nor to pass any legislation of religious nature which may be pending; to the Committee on the District of Columbia.

3453. By Mr. LEA of California: Petition of 740 residents of California, protesting against the enactment of Senate bill 3218, known as the compulsory Sunday observance bill; to the Committee on the District of Columbia.

3454. By Mr. SINNOTT: Petitions of residents of Morrow County, Oreg., protesting against the passage of the compulsory Sunday observance bill (S. 3218); to the Committee on the District of Columbia.

3455. By Mr. STRONG of Kansas: Petition of over 100 citizens of Clay Center, Kans., favoring passage of legislation to increase pensions of veterans of the Civil, Indian, and Spanish Wars and their widows; to the Committee on Pensions.

SENATE

THURSDAY, *January 15, 1925*

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

Gracious Father, we rejoice before Thee this morning. Thy rule over us is a rule of love. Thou dost bear with us in many of the circumstances of life, and Thou dost bring us safely through all the pathways wherein we find confusion and distress. Thou art the same yesterday, to-day, and forever in Thy care over us. Humbly we look unto Thee with gratitude this morning and ask for Thy further guidance, so that whatever may be awaiting us as the days multiply we may be able to say according to Thine own word, as thy day is so shall thy strength be. Hear us, help us, forgiving our failings and shortcomings, and accept of us, through Christ our Lord. Amen.

The reading clerk proceeded to read the Journal of the proceedings of the legislative day of Monday, January 5, 1925, when, on request of Mr. JONES of Washington and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had passed a bill (H. R. 8887) to amend an act entitled "An act to provide for the consolidation of national banking associations," approved November 7, 1918; to amend section 5136 as amended, section 5137, section 5138 as amended, section 5142, section 5150, section 5155, section 5190, section 5200 as amended, section 5202 as amended, section 5208 as amended, section 5211 as amended, of the Revised Statutes of the United States; and to amend section 9, section 13, section 22, and section 24 of the Federal reserve act, and for other purposes, in which it requested the concurrence of the Senate.

METHOD OF CAPITAL PUNISHMENT IN THE DISTRICT

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 387) to prescribe the method of capital punishment in the District of Columbia, which were, on page 2, lines 2 and 3, to strike out "available and not otherwise" and insert in lieu thereof "hereafter"; and on page 2, line 6, to strike out "available and not otherwise" and insert in lieu thereof "hereafter."

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

The motion was agreed to.

Mr. BALL. I submit a concurrent resolution and ask for its immediate consideration.

The concurrent resolution (S. Con. Res. 26) was read as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate be, and he is hereby, authorized and directed, in the enrollment of the bill (S. 387) to prescribe the method of capital punishment in the District of Columbia, to strike out on page 1, line 3, of the engrossed bill the following: "on and after the 1st day of July, 1924," and insert: "hereafter."

Mr. KING. May I understand the purpose of the amendment proposed to be made?

Mr. BALL. The reason for this action is that the Senate passed the bill last January and it was to go into effect on the 1st day of July, 1924. Now, the object is to have the date changed so that it will go into effect after its approval.

Mr. KING. I think that is a mistake.

Mr. BALL. As the bill stands now it is to go into effect on the 1st day of July, 1924.

Mr. KING. I see, but it ought to be July 1, 1925, because the necessary arrangements will have to be made.

The concurrent resolution was considered by unanimous consent and agreed to.

OFFICIAL PAPERS OF TERRITORIES

Mr. RALSTON. There is on the calendar the bill (S. 2935) for the publication of official papers of the Territories of the United States now in the national archives. The bill was reported from the Committee on Printing with an amendment. I ask unanimous consent that the amendment found on page 3, line 1, consisting of the insertion of the three words "authorized to be" may be agreed to at this time.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Indiana?

Mr. MOSES. May I interrupt to say to the Senator from Indiana that I think the Senator from Utah [Mr. SMOOT] wishes to be present when the bill is considered?

Mr. RALSTON. I had an understanding with him yesterday that in his absence I could ask for the adoption of the amendment.

Mr. MOSES. Very well. I did not know the Senator had such an arrangement with the Senator from Utah. I have no objection.

There being no objection the bill was considered as in Committee of the Whole.

The amendment of the Committee on Printing was, on page 3, line 1, after the word "hereby," to insert the words "authorized to be," so as to make the sentence read, "There is hereby authorized to be appropriated," etc.

The amendment was agreed to.

Mr. RALSTON. Now I move that the bill be further amended by striking out the word "historian" wherever it occurs in the bill and inserting in lieu thereof the word "editor."

The PRESIDENT pro tempore. The amendment will be stated.

The READING CLERK. Wherever in the bill the word "historian" occurs, strike out the word and insert in lieu thereof the word "editor."

The amendment was agreed to.

The PRESIDENT pro tempore. Does the Senator from Indiana desire the bill passed at this time?

Mr. RALSTON. No. I did not have an understanding with the senior Senator from Utah that it was to be put upon its passage, but that I would simply have the amendments agreed to.

The PRESIDENT pro tempore. The amendments have been agreed to and the bill will be returned to the calendar.

MAY ADELAIDE SHARP

Mr. SIMMONS. Mr. President, I ask unanimous consent for the present consideration——

Mr. MOSES. Mr. President, may we not have the regular order? I have a number of small reports from the Committee on Printing that I would like to present to the Senate and ask for their immediate consideration. We are under the head of presentation of petitions and memorials, if I understand the situation correctly.

Mr. SIMMONS. What I desire to do will not take three minutes.

Mr. MOSES. I shall not object to the request which the Senator is about to make, but I certainly wish to reach the regular order at some time.

Mr. SIMMONS. I desire to call up the bill (H. R. 6498) for the relief of May Adelaide Sharp. It is a bill to pay to Mrs. Sharp, the widow of Hunter Sharp, late American consul at Edinburgh, Scotland, the sum of $5,000. The bill has passed the House. It has been favorably reported by the Committee on Claims, and I ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from North Carolina?

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to May Adelaide Sharp, widow of the late Hunter Sharp, late American consul at Edinburgh, Scotland, the sum of $5,000, being one year's salary of her deceased husband, who died of illness incurred while in the Consular Service; and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, a sufficient sum to carry out the purpose of this act.

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

URGENT DEFICIENCY APPROPRIATIONS

Mr. WARREN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11308) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1925, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1925, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 15.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 9, 10, 12, 13, 14, 16, 17, 18, 19, 20, and 21; and agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: Strike out in lines 14, 15, 16, 17, and 18 of the matter inserted by said amendment the following: "including the same objects and under the same limitations as are prescribed under this head in the act making appropriations for the Interstate Commerce Commission for the fiscal year ending June 30, 1925"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 7 and 8.

F. E. WARREN,
CHARLES CURTIS,
LEE S. OVERMAN,
Managers on the part of the Senate.

MARTIN B. MADDEN,
D. R. ANTHONY, Jr.,
JOSEPH W. BYRNS,
Managers on the part of the House.

Mr. WARREN. I move the adoption of the report.

Mr. KING. What are the amendments not yet agreed to?

Mr. WARREN. They do not involve the amendment offered by the junior Senator from Utah. That is contained in the bill, having been agreed to by the conferees. The two items that must go back to the House do not involve a disagreement except that they are of such a nature that the House members of the conference considered that they must take them back to the House. I move the adoption of the report.

The PRESIDENT pro tempore. The Senator from Wyoming asks unanimous consent for the immediate consideration of the conference report just presented. Is there objection?

Mr. ASHURST. I have no objection to its consideration, but——

Mr. WARREN. Under the rule, when a conference report is presented, there has to be a vote without debate if the motion is made to proceed to its consideration. I move the adoption of the report.

Mr. ASHURST. A motion for the adoption of a conference report is open to debate. I have no objection to its present consideration.

The PRESIDENT pro tempore. There is no objection to the present consideration of the conference report, and the question is, Shall the report be agreed to?

Mr. ASHURST. Mr. President, it is always a dubious performance, usually of doubtful propriety, and should be resorted to only in extreme cases, to attempt to impede the progress of an appropriation bill or supply bill, because the functions of our Government are so numerous that frequently in one supply bill are carried the funds to conduct the energies and agencies of the Government to which we have committed the Government. Hence, although after a service of some years, I have never attempted wantonly to impede the progress of a supply bill. It is regarded in the parliamentary procedure of the United States as contra bona parliamenta to impede wantonly the progress of a supply bill.

We have reached a position respecting our supply bills, the appropriation bills, where it is necessary for the Congress to remind the Executive that Congress lays the taxes and appropriates the money; that whilst we have invited the Executive and the Budget master to make recommendations, Congress retains control of the purse. Indeed, that is one of the most cherished principles of parliamentary governments. When Parliament was forming in England, no matter how arrogant the King might be, no matter how many ministers he might behead, the Parliament always reserved to itself the control of the purse. So in the Congress of the United States, whilst it welcomes suggestions, messages, opinions, and estimates from the Executive, Congress nevertheless reserves the right to say what sums of money may be appropriated. Laying down that broad premise, I discuss a situation that has arisen.

When the deficiency appropriation bill was before the Senate on the 5th of June, 1924, my colleague, the junior Senator from Arizona [Mr. CAMERON], offered an amendment to the bill, as follows:

That there is hereby appropriated, from the reclamation fund established by the act of June 17, 1902 (32 Stat. L. p. 388), the sum of $200,000, for operation and maintenance and completion of construction of the irrigation system required to furnish water to all of the irrigable lands in part 1 of the Mesa division, otherwise known as the first Mesa unit of the Yuma auxiliary project, authorized by the act of January 25, 1917 (39 Stat. L. p. 868), as amended by the act of February 11, 1918 (40 Stat. L. p. 437): *Provided*, That all moneys received by the United States in payment of land and water rights in said part 1 of the Mesa division, beginning one year from the date this act becomes effective, shall be covered into the reclamation fund until the sum advanced from said fund hereunder is fully paid.

SEC. 2. That the purchase price of land and water rights hereafter sold in said part 1 of the Mesa division shall be paid to the United States in 10 equal installments, the first of which shall be due and payable at the date of the purchase, and the remaining installments annually thereafter, with interest on deferred installments at the rate of 6 per cent per annum, payable annually; and the Secretary of the Interior is authorized, at any time within one year from the date this act becomes effective, to amend any existing uncompleted contract for the purchase of land and water rights so that the aggregate amount of principal and interest remaining unpaid under such contract may be paid in 10 equal installments in accordance with the conditions of this section, beginning with the date of amendatory contract.

SEC. 3. That land and water rights in said part 1 of the Mesa division heretofore or hereafter offered at public sale under said act of January 25, 1917, and not disposed of at such public sale may be sold later at private sale at not less than $25 per acre for the land and at $200 per acre for the water right, and a corporation may purchase land and water rights at any such sale either public or private and receive patent therefor.

Upon that same date my colleague laid before the Senate certain pertinent facts showing the necessity for the adoption of this amendment, and the Senate unanimously agreed to the amendment.

Upon the same day I offered another amendment to the same deficiency bill, which I shall not now read, because whilst it is important it is not an issue at this moment, but I include it in the RECORD. My amendment was unanimously agreed to by the Senate on June 5, 1924.

The PRESIDENT pro tempore. In the absence of objection, it will be printed in the RECORD.

The amendment is as follows:

That there is hereby authorized to be appropriated out of any moneys in the Treasury of the United States not otherwise appropriated the sum of $597,088, or so much thereof as may be necessary to reimburse the reclamation fund for the benefit of the Yuma Federal irrigation project in Arizona and California for all costs, as found by the Secretary of the Interior, heretofore incurred and paid from the reclamation fund for the operation and maintenance of the Colorado River front work and levee system adjacent to said project.

SEC. 2. That there is hereby authorized to be appropriated out of any moneys in the Treasury of the United States not otherwise appropriated the sum of $100,000, or so much thereof as may be necessary, to be transferred to the reclamation fund and to be expended under the direction of the Secretary of the Interior for the purpose of paying the operation and maintenance costs of said Colorado River front work and levee system adjacent to said Yuma project, Arizona-California, for the fiscal year ending June 30, 1925.

SEC. 3. That there is hereby authorized to be appropriated out of any moneys in the Treasury of the United States not otherwise appropriated for the fiscal year ending June 30, 1926, and annually thereafter, the sum of $35,000, or so much thereof as may be necessary, as the share of the Government of the United States of the costs of operating and maintaining said Colorado River front work and levee system: *Provided*, That the said sum of $35,000, or so much thereof as may be necessary, shall only be available if and when double such said amount of $35,000 shall have been provided by the States of Arizona and California, the county of Yuma, Ariz., and the Yuma project, or any of them, it being hereby declared to be the policy of the United States to assume one-third of the obligation of caring for said river-front work and levee system adjacent to said Yuma project, Arizona-California.

Mr. ASHURST. Mr. President, the two amendments to the deficiency bill to which I have referred went to conference.

The amendment of my colleague provided that the Yuma Mesa, so called, should be administered under the general reclamation law; that, after omitting all extraneous matter, is what the amendment provided. Referring now to my amendment, it will be remembered that in 1910 the Congress appropriated $1,000,000 to revet the western bank of the Colorado River below Yuma. The sum of $1,000,000 was expended in Lower California, in Mexico, on the revetment of the bank of the Colorado River. This revetment work threw the waters of that river with great force against the eastern or Arizona bank, and, like a giant with steel fingers, the river overwhelmed and destroyed many farms and bankrupted many worthy people; my amendment simply provided, as to the amount of money those farmers had expended in revetting the river, whose overflow had been caused by the expenditure of the million dollars which the Government had spent in Mexico on the west side of the river, that the Government of the United States and not those farmers should pay the expense and that thereafter an agreement should be made whereby the Federal Government should pay a third of the expense of maintaining the river below Yuma within a fixed channel.

Those two amendments were unanimously agreed to. Soon after my amendment was presented the esteemed Senator Lodge, whose name I mention with great respect, made some objection; but I had no sooner stated my case than Senator Lodge said, "Certainly, I have no objection to such an amendment," for he was a practical statesman of such judgment and sagacity that merely to state a proposition of that sort was to convince him.

Those two amendments went to conference. Parliamentary law, which I recognize and respect, would not permit me to refer to the treatment of those amendments in conference. I recognize parliamentary law, and even if there were no parliamentary law on the subject, I am not here to challenge motives. I impugn the motives of no individual, whether he be a Member of this body or of a body elsewhere. I must point out to the Senate and to the country an obvious injustice that must not be permitted longer to continue.

The Senate conferees receded from the amendment which my colleague introduced, and also from the amendment which I introduced. It will be remembered that when the deficiency bill came before the Senate, on the conference report, in the closing hours of the session, on June 7, 1924, my colleague and I each stated that we would not assume the responsibility for the defeat of the deficiency bill; that it was a burden which we did not wish to assume, and which we would not assume; and that if the deficiency bill was killed or delayed until the December session, it would not be through our fault or procurement, whereupon assurances came to us of a high and responsible character that if we would permit the deficiency bill to pass, at the first opportunity which offered itself those two amendments would again be stapled to the first deficiency bill.

On June 7, 1924, as will be found on page 11189 of the RECORD, I stated:

> Much as I desire to see my own amendment and the amendment of my colleague retained in this conference report, I decline to assume the responsibility of killing this deficiency bill, as such action would starve many of the great energies of the Government. I have conferred with my colleague [Mr. CAMERON], but neither he nor I will assume the heavy responsibility of killing this vital bill, as such action would paralyze too many agencies of the Government, although the conferees have abandoned and thus defeated the legislation that we seek.

At the same time I reminded the Senate of the injustice that would be perpetrated if the amendments were not agreed to; but, refusing to assume that heavy responsibility at that time because the agencies of government in too many places would have been starved, the bill did not fail through our fault or procurement or through our designs.

No sooner had we announced that we did not intend to obstruct that deficiency bill than Senators—not by twos, but by dozens—came forward and stated, "By your action to-day you have absolutely made it certain that we will pass your two amendments at the next session of Congress." I did not consider that that was a bargain; the statement was voluntarily made on the part of Senators; they had a right to make such statements.

What is the reason for this amendment? I will ask Senators to refer to page 10913 of the RECORD of the last session of Congress, where will be found the speech of my colleague pointing out the necessity for this legislation. It will be remembered that under the terms of the act of June 25, 1917, certain lands known as the Yuma Mesa or auxiliary to the Mesa project, embracing about 6,400 acres, were set aside for sale and settlement. This acreage was subdivided into farm units of from 5 to 20 acres each, and, in accordance with the special act, those farm units were offered for sale at public vendue, on December 10, 1917. The terms of the sale were 10 per cent cash on the day of sale, 15 per cent additional in 60 days, and thereafter, if the sale were approved by the Secretary of the Interior, the remaining 75 per cent was to be divided into 3 equal annual payments of 25 per cent each, with 6 per cent interest.

In 1917, at the time of the sale, it looked as if the terms were not oppressive, but, owing to the enormous advance in the price of commodities everywhere, it was discovered to be impossible for many of these purchasers to make their payments, and if they did not make the payments the amounts they had paid into the Government might be retained as liquidated damages and possibly would not be returned to them, whereas if the law could be amended so that the terms of the general reclamation law would apply the settlers would be able to make the payments.

The figures were as follows: There were 121 purchasers owning 1,385 acres who had paid 100 per cent on their contract; 59 purchasers owning 740 acres who had paid 75 per cent; 74 purchasers owning 875 acres who had paid 50 per cent; and 120 purchasers owning 645 acres who had paid 25 per cent.

So Senators will perceive that, whilst 121 purchasers have completed their payments, there are 59 who have paid 75 per cent, 74 who have paid 50 per cent, 120 who have paid 25 per cent who will suffer loss unless they obtain relief.

To afford relief to the settlers I introduced a bill when Congress convened in December last, and my colleague offered it as an amendment to the deficiency bill which was passed the other day when there were present more than the usual number of Senators.

Mr. KING. Mr. President, will the Senator yield for a question?

Mr. ASHURST. I yield.

Mr. KING. My attention was diverted for a moment, and I did not follow the Senator. Were these people who the Senator says would be annihilated the ones who suffered by reason of the act of the Government in expending $1,000,000 in Mexico?

Mr. ASHURST. Some of them were the same people, but by no means the same lands are involved. Some of them having been injured by their own Government when it spent $1,000,000 in Mexico, concluded that they would go upon the Mesa, where the Federal Government could not by spending $1,000,000 in Mexico throw the water onto their lands; but they find now that the payments can not be made at this time.

Mr. KING. Just one moment. Are these payments due on account of an irrigation project which the Government has inaugurated and under which these people have claims?

Mr. ASHURST. There was a tract of land about 35,000 acres in area, once said by Secretary Lane to be the most fertile tract of land in the Western Hemisphere. It is in a frostless zone. The upset price at which the raw lands were to be sold was $225 an acre. Senators who are familiar with the cultivation of land must know that the initial cost of the land is only one of the small items in preparing the same for the cultivation of oranges, olives, grapes, and grapefruit. The question simply is, Shall we allow these purchasers to pay in 10 installments rather than in four? Stripped of verbiage, that is the question. They will pay 6 per cent interest on the deferred payments. Shall we play the part of that famous character in "The Merchant of Venice"? Shall we, as the representatives of the people, play the part of a money grabber in dealing with those who are asking only that they be permitted to make payment in 10 installments?

I have here a letter addressed to the chairman of the Senate Committee on Irrigation and Reclamation, dated January 2 of this year:

> HON. CHARLES L. MCNARY,
> *Chairman, Committee on Irrigation and Reclamation,*
> *United States Senate.*
>
> MY DEAR SENATOR MCNARY: Receipt is acknowledged of your letter of December 4, 1924, transmitting copies of two bills (S. 3537 and S. 3538) with request for immediate report thereon. * * *
>
> The proposed measure is entitled "A bill for the completion of the first Mesa division of the Yuma Auxiliary reclamation project, Arizona, and for other purposes."
>
> This bill is designed—

Now, this letter is signed by the Secretary of the Interior—

This bill is designed to provide sufficient funds with which to complete the first unit of the so-called Mesa project and to ameliorate the terms of payment prescribed in the original act. Under the terms of the original law payments for the land and water right was to be made 25 per cent immediately upon execution of contract and the remaining 75 per cent in three annual installments, with interest at 6 per cent per annum on deferred payments. The funds thus far provided have been entirely advanced by the contract holders, no appropriation having been made by Congress to aid in the construction or operation and maintenance of the unit.

Some of the contract holders—

That is, the purchasers—

have been unable to complete payments, from which it follows that there is a dearth of funds with which to complete construction of the necessary works and to operate and maintain the completed works.

The operations thus far conducted serve to confirm the belief that the unit possesses great possibilities. It is now proposed that there be advanced from the reclamation fund the sum mentioned, and that all moneys received by the United States in payment for land and water rights beginning one year from the date this act becomes effective shall be covered into the reclamation fund until the sum thus advanced is fully paid. To make clear that the advances proposed are to be made from the reclamation fund, I suggest that for the words "That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated," * * * there be substituted the following: "That there is hereby appropriated from the reclamation fund"—

And so forth.

The Secretary continues:

Provision is made in the bill that payments on land and water right contracts hereafter executed shall be made in 10 equal annual installments, with interest on deferred payments at the rate of 6 per cent per annum, payable annually, with authority given to the Secretary of the Interior to amend uncompleted contracts so that the unpaid balance shall be paid in 10 equal annual installments.

The bill has been submitted to the Director of the Bureau of the Budget, who reports that the contemplated expenditure from the reclamation fund is not in conflict with the President's financial program, provided the amendments herein suggested are incorporated.

Sincerely yours,

HUBERT WORK, *Secretary.*

My colleague has incorporated in his amendment the changes and corrections indicated by the Secretary of the Interior. Now it is proposed that the Senate shall recede from this amendment, which, in my judgment, means a further continuation, postponement, neglect, and delay in settling this question.

Mr. KING. Mr. President, will the Senator yield? I dislike to interrupt him, but I want to follow him and get as much information as I possibly can.

A moment ago I made an inquiry of the Senator as to whether this was a reclamation project. That is, that was the substance of my inquiry. I gathered from what the Senator said that it was not a reclamation project; that the Government owned a tract of land considered by Secretary Lane to be very valuable indeed, and that a certain amount of this land was sold to these settlers. If that be true, it is not a reclamation project; and I was wondering how many refunds could be made from the reclamation fund to these individuals, no matter how much they had suffered, because the reclamation fund, as the Senator knows, is derived from various sources, and the entire fund is to be used under the reclamation law, under the so-called Newlands Act. I can not quite follow the Senator.

Mr. ASHURST. It is the intention of the bill to place this project, in a manner, under the general reclamation law. Although the general reclamation law, as amended in 1914, required the payments to be made within 20 years, this bill does not ask that the payment be made within 20 years, but within 10 years. I have read to the Senator the figures showing that a large number have paid 100 per cent, some have paid 75 per cent, some 50, and some 25 per cent. The lands were sold at public outcry; the upset price was fixed at $225 per acre, but in most instances the lands sold for a higher sum per acre, to be paid in four equal installments. The question now is simply this: Shall we allow these purchasers to have a 10-year period for the payment of the balance of the purchase price, or must they comply with what now appear to be the harsh, rigid terms of the law of 1917?

Mr. KING. Then, as I understand, it is merely granting a moratorium with respect to the period of payment, and is not a charge upon the reclamation fund?

Mr. ASHURST. It simply is an advance of $200,000 from the reclamation fund, and is approved by the Director of the Bureau of Reclamation, approved by the Secretary of the Interior, approved by the Director of the Budget, approved by the President of the United States, and approved twice by the Senate of the United States.

Mr. BAYARD. Mr. President, may I interrupt the Senator a moment?

Mr. ASHURST. I yield.

Mr. BAYARD. I do not quite understand one part of the Senator's proposition. The Senator says that some of these settlers have paid a certain percentage on account and a varying percentage on account. Is that right?

Mr. ASHURST. Yes.

Mr. BAYARD. Is the Senator's proposition to cover a 10-year period for the balance? In other words, suppose one man has paid 50 per cent and another man 75 per cent. Is each one of those men to have a 10-year period from now on to pay the balance?

Mr. ASHURST. I think I would better resort to the bill, because I would not be guilty of such temerity as to try to construe a law for him.

Mr. BAYARD. I am not trying to get a construction.

Mr. ASHURST. I want the Senator's construction. Let us read the bill. It appropriates—

the sum of $200,000, to be paid out of the reclamation fund established by the act of June 17, 1902 (32 Stats. p. 388), for operation and maintenance and completion of construction of the irrigation system required to furnish water to all of the irrigable lands in part 1 of the Mesa division, otherwise known as the First Mesa Unit of the Yuma Auxiliary project, authorized by the act of January 25, 1917 (39 Stats. p. 868), as amended by the act of February 11, 1918 (40 Stats. p. 437): *Provided,* That all moneys received by the United States in payment of land and water rights in said part 1 of the Mesa division, beginning one year from the date this act becomes effective, shall be covered into the reclamation fund until the sum advanced from said fund hereunder is fully paid.

That is to say, whoever among these who have not paid shall make payment, those avails shall be restored and repaid to the reclamation fund.

Provided further, That the purchase price of land and water rights hereafter sold in said part 1 of the Mesa division shall be paid to the United States in 10 equal installments, the first of which shall be due and payable at the date of the purchase, and the remaining installments annually thereafter, with interest on deferred installments at the rate of 6 per cent per annum, payable annually.

Mr. BAYARD. That is the future payments?

Mr. ASHURST. The future payments; but the $200,000 is to continue the development of the project, to pump the water up there.

Mr. BAYARD. May I interrupt the Senator to this extent? I do not understand this phase of his remarks:

He says a number of people are already on there, not referring to those to come hereafter. They have paid a varying proportion of the amount due upon their holdings; and, as I understand, the purpose of the Senator is so to amend the law that instead of having the four equal annual payments the balance shall be extended over a term of 10 years, regardless of the amount they have paid on account?

Mr. ASHURST. Let me say——

Mr. BAYARD. What I want to ask the Senator is: How does he make that an equitable proposition when there have been varying payments made on account?

Mr. ASHURST. The amendment provides—

And the Secretary of the Interior is authorized at any time within one year from the date this act becomes effective to amend any existing uncompleted contract—

That is the contract between the Government and the purchaser. It is left in the breast of the Secretary of the Interior, so that he may bring about an equitable adjustment.

I read again:

to amend any existing uncompleted contract for the purchase of land and water rights so that the aggregate amount of principal and interest remaining unpaid under such contract may be paid in 10 equal installments.

That is to say, under this language the Secretary of the Interior undoubtedly would have a right to say to those who have paid 75 per cent, the 50 per cent, or the 25 per cent, "You may have 10 equal annual installments in which to pay the balance."

Mr. BAYARD. At that point may I make this suggestion: Suppose A, B, C, and D had all bought rights at $1,000 apiece, and A had paid 50 per cent, B had paid 60 per cent, C had paid 70 per cent, and D had paid 80 per cent. The Senator is proposing to give the Secretary of the Interior the right to tell them whether or not they can have any intermediate period

between the balance of the existing period and a 10-year period at his own option. Suppose he said to A, who has 50 per cent still to pay: "You can have only five years."

Mr. ASHURST. No; he could not do that under the law.

Mr. BAYARD. But the Senator says he gives him the option.

Mr. ASHURST. No.

And the Secretary of the Interior is authorized at any time within one year from the date this act becomes effective to amend any existing uncompleted contract for the purchase of land and water rights so that the aggregate amount of principal and interest remaining unpaid under such contract may be paid in 10 equal installments.

Mr. BAYARD. "May be"—that is the very point; but the point I make is that the Senator's language is such that he may say to the one who has paid 50 per cent, "You shall pay in five years," and to the one who has paid 80 per cent, "You may pay in 10 years."

Mr. ASHURST. I admit that the word "may" there might be construed to be directory.

Mr. BAYARD. I do not think the Senator's language is equitable.

Mr. ASHURST. I think it is directory. "May" frequently is directory.

I do not claim, Mr. President, that the Senate is foreclosed because the Senate adopted this amendment twice, once on June 5 and once on last Monday. I do not recognize in the Senate a doctrine of foreclosure. Because, forsooth, the Senate voted for an amendment last June and last Monday is no argument for foreclosing Senators from altering their opinions. I refuse to be bound by such a rule. If I voted for a bill last June and last Monday and see new facts develop, I change my vote, and any other Senator under similar circumstances would do the same. But no new fact has been submitted which would militate against this amendment my colleague proposed to the deficiency bill. Indeed, the only new facts developed are comprehended within the letter of the Secretary of the Interior setting out his approval of this legislation, setting out that the Director of the Bureau of the Budget recommends this legislation. I have never dipped my words into a tank of diplomatic antiseptic before I gave them utterance. I have never been given to censorship. During the war I opposed censorship. I have no patience with a man who turns each phrase carefully and neatly, fearful that it may later impale him. I want the words to come hot from the heart. It has been a habit of mine—possibly it is a habit I have indulged too frequently here—of speaking my mind, and in this case I shall continue my lifelong habit of saying what I think.

I repeat that I challenge no motives. I impugn the good faith of no man, here or elsewhere. Doubtless Senators are acting according to the lights before them, and when men do that they are secure from my prejudice. But I am radically at variance with the idea that great appropriation bills, appropriating millions of dollars, may be put through here under whip and spur, with frowns of disapprobation on the brows of leaders and on their lips requests to be silent when some Senator from a sovereign State of the Southwest intimates that at least a shred, a small modicum, of justice now and then ought to be done.

Consider the case. Have I been patient? I leave that to the judgment of a Job. Have I been meek? I will leave that to the meekest man to say. Mr. President, consider your situation if this should happen to your State as it has happened to my State. In 1910 the Congress of the United States appropriated $1,000,000—and of that I make no complaint—to revet the banks of the Colorado River. Federal money, which your constituents dived deeply into their pockets to pay, was expended in Mexico to revet the banks of the Colorado River and build what is known as the Okerson Levee. I am not challenging the correctness of that legislation. You, sir, are a man of conscience and you are a statesman—and you were in the Senate at the time—and I will warrant the assertion that you voted for that appropriation, and possibly others would have done the same, and possibly I would have. I am not complaining about the $1,000,000 being appropriated, but consider, it was spent in Lower California, in Mexico, on the Mexican side of the Colorado River—because Arizona extends lower and more southerly into Mexico than does California.

Possibly conscience and engineering skill required that the money should be spent in Mexico. But, Mr. President, when the irresistible tide of the second largest river in the United States—the Colorado River, a river more temperamental and flashy than any other river in the world, not even the Nile being more flashy and temperamental—when that mighty river, which in its history has risen 25 feet in a few days and struck the Okerson Levee, it rebounded and resurged over onto the Arizona side, and like a million giants with fingers of steel it clawed and ate away the rich farms of my constituents on the Arizona side.

Finally the river was revetted at the expense of the farmers. My former colleague, Senator Marcus A. Smith, saw the situation and attempted to secure legislation to repay the farmers. In 1914 he introduced the appropriate legislation, and esteemed Senators on yon side said, "Be patient a little longer; your case is so equitable, the overwhelming equities are so in your favor, that you should be patient a little longer, and we will take care of it." The farmers continued to pay for controlling the river, and have already paid over $600,000 to control the banks of the mightiest river, except one, in the United States; a river which is interstate and intrastate in character; a river which flows 1,700 miles, and, as I have described, rises suddenly and defies the puny efforts of mankind to control it. Every engineer, every Senator, every person capable of reading a book or comprehending a fact, who has ever looked at the question has said, "Arizona farmers should be reimbursed for the expenditure to which they were put in controlling that river below Yuma."

That is a navigable stream below Yuma. Whether it be practically navigable above there or not I will let others decide, but it is a navigable stream below Yuma, and I have ridden on a steamboat there. These hands have held the wheel, as an experience, on the river there years ago. So last June, when my colleague [Mr. CAMERON] offered his amendment to give the people of Yuma Mesa relief, the amendment went onto the bill. I offered my amendment to give relief to these farmers who have taken care of the control of the river below Yuma. The amendments went out in conference. Howsoever much internally I may have boiled with indignation, I kept a calm exterior, because Senators who are powerful on yon side said, "Be ye patient just a little longer; let your farmers stand up to the waist in the sand and water for a while longer; let their breasts hurl back the onrushing surge of waters; be ye patient a little longer, and we will see that the Federal Government controls that river below Yuma."

I have not offered my amendment to this particular bill; I did not wish to attempt too much at one time. I stand squarely for the amendment of my colleague. I think we have a right to ask that that simple amendment of his shall be retained in the deficiency bill. Esteemed Senators say, "Are you going to delay the deficiency bill? Do you not know that in the deficiency bill are $150,000,000 to repay men who have overpaid their income taxes?"

I have no quarrel with legislation which proposes to return to citizens excess payments on their income taxes. Indeed, one of the complaints I have against the operation of bureaus of our Government is that they do not settle with the citizens soon enough. But that is no reason——

Mr. McKELLAR. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from Tennessee?

Mr. ASHURST. I yield.

Mr. McKELLAR. Does not the Senator think that tax collectors ought to know their business well enough not to collect too much taxes from the citizen in the beginning?

Mr. ASHURST. Will the Senator pardon me? I do not want to be drawn into a discussion of that subject.

I do not quarrel with any particular item in the deficiency bill, but will submit to the judgment of my fellow Senators as to whether or not there be any item in the bill more important than this one. The Chair will pardon me if I do not specialize in the matter of the first few items in the bill, because they are to pay, and properly pay, to the surviving relatives of deceased Senators and Representatives the amounts proper to be paid.

The next is an appropriation of $1,587, an unexpended balance of appropriation for the legislative drafting service of the Senate. That is a very important service. Senators might, if they would avail themselves of the energies of that legislative drafting service, ascertain from information furnished to them that this amendment is in accordance with the rules. That is what that drafting service is for.

The next is for "conveying votes of electors for President and Vice President" and "for the payment of the messengers," $14,000. That is to pay the messengers who are going to bring to us the returns of the last election. He would be a poor sportsman, he would not have a grain of statesmanship in his make-up who, because his party happens to be defeated, would attempt to delay the payment of the messengers who

are to bring to us the news, the astounding news, that Calvin Coolidge was elected President of the United States.

In this deficiency bill $40,000 is appropriated for the joint committee on inaugural ceremonies. Although Democrats remember that when Thomas Jefferson was to be inaugurated he left Conrad's boarding house, rode to the Capitol, and tied his horse to a picket fence a few rods from here, and that no expense of inauguration was incurred, it would be a very ungracious act on the part of any Democrat to begrudge the appropriation of the comparatively small sum of $40,000 to prepare for the inauguration of the President. So I make no objection to that $40,000 in the deficiency bill.

The General Accounting Office is authorized to credit the accounts of the disbursing office of the Public Buildings Commission with $180.

Then follow provisions for payments to the personal representatives of deceased Representatives. I make no comment on that. That is proper, and I voted for it.

The next item is to pay the expenses of the agricultural conference assembled by the President in 1924, including expenses of travel as may already have been incurred by the members.

I perceive no objection to that provision. The agricultural conference item is the next one:

For expenses of the agricultural conference assembled by the President in November, 1924, and for each purpose connected therewith—

Including, of course, the expenditures they made for their Pullman reservations and their meals in the dining cars, and their high-class hotel accommodations which were incurred. Of course, when a man expects that he is going to be repaid by the Government he is always quite liberal in his expense account.

The next is "Federal Oil Conservation Board." Mr. President, I could embark upon a sea of words regarding oil conservation.

Mr. NORRIS. Mr. President, how much was the item for the agricultural conference?

Mr. ASHURST. For the expenses of the Federal Oil Conservation Board convened by the President on December 18, 1924, and for each purpose connected therewith, to be expended at the discretion of the board and to remain available until June 30, 1926, $50,000.

Mr. NORRIS. I wish the Senator would tell us the amount for the farmers' conference.

Mr. ASHURST. For the farmers' conference, $50,000, and for oil conservation, $50,000.

It is never too late to mend. The only purpose that a Democratic minority would have would be to induce the majority to reform. If we do not try to induce the majority to reform, then we have no function to perform here. Having bargained away through Mr. Fall, sometime Secretary of the Interior, the great oil reserves of the Government, having bargained away the great oil reserves to Mr. Sinclair and Mr. Doheny, I am not disposed to be captious in my observations when I see enough repentance from those acts to induce an appropriation to call an oil conservation congress after the oil is all gone out of the Federal grasp. But a repentance, no matter how long delayed, is always proper.

For actual and necessary traveling subsistence expenses of members of the United States Lexington-Concord Sesquicentennial Commission in the discharge of their duties outside of the District of Columbia, $5,000, and for expenses incident to the appropriate celebration and observation of the one hundred and fiftieth anniversary of the Battle of Lexington and Concord, $10,000; in all, $15,000, said sum to be expended in the discretion of the commission named herein.

Ah, he would be a poor patriot who would stand here and unduly obstruct the progress of a deficiency bill which carried $10,000 so that certain gentlemen may observe the exercises incident to the one hundred and fiftieth anniversary of the Battle of Lexington. Sir, I have ridden over the field. The man who can ride over that field, view those hills, and feel within himself no surge of the tide of his blood, the man who can view the fields of Concord and Lexington and not feel a great pride that he is an American, is not fit to be an American. So I am not making objection to that particular item in the bill. I am arguing that the amendment of my colleague, which the Senate twice put on a deficiency bill, is equally as important.

Do you know that years ago an editor in my State gave a great prize to the person who could produce or collate the 100 most beautiful words of the English language? My State turned to me as the man whom they thought would win the prize. I submitted my list of the hundred most beautiful words of the English language—eloquence, love, mercy, mother, wife, home, duty, justice, country, music, industry—but I put "justice" too far down the list and did not get the prize. A schoolboy put "justice" at the head of the list and received the prize. I am only asking that we follow the same rule and put justice along with other items in this bill.

Surveyor's office: For services of temporary draftsmen, etc., care or hire of teams, etc., $8,200.

Supreme Court: For such miscellaneous expenses as may be authorized by the Attorney General for the Supreme Court of the District of Columbia and its officers, * * * $20,500.

Interstate Commerce Commission: To enable the Interstate Commerce Commission to keep informed regarding and to enforce compliance with acts to promote the safety of employees and travelers upon railroads, * * * $27,275.

I am proud to vote for that provision.

For all authorized expenditures under the provisions of the act of February 17, 1911, to promote the safety of employees and travelers upon railroads, * * * $54,000; for printing and binding, $20,000.

Mr. President, it is not my intention to be facetious on a matter that involves—I will say the destiny—of a large number of worthy people. I have no desire to deal with this matter other than in a most serious manner because as the years glide by, as year rolls on after year, I am told to wait patiently, and my present colleague and my colleague before him have been told to wait patiently. But it is necessary for us to point out to Senators what are the particular objects for which appropriations are made in the deficiency bill. There will be an outcry against us. The indignation of officialdom will frown upon us. There be those who will assent with civil leer, and while not exactly sneering, will teach the rest to sneer because we have held up the deficiency bill.

There is $150,000 appropriated for a reclamation project:

The following sum is appropriated out of the special fund in the Treasury of the United States, created by the act of June 17, 1902, and therein designated "The reclamation fund":

For carrying into effect the provisions of subsection K of section 4 of the second deficiency act, fiscal year 1924, approved December 5, 1924, to remain available until June 30, 1926, $50,000.

Then comes the amendment No. 15 proposed by my colleague, which I have already read. Then comes the following provision for the National Park Service:

To enable the Secretary of the Interior to meet the emergencies caused by forest insects within national parks and national monuments under the jurisdiction of the Department of the Interior, and to provide personnel and equipment for the investigation, control, and prevention of spread of such insects, to be expended directly or in cooperation with other departments of the Federal Government or with States, $25,000, to remain available until June 30, 1926.

That is followed by a provision for the Department of Justice, for salary and expenses of Assistant to the Solicitor General, and so forth, $500. Then:

For the Pueblo lands board, expenses, including compensation for a member appointed by the President of the United States, and for clerical assistants, interpreters, and stenographers, * * *, $19,500.

Under the heading "Judicial, United States courts," is the following:

The appropriation of $9,000 for supplies for United States courts, contained in the second deficiency act, fiscal year 1924, is hereby made available for the fiscal year 1925.

Then we have "Naval Observatory," a lighthouse of the sky:

For installation of 8-inch water mains for fire protection, $15,000.

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

Mr. ASHURST. I yield, but I do not want to lose the floor.

Mr. SIMMONS. I do not understand that the Senator will lose the floor by yielding.

Mr. ASHURST. I yield to the able Senator from North Carolina.

Mr. SIMMONS. The Senator has been recounting certain individual items of appropriations to meet deficiencies. They seem to have a pretty broad scope. The Senator said that his amendment is a very meritorious one and that it has been ignored. The Senator has not given the Senate the reasons for ignoring it. I hope he will do so before he concludes.

But I want to ask the Senator a question. The question is, What amount does the deficiency bill carry?

Mr. ASHURST. Many, many millions.

Mr. SIMMONS. Will the Senator pardon me just for a moment? This is the second deficiency bill that we have passed.

Mr. ASHURST. That is true, at this session.

Mr. SIMMONS. I am told this bill carries $300,000,000. Can my colleague, the junior Senator from North Carolina [Mr. OVERMAN], tell me the amount carried by the other deficiency bill already passed?

Mr. OVERMAN. I do not know the exact amount, but something over $200,000,000.

Mr. SIMMONS. That is a total of $500,000,000, approximately. Then there is to be another deficiency bill passed before we adjourn. We have a Budget system in the country, and I understand that the committees are held strictly to the findings of the Budget. We are constantly told that the Budget is holding down expenses for the purpose of accomplishing economy. When they have added up the total allowed by the Budget Committee, it is published to the country as a great reduction in expenses, and the Congress is told and the committees are told that we must not make appropriations in excess of the Budget estimate.

After the Budget estimate has been adopted, after we have been prohibited from increasing the Budget estimate, if we are to pass deficiency bills—one, two, three of them—carrying appropriations, probably, not far from $1,000,000,000, is not that an indirect disregard of the Budget? Why hold us down so tightly to the Budget estimate, and then subsequently permit us, through deficiency bills, to increase the Budget estimate to the extent possibly of nearly $1,000,000,000? Is not that conclusive evidence that the Budget, for the purpose of catering to a public sentiment, is trying to carry the matter of economy a little bit too far?

Mr. OVERMAN. And fooling the people.

Mr. SIMMONS. Is it not a direct method, as my distinguished colleague [Mr. OVERMAN] suggests, of fooling the people as to what amount is necessary in order to carry on the Government under this administration by not permitting them to know what amount is necessary until it is too late?

Mr. ASHURST. I thank the Senator for his observation.

Mr. SIMMONS. Ever since we commenced this great economy program I have noticed that deficiency bill after deficiency bill has been brought in here increasing the amount of appropriations by hundreds of thousands of dollars, and now it looks as though the increased amounts might go up to a billion dollars.

Mr. ASHURST. I have no quarrel with the man who says he is for economy; he has a right to be, and should be, for economy. What I am objecting to is a lip service to economy, an economy on paper, which insists that our appropriations shall be relatively small, and then masks and conceals after a fashion a deficiency of $1,000,000,000, as the able Senators from North Carolina have pointed out. If it shall require $3,000,000,000 to conduct the agencies of the Government, fairly administered, I believe the people will stand the expense, but they are not going to tolerate any man or bureau that cries economy from the housetops and then in the closet does not practice economy. The people will have no sympathy with a Congress that pretends to practice economy but in truth does not practice economy.

I once knew a man, who died many years ago, who amassed riches by avoiding the payment of his debts. Is the Government to have a full Treasury by avoiding the payment of its just obligations, or is it going to pay its running expenses and then deceive the people as to the amount of the expense? No, Mr. President. The people of this country expect us to make fair, honest appropriations and to state what they are for.

I was reading the items of this bill, but I stated I was not objecting to any particular item. I have not yet objected specifically to any item; but I ask Senators, on their consciences, to say whether there was a more important item than the item which my colleague caused to be incorporated in the deficiency bill?

Resuming the reading of the bill:

INTERNATIONAL FISHERIES COMMISSION

For the share of the United States of the expenses of the International Fisheries Commission—

I only read in skeletonized form from the bill—

* * * $11,250.

PUBLISHING ASCERTAINMENT OF ELECTORS FOR PRESIDENT AND VICE PRESIDENT

Not exceeding $2,000 of the appropriation for printing and binding, Department of State, fiscal year 1925, shall be available to pay the expenses of publishing, in compliance with the requirements of the act of February 3, 1887, the certificates of the final ascertainment of the electors for the President and Vice President of the United States as transmitted by the executive of each State to the Secretary of State.

TREASURY DEPARTMENT

INTERNAL REVENUE SERVICE

This is not the last line. It was Cyrano de Bergerac who always struck on the last line, and this strikes in the middle of the book.

For refunding taxes illegally collected under the provisions of sections 3220 and 3689, Revised Statutes, as amended by the acts of February 24, 1919, November 23, 1921, and June 2, 1924, including the payment of claims for the fiscal year 1926 and prior years—

I do not put the bel canto on the words "$150,000,000"—

to remain available until June 30, 1926: *Provided*, That a report shall be made to Congress of the disbursements hereunder as required by such acts—

To that proviso the able junior Senator from Utah [Mr. KING] offered an amendment in the Senate which reads:

including the names of all persons and corporations to whom payments are made, together with the amount paid to each.

I understand that that is the other amendment to which there has been no agreement.

Mr. KING. Mr. President——

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). Does the Senator from Arizona yield to the junior Senator from Utah?

Mr. ASHURST. Yes.

Mr. KING. I am advised by the chairman of the Committee on Appropriations, the Senator from Wyoming [Mr. WARREN], that that amendment was agreed to.

Mr. OVERMAN. That amendment was agreed to by the House.

Mr. ASHURST. Resuming the reading:

PUBLIC HEALTH SERVICE

Prevention of epidemics: To enable the President, in case only of threatened or actual epidemic of cholera, typhus fever, yellow fever, smallpox, bubonic plague, Chinese plague or black death, trachoma, influenza, Rocky Mountain spotted fever, or infantile paralysis, to aid State and local boards or otherwise, in his discretion, in preventing and suppressing the spread of the same, and in such emergency in the execution of any quarantine laws which may be then in force, including the purchase of newspapers and clippings from newspapers containing information relating to the prevalence of disease and the public health, $275,000.

No citizen will object to that item of $275,000. Reading further in reference to the Coast Guard:

Repair of vessels: For necessary emergent repairs to the cutter *Manning*, $150,000.

Office of commandant: For personal services in the District of Columbia in accordance with "the classification act of 1923," $7,500.

* * * * * * *

WAR DEPARTMENT

OFFICE OF JUDGE ADVOCATE GENERAL

Of the unexpended balance of the appropriation provided by section 124 of the national defense act, approved June 3, 1916, as amended, the sum of $15,000 is hereby made available for such expenses as may be necessary and incidental to the arbitration of the rate of royalty to be paid the American Cyanamid Co. on patents owned by said company, as provided in section 10 of the contract of June 8, 1918, between the United States and the American Cyanamid Co.

MUSCLE SHOALS

For the continuation of the work on Dam No. 2, on the Tennessee River at Muscle Shoals, Ala., $3,501,200.

INLAND WATERWAYS CORPORATION

For the purchase of capital stock of the Inland Waterways Corporation created by the act approved June 3, 1924, $3,000,000, to remain available until expended.

JUDGMENTS, UNITED STATES COURTS

For payment of the final judgments and decrees, including costs of suits, which have been rendered under the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States," as amended by the Judicial Code, approved March 3, 1911, certified to the Sixty-eighth Congress by the Attorney General in House Document No. 532, and which have not been appealed, namely:

Under the Navy Department, $69.57;

Under the War Department, $20,627.45; in all, $20,697.02, together with such additional sum as may be necessary to pay interest on the respective judgments at the rate of 4 per cent from the date thereof until the time this appropriation is made.

For payment of judgments, including costs of suits, rendered against the Government of the United States by the United States district courts under the provisions of certain private acts, certified to the Sixty-eighth Congress in House Document No. 534, as follows:

Under United States Shipping Board, $6,063.08;

Under the Navy Department, $149,819.51; in all, $155,882.59.

For payment of judgment rendered against the Government of the United States by the United States District Court for the District of Indiana, under the provisions of the act entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel," approved August 10, 1917, certified to the Sixty-eighth Congress in House Document No. 531, as follows:

Under the War Department, $12,107.79. None of the judgments contained herein shall be paid until the right of appeal shall have expired.

JUDGMENTS, COURT OF CLAIMS

For payment of the judgments rendered by the Court of Claims and reported to the Sixty-eighth Congress in House Document No. 533, namely:

Under the Navy Department, $119,487.69;

Under the Treasury Department, $19,754.82;

Under the War Department, $161,814.48; in all, $301,056.99, together with such additional sum as may be necessary to pay interest on certain of the judgments at the legal rate per annum as and where specified in said judgments. None of the judgments contained herein shall be paid until the right of appeal shall have expired.

AUDITED CLAIMS

SEC. 2. That for the payment of the following claims, certified to be due by the General Accounting Office under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1922 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in House Document No. 535, Sixty-eighth Congress, there is appropriated as follows:

LEGISLATIVE

For Capitol power plant, $10,778.86.

For furniture, Library of Congress, $99.38.

For public printing and binding, $131.40.

INDEPENDENT OFFICES

For Interstate Commerce Commission, $46.11.

For international exchanges, Smithsonian Institution, $1.56.

For preservation of collections, National Museum, $61.77.

For fuel, lights, etc., State, War, and Navy Department Buildings, $408.03.

For Council of National Defense, $84.13.

For Board of Mediation and Conciliation, $5.42.

* * * * * * *

For vocational rehabilitation, Veterans' Bureau, $79,828.43.

DISTRICT OF COLUMBIA

For improvement and care of public grounds, District of Columbia, $7.56.

DEPARTMENT OF AGRICULTURE

For increase of compensation, Department of Agriculture, $7.

For stimulating agriculture and facilitating distribution of products, $100.33.

For general expenses, Weather Bureau, $61.52.

For general expenses, Bureau of Animal Industry, $826.14.

And so on. I will not read each item specifically.

The concluding paragraph of the bill reads:

This act hereafter may be referred to as the "First deficiency act, fiscal year 1925"—

indicating that there may be another deficiency bill that will come here later carrying many millions of dollars—we know not how many.

Mr. SIMMONS. Mr. President, if the Senator will pardon me, the one that is to come later will probably be the largest deficiency bill that will come before Congress. That bill appears just at the close of the session, and generally is a sort of basket deficiency bill.

Mr. ASHURST. Yes.

Mr. SIMMONS. The Senator has read many items, but he read one that startled me. I refer to the item, as I understood him to read it, appropriating one hundred and fifty-odd million dollars to pay refunds to the taxpayers who have paid in excess of what they lawfully owed the Government.

Mr. ASHURST. Yes.

Mr. SIMMONS. It has not been long since we acted upon the estimate of the Budget Bureau, and it is inconceivable that, since action upon the Budget estimate, the requirements of the Treasury for the purpose of paying refunds have increased to the enormous sum of $150,000,000. It must have been within the knowledge of the Treasury Department that they would need that sum of money, or the larger part of that sum of money, at least, at the time the Budget Bureau acted. If the departments are not to be held to the Budget estimates, I do not see why Members of Congress should be held to them. If they can divide up and put so much in the Budget, and then come to Congress a little bit later and ask for another sum, probably equal to the sum allowed by the Budget, that seems to me to be an indirect method of repealing or modifying or setting aside the action of the Budget.

Here in the Congress we are told that the Budget is sacred, that it can not be disturbed; but if the departments, after dividing up and asking the Budget Committee for so much and getting it, are allowed later to come to Congress and ask for a large additional amount which could just as well have been included in the original estimate, that is an indirect method of circumventing the Budget Committee and making its action ineffective.

Mr. ASHURST. It is what is called, in legislative parlance, short circuiting the Budget.

Mr. SIMMONS. Yes; but the estimates made by the Budget Bureau amount to nothing if, after they have made their estimates and we have acted upon them, the departments can come in here and ask for large additional appropriations that they knew, or ought to have known, would be necessary at the time the Budget acted. Of course, if the necessity for expenditures unexpectedly arises after the action of the Budget, that is a different proposition. But it is inconceivable that the Treasury Department should have been in error as to what they needed early in this session as compared with what they need now, to the extent of $150,000,000.

Mr. ASHURST. Some Senators said some years ago—and I believe they were sincere in their statements—"We ought to have a general survey of the Reclamation Service." I agreed with that. As to the items which my colleague and I put on the last deficiency bill, if we had felt that they would not stand the test of a general investigation and close scrutiny, we could not have hoped to succeed in getting the Senate and the House to agree to them. So, following out the general idea of the necessity for a survey of the Reclamation Bureau, Secretary Work appointed what is called a fact finding commission, and the fact finding commission was composed of men whose judgment on reclamation matters and whose general character could not be questioned anywhere.

The chairman of the fact finding commission was Hon. Thomas E. Campbell, sometime Governor of Arizona; James R. Garfield, who, I believe, was in President Roosevelt's Cabinet; Oscar E. Bradfute; Clyde C. Dawson; John A. Widtsoe, and Elwood Mead. These gentlemen composed the committee of special advisers on reclamation. That committee sat here for some time and made field surveys and observations. On April 10, 1924, they transmitted their report to the Secretary of the Interior, signed by the gentlemen whose names I have just mentioned, and the report was published as Senate Document No. 92, Sixty-eighth Congress, first session.

The fact finding commission investigated the very subject to which the amendment of my colleague relates. It will be found on page 160 of the fact finding commission's report. Under the head of "Recommendations," I read:

This division—

Now, they are referring to the Mesa division of the Yuma project, located in the State of Arizona, County of Yuma; project headquarters, Yuma; water supply, Colorado River.

Agricultural products.

Principal products: Semitropical fruit.

Size of farm unit: Not over 40 acres.

Character of soil: Fresno gravelly sand.

Elevation: 130 to 215 feet.

Annual rainfall: 3.1 inches.

Length of growing season: 335 days.

Temperature: Maximum, 115°; minimum, 28°; average, 72°.

Principal markets: Los Angeles, Calif., Arizona towns, and eastern markets.

* * * * * * *

Nationality of settlers: Ninety per cent American.

What are the recommendations respecting legislation to give relief?

This division—

That is to say, this Yuma auxiliary project (Mesa division of Yuma project)—

was constructed under the provisions of an act of Congress approved January 25, 1917, known as "An act to provide for an auxiliary reclamation project in connection with the Yuma project in Arizona" (39 Stat. 868). The drastic provisions of this act are impossible of fulfillment and only a few of the settlers have been able to meet their contracts. They, too, will soon fail, as the charge for water will bankrupt them.

The committee recommends that an early study be made by the Bureau of Reclamation of this division, with a view of making Recommendations to Congress for financial relief or the disposal of the division if adequate relief is not feasible.

I betray no secret when I say that my colleague's amendment was practically prepared by the Reclamation Bureau. So eager was the Reclamation Office to secure this legislation that the bureau aided in drawing the amendment. So eager was the Secretary of the Interior to grant relief that I hope I betray no secret when I say that the Secretary of the Interior, for the first time in my knowledge, urged the Director of the Budget to O. K. and to approve this item; and for the first time in the history of the Budget—I trust I betray no secret—the Budget master said: "I am so impressed that I am willing to hear arguments on the subject."

Mr. WALSH of Massachusetts. Mr. President, does the Senator state that the Secretary of the Interior took the initiative, or did the Senators from Arizona request it?

Mr. ASHURST. The Senators from Arizona have been active for years.

Mr. WALSH of Massachusetts. They made the request of the bureau?

Mr. ASHURST. They made the request, and the fact finding commission appointed by Secretary Work recommended it to the Secretary.

Now, I want Senators to remember that we have not suddenly sprung some dubious proposition upon the Senate.

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

Mr. ASHURST. Of course I yield to the able Senator from Kansas.

Mr. CURTIS. Of course, the Senator knows that so far as the Senate conferees are concerned they are perfectly satisfied with the item. The Senator, I think, will admit that the only reason why the Senate conferees receded was because this measure ought to become a law to-day in order to avoid the discharge of a lot of men at Muscle Shoals, which will occur to-morrow if the bill does not go through to-day. The Senator will recall that one of the conferees upon the other side, the chairman of the conference committee, stated that he had not had time to read what had been presented, that he had not heard of this subject, and that if it went over he would give a full and complete hearing to it before the next deficiency bill came up. The Senate conferees are already convinced that the item is a proper one. There is no official Budget estimate yet. Now, why not let this conference report go through and have the hearing before the House committee, and if they fail, the Senators can put in their item again on this side, as they did before?

There will be no reason for speedy action upon the next deficiency appropriation bill, as there is upon this one. I hope the Senator will see that no good can come of delaying action on this report. I am satisfied, from what I heard this morning, and I think the Senator is satisfied, that the House conferees will not recede until they have had time to study this matter; and I do hope the Senator will let the conference report go through.

Mr. ASHURST. I pay attention to what the able Senator from Kansas says. I am not ashamed to say that on legislative procedure I have confidence in his judgment; but let me recite briefly to the Senator the history of the past.

The Senator is only saying what has been said to us for years and years.

Mr. CURTIS. Mr. President, just a minute.

Mr. ASHURST. Not that the Senator from Kansas has ever made a false promise. He never has made me any promise, and if he made one I am convinced that he would keep it.

Mr. CURTIS. The Senator from Kansas has been with the Senators from Arizona on this proposition ever since it was first made.

Mr. ASHURST. I believe that.

Mr. CURTIS. The Senator must admit that no regular estimate came to the Congress on this subject. The Senator did have a letter from the Secretary of the Interior——

Mr. ASHURST. Which I read.

Mr. CURTIS. Which was read. Of course, the House is entitled to an estimate; the House is entitled to time to consider this question; and I am speaking to the Senator as a friend of his amendment——

Mr. ASHURST. I know that.

Mr. CURTIS. As a Senator who has supported it every time it has been up——

Mr. ASHURST. That is true.

Mr. CURTIS. And as a Senator who expects to support it.

Mr. ASHURST. Let me say that in June, when this amendment was put on in the Senate, and the Senate conferees were obliged to recede—and I am not blaming them; they were obliged to recede—what did the Members of another branch of Congress say? "Grant us a period of time during this recess for study." Now, after all summer has elapsed—June, July, August, September, October, November, December—they still say, "Give us more time to study this question."

I repeat, I am not impugning the motives or the good faith of any man here or elsewhere; but do you know that you can sing one song so long that the tune becomes dolorous, and the words a burden to your ear?

For years we have been told to wait for a more convenient season, for the next bill, and so forth. We tried to put this amendment on the Interior Department appropriation bill. We conferred with the friends of the legislation. "Oh," they said, "Senators, do not attempt to put that on the Interior Department bill. That is not the place for it. You might get it involved in some entanglement and tie up the whole Interior Department bill. Wait for another time." Again we refrained and did not offer it to the Interior Department bill, and men in authority in this Government said, "Be patient; be calm. We will put it on the first deficiency bill."

I shall not reveal anything that was said among Senators. Were I to reveal the same, it would be to nobody's discredit. Nothing was said among Senators but what would be to their own credit, as far as I know. They said to me and to my colleague, "You were acting wisely and handsomely in not beating the last deficiency bill last June. You have acted handsomely and wisely in refraining from offering your amendment to the Interior Department bill. The deficiency bill is the place for it." Now a power over which we have no control cavalierly says, "We will not even consider it on the deficiency bill."

If my colleague and I do not speak for our State upon these important matters of justice, who will? You are all too busy with your own affairs to take care of such relatively small matters.

There must be no juggling in this matter. I hold in my hands the outline of a report that was about to be signed by the Secretary of the Interior last June to take care of the expenses of river control on the Colorado River below Yuma, urging that the half million dollars expended by the farmers there be reimbursed to them and that the Federal Government should thereafter assume one-half the expense of maintaining the river in a fixed channel below Yuma. The letter, a copy of which I have in my hand, was about to be signed by the Secretary of the Interior, when an influence intervened. The Arizona Senators were not present to object to that influence which intervened to prevent the signature of the Secretary to this letter urging that this half million dollars be restored to the farmers.

We must meet these practical situations as they come to us. We must deal with this situation in a practical way. I have never yet in my service here obstructed a bill. I refused last June to be a party to obstructing the deficiency bill. My colleague and I are not to be held to blame if the Government agencies were paralyzed for a time by the obstruction of that bill.

I submit to the civil consideration of all Senators that we have observed those amenities that should govern gentlemen. I submit it for the calm determination of every man who attempts to represent a State, that it is but natural that after 10 years of being told from season to season to wait, the reservoir of patience which I had originally should be about exhausted. There is such a thing as going too far with even the most patient man.

For years the Senate has been convinced of the propriety, indeed, the necessity, of reimbursing the farmers who have been controlling the Colorado River below Yuma. For a long time, two or three years, the Senate has been convinced of the necessity of placing the auxilliary project under the reclamation law. The Secretary of the Interior recommends it, the Budget Bureau recommends it, the fact finding commission recommends it, and the Senate adopted the amendment twice. Shall some influence now over which we have no control be

allowed to continue, or shall we say that this appropriation is as important as any other?

Yea, more. I sat in my seat yesterday about adjournment time and heard what took place in the Senate which now appears on page 1812 of the RECORD. I did not desire to let escape an intemperate word, but I now put that circumstance into the scales to show to Senators how much injustice has been perpetrated upon Arizona, and how much more injustice apparently is contemplated. Turn to page 1812 of the CONGRESSIONAL RECORD. Mr. President, it required all of my prudence and self-command to refrain from an outburst of indignation. I would not advert to the unfair episode were it not for the fact that I want in no uncertain terms to let the Senate and the country know that Arizona wears no shackles and spurns all bribes.

A telegram was read here last evening intimating that unless and until Arizona did a certain thing she would not be permitted to have justice. That is the tenor of the telegram, and there were some expressions, which appear on page 1812 of the RECORD, which indicated that the wise legislation for the authorization of the San Carlos irrigation project in Arizona, which had already been passed by Congress and signed by the President, would be repealed unless Arizona took a certain action before she was ready to act. That is a poor way to attempt to secure diplomatic negotiation with a sister State, and let me warn Senators now that any attempt whatever savoring of intimidation or coercion will be met, and justly met, by the contempt and the righteous indignation of every person in Arizona, and that those who gave expression yesterday to words which might be construed to be an attempted intimidation did not promote their own cause.

Arizona spurns all bribes and wears no chains. She will in her own due season, in her own way, as becomes a sovereign State, enter into agreements with other States when she is ready to do so, but not before, and the suggestion that certain laws of value to Arizona ought to be repealed or suspended until she is coerced into a particular agreement is not to be heard with patience, no matter by whom uttered.

ISLE OF PINES TREATY

The PRESIDING OFFICER (Mr. FESS in the chair). The hour of 2 o'clock having arrived, the close of the morning hour having been reached, the Senate automatically goes into open executive session for the consideration of the treaty with Cuba known as the Isle of Pines treaty.

Mr. SWANSON obtained the floor.

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

Mr. SIMMONS. I ask the Senator from Kansas to withhold the call for a quorum for a moment.

Mr. CURTIS. Very well.

Mr. SIMMONS. Will the Senator from Virginia yield to me or just one minute?

Mr. SWANSON. I yield to the Senator from North Carolina.

The PRESIDING OFFICER. The Senate resumes its legislative session and the Senator from North Carolina is recognized.

MUSCLE SHOALS

Mr. SIMMONS. Mr. President, on Wednesday we had a vote to substitute the Jones amendment for the Underwood amendment with reference to Muscle Shoals. That prevailed by a majority of 13. On yesterday we had a vote substituting the Underwood amendment for the Jones amendment, the Underwood amendment having been changed slightly to make it in order. The result was a majority of five for the Underwood proposition.

I wish to insert in the RECORD a statement that I find in the Washington Post of to-day, under the title "Underwood shoals measure is passed by Senate." There is a subtitle, "Coalition for bill," and the paragraph to which I wish to call attention reads as follows:

> The Senate approval of the Underwood measure was brought about by a coalition of administration Republicans and a group of Democrats, and came after Senator CURTIS, of Kansas, the majority leader, had conferred with President Coolidge at the White House.

CHILD LABOR

Mr. KING. Mr. President, I ask to have inserted in the RECORD a letter written by Hon. Charles S. Thomas, formerly United States Senator from Colorado, upon a question of vital importance to the American people to-day, namely, the ratification of the child-labor amendment to the Constitution. I also offer a communication to the New York Evening Post on the same subject from Hon. Henry Van Dyke, former minister to the Netherlands.

The PRESIDING OFFICER. Without objection, the communications will be printed in the RECORD.

The communications are as follows:

WASHINGTON, D. C., *January 5, 1925.*

W. H. LEONARD, Esq.,
Denver, Colo.

MY DEAR SIR: I am glad to note your identification with the movement to defeat the ratification by our general assembly of the twentieth or so-called child-labor amendment to the Federal Constitution. When in Denver last July I discussed it with some of my friends and acquaintances, and have since written them urging an organized opposition to its proposed acceptance.

The past 50 years has witnessed many successful invasions of State prerogatives by the National Government, the most of them, I regret to say, with the approval, tacit or expressed, of an easy-going public sentiment. Generally they have been accompanied by the establishment of a board or bureau for their administration. These have, in greater or less degree, disturbed the original balance between the powers delegated by and those reserved to the States. The eighteenth amendment endowed the Congress with ample power to enact affirmative legislation over a subject hitherto of local concern, and clothed it with a police power which belonged to the States exclusively. This was a startling departure from our scheme of government, yet it concerns a specific subject and can not therefore be extended beyond the manufacture or distribution of intoxicants. It has, nevertheless, virtually displaced State jurisdiction over that subject, both as to administration and punishment. It has subjected individual conduct to Federal supervision and crowded the Federal courts with controversies, civil and criminal, which were hitherto wholly within the competence of the local tribunals.

But the proposed child-labor amendment is the most radical innovation in the form and the nature of our governmental system that the Congress has ever sought to accomplish. The eighteenth amendment does not in terms substitute the Federal for the State authority. It has "concurrent power" with the States to enforce the prohibition of the amendment; and although the concurrent exercise of that power may provoke conflict, in which event the State authority becomes dormant, yet it is potentially there.

But the proposed twentieth amendment tolerates no such condition. It does not supplement the State authority but supersedes it altogether. It clothes the Congress with unrestricted and exclusive power "to limit, regulate, or prohibit the labor of persons under 18 years of age." Every effort of the Senate to modify this sweeping delegation of authority was defeated by its proponents. Although familiar with judicial decisions construing Federal power to regulate commerce among the States as including the power to prohibit, they insisted upon express terms of prohibition, so that nothing should be left to the States or to the parents of children which they might invoke, even by way of implication, against an act of Congress or the rules of a bureau prohibiting juvenile activities, however pernicious the consequences to them might become.

Under this constitutional provision the authority of Congress over the Nation's youth is as limitless as that of the soviet over the children of Russia. It is not affected by the fifth amendment, which forbids legislation depriving any person of life, liberty, or property without due process of law, because that is an earlier inhibition which must give way to the last expression of the people upon the subject. Hence any legislation designed to make the amendment effective and confined in its operation to the class of people described by it, will stand, whatever the grounds assigned for its enactment. It may or may not pretend to conserve the morals, health, safety, religion, or politics of our children. It may or may not discriminate between different kinds of labor, outlawing the one and legalizing the other. It may even penalize instruction or exercise or amusement; or it may and probably will subject every industry wherein child employment is permitted to a system of regulation and espionage so intricate, expensive, and burdensome as to render the employment impossible. And it will certainly subject all parents to a code of conduct and penalties regulating their relations with their offspring which will not only be destructive of parental discipline but turn every unruly child into an informer.

For it is obvious that unless parents and guardians are subjected to the inquisitorial power of the bureau charged with the administration of the law, its functions would be restricted and its effectiveness curtailed. This means a bureaucrat in every household, a Federal agent in every community. It means a suppression of parental authority and presupposes the arbitrary removal of children from the parental home and the selection of guardians both of person and property of minors subjected to any discipline or employment not sanctioned by the national commission and its swarming minions.

And since the Constitution, as well as the proposed amendment, endows Congress with full power to enforce the article by appropriate legislation, the wage of the child permitted to labor, his right to strike, the adjustment of disputes between him and his employers or between

him and adult employees, indeed, every possible phase of his existence while in such employment will find due expression either in acts of Congress or rules and regulations made thereunder.

But if the child does not labor in the usual acceptance of that familiar word, he must do something else. He is in the stage of development, material and mental, and his abundant energies will find their vent somewhere. We are told by the highest authority that the devil finds congenial work for idle hands to do. It may be affirmed, however, that what is not work is leisure, whatever its manifestations. Many forms of leisure are, however, not only laborious but demoralizing. Attendance at school is labor or leisure. Its classification is perhaps unimportant because it must be manifest upon slight reflection that the labor of a child can not be properly "regulated" unless his leisure is regulated also. Otherwise, brutal or thoughtless parents, and yet more brutal or thoughtless guardians, could easily, under the guise of amusement, recreation, education, experiment, and countless other forms of leisure, actually devote many hours of juvenile time to labor. One naturally recalls how Tom Sawyer, condemned to painting a fence as punishment for disobedience, beguiled his companions into painting it for him and paying him for the privilege. They worked and worked enthusiastically under the sinful delusion that they were at play. Such breaches of the law can not be tolerated with impunity under the approaching régime of child emancipation, lest the new reform, like nearly all its predecessors, becomes "the record of a tested and discredited remedy."

It is obvious, therefore, that if a child's labor is to be regulated by law, the same law must regulate his leisure. The regulation of both is the regulation of his life. And since virtually every child under 18 years has parents or guardian charged legally and morally with his support and education, these must be regulated also. Regulation must go a step further and include employers of labor, together with teachers, preachers, and all business enterprises devoted to supplying the public with amusements, games, recreation, and the like. Indeed, as a recent writer has said, the power conferred by this amendment "is so broad that it draws to itself as if by gravitation, a power so vast that Congress and its most ardent advocates would pause, could they realize it."

The amendment is based upon the false conception that the care and education of the child is a primary duty of the State, which has neglected it. This is not, and never was true. The primary duty is that of the parent, who is in turn responsible to the State for its due performance. If he fails or abuses the trust partly imposed and partly assumed, the State, as parens patrie, interposes and either compels such performance or itself assumes the burden. The parent is in turn entitled to the services and the custody of the child. Natural affection, born of close relationship, tempers the burden, spiritualizes the companionship, and makes the duty and its discharge a sacred and a welcome task. It is sometimes abused. So is every other relationship in life. But shall it therefore be thrust aside and supplanted by an artificial, unnatural, and heartless politico-economic, constitutional, and legislative status?

I deliberately affirm that it is the unquestioned obligation of the parent to impose the habits of industry, thrift, and a due appreciation of the value of time upon the child. He can do this only by requiring him to labor, to study, and to utilize his powers of observation. The period of childhood is the formative one as the habits, character, and tendencies of the child are assuming definite shape. "As the twig is bent, the tree is inclined." If his "direction" is normal then, it will remain so during his life. A young man whose youth is given to useful employment and the acquirement of knowledge, to respect for law and the rights of others, seldom goes wrong in after years. And he who is idle, unmindful of his responsibilities, and taught to regard labor as a burden only to be assumed with his years of maturity, can hardly be otherwise than worthless or dissolute as a citizen. For him toil has been made irksome by law, and time the concern of slaves. If labor was so pernicious that his government prohibited him from laboring for 18 years, it will be none the less so when government tutelage shall have ceased to rule his conduct.

The evil of the day as regards our youth is that it does not labor enough. The laxity of parents, synchronizing with the multiplied attractions of the cinema and the automobile and kindred modern conveniences have weaned the child from employment and in large degree have broken down the restraints and the good influences of home with its domestic discipline. Inducements to labor and the enjoyment of its fruits make little if any appeal to him. The excitements of the street and the example of his associates bring discontent if he is poor, and undue extravagance if he is not. The old virtues of obedience, thrift, and every-day morality are to be shunned rather than observed. From the universal existence of these conditions a juvenile problem of formidable proportions confronts us. But it is not the problem of labor.

Crime and juvenile delinquency have become too common to excite or even to disturb us. Murder is an American pastime, and banditry a lucrative profession. It is an appalling fact that the greater proportion of our modern criminals are youths of both sexes between the ages of 15 or 16 and 25. They are the logical offspring of idleness, turning to pleasures and excitements for the employment of time and a natural departure from the scriptural admonition which tells us to "train up a child in the way he should go, and when he is old he will not depart from it." We are told by a new sort of pseudo scientists that these youngsters are criminals because of inherited traits for which they are not responsible. They should not be punished for what they can not help, but rather herded in groups and fed and entertained at the public expense until their inherited criminality becomes dormant or until a cure is demonstrated to be impossible. These are to be deprived of further liberty, confined together, and supported for life from the Public Treasury. Strange that these inherited traits should coincide so perfectly with the decay of parental authority and the encouragement of idleness for children.

If this situation be curable only by constitutional amendment, better by far an amendment enforcing the obligations of parenthood upon our adult population and due employment for their vagrant offspring.

The exploitation of children in some parts of the country, and by parents whose greed blinds them to their duty, can not be denied, and the need for suppressing the evil where it exists is readily conceded. The same was true in large degree of many forms of adult labor not long ago. But the spirit of the age has condemned both, and the States—all of them—whose duty it is to protect its citizens have enacted their child and other labor codes whose enforcement is everywhere quite as effective as the work of any national bureau of which I ever heard. Each State being familiar with the needs and conditions of its people and cognizant of their industrial life, can better legislate in their behalf than a central government, which unmindful of local needs and local policy would place all our population and all parts of the country, making neither distinctions nor allowances for them, under a single code, and apply its laws alike to Maine and California, to Pennsylvania and to Alaska. What might be a boon to one section would be an outrage upon another. This is one of the subjects peculiarly of local cognizance which vividly illustrates the need and the virtue of local government and justifies the reflection of Jefferson that "Were not this great country already divided into States, the division must be made, that each might do for itself directly and what it can so much better do than a distant authority. Were we directed from Washington when to sow and when to reap, we should want bread."

The advocates of the twentieth amendment concede the existence of State codes regulating child labor, but they say their provisions are defective or are not enforced, either from indifference or connivance with those who would evade them. This is not true except as the complaint might apply to laws generally, of which there are so many, State and national, that no one knows the titles, much less the contents of most of them. They are enforced quite as vigilantly and effectively as any laws, national or otherwise, are in these days, except revenue laws, whose exactions are as implacable as the laws of nature.

But if it were true that the States were lax in the enforcement of their labor laws or did not enforce them at all, what then? Has it come to pass that if a State, or several of them or all of them, are remiss in legislating or in the enforcement of laws relating to subjects within their exclusive competency, the National Government must, therefore, take over to itself the neglected subject and administer it as it deems proper? Apart from Theodore Roosevelt, I never heard of a man bold enough to announce such a doctrine. Once admitted, the consequences may be readily predicted. And if Federal administration of a subject not common to the entire country, like war, foreign relations, or customs duties, is exemplified by its enforcement of the Volstead Act, we should by far better "endure the ills we have than fly to those we know not of."

Secretary Davis is reported to have said that if the child-labor amendment had been in force in his boyhood the career which he has enjoyed would have been impossible of attainment. He began as a coal-breaker boy in the Pennsylvania mines and worked as hard as any boy ever did. He made of it an opportunity and marched from it to place after place. In 1921 he was elevated to the Cabinet of the President. Andrew Carnegie began work as a messenger boy before reaching his teens, helping his widowed mother to bear her burdens and helping himself as well to meet other and greater positions. Indeed, I dare affirm that half the Senators and Representatives of the Congress proposing this amendment began the hard and sober labor of life in their childhood, but for which they would never have attained the eminence they now enjoy. And I can conceive of nothing more brutally cruel than to deny to a boy or girl the right to aid an impoverished father or a dependent widowed mother in their effort at support by prohibiting their labor until 18 years of age.

I need not advert to the consequences to the States of this absorption by Congress of one of their principal prerogatives or to parents forcibly prevented from the discharge of their duties to the children of their loins. But I heartily commend to everyone the profound wisdom displayed by President Coolidge, who thus expressed a great truth which all should ponder well:

"Efficiency of Federal operations is diminished as their scope is unduly enlarged. Efficiency of State governments is diminished as they relinquish and turn over to the Federal Government responsibilities which are rightfully theirs."

Our emotions have for years played a dominant and generally a controlling part in our conceptions of modern industrial, political, and economic life. They have distorted evils, some of them very real, out of all proportion to their environment, and have envisaged a line of reforms which have been urged with little or no regard either to their immediate efficacy of their ultimate results. They have been advocated by organizations equipped with the weapons of entreaty, threat, and widespread propaganda. Instances of wrongs, some of them recent, most of them ancient, have been magnified with all the embellishments of rhetoric and photography. These reforms being many, and their advocates insistent as crusaders, they have made common cause with each other that all their purposes might be accomplished. Such were the forces aligned behind the child-labor amendment, and such, for the most part, the influences now bombarding the State legislatures and demanding ratification. Another of their reforms is the nationalizing of education as a fitting supplement to the amendment. With the bodies of our children enfolded in the tentacles of one national bureau and their minds lodged behind the portico of another, what remains to the citizen of that liberty he pretends to cherish and of that choice of vocation he has so highly prized? That either will long survive such a monstrous transformation of governmental activities is beyond belief.

Let it be known also that the proponents of these far-reaching innovations are precisely those who intend to preside over their administrations. Like the advocates of the maternity and other bills, they expect to be provided for. And the cost of these new reforms? That of prohibition enforcement, plus the Veterans' Bureau, the Census Bureau, and the Division of Pensions, will in the aggregate constitute a fair comparison of the cost of two such governmental agencies. The initial expense will be moderate. That is always so. But the modern bureau, consciously or unconsciously, moves along two well-defined lines. One involves an increase of jurisdiction, the other of personnel. They are like the Canada thistle or the gypsy moth. Once introduced, they grow apace and go on forever. They are now more numerous than the plagues in Egypt, and, save in a few instances, the subjects they administer were less objectionable before they were reformed. Bureaucracy is not and never can coexist with representative government. One or the other will eventually disappear. And bureaucracy shows no signs of invalidism, much less of disintegration. Every Congress adds to their numbers, and every scheme of change or reform contemplates another. Strong governments, said an ancient historian, do not perish by the operation of external forces. They commit suicide.

I do not question the sincerity of most of those who champion this amendment. They believe in governmental paternalism and chafe under the restrictions placed by the Constitution upon congressional authority. They have little confidence in the self-governing capacity of the States. They may be right, but I am unable, as a student of governments and a believer in our dual system, to perceive aught but tragedy and disaster in the growing tendency toward the centralization of all authority in the Federal Government, to be wielded by a Congress unhindered by the checks and limitations which wisdom imposed and experience has vindicated as the indispensable conditions of ordered liberty under the guerdon of a confederated republic.

Let us hope that the proposal of this amendment sets the high-water mark of emotional assaults upon American institutions, that its rejection will cause a reaction against the spirit of great and ill-considered changes prompted by some real or imagined evil, and that we may enjoy a recrudescence of statesmanship which—

"Seeing far an end sublime,
Contends, despising party rage,
To hold the spirit of the age
Against the spirit of the time."

Very truly yours,

C. S. THOMAS.

UNITED STATES CHILD LABOR LAW OPPOSED BY VAN DYKE—PRINCETON SCHOLAR WARNS USURPATION OF STATES' RIGHTS MAKES FOR IMPERIAL NATION—CITES STAND OF COOLIDGE

To the EDITOR OF THE EVENING POST:

SIR: May an old-fashioned Democrat thank you for your editorial to-day on "Federal Bribery of the States?" You have touched the point accurately and profoundly. Aid from Congress is worse than futile; it is fatal if it impairs or destroys the inherent rights or weakens the responsibilities of the States.

That our country is an indissoluble Nation since the ordeal of the Civil War no thinking man can deny. But the most vital question of our domestic politics is this:

Shall our country be an imperial Nation or Federal Nation?

It was founded and has prospered on the basis of federalism. Why change the foundation by "weasel" amendments to the Constitution, which is our safeguard of the rights of man? Frankly, I think our Federal Republic is in more danger from well-meaning borers from within than enemies without.

Take, for example, the proposed "child-labor" amendment to the Constitution. For many years, with pen and voice, I have ardently protested against the cruelty and folly of the commercial exploitation of the labor of children. But shall we cure this evil by introducing a worse one, namely, an invasion of the right of the States to home rule in domestic affairs, and the right of parents and children in each household to live together in such freedom as does not impair the liberty of others?

Who shall say that a healthy boy or girl of 14 or 15 years, left without a father, shall not do any work to help to keep the widowed mother and the rest of the family from starvation or pauperism? I tell you from experience that some of the best men and women in America have been educated by just such a working boyhood and girlhood.

Let the States regulate it by the wisest and most careful legislation they can get. Let them prosper or decline, according to the wisdom and humanity of their rule. But let not the National Government add another to the contradictory amendments under which our Constitution is already cracking wide open to ruin. Let not the people of America change from a Federal to an imperial rule without considering well what such a change means.

As a Democrat I stand by President Coolidge's admirable saying, quoted in your editorial:

"Efficiency of Federal operations is diminished as their scope is unduly enlarged. Efficiency of State governments is impaired as they relinquish and turn over to the Federal Government responsibilities which are rightfully theirs."

Yours truly,

HENRY VAN DYKE.

PRINCETON, N. J., *December 20, 1924.*

PETITIONS AND MEMORIALS

Mr. WILLIS presented a petition of sundry citizens of College Corner, Ohio, praying for the passage without amendment of the so-called Cramton bill, being the bill (H. R. 6645) to amend the national prohibition act, to provide for a bureau of prohibition in the Treasury Department, to define its powers and duties, and to place its personnel under the civil service act, which was referred to the Committee on the Judiciary.

Mr. JOHNSON of California presented sundry memorials numerously signed by citizens in the State of California, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. LADD presented a resolution of Florence Kimball Post, No. 7, the American Legion, of Lisbon, N. Dak., favoring the enactment of legislation to provide further for the national security and defense, which was referred to the Committee on Military Affairs.

Mr. CURTIS presented a memorial numerously signed by sundry citizens of Topeka and vicinity, in the State of Kansas, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. DILL presented a memorial of sundry citizens of Wapato, Granger, and Zillah, all in the State of Washington, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. EDGE presented a memorial numerously signed by citizens of Vineland and vicinity, in the State of New Jersey, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. FERRIS presented a petition of the officers of the Oakland County Law Enforcement League, of Rochester, Mich., praying for the participation of the United States in the Permanent Court of International Justice under the terms of the so-called Harding-Hughes plan, which was referred to the Committee on Foreign Relations.

He also presented a memorial of sundry citizens of Holton, Benton Harbor, Shelby, and Bangor, all in the State of Michigan, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

REPORT OF POST OFFICES AND POST ROADS COMMITTEE

Mr. STERLING, from the Committee on Post Offices and Post Roads, to which was referred the bill (H. R. 4441) to provide for quarterly money-order accounts to be rendered by district postmasters at third and fourth class post offices, reported it with amendments and submitted a report (No. 867) thereon.

BILLS INTRODUCED

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

By Mr. METCALF:

A bill (S. 3937) granting an increase of pension to Sarah J. Dean; to the Committee on Pensions.

By Mr. FERNALD:

A bill (S. 3938) granting an increase of pension to Jennie C. Young (with accompanying papers); to the Committee on Pensions.

By Mr. SPENCER:

A bill (S. 3939) for the relief of Walter L. Lee; to the Committee on Claims.

By Mr. LADD:

A bill (S. 3940) to restore homestead rights in certain cases; to the Committee on Public Lands and Surveys.

By Mr. LADD (for Mr. FRAZIER):

A bill (S. 3941) for the relief of William Lentz; to the Committee on Military Affairs.

A bill (S. 3942) for the relief of Oscar P. Stewart; to the Committee on Claims.

By Mr. WATSON:

A bill (S. 3943) granting a pension to Bessie Knotts;

A bill (S. 3944) granting a pension to Elijah C. Waln;

A bill (S. 3945) granting an increase of pension to Sarah E. Mallonee; and

A bill (S. 3946) granting an increase of pension to Dortha Rodgers; to the Committee on Pensions.

By Mr. BALL:

A bill (S. 3947) granting a pension to Mark Sheldon; to the Committee on Pensions.

A bill (S. 3948) for the relief of Henry Davis; to the Committee on Military Affairs.

By Mr. CURTIS:

A bill (S. 3949) for the relief of the Central National Bank, Ellsworth, Kans.; to the Committee on Banking and Currency.

A bill (S. 3950) granting a pension to Henry Phillips (with accompanying papers);

A bill (S. 3951) granting an increase of pension to Mary Ann Rodgers (with accompanying papers);

A bill (S. 3952) granting an increase of pension to Jennie E. Kelsey (with accompanying papers);

A bill (S. 3953) granting a pension to Charles C. Spencer (with accompanying papers);

A bill (S. 3954) granting an increase of pension to Mary C. Lloyd (with accompanying papers);

A bill (S. 3955) granting a pension to Mary C. B. Shultz (with accompanying papers); and

A bill (S. 3956) granting an increase of pension to Laura C. East (with accompanying papers); to the Committee on Pensions.

A bill (S. 3957) for the relief of William Mansfield (with accompanying papers); to the Committee on Military Affairs.

By Mr. DALE:

A bill (S. 3958) granting a pension to Harriet C. Spoor;

A bill (S. 3959) granting an increase of pension to Sarah P. Wilder;

A bill (S. 3960) granting an increase of pension to Ellen N. Lawrence;

A bill (S. 3961) granting an increase of pension to Clara G. Cole;

A bill (S. 3962) granting an increase of pension to Elizabeth Pattison;

A bill (S. 3963) granting an increase of pension to Estella E. Moore; and

A bill (S. 3964) granting an increase of pension to Emma A. Waite; to the Committee on Pensions.

By Mr. OVERMAN:

A bill (S. 3965) to amend section 206 of the transportation act of 1920; to the Committee on the Judiciary.

By Mr. STERLING:

A bill (S. 3966) granting a pension to Clara W. Stearns; to the Committee on Pensions.

A bill (S. 3967) to authorize the Postmaster General to rent quarters for postal purposes in certain cases without a formal written contract, and for other purposes; to the Committee on Post Offices and Post Roads.

By Mr. SHORTRIDGE:

A bill (S. 3968) granting an increase of pension to George E. Coombs; and

A bill (S. 3969) granting an increase of pension to Walter E. J. Wynn; to the Committee on Pensions.

AMENDMENT TO RIVER AND HARBOR BILL

Mr. McNARY submitted an amendment intended to be proposed by him to House bill 10894, authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

SARAH BLACKFORD

Mr. CURTIS submitted the following resolution (S. Res. 299), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay out of the contingent fund of the Senate to Sarah Blackford, widow of Charlie Blackford, late an employee on the maintenance roll, Senate Office Building, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, and said sum to be considered as including funeral expenses and all other allowances.

ISLE OF PINES TREATY

The Senate, in open executive session and as in Committee of the Whole, proceeded to consider the treaty between the United States and Cuba, signed March 2, 1904, for the adjustment of title to the ownership of the Isle of Pines.

Mr. SIMMONS. Mr. President, I make the point of no quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

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

Ashurst	Ferris	McCormick	Shipstead
Ball	Fess	McKellar	Shortridge
Bayard	Fletcher	McKinley	Simmons
Bingham	George	McLean	Smith
Borah	Gerry	McNary	Smoot
Brookhart	Glass	Mayfield	Spencer
Broussard	Gooding	Means	Stanley
Bursum	Hale	Metcalf	Sterling
Butler	Harreld	Moses	Swanson
Cameron	Harris	Neely	Underwood
Capper	Harrison	Norris	Walsh, Mass.
Couzens	Heflin	Oddie	Walsh, Mont.
Cummins	Howell	Overman	Warren
Curtis	Johnson, Calif.	Owen	Watson
Dale	Jones, Wash.	Ralston	Weller
Dial	Kendrick	Ransdell	Willis
Dill	King	Sheppard	
Edge	Ladd	Shields	

Mr. FLETCHER. I desire to announce that my colleague [Mr. TRAMMELL] is unavoidably absent. I wish the announcement to stand for the day.

The PRESIDING OFFICER. Seventy Senators have answered to their names. A quorum is present. The Senator from Virginia will proceed.

THE ISLE OF PINES

Mr. SWANSON. Mr. President, we are considering a treaty negotiated on the 2d day of March, 1904, between John Hay, Secretary of State for the United States, and Mr. Quesada, then minister from Cuba, for the adjustment of title and ownership of the Isle of Pines, and which was promptly submitted to the United States Senate by President Roosevelt with a strong recommendation that the Senate give its approval to the treaty. For more than 20 years this treaty has been pending in the Senate and the Senate has taken no action, either accepting or rejecting it. On February 1, 1906, Senator Foraker reported from the Committee on Foreign Relations a resolution recommending that the treaty be ratified and fully citing the history in connection with the Isle of Pines, and gave many cogent reasons, both from the standpoint of right and broad public policy, why the Senate should promptly give its consent to the treaty as submitted.

The Foreign Relations Committee at that time was composed of many of the ablest Members of the Senate, who had participated in and were personally acquainted with all the transactions connected with the Spanish-American War and our understanding with Cuba. Of the 13 members of the committee all concurred in the report except 2, Morgan, of Alabama, and Clark, of Montana.

Ever since Cuba obtained her independence and the administration of affairs in Cuba were transferred to the Cuban Government, the Isle of Pines has been under the sovereignty of the Cuban Government and has been administered as a part of its territory. The failure of the United States to ratify this treaty has subjected this Government to much adverse criti-

cism abroad, produced ill will and apprehension in Cuba as to our future fairness and generosity in dealing with the Cuban people, has created a fear in many of the South American Republics as to our imperial designs and willingness under a plausible pretext unjustly to acquire territory. America's fair and unselfish course in the Cuban-Spanish War has been challenged and this Nation put in an attitude which is neither creditable nor desirable. The delay has been productive of no good to the Americans who have settled in the Isle of Pines nor to many others who own either land or stock in land companies organized in that island. Our failure to act upon the treaty has created hopes there which will never be realized—the hope that some day it may become a part of the United States. It has produced irritation between the island and the Government of Cuba and has tended greatly to lessen the influence of the United States in Cuba, and also jeopardizes the cordial and friendly relations which should ever exist between these two Republics, and which it is to the interest of both to promote in every fair and proper way. Our broad trade relations, which are very important, affecting our many citizens and industries, have been prejudiced and injured by our delay and contention in this matter.

The Isle of Pines is situate south of the western part of Cuba, the nearest point being about 38 miles from the mainland of Cuba, and the farthest point about 68 miles. The water separating the Isle of Pines from the mainland of Cuba is shallow and not navigable by present sea-going vessels. The island is about the size of Rhode Island, containing about 850 square miles, has an equable climate especially suitable for the growth of citrus fruits, tobacco, and tropical fruits, and has an abundance of hardwood timber which is very valuable. By the official census of 1919 there were 4,288 inhabitants in the Isle of Pines, of which 3,012 were Cuban, 263 Spanish, and 953 were of "other and unknown citizenship." According to a dispatch dated January 13, 1923, from the American consul at Nueva Gerona, Isle of Pines, to the Department of State of the United States, there were about 700 Americans resident permanently on the island.

Immediately following the Spanish-American War several land companies were organized and obtained charters in America to purchase from the holders of the old Spanish grants large tracts of land there, and the stock of these companies was sold to American citizens, and tracts of land were also sold to American citizens. It is estimated that about 90 per cent of the land in the island belongs to American citizens. It is estimated by a report of General Crowder, the American ambassador to Cuba, dated January 26, 1923, that the investments in the island amounted to about $15,000,000. While only about 700 reside on the island, it is estimated that about 10,000 Americans are interested, directly or indirectly, by the ownership of either stock or land in the Isle of Pines.

The influence of these Americans has been sufficiently strong to prevent any action by the Senate on the pending treaty. The time has arrived when the Senate owes it to itself to reach a conclusion and take official action on this treaty. Further delay is neither creditable to our Government nor promotive of the best interest of all concerned.

This Senate should do what is right and honorable in this matter regardless of any special influences sought to be exercised upon us by any of our constituents. The American Government, which stands in the world as a sponsor for fair, just, and honorable international relations, should especially be guided by what is right in dealing with a weaker sister republic who must accept without the power to resist our final decision. The very fact that we are dealing with a weaker nation should make us more resolute and more determined to decide this matter according to full justice and honorable dealing which should obtain between nations.

In order to reach a conclusion as to what should be our decision, let us examine impartially the facts as disclosed, all of which are matters of public record and can not be disputed.

For years the people of Cuba had made a valiant fight to overcome the arbitrary, tyrannical, and despotic Government of Spain, which controlled the island. The record made by the Cubans in this fight for liberation is one of heroism, sacrifice, and endurance of which any nation might well be proud. They were powerless to obtain that liberty for which they so valiantly fought. The conduct of the war by Spain became so barbarous, so inhuman, so revolting, that America could no longer remain a silent spectator of such infamies as were being perpetrated almost within sight of her shores. The misgovernment in Cuba, its lack of sanitary regulations and its perpetual violence and unrest had become a menace to our own well-being as a Nation. America could no longer permit such oppression and inhumanity to exist within the sphere of her influence. Impelled by an almost unanimous sentiment in America, on April 20, 1898, the Congress of the United States passed the following resolution:

Resolved, etc., First, that the people of the island of Cuba are, and of right ought to be, free and independent.

Second. That it is the duty of the United States to demand, and the Government of the United States hereby does demand, that the Government of Spain at once relinquish its authority and government in the island of Cuba and withdraw its land and naval forces from Cuba and Cuban waters.

Third. That the President of the United States be, and he hereby is, directed and empowered to use the entire land and naval forces of the United States and to call into the actual service of the United States the militia of the several States to such extent as may be necessary to carry these resolutions into effect.

Fourth. That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island, except for the pacification thereof, and asserts its determination when that is accomplished to leave the government and control of the island to its people.

It should be noted that the first paragraph of this resolution, "that the people of the island of Cuba are, and of right ought to be, free and independent," clearly and definitely declares on the part of the United States the freedom and independence of the Cuban people. The date of this resolution marked the date, as far as we are concerned, when the people of Cuba became free and independent and were entitled to the possession of their territory as a free and sovereign people. That declaration committed us to this policy, and, as previously stated, as far as we are concerned, the freedom and independence of Cuba commenced on that date.

It will be noted that the second paragraph stated that the United States Government demands that the Government of Spain at once relinquish its authority and government in the island of Cuba and withdraw its land and naval forces. Therefore, when Spain under the second resolution did relinquish its government and sovereignty in Cuba immediately under the first resolution it descended to the people of Cuba, whom we had therein declared to be free and independent. This can not be controverted unless we impeach the integrity of the first resolution establishing the freedom and independence of Cuba.

The third resolution directs and empowers the President of the United States to use all the land and naval forces of the United States as may be necessary to carry into effect these two resolutions, namely, to establish the freedom and independence of the Cuban people, and, second, compel Spain to relinquish all of her sovereignty over the people of Cuba thus declared free and independent and to withdraw from the island.

Congress thus declared a clear, distinct, and honorable policy, which should and must control us in our dealings with Cuba. To make more specific the purposes contemplated by Congress in thus declaring the independence of Cuba and requiring Spain to relinquish her sovereignty over Cuba to the people of the island, and in directing the President of the United States to make effective these two resolutions, a fourth resolution was added, namely:

That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people.

Thus we clearly and distinctly assured the world, and assured the people of Cuba, that when we declared war with Spain our only purpose was, first, to establish the freedom and independence of the Cuban people, and, second, to make Spain surrender her sovereignty over the Cuban people; and, third, that when this was accomplished and the island was pacified we would "leave the government and control of the island to its people," and that we would not "exercise sovereignty, jurisdiction, or control over said island except for the pacification thereof."

Whether this was a wise or unwise policy is not for us now to consider. Congress, the constitutional spokesman of this Nation for all purposes of war, distinctly and clearly declared this policy, and it is for us, as an honorable people, to adhere to it and not deviate from it, whatever might be the influences or selfish temptations that may be presented to induce us to do so.

When peace was declared between the United States and Spain the terms were drawn with a view to accomplishing the purposes thus outlined. The cessation of hostilities between the United States and Spain occurred in pursuance of a pro-

tocol or agreement for the establishment of peace, entered into August 12, 1898, signed by William R. Day, Secretary of State, for the United States, and Jules Cambon, Ambassador for France, for Spain. Articles I, II, and IV are the only provisions in the protocol affecting this controversy. They are as follows:

I. Spain will relinquish all claim of sovereignty over or title to Cuba.

II. Spain will cede to the United States the island of Porto Rico and other islands now under Spanish sovereignty in the West Indies, and also an island in the Ladrones to be selected by the United States.

IV. Spain will immediately evacuate Cuba, Porto Rico, and other islands now under Spanish sovereignty in the West Indies; and to this end each Government will, within 10 days after the signing of this protocol, appoint commissioners, and the commissioners so appointed shall, within 30 days after the signing of this protocol, meet at Habana for the purpose of arranging and carrying out the details of the aforesaid evacuation of Cuba and the adjacent Spanish islands; and each Government will, within 10 days after the signing of this protocol, also appoint other commissioners who shall, within 30 days after the signing of this protocol, meet at San Juan, in Porto Rico, for the purpose of arranging and carrying out the details of the aforesaid evacuation of Porto Rico and other islands now under Spanish sovereignty in the West Indies.

This was followed by the treaty of peace ratified April 11, 1899, containing the following articles:

ARTICLE I. Spain relinquishes all claim of sovereignty over and title to Cuba.

And as the island is, upon its evacuation by Spain, to be occupied by the United States, the United States will, so long as such occupation shall last, assume and discharge the obligations that may under international law result from the fact of its occupation for the protection of life and property.

ART. II. Spain cedes to the United States the island of Porto Rico and other islands now under Spanish sovereignty in the West Indies and the island of Guam in the Marianas or Ladrones.

Accordingly peace was established and the purposes outlined in the resolution declaring war against Spain made by Congress on April 25, 1898, were fully accomplished. Spain relinquished her authority and government in the island of Cuba in pursuance of the second resolution in the declaration of war. As Congress by its first resolution had declared the people of the island of Cuba to be free and independent, that sovereignty immediately descended to the people of Cuba.

The occupation by the United States, as outlined in Article I of the treaty of peace, could only be temporary as expressed in the fourth resolution of the declaration of war, which says:

The United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said islands except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the islands to its people.

Thus the declaration of war and the treaty of peace clearly and distinctly convey to the people of Cuba all that was known as Cuban territory at the time of the declaration of war and the establishment of peace. This can not be controverted. Thus the only question left for us to determine in the ratification of this treaty in pursuance of right is the determination whether the Isle of Pines at the time of the declaration of war and the ratification of the treaty of peace between the United States and Spain was a part of Cuba. If it was a part of Cuba so recognized and understood at that time, this treaty should be promptly ratified and Cuba should not be deprived of any part of the territory which at that time constituted and was recognized as a part of Cuba. To do so would be to violate the assurances positively given by us to the world and to the Cuban people. We declared war against Spain and pledged ourselves to give to the Cuban people all the territory that constituted what was known and recognized then as Cuba. To refuse to do so would be a breach of faith, of which this Nation can not afford to be guilty, and which in the long course of our history would be productive of far more evil than any possible good. The best asset a nation can possess is a stainless reputation for honorable dealing and strict adherence to its pledges and promises. When national faith is broken and national pledges unfilled a nation creates distrust, forms enemies from fears and apprehensions which will ever beset its pathway. Especially would it be discreditable in us to fail to keep our faith with a weaker power like Cuba, which is compelled to accept our decision whether it is right or wrong.

It is sought by those who oppose the ratification of this treaty to insist that we acquired rights under Article II of the treaty of peace, which provides:

Spain cedes to the United States the island of Porto Rico and other islands now under Spanish sovereignty in the West Indies.

They contend that Spain conveyed the Isle of Pines to the United States under the provision reading, "and other islands now under Spanish sovereignty in the West Indies." But this must be read in connection with Article I, wherein "Spain relinquishes all claim of sovereignty over or title to Cuba," which sovereignty immediately descended to the people of Cuba, whom we had declared free and independent. We had also distinctly disclaimed any intention of exercising any sovereignty, jurisdiction, or control over Cuba, except for the pacification thereof, and when this is accomplished to leave the government and control of the island to the people.

Faith must be given to both articles in all interpretations or written documents; and hence the question reverts, as previously stated, to whether the Isle of Pines was at that time and at the time of the declaration of war against Spain a part of Cuba. If it was at that time a part of Cuba, it indisputably remained as such and belongs to the Cuban people and not to the United States. This matter became a subject of dispute soon after the ratification of the treaty of peace with Spain. All the contentions against ratification that are now presented have been repeatedly given to the Senate and to the country, and all were contained in the minority report presented by Senator Morgan and concurred in by Senator Clark, of Montana.

The controversy in this matter was so acute that it finally reached the Supreme Court of the United States for determination as to whether the Isle of Pines, under Article I, became a part of Cuba or whether under Article II it was ceded to the United States and hence became a part of our territory. The matter was presented to the Supreme Court and argued fully and ably by distinguished counsel. Everything that is contended for now against the ratification of this treaty was presented to the Supreme Court of the United States for determination. The American citizens in the Isle of Pines insisted that they were a part of the United States and became such under Article II of the treaty of peace with Spain and that, as such, the territory was entitled to be treated as a part of the United States and that consequently all products produced in the Isle of Pines were entitled to admission into the United States free of all customs duties, which could only be imposed upon foreign territory. As previously stated, the case was ably and fully argued on both sides, and all that is now presented to the Senate was then fully presented, considered, and determined by the Supreme Court of the United States.

On April 8, 1908, Chief Justice Fuller delivered the opinion of the court, as follows (see Pearcy *v.* Stranahan, 205 U. S. 257):

By the joint resolution of April 20, 1898 (30 Stat. 738), entitled "Joint resolution for the recognition of the independence of the people of Cuba, demanding that the Government of Spain relinquish its authority and government in the Island of Cuba, and withdraw its land and naval forces from Cuba and Cuban waters, and directing the President of the United States to use the land and naval forces of the United States to carry these resolutions into effect," the United States disclaimed any disposition or intention to exercise sovereignty or control over Cuba, except in the pacification thereof, and asserted its determination, when that was accomplished, to leave the control of the island to its people. What was the signification of the word "Cuba" at that time?

The record of the official acts of the Spanish Government from 1774 to 1898 demonstrates that the Isle of Pines was included in the political division known as "Cuba." The first official census of Cuba, in 1774; the "Statistical Plan of the Ever Faithful Isle of Cuba for the year 1827"; the establishment by the governor general in 1828 of a colony on the island; the census of 1841; the budgets of receipts and expenditures; the census of 1861, 1877, 1887, and so on, all show that the Isle of Pines was, governmentally speaking, included in the specific designation "Cuba" at the time the treaty was made and ratified, and the documents established that it formed a municipal district of the Province of Habana.

In short, all the world knew that it was an integral part of Cuba, and in view of the language of the joint resolution of April 20, 1898, it seems clear that the Isle of Pines was not supposed to be one of the "other islands" ceded by Article II. Those were islands not constituting an integral part of Cuba, such as Vieques, Culebra, and Mona Islands, adjacent to Porto Rico.

Thus, the Chief Justice of the Supreme Court of the United States, in delivering the opinion in the case, holds that the Isle of Pines went to Cuba under Article I of the treaty of peace and not to the United States under Article II; that the "other islands" therein referred to were such as Vieques, Culebra, and Mona Islands, adjacent to Porto Rico. Chief Justice Fuller further, in his opinion, cites the fact that in August, 1899, when the President ordered a census to be taken of the people of Cuba, the Isle of Pines was included in the census as a part of Cuba and as a part of the municipal district of the Province of Habana.

He further shows that in that year the military governor of Cuba appointed a mayor and first assistant mayor for the Isle of Pines; that on June 16, 1900, an election was held throughout the island and that the inhabitants of the Isle of Pines participated in this election as a part of the people of Cuba; that on September 15, 1900, a constitutional convention was called, to be participated in by the people of Cuba, and that the inhabitants of the Isle of Pines participated in the election to that convention; that after the convention concluded its work, on October 31, 1901, an election was held to choose governors of the Provinces and that the inhabitants of the Isle of Pines participated in such election as a part of the Province of Habana.

Further, in delivering his opinion, the Chief Justice said:

> We are justified in assuming that the Isle of Pines was always treated by the President's representatives in Cuba as an integral part of Cuba. This was, indeed, to be expected in view of the fact that it was such at the time of the execution of the treaty and its ratification, and that the treaty did not provide otherwise in terms, to say nothing of general principles, of international law applicable to such coasts and shores as those of Florida, the Bahamas, and Cuba.

Thus the Supreme Court of the United States has distinctly decided that the Isle of Pines is and always has been a part of Cuba, and as such continued to constitute a part of Cuba under Article I of the treaty of peace, and did not become a part of the territory of the United States under Article II of said treaty. This decision is so conclusive that the opponents to the ratification of the present treaty have sought to obviate the effect of this decision by saying it is obiter dictum and that it was not necessary for the court to reach this conclusion as to the de jure right of Cuba to the Isle of Pines, since there was no dispute that the de facto government of Cuba was exercising authority over the Isle of Pines, and the establishment of that fact would prohibit the importation of goods.

Of course, under the decision of the Supreme Court of the United States if a foreign government was de facto exercising authority and the territory of the de facto government was recognized by us as in control, admission of goods from that territory would not be permissible under our customs laws. But if, as contended by the opponents of the present treaty, this territory was conveyed to the United States under Article II of the treaty of peace with Spain, there is no authority under our Constitution for the lease or disposal of the territory of the United States except the Congress of the United States or a duly ratified treaty. If this was real territory of the United States conveyed under Article II of the treaty of peace, it became absolute territory of the United States and could not be leased or disposed of by any Executive authority but only by treaty or the act of Congress. The Executive department of the Government has no authority to consent to the creation of any foreign de facto government within territory belonging to the United States. If the Isle of Pines de jure belonged to the United States, the President had no authority to consent to the formation of a de facto foreign government. There can be no question that the Chief Justice of the United States in delivering the opinion of the court clearly and distinctly decided the case de jure, that the Isle of Pines was a part of Cuba, and as such belongs to Cuba.

This decision, despite the contrary contention, is in full accord with many decisions heretofore made by the court, that what territory belongs to the United States is a political question to be decided by the legislative and executive branches of the Government, and not by the court. The acts and will of the legislative and executive control and not the will of the court. The function of the court is to interpret the acts and the expressed will of the legislative and executive departments. The court adhered to this course in this case. The legislative and executive wills had expressed themselves in the resolution declaring war against Spain, in the proctocol for cessation of hostilities, in the treaty of peace with Spain, and in the Platt amendment. The court was called upon in that case to interpret the will as thus expressed. In making this interpretation, which was clearly within its province, it decided that de jure the Isle of Pines belonged to Cuba.

Justice White, in concurring in the decision of the court, delivered a separate opinion, stating it was not necessary for the court to interpret the treaty and decide that the Isle of Pines de jure belonged to Cuba, and that the decision de jure went beyond what was necessary in order to dispose of the case. He expressed no opinion as to the de jure status of the Isle of Pines.

But Justice White admits that the majority of the Supreme Court definitely decided that de jure the Isle of Pines belonged to Cuba. The opinion of the court was concurred in by six of the nine justices, Justice Moody not sitting and Justice Holmes concurring with Justice White that it was unnecessary to decide the case de jure. Thus, after this matter was fully and ably presented by all parties to our Supreme Court, six of the nine justices decided that the Isle of Pines de jure belonged to Cuba, two of the justices were silent on that question, saying it was not necessary in disposing of the case, and one did not sit. Not one of the nine justices expressed an opinion that de jure the Isle of Pines belonged to the United States.

The decision in this case becomes far more conclusive when we reflect that Justice Day, who was a member of the court and concurred in the opinion, had as Secretary of State signed the protocol for cessation of hostilities and was chairman of the American commissioners who negotiated and signed the treaty of peace. He better than anyone else knew the just interpretation to be given to Articles I and II of the treaty. The clause "the island of Porto Rico and other islands now under Spanish sovereignty in the West Indies" contained in Article II of the treaty, and under which the opponents of this treaty claim the sovereignty of the United States, was first used by him in a communication to the ambassador of France stating the conditions upon which the United States would make peace. He included the clause in the protocol for the establishment of peace, which was literally reproduced in Article II of the treaty. He was the author of the expression "the island of Porto Rico and other islands now under Spanish sovereignty in the West Indies," and knew its import and real intention and purpose more than all others. He was also the author of Article I of the treaty, to wit: "Spain relinquishes all claim of sovereignty over and title to Cuba"—this being a reproduction of the terms used in the protocol signed by him. The peace commissioners, upon the matters affecting this controversy, simply affirmed what Day as Secretary of State had agreed to. He also included in Article IV of the protocol signed by him for the United States and the French ambassador for Spain provisions which prove conclusively that the Isle of Pines was not considered as included in the cession of "the island of Porto Rico and other islands now under Spanish sovereignty in the West Indies." This article provides for the immediate evacuation of "Cuba, Porto Rico, and other islands now under Spanish sovereignty in the West Indies," and directs that each government should appoint commissioners, who shall meet within 30 days at Habana, to carry out the details of the evacuation of "Cuba and the adjacent Spanish islands," and within the same time other commissioners shall be appointed and meet at San Juan, Porto Rico, to carry out the details of the evacuation of "Porto Rico and other islands now under Spanish sovereignty in the West Indies." Thus, under Article IV of the protocol, Cuba and the adjacent islands were treated entirely different from "Porto Rico and other islands now under Spanish sovereignty in the West Indies. Separate commissioners were appointed and acted—one for "Cuba and the adjacent islands" and one for "Porto Rico and other islands now under Spanish sovereignty in the West Indies." This separation was maintained by the creation of two separate, distinct military governments—one for Cuba, "consisting of the geographical departments and Provinces of the island of Cuba," and the other the department of Porto Rico, embracing the adjacent islands. In all of these transfers and transactions the Isle of Pines was treated as a part of Cuba, and not as embraced in the term "other islands" named in Article II of the treaty.

Justice Day as former Secretary of State conducted the negotiations, signed the protocols and treaties affecting this controversy, and was fully cognizant of all the surrounding circumstances and transactions, hence more competent than anyone else to speak authoritatively upon this subject. His decision upon the matter, speaking as a Supreme Court Justice, should be conclusive upon the United States.

Every President of the United States and each of the Secretaries of State we have had since the treaty was negotiated have favored its ratification as a matter of right and justice to Cuba. The Foreign Relations Committee of the Senate by overwhelming majorities has four times favorably reported this

treaty to the Senate for ratification, namely, November 21, 1903, January 24, 1906, December 11, 1922, and February 11, 1924.

If the Isle of Pines became a part of the United States under the terms of the Spanish cession through the use of the words "and other islands now under Spanish sovereignty in the West Indies," hundreds of other islands both on the northern and southern shores of Cuba would also under the same term become parts of the United States. The United States is as much entitled to these islands under the terms of this treaty as she is to the Isle of Pines. The fact that the Isle of Pines is larger and more valuable than the other islands furnishes no excuse why it should be claimed and the others not. It is safer to presume that if the Isle of Pines was sought to be conveyed under Article II of the treaty its size and importance would have been sufficient for it to be named distinctly and not by implication. The Supreme Court of the United States is justified in reaching the conclusion that it enunciates that this island was not included in the words "other islands" named in Article II of the treaty, but that that term intended to include Vieques, Culebra, and Mona Islands adjacent to Porto Rico.

The facts alleged by the opponents of this treaty that President McKinley directed the Land Office for two years to include the Isle of Pines as United States territory on the maps published by that bureau; that Assistant Secretary of War, Mr. Meiklejohn, in writing a letter to some party answering an inquiry stated that the Isle of Pines was conveyed to the United States under Article II of the treaty of peace; and that General Pershing, assistant adjutant general, by direction, also wrote a letter of similar import; and that Senator Davis, one of the commissioners who negotiated the treaty of peace, stated the island was included in the conveyance of "other islands," were all considered by the Supreme Court of the United States, weighed by it, examined by it, and despite every fact alleged by the opponents to the ratification of this treaty, the Supreme Court reached the conclusion, as previously stated, that the Isle of Pines de jure belonged to Cuba and not to the United States. All of the reasons which have been asserted against the ratification of this treaty were contained in the minority report presented by Senator Morgan, of Alabama, against the resolution ratifying the treaty in February, 1906. No other reasons have since been urged which were not contained in the very elaborate and learned report which he presented. Senator Morgan in that report recognized the strength of the argument of Cuba to ownership of the Isle of Pines and stated:

> The Senate should therefore reject the present treaty and leave the civil rights and political status of the people of the Isle of Pines to be adjusted by Congress on the determination of the question of title to the Isle of Pines by our Supreme Court or by act of Congress.

Thus, Senator Morgan clearly was willing to acquiesce in the decision of the Supreme Court of the United States upon this controverted question. When he made this statement the case was pending in the Supreme Court of the United States, and the court, as previously stated, has decided that the Isle of Pines de jure belongs to Cuba, and I have no doubt but that if Senator Morgan were living to-day he would acquiesce in the decision of that court and favor the ratification of this treaty. No nation can afford to ignore the decision of its own Supreme Court upon a question of law and right.

The opponents to the ratification of this treaty, recognizing the weakness of their own case under the treaty of peace with Spain, have sought to justify the rejection of the treaty under what is popularly known as the Platt amendment. The part of this amendment which affects this controversy is as follows:

> VI. That the Isle of Pines be omitted from the proposed constitutional boundaries of Cuba, the title thereto being left to future adjustment by treaty.
>
> VII. That to enable the United States to maintain the independence of Cuba and to protect the people thereof, as well as for its own defense, the Government of Cuba will sell or lease to the United States lands necessary for coaling or naval stations at certain specified points, to be agreed upon with the President of the United States.
>
> VIII. That by way of further assurance the Government of Cuba will embody the foregoing provisions in a permanent treaty with the United States.

It should be noted that there were two questions left to be disposed of by agreement and treaty between Cuba and the United States under the Platt amendment. First was a treaty for the adjustment of the title to the Isle of Pines. The second was an agreement to be made for the acquirement by the United States of necessary coaling and naval stations at certain specified points to be determined. Cuba desired to perfect beyond controversy the title to the Isle of Pines. The United States desired to obtain a suitable naval base and coaling station to protect the Panama Canal and her interests in the West Indies.

It is contended that under Article VI of the Platt amendment, which amendment in its entirety was included in the Cuban constitution and afterwards incorporated in a permanent treaty, the Isle of Pines ceased to be a part of Cuba.

Article VI of the Platt amendment neither adds to nor detracts from the title of either the United States or of Cuba to the Isle of Pines. It simply recognizes a controversy as to the title to the island and provides "the title thereto being left to future adjustment by treaty." If the United States had no title to the Isle of Pines prior to the Platt amendment she acquired none thereby. If Cuba possessed one prior to this amendment she never lost it by entering into this agreement. The controversy was agreed to be deferred for adjustment by treaty. The Platt amendment and the full effect thereof was considered by the Supreme Court of the United States in the case heretofore mentioned, and the court decided, despite the Platt amendment, that the Isle of Pines de jure belonged to Cuba. This decision should dispose of all contention based upon the Platt amendment. The only effect of the Platt amendment is that Congress authorized the controversy to be adjusted by treaty. Thus a treaty duly ratified legally disposes of the matter. Congress selected a treaty as the agency to accomplish the settlement. This should satisfy those who believe that under the Federal Constitution property and territory of the United States can only be alienated by Congress. Congress in the Platt amendment has given authority to make this treaty, and thus all constitutional objections that might be urged to the ratification of this treaty are eliminated. If this treaty is ratified both Congress and the treaty-making power have acted in disposing of any title the United States may possess to the Isle of Pines. The constitutionality of the proceedings is beyond dispute.

But, Mr. President, the Platt amendment instead of lessening our obligation to ratify this treaty and confirm Cuba's title to the Isle of Pines, the amendment and the transactions thereunder make far more imperative our duty to do so promptly and willingly.

To carry out the two purposes sought to be accomplished in this amendment, the Government of Cuba, through its secretary of finance and acting secretary of state, José M. Garcia Montez, and the United States through its envoy extraordinary and minister plenipotentiary, Herbert G. Squires, on July 2, 1903, entered into an agreement by which the Government of Cuba leased to the United States areas of land and water for the establishment of naval and coaling stations at Guantanamo and Bahia Honda. This agreement was promptly ratified by the Presidents of the United States and Cuba. The agreement did not require the consent of the Senate under Article VII of the Platt amendment, the President being authorized to make the agreement under this section.

Thus the United States obtained a splendid naval base at Guantanamo, which is our chief base in the West Indian Islands, which is our chief protection for the Panama Canal, and upon which we have expended about nine millions of dollars. This was a coaling station and naval base desired by our Government and the best that could be obtained for our purposes. This naval and coaling station was obtained from Cuba at a nominal lease of $2,000 a year, which annual amount had to go to the payment of the cost of the condemnation of the land and buildings necessary for the station. A nominal sum was named in the lease as recognition of the sovereignty of Cuba, except for the purposes contained in the lease. Cuba has never received anything under this lease, and the time is far distant when she ever will, as the money will for many years be absorbed in payment of the costs for the lands and buildings of Cuban citizens taken for the base, which amount under the lease was advanced by our Government.

On the same date and as a part of the same transaction the same parties representing their respective Governments entered into a treaty which is similar to the present treaty pending in the Senate for ratification, with the exception that the treaty of July 2, 1903, required it to be ratified within seven months. There is no such limitation in the present treaty. The former treaty was not ratified within the seven months as specified therein, therefore it expired.

Thus the United States obtained this vital and important coaling station and base at Guantanamo in Cuba and failed to ratify a treaty which was a part of the same transaction of the same date and made by the same parties, confirming Cuba's title to the Isle of Pines and which our Supreme Court has decided de jure belongs to Cuba.

This first treaty being rejected, John Hay, Secretary of State, on behalf of the United States, and Quesada, on behalf of Cuba, on March 2, 1904, made another treaty of identical tenor, with the slight changes as noted, which treaty is the one now pending in the Senate for ratification. Even if Cuba had no right to the Isle of Pines and it was conveyed to the United States by Article II of the treaty of peace with Spain, yet for the United States, after having obtained an agreement conveying to her an important coaling and naval station at Guantanamo, to reject the treaty confirming the title to the Isle of Pines in Cuba, which treaty was the consideration for which Cuba consented to give the naval base and so expressed in the treaty, is a breach of faith and fair dealing that this Nation should refuse to perpetrate. The treaty and agreement were made the same day as a part of the same transaction and by the same parties, and they both should have been ratified or both rejected. It was not fair dealing worthy of a great Nation like the United States to ratify one and fail to ratify the other when it was understood they were part of the same transaction and each was the consideration for the other.

This agreement and treaty, viewed as one transaction, accomplished the two purposes sought in the Platt amendment. Cuba obtained undisputed title to the Isle of Pines, and the United States obtained a splendid naval base. Each gave and received a consideration. The terms of the agreement and treaty clearly indicated this. The understandings were put into two documents because the agreement as to the naval base under the Platt amendment could be made effective by the President, not requiring the consent of the Senate, but the disposition of the Isle of Pines must be by treaty, which requires the consent of the Senate.

If the United States does not ratify this treaty, it should have the justice to return to Cuba the rights obtained under the contemporaneous agreement, the consideration for which is the pending treaty. If we withhold the Isle of Pines, we should return Guantanamo. We can not in honor retain both. We can not refuse to keep the faith in this transaction pledged by our representatives. We will not consent that Cuba shall be loser by faith in our fair dealings, conveying to us a great and valuable naval base and trusting to our fairness to ratify a treaty which was the consideration which impelled her action.

Some contend that if this treaty is ratified and the Isle of Pines under it becomes a part of Cuba the provisions of the Platt amendment imposing certain obligations upon Cuba will not apply to the territory thus acquired, as it is excluded under the original constitution of Cuba. This is wholly untenable. All the obligations of the Platt amendment are obligations imposed upon and assumed by the Government of Cuba, and not dependent upon any of its territory. They are governmental and not territorial obligations. The Isle of Pines, if this treaty is ratified, remains a part of the original island of Cuba, as our Supreme Court decided it to be and that it has always been, and subject to all of its obligations. The treaty ratified only extinguishes our claim but does not alter the status of the island, which is and always has been a part of Cuba. It would only extinguish a claim which our Supreme Court has decided does not rightfully exist.

The Isle of Pines has always been treated by our Government as a part of Cuba, entitled to the same rights, and encumbered with the same obligations. Our citizens have the same rights in the Isle of Pines that they have in other parts of Cuba. We accord to the citizens of the Isle of Pines the same rights we extend to the citizens of Cuba. Our products imported into the Isle of Pines are given the preferential rates of duty that are given in other parts of Cuba. The products of the Isle of Pines imported into the United States receive the same reduced rates that we give to the other parts of Cuba. The Governments of the United States and Cuba have always treated the Isle of Pines as a part of Cuba.

Mr. President, this treaty should be ratified, and the larger and greater interests of the entire Nation should not be surrendered to the clamor and self-interest of a few. We have invested in the Isle of Pines about $15,000,000 and in other parts of Cuba more than two thousand millions of dollars, which would be seriously prejudiced and imperiled by failure to act favorably on this treaty. We have in the Isle of Pines about 700 American citizens, and in other parts of Cuba about 15,000 who would be adversely affected by the rejection of this treaty. Thus, if we should discard all sentiment of right and justice in the settlement of this matter and be controlled by considerations of self-interest alone, the treaty should be ratified and the larger interest prevail over the smaller.

National honor and performance of national faith are more important to a nation than the enrichment of a few. If our citizens were induced to go to the Isle of Pines to invest and acquire homes and lands by any representations of our governmental authorities or officials and if they are due reparation for thus being misled, the Government should make full reparations, but they should not be made by spoliation from Cuba. The citizens of the United States who went to the Isle of Pines—and no doubt some went there misled by representations of some of our officials and which representations were grossly exaggerated by promoters—the Government of the United States should make just and proper amends to them in all reasonable cases for the losses incurred. The Government of Cuba was not responsible for any representations made by officials of the United States and should not be penalized and made to incur losses to sustain these representations. This Nation is strong enough and rich enough to be responsible for its own acts and to make amends for its own acts without despoiling weaker nations. If American citizens in the Isle of Pines or the investors in property there have any cause or grievance against this Government, let them present the facts in their cases, and Congress will give them full and fair consideration.

This Government will meet all of its obligations and can itself discharge all of its responsibilities. This Government will protect to the fullest extent the rights and property of every American citizen in the Isle of Pines. No Cuban Government would dare to interfere with these rights or refuse to accord American citizens there a full measure of justice. Our treaties with Cuba guarantee to all American citizens, as long as they remain American citizens, the rights possessed by all foreigners. Under the Cuban constitution foreign citizens have the same right of property, of liberty, and personal rights as are possessed by the citizens of Cuba. Therefore, if this treaty is ratified the personal and property rights of American citizens there will be equal to those of the citizens of Cuba. We have a strong, active, vigilant Government to see that all the rights of person and property are accorded our citizens to the fullest extent.

I believe it is to the best interests of the American citizens in the Isle of Pines and those who have invested there for this treaty to be ratified and the status of this island definitely and permanently fixed. Cuba has no idea of signing any treaty surrendering her sovereignty over this island. She insists it is a part of Cuba and she will never surrender by agreement or treaty her rights. She can not be expected to do so when our own Supreme Court has rendered an opinion establishing her right, and the only way the United States can ever obtain the Isle of Pines is by force or war. The people of this country will never consent to wage war on Cuba to assert a claim so unrighteous as is sought to be presented in this matter. Force, and only force, can tear the Isle of Pines from Cuba. This Nation will never vote to use this force to perpetrate this injustice. War, except to obtain definite and just objects, is no longer countenanced and will not be indulged in by the American people to obtain territory to which they are not entitled. Patriotism and love of country are not manifested by urging our country into acts of aggression and wrong, but are better manifested in desiring that our country always acts honorably, fairly, and justly, and to keep, without equivocation and without hesitation, its honorable pledges and promises.

Mr. RALSTON addressed the Senate. After having spoken for some time, with interruptions, he yielded the floor for the day.

[Mr. RALSTON's speech is published entire, beginning on p. 1950.]

The Senate having resumed legislative session,

THE SENATE MANUAL

Mr. CURTIS. As in legislative session, I ask leave to report a resolution from the Committee on Rules. I may state that it is the usual resolution in regard to printing a new edition of the Senate Manual. All the data for it have been prepared.

The PRESIDENT pro tempore. If there be no objection, the report will be received.

Mr. CURTIS, from the Committee on Rules, reported the following resolution (S. Res. 300), which was considered by unanimous consent and agreed to:

Resolved, That the Committee on Rules be instructed to prepare a new edition of the Senate Manual, and that there be printed 3,500 copies of the same for the use of the committee, of which 300 copies shall be bound in full morocco and tagged as to contents.

LEASES UPON NAVAL OIL RESERVES (REPT. NO. 794, PART 3)

Mr. SPENCER, from the Committee on Public Lands and Surveys, submitted a supplemental minority report (pursuant to Senate Resolution 147, providing for an investigation of the subject of leases upon the naval oil reserves), signed by Senators SMOOT, STANFIELD, BURSUM, CAMERON, and SPENCER.

HOUSE BILL REFERRED

The bill (H. R. 8887) to amend an act entitled "An act to provide for the consolidation of national banking associations," approved November 7, 1918; to amend section 5136 as amended, section 5137, section 5138 as amended, section 5142, section 5150, section 5155, section 5190, section 5200 as amended, section 5202 as amended, section 5208 as amended, section 5211 as amended, of the Revised Statutes of the United States; and to amend section 9, section 13, section 22, and section 24 of the Federal reserve act, and for other purposes, was read twice by its title and referred to the Committee on Banking and Currency.

RECESS

The Senate resumed its executive session.

Mr. CURTIS. In open executive session, I move that the Senate take a recess until to-morrow at 12 o'clock.

The motion was agreed to; and the Senate (at 5 o'clock p. m.) in open executive session, took a recess until to-morrow, Friday, January 16, 1925, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

THURSDAY, *January 15, 1925*

The House met at 11 o'clock a. m., and was called to order by the Speaker.

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

Behold what manner of love the Father hath bestowed upon us that we should be called the sons of God. Thou art able to do exceeding abundantly above all that we ask or think. O come to us and stimulate and encourage us in all good work. Give us light and wisdom that shall be as revelations to our limited understanding. May we give ourselves to our tasks with all industry and patience. In the hour of judgment look upon the bow of promise and remember how frail we are. Consider our country, O Lord, and direct all who do our thinking and lead our sentiment. In the name of Jesus. Amen.

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, one of its clerks, announced that the Senate had passed with amendments the following resolution, in which the concurrence of the House of Representatives was requested:

Resolved, That the bill from the House of Representatives (H. R. 518) to authorize and direct the Secretary of War, for national defense in time of war and for the production of fertilizers and other useful products in time of peace, to sell to Henry Ford, or a corporation to be incorporated by him, nitrate plant No. 1, at Sheffield, Ala.; nitrate plant No. 2, at Muscle Shoals, Ala.; Waco Quarry, near Russellville, Ala.; steam power plant to be located and constructed at or near Lock and Dam No. 17 on the Black Warrior River, Ala., with right of way and transmission line to nitrate plant No. 2, Muscle Shoals, Ala.; and to lease to Henry Ford, or a corporation to be incorporated by him, Dam No. 2 and Dam No. 3 (as designated in H. Doc. 1262, 64th Cong., 1st sess.), including power stations when constructed as provided herein, and for other purposes.

The message also announced that the Senate had passed without amendment the bill (H. R. 6498) for the relief of May Adelaide Sharp.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 387) to prescribe the method of capital punishment in the District of Columbia.

The message also announced that the Senate had passed Senate concurrent resolution of the following title:

Senate Concurrent Resolution 26

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate be, and he is hereby, authorized and directed in the enrollment of the bill (S. 387) to prescribe the method of capital punishment in the District of Columbia, to strike out on page 1, line 3, of the engrossed bill the following: "on and after the 1st day of July, 1924," and insert "hereafter."

TO RESTORE GENERAL COMMERCE ON THE GREAT LAKES AND RELIEVE AGRICULTURAL DEPRESSION IN THE NORTHWEST

Mr. PEAVEY. Mr. Speaker, if it is in order at this time, I would like to ask unanimous consent to extend my remarks on the bill H. R. 11541.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

Mr. PEAVEY. Mr. Speaker, the economic failure of the grain-growing States of the Northwest in the past five years has become a national problem. The President of the United States has selected a commission for the purpose of determining the cause and if possible to prescribe a remedy. Both national political parties and leaders in both branches of Congress have proposed legislative remedies, and dozens of farm organizations have sought for a solution, all to no avail. The economic condition of the whole Northwest, as shown by the continued failure of banks and business men and farmers, is as acute to-day as it was in 1921. An old sore becomes more tender with the application of each new remedy without a cure. There are those who say the remedy for agriculture in the Northwest lies in the power of the farmers themselves, that they should work more and spend less; there are those who tell us our best hope lies in cooperative marketing, that if we would combine all our products and standardize them we would solve the difficulty, but I want to say to the Members of this House and the people of the country, *that work as long and as hard as we may, cooperate as much as we will, it will not alter the fact that high transportation costs in the form of railroad rates is slowly but certainly strangling business, commerce, yea, even the very existence of the people living in the Northwest. This is a startling statement, I grant you, but bear witness in the three years, 1921 to 1924, we closed 2,000 banks and locked up 600 schoolhouses in nine Northwest States.* I would not say that my bill, No. 11541, creating a Government-owned and operated fleet on the Great Lakes would solve this great problem entirely. I do believe it would remove the largest single cause.

History, since the beginning of this country, shows that people and commerce have followed the channels of water to establish homes, business, and industry. The Great Lakes territory is no exception to this rule. Beginning with Father Marquette, who settled at La Pointe, Madeline Island, near Bayfield, on Lake Superior at the entrance to Chaquamegon Bay back in 1667–1669, there has been a steady and natural development in the cities and counties bordering on these great bodies of fresh water. This growth in the harbor cities, and the consequent increase in business and commerce continued on the Great Lakes until about 1915. On or about 1915 to 1922, with the advent of the United States Steel Corporation and the corporation known as the Lake Carriers' Association, harbor cities on the Great Lakes with the exception of Duluth, Superior, and Ashland, where iron ore is loaded into the association's vessels, and at Cleveland and Buffalo, where it is unloaded, showed a great reduction in volume of general commerce. Lake cities like Oshkosh, Sheboygan, Green Bay, Kenosha, Racine, Muskegon, Frankfort, Menominee, Bay City, Huron, and Grand Haven, have, in the period 1915 to 1922, suffered 30 to 40 per cent loss in lake commerce. In the great cities of Chicago and Milwaukee the commerce by water has dropped from 10,585,000 tons in 1915, to 6,473,000 tons in 1922.

WATER TRANSPORTATION PRIME NECESSITY

Students of this problem admit one of the major difficulties confronting the northwestern farmers is better markets, at less cost of transportation. There is no good reason why the major portion of the farmers' products raised in that section can not find their way to strong eastern markets with even more reason than the raw iron, copper, and lumber that now go east for their markets. In three of the last five years, the farmers in northern Wisconsin, Minnesota, and the Dakotas left thousands of acres of excellent potatoes to rot in the ground. Transportation and marketing costs were so high as to prohibit their digging. All this time the consuming public of great cities like Chicago, Detroit, Toledo, Cleveland, Buffalo, Rochester, and Albany were paying a handsome price for potatoes to eat. Butter, eggs, livestock, in fact nearly every product the northwestern farmer produces could be transported via Duluth, Superior, Ashland, Milwaukee, and many other harbor cities on the Great Lakes to the people of the East at water-transportation cost which on most commodities would be not more than one-fourth and as low as one-tenth the existing railroad rates on these same shipments. In order that other Members may secure a better understanding of the question involved, particularly as to the relative cost of water and rail transportation, let me give you the following illustration: