustained.

The PRESIDING OFFICER. The question now is on the adoption of the amendment.

Mr. BLEASE. I call for the yeas and nays on the question of whether or not the Chair should be sustained. Several Senators did not vote on that question.

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate? On that question the Senator from South Carolina demands the yeas and nays.

The yeas and nays were ordered.

Mr. GLASS. What is the proposition now being submitted, Mr. President?

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. GLASS. I make the point that the yeas and nays were not sufficiently seconded.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. CURTIS (when his name was called). I have a pair with the Senator from Arkansas [Mr. ROBINSON]. Not knowing how he would vote, I withhold my vote.

Mr. REED of Pennsylvania (when his name was called). I transfer my general pair with the Senator from Delaware [Mr. BAYARD] to the Senator from Massachusetts [Mr. GILLETT], and vote "nay."

The roll call was concluded.

Mr. GEORGE (after having voted in the affirmative). I transfer my pair with the senior Senator from Colorado [Mr. PHIPPS] to the Senator from Nevada [Mr. PITTMAN], and let my vote stand.

Mr. JONES. I wish to announce that the Senator from Ohio [Mr. BURTON] has a general pair with the Senator from North Carolina [Mr. SIMMONS].

The result was announced—yeas 18, nays 33, as follows:

YEAS—18

| | | | |
|---|---|---|---|
| Blaine | Dill | King | Thomas, Okla. |
| Blease | Frazier | McMaster | Walsh, Mass. |
| Bratton | George | Oddie | Waterman |
| Brookhart | Johnson | Robinson, Ind. | |
| Dale | Keys | Schall | |

NAYS—33

| | | | |
|---|---|---|---|
| Bingham | Glenn | Norbeck | Smith |
| Black | Goff | Norris | Smoot |
| Broussard | Hale | Nye | Steiwer |
| Capper | Hawes | Overman | Swanson |
| Copeland | Heflin | Pine | Thomas, Idaho |
| Deneen | Jones | Ransdell | Trammell |
| Edwards | Kendrick | Reed, Pa. | |
| Fletcher | McKellar | Sheppard | |
| Glass | Neely | Shortridge | |

NOT VOTING—44

| | | | |
|---|---|---|---|
| Ashurst | Gerry | McLean | Simmons |
| Barkley | Gillett | McNary | Steck |
| Bayard | Gould | Mayfield | Stephens |
| Borah | Greene | Metcalf | Tydings |
| Bruce | Harris | Moses | Tyson |
| Burton | Harrison | Phipps | Vandenberg |
| Caraway | Hastings | Pittman | Wagner |
| Couzens | Hayden | Reed, Mo. | Walsh, Mont. |
| Curtis | Howell | Robinson, Ark. | Warren |
| Edge | La Follette | Sackett | Watson |
| Fess | Larrazolo | Shipstead | Wheeler |

So the Senate refused to sustain the decision of the Chair.

The PRESIDING OFFICER. The question now is on agreeing to the amendment reported by the committee.

Mr. REED of Pennsylvania. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BINGHAM. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BINGHAM. May we have the amendment stated?

The PRESIDING OFFICER. The question is on the committee amendment, which will be stated by the Secretary.

The CHIEF CLERK. On page 5, after line 14, it is proposed to insert:

Executive Mansion: For the care, maintenance, protection, and repair of the premises known as Mount Weather, in the counties of Loudoun and Clarke, in the State of Virginia, comprising approximately 84.81 acres of land, including buildings and other improvements thereon and all machinery, tools, equipment, and supplies used or for use in connection therewith, and including the alteration, refurnishing, improvement, heating, lighting, electric power and fixtures for buildings and grounds, and including traveling expenses, to be expended by contract or otherwise, as the President may determine, fiscal years 1929 and 1930, $48,000.

The PRESIDING OFFICER. Those in favor of the amendment will vote "yea" when their names are called; those opposed will vote "nay." The Secretary will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. CURTIS (when his name was called). I have a pair with the senior Senator from Arkansas [Mr. ROBINSON]. I transfer that pair to the junior Senator from Delaware [Mr. HASTINGS] and will vote. I vote "yea."

Mr. GEORGE (when his name was called). Making the same announcement as before with reference to my pair, I vote "nay."

Mr. REED of Pennsylvania (when his name was called). Making the same announcement as before, I vote "nay."

Mr. SMITH (when Mr. SIMMONS's name was called). The senior Senator from North Carolina [Mr. SIMMONS] is unavoidably detained from the Senate this evening. He is paired with the Senator from Ohio [Mr. BURTON].

The roll call was concluded.

Mr. JONES. I have been requested to announce that the Senator from Ohio [Mr. BURTON] has a general pair with the Senator from North Carolina [Mr. SIMMONS].

The result was announced—yeas 39, nays 18, as follows:

YEAS—39

| | | | |
|---|---|---|---|
| Ashurst | Fletcher | McKellar | Schall |
| Bingham | Glass | Neely | Sheppard |
| Black | Glenn | Norbeck | Smith |
| Broussard | Hale | Norris | Smoot |
| Bruce | Harris | Nye | Steiwer |
| Capper | Harrison | Oddie | Swanson |
| Copeland | Hawes | Overman | Thomas, Idaho |
| Curtis | Hayden | Pine | Trammell |
| Deneen | Heflin | Ransdell | Watson |
| Edwards | Jones | Robinson, Ind. | |

NAYS—18

| | | | |
|---|---|---|---|
| Blaine | Fess | King | Vandenberg |
| Blease | Frazier | McMaster | Walsh, Mass. |
| Bratton | George | Reed, Pa. | Waterman |
| Brookhart | Goff | Shortridge | |
| Dill | Johnson | Thomas, Okla. | |

NOT VOTING—38

| | | | |
|---|---|---|---|
| Barkley | Gould | Mayfield | Stephens |
| Bayard | Greene | Metcalf | Tydings |
| Borah | Hastings | Moses | Tyson |
| Burton | Howell | Phipps | Wagner |
| Caraway | Kendrick | Pittman | Walsh, Mont. |
| Couzens | Keyes | Reed, Mo. | Warren |
| Dale | La Follette | Robinson, Ark. | Wheeler |
| Edge | Larrazolo | Sackett | |
| Gerry | McLean | Shipstead | |
| Gillett | McNary | Simmons | |

So the amendment of the committee was agreed to.

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

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was under the heading "Federal Board for Vocational Education," on page 8, after line 20, to insert:

Cooperative vocational rehabilitation of disabled residents of the District of Columbia: For personal services, printing and binding, travel and subsistence, and payment of expenses of training, placement, and other phases of rehabilitating disabled residents of the District of Columbia under the provisions of the act entitled "An act to provide for the vocational rehabilitation of disabled residents of the District of Columbia," approved February 23, 1929, fiscal year 1930, $15,000.

The amendment was agreed to.

The next amendment was, on page 10, after line 11, to insert:

MOUNT RUSHMORE NATIONAL MEMORIAL COMMISSION

Toward carrying into effect the provisions of the act creating the Mount Rushmore National Memorial Commission, approved February 25, 1929, fiscal years 1929 and 1930, $100,000: *Provided*, That in addition to the amount herein appropriated the Mount Rushmore National Memorial Commission is authorized to incur contractual obligations in an amount not exceeding $150,000.

The amendment was agreed to.

The next amendment was, under the heading "District of Columbia, General Expenses," on page 14, after line 15, to insert:

Vocational rehabilitation of disabled residents, District of Columbia: To carry out the provisions of the act entitled "An act to provide for the vocational rehabilitation of disabled residents of the District of Columbia, and for other purposes," approved February 23, 1929, fiscal year 1930, $15,000.

The amendment was agreed to.

The next amendment was, on page 20, after line 17, to insert:

Home for Aged and Infirm: For the preparation of plans, specifications, and estimates for a suitable infirmary and hospital for the Home for Aged and Infirm, fiscal years 1929 and 1930, $1,000.

The amendment was agreed to.

The next amendment was, under the subhead "Weather Bureau," on page 26, after line 2, to insert:

The sum of $10,000 of the appropriation "Salaries and expenses, Weather Bureau, 1930," contained in the act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1930, is hereby transferred to the appropriation for the Coast Guard "for compensation of civilian employees in the field, etc.," contained in the act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1930, approved December 20, 1928.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Plant Industry," on page 26, after line 18, to insert:

Dry-Land Field Station, Tucumcari, N. Mex.: For the construction of new buildings and the repair and replacement of existing ones at the United States Dry-Land Field Station at Tucumcari, N. Mex., fiscal years 1929 and 1930, $25,000.

The amendment was agreed to.

The next amendment was, on page 27, after line 15, to insert:

BUREAU OF CHEMISTRY AND SOILS

Fertilizer investigations: For additional amounts for investigations within the United States of fertilizers and other soil amendments and their suitability for agricultural purposes, including the same objects specified under the respective heads in the agricultural appropriation acts for the fiscal years 1929 and 1930, to enable the Secretary of Agriculture to carry into effect the provisions of the act for the development of improved methods of recovering potash from deposits in the United States, approved February 20, 1929, for the fiscal years that follow:

For 1929, $17,000, of which amount not to exceed $7,000 may be expended for personal services in the District of Columbia;

For 1930, $25,000, of which amount not to exceed $20,000 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Biological Survey," on page 29, after line 7, to insert:

Migratory bird conservation act: For carrying into effect the provisions of the act entitled "An act to more effectively meet the obligations of the United States under the migratory-bird treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds; and authorizing appropriations for the establishment of such areas, their maintenance and improvement, and for other purposes," approved February 18, 1929, $75,000, authorized by section 12 of the act, including printing and binding, of which amount not to exceed $13,930 may be expended for personal services in the District of Columbia, and in addition thereto $5,000 authorized by section 18 of the act; in all, fiscal year 1930, $80,000.

The amendment was agreed to.

The next amendment was, on page 31, after line 17, to insert:

Seed-grain, feed, and fertilizer loan for crop of 1929: To enable the Secretary of Agriculture to carry into effect the provisions of the joint resolution entitled "Joint resolution for the relief of farmers in the storm and flood-stricken areas of Virginia, North Carolina, South Carolina, Georgia, Florida, and Alabama," approved February 25, 1929, including the employment of persons and means in the city of Washington and elsewhere, and for the collection of moneys due the United States on account of loans made thereunder, fiscal years 1929 and 1930, $6,000,000, of which amount not to exceed $11,600 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, under the heading "Department of Commerce, Office of the Secretary," on page 32, after line 18, to insert:

Enforcement of wireless communication laws: For an additional amount to enable the Secretary of Commerce to purchase a site, and construct thereon a building for use as a constant-frequency monitoring radio station, including a roadway, power, and communication facilities, authorized in the act approved February 21, 1929, fiscal year 1929 and 1930, $50,000.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Lighthouses," on page 34, after line 10, to insert:

Aids to navigation: For an additional amount covering the same objects and purposes specified under this head in the act making appropriations for the Department of Commerce for the fiscal year 1930, to carry out the purposes of the act approved February 25, 1929, fiscal year 1930, $190,000.

The amendment was agreed to.

The next amendment was, on page 35, after line 19, to insert:

BUREAU OF MINES

Mining experiment stations: For additional amounts for mining experiment stations, including the same objects specified under this head in the acts making appropriations for the Department of Commerce for the fiscal years 1929 and 1930, respectively, to enable the Secretary of Commerce to carry into effect the provisions of the act for the development of approved methods of recovering potash from deposits in the United States, approved February 20, 1929, for the fiscal years that follow:

For 1929, $33,000, of which amount not to exceed $1,700 may be expended for personal services in the District of Columbia;

For 1930, $25,000, of which amount not to exceed $3,560 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, under the heading Interior Department, Office of the Secretary, on page 36, line 20, after the word "in" to insert "Senate Document No. 236 and", and in line 22, to strike out "$67.35" and insert "$1,067.35"; so as to read:

Damage claims: To pay claims for damages to or losses of privately owned property adjusted and determined by the Department of the Interior, under the provisions of the act entitled "An act to provide a method for the settlement of claims arising against the Government of the United States in sums not exceeding $1,000 in any one case," approved December 28, 1922 U. S. C. p. 989, secs. 215–217), as fully set forth in Senate Document No. 236 and House Document No. 521, Seventieth Congress, $1,067.35.

The amendment was agreed to.

The next amendment was, on page 46, line 12, before the words "The unexpended balance," to insert "Lake Andes, S. Dak., spillway and drainage ditch," so as to read:

Lake Andes, S. Dak., spillway and drainage ditch: The unexpended balance of $48,612.76 of the appropriation for the construction of a spillway and drainage ditch to lower the level of Lake Andes, S. Dak., contained in the act of September 22, 1922 (42 Stat. 1051), and covered into the surplus fund by the act of March 7, 1928 (45 Stat. 215), is hereby reappropriated for the same purposes during the fiscal year 1930: *Provided*, That no part of this appropriation shall be expended until the Secretary of the Interior shall have obtained from the proper authorities of the State of South Dakota satisfactory guaranties of the

payment by said State of one-half of the cost of the construction of the said spillway and drainage ditch.

The amendment was agreed to.

The next amendment was, at the top of page 47, to strike out "For per capita payment of $100 to members of the Menominee Tribe of Indians of Wisconsin (tribal funds) to be immediately available, $196,000," and in lieu thereof to insert:

Menominee Indians of Wisconsin: For per capita payment of $100 to members of the Menominee Tribe of Indians of Wisconsin, fiscal years 1929 and 1930, $196,000, to be paid from funds held in trust for such Indians.

Mr. THOMAS of Oklahoma. Mr. President, a parliamentary inquiry. Is it proper to submit an amendment at this point?

The PRESIDING OFFICER. Not unless it is an amendment to the committee amendment will it be in order at this time.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Reclamation," on page 48, line 23, after the numerals "$650,000," to strike out the colon and the following proviso:

*Provided*, That no part of this appropriation, or of the appropriation of $250,000 for the enlargement of the Avalon Reservoir contained in the act of May 29, 1928 (45 Stat. 902), shall be available until the Director of the United States Geological Survey shall have reported favorably on the foundation of the Avalon Dam and on the depth to which water may be stored in the proposed enlarged reservoir.

The amendment was agreed to.

The next amendment was, under the subhead "National Park Service," on page 51, line 21, before the word "For" to insert "Yellowstone National Park, Wyo.," so as to read:

Yellowstone National Park, Wyo.: For the necessary expenses of an examination of the areas involved in the proposed adjustment of the southeast, south, and southwest boundaries of the Yellowstone National Park by a commission to consist of five members to be appointed by the President, and to be known as the Yellowstone National Park Boundary Commission, whose duty it shall be to report to the President its recommendations concerning such adjustment, so much as may be necessary of the appropriations for the Yellowstone National Park for the fiscal year 1930 is hereby made available.

The amendment was agreed to.

The next amendment was, under the heading "Navy Department, office of the Secretary," on page 60, line 20, after the word "in" to insert "Senate Document No. 236 and"; and in line 22, after the word "Congress," to strike out "$14,228.78" and insert "$16,484.78," so as to read:

Claims for damages by naval vessels: To pay claims for damages adjusted and determined by the Secretary of the Navy under the provisions of the act entitled "An act to amend the act authorizing the Secretary of the Navy to settle claims for damages to private property arising from collisions with naval vessels," approved December 28, 1922 (U. S. C., p. 1127, sec. 599), as fully set forth in Senate Document No. 236 and House Document No. 521, Seventieth Congress, $16,484.78.

The amendment was agreed to.

The next amendment was, on page 61, line 6, after the word "in" to insert "Senate Document No. 236 and"; and in line 8, after the word "Congress," to strike out "$3,995" and insert "$4,253.50," so as to read:

Damage claims, private property: To pay claims for damages to or losses of privately owned property adjusted and determined by the Navy Department, under the provisions of the act entitled "An act to provide a method for the settlement of claims arising against the Government of the United States in sums not exceeding $1,000 in any one case," approved December 28, 1922 (U. S. C., p. 989, secs. 215–217), as fully set forth in Senate Document No. 236 and House Documents Nos. 521 and 596, Seventieth Congress, $4,253.50.

The amendment was agreed to.

The next amendment was, on page 61, after line 8, to insert:

Navy pension fund: The Navy pension fund is hereby made available for the payment of the claim of Floyd A. Newell, amounting to $10.61, allowed by the General Accounting Office in accordance with the provisions of the act of March 29, 1918 (40 Stat., p. 499), as set forth in Senate Document No. 232, Seventieth Congress.

The amendment was agreed to.

The next amendment was, at the top of page 62, to insert:

BUREAU OF ENGINEERING

Engineering: Toward equipping submarines with safety devices, fiscal year 1929, to remain available until expended, $140,000.

The amendment was agreed to.

The next amendment was, on page 62, after line 5, to insert:

BUREAU OF CONSTRUCTION AND REPAIR

Construction and repair, Bureau of Construction and Repair: Toward equipping submarines with safety devices, fiscal year 1929, to remain available until expended, $110,000.

The amendment was agreed to.

The next amendment was, under the heading "Post Office Department," on page 65, line 17, after the word "in," to insert "Senate Document No. 236 and," and in line 19, after the word "Congress," to strike out "$26,477.27" and insert "$27,475.03," so as to read:

Damage claims: To pay claims for damages to or losses of privately owned property adjusted and determined by the Post Office Department, under the provisions of the act entitled, "An act to provide a method for the settlement of claims arising against the Government of the United States in sums not exceeding $1,000 in any one case," approved December 28, 1922 (U. S. C., p. 989, secs. 215–217), as fully set forth in Senate Document No. 236 and House Documents Nos. 521 and 596, Seventieth Congress, $27,475.03.

The amendment was agreed to.

The next amendment was, under the subhead "Diplomatic and Consular," on page 68, after line 11, to insert:

Payment to Bertha Hanson: For payment to Bertha Hanson, widow of George M. Hanson, late American consul at Colon, Panama, one year's salary of her deceased husband, who died while in the Foreign Service, fiscal year 1929, $4,500.

The amendment was agreed to.

The next amendment was, on page 68, after line 23, to insert:

Indemnity for the death of Wang Erh-Ko, Chinese citizen: For the payment to the Chinese Government as full indemnity for the death of Wang Erh-Ko, a Chinese citizen, alleged to have been killed on January 4, 1927, by being struck by an automobile negligently operated, not in the line of duty, by members of the United States Legation guard in Peking; such indemnity to be used for the purchase, on terms satisfactory to the American minister at Peking, of an annuity for the family of Wang Erh-Ko, as authorized by Private Act No. 362, approved February 16, 1929, fiscal years 1929 and 1930, $875.

The amendment was agreed to.

The next amendment was, on page 70, line 20, before the word "may," to strike out "these amounts" and insert "this amount," so as to read:

Waterways treaty, United States and Great Britain, International Joint Commission, United States and Great Britain: For an additional amount for the waterways treaty, United States and Great Britain, International Joint Commission, United States and Great Britain, fiscal year 1929, including the same objects and purposes specified under this head in the act making appropriations for the Department of State for the fiscal year 1929, and for printing and binding, $11,800, which amount may be transferred by the Secretary of State, with the approval of the Secretary of the Interior, to the United States Geological Survey for direct expenditure. For an additional amount for the waterways treaty, United States and Great Britain, International Joint Commission, United States and Great Britain, fiscal year 1930, including the same objects and purposes specified under this head in the act making appropriations for the Department of State for the fiscal year 1930, and for printing and binding, $15,000; this amount may be transferred by the Secretary of State, with the approval of the Secretary of the Interior, to the United States Geological Survey for direct expenditure.

The amendment was agreed to.

The next amendment was, on page 71, after line 10, to insert:

International Society for the Exploration of the Arctic Regions by Means of the Airship: To enable the Secretary of State to pay the annual contribution of the United States in the plans of the organization of the International Society for the Exploration of the Arctic Regions by Means of the Airship for the establishment of geophysical observations in the inner Arctic regions, as authorized by Public Resolution No. 87, approved February 16, 1929, for the fiscal years that follow:

For 1929, $300;
For 1930, $300.

The amendment was agreed to.

The next amendment was, under the heading "Treasury Department, Bureau of Prohibition," on page 72, line 7, after the word "therewith," to insert "and not less than $200,000 shall be expended for the enforcement of the narcotic act," so as to read:

For an additional amount for enforcement of the narcotic and national prohibition acts, including the same objects specified under this head in the act making appropriations for the Treasury Department for the fiscal year 1930, fiscal years 1929 and 1930, $1,719,654, of which not exceeding $50,000 may be expended for the collection and dissemi-

nation of information and appeal for law observance and law enforcement, including cost of printing and other necessary expenses in connection therewith, and not less than $200,000 shall be expended for the enforcement of the narcotic act.

The amendment was agreed to.

The next amendment was, under the subhead "Office of the Secretary," on page 72, line 18, after the word "in," to insert "Senate Document No. 236 and," and in line 19, after the word "Congress," to strike out "$1,016.82" and insert "$1,201.82," so as to read:

Damage claims: To pay claims for damages to or losses of privately owned property adjusted and determined by the Treasury Department under the provisions of the act entitled "An act to provide a method for the settlement of claims arising against the Government of the United States in sums not exceeding $1,000 in any one case," approved December 28, 1922 (U. S. C., p. 989, secs. 215–217), as fully set forth in Senate Document No. 236 and House Document No. 521, Seventieth Congress, $1,201.82.

The amendment was agreed to.

The next amendment was, under the subhead "Coast Guard," on page 75, after line 16, to insert:

Coast Guard Academy: For the preparation of the plans, drawings, designs, specifications, and estimates necessary for the construction of buildings and appurtenances for the purpose of the Coast Guard Academy as authorized in the act entitled "An act to provide for the acquisition of a site and the construction thereon and equipment of buildings and appurtenances for the Coast Guard Academy," approved February 16, 1929, fiscal year 1929, to remain available until expended, $10,000: *Provided*, That the Secretary of the Treasury is hereby authorized to cause the plans, drawings, designs, specifications, and estimates to be prepared in the Office of the Supervising Architect, and the proper appropriations for the support and maintenance of the Office of the Supervising Architect shall be reimbursed for the cost of preparing such plans, drawings, designs, specifications, and estimates and for necessary travel in connection therewith.

The amendment was agreed to.

The next amendment was, on page 83, line 5, after the word "For," to strike out "commencement of construction on a site to be acquired," and insert "acquisition of site and commencement of construction," so as to read:

Clovis (N. Mex.) post office, etc.: For acquisition of site and commencement of construction, $25,000, under an estimated total cost of $130,000.

The amendment was agreed to.

The next amendment was, on page 94, after line 12, to insert:

Salisbury (N. C.) post office, courthouse, etc.: For commencement of extension and remodeling, $50,000, under an estimated total cost of $185,000.

The amendment was agreed to.

The next amendment was, at the top of page 97, to insert:

Washington (D. C.) Agricultural Department Buildings: To reimburse the Economics Building Co. of Washington, D. C., for actual expenditures made by it in the erection of the Economics Building, exclusive of taxes, in accordance with the provisions of the second deficiency act, fiscal year 1926, approved July 3, 1926, $25,000.

The amendment was agreed to.

The next amendment was, on page 98, line 9, after the word "amended" to strike out "$11,195,500" and insert "$11,270,500," so as to read:

Total appropriation for projects under section 5, act of May 25, 1926, as amended, $11,270,500.

The amendment was agreed to.

The next amendment was, on page 98, after line 22, to insert:

NOGALES, ARIZ., INTERNATIONAL STREET

For grading and paving of the Federal strip of land known as International Street, belonging to the United States, along the international boundary line between Mexico and the United States and adjacent to the city of Nogales, Ariz., said paving to extend from the east side of Nelson Avenue to the top of the hill beyond West Street, with the necessary fence, retaining walls, storm sewers, the installation of an ornamental lighting system, and other items necessary in connection therewith, $30,000, and in addition the unexpended balance of the appropriation of $40,000 under this heading in the second deficiency act, fiscal year 1928, approved May 29, 1928, is continued and made available until June 30, 1930, for the purposes of this paragraph.

The amendment was agreed to.

The next amendment was, under the heading "War Department, military activities," on page 100, line 14, after the word "in" to insert "Senate Document No. 236 and," and in line 16, to strike out "$1,824.62" and insert "$1,834.87," so as to read:

Damage claims: To pay claims for damages to or losses of privately owned property adjusted and determined by the War Department under the provisions of the act entitled "An act to provide a method for the settlement of claims arising against the Government of the United States in sums not exceeding $1,000 in any one case," approved December 28, 1922 (U. S. C., p. 989, secs. 215–217), as fully set forth in Senate Document No. 236 and House Documents Nos. 521 and 596, Seventieth Congress, $1,834.87.

The amendment was agreed to.

The next amendment was under the heading "Quartermaster Corps," on page 101, after line 2, to insert:

Construction of buildings, utilities, and appurtenances at military posts: For construction and installation of buildings, utilities, and appurtenances thereto at military posts as authorized by an act entitled "An act to authorize appropriations for construction at military posts, and for other purposes," approved February 25, 1929, as follows: Porto Rico: Barracks, $80,000; noncommissioned officers' quarters, $72,000; officers' quarters, $180,000; Henry Barracks, P. R.—barracks, $160,000; noncommissioned officers' quarters, $33,000; officers' quarters, $123,000; hospital, $35,000; Walter Reed General Hospital, District of Columbia—nurses' quarters, $300,000; observation, tuberculosis, and infectious disease wards and a morgue, and the reconstruction of the third floor of the main building into an operating room, and for the necessary corridors, roads, walks, grading, utilities, and appurtenances thereto, $90,000; and for radio and communication center at Bolling Field, D. C., or at a point on a military reservation in the vicinity of the District of Columbia to be selected by the Secretary of War, $30,000; in all, $1,103,000: *Provided*, That the sum of $300,000, authorized for construction of a hospital at Camp Devens, Mass., by the act approved February 25, 1927, and appropriated for in the first deficiency act, fiscal year 1928, approved December 22, 1927, is hereby made available for expenditure at Camp Devens, Mass., for the construction and installation of buildings, utilities, and appurtenances thereto as follows: Hospital, toward completion, $35,000; for officers' quarters, $180,600; for noncommissioned officers' quarters, $14,400; for bakery, $15,000; for fire house, $10,000; and for stables, $45,000; as authorized in the act entitled "An act to authorize appropriations for construction at military posts, and for other purposes, approved February 25, 1929: *Provided further*, That the expenditure of the funds herein provided for may be made without reference to sections 1136 and 3734, Revised Statutes, including also the engagement, by contract or otherwise, of the services of architects, or firms, or partnerships thereof, and other technical and professional personnel as may be deemed necessary without regard to civil-service requirements and restrictions of law governing the employment and compensation of employees of the United States.

The amendment was agreed to.

The next amendment was, under the subhead "Ordnance Department," on page 103, line 15, after the word "land," to strike out "$1,050,403" and insert "$1,402,344," so as to read:

Ammunition storage facilities, Army: To continue the provision of ammunition storage facilities in accordance with the primary recommendations contained in House Document No. 199, Seventieth Congress, as modified by the second deficiency act, fiscal year 1928, approved May 29, 1928 (45 Stat. 928), including not to exceed $80,000 for the purchase of land, $1,402,344, fiscal years 1929 and 1930.

The amendment was agreed to.

The next amendment was, on page 103, after line 19, to insert the following additional proviso:

*Provided further*, That the plans for storing ammunition in the Hawaiian Department set forth in House Document No. 199, Seventieth Congress, are amended so as to authorize the construction of ammunition storage facilities in Salt Lake Crater, instead of the Fort Shafter Gulch, including the purchase of the necessary land in that area.

The amendment was agreed to.

The next amendment was, on page 105, line 13, after the word "February," to insert the figures "25," so as to read "Approved February 25, 1929."

The amendment was agreed to.

The next amendment was, on page 106, line 1, after the numerals "$45,000" to insert "together with the unexpended balance of the appropriation under this head in the second deficiency act, fiscal year 1928, approved May 29, 1928," so as to read:

Fort Donelson National Military Park: For every expenditure requisite for or incident to the establishment of a national military park at the battle field of Fort Donelson, Tenn., in accordance with the provisions of the act approved March 26, 1928 (45 Stat. 367–369), including mileage to officers and traveling expenses of the commission and their assistants, fiscal years 1929 and 1930, $45,000, together with

the unexpended balance of the appropriation under this head in the second deficiency act, fiscal year 1928, approved May 29, 1928.

The amendment was agreed to.

The next amendment was, on page 106, line 14, after the name "Mississippi," to insert "fiscal years 1929 and 1930," so as to read:

Battle fields of Brices Cross Roads and Tupelo, Miss.: For the purpose of carrying out the provisions of Public Law No. 792, approved February 21, 1929, to provide for the inspection of the battle field of Brices Cross Roads, Miss., and the battle field of Tupelo or Harrisburg, Miss., fiscal years 1929 and 1930, $10,000.

The amendment was agreed to.

The next amendment was, on page 107, after line 19, to insert:

CORPS OF ENGINEERS

Investigation and survey for a Nicaraguan canal and investigation and survey of the Panama Canal: For every expenditure requisite for and incident to the investigation and survey to determine the practicability of an interoceanic ship canal over Nicaraguan territory, and the survey and investigation for the purpose of determining the possibilities and cost of enlarging the Panama Canal to the extent which may be necessary to meet the future needs of interoceanic shipping, fiscal year 1929, to remain available until expended, $150,000.

Mr. DILL. Mr. President, as I understand it, this is an appropriation for which no authorization has yet passed the House of Representatives. It provides for the expenditure of $150,000. I desire to ask the Senator from Wyoming about that.

Mr. McKELLAR. Mr. President, it would be in order even if no bill had been passed, because it would carry out the provisions of a treaty. In addition to that, it is clearly in order under Rule XVI, which provides that where a resolution is passed providing for an appropriation at the same session, it is in order.

Mr. DILL. The joint resolution has not passed the House of Representatives.

Mr. McKELLAR. It does not have to pass the House in order to make this in order. If it has passed the Senate, the appropriation is in order.

Mr. DILL. If the joint resolution was necessary at all, it certainly would have to become a law before we would be authorized to appropriate money to carry it out.

Mr. McKELLAR. No; in the first place, it is not necessary.

Mr. WARREN. It is entirely all right for us to pass it, under our rules.

Mr. SMOOT. If the joint resolution shall not become a law, the appropriation will never be used.

Mr. JONES. I may say to my colleague that if a bill or joint resolution has passed the Senate during the same session, under our rules an appropriation to carry it out is in order.

Mr. DILL. It would not be in order in the House of Representatives.

Mr. McKELLAR. It is in order under the first paragraph of Rule XVI, found on page 20 of the Rules.

The PRESIDING OFFICER. The Senator from Tennessee is correct. In Rule XVI it is stated that "no amendments shall be received to any general appropriation bill * * * unless it be made to carry out the provisions of some existing law or treaty stipulation, or act, or resolution previously passed by the Senate during that session."

Mr. DILL. Suppose the House of Representatives does not pass that joint resolution?

Mr. McKELLAR. This would still be in order.

Mr. DILL. Would it be in order to appropriate the money?

Mr. WARREN. That question would be considered in conference, and it could be cut out. We are considering it only in this body so far.

Mr. DILL. The question I ask is this: Suppose, when the conferees meet, and then make their final report, the resolution has not yet passed the House of Representatives and has not finally become a law; would it be in order for us to make this part of this bill to be reported back in the conference report?

Mr. WARREN. The Senator is looking ahead quite a little. We are now only considering this in the Senate. It has not yet received attention in the House of Representatives. We go to conference with whatever amendments the Senate has put on the bill, under the order under which we are now working, and the matter will then receive the consideration of the House conferees.

Mr. DILL. If the joint resolution does not pass the House, then what will be the status of this appropriation?

Mr. WARREN. It will not be in order, of course. It will be cut out.

Mr. SMOOT. The House will disagree and the Senate will recede.

Mr. WARREN. The Senator, of course, understands that this matter will be within the control of the conferees.

Mr. DILL. It certainly would not be in order to bring this provision back in a conference report if the resolution did not pass the House of Representatives.

Mr. WARREN. Very true.

Mr. McKELLAR. Of course the conferees can take any position they want to take about it, but it would be in order under Rule XVI. There can be no doubt about that—not a particle.

Mr. DILL. It would be in order to finally pass it?

Mr. McKELLAR. It would be in order, because the Senate has passed the joint resolution and it can put this appropriation into the bill if it desires. I hope the conferees will look at it in that way and keep the provision in the bill.

Mr. DILL. Mr. President, I think it is very bad practice to attempt to rush an appropriation in this way when the joint resolution in the House of Representatives has been referred to the House Committee on Interstate Commerce, and before the resolution has even been considered by the committee this appropriation is brought in here, and the Senate is asked to agree to it, and send it to conference, on the theory that the joint resolution may pass the House of Representatives. I think the only proper way is to reject this amendment, and I hope that the committee will agree to that. If not, I feel that I want to discuss the subject.

I do not see any necessity for appropriating money before the joint resolution has become a law. There is nothing pressing about this Nicaraguan-canal survey. There is no demand anywhere for it. There is no one anywhere asking for it that I know about, except the Senator from New Jersey [Mr. EDGE], who pressed the resolution through the Senate. With the pressure of business in the House this near the end of the session, it seems to me that there is not much chance that the joint resolution will pass the House of Representatives. Therefore I am going to make a point of no quorum, and press it.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Edwards | Kendrick | Schall |
| Barkley | Fess | Keyes | Sheppard |
| Bingham | Fletcher | King | Shortridge |
| Black | Frazier | McKellar | Smith |
| Blaine | George | McNary | Smoot |
| Blease | Glass | Neely | Steiwer |
| Bratton | Glenn | Norbeck | Swanson |
| Brookhart | Goff | Nye | Thomas, Idaho |
| Broussard | Hale | Oddie | Thomas, Okla. |
| Bruce | Harris | Overman | Trammell |
| Capper | Harrison | Pine | Vandenberg |
| Copeland | Hayden | Pittman | Warren |
| Curtis | Heflin | Ransdell | Waterman |
| Deneen | Johnson | Reed, Pa. | Watson |
| Dill | Jones | Robinson, Ind. | Wheeler |

The PRESIDING OFFICER. Sixty Senators having answered to their names, a quorum is present.

Mr. DILL. Mr. President, I regret very much that the committee should see fit to try to take advantage of the situation by forcing an appropriation into the bill at this time. I regret also that it becomes necessary for me to discuss it, but that I shall certainly do for a little while.

The history of the Nicaraguan trouble dates back over a long period of years. I can not find the reason from anyone anywhere why there should be such an insistent demand that we shall proceed to spend money and that we shall proceed to begin work on the survey of the Nicaraguan canal. As I stated some days ago when the Nicaraguan measure was before the Senate, there is no need for a canal at the present time. There is no demand for an additional canal, except that coming from a few newspaper editors. There is no real reason that anybody has given for rushing the procedure.

The joint resolution providing for the Nicaraguan survey only passed the Senate two or three days ago. It is in the House and I understand was referred to the Committee on Interstate and Foreign Commerce, and that there they propose to take out of the measure that part of it which authorizes the Government particularly to negotiate with Costa Rica and other countries that have an interest in the river which would be a part of the canal. The fact of the matter is that our rights in Nicaragua are based upon a treaty with Nicaragua which does not recognize the rights of Costa Rica. I understand that for more than 150 miles the river which would be a part of the canal borders on Costa Rica, and that Costa Rica claims rights which have not been recognized by anybody anywhere, and we are proceeding on the theory that we have the rights to the canal because of a treaty made in 1913 with the Chamorro Government. As I explained the other day, that treaty has a history which

certainly does not justify the claim of this Government to any rights in that country.

When the joint resolution was before the Senate it was amended two or three times before it was finally put in the language in which it eventually passed. Then we were told that these rights of Costa Rica would be considered and negotiations would be carried forward in accordance with that provision. In the House of Representatives, I understand, the joint resolution would naturally go to the Committee on Foreign Affairs because of this provision; but in order that it may go to a committee which is favorable to it, it is to be sent to the Committee on Interstate and Foreign Commerce. It is in that committee now, or will be referred to-morrow, if it has not been referred to-day, and some time probably in the next day or two it may be reported out, and it may be possible that in the last moments it might be passed, so that if the President signs the joint resolution in time the $150,000 can go into the conference report.

As I said, nobody has yet given any reason for the urgency with which the matter is being pressed. I do not know who is back of it. I have tried to find a cause for it.

The testimony of the engineers in charge of the Panama Canal shows that we are running 19 ships per day through a canal which has a capacity for 54 ships a day. Not only that, but if the dam which will supply additional water is completed on the Panama Canal, we are told that another lock can be installed, and that it will then be 70 years before there will be any need for additional canal facilities. When we come to build a canal across Nicaragua, nobody knows how many hundreds of millions of dollars it will cost. It has been estimated all the way from $200,000,000 up to $1,000,000,000, and even $1,500,000,000, if it is attempted to build a sea-level canal.

Mr. President, I remind you that the reports of the Secretary of the Treasury recently made were to the effect that there is but a small surplus in the Treasury. As I showed the other day, pending legislation for needed projects in our own country makes demands of $2,500,000,000. Yet with all that situation facing us, we are asked to start work upon the survey of a canal that will not be needed in any event for 30 years, and by a comparatively small additional expenditure it will be 70 years before it will be needed. It is said that it is only $150,000, but that is only the opening wedge; that is but a beginning. I will say frankly, however, much as I am opposed to the proposition, that if the House of Representatives does pass the joint resolution or if it were already the law, then I would withdraw my opposition. But just because the joint resolution has passed one branch of the Congress is no reason, in my judgment, why, in a deficiency bill, we must rush through a provision for the $150,000 to make a survey.

Mr. President, I want to call attention to the history of our record in Nicaragua. I read the other day just a few short excerpts from an article in Current History for November, 1928, by Prof. Charles W. Hackett. I am going into that article with a little more detail because it contains some very interesting data in addition to what I quoted the other day. Mr. Charles W. Hackett is the professor of Latin-American history in the University of Texas. He said:

> A survey of relations of the United States with Nicaragua during the last two decades reveals a kaleidoscope of inconsistencies and blunders.

I think it is stating it very kindly to call them merely blunders.

> It is not charged that this was necessarily intentional or deliberate, nevertheless the United States Government has repeatedly blundered from one untenable position with respect to Nicaragua into another.

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

Mr. DILL. I yield.

Mr. SMITH. May I ask the Senator a question for information? I do not care to break the continuity of his speech.

Mr. DILL. I am perfectly willing to yield to the Senator. There is plenty of time.

Mr. SMITH. I want to know what would be the status of the amendment in the appropriation bill now before us if, when it passes this body and goes to conference, the House shall not have passed the joint resolution to which the Senator is referring? Then it necessarily would go out, would it not?

Mr. DILL. Yes.

Mr. SMITH. But if in the meantime while the conferees are meeting it shall have passed the House it would then be in order.

Mr. DILL. Yes; and the leaders of the House will immediately be urged to lay aside any other kind of business that may be pressing, because the Senate is so anxious to get this appropriation that we could not wait until the bill had passed in the natural way, but in the second deficiency bill carrying millions and millions of dollars we must have this appropriation to begin a survey of the Nicaraguan canal.

Mr. SMITH. May I ask for just one further bit of information? If the item is left out of the bill and the House shall pass the joint resolution providing for a survey, then when would the appropriation be provided for?

Mr. DILL. The appropriation would be provided for in the next annual appropriation bills during the next session. That would be the natural time for them.

Mr. SMITH. So that in case the House does pass the joint resolution we shall have a delay of only one year?

Mr. DILL. Only a delay of one year. I think in the light of our troubles in Nicaragua in the past, in the light of public sentiment in this country for the withdrawal of the marines from Nicaragua, that we could well afford to take a little time before we start new operations down there that are likely to make more trouble in Nicaragua.

Mr. SMITH. The only point I care to make, if the Senator will allow me, is that one year would not carry out the purpose that the Senator has in mind and in which he has the sympathy of others. I take it that what the Senator is hoping to do is to defeat the legislation ultimately.

Mr. DILL. That is certainly what I hope to do.

Mr. SMITH. The Senate has passed the joint resolution providing for a survey. It has gone for the time being beyond our recall. If the House shall pass it, it is then the law of the land, just awaiting the appropriation before becoming effective. If there was any hope in the meantime or as the result of the delay that it might ultimately be defeated or give those opposed to the legislation another chance at its defeat, that would be one thing; but when it shall have been passed by both Houses and nothing remains to be done but to make the appropriation, I do not see exactly what advantage would be gained.

Mr. DILL. There is the advantage, I may say to the Senator, that when the Senate adopts this particular amendment it not merely provides an appropriation, but the bill carries in its wording legislation. The House is then at liberty to adopt the legislation and make both the amendment and the legislation in order. This is a covert way of getting through the House a provision which the House has not yet passed.

Mr. SMITH. Could the House accept this?

Mr. DILL. Why not?

Mr. SMITH. There has been no provision made for it by any action of the House.

Mr. DILL. Yes; but the provision is right in the bill. It is legislation on the bill.

Mr. SMITH. This is only making an appropriation for legislation that has already passed this body, but it is not legislation that could be appropriated for until it shall have gone through its parliamentary stages in this body and in the other body.

Mr. DILL. It is in the same status as any other legislative provision in an appropriation bill passed through one House and accepted by the other. I read to the Senate the provision under the title "Corps of Engineers":

> Investigation and survey for a Nicaraguan canal and investigation and survey of the Panama Canal: For every expenditure requisite for and incident to the investigation and survey to determine the practicability of an interoceanic ship canal over Nicaraguan territory, and the survey and investigation for the purpose of determining the possibilities and cost of enlarging the Panama Canal to the extent which may be necessary to meet the future needs of interoceanic shipping, fiscal year 1929, to remain available until expended, $150,000.

Mr. SMITH. But that is merely providing for what has been set forth in the text of the joint resolution which we passed the other day. That is not a recital of the bill.

Mr. DILL. But if the House accepts it then it is a part of the bill, and it is perfectly proper to be expended. It is a covert way of compelling the House to do, in a great appropriation bill, what it has not done in a legislative way.

Mr. SMITH. It is then the Senator's opinion that the conferees on the part of the House, before any legislation ever passes the House on the subject at all, may accept this and it then becomes the law.

Mr. DILL. Of course, it does, and the conferees on the part of the House will be at liberty to do it if they so desire.

Mr. SMITH. This certainly is my first experience with that situation in legislative procedure. It was my opinion that legislation of this character would have to pass both bodies before it could be a matter for conference.

Mr. McKELLAR. Under the rules of the House it has to be submitted to the House of Representatives and voted on there before it could become a law.

Mr. DILL. It can be submitted as a part of this report.

Mr. McKELLAR. It has to be voted on separately under their rules, and, of course, if the House passed it, I take it that anyone would say it is entitled to have it.

Mr. SMITH. Now, let us get this clear. Would the House have to vote on the provision as it appears in this bill or on the joint resolution upon which this is predicated?

Mr. DILL. Only on the provision that appears in this bill. They need pay no attention to the joint resolution pending before the House and which has already passed the Senate.

Mr. SMITH. The House would have to vote simply on this amendment in order to make it eligible for conference again?

Mr. DILL. That is all; and when the conferees come in with a report on this great appropriation bill and a separate vote is all that is required, the Senator knows how little chance opposition to the legislative measure will have when it is taken up on the floor of the House.

Mr. SMITH. I understand, of course, how a mere amendment could be the subject of conference, but this is a separate provision which has not been authorized except by the passage by the Senate of the joint resolution.

Mr. DILL. Yes; and the House Members will be in this position: They will be practically bludgeoned, by the force of the fear of losing the remainder of the provisions of the deficiency bill, into accepting what the conferees have brought in.

Mr. PITTMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Nevada?

Mr. DILL. I yield.

Mr. PITTMAN. There still seems to be a great deal of misunderstanding about the jurisdiction of the two Houses. It is admitted that the House of Representatives shall initiate revenue measures. If there is anything else it alone can initiate, I have not heard of it. We have two bodies of equal jurisdiction and no restrictions. This bill has originated in the other House, we will assume, but it is not binding on us at all. We can strike out all of the bill after the enacting clause and insert a new bill. Then, of course, when passed by the Senate, it would go to conference. There is nothing binding on this body by virtue of this bill, as everyone must admit. So there is no use talking about conferences. The question is, What does this body desire to do with this proposed legislation?

Mr. DILL. Mr. President, I was quoting from the article by Professor Hackett. The statement I had just read was concerning the sending of the Stimson mission to Nicaragua in 1927. I continue quoting from the article:

> The sending of that mission may be characterized as an honest and commendable effort of the President and the Secretary of State, as well as possible, through Colonel Stimson, to extricate the United States Government from the embarrassments resulting from its past relations with Nicaragua.
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> To be more specific: In 1907 President Roosevelt induced the five Central American Governments to agree (in Article II of the additional treaty of December 20, 1907) that none of them would "in case of civil war intervene in favor of or against the Government of the country where the struggle takes place." While encouraging the principle of nonintervention among the Central American nations, the United States Government apparently reserved the right of intervention for itself. For in 1909–10, in the words of Chairman BORAH of the present Senate Foreign Relations Committee, the United States Government "indorsed the revolutionists" who were at that time operating against the recognized constitutional Government of Nicaragua and "excited the people to overthrow it."

That recital of the beginning of our relations with Nicaragua, I submit, is enough to show the absolutely unfair attitude which the Government took toward Nicaragua, after having induced her to enter into an agreement with other Central American countries not to interfere in the revolutions which might occur in those countries. I will read on:

> The conservative government that was thereupon set up in place of the liberal one that was overthrown was, according to the contemporary report of the commanding officer of our marines in Nicaragua, "not in power by the will of the people." Nevertheless, the minority conservative régime thus established remained in power, through the protection afforded by the United States marines, until January 1, 1925. Such action in imposing a minority government on a helpless people was in violation of the idealism expressed with specific reference to Latin America by Secretary of State Root when he said: "We consider that the independence and equal rights of the smallest and weakest members of the family of nations deserve as much respect as those of the great empires," and also the idealism expressed by President Wilson when he said that "every people should be left free to determine its own policy, unhindered, unthreatened, unafraid, the little along with the great and powerful."
>
> Also in 1907 the United States Government induced the Central American governments to agree (in Article I of the additional treaty of December 20, 1907) that none of them would recognize any other government which might "come into power in any of the five republics as a consequence of a coup d'état, or of a revolution against the recognized government, so long as the freely elected representatives of the people thereof have not constitutionally reorganized the country." Three years later the Estrada Government, which had come into power through a revolution "aided and abetted" by the United States consul at Bluefields, was recognized by the United States Government (January 1, 1911) before the freely elected representatives of the people of Nicaragua had constitutionally reorganized their country. Thus the United States Government violated the very principle of nonrecognition to which it had induced the Central American governments to subscribe three years earlier.
>
> In 1916 the Bryan-Chamorro treaty was negotiated. By it Nicaragua, in return for a paltry but much-needed sum of $3,000,000, gave to the United States "in perpetuity * * * the exclusive proprietary rights necessary and convenient for the construction, operation, and maintenance of an interoceanic canal." With respect to that treaty four serious questions arise, to quote from Elihu Root, "not about the desirableness of the treaty but about the way" in which it was made.

That brief but explicit statement leading up to how we secured the establishment of a government in Nicaragua tells the story, but is very kindly in our favor. The truth of the matter is that that revolution was inspired largely by American interests and that those who were placed in direct control of the government at that time were really our own representatives. Chamorra was but a puppet—if I may use that term—he simply served the purposes of those who were anxious to make a treaty by which they could claim these rights. Basing our rights upon that kind of a treaty, we now find the Senate Committee on Appropriations are so anxious to take advantage of whatever there is to which we are justly entitled, that they come in here with an appropriation authorized by a joint resolution that has not as yet passed the House of Representatives, and are hoping that when the appropriation bill goes through the Senate it will go to the House, and the House then will accept it, and it will be passed as a part of an appropriation bill, when they have not been able to consider the joint resolution in the regular way in the House of Representatives. If the House were in favor of the joint resolution it could have passed it long ago; it did not need to wait until it was passed by the Senate; it did not need to depend upon the Senate to bring it over within the pages of an appropriation bill.

If this appropriation were inserted simply for the purpose of studying the facilities of the Panama Canal, and its enlargement, I would have no serious objection to it, although I think that it would be improper, to say the least; but when it is proposed here, because of a great appropriation bill which is pending, to take advantage of a situation in the closing days of the session, I propose, for one, to protest and to do what I can to prevent it.

Mr. McKELLAR. Mr. President——

Mr. DILL. I yield.

Mr. McKELLAR. The Senator has several times said something about taking advantage of a situation and about bludgeoning the House.

Mr. DILL. That is exactly what I said.

Mr. McKELLAR. Is not the Senator in exactly that sort of a position himself? He is undertaking to bludgeon the Senate. The Senate has passed the joint resolution in regard to the proposed Nicaraguan canal; it has decided against the Senator from Washington on every point; and my recollection is that the Senator did not even ask for a roll call.

Mr. DILL. I did not bother about a roll call.

Mr. McKELLAR. In any event, on whatever roll calls there were, the Senate overwhelmingly turned down the proposal of the Senator from Washington and passed the joint resolution. Now, it seems to me, the Senate having done that, when the Senator assumes the attitude he does toward this appropriation bill, which merely carries out the terms of the joint resolution which has already been adopted, the Senator, and not the committee or the Senate, is taking advantage of the situation, for the Senate would overwhelmingly pass the appropriation bill to-night if the Senator would allow it to come to a vote.

Mr. DILL. The Senator from Tennessee knows very well that many bills pass one body that do not pass the other; many bills pass one House that may not even reach the stage of consideration in the other House. I do not propose, so far as I can prevent it, to permit a bill to be forced upon the House of Representatives that the House has not willingly taken up when it has had all of a year in which to take it up.

I submit that if there was anything urgent about this matter, if there was anything pressing about it, then the Senator's contention might have some weight, but there is not any reason for hurry; there is no reason for rushing it. The Senator can not stand on his feet now and give a single reason why this appropriation is so urgent that it should be rushed through in a

deficiency bill, and, in addition to being rushed through in a deficiency bill, being put in that bill when the measure authorizing the appropriation has not even been considered in the House of Representatives.

The Senator says that I am trying to bludgeon the Senate. I am trying, if possible, to call attention to this situation in such a manner that if I am finally forced to let it go through, the Members of the House of Representatives will realize the advantage that is trying to be taken of them by this method.

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

Mr. DILL. I will permit an interruption.

Mr. McKELLAR. The Senator made this exact argument, I know, at least half a dozen times during the consideration of the Nicaraguan survey joint resolution.

Mr. DILL. I have never had to make this argument on any bill, so far as I know, since I have been in the Senate, for I do not recall a case where an appropriation for the urgency of which no one can give a good reason, and especially when the authorizing measure has not passed one of the Houses as yet, has been brought in on a great emergency deficiency bill such as this.

What is there about the Nicaraguan canal survey that is so urgent that we must rush it into a deficiency bill, even, and, much more, rush it into a bill before the authorization for the appropriation has passed the House of Representatives? I do not know of any reason at all, except that some men have the idea that the Nicaraguan canal will be built some day, and they seem to want to have some part in it.

I wish to read on about this treaty and how it was obtained.

In the first place, in entering into that treaty the United States Government, instead of practicing its teachings by indorsing and upholding constitutional procedure, encouraged Nicaragua to violate a provision of its own constitution, which prohibits the negotiation of treaties which in any way impair the territorial integrity or the national sovereignty of the country.

If they had had a president of their own choosing, if they had had a president who represented the will of the people, he would not have been willing to enter into a treaty of this kind, but owing to the fact that they had a president who was set up partially at the instigation of American influences, of course, he did their will; he carried out their preferences and their desires.

In the second place, the treaty was negotiated with a puppet government. On that point Elihu Root expressed the opinion, based on official records, that the Nicaraguan Government at that time did not represent "more than a quarter of the people of the country," and was maintained "in power by virtue of the force applied by the United States."

In the third place, the United States Government entered into the treaty with the full knowledge that a provision of the Cañas-Jérez treaty of 1858 between Costa Rica and Nicaragua inhibited the latter country from signing any such treaty as the Bryan-Chamorro treaty. A decision to that effect had even been handed down in 1888 by President Cleveland in arbitrating a dispute concerning the Cañas-Jérez treaty. In that decision President Cleveland said that "Nicaragua remains bound not to make any grants for canal purposes across her territory without first asking the opinion of Costa Rica."

Yet with President Cleveland's admonition back of all of this, with a history such as this, we proceeded to make this treaty; and now, before a resolution has been passed to authorize the expenditure of the money, the committee comes in here and wants to get this appropriation put on an emergency deficiency bill—not a regular bill—with no demand from any part of the country anywhere for any such haste, nor any pressing necessity for activity.

I will read on:

Furthermore, in case the construction of a canal by Nicaragua should involve injury to the natural rights of Costa Rica, as, for example, in the San Juan River, which is part of the international boundary between the two countries, President Cleveland held that in such cases Costa Rica's consent was "necessary." The United States Government knew from the outset that Nicaragua never attempted to secure the consent of Costa Rica, nor even consulted her before signing the Bryan-Chamorro treaty.

Finally, and in the fourth place, in signing the Bryan-Chamorro treaty the United States Government ignored the diplomatic protests of Costa Rica and Salvador to the effect that Nicaragua was incompetent to sign the treaty because of the violation of their rights. Subsequently these protests were upheld in formal decisions of the court, but they were ignored by Nicaragua, who was sustained by the United States in flouting the formal decision of the court. Such action resulted in the dissolution of the court, which under the guiding influence of Elihu Root had been established in 1908 to settle all disputes that might arise between the Central American States.

Thus the court which through the influence of our President had been set up was destroyed by our own disregard of the actions of that court.

In his message to Congress of January 10, 1927, President Coolidge said that one of the three reasons for our recent intervention in Nicaragua was to protect the rights of the United States acquired by the Bryan-Chamorro treaty. Can such rights be held valid, however, when they were acquired in contravention of an earlier sacred treaty, an arbitral ruling of a President of the United States, and a decision of an international tribunal of justice? Can not even the propriety be questioned of sending marines to protect rights acquired in such a manner? Instead of defending it by armed force, would it not be appropriate for the United States to abrogate the treaty—charging the $3,000,000 invested in it to the same fund as the $25,000,000 paid to Colombia a few years ago—and then negotiate a new treaty by legal methods that would offend neither the majority of Nicaragua's citizens nor its neighbors? Nothing short of such action will ever fully atone for the unfortunate moral effect of the Bryan-Chamorro treaty.

Mr. President, I think this amendment ought to be amended, if it is to be considered at all, by striking out all reference to a Nicaraguan canal and providing for the investigation and survey of the Panama Canal, striking out the words "for a Nicaraguan canal and investigation and survey" in line 21, on page 107, and striking out, on line 23, "requisite for and incident to the investigation and survey to determine the practicability of an interoceanic ship canal over Nicaraguan territory."

I move that the amendment be amended by striking out those words.

The PRESIDING OFFICER. The amendment offered by the Senator from Washington to the amendment of the committee will be stated.

The CHIEF CLERK. On page 107, line 21, it is proposed to strike out the words "for a Nicaraguan canal and investigation and survey."

In lines 23, 24, and 25 it is proposed to strike out the words "requisite for and incident to the investigation and survey to determine the practicability of an interoceanic ship canal over Nicaraguan territory."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Washington to the amendment of the committee.

Mr. McKELLAR. Mr. President, I hope the amendment will be voted down.

The amendment to the amendment was rejected.

Mr. DILL. Mr. President, I make the point of no quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

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|---|---|---|---|
| Ashurst | Fletcher | McMaster | Steiwer |
| Barkley | Frazier | Neely | Stephens |
| Bingham | George | Norbeck | Swanson |
| Black | Glass | Norris | Thomas, Idaho |
| Blaine | Glenn | Nye | Thomas, Okla. |
| Bratton | Goff | Oddie | Trammell |
| Brookhart | Hale | Pine | Vandenberg |
| Broussard | Harris | Ransdell | Walsh, Mont. |
| Bruce | Harrison | Reed, Pa. | Warren |
| Capper | Hayden | Robinson, Ind. | Waterman |
| Copeland | Heflin | Schall | Watson |
| Curtis | Jones | Sheppard | Wheeler |
| Deneen | Kendrick | Shortridge | |
| Dill | Keyes | Smith | |
| Fess | McKellar | Smoot | |

Mr. SMITH. The senior Senator from North Carolina [Mr. SIMMONS] is unavoidably detained from the Senate.

The PRESIDING OFFICER. Fifty-seven Senators having answered to their names, a quorum is present. The question is on the amendment of the committee.

Mr. DILL. Mr. President, I realize that there is a very notable sporting event about to take place in Florida. A great many Senators would like to listen to the returns from the Florida fight. I should like to listen to them myself; but it happens that I do not feel, in justice to my convictions, that I should permit this sort of legislation to go through without considerable protest, and it may run on for two or three hours at least. So if Senators want to hear the fight returns, probably they will enjoy them more than they will my remarks and my discussion; and I shall not feel at all offended if they want to go and listen to the returns from the fight.

Mr. HEFLIN. Mr. President, if the Senator will permit me, I wonder if he is suggesting that in order to get them out, so that he can make another point of no quorum and adjourn?

Mr. DILL. That would be very satisfactory; but I think they would come back on a roll call.

Mr. McKELLAR. Would not that be bludgeoning?

Mr. DILL. It would not be the kind of bludgeoning that is going on here by this committee in this bill, by the methods that have been used here.

Mr. McKELLAR. No; it is a great deal worse than that.

Mr. DILL. I know the Senators are not going to leave the Capitol, as far as that goes.

Mr. WATSON. Mr. President, I should like to ask the Senator if he will give us his personal assurance that he will talk for an hour without interruption and without roll calls or points of no quorum?

Mr. DILL. Well, I do not know; I might want a roll call. I can not tell.

Mr. SMITH. Has the Senator from Indiana any particular object in asking that question?

Mr. WATSON. Why, certainly. The Senator from Washington invited us to go to a certain place with a certain assurance. Now, he withdraws the assurance.

Mr. BARKLEY. Mr. President, does the Senator from Indiana think the fight will last an hour? [Laughter.]

Mr. WATSON. I do not know a thing about it. I want to go and find out.

Mr. DILL. Mr. President, this article which I have been reading and commenting on really covers this subject better than any speech I can make myself; so I think I shall continue to read from this discussion of the policy in Nicaragua.

Turning to the latest intervention of the United States in Nicaragua, the writer feels that it came in large measure as the result of inconsistent actions of the Department of State—actions which were condoned, but with ever-increasing embarrassments, until the Stimson agreements provided a solution. To be more specific, after 1913, when President Wilson refused to recognize the Mexican usurper, Huerta, the United States Government had frowned on illegally constituted governments in Latin America. It went even further in 1924 than merely frowning on governments; it gave material and moral aid in support of the recognized constitutional government of Obregon in Mexico. Furthermore, one of the heralded accomplishments of the second Central American Conference at Washington in 1922–23 was the drafting and subsequent ratification of a treaty of peace and amity. The object of this treaty, to quote from Secretary Kellogg, was "to promote constitutional government and orderly procedure in Central America," through those Governments agreeing "upon a joint course of action with regard to the nonrecognition of governments coming into office through coup d'état or revolution."

As late as January 22, 1926, Secretary Kellogg stated that the United States had "adopted the principles of that treaty as its policy in the future recognition of Central American governments." That the United States Government failed to uphold, or even recognize, constitutional government early in 1926 and late the same year recognized an unconstitutional one—specifically, the present government headed by Adolfo Diaz—is shown by the following facts:

As the result of "fair and full" elections a coalition government headed by a moderate Conservative, Solorzano, as President, and a Liberal Vice President, Sacasa, was installed at Nicaragua on January 1, 1925; promptly thereafter it was recognized by the Department of State and by the other Central American governments.

Late in 1925, following a successful coup d'état, General Chamorro illegally recognized the Nicaraguan Congress.

I might say that General Chamorro is the same man who was the head of the Nicaraguan Government when this treaty was made. He is the same man who had his brothers and his brothers-in-law and his cousins and his uncles and his nephews in all different offices Nicaragua has for men to hold. He proceeded, with all these men in office, to make this treaty upon which the rights of Nicaragua are based to-day. So he is the man who comes in and sets up the government in defiance of a government that had been legally chosen in Nicaragua.

This unconstitutional Congress on January 12, 1926, decreed the deposition and exile of the recognized constitutional Vice President Sacasa, and elected Chamorro as first designate (an office equivalent to second vice president). Two days later the resignation of the constitutional President, Solorzano, was received. The deposition of Sacasa—an illegal act because of the illegal character of the Congress which decreed it—and the resignation of Solorzano cleared the way for the assumption of executive powers by the dictator Chamorro on January 16. When, on March 14, the resignation of Solorzano was tardily accepted, there was and still is in theory between Vice President Sacasa and the Nicaraguan presidency, only the illegal decree of an illegally constituted Congress.

The United States Government, through its failure to insist upon the constitutional succession of Sacasa, let pass a golden opportunity "to promote constitutional government and orderly procedure in Nicaragua," and thereby paved the way for the unfortunate events which followed. Sacasa, it is admitted, was physically absent from the country, but, since he was absent "by reason of continuing force" and "continuing fraud," he was, in equity, never absent at all. Refusal to recognize the constitutional right of succession of Sacasa was tantamount to the Department of State's recognizing as legal his deposition by an illegal Congress. It constituted also a reversal of the policy pursued toward Mexico in 1924.

Mr. BLACK. Mr. President, I ask for order. This is a very interesting magazine article.

Mr. DILL. The truth of the matter is that Senators do not care anything about the facts. The truth of the matter is that a Senate that will permit a committee to disregard the ordinary procedure in regard to appropriations will not pay any attention if they hear the facts, and while I appreciate the desire of the Senator from Alabama that they shall hear them, I shall read them into the RECORD, in the hope that in a day of repentance they will look back and see what they failed to attend to when I called it to their attention.

The United States Government contented itself with merely denying recognition to Chamorro, thereby insuring the nonrecognition of his usurping government by the neighboring Central American Republics.

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

Mr. DILL. I yield to the Senator.

Mr. GOFF. Out of order I ask unanimous consent to substitute House bill 16958, for the relief of certain persons who suffered as a result of an airplane accident, for Senate bill 5781. The bills are identical, and the House bill passed the House late last night, providing for the appropriation of $16,000 to take care of the injuries suffered at Langin Field, in the State of West Virginia, when an airplane, under the direction of the United States Government, met with a very serious accident, and injured and killed several people. The Senate bill was introduced in the Senate on the 11th of February, 1929, went to the Committee on Claims, and was reported out by the Senator from Kansas [Mr. CAPPER] on the 15th of February.

Mr. BRUCE. Mr. President, I object. I think that the efforts of the Senate ought to be addressed exclusively to bringing to an end this perverse and irrational filibuster.

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

Mr. GOFF. I want to say to the Senator from Maryland that there is no desire on my part to filibuster——

Mr. BRUCE. Not in the least.

Mr. GOFF. And the Senator has no right to say that.

Mr. BRUCE. I did not refer to the Senator; that was not——

Mr. GOFF. The remark might be open to that interpretation.

Mr. BRUCE. That was not the import of my words. What I mean to say is that as long as this filibuster lasts, no other business ought to precede, and I think the Senator from West Virginia and every other Senator ought now to devote his efforts exclusively to bringing this filibuster to an end. So I object.

Mr. SWANSON. Will the Senator yield?

Mr. DILL. I have no objection to the comments of the Senator from Maryland. I know his habit of commenting on everything that displeases him, and so I am not even annoyed by it.

Mr. WARREN. Mr. President——

Mr. DILL. I think I had better continue to discuss the bill. I am perfectly willing for the Senator from West Virginia to have his measure passed, if somebody else does not object.

Mr. BRUCE. I object. There is nothing personal to the Senator from West Virginia in the objection, it is needless for me to say. I hope the whole Senate will wake up, and that this filibuster may end.

Mr. SWANSON. Mr. President, will the Senator from Washington yield?

Mr. DILL. Not at this time. Since I have started in to discuss this I want to complete the article, and I hope the Senator will bear with me——

Mr. SWANSON. I was going to ask unanimous consent that the article be printed in the RECORD.

Mr. DILL. I want to discuss it a little while. I want the Senator from Maryland particularly to get this information.

Mr. BRUCE. One moment, then.

Mr. DILL. I yield to the Senator.

Mr. BRUCE. Now, that the Senator is in that compliant state of mind, will he allow me to assure the Senator from West Virginia that I did not have the slightest intent of casting any reflection on him whatsoever, and I am astonished that he should have drawn such an inference from my words.

Mr. DILL. I should be very glad to have the Senator from Maryland give all the assurances he desires to the Senator from West Virginia, because I know it is my opposition to the pet hobby of the Senator from Maryland that disturbs him so greatly. He wants to keep an army down in Nicaragua. He wants to keep the boys down there to be shot at, and he knows

this gives another excuse for keeping them there, and I am not surprised.

Mr. BRUCE. The Senator is right, and I would like to send some Senators down there to be disposed of, too.

Mr. DILL. I have noticed that these Senators who are so anxious to have some one down there never volunteer to go themselves. That is always a very noticeable fact.

Mr. BRUCE. I am beyond the military age.

Mr. DILL. Yes; and that is one of the excuses men always make when they use an argument of that kind to back their position.

Mr. BRUCE. I am still equal, though, to private combat. [Laughter.]

Mr. DILL. I recognize that. Of course, it may be that the Senate would like to take a recess at this time to enjoy the fight returns; I do not know.

Mr. SMITH. No; we are going to have one here.

Mr. DILL. The Senator would not dignify a little difference of opinion with the Senator from Maryland in terms of fight, I hope.

Mr. SMITH. No; there is no danger.

Mr. DILL. In order that if Senators do want to hear the fight returns they may have that opportunity, I move that the Senate now take a recess until 11 o'clock to-morrow.

Mr. GOFF. Before that motion is put——

Mr. ASHURST. That is not debatable.

Mr. DILL. I yield to the Senator.

Mr. GOFF. I will ask the Senator if he will yield to me for a moment.

Mr. DILL. Yes; I yielded to the Senator a while ago.

Mr. GOFF. I will ask the Senator from Maryland if he will not withdraw his objection——

Mr. BRUCE. I do.

Mr. GOFF. To my request for unanimous consent, inasmuch as it will lead to no debate.

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from West Virginia?

Mr. DILL. I yield.

Mr. ASHURST. Mr. President, I ask the Chair to read the standing rule of the Senate in regard to the question of interrupting Senators, beginning on page 11, the second clause of the rule. I ask that the Chair read it aloud, regarding the interruption of Senators.

The PRESIDING OFFICER. The clerk will read.

Mr. ASHURST. Page 11. It begins with the words "It shall not be in order."

The Chief Clerk read as follows:

It shall not be in order to interrupt a Senator having the floor for the purpose of introducing any memorial, petition, report of a committee, resolution, or bill. It shall be the duty of the Chair to enforce this rule without any point of order hereunder being made by a Senator.

Mr. ASHURST. I ask for the rigid enforcement of that rule.

Mr. GOFF. Mr. President, suppose a Senator——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from West Virginia?

Mr. DILL. I yield.

Mr. GOFF. Suppose a Senator yields to another, and does not ask for the application of the rule? I ask the Chair then what application the rule has? It is only a rule which the Senator interrupted can resort to as a defensive measure. The Senator from Washington says he is very glad to yield if the matter will call for no debate.

Mr. ASHURST. It is a rule which can not be waived.

Mr. GOFF. The Senator from Maryland has very kindly withdrawn his objection, and the Senator in charge of the bill, the distinguished Senator from Wyoming [Mr. WARREN], says he has no objection, and I renew my request.

Mr. DILL. I suggest that anything may be done by unanimous consent.

Mr. SWANSON. Mr. President, is the bill to which the Senator from West Virginia refers on the calendar, like other bills?

Mr. GOFF. It is.

Mr. SWANSON. Is there any reason why that bill should be passed in preference to other bills on the calendar?

Mr. GOFF. Oh, yes; I think so; because it has been pending for several sessions and the people who would be benefited by the bill are very much in need of the relief.

Mr. SWANSON. I am not willing, having bills on the calendar, to permit the calendar to be called promiscuously and be silent and let my bills on the calendar fail. I think that if we are going to have a call of the calendar to-morrow, as I understand we are if we get this bill through—and if we do not, we can not—it seems to me we had better proceed and let the bills be called in regular order.

Mr. GOFF. If this bill is passed now, will there not be just one less bill to be passed?

Mr. SWANSON. I have one myself I would like to ask unanimous consent to have passed right now.

The PRESIDING OFFICER. Does the Senator from Washington yield further?

Mr. DILL. I yield.

Mr. GOFF. I hope the Senator will not object to my request. In view of this very wide discussion, and the generous application of these rules, I ask the Senator kindly to be as considerate as the Senator from Maryland has been and withdraw his objection.

Mr. ASHURST. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. ASHURST. I make the point of order that under the rules of the Senate it is the duty of the Chair to enforce the rule to which I called attention, even though no point of order is made. I regard the Senator from Ohio [Mr. FESS], who is now presiding in the Senate, as one of the most skillful, patient, and courteous Senators we have, and I ask him to enforce that rule.

Mr. DILL. Mr. President, I will yield the floor to the Senator from West Virginia at this moment if he wants to make a motion.

The PRESIDING OFFICER. The matter has gotten to the point now where the Chair probably should enforce the rules rigidly, and any yielding on the part of a Senator who has the floor will mean that he yields the floor.

Mr. DILL. Mr. President, I can certainly get the floor again, because there is no rule about how often I may be recognized.

Mr. GOFF. Mr. President, I ask that the Senate proceed to the consideration of House bill 16958.

AIRPLANE ACCIDENT AT LANGIN FIELD, W. VA.

The bill (H. R. 16958) to provide an appropriation for the payment of claims of persons who suffered damages from deaths, personal injuries, or property loss due to an airplane accident at Langin Field, Moundsville, W. Va., July 10, 1921, was read twice by its title, was considered as in Committee of the Whole, and was read at length, as follows:

*Be it enacted, etc.*, That the sum of $16,778.57 is appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Comptroller General of the United States to make payment of claims for property damage, death, or personal injury due to the Army airplane accident at Langin Field, Moundsville, W. Va., July 10, 1921, to the persons entitled thereto and in the amounts as recommended by the Comptroller General of the United States and as fully set forth in House Document No. 562, Seventieth Congress, second session, pursuant to the act of March 5, 1928. (45 Stat., pt. 2, 7.)

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

The PRESIDING OFFICER. Senate bill 5781 will be indefinitely postponed.

Mr. COPELAND. Mr. President, the conferees on the Code of Laws for the District of Columbia relating to degree-conferring institutions have agreed, and I ask that the conference report be laid before the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. BRUCE. I object.

The Chair laid before the Senate the conference report on Senate bill 2366.

The PRESIDING OFFICER. Is there objection to the consideration of the report?

Mr. BRUCE. I object.

SECOND DEFICIENCY APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 17223) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1929, and June 30, 1930, and for other purposes.

Mr. CURTIS. Mr. President, I think it is only fair to inform the Senator from Washington that under the rules he is only permitted to speak twice on the bill to-day.

Mr. DILL. Oh, well——

Mr. CURTIS. Just a moment, please. But no notice having been given I do not think advantage ought to be taken of the rule. I do not think the Senator can yield again unless he wishes to have the rule enforced.

Mr. DILL. Of course the Senator from Kansas recognizes that I have the right to speak twice on any amendment also and I shall, if necessary, offer an amendment.

Mr. McKELLAR. The rule is perfectly plain as set forth on page 23, that "no Senator shall speak more than twice upon

any one question in debate on the same day without leave of the Senate, which shall be determined without debate." The Senator made a speech and then yielded the floor by suggesting the absence of a quorum. The last time he yielded the floor a second time.

Mr. DILL. Then I will offer an amendment, if the Senator wants to invoke the rule. I move to strike out "$150,000" and insert "$100,000."

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 108, line 5, strike out "$150,000" and insert "$100,000."

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Washington. Those in favor of the amendment——

Mr. DILL. Just a moment Mr. President, I have not concluded my discussion of the subject yet.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. DILL. I want to continue to read from this article:

The United States Government——

Mr. McKELLAR. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McKELLAR. Is it in order for the Senator to read from a book? I remember some time ago that exact point of order was made.

Mr. DILL. I might remind the Senator that I am not reading from a book. I am reading from an article.

Mr. McKELLAR. Yes; but a magazine article is the same thing. I know it has been held previously to be out of order. I remember several debates in which I participated myself, and it was held by the Chair, Mr. Coolidge being in the chair at the time, that a Senator could not read from a book or pamphlet unless it was written by himself.

The PRESIDING OFFICER. The Chair understands the rule to be that if the book were sent to the clerk's desk with the request that it be read, it could not be read, if anyone objected to it, without leave of the Senate, but the Chair does not understand that the rule applies to a Senator himself reading from a book.

Mr. HEFLIN. Mr. President, I recall one night when the Senator from Georgia [Mr. HARRIS] was reading from the CONGRESSIONAL RECORD and read at length, and he was stopped. I think Mr. Coolidge was in the chair at the time.

Mr. ASHURST. Mr. President, I hope there will be no effort to take the Senator from the floor.

Mr. HEFLIN. Not at all.

Mr. DILL. I may have to recite it from memory, but I am not sure that I could recite it accurately.

Mr. McKELLAR. The Senator has read it so often that he ought to be able to recite it from memory.

Mr. HEFLIN. The Senator may not read at length from any periodical, but he may read briefly from it and comment as he goes along.

Mr. DILL. I have been doing that quite continuously, I think.

Mr. ASHURST. Mr. President, I think the Senator is discussing a question upon which he has very definite views. The Senate does not agree with him. I am not of a turn of mind to hammer down and beat down a man just because he does not happen to agree with the Senate. The fact that the Senator is alone, or is practically alone, ought to inspire our respect rather than our ridicule. I hope no effort will be made to take the Senator from the floor.

Mr. DILL. Mr. President, I appreciate the good will of the Senator. I have said before and I say again that if the joint resolution had been passed by both Houses and the appropriation for carrying out the will expressed by the Congress were before us, I might have something to say against it, but I would not attempt to delay action and discuss it as I have discussed the amendment here to-night. But I object to this covert method being used to put an appropriation into a great bill, as is being done here, and I have my right to protest against it.

Mr. ASHURST. I think the able Senator in his intense feeling really does the Senate an injustice when he charges it is a covert attempt. I do not think it is that.

Mr. DILL. I do not know what else to call the action on the part of the Appropriations Committee, because it is something that could not be done otherwise. It could not be done on a separate bill, but it has been brought in as a part of a great emergency measure. It is just exactly that and nothing else.

Mr. ASHURST. It is not subject to a point of order.

Mr. DILL. No; because a rule has been adopted that permits this sort of thing.

Mr. McKELLAR. When the Senate overwhelmingly adopted the proposal, it can not be said that it was covertly done. I think that is an expression in violation of the rule.

Mr. DILL. I will say improper. I have no dictionary here and so I will not argue with Senators about the meaning of terms. The Senator understands what I am talking about. He understands the injustice and the unfairness of the methods being used in this matter.

When Senators say that I am alone in my opposition to this measure I want to remind them that I may be alone in this body, but I am not alone in the great masses of the American people who are disgusted and tired of having boys, who have taken the oath of allegiance to the flag to protect it, sent down to a foreign country to give their lifeblood, if need be, to protect the investments of Wall Street investors who can not collect their money unless they have somebody down there to help collect the government revenues.

To me it is a serious proposition when young men go into the Army or the marines or the Navy of this country and swear allegiance to the flag and to protect this Government and to protect its rights, and then those young men are sent into a foreign country to carry out orders which I believe are illegal and not authorized under the Constitution of the United States. I do not believe a single marine is legally in Nicaragua to-day. A year ago when this question was before the Senate we were told that they must be kept there because foreign negotiations had been made whereby an agreement had been given to factions in Nicaragua that an honest election would be held. Now that election has been over for four months and still the marines are kept there and still boys are shot every day and boys die there.

Only yesterday I received a letter from a woman in New York City who said her boy had been killed in Nicaragua and she asked if I would not help to get his body brought back that he might be buried at home. In that letter she said that she was willing that her boy should go, if need be, and die for his country, but she was unwilling that he should go and give his lifeblood that a few men might collect on investments that have been made down there for speculative purposes.

Owing to the fact that she was from another State I referred her letter to one of the Senators from New York, but I do not entirely sympathize with the viewpoint of those who would override and disregard the sentiment and the demand of the great masses of the American people, as I believe it to be, that young men who go into the marines or the Army or the Navy to protect our country and our flag should be used for the sinister purpose of maintaining order so that speculators who have invested their money can collect profits on those investments.

I repeat that the record of this Government in Nicaragua, the record we have made in our activities in that little country, will not bear the light of day without any American who has any regard for his country's record blushing with shame.

If there was any real need for this canal, if there was any pressing demand for it, if our commerce on the seas to-day were unable to get through the Panama Canal, then I could understand why Senators would come here and make demand that we rush the appropriation into this bill. But when there is no such demand, as I said before, and when the average number of ships going through the canal is only 19 per day and the capacity of the canal is 54, it certainly will be many years before the capacity of the canal will be exhausted. When I call attention further to the fact that by this new dam that will supply water and another lock that could be constructed it will be 40 years after the facilities of the present canal are exhausted before we need another canal across the Isthmus, I say that there is no reason from a commercial standpoint for pressing action for the Nicaraguan route at this time.

The truth of the matter is that anybody who dares to suggest that the Constitution be obeyed or that the rights of the private men in the marines shall be considered is ridiculed and laughed at and told that he is in the minority. It does not worry me very much to be in the minority, thank God. I have been in the minority a good many times and I have never hesitated to be in the minority when I thought I was right. If ever the time comes when I hesitate to be in the minority simply because I am in the minority, then I hope I shall be retired from this or any other public body where I am supposed to be a representative of the people of this country.

In the article which I was attempting to read, and which seems to have disturbed some of those who are trying to rush this appropriation through without the legislation having been passed, the writer said further:

Finally, late in 1926, after Chamorro had resigned, an opportunity was given for the Nicaraguan Congress again to be legally constituted on November 10. By this Congress Adolfo Diaz, in place of Chamorro, was elected first designate, and on November 14, as such, he assumed executive powers. In his message of January 10, 1927, President Coolidge declared that the acts of the reconstituted Congress may be considered legal, hence, he argues, the constitutionality of Diaz's government.

The writer believes, however, even in case the Congress which elected Diaz was legally constituted, it was incompetent to elect anyone as the successor to a recognized constitutional Vice President who had only been illegally deprived of his office by an illegally constituted Congress. Certainly, when Sacasa landed on the Nicaraguan coast on December 1, 1926, he rightfully claimed that he was the constitutional President of Nicaragua. Nevertheless, Diaz was accorded recognition by the United States Government one week after his assumption of powers.

Thus I say this Government has continually interfered in the constitutional Government of Nicaragua, and it has interfered by the force of power which it has exerted there in the form of its armed forces—the marines.

Aside from the above opinion concerning the constitutionality of the succession of Diaz to the Presidency, he is ineligible on still another count. Article 2 of the general Central American treaty of 1923, which was inspired by Secretary Hughes, prohibits the recognition of any person as President who had been a "leader" or one of the leaders of a [successful] coup d'état, or revolution.

On the basis of evidence laid before the United States Senate on January 13, 1927, Chairman BORAH, of the Foreign Relations Committee, affirmed that Diaz was "as much a part of that coup d'état as Chamorro," hence was equally as ineligible for succession to the Presidency as the latter had been held to be by the United States Government.

That recital of facts only bears out the contention made in the former parts of the article as to how the Government disregards entirely the people of Nicaragua, the will of the people there, and proceeds to support the official whom they desire.

Now, that there has been an election and the new officials are in charge there, we are told that they must train a skeleton army of some kind or a national guard of some kind, and we are to keep 3,500 marines down there to train the national guard. It would only take a few officers to do that. There is no excuse or reason for keeping any great body of marines down there now, but if this appropriation can be put through and we can get some engineers down there and get some stations established, then there will be a new reason for keeping them there to protect Americans who are there surveying the canal. If we stand here in the Senate, then, and attempt to urge that the marines be brought out, we will be told that we are not willing to use the forces of the American Government to protect American rights and American interests in the Canal Zone.

LANDING OF AMERICAN MARINES

The election of Diaz inspired the outraged Liberal revolutionists to renewed efforts, and these in turn inspired Diaz repeatedly to solicit the support of the United States. Finally, on December 23, 1926, American marines were landed for the avowed purpose "of protecting American and foreign lives and property." The validity of such an excuse has been frequently questioned in the United States Congress; Senator BORAH, on February 23, 1927, inquired: "What foreign lives have been lost or threatened? What property of foreigners destroyed?" A second excuse given for the intervention was that it was necessary in order to uphold the Monroe doctrine. Such an allegation provokes academic controversy, but it may undeniably be affirmed that the latest intervention in Nicaragua was not necessary in order to uphold and defend the Monroe doctrine as it was interpreted and applied prior to 1902.

Now, of course, they do not even claim that the Monroe doctrine has anything to do with it. The only excuse they have left now is that they want to train the national guard of Nicaragua. That is a pretty flimsy and weak excuse, and so they are getting ready to have a new reason by rushing this appropriation through in the deficiency bill.

Mr. President, I had intended a while ago to make a motion, but was interrupted by the Senator from West Virginia. I had intended then to make a motion that the Senate take a recess until to-morrow at 11 o'clock, and I make that motion now.

The PRESIDING OFFICER. The question is on the motion of the Senator from Washington.

The motion was rejected.

Mr. DILL. I make the point of no quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Dill | Keyes | Smith |
| Barkley | Edge | King | Smoot |
| Bingham | Fess | McKellar | Steiwer |
| Black | Fletcher | Neely | Swanson |
| Blaine | Frazier | Norris | Trammell |
| Bratton | Glass | Oddie | Vandenberg |
| Brookhart | Glenn | Pine | Walsh, Mont. |
| Broussard | Goff | Pittman | Warren |
| Bruce | Hale | Reed, Pa. | Watson |
| Capper | Heflin | Robinson, Ind. | Wheeler |
| Copeland | Jones | Schall | |
| Curtis | Kendrick | Sheppard | |



Mr. NEELY. Mr. President, I understand that the Senate is without a quorum. I move that the Sergeant at Arms——

The PRESIDING OFFICER. No announcement has as yet been made.

Mr. NEELY. Obviously there is not a quorum present.

The PRESIDING OFFICER. Forty-seven Senators having answered to their names, a quorum is not present. The clerk will call the names of the absent Senators.

The Chief Clerk proceeded to call the names of the absent Senators, and was interrupted by—

Mr. NEELY. Mr. President, I rise to a point of order. I make the point of order that there is no provision in the rules and there is no authority for having the roll called the second time. I therefore, following the rules, move that the Sergeant at Arms be instructed to do just what the rules require, and that is to request and, if necessary, to compel the attendance of absent Senators.

Mr. SMOOT. That is what the roll is now being called for.

The PRESIDING OFFICER. What is the motion of the Senator from West Virginia?

Mr. NEELY. I make the point of order that there is no authority under the rules for a second roll call.

The PRESIDING OFFICER. The Chair has followed the custom of the Senate in ordering the clerk to call the names of the absent Senators. What is the motion the Senator makes?

Mr. NEELY. The motion I make is in conformity with what the rules require in the circumstances that now exist in the Senate, that the Sergeant at Arms be instructed to request and, if necessary, to compel the attendance of absent Senators.

Mr. SMOOT. Mr. President, the practice of the Senate ever since I have been here has been to call the roll for a second time in order to demonstrate whether or not there is a quorum present. During the second call Senators may come in and answer to their names.

The PRESIDING OFFICER. That is what the Chair has ordered to be done. The clerk will complete the call of the absentees.

The Chief Clerk resumed calling the names of the absent Senators, and was interrupted by—

Mr. PITTMAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. PITTMAN. There is a motion pending, is there not?

The PRESIDING OFFICER. The Chair will put that motion after the call of the absent Senators is completed. The clerk will continue the call of the absent Senators.

The Chief Clerk resumed calling the names of the absent Senators, and was interrupted by—

Mr. PITTMAN. Mr. President, with all due respect to the Presiding Officer, I made a parliamentary inquiry as to what disposition was made of the motion of the Senator from West Virginia. He moved——

The PRESIDING OFFICER. That motion was made while the clerk was calling the roll. When the roll call shall have been completed, the Chair will put the motion. The clerk will resume calling the names of the absentees.

The Chief Clerk resumed and concluded calling the names of the absent Senators, and Mr. NYE answered to his name when called.

The PRESIDING OFFICER. Forty-seven Senators having answered to their names, a quorum is not present.

Mr. PITTMAN. I move that the Senate adjourn.

Mr. SMOOT. Mr. President——

Mr. PITTMAN. I move that the Senate adjourn.

The PRESIDING OFFICER. The Senator from Nevada moves that the Senate adjourn. The question is on the motion of the Senator from Nevada.

The motion was rejected.

Mr. DILL. I call for the yeas and nays.

The yeas and nays were not ordered.

Mr. SMOOT. Mr. President, is there a quorum present?

The PRESIDING OFFICER. There is not.

Mr. SMOOT. I move that the Chair instruct the Sergeant at Arms to request the attendance of absent Senators.

Mr. NEELY. One moment before that motion is voted on, Mr. President. I desire to amend the Senator's motion by having the Chair instruct the Sergeant at Arms in the language of the rule; that is, to request and, if necessary, compel their attendance. They can ascertain the result of the Stribling-Sharkey fight to-morrow.

Mr. SMOOT. I have no objection to the amendment.

The PRESIDING OFFICER. The motion before the Senate is that the Sergeant at Arms request and, if necessary, compel the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will request and, if necessary, compel the attendance of absent Members.

Mr. HAYDEN, Mr. EDWARDS, Mr. DENEEN, Mr. GEORGE, Mr. HARRIS, Mr. HARRISON, Mr. THOMAS of Idaho, Mr. THOMAS of Oklahoma, and Mr. WALSH of Massachusetts entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-six Senators having answered to their names, a quorum is present; and, without objection, further proceedings under the rule are dispensed with.

Mr. NORRIS. Mr. President, this is a bill containing something over 200 pages. I had no idea that this item was included in this deficiency bill. I did not suppose that the Appropriations Committee would put in an item of this kind prior to the time that the so-called Nicaraguan survey bill became a law. The only reason why this item is in this bill, and the only reason under the rules by which it could be sustained as a practical proposition, is because the Nicaraguan survey bill has passed this body during this session of Congress. It has not passed the House of Representatives, and, of course, has not been signed by the President of the United States.

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

Mr. NORRIS. Yes.

Mr. HAYDEN. The Senator is aware that an estimate covering this sum of money for a survey was transmitted to Congress by the President from the Budget Bureau?

Mr. NORRIS. Yes; I have been informed that that is true. I am not arguing that the amendment is out of order, although I think a good argument could be made along that line; but I am not making that claim at all. I am stating the facts. If I misstate them, I should be very glad to have any Senator correct me.

The Nicaraguan bill has passed the Senate. It has not passed the House of Representatives. It has not been signed by the President. It is not a law. It may not pass the House of Representatives. It may not be signed by the President of the United States. It may never become a law; and still we are appropriating public money in this bill to make that survey.

I can not understand the haste. I can not understand, except for reasons that I am going to give later, why Senators are so anxious that before the ink is dry on the record by which the survey bill passed this body we are called upon to appropriate $150,000 to make this survey.

I do not see, on the face of things, why we should be so expeditious. Senators are complaining of the time that has been taken. They have been censuring the Senator from Washington. In the colloquy to which I listened a little while ago it was stated several times by Senators interrupting him that he was the only Member of the Senate who was opposed to this provision in the bill, or words to that effect. Mr. President, I want to say that there is at least one other Member of the Senate who is opposed to this provision in the bill, and since I found out an hour or so ago that this thing was in the bill I have heard expressions from at least seven or eight Senators against this particular provision; and I have heard several Senators who are going to vote to keep it in the bill say that they think it was a mistake to put it in this bill at this time.

Why the haste? Nicaragua will still be there after the 4th of March. The river and the lake and the place where we are going to dig the ditch and make the survey will still be there next year. We shall not need another canal, if we ever need it, for the next 15 years. There is not any reason, on the face of things, why we should all madly rush forward now and demand that a survey be made of this proposed canal. The probabilities are that we never will build it, at least not within the lifetime of many of those who are now Members of this body.

Why the haste? Why take up the valuable time of the Senate just before the 4th of March, when other important bills are crowding at our doors for consideration, and yell against those who are opposed to any amendment of this kind, "You shall not open your mouths, you shall not say a word, or we will charge you with filibustering?" Why this attempt to put through this item under the spur and the lash, and cry out against any man who dares to raise his voice against it that he is a filibusterer?

It is the same old story; but there is another reason in this as I see it. It is the same old story that every two years, in the short session of Congress, we must submit to what we believe to be wrong, to what we believe to be a sin against the taxpayers of the United States, if we dare to raise our voices in criticism or in objection.

I do not want this bill to fail. I have cooperated to the best of my ability to see that it does not fail. I said before that I was surprised when I found that this item was contained in it; and yet, even at the risk of being classed as one who is trying to filibuster, I want to raise my weak voice against this particular item of appropriation. I think it is wrong; and, after all is said and done, I believe that it is a peg that is put in this bill for the purpose of hanging on to the peg the right to maintain an Army in Nicaragua, the right to continue our marines in that country, to give an excuse to the President of the United States to keep our soldier boys down in that country.

It would not seem that way if it were not for the fact that we had the promise, really, at the last session of Congress, from those who were representing the administration, that when the election was held our boys would be brought home. We had the promise on that score even by those who believed that keeping our soldiers in Nicaragua was unconstitutional, that it was done without any authority of law, either the law of our country or international law. But they said, "We have made an agreement, illegal though it is, wrong though it may be, we have made an agreement to hold an election. As a result of the agreement, the arms of the insurgents and the regular soldiers there have been surrendered to our country. After we have disarmed them, after we have made this agreement, even though it was made without authority, even though there is no legal right for our soldiers to be there, it seems best that we should carry out the agreement. Otherwise, it might be charged that we were acting in bad faith."

So the proposal to bring the boys home was rejected by this body. Then the other day, when the matter came up, the Senate upon a roll-call vote decided that we ought to keep that agreement, that we ought to bring the soldiers home, that the election had been held, that peace prevailed in Nicaragua, that the new officials had been installed in office, and that there was no further reason on any ground why our soldiers should be kept there.

So we adopted a provision that in effect meant that they should be brought home. It is true that the next day, when the administration rounded up its forces, it convinced some of the Senators that they were wrong, and that they ought to change their votes. It brought in the absentees. Some who voted to bring the marines home the day before were absent the next day, and the administration had enough votes to reverse the judgment of the Senate taken on the preceding day. But outside of all that there would certainly come a time, approaching every day, when the sentiment of the country would crystallize around the proposition that we are keeping our soldiers there without any reason given by those who are holding them there, by an administration that does not even pretend to give officially to this body any reason why they should be held there longer.

Now, we are in all haste rushing, tumbling over each other, we are bringing in an appropriation item here to provide for a survey down in Nicaragua, to appropriate money for something that has not yet been enacted into law. We must do it now, so that those in charge of the Army will be able to say, "We have engineers there, we have our supplies there, we are in possession down there, making a survey for a new canal that we do not expect to build, and, if we do, it will not be in this generation, but we have our men there. Therefore we must keep our soldiers there."

It looks to me as though the Senator from Washington is right, that, after all, behind this is the fact that we want some excuse to continue in Nicaragua with a standing American Army.

Why, some might ask, are we wasting valuable time, the precious moments between now and the 4th of March, in discussing this? We must either discuss it or swallow the dose silently without saying a word. We put aside the reapportionment bill; we have practically put aside the radio bill; we have put aside dozens of bills in which the country is greatly interested and which most of the people, I believe, would like to see enacted into law. We put them aside because we are wasting time trying to get enacted into law another peg upon which can be hung the claim to keep an army of American soldiers on foreign soil.

Mr. President, it seems to me that even though under our rules we have a technical right to put this in the bill, there is no reason for it; there is no hurry for it, when we were trying a little while ago to follow a leader whose principal cry, almost his only cry, was "Economy! Economy! Economy! Do not spend the public money." Here, when he is about to lose his power and his influence, we are rushing forth, spending $150,000 for an entirely useless purpose.

It was said in the debate on the joint resolution providing for a Nicaraguan canal survey that we had surveyed that route once, that we had all the details of it, and in answer to that the cry came that that was a long time ago, that we ought to do

it over, that "It has been so long ago that we ought to resurvey it, perhaps." But now we are going to resurvey it, and I do not believe there is a Senator here who believes but that before we actually build the canal, if we ever do, we will have to resurvey it again. The people who survey it now will be dead and buried long before we will commence to build the canal, if we ever commence to build it, and those who follow us, if they believe, as we apparently do, that we need another canal, and start to build it, will have to survey it over again. There will be just as much improvement in the next 10 years, I presume, in engineering as there has been in the last 10 years. So the survey we will make now will not be of any value as a practical proposition when we come to dig the canal. It will have accomplished one purpose, however, if by means of it we are able to keep in Nicaragua an encampment of United States soldiers.

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

Mr. NORRIS. I yield.

Mr. DILL. The Senator realizes that this very appropriation will be another excuse for keeping the marines there?

Mr. NORRIS. Oh, yes. As I said a while ago, it begins now to look to me as though that is the real object of this appropriation. That is the only object that is going to be accomplished by it, in my humble judgment.

It is true, we have passed a joint resolution through the Senate providing for another survey in Nicaragua. If that passes the House, if it becomes a law, then it will become our duty to make an appropriation to carry it out. In the meantime we can bring our soldier boys home at least long enough to let them get acquainted with the folks at home. We can bring them back for a little while, and get them out of the marshes and the tropical climate in which they must live there, and let the people of Nicaragua for a few months, perhaps for a year, live their own lives without the coercion of foreign soldiers to tell them what to do, or to even hold their elections.

Mr. President, without regard to any technicality, without regard to the technical right to put this particular amendment on the bill, it seems to me under these circumstances it ought to be taken out. It seems to me that we are going far afield when we undertake at this stage of the proceedings to provide for the expenditure of the vast sum of money contemplated by this appropriation.

Mr. President, I have just been interrupted by Senators talking to me about the boxing contest held to-night in Florida. It was suggested that since the Chair is separated from his fellows by such a distance, and is undoubtedly very much interested, having the floor, I was deputized by my fellow Senators to announce to the Chair that Sharkey won the fight. [Laughter.] He won on points, however, there being no knockout. [Laughter.]

Mr. NEELY. Mr. President, in other words, he won in the same manner the marines have won in Nicaragua so far.

Mr. NORRIS. Mr. President, I want to say one more word to the Senators here about the time that has been taken up on this bill. If it was not for the fact that the 4th of March is just ahead of us, nobody would have thought, so far as anything I have heard is concerned, since the agreement early in the evening was made, that anything that has been said was in the nature even of a filibuster. After the Senator from Michigan [Mr. VANDENBERG] decided practically to withdraw any further attempt to get up the reapportionment bill, I think the debate has been perfectly proper and very instructive. I have listened to what the Senator from Washington [Mr. DILL] has said since I came into the Chamber, since I found out about this item being in this bill, with a great deal of interest.

I do not believe that there is any Senator here who can answer the argument he has made. I do not believe it is answerable. I do not believe, when we come right down to logic and facts, there is any way satisfactorily to explain why this item should be in this bill at this time.

Those Senators who want to do the business we are called upon to do before the 4th of March, and who are leaders here, who have charge of these great committees, who control the Committee on Appropriations, those Senators who have controlled this bill and have framed it and have brought it in to the Senate, knew when they brought it in that the 4th of March was only a few days ahead. They knew that if orderly debate took place on one-half of the items which are susceptible of debate in the consideration of a bill of this kind we could not even finish the consideration of the bill before the 4th of March.

Why did they put in such an item? Was it because they thought Senators would not dare to debate it for fear they might be charged with filibustering? Was it because they thought that if there were an opportunity for full debate and consideration the Senate would take this item out, and they would take advantage of the fact that only a few days remained, and they could put in an item here that we would have to swallow just because it was near the end of the session, when we all know everything not passed will be dead? It seems they are to blame if delay has taken place on account of this bill.

I want to say, as far as I am concerned, I do not want this bill to fail, I want it to pass, but my anxiety to see it passed is not so great that I must close my mouth and remain silent here while Senators try to put through, under the whip and spur of the few days only that are left, an item which to me seems so objectionable, an item which, after we have simmered it all down, has nothing, in my judgment, in reality to sustain it except that somebody wants an excuse to keep our soldiers in a foreign land.

Mr. DILL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Washington?

Mr. NORRIS. I yield.

Mr. DILL. I want to call the Senator's attention to the fact that often we pass bills in both Houses providing authorizations for expenditures, but because we can not get the Bureau of the Budget to submit an estimate, we can not get the items considered in the Senate. But in this case, when only one House has passed a measure, the Bureau of the Budget submits an item and the Committee on Appropriations puts it in the bill, and if the House accepts it, they will never need to pass the joint resolution pending over there, because this is in effect the same thing in the way of legislation as the joint resolution in the House which has not yet passed.

Mr. NORRIS. Of course, Mr. President, if we wanted an estimate to help agriculture, to help the farmers of America to build a road or to do something of that kind, we probably could not get it, but if we want an estimate upon which to hang the right to pass an appropriation item to keep our soldiers in Nicaragua, or to give an excuse for keeping them there, it is not difficult to get.

It seems to me that if our Panama Canal were clogged with traffic, if we were not able to get a ship through, there might be some reason for this haste. I would not object seriously to a survey if Senators wanted to make it, or if officials of the Government wanted to make it, but I would not want to commence to-night. It seems to me that it is not something that is as urgent as many other things we ought to do.

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

Mr. NORRIS. I yield.

Mr. BARKLEY. Will the Senator inform us when the Budget Bureau sent this estimate down?

Mr. NORRIS. I am not informed as to that. I did not know until to-night that there had been such an estimate made.

Mr. BARKLEY. Is it conceded that the Bureau of the Budget actually sent an estimate in?

Mr McKELLAR. Oh, yes.

Mr. SMOOT. I will say to the Senator that it was an item from the Director of the Bureau of the Budget with the approval of the Budget.

Mr. NORRIS. The question is, When was it sent here?

Mr. SMOOT. It was sent to the committee at the time we considered the bill. It was before the committee when the item was put into the bill.

Mr. BARKLEY. Was it before or since the passage of the joint resolution?

Mr. SMOOT. I think it was after the passage of the joint resolution by the Senate.

Mr. NORRIS. That is the important part. The estimate was sent by the Budget soon after the passage through the Senate of the Nicaraguan survey joint resolution, but, of course, the estimate comes before the joint resolution has passed the House. The estimate comes before the joint resolution has become a law. That only strengthens my idea that the administration is in terrible straits to give some reason to the people of the United States why we are keeping our marines in Nicaragua.

Mr. BARKLEY. Mr. President, will the Senator inform me and others here under what rule of the Senate or what law the Bureau of the Budget has the authority to submit an estimate for an expenditure that has not been authorized under the law, when the Senate itself which helped to create the Bureau of the Budget can not consider the item unless it has been authorized by statute?

Mr. NORRIS. I have not the statute before me. The estimate, however, is here.

Mr. McKELLAR. The rule of the Senate authorized it.

Mr. BARKLEY. How can the rule of the Senate authorize the Bureau of the Budget to send down an estimate when the Senate itself can not consider the item?

Mr. SWANSON. Mr. President, I will read to the Senator the rule that permits it:

All general appropriations shall be referred to the Committee on Appropriations, and no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution passed by the Senate during that session.

The authorization having passed the Senate at this session made the item in order under the rule. That is Rule XVI.

Mr. DILL. But that does not answer the question of the Senator from Kentucky.

Mr. NORRIS. I think we are all familiar with the rule.

Mr. SWANSON. I did not say anything about the right of the Budget to send the estimate.

Mr. NORRIS. But that was the question of the Senator from Kentucky.

Mr. SWANSON. The second part of the rule gives the authority for the Senate's action.

Mr. NORRIS. The question asked by the Senator from Kentucky that I am unable to answer was whether the Budget had authority of law to make an estimate when the provision for it had not yet been made by law.

Mr. SWANSON. I understood the final part of the Senator's question was, What right has the Senate to consider the amendment when the Budget itself had no right to send down the estimate, and consequently the Senate could not consider it?

Mr. BARKLEY. Does the Senator construe the rule to mean that the joint resolution, which must be acted on by both Houses, is included in this rule, or simply a resolution of the Senate which requires no action on the part of the House?

Mr. SWANSON. The rule has always been that if we pass a resolution through the Senate authorizing an appropriation it is not objectionable under the rule of the Senate, paragraph 1 of Rule XVI.

Mr. EDGE. Mr. President, without extending the argument, I go even a step further——

Mr. NORRIS. Before this proceeds further, as the Chair has announced a while ago that he was going to enforce the rule strictly——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from New Jersey?

Mr. NORRIS. I yield with the understanding that the rule will not be enforced so strictly as to take me from the floor. I think it is quite apparent to the Chair that there is no filibuster going on now at least. Senators are asking perfectly proper questions, and I would like to yield to them. I yield to the Senator from New Jersey.

Mr. EDGE. While I think the Senator from Virginia [Mr. SWANSON] has made it very clear that the estimate was made within an absolutely clear interpretation of the rule if the Senate had passed such a resolution, I call attention to the particular line in Rule XVI which states "or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation."

It particularizes the term "treaty stipulation." As a matter of fact, we have had a treaty stipulation with Nicaragua for 15 years, ratified by the Senate of the United States. We authorized the expenditure of $3,000,000 under that treaty stipulation. There is no question in the world that we enacted legislation so far as Panama is concerned time after time and appropriated every year for Panama. Now, in my judgment, a strict interpretation of the rule would permit an appropriation carrying out a treaty stipulation with Nicaragua and the next step would be a survey even if we never had introduced a resolution. I believe that under a strict interpretation of Rule XVI the Budget Bureau and the President could send an estimate here carrying out the treaty stipulation, asking the Senate to include in an appropriate appropriation bill a sufficient sum to carry out the next step after we had purchased the right of way, which would naturally be a survey. I am not a lawyer, but that sounds to me perfectly logical as an interpretation of Rule XVI even if we had not passed the resolution.

Mr. NORRIS. Mr. President, let me remind my genial friend from New Jersey again, as I did in the beginning, that I have not made a point of order against the amendment. I said that while I thought a good argument could be made, I distinctly disavowed any intention of bringing up the question. So, if time is the essence of everything here, I would feel constrained to say that the friends of the appropriation are consuming unnecessary time talking about an irrelevant proposition which I am not even urging. If I was inclined to be critical, I might even suggest that the Senator from New Jersey was engaged in a mild sort of filibuster against his own proposition.

Mr. EDGE. I have taken two minutes to interpret the rule.

Mr. NORRIS. Two minutes are precious. They are so precious that while those two minutes were in operation there was not anything else in the way of time that was in operation. Time is so precious that we always consume one minute before God gives us the next one.

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

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Virginia?

Mr. NORRIS. I yield.

Mr. GLASS. Not with any purpose to discuss the Nicaraguan problem, I would like the Senator to tell me what restraint of the law would prevent the Budget from sending an estimate to Congress whether either House had passed a resolution or a bill? That is what the Budget is there for, to merely estimate expenditures, and the fact that the Budget does estimate does not at all oblige either House to accept those estimates. But I did not know there was anything to prevent the Budget from sending up its estimates.

Mr. NORRIS. I do not think there is. I do not know of anything.

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

Mr. NORRIS. Certainly.

Mr. McKELLAR. As a matter of fact it is the second estimate that has been sent up for this very matter. The President sent it on May 23, 1928.

Mr. NORRIS. What was that for?

Mr. McKELLAR. To carry out this very matter. If the Senator will permit me I will read just a portion of the message of February 25, 1929, as follows:

On August 5, 1914, a convention was concluded with the Government of Nicaragua, proclaimed June 24, 1916, by which the Government of Nicaragua granted in perpetuity to the Government of the United States, forever free from all taxation or other public charge, the exclusive proprietary rights necessary and convenient for the construction, operation, and maintenance of an interoceanic canal by way of the San Juan River and the great Lake of Nicaragua or by way of any route over Nicaraguan territory, the details of the terms upon which such canal shall be constructed, operated, and maintained to be agreed to by the two Governments whenever the Government of the United States shall notify the Government of Nicaragua of its desire or intention to construct such canal.

The purpose of the estimate of appropriation herewith submitted is to enable the Secretary of War to commence an investigation and survey to determine the practicability of an interoceanic ship canal over Nicaraguan territory, and, in connection therewith, to also commence an investigation and survey to determine the possibilities and cost of enlarging the Panama Canal to the extent which may be necessary to meet the future needs of interoceanic shipping.

The accompanying estimate is submitted as a substitute for one of equal amount transmitted by you to the Congress on May 23, 1928 (S. Doc. No. 145, 70th Cong., 1st sess.), which provided only for an investigation and survey for a Nicaraguan canal.

The above estimate of appropriation is to provide for a contingency which has arisen since the transmission of the Budgets for the fiscal years 1929 and 1930. I recommend that it be transmitted to Congress.

Very respectfully,

H. M. LORD,
*Director of the Bureau of the Budget.*

The President sent it here in accordance with that message. This is the second Budget estimate that has been made.

Mr. NORRIS. All of which is valuable information, but it does not have anything more to do with the subject of my remarks than the flowers that bloom in the springtime. I would like again to announce that I am not making a point of order. For the sake of my argument or anything that I shall say it is conceded that the amendment is in order. I have been trying to impress that upon Senators. But notwithstanding the fact that I concede it is in order it does not follow that I ought to favor the appropriation. I seem to have been unable to draw the minds of the Senator from New Jersey and the Senator from Tennessee away from this fact that this is legal. They say: "Here is an item of appropriation. It is perfectly legal under the law and under the rule. Therefore pass it. Here is an appropriation which we have a right to bring in here. Therefore pass it. You have not any right to oppose it if we have a right to bring it in here."

That is the contention which they seem to be making here, one to which, of course, I can not agree. Notwithstanding the amendment is in order, under all of the circumstances, a part of which I have tried in my weak way to relate to the Senate, it still ought to be taken out of the bill. I would like to say to those Senators who so often reminded the Senator from Washington [Mr. DILL] that he stood alone that when the roll is called on this particular item they will find there are at least a few other Senators besides the two who have spoken against

the item who are opposed to it and who will be recorded as voting against it.

Mr. DILL. Mr. President——

Mr. JONES rose.

Mr. DILL. Does my colleague desire the floor?

Mr. JONES. I did not intend to consume any time if we were about ready to take a vote and I waited until I saw my colleague rise. I thought I could use two or three minutes, possibly.

Mr. DILL. The Senator can take all the time he wants.

Mr. JONES. Yes; I am sure of that. I just want to say a few words, however. I am a member of the Committee on Appropriations, and I must say that I did not know this item was in the bill. I was engaged in conferences a good part of the time, so I was not able to be with the Appropriations Committee all of the time after the subcommittee reported the bill to it. Therefore, as I said, I did not know this item was in the bill.

I can hardly believe that the committee, however, was actuated by any of the motives that seem to be ascribed to it. It has been suggested that the item was put in the bill, which must be disposed of, of course, within a few days, in order to force Senators to accept it whether they might desire to do so or not, in order to have the bill passed.

I can hardly believe, Mr. President, that any Senator on the Committee on Appropriations had any such idea in mind.

Mr. McKELLAR. Mr. President, will the Senator from Washington yield to me for just a moment?

Mr. JONES. I will.

Mr. McKELLAR. In order that I may state in that connection that I have always at all time been in favor of bringing the marines out of Nicaragua. I voted for doing so the other day on the first vote, when it carried. When the question came up a second time, I again voted to withdraw the marines. I am very much in favor of bringing the marines back from Nicaragua, and yet I am also very much in favor of this appropriation, because I think the Nicaraguan canal ought to be started as soon as possible.

Mr. JONES. Mr. President, I was just going to come to that. It has been suggested that the purpose of the proposed survey in Nicaragua, and possibly the purpose of the construction of the proposed Nicaraguan canal, is to keep our marines in Nicaragua.

Mr. NORRIS. Mr. President, will the Senator from Washington permit me to interrupt him?

Mr. JONES. I will.

Mr. NORRIS. It may be, Mr. President—I have forgotten now—that in my remarks I ascribed to the members of the committee something that I did not intend to ascribe. I will say to the Senator from Washington that I certainly have had no thought that any member of the committee or any Member of the Senate has wanted to do or has tried to do anything that is in any way dishonorable or wrong. They are acting from conviction. I meant to outline, if I did not, what I believed the effect would be, and if I have gone any further than that, I desire to say most explicitly that I had no intention of casting any reflection upon any member of the Committee on Appropriations.

Mr. JONES. Mr. President, I am satisfied that the Senator from Nebraska did not intend to do that, but I got that impression from his remarks.

Then it has been intimated—and I refer now to what the Senator from Tennessee [Mr. McKELLAR] has said—or, at least, I got that impression, that the proposed survey is being urged in order that our marines may be kept in Nicaragua. I believe that any Senator who may have any such idea, upon reflection, will conclude that it is not the case. I do not believe there is any Senator on this floor who is pressing this legislation in the hope or in the belief or with the purpose of keeping our marines in Nicaragua. I do not believe that there is a Senator here who does not desire to see our marines withdrawn from Nicaragua just as soon as possible.

Mr. McKELLAR. I hope the new President will bring them back.

Mr. JONES. I hope so.

Mr. McKELLAR. I am inclined to think he will and I think he ought to. I, myself, think he ought to do so by all means, but I can not see any connection between the building of the Nicaraguan Canal and the keeping of our marines in Nicaragua.

Mr. EDGE. If we can believe the ruling powers in Nicaragua at the present time, it is their judgment that the easiest way to get the marines out of Nicaragua is to start the survey.

Mr. JONES. I am not questioning any Senator's honesty or his belief as to what the result may be; and if I thought this provision was being urged by anybody for the purpose or with the intent of keeping our marines in Nicaragua, I would do everything that I possibly could to prevent it; but I can not ascribe any such motive to any Senator in this body.

Mr. HEFLIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Alabama?

Mr. JONES. I yield.

Mr. HEFLIN. If the Senator will permit me, I desire to say that I introduced a resolution, which has been pending here quite a while, calling on the President to withdraw our marines from Nicaragua, and I voted the other day for the amendment on the naval bill requiring that they be withdrawn. I am heartily in favor of getting the marines out of Nicaragua as soon as possible. I think they will be brought out in a year. I am, however, also heartily in favor of the joint resolution of the Senator from New Jersey. I do not think that question is at all involved in the pending proposition. It shows wisdom on the part of Congress to push this undertaking and go ahead and have the survey made, because we are going to need that canal one of these days, and it is not going to be very long, in my judgment, before we shall need it.

Mr. JONES. Mr. President, just a word further. This, in my judgment, is the reason why the committee put this item into the bill, and I think it is the sole reason: The committee knew that the Senate had passed the joint resolution providing for the survey. This is the last appropriation bill that will come before Congress at this session. If no provision should be put into this bill appropriating the money to make the survey, and the joint resolution should pass the House and go to the President and become, in fact, a law, then, there would be no money available until next winter, when we should pass an appropriation bill providing for it. In my judgment, that is the reason why the committee put in the provision. I have not any doubt whatever that if the joint resolution shall not pass the House, this item will be left out in conference.

I will say for myself that I do not think we would suffer greatly if we did not have the money for the survey before next winter, but I can not see how we would suffer any, if it is desired to expedite the survey, by putting this item in the bill in the Senate, with the knowledge that if the joint resolution providing for the Nicaraguan Canal survey shall not have passed the House before the conference report shall come back, the item will be left out of the appropriation bill.

Mr. HEFLIN. Mr. President, is not the Senator willing for us to have a vote on this item now?

Mr. JONES. Yes; if I thought we could have had a vote, I would not have said anything, but when my colleague rose I knew he would be glad to yield to me for a few minutes.

Let me say a word further, which I intended to say. I do not question the motives of my colleague in any way. I am satisfied that he is simply doing what he thinks ought to be done and what he thinks is justified under the circumstances, and I have nothing but admiration for his standing by his belief.

Mr. DILL. Mr. President, I have listened with deep interest and some amusement to my colleagues on this floor who protest their great desire to bring the marines out of Nicaragua and almost in the same breath say they are in favor of this appropriation, which will afford one of the biggest excuses that Congress could provide to continue to keep the marines in Nicaragua. There is more than merely the fact that a number of American boys are being kept in Nicaragua, as I believe, in violation of the Constitution as well as of the law. There is being established by this act a precedent that will come back in future years to plague us in another day probably, when under other circumstances it will be used to justify action even more objectionable than that now proposed.

It is a significant fact that until very recent years in our dealings with Central America no President has even attempted to use armed forces outside of this country except for the immediate protection of life and property.

Mr. McKELLAR. Will the Senator yield?

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

Mr. DILL. I yield.

Mr. McKELLAR. I merely wish to call the Senator's attention to the fact that seven members of the Appropriations Committee who voted to report out this bill voted to recall the marines from Nicaragua.

Mr. DILL. That is just what I said. Senators stand here and tell how anxious they are to have the marines brought back from Nicaragua and then they propose to vote for an appropriation which will afford the biggest reason and excuse for keeping them there in the future.

Mr. McKELLAR. We do not agree as to that at all. I think it is just the other way.

Mr. DILL. Does the Senator mean to say that if our engineers were down in Nicaragua working on a canal survey and

some kind of trouble should break out down there that he would not be in favor of having marines go down there to protect them?

Mr. McKELLAR. If our engineers and their employees shall be sent to Nicaragua, it will be found that we will have no further use for any marines down there at all, in my judgment. There is a difference of opinion as to that.

Mr. DILL. The Senator does not answer my question. The question I asked the Senator was whether or not if the engineers were there and revolutionary trouble or other trouble should break out in Nicaragua he would object to the President sending marines there to protect our own engineers?

Mr. McKELLAR. Under the contingency mentioned it might be necessary to do that.

Mr. DILL. Yes; but is not the Senator then helping——

Mr. McKELLAR. But why should we conjure up such a condition, when we would be in Nicaragua on a peaceful, friendly mission under contractual relations? In my judgment, the best way in the world to get the marines out of Nicaragua is to carry out the provisions of the treaty with Nicaragua.

Mr. DILL. The Senator asks me a question and then proceeds himself to answer it.

Mr. GLASS. Mr. President, I should like to say to the Senator that, although I voted twice to bring the marines out of Nicaragua, if we send our engineers down there and they are threatened with extermination, I would vote as quick as lightning to send them back there.

Mr. DILL. Of course the Senator would.

Mr. GLASS. Yes; I would.

Mr. DILL. And, much as I am opposed to keeping the marines in Nicaragua, if we should send engineers down there to make this survey under the law and their lives were in danger, of course, I would be in favor of sending troops there to protect them. But the Senator from Tennessee says that if the engineers are sent to Nicaragua there will be no trouble.

The Senator is sufficiently familiar with the history of this country's relations with Nicaragua, I think, to know that when any American capitalists of importance, with any considerable investment, want trouble in Nicaragua they always see to it that trouble is started. Make no mistake about it, the interests that made the trouble at Bluefields and forced the marines down there in the past, will make trouble whenever it is necessary to take them back into Nicaragua.

Mr. EDGE. Mr. President——

Mr. DILL. I yield.

Mr. EDGE. Why does not the Senator use as illustration a case that is parallel? We built a canal in Panama. Formerly we had all kinds of trouble with both Panama and Colombia, but from the day we sent our engineers and construction force to the Isthmus of Panama we had nothing but good feeling; there was no difficulty in the world that could not be settled by ordinary diplomatic adjustment, and everybody down there is prosperous and happy. Why is there going to be any different result in the case of Nicaragua from American enterprise?

Mr. DILL. Then, I take it that the Senator's argument is that we are going to take over Nicaragua and control it just as we took over and controlled the Canal Zone.

Mr. EDGE. The Senator may term it "control," but what we have done there has been with the acquiescence and the absolute desire of the Panamanian people. So far as Nicaragua is concerned, the heads of both political parties have time after time invited us to make use of the right of way by constructing a canal. So, why should the Senator assume, without anything more than imagination and suspicion, that the result in Nicaragua will be different from that in Panama? He is simply using it as a matter of argument without it being based on any facts whatever. Thank the Lord, I can face a big economic problem from an American standpoint, without suspecting all the time that it means something hidden or something sinister or something that is not on the surface.

Mr. DILL. I am glad the Senator has such a wonderfully clear and pure mind on these subjects; but the Senator's whole argument illustrates that he expects to see in Nicaragua exactly what happened in Panama, namely, that the American Government will take over that country. The Senator himself is not appalled at the idea that we should take over all of Central America, if it is necessary for that purpose.

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

Mr. DILL. Yes.

Mr. McKELLAR. The Senator does not mean to say that the United States has taken over all of Panama?

Mr. DILL. It has taken over the Canal Zone in Panama, and it will take over the canal zone in Nicaragua.

Mr. McKELLAR. Why, of course; but that is a very different thing from taking over Panama. The American Government has not taken over Panama. It will not take over Nicaragua. Of course, it has bought and paid for, by agreement, a canal zone in Panama, and it has taken that over. It has bought and paid for a canal zone in Nicaragua, and when it is surveyed we are going to take that over, too. We are entitled to take it over.

Mr. DILL. We have not bought anything in Nicaragua except a right. We have not bought the property at all. I want to ask the Senator a question. The Senator will not deny the fact that we have troops at the Canal Zone?

Mr. McKELLAR. Why, of course we have.

Mr. DILL. And because of those troops being there, there is not going to be any trouble around the Canal Zone.

Mr. McKELLAR. I do not know about that. We are not in the slightest degree governing Panama. We have relations of the most friendly kind with Panama. It is a separate government entirely. We are not governing it in any way.

Mr. WHEELER. Mr. President, does not the Senator think that we are governing Haiti?

Mr. McKELLAR. That is another thing. We are governing down there, and I am in just exactly the same position that the Senator is about our marines in Nicaragua and in Haiti. I think they ought to be brought out. I have voted every time to bring them out; but that has nothing to do with the building of a great canal that will mean the upbuilding and the benefit of all the world when we build it.

Mr. DILL. The Senator now falls back on the assumption that we must build this canal in the near future, when the Senator knows that there is not any need for it now, and that there will not be any need for it for many years to come.

Mr. McKELLAR. I do not know any such thing. I think there is a need for it. I think before we get it built the other canal will be clogged with business.

Mr. GLASS. Mr. President, does not the argument of the Senator from Washington resolve itself into the proposition that when it may become desirable and essential to build that canal we should not do it, for fear that if we do it we may have to send some marines down there to protect the lives of the people in charge of it?

Mr. DILL. No; the argument of the Senator from Washington means that it probably will be necessary to send troops there and keep them there when we decide to build the canal, but we have no need of the canal now, and will not have any need of it for many, many years to come; and what I object to is using this engineering survey as an excuse for keeping marines down there in Nicaragua when they ought to be withdrawn. That is what I am objecting to. If the time had come when we needed another canal, or when there was any showing that there was going to be any such need within this generation, the situation would be entirely different.

Mr. GLASS. Nobody who voted to report the bill concedes the premises of the Senator that it is made an excuse for that. I do not think it is made an excuse. I voted twice to bring out the marines.

Mr. McKELLAR. So did I.

Mr. GLASS. And I did not vote for this proposition as an excuse to keep them there.

Mr. McKELLAR. Not at all.

Mr. DILL. I do not think the Senators voted for this appropriation in order to keep the marines there; but the inevitable result of placing the engineers there will be to take the marines and keep them there. That is what will be the result.

Mr. EDGE. Has that been the result in Panama?

Mr. DILL. Why, we have troops in Panama, and we always will have as long as we have the Canal Zone.

Mr. EDGE. Because it is one of our naval stations.

Mr. DILL. Oh, the Senator talks as though nobody knew anything about the history of our going down to Panama. The Senator knows there was an American-inspired revolution in Panama, as a result of which we got a government satisfactory to this country.

Mr. EDGE. And as soon as we got started there the revolution stopped, and from that time on the country has been peaceful.

Mr. DILL. Of course, because the government was satisfactory to the American officials.

Now, I want to call attention to a summary of the reasons or claims as to why the marines are being kept in Nicaragua. This is a summary made by an organization here in Washington that has made a great study of the reports on the subject.

The marines are being kept in Nicaragua—

First. Because Americans have obtained concessions, some of them by devious means.

That is a very important part of this whole situation—that many of the concessions which the marines are there to protect, many of the loans that they are there to help collect, many of

the actions that they enforce againgst the Nicaraguan Government, especially in the collection of revenues, are to uphold these concessions secured by means that can not be justified.

Second. American financiers know that Nicaraguan investments are profitable.

If these Nicaraguan investments were not profitable, if they did not hold possibilities and probabilities of great returns, we would not find American financiers making the demands that they do make for keeping the marines in Nicaragua.

Third. We hold a title to the Canal Zone obtained by questionable methods.

That is one of the arguments that I have made from the beginning of this discussion. Our rights in Nicaragua, whatever they may be, were secured by making a treaty with a government that did not represent the Nicaraguan people.

Mr. McKELLAR. Mr. President, will the Senator yield at that point? As I pointed out the other day, when the Senator makes that statement he challenges the good faith of Woodrow Wilson, the then President of the United States, and Hon. W. J. Bryan, the then Secretary of State. In my judgment, there never were two purer or better men, there never were two men who would scorn more than they to have anything to do with any fraudulent transaction or any overreaching of any other nation. Their whole lives proved it; and I think the Senator ought not to attack those two great men who were then the representatives of our Government.

Mr. DILL. I am not going to indulge in a discussion with the Senator of Woodrow Wilson and W. J. Bryan, but I repeat that the facts show—and I use as an authority not my own opinion but the opinion of no less a man than Elihu Root—that the government under Chamorro was not a government representative of the people of Nicaragua; and I make the further statement on his authority, for he was then in a position to know, that only one-third of the $3,000,000 that was paid for canal rights in Nicaragua ever went to Nicaragua, the rest of it going to American firms that had claims there, and the very forces who were responsible for inspiring the revolution that put in power the Chamorro government with whom the treaty was made. I am not charging anything against Mr. Bryan or Mr. Wilson, and I am not going to.

Mr. McKELLAR. They made this treaty.

Mr. DILL. I do, however, state these facts; and the Senator from Tennessee has never disputed them, because he can not dispute them and stay within the truth.

Mr. McKELLAR. I know that neither Mr. Wilson nor Mr. Bryan entered into any transaction that was shady in the slightest way, manner, form, or degree whatsoever.

Mr. DILL. I have not charged that they did.

Mr. McKELLAR. If what the Senator says about this treaty is correct, then they must have done it. It could not have been done in any other way.

Mr. DILL. Oh, no; the revolution was instigated entirely by private citizens, and the government was set up and maintained largely through the intervention of American capital, and most of it was done before Mr. Wilson took charge of the American Government.

Mr. President, the fourth reason in this particular statement is:

We have countenanced revolutions to afford a semblance of justice for our intervention.

That is only a part of the record that is untenable and indefensible on the part of this Government in its dealings with Nicaragua.

Fifth. Europeans have investments there; and we fear, if we get our forces out, that they will seek control.

That is another reason that has been put forward—that if we do not keep our marines in Nicaragua, England or France or Spain or some other country will come over and place their armed forces in Nicaragua, and therefore we must keep ours down there to keep them from sending theirs into Nicaragua.

Sixth. We used election supervision to end opposition to intervention.

Now they have had the election. Nobody complains of the returns of the election, and the new government is running smoothly, and yet 3,500 American marines are still in Nicaragua.

Mr. WHEELER. And is it not a fact that we were told here upon the floor of the Senate by the administration leaders that just as soon as the election was over the marines would be withdrawn?

Mr. DILL. Oh, yes; that was the statement here. There is not any doubt about that. We were assured of that by the Secretary of State; and the fact of the matter is that the reasons for keeping the marines there to-day are growing so weak that the State Department has hardly the face to say it will keep them there, and this appropriation is put in here, and the result of it will be to give a new reason for keeping the marines down there.

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

Mr DILL. I yield.

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

Mr. JONES. I make the point of order that no business has been transacted since the last quorum call.

Mr. DILL (at 11 o'clock and 45 minutes p. m. Wednesday). Then I move that the Senate take a recess until to-morrow at 11 o'clock.

Mr. HEFLIN. Mr. President, will the Senator withhold his point of no quorum?

Mr. DILL. The Senator from Washington said it was out of order, and I then moved that the Senate take a recess.

Mr HEFLIN. I want to ask the Senator from Washington if he will permit me——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Alabama?

Mr. DILL. No, Mr. President; I have moved that the Senate take a recess until to-morrow at 11 o'clock.

Mr. HEFLIN. Will not the Senator agree to let us vote on this item?

Mr. DILL. No; we are not going to vote for a while.

Mr. HEFLIN. Then, Mr. President, I suggest that we remain in session the remainder of the night, and that we have another session to-morrow night, if necessary, to complete the work of this session.

Mr. DILL. I have a motion pending.

The PRESIDING OFFICER. The motion before the Senate is that the Senate take a recess until 11 o'clock to-morrow. [Putttng the question.] The noes have it.

Mr. DILL. I call for the yeas and nays.

Mr. NEELY. Let us have the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. REED of Pennsylvania (when his name was called). I am authorized by the senior Senator from Delaware [Mr. BAYARD] to vote regardless of our general pair, and I vote "nay."

Mr. SMITH (when Mr. SIMMONS's name was called). The senior Senator from North Carolina [Mr. SIMMONS] is unavoidably detained from the Senate.

Mr. COPELAND (when Mr. WAGNER's name was called). My colleague [Mr. WAGNER] is necessarily absent.

The roll call was concluded.

Mr. JONES. I desire to announce the following general pairs:

The Senator from Colorado [Mr. PHIPPS] with the Senator from Georgia [Mr. GEORGE]; and

The Senator from Ohio [Mr. BURTON] with the Senator from North Carolina [Mr. SIMMONS].

The result was announced—yeas 12, nays 40, as follows:

YEAS—12

| | | | |
|---|---|---|---|
| Black | Copeland | King | Nye |
| Blaine | Dill | Neely | Walsh, Mont. |
| Brookhart | Frazier | Norris | Wheeler |

NAYS—40

| | | | |
|---|---|---|---|
| Ashurst | Edwards | Keyes | Shortridge |
| Barkley | Fess | McKellar | Smith |
| Bingham | Glass | Oddie | Smoot |
| Bratton | Glenn | Pine | Steiwer |
| Broussard | Goff | Pittman | Swanson |
| Bruce | Hale | Reed, Pa. | Thomas, Idaho |
| Capper | Hayden | Robinson, Ind. | Thomas, Okla. |
| Curtis | Heflin | Sackett | Trammell |
| Deneen | Jones | Schall | Vandenberg |
| Edge | Kendrick | Sheppard | Watson |

NOT VOTING—43

| | | | |
|---|---|---|---|
| Bayard | Gould | McMaster | Shipstead |
| Blease | Greene | McNary | Simmons |
| Borah | Harris | Mayfield | Steck |
| Burton | Harrison | Metcalf | Stephens |
| Caraway | Hastings | Moses | Tydings |
| Couzens | Hawes | Norbeck | Tyson |
| Dale | Howell | Overman | Wagner |
| Fletcher | Johnson | Phipps | Walsh, Mass. |
| George | La Follette | Ransdell | Warren |
| Gerry | Larrazolo | Reed, Mo. | Waterman |
| Gillett | McLean | Robinson, Ark. | |

So the Senate refused to take a recess.

The VICE PRESIDENT. The question is on the amendment of the Senator from Washington to the amendment of the committee.

SEVERAL SENATORS. Vote! Vote!

Mr. DILL. Mr. President, I had not intended to interrupt for a quorum. The Senator from West Virginia [Mr. NEELY] wanted to raise that question. I was in the midst of enumerating——

Mr. EDGE. Mr. President, a point of order.

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

Mr. EDGE. This is the third time, according to my recollection, the Senator has taken the floor.

Mr. DILL. Then I will ask action on the amendment I have pending, if the Senator wants to press that point.

Mr. HEFLIN. Let us vote on the amendment to the committee amendment then.

The PRESIDING OFFICER (Mr. ODDIE in the chair). The question is on agreeing to the amendment offered by the Senator from Washington to the amendment of the committee.

The amendment to the amendment was rejected.

Mr. DILL. I offer another amendment, to strike out "$150,000" and insert in lieu thereof "$75,000."

SEVERAL SENATORS. Vote! Vote!

Mr. DILL. If some Senator would rather do the talking than myself, I shall wait until Senators are quiet.

I was attempting to enumerate the reasons why the marines were in Nicaragua when I was interrupted by the Senator from West Virginia, and I had pointed out that we had repeatedly used the armed forces of the United States for the purpose of supervising elections. It is said that we want to save our face in dealing with other Latin American countries. I think that has been a very moving force with the officials of the Government. They have felt it was necessary to make and maintain a show of force in Nicaragua in order to impress other Latin American countries with what would happen to them if they did not accede to the demands and the requests of this Government.

Along with that is a summary of reasons as to why the marines should be brought out of Nicaragua, and I want to enumerate those:

1. It is unethical to coerce by selfish force, under the most wrested interpretation of the Monroe doctrine.

There is not any suggestion under the Monroe doctrine for keeping the marines in Nicaragua after peace has been established there and a government set up that represents the will of the people as expressed at an election held under the direction and guidance of the marines.

2. Any supervision of elections and control of a backward country should be by cooperative action of American states and not by a single nation under any ethical concept of the Monroe doctrine.

The fact of the matter is that our actions in Nicaragua are causing more injury to American influence and to the needs of this country than any other one thing that is happening in the Western Hemisphere, and the longer we keep the marines there, the longer we maintain the armed forces of this country in Central America, the greater will be the damage and injury such as I have just mentioned.

3. Our relations with all Latin-American countries are endangered by our Nicaraguan policy.

There is no part of the world in which we should be desirous of building up a friendly influence more than in Central American countries, and the fact that we keep the marines there instead of building up a friendly influence only makes conditions worse, only arouses antagonism to our efforts to develop good will. It hurts not only the good will of the people toward us as a nation but it makes them less willing to trade with our own business interests, and to that extent it strikes at the very heart of our industries and our prosperity.

4. The possible advantages of our ratification of the multilateral treaty are diminished by our Nicaraguan policy.

We have just ratified a treaty in which we declare that we will not use force against any country for the settlement of our disputes, that we will seek peaceful means, and yet we maintain the marines in Nicaragua, without regard to what the desires of the Nicaraguans may be or what their needs may be. We keep them there because we have enough strength and power to be able to maintain them under the circumstances.

5. Our present and prospective trade with Latin-American countries is endangered by our Nicaraguan policy.

6. Withdrawal of the marines will compel us to adopt a constructive policy in Nicaragua.

That, of course, is something that the administration has not even yet attempted to do, namely, to form a constructive policy toward Nicaragua. We have used our marines there, and because of the force they represent we have followed out a policy of doing our sweet will, without regard to what the desires or the interests of the people may really be.

7. The presence of the marines in Nicaragua for conducting military operations without action by Congress is a usurpation of the rights of Congress and in violation of the Constitution of the United States.

If there was any authority for keeping the marines there as a result of the Stimson agreement to hold an election, then that authority and right have died, because the election has been held. There is no claim made by anyone in our own State Department now that there is any condition in Nicaragua that demands retaining 3,500 American boys in that part of the world.

American marines were sent into Nicaragua for the last time on July 23, 1926, and by February of last year there were 5,000 marines in the country. There were neutral zones established in 8 out of 10 important districts.

President Coolidge, in his special message on Nicaragua on January 10, 1927, stated:

The proprietary rights of the United States in the Nicaraguan canal route, with the necessary implications growing out of it affecting the Panama Canal, together with the obligations flowing from the investments of all classes of our citizens in Nicaragua place us in a position of peculiar responsibility.

Thus, the very reason given by the President is to be made more emphatic and more important by this appropriation, which will result in our sending engineers down there to survey these routes, and instead of removing the causes for keeping marines there, we propose now to create new reasons for their staying there.

Then the message goes on to say:

Consequently I have deemed it my duty to use the powers committed to me to insure the adequate protection of all American interests in Nicaragua, whether they be endangered by internal strife or by outside interference in the affairs of that Republic.

I call attention to the platform of the Republican Party as adopted in the Kansas City convention. The platform reads:

We approve the foreign policies of the administration of President Coolidge.

Specifically:

The marines now in Nicaragua are there to protect American lives and property and to aid in carrying out an agreement whereby we have undertaken to do what we can to restore and maintain order and to insure a fair and free election.

There is only one implication that can be drawn from such a statement in a platform, and that is that when the purposes for which they have been sent there have been attained, the marines will be withdrawn. Nobody claims to-day that they are needed any longer for the election purposes. Nobody even suggests that they are needed for purposes of protecting American property or American life.

Now I want to call attention to the methods used to secure these concessions, to secure these American interests in Nicaragua, which the marines have been kept there to protect and which they will be sent back to protect whenever it becomes necessary.

President Chamorro in his address to the Nicaraguan Congress in 1922 charged that one company represented by the American, Dietrick, was given a concession for exploiting the mines of Cape Gracias à Dios, Malagalpa, and Nueva Segovia, a third party of the Republic. Dietrick, he states, also acquired the exclusive privilege for 20 years of denouncing mines in a vast region of the Republic 7,000 square miles in area. President Chamorro commented:

"What causes the far graver and more important aspect is the fact that the concessions referred to embrace in themselves other privileges which put into the hands of those foreign companies the administration and, one might say, the dominion and supreme control over that enormous region, thus creating a real peril for the integrity of the Republic.

"Those concessions," he said, "were granted chiefly to American companies." He speaks of them as "those immense concessions of land made by geographic degrees at ridiculous prices for private gain."

The State Department in its booklet Relations Between United States and Nicaragua admits "there is no accurate estimate of the value of American and other foreign investments in Nicaragua," but enumerated "four American fruit companies stated to hold some 475,000 acres of land undergoing development," "about 10 American companies are engaged in mining and exploration work," 2 being incorporated for $1,000,000 or more, 1 of which is stated to have its capital fully paid up.

Various American firms are engaged in lumbering operations, their investments at times running into several millions of dollars. The total of American investments in Nicaragua is estimated at about $20,000,000, compared with $3,000,000 in 1912—an increase of 566 per cent in 16 years.

That is a tremendous increase of American interests in that country, and it explains to a large degree, I believe, why so many marines have been kept there almost continuously since 1907. American interests invest their money there and then they ask for American boys, paid out of the Treasury of the

United States, to be kept there to maintain order so that they can exploit the resources into which their money has been invested, under the protection of the forces of the American Government. Why do they not take their chances in that part of the world as investors in other countries must take chances where they invest their money? They invest in this particular part of the world with the expectation of making enormous profits, and then depend upon the boys of this country who have enlisted to defend this country, its flag, and the Government, and use those boys for the paltry purpose of enabling them to collect the profits which they had hoped to gain when they made their investments.

American financiers know that investments in Nicaragua are profitable, and they know that as long as they can keep some kind of trouble stirred up down there the marines will be kept there. Reasonable security for the payment of loans and interest thereon is necessary, and some of the loans made by American bankers are so flagrant that they should not expect the Government to protect them. The fact of the matter is that, so far as I can learn, Nicaragua has only once defaulted in paying her debts.

On June 6, 1911, the Knox-Castrillo treaty providing for help in securing a loan of $15,000,000 to the Nicaraguan Government by American bankers was signed. The proceeds were to be used in paying claims against the Government, in consolidating the debt, and stabilizing the currency, and in building a railroad to the eastern coast. During the continuance of the debt the customs were to be in charge of a collector general appointed by the Nicaraguan executive on the nomination of bankers making the loan and subject to the approval of the State Department.

This was rejected three times by the United States Senate, but nothing daunted the Government of Nicaragua on September 1, 1911, signed contracts with Brown Bros. & Co. and J. & W. Seligman, of New York, for a loan of $15,000,000. A 10 per cent advance loan of $1,500,000 was made under the so-called Dawson agreement, secured as the projected large loan by the customs revenues. As a further security the majority stock of the Nicaraguan National Bank and the National Railway were pledged.

In addition to that the Nicaraguan Government made a pledge that it would not alter its customs laws and would not change its internal taxes unless the American Government officials consented to it and so by keeping our marines there we have enabled those bankers, those men who exploit the country, not only to make these loans at high rates of interest, but to insure their collection by a government that pledges itself to nothing not satisfactory to American Government officials.

Mr. WHEELER. Mr. President, may we have order in the Chamber?

The PRESIDING OFFICER rapped for order.

Mr. DILL. I do not expect Senators to listen to what I am saying. I know they have not any interest in these facts, but just the same I want to place them in the RECORD.

Nicaragua pledged itself not to alter its customs laws and internal taxes without the consent of the American creditors. An agreement was made establishing the right of "protection" and creating the United States or its Secretary of State a final arbiter—virtually placing Nicaragua under control of American interests.

A high commission to supervise Nicaragua's finances was created consisting of one Nicaraguan and two Americans appointed by the Secretary of State who were to receive no salary but to have their expenses paid.

I submit that nowhere in the history of the dealings of one country with another has there been exacted such exorbitant terms of a people or a government by those who make personal loans to that people or to that government.

Mr. President, there is much disorder in the Chamber. I wish Senators would either depart from the Chamber or, if they want the floor, I will take my seat provided it will not be counted against me as having occupied the floor another time.

Mr. HEFLIN. Mr. President, will the Senator from Washington indicate to us, it now being after 12 o'clock midnight and he having occupied the floor for three hours, when he will permit us to vote on the amendment?

Mr. DILL. I have not occupied the floor more than an hour. Other Senators have occupied the floor. I think we will have plenty of time to vote later in the day. We have just started on a new day and I think we can stay a while yet before we vote.

Mr. HEFLIN. No doubt we can stay, but the Senator is not accomplishing anything, because the Senate is not going to change that amendment. If the Senator persists in going on with this discussion, I am going to discuss it somewhat myself. Senator Morgan had a hard time in combating the influences that sought to prevent the building of the Nicaraguan canal. Some friendly corporations were interested and some railroads were interested, too. I have had those records looked up and I shall discuss that matter here at another time. I voted to bring the marines out of Nicaragua and I want to bring them out, but this is a different proposition that we now have before us. The Government wants to have the survey made; we are interested in it, and we are going to need that canal some day. There are a lot of interests that do not want the canal built, of course.

Mr. DILL. The Senator mentioned Senator Morgan. The fact remains that after all the great work of Senator Morgan and all the things he did and all the evidence he brought forward, the Government decided on the Panama Canal.

Mr. HEFLIN. I know that, but they made a mistake in doing it.

Mr. DILL. The Senator can say that now, but the wisdom of a majority here, after very thorough and careful surveys and investigations on three different occasions, brought about the conclusion that the Panama Canal was preferable. But, waving all that aside, I come back to the fact that there is so much greater need of internal developments and so little need for a new canal that I do not see how the Senator can justify starting upon a program looking to the building of another canal across the Isthmus at this time.

Mr. WHEELER. The Senator from Washington knows, of course, that we could benefit the people of the country and benefit the people of Alabama more by widening and deepening the Missouri River and the tributaries of the Mississippi River than we could by building the Nicaraguan canal at this time.

Mr. DILL. Yes. As I said the other day, there are pressing for attention a large number of great projects in the country that will cost literally hundreds of millions of dollars. We people who live west of the Great Lakes have great need for the development of the St. Lawrence canal. I am told if that canal is built by using the St. Lawrence River it will cost about $450,000,000, and if the canal is built through the State of New York as an all-American canal it will cost about $600,000,000. There is a great demand on the part of the farmers of the Middle West for a Gulf-to-Lakes waterway connecting through the Mississippi River and through Illinois, which will cost no one knows how many hundreds of millions of dollars. We have authorized already $325,000,000 to be expended on flood control on the Mississippi River, and the estimates are that it will take $500,000,000 more at least to complete that work.

Mr. HEFLIN. I want to ask the Senator why it is that he is so persistent now in fighting this proposition when he permitted the joint resolution to pass without a roll call?

Mr. DILL. I was not particular about a roll call. I would not object now if the joint resolution had passed the House of Representatives. What I object to is that there is an attempt to put into this bill a matter of legislation that can not be gotten unless it is worked by this method.

Mr. HEFLIN. The Senator has seen that a majority of the Senate is determined to keep it in the bill, too.

Mr. DILL. That may be.

Mr. HEFLIN. Having permitted it to pass without a roll call, it looks rather strange that the Senator should become so enthusiastic here at midnight.

Mr. DILL. In the first place there was not any particular need of a roll call because a great majority of the Senators were in favor of the joint resolution. I know there were not very many opposed to it.

Mr. HEFLIN. And a majority of the Senators are in favor of the amendment now before us.

Mr. DILL. I think that is probably true, but I do not think that it is proper for me to permit a vote on this proposition if I can prevent it, at lease for a while, until I have placed my views in the RECORD.

Mr. HEFLIN. In other words, the Senator would like to keep his colleagues up until 1 or 2 o'clock to enable him to test his lung power.

Mr. DILL. I am perfectly willing to recess until 11 o'clock a. m.; in fact I have voted to do so.

Mr. McKELLAR. Mr. President, would the Senator be willing to agree to take a vote on this amendment by 11 o'clock in the morning?

Mr. DILL. I will not agree to vote, but I think we will get a vote in a very short time thereafter.

Mr. McKELLAR. If the Senator would fix a time we might agree with him. Would the Senator be willing to vote at 11.30 a. m.?

Mr. DILL. I do not care to make any agreement as to when we shall vote. I shall not take any great amount of time upon

the reconvening of the Senate. I think that probably after 30 minutes' discussion I shall be willing to permit a vote, if I have time to organize my argument in a little better shape.

Mr. HEFLIN. Is the Senator willing to vote at 2 o'clock this morning?

Mr. DILL. No; I am not going to agree to fixing a time to vote this morning.

Mr. McKELLAR. Then, I ask unanimous consent, in accordance with the Senator's statement, that a vote be taken at 11.30 o'clock a. m. to-day.

Mr. DILL. Of course, it would require a quorum before such an agreement could be made under the rules.

Mr. McKELLAR. Then let us agree to limit debate under the 5-minute rule after 11 o'clock in the morning.

Mr. DILL. That also would require a quorum.

Mr. McKELLAR. The limitation would apply to the amendment to the bill; it does not require a roll call to vote on an amendment at 11.30 o'clock in the morning. Will the Senator agree to vote on it at that time?

Mr. DILL. I am not going to consent to any agreement at this time.

Mr. McKELLAR. Very well.

Mr. FESS. Mr. President——

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

Mr. FESS. I understood the Senator to say a while ago that if the House had passed the joint resolution he would not resist the incorporation of the amendment in the bill.

Mr. DILL. I think that if the House should pass the joint resolution the amendment would be properly in this bill.

Mr. FESS. If the Senator knew that in case the House should not pass the joint resolution the Senate conferees would recede from the amendment, would that do any good?

Mr. DILL. The trouble with that proposal is that as soon as this bill goes through, then those who are pressing for the joint resolution—and they are extremely active, or else the amendment would not be in this bill, being out of order—will immediately go to the leaders of the House and say, "We must have action on the joint resolution; those in charge of the deficiency bill have promised that they will not allow this amendment to stay in the bill unless the House shall pass the joint resolution, and we must have action now." Then everything else would be pushed aside, for they would have to have action immediately.

Mr. SMOOT. The Members of the House already know that; that would make no difference.

Mr. DILL. I did not understand the Senator.

Mr. SMOOT. The Members of the House already know that, and if they were going to do what the Senator says they would do, they would have done it to-day; indeed, they would have started yesterday on it. So there is no excuse for any such thing as that, so far as that is concerned. As I said in the beginning, I think I can promise the Senator that if the joint resolution shall not be passed by the House and become a law the amendment will go out of this bill.

Mr. DILL. But the very fact that such an agreement has been made here will be used as an argument to induce the House to act more quickly on the joint resolution than it otherwise would act.

Mr. SMOOT. That never was thought of by the committee at all. The amendment was not put in at the request of the House, and was not put in with any such idea in view.

Mr. DILL. It will be thought of, however, immediately by those who are so active in getting this appropriation.

Mr. SMOOT. They have never suggested it as yet.

Mr. DILL. Somebody has been very active to get this amendment in before the joint resolution was passed by the House, but I do not know who it is.

Mr. BINGHAM. As a member of the committee, may I say to the Senator it was distinctly stated to the committee if the joint resolution should not become a law before the amendment was considered in conference that the amendment would be withdrawn by the conferees and they would not press it?

Mr. EDGE. Is not that the usual method with any legislation that has passed one House?

Mr. DILL. I wish the Senator from New Jersey would tell me why this provision must be placed in a deficiency bill, which is an emergency measure? Why can it not wait and take its natural course?

Mr. EDGE. I have just said that it is my understanding that this is the usual course.

Mr. DILL. It is not the usual course, and the Senator knows it is not the usual course.

Mr. EDGE. The Senator has asked me a question, and if he wishes me to answer it I will be glad to do so. So far as the Senator from New Jersey is concerned, he did not even know that the Appropriations Committee had added the item to the bill until a member of the Appropriations Committee came to the floor after the committee had met and acted on a number of estimates and told me that among the estimates presented and adopted by the committee was this estimate. The information was given to me by the Senator from Tennessee [Mr. McKELLAR].

Mr. HEFLIN. Now, Mr. President, debate having exhausted itself, can we not agree on a vote?

Mr. DILL. The trouble is that other Senators take up the time; I am not able to present the argument which I wish to present in this matter.

Mr. SWANSON. Mr. President, I hope other Senators will let the Senator from Washington proceed without interruption. He is very anxious to do so; he is filled with a speech that is very illuminating; and I do think Senators are treating him with great disrespect in not letting him speak.

Mr. DILL. I appreciate the courtesy and interest of the Senator from Virginia.

Mr. SWANSON. I want the Senate to listen to the Senator from Washington.

Mr. DILL. I appreciate it very much, because I really have some information here that bears directly on this subject.

Mr. SWANSON. I hope the Senator will not be interrupted. He is entitled to deliver his remarks.

Mr. DILL. I appreciate the assistance of my friend the Senator from Virginia, but I was explaining the unusual and, I think, indefensible agreement made by the bankers of this country with the Government of Nicaragua as to the funds of that country and how that agreement was maintained through the force of the American marines. This bank not only had the right to have Government funds deposited in it without any interest being paid but—

It was given the right to issue Government money with or without guaranty and to "introduce and maintain a monetary system." By fixing the value of pesos in circulation and by changing the unit of currency from pesos to cordobas with a supposed dollar backing—the bankers succeeded in raising the circulation of cordobas to 4,000,000, nearly a third of which has no guaranty back of it, while Nicaragua, having spent $2,000,000, has the same amount of paper money as before!

The bankers first took an option on 51 per cent of the stock of the National Railway—and later purchased this stock outright for $1,000,000—and controlled 51 per cent of the stock of the national bank. The foreign debt was refunded and its annual interest charge reduced from 6 to 5 per cent.

(b) In 1913, while the Bryan-Chamorro treaty regarding the Nicaraguan canal was under consideration, the Nicaraguan Government, through its Washington legation, listed its indebtedness, aggregating over $14,100,000, which it wished refunded, including $3,405,000 advanced chiefly by Brown Bros. & Co. and J. & W. Seligman & Co. Nothing was done until December, 1916, when at a meeting of the interested parties in Washington it was determined on the bankers' insistence to pay $2,000,000 of the bonded loan of $6,200,000 issued by the Ethelburga Syndicate of England from the $3,000,000 to be paid for the Nicaraguan canal zone.

Mr. SWANSON. Mr. President, I insist that the Senator from Washington must speak publicly. He is holding the floor for the purpose of speaking.

Mr. DILL. There is so much conversation being carried on by other Senators that I thought I might be interrupting them.

Mr. SWANSON. I am very anxious to hear the Senator, and he ought to speak publicly and not privately.

Mr. DILL. I was just pointing out that of this $3,000,000 that was paid for rights in Nicaragua, $2,000,000 of it went to American interests.

Our Department of State agreed to ask the Council of Foreign Bondholders to postpone demand for interest and sinking fund charges for three years and consented to carrying out of the contract between the New York bankers and the Nicaraguan Government to permit payment of temporary loans, and on funding all the country's indebtedness, by further bond issues, to be secured by a second lien on the customs and a first lien on 49 per cent of the stock of the national railway and of the national bank.

(c) By 1920 a new loan was needed by Nicaragua to retire the 1909 bonds and to complete the national railway. The Pacific Railway was to be sold to the Nicaraguan Government, the sale price for 51 per cent of the stock for which the bankers had a few years before paid $1,000,000, being $1,750,000! The bankers in another burst of generosity underwrote a bond issue for Nicaragua of $1,450,000 to enable the Government to complete payment for the 51 per cent of the railway shares.

(d) By the middle of 1924 the Nicaraguan Government had redeemed treasury bills issued to buy back the Pacific Railway, and the Government started to purchase the stock of the national bank, which the

New York bankers still controlled, and in order to do this it had to acquire the Mercantile Overseas Co., a liquidating concern owned by a New York corporation that controlled the stock of the national bank.

I submit that never in the history of the dealing of citizens with a government were such terms exacted of that Government and then backed and supported by the armed forces of the United States. I now want to read what Prof. Isaac J. Cox says about this transaction. He states:

In order to complete the double purchase the Government had to use up its surplus and special dividends, draw on the school fund, and even pledge the capital and surplus of the national bank itself. * * * The railroad to the eastern coast was still unbuilt, the system of public instruction inadequate, and the teachers both underpaid and often unpaid, and numerous public improvements were held up in order to meet fiscal demands.

Thus the power of the armed forces of the United States was used to compel a contract that actually oppressed the people of Nicaragua and interfered with the education of their children.

In 1927 Nicaragua wanted a new loan. Its currency had been stabilized, its fiscal policy changed, it had been supervised and controlled by the best fiscal minds that the New York bankers could suggest, and it seemed to be surviving our State Department's intervention and the bankers' interposition admirably, the net result of its response to undeserved foreign help being a public debt March 31, 1927, of $10,183,010.

It contracted in March, 1927, for a $1,000,000 credit with J. & W. Seligman & Co. and the Guaranty Trust Co. of New York for one year at a 7 per cent cost to Nicaragua.

As security the bankers asked a mortgage on the new taxes levied January 21, 1927, a mortgage on 50 per cent of the surplus over and above the budgeted appropriations, and a mortgage on all dividends from the national bank and the national railway, and on all stock of both corporations! The contract expired March, 1928—but Nicaragua survived to have us supervise its election with one marine to every 15 or 16 voters!

Five thousand marines down there! It took that many, under the theory of the State Department, to hold this election.

In November, 1927, the Department of State selected and paid the salary and expenses of Dr. William W. Cumberland, former financial advisor to Haiti, at the suggestion of the Nicaraguan Government and of both parties, to investigate whether Nicaragua, with its valuable resources, was good, after 18 years of our benign fiscal tutelage, for a loan of $12,000,000. Doctor Cumberland reported in April, 1928.

The State Department did not publish this document until recently. I have the document here. It is a book of something like 178 pages, and it covers in great detail all of the economic and financial problems of Nicaragua. It is a very complete survey, and, if necessary, I may want to discuss it in some detail later in the day.

Mr. HEFLIN. Would not the Senator like to print all that he has there, and let us vote?

Mr. DILL. No; I fear that if I do that nobody will ever pay any attention to it. While not very many pay attention now, the fact that I take the time to read it and discuss it does secure a little more attention for it than it would receive otherwise.

Mr. HEFLIN. But those who are paying attention to it are not enjoying it. [Laughter.]

Mr. DILL. I rather think that may be true. It is not often that unpleasant facts are enjoyable to those who listen.

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

Mr. DILL. I yield.

Mr. COPELAND. This seems to be a very instructive booklet. It would seem to me that the Senator should give us the benefit of it.

Mr. DILL. Oh, I think later on in the day I shall want to discuss it somewhat at length.

Mr. WHEELER. I was going to suggest that the Senator ask the clerk to read it.

Mr. DILL. I fear somebody might object to that, and I am in very good condition to read it and discuss it myself, at least for a while.

This report by Doctor Cumberland was hidden away for a considerable time, and it was impossible to get a copy of it. In fact, it was not until the latter part of 1928 that we were able to get it. I have gone through it with some care, and I find that it has in it a great many interesting facts and details that throw more light upon the situation in Nicaragua than any publication I have seen in my study of this subject.

Mr. COPELAND. Mr. President, we surely should have the benefit of this.

Mr. DILL. If the Senator will possess himself in patience, I shall try to see that he gets that benefit later.

Mr. WHEELER. Mr. President, the Senator from Alabama said that those who were listening to the Senator's speech did not enjoy it. Let me suggest to the Senator from Alabama that, notwithstanding the fact that it is half past 12 o'clock in the morning, there are more people listening to the Senator from Washington at the present time than the Senator from Alabama frequently has listening to him when he is speaking in the afternoon. [Laughter.]

Mr. HEFLIN. That is very true, because when I am speaking for the American flag Senators like the Senator from Montana do not want to stand up and vote in the open, and they go to the cloakroom. [Laughter.]

Mr. WHEELER. I will say to the Senator from Alabama that I am one of the few Senators who heard his speech on the flag, and I should like to hear it again. In fact, I should like to hear it right now.

Mr. HEFLIN. I am going to give the Senator a chance to vote on it again.

Mr. WHEELER. That is fine. I never hesitate to vote.

Mr. COPELAND. Mr. President, in order that we may keep the peace, I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from New York?

Mr. DILL. I yield to the Senator.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

| | | | |
|---|---|---|---|
| Ashurst | Dill | Keyes | Smith |
| Barkley | Edge | King | Smoot |
| Bingham | Edwards | McKellar | Steiwer |
| Blaine | Fess | Oddie | Swanson |
| Bratton | Glenn | Pine | Thomas, Idaho |
| Broussard | Goff | Pittman | Thomas, Okla. |
| Bruce | Hale | Reed, Pa. | Trammell |
| Capper | Hayden | Robinson, Ind. | Vandenberg |
| Copeland | Heflin | Sackett | Warren |
| Curtis | Jones | Sheppard | Watson |
| Deneen | Kendrick | Shortridge | Wheeler |

The PRESIDING OFFICER. Forty-four Senators having answered to their names, a quorum is not present. The Secretary will call the names of the absentees.

The legislative clerk called the names of the absent Senators.

The PRESIDING OFFICER. No Senators having answered to the second call, there still is no quorum present.

Mr. SMOOT. Mr. President, I move that the Sergeant at Arms be directed to request and if necessary compel the attendance of absent Senators.

Mr. SMITH. Let that cover all. Let all who are in the city who are not ill be brought in.

Mr. HEFLIN. I think that all who are not ill should be brought in. Let us go through with this. These gentlemen have started this a little too early. This is Wednesday. If they had waited until Friday night, there might have been a different story.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Utah.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

Mr. WATSON. Mr. President, do I understand that the Sergeant at Arms has been authorized to request absent Senators to come in?

The PRESIDING OFFICER. "To request and if necessary compel." That was the wording of the order.

Mr. WATSON. It means, then, that he is to issue warrants and bring them in.

The PRESIDING OFFICER. The motion was that the Sergeant at Arms be instructed to request and if necessary compel the attendance of absent Senators.

After a little delay Mr. FRAZIER, Mr. GLASS, Mr. NYE, and Mr. STECK entered the Chamber and answered to their names.

The PRESIDING OFFICER. Forty-eight Senators having answered to their names, a quorum is present.

Mr. DILL. Mr. President, I am glad that we still have enough Senators here to continue the session. I do not want to spend the night without being able to make use of the time.

I had just reached that part of the discussion of what had developed in Nicaragua where I had called attention to a document entitled "Nicaragua, an Economic and Financial Survey," by Dr. W. W. Cumberland, which was printed after much delay and at a little later period in my speech I want to discuss that at some length. I want now to continue to read and comment on the outline of the history of Nicaragua. I have here a discussion of the treaty by which these rights were acquired and while it is similar to some data which I have already presented, and some things which I have already said, yet it presents them at just a little different angle.

This treaty violated Nicaragua's constitution prohibiting the impairment of her territorial integrity or the national sovereignty of the nation.

There is no one thing that this country should regard with more care than the constitutions of the nations with which it has dealings, and when it sets up a government by its own efforts and its own will with which it then attempts to negotiate, it seems to me it is under a double duty to use great care not to violate the terms of the constitution of the country whose government is under its control.

This treaty was negotiated with a puppet government, which, under the agreement we induced Central American governments to make in 1907, not to recognize governments which came into power as a result of revolutions of coup d'état we had no right to recognize.

This government was not only a puppet government, it was not only a government brought into being by American influences but it was kept in power almost entirely by virtue of force applied there by the United States Government in the form of keeping the marines in Nicaragua.

The third thing about the treaty is that it violated the treaty between Costa Rica and Nicaragua. It seems that Costa Rica and Nicaragua had made a treaty that neither of them would grant canal rights without the consent of the other, yet this treaty with the Chamorro government did not even recognize the Costa Rica Government at all.

I understand that the joint resolution which passed the Senate the other day and which is now pending in the House has been referred to the Committee on Interstate and Foreign Commerce of the House rather than to the Committee on Foreign Relations for the reason that if it went to the Committee on Foreign Relations it would be killed and would not be reported out. That committee is not favorable to it. It will be or has been referred to the Committee on Interstate and Foreign Commerce and it is the purpose of the majority of that committee to take out of the joint resolution passed here all of the authority to negotiate treaties with Costa Rica and other countries that are interested in the canal rights.

It is worth noting that this treaty was protested by Costa Rica and Salvador. These protests were upheld by the Central American court which we had helped to found, and we disregarded the protests and as a result the court went out of existence. As I pointed out earlier in the evening, of the $3,000,000 that were paid Nicaragua for the right to construct this canal, $2,000,000 of it was paid to our own American bankers.

Another reason why it seems to me we should be especially careful about the use of marines in Nicaragua is the fact that we have so often not only countenanced but assisted the revolutions which have been existing in Nicaragua and have come about there. Now that we have peace there, now that an election has been held and officials of the Government have been chosen by the will of the voters, we should remove our military forces and permit the officials who have been elected by the votes of the people to run the Government of their own choosing.

I want to review just for a moment the history of how we have interfered and brought about and assisted in those revolutions. I say "we." I mean American influences. I do not mean the American Government, but the people living in this country or whose citizenship was in this country.

A young leader of the Liberals, Jose Santos Zelaya, became President in 1893 and remained in office for 16 years, when a revolution favored by our Government was started. Secretary Knox stated:

"The Government of the United States is convinced that the revolution represents the ideals and will of a majority of the Nicaraguan people more faithfully than does the Government of President Zelaya."

This revolution was financed to the tune of $600,000 by Adolfo Diaz, at the time a $1,000-a-year clerk in the American Mining Corporation, La Luz and Los Angeles. When he attained the Presidency he took it back.

When Dr. Jose Madriz was selected to succeed Zelaya, who resigned, American forces helped the revolutionists to throw Madriz out, and under the terms of the Dawson pact Estrada and Adolfo Diaz were elected President and Vice President.

Much has been said about European investments. Nobody has been able to determine the exact amount of those investments in Nicaragua. It is probable that the British investments are large. When we were trying to negotiate the loans in Nicaragua there was a great deal of difficulty encountered with the British consul of foreign bondholders in connection with defaulted payments on loans. It is worth noting that in 1926 and early in 1927 the British made repeated representations to our Government regarding conditions in Nicaragua, and in February, 1927, dispatched a cruiser to the west coast, which remained about a fortnight, but did not land any marines. The Italian Government filed protests.

Great difficulty was encountered with the British council of foreign bondholders in connection with the defaulted payments on the Ethelburga loan.

In 1926 and early in 1927 the British made repeated representations to our Government regarding conditions in Nicaragua, and in 1927 dispatched a cruiser to Corinto, on the west coast, which remained about a fortnight, but did not land any marines. The Italian Government filed protests.

The total value of the foreign trade in 1926 was $23,283,000, the second largest in the history of the country. It has been reported that General Sandino agreed to lay down his arms as suggested by Colonel Stimson in a letter which he wrote in 1927. It has been questioned whether that letter was a forgery and the State Department refused to submit the letter to handwriting experts for examination.

Col. Clifford D. Ham, for many years collector general of customs in Nicaragua, stated of the Bryan-Chamorro treaty:

"It is an important link in the chain which we are attempting to forge of preparedness and national offense and the protection of our investments in the Panama Canal."

That treaty in addition to giving the United States the right to construct a canal across Nicaragua gave us—

(a) A 99-year lease of Great Corn and Little Corn Islands off the Nicaragua coast in the Caribbean Sea for a naval base and an option to renew.

(b) The right to establish a naval base on the west coast in Fonseca Bay.

Our policy in Latin America has been vacillating between Christian cupidity and strategic scruples.

We conquered Cuba, Haiti, San Salvador, and the Dominican Republic, to say nothing of the Philippines, almost before the American people knew these places were in existence. Mexico challenged our superiority complex, well oiled and bonded, and Nicaragua, encouraged by Mexico's espousal of the principle of "self-determination," dared question her duty to submit to political extinction by the United States.

Hon. Henry L. Stimson, President Coolidge's special envoy to Nicaragua, states in his book, American Policy in Nicaragua:

"To a certain extent at least, we must assume the attitude of seeing that American countries within the Caribbean zone fulfill their obligations as independent nations to the outside world."

Much is heard regarding the Monroe doctrine, but as the years go by, and the facts become more clear to all, there is less and less attempt to justify our policy of financial dictatorship by the Monroe doctrine.

Mr. WHEELER. Mr. President, will the Senator from Washington yield?

Mr. DILL. I yield.

Mr. WHEELER. Is it not true that if President Monroe should come back upon this earth to-night he would not recognize what we now call the Monroe doctrine?

Mr. DILL. No; he would not and he never, in his wildest dreams, ever supposed it could be twisted into such meanings as have been given to it as justification for using the armed forces of the United States for purposes of collecting money and for insuring investments of American financiers.

Mr. WHEELER. Exactly. At any time bankers in this country want to exploit some little country in the Caribbean Sea and the people of that country protest, we hear an appeal to the Monroe doctrine, which really has not any application whatsoever to the facts in the case.

Mr. DILL. Absolutely. Not only that but they can twist the Monroe doctrine to mean anything that they want it to mean, to serve the purpose that they have in hand at the time when they propose to intervene or do intervene in the internal affairs of any of the countries of Central or South America.

United States investments in Latin-American countries are about five and a half billion dollars, and our trade with Latin-American countries last year amounted to nearly two billion dollars. The present administration has tried to keep peace in Nicaragua largely by shooting those who oppose our control in their country. Now when there is no longer an excuse for shooting anybody, and the conditions are such that we are no longer justified in keeping the marines there, this amendment to this bill providing $150,000 is brought in here, and it is proposed to send some engineers down to the Nicaragua canal area, to have them establish stations, and then any American interest that may have investments there can easily start some shooting. We will necessarily keep 4,000 or 5,000 marines in Nicaragua permanently. I think it is agreed by everybody who has any sense of the ethics that should obtain between sovereign and independent nations that to coerce a smaller country into signing agreements in a financial way and compelling it to turn over to the citizens of another country almost complete control of its finances by the aid of armed forces is not in harmony with the spirit of modern civilization, and least of all with the boasted purpose of this great Republic in dealing with various nations of the world.

PROPOSED EMBARGO ON ARMS

Mr. CAPPER. Mr. President, on February 11 I introduced Senate Joint Resolution 215, relating to an embargo on arms and munitions from this country to any signatory nation violating its solemn obligations under the multilateral treaty. The resolution, as I stated at the time, was introduced mainly for the purpose of starting a general discussion and study of the important questions involved, so as to form a background for intelligent handling of the question by Congress next winter.

That purpose seems to be on the way toward accomplishment. Public attention has been focused. General discussion has been started. The widespread and intelligent and sincere interest taken is evidenced by the editorial comments in the American press of the entire country.

To assist in intelligent discussion of this tremendously important proposal and to inform the country of the views and opinions expressed by newspaper editorials from all sections of the country I ask unanimous consent that the following editorials on the subject be printed in the RECORD.

The PRESIDING OFFICER (Mr. ODDIE in the chair). Without objection, leave is granted.

Mr. DILL. Let me ask the Senator this question: If the embargo resolution which he has introduced were adopted and Nicaragua attempted to resist the continuance of our marines down there, does the Senator think we would be bound to shut off the shipment of arms to them?

Mr. CAPPER. I doubt very much whether that question will arise very soon.

Mr. DILL. In other words, the Senator prefers to dodge the question. I am not surprised that he does. I want to say, however, that I have great admiration for the Senator's persistence in trying to get some action which will make the multilateral peace pact more effective, and I have great sympathy with his efforts, even though I can not agree with all that he proposes.

The matter referred to is as follows:

[From the Detroit News]

IT CAN BE THE BIGGEST STEP FOR PEACE

It will be of high consequence both to the world and the United States if Congress should adopt the resolution of Senator CAPPER that in the event a nation goes to war in violation of the Kellogg pact, this country shall embargo the export of war materials to the offending nation and withdraw protection of Americans giving aid and comfort to the offender.

There are plenty of reasons, all of them as strong as Holy Writ, why Congress should take early and unanimous action on the Capper resolution. In the first place, it would be an effective discourager of the martial spirit of some leading European governments, none of which could expect to carry on an expensive war—and even the smallest and shortest of modern wars are horribly expensive—without drawing on the material and financial resources of the United States; and, in the second place, it would be a practically certain preventative of this country's entrance into a foreign war.

There are comparatively few Americans to-day who do not know that it was the tremendous commitments of our great banking and munitions-making interests on the side of the Allies that was the most potent factor in hurling this country into the World War. "We were in the war from the outset and without us the war would not have lasted until 1917," says Prof. Roland G. Usher in The Story of the War. It is certain that the magnitude of our assistance can not be exaggerated. While we had the undoubted legal right to furnish the Allies supplies of food and manufactured goods, we had no right to become an arsenal and a recruiting station for them, much less to advance them billions of money to carry on the vast slaughtering game.

In this connection it will be recalled that when, late in 1914, one belligerent floated a small loan in New York and J. P. Morgan & Co. proposed to invite subscriptions to a French loan of $500,000,000, the Wilson administration discountenanced it, and the proposal was withdrawn. Secretary of State Bryan rightfully boasted that Wilson's action had "blazed a new way" in international dealings, and he justified it in the following memorable words:

"It is inconsistent with the spirit of neutrality for a neutral nation to make loans to belligerent nations, for money is the worst of contrabands—it commands all other things * * *. The Government withdraws the protection of citizenship from those who enlist under other flags—why should it give protection to money when it enters into foreign military service? There is no answer."

This was almost universally conceded at the time to be an unanswerable argument against the flotation of the proposed loan, and when a year later the Wilson administration reversed itself and permitted the placing of "the biggest issue of international bonds ever made," even such a pronounced sympathizer with the allied cause as Col. George Harvey, editor of the North American Review, protested against it on the ground that it made us "an ally of the Allies." He significantly pointed out that the loan was intended to liquidate sums "already loaned to England by the bankers which, for patriotic reasons, they were asking the people take off their hands through the purchase of these bonds."

The plain truth is that as a consequence of our open and persistent violation of "the spirit of neutrality" we entered the war in 1917 not in a blaze of patriotism but in a wallow of profiteering, and just at the moment when this pleasant national diversion was menaced by the imminent financial and physical exhaustion of the Allies. We went in because there seemed to be no other way to save our colossal profits from the exportation of money and materials to our warring European customers. Only Uncle Sam's joining the Allies and underwriting their indebtedness could accomplish that grand "idealistic" result.

It is difficult in the light of this irrefutable chapter of history to understand how any Congressman can fail to give his vote for the Capper resolution. Its passage will mark the greatest and most decisive step that any nation has yet taken to advance the cause of permanent peace—provided, of course, the United States will faithfully live up to it and not be swerved from this duty by the chance to pouch some more billions of war profits by catering to the necessities of war-crazed nations, as we did from 1914 to 1917. And the measure should only be amended to cover the loaning of money under the embargo.

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[From the Boston (Mass.) Globe]

BOYCOTT FOR PEACE

Senator CAPPER has offered a splendid contribution to the cause of peace in his resolution to authorize use of an economic boycott on war supplies, the action to be employed against countries that violate the multilateral treaty disavowing war as an instrument of national policy.

There is no expectation that the Capper resolution will be voted upon until after the 4th of March, as the present session is congested. However, it will be well to have this far-reaching proposal sink into the minds of those who are serious in their efforts to minimize the possibility of war in the future. The more people think about the Capper resolution the more are they likely to appreciate its value.

From Geneva it is observed that the passage of the resolution will give new force to Article XVI of the league covenant, which provides an economic blockade against a nation that declines to stand by the provision in Article XIII requiring that disputes be settled by arbitration. In a sense the ratification of the Kellogg pact has already put the United States into the league as far as Article XIII is concerned.

The comment pouring in from many countries hails the new proposal as a great constructive step. The world seems to be ready for it, and hopes that the United States will find itself of the same mind.

The most important feature of what Mr. CAPPER has offered is the request to the President that he enter into negotiations with other governments to obtain similar action by them in regard to their own nationals, who may be disposed to give aid and comfort to a nation that has committed a breach of the multilateral treaty.

The boycott is a weapon effective only when used by a large group. If it can be established as the way in which governments are brought to terms, the world will have moved a long way on the road toward peace.

War is a matter of factory production as well as of men. If the resolution is extended as widely as the treaty renouncing war, all of the industrial nations will be inside it.

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[From the Boston (Mass.) Christian Science Monitor]

THE INEVITABLE QUESTION

Senator CAPPER has asked the inevitable question, What policy should the United States pursue in the event a nation violates its multilateral treaty renouncing war as an instrument of national policy? This question raises an issue of far-reaching consequences. It is a question which could be delayed until a violation was actually committed, but faced it must eventually be, and the Kansas Senator has chosen the wiser course. It is well that such a policy should be thoroughly probed and carefully developed, and the time for discussion and development of policy is not under the strain of emergency but during the clear-sighted days of peace, such as have already brought to fruition the pact of Paris.

In the resolution which he has just presented to Congress Senator CAPPER offers one answer to this vital question. His answer is best summarized in the two salient sections of his resolution, which read:

"SECTION 1. Be it resolved that whenever the President determines and by proclamation declares that any country has violated the multilateral treaty for the renunciation of war it shall be unlawful, unless otherwise provided by act of Congress or by proclamation of the President, to export to such country arms, munitions, implements of war, or other articles for use in war until the President shall by proclamation declare that such violation no longer continues.

"SEC. 2. It is declared to be the policy of the United States that the nationals of the United States should not be protected by their Government in giving aid and comfort to a nation which has committed a breach of the said treaty."

At the present moment the specific details of Senator CAPPER's proposal are not as important as the fundamental premise on which it rests. This is that it is in line with the best interests of the United States and with the maintenance of an enduring peace that the United States, being tangibly concerned with any menace to peace, however remote geographically, should do everything compatible with its own security to avert or minimize war wherever it may arise. The rapid spread of American foreign trade to the farthest reaches of the globe and the extent of its vast loans to the principal countries of the world make the preservation of peace a practical necessity to the United States, if not a moral responsibility. The condition which makes possible the stability and expansion of American foreign commerce and which lends security to the billions of dollars of American loans is a condition of peace throughout the world. The question—a question of enlightened self-interest as well as practical idealism—is not whether the United States should take an active part in preserving this condition of peace throughout the world, but how best the United States can exert its pacific influence.

Senator CAPPER's answer to this question is a logical consequence growing out of the pact of Paris. This treaty provides that all disputes between the signatories must be settled by pacific means only, and it also stipulates that any nation violating its terms shall be deprived of the benefits of the treaty. The pact of Paris ends at this point, and at this point Senator CAPPER takes up the discussion and advances the proposal that the United States should make it unlawful to ship armaments or other implements of war to a violator of the pact. Such a policy would mean, in other words, that the United States would refuse to aid, to the extent of withholding military supplies, any nation which has set about to promote its national interests by resort to war. The United States, vitally concerned for its own welfare in minimizing any menace to its commerce, can do no less. The same awakened public opinion which gave such overwhelming impetus to the pact of Paris should give equal thought to the Capper proposal or whatever modification or amplification of it may seem advisable.

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[From the Duluth (Minn.) Herald]

SENATOR CAPPER'S GOOD IDEA

Senator CAPPER is offering a resolution which is a natural and logical sequence to the Kellogg treaty outlawing war.

This resolution provides an embargo against selling war-making materials to any nation that violates the spirit of the Kellogg treaty. When the President proclaims that any nation has gone to war in violation of this treaty, it will become unlawful "to export to such country arms, munitions, implements of war, or other articles for use in war until the President shall by proclamation declare that such violation no longer continues."

Moreover, the resolution provides that any American found giving aid and comfort to the lawbreaking nation shall be denied the customary protection of the American Government. The President is asked to invite other nations that have signed or will sign the Kellogg treaty to adopt a similar practice.

A nation that goes to war wantonly, as nations have gone in the past, will be a violator of the Kellogg treaty. That treaty, when it is adopted by the nations, will be as nearly an international law as any that exists. Its violator, therefore, will be an international criminal. It will be no more right to sell arms to such a criminal nation than it would to sell a jimmy to a burglar.

Only the possible profit in selling to a criminal nation the implements to practice its crime stands in the way of the unanimous adoption of the Capper resolution. And that profit, which would be criminal, ought not to influence a single vote.

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[From the New York Telegram]

PEACE—THE NEXT STEP

The most promising aspect of the Capper Senate resolution to authorize munitions and economic boycott against any nation violating the Kellogg antiwar pact is the public attention it is receiving. Last year a similar Burton resolution aimed at warring nations was almost completely ignored. Here is quick proof that the Kellogg treaty discussion and ratification have stimulated America's sense of responsibility for world peace.

We are in sympathy with the purpose of the Capper resolution.

We believe that the moral weight of the United States should be thrown against nations which break the peace. This is the intent of the Kellogg pact. But America's moral influence in such a crisis would be nullified if that outlawed foreign war were fought with American munitions and supplies. And this is the missing link in the American outlawry-of-war chain which the Capper resolution aims to supply.

The actual text of the Capper resolution seems to us unclear on some points and evasive on others. But that is not important at the moment, because CAPPER's idea now is simply to start a general discussion as a background for intelligent handling of the question by Congress next winter.

Opposition of the BORAH isolationist group on the one side and of the militarists on the other has been accorded similar proposals in the past, and doubtless will be concentrated against the new resolution.

There probably will be a hue and cry that the proposed move would "take us into the League of Nations through the back door." That is nonsense.

Soon or late the United States must face the facts of modern warfare—that there can be no war without affecting this country's world interests, that old concepts of neutrality are meaningless in an age which necessarily distinguishes between "private" and "public wars," and that traditional definitions of contraband can not apply to modern wars which involve civilian populations and which are determined mainly by economic weapons.

The Capper resolution is evidence that America is beginning belatedly to face this problem which other nations, through the League of Nations, have been facing for a decade. But the League of Nations is not the cause of that problem. Neither is the League of Nations the American solution proposed by CAPPER. His resolution would empower the President, unless otherwise provided by Congress, to determine the violator of the Kellogg pact and to apply an American boycott against the offender. Certainly this is quite different from allowing the league or the league council to determine American action.

A second important difference between this American proposal and the league and Locarno provisions for so-called sanctions against an offender is that the latter include use of military and naval force.

The present international situation is paradoxical and dangerous because the United States, which on paper has outlawed aggressive war, is in a position to prevent league nations from suppressing an aggressive war. Indeed, we are in a position now to furnish the arms and supplies to a nation violating our Kellogg treaty and then go to war ourselves against league nations whose blockade against the aggressor interferes with our "freedom" to aid the outlaw. Here is one cause of the Anglo-American disagreement over sea law and the new cruiser rivalry.

This issue is fundamental. It will not be settled in a day. The solution probably will not be in the exact form of the Capper Senate resolution or of the similar Porter resolution introduced in the House yesterday. But that the solution will be along the general line of these resolutions we do not doubt.

Meanwhile this issue deserves the best thought of the American people.

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[From the Cleveland Plain Dealer]

TEETH FOR TREATY

The resolution which Senator CAPPER offers would put teeth in the Kellogg treaties. It is based on the assumption that the purpose of the treaties is actually to outlaw war. We shall now see how much power the munition makers wield in Congress.

By agreement ratified by the American Senate less than a month ago, the United States binds itself in partnership with near a score of other nations never to engage in war as an instrument of public policy. The treaty carries no formal reservations, though it is understood that other signatories will insist on their own "interpretations."

Now the Kansas Senator, member of the Foreign Relations Committee, proposes his resolution as the logical next step. In a sense, it carries an American interpretation of the treaty; it tells the world that when we renounce war we renounce it; and that any power which, after renouncing war, nevertheless engages in war, shall labor under the handicap of America's supreme displeasure.

Munition making has long been a great industry in this country. The United States, most peaceful of powers, has thus more than once contributed for profit to the wars of other people. It is not a creditable rôle. The Kellogg treaties offer an opportunity to abandon a policy which has seemed to many out of harmony with our own pretensions.

The principle behind the Capper resolution is identical with that of the League of Nations provision that when a league member violates its obligations under the covenant other members shall take appropriate measures to compel obedience. CAPPER is more specific; he sets up the exact measure of compulsion.

A resolution, of course, merely expresses an opinion. It lays down no law. In this case it declares that "whenever the President determines and by proclamation declares that any country has violated" the Kellogg treaty, it "shall be unlawful, unless otherwise provided by act of Congress or by proclamation of the President to export" munitions to such country.

Our hope is that the resolution is adopted. Selling death for private profit is not a business for Uncle Sam to engage in or to sanction.

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[From the Des Moines (Iowa) Register]

PROFITS IN WAR

Senator CAPPER has offered a resolution, which he says he does not expect a vote upon at this session, which would declare the policy of the United States to be the declaration of an embargo on armaments against any nation breaking the Kellogg peace pact.

Part of his argument for the resolution is that if it were known that a nation violating the pact would be unable to buy war supplies from us it might avert war.

That is sound enough, but not one-tenth so important as the other part of the argument, which has to do with the effect not on others but on ourselves. If all our own people know that the outbreak of war between two or more other nations is not going to create a beautifully profitable trade with the belligerents for us, there will be considerably less sympathy with nations that go to war.

Unless the United States does clarify its attitude and policy in this matter of trade with a treaty-evading nation that goes to war, how easily we could get into a position, with our factories booming, to supply the belligerents, and with the most tremendous howl about "freedom of the seas" the moment any international pressure was applied to the aggressor in the war.

Taking the profits out of war, whether it be a war including us or a war between nations in the far corners of the world, will always be found a tremendous stimulus to peaceful notions. Senator CAPPER's resolution has its merit in that, while it goes only a short distance and in a test might not go even that far, it does approach war and peace from the standpoint of profits.

[From the Cincinnati Enquirer]

THE CAPPER RESOLUTION

A spectacular piece of legislation has been placed before the country by Senator CAPPER in the hope that it will arouse a wide interest and full discussion, even though no action will probably be taken during the present session of Congress. The resolution in effect provides that the United States shall not export arms or munitions to any country which definitely breaks its obligation under the Kellogg pact to refrain from aggressive war. The responsibility under the resolution rests with the President to determine what nation may be the aggressor in any given case.

This project is complemented by the Porter resolution, which makes a similar embargo possible against any nation where domestic outbreak is threatening or existent. The two together are a significant step in the new foreign policy of the United States. It is worth noting that the Capper resolution has met with warm support from such public figures as Nicholas Murray Butler, George Wickersham, and President Angell, of Yale University. These men are outstanding liberals, who are looking forward to a time when the United States will take a much more active part in world political affairs than is now the case.

On the other hand, the general temper of Congress appears to be somewhere between lukewarm and definitely opposed. The commonest attitude among legislative leaders is that of waiting until popular sentiment has had an opportunity to express itself. This is eminently desirable. The Capper proposal contemplates a complete change of front in our foreign policy, and so requires careful analysis before action is taken. It proposes in substance to wield the enormous economic power of the United States in the interest of peace between nations by means of the economic blockade of an aggressor state.

In view of its profound implications for the future policy of the United States toward foreign affairs, the proposal of Senator CAPPER merits neither instant approbation nor yet condemnation. It is a proper subject for thorough study in the light of our changing national policies and shifting position in the sphere of world politics. It is to be hoped that the discussion of the project may be free from bitter recriminations of die-hards and extremists, for it is a serious proposal to make effective the now feeble Paris pact, and as such is worthy of adequate consideration.

[From the Emporia (Kans.) Gazette]

THE NEXT MOVE

Senator ARTHUR CAPPER, of Kansas, has introduced into Congress a measure which will prohibit America selling arms or munitions to any country which is adjudged a violator of the Kellogg pact outlawing war. If the world court or any tribunal names a nation as the aggressor nation in any war, all the nations signatory to the pact would outlaw the offending nation by refusing it credit and munitions of war.

That action would stop that war.

Slowly we shall move toward world peace. We may break peace time and again. But in the end peace must come as men think more and more of justice. It is fine to remember that Kansas has a Senator who stands in the forefront of those world statesmen who are striving for peace.

Senator CAPPER represents all that is fine in this State, its loftiest aspirations, its most practical common sense.

[From the Washington Star]

BACKING THE KELLOGG TREATY

The Kellogg multilateral treaty renouncing war has been described in certain quarters—particularly those not responsible for its negotiation—as a mere gesture; indeed, an empty gesture. Senator CAPPER, of Kansas, who has been a strong supporter of the treaty, now comes forward with a proposal which, if adopted, may put a very different aspect upon the situation. What the Kansas Senator proposes is that the United States and other nations signatory to the Kellogg treaty shall pledge themselves not to sell arms, munitions, and other materials needed for carrying on war to any nation which violates the Kellogg treaty.

Few nations that go to war are able to furnish all the arms, munitions, and other materials essential to carrying on war. They must rely on neutrals for these munitions. For example, had the belligerents, soon after the war broke in 1914 in Europe, been unable to obtain from the United States vast quantities of war supplies, the effect would have been serious for some of the nations involved, if not all of them.

A resolution introduced in the Senate to-day by Senator CAPPER authorizes the President of the United States, by proclamation, to declare whenever any nation has violated the Kellogg treaty. After the President shall have issued his proclamation, it shall be unlawful, unless otherwise provided by act of Congress, to export to the nation violating the treaty any arms, munitions, etc. Further, the resolution declares that nationals of the United States who undertake to send such supplies to that nation or nations shall not have the protection of the United States.

In order to convince other nations of the advisability of enacting similar laws relating to the export of arms and munitions to a nation violating the Kellogg treaty, the Capper resolution provides that the strictures against the export of arms and munitions from the United States shall apply only in case of a breach of the treaty by war "against a government which has declared its adherence to a similar policy."

The Capper resolution and the course it proposes is a logical sequence of the ratification of the Kellogg treaty. How ridiculous it would be for the United States—or any other nation—having solemnly declared its adherence to a treaty renouncing war as a means of settling international disputes, to assist a nation which violates this pledge to carry on a war through the sale to it of much-needed munitions!

The proposed embargo on the export of arms and munitions would lie against the nation waging an aggressive war. It would become the duty of the President of the United States to determine, in the event of hostilities, which nation was the aggressor before he issued a proclamation laying such an embargo. He might determine that both nations were equally guilty of violating the Kellogg treaty. From a reading of the resolution it appears that Congress would have the power, however, to override the President's decision in this matter by enacting a law or laws contrary to the President's determination of the guilt of the party or parties involved.

Despite the difficulties which may lie in the path of the Capper resolution and the adoption of a similar program in other countries, certainly it appears that the Kansas Senator has laid a finger on a very practical method of aiding the fulfillment of the pledge contained in the Kellogg treaty.

[From the Lincoln (Nebr.) State Journal]

Many friends of the Kellogg peace pact will favor the resolution Senator CAPPER has introduced in the Senate which would tend to give the pact more force. The Kansas Senator wants to make it unlawful to export munitions, implements of war, or other articles of war to countries which have violated the Kellogg pact from the time the President shall declare they have committed such a violation until the time he shall declare the violation no longer continues. If all the signers of the pact would back up their signatures with a similar enactment, and enforce it, there is little doubt but what war would be effectively outlawed.

[From the Saginaw (Mich.) News]

ARMS EMBARGO TO HELP PEACE

Senator CAPPER introduces a resolution authorizing the President to place an embargo on supplies of arms, munitions, or "other articles for use in war," against any nation violating the multilateral treaty recently ratified by the Senate. Though the resolution if adopted could apply only to the United States, there is a provision which requests the Chief Executive to negotiate with other signers of the multilateral treaty to have them take similar and concurrent action. It is a proposal that if made effective would unquestionably strengthen the peace treaty.

Keeping in view the extreme difficulty exercised in bringing about domestic disarmament to the extent of preventing easy access to deadly weapons by the criminal classes, it may be expected the resolution will meet with opposition that may not appear on the surface. Senator CAPPER probably had this in view when he said:

"It should be impressed that war will not be a means of carrying on a profitable trade with the belligerent nations, a profitable trade that in the end will cost the lives of our own youth and saddle another tremendous war debt upon the surviving people of the earth. * * * Rather it should be impressed upon the consciousness of every citizen that the effect of the pact will be to diminish or cut off that trade so that it will no longer be in the interest of armament makers or the private traffickers in blood money to connive with a government which

in defiance of its obligations lets loose upon the world the pestilence of war."

In the main the resolution is new and invigorating testimony to the fact that civilization nowadays favors but one form of warfare, that which is directed to prevent wars of bloodshed. Mutual and general agreement to avoid war, as is found in the multilateral treaty, would, of course, be vastly strengthened by such embargoes as Senator CAPPER proposes. And knowledge that practical methods exist to make such embargoes effective would undoubtedly act as a further curb upon the war virus everywhere.

It logically follows that the more embarrassments, the more difficulties there can be imposed upon the making of war, the less likelihood there is of its being resorted to; the more probability the nations will incline to adjust their disagreements by the peaceful processes of reason. Broadly speaking, this resolution of Senator CAPPER's would impose an economic boycott upon the offending and belligerent nation, for about every commodity of account nowadays enters into the making of war; which is likely to be even more true in future wars.

In any event, the proposal is bound to stir up an interesting discussion, and this itself should prove of value. It will be found impossible to ignore the resolution or its meaning. It must and will be given consideration, and is of a nature that makes it fully worth all the attention that can be given it.

[From the Newark (N. J.) Evening News]

CAPPER SETS TEST

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The Capper resolution carries assurance that the league can count on us to cooperate in restraining an aggressor. It shows what could have been done if the Republicans had undertaken to develop and improve the peace arrangements worked out after the war instead of bedeviling them. If they had taken a helpful instead of an obstructive attitude, there would be no need now to wriggle out of the mess created by the reservations and bitter-enders.

Another question answered is whether we are going to stand behind our own Kellogg treaty. The resolution gives that treaty a vitality of which it was nearly stripped by the Senate debate. In order to get the votes needed for its ratification, administration spokesmen took the position that it was not much more than a moral gesture. The psychological effect of the debate has been bad. The Capper resolution, if adopted, will overcome this and show the world that this country takes the Kellogg pact at its full face value and means to make it an effective preventive of war. The resolution proposed by Representative PORTER in the House goes even further.

[From the Sioux City (Iowa) Journal]

TREATY ENFORCEMENT

Senator CAPPER, of Kansas, an ardent supporter of the Kellogg multilateral treaty designed to outlaw war, believes there is a way to enforce the pact. There is no provision in the covenant, signed or adhered to by nearly 60 governments, for its enforcement. So far the civilized world has accepted the pact as morally binding upon all the nations included as signatories or adherents.

A Senate resolution offered by Senator CAPPER would definitely put the United States in a position to contribute to the pact's enforcement. An economic boycott is the weapon Senator CAPPER has in mind. This would be aimed at any nation that, in this Nation's judgment, had violated the terms of the treaty to start an aggressive conflict. The Capper resolution would give the President authority to issue a proclamation forbidding exports, particularly munitions of war, to any government violating the pact. This is provided in a paragraph that reads as follows:

"That whenever the President determines and by proclamation declares that any country has violated the multilateral treaty for the renunciation of war, it shall be unlawful, unless otherwise provided by act of Congress or by proclamation of the President, to export to such country arms, munitions, implements of war, or other articles for use in war until the President shall by proclamation declare that such violation no longer continues."

If this resolution succeeded, it would mean that the Federal Government would be empowered to institute a complete boycott against an offending country. "Or other articles for use in war" covers all manner of supplies, food, clothing, building materials, practically everything in trade.

Alone, the United States probably could not thus prevent war through discouraging another country by threatening a boycott. This country could do more in that respect than any other single power, because of the wealth of resources here, but the value of the Capper resolution lies in the probability of it being adopted elsewhere if given indorsement in this country.

It may be taken for granted that the world powers and various other progressive nations are sincere in their desire to establish and maintain world peace. If it be true that they desire it greatly, then it is logical for them to adopt some method whereunder the pact could be rigidly enforced. The boycott, if decided upon by the powerful governments in the pact, could not fail to achieve the result desired.

[From the Augusta (Me.) Kennebec Journal]

WORTH THINKING ABOUT

Occasionally some one rises to remark that it is wicked to permit guns and munitions to be sold to those engaged in warfare, or who are likely to be, and then some one who has meanwhile been doing a little thinking is convinced that our own land of the free would probably be a British possession had not our forefathers been able to buy guns and munitions.

Senator CAPPER has said something which will bear thinking about. He has introduced a resolution which would provide "that whenever the President determines, and by proclamation declares, that any country has violated the multilateral treaty for the reununciation of war it shall be unlawful, unless otherwise provided by an act of Congress or by proclamation by the President, to export to such country arms, munitions, implements of war, or other articles for use in war until the President shall by proclamation declare that such violation no longer continues."

[From the Press, Pontiac, Mich.]

A PROPER LIMITATION

Senator ARTHUR CAPPER's bill in the matter of an armament embargo has much to commend it. Under its terms the President would have the necessary power in his hands to prevent the shipment of "arms, munitions, implements of war, or other articles for use in war" to nations which had violated the Kellogg peace pact.

We shall hear a great complaint from the munition makers and all and sundry who profit by war. The jingoes and the superpatriotic gentry who want to keep the world perpetually tuned up for immediate conflict when slight differences occur will scent a tragic handicap. This class, which believes "in principle" in movements intended to bring about world peace will find this particular bit of legislation a dangerous curtailment. In the abstract, all of these ideas looking to perpetual peace are commendable, but not one of them ever is safe or workable in the minds of gentlemen of the Lodge school of international relationships.

The Capper bill does not make it mandatory on the President. Its purpose is to give that official authority to stop the shipment of all forms of mechanism intended for mass murder, if he shall deem it expedient.

Of course, this trade is profitable. It makes a great showing on the balance sheet as well as in the cemetery. Someone's sons must shoulder a musket, march off to war, and come home in a rough box or be dumped out at sea or buried somewhere among the millions of "unknown."

The Capper bill intends to serve notice on the world that the United States believes in peace.

The Kansas man says he intends to cut down the activities of the "private traffickers in blood." He thinks that governments which, in defiance of their obligations, "let loose upon the world the pestilence of war" should be denied the help and assistance of other nations which honestly believe in peace. He seeks the mighty influence of American disapproval of this form of international trade.

The Capper bill would serve notice on the world that our approval of the Kellogg pact was not merely lip service. It would emphasize the fact that we are prepared to sacrifice profits to peace. It would show that we honestly believe that men are of more account than dollars. And some of the world does not believe that of us at present.

This Capper limitation is what the peace movement needs. There should be much in the way of collateral action of this character. It is needed in America and everywhere throughout the world if peace finally is to become the accepted program of civilization.

[From the Paterson (N. J.) Press-Guardian]

ANOTHER STEP PROPOSED

The resolution which Senator CAPPER, of Kansas, has introduced in the Senate, if passed, will provide another advance toward settlements of international disputes through mediation and arbitration, now declared to be the policy of practically all nations in accordance with provisions of the Kellogg pact.

What Senator CAPPER seeks in his resolution is to empower the President to proclaim and forbid the export of arms, munitions, implements, or other articles for use in war to any country which, in his opinion, has violated the agreement of this Kellogg pact. Thus, in full effect, his resolution would declare a boycott on the part of this country against any country which had gone contrary to the Kellogg pact, renouncing war as a means of settlement of international dispute.

It can not be expected that the resolution will be adopted at the present session of Congress, which has only about three weeks to run. Nor is it probable that the special session will reach a decision upon

it. There will be serious opposition to its adoption, and it will become one of the major themes for argument for a number of months. Perhaps in the end it may fail, for it will be held on the part of many that such a resolution will have the effect of too great participation on the part of this country in the affairs of other nations.

At first glance, however, the resolution seems most important and one to which the country may in safety and with tremendous effect give its adherence.

[From the St. Louis (Mo.) Post-Dispatch]

MR. CAPPER'S ARMS EMBARGO

Senator CAPPER, of Kansas, wants the United States to refuse to sell arms or ammunition to any country that violates the Kellogg peace pact. He has introduced a resolution to that effect which also authorizes the President to negotiate with other signatory nations to join in the boycott.

Immediate action is not looked for, but the proposal, Mr. CAPPER hopes, will stimulate public discussion. That hope is likely to be realized. Public opinion will, we believe, be disposed to abolish "a profitable trade that in the end will cost the lives of our own youth and saddle another tremendous war debt on the people of the earth."

Depriving the neutral nations of any opportunity for profit ought to help to unpopularize war universally.

The provision empowering the President to persuade other nations to adopt this policy seems superfluous. The other nations, with few exceptions, are members of the League of Nations and as such are obligated to suspend all commercial relations with any nation waging an aggressive war. But the moral of this provision can not sincerely be ignored. It emphasizes anew the truth that international cooperation is necessary to outlaw war and achieve the great end of abiding peace. The experience of the World War has taught that lesson just as impressively as it exposed the danger and ultimate cost of "a profitable trade" in munitions.

[From the Douglas (Kans.) Tribune]

Senator CAPPER has introduced a resolution in Congress, and is pressing its passage, pledging the United States, in case of another war, not to permit its citizens to furnish fighting supplies to either side. That is really the only way to maintain neutrality. If two men were fighting or going into a fight, could a man be classed neutral who passed to one of them a club? If in the World War the United States had prohibited its citizens selling munitions of war to either side it would, of course, have prevented American firms from making billions, but it would have "kept us out of war." And the United States had to loan these purchasing nations the money to pay for their supplies, and our people are now being taxed to pay the debts these foreign nations are not paying.

[From the Winsted (Conn.) Citizen]

TEETH FOR PEACE PACT

Senator CAPPER, of Kansas, a member of the Senate Foreign Relations Committee, complicates the armament issue a bit. He has introduced a measure which would forbid the sale of American arms and munitions to any nation going to war in violation of the Kellogg treaty, and urges other nations to adopt the same policy.

This resolution, he believes, would "give teeth to the Kellogg pact, which as it now stands depends for its effectiveness only on the conscience of the signatory nations."

It would, indeed, if adopted and followed by the big industrial nations in the spirit and letter.

Modern warfare, as the World War proved, depends on enormous quantities of machine-made supplies. If the industrial nations will not sell them, most of the nations can not fight, and even the other industrial nations will be handicapped.

Manufacturers of armament and war materials will oppose this measure, of course. Some governments will oppose it for the sake of the profit they may make out of other people's wars, or from a desire to keep up their munitions industries for their own self-defense. But the American public might approve such a pacifist measure.

Suppose it were adopted generally, as some such measure probably will be some time—for the peace spirit grows. There would still be one serious little joker. Who would decide what wars were "in violation of the Kellogg treaty"? The League of Nations might assume that task. But would the United States or Russia agree?

[From the Elmira (N. Y.) Star-Gazette]

TEETH FOR KELLOGG PACT IN CAPPER'S RESOLUTION

With the frankly expressed intention of putting a set of good, capable teeth in the Kellogg multilateral peace pact, Senator CAPPER, of Kansas, on Monday introduced in the Senate a resolution, the chief provision of which was granting authority to the President of the United States to declare an arms embargo against any nation which he should declare to be a violator of the pact.

Wide discussion of CAPPER'S resolution was immediate and the views expressed concerning it naturally differed. Generally it was lauded as an intelligent attempt to supply a method of making the Kellogg pact effective against violators, since that instrument contains no provisions for its own enforcement.

However, objections were lodged against it on the ground that in the first place it placed too great a responsibility upon the President, who would be compelled, to make its terms effective, to declare which of two nations was the aggressor in war, and secondly, that it was "entering the league by the back door."

[From the News, Rockville Center, N. Y.]

CAPPER AND THE KELLOGG TREATY

Senator CAPPER, of Kansas, has thrown a bombshell into the camp of those Senators who did their best to emasculate the Kellogg peace pact. He has introduced a resolution in the Senate to the effect that any nation which violates these pacts shall be practically classed as an outlaw nation and denied the privilege of securing arms from this Nation. We would go even further and put them on a basis so that they would be unable to get any supplies of any sort from the United States. With such an economic boycott from this, the richest Nation in the world, there is every reason to believe that it would be the world's best deterrent to war.

[From the Birmingham (Ala.) Age-Herald]

TO KEEP THE PEACE

It was inevitable that the Capper resolution should arouse critical reactions in quarters which have always been hostile to concrete efforts to make the influence of this country for international peace tangible and effective. Therefore it is not surprising that, after the first outburst of enthusiastic approval, voices should have made themselves heard in varied derogation. First of all, we hear the obvious charge that the resolution would, in effect, put us in the League of Nations. In any case we are warned that the proposal would make us the tail to the league's kite. And, finally, we have Senator BORAH'S mutterings that he is opposed to anything which looks or sounds like a "sanction."

The trouble with these isolationists is that they are too prejudiced to be governed by logic. If there is any difference between the exercise of embargo power in respect to Latin-American countries and its exercise in respect to a European power which has violated its pledge under the Kellogg treaty, it does not disclose itself to an unbiased mind. Yet all that the Capper resolution contemplates is that just this course shall be pursued, that our citizens shall be forbidden to sell and send munitions of war to an aggressive belligerent which has broken its word.

How such action could involve us in hostilities, how it would cause us to play second fiddle to the league, is not perceptible. It might very well be the case that our arms embargo would help the league; it might even be the case that this method would track the league's undertaking to discipline an unruly member, but that is surely no good reason for any failure on our part to make the renunciation of war as a national policy something more than a pious gesture. We owe it to common sense and good faith to leave nothing undone for the purpose of effectuating the multilateral treaty.

Senator BORAH'S opposition to sanctions is no new thing. Many a speech has he delivered in denunciation of the league covenant's provisions with regard to disciplining obstreperous countries. But just as the older BORAH could never have led the fight for the kind of treaty which has just been approved by the Senate, since his leadership implied a departure from the isolationism to which he was once devoted, so the new BORAH who has evolved a more admirable world outlook should be able to rise above the petty limitations of the past.

It is time that the Idaho Senator, together with other antagonists of America's participation in a realistic movement for international peace, face the facts of the situation. The day for bandying phrases, and hypnotizing ourselves into a self-induced terror, is now happily gone. If Mr. BORAH can prove that a suspension of trade with an aggressive belligerent would necessarily embroil us in war, the country will be with him. But he can't do that. The Capper resolution does not deprive us of any freedom or independence of action. It simply offers a way of embodying the faith we profess in works of pacification.

The fact that Congressman PORTER has launched in the House a separate enterprise to make the multilateral treaty effective indicates to what an extent the problem of making the pact workable has gripped the interest of thoughtful American statesmen. Neither Senator CAPPER nor Representative PORTER looks forward to immediate action or even debate. But both realize that public opinion must be guided toward a crystallization which will force bitter-enders and indifferentists into obedience to an overwhelming demand for American courage in keeping the world at peace.

[From the Shamokin (Pa.) Daily Herald]

Senator ARTHUR CAPPER, of Kansas, newspaper man and statesman, has a level head on his shoulders. He knows that all this talk of peace

pacts, good-will to men, love your fellow nation as yourself, is not exactly what it is supposed to be. Being practical, he suggests a practical measure, namely, a trade boycott on all countries violating the antiwar pledge. It was Roosevelt who popularized the "big stick" idea. It's still a good idea. A nation threatened with loss of trade will think twice before plunging into a costly war. Senator CAPPER has suggested an effective weapon for permanent peace. In our present state of civilization, the only way to maintain peace is with a club.

[From the Mobile (Ala.) Register]

CAPPER AND ARMS EMBARGO

Although intimating that he did not expect early action, Senator CAPPER has introduced a resolution binding this country to the policy of an arms embargo against nations that go to war in violation of the Kellogg peace pact. Mr. CAPPER remarks that it will be just as well for Congress and the country to be thinking and talking the matter over. He could scarcely ask for any better response, for semiofficial sentiments of disapproval have been wafted in from both Paris and London, while Senator BORAH bluntly asserts that such a policy would lead us into war. Besides this, whoever it is that pries opinions out of the President has informed the world that Mr. Coolidge disapproves the idea.

The Kellogg pact in effect bonds us to the peace, but the official views from abroad seem to incline to the idea that an arms embargo would destroy the neutrality status of the nations adopting it. Now, the status of neutrals is a question seriously at issue just now between this country and other powers, particularly England. Our policy stands for the complete and unabridged freedom of the seas for the vessels of all nations not engaged in war. England went counter to this policy during the World War, and even confiscated American ships and goods, with the purpose, of course, of paying for them in full. This course was specifically rebuked by Woodrow Wilson, when he made absolute freedom of the seas to all nations one of the stipulations in his fourteen points. The freedom of the seas, the war President made it clear also on other occasions, was one of the main things for which we fought.

Thus, while Mr. CAPPER has brought on all the talk he anticipated, it is not likely that his resolution will find favor at this time. But there is a way in which it could be made to work without some of the objections now alleged against it. That would be for the policy to be adopted by all signatories to the peace pact. It would then become, in effect, an international matter and thus divested of the delicacy that would attend the refusal of merely one noncombatant nation to sell arms and supplies to nations at war. There may be some virtue in the Capper idea, for nations without some outside source of supplies would be handcapped in any war, but it needs to be applied in some better and more generally accepted manner.

[From the Plainfield (N. J.) Courier-News]

TEETH IN THE KELLOGG PACT

As a means of stirring up warfare in the United States Senate, there is still no better medium than a peace pact or negotiations for peace. The Kellogg pact stirred up quite a lively skirmish before it won its way through to ratification, but the new resolution which Senator CAPPER now presents should bring out the Senate's picked shock troops running.

Senator CAPPER would put teeth in the Kellogg pact by pledging this country to an economic boycott against any nation that breaks the pact. He would make it unlawful "unless otherwise provided by act of Congress or by proclamation of the President to export to such country arms, munitions, implements of war, or other articles for use in war until the President shall, by proclamation, declare that such violation no longer continues."

As has been repeatedly pointed out, the Kellogg pact has no force other than moral force. It provides no machinery for compelling signatory nations to obey its provisions nor to punish those that violate them. The teeth that Senator CAPPER proposes to supply are comparatively inoffensive weapons; they would not necessarily bring us into an armed conflict with a recalcitrant nation even if we employed them. But the resolution touches the crux of the ancient feud between those who shudder at the thought of "entangling alliances" and those who believe the time has come for honest cooperation with the rest of the world.

Senator CAPPER must be an optimist where the Senate is concerned. He must believe that the forces which sprang to arms against the League of Nations and the World Court and that almost succeeded in weighting down the Kellogg pact with reservations have gone out of action. For his proposal would be almost as momentous a step as actual joining the League of Nations, as the nations of Europe are already construing it.

Effective teeth in the Kellogg pact would unquestionably add greatly to its prestige and its usefulness. It would mean that this Nation is willing to back up in an active way the instrument for peace which it established. It would tell the world that we have the courage of our convictions. But to try to get these teeth into the pact would mean to throw wide open again the vital questions on which the Senate has hopelessly split in the past.

[From the Owosso (Mich.) Argus-Press]

THE CAPPER RESOLUTION

The resolution proposed by Senator CAPPER, of Kansas, in the United States Senate will, if adopted, put teeth in the Kellogg treaty. The proposal of the Senator would give power to the President of the United States to issue a proclamation when, in his opinion, any nation violates the provisions of the Kellogg treaty, to the effect that it would be unlawful to export to such country arms, munitions, implements of war, and any other articles for use in war, until the President shall by proclamation declare that no such violation continues.

The resolution has much to commend it in principle, but it has one questionable feature, in that it confers a great authority to the President of the United States. It gives a power which many occupants of the Chief Executive's office would hesitate to have, implying as it would decisions of great consequence. In case of dispute between two nations who are signers of the Kellogg treaty, it would be necessary for the President to determine which of these nations was at fault, and issue his proclamation accordingly. On the other hand, there is much to be said for the principle of the resolution, in that it would offer great possibilities for the enforcement of the Kellogg peace pact.

As it stands to-day the Kellogg treaty is more or less an expression of good will and good intention between the signatory nations. A nation which starts an aggressive warfare against another nation would be looked upon with distrust and the moral influence of the other nations would be against them. If coupled with that, such a nation had to face the possibility of a proclamation such as would be a part of the Capper plan, it would shut off to these nations what has been in the past one of the principal sources of obtaining supplies for carrying on warfare.

The idea as expressed by Senator CAPPER is still in the embryo stage, and if adopted will doubtless see considerable modification or changes to make it compatible with the position which this country desires to maintain in world affairs. The Kansas Senator does not expect that any action will be taken on this resolution at the present session of Congress. He merely wishes for the present to get the matter before the public and create a sentiment that will favor the United States taking this step. The idea in substance is a worth-while one, and if taken by the United States will enable this country to wield an effective weapon in maintaining the provisions of the Kellogg treaty.

[From the St. Louis Post-Dispatch]

CAPPPER'S ARMS EMBARGO

Senator CAPPER, of Kansas, wants the United States to refuse to sell arms or ammunition to any country that violates the Kellogg peace pact. He has introduced a resolution to that effect, which also authorizes the President to negotiate with other signatory nations to join in the boycott.

Immediate action is not looked for, but the proposal, Mr. CAPPER hopes, will stimulate public discussion. That hope is likely to be realized. Public opinion will, we believe, be disposed to abolish "a profitable trade that in the end will cost the lives of our own youth and saddle another tremendous war debt on the people of the earth."

Depriving the neutral nations of any opportunity for profit ought to help to unpopularize war universally.

The provision empowering the President to persuade other nations to adopt this policy seems superfluous. The other nations, with few exceptions, are members of the League of Nations, and as such are obligated to suspend all commercial relations with any nation waging an aggressive war. But the moral of this provision can not sincerely be ignored. It emphasizes anew the truth that international cooperation is necessary to outlaw war and achieve the great end of abiding peace. The experience of the World War has taught that lesson just as impressively as it exposed the danger and ultimate cost of "a profitable trade" in munitions.

[From the Glen Falls (N. Y.) Post-Star]

THE CAPPER RESOLUTION

The design of the Capper resolution introduced in the Senate the other day is to implement the Kellogg treaty much as the Volstead Act was designed to implement the eighteenth amendment. Without such a development as Senator CAPPER advocates, the Kellogg treaty must remain nothing more than a pious expression of idealistic sentiment; with the nations acting as Senator CAPPER wishes them to act, the Kellogg pact would become an efficient instrument of peace. But what Senator CAPPER wishes his resolution to accomplish and what it might be counted on, in the light of history, to accomplish are not necessarily one and the same thing.

It is an excellent idea that all nations signatory to the Kellogg pact, the United States among them, should employ the economic boycott against, and refuse the export arms or ammunition to, or help financially any nation which violates the pact. But will it always be possible to say which of two nations entering on hostilities is the one really guilty of the sort of aggressive action which the Kellogg pact is designed to end? Who will define the aggressor? The logical

procedure would seem to be to call a conference of all the signatories and let it decide. And when that is done, will majority vote be binding? If so, a desperately troublesome situation might easily arise because of the present commitments of several of the signatory nations. Certain nations now closely bound by alliances would not be likely to dub one of their own group an aggressor even if the United States should hold that opinion of it. Would this country then accept the majority view and join in measures against a nation which it held wholly innocent?

It is very easy to pooh-pooh this sort of criticism, but it will have to be met before the Capper resolution can get through the United States Senate. Only those with very short memories will forget the part which Article XVI of the league covenant played in the days when the document was under consideration by the Senate. And in essence there seems to us virtually no difference between the position which the United States would assume under the Capper plan and that which it would have assumed under Article XVI. The very fact that Senator BORAH, who fought so hard against our joining the league, is holding back his judgment of the Capper plan confirms us in this view.

But all this is far from saying that the Capper plan should be scrapped merely because a similar proposal, included in the league covenant, was scrapped nine years ago. The ideal of the Capper resolution being sound, since the idea is the provision of machinery which shall insure international peace, the problem of statesmanship is to find how it can be realized. It will not do to stop with a recognition of the difficulties in the way. Statesmanship must go on and find how these difficulties may be overcome. The extreme cynic may take the view that it is quite useless to do anything, but the seeming impossibility of carrying out a clear moral obligation is no reason for not exhausting one's last resource in an attempt to carry it out. We hope, therefore, that the Capper plan will be discussed fully and fairly and that into the consideration of it there will be brought none of that partisan or personal bias discussion of the league covenant because of the determination of some Republican Senators to belittle the achievements of Woodrow Wilson.

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[From the New Leader]

THE CAPPER RESOLUTION

The resolution of Senator CAPPER in support of the Kellogg peace pact and attempting to give that agreement something more than a mere will to peace is hailed all over the world as an important contribution to peace. Although action on it is not expected in the present Congress, it is certain to be discussed as widely as the Paris pact was.

One thing the resolution proposes is the use of the economic boycott against a nation which violates the peace pact. In case of such a violation the President by proclamation may prohibit the export to such nation of arms, munitions, implements of war, "or other articles for use in war." The resolution also would declare it to be the policy of the United States not to protect nationals who give aid and comfort to such an offending nation. The President would also be requested to enter into negotiations with other nations which have ratified or may ratify the Paris pact to take similar action against a nation that violated it. However, the resolution would apply the American boycott only "in case of a breach of the said treaty by war against a government which has declared its adherence to a similar policy."

The application of the economic boycott is a powerful weapon in war and may be as powerful in preventing war. It is a form of war itself and may be as effective in some instances as a fleet of warships. It may be an important question whether this power should be lodged in the President alone, considering that it is a form of war and the power to declare war is lodged with Congress. In a dispute involving a number of nations the President may have his own prejudices for or against any particular power, and his decision might be far from satisfactory.

Suppose this power had been lodged with President Wilson. Considering the sharp protest sent to both Germany and Great Britain, he would have declared against one or the other. Which would it have been? At any rate, the Capper proposal, whatever weakness it may have as revealed by the coming discussion, is correct in principle. Adhered to by the powers, it would help to restrain the anarchs among nations by the threat of withholding the substance upon which war feeds.

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[From the Troy (N. Y.) Times]

The Capper resolution, which proposes to penalize the nation that resorts to hostilities without first submitting its grievances to conciliation or arbitration by laying an embargo on the export of arms, munitions, and implements of war, may be regarded as a logical development of the Kellogg treaty. The United States, along with the other signatories to the pact, has renounced war as an instrument of national policy. But the Kellogg treaty provides no penalties for an aggressor nation. It does not even define aggressive warfare.

The difficulty with the Capper resolution, as with most efforts to concretely state conditions bearing upon war which recognizes no law, is to define internationally just what is an "aggressor" nation. The permissive character of the Capper resolution, which would allow the President to ban the export of munitions if, in his opinion, some government had flouted the Kellogg pact, might be regarded as a saving grace, and yet this seems to provide nothing which Congress and the Executive may not do when the occasion arises.

If the nations are sincere in their desire to abolish this most horrible survival of savagery, however, it would seem that the Capper resolution furnishes them a test of their sincerity. If they are anxious to renounce war, they should not hesitate to assume the moral obligation involved in such a renunciation. That is, to withhold support or encouragement to the nation that resorts to war, to cut off its supplies of arms and munitions and implements of war.

While such a happy fruition can not be expected immediately, the mind of the peace-loving world is looking in that direction and some day the international mind may reach that stage of development—after another devastating world war, perhaps—when it will be willing to reinforce a beautiful gesture toward peace with a practical and effective means to penalize violations of it.

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[From the Newburgh (N. Y.) News]

TEETH FOR THE KELLOGG PACT

What will happen if one of the governments which signed the Kellogg antiwar treaty violates its provisions? Or will nothing happen at all?

Senator CAPPER, of Kansas, has attempted to provide an answer to this question. He has introduced into the Senate a resolution which authorizes the President to forbid the exportation of munitions or implements of war to any nation which breaks the treaty, and which declares that citizens of the United States shall not be protected in giving aid or comfort to an aggressor nation.

The Capper resolution seems to be a logical and moderate measure to increase the moral validity of the Kellogg pact. It does not pledge this Nation to act by force of arms in any manner; in fact, it does not pledge this Nation definitely to any course of action at all.

It merely provides that in a clear case, where there has been a wanton violation of the peace of the world, the President of the United States may act to prevent the citizens of the United States from giving aid to the disturber of the peace.

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[From the Chicago (Ill.) News]

It is not likely that the United States Senate will find time either before March 4 or during the coming special session of the new Congress to take action on the resolution just offered by Senator CAPPER, of Kansas. However, the resolution merits full consideration. President Coolidge has indicated very moderate approval of its purpose. Senator BORAH, however, is opposed to it.

It proposes steps by the United States and the other nations that have ratified or intend to ratify the Kellogg antiwar treaty to increase still further the world's security against war. Any violator of the war-renunciation pact, according to the resolution, would be denied economic aid, direct or indirect, by the faithful signatories of the same instrument. No munitions, arms, or other articles used in warfare could be shipped lawfully to the treaty-breaking nation by the citizens of those signatories. Nationals who persisted in giving assistance to the offending nation would receive no protection from their government diplomatically or otherwise.

It is certain that the moral sentiment of the world will oppose the giving of aid by signatories of the Kellogg treaty to a willful violator of that war-renouncing instrument. Such a course would be wholly inconsistent with the spirit of the treaty. But the question of giving that pact economic or other sanctions is not urgent. The Capper resolution should be regarded at this time as merely a tentative proposal entitled to fair and candid discussion. There are objections to the proposal that can not be lightly waived aside. Under it, for example, the President of the United States would have to decide which warring nation was the aggressor. Manifestly such a responsibility might prove both burdensome and embarrassing, to say the least.

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[From the Auburn (N. Y.) Advertiser-Journal]

THE CAPPER RESOLUTION

Announcement of Senator ARTHUR CAPPER'S resolution for putting teeth in the Kellogg treaty has created a sensation both in Europe and in the United States. That it is foredoomed to failure does not mean that it is negligible, for it has pointed the way to bolstering up our guaranties of peace. The gist of the Capper resolution is embodied in two paragraphs immediately following the list of "whereases," namely:

"That whenever the President determines and by proclamation declares that any country has violated the multilateral treaty for the renunciation of war, it shall be unlawful, unless otherwise provided by act of Congress or by proclamations of the President, to export to such coun-

try arms, munitions, implements of war, or other articles for use in war until the President shall by proclamation declare that such violation no longer continues.

"It is declared to be the policy of the United States that the nationals of the United States should not be protected by their government in giving aid and comfort to a nation which has committed a breach of the said treaty."

Undoubtedly this would be a powerful weapon if adopted by the United States. The league also has certain sanctions, among them economic blockade; but the fear has always been that if applied, the United States would immediately proceed to reap the benefits of the lost trade by dealing with the offender. The Capper resolution would eliminate this possibility and make possible a united front against violators of the multilateral treaty.

There is, however, one cogent argument against the adoption of this resolution in its present form, and that is the responsibility placed upon the President to determine which warring party is the aggressor and hence the violator. As many of the Senators are pointing out, such an act by the President might easily be construed as hostile by the nation involved and lead to war with the United States.

On the other hand, it should be possible to keep intact the principle of the Capper resolution without leaving to the President alone the important decision of designating the violator nation. If Congress, for instance, were well aware of the rights of the case, and if the league on its side were willing to establish its economic blockade, it would make little difference how such a nation interpreted our act. Indeed, it would be to its advantage not to draw the United States into the struggle.

By the same token it would be highly inadvisable to refuse supplies to one nation and give them to another if there were any question as to which was the aggressor. As a matter of fact, it is not likely that a crisis would often be precipitated if the United States should adopt the Capper resolution. It would be a tremendous deterrent to violation of the peace treaties.

The alternative suggested by some Members of Congress that munitions be denied both parties at war leaves much to be desired. That would be guaranteeing, for example, a strong nation free hand in dealing with a weaker nation. Since both would be deprived of war supplies from the United States, naturally, the stronger nation could get along with its own resources more easily than the weaker, and the United States would be playing directly into the hands of the aggressor.

Senator CAPPER has at least directed attention to the possibility of following up our peace declarations with some form of legislation that will make the pledges more effective. This can be done without resort to force simply by negation in the matter of providing materials with which to fight. The European nations are eager for some declaration like this on the part of the United States, for it would permit them to apply the league sanctions without fear America would take unfair advantage of this situation.

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[From the Cleveland (Ohio) Press]

PEACE AND THE CAPPER RESOLUTION

The most promising aspect of the Capper Senate resolution to authorize munitions and economic boycott against any nation violating the Kellogg antiwar pact is the public attention it is receiving.

Last year a similar resolution introduced by THEODORE E. BURTON, then a Representative, aimed at warring nations. It was almost completely ignored. Here is quick proof that the Kellogg treaty discussion and ratification have stimulated America's sense of responsibility for world peace.

We are in sympathy with the purpose of the Capper resolution.

We believe that the moral weight of the United States should be thrown against nations which break the peace. That is the intent of the Kellogg pact. But America's moral influence in such a crisis would be nullified if that outlawed foreign war were fought with American munitions and supplies. And this is the missing link in the American outlawry-of-war chain which the Capper resolution aims to supply.

The actual text of the Capper resolution seems to us unclear on some points and evasive on others. But that is not important at the moment, because CAPPER'S idea now is simply to start a general discussion as a background for intelligent handling of the question by Congress next winter.

Opposition of the BORAH isolationist group on the one side and of the militarists on the other has been accorded similar proposals in the past, and doubtless will be concentrated against the new resolution.

There probably will be a hue and cry that the proposed move would "take us into the League of Nations through the back door." That is nonsense.

Soon or late the United States must face the facts of modern warfare—that there can be no war without affecting this country's world interests, that old concepts of neutrality are meaningless in an age which necessarily distinguishes between "private" and "public wars," and that traditional definitions of contraband can not apply to modern wars which involve civilian populations and which are determined mainly by economic weapons.

The Capper resolution is evidence that America is beginning belatedly to face this problem which other nations, through the League of Nations, have been facing for a decade. But the League of Nations is not the cause of that problem. Neither is the League of Nations the American solution proposed by CAPPER.

His resolution would empower the President, unless otherwise provided by Congress, to determine the violator of the Kellogg pact and to apply an American boycott against the offender. Certainly that is quite different from allowing the league or the league council to determine American action.

A second important difference between this American proposal and the league and Locarno provisions for so-called sanctions against an offender is that the latter include use of military and naval force.

The present international situation is paradoxical and dangerous because the United States, which on paper has outlawed aggressive war, is in a position to prevent league nations from suppressing an aggressive war.

Indeed, we are in a position now to furnish the arms and supplies to a nation violating our Kellogg treaty, and then go to war ourselves against league nations whose blockade against the aggressor interferes with our "freedom" to aid the outlaw. Here is one cause of the Anglo-American disagreement over sea law and the new cruiser rivalry.

This issue is fundamental. It will not be settled in a day. The solution probably will not be in the exact form of the Capper Senate resolution, or of the similar Porter resolution introduced in the House. But that the solution will be along the general lines of these resolutions, we do not doubt.

Meanwhile, this issue deserves the best thought of the American people.

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[From the Norwich (Conn.) Bulletin]

THE CAPPER RESOLUTION

In connection with the introduction of his resolution in the Senate, Senator CAPPER stated that he wanted to start a discussion of its merits. He didn't expect action on it at this session of Congress, but he wanted to get the talk started. In that respect there is no question but what he is succeeding. He is finding, as he probably expected, that there are those who favor such a move and those who oppose it. He is finding those who will help to push such legislation along as well as those who will oppose it, and out of the discussion he should get many valuable suggestions that may have an influence in shaping such a measure as will actually come up for action, if it really gets that far.

Attention is being directed to the fact that little would be accomplished if only one country should take such a stand. It might be possible for one country to set out to penalize another for any infraction of the treaty denouncing war and have it amount to no more than the snap of the finger unless it was joined by others in such action. Let a country be declared guilty and the denial of war supplies ordered, but no great handicap would be experienced by the warring nation if a neighbor was willing to supply all the war material that was required. The country that would be trying to punish the backslider would be living up to its requirements, but the object of its legislation would be frustrated by the acts of one or more of the nations which had not agreed to the penalization.

Thus unless there was a general agreement along such a line on the part of the nations little could be accomplished, and there is serious doubt whether any one nation would be willing to take a lead in such legislation prior to a common understanding.

Senator CAPPER has put forth his plan in such a manner as to bring out both the good and bad points, and by the time Congress is disposed to give it serious consideration he may be prepared to remodel it in several respects. In the meantime, the Senator from Kansas is going to have an opportunity to fill a large-sized scrapbook with the opinions expressed concerning it.

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[From the Raleigh (N. C.) News]

Dentist CAPPER says he is not going to insist on putting teeth in the Kellogg treaty this year. He only gives notice that he is preparing a good, strong set.

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[From the Portland (Oreg.) Oregonian]

WHERE THE KELLOGG TREATY LEADS

An embargo on export of arms to a nation that violates the Kellogg pact would silence those cynics, American as well as European, who taunt the United States with hypocrisy in initiating and concluding that treaty. Further, Senator CAPPER'S resolution providing that the President shall issue a proclamation when he finds that a nation has violated the treaty and that export of any war material to that nation shall thereupon be unlawful would bind this Nation to the only logical course, to do the least it could do if the treaty is to be more than a pious resolution. As the example of the United States would doubtless be followed by other great powers, which would also be the greatest arms-producing powers, the embargo would mean almost certain defeat for a

nation that was not economically self-sufficient, and even the richest in natural resources is not self-sufficient.

But there are grave implications in an embargo which must be accepted if that measure should be adopted. The President would first decide which of two or more warring nations was the aggressor. That decision would make the United States the champion of one party against the other. It would come from the nation that has the greatest capacity to supply war material and capital and that is most disinterested in the quarrels of other nations. Therefore the judgment of the United States would in all probability be adopted by other nations and lead them to join in the embargo, especially as the rendering of that judgment would doubtless be preceded by an exchange of views leading to concerted action. The United States would thus become the arbiter in quarrels of other nations.

Experience in the World War teaches that wars are seldom duels between two nations; they are fought between groups of nations. Even the Russo-Japanese War was confined to two powers by the British-Japanese alliance which imposed neutrality on all other nations by threatening British intervention on the side of Japan. Possible causes of war are most numerous in Europe, the nations of which are so closely related in alliances, racial feuds and sympathies, and economic interests that war between any two of them would draw in others on each side. Any one nation, knowing the probable penalty of violating the Kellogg pact, would be mad to make war without powerful allies. Then judgment as to which was the aggressor would have to extend to all the belligerents, each of which might have defenders among the neutral powers.

Decision as to which of two warring nations is the aggressor is not simple. Bismarck made several aggressive wars, but he usually contrived that the nation to be attacked should strike the first blow or should declare war. The ex-kaiser still protests that Germany fought the World War in self-defense, Austria accuses Serbia of aggression through harboring conspirators. Red Russia attacked Poland on the White Russian frontier, but when Poland made a counterstroke at Kieff, Trotzky cried: "Aggression." The Kellogg treaty binds the nations to settle disputes by pacific means, thus branding as an outlaw any nation that makes war without resort to such means. But an agreement on some pacific means and on the manner of application would be necessary. There might be a deadlock as to the manner of arbitration, conciliation, or mediation, pending which hostilities might break out. Then each might accuse the other of being the aggressor, and the United States would have to decide which was guilty in order to know to which to apply the embargo.

The purpose of the United States in its program to outlaw war can be accomplished only by imposing penalties on nations that make war for causes other than self-defense, but that involves consideration by our statesmen of the merits of quarrels ending in such wars. When that is done we become entangled in the affairs of other nations, chiefly those of Europe, the breeding ground of war. It was to avoid just such entanglement that we held aloof from the League of Nations. Almost all signatories of the Kellogg treaty are also members of the league, and any of them which violated the treaty would also violate the league covenant. At the same time that the United States was considering the question of guilt with a view to apply the embargo, the league would be considering the same question with a view to applying the sanctions of the covenant. The term "pacific means" used in article 2 of the Kellogg treaty broadly covers the entire ground of those articles in the covenant that bind league members to settle disputes by arbitration, conciliation, mediation, or appeal to the World Court. League members are bound to participate in coercive measures against a covenant-breaking nation, ranging from nonintercourse to actual war. The Kellogg treaty binds its signatories to no such action, but an outlaw nation is to "be denied the benefits furnished by this treaty"—and that is, renunciation of war by the other signatories so far as it is concerned.

Senator CAPPER proposes the first step in using the same means for enforcement of the Kellogg treaty as the league provides for use against a nation that breaks the covenant. Though the United States might go no farther along the track marked by the league, it would have to begin by doing as the league would do—declaring a certain nation an outlaw. It could hardly avoid acting in concert either with the league or with its principal members. That would involve consideration of the merits of the quarrel that make a nation an outlaw and, if the case were clear, reaching the same conclusion. The United States might be content with an embargo on arms, but that would lead to joint action with other powers. Public opinion might drive the Government to more severe means against a flagrant offender—means as severe as those to which the league resorted—in which full cooperation would be the logical result.

All of the Senators who voted against the Versailles treaty remaining in office voted for the Kellogg treaty, confident that it does not entangle the United States with Europe or the league. They were right as to its exact terms. It expresses a purpose, fulfillment of which depends on growth of a public opinion against war among all nations until it attains such power that it will compel the governments to execute that purpose. That public opinion is already most powerful in the United States, and it will support the Capper resolution. It will support other measures going further to place sanctions behind the treaty. Then it may be that the treaty will become the framework on which a new league covenant will be built, more simple but more effective than that of Geneva for the reason that it will be the work of all nations made in time of peace, not of the victorious nations only at the close of war.

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[From the Grand Forks (N. Dak.) Herald]

DEVELOPING THE PEACE IDEA

Senator CAPPER has proposed a resolution intended to aid in giving practical effect to the basic policy set forth in the Kellogg peace pact. The essential features of the resolution are contained in these paragraphs:

"That whenever the President determines and by proclamation declares that any country has violated the multilateral treaty for the renunciation of war, it shall be unlawful, unless otherwise provided by act of Congress or by proclamation of the President, to export to such country arms, munitions, implements of war, or other articles for use in war until the President shall by proclamation declare that such violation no longer continues.

"SEC. 2. It is declared to be the policy of the United States that the nationals of the United States should not be protected by their Government in giving aid and comfort to a nation which has committed a breach of the said treaty."

This resolution has attracted attention and prompted comment on both sides of the Atlantic. Practically all of the comment has been favorable to the purpose of the resolution, although those who have spoken are as a rule reluctant to commit themselves definitely and on short notice to the precise provision of the resolution. Such a resolution is too important to be adopted offhand. It touches on national rights which have been held to be of the highest importance, and these can not be disposed of without due consideration. But the really interesting thing is that the resolution is the direct outgrowth of the multilateral peace treaty, and that its spirit and purpose are warmly commended by men occupying responsible positions as in keeping with the Kellogg treaty. There is general recognition that, the Kellogg treaty having been adopted, means must be found to give its provisions practical effect, and there is evidence of an earnest desire that the next necessary step shall be taken, if not in the exact form of the Kellogg resolution, then in some other form.

The Kellogg treaty has been regarded with considerable cynicism as a mere gesture which can have no practical effect. But already it is having the practical effect of turning men's minds toward further effort to insure peace and make it permanent.

Sometimes the solemn declaration of devotion to an ideal is more practical than the cynics suppose.

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[From the Brooklyn Eagle]

BALKING AT REALITIES

The chorus of approval greeting the Capper resolution is promptly interrupted by discordant notes. Charges are made that the resolution would entangle us in foreign disputes; that to realize Mr. CAPPER'S purpose would make us virtually a member of the League of Nations; that we would be at least morally bound to follow that suspect organization if it attempted to impose the economic blockade upon an offending and stubborn belligerent. * * *

Mr. BORAH is not alone among the friends of the Kellogg treaty who fear steps designed to give that document positive force. They cling to the idea that it is dangerous for this country to go beyond the simple assertion of the moral obligation that the treaty imposes. They see, or think they see, a distinction between the exercise of the embargo power as we have applied it in the past in respect of factional quarrels in Latin America and its use against some European belligerent who, in our judgment, might violate its pledge under the Kellogg treaty. There is no essential difference in principle between the two courses of action. The Capper resolution would not embroil us in hostilities. Action under it would simply deny to our nationals the privilege of trading with a country that embarked upon what we would consider to be aggressive war.

Mr. CAPPER'S proposal is an honest attempt to put some authority behind the implications of the Kellogg treaty. We now have the alternatives regarding that compact as something which may be repudiated at will with no penalty attached to repudiation or as something with a background of real power that can be invoked to make our opinion effective. Those supporters of the treaty who, like Mr. BORAH, are now balking at realities should explain precisely why they fear this contemplated sanction; they should point out how suspension of trade in a war crisis should involve us in belligerency. If they can not establish their case in this single respect it fails to the ground.

To contend that action under the resolution would make us virtually a partner with the League of Nations by adopting as our own one of the sanctions of its covenant is beside the mark. We do not become a member of the league by accepting a league method, nor do we bind ourselves to apply that method in any or every case where the league might

choose to apply it. We are assured of full liberty and independence of action under the Capper resolution. It does not propose to tie us up with other nations.

Mr. CAPPER and those who are with him may fail of their purpose. But they have projected into the sphere of public discussion an idea distinctly worth while. Of course, nothing will or can be done about the resolution at this session. The time is too short. But it has a sufficient volume of public opinion behind it to insure full debate when the new Congress shall assemble. It is not something that can well be pigeonholed in committee.

[From the Camden (N. J.) Evening Courier]

ALSO TOO LOGICAL TO SUCCEED

Little hope dare be held for success in Congress of the Capper and Porter resolutions, which would back up the antiwar treaty by shutting off United States resources and banning exportation of arms and munitions from this country to any other nation violating the Kellogg pact.

Of course, these proposals are logical. They are vastly sensible. But, like the recent proposal to draft Congressmen for front-line work in any future war, such schemes are too logical to succeed.

They would take the profit out of war. And that would abolish war. With recollections of profits in the late conflict, war means boom business to certain folks.

Another highly logical proposal would be to draft, just as soldiers are drafted, all munitions plants, shipyards, or any other private industry needed in conduct of war and pay all the officers and workers on a $30 a month scale, the same as the boys in the trenches were paid.

Of course, such a procedure might wreak havoc with the drafted industries in the matter of profits, but are those gentry any better to sacrifice their profits than our citizens are to sacrifice their lives?

It would be a step toward peace more powerful and significant than the antiwar treaty itself of these Capper and Porter resolutions were approved. But we are skeptical that our solons ever will get to the point of acting to safeguard peace when it is so much easier to sign papers and thus wash official hands of the matter in the manner of one Pontius Pilate.

[From the Meriden (Conn.) Record]

POST CRUISER RESOLUTIONS

President Coolidge's signature to the cruiser bill evidences his belief that the undertaking can be financed without seriously unbalancing the Budget.

With the cruisers an assurred fact, interest centers on the resolutions offered by Senator CAPPER and Representative PORTER to put teeth into the Paris pact.

The Kellogg treaty has been called by many a beautiful gesture. They have approved the effort but feared that something more than honor must be involved to prevent war.

It will be recalled that when the pact was signed, M. Briand declared peace had not been achieved but that a foundation had been created upon which peace might be erected.

Senator CAPPER evidently wants to create the first story on the Kellogg foundation. In his resolution he proposes that if the Paris pact should be violated the President shall have the power to determine and announce which country the violator may be.

Thereupon, it should be decreed that "it shall be unlawful, unless otherwise provided by act of Congress or by proclamation of the President, to export to such country arms, munitions, implements of war, or other articles for use in war until the President shall by proclamation declare that such violation no longer continues."

The resolution also provides "that the nationals of the United States should not be protected by their Government in giving aid and comfort to a nation which has committed a breach."

If Senator CAPPER's idea should go through, America would be committed not to supply nations breaking the peace and that would make us parties to any economic blockade. It is also pointed out that we would hardly be expected to use our Navy to enforce rights to carry on a trade we had declared illegal.

It will be recalled that Sir Austen Chamberlain stated in the House of Commons that the Kellogg treaty would be important or unimportant as a factor in world relations depending on whether or not the American people got behind it.

If the Capper resolution were adopted it would be regarded as a real disposition to get back of the treaty.

Hardly had Congress gotten over the surprise of the Capper resolution when Representative STEPHEN G. PORTER, of Pennsylvania, chairman of the House Foreign Affairs Committee, introduced a resolution going one step further than Senator CAPPER.

Representative PORTER's resolution, whose preamble recites that it is intended to apply to violators of the multilateral pact, would give the President the much broader authority to declare that it shall be unlawful to export munitions of war to "any country" where "conditions of domestic violence or of international conflict exist or are threatened."

Senator CAPPER's resolution has been hailed abroad as a potent aid in making the Paris pact effective.

It is argued that the adoption of such a policy would greatly change the rights of neutrals. A writer in Le Matin is quoted as saying:

"If a country which might be planning a war knew that it could expect neither from the United States nor from any other power any sort of economic aid, and that the citizens of all countries who might help it would be acting illegally and would not have the support of their governments, it is probable that the country would think twice before embarking on such a perilous undertaking."

Senator CAPPER is quoted as saying he did not expect action on his resolution in the present Congress. He merely wished to present the idea, giving Congress and the general public time to consider the resolution and come to a conclusion.

Judging by the favorable comment heard in this country and abroad, the Capper resolution will provide enough food for thought to occupy Congress for a time when it reassembles.

[From the Arkansas City (Kans.) Traveler]

CAPPER'S RESOLUTION

If adopted and strictly enforced, the Capper resolution to prevent American munitions concerns from selling armament to foreign powers would probably be as long a stride toward world peace as the Kellogg pact. It has long been one of the ugliest scandals of the Western Hemisphere that the perennial bushwhacking in Mexico and Central American Republics is done chiefly with weapons made in the United States. But the Capper resolution is due for a rough time of it. The manufacturers of munitions have always had a great deal of influence in the high places.

[From the New York World]

The Chicago Tribune, as spokesman for the old "irreconcilables," hastens to expound what may be called the plot theory of the Capper resolution. A special article pronounces it the work of the "pro-Leaguers." They did not press their views in the Senate debate, according to the Tribune, for they feared this would defeat the Kellogg pact. But now, "with the ink on the pact scarcely dry," they unmask their plan. * * *

This naïve view overlooks, we believe, the entire history of Senator CAPPER's idea. Far from being sprung suddenly on anyone, it was contained in his conception of the Kellogg pact from the beginning. M. Briand made his original proposal on April 6, 1927. The next step by any legislator was taken by Senator CAPPER on November 21, 1927, when he offered his first Senate resolution. This declared (1) for the renunciation of war and the adjustment of all disputes by mediation, conciliation, or arbitration. It offered (2) a formal definition of an aggressor nation as one which, having agreed to submit disputes to arbitration, conciliation, or judicial settlement, began hostilities without doing so. It declared (3) that no nationals should be protected by their government "in giving aid and comfort to an aggressor nation." The intent of all this was plain. An aggressor nation would be self-convicted by its failure to seek the agencies of peace; and the other signatory nations would refuse aid to it, even to the extent of declining to protect their ships or sailors or other agents furnishing it supplies.

The final text of the Kellogg pact is far less explicit; but many of its advocates have believed that nearly as much is implicit in it. It defines aggression and aggressor, as one interpreter has said, without definition. That is, Article II declares that the high contracting parties agree that the settlement of disputes of whatever nature or origin "shall never be sought except by pacific means." If this means anything, it means that any signatory which begins a war without trying "pacific means" is ipso facto an aggressor. But how can such a nation be dealt with? Here the significant phrase of the pact is found in the preamble. It is there stated that "any signatory power which shall hereafter seek to promote its national interests by resort to war should be denied the benefits furnished by this treaty." If this means anything, it means that the aggressor nation is denied a friendly status by the other signatories. Unquestionably, with so much merely implied in the pact, the development of our national policy would depend greatly on circumstances. But even under this vague wording our course could hardly be doubtful in any case so clear cut as, say, Austria's attack on Serbia when Serbia was eager for arbitration. Mr. BORAH has himself said so. He said on March 25, 1928, in a passage repeatedly quoted since, that "it is quite inconceivable that this country would stand idly by in case of a grave breach of a multilateral treaty to which it is a party." Mr. CAPPER merely wishes to make more explicit what he and others have all along regarded as implicit in the pact.

There are two conceptions of war. In the old view war is the business only of the two nations engaged. This was the view of the

Central Powers when Austria attacked Serbia, and Germany warned "Hands off." In this view, if any other nation interferes it must prove that it has some specific interest in the controversy. The new view is radically different. According to it, war is now a catastrophe in which every nation is interested and to which it has a right to object. Under municipal law, every affray between two citizens involves the rights of the neighbors. Their safety requires a restraint upon violence. The development of this restraint has abolished feudal warfare, dueling, and free private assassination. We are now transferring this attitude from the municipal to the international sphere. We assert that every country has its rightful interests threatened by a war between any other countries, and that it is interested in preventing war and in limiting it or stopping it when once it is begun. The Kellogg pact would hardly be worth while if it constituted merely a pledge against aggression, without any guarantees, and a promise to seek substitutes for war, without any provision of substitutes. The Capper group regard the pact as a more positive expression of the new attitude toward war.

There is no sudden plot. The Capper plan, in its general outlines, has been in view from the beginning. The procedure of those interested in peace is to take one step at a time—but not to stop with the first step.

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[From the Ithaca (N. Y.) Journal-News]

THE CAPPER RESOLUTION AND EUROPE

Senator CAPPER's resolution authorizing the President to forbid the export of arms and implements of war to an aggressor nation may meet with very considerable opposition in the Senate of the United States. It may be a long time before it is enacted into law. But whatever its prospects of success, there is no doubt whatsoever that a large section—indeed, a preponderant section—of European opinion believes that its adoption would be the greatest step toward peace that could now be taken.

There are many persons in this country who do not believe in "sanctions," who do not believe that it is practicable or desirable to provide for common action against a law-breaking state. But there are very few thoughtful students of international affairs in Europe who would take the same view. European thought has progressed to the point where police measures against a lawbreaker seems logical and natural.

This in itself is an extremely important fact. The question of the maintenance of world peace is not a theoretical question. It is a highly practical question. It must be solved with full regard to the facts, to the psychological elements involved. If Europeans believe that international stability will be enormously promoted by such a resolution as Senator CAPPER's, then, whatever the theories individual Americans may hold, there is an obvious helpfulness in enacting such a resolution into law. Nor is it apparent that any risks are involved or that embarrassing obligations are assumed by the careful language of the measure in question.

The promotion of peace depends upon concerted effort. And when the principles of concerted action have been discovered we shall be in the way of realizing the end in view. The reception of the Capper resolution abroad affords ample evidence that it may furnish the basis for common action for the maintenance of international accord.

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[From the Los Angeles (Calif.) Times]

CAPPER'S PEACE PLAN

Senator CAPPER of Kansas, borrowing a leaf from the book of the League of Nations, proposes that the United States declare an arms embargo against any nation which may violate the multilateral treaty outlawing war, known as the Kellogg-Briand pact. By the terms of a resolution which he will introduce in the Senate, the President would be empowered, on a finding that any signatory of the pact has begun hostilities in contravention of its provisions, to declare commercial nonintercourse with the offender. In his view this would not only stop any war that might start, but would tend to prevent any from getting under way, on the theory that the United States is the principal dependable source of the sinews of war, and that the nation to which our markets are closed would necessarily be hopelessly beaten.

This probably would be true were the nations evenly matched; but it is doubtful if our action or influence alone would or could prevent a large nation from trampling upon a small one. Were the Capper principle to be given as wide adoption as the Kellogg-Briand pact itself, however, there would be a very different state of affairs. No nation, except perhaps, the United States itself, is now strong enough to be independent in the matter of war supplies.

As a proposal for discussion—which, to be sure, is all Senator CAPPER calls his idea at present—this resolution is admirable, and out of it may come some practical plan which will "put teeth" in the Kellogg pact. But if the Capper plan has great advantages, apparent without discussion, it also has some drawbacks which are not so obvious and which need to be considered carefully, among them that it would require a restatement of one principle of international law which was not challenged anywhere before the World War and which, so far as we are concerned, must still be regarded as binding.

That is that any belligerent may buy freely in any neutral market that it can reach, and that the closing of such market is to be regarded as an act of war. In other words, if a neutral sells to one belligerent it must also sell to any other, or forfeit a neutral status.

In the present status of international law, therefore, the issuing of an embargo proclamation by the President, applying to one nation or one set of allies alone, would immediately involve this country in the conflict, if the nation ruled against chose to take such action.

For members of the League of Nations the rule has been set aside, in part, since the legality of commercial embargoes is not only established by the covenant, but members are bound to carry them out when ordered by the League. But here is international action preceded by international judgment. The Capper resolution would, in effect, make the President a "1-man league," giving him the powers of the council and assembly of that body—powers more tremendous than ever have been placed in the hands of any Chief Executive even in time of war.

This objection is not insuperable; it could be overcome by international agreement declaring a unilateral embargo not a breach of neutrality. Whether the league members would accede to such an agreement remains a question, in view of their obligations to the league and the league requirement that embargoes be undertaken by joint action.

Senator CAPPER has opened up a fertile field and the resultant debate will be extremely interesting, whether or not it is fruitful.

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[From the Philadelphia (Pa.) Public Ledger]

TRYING TO PUT "TEETH" IN THE KELLOGG PACT

Senator CAPPER's joint resolution, laid before the Senate yesterday, is a move to put into the Kellogg pact just those "teeth" which Secretary Kellogg, along with President Coolidge and Senator BORAH deemed it essential to leave out. It also has a direct bearing upon the Borah-Reed amendment to the cruiser bill calling for treaties to settle the "freedom-of-the-seas" issue.

Senator CAPPER would have Congress declare it unlawful for Americans to export war supplies to a Kellogg-treaty violator and would have the Government give no protection to traders even in noncontraband goods giving aid and comfort to the violator. It is plain that the "freedom-of-the-seas" doctrine is here directly involved.

The attempts to approach this great issue are interesting. But all are tentative and looking toward a future which may prove remote. Much ground must be cleared before a solution will be even vaguely visible. That the spade work is going on is to be taken as encouraging.

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[From the Asheville (N. C.) Times]

TO ENFORCE THE PACT AGAINST WAR

Senator CAPPER's resolution authorizing the President, subject to congressional action, to declare an economic boycott against any nation which he "determines" has violated the Kellogg-Briand treaty against war is a logical supplement to the pact itself.

In an explanatory statement the Senator says that his resolution "is simply to carry out the spirit of the Briand-Kellogg pact, to prevent conscienceless nations from making a profit out of aiding and abetting nations that violate the pact."

Aside from the practical difficulty of determining which of two nations has violated the treaty, the administration is thought to be opposed to taking this further forward step to international action against unjustifiable war. (The Capper resolution contemplates world action on the boycott.) But it was months after the original proposal by Foreign Minister Briand, of France, that the administration bestirred itself in behalf of the treaty renouncing wars waged for the advancement of national interests.

Public opinion played an important part in the negotiations which ended with the signing of the pact of Paris. If public opinion in this country takes up the cause for which Senator CAPPER leads the way, a virtual economic blockade may in the near future be added to the pact of Paris as its weapon of enforcement.

It will, no doubt, require more time for United States opinion to approve the Capper resolution than was required for the proposal renouncing war. For many, such support for the multilateral treaty will savor too much of the sanctions prescribed by the covenant of the League of Nations. But, if the nations propose to support their solemn resolutions against war by the material, though not forcible, expression of moral condemnation against international law breakers, the substance of the Capper resolution must at a not distant day take its place alongside the treaty for the renunciation of war.

Senator CAPPER was the first American in public life to take public action looking toward the drafting of the Kellogg-Briand treaty. He is now the first to propose the adoption of a reasonably penalty for the enforcement of the treaty.

There is little prospect that Senator CAPPER's proposal will receive consideration in this congressional session. But as a principle pro-

foundly affecting the whole issue of freedom of the seas in time of war, and therefore intimately related to the question of international competition in sea power, it is bound to receive the same thoughtful reflection in the United States that was given to the first proposal for the treaty renouncing war as an instrument of national policy.

[From the Dayton (Ohio) Daily News]

TEETH FOR PEACE

Having ratified the treaty pledging us to peace and then having passed the cruiser bill preparing for war, the Senate finds that there is no rest for the weary. Here comes Senator CAPPER with the next ante. The nations are agreeing to the pledge to seek settlement of their disputes by peaceful process. Senator CAPPER has heard the comment of the cynical that this is but a scrap of paper. No security has been given for the payment of this peace bond. The Kansas Senator now comes forward with a resolution for Congress to pass to stop that jeer.

What he proposes is that it be unlawful for any American to furnish arms to any country or government which is engaged in war in violation of the new treaty. Whenever the President decides that any nation is defying the treaty, he is to clap on an embargo against that country upon all manner of war supplies.

The resolution of Senator CAPPER takes up the peace problem just where the multilateral treaty laid it down. His resolution concedes that the outlawry of war is apt to be an empty effort unless ways are found to enforce the promises of peace. Senator CAPPER is now proceeding from the premise which produced the terrible "Article 10" of the League of Nations debate.

The proposal of the Kansas Senator should be pressed. Not that it is necessarily a practical way to approach the problem. The antiwar treaty is signed with the understanding that it permits defense against aggression. But what is defense, and what aggression? Those are hard questions to answer. Every fighting nation claims to be on the defensive. In making the President sole judge of the facts in such a case, Senator CAPPER puts upon a President a terrifying responsibility. But let the subject be debated. It is by the slow education produced by discussion of these intermediate steps toward peace that the minds of the people of the world, and especially of the United States, are to be adjusted to the practical measures by which alone Mars can be brought under control.

[From the Tulsa (Okla.) Tribune]

TEETH FOR PEACE PACT

Senator CAPPER'S resolution to authorize munitions and economic boycott, against any nation violating the Kellogg antiwar pact offers another opportunity for victory of the forces of peace over the jingoes and the munitions makers.

Without a law to carry out in effect the proposition offered by Senator CAPPER, we may at some time find ourselves in an untenable position. Should a cosigner of the Kellogg pact enter a war of aggression and purchase munitions from American manufacturers to wage the war, we would vitiate our own acceptance of the principles of the multilateral treaty. American munitions makers most assuredly would avail themselves of a chance to supply a ready market, without regard for treaties, so long as the United States Government would permit it. By permitting it our Government would be a party to the act.

Not only to sustain America's good faith in the Kellogg pact, but to protect ourselves against the possibilities of being thrown into the classification of an aggressor in a war upon which the rest of the world might frown, our Government should make it impossible for any American firm to supply a foreign power with arms for waging a war such as we have disavowed. It should be left to the discretion of the President or Congress at all times as to whether or not our munitions makers were justified to accept foreign trade.

The United States needs a law to accomplish the intent of the Capper resolution for these reasons, and for the impetus that would be given in the peace movement by such an obvious victory over the forces that cause war.

[From the Troy (N. Y.) Times]

DISCUSSING THE CAPPER RESOLUTION

As has always been true the worst enemies of any important legislation looking to future reform are those who insist that its present form shall be perfect and infallible. Opponents of the Kellogg treaty condemned it as merely a beautiful gesture. They complained that lack of penalties made it impotent. They failed to see the importance of this gesture as preliminary to more effective guaranties of peace.

In regard to the Capper resolution there are those who insist that it is unnecessary. That the Kellogg treaty goes far enough. Others insist it is dangerous as threatening embroilment with European politics; that it gives too much power to the President, whose decision as to the aggressor nation may conflict with, say the World Court's decision as to the guilty party, with resultant confusion.

That nations will keep the peace merely because they are signatories to a renunciation of war hardly deserves refuting. The Kellogg pact will hardly serve its purpose as a mere gesture. It must lead the way to more practical and effective means of insuring peace.

The Capper resolution is intended to go a step further than the pact. It may be too altruistic. Grant that certain of its provisions look dangerous. War is infinitely more so, and in the process of experiment the dangerous elements may be eliminated. To be effective, of course, a munitions embargo must be adhered to by the principal munitions-making nations of the world.

The main difficulty with the Capper resolution is that it seems to put the cart before the horse. It first commits the United States to the policy that "the nationals of the United States should not be protected by their Government in giving aid and comfort to a nation which has committed a breach of the said treaty" and then requests that the President enter into negotiations with other governments which ratify or adhere to the Kellogg pact to do the same thing. To be effective the principal munitions-making nations must first enter into a general treaty not to give aid by supplying munitions of war to "aggressor" nations, else the United States shuts itself off from trade with the warring nations without any compensating advantages in behalf of world peace. At the same time it would become prey to a variety of world complications. To be effective there must be a concerted movement of the nations to withhold aid and munitions from nations which violate the pact.

The Briand-Kellogg pact has not defined an "agressor nation," nor does it provide any penalty or prevent trading with such nations. The United States has frequently reiterated, ever since the War of 1812, its declaration of the freedom of the seas, and only last week the Senate adopted an amendment to the cruiser bill calling for broad reestablishment of American neutral rights, including the right to trade with belligerents. This took into consideration no question of whether the combatants were "aggressor nations" under the pact or not. First there must be a world treaty definition of what constitutes an "aggressor" or a violator of the pact obligation, for in all wars the combatants have always loudly proclaimed that they were fighting only a "defensive" war, and wars of defense are not banned by the pact. When the nation or nations which violate the pact may be determined, then the treaty nations may consistently provide for withholding aid and munitions from such aggressors, and, unless those nations are self-supporting and can supply their own war equipment, their war activities may be checked.

The important thing is that nations may be made to realize they can not threaten the peace of the world with impunity. That they can not resort to hostilities without first submitting their grievances to conciliation or arbitration. Fundamentally the Capper resolution is a test of the nations' sincerity in their desire to abolish war. There is a distinct moral obligation involved in a renunciation of war; that is, to withhold support or encouragement to the nation that resorts to war without first exhausting every possible means of retaining peace.

Perhaps the Capper resolution is "dangerous" in its present form. Perhaps it goes too far. It will, however, serve the great purpose of focusing public discussion upon its central purpose; that is, to provide some means, not now provided by the Kellogg treaty, of penalizing the nation that resorts to hostilities without first submitting its grievances to conciliation or arbitration by an embargo on arms, munitions, and implements of war.

[From the Abilene (Kans.) Reflector]

Senator CAPPER'S plan to have this country refuse to sell arms to any nation that has signed the peace pact has elements of good sense. It might be better to refuse to sell arms to any country at any time and would go further than any treaty to halt the war mania.

[From the Trenton (N. J.) Gazette]

TEETH FOR THE PEACE PACT

Senator CAPPER'S proposal to support the Kellogg multilateral treaty renouncing war as an instrument of national policy, with a trade embargo on violators of its provisions, is both sound and logical. While ratification of this treaty was pending in the Senate its opponents condemned it as a gesture possessing none but a moral significance. Basis for such a criticism would be eliminated through the enactment of a law fulfilling the purpose which Senator CAPPER proposes.

The United States, joining with others of the larger nations of the world, has renounced war as an instrument of national policy. It has pledged itself through the Kellogg treaty to the adjustment and settlement of its international disputes through mediation or arbitration to the end that war may be honorably avoided. Senator CAPPER proposes that this country and the others that are parties to the treaty shall go even further than this.

He suggests that whenever the President determines that any country has violated the treaty for the renunciation of war it shall be unlawful, unless otherwise provided by act of Congress or by proclamation

of the President, "to export to such country arms, munitions, implements of war, or other articles for use in war, until the President, by proclamation, declares that such violation no longer continues."

Such a law represents a logical sequence to the presentation of the antiwar pact by America to the world. It would be an important step along the path of peace, one that would give substance and power to that vital document which is so eloquently expressive of a great ideal. It would provide the teeth which the Kellogg treaty now lacks and will deprive the cynics of their only talking point.

Full effectiveness of the embargo plan would, of course, be dependent upon the cooperation of the other nations that are parties to the Kellogg treaty. There are substantial reasons, however, for the belief that they would be sympathetic and even enthusiastic in their reception of the proposal. Europe, it must be conceded, proceeds with greater readiness and initiative than does the United States in movements having the maintenance of permanent peace as their objective. Locarno and Geneva offer impressive evidence of Europe's practical interest in the cause of permanent peace, a cause which is made of transcendant importance by the presence of millions of the war's dead in the soil of Europe.

Senator CAPPER, through his resolution in the Senate to enforce world peace, has given to the United States a great purpose whose fulfillment will bring closer to reality the dream of permanent peace among nations.

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[From the Nashville (Tenn.) Tennesseean]

ANOTHER PEACE MOVE

If the resolution presented to the Senate by Senator CAPPER, of Kansas, is passed, the United States will give notice to the world that in the event of a violation of the Kellogg-Briand peace pact it will declare an economic boycott against the offending nation or nations. The multilateral peace treaty contains in itself no means of its enforcement. It is nothing more than a solemn pledge to renounce war. It provides no penalties and makes no provisions for its enforcement. It is little more than an appeal to the conscience of mankind.

The Capper resolution would unquestionably give additional force to the peace pact. In the event that any nation signatory to that treaty should go to war, then the President would be empowered by proclamation to forbid the sale or shipment to it by nationals of the United States of war armaments, munitions, or supplies. This would unquestionably constitute a powerful and persuasive weapon. The protection of the United States would be withdrawn from its nationals who violated the terms of the President's proclamations. Since this is the wealthiest and most resourceful Nation in the world this course would unquestionably greatly hamper belligerents in any future war.

Although Senator CAPPER has been an isolationist and an opponent of the League of Nations, the resolution which he proposes carries into effect one of the vital principles of the league. It has a provision against aggressive warfare and authorizes what is termed an economic boycott. It would be much more effective if the Senator would urge the United States to enter the league. In this way greater force and effect would be given to the treaty for the renunciation of war.

Unless other nations should adopt the same policy proposed for this country by the United States, the result might be a mere loss of trade to our nationals without any compensating influence on the conflict. If this principle should be embraced by a multilateral treaty and all the parties signatory to the Paris pact should agree to it, then it would have real force.

The trouble with many of our statesmen is that they are more sentimental than practical in their devotions to peace. They would have this Nation lead the world in the outlawry of war and yet they are unwilling for it to cooperate with those agencies that have been set up to provide substitutes for war. It would be so much more effective if instead of merely proposing resolutions and making noble gestures our country would become reconciled to the League of Nations and the World Court and use those agencies for the purpose for which they have been established.

It is not an easy matter to lead the world to peace when this Nation is apparently suspicious of all the tribunals that have been established to find a practical and effective means to escape from war. If the United States would assume some of the responsibilities that the other powers have assumed in the League of Nations and the court, it would speak with much greater authority. At the same time the Capper resolution, whether so intended or not, would bring America closer to international organization and cooperation.

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[From the Troy (N. Y.) Morning Record]

IS THIS RADICAL?

Senator CAPPER has introduced into Congress a bill permitting the President, in case of war, to refuse permission to ship arms to such nations involved in it as are signatories of the Kellogg treaty to outlaw war. Instantly there has developed opposition on two grounds. The first is the age-old objection of legislatures to executives that it would give too much power to the President. The second is that the plan is radical.

Is it radical?

Perhaps it is. But it is another question whether radical legislation is therefore wrong. If it is radical so was the Kellogg treaty—unless that pact was not intended to be taken seriously. To the rank and file in the United States that agreement was an honest effort to drive out of civilized society the terrible menace of armed strife. It was an attempt to make it hideous rather than glorious, to name it by its true name.

Then to the rank and file efforts to look upon it as a real step toward peace deserve the utmost sympathy, whether radical or not. Particularly is this so after following the treaty with the greatest Navy bill in the Nation's history. Americans do not want their nation to be looked upon as a hypocritical power, talking peace to the peace-lover and arming to the teeth for the comfort of the believer in war.

Senator CAPPER does not do a dangerous thing. All he asks is that the Kellogg treaty be made an enforceable pact. He does not ask that it become mandatory for arms to be withheld from combatants. He does seek permission for the President to withhold them if, in his opinion, the power from which they are withheld is an aggressor. In other words, when some government flouts the Kellogg treaty and public opinion in the United States realizes that it is going contrary to its pledged word, the United States can refuse to countenance that "scrap of paper" policy by refusing, even in a commercial way, to be a party to the fraud.

What, then, is the radical core to the Capper suggestion? It is this: That the Kellogg treaty is to be more than a gesture. It is to provide machinery in this country to make it easier for America to show its devotion to peace. It aims at putting the United States in a position where it can enforce the view which led it to propose this pact—at least, to enforce it so far as its own part is concerned.

The radicalism of the plan, therefore, consists merely in taking the agreement seriously—in making it possible for the United States to prove its faith by its works. It casts aside all evidences of pretence and deception, all the "cant" of fine words and falsehood, all the hypocrisy of the "sewed sleeve with a closed fist therein"; and it puts in its stead a frank insistence that peace means peace, pledges pledges, and the outlawry of war the absolute determination to leave no stone unturned to make that outlawry real.

If this be radicalism, make the most of it.

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[From the Brooklyn (N. Y.) Citizen]

THE CAPPER RESOLUTION

Senator CAPPER, of Kansas, presumably is not satisfied that in ratifying the Kellogg pact we have gone far enough in promoting the peace of the world. He has therefore prepared a resolution, which he proposes to introduce to-day, making it obligatory on this country to bar the sale of munitions or any other war equipment to any country which violates the multilateral treaties.

The resolution vests the President of the United States with the power to proclaim the guilty nation. Naturally, this resolution is hailed by all the sincere friends of the pact and the League of Nations as an advanced step, in so far as this country is concerned, in advocacy of the renunciation of war.

It is true that Germany was able to continue the war for four years without the aid or assistance of the munitions manufacturers of this country. But very few nations have reached the same scientific standard as Germany. France, likewise, was able to continue the war without buying munitions in this country. In fact, France, according to General Pershing, in addition to her own supply, was able to furnish the American Army with heavy guns. Both England and Russia depended largely on American munitions in the early stages of the war.

What probably would be even more effective as an economic blockade would be the cutting off of food supplies. Without American flour, most of the European countries, with the possible exception of Russia, would be without sufficient bread to feed their people. Germany suffered more from lack of food than she did from lack of munitions.

At any rate, the Capper resolution adds punch to the Kellogg pact and every sincere believer in the renunciation of war will hope that the Senate will adopt it.

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[From the Atlantic City Press]

TINKLING TREATY CYMBALS

Washington dispatches indicate that President Coolidge, without having studied it, believes the Capper resolution proposing an arms embargo against nations engaged in aggressive war, to go further than is wise. A glance over wide editorial opinion on the subject indicates that this attitude coincides with the attitude of what may be termed strictly administration newspapers, whereas more or less independent opinion shows a trend of hearty accord with the sense and intent of the Capper resolution.

It is pointed out by the cautious that it would, in effect, set up the President of this country as a sort of umpire deciding which is not defensive war, a subject which is not defined by the Kellogg treaty itself. The implied intent to submit the proposal to other nations as well would relieve this country of any implication that it would seek to set up a unilateral interpretation or modification of the treaty, now multilateral in purport. Applied only to nations violating the spirit of the Paris pact—that is, to aggressor nations—even though the pact does not itself define the term, the Capper resolution would not seem to affect our right to deal with belligerents, as quasi reasserted in the cruiser bill.

But perhaps, prior to adoption of the resolution, the signatory powers including the United States might further demonstrate their sincerity by establishing the means through which "self-defense" may be recognized from "aggression," possibly through a majority opinion, if such opinion can be reached without coming to blows over it.

Without some such step and without some effective alternative as suggested in the Capper resolution, the "frank renunciation of war as an instrument of national policy" remains but sounding brass and tinkling cymbal.

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[From the Hartford Courant]

THE CAPPER RESOLUTION

When the pact of Paris renouncing war had been signed, M. Briand declared that peace had not been achieved but that a foundation had been created on which peace might be erected. It is the purpose of the resolution sponsored by Senator CAPPER, of Kansas, to build a story on the substructure created by that pact. He proposes that the Senate and House adopt a resolution providing that whenever the war-renouncing pact is violated the President shall have the power to determine and proclaim which country the violator may be. Once this has been done "it shall be unlawful, unless otherwise provided by act of Congress or by proclamation of the President, to export to such country arms, munitions, implements of war, or other articles for use in war until the President shall by proclamation declare that such violation no longer continues."

He would also have Congress declare it to be our policy "that the nationals of the United States should not be protected by their Government in giving aid and comfort to a nation which has committed a breach" of the pact of Paris. Senator CAPPER proposes again, that the President negotiate with other governments to secure agreement that their nationals shall not be protected in aiding a violator.

The final provision of the Capper resolution is that our policy of refusing to protect those who aid violators "shall apply only in case of a breach of the said treaty by war against a government which has declared its adherence to a similar policy."

On first sight this would seem to exclude but few of the principal powers, since most of them are members of the league, whose covenant, like the Capper resolution, provides for a boycott against an aggressor, and therefore apparently constitutes "a similar policy." Presumably, however, the resolution refers only to those governments which may establish "a similar policy" by special agreements with the United States. On this point, as well as on some others, the resolution is not clear.

That it will meet with opposition, both in part and as a whole, may be taken for granted. In its broad and general purpose, however, the resolution strikes us as praiseworthy. If nothing more influential can be ascribed to the pact of Paris than its moral effect, the Capper resolution would give the pact teeth. It advances far toward the solution of many problems which are now troublesome; for example, the problem of the freedom of the seas in war time. Without some such action the league will be reluctant to determine an aggressor and apply a boycott against it, since by so doing it might merely divert trade with the aggressor from its own members to the United States.

The Capper resolution deserves the most serious consideration. It was advanced at this time not in the hope that it would be adopted in the remaining weeks of the short session of Congress, or in the special session, but rather in the hope that it would be freely discussed and that opinions on it would crystallize before Congress convenes in its next regular session in December. In the discussion that will take place in the next several months the points of strength and weakness of the resolution should be clearly illuminated.

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[From the Des Moines (Iowa) Register]

IN ANOTHER WAY

Senator CAPPER has brought things to a focus in his joint resolution, published on this page.

The Senator would have the United States say frankly and openly that we will not insist on our neutral rights to trade with a nation violating the Kellogg pact.

This is what the League of Nations has been trying to arrive at and the CAPPER move is hailed at Geneva as a bridge between the United States and the league. That will not help matters any in the Senate. But it will center attention on what is to-day standing in the way of world organization.

During the first two years of the World War before we entered, we had the rights of a neutral to trade with Germany. The British Navy interfered with that right, and for some months it looked much more likely that our war would be with Britain.

It was easy to understand the British motive, but it was easy to recognize our legal right. Since the war Britain has steadily refused to take on any commitment to enforce the authority of the League of Nations because the United States, not being a member, would have neutral rights of trade, and that would bring Britain and the United States again at the parting of the ways.

The Kellogg pact has come in to take the place of the league covenant and it will be easy for the United States to relieve the situation without officially recognizing the league.

By relinquishing our right of neutral trade where the Kellogg pact is broken we should, in effect, be relinquishing our right of neutral trade when the league covenant is broken. For it is the same peoples who are committed to both; we are the only ones on whom the Kellogg pact would be binding and not the league covenant.

The Capper resolution does put "teeth" in the Kellogg pact, the pact becomes something more than a benevolent wish for world order the moment it takes the right of neutral trade away from those who violate it. In these days without rights of trade even the biggest groups would soon be embarrassed. The smaller groups could not even make an effective start toward war.

Why should the United States stand out for the right to sell munitions in a revolt against the Kellogg pact, when we were the ones to propose the pact and to urge its acceptance? Ought we not to be the ones to urge that revolters against the pact be treated as outlaws?

Even though it would be an indirect recognition of the league and would powerfully intrench the league covenant, why should the United States not carry through on the Kellogg pact and make it mean just what it says? Why should we not serve notice that the group that breaks the Kellogg pact will by that act sever its trade relations with the United States?

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[From the Louisville Courier-Journal]

PEACE WITH THE SINEWS OF WAR

President Coolidge's advocacy of the Kellogg peace pact takes a queer quirk in his recently announced opposition to the CAPPER resolution. According to the White House statement, some 30 nations of South and Central America have not yet ratified the multilateral treaty and will not do so if they see in it the withdrawal of the possibility of buying arms and ammunition from the United States and other countries. In other words, the President wants the Republics to the south to sign the pledge, even if the will for war is stronger than the will for peace. He does not wish to place any barriers in the way of either the Kellogg pact or a sizeable conflict. He is content with the simple declaration by the countries of the world that war has been renounced as an instrument of national policy.

In giving emphasis to this opinion, the President declares that the CAPPER resolution goes too far. It would place the United States in the position of passing on international conflicts. It would militate against small and weak nations which must go outside their own countries to buy munitions. And, it might be added, it would interfere with a lucrative trade that is often enjoyed by the United States.

But the trouble with the embargo plan is that it does not go far enough. It means that only the United States would apply restrictions on the sinews of war. It would leave the belligerent countries to go elsewhere for their needed supplies.

As a multilateral arrangement, a cooperative plan to give effect to the Kellogg treaties, it would make the pact a force instead of a formality. But the President indicates that he is interested solely in the latter. This he regards as the crowning achievement of his administration.

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[From the Lansing (Mich.) Capital News]

There is some merit in Senator CAPPER'S suggestion that we institute an economic boycott against any nation that violates the Kellogg treaty by going to war.

It might not be a bad idea to abstain from all commerce with nations at war for, while this would cost us something in commerce, it might keep us out of war.

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[From the Holland (Mich.) Evening Sentinel]

SQUEEZING PROFITS OUT OF WAR

The Republican leaders in Congress, we are told, have turned thumbs down on the plan proposed by Senator CAPPER providing for an embargo on arms and ammunition to any country that violates the Kellogg peace pact.

It is hard to understand why they should oppose such a plan. President Coolidge is quoted as saying that the plan is "too sweeping," and some of the Senators are said to oppose the plan because it is supposed to have originated with advocates of the League of Nations.

As to its being too sweeping, the President may have reasons connected with considerations of constitutionality that will make a good argument. On the face of it, however, it would seem that a way might be found whereby such a plan would help to make nations think twice before they will violate the Kellogg pact. To call on millions of young men to leave their homes and die for their country is also "very sweeping," but it can be done and is done when necessary.

The alleged objection of some Senators on the score that the plan was incubated by those who are advocates of the League of Nations is too narrow-minded to merit serious consideration. What of it if a League of Nations advocate first thought of the plan? That has nothing to do with it. If the plan itself is sound, it is worthy of adoption, even if it was ten times more an offshoot of the League of Nations.

Such an argument is a display of narrow politics that has no place in any plan for the preservation of world peace. There may be reasons against the plan, but the League of Nations reason is not one of them. It is silly and childish and unworthy of anyone who makes any pretensions to statesmanship. It is the reason of the small politician.

While it is not true that all wars are completely economic in their origin, it can not be successfully denied that profits play a great part in every war. Purely unreasoning emotion also plays a great part. This latter no nation or group of nations can legislate against. When the time comes, people of the future will very probably become hysterical, as they were in the past, and no amount of reason can prevent it.

But along with national emotion almost invariably goes the shrewd manipulation of selfish business interests that see an opportunity for profits in any war and that are willing to have millions die so long as profits can be made. Such interests have always been very clever in cloaking their selfishness under a garb of seeming patriotism. They have stirred people to white heat of indignation and have reaped a rich harvest.

If these profits can be taken out of war, at least one element of danger will be removed. There will be no motive for keeping people stirred up and a chance will be given for unreasoning emotion to cool off before it is too late.

The Capper plan will not pass just yet, but it is likely that it will eventually. It is fundamentally sound, whatever the technical objection may be under present conditions. If the Kellogg pact is worth adopting, a plan like this to make the pact practically effective is worthy of serious consideration.

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[From the Brattleboro (Vt.) Reformer]

PEACE COMPULSION

The Kellogg-Briand peace treaty, regarded by Senator JOHNSON, of California, and by many another critic as pretty near "nothing" in binding power, nevertheless has started something.

It was, on the face of it, only a pious resolution to stop fighting. But it did commit the nations to the moral principle of keeping the peace. And still more, it set people to thinking the world over.

One of the results of this thinking is the introduction of the Capper resolution in the United States Senate, and a similar resolution in the House of Representatives, and an immediate popular response at home and abroad.

Imagine a simple parallel in private life. Suppose a group of men sitting down to a poker game were to agree that they "wouldn't cheat any more." That would be fine. They would all feel a pleasant glow of virtue. But some experienced player might soon suggest:

"All right, boys. We're going to play square. But now, just supposing some fellow does happen to get careless and is caught sticking cards up his sleeve, what are we going to do about it?"

The mildest answer possible would be, "Stop playing with him; put him out of the game."

Well, suppose some nation that has agreed with its neighbors not to fight any more starts another war, or threatens to start one. Senator CAPPER'S idea is that the other parties to the agreement shall stop playing with him. Because he is cheating with cards, they will deal him no more cards. They will sell him no more chips—no more war materials.

This is peaceful coercion by economic weapons. Is there any other way to obtain peace without shedding blood for it?

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[From the St. Louis (Mo.) Globe-Democrat]

ARMS EMBARGO RESOLUTIONS

Senator CAPPER, of Kansas, has introduced a resolution in the Senate authorizing the President to declare unlawful the exportation of "arms, munitions, implements of war, or other articles for use in war," to any nation that violates the Kellogg peace treaty in resorting to war contrary to its terms, the President to determine that such violation has occurred, and to declare his determination by proclamation. In the House of Representatives, STEPHEN G. PORTER, chairman of the House Foreign Affairs Committee, has proposed a resolution of similar import but of different terms, which would authorize the President to prohibit the exportation of munitions of war "to any country where conditions of domestic violence or of international conflict exist or are threatened."

The United States has not assumed any obligation to enforce the observance of the peace treaty, and it is not likely to take upon itself a direct obligation to that end. But it would be inconsistent with the spirit of the treaty if it permitted its nationals to supply arms and munitions to a country which has obviously violated the treaty. In effect this would be a material encouragement to the violator of the treaty, which has for its sole purpose the maintenance of peace, an agreement which was proposed to the nations by the United States and to which it has formally subscribed. If this agreement is to be effective violations should meet with general public condemnation and public aid should not be given the violator.

But the Capper resolution would lay upon the President the weight of responsibility for a decision that might be of the utmost importance to this country and to the world. Such a decision might not be difficult if the circumstances were perfectly clear, but it is highly improbable that they would be so clear in any instance. And if the President decided, in any case, that a nation had violated the treaty, and made public declaration of that decision, as the resolution requires, the effect would be necessarily to place this country in a position of positive opposition to the offending nation, which would almost surely result in a suspension of diplomatic relations.

The Porter resolution would extend a power already existing, but now applying only to American nations and limited to domestic conflicts. It would not require the President to determine the violator of the peace treaty but would authorize him to prohibit the exportation of "arms or munitions of war" (not "other articles for use in war"), to any nation, or presumably to every nation, that engages in war, domestic or international.

There is, however, so much involved in the questions raised by both of these resolutions that they should be carefully studied and fully discussed before any action is taken on them. The whole doctrine of neutrality, so long upheld by the United States, is involved in them. It may be, indeed, as some are claiming, that neutrality is no longer possible under present world conditions, but America will be reluctant to accept that conclusion. The sentiment of these resolutions is admirable and the purposes plausible, but there are possibilities of dynamite in them that demand cautious consideration.

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[From the Trenton (N. J.) Times]

PUT TEETH IN THE PACT

Senator CAPPER'S resolution, which would have the United States refuse to sell arms to any nation violating the Kellogg treaty, merits favorable action at this session of Congress. It represents a logical and reasonable way of putting teeth in the international agreement for permanent outlawry of war.

Powerful opposition doubtless will develop against the resolution. Armament profiteers, many of whom got rich during the World War, may be expected to oppose it. All economic groups, indeed, which stand a chance of capitalizing war will be found fighting the measure with every resource at their command.

But it is true, as Senator CAPPER declares, that the rank and file of the American people are in favor of any move designed to strip the war game of its money-making features. The proposed embargo would, in addition, make it extremely difficult for a jingoistic nation to procure necessary armaments.

The Kellogg treaty is a big step in the direction of peace. Unfortunately, however, it does not—in fact, can not—prevent an unscrupulous government from breaking its word. That is why we need an enactment like Senator CAPPER'S resolution. That is why we should turn a deaf ear to the shrapnel gang.

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[From the Pittsfield (Mass.) Berkshire Eagle]

PEACE MOVEMENT

Assuming that the Kellogg peace treaty is fully ratified and put in operation, it may be put down for a certainty that there will be more or less pessimism respecting its worth until more concrete evidence is given that there is a genuine determination on the part of the signers that the spirit of the document is to be carried out.

It is asserted by some of the principal friends of the treaty that the introduction of the Capper resolution, providing for the cutting off of supplies for the carrying on of an aggressive war, is inopportune at this time. This may be true. It may be that it is the wiser course to get the instrument signed as it appears, let that set a while, and then endeavor to put teeth in the treaty by adding the Capper resolution, or something akin to it.

Neither will the rank and file of the American people be satisfied fully until the pact is strengthened. The Capper resolution may be sidetracked for the present, but it will not be forgotten. At the proper time, in the not distant future, the resolution should be brought up

again and thus put on record every nation that signs the treaty as it stands.

Unless the signers accept the Capper resolution or something equally strong, the world-wide impression will be that the people who signed it had a pen in one hand and a blackjack in the other!

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[From the Wilmington (Del.) News]

CAPPER RESOLUTIONS

How opinions differ. Secretary Kellogg believes that the proposal of Senator CAPPER cutting off communications with nations that violated the letter and the spirit of the Kellogg peace pact would be ineffectual as promoting peace.

On the other hand, a member of the French Chamber of Deputies—and we referred to his remarks recently—thought the Capper plan would absolutely throttle war by placing an arms and other kinds of embargo upon the offending nations.

Secretary Kellogg, however, told the Foreign Affairs Committee of the Senate that he saw no harm and had no objections to such legislation as proposed by Senator CAPPER.

Immediate action on the proposal is not probable, but they will come up sooner or later, as Senator CAPPER is of the kind to push anything he takes hold of unto the end.

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[From the New Haven (Conn.) Journal-Courier]

FOR SOBER REFLECTION

United States Senator CAPPER, of Kansas, has introduced in the Senate a resolution in behalf of peace, supplementing the Kellogg peace pact, which deserves the sober reflection of the people of the country. It is, in fact, an extension of the peace spirit of the pact, drawn along similar lines and yet providing a means of carrying into effect, when needed, the provisions or pledges of the pact without recourse to war. Some such understanding of the principle of the pact was bound sooner or later to be formulated, if it is to be made something more than a mere pious gesture of good intentions.

It was the deliberate purpose of Secretary Kellogg in promoting the pact which bears his name to confine and limit its declaration to rejecting for all time war as an instrument of national policy in the consideration of international differences. Its spirit is lofty; its power to accomplish what in reality the world wants accomplished when a signatory violates its conditions is lacking. It is the opinion of Senator CAPPER that good faith is not sufficient to bring the governments of the world to full realization of just what it means to sign such a document and then leave it more or less confused by the admission that the right of self-defense is inherent—not that the right does not exist, but that it offers an excuse for warlike indulgences and requires therefore further reinforcement.

The World makes this admirable and concise statement of the Capper resolution, which we adopt as our own: "Senator CAPPER has proposed to plug this hole by a new statement of policy on the part of the United States and a new set of treaties. He wishes Congress to declare that it shall be unlawful to export materials of war to any nation which violates the pact of Paris. He wishes Congress to declare that the United States does not intend to protect its nationals 'in giving aid or comfort' to such a nation, a statement of policy which amounts to the threat of an economic boycott. He wishes Congress, finally, to request the President to negotiate new treaties whereby other governments will agree to the same course of action, so that this pledge may be reciprocal."

Senator CAPPER does not propose that his resolution shall be taken up at this time. His real object is, obviously, to present it to the American people as a means of making the pact practical and effective in a peaceful manner. While it may at first arouse suspicion that it is intended to push ajar the rear door leading into the League of Nations and thus gradually usher us into its presence, careful reflection will show, we are sure, that its fundamental effort is of an entirely different character. It would appear to be obvious that this Government could not under any conceivable interpretation of the Kellogg peace pact deliver to a government, which had broken faith with the pact, war munitions and supplies.

This would make the pact ridiculous. This is what the Capper resolution appears to anticipate by providing in subsequent treaties that it shall be unlawful on the part of any affirming government to provide a violator of the pact with the instrumentalities of war. This is essentially different in character from the provisions of the covenant of the League of Nations, which provide for armed intervention in event of their nullification. It was this phase of the covenant which gave it a warlike sanction while the Capper resolution seeks to meet the same crisis by peaceful sanctions. The objection of this newspaper to the covenant was based on the understanding that the league was, in fact, a war machine when provoked to action and was destined to further postpone the creation of a real will to peace. We approved the Kellogg peace pact, not because it was or can be made effective by itself, but that it opened the way to further steps which should insure its purpose.

We suspect that the objection to the Capper resolution will proceed largely from the isolationists who would do nothing to entangle us in the world-wide effort to create, permanently, universal peace methods for the settlement of all international disputes. What there is left of the old partisan feud, which flamed into extravagant opposition because of Mr. Wilson's leadership in behalf of the covenant, will find its expression also. There will also be a reluctance on the part of other nations to accept the Capper resolution for reasons well stated by J. Ramsay Macdonald, former Prime Minister of Great Britain, in a recent statement to this effect: "The nations lack confidence in their security and arm. They are afraid to walk in the unfamiliar ways of peace. They know that arms have never given them security, but they have inherited an instinct which irrationally drives them back upon organized force for their safety." It is true that those things require consideration in any attempt to bring the world to its moral senses. Opposed to them must be the convictions and intrepidities of those who have freed themselves from political nightmare and stand ready to make the sacrifices for peace which are now made so thoughtlessly for war.

It is manifest that we are slowly but surely reaching the point where our Government must make its decision and establish its relationship with the governments of the world. We can not escape much longer a recognition of the fact that an obligation to play our part in this great political drama of reconstruction and rehabilitation, which has enveloped the world from east to west, has already been created. If, upon sober reflection, the Capper resolution will aid us to both realize and accept that obligation, hope will take the place of despair.

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[From the Waterbury (Conn.) Republican]

A PEACE ENFORCEMENT PLAN

Senator CAPPER's resolution for giving force to the Kellogg treaty can not be either indorsed or condemned offhand. Its implications are so great that it is necessary to consider it from all angles before reaching a definite opinion. The general idea behind it, which is the cutting off of the American market as a source of war supplies for a power violating the pact, is unquestionably good. If money is included among the things it would be unlawful under the resolution to export to a country proclaimed a violator by the President, then the effect of the resolution ought to be to make war on a large scale impossible so long as this country maintains its present economic position.

Whether the phraseology of the resolution is that best calculated to carry out its purpose is a question that requires further study. Under its provisions the President would determine who had violated the treaty. Would or would not his decision agree with that of the league council, which would settle the question for league members? If it did, then all would be well. If it did not, then a serious crisis might be provoked. And if the President is not the proper agent to decide for us who has broken the treaty, then what is? Not the council, for we are not a league member. All these questions need to be debated before a final decision on the merits of the Capper resolution is reached.

In his comments upon his purpose in introducing the resolution Mr. CAPPER made it clear that he does not expect it to come to a vote until the regular session next winter. He realizes that it is of such importance that it needs to be debated and studied by the American people. Some proposition of the sort would be the natural corollary of the Kellogg pact. Between now and next December the American people ought to make up their minds whether the resolution under discussion, with or without revision, presents the sort of plan they wish for making the Kellogg pact effective.

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[From the Tacoma (Wash.) Ledger]

WOULD MAKE WAR DIFFICULT

Senator CAPPER, of Kansas, announces that he has prepared a resolution providing that the United States shall impose an embargo against any nation entering into the multilateral pact, commonly known as the Briand-Kellogg treaty for the renunciation of war as a governmental policy, which shall violate the international agreement. The resolution would make the President the judge of whether or not there had been such violation, and the President then would have the power to prohibit the sale or delivery to such nations of all arms, munitions, implements of war, and "other articles for use in war."

The last-mentioned thing that would come under the embargo is decidedly elastic, for it would be difficult to imagine any product of factory, range, or field that would not be of use to a nation engaged in war. As a matter of fact, wheat, flour, potatoes, clothing, or fuel are essentials in the life of any people, greatly more so in war than in peace, for then such a nation would not be in a position to supply itself with the necessities of both armies and civil populations through its own productiveness.

It might be expected that the Capper resolution would not commend itself to people having things to sell to their neighbors. Not only would the manufacturers of arms and munitions be hard hit by such an embargo but the farmer would find some exceedingly remunerative markets

closed to him. When all is considered, however, it is safe to say that the Capper plan would go further to prevent war from starting, or to bring it to a close once it had started, than all the international agreements that could be devised.

Obviously a nation can not wage war unless it can keep armed and unless its people, both military and civilian, can be fed. There is no question that had not the Allies been able to secure both food and war material in the United States during the World War they would have been up against a hopeless task.

The imposition of embargoes, especially upon arms and munitions, is no new thing. It will be remembered that during the disturbances in Mexico, when armed factions were contending for control of the nation, the exportation of arms and munitions from this country to Mexico was strictly forbidden.

What was done in the case of Mexico could well be done in the case of any other nation, and if there could be an international agreement that would bind all nations to observe that sort of embargo it would look as though wars would be few and far between. After all, might it not be that the Kansas Senator has struck upon the best possible means for preventing war and advancing the cause of peace?

[From the New Bedford (Mass.) Standard]

TEETH IN THE KELLOGG TREATY

The essential part of the Capper resolution is the provision "that whenever the President determines and by proclamation declares that any country has violated the multilateral treaty for the renunciation of war, it shall be unlawful, unless otherwise provided by act of Congress or by proclamation of the President, to export to such country arms, munitions, implements of war, or other articles for use in war until the President shall by proclamation declare that such violation no longer continues." Americans who by selling the articles mentioned to a nation which has committed a breach of the Kellogg treaty give that nation aid and comfort shall lose the protection of their own government, provided that this policy "shall apply only in case of a breach of the said treaty by war against a government which has declared its adherence to a similar policy."

Under the Kellogg pact a nation that resorts to war in settlement of an international dispute is guilty of a breach of its obligations. Some critics of that agreement have asked, "Well, what of it? There is nothing in the treaty that says that anything shall be done about it. In short, the Kellogg treaty is merely a gesture." To which Senator CAPPER replied, "Very well; we will put some teeth in it." The teeth are in the clause we have quoted. The nation that violates the multilateral treaty by going to war will be subjected to an economic boycott on "arms, munitions, implements of war, or other articles for use in war." Whether this means only material used by the military forces or whether it is broad enough to include foods, fertilizers, raw materials of industry for the maintenance of the nation as a whole, on the assumption that wars are waged now by entire peoples instead of merely by armies, is not clear.

The Capper resolution would mean two things: Its general adoption would result in there being no neutrals in war. There is nothing new in this except the proposal to give it a formal recognition. In the last war President Wilson declared the day of neutrals was past. All Americans realize that we could not keep out of a big war wherever it started. The Capper proposal, in a sense, makes a virtue of necessity by providing virtually that the nation violating the Kellogg agreement by going to war against another nation shall be treated as an aggressor against all the signatories and denied the right to buy goods from their nationals. This, in effect, makes the United States a party to an agreement quite similar to the famous article 16 of the League of Nations. The step Senator CAPPER proposes is a logical one. If the nations agree to renounce war, the nation violating its pledge should find all the others arrayed against it. Americans may not be quite ready for that now, but that it will come is inevitable.

[From the Wilkes-Barre (Pa.) News]

ARMAMENT EMBARGO

Senator CAPPER's resolution to strengthen the Kellogg treaty by stipulating that the United States shall declare an armament embargo against any nation violating the antiwar pact is a proper sequence of the Senate's ratification of the agreement to outlaw war as a national policy.

But it would seem that the thing to do first is to take the making of armament out of the hands of private enterprise and put it in the hands of Government, where it belongs. We have bootlegged armament into Latin-American and other countries long enough to make it clear that embargoes on armament, privately produced for gain, are not easy to enforce.

[From the Rochester (N. Y.) Times-Union]

THE CAPPER RESOLUTION AND EUROPE

Senator CAPPER's resolution authorizing the President to forbid the export of arms and implements of war to an aggressor nation may meet with very considerable opposition in the Senate of the United States. It may be a long time before it is enacted into law. But whatever its prospects of success, there is no doubt whatsover that a large section, indeed an overwhelmingly preponderant section, of European opinion believes that its adoption would be the greatest step toward peace that could now be taken.

There are many persons in this country who do not believe in "sanctions," who do not believe that it is practicable or desirable to provide for common action against a lawbreaking state. But there are very few thoughtful students of international affairs in Europe who would take the same view. European thought has progressed to the point where police measures against a lawbreaker seem logical and natural.

This in itself is an extremely important fact. The question of the maintenance of world peace is not a theoretical question. It is a highly practical question. It must be solved with full regard to the facts, to the psychological elements involved. If Europeans believe that international stability will be enormously promoted by such a resolution as Senator CAPPER's, then, whatever the theories individual Americans may hold, there is an obvious helpfulness in enacting such a resolution into law. Nor is it apparent that any risks are involved, or that any embarrassing obligations are assumed by the careful language of the measure in question.

The promotion of peace depends upon concerted effort. And when the principles of concerted action have been discovered, we shall be in the way of realizing the end in view. The reception of the Capper resolution abroad affords ample evidence that it may furnish the basis for common action for the maintenance of international accord.

[From the Southbridge (Mass.) News]

THE CAPPER RESOLUTION FOR AN ARMS EMBARGO

The resolution of Senator CAPPER, calling for an embargo by this country on arms to be exported to countries violating the Briand-Kellogg treaty, has been introduced into the Senate and referred to the foreign relations committee without debate. While this incident does not arouse great interest at this time, there will undoubtedly be some lively debate when the report of the committee comes back to the Senate.

The exportation of arms and munitions of war has long been a subject of controversy, and the reopening of the matter recalls the heated debates in Congress and in the press while the European war was in progress previous to the entry of America into the struggle. Without doubt the slaughter in Europe could not have been kept up if it had not been for the market for war supplies which this country furnished. This fact was well known across the water and its remembrance causes much of the ill feeling of Europeans for America even at this late day. The people of the Central Powers, who could not take advantage of the market because of their inferiority on the sea, naturally referred to us as a nation of usurers, taking advantage of the war to make money, and this feeling is shared by the allied people who had access to the market. The result is that the United States is in a position of isolation so far as friendliness among nations is concerned.

The time to consider such a resolution is now, when peace prevails. Any such declaration after war has been declared would justly be considered an unfriendly act by those powers which could buy here. Announcement that America would refuse to supply violators of the Kellogg-Briand pact with the weapons for war would mean much to possible offenders against the peace of the world. The progress of the resolution will be watched closely by all lovers of world peace, and by all citizens who wish our country to live up to its professions of leadership toward that end.

[From the Worcester (Mass.) Telegram]

MR. CAPPER REVIVES AN OLD QUESTION

If any member of the League of Nations, disregarding its pledges as a signer of the covenant, resorts to war, then "it shall ipso facto be deemed to have committed an act of war against all other members of the league, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking state and the nationals of any other state, whether a member of the league or not."

That is the language of article 16 of the covenant.

Under Senator CAPPER's new resolution in "support" of the multilateral antiwar treaty if a country breaks this treaty and goes to war, then "it shall be unlawful, unless otherwise provided by act of Congress or by proclamation by the President, to export to such country arms, munitions, implements of war, or other articles for use in war until the President shall by proclamation declare that such violation no longer continues."

Article 16 of the covenant is thus more sweeping than the Capper resolution. Article 16 provides for an "economic boycott" against the "guilty" nation in a war. The Capper resolution would commit America to a boycott against a violator of the multilateral treaty only as far as trade in war supplies was concerned.

The Capper resolution is not in conflict with the terms of the multilateral antiwar treaty. The Capper resolution, however, is in conflict with the "interpretation" of that treaty which was made by the Senate's Committee on Foreign Relations and which the Senate accepted by overwhelming vote when it ratified the treaty. "Should any signatory to the treaty or any nation adhering to the treaty violate the terms of the same," were the words of the committee's report, "there is no obligation or commitment, expressed or implied, upon the part of any of the other signers of the treaty to engage in punitive or coercive measures as against the nation violating the treaty. * * * In other words, the treaty does not, either expressly or impliedly, contemplate the use of force or coercive measures for its enforcement as against any nation violating it."

Woodrow Wilson said America could not be neutral in future wars. The Senate didn't accept his views. Mr. CAPPER revives the old fight. Mr. CAPPER stood against Mr. Wilson in the league fight in 1919 and 1920. Mr. CAPPER voted for ratification of the Versailles treaty with the Lodge reservations. He voted against unconditional ratification. In the strictest sense, however, Mr. CAPPER's present attitude is not inconsistent with his position of a decade ago, since the Lodge reservations did not condemn the principle of the "economic boycott." Nevertheless, in a general way if Mr. CAPPER is right now Mr. Wilson was not quite so wrong in his theory of securing peace by force, as many of his critics have declared.

[From the Providence (R. I.) Tribune]

THE CAPPER BILL

The main argument used against the Kellogg multilateral treaty was that it contained no sanctions automatically to go into effect as soon as its provisions were violated, making it resemble the futile pounding of the air by an old man too feeble to translate his protest into forcible action. Senator after Senator arose on the floor during the debate to say that while he was not simple enough to believe that the Kellogg pact was anything but a pious gesture, he would, nevertheless, support it and vote for it. Such statements amounted to humoring the Secretary of State, who would have been offended if his precious peace treaty was not adopted.

Now along comes Senator CAPPER with a bill that would put teeth into the treaty, perform a glandular operation upon the old man, and inject strength and vigor into his bones. Under the terms of Senator CAPPER's bill the President would be empowered to declare an embargo on "arms, munitions, or implements of war or other articles for the support" of the Government which had made a breach of the obligations of the treaty. In other words, as soon as any signatory nation to the treaty violated its provisions and had been so declared in violation, the United States would prohibit, by presidential proclamation, the export of implements of war to the offending nation.

The manufacturers of war implements will not like that bill. It strikes at the very heart of their business. The next and logical step would be a blockade of the offending nation so that no articles, whether cotton, foodstuffs, or other articles, will be allowed to leave American ports for the offending nation.

The bill, of course, will not be discussed at this session of Congress or at the special to be called in April. But it is the logical step after the signing of the Kellogg treaty, and it seems to be part of the plan of interested men and organizations in this country really to outlaw war. The big obstacle in the way of its consummation is the willingness of the other nations to agree to it. If the United States is the only country to declare such an embargo, it is worthless, for there are French, British, and Italian munition makers who would gladly sell to the offending nation. The success of the bill depends upon the unanimity with which it is accepted by other nations.

[From the Wichita Falls (Tex.) Times]

THE CAPPER RESOLUTION

Senator CAPPER'S resolution, intended to prevent the shipment of munitions to any country that gets into a war of aggression, was first introduced several years ago. It didn't attract much attention, and was never pressed. It has now been reintroduced, its wording altered to make it conform to the outlawry of war treaty. Its author says it will not be pressed for adoption at the present session, but that he intends to push it vigorously at the next session.

The resolution supplies what so many peace moves have lacked—a weapon. Neither the League of Nations nor the world court has anything wherewith to enforce its decisions. Such bodies must rely upon the weight of international opinion to make their decisions binding. But the Capper resolution contains the means to hit at belligerent nations in a way that will hurt.

It provides that whenever any nation violates the outlawry-of-war treaty, this country can forbid the exportation of arms and munitions to the offending nation. There are few nations that can carry on, in a war of any size, without importing material from this country. If the resolution were adopted, it would mean that Washington would be the judge of the righteousness of the motives of any nation going to war. The resolution would set at naught the "reservations," specious and selfish, to the outlawry-of-war treaty, except in the cases of countries able to provide their own munitions.

There will, of course, be a bitter fight upon the resolution, but we believe it must be adopted in the end. To fail to adopt it would be to admit insincerity in adopting the outlawry-of-war treaty.

[From the Greensboro (N. C.) News]

THE CAPPER RESOLUTION

The initial reception of the Capper resolution suggests that the next major debate on world peace will center around this proposal to limit trading with a nation which goes to war. For it is evident that the idea expressed in the resolution has caught the attention of responsible persons on both sides of the Atlantic. Something like it has been expected since the Kellogg treaty was ratified, and was perhaps inevitable. Moreover, if it is true, as has been stated outside the resolution itself, that its real author is James T. Shotwell, who was perhaps more the author of the Kellogg treaty than either Kellogg or Briand, the relationship becomes even stronger.

What the resolution proposes is essentially simple:

"Whenever the President determines and by proclamation declares that any country has violated the multilateral treaty for the renunciation of war, it shall be unlawful, unless otherwise provided by act of Congress or by proclamation of the President, to export to such country arms, munitions, implements of war or other articles for use in war until the President shall by proclamation declare that such violation no longer continues."

Another clause declaring that "the nationals of the United States should not be protected by their Government in giving aid and comfort to a nation which has committed a breach of the said treaty" adds to the main idea and therefore tends to restrict support of war.

The immense implications of the resolution are necessarily such as to cause it to be examined minutely and over a long period of time. It will not be taken up by the present Congress and probably not by the coming special session. Nevertheless, a first glance at it is sufficient to indicate that it expresses an idea which in one form and another has been discussed many times before. For by its terms a nation going to war in violation of the Kellogg treaty is faced immediately with the prospect of being unable to buy from the United States, for instance, or any other nation which would adopt the same resolution, any war supplies, and would have to produce all such supplies from within its own borders, or certainly the greater part of them. The experience of the World War would suggest that that is an impossibility if the war continues many months.

That fact alone would give pause to any nation which foresees the possibility of war. Yet if the Kellogg treaty means anything, the idea of the Capper resolution is neither illogical nor inconsistent with the treaty.

[From the Brooklyn Times]

CAPPER'S MOVE FOR PEACE

Supplementing and, indeed, complementing the Kellogg treaty outlawing war, is a resolution to be introduced in the United States Senate by Mr. CAPPER, of Kansas, to-day. The Capper move for universal peace calls for the isolation of a government which, being a signatory to the Kellogg pact, nevertheless resorts to war with another power which has also signed. The Capper resolution declares that the offending nation in such case shall be cut off from all supplies of arms or other articles needed in war by the United States, unless the President by proclamation or the Congress by joint resolution, shall otherwise order. There is no mention in the Capper resolution of the inhibition of loans, whether public or private, to such offending government, but such inhibition is plainly, if inferentially, conveyed in the original pact.

No more effective means to assure world peace could be devised than one that would cut off a warring nation from supplies here. If the United States does not furnish the money and material, no war could be successfully prosecuted by any European power for any considerable length of time. The sore spots of Europe are mainly in the East. But most of these governments are practically bankrupt, and while they maintain imposing armies, they could not equip or munition them without outside aid.

Perhaps the best illustration of the value of the Capper policy is to be found in Mexico. Up to the time the United States Government, some few years since, interdicted all sale of arms and munitions to Mexico, except to the established Government, revolutions were the constant feature. Since the inhibition was declared, Mexico, in the face of internal convulsions, unknown before, has been relatively quiet. If the inhibition were removed and the enemies of the Mexican administration permitted to arm, there is scarcely any doubt that the old-time revolutions would be renewed.

Mr. CAPPER'S resolution, however, should be amended to make the policy he advocates for the United States apply to all the major powers. In the unlikely event of war, it would be a ridiculous proposition to

permit a European power to finance and arm a weaker nation in a war against its neighbor. The prohibition is so admirable it should be made universal.

[From the Flint (Mich.) Daily Journal]

CAPPER WOULD GIVE GREAT AUTHORITY TO PRESIDENT

Senator CAPPER, of Kansas, has drawn a resolution which will put teeth in the Kellogg treaty to renounce war. His resolution would stipulate that when the President of the United States determines and by proclamation declares that any nation has violated the Kellogg pact it shall be unlawful to "export to such country arms, munitions, implements of war, or any other articles for use in war until the President shall by proclamation declare that such violation no longer continues." It is to be assumed that money would be included in "any other articles for use in war."

The Kansas Senator does not expect that any action will be taken at the present session of Congress. He admits that he merely wishes for the present to get the matter before the public and to help build a sentiment for the resolution through public discussion.

One might say offhand that this would solve the whole problem, because it would be difficult for any nation to wage war with any degree of success without purchasing war supplies from the United States. But there are other consideration involved. It would give the President of the United States an authority almost beyond limit. In the event of war between any of the world powers it would be for him to say which country was right in its contentions and which was wrong. He would be forced to make the decision of which one of the powers had started an aggressive war and to withhold the shipment of war supplies and credits to the aggressors. There is still dispute, after a period of 10 years, of whether the Central Powers or the Allies were the aggressors in the World War. History will probably say that both were aggressors. The United States sold war supplies to the Allies alone. Until we entered the war we would have sold them to Germany as well. The sale of war supplies is not a guaranteed delivery proposition. The purchaser has to carry home his purchases. With the Allies in command of the sea lanes it was impossible for Germany to carry war supplies which she might purchase from us. So Germany made no purchases, although she complained very bitterly because we sold war supplies to her foes.

If the nations of the world should enter into a compact not to sell war supplies to any violator of the Kellogg treaty, after an impartial commission had decided who the violator might be, is an entirely different matter. But to give the President of the United States the authority to pass judgment on the question of war guilt is imposing upon that Executive a burden which he is not likely to crave.

[From the Grand Rapids (Mich.) Press]

PUTTING TEETH IN THE KELLOGG PACT

Senator CAPPER wants the Kellogg multilateral peace treaty to be something more than a jog to conscience. He wants to make its violation impractical as well as improper. He would have the United States go on record by formal resolution as promising to deny any treaty violator the right to obtain arms, ammunition, implements of war, or "other articles of use in war"—and not only that, but Mr. CAPPER would have the President negotiate with other treaty ratifiers to obtain similar declarations of policy from them.

As in many wars the only hope of staging a respectable and prolonged conflict lies in purchase of armaments from other nations, and particularly the United States—and as even the last one would have been considerably cramped without our trading assistance—such a declaration by several of the principal manufacturing and surplus-producing nations might be rather effective as a physical bolster to a moral treaty. It must be kept in mind that "other articles of use in war" covers a multitude of cargoes, including food and clothing ostensibly shipped to civilian populations. Or at least it was so interpreted by the United States and its allies in the late unpleasantness.

There has been an effort on the part of Professor Shotwell, certain elements of the French press and Government, and others to interpret the Kellogg treaty as a moral obligation on America's part to join in the suppression by actual combat means of any violator. That interpretation was definitely ruled out at the time of the Senate ratification, and, of course, carries the treaty's meaning too far. But a policy of boycott by embargo, such as Senator CAPPER suggests, is a quite logical outgrowth of the treaty. We should not care to promise that we would do anything positive against a violator in any particular case. But we might appropriately announce that we would do nothing positive to aid a violator—in the way of continuing a supply of war materials.

[From the Watertown (N. Y.) Times]

MR. CAPPER'S ARMS EMBARGO

Senator ARTHUR CAPPER, of Kansas, proposed that the United States institute an arms embargo against any country which violates the Kellogg treaty to renounce war. Possibly an analysis might show that his reasoning is at fault but to all appearances it is decidedly sound. At the present time warring countries can obtain arms and munitions from neutral countries. That was one of the main points of arguments, of course, during the period of the World War prior to our entry. We shipped arms and munitions to the combatants and made no discrimination except that the allied fleet made it practically impossible to get arms to Germany. However, manufacturers would have shipped arms there if it had been possible. In the case of civil war in South American countries there has always been argument as to whether or not it would be morally right for us to ship arms to revolutionists who were seeking to overthrow the government. We have usually taken the position, however, that any discontented people have the right to protest or at least have the right which we can not question and we are within our rights in furnishing all sides with arms to fight it out. At best it is at times a contradictory theory but nevertheless it is established in international law and practice.

Now comes Senator CAPPER with this resolution which seems to be thoroughly sound. He simply takes the position that we are all signing a treaty to renounce war. Therefore, if any nation should violate this treaty the countries party to the treaty should not furnish them arms with which to fight. Gradually we are working out a new code of international law along lines which comprehend world peace. The Capper resolution is certainly a step in this direction.

[From the Atlantic City (N. J.) Press]

HE TAKES A PLEDGE SERIOUSLY

No one but a western, possibly a southern, Senator could have had the temerity of preparing for introduction a measure such as the Capper resolution for an armament embargo against any nation violating the Kellogg peace pact. As it is, the Kansan will have the arms and munition manufacturers and related interests swarming about his ears like angry hornets.

And yet, the surprising thing is that the matter is so simple and so logical, as merely carrying out the purpose and intent of any peace pact that can hope for success, as to occasion wonderment that such an arms embargo clause was not made a part of the Kellogg treaty itself in the first place. There is no denying that this country has profited in most wars during the last half century, and ranging from South American revolutions to the World War. Moreover, this country continues to be the world's storehouse of arms and ammunition, not to mention that other sinew of war—credit.

Shut off the weapons of war, including credit, and war would become a silly undertaking. The question, however, is, Will this country and the other major powers be willing to take their several pledges for world peace as seriously as all that?

[From the Portland (Me.) News]

THE NEXT STEP TO PREVENT WAR

When the Kellogg peace pact—otherwise known as the multilateral treaty for the renunciation of war—was formally ratified, it was generally recognized that it was an important moral gesture toward the supreme desideratum of permanent world peace. The pact expressed the growing enlightenment of a war-weary world that mass murder as an instrument for the settlement of international disputes is futile and a survival or barbarism, and that henceforth it would be the policy of the signatories to that pact to liquidate disagreements through peaceful and orderly processes. But the multilateral treaty provides for no definite action to make that policy effective. It is a solemn agreement and pledge. However, nothing beyond moral disapproval is to be visited upon the nation or nations violating the treaty.

As a measure to put teeth in the Kellogg peace pact, Senator ARTHUR CAPPER, of Kansas, has presented a resolution in the United States Senate providing for an economic boycott on the part of the United States Government against any nation which may violate the pact. While the employment of force is not contemplated in Senator CAPPER'S resolution, the nonviolent and more effective method of preventing war is proposed in the placing of an embargo on arms, munitions, implements, or other articles for use in war. The Portland Evening News deems the Capper project of great interest.

A spokesman for the French Government observes that "the Capper resolution is of transcendent importance and represents an entirely logical sequence to the presentation of the antiwar pact by America to the world."

British official sentiment is understood to be in favor of the Capper plan, and it is recalled that Sir Austen Chamberlain, the Foreign Minister, declared in a debate last July on the Kellogg treaty:

"If the American Government ranges itself behind its own treaty, then indeed it would be an additional and most formidable determent from war, a most valuable security of peace."

The allusion to America ranging itself behind the Kellogg pact would be definitely and effectively realized by the enactment of some measure like the Capper resolution. Sir Wickham Steed, when shown a copy of the resolution, exclaimed: "God bless Senator CAPPER!"

while Ramsay MacDonald, leader of the Labor Party, said: "It is a most interesting and significant resolution."

The Capper resolution may have its flaws, but the overshadowing fact about it is that it starts our thinking and acting militantly in terms of peace rather than in terms of war, and moves toward making the principles of the Kellogg peace pact more tangible realities.

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[From the Rome (N. Y.) Sentinel]

Where Mr. CAPPER holds a marked advantage is here: After having renounced war, taking the initiative in inducing most of the other powers to do the same, how can the United States Government or its citizens consistently supply other governments with the means of making war?

It would seem that if the Senator but holds to his proposal, embracing every possible opportunity to keep it alive, he will at least succeed in concentrating the attention of the world on the inconsistency of the attitude of most governments respecting armaments.

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[From The Nation]

Senator CAPPER'S proposed addition to the Kellogg treaty is a logical extension of it. He suggests:

"That whenever the President determines and by proclamation declares that any country has violated the multilateral treaty for the renunciation of war, it shall be unlawful, unless otherwise provided by act of Congress or by proclamation of the President, to export to such country arms, munitions, implements of war, or other articles for use in war until the President shall by proclamation declare that such violation no longer continues."

This is a step toward making the treaty more effective, which will probably be welcomed by most of its supporters. It seems, though, to have one weakness. The Kellogg treaty has been so reduced in its possibilities by the exceptions in its own text and the subsequent reservations of most of the signatories that its violation by any country must become largely a question of interpretation. Naturally a nation that evades its application will claim that the government is not violating the treaty but acting according to its understanding of it. To give our President the power of interpretation is therefore putting large responsibility in his hands. Essentially such interpretation is an international—not an American—question.

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[From the Norfolk (Va.) Virginian Pilot]

CAPPER'S EMBARGO PROPOSAL

Senator CAPPER'S proposal that the United States follow its ratification of the war-outlawry treaty with an independent commitment prohibiting the shipment of war munitions or supplies to any country resorting to war in disregard of its obligations as a signatory of the Kellogg treaty, bristles with difficulties of execution, but it is entirely logical and unquestionably in the right direction. If wars are abhorrent to a civilized world, the nations of a civilized world are justified not only in renouncing war as an instrument of their own national policies, but also in refusing to supply the means for making it the instrument of the national policies of others. That is the underlying morality of the Capper proposal and it is invulnerable. Moreover, the practice is not unknown to American statecraft. In order to discourage or suppress civil war in Mexico we have repeatedly, by presidential order, prohibited the indiscriminate shipment of American-made arms into that country. Propinquity and the Monroe doctrine, of course, played their part in these embargoes, but over and above these considerations was the dimly perceived immorality of trafficking for profit in the promotion or perpetuation of other nations' wars. The traffic is just as immoral when it serves war between two nations as when it serves war between two or more factions of one nation.

The central difficulty raised by the Capper resolution is that of determining, in specific clashes or threatened clashes between two nations, which is violating the Kellogg treaty and which is abiding by it. Under the Capper resolution, the determination, for the purpose of legalizing an embargo, would be made by the President of the United States. The effect of such a determination would be not only to lay the ground for an embargo on arms shipments from the United States, but to stigmatize the nation against which the embargo is directed as an aggressor and treaty breaker. The trouble-making possibilities of such an assumption of judgment by the President of the United States may be appreciated by imagining some European ruler vested with reciprocal power to pronounce the United States guilty of an act of aggression and brand it as a treaty breaker. The reaction in the United States to such an ex cathedra condemnation of it would not be unlike the reaction in some other country to a presidential denunciation of it as a treaty breaker, and it is a reaction not pleasant to contemplate.

But neither is it pleasant to contemplate the business of a neutral plying a profitable trade in the war agonies of two other nations. That kind of business has for centuries enjoyed the moral sanction of international law, but with the enactment of the Kellogg pact outlawing war "as an instrument of national policy," the neutral supplying of war materials to the nation resorting to this outlawed practice has itself taken on the character of an outlawed traffic. International law has not yet caught up with this corollary and the Capper resolution is directed to helping it catch up. A better means of identifying the treaty breaker than the ex cathedra judgment of the President is to be desired, but in default of our membership in any of the leagues or tribunals that have been set up for dealing with such questions of culpability by a wider consultation of opinion, we might be justified in relying on the procedure suggested by Senator CAPPER. The effectiveness of this or a similar embargo device for reinforcing the Kellogg treaty, however, must rest on some cooperative arrangement that would insure unity of action by at least the principal munition-making powers. Without such unity of action an arms embargo proclaimed by the United States against any nation not included within the pale of the Monroe doctrine, would only result in making more business for the munition factories of powers not joining in the embargo, and would fail of its object. Senator CAPPER has indicated the road to a powerful and logical reinforcement of the Kellogg pact. It deserves the fullest exploration not only by the United States but by all the nations that have joined it in the war-renunciation covenant.

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[From the New York (N. Y.) Journal of Commerce]

THE CAPPER RESOLUTION

Senator CAPPER has introduced a resolution designed to "put teeth" into the Kellogg treaty renouncing war as an instrument of national policy. For that very reason it is a foregone conclusion that opposition to his proposal will be determined and bitter. Senator CAPPER himself does not expect that any immediate action will be possible, and precipitancy would certainly be ill-advised. The resolution is brought forward now in order that a chance may be given for discussion and for the development of a public opinion in favor of some such solution of the problem of enforcing the promises embodied in the Kellogg treaty. According to the proposed resolution, "whenever the President determines and by proclamation declares that any country has violated the multilateral treaty for the renunciation of war, it shall be unlawful, unless otherwise provided by act of Congress or by proclamation of the President, to export to such country arms, munitions, implements of war, or other articles for use in war until the President shall by proclamation declare that such violation no longer continues."

Undoubtedly opposition from industrial interests that would be seriously affected in their business and profits by an embargo of the sort proposed will be vigorous and difficult to resist. If we intend, however, to eliminate war as an instrument of national policy, we must show a willingness to cooperate with the league in some form of coercion of an aggressor nation. Otherwise countries belonging to the league will be very reluctant to apply economic or military sanctions to an offending state with which this country might decide to maintain trading connections in time of war at the expense of league members.

The Capper resolution would not definitely commit us to acceptance of the league definition of an aggressor state, but it would go far toward removing the apprehensions of other nations that the United States as a neutral in time of war might defy and ignore league restrictions designed to coerce aggressors. The result would be greater willingness on all sides to enter into some agreement to further naval disarmament.

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[From the Milwaukee (Wis.) Journal]

CAPPER IS NOT ALL WRONG

Senator CAPPER'S proposal that, in a case of war, when the President decides that one of the warring nations has violated the multilateral treaty, export of munitions shall be forbidden, is a hasty prescription, not well thought out or safeguarded. But it is not all wrong, and CAPPER makes a point. If the multilateral treaty is to accomplish anything, it will be because we put meaning into it by acts.

A sounder rule would be that proposed by Newton D. Baker, that when two nations have submitted a dispute to arbitration and one of them goes to war in violation of the award, the United States will not sell to that nation either munitions or any other supplies. One can find loopholes in this. Each nation would contend that the other was the aggressor. But we have to face this, or we can make no beginning of ending war. And Mr. Baker proposed to go the whole way—refuse food supplies as well as munitions. Why not? One is as important as the other. We can export munitions, or we can export other things and set a population free to make munitions.

Senator CAPPER apparently is trying to dodge the prejudice against basing any action by the United States on the decision of any arbitrator or body from another nation or other nations. But we are never going to do anything to end war all alone. Alone, all any people could do is refuse to fight. And that doesn't end wars in this world we are living in.

CAPPER proposes that the United States say that if any nation wants to make war when it is in the wrong, this country will not help it. Of course, that meets instant opposition from those who remember that

the profits from helping anyone in a crisis are tremendous. So we can pick CAPPER's plan to pieces. But that doesn't dodge the fundamental. If we mean anything by the Kellogg treaty, we are going to do something besides sign our name to gracious words.

[From the New Haven (Conn.) Journal-Courier]

PRESIDENTIAL EMBARGOES

The chief objection raised in Congress to the Capper plan has been the heavy responsibility which it would force upon the Chief Executive. The Kansas Senator has devised, or rather has offered, the first really efficient machinery for lending objective meaning to the Kellogg treaty. He would have the President decide the aggressor in any future international flurry, and lay an arms embargo, against that nation. The plan was originally conceived by Professor Shotwell, of Columbia, it is said, who also has early credit for the germ of the Kellogg pact idea itself.

That this proviso if it passed would laden the President with a heavy burden is plain. Senate experts in international law predict that such a presidential embargo would be construed by its victim at once as an overt act of war. Yet this is a detail. It is plain that the Kellogg treaty, if its sanctions are not explicit, lays implicit obligations upon its signatories to be early in choosing the innocent from the guilty in any future war. No word is mentioned of such a choice, but the necessity for it is there. The treaty does hold that signatories who break it shall be excluded from its benefits; in that single passage there is the inference of choice, for the nations must know whom to exclude before they can exclude. It is unthinkable that any nation will lend comfort in the future to a belligerent warring against the very principle it has sworn to defend.

Plainly there must be a choice, and plainly that choice is up to the President. The objection that it is a heavy load upon him is met when existing regulations which charge him with the laying down of arms embargoes are cited. It has apparently been forgotten in the present controversy that only a few months ago the press was full of discussion of a presidential arms embargo against the Mexicans. The President is already empowered to prohibit the exportation of war materials to belligerents in North America and in lands where the United States has enjoyed the right of extraterritoriality, as in China. It would not, then, be a great extension of this principle if he were to assume the wider censorship of belligerents among the first powers of the world. Of course, it may be argued that the decision is too grave not for him to bear but for the people to trust to him, in which case there is remedy in our ancient checks and balances through inspection by the Congress, as the Congress now inspects declarations of war.

[From the East St. Louis Journal]

MR. CAPPER'S ARMS EMBARGO

Senator CAPPER, of Kansas, wants the United States to refuse to sell arms or ammunition to any country that violates the Kellogg peace pact. He has introduced a resolution to that effect which also authorizes the President to negotiate with other signatory nations to join the boycott.

Immediate action is not looked for, but the proposal, Mr. CAPPER hopes, will stimulate public discussion. That hope is likely to be realized. Public opinion will, we believe, be disposed to abolish "a profitable trade that in the end will cost the lives of our own youth and saddle another tremendous war debt on the people of the earth."

Depriving the neutral nations of any opportunity for profit ought to help to unpopularize war universally.

The provision empowering the President to persuade other nations to adopt this policy seems superfluous. The other nations, with few exceptions, are members of the League of Nations and as such are obligated to suspend all commercial relations with any nation waging an aggressive war. But the moral of this provision can not sincerely be ignored. It emphasizes anew the truth that international cooperation is necessary to outlaw war and achieve the great end of abiding peace. The experience of the World War has taught that lesson just as impressively as it exposed the danger and ultimate cost of "a profitable trade" in munitions.

[From the New York World]

CAPPER'S PLEA—THE MORE OBJECTIONS ARE DEBATED, THE BETTER ITS CHANCE OF PASSAGE

It is the chief weakness of the pact of Paris recently ratified by the Senate that while it pledges nations to settle disputes by pacific means it does not say what will happen if a nation breaks this pledge. Senator CAPPER has proposed to plug this hole by a new statement of policy on the part of the United States and a new set of treaties. He wishes Congress to declare that it shall be unlawful to export materials of war to any nation which violates the pact of Paris. He wishes Congress to declare that the United States does not intend to protect its nationals "in giving aid or comfort" to such a nation, a statement of policy which amounts to the threat of an economic boycott. He wishes Congress, finally, to request the President to negotiate new treaties whereby other governments will agree to the same course of action, so that this pledge may be reciprocal.

It is not a new plan which Senator CAPPER has brought forward in this resolution. Substantially the same plan was proposed in a resolution which he introduced in 1927; Representative BURTON, of Ohio, has introduced a similar proposal which the House Committee on Foreign Affairs has approved; and the idea of an economic boycott as an instrument of maintaining peace is at least as old as the League of Nations. What gives a new turn to the proposal now is the fact that the United States has approved the pact of Paris. Having come this far from a position of isolation and irresponsibility toward world affairs, and having pledged itself with many other nations to settle any and all disputes by "a peaceful and orderly process," it is wholly logical now that the United States should attempt to reinforce this pledge with something to make it effective. We could not in good faith sell munitions or supplies to a nation which had violated the pact of Paris. It will substantially improve the outlook for continued peace if we say so in advance.

Senator CAPPER does not hope for action on his resolution at the present session. He has offered it now, he says, that it may "bring about discussion and consideration which will result in action at an early date." This is good strategy on his part. For his proposal will lose nothing by being thoroughly debated. It will lose nothing by challenging the isolationists in Congress who are certain to insist first that this is a plan "to enter the league by the back door," and second that while it is perfectly proper for the United States to make pledges to renounce war it is not the duty of the United States to help enforce these pledges. The more such arguments against the Capper resolution are debated the better its chance of adoption will be.

[From the Sandusky (Ohio) Star Journal]

WOULD MAKE PACT EFFECTIVE

In a local gathering of men, the other evening, there was a discussion of the probability of more wars, and almost without exception those present expressed the view that the Kellogg antiwar pact is little more than a gesture and is not likely to have any effect in a crisis.

Doubtless this view is held by many—possibly by most people. Conceding good intentions, the pact appears to lack force, because there are so many loopholes and no penalties.

Now, however, comes Senator CAPPER, of Kansas, a member of the Foreign Relations Committee, with a proposal that would put teeth in the Kellogg pact, as many writers express it. He has offered a resolution in the Senate which provides, in effect, that the United States Government shall declare an economic boycott against any nation violating the pact and invests the President with authority to issue a proclamation forbidding the export of arms and munitions to such an offending nation.

To all intents and purposes, this is the plan set forth in the covenant of the League of Nations, a covenant to which we have declined, thus far, to subscribe.

The Capper resolution has created a profound impression, not only in this country but abroad. Here is a proposal which would really make effective the antiwar pact. Even if some nation should decide, in the heat of passion, to resort to war against another nation in defiance of the pact, it would be almost helpless in the face of an economic boycott. If it could not secure supplies and munitions from other countries, it could not wage a successful war. And, presumably, other nations would be asked and expected to adopt measures similar to the Capper resolution.

Here comes the test, however: Such action would be a severe blow to the munitions and certain other business interests. Will Congress have the courage to defy these interests and adopt a measure that will really give a meaning and effectiveness to the antiwar pact?

We shall be intensely interested in the action taken.

[From the Perth Amboy (N. J.) News]

BACKING THE KELLOGG PEACE TREATY

If the Kellogg peace treaty really means anything, and if this Nation is sincere in its desire for peace, what could be more consistent than for the United States to proclaim to the world that it will not sell arms or munitions to any nation that resorts to war?

The Kellogg peace treaty sets forth that any nation ratifying it rejects war as a national policy and agrees to settle all international disputes through pacific means. But there it ends. The treaty needs some teeth in it to make it effective. Senator CAPPER has submitted a proposition that will supply this defect. He would have the Senate adopt a resolution to the effect that whenever the President shall determine that the Kellogg treaty has been violated by any nation it shall be unlawful to export to such country arms, munitions, or instruments of war.

Objection has been raised to this proposition to the effect that it puts too much of a responsibility on the President. After all, the Kellogg

treaty recognizes the right of any nation to defend itself with arms, if necessary. Naturally, the question arises, When is a country merely defending itself, or when is it the aggressor? This has been the problem over which every real move toward permanent peace has stumbled, and the solution has not yet been found.

But, after all, there is a great deal of hair-splitting in the consideration of this matter. While every nation, when it goes to war, always claims that it is fighting in its own defense, it is generally easy for public opinion to fix upon the guilty party. It has been proposed that the decision as to which may be the aggressor nation in going to war be determined by the willingness or unwillingness of a belligerent nation to submit its case to the League of Nations or to the World Court for settlement.

As a matter of fact, as far as the peace of the world is concerned, it does not matter which nation is the aggressor. The United States, having taken its stand against war, ought, without equivocation, to refuse to sell munitions or arms of any kind to any belligerent nation. The League of Nations already provides for an economic boycott, but with the United States not bound by the league covenant it is uncertain just how this would work out. But an economic boycott on all imports as well as the lending of money, is different from a boycott on war materials, although the United States might readily refuse to lend money to any country that is at war for the purpose of helping to finance the war.

There is much the United States can do along this line, and Senator CAPPER's resolution is worthy of the utmost consideration. He does not expect it to be acted upon at this session of Congress. His purpose is to get it before the people and have it discussed. The more it is considered and reasoned out, the more desirable it becomes that such a resolution should be adopted by the United States.

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[From the Watertown Times]

MR. CAPPER'S ARMS EMBARGO

Senator ARTHUR CAPPER, of Kansas, proposed that the United States institute an arms embargo against any country which violates the Kellogg treaty to renounce war. Possibly an analysis might show that his reasoning is at fault, but to all appearances it is decidedly sound. At the present time warring countries can obtain arms and munitions from neutral countries. That was one of the main points or arguments of course during the period of the World War prior to our entry. We shipped arms and munitions to the combatants and made no discrimination, except that the allied fleet made it practically impossible to get arms to Germany. However, manufacturers would have shipped arms there if it had been possible. In the case of civil war in South American countries there has always been argument as to whether or not it should be morally right for us to ship arms to revolutionists who were seeking to overthrow the government. We have usually taken the position, however, that any discontented people have the right to protest or at least have the right which we can not question, and we are within our rights in furnishing all sides with arms to fight it out. At best it is at times a contradictory theory, but nevertheless it is established in international law and practice.

Now comes Senator CAPPER with this resolution, which seems to be thoroughly sound. He simply takes the position that we are all signing a treaty to renounce war. Therefore if any nation should violate this treaty, the countries party to the treaty should not furnish them arms with which to fight. Gradually we are working out a new code of international law along lines which comprehend world peace. The Capper resolution is certainly a step in this direction.

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[From the Lynchburg (Va.) News]

PROVIDING THE TEETH

The suggestion advanced by former Secretary of War Newton D. Baker during the debate on the Kellogg-Briand peace treaty that the United States announce as its policy refusal to sell to any nation engaged in an aggressive war did not fall on barren soil. Seemingly overlooked by the estimable gentlemen who yearn for peace, but who are not eager to pay any of the price of peace, it begins to bear fruit in the guise of a resolution prepared for introduction in the Senate by Senator CAPPER, of Kansas. That resolution provides:

"That whenever the President determines and by proclamation declares that any country has violated the multilateral treaty for renunciation of war, it shall be unlawful, unless otherwise provided by act of Congress or by proclamation of the President, to export to such country arms, munitions, implements of war, or other articles for use in war until the President shall by proclamation declare that such violation no longer continues."

That puts teeth in the multilateral peace treaty, which, while hailed in some quarters as a great stride toward international peace, has been regarded in many others as only a noble gesture, and the ratification of which by the United States Senate has had no effect whatever upon the program of battleship building or stopped more than momentarily talk of possibility of war and preparedness therefor. It makes it a peace treaty in fact as well as in name. If adopted, of it it could be said with truth what was said flamboyantly but erroneously of the multilateral Kellogg-Briand treaty. When commentators at Geneva, the seat of the League of Nations, hail its proposal as a godsend, declaring it "of the highest importance" and "extraordinarily helpful" to efforts for world peace, they do not exaggerate. If it would not mean "the end of war," as one enthusiastic soul exclaimed, it would come very near to meaning just that if members of the league in cooperation would put into effect, in case of threatened war, article 16 of the league covenant, which provides for an economic boycott of the aggressor nation. That article is more or less a dead letter so long as the United States remains aloof; but with the United States adopting as a policy the proposals of the article, the members of the league would be able to put it into effect without the fear, almost the certainty, that the United States would seize all the trade while they were refusing to trade with the aggressor belligerent. What nation then would undertake to fight a war if informed in advance that its supplies from all the world would be cut off? What nation would do anything but submit to arbitration of disputes under such conditions? Not one, except in extraordinary circumstances.

The Capper resolution, however, has not passed the Senate. Already the timid are suffering palpitation of the heart. Already the sordid are beginning to figure on loss of trade in contraband and noncontraband with fighting nations. Already the Wilson baiters are earnestly estimating how much credit would come to that great battler for world peace through the strengthening of what was once contemptuously called "Wilson's League." If that resolution is to pass, there are three great obstacles to be overcome. They are:

1. The timidity of the isolationists and their dupes who fear for the United States to undertake anything they are not assured in advance will commit the United States to nothing, will cost it nothing, and will gain it everything.

2. The latent but still determined opposition to the League of Nations, based on the timidity aforementioned, on jealousy of Wilson's fame, or on indisposition to do anything effective to end wars.

3. The age-old human desire for profit, even at the expense of the misfortunes of others.

Virtually all the opposition will be based on arguments against "entangling alliances" and against having anything to do with the League of Nations. The "profit" argument will not be brought deliberately from under cover. But it will be back of some of the opposition to the Capper resolution. The Kellogg-Briand peace treaty costs nothing, commits us to nothing; the Capper resolution, if adopted and carried out, might cost the United States very, very much. It would cost expanded trade in time of war and substitute therefor contraction of trade. Producers, manufacturers, shippers, and as a consequence labor would suffer by the self-imposed obstacle to trade with a great nation sorely in need of great quantities of goods of all kinds and willing to pay and pay big for them. Not much of that will be said in debate, which will concern itself with the old bugbears, redressed and again trotted out to frighten believers in fairy tales, but the thought will be there. Oh, it will be there.

Nevertheless, the fight should be made. It should be made because there is a chance of winning it, and even if there were not no man or woman can rest when a fight for real world peace is in prospect. It should be made, too, to let the country understand that the Kellogg-Briand treaty is but a beginning and is worse than worthless if a stop is made now. It should be made to tear aside the cloak of complacency which the country is even now donning, as if the work were complete and world peace in sight. And when the fight starts it will be interesting to watch some of those so loud spoken in their advocacy of words, words, words in which the mutilateral treaty is clothed. How many of them will be on the firing line when it is proposed to substitute action for words? How many of them will proclaim in the Senate their welling love of peace? How many will repeat how far they are willing to go in pursuit of peace? How many petitions will pour in upon Congress, how many resolutions will be passed by how many organizations? How many speeches will President Coolidge make and how feverishly active will Secretary Kellogg be? Will they be jealous of these nurses of their child, who thus prepare to take it in hand, or will they watch with glowing pride as it is brought safely through the teething stage?

Time will tell. The Capper resolution has revived sooner than expected the issue that was fought out 10 years ago. Not even that resolution goes as far as the great practical idealist of the greatest war of all time wished to go, and as most nations have gone, but it goes far enough to arouse the enthusiasm of those who went down to defeat with him 10 years ago. Does it go so far as to arouse the bitterest opposition of those who were victors in that decade-gone fight. There's the danger.

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[From the Atlantic City (N. J.) Union]

CAPPER'S PEACE PLAN

Stopping up the holes in the Kellogg peace treaty has engaged the efforts of Senator ARTHUR CAPPER, of Kansas, who has ready a reso-

lution that would empower the United States to institute an armament embargo against any country that violates the terms of the treaty.

Whatever happens to the measure after it is submitted to Congress, Senator CAPPER appears to be actuated only by the highest motives and desire to save the world from another rain of bloodshed. It has been charged that the Kellogg treaty is only a dramatic gesture, with no assurance that it will be sufficient to override any nation contemplating war when the occasion seems ripe.

Senator CAPPER admits that while the United States could prove a powerful factor in depriving other countries of supplies through this resolution, the Government should not lose time in asking other signatories to the pact to subscribe to the embargo plan. Big manufacturers of war necessities may openly applaud the step and secretly oppose it, but that does not alter the fact that the Capper plan would shut one very important door to the waging of war abroad and is a sensible adjunct to the peace treaty.

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[From the Chicago (Ill.) Post]

THE CAPPER RESOLUTION

Senator CAPPER has introduced a resolution providing that in the event any nation goes to war in violation of the Kellogg multilateral treaty the United States will place an embargo on the export of war materials to the offending nation and withdraw protection from American citizens who give aid and comfort to the treaty breaker.

At once the jingo element rises on its toes to shout. This is guaranteeing the status quo in Europe; it is entangling us in foreign broils; it is creating sanctions for the peace pact.

Buncombe, or, more briefly, bunk.

Consider the reverse. The Kellogg treaty is multilateral. It specifically recognizes that any nation violating it is an offender against all nations party to it. If the contract be broken for one it is broken for all. There is automatic release for all nations from any obligation under the treaty toward a nation violator.

Let us suppost that in such case the United States, acting under its rights as a neutral, supplies war materials to the treaty-breaking nation and supports its nationals in giving aid and comfort, what then is it doing?

Is it not helping to wreck the world-peace structure which it was chiefly instrumental in building? Is it not abetting in the effort to destroy the status quo in Europe? Is it not taking the shortest and most direct route to embroil itself in war? Is it not in fact doing all the terrible things which the jingo opponents of the Capper resolution declare the adoption of that proposal would involve?

We need only to consider this reversed to see how insincere is the cry which is raised against the resolution. There may be better and wiser ways of doing what Senator CAPPER proposes, but there can be no question that the policy which is embodied in his resolution is much nearer to the intellectually and morally sound attitude which the Nation should assume than that which its critics approve by implication.

Senator CAPPER, it will be noted, does not propose that the United States should give aid to the nation or nations which may be attacked by a treaty breaker. He proposes only that it shall not give aid to the offending nation. In other words, he proposes that America shall not assist in the violation of its own treaty.

We doubt if in the minds of the American people there can be any dissent from so sane and honorable a proposition. Is it easy to conceive of your country, for the sake of trade, lending help to a power which has broken faith with civilization and set itself against the peace and order of the world?

Note, further, that the resolution is in no sense a guaranty of the status quo in Europe. The nations signatory to the Kellogg pact have renounced war as an instrument of national policy; they have made solemn pledge that every dispute of whatever sort which henceforth arises shall be settled by pacific means. Within that limitation the status quo in Europe may be altered. We are not preventing. Our opposition to war is not in defense of any political status quo, but in defense of civilization against its greatest peril.

The nation that attacks the status quo by war uses an illegitimate means, a means so dangerous to all the world that it can not be countenanced. That would be the reason for our refusal to aid it.

Note again that this resolution does not entangle us. On the contrary, it is designed to avoid entanglement. To give assistance to a treaty breaker is to become entangled in the most discreditable way. It is to compound a felony. It is to offer excuse, if not justification, for action on the part of the defenders of the treaty in restraint of our aid to the violator.

Finally, note that in any case decision as to whether the treaty has been violated in a particular instance, and if so, as to who may be the violator, rests with ourselves. Such a resolution as this could take effect only upon our initiative, and after, in the light of the facts, we had decided that such and such a country had broken the treaty which we negotiated.

[From the New York World]

THE CAPPER RESOLUTION

Already the discussion of the Capper resolution enables us to divide the opposition into three main groups. There is the school represented by Mr. BORAH, who holds that any resolution or any sanction is unnecessary. There is the group represented by Mr. Coolidge, who, if we credit the White House statements, holds that some action may be necessary but this particular resolution goes too far. Finally, there is the group typified by Senator EDGE, who attacks the resolution as dangerous, in that it will "put the United States in the very middle of every international broil." Unnecessary, incautious, dangerous—there are three distinct verdicts on the resolution.

We may well think that it is a sufficient achievement for the present to have the first group sharply challenged. Senator BORAH repeatedly argued during the debate on the Kellogg pact that the moral force of the pledge against aggressive war was sufficient and we need go no further. Each signatory nation had registered its solemn promise not to use war as an instrument of national policy; if it resorted to war, it would face the united condemnation of mankind. But the Senate debate itself and the report of the Foreign Relations Committee showed the inadequacy of this view. It was emphasized in the debate that the United States and other nations are free to go to war at any time in defense of anything they please to term their interests; and there has not been a great war since Waterloo that both sides did not loudly proclaim to be "defensive."

Those who have a really practical belief in the Kellogg pact will wish to make it effective by "implementing" it. The worst that could happen to it would be to regard it as a very beautiful but wholly abstract pledge, and to place it on the shelf for cobwebs, dust, and oblivion. The Capper resolution is a hopeful indication that this is not to be its fate and that it may one day be given genuine vitality. It should not be left alone but extended and developed. Men may differ on the best method of accomplishing this result, but the opening of debate on the subject is a highly encouraging omen.

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[From the Buffalo (N. Y.) News]

TO BOLSTER PEACE PACT

The nations that have signed the Kellogg multilateral treaty to outlaw war should move to make it a really effective instrument for peace. The resolution that Senator CAPPER has introduced, providing for an embargo by this country on the shipment, to any nation violating the pact, of arms, munitions, and other things necessary for the prosecution of war, is a step in the right direction.

Senator CAPPER is hopeful that the other powers will take like action—that they will follow the lead of the United States. If they were to do so, a treaty-breaking state would find itself faced by an economic embargo, since under the conditions of modern warfare practically everything that a nation needs in its ordinary life it requires in war. The Capper resolution would implement the Kellogg pact—would give it teeth. From such a commitment the signatory powers might move on to a renunciation of preparations for war. Then, and not until then, will the implications of the Kellogg pact be recognized when the nations frame their budgets.

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[From the New Haven Register]

BACKING UP KELLOGG PACT

Two moves were initiated in Congress recently to provide methods by which the United States might take negative action against violators of the Kellogg treaty. Senator CAPPER introduced a joint resolution by the terms of which it would be unlawful to export munitions or other articles for use in war to a nation which the President by proclamation declared to have violated the multilateral pact for renunciation of war. Representative PORTER introduced a resolution in the House providing for an arms embargo against any country where "conditions of domestic violence or of international conflict exist or are threatened," the President determining when such conditions obtain. The Capper resolution also contains a section declaring it to be the policy of the United States "that the nationals of the United States should not be protected by their Government in giving aid and comfort to a nation which has committed a breach of the said treaty (Kellogg pact).

These resolutions define policies of great importance and concern to the United States and to practically all the nations of the world. Their adoption would involve far-reaching changes in our position with relation to other countries. It would vastly increase the responsibility and the power of the United States, making us not only interested in but an influential factor in almost any conflict of substantial proportions anywhere in the world, regardless of whether or not we were directly concerned. The question of neutrality and freedom of the seas in time of war is likewise involved, as is our policy of protecting our own citizens.

It will be seen that this is a matter in which Congress must move with the greatest caution and only after the fullest and most exhaustive consideration. Senator CAPPER says that he will not press for action on his resolution until the regular session of Congress beginning next De-

cember. He has introduced it at this time so as to give full opportunity for discussion of the project and the formation of public opinion concerning it. Such discussion is very necessary.

A favorable attitude toward the Capper proposal is already indicated abroad, where it is looked upon as a method of assuring American sympathy for sanctions ordered by the League of Nations against a belligerent. We ourselves must guard against any tendency to be swept off our feet by a suggestion that may look fine in theory, but which might not work so well in practice. The practical aspect of the question needs to be very thoroughly explored.

[From the Philadelphia (Pa.) Evening Public Ledger]

SENATOR CAPPER'S PLAN

Senator CAPPER'S proposal for enforcing the provisions of the Kellogg treaty does not go quite so far as the covenant of the League of Nations, which provides for an economic boycott on a nation which wages war in disregard of its provisions. It does, however, seek to isolate a nation that violates the treaty.

It provides, in the first place, that nothing useful in war is to be exported to any country that engages in hostilities in disregard of its treaty obligations. In the second place, it removes from the protection of the Government any American who gives aid and comfort to a nation violating the treaty. And in the third place, it requests the President to ask the other nations signing the treaty to agree to withdraw protection from their nationals aiding a nation that has committed a breach of the treaty.

It may be argued that the effect of such agreements would be to force every nation to provide munition plants of its own and also to lay up stores of goods that might be needed in case of war. But this would happen only in the event that those nations contemplated violating the treaty; that is, that they were determined to be prepared for an aggressive war. Wars of defense are not forbidden, and it is not likely that there ever will be any international agreement against them.

The European comment on the Capper resolution is sympathetic. It indicates that there is a serious intent to discourage war and to resort to peaceful methods in settling disputes. It is not necessary to speculate about how long this intent would survive a great international crisis in which the honor of a nation was involved. That it is entertained at all indicates that the world is moving away from the time when the only answer to an argument was a blow.

[From the Troy (N. Y.) Morning Record]

EMBARGOING WAR MUNITIONS

The general approval with which the proposition of Senator CAPPER to institute an armament embargo against any country violating the Briand-Kellogg peace pact has been received is one of the most emphatic expressions as yet given that the thought of the world has changed from war to peace. The pact in itself is merely a declaration that arbitration and conciliation are preferable to the arbitrament of arms in the adjustment of international disputes, but the Capper resolution would make possible the enforcement of the principle. If a nation violating the pact should be unable to go into the world market and find arms, munitions, and implements of war, it would quickly allay its belligerent inclinations. It would realize that the peace pact meant more than the sound of words.

The acclaim accorded the resolution by the press of some of the European countries indicates that the lead of the United States in such a movement would receive cordial foreign support. In fact an idea of similar import was advanced by prominent British and French statesmen some weeks ago, and cable reports are to the effect that Europe, as a whole, would welcome and support the plan. The provisions of the resolution are so far-reaching and would be so effective that action on the measure is not expected at this session of Congress and will be deferred until the next regular meeting of the National Legislature in December. In the meantime the world will have the opportunity for discussion and opinion will be crystallized.

The adoption of a policy of this character by the United States and followed by the countries of Europe would practically assure the permanent peace of the world, for there is little doubt about the favorable attitude of Japan and probably China, which appears to be in the dawn of reestablishing itself in the family of nations. The lead of the United States in a project of this kind has already restored to some extent the confidence of the world that we are earnest and honest in our peace protestations. The debate on the cruiser bill created in foreign countries the impression that the sentiment of the Briand-Kellogg peace pact did not represent the true feeling of the people of this country, but now the Capper resolution has tended to dissipate that suspicion.

The proposed measure has produced a most favorable effect at Geneva, for its purpose is in line with the hopes and the ideals of the League of Nations. If the munitions and implements of war can be effectively barred from a peace-violating or a peace-defying nation the governments of the world can unite in the promotion of human welfare instead of devoting the major portion of their time to the prevention of armed conflicts. If the markets for the agencies of destruction are curtailed or eliminated, such commodities will not be produced or carried in anticipation of a demand, and herein a possible inducement for the advocacy of war will also be removed. The League of Nations, the spirit of Locarno, and the peace pact of Paris appear to be moving irresistibly toward the ultimate triumph of a permanent world peace.

SECOND DEFICIENCY APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 17223) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1929, and June 30, 1930, and for other purposes.

Mr. NEELY. Mr. President, will the Senator from Washington yield?

Mr. DILL. I will yield.

Mr. NEELY. In my judgment, there are not 48 Senators or a quorum present.

Mr. DILL. I may say to the Senator that we had a quorum call only a few minutes ago, and there was a quorum, but if the Senator wants to make a point of no quorum, I shall not object.

Mr. SHORTRIDGE. A quorum can not be called at this stage of the proceedings.

Mr. WHEELER. There has been some business transacted since the last call.

Mr. SHORTRIDGE. What business has been transacted?

Mr. WHEELER. The junior Senator from Kansas [Mr. CAPPER] made a motion or asked for permission to present some matter.

Mr. SHORTRIDGE. Mr. President, I want to inquire of the Senator from Washington whether he is interested in the radio bill?

Mr. DILL. I think the radio bill should be passed.

Mr. SHORTRIDGE. Well, the Senator is making great headway toward its early passage.

Mr. DILL. I do not think it is nearly so important to pass the radio bill as it is to prevent the passage of legislation affecting our relations with a foreign country, as this bill does.

Mr. SHORTRIDGE. I do not care to enter into a discussion of the subject which the Senator is presumably considering.

Mr. DILL. I have discussed the subject all evening, and if the Senator from California had been here he would know that.

Mr. SHORTRIDGE. But if the Senator from Washington is really and sincerely interested in the passage of the radio bill—and I have no reason to question his sincerity with respect to that proposed legislation—why pursue this course?

Mr. DILL. I am perfectly willing that the Senate shall take a recess until to-morrow, and this matter probably can be brought to a vote very early after the session opens to-morrow; but we have tried to recess on two occasions this evening and Senators have voted to stay here; so I feel called upon to continue to discuss this subject.

Mr. NEELY. Mr. President, will the Senator yield to me?

Mr. DILL. I yield.

Mr. SHORTRIDGE. Mr. President, I am willing to stay here until the cock crows in the morning.

Mr. NEELY. The Senator from Washington, I presume, would be willing temporarily to have this matter laid aside if the radio bill could be passed at once?

Mr. DILL. Oh, yes.

Mr. NEELY. If the Senator from California will make such a request for unanimous request I believe we could agree on that so far as this side of the House is concerned.

Mr. SHORTRIDGE. I will make this request for unanimous consent, that the Senator from Washington yield the floor and give us a rest.

Mr. DILL. I may say if the Senator from California had been here and heard the argument which I have been delivering on this subject I am sure he would not expect me to yield until I had completed the argument. The Senator having been absent, naturally does not realize the seriousness of the situation which I have attempted to present to the Senate.

Mr. SHORTRIDGE. I have no doubt history will take note of the Senator's great and illuminating argument; history will not forget it.

Mr. DILL. I thank the Senator.

Mr. HEFLIN. Mr. President, in line with the Senator's suggestion, I am mightily afraid our friend from Washington is going to get the radio bill in a jam here and cause it to fail of passage.

Mr. DILL. I want to say to the Senator from Alabama that there are other things that are more important in Congress to me than the mere passage of the radio bill.

Mr. HEFLIN. That bill is very important to the American people; the Senator is one of the leaders on whom we are relying, and I hope he is not going to throw aside the opportunity.

Mr. DILL. There are three or four days left; there is plenty of time, and we can recess later on.

Mr. NEELY. Mr. President, I renew my suggestion of the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. HEFLIN. Mr. President, what business has been transacted except speaking?

The PRESIDING OFFICER. The Senator from Kansas [Mr. CAPPER] introduced something for the RECORD.

Mr. SHORTRIDGE. That is not business.

Mr. NEELY. The Senator from California made some very appropriate and interesting remarks.

Mr. WHEELER. That was not business.

Mr. SHORTRIDGE. It was a mere idle remark.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. SHORTRIDGE. But does the filing of a mere paper constitute the transaction of business which warrants or justifies a call of the roll? I submit it does not.

Mr. DILL. It requires unanimous consent, and that constitutes business.

The PRESIDING OFFICER. The clerk has been directed to call the roll.

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

| | | | |
|---|---|---|---|
| Barkley | Glenn | Neely | Steiwer |
| Bingham | Goff | Oddie | Swanson |
| Bratton | Hale | Pine | Thomas, Idaho |
| Bruce | Hayden | Pittman | Thomas, Okla. |
| Capper | Heflin | Reed, Pa. | Trammell |
| Caraway | Jones | Robinson, Ind. | Vandenberg |
| Curtis | Kendrick | Sackett | Warren |
| Deneen | Keyes | Sheppard | Watson |
| Edge | King | Shortridge | Wheeler |
| Fess | McKellar | Smith | |
| Glass | McMaster | Smoot | |

The PRESIDING OFFICER. Forty-two Senators have answered to their names. A quorum is not present. The clerk will call the names of the absent Senators.

The legislative clerk called the names of the absent Senators, and Mr. COPELAND and Mr. EDWARDS answered to their names when called.

The PRESIDING OFFICER. Forty-four Senators having answered to their names, a quorum is not present.

Mr. NEELY. Mr. President, I move that warrants issue for the arrest of the absent Senators.

The PRESIDING OFFICER. The Senate has heard the motion.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms is so ordered.

Mr. NEELY. I move the immediate consideration and adoption of the following order:

IN THE SENATE OF THE UNITED STATES.

Whereas under the rules of the Senate a call of the Senate has been ordered; and

Whereas the following-named Senators are absent without leave of the Senate, to wit (their names to be filled in):

Whereas it is necessary to compel the attendance of said absent Senators in order that the Senate may proceed to the transaction of its business: Therefore it is

*Ordered*, That the Sergeant at Arms be, and he is hereby, directed to compel the attendance on the Senate of said named absent Senators, unless they be ill; and it is further

*Ordered*, That warrants for the arrest of said Senators be forthwith issued under the signature of the Presiding Officer, attested by the Secretary, and that the Sergeant at Arms be, and he hereby is, directed to execute such warrants forthwith by arresting each of said named absent Senators and bringing them, and each of them, before the bar of the Senate; and that he make due return to the Senate of the execution of said warrants; and that this order shall be continuing until fully executed unless otherwise ordered by the Senate.

The PRESIDING OFFICER (Mr. ROBINSON of Indiana in the chair). The question is on the motion of the Senator from West Virginia.

The motion was agreed to.

Mr. SHORTRIDGE. Mr. President, I suggest that the attention of the Sergeant at Arms be called to the wording of this order, and that he be directed to execute the order of the Senate.

The PRESIDING OFFICER. The Sergeant at Arms will be so directed by the Chair.

Mr. SHORTRIDGE. It does not mean that the absent Senators are merely to be requested to come but that they are to be compelled to come.

Mr. NEELY. Mr. President, may I invite the attention of the Chair to the fact that warrants should be issued at once by the Secretary or by the clerk. Unless they are issued, we know by past experience that the Sergeant at Arms will not make the arrests and will not bring in the absent Members.

The PRESIDING OFFICER. The Chair will state to the Senator that warrants are being prepared now.

Mr. NEELY (at 2 o'clock a. m.) Mr. President, a parliamentary inquiry.

Mr. NEELY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. NEELY. Has the Sergeant at Arms reported any progress in arresting the absent Senators?

The PRESIDING OFFICER. The Chair will state to the Senator from West Virginia that the Sergeant at Arms is now out serving the warrants.

Mr. NORRIS (at 2.10 a. m.) entered the Chamber and answered to his name.

Mr. BROOKHART (at 2.12 a. m.) entered the Chamber and answered to his name.

Mr. BLAINE and Mr. BROUSSARD (at 2.15 a. m.) entered the Chamber and answered to their names.

The PRESIDING OFFICER. Forty-eight Senators having answered to their names, a quorum is present.

Mr. DILL. Mr. President, I am glad that we have a quorum, and I regret that it was necessary to have some of the Senators who had gone home called from bed. I do not want to be responsible for keeping the Senate here, and, if those in charge of this measure want to make an agreement to vote to-morrow, I shall not object. So far as I am personally concerned, I will be very glad to stay and discuss the bill, for I assured some of the Senators that there would be no vote to-night on this bill, and I think that agreement ought to be kept. If it is desired, however, that a recess be taken in order that we may vote in the morning shortly after the Senate may meet, I shall interpose no objection to such an agreement. On the other hand, if Senators want to continue with the bill, I shall be very glad to proceed.

Mr. NEELY. Mr. President, there was some disorder in the rear of the Chamber and some of us did not understand the Senator's proposition.

Mr. DILL. I say that earlier in the evening it was requested that we make some arrangement whereby we could have a vote to-morrow at some time. I did not want to do that, because I had some matters that I wanted to put in the RECORD, but I recognize the hour is late, and I do not want to be responsible for Senators being dragged out of bed.

Mr. HEFLIN. The Senator has already done that; they are being brought in now.

Mr. DILL. I have no objection to going ahead, but, so far as I am concerned, I am willing to agree to a vote at any time after 11.30 a. m. So, if that be the desire, well and good; but if not, I shall continue the discussion.

Mr. HEFLIN. I suggest that we vote at 3 o'clock this morning.

Mr. DILL. No; we can recess until 11 o'clock and then vote in the morning, if that be the desire; otherwise I shall feel called upon to keep my word with Senators to whom I said there would be no vote to-night on this bill.

Mr. HEFLIN. Mr. President, it seems, then, that the Senator has told some of his friends who went home that they could go to bed, while he has left us to stay here all night; he was going to keep us up and let his friends sleep.

Mr. DILL. They were not particularly my friends.

Mr. HEFLIN. I am in favor now of going on.

Mr. DILL. I am perfectly willing to do so.

Mr. HEFLIN. I hope that no Senator will ask unanimous consent to do anything, but let us hold the Senator to his speaking idea and transact no other business but that. I want to assure him in the outset there will be no consent given to anything else while I am here.

Mr. WHEELER. Let me suggest to the Senator that there have been two motions since the last call and a quorum may be called now.

Mr. HEFLIN. Not at all, because no business has transpired since the last call.

Mr. DILL. The Senator need not excite himself. It is a very simple matter to transact some business on this bill.

Mr. HEFLIN. I am not getting excited. I am just advising the Senator of my willingness to fight this thing out.

Mr. DILL. Very well, we will stay. I merely made the statement because I did not want to take any further responsibility in that regard; but now that Senators want to stay, I will try to accommodate them, so far as I am concerned.

Mr. HEFLIN. In other words, the Senator has got them up out of the water now; they are standing here shivering in the cold, and if they want to remain here he is willing that they should.

Mr. NEELY. The Senator means not out of the water, but out of bed. [Laughter.]

Mr. DILL. Mr. President, I was attempting to discuss some phases of the reasons why we had kept the marines in Nicaragua during the period after they should have been withdrawn, when the Senator from West Virginia made his point of no quorum.

When the marines were withdrawn in 1925 there was a great deal of protest against American intervention.

We refused to state any choice as to candidates. Carlos Solorzano and Juan B. Sacasa were elected President and Vice President, by a vote of about 48,000 to 28,000. Chamorro and Salvador Castrillo, who had been so effective in trying to turn Nicaragua's resources, banks, and railways over to Americans, staged a coup d'état, and in January, 1926, Chamorro took over the Presidency after Vice President Sacasa had fled abroad. We refused to recognize him.

In October Chamorro "deposited" the Presidency with Sebastian Uriza after his friends had agreed to support him for the Presidency in 1928. The Congress brought together to elect an executive to fill out the unexpired term, on November, 11, 1926, elected Adolfo Diaz. As Dr. Isaac Joslin Cox states in Nicaragua and the United States:

"A more natural method would have been to permit the succession of the Vice President Sacasa * * *. A hint from the State Department after the abdication of Chamorro would have swept aside all technical pretexts and have established Sacasa as the constitutional executive for the unexpired term."

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

Mr. DILL. I yield.

Mr. WHEELER. I am going to ask unanimous consent that the Senate take a recess until 11 o'clock to-morrow morning, and that we vote upon the bill itself not later than 1 o'clock.

Mr. HEFLIN. I think that is too long a time.

Mr. WHEELER. I was going to say I would just as soon make it 12 o'clock, but, as I understand—and the Senator from Utah will correct me if I am wrong—there are some amendments still to be offered to the bill, and it will probably take that length of time to dispose of them.

Mr. SMOOT. If every Senator here has the intention of offering amendments and talking on them, it would take the remainder of the day.

Mr. WHEELER. I do not mean to have unlimited debate on the amendments.

Mr. SMOOT. Suppose one amendment here should lead to discussion up to 1 o'clock; then no other amendments could be offered.

Mr. WHEELER. I assume that would not be done.

Mr. SMOOT. I do not know whether it would be or not. I would not want the bill in that condition.

Mr. WHEELER. Could it not be arranged so that we can take a vote upon the pending amendment immediately after we convene, and then consider the other amendments after that?

Mr. CURTIS. With a limitation on debate?

Mr. WHEELER. Yes.

Mr. CURTIS. What limitation would the Senator suggest?

Mr. WHEELER. Ten minutes.

Mr. SMOOT. If there were 20 amendments and there were 10 minutes debate on each, that would be 120 minutes.

Mr. CURTIS. With a final vote at 1 o'clock?

Mr. SMOOT. I can not agree to anything that is going to prevent amendments being offered to the bill.

Mr. WHEELER. I am trying to arrange that. I do not want that situation to arise.

Mr. SMOOT. If 10 minutes are allowed for discussion on each amendment, it probably would arise.

Mr. WHEELER. I am proposing a final vote at 1 o'clock.

Mr. SMOOT. On what?

Mr. WHEELER. On the bill and all amendments.

Mr. SMOOT. Without any further discussion on the amendments or the bill?

Mr. WHEELER. Yes.

Mr. HEFLIN. We can vote on the amendments and the bill and clean everything up.

Mr. WHEELER. I made that statement in the first place. My proposal is that there shall be a final vote on the bill at 1 o'clock p. m., and there will be a final vote on the amendment of the Senator from Washington at 11.15.

Mr. SMOOT. Without any further debate.

Mr. WHEELER. Without any further debate.

Mr. DILL. No.

Mr. WHEELER. That we recess until 11 o'clock to-morrow morning; then vote on the pending amendment at 11.15, and then take a final vote on the bill at 1 o'clock.

Mr. DILL. I have no objection to a final vote on the bill.

Mr. SMOOT. I want no misunderstanding about this.

Mr. DILL. I suggest, under the agreement, that debate be limited to five minutes. Otherwise, under the rules, it will be necessary to call a quorum.

Mr. CURTIS. We just had a quorum call.

Mr. DILL. I understand that, but I have been speaking for about five minutes. I hope the proposition may be to limit debate to five minutes on the bill and pending amendments. That would probably meet the situation.

Mr. SMOOT. I do not want to fix the time at 1 o'clock, then allow discussion to run up until 12 o'clock, and then have five minutes allowed upon each amendment. That might take us to 1 o'clock, when we would have to vote on the bill, although a half dozen amendments might be pending which could not be offered to the bill. I say to the Senator there are amendments here that the committee must offer to the bill.

Mr. CURTIS. Mr. President, let me make this suggestion: I ask unanimous consent that the Senate now take a recess until 11 o'clock a. m. to-day; that at 11.15 o'clock a. m. a vote be had upon the pending amendment; that then a final vote be had on the bill and all amendments pending or which may be offered to it at 1 o'clock.

Mr. SMOOT. Without further debate.

Mr. CURTIS. Without further debate.

Mr. TRAMMELL. Would not that place a Senator who desires to propose an individual amendment at a great disadvantage? He might absolutely be cut off without an opportunity to explain his amendment.

Mr. CURTIS. He would have from quarter after 11 o'clock until 1 o'clock.

Mr. TRAMMELL. Some Senator might get the floor and hold it the entire length of time.

Mr. CURTIS. We can incorporate in the agreement a provision that after 11.15 no Senator shall speak more than 10 minutes.

SEVERAL SENATORS. Not more than five minutes.

Mr. CURTIS. Very well; not more than five minutes.

Mr. TRAMMELL. I have an amendment which I wish to propose; I will say that I have a recommendation for it from the engineers and the Secretary of War; and if I offered that amendment without any explanation it might not be adopted.

Mr. CURTIS. The Senator would have five minutes under the suggestion made; would not that be enough?

Mr. TRAMMELL. That would be enough.

Mr. CURTIS. I suggest an agreement in this form:

That the Senate now take a recess until 11 o'clock this morning; that at 11.15 o'clock a. m. a vote be had upon the pending amendment—the Nicaragua survey amendment—that after 11.15 debate shall be limited to five minutes on each amendment; no Senator shall be allowed to speak more than once; and that at 1 o'clock a final vote be had upon the bill and all amendments, pending or offered.

Mr. SMOOT. Not later than 1 o'clock.

Mr. CURTIS. Not later than 1 o'clock.

Mr. DILL. Before consent is given I want to be sure that I have an understanding that if the Nicaraguan joint resolution be not passed by the House, and signed by the President, the Senate conferees will not bring back this appropriation. I think that was the understanding.

Mr. CURTIS. That statement has twice been made on the floor.

Mr. DILL. I merely wanted to be sure of that.

Mr. WHEELER. That statement has been made several times.

The PRESIDING OFFICER. Is there objection to the unanimous consent agreement proposed by the Senator from Kansas?

Mr. THOMAS of Oklahoma. Mr. President, I have three amendments that I desire to offer to this bill. If these amendments should be accepted, they will take no time other than the time required to offer them. If objection is made to them, I desire to have some time.

Mr. HEFLIN. The Senator has five minutes.

Mr. KING. The Senator has five minutes on each one of them.

Mr. THOMAS of Oklahoma. Otherwise, I shall have to object. For one of my amendments five minutes would not suffice.

Mr. SMOOT. Mr. President, is not the amendment to which the Senator has reference legislation?

Mr. THOMAS of Oklahoma. It is not legislation. It is a most important matter, recommended by the Budget and by the various departments of the Government. It affects the American Indians. I am not going to agree to any proposition that will take away my rights on the floor.

Mr. NORRIS. Mr. President, let me suggest that the Senator from Kansas modify his proposal by making an exception giving

to the Senator from Oklahoma 10 minutes instead of 5 on his amendments.

Mr. THOMAS of Oklahoma. I think these amendments will be accepted. They should be accepted. If they are not accepted I want time to present them. They are most important.

Mr. SMOOT. Are they the ones that the Senator presented to the committee?

Mr. THOMAS of Oklahoma. Two of them are.

Mr. SMOOT. We could not accept those except by vote of the Senate. I am perfectly willing to have a vote of the Senate on those amendments, like any others.

Mr. THOMAS of Oklahoma. Mr. President, one of the amendments relates to a hospital recommended by the Indian Bureau, recommended by the Budget Bureau, passed by the House of Representatives, passed by this body, and then a difficulty arose in the conference committee on the regular Interior Department appropriation bill. This body receded, and the item is dead. I desire to reoffer that amendment; and I can not make any agreement now that will limit me in the presentation of the facts and figures that I have in favor of that amendment.

Mr. NORRIS. The Senator would not have any trouble in convincing the Senate in regard to that if we have once agreed to the amendment.

Mr. THOMAS of Oklahoma. That is what I said, that there should not be any trouble about it; but there has been.

Mr. WARREN. Mr. President, I think the Senator from Oklahoma may safely assume that as kindly attention as the circumstances permit will be given to every one of his amendments.

Mr. THOMAS of Oklahoma. I will say to the chairman of the committee that I am sure of that; but if we agree to a time to vote upon this proposition I shall be denied the opportunity to make any suggestions or offer the evidence that I have in support of my amendments.

Mr. CURTIS. Mr. President, I understand that the Budget Bureau and the President have recommended the hospital amendment since it was acted upon in the Senate. If so, I should not think there would be any objection at all to it.

Mr. THOMAS of Oklahoma. The only question is over the source of the funds.

Mr. SMOOT. Of course the Senate has already acted upon it once.

Mr. NORRIS. And agreed to it.

Mr. SMOOT. In other words, the Senator desires that that hospital shall be built by the Government instead of out of the funds of the Indians; and all other hospitals in the same position as those that the Senator is asking for have been built out of the Indian funds.

Mr. NORRIS. Mr. President, let me make a suggestion to the Senator from Kansas. The Senator from Oklahoma evidently has an amendment that he is in earnest about, and he desires an opportunity to present it; and, of course, in all fairness he ought to have an opportunity to be heard.

Mr. CURTIS. I am perfectly willing.

Mr. NORRIS. As long as we are getting an agreement that will permit a vote on the amendment that is pending here now, why should not the Senator from Oklahoma be allowed to present his amendments? Why not make an exception of the Senator from Oklahoma?

Mr. CURTIS. I should be willing to make an exception; but he has 30 minutes.

Mr. BARKLEY. Mr. President, I have been here all night, waiting patiently to offer in good faith an amendment to this bill which I can not discuss in five minutes.

Mr. NORRIS. Then the Senator ought to have more time. I do not think anybody who has an amendment to offer in good faith ought to be deprived of reasonable time in which to present it.

Mr. SHORTRIDGE. Mr. President, may I ask the Senator about how much time he thinks he would need to present his views in support of the proposed amendment?

Mr. BARKLEY. It is difficult to say, because questions might be propounded that would consume time. I had thought that it might take, under those conditions, 30 minutes. I am anxious to get a vote on the bill. I do not want to delay it for a moment.

Mr. KING. Mr. President, let me make an appeal to my brethren here. It is quite obvious that unless this bill goes through quickly we will not get it back to the House in time to have action taken before adjournment. It does seem to me, therefore, that those who have amendments, no matter how important, ought to be willing to restrict the time within which to present their arguments, because if we take too long a time it is obvious that we will not pass the bill, and we will have to adjourn and will get nothing. I beg Senators who have amendments to bear in mind that phase of the matter.

Mr. NORRIS. I suggest that the Senator from Kansas, in his unanimous-consent proposal, allow the Senator from Kentucky and the Senator from Oklahoma, say, 15 minutes on their amendments, if that will be satisfactory.

Mr. CURTIS. That will be satisfactory to me.

Mr. BARKLEY. Make it 20 minutes.

Mr. CURTIS. That is all right.

Mr. SMOOT. So far as the amendment of the Senator from Oklahoma is concerned, it is not a question of the Senate; it is a question of the House. I am perfectly willing to accept the hospital amendment of the Senator from Oklahoma and let it go to conference; but if we can not hold it in the conference I do not want him to feel that we have violated any understanding with him.

Mr. THOMAS of Oklahoma. On that proposition I am going to make such a record here, when I get the time, that the Senator will not be willing that this body recede from that amendment.

Mr. SMOOT. I am not going to have the bill fail on that amendment or any other if I can help it.

Mr. CURTIS. Mr. President, if the Senators mentioned are given 20 minutes each on their amendments, we will still have time left. I therefore ask unanimous consent that we vote on the pending amendment not later than 11.15 a. m., that the Senator from Kentucky [Mr. BARKLEY] have not to exceed 20 minutes on his amendment, the Senator from Oklahoma [Mr. THOMAS] not to exceed 20 minutes on each of his amendments, and that we vote not later than 1.15 p. m.

Mr. NEELY. And that no other Member of the Senate speak more than five minutes.

Mr. TRAMMELL. Mr. President, I desire to consent to almost any reasonable suggestion; but under that plan practically no other Senator will have any opportunity to offer an amendment or explain it. The Senator from Oklahoma has three amendments, as I understand. He will be allowed to speak 20 minutes on each one.

Mr. CURTIS. One of them will be accepted.

Mr. SMOOT. He will have 20 minutes on one, and 5 minutes on the other two.

Mr. NORRIS. That will give to the Senator from Oklahoma and the Senator from Kentucky combined, if one amendment is accepted, an hour; so the time ought to be extended a little.

Mr. TRAMMELL. We only have a little over an hour.

Mr. CURTIS. I extended the time to 1.15, which would give another hour for the other Senators.

Mr. TRAMMELL. There are several committee amendments that have not been disposed of.

Mr. CURTIS. They will not require any discussion.

Mr. TRAMMELL. I do not know whether they will or not.

Mr. NEELY. Mr. President, if this matter is not settled very soon I am going to insist on the regular order. It is useless to wait until 1 o'clock to-morrow to try to find out what we are going to do if everybody wants to stay here all night.

Mr. TRAMMELL. Nobody wants to stay here all night; but there are some Senators who do not want to be precluded from even offering an amendment and explaining it. Certain Senators insist on 20 minutes each or 15 minutes each; and I do not think a Senator who is willing to take only 5 minutes should be precluded from an opportunity of offering his amendment.

Mr. CURTIS. He ought not to be.

Mr. TRAMMELL. That is all I am asking for—about five minutes.

Mr. CURTIS. There will be one hour after the other Senators have exhausted their time.

Mr. NEELY. Mr. President, I ask the Senator from Kansas if he will not make one more modification of his request for the purpose of providing five minutes for the Senator from Florida [Mr. TRAMMELL]?

Mr. REED of Pennsylvania. Five minutes for any Senator who offers an amendment. That is the fair way to do.

Mr. NEELY. That might make it impossible to vote at 1.30.

Mr. REED of Pennsylvania. I have an amendment that involves $14,000,000, and all I ask is five minutes.

Mr. SMOOT. By making it 1 o'clock we would have ample time to take care of all that is said about any amendment, and more, too. If Senators can confine themselves to five minutes, outside of the exceptions that have already been made, we can get through easily by 1 o'clock; and I do not think we ought to run beyond that time.

Mr. CURTIS. One fifteen.

Mr. HEFLIN. That is the proposition. Is there objection to it?

Mr. CURTIS. I ask unanimous consent that the Senate recess until 11 o'clock a. m.; that there be a vote upon the pending amendment not later than 11.15; that then there be allowed to

the Senator from Oklahoma [Mr. THOMAS] 20 minutes on one amendment and 5 minutes on each of the other two amendments; that there be not to exceed 20 minutes allowed to the Senator from Kentucky [Mr. BARKLEY], 5 minutes to the Senator from Florida [Mr. TRAMMELL], 5 minutes to the Senator from Pennsylvania [Mr. REED]——

Mr. SWANSON. Five minutes to me.

Mr. CURTIS. Five minutes to the Senator from Virginia [Mr. SWANSON], and that we vote on the bill and all amendments pending and all amendments offered not later than 1.15 p. m. to-day.

The PRESIDING OFFICER. Is there objection?

Mr. SMOOT. Why not make it 1 o'clock?

Mr. HEFLIN. One fifteen.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the agreement is entered into, and the Senate stands in recess until 11 o'clock a. m.

RECESS

Thereupon, at 2 o'clock and 40 minutes a. m., Thursday, February 28, the Senate, under the unanimous-consent agreement, took a recess until 11 o'clock a. m.

## NOMINATIONS

*Executive nominations received by the Senate February 27 (legislative day of February 25), 1929*

PROMOTIONS IN THE REGULAR ARMY

*To be colonel*

Lieut. Col. Archibald Henry Sunderland, Coast Artillery Corps, from February 19, 1929.

*To be lieutenant colonel*

Maj. Clarence Self Ridley, Corps of Engineers, from February 19, 1929.

*To be majors*

Capt. John Theodore Pierce, jr., Cavalry, from January 22, 1929.

Capt. Vincent Bargmant Dixon, Air Corps, from January 22, 1929.

Capt. George Macdonald Herringshaw, Quartermaster Corps, from January 23, 1929.

Capt. Constant Louis Irwin, Infantry, from January 24, 1929.

Capt. Thomas Forrest Limbocker, Cavalry, from February 1, 1929.

Capt. Wilmer Stanley Phillips, Coast Artillery Corps, from February 1, 1929.

Capt. Leven Cooper Allen, Infantry, from February 2, 1929.

Capt. Cornelius Martin Daly, Cavalry, from Februay 11, 1929.

Capt. Richard Brogdon Trimble, Cavalry, from February 11, 1929.

Capt. Arthur Sandray Harrington, Field Artillery, from February 19, 1929.

*To be captains*

First Lieut. John Orn Roady, Infantry, from January 22, 1929.

First Lieut. Abraham Lincoln Bullard, Coast Artillery Corps, from January 22, 1929.

First Lieut. Clarence Dixon Lavell, Field Artillery, from January 23, 1929.

*To be first lieutenants*

Second Lieut. John Ismert Hincke, Coast Artillery Corps, from January 22, 1929.

Second Lieut. Fred Arley Ingalls, Air Corps, from January 22, 1929.

Second Lieut. Raymond Thomas Beurket, Field Artillery, from January 23, 1929.

MEDICAL CORPS

*To be colonels*

Lieut. Col. Charles Franklin Craig, Medical Corps, from February 18, 1929.

Lieut. Col. Robert Hamilton Pierson, Medical Corps, from February 18, 1929.

PROMOTIONS IN THE NAVY

MARINE CORPS

First Lieut. Sherman L. Zea to be a captain in the Marine Corps from the 6th day of September, 1928.

First Lieut. Frank B. Geottge to be a captain in the Marine Corps from the 2d day of January, 1929.

Second Lieut. Caleb T. Bailey to be a first lieutenant in the Marine Corps from the 22d day of December, 1928.

Second Lieut. Clarence J. Chappell, jr., to be a first lieutenant in the Marine Corps from the 16th day of January, 1929.

Corporal Louis M. Heinrichs to be a second lieutenant in the Marine Corps for a probationary period of two years from the 30th day of January, 1929.

POSTMASTERS

ALABAMA

John F. Harmon to be postmaster at Troy, Ala., in place of W. C. Starke, deceased.

ALASKA

George Warner to be postmaster at Valdez, Alaska, in place of G. W. Robbins, resigned.

CALIFORNIA

Grove K. Ketchum to be postmaster at Burbank, Calif., in place of L. M. Rothenburg. Incumbent's commission expired December 17, 1928.

Clayton C. Troxel to be postmaster at Riverside, Calif., in place of G. A. Herdeg, deceased.

GEORGIA

Henry F. Bullard to be postmaster at Cochran, Ga., in place of H. F. Bullard. Incumbent's commission expires February 27, 1929.

Rosa L. Lindsey to be postmaster at Irwinton, Ga., in place of R. L. Lindsey. Incumbent's commission expires March 3, 1929.

Lansing B. LeRoy to be postmaster at Tignall, Ga., in place of L. B. LeRoy. Incumbent's commission expired January 5, 1929.

INDIANA

William Endicott to be postmaster at Crawfordsville, Ind., in place of L. W. Otto, deceased.

William A. Lewis to be postmaster at Elwood, Ind., in place of F. D. Seeley. Incumbent's commission expired December 12, 1928.

IOWA

John M. Wright to be postmaster at Eldon, Iowa, in place of A. W. Moore, deceased.

Edgar M. Rhodabeck to be postmaster at Missouri Valley, Iowa, in place of W. S. Peterson, removed.

KANSAS

Nora E. Stiers to be postmaster at Uniontown, Kans., in place of A. A. Stiers, deceased.

KENTUCKY

Jackson P. Crain to be postmaster at Jackson, Ky., in place of H. C. Hurst. Incumbent's commission expired May 14, 1928.

MARYLAND

Lewis J. Williams, to be postmaster at Bel Air, Md., in place of W. L. Barnes. Incumbent's commission expired January 10, 1929.

MICHIGAN

Charles R. Foote to be postmaster at Alto, Mich., in place of M. A. Watson, resigned.

MISSISSIPPI

Walter W. Holmes to be postmaster at McComb, Miss., in place of W. W. Holmes. Incumbent's commission expired February 16, 1929.

Johnnie L. Posey to be postmaster at Philadelphia, Miss., in place of J. L. Posey. Incumbent's commission expired February 16, 1929.

NEW HAMPSHIRE

Ernest D. Royce to be postmaster at Somersworth, N. H., in place of C. E. Winn, removed.

NORTH DAKOTA

Johanes Folstad to be postmaster at Goldenvalley, N. Dak., in place of M. B. Engbrecht, resigned.

SOUTH CAROLINA

A. MacLean Fletcher to be postmaster at McColl, S. C., in place of J. C. Graham, removed.

SOUTH DAKOTA

Charles S. Hight to be postmaster at White River, S. Dak., in place of J. E. Toft, removed.

TEXAS

William W. McChristian to be postmaster at Alba, Tex., in place of J. H. Loyd, removed.

UTAH

Horace E. Day to be postmaster at Fillmore, Utah, in place of H. E. Day. Incumbent's commission expires March 3, 1929.

WISCONSIN

John I. Edwards to be postmaster at Hazel Green, Wis., in place of J. I. Edwards. Incumbent's commission expired February 18, 1929.