Mr. WALSH of Massachusetts. Nearly all of the napkins and towels could come in under the one bracket and not under the other at all.

Mr. HARRISON. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Mississippi?

Mr. COPELAND. I yield.

Mr. HARRISON. I want to ask the Senator from Utah a question. Under the present law, do not towels and napkins under 120 threads to the square inch pay a duty of 55 per cent? That is true, is it not?

Mr. SMOOT. That is correct.

Mr. HARRISON. Under this amendment, if the material does not exceed 160 threads it pays a duty of 55 per cent?

Mr. SMOOT. That is right.

Mr. HARRISON. And under the present law if the material exceeds 120 threads it pays a duty of 40 per cent?

Mr. SMOOT. Yes; that is true.

Mr. HARRISON. So all towels and napkins between 120 threads and 160 threads under the present law pay a duty of 40 per cent ad valorem, whereas under this amendment they will pay a duty of 55 per cent ad valorem.

Mr. NORRIS. Mr. President——

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

Mr. COPELAND. I yield.

Mr. NORRIS. If the Senator from Mississippi is right, then the Senator from Massachusetts was right, and I was wrong in the conclusion which I drew.

Mr. WALSH of Massachusetts. I thank the Senator.

Mr. NORRIS. I assumed from what the Senator from Utah had said that the present duty where the number of threads exceeded 120 and was less than 160 was more than 55 per cent ad valorem. Now he says it is less; that it is 40 per cent. That being true, of course, the reverse of what I said is true. I drew the wrong conclusion because I started with an assumption that was erroneous.

Mr. HARRISON. Mr. President, will the Senator from New York yield further to me?

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Mississippi?

Mr. COPELAND. I yield.

Mr. HARRISON. The statistics show that the importations of these particular articles are almost twice the production in this country. I presume those interested wanted this increase of duty on threads between 120 and 160 and demanded this increase in order to keep the foreign goods out.

Mr. COPELAND. Mr. President, I am very much inclined to suggest the absence of a quorum, because here we are with less than a majority of the Senate present, with even the leader of the farm bloc absent when farm rates are being considered and with everybody so confused that we do not know whether a given amendment proposes an increase or a decrease. The situation which we now have proves what I have said time and time again, that the Senate is not under present conditions physically and mentally competent to legislate. Even the Young Turks, with all their vigor, are absent; furthermore, a majority of the members of the Finance Committee, even those who framed this schedule, are conspicuous by their absence; half of the Senators are absent, and yet we are proposing to go forward and pass a bill revising the tariff, although we are so confused that we do not know whether this particular amendment involves an increase or a decrease.

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

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Utah?

Mr. COPELAND. I yield.

Mr. SMOOT. Mr. President, I should like very much now to bring the session to a close.

Mr. COPELAND. I yield for that purpose.

FUNERAL OF THE LATE SECRETARY OF WAR—RECESS

Mr. SMOOT. Mr. President, as a further mark of respect to the memory of the late Hon. James W. Good, Secretary of War, and also for the purpose of allowing Senators to attend his funeral to-morrow, I now ask unanimous consent that the Senate take a recess until to-morrow at 1 o'clock p. m.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Thereupon (at 10 o'clock and 28 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, November 20, 1929, at 1 o'clock p. m.

SENATE

WEDNESDAY, *November 20, 1929*

(Legislative day of Wednesday, October 30, 1929)

The Senate met at 1 o'clock p. m., on the expiration of the recess.

Mr. WALSH of Montana obtained the floor.

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

The VICE PRESIDENT. The clerk will call the roll.

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

Allen	Fletcher	Kendrick	Shortridge
Ashurst	Frazier	Keyes	Simmons
Barkley	George	La Follette	Smith
Bingham	Gillett	McCulloch	Smoot
Black	Glass	McKellar	Steck
Blaine	Goff	McMaster	Steiwer
Blease	Goldsborough	McNary	Stephens
Borah	Greene	Moses	Swanson
Bratton	Hale	Norbeck	Thomas, Idaho
Brock	Harris	Norris	Thomas, Okla.
Brookhart	Harrison	Nye	Townsend
Broussard	Hastings	Oddie	Trammell
Capper	Hatfield	Overman	Tydings
Caraway	Hawes	Patterson	Vandenberg
Connally	Hayden	Phipps	Wagner
Copeland	Hebert	Pittman	Walcott
Couzens	Heflin	Ransdell	Walsh, Mass.
Cutting	Howell	Robinson, Ind.	Walsh, Mont.
Dale	Johnson	Sackett	Waterman
Dill	Jones	Schall	
Fess	Kean	Sheppard	

The VICE PRESIDENT. Eighty-two Senators having answered to their names, a quorum is present. The Senator from Montana [Mr. WALSH] is entitled to the floor.

FINAL ADJOURNMENT

Mr. WALSH of Montana. Mr. President, it must be obvious to all that it is quite impossible for the Senate to complete the consideration of the unfinished business, the tariff bill, before the assembling of the regular session. Accordingly, there is no reason, in my judgment, why we should not have a brief recess preparatory to the work of the coming session. It ought to be had for reasons which have heretofore been adverted to and which need not now be repeated. It might also be said that it is the custom of practically all the Members of the Senate to come here at least a week before the general session to prepare for that work.

Accordingly, Mr. President, I offer this morning a concurrent resolution providing that the present session shall be brought to a close on Friday next. I send the concurrent resolution to the desk and ask that it be read.

The VICE PRESIDENT. The clerk will read.

The Chief Clerk read the concurrent resolution (S. Con. Res. No. 19), as follows:

Resolved by the Senate (the House of Representatives concurring), That the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session of the Congress by adjourning their respective Houses on Friday, November 22, 1929, at the following hours, namely: The Senate at the hour of 10 o'clock p. m., and the House at such hour as it may by order provide.

The Senate proceeded to consider the concurrent resolution.

The VICE PRESIDENT. The question is on agreeing to the concurrent resolution.

Mr. ALLEN. I demand the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BRATTON (when his name was called). I have a general pair with the Senator from Pennsylvania [Mr. REED], but I am informed that if he were present he would vote as I intend to vote. I therefore am at liberty to cast my vote. I vote "yea."

Mr. OVERMAN (when his name was called). I transfer the general pair which I have with the senior Senator from Wyoming [Mr. WARREN] to the junior Senator from Utah [Mr. KING] and vote "yea."

Mr. SMITH. I have a pair on this question with the senior Senator from New Jersey [Mr. EDGE]. I transfer the pair to the Senator from Pennsylvania [Mr. REED] and vote "yea."

Mr. TYDINGS. I have a general pair with the senior Senator from Rhode Island [Mr. METCALF]. I transfer the pair to the junior Senator from Maine [Mr. GOULD] and vote "yea."

The roll call was concluded.

Mr. SCHALL. My colleague [Mr. SHIPSTEAD] is still ill.

Mr. SHEPPARD. I wish to announce that the junior Senator from Utah [Mr. KING] is unavoidably detained by illness.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

I also desire to announce that the Senator from Montana [Mr. WHEELER] is necessarily detained from the Senate on official business.

Mr. FESS. I wish to announce that the senior Senator from Indiana [Mr. WATSON] has a general pair with the senior Senator from Arkansas [Mr. ROBINSON].

I also wish to announce that the senior Senator from Illinois [Mr. DENEEN] and the junior Senator from Illinois [Mr. GLENN] are absent in attendance at the funeral of the late Secretary of War.

I wish further to announce that on this question the junior Senator from Illinois [Mr. GLENN] is paired with the junior Senator from Montana [Mr. WHEELER]. If present and voting, the junior Senator from Illinois would vote "nay," and the junior Senator from Montana would vote "yea."

The result was announced—yeas 49, nays 33, as follows:

YEAS—49

Ashurst	Dale	Keyes	Steck
Barkley	Fletcher	McKellar	Steiwer
Bingham	George	McNary	Stephens
Black	Glass	Moses	Swanson
Blaine	Greene	Norbeck	Thomas, Okla.
Blease	Hale	Overman	Trammell
Bratton	Harris	Phipps	Tydings
Brock	Harrison	Pittman	Wagner
Brookhart	Hawes	Ransdell	Walsh, Mass.
Broussard	Hayden	Schall	Walsh, Mont.
Caraway	Heflin	Sheppard	
Connally	Jones	Simmons	
Copeland	Kendrick	Smith	

NAYS—33

Allen	Goff	McCulloch	Smoot
Borah	Goldsborough	McMaster	Thomas, Idaho
Capper	Hastings	Norris	Townsend
Couzens	Hatfield	Nye	Vandenberg
Cutting	Hebert	Oddie	Walcott
Dill	Howell	Patterson	Waterman
Fess	Johnson	Robinson, Ind.	
Frazier	Kean	Sackett	
Gillett	La Follette	Shortridge	

NOT VOTING—13

Deneen	King	Robinson, Ark.	Wheeler
Edge	Metcalf	Shipstead	
Glenn	Pine	Warren	
Gould	Reed	Watson	

So the resolution of Mr. WALSH of Montana was agreed to.

DISPOSITION OF USELESS PAPERS

The VICE PRESIDENT laid before the Senate a communication from the Postmaster General, transmitting, pursuant to law, a schedule of papers and documents on the files of the Post Office Department, which are not needed in the transaction of public business and have no permanent value or historic interest, and asking for action looking to their disposition, which was referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Departments. The Vice President appointed Mr. PHIPPS and Mr. MCKELLAR members of the committee on the part of the Senate.

PETITIONS

Mr. ALLEN presented petitions of sundry citizens of Fort Scott, Wichita, Pittsburg, Arkansas City, Baxter Springs, Riverton, Galena, and Parsons, all in the State of Kansas, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. JOHNSON presented petitions numerously signed by sundry citizens of the State of California, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

He also presented petitions of sundry citizens of the State of California, praying for the passage of legislation granting increased pensions to Spanish-American War veterans, which were referred to the Committee on Pensions.

Mr. CAPPER presented a petition of sundry commercial, fraternal, and patriotic organizations of the city of Wichita, Kans., praying for the passage of legislation providing for "a unified air service, under a competent head, who shall be minister of aviation, to be appointed by the President of the United States, with a portfolio in the President's Cabinet, with three assistants, one in charge of military aviation, one commercial and another experimental," etc., which was referred to the Committee on Military Affairs.

Mr. COPELAND presented a resolution adopted by the Chamber of Commerce of Mechanicville, N. Y., favoring the selection of a ship canal route from the Great Lakes to the Atlantic seaboard solely through United States territory, and suggesting the examination of a feasible route from Troy, N. Y., to the Great Lakes, etc., which was referred to the Committee on Commerce.

Mr. FESS (for Mr. DENEEN) presented petitions and papers in the nature of petitions from the Chicago Monthly Meeting of Friends, the University of Chicago Settlement, and sundry citizens of Chicago and vicinity in the State of Illinois, praying for the passage of legislation "to amend the naturalization law so as to make it clear that persons otherwise eligible shall not be barred from citizenship because of conscientious objection to bearing arms," which were referred to the Committee on Immigration.

WAKEFIELD, BIRTHPLACE OF GEORGE WASHINGTON

Mr. FESS, from the Committee on the Library, submitted a report (No. 45) to accompany the bill (S. 1784) appropriating money for improvements upon the Government-owned land at Wakefield, Westmoreland County, Va., the birthplace of George Washington, heretofore reported by him from that committee without amendment.

PAY OF SENATE PAGES

Mr. FESS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate Resolution 160, submitted by Mr. JONES on the 19th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay out of the appropriation for miscellaneous items, contingent fund of the Senate, fiscal year 1930, to the pages for the Senate Chamber at the rate of $4 per diem, from the day following the date of adjournment of the present session of Congress until the 30th day of November, 1929, both dates inclusive.

EXPENSES OF COMMITTEE ATTENDING FUNERAL OF THE LATE SECRETARY OF WAR

Mr. FESS. Mr. President, from the Committee to Audit and Control the Contingent Expenses of the Senate, I report a resolution in reference to expenses incurred by the special committee of the Senate in attending the funeral of the late Secretary of War, Hon. James W. Good, and I ask for its immediate consideration.

The resolution (S. Res. 162) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate the necessary and incidental expenses incurred by the committee appointed by the Vice President in attending the funeral of Hon. James W. Good, late the Secretary of War.

REPORT ON SAVANNAH HARBOR, GA. (S. DOC. NO. 39)

Mr. JONES presented a communication addressed to him as chairman of the Committee on Commerce by the Chief of Engineers of the Army, transmitting, pursuant to a request of the committee, a report of the Board of Engineers for Rivers and Harbors reviewing the report on Savannah Harbor, Ga., which, with the accompanying report, was referred to the Committee on Commerce, and ordered to be printed with an illustration.

REPORT OF POSTAL NOMINATIONS

Mr. PHIPPS, as in open executive session, from the Committee on Post Offices and Post Roads, reported sundry postoffice nominations, which were ordered to be placed on the Executive Calendar.

BILLS AND JOINT RESOLUTION INTRODUCED

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

By Mr. CAPPER:

A bill (S. 2175) exempting newspaper men from testifying with respect to the sources of certain confidential information; to the Committee on the Judiciary.

By Mr. COPELAND:

A bill (S. 2176) granting a pension to John T. Kiernan; to the Committee on Pensions.

A bill (S. 2177) providing for the appointment of a diplomatic representative to the Ukrainian Democratic Republic; to the Committee on Foreign Relations.

By Mr. FLETCHER:

A bill (S. 2178) granting an increase of pension to Vianna R. Huston; to the Committee on Pensions.

By Mr. HAYDEN:

A bill (S. 2179) to allow credit to homestead settlers and entrymen for military service in certain Indian wars; to the Committee on Public Lands and Surveys.

By Mr. WALSH of Massachusetts:

A bill (S. 2180) for the relief of M. Grace Murphy; to the Committee on Claims.

By Mr. JOHNSON:

A bill (S. 2181) for the relief of James T. Reynolds; and

A bill (S. 2182) for the relief of John O'Gorman; to the Committee on Military Affairs.

A bill (S. 2183) granting a pension to Mary A. Daugherty; and

A bill (S. 2184) granting a pension to Mrs. Frank H. Greenough; to the Committee on Pensions.

A bill (S. 2185) for the relief of Robert Berry; and

A bill (S. 2186) for the relief of Douglas B. Espy; to the Committee on Naval Affairs.

By Mr. KENDRICK:

A bill (S. 2187) for the relief of S. Dwight Hunt (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 2188) granting a pension to William P. Murphy, alias James J. Wilson (with accompanying papers); to the Committee on Pensions.

A bill (S. 2189) for the relief of certain stock-raising homestead entrymen in the State of Wyoming; to the Committee on Public Lands and Surveys.

By Mr. ROBINSON of Indiana:

A bill (S. 2190) granting compensation to the widow and minor children of Francis C. Oxley; to the Committee on Finance.

A bill (S. 2191) granting an increase of pension to Don I. Littell (with accompanying papers); to the Committee on Pensions.

By Mr. HAWES:

A bill (S. 2192) for the relief of Harvey J. Lewis (with an accompanying paper);

A bill (S. 2193) for the relief of Harry H. Davis, alias Harry H. Kellar (with an accompanying paper); to the Committee on Military Affairs.

A bill (S. 2194) granting a pension to Harry F. Ebbs (with accompanying papers);

A bill (S. 2195) granting a pension to Ethel Cooter (with accompanying papers);

A bill (S. 2196) granting a pension to Melvina Griffey (with accompanying papers);

A bill (S. 2197) granting a pension to Ella H. Litton (with accompanying papers);

A bill (S. 2198) granting a pension to Catherine Martin (with accompanying papers);

A bill (S. 2199) granting a pension to William Benjamin Messer (with accompanying papers);

A bill (S. 2200) granting a pension to Elizabeth Miller (with accompanying papers);

A bill (S. 2201) granting a pension to Alexander C. Monroe (with accompanying papers);

A bill (S. 2202) granting a pension to H. C. Powell (with accompanying papers);

A bill (S. 2203) granting an increase of pension to Elizabeth J. Nettie Legg (with accompanying papers);

A bill (S. 2204) granting an increase of pension to Sarah A. Mitchell (with accompanying papers);

A bill (S. 2205) granting an increase of pension to Mary Storrs (with accompanying papers);

A bill (S. 2206) granting an increase of pension to Charlotte A. Thomas (with accompanying papers); and

A bill (S. 2207) granting an increase of pension to Euphema Washburn (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH:

A joint resolution (S. J. Res. 81) for the relief of farmers and fruit growers in the storm and flood stricken areas of Alabama, Georgia, North Carolina, and South Carolina; to the Committee on Agriculture and Forestry.

PAY OF EMPLOYEES

Mr. JONES. I introduce a joint resolution, which I ask may be read at length.

The joint resolution (S. J. Res. 82) authorizing the payment of salaries of the officers and employees of Congress for November, 1929, on the 27th day of that month, was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the Secretary of the Senate and the Clerk of the House of Representatives are authorized and directed to pay to the officers and employees of the Senate and House of Representatives, including the Capitol police, the office of legislative counsel, and employees paid on vouchers under authority of resolutions, their respective salaries for the month of November, 1929, on the 27th day of that month.

Mr. JONES. I ask for the immediate consideration of the joint resolution.

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT TO THE TARIFF BILL

Mr. FLETCHER submitted an amendment intended to be proposed by him to House bill 2667, the tariff revision bill, which was ordered to lie on the table and to be printed.

REFERENCE OF CERTAIN SENATE BILLS TO COURT OF CLAIMS

Mr. COPELAND submitted the following resolution (S. Res. 163), which was referred to the Committee on Claims:

Resolved, That the bills making an appropriation to pay the Acme Die-Casting Corporation, of New York City, N. Y., its loss and damage incurred and suffered by it in complying with United States Navy commandeer order No. N-3255, dated June 18, 1919 (S. 2096); the Fairbanks, Morse & Co., of New York City, N. Y. (S. 2097); the Thermal Syndicate (Ltd.), of New York City, N. Y. (S. 2094); Charles B. Chrystal (S. 2095); the William Wrigley, Jr., Co. (Inc.), of New York City, N. Y. (S. 2098), now pending in the Senate, together with all accompanying papers, be, and the same are hereby, referred to the Court of Claims in pursuance of the provisions of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; and the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

PLACE OF BURIAL OF WORLD WAR SAILORS AND MARINES FROM NORTH CAROLINA

Mr. SIMMONS. Mr. President, I have here a list of members of the Navy from the State of North Carolina who served during the World War and were killed, and showing where they were buried. I have a similar list of members of the Marine Corps from North Carolina who served in the World War who were killed, and showing where they were buried. I ask that these lists may be printed in the RECORD.

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

DEPARTMENT OF THE NAVY,
BUREAU OF MEDICINE AND SURGERY,
Washington, D. C., November 9, 1929.

Hon. F. McL. SIMMONS,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Your letter of October 30, addressed to Admiral Richard H. Leigh, United States Navy, Chief of the Bureau of Navigation, has been referred to this office for reply, in connection with your request for a list of the citizens of North Carolina who served in the Navy during the period of the World War, and who died during that service, specifying burial places.

From the list of members of the Navy from the State of North Carolina who died during the World War, supplied by the Bureau of Navigation, this bureau has compiled the inclosed list showing the various places of burial.

In addition, the Bureau of Navigation has furnished the following data respecting the number of persons from North Carolina who served in the Navy during the World War:

Enlisted United States Navy:	
Male	2,750
Female	8
Enlisted United States Naval Reserve:	
Male	4,176
Female	190
Total	7,124
Number who lost their lives	98
Officers United States Navy	187
Officers United States Naval Reserve	517
Total	704
Number who lost their lives	7

The department has not compiled data, segregated by States, as to those wounded during the World War who recovered.

Trusting the information supplied herewith will be satisfactory to your purpose, I am,

Sincerely yours,

C. E. RIGGS,
Surgeon General, United States Navy.

Citizens of the State of North Carolina who died while serving in the Navy during the World War

Name	Rank	Place of burial
Andrews, Junius Franklin.	Ensign, U. S. Naval Reserve Force.	Durham, N. C.
Gray, William Theodore.	Pay inspector, U. S. Navy.	Winston-Salem, N. C.
Neal, John	Ensign, U. S. Navy	Louisburg, N. C.
Parrott, George Fountain, jr.	Lieutenant commander.	Lost life in collision of U. S. S. Shaw and Aquitania. Body not recovered.

Citizens of the State of North Carolina who died while serving in the Navy during the World War—Continued

Name	Rank	Place of burial
Pou, Edwin Smith	Ensign, U. S. Naval Reserve Force.	Smithfield, N. C.
Standin, John Robert	do	Arlington National Cemetery.
Williamson, Thomas	Chief Engineer, U. S. Navy (retired).	Do.
Addor, Felix Eugene	Sea. 2 cl	Keyser, N. C.
Allen, Harvy Nicholas	Fire. 2 cl	Shelby, N. C.
Allred, George Henry	do	On missing Cyclops.
Arrowood, Frank Green.	Water tender	Lost when U. S. S. Herman Frasch sank in collision.
Austin, John Ashcraft	Coxswain	Charlotte, N. C.
Baker, Jesse Johnson	Sea. 2 cl	Goldsboro, N. C.
Barber, Charles Melvin.	do	Greenville, N. C.
Battle, Joseph	Ship's cook 3 cl., U. S. Naval Reserve Force.	Lost when U. S. S. Lakemoor was sunk in collision.
Beam, Joshua Lawrence.	Fire. 1 cl	Ellenboro, N. C.
Boyd, Richard	Mess att. 3 cl., U. S. Naval Reserve Force.	Manning, N. C.
Briggs, Rotha Brown	App. sea., U. S. Naval Reserve Force.	Fletcher, N. C.
Brooks, Joseph Bryan	Fire. 3 cl., U. S. Naval Reserve Force.	Bath, N. C.
Brown, John Cleveland.	Fire. 3 cl	Lost in sinking of U. S. S. Ticonderoga.
Brown, Loyd Absolum	Sea. 2 cl., U. S. Naval Reserve Force.	Jacksonville, N. C.
Bushall, William Hansell.	Sea., U. S. Naval Reserve Force.	Beaufort, N. C.
Callaway, Clarence Tuttle.	Sea. 2 cl	Davidson, N. C.
Carraway, Rufus Bell	Water tender, U. S. Naval Reserve Force.	Merriman, N. C.
Carter, Sam Dallas	Fire. 3 cl., U. S. Naval Reserve Force.	Waxhaw, N. C.
Cherry, Clarence Washington.	Sea. 2 cl., U. S. Naval Reserve Force.	Gastonia, N. C.
Clark, Tablot	Water tender, U. S. Naval Reserve Force.	Calvary Cemetery, Portsmouth, Va.
Cook, Ellis Gordon	Chief elec	Connellys Springs, N. C.
Cottle, Walter Raleigh	Sea. 2 cl., U. S. Naval Reserve Force.	Chinquapin, N. C.
Dalton, Carl Lewis	Phar. mate 2 cl	Lost in sinking of U. S. S. Tampa.
Dancy, Isaac	Boatswain's mate 2 cl	On missing Cyclops.
Davenport, Everett Watson.	Sea. 2 cl., U. S. Naval Reserve Force.	Charlotte, N. C.
Davis, Edward Lee	do	Lost in sinking of U. S. S. Ticonderoga.
Day, Leonard Calvert.	Fire. 1 cl	On missing Cyclops.
Dellinger, Junius Logan.	Sea. 2 cl	Do.
Dukes, George Harper	Fire. 3 cl	Summerton, S. C.
Eborn, William Robert.	Fire. 2 cl., U. S. Naval Reserve Force.	Bunyon, N. C.
Edwards, Allen Thomas.	Sea. 2 cl	Lost in sinking of U. S. S. Alcedo.
Edwards, Coy	Sea., National Naval Volunteers.	Whiteville, N. C.
Feeney, John	Fire. 3 cl., U. S. Naval Reserve Force.	Hampton, N. C.
Fleming, George Patrick.	Elec. 3 cl., U. S. Naval Reserve Force.	Manson, N. C.
Flow, Arthur Alexander.	Sea. 2 cl	Matthews, N. C.
Forest, Samuel Adolphus.	do	Pilot Mountain, N. C.
Franklin, McDonald	App. sea	Newland, N. C.
Gallup, Raymond Mancha.	Mach. mate 2 cl., U. S. Naval Reserve Force.	Fayetteville, N. C.
Grannis, James Kidwell.	Fire. 2 cl., U. S. Naval Reserve Force.	Do.
Hampton, Loyd John	Water tender	Riverside, N. C.
Handley, Herbert Lee	Sea. 2 cl., U. S. Naval Reserve Force.	Goldsboro, N. C.
Hardesty, Percy Raymond.	Elec. 3 cl., U. S. Naval Reserve Force.	Newport, N. C.
Harrington, William Eugene.	Sea. U. S. Naval Reserve Force.	North Wilkesboro, N. C.
Harris, John Daniel	Mach. mate 1 cl. (A)	Warrenton, N. C.
Hensley, Rex	Boatswain's mate 1 cl	Naval Cemetery, Norfolk, Va.
Hester, Robert Lacy	Lands. for M. M. (Avia.)	Johns, N. C.
Highsmith, Dwight	Sea. 2 cl	Drowned; body not recovered.
Hill, Luther	Fire. 1 cl	Lost in sinking of U. S. S. Jacob Jones.
Hingerty, Robert Heckle.	Blacksmith, U. S. Naval Reserve Force.	Berkeley, Va.
Hinton, Sherwood	Mess. att. 3 cl	Cemetery 608, Seringes et Nesles, France.
Holland, Marion Butler.	Sea. 2 cl., U. S. Naval Reserve Force.	Warsaw, N. C.
Hollear, George Washington.	App. sea	Mortimer, N. C.
Holliday, Grover Cleveland.	Eng. 1 cl	Fayetteville, N. C.
Hood, Harvey B	Sea. 2 cl	Goldsboro, N. C.
Hudson, Eugene Holton.	App. sea., U. S. Naval Reserve Force.	Galax, Va.
Hunsucker, James Carl	Sea. 2 cl., U. S. Naval Reserve Force.	Conover, N. C.
Johnson, Elbreth Pope	Elec. 3 cl	Barnesville, N. C.
Johnson, George Joe	Fire. 3 cl	Gaston, N. C.
Jones, Earl Edgar	App. sea	Farmville, N. C.
Kincaid, Glen	M. M. 1 cl., U. S. Naval Reserve Force.	Fairmont, W. Va.
Jordan, Grover Phonso	Sea. 2 cl	Edenton, N. C.

Citizens of the State of North Carolina who died while serving in the Navy during the World War—Continued

Name	Rank	Place of burial
Kivett, Billy Simmons	Sea. 2 cl	Carthage, N. C.
Lail, George	M. M. 2 cl., U. S. Naval Reserve Force.	Conover, N. C.
Lamm, Thomas Busby.	App. sea., U. S. Naval Reserve Force.	Selma, N. C.
Langdon, William C	Ch. yeoman	Arlington National Cemetery.
Lankford, Wallace Rollens.	Shipfitter 2 cl., U. S. Naval Reserve Force.	Tryon, N. C.
Lennon, Graydon Vaughn.	M. M. 2 cl., U. S. Naval Reserve Force.	Elizabeth City, N. C.
Lilley, Robert Greenleaf.	Fire. 3 cl	Naval Cemetery, Chelsea, Mass.
Lineberger, James Jenkins.	Ch. water tender	Lost in sinking of U. S. S. Ticonderoga.
Marshburn, Djalma	Quartermaster 2 cl., (Avia.).	Drowned; body not recovered.
Miller, Wayne Jackson	Hosp. app., 2 cl	Asheboro, N. C.
Murphy, John Ray	Sea. 2 cl., U. S. Naval Reserve Force.	Beaufort, N. C.
Murray, William	Mess att. 3 cl., U. S. Naval Reserve Force.	National Cemetery, Brooklyn, N. Y.
Naughtin, Thomas John, jr.	Sea. 2 cl	Lost in sinking of U. S. S. Ticonderoga.
Norris, Timothy Dell	Sea. 2 cl., U. S. Naval Reserve Force.	Shulls Mills, N. C.
Ormsby, Edgar Parmele.	Water tender	Drowned; body not recovered.
Phillips, George Gladstone.	Elec. 3 cl., U. S. Naval Reserve Force.	Rockingham, N. C.
Phillips, William Millet	Sea. 2 cl., U. S. Naval Reserve Force.	Winston-Salem, N. C.
Pickell, Alexander Holloday.	Ch. Q. M., U. S. Naval Reserve Force.	Raleigh, N. C.
Pigott, Charles Henry	Mess att. 3 cl., U. S. Naval Reserve Force.	Morehead City, N. C.
Powers, Robert Hardy	Painter 2 cl	On missing Cyclops.
Proffitt, John Milton	Sea. 2 cl., U. S. Naval Reserve Force.	Burnsville, N. C.
Rathbone, Jeter Will	Fire. 3 cl	Bakersville, N. C.
Rhymes, Johnny	Mess att. 3 cl	Ayden, N. C.
Riddle, Robert Earl	Sea. 2 cl	On missing Cyclops.
Rowe, Joseph Walter	do	Greensboro, N. C.
Scales, Alfred Moore, jr.	Sea. 2 cl., U. S. Naval Reserve Force.	Do.
Smith, Edward Hanson	App. sea	Fayettesville, N. C.
Smith, Herbert William	do	Asheville, N. C.
Southern, Ruphus Edward.	Sea. 2 cl	Arlington National Cemetery.
Stallings, Washington Wyatt.	Plumber and fitter	Newbern, N. C.
Tarkenton, Eric Lee	Sea. 2 cl., U. S. Naval Reserve Force.	Windsor, N. C.
Taylor, Ishmeal	App. sea	Newport, N. C.
Taylor, William Paul	Fire. 3 cl., U. S. Naval Reserve Force.	Jacksonville, N. C.
Trivett, Smith Donley	Sea. 2 cl., U. S. Naval Reserve Force.	Butler, Tenn.
Tucker, Lewis Franklin	Q. M. 2 cl. (A)	Charlotte, N. C.
Ward, Ferman Briscoe	Sea. 2 cl. U. S. Naval Reserve Force.	Marion, N. C.
Wilson, George Felton	Fire. 2 cl	Vanceboro, N. C.

HEADQUARTERS UNITED STATES MARINE CORPS,
Washington, November 15, 1929.

Hon. F. McL. SIMMONS,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Having further reference to your letter of October 30, there is submitted herewith certain information concerning the officers and enlisted men from the State of North Carolina who served in the Marine Corps during the World War.

The Marine Corps personnel during the World War now accredited to the State of North Carolina consisted of 22 officers and 591 enlisted men. Of these, 7 officers and 223 enlisted men served overseas; 2 officers and 13 enlisted men were gassed in action and 63 enlisted men were wounded.

There is inclosed a list of the dead, showing the date and cause of death, together with disposition of the bodies; also a list of those who were decorated or cited for bravery.

Trusting that the information furnished will fully meet with your requirements, I am, with best wishes,

Sincerely yours,

W. C. NEVILLE,
Major General Commandant.

CASUALTIES SUFFERED BY MARINE CORPS PERSONNEL FROM THE STATE OF NORTH CAROLINA DURING THE WORLD WAR—ALL ENLISTED MEN

Casualties (overseas)

Killed in action	18
Died of wounds	12
Died of disease	1
Died of other causes	1
Total casualties	32
Death in the United States	
Died of disease	1
**Disposition of overseas dead*	
Returned to United States	18
Permanently buried in France	12
Remains never recovered	2

LIST OF ENLISTED MEN FROM THE STATE OF NORTH CAROLINA WHO LOST THEIR LIVES OVERSEAS WHILE SERVING IN THE UNITED STATES MARINE CORPS DURING THE WORLD WAR, INCLUDING DISPOSITION OF REMAINS

Newton Lewis Beach, private, Ninety-sixth Company, Sixth Regiment, killed in action October 9, 1918, in the Champagne offensive. Remains returned to the United States and shipped to John C. Williams, brother, 203 North Green Street, Morgantown, N. C. Former residence: Winston-Salem, N. C.

William Allen Benton, private, Fifty-first Company, Fifth Regiment, killed in action June 11, 1918, in the Chateau-Thierry sector. Remains returned to the United States and shipped to Mrs. Ada Mabe, Mayodan, N. C. Next of kin: Mrs. Eliza Benton, mother, Mayodan, N. C. Former residence: Mayodan, N. C.

William Prenn Blackburn, corporal, Eighteenth Company, Fifth Regiment, died June 12, 1918, of wounds received in the Chateau-Thierry sector. Remains permanently interred in grave 11, block A, row 3, Aisne-Marne Cemetery, No. 1764, Belleau Wood, France. Next of kin: Charles Blackburn, father, 18 Winfred Place, Charlotte, N. C. Former residence: Charlotte N. C.

John Franklin Blalock, private, Forty-ninth Company, Fifth Regiment, killed in action June 6, 1918, in the Chateau-Thierry sector. Remains permanently interred in grave 41, block A, row 11, Aisne-Marne Cemetery, No. 1764, Belleau Wood, France. Next of kin: Julius Henry Blalock, Hamlet, N. C. Former residence: Hamlet, N. C.

Isaac Neal Boone, private, Fifty-first Company, Fifth Regiment, killed in action June 4, 1918, in the Chateau-Thierry sector. Remains returned to the United States and shipped to Mrs. Dela A. Boone, mother, R. F. D. No. 2, Stokesdale, N. C. Former residence: Winston-Salem, N. C.

Dudley Boyd Brantly, private, Seventy-fifth Company, Sixth Regiment, killed in action June 10, 1918, in the Chateau-Thierry sector. Remains returned to the United States and shipped to Mrs. Cassie A. Brantly, mother, Middlesex, N. C. Former residence: Middlesex, N. C.

James Asbury Cook, private, Seventy-sixth Company, Sixth Regiment, died July 19, 1918, of wounds received in the Aisne-Marne offencive. Remains returned to the United States and shipped to John A. Cook, father, 191 Pennsylvania Avenue, West Asheville, N. C. Former residence, Winston-Salem, N. C.

Reid Davis Cranford, private, Eighty-third Company, Sixth Regiment, died July 19, 1918, of wounds received in the Aisne-Marne offensive. Remains returned to the United States and shipped to Manley W. Cranford, father, Davidson, N. C. Former residence: Charlotte, N. C.

Chuck Bert Davis, sergeant, Seventy-third Company, Sixth Regiment, died July 19, 1918, of wounds received in the Aisne-Marne offensive. Remains returned to the United States and shipped to Mrs. Nola Stepp, aunt, 92 Jefferson Drive, Asheville, N. C. Former residence: Asheville, N. C.

James Benjamin Deans, private, Forty-ninth Company, Fifth Regiment, killed in action, October 4, 1918, in the Champagne offensive. Remains permanently interred in grave 7, block F, row 43, Meuse-Argonne Cemetery, No. 1232, Romagne, France. Next of kin: Miss Ella Deans, sister, Middlesex, N. C. Former residence: Middlesex, N. C.

Ralph Felmet, private, Eighty-fourth Company, Sixth Regiment, died October 9, 1918, of wounds received in the Champagne offensive. Remains returned to the United States and shipped to William V. Felmet, father, 158 Penn Avenue, Asheville, N. C. Former residence: Asheville, N. C.

Claude Fuqua, corporal, Sixty-sixth Company, Fifth Regiment, killed in action June 6, 1918, in the Chateau-Thierry sector. Remains permanently interred in grave 84, block A, row 9, Aisne-Marne Cemetery, No. 1764, Belleau Wood, France. Next of kin: John Smith, grandfather, Burlington, N. C. Former residence: Durham, N. C.

John Martin Gardner, corporal, Seventy-fourth Company, Sixth Regiment, died April 30, 1918, of wounds received in the Toulon sector. Remains permanently interred in grave 15, block A, row 43, Meuse-Argonne Cemetery, No. 1232, Romagne, France. Next of kin: Rufus Gardner, father, Dunn, N. C. Former residence, Scotland Neck, N. C.

David Sloan Graham, private, Eighth Company, Fifth Regiment, killed in action June 6, 1918, in the Chateau-Thierry sector. Remains permanently interred in grave 69, block A, row 2, Aisne-Marne Cemetery, No. 1764, Belleau Wood, France. Next of kin: Dr. A. W. Graham, brother, Chrisholm, Minn. Former residence: Charlotte, N. C.

George Pease Gray, private, Fifty-first Company, Fifth Regiment, killed in action September 16, 1918, in the St. Mihiel offensive. Remains returned to the United States and shipped to Harrison F. Gray, father, Elkin, N. C. Former residence: Elkin, N. C.

George Oren Hamlet, private, Forty-ninth Company, Fifth Regiment, killed in action June 6, 1918, in the Chateau-Thierry sector. Remains returned to the United States and shipped to J. G. Hamlet, Pittsboro, N. C. Next of kin: Robert L. Hamlet, father, care of police department, Birmingham, Ala. Former residence: West Durham, N. C.

Frank Bryan Hayes, corporal, Seventy-fifth Company, Sixth Regiment, died October 5, 1918, of wounds received in the Champagne offensive. Remains permanently interred in grave 39, block C, row 41, Meuse-Argonne, No. 1232, Romagne, France. Next of kin: Mrs. Mollie Hayes, mother, Shelby, N. C. Former residence: Shelby, N. C.

Cecil Ewert Gladstone Henry, private, Ninety-sixth Company, Sixth Regiment, killed in action October 3, 1918, in the Champagne offensive. Remains permanently interred in grave 34, block F, row 37, Meuse-Argonne Cemetery, No. 1232, Romagne, France. Next of kin: Thomas H. Henry, father, 12 Pearl Street, Asheville, N. C. Former residence: Asheville, N. C.

Arthur Holder, sergeant, Fifty-first Company, Fifth Regiment, died November 29, 1918, of wounds received in the Meuse-Argonne offensive. Remains returned to the United States and shipped to William Holder, father, North Wilkesboro, N. C. Former residence: North Wilkesboro, N. C.

Walter Hutchins, private, Forty-ninth Company, Fifth Regiment, killed in action October 4, 1918, in the Champagne offensive. Remains shipped to the chairman Winston-Salem Chapter, American Red Cross, Winston-Salem, N. C. Next of kin: Mrs. J. Hutchins, mother, Yadkinville, N. C. Former residence: Yadkinville, N. C.

Roland Fred McArthur, private, Supply Company, Sixth Regiment, died of disease January 19, 1918. Remains returned to the United States and shipped to Mrs. Irene Jessie McArthur, mother, Carthage, N. C. Former residence: Carthage, N. C.

Augburn Dean Martin, private, Fifty-fifth Company, Fifth Regiment, killed in action June 12, 1918, in the Chateau-Thierry sector. Remains returned to the United States and shipped to Mrs. Fannie Martin, mother, East Bend, N. C. Former residence: East Bend, N. C.

Joseph Lee Orr, private, Forty-fifth Company, Fifth Regiment, killed in action June 9, 1918, in the Chateau-Thierry sector. Remains returned to the United States and shipped to Thomas J. Orr, father, Matthews, N. C. Former residence: Charlotte, N. C.

Allison Martin Page, corporal, Forty-seventh Company, Fifth Regiment, died June 25, 1918, of wounds received in the Chateau-Thierry sector. Remains permanently interred in grave 45, block A, row 3, Aisne-Marne Cemetery, No. 1764, Belleau Wood, France. Next of kin: Mrs. Ella Martin Page, mother, Aberdeen, N. C. Former residence: Durham, N. C.

Samuel Parrott, private, Forty-ninth Company, Fifth Regiment, died November 16, 1917, as result of fall. Remains returned to the United States and permanently interred in grave 3432, section 15, National Cemetery, New Bern, N. C. Next of kin: Mrs. L. B. Byrum, mother, 202 Pollick Street, New Bern, N. C. Former residence: New Bern, N. C.

William Francis Peloubet, private, Seventy-fourth Company, Sixth Regiment, killed in action June 5, 1918, in the Chateau-Thierry sector. Remains permanently interred in grave 84, block A, row 4, Aisne-Marne Cemetery, No. 1764, Belleau Wood, France. Next of kin: Francis W. Peloubet, father, R. F. D. No. 1, Asheville, N. C. Former residence: Asheville, N. C.

James Floyd Staton, private, Ninety-seventh Company, Sixth Regiment, died July 19, 1918, of wounds received in the Aisne-Marne offensive. Remains permanently interred in grave 15, block A, row 39, Seringes et Nesles Cemetery, No. 608, Aisne, France. Next of kin: Mrs. Cornelius Staton, mother, Marshville, N. C. Former residence: Marshville, N. C.

Foster Bythan Stevens, private, Eighty-third Company, Sixth Regiment, killed in action November 2, 1918, in the Meuse-Argonne offensive. Remains permanently interred in grave 39, block H, row 36, Meuse-Argonne Cemetery, No. 1232, Romagne, France. Next of kin: Henry W. Stevens, father, R. F. D. No. 4, Goldsboro, N. C. Former residence: Goldsboro, N. C.

Samual Maris Wilkinson, private, Seventeenth Company, Fifth Regiment, died June 15, 1918, of wounds received in the Chateau-Thierry sector. Remains returned to the United States and permanently interred in grave 1227, section —, North Carolina National Cemetery, Raleigh, N. C. Next of kin: Mrs. Della M. Wilkinson, mother, R. F. D. No. 2, Hillsboro, N. C. Former residence: Hillsboro, N. C.

John Wadsworth Thompson, private, Seventy-sixth Company, Sixth Regiment, died October 15, 1918, of wounds received in the Champagne sector. Remains returned to the United States and shipped to Mrs. Cora L. Thompson, care of Z. A. Hovis & Son, undertakers, Charlotte, N. C. Next of kin: Robert L. Thompson, father, R. F. D. No. 6, box No. 118, Charlotte, N. C. Former residence: Charlotte, N. C.

Carl Williams, private, Eighty-third Company, Sixth Regiment, killed in action June 6, 1918, in the Chateau-Thierry sector. Remains never recovered. Next of kin: James L. Williams, father, Waynesville, N. C. Former residence: Waynesville, N. C.

Charles Wood, corporal, Seventy-eighth Company, Sixth Regiment, killed in action September 15, 1918, in the St. Mihiel offensive. Remains never recovered. Next of kin: Mrs. A. O. Breedlove, sister, 108 Walker Street, Durham, N. C. Former residence: Raleigh, N. C.

ENLISTED MAN FROM THE STATE OF NORTH CAROLINA WHO DIED IN THE UNITED STATES WHILE SERVING IN THE UNITED STATES MARINE CORPS DURING THE WORLD WAR, INCLUDING DISPOSITION OF REMAINS

William Henry McClure, corporal, Supply Detachment, Marine Barracks, Parris Island, S. C., died of disease November 9, 1918, at Parris

Island, S. C. Remains shipped to W. H. McClure, Hazelwood, N. C. Next of kin: Mrs. W. H. McClure, mother, R. F. D. No. 1, Waynesville, N. C. Former residence: Waynesville, N. C.

ENLISTED MEN OF THE MARINE CORPS FROM THE STATE OF NORTH CAROLINA WHO WERE DECORATED OR CITED FOR SERVICE IN THE WORLD WAR

Newton L. Beach, sergeant major, was cited in Second Division General Order No. 64 for gallantry in action in the Blanc Mont sector, France.

Oliver L. Boyd, private, was cited in Second Division General Order No. 88 for his exceptional coolness in operating his machine gun while under heavy artillery and machine-gun fire. His example was an inspiration to his comrades.

Amos M. Boyette, private, was cited in American Expeditionary Forces Citation No. 1 for gallantry in action in Bois de Belleau, France, on June 13, 1918.

Jones H. Clark, sergeant, was cited in Second Division General Order No. 88 for discharging the duty devolving upon him in a highly satisfactory manner. Due to his untiring efforts the men of his company were provided with hot meals at all times, even under the most adverse circumstances and on all fronts.

Alfred B. Collins, sergeant, awarded croix de guerre with silver star. He displayed remarkable courage and fine qualities of leadership during an enemy raid, and by his initiative the latter was broken up. This on October 4, 1918, near St. Etienne-a-Arnes, France. This man was also cited in Second Division General Order No. 64 for the above action.

Chuck B. Davis, sergeant, awarded croix de guerre with silver star and cited in Second Division General Order No. 44 for volunteering to deliver Hotchkiss ammunition to guns on the line, accomplishing his task with Drummer Allgor in the face of heavy bombardment when ammunition resupply was vital. This near Chateau-Thierry June, 1918.

Walter E. Furr, private, awarded the distinguished-service cross, the Navy cross, the medaille militaire (French), croix de guerre with palm, and cited in Second Division General Order No. 53, for extraordinary heroism in action near Vierzy, France, on July 19, 1918. Unaided he crept forward in advance of his line, searched an underground tunnel, captured five Germans, and brought them back through heavy machine-gun and shell fire.

Sidney Harris, private, was cited in Second Division General Order No. 64 for gallantry in action against the enemy in the Meuse-Argonne offensive, France.

Hal L. Hartzog, private, awarded croix de guerre with silver star and cited in Second Division General Order No. 44 for the following action: He encountered a machine gun while on patrol, and at the risk of his life placed his automatic rifle in position and covered the retreat of his comrades. Also cited in American Expeditionary Force Citation Order No. 2 for above gallantry.

Dunk Hill, private, awarded croix de guerre with bronze star for the following action: While fulfilling his duties as litter bearer in the Belleau Wood on June 6, 1918, he displayed the greatest bravery in going to the aid of the wounded under a bombardment of extreme violence.

Ray T. Moore, private, was cited in Second Division General Order No. 64 for gallantry in action against the enemy at Blanc Mont, France.

Allison M. Page, sergeant, was awarded a croix de guerre with bronze star and cited in Second Division General Orders No. 44 and No. 88 and American Expeditionary Force Citation Order No. 4 for gallantry in action near Chateau-Thierry, France. He displayed extraordinary heroism in leading his group through exceedingly heavy shell and machine-gun fire. His excellent work on the field, extreme self-sacrifice, and absolute devotion to duty, for which he gave his life, were a continual source of inspiration and confidence to his men.

Julien M. Smyly, private, was cited in Second Division General Order No. 64 for gallantry in action against the enemy at Blanc Mont, France.

Thomas B. Wilkinson, private, was awarded a croix de guerre with bronze star and cited in Second Division General Order No. 40 for the following bravery: On June 11, 1918, during the attack of Belleau Wood, he displayed the greatest bravery during a violent bombardment by quitting his shelter to dress the wounds of his comrades.

PROPOSED EXECUTIVE SESSION

Mr. JONES. Mr. President, I move that the Senate proceed to the consideration of executive business in open executive session.

Mr. NORRIS. Mr. President, will the Senator from Washington withhold that motion so that I may make a statement?

The VICE PRESIDENT. Does the Senator from Washington withhold his motion?

Mr. JONES. I withhold it.

Mr. NORRIS. I hope that the Senator from Washington will not make the motion to proceed to the consideration of executive business until later in the day, and I should like to state the reason for my request.

I am not opposed to taking that step; I think we ought to do it; but it has been impossible for me to obtain a quorum of the Judiciary Committee the last time or two that I have tried, on account of the Senate meeting so early in the day and being in continuous session. We have before that committee at least one nomination for an important office. I received the last report relative to it this morning, and I think the report of the committee will be unanimous, but I should like to have that nomination also disposed of.

The VICE PRESIDENT. Does the Senator from Washington withdraw his motion?

Mr. JONES. I withdraw the motion, expecting to make it later in the afternoon.

Mr. NORRIS. I will say to the Senator that I have called a meeting of the Judiciary Committee at 3 o'clock this afternoon.

VIEWS ON FINAL ADJOURNMENT

Mr. VANDENBERG. Mr. President, the motion just submitted by the distinguished senior Senator from Montana [Mr. WALSH] was not subject to debate, and therefore no statement could be made preceding the roll call. I feel, however, in justice to the general situation, and particularly in view of developments during the last few days, that the Senate will indulge me in a very brief personal statement. I am sure the Senate will understand that as I make it I do not impugn the motives that have actuated any Senator at any time in any connection with the issue which has been before us, directly and indirectly, for the last few days. Epithets never can successfully substitute for arguments. Most certainly I have no intention to invade the realm of personalities, and most certainly I shall refuse to reply to personalities in kind.

I have been impressed, Mr. President, in my own humble way, with the feeling that a situation impended in connection with the tariff in this forum of almost incalculable consequence to the people and the welfare of the United States, particularly in view of the present uncertain business psychology. I have been impressed with the view that the Senate could contribute profoundly to contemporary stabilities by completing its present labors with least possible delay. In this respect I have shared the views recently expressed by the President of the United States. While I speak only for myself, and have no right to speak otherwise, it is probable that these sentiments express the attitudes of others who have been similarly moved during the last few days. Hoping to contribute in some small degree what might be helpful in these connections, we have done what we have done, and I believe many Senators will carry on in this same spirit, regardless of temporary setbacks, until the job is done.

Mr. President, I regret that the Senate now has voted to adjourn. The progress made since last Thursday night, when the other adjournment motion was defeated, is complete vindication for those who insisted that the Senate should carry on. Prior to Thursday night the Senate had completed but four rate schedules. Since Thursday night we have completed five schedules as a result, at least partially, of the new impetus. If the other adjournment motion had been carried, it is common knowledge that quorums rapidly would have disintegrated and little or no subsequent progress made. Instead, we have gone through more than 50 pages of rates in four days and nights, where previously we used 21 days for 100 pages.

The same reasons which vindicated the former defeat of adjournment continue to sustain those who opposed the present adjournment. It begs the question to say that we could not finish the bill by December 1. Whatever progress could have been made in this direction would have brought the bill just so much nearer completion in the regular session. In my judgment, the country is best served by speediest possible rational action in this direction. It is unfortunate that these long sessions should be physically burdensome. But I am told that no general tariff bill ever was passed except under similar pressure of night sessions.

I continue to believe that the welfare of agriculture should dominate this limited tariff revision as defined by President Hoover. I continue to believe, however, that it would be grievous disservice to the country if any organized raid should attempt to reduce industrial tariffs below 1922 levels and fail in some few instances to accord obviously necessary increased protection to sick industries. Nothing has happened to foreclose the expectation that both of these results can be brought about. I only regret that a majority of the Senate has voted to postpone this culmination.

I submit these views, Mr. President, solely for myself, and I am sure the Senate will receive them in the spirit of great earnestness in which these observations have been uttered. The battle is far from lost. It merely is postponed; and, meanwhile, much ground has been gained.

Mr. HEFLIN. Mr. President, I voted for the adjournment resolution. Some weeks ago I was one of the first to suggest that the Senate meet at 10 o'clock in the morning instead of 12

o'clock; I was also one of the first to suggest that the Senate hold night sessions, and but for the vote on this side of the Chamber we would not have had night sessions. So, the progress which has been made has been due mainly to the efforts of the Democratic side in conjunction with the progressive Republicans who have voted with the Democratic side.

We all know, Mr. President, that it is a physical impossibility to complete this bill by December 2. We know that we are about to enter a long session which will run perhaps into next July or August. The Members of the Senate have been working on the tariff bill and some other matters for months and months. A little rest will be good for us all. There are some Members of the Senate who have had to be constantly on guard. In that category are both majority and minority members of the Finance Commitee, especially the Senator from Utah [Mr. SMOOT] and the Senator from North Carolina [Mr. SIMMONS], who have led, respectively, the two sides in the Senate; also the Senator from Georgia [Mr. GEORGE] and the Senator from Mississippi [Mr. HARRISON] and other Senators on this side and the other side who have been constantly in the debate morning, noon, and night. Senators, I submit that a rest of a week or 10 days will be good for them and good for us all. We will come back refreshed to take up the work early in December.

As I said once before, we can not do so very much in the way of general legislation in a regular session before the Christmas holiday. Bills are introduced, committees get down to work during that time, and then, after the holidays, we begin the serious consideration of matters of legislation pending. I have submitted heretofore, and I submit again, that when we meet in December we can go right to work on the tariff bill and complete it and turn it over to the conference committee by the holidays. That, Mr. President, can be done, and I think should be done.

I have observed the activities of the Young Guard, or the Young Turks, whatever they may be pleased to call themselves. They did, indeed, make a brave start. The Senator from Montana [Mr. WHEELER] accused them of charging at the Old Guard, but just before they reached the Old Guard they stopped suddenly, smiled, and beat a retreat. He suggested that in a little while they would all be together again—the Old Guard and the Young Guard. They will then, perhaps, if his prediction comes true, carry out the idea in the story that Bob Taylor used to tell of old Uncle Rufus and Aunt Mandy, who sat by the fireside eating roasted potatoes. Old Uncle Rufus said to Aunt Mandy, "Who's sweet?" And she leaned her head over against his shoulder and said, "Both of us." [Laughter.]

It does not seem that you are very angry with each other.

I do not believe the Young Guard intends to do any great amount of violence to the person of the Old Guard. Now, that you have made your charge and that you are gradually beating a retreat, I am reminded of a story that Roosevelt used to tell of a man who was chasing a wolf out in the Northwest, and he was riding behind his hounds. They soon ran out of hearing. He saw a farmer in his field on the roadside and asked him if he had seen the wolf and the dogs pass that way. The farmer said, "Yes; I have seen them pass here three times." The hunter said, "How were they going?" The farmer replied, "Well, the first two times the wolf was in the lead, but the last time they passed the dogs were in the lead." [Laughter.]

So it looks as though the Young Guard had the Old Guard in the lead at first; but now the Young Guard is beating a retreat and the Old Guard is driving them hard.

Mr. President, lest this man Roger Babson feel that his reprehensible and slanderous attack upon the Senate had something to do with the adjournment of Congress to-day, I want to say that what he said in the press this morning had nothing whatever to do with the action of the Senate. No hired agent of the money bunds can affect me and my course in the Senate. I want to pay my respects to this man Babson for a moment. The trouble with some men in public life and some men in positions like that occupied by Babson is that they go along for years, some of them, gaining influence and prestige, until they occupy a high place in the estimation of the people; and then in some crucial moment they betray their trust, turn their backs upon the principles of right, honor, and justice, and become the tools and instruments of predatory interests.

This man Babson has done that. Senators will recall that for the last three or four weeks this man has been predicting a crash on the stock exchange. For four weeks this man has advised buyers to beware. For four weeks some mighty bear organization has controlled this man Babson's pen and brain, and through the columns in which he expresses himself he has been directing and preaching a crusade against the bull movement on the stock exchange. He has given warning to people. He has repeatedly said a crash would come. Go and read his statements for the last three or four weeks. Well, the crash has come. They have had tremendous breaks up there and tremendous losses. And that is not all; he said that the "boom" on the stock exchange was the same kind of boom that was carried on in real estate in Florida, and intimated that it was due to watered stock and wind in the case of both of them.

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER (Mr. JONES in the chair). Does the Senator from Alabama yield to the Senator from Kentucky?

Mr. HEFLIN. I do.

Mr. BARKLEY. I desire to call the Senator's attention to the fact that in the statement issued this morning Mr. Babson charges the crash in the stock market to the action of the Senate in its consideration of the tariff bill. The Senator will recall that before the Senate began the consideration of the tariff bill Mr. Babson gave out a statement in which he predicted a stock-market crash to such an extent that Mr. Irving Fisher, another economist, felt it his duty to reply by predicting that there would not be any stock-market crash. But what I wanted to emphasize was that whereas Mr. Babson now lays this crash on Congress, he was predicting that it would happen before Congress even took up the consideration of the tariff bill.

Mr. HEFLIN. Yes; and, Mr. President, he did not issue the statement which appeared this morning until I introduced a resolution on yesterday quoting him, giving one of the reasons for introducing the resolution calling for an investigation of the stock exchange. No doubt those who have Mr. Babson hired and who absolutely control him made him issue this statement to-day—backing away from what he has been saying about the stock exchange for weeks and then jump on the Senate.

What has the Senate to do with it? Is the Senate to wait and cease to perform its duty until some speculative group on the stock exchange finishes its gambling spree? Must the Senate wait for suggestion regarding legislation from the stock exchange? Or are we to represent our constituents and do what we believe as Senators is best for this Government and best for the people of the United States? Have we reached the time when the Senate must act or fail to act according to what is registered by the "ticker" on the stock exchange?

If prices are going well and the skin-game process is successful, the gamblers' attitude is, "Go ahead with your legislation; we have nothing to say." But if somebody rises in the Senate and suggests that this gambling den in New York is drawing money out of every nook and corner of the country, robbing people in every State in the Union, driving men engaged in legitimate business into bankruptcy, and causing hundreds of men and women to kill themselves—if somebody in the Senate raises an objection to that sort of business, he is interfering with the activities of these speculators and is, therefore, contributing to a crash on the exchange. Well, such business needs to be in interfered with. Unfortunately for Mr. Babson, he cites us to an instance where the stock exchange was on a rampage once before, and the exchange was closed for practically a year; but after he suggested that point, over on the next page he says, "But there is no reason for closing it now." So Babson is changing his tune and singing a different song.

I introduced a resolution yesterday calling upon the lobby committee of the Senate to bring these gentlemen down here and question them regarding certain phases of the activities of those who were selling and buying stocks on the stock exchange. This morning a very fine man in this city, a good business man, telephoned me and asked me if I had kept up with Mr. Babson's articles. I told him that I had; and he reminded me that Babson had been preaching a panic and predicting a crash on the stock exchange for four or five weeks, and that now he suddenly turns and says that Congress is to blame for the ruin wrought in the financial status of hundreds of thousands of people.

Mr. President, I think I know what is the matter up there, and I think the investigation called for by my resolution will disclose just what the trouble is. I will say that this thing can not continue to go on in the wild and reckless way that it is going on to-day. Something has got to be done. They will either have to change the whole character of the speculation now carried on up there or the exchange, in the interest of legitimate business, will have to be closed. The question is, Are the Members of Congress willing to call the gluttonous and unscrupulous operators of this New York gambling machine to judgment? Shall these pompous, arrogant, and avaricious men continue their dangerous and destructive operations while the cotton farmers of the United States haul their cotton to the market place every day and sell it at low and unprofitable prices? Is this "gambling spree" to continue when merchants all over the country are saying that the wild speculation in fictitious or

watered stocks on the exchange is injuring legitimate business in every State in the Union? Is this thing to go on uninterrupted when hundreds of our bankers and other men engaged in legitimate business throughout the Nation are saying that the character of speculation now going on in the New York Stock Exchange is harmful to legitimate business of every kind? Will we sanction a "game of fraud and deception" that is enticing clerks in stores, cashiers in banks, and Government clerks to invest their earnings and risk their all on the fling of "loaded dice"?

I went into the store of a merchant in this town the other day and asked him how he was. He said, "I am pretty blue." I said, "What is the matter with you? You have not been playing the stock exchange, have you?" He said, "Yes, I have; but I am not going to play it any more." I said, "I guess not. They cleaned you up, didn't they?" He said, "They did." Then I said, "Well, no doubt yours is the same kind of a sad story that is being told in this country to-day by millions of people." Mr. President, the Bible admonishes us that, "If thine eye offend thee pluck it out." All right-thinking Americans will agree that no "speculative exchange" has the right to exist unless its operations can be clearly shown to be helpful and not hurtful to the legitimate transactions of the American people.

Mr. President, it is our duty to see that the every-day business of the average man is protected against the evils born of speculation in fictitious values. The business of millions of patriotic Americans is being disturbed and injured by "wild speculation" on the New York Stock Exchange. Legitimate business of every kind is complaining that "gambling" on the stock exchange is hampering and retarding business in every community in the country. Millions of money that should be kept in the States to meet the business needs of farmers, merchants, and others engaged in legitimate business is now being taken out of many local communities and sent to New York to be used in gambling transactions.

It looks to me as though we are going to have to pass a law regulating and limiting the activities of the stock exchange. It may be that we will have to reach this "New York State authorized and operated stock exchange" on the ground that it is doing an interstate business and say, "You can sell shares or stocks outright, and you can purchase them right on the stock exchange and then go back and sell them again; but stop speculation on margins." There is where the evil is. There is where the deadly danger lies. There is where all this trouble comes from.

I would not prevent American citizens from going there and buying real shares or stocks. I would not prevent them then, if they wanted to get rid of them, from going back later and selling them. Legitimate shares and stocks are real property and in many instances are very valuable. And I am not attacking that character of transaction. But something must be done to stop the kind of speculation that strikes down legitimate business in order to make certain gamblers rich.

Mr. CARAWAY. Mr. President——

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

Mr. HEFLIN. I yield to the Senator.

Mr. CARAWAY. The very thing that has happened on the stock exchanges in New York gives the lie, does it not, to their contention that the stock market reflects the world value of the commodity in which they deal?

Mr. HEFLIN. Sure! The transactions on the stock exchange for the last few weeks have shown that to be true.

Mr. CARAWAY. There can no longer be any justification, then, for their gambling under the pretense that they represent world markets.

Mr. HEFLIN. It appears to me that they have forced us all to that conclusion.

Mr. CARAWAY. I reached that conclusion a long time ago myself.

Mr. HEFLIN. I would not hesitate now, I will tell the Senator from Arkansas, to vote immediately to put a stop to this fictitious speculation or gambling in stocks that is going on up there; and I think he will agree with me.

Mr. CARAWAY. I would do it.

Mr. HEFLIN. If they want to sell shares or stocks as they sell cotton or any other actual thing that is all right.

Mr. CARAWAY. Anybody has a right to sell anything he owns, and to buy what another man wants to sell, but he has no right to sell what he does not own, and thereby try to influence conditions.

The Senator spoke of Babson. Have not his opinions been listed on the stock exchanges for years as of doubtful value?

Mr. HEFLIN. I do not know; but in the light of his recent reprehensible activities his opinions are entirely discredited by me.

Mr. CARAWAY. I mean to say, there have always been commodities to be had in the market if anybody thought they had any value and was willing to pay for them.

Mr. DILL. Mr. President, the fact of the matter is that he sells his opinions; he has a regular agency through which he sells his opinions.

Mr. CARAWAY. They are on the market for whoever wants to buy. Therefore I say they have been listed among stocks of doubtful value for a long while. There is no moral integrity behind them, and there has not been in the lifetime of anybody now living.

Mr. HEFLIN. Mr. President, who ever heard of Babson boosting cotton prices or grain prices for the farmer? The revelations of to-day disclose the fact that this man Babson has for a long time been the agent of certain speculative interests, and I rejoice that the time has come when he has to come out in the open, and I am glad to be the first to take his mask and mantle off in the Senate of the United States. The man who talked to me over the phone this morning said, "I have reason to believe that this fellow Babson has either been speculating on the stock exchange or he represents a group of speculative sharks who have been manipulating and controlling the stock exchange."

As I was saying a little while ago it sometimes happens that when some men reach great prominence and stand at the peak, where they are in position to do the most good, the enemy goes after them to use them in one big fell swoop to carry out their corrupt and criminal purpose, and too often, I am sorry to say, they have succeeded as they seem to have done in the case of this man Babson.

It seems that the Wall Street speculators who own and operate Babson have had him to make an insulting and slanderous attack upon the Senate. I resent it, and I am ready to act in the name of the American people. I know that certain stock and cotton gamblers do not think that the United States Government, acting in behalf of the people, have any right to interfere with them. They demand that the Government remain silent and inactive while they carry on their gambling schemes and make their millions and clip their coupons. They do not want to be disturbed. They demand the right to pillage and plunder the American masses. But I submit that the people back home in the 48 States who sent us here are entitled to have us act for them and for their best interests.

We ought to take steps at once to save legitimate business from further disturbance and injury.

Mr. President, I condemn and repudiate this villainous and slanderous attack upon the Senate by Babson, this hired agent of Wall Street.

In conclusion I want to say I voted to adjourn for another reason. Under my resolution a Senate committee has been appointed to investigate the cotton exchanges. I am a member of that committee. The recess will give us time to make that investigation immediately.

I have no apology to offer for the vote I cast. It was the right course to pursue. Everybody will feel better when the new session begins, and we will come back here and get through with the tariff bill, and then carry on with other legislation.

Mr. President, I suggest to the stock exchange and the other exchanges that they had better have their houses in order when we meet in December.

I ask unanimous consent to have printed in the RECORD a statement from the Wall Street Journal of yesterday on the cotton situation. It shows that the price advanced a dollar and a half a bale. That amount on a 15,000,000-bale crop would amount to $21,000,000.

The PRESIDING OFFICER. Is there objection?

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

COTTON MARKET

After a somewhat quiet opening on Tuesday morning the cotton market started upward on buying in good volume from the trade. This induced extensive short covering, and at the highs of the day the market was up more than $1.50 a bale from the previous close. The advance attracted some profit taking and some selling from the South, but the market closed steady at net gains of $1.25 a bale. Low private estimates of ginnings were partly responsible for the advance.

In moderate trading prices were unchanged to up 4 points at the first call, when Liverpool was 2 points lower to 1 higher as compared with due prices. Liquidation of December and expectations of further liquidation in December, in advance of first notice day of Monday, November 25, to deliver on that month, acted as a check on the market. During the first half hour the market held steady, slightly above the opening level.

At the opening there was scattered buying from the trade, Liverpool, and the Continent. Outside demand was light, but there was some

demand from Wall Street, especially in distant months. Commission houses liquidated in December. Local traders sold. Hedge sales were in only small volume.

New York Cotton Exchange service estimated that on the basis of the last Government estimate, the total stock of all cotton in the United Staes on Ocober 31 was 13,401,000 bales, against 12,929,000 a year ago and a 4-year average on October 31 of 14,087,000 bales; movement from plantations this season represents 76 per cent of the estimated crop. This was taken as an indication of decidedly less hedge pressure from now on.

There was a turn to better weather conditions in the belt. The map showed fair weather over the entire South, but killing frost in Oklahoma and heavy frost in Texas and Louisiana. Forecast for the belt was fair, except increasing cloudiness and unsettled in east Texas.

Southern spot markets Monday were 14 to 30 points lower; sales 38,000 bales, against 28,000 the previous day, and 39,000 a year ago.

Liverpool cabled: Bombay, selling, covering, local liquidation, and hedging; scattered cloth sales to India; low rate of exchange restricting business with China.

Worth Street advices were that trading in dry goods and cloth markets Monday was very slow, with prices irregular.

A buoyant tone developed during the late morning. Active buying, credited as being for account of European spinners, disclosed a scarcity of contracts in the ring, and as the market started upward, short interests rushed to cover. At the highs, the list showed advances of $1.50 a bale over the previous close. Going into the noon hour gains of about $1.25 a bale were recorded.

Fossick Bureau, of Memphis, estimated ginnings to November 14 at 11,900,000 bales. American Cotton Crop Service estimated them at 11,992,000 bales. These estimates compare with the census figures of ginnings to November 14 in 1928 of 11,321,000 and in 1927 of 10,295,000 bales.

Trading turned quiet during the early afternoon, but the market had a firm undertone. Early in the final hour the list was up more than $1.25 a bale. Wires from the belt reported a scarcity of offerings of actual cotton and a stronger basis. Closing gains in the stock market and an advance of between 3 and 4 cents a bushel in wheat had a favorable effect on sentiment in the cotton market.

Exports for the day were 69,874 bales, against 44,367 a year ago, bringing the total for the season to 2,917,581, against 3,224,358.

Month	Open	High	Low	Last	Up	Off	Closing	
							Bid	Ask
November, old							17.37	
November							17.37	
December	17.28	17.61	17.28	17.53	0.25		17.52	17.53
January	17.42	17.75	17.42	17.68	.25		17.66	17.68
February							17.80	
March	17.75	18.05	17.71	17.97	.24		17.96	17.97
April							18.09	
May	18.02	18.31	17.98	18.23	.24		18.23	18.24
June							18.33	
July	18.22	18.52	18.17	18.44	.25		18.43	18.44
August							18.45	
September							18.47	
October	18.26	18.55	18.21	18.48	.26		18.48	

New York spot cotton market closed steady, 25 points higher; middling uplands, 17.75.

CRIME IN THE DISTRICT OF COLUMBIA

Mr. BLEASE. Mr. President, on October 26 I made some remarks in reference to law enforcement in the District of Columbia, which will be found in the CONGRESSIONAL RECORD of that date at page 4938. On November 18 I made some further remarks along the same line, which will be found on page 5686 of the RECORD. In my remarks on the 26th of October I made the statement that this town was honeycombed with gamblers, blind tigers, and the very worst type of thieves and like criminals.

Shortly after that some comments were made by parties whose names I do not care to honor by having them placed in the CONGRESSIONAL RECORD that they might be remembered, possibly, by somebody who happened to look at one of my speeches in years to come. I do not think those parties are worth that much credit.

On October 29 I received the letter which I hold in my hand. I will not call the name of the writer at this time, because I want to present the letter at the proper time to the subcommittee of the District Committee.

This letter is addressed to me, is dated October 29, 1929, and reads:

DEAR SIR: In view of your recent criticisms of the Metropolitan police of Washington, I would like to call your attention to the liquor case made last Sunday morning by Motor-cycle Policeman Walter Salska as a fair example of the difficulties and discouragements thrown in the way of an officer honestly trying to enforce the law.

I refer to the case of Patrick Joseph Kitterick, white, 22, who was arrested at 7.45 a. m. October 22, 1929, for driving at a greater rate of speed than 30 miles an hour and transporting and possessing 240 quarts of corn whisky. All three of these cases were dismissed in police court Monday by Judges Given and McMahon. In my opinion, an investigation of this case would serve to throw light on some of the rotten conditions in Washington to-day.

That letter is signed by a man who is responsible, and whose name I would give except for the reason I have just stated.

Mr. President, I hold in my hand clippings covering a week, showing the crime committed in the city of Washington, beginning October 27 and running up to the end of that week. Of course, I shall not ask to have all this material printed in the RECORD, but I shall call attention to just a few of the larger cases.

I find these headlines in the issue of the paper of October 27:

Police take 20 in a rum raid.
Vice squad arrests 19 in E Street gaming raid.
Cop suspended as intoxicated.
Six are arraigned for manslaughter.

The next day the following appeared:

Police drive results in 16 new rum cases.

"Langdon, ousted cop, suggested flight" to a man who escaped from the jail.

On Monday the papers proceeded to give an account of several cases. One man was caught with 88 quarts of liquor. A large number were arrested for gambling.

I could go on and read these different articles, but I do not care to take the time of the Senate in that way.

In the papers of Tuesday, October 29, I find the following headlines:

Rover [the district attorney] seeks aid of landlords in enforcing red light law; padlock injunctions threatened.

In this article numbers are given of certain houses which Mr. Rover suspected.

Five indicted in rum cases.

The following appeared in the papers of October 30:

Detectives seeking two $10,000 bills.
Cop held on $3,000 bond for assaulting woman.
Policeman suspended for letting boy take gun.
Five indicted here on "tapped" evidence.
A hundred and fifty nuisances operating in city.

This is from the Post of Wednesday, October 30:

In an effort to break up disorderly houses in the District of Columbia, United States Attorney Leo A. Rover announced yesterday that unless all such alleged nuisances are immediately abated he will institute padlock proceedings.

It goes on and refers to 150 of those. I find the following in the Post of Wednesday, October 30:

Letters warn owners to oust undesirables.

Other crimes were mentioned on the same date.

Citizens urge broad inquiry in government of Washington.

Another article was headed:

A resolution was passed by another citizens group asking a thorough police inquiry.

It speaks here of the two $10,000 bills that were stolen, and other offenses which I could mention.

In another issue there are set out burglaries, the number of watches stolen, and other crimes committed.

On October 30 I find this:

Rum car wrecked after escaping in smoke.
One thousand seven hundred dollar hotel theft reported by guest.

And other crimes are mentioned.

I find this in the Post of the 31st:

Police seize liquor cache with labels and stamps.

I find this in the paper of November 1:

"Green hat man" with liquor arrested at Senate office door.

I have here the pictures of those concerned in that arrest, which, of course, can not be printed in the RECORD.

Swindler who cheats blind is sought.
Teller denies embezzling.

Other crimes are mentioned in the paper of November 1.

United States agents work on choking report.
Capital observes Halloween.
Scores of drunks were arrested by the police of the various precincts, and a number of arrests were made for disorderly conduct in different parts of the city, but the total of serious charges entered on the police blotters was unusually small.

That is in the Post of November 1.

Policeman fined in drinking case.
Keeps job but loses $75.

From the Washington Post of Saturday, November 2:

Rover wars on rum as grand jury calls Senator BROOKHART.
Officers capture hit-run autoist, held rum runner.
Man bonded at $1,500 on narcotics charge.
Trap laid in Roosevelt nets two on varied liquor charges.

And so it continues along.
The Washington Times of Saturday, November 2:

Bootleggers will cheer. Judges and prosecuting officials in the police court find that jury trials of bootleggers in the future will be delayed at least a year, probably much longer. * * * Bootleggers unable to give bond and forced to go to jail get the worst of present conditions. That the jail may not overflow the courts try jail inmates first. Convictions are more likely. Congress knows this situation in Washington. It knows that justice is frequently defeated by delays through deplorable condition in court calendars.

The headlines continue:

Bootleggers hunted by wire tappers.

From the Evening Star of November 2:

Witness captures hit-and-run driver.
Fifteen-year sentence for colored men.

If they had been white men, I suppose they would have been given 30 years, but they love the negro so much up here that I suppose they let him off a little easier.

BROOKHART plans to describe wet dinner party here.
Four plead guilty to rum-plot charges.

Washington Post, Sunday, November 3:

Seven seized in warfare by Rover on rum.
Alleged race book in K Street raided.
Four men were arrested and 20 seized as witnesses in a raid yesterday afternoon.
Pair given 15 years for rum-chase killing.

From the Washington Times, November 4:

United States raiders mass to dry up Capital. Agents gather data to make sudden strike at violators.

Washington Star of November 2:

Policeman blamed in death of man. Injuries suffered in alleged beating in raid declared cause.
Victim shields trio who took him for a ride.
Store robbed of $5,000 furs.
Police called to shield wife.

From the Washington Post of Monday, November 4:

Unruly prisoner fights policeman.
Bold robbery nets furs worth $5,000.

From the Washington Times of November 4:

Food, dancing, drinks cost but 35 cents. The millennium has arrived if what Katie Ford and Corinne Robinson, both colored, told about a dance they were running at a hall in the 900 block Fourth Street NW. is true.
Cop is accused in traffic arrest.
Senators get new facts.

Listen to this one, Senators, from the Washington Post of Tuesday, November 5:

Twenty-eight thousand eight hundred and eighty-five arrested by Capital police in three months.

I think that rather bears out what I have said.

Figure is exclusive of fugitives apprehended on outside charges. Liquor and traffic violations in lead. Volstead Act seizures for quarter put at total of 1,227. Drunkenness arrests normal.

From the Washington Post of November 6:

Two thousand quarts of alcohol seized by detective squad.
Police make huge liquor haul here. Two thousand quarts of alcohol are taken from truck. Stills are seized.
Twelve trapped by police in gambling seizure.
Jones Act conviction follows abetting count.

From the Washington Herald of Thursday, November 7:

Forty-two seized by police in three gaming raids. Two men held for trial, others are witnesses.
Two chain stores robbed by bandits.
Pursued rum car bears tags of Representative.

From the Washington Post of Thursday, November 7:

Police car wrecks in smoke barrage. Liquor chase nearly fatal to officer as rum runner lays blinding screen.
Two lone robbers raid chain stores.
Forty-four men are seized in two raids made by Letterman unit.

That unit is composed of Government men.
From the Washington Star of Thursday, November 7:

Detectives posing as patrons nab 49 men in gaming raid.
Mash and still taken in raid.

From the Washington Star of Friday, November 8:

Friendly tussle results fatally. Switchman who fell from tower while boxing friend dies in hospital.
Eleven are taken in custody on gaming charges after raid.
Five are arrested in three gaming raids in 24 hours.
Diamond ring theft is reported to police.
Robert Swan, colored, takes knife to bed, threatens wife, gets 30 days in jail.

From the Washington Herald of Friday, November 8:

Police seize United States spy at dope trial after enemies attack him. Undercover agent arrested on complaint of suspect after beating attempt. Will complain to Pratt.

That was a case where a man was working for the United States Government, and because he went down to court and testified, the policemen jumped on him outside of the courtroom door, beat him up, locked him up in jail, and the United States officers had to go and try to get him released.

From the Washington Post of Saturday, November 9:

Fifty-four men are taken here in series of raids for gaming.
Police near death in rum-car chase.
Hotel man to face jury in liquor quiz.
Policeman fined as drunken driver.
Federal agent complains police failed to notify Narcotic Bureau.

From the Sunday Washington Star of November 10:

Twenty-seven are arrested in gambling drive.

From the Evening Star of Friday, November 15:

Papers missing from court files. Police court clerk's office investigation fails to reveal documents. "In view of the fact that approximately 70,000 liquor cases were handled in the clerk's office last year," Judge Hitt said, "it is not surprising that some mistakes should crop out."

From the Evening Star of November 13:

Police accused of taking bribes.

From the Washington Post of November 17:

Two held as police nip pay-roll holdup.
Seventy-five gallon still taken in southwest house.

From the Sunday Star of November 17:

Fourteen persons seized as police renew drive on liquor. Fifty-one quarts of whisky and five gallons of wine are confiscated in raid.

From Washington Herald November 17:

Fifty thousand dollar dope taken here in midnight raid. (See CONGRESSIONAL RECORD, November 18, p. 5686.)

Then, I have an article which I ask to have printed in the RECORD, appearing in the Washington Times on November 11, 1929, and headed "District of Columbia Rum Ridden and Mr. Rover Is to Blame—He Has Snoozed on Job, Shown No Zeal, and Has Acted Only When Prodded Hard." I ask that that be printed in the RECORD.

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

The article is as follows:

[From the Washington Times, Washington, D. C., November 11, 1929]

DISTRICT OF COLUMBIA RUM RIDDEN AND MR. ROVER IS TO BLAME—HE HAS SNOOZED ON JOB, SHOWN NO ZEAL, AND HAS ACTED ONLY WHEN PRODDED HARD

President Hoover, earnestly desirous of bringing about rigid observance of the prohibition law, declared in his inaugural address that "justice must not fail because the agencies of enforcement are either delinquent or inefficiently organized."

He further declared that "of the undoubted abuses which have grown up under the eighteenth amendment, part are due * * * to the

failure of many State and local officials to accept the obligation under their oath of office zealously to enforce the laws."

How applicable these sentences to conditions now existent in the District!

Justice is failing most woefully in Washington when, as the Washington Times pointed out, speakeasies and bootleggers continue to flourish—and apparently without much fear of police interference.

And justice is failing because the chief enforcement agency, the district attorney's office, is both delinquent and inefficient.

And the undoubted abuses that have grown up in the District under the eighteenth amendment are partly due to the failure of District Attorney Leo A. Rover to accept the obligation under his oath of office zealously to enforce the prohibition law.

Why should it have been necessary for the Times to prod Mr. Rover, the sleeping watchdog, the snoozing guardian of the people's safety and security, into activity in the matter of prohibition law enforcement?

And why should it have been necessary for the Times to demand action on his part before he summoned Senator BROOKHART before the grand jury to testify regarding that wild congressional rum party?

And why did Mr. Rover fail for two whole days even to accept the detailed evidence of lawbreaking gladly offered by the city editor of the Times?

There has been no evidence of speed or zeal on the part of Mr. Rover to enforce the prohibition law?

On the other hand, Mr. Rover has resorted to legal quibbling and hair-splitting, harassing reporters who furnish him tips on speakeasies and bootleggers, and finally getting them jailed for 45 days.

Our entire judicial system is wrong when public-spirited newspaper men, rendering a distinct service by pointing to violations of law, are thrown into jail while the lawbreakers themselves are permitted to go scot free.

It is just such wrongs as this that President Hoover probably had in mind when in his inaugural address he said: "To reestablish the vigor and effectiveness of law enforcement we must critically consider the entire Federal machinery of justice. * * * There is a belief abroad that by invoking technicalities, subterfuge, and delay the ends of justice may be thwarted by those who can pay the cost."

And how absurd that existing law should permit a grand jury autocratically to bring about the jailing of three reporters who refused to testify quite to its liking, despite the fact that virtually all the essential testimony they were possibly able to give was already before the jury in writing.

President Hoover in his inaugural address mentioned the necessity of selecting a higher type of juries. How urgent is this need.

Would 23 persons of real intelligence, average common sense, keen feeling of civic duty, and deep moral fiber permit the jailing of those engaged in helping ferret out crime?

President Hoover's national commission now making a searching investigation of the whole structure of our Federal system of jurisprudence would do well to devise methods for obtaining a higher caliber of grand jurors, to restrict their autocratic power, and to curb the tyrannical power of judges in contempt proceedings.

Senator ARTHUR H. VANDENBERG, of Michigan, is author of a bill now pending which would curtail the power of judges in contempt cases. It is much-needed legislation and should have wide support.

The bill would make it impossible for the same judge both to challenge and adjudicate an alleged contempt when it was not in his immediate presence and when it involved a personal issue touching his own character or reputation or exercise of power. It would permit the defendant to be tried by another judge.

Such a law would have applied in the case of the Times reporters. For Justice Peyton Gordon, who sentenced them to 45 days in jail, was district attorney two years ago—at the time that a survey was made by a high State official revealing that Washington was rum ridden.

It was this report that was being printed by the Times when Mr. Rover, who two years ago was assistant to Gordon, called upon the Times to submit its evidence to the grand jury.

Facts brought out by the Times not only indicated that Rover's office was lax but that Gordon's had been just as lax two years ago; or, in other words, that there have been at least two years of continuous laxness and lawlessness.

Mr. BLEASE. In the Washington Star of Tuesday, November 19, 1929, there appeared an article headed "Two-Year Delay Faced in Police Court Jury Trials." I ask that this may be printed in the RECORD.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The article is as follows:

[From the Star, Washington, D. C., Tuesday, November 19, 1929]

TWO-YEAR DELAY FACED IN POLICE COURT JURY TRIALS—INADEQUATE FACILITIES AGAIN FORCEFULLY ILLUSTRATED BY UNITED STATES ATTORNEY—PROHIBITION CASES JAM SCHEDULE YEARS AHEAD—PERSONS ARRESTED AND UNABLE TO MAKE BAIL SEE PERIOD OF LONG JAIL WAIT

Inadequate facilities for handling jury cases at Police Court were brought to the fore again to-day when Assistant United States Attorney Charles Murray, in charge of the prosecution of all cases other than prohibition, announced that his office has approximately 400 cases pending for trials by jury. He says that this represents a delay of about two years in the trials of those who demand them now.

Assistant United States Attorney David A. Hart, chief prosecutor of prohibition cases, in announcing a change of policy about a month ago, said that the trials of violators of the prohibition law faced a year's delay. Although Hart has combined many of the old cases, some of them dating back three years, he is steadily losing ground and it now appears that these cases face more delay than was first announced.

POINT IS ILLUSTRATED

Murray used a schedule for a jury day last week to illustrate his point. Fifteen cases were due to be tried on this particular day. The Government announced that eight were ready to be brought before the jury. Only three cases were handled on this day, which was an average one, and the others were continued.

Persons who might be innocent of the charges on which they were arrested are forced to remain in jail for long periods awaiting trial because there are too many cases ahead of them and they are unable to make bail. James Wise was arested by police October 19 and charged with carrying a deadly weapon. He was locked up and has remained in jail ever since. Murray says that many defendants undoubtedly seek trials by the court rather than face a wait in jail.

CASES ARE NOLLE-PROSSED

The assistant United States attorneys are forced to nol-pros many of the old cases because the arresting police have long since forgotten the incidents of the arrest. There are several cases in which the defendants have died before they are brought to trial.

A man was sentenced to serve eight years in jail when he pleaded guilty on several charges of simple assault when tried by a police judge three weeks ago. If he had pleaded not guilty and had demanded a jury trial he might not have been tried for two years, Murray pointed out. The chances are that there would not have been sufficient available evidence to try the man at the end of this time, and undoubtedly the penalty would have been lighter.

Although there are the same number of judges in police court this year as there were in 1925, figures show that these judges at the end of the year will have handled almost twice as many cases as in the former year. Sixty-three thousand cases were handled in 1925, while William A. Norgen, acting chief clerk, said that this year's total will exceed the hundred-thousand mark. The number of cases have increased 500 per cent since 1902, when 20,000 were handled. The number has increased greatly since 1920, when 42,000 were recorded. The facilities for trying cases have been increased very little during this time.

Mr. BLEASE. In the Washington Herald of November 20, 1929, is an article entitled "Police Docket Jam Is Blamed on New Judges. Six Hundred Cases Await Trial. Some of Liquor Violations Will Not Be Heard for Two Years." I ask that this may be printed in the RECORD without reading.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The article is as follows:

[From the Washington Herald, November 20, 1929]

POLICE DOCKET JAM IS BLAMED ON NEW JUDGES—SIX HUNDRED CASES AWAIT TRIAL—SOME OF LIQUOR VIOLATIONS WILL NOT BE HEARD FOR TWO YEARS

With 600 cases, including those of the liquor variety, now awaiting trial, the prosecution of actions in the police court is lagging hopelessly behind, it was revealed yesterday.

Violators who have demanded jury trials can not be brought to trial for at least two more years save in cases involving violations of the Volstead Act, in which case it is probable that the wait will not be longer than a year.

WITNESSES GONE

Such conditions, due to lack of courts and judges to preside, result in defeating the ends of justice in many instances. There are cases, not infrequent, in which the arresting officer has left the force or died, or the defendant or witnesses have died before the accused can be brought to trial.

Sometimes, through no fault of the prosecuting attorney, defendants are kept in jail for long periods before they can be brought to trial. James Wise, charged with carrying a deadly weapon, has been in jail since October 19 pending a jury trial.

Prosecuting attorneys find it difficult to secure convictions on cases which are many months old because of the doubt that can be thrown on the credibility of the evidence.

The number of cases has increased greatly in the last few years. But the number of judges to hear the trials has not increased proportionately.

INCREASE TOO GREAT

From 1902, when there were approximately 20,000 cases cleared, to 1925, when records show 63,000 entries, there was an increase of over 300 per cent. At that time a fourth judge was added, but since then

there has been no addition in spite of the fact that a sharp rise of almost 40,000 cases has taken place.

There were 92,000 violations heard at police court during 1928, but this year there will be over 100,000, according to indications. Until Congress appropriates money for a new police courthouse and for additional judges, there is no hope of clearing things up. In fact, the docket is becoming more crowded each week.

Mr. BLEASE. An editorial appeared in the Washington Post on Wednesday, November 20, 1929, entitled "Local Court Congestion," reading as follows:

The police court is incapable of handling the cases brought before it. A statement from Charles Murray, assistant United States attorney, shows that 400 cases are pending for jury trials and that the court is two years behind its schedule. The situation becomes more hopeless every day, for the court is constantly getting farther behind. The number of judges has not been increased since 1925, while the number of cases has almost doubled.

I thank the Post for this. I referred to the condition the other day in my remarks asking that the District be subdivided. The editorial continues:

The Federal Constitution provides that "in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial," yet in the Nation's Capital a man must wait two years or more before he can have a jury trial for a petty offense. Persons who are unable to furnish bail must stay in jail for months, even though they may be innocent of the charge. When the courts do get around to try such cases, the witnesses have often disappeared and the arresting officers may have forgotten the facts on which prosecution is based. There can be no justice either to the accused or to society under these conditions.

Such a flagrant case of injustice through governmental neglect should not escape the attention of the National Commission on Law Enforcement. There is no occasion, however, for depending upon the commission for relief. Congress should give the courts prompt relief so that they can bring their dockets up to date without delay.

Mr. President, I said the other morning that what we need are more grand juries. Somebody came out in the paper and said that it was not a question of more grand juries; that there is a law here passed many years ago which gives the right to have two grand juries. If so, why have not the authorities used that law and had more bills acted upon? I have made the charge here that there is incompetency in the district attorney's office.

By the way, just in passing, they had an assistant district attorney here by the name of E. J. Davis. I received a letter from a woman giving some facts about one "E. J. Davis." I sent that letter to Mr. Rover. I received a very nice reply from Mr. Rover on November 1. The Washington Times on Friday, November 15, carried an article reading as follows:

E. J. DAVIS QUITS ROVER'S STAFF

After serving less than five months, Ernest J. Davis, colored assistant to Leo A. Rover, United States district attorney, yesterday resigned, effective December 1.

Davis, who has been in charge of the prosecution of numbers games and other forms of gambling, was appointed to succeed Thomas H. Jones, who died early this summer. Jones was the first colored attorney to serve as an assistant in the district attorney's office.

Davis will enter private practice. He is a graduate of Howard University Law School and a native of Texas.

I want to congratulate Mr. Rover for getting that negro out of his office. I am satisfied that this woman's letter and the charges therein contained were the cause for them putting him out.

As I said, I wanted to make these few remarks because the people who read the CONGRESSIONAL RECORD do not always read the newspapers and I did not want the impression to go out that some of the newspapers are trying to create. I did not want it to be believed by the people of the country that I was making charges against these departments without justification and that I was charging that crime was being committed in the city of Washington, that gambling dens and liquor joints and similar places exist, simply for the purpose of trying to do harm to the city of Washington. I want those who read the CONGRESSIONAL RECORD to see from this horrible list of crimes in just one week following the introduction of my resolution and my discussion of the situation just what crime is going on in this city to-day.

I could have kept one of my clerks busy up to this time clipping accounts of crimes and clipping descriptions of the way in which justice is being maladministered in the District of Columbia, but I simply clip a sufficient number to prove that these things are going on here and that there is being no effort made to stop them.

Recently arrangements were made for a raid on certain places, one of them a very notorious place. An agent was sent into that place where the raiding squad was to go, which it was to reach at a certain hour. About 40 minutes before that particular place was to be raided the telephone rang. A United States official was in that place; he heard the telephone ring; a quiet conversation was held, and immediately those in charge of the place removed the narcotics, or "dope," as it is called, and they also removed the liquor. So when the raiding squad reached that place 30 minutes later they merely found two or three persons sitting around laughing and talking, and it seemed to be as nice a place as could be found anywhere. Who tipped that place off? It was some man connected with that raiding squad or some man who was connected with the police department or a department of the Government who knew that the raid was to be made. It could not have been done otherwise. That is what is going on in the District of Columbia.

I presume Senators know how a raid is conducted. Those arranging it will assign a squad to the work, and will say, "We will raid A, B, and C, and we will start this raid at a certain hour." Any man with good sense who has ever participated in a raid and knows how long it takes can calculate almost to the minute when the raiding squad will reach any certain place. It is apparent that somebody who is connected with the Government in Washington somewhere is tipping off these places. The officers supposed and had a right to believe that the places to be raided were operating illegally. They placed a man in this particularly notorious place and told him to go in there and keep his eyes open until the raiding squad arrived. I have stated what happened. That man is going to testify to it, too, before the subcommittee when they get ready to go to work.

I say, Mr. President, that something should be done. We all love Washington. I went to school here for one year, though, of course, that was a long time ago. I graduated at a law school here. I love that college, and I do not even like to hear anyone say anything against it. At the time I went to that college it had on its staff as fine and able professors as ever held chairs in any college.

I can call the names of the judges and distinguished lawyers who were teaching in it at that time. The present dean of that law school was then one of its professors, and the late Joseph J. Darlington, of the District of Columbia bar, was then at the head of the departments. I have visited Washington many times since. I love the city; I love it because it is the Capital of the United States, and every man, whether he lives in the wilds of Africa or in Chicago or in Due West, S. C.—which I think is the most moral and best town in the world—has an aspiration to come to Washington. He ought to feel free to walk the streets of the city night or day; he should feel free to go out when he pleases and come back when he pleases, and not have to walk in the middle of the street for fear some fellow will step from behind a post and knock him in the head and rob him. Ladies, also, ought to be free to walk out on the streets and feel that they are protected and not be in fear of having their jewelry jerked off them or of being knocked down or otherwise injured. We ought to have a clean city here, but we shall never have it with Pratt at the head of it.

Hearsay, of course, is not testimony in any case, but I have much information from reliable persons, and if some of those who have talked to me would give me the liberty to call their names, and to reveal what they tell me, I do not believe either one of the present commissioners or Pratt would be in office 24 hours. I do not believe even Hoover, with his Mussolini ideas and thick hide, could stand what is going on in the city of Washington to-day—bribery of officers, perjury of officers. I tell you, Senators, something should be done, and it should be done by Congress. Nobody else is going to do it.

As I said yesterday or day before, the man who is supposed to represent the Government of the United States, is sitting in the jury room and calling before the grand jury all the witnesses of the defense, even the alibi witnesses, acting not in the performance of his duty to the Government but actually acting as the defendant's attorney. He is being paid by the Government, but he is presenting witnesses to prove the alibi of a man who is charged with a crime, presenting witnesses there to prove the innocence of the man charged. I never heard of such an outrage.

I have said on this floor, and I stand by it, that I condemn no man; I do not condemn the defendant in this case; I say he has a right to be considered innocent until he is proven guilty; I hope he is not guilty; I hope he can prove himself clear; but somebody killed that girl; somebody murdered her. Yet here is the Government attorney in the grand jury room presenting witnesses, endeavoring to prove that it is a case of suicide. For what reason? In order to discredit Robert J. Allen. It is an outrage.

Mr. President, do not think the people of the United States are not watching; do not think that such conditions are not going to hurt business in this city. People are not coming here

to trade, they are not coming here to spend holidays, if they can be murdered like dogs, if their jewelry can be taken from them, and if gambling joints and hell holes can be run and protected by the head of the police department and then when raids are organized the criminals can be tipped off when the raids are started. People know of the conditions. They do not know all, but they will know all. This is our city, and it is rotten—rotten to the core.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from North Carolina?

Mr. BLEASE. With pleasure.

Mr. SIMMONS. Does the Senator from South Carolina mean to say that a grand jury sitting to inquire into an alleged crime heard the witnesses in defense of the man who was suspected of the crime?

Mr. BLEASE. Yes, sir; and those witnesses were presented by the man whom the Government is paying to represent it before that grand jury.

Mr. SIMMONS. I do not know, Mr. President, what may be the law in the District of Columbia, but that sort of procedure is not allowed in the grand-jury room of any State in the Union, so far as I am aware.

Mr. BLEASE. It is allowed nowhere in the world except in Washington.

Mr. SIMMONS. It is a very remarkable proceeding.

Mr. BLEASE. Furthermore, those witnesses are not allowed to tell what they know in the grand-jury room. The man who is representing the Government asks them questions, and they must answer either "yes" or "no." They are not told to go ahead and tell what they know about this case; they are not asked for general information; but their answer must be "yes" or their answer must be "no." One of the principal witnesses in this case went before the grand jury and was not allowed to tell what he knew; he was not allowed to give circumstances; he was not allowed to give facts; he was only allowed to answer questions "yes" or "no" as propounded to him by the man who is supposed to be representing the Government. I know what I am talking about; it is not a case of hearsay; I got the information right out of the grand-jury room; and if no true bill is returned in the McPherson case it will be because of the efforts of Mr. Laskey in presenting to the grand jury every witness that he could find to prove that McPherson is not guilty.

That man who would corrupt the ballot box or the jury box is the worst criminal known to justice or civilization, and should be punished to the full extent of the law.

Senators, that is the situation we have in Washington. It does not interest me as an individual. I go where I please, night or day. I go where I please, to suit myself, and come back when I get ready. So conditions do not worry me personally, and I am not afraid that anybody will hurt me at all; in fact, I think that some of these fellows ought to know that I am their friend, for God knows I have pardoned more criminals probably than any man who has ever lived, to give them another chance in life. But we have a responsibility above our personal feelings, and that responsibility is to the people of this city and to the people of this Nation, to give to Washington a clean administration, to give to it clean police officers, clean heads of departments, and not men who themselves sell liquor, not men who give criminals charged with serious offenses the keys with which to escape from their cells, not men who accept bribes, not men who beat up a witness because he goes into court and tells on one of their pets, as was done here the other day in front of the courthouse.

It is for these reasons, Mr. President, that I asked the Judiciary Committee by a resolution to see if the District of Columbia could not be divided into more than one district. As I have said, the various States are so divided. My State, which is a comparatively small State, has three judges. I do not know exactly, but I doubt if there are as many people in South Carolina as live in the District of Columbia; certainly there are not so many as live in Washington and in the adjoining small towns and suburban settlements who come here every day. I think Washington should be divided either into two or three districts, and let the grand jury work just as the grand jury works, for instance, in my State. We have court in Charleston, court in Columbia, and court in Greenville. We have grand juries working in different parts of the State.

I could not draw the bill now, because we would have to take geographical divisions into consideration, and we would have to take population. For instance, we could not say "the northwestern division," because there might be so many more people there than there might be in some other division. That would take time, and the bill would have to be drawn with care and so divided. Then we could have two or more grand juries, we could have the courts going on at the same time, we could have justices to look after each district, we could have jurors to look after each district; and I believe that is the only way we will ever get these dockets cleared. I believe it will be found to be the only way in which both guilty men and innocent men can be brought promptly to trial, as provided for in the Constitution.

I have called the attention of the Senate and the attention of the country this time—and I am through now—to what is going on in this town. I could have presented you this morning with a little substance that shines and looks somewhat like granulated sugar. They tell me that it is the most dangerous of all drugs—cocaine. I saw a package of it this morning and was told it was bought on Pennsylvania Avenue this week. I saw it myself. The man had it in his hand. I was told that anyone could get more in 20 minutes if the man is in his office; yet they tell us that we have a clean city. Some of the papers hold up Washington as this, that, and the other. Well, what I have read here looks like a clean city. It looks like efficient officials. It looks like men who are doing their duty.

There is a little personal matter that I do not propose to refer to at any length now, but I mention it in order that if anything comes up you will remember that I did mention it. There are men hanging around police headquarters here who have been kicked out of the police service who are still there and are having influence doing dirty work; and some of that dirty work is being done against Members of this body. I merely call attention to that now so that if anything comes up later I can show you that I knew what was going on. I know they are there. I know they are there every day. I know what they are doing. One of them is so kind as to take his dinner some days in the coffee shop where I dine. I suppose he does not think that I know him, or know that he is taking his dinner there; but I do know it. I know the table at which he sits. I always take pains to see that he sits facing me, and not behind my back.

Now, Senators, those are the facts that I have told you, and I can prove every one of them to the entire Senate in an hour. I am going to prove them to your subcommittee. Nobody, I think, will deny them. The newspapers say they are true, and, of course, they never have told a lie. What are you going to do about it, Mr. Chairman of the Judiciary Committee? Shelve my resolution until other people are murdered, until other women are choked to death, until other men are beaten up for telling the truth; or are you going to try to take some action early in the regular session, and give relief to this crowded condition and this horrible condition of crime that is going on in the Capital City of our Nation?

ROGER W. BABSON'S CRITICISM OF THE SENATE

Mr. WALSH of Montana. Mr. President, I feel justified in interrupting the regular course of proceedings to-day to call attention to a statement in the Babson article which appears in the Post of this morning in the nature of an alleged historical fact for which there is absolutely no foundation whatever.

In order to appreciate the significance of it, attention must be paid to a few paragraphs preceding the particular matter to which I address myself, as follows:

> Certainly, the business men of Rome had no more on Nero when he was fiddling during that great panic of 2,000 years ago than the business men of America have on our Congress, which is fiddling so hopelessly to-day. This especially applies to the Senate.
>
> Here, while the stock market has crashed and business is declining, these men, without any regard for the Nation or their constituents, are thinking only of themselves and their own political fortunes. Moreover, this does not apply to any one part of one group. Republicans and Democrats, Old Guard and "freshmen," conservatives and radicals, young and old, are just playing politics with the idea of putting their opponents in a hole.
>
> URGES CONGRESS TO ADJOURN
>
> In behalf of the business men of America I appeal to Congress to adjourn on the tariff and stay adjourned until business confidence is revived.

The paragraphs I have read are followed by some in which incense is burned to the President of the United States, and recognition is given to the heroic efforts he is making to save the situation. Then, toward the close of the article, we have the following:

> Let Congress pass one bill giving necessary powers to President Hoover, as did the Democratic Congress of 1914, and then adjourn.
>
> A political moratorium with a united Congress behind President Hoover would do more good to business than anything else. Moreover, when these Representatives and Senators got back to Main Street they would see a side of American business which they don't see in Washington.

There are times when our Representatives and Senators are needed at Washington, but to-day they are most needed at home.

Mr. President, this conveys an idea which has been the subject of some animadversion heretofore in this Chamber, namely, that what we really need in this country is a Mussolini; that we want a dictator, a President of the United States who will do the whole job of enacting our laws, legislating for us as well as executing and administering the laws; and support is claimed for that idea because it is said that it was put in force during the Democratic administration of President Wilson.

Mr. CONNALLY. Mr. President, will the Senator yield in order that I may suggest the absence of a quorum? I think the other side of the Chamber ought to get the benefit of this.

Mr. WALSH of Montana. I yield.

Mr. CONNALLY. I make the point of no quorum.

The PRESIDING OFFICER (Mr. FESS in the chair). The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	George	Kendrick	Simmons
Barkley	Gillett	Keyes	Smith
Bingham	Glass	La Follette	Smoot
Black	Goff	McKellar	Steiwer
Blaine	Goldsborough	McMaster	Swanson
Blease	Greene	McNary	Thomas, Idaho
Borah	Hale	Moses	Thomas, Okla.
Bratton	Harris	Norbeck	Townsend
Broussard	Harrison	Norris	Trammell
Capper	Hastings	Nye	Tydings
Connally	Hatfield	Overman	Vandenberg
Copeland	Hawes	Patterson	Wagner
Couzens	Hayden	Phipps	Walcott
Cutting	Hebert	Ransdell	Walsh, Mass.
Dale	Heflin	Robinson, Ind.	Walsh, Mont.
Dill	Howell	Sackett	Waterman
Fess	Johnson	Schall	Wheeler
Fletcher	Jones	Sheppard	
Frazier	Kean	Shortridge	

The PRESIDING OFFICER. Seventy-four Senators have answered to their names. There is a quorum present.

Mr. WALSH of Montana. Mr. President, when the proceedings were interrupted by a call for a quorum, I was asking attention to the Babson article appearing in the press this morning, and referring particularly to that part of it which charges the Senate with aggravating the present situation caused by the crash in Wall Street while the President of the United States was engaged in a commendable effort to relieve the tension.

I was inviting particular attention to the concluding paragraph of the article, as follows:

Let Congress pass one bill giving necessary powers to President Hoover, as did the Democratic Congress of 1914, and then adjourn.

A political moratorium with a united Congress behind President Hoover would do more good to business than anything else. Moreover, when these Representatives and Senators got back to Main Street they would see a side of American business which they don't see in Washington.

There are times when our Representatives and Senators are needed at Washington, but to-day they are most needed at home.

The idea conveyed by the article is one which has heretofore been the subject of some discussion in the Senate, the idea that what we really need in this country is a dictator, a President of the United States who would play the part of Mussolini in Italy, Riviera in Spain, and Pilsudski in Poland, and not be bothered at all with a Congress that exhibits little good sense and no business capacity of any kind whatever.

To buttress up the contention that that is the kind of a Government we ought to have, it will be remembered that Mr. Grundy a few weeks ago suggested what he thought ought to be a remodeling of our system of government. This idea is buttressed up by the following:

Let Congress pass one bill, giving necessary powers to President Hoover, as did the Democratic Congress of 1914, and then adjourn.

I believed that I had a rather accurate idea and recollection of the legislation of 1914. Of course, the crisis of that time was precipitated by the outbreak of the war in Europe. It was a grave situation. The world exchanges had gone to smash, and the conditions called for statesmanship of the very highest character. That the situation was met in a manner that merited unstinted praise I think everyone will now at least admit.

It was not met, however, as here suggested, by the Congress giving sweeping powers to the President of the United States, and then adjourning. I have this morning made a hurried examination of the statutes enacted between the 31st day of August, 1914, when the war broke out in Europe, and the time when the Congress adjourned, on the 24th day of October, and I find no statute whatever—and that is entirely in accord with my recollection—granting to the President of the United States any extraordinary powers, or, indeed, any powers at all. On the contrary, during that period, in addition to a very considerable grist of legislation, general in character, there was enacted some of the most important legislation that gave distinction to the first administration of President Wilson.

I may remark in passing that the Congress having been assembled in special session upon the call of the President of the United States on the 7th day of April, 1913, it remained in continuous session, without break, until the 24th day of October, 1914, the special session thus called merging into the general session beginning the first Monday in December, 1913.

After war was declared in Europe, far from then adjourning after granting general powers to the President of the United States to deal with the situation, important legislation was enacted.

Mr. NORRIS. Mr. President, in the interest of accuracy, may I call the Senator's attention to the fact that I think he stated that the special session adjourned in October.

Mr. WALSH of Montana. The special session convened the 7th day of April and ended with the beginning of the general session on the 1st day of December.

Mr. NORRIS. Yes.

Mr. WALSH of Montana. Vice President Marshall announced that the hour of 12 o'clock on December 1 having arrived, the special session stood adjourned, and the hour of 12 o'clock on December 1, 1913, having arrived, the general session started.

That general session continued until the 24th day of the following October.

Mr. NORRIS. That was my recollection of the matter, and I rose only because I thought the Senator said, and Senators around me had the same impression, that the special session adjourned in October. I wanted to call his attention to the fact that it did not.

Mr. WALSH of Montana. If I made any such statement, it referred, of course, to the general session which convened in December, 1913.

The conditions arising consequent upon the declaration of war made it next to impossible to secure marine insurance for American ships, and on September 2, 1914, there was approved by the President of the United States the war risk insurance act.

On September 26, 1914, there was approved the act creating the Federal Trade Commission.

On October 15, 1914, there was approved the Clayton Act, dealing with the trust problem.

On October 20, 1914, there was approved the act authorizing the leasing of coal lands in Alaska.

On October 22, 1914, there was approved an act revising and reenacting the internal revenue law.

On September 11, 1914, an act was passed appropriating $1,000,000 to repatriate American citizens marooned in Europe, or to reimburse the governments of the European countries which had made advances to those so situated, and the program under which the Democratic Party came into power in 1913 having been completed, the Congress adjourned on the 24th day of October, 1914, there having been enacted meanwhile, first, the tariff revision of 1913, the Underwood-Simmons Act; the Federal reserve law had been enacted; the trust problem had been dealt with through the two acts referred to, the Trade Commission act and the Clayton Act.

Thus, the program having been completed, the Congress, after having been in session continuously for something more than a year and a half, adjourned.

Mr. President, Mr. Babson represents himself as a statistician, an assembler of facts and figures, which he furnishes to business houses in the United States, data supposed to be entirely reliable. Yet for the purpose of making a point, joining in a hue and cry against the Congress of the United States, and particularly against the Senate of the United States, he is perfectly willing to put out such perfectly obviously false statements concerning historical matter.

I do not care to comment upon the article generally.

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

Mr. WALSH of Montana. I yield.

Mr. GLASS. Does not the Senator realize that that is simply a part of a concerted effort to direct attention away from those responsible for this disaster and to give it a different color?

Mr. WALSH of Montana. Quite likely. I do not read Mr. Babson's article as being in effect a repetition of the charge made by Mr. Kent, of New York, a few days ago, that the crash was due to the attitude and conduct of what he has termed "the coalition." Mr. Babson's comment is a general tirade against the Congress of the United States, and particularly against the Senate of the United States, without undertaking to say that it is responsible for the crash, but that, the crash having occurred, it is the business of the Congress to quit; in other words, that this body ought to be deterred from

proceeding with what it conceives to be its duty to the country whenever Wall Street gets into trouble of any kind or a panic in the stock exchange ensues.

Mr. BORAH. Mr. President, the remarks of the Senator from Montana [Mr. WALSH] illustrate what has been recognized for a long time with reference to Babson—that is, he is utterly unreliable as to facts and utterly unsound as to opinions.

It has been some time since the business world found it safe to rely upon the statements of Mr. Babson. Whatever prestige he once had and whatever position he once occupied, he has forfeited by reason of his willingness to serve certain interests, and to prostitute his intellect for certain purposes.

What is it that so disturbs Mr. Babson? What has the Congress done or proposed to do? What has been its attitude that business should be shaken by the presence here of the Congress, and especially of the Senate? There has been no threat, no manifest intention to disturb the protective system. There has been no purpose expressed, either impliedly or directly, that the vast interests which are now overprotected were to be assailed. We have not assailed these interests in the enjoyment of more than ample protection.

The protective system has never been attacked in this body since the Congress convened. The coalition, so called, has never manifested a purpose to tear down or destroy the protective system, but only to enable the entire country and all industries to share the protective system. We have not sought to demolish the fabric. We have asked, according to our pledges in the campaign, to come in and enjoy it, and that is all that has been done. When Mr. Babson attacks the situation, while unwilling directly to admit it, he is speaking for those in this country who desire that the protective system shall apply to manufacturing interests alone. He wants a system which amounts to a special privilege—an unjust and partial system.

Does anyone suppose if we were here engaged in the task of increasing, regardless of the conscience behind the increase, those manufacturing duties that Mr. Babson would want us to adjourn? Would his masters who have spoken to him speak to him in different language and say, "Send out a call to business that Congress should adjourn"? Certainly not. But when we come here and in accordance with our pledges say that we wish to equalize, if it may be done, the protective system as to manufactures and agricultural interests, those who have always been opposed to it being done speak through the selfish and venal voice of Babson.

Let me call attention to just one set of figures. Since 1919 the American industrial income has increased from $50,000,000,000 to $76,000,000,000, 52 per cent. Is anybody attacking it? Is anyone assailing it? Is Mr. Babson satisfied with an increase of 52 per cent? Is business going to be shaken to the earth so long as that is continuing? And it is continuing. Those for whom Babson speaks are enjoying to-day 97 per cent of the whole market. What do they want? Have the people of the country, the consumers, no rights?

But on the other hand, since 1917 agriculture has decreased in income from $15,000,000,000 to $12,000,000,000, a decrease of 20 per cent. It is for the purpose of rectifying as nearly as we may that manifest injustice, an injustice which is striking at the economic life of the United States, that Senators have come here and in good faith, through the heated season and unbrokenly, have been at work, while this man who has no responsibility, who could not carry a precinct in the United States, whom no one longer trusts, presumes to say to Senators of the United States under their oaths that they shall abandon that task.

This is not alone the western agricultural interest. It is the entire agricultural interest of the United States. I have on my desk, which I will not take the time to read, an advertisement from the columns of a newspaper in the great State of Pennsylvania, where in one county 35 farms a few days ago were advertised for sale at auction—those old farms which the families now residing there have occupied through their ancestors from the Revolution, where they have nurtured and maintained the brain and brawn which were the backbone of American strength. They have now reached the time that they are offering their homes, with their sacred traditions, all the sacredness which enrich them, and all that they have, upon the knockdown of the sheriff's hammer. What happened? When the auction day came those farms were bid in not by other farmers, not by those who were willing to risk their efforts and their energy in the agricultural field. They were bid in by the banks for whom this intellectual slave speaks.

That is the fight, Mr. President, which Senators under their oaths are undertaking to the best of their ability. But we serve notice upon Babson and all his kind that until we have done all that we can do in order to remedy that injustice we will not cease in our efforts.

Let me read a paragraph or two from the utterly false and fallacious statements of a man who has professed to be an adviser to the sane and honest people of the United States.

> Certainly the business men of Rome had no more on Nero when he was fiddling during the great panic of 2,000 years ago than the business men of America have on our Congress which is fiddling so hopelessly to-day.

In other words, having met for the purpose of readjusting the tariff, having met under the command of the American people, under the pledge of both great parties to carry out the command of 120,000,000 people expressed through their representatives, we are deemed to be in the position of the drunken Emperor who has been supposed, although it now seems improperly supposed, to have been fiddling while Rome was burning.

> Here, while the stock market has crashed and business is declining, these men without any regard for the Nation—

"While the stock market has crashed!" Notice his subtle dishonesty, his studied deception, in saying not openly that the stock market has crashed because of our being here, but conveying indirectly nevertheless to the people of the United States that those who get ready to tear at one another's pockets in Wall Street were doing so because the Congress of the United States perchance proposed to do justice to agriculture.

> Moreover, this does not apply to anyone part of one group. Republicans and Democrats, Old Guard and "freshmen," conservatives and radicals, young and old, are just playing politics with the idea of putting their opponents in a hole.

Where is the politics of the matter? The politics took place in the campaign of 1928. Notwithstanding Mr. Babson's evident displeasure with our form of government, nothwithstanding he seems to desire that the voice of the people shall never be heard, yet so long as our Government exists as it does exist and so long as no Mussolini has yet been called in, there is only one safe rule to guide us, and that is the composite opinion of the men and women of the United States expressed at the polls. I ask Mr. Babson or anyone else to state to the public in specific terms wherein this Congress has digressed from the pledges made and the indorsement given to those pledges by the people of the United States.

Now doubtless he thinks it all wrong. It may be, if a man like Mussolini were in control of this matter or in control of the United States Government, that a man like Babson could be better cared for and better taken in custody in every exigency. But it might also happen, on the other hand, that he would be beheaded or sent to the island prison, because if he should ever make the fatal mistake of stating a fact falsely and contrary to the views of the Government that would be the result which would come to him. That would be the most persuasive argument in favor of Fascism yet advanced.

> In behalf of the business men of America, I appeal to Congress to adjourn on the tariff and stay adjourned until business confidence is revived. * * * The restoration of confidence depends on Congress adjourning and giving President Hoover a free hand to develop the work which he has in mind. * * * The conflict over the tariff, international affairs—

Observe again the cowardly misrepresentations. Wherein is the Congress interfering with the President's foreign affairs? In what respect are we bickering, as he says, over international affairs? Has Congress manifested any disapproval of any foreign movement which the President has made, or any movement with reference to foreign affairs? But Mr. Babson would draw in, in the subtle manner in which he builds up a perfectly false statement, the indication to the country that the Congress is here seeking to embarrass the President in foreign matters. Another studied misrepresentation.

Mr. President, this is perfectly characteristic of the class of men whom Babson so faithfully represents. It will be remembered that we had a stock-market crash in 1907, when Roosevelt was President of the United States. At that time there was published to the world—whether through Mr. Babson or not I do not know; that was perhaps before he became subservient spokesman, but through others, the statement that the crash in Wall Street, the break in the exchange, was due to the policies and the conduct of the administration. Colonel Roosevelt took occasion at Nashville, Tenn., on October 22, 1907, to say:

> If a section of the business world goes a little crazy, it will have to pay for it; and, being excessively human, when it does pay for it, it will want to blame some one else instead of itself.

That is precisely what is happening here. They are seeking to blame some one besides themselves, some one besides those who are responsible for what is going on. They are seeking in some way to rest the blame where in no sense it belongs. They will not succeed. The American people have passed beyond being misled by any such mendacious statements as come from Babson.

* * * If at any time a portion of the business world loses its head, it has lost what no outside aid can supply. If there is reckless overspeculation or dishonest business management, just as sure as fate there will follow a partial collapse.

There has been trouble in the stock market, in the high financial world, during the past few months. The statement has frequently been made that the policies for which I stand, legislative and executive, are responsible for that trouble. Now, gentlemen, those policies of mine can be summed up in one brief sentence. They represent the effort to punish successful dishonesty. I doubt if those policies have had any material effect in bringing about the present trouble, but if they have it will not alter in the slightest degree my determination that for the remaining 16 months of my term those policies shall be persevered in unswervingly.

* * * I do not for a moment admit that putting these policies into effect has had any real consequence in bringing about such conditions as we have from time to time seen in the stock market. All we have done has been to unearth the wrongdoing. It was not the fact that it was unearthed that did the damage. It was the fact that it existed to be unearthed—that is what did the damage. All I did was to turn on the light. I am responsible for turning on the light, but I am not responsible for what the light showed. It is impossible to cut out a cancer without making the patient feel for a few days rather sicker than he felt before; but if it were not cut out the patient would die. No material well-being can save this Nation if it loses the lift toward higher things.

The man who builds a railroad—

Said President Roosevelt—

where it is needed and runs it honestly is a benefactor who is entitled to an ample reward for what he has done. We should back him up, protect him against unjust attacks. But the man who manipulates the securities of that road so as to swindle the outside public, or the stockholders or investors of any kind, or the shippers, or to oppress the wage workers, or to swindle the people at large—that man is doing all that he can to bring down in ruin the fabric of our institutions, and it is our business to set our faces like flint against his wrongdoing, to endeavor to undo that wrongdoing in the interest of the people as a whole, and primarily in the interest of the honest man of means.

Mr. President, if Mr. Babson has any facts or figures to disclose or any reason to disclose to the effect that the Congress of the United States is attacking a sound business principle of any kind or nature, if Mr. Babson has any facts or figures to disclose that the Congress is seeking to work an injustice to anybody, if he has any facts or figures to disclose that Congress is seeking to favor anyone to the disadvantage of another, let him present them to the public and the public will be glad to know of them. But when a man engages in mere tirades, unconscionable abuse, and venal generalities in an attack which has no justification save that of the dictation of his masters, it is not probable that the public of the United States will give it consideration, and certainly the Congress of the United States will not do so.

Mr. GEORGE obtained the floor.

Mr. JONES. Mr. President, before we start on the tariff bill I thought we might hold an executive session.

Mr. GEORGE. I am going to detain the Senate but a very few minutes.

Mr. JONES. Very well.

Mr. GEORGE. Mr. President, I think quite too much consideration is given to Mr. Babson. I doubt if many thoughtful men in the United States believe that he is very loyal to anything except mendacity as a principle, anyway. He is simply repeating and reechoing what banker Kent had to say in New York, to wit, that Congress is responsible for the destruction of public confidence in business in the United States; or, as he puts it, if not responsible for the destruction of confidence, the continuance of Congress in session is the chief impediment in the way of the speedy restoration of public confidence. I want to read just a paragraph from Mr. Babson's article which was not read by the Senators who have discussed the matter. It is this:

When, however, we put all of these reasons in a statistician's test tube, the one which frankly stands out to be the most important is the action of Congress during these critical times.

The distinguished Senator from Idaho stopped just short of reading a very pertinent observation of Mr. Babson. He says:

Manufacturers are being upset by tariff legislation—

As the Senator quoted—

foreign trade is being held up by international bickering—

Which was also quoted by the Senator—

while other events are going on in Washington which are very detrimental to general business.

Mr. President, it is pertinent to inquire, what "other events" are going on? The only other event of note or moment is the investigation of the tariff lobbyists. That is the event to which he refers—

Other events which are now going on in Washington!

He could have made no more direct reference to the real cause of his complaint against the Congress and especially against the Senate.

But, Mr. President, the remarkable thing is that Mr. Babson wishes to turn the whole matter over to Mr. Hoover, the President of the United States. He wishes Congress to take an adjournment sine die and give unto the President something like arbitrary power, if I correctly read his article, and let the Congress go home and stay at home.

Now, I am going to assume that he and Kent are right, to wit, that the session of the Senate has contributed something to the disaster on the stock exchange—I am assuming it, however, merely for the sake of the argument—and that the failure of the Senate to adjourn or its continuance in session transacting the people's business is chiefly responsible for the lack of confidence that exists to-day. Now, let us analyze that statement. If it be true, who is responsible for the Senate being in session, Mr. President? I do not want to inject a partisan note into the discussion, but Mr. Babson reminds us, as we have been repeatedly reminded in various quarters, that when government is turned over to the President all will be well.

Mr. Hoover, the President of the United States, is a great executive; he has had wide and extensive experience in business. He knew or should have known that tariff legislation unguided by definite instruction would have what Mr. Babson believes it has had and what Mr. Kent charges it has had, a disastrous effect upon business. We are not left to surmise about it, because Mr. Hoover in the one utterance that he has made about the tariff said that the Congress of the United States could not be trusted to revise tariffs or make tariff acts; that what was needed was an "Executive tariff." He reminded us and reminded the country of the length of time consumed in the consideration of every tariff measure heretofore considered by the Congress. He even called attention to the fact that Congress tinkering with the tariff was the most disturbing influence on business that could well be imagined. So if Babson is right—and he speaks like a paid propagandist, not of the President, I will say, as I want to be fair, but of the big business interests of the country that he is now trying to serve—if Babson is right, if Kent is right, in view of the great experience of the present Chief Executive and the statement which he gave to us when we were about to come to a vote on the flexible provision of the tariff, then the President was wrong in calling the Congress together; and, Mr. President, he was much more culpable in sending to the Senate a vague and indefinite message which invited limited revision of the industrial schedules at a time when industry in this country was, according to his own view, at the very peak of its prosperity and security.

Mr. Hoover in the campaign congratulated the country upon the fact that we were approaching the hour when it could be declared that we had abolished poverty in the United States. Surely industry was enjoying and is enjoying on the whole a prosperity that has scarcely been equaled, if at all, in the whole history of the Republic.

Nobody has complained because industry was not prosperous. Those of us who thought that opportunities were unequally distributed have merely pointed out that industry was enjoying far too great a portion of prosperity of this Nation; that it was a one-sided prosperity; that the farmers were losing their homes on the auction block; but no one has said that industry as a whole has not been prosperous. Yet with industry prosperous, an experienced business man in the White House calls Congress in session and invites a revision of the industrial schedules, but does not guide the hand of his party when his party undertakes to rip asunder every industrial schedule in the tariff act.

The bill went into the House of Representatives; the House passed it, and it came to the Senate. What the House had done was perfectly plain to the President, as it was to everybody else in the country, and yet there was no firm declaration, no manifestation of willingness and determination to take any hand in tariff making so far as it affected the industries of the country.

So if Babson is right, if Kent is right, if the newspapers that reecho the same thought are right, the Congress ought not to have been called in session.

Let me remind the Senate that Congress did not come here of its own accord; it did not take charge of the revision of the tariff of its own accord; it did not put its hand upon the industrial schedules of its own accord. Faced as we were by the monstrosity, as it has often been called, that emerged from the House, the Senator from Idaho moved in this body—and the motion failed but by one vote—to confine the revision of the tariff to the farm schedules, leaving the industrial schedules alone.

Mr. President, I would not say anything that would add one hair's weight to the difficulty that now besets business in the United States; but the end of the wild speculation in the stock market was visible from the beginning. There never has been any mystery about the final conclusion of the story that has gone on on the stock exchange in New York, absorbing as it has capital that ought to have been continued in private enterprise in the little towns and the little cities, even in the countryside, in every part of the United States. There never has been any doubt about that; and, without discussing it, the Federal Reserve Board has done all that it could, by its inaction, to bring discredit upon the Federal reserve banking system.

Has anything been done to stop the catastrophe that was as certain to follow as day the night? Nothing except that we were constantly reminded that business was good and sound and that those who would disturb it ought to be silenced in one way or another.

Let the Babsons continue to talk, and let the Kents continue to talk, and let whatever applause there may be in any quarter arise in approval of that talk. If the Senate, in all of the circumstances perfectly well known to this country, is in any manner or in any degree responsible for the collapse upon the highly speculative gambling market that has been built up in this country, which the Federal Reserve Board has done but little to control, the Senate is not responsible for being here, and it is not responsible for considering the tariff, and it is not responsible for considering the industrial rates. It did all that it could, when the bill came from the House, to leave the industrial rates undisturbed, and to approach the discharge of what we believed to be our duty in the upward revision of farm schedules wherever a revision upward promised to move the farmer nearer a condition of economic equality with industry in this country.

EXECUTIVE SESSION

Mr. JONES. I move that the Senate proceed to the consideration of executive business in open executive session.

The motion was agreed to.

G. AARON YOUNGQUIST

The VICE PRESIDENT. Reports of committees are in order.

Mr. NORRIS. From the Committee on the Judiciary I report the nomination of Mr. Youngquist, of Minnesota, to be Assistant Attorney General; and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. Let the clerk report it first.

The Chief Clerk read the nomination of G. Aaron Youngquist, of Minnesota, to be Assistant Attorney General, vice Mabel Walker Willebrandt, resigned.

The VICE PRESIDENT. Is there objection to the present consideration of the nomination? The Chair hears none. Without objection, the nomination will be confirmed, and the President notified.

REPORTS OF COMMITTEES

Mr. JONES, from the Committee on Commerce, and Mr. PHIPPS, from the Committee on Post Offices and Post Roads, reported from their respective committees sundry nominations for the Executive Calendar.

The VICE PRESIDENT. If there are no further reports of committees the Executive Calendar is in order. The first name on the calendar will be announced.

JUDICIAL AND OTHER NOMINATIONS

The Chief Clerk read the nomination of Richard J. Hopkins, of Kansas, to be United States district judge for the district of Kansas.

Mr. BLAINE. Mr. President, a few days ago, I believe there was a sort of understanding that where objections were made, unanimous consent would be entered into for the consideration of a nomination at the regular session. There are a few members of the Judiciary Committee who are opposed to the nomination of Mr. Hopkins. Therefore, I desire to enter an objection to the consideration of the nomination at this time.

Mr. BORAH. Mr. President, I ask unanimous consent that the nominations of Mr. Hopkins and of Mr. Watson be considered at the regular session notwithstanding the provisions of Rule XXXVIII.

The VICE PRESIDENT. Is there objection?

Mr. DILL. Mr. President, do I understand that that will preclude the taking of any further evidence by the Judiciary Committee?

Mr BORAH. No; it is solely to get rid of Rule XXXVIII.

The VICE PRESIDENT. The Chair may state that it will prevent the returning of the nominations to the President, and requiring him to send in the names again, as the Chair understands.

Mr. BORAH. I have no objection to that; I do not want anything done that will make it impossible to reopen the case before the Judiciary Committee, if so desired.

Mr. NORRIS. Neither do I. If it had that effect, I would not make the request.

Mr. CAPPER. Mr. President——

Mr. NORRIS. I should like to submit a unanimous-consent request that will cover all similar cases. Will the Senator yield to me to submit a general request?

The VICE PRESIDENT. Does the Senator from Idaho yield for that purpose?

Mr. BORAH. I have no objection.

Mr. NORRIS. I ask unanimous consent that paragraph 6 of Rule XXXVIII be suspended, and that all nominations now on the Executive Calendar of the Senate shall remain in statu quo until the convening of the regular session of Congress December 2, 1929, and that said nominations shall not be affected by the adjournment of the present session of Congress.

Mr. SMOOT. Mr. President, will the Senator modify his amendment so as to include all nominations which have not been acted upon by the Senate? The same thing applies to some nominations coming from the Finance Committee this morning; and if the agreement is not modified, those nominations will have to be sent to the Senate again by the President.

Mr. FLETCHER. Does the Senator mean judicial nominations?

Mr. SMOOT. The same thing applies to all the others.

Mr. FLETCHER. Will it cover all nominations on the calendar—postmasters and all?

Mr. BORAH. I suppose the Senator means those that are not disposed of at this session.

Mr. FLETCHER. Yes.

Mr. NORRIS. Mr. President, when I prepared this unanimous-consent agreement I contemplated offering it at the close of the last executive session. The Senator from Washington [Mr. JONES] has just told me that he expects to ask for another executive session to-morrow. I supposed that this would be the last one, and I was going to offer the agreement after everything had been disposed of that we could dispose of; and then it would apply only to the others. Perhaps at this time it ought to be modified if there is going to be another executive session.

Mr. JONES. If we complete to-day all the nominations on the calendar that can be disposed of by unanimous consent, and no other nominations are reported, I shall see no necessity for another executive session.

Mr. NORRIS. The Senator himself has just reported nominations that he asked to have go to the calendar. They will not come up to-day.

Mr. JONES. At the conclusion of the calendar I am going to ask unanimous consent that they be considered to-day.

Mr. WAGNER and Mr. BROUSSARD addressed the Chair.

The VICE PRESIDENT. Does the Senator from Idaho yield; and to whom?

Mr. BORAH. I yield to the Senator from New York.

Mr. WAGNER. I desire to inquire just what the effect of the unanimous-consent request is. New York is interested in one of the nominations for the eastern district, to which there is no objection, I know; and I wondered whether this request would sidetrack the possible consideration of that nomination to-day. May I ask the Senator as to that? I refer to the nomination of Mortimer W. Byers.

Mr. NORRIS. That is on the calendar?

Mr. WAGNER. That is on the calendar.

Mr. NORRIS. As far as I know, there is no objection to the nomination.

Mr. WAGNER. Then, Mr. President, the request which the Senator makes has reference to the business which is left at end of the day?

Mr. NORRIS. It does; and probably at this particular moment it ought to be modified. I think I will withdraw the request and offer it later.

Mr. LA FOLLETTE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Wisconsin rises to a parliamentary inquiry. The Senator will state it.

Mr. LA FOLLETTE. What unanimous-consent request is pending before the Senate?

The VICE PRESIDENT. The Senator from Nebraska had offered a unanimous-consent request, but it has just been withdrawn.

Mr. BORAH. Mr. President, I withdraw my unanimous-consent request also; but I desire to say, for fear I should be absent, that I understand that an appointment of an ambassador is coming in to-day or to-morrow. If any unanimous-consent agreement is entered into, I think it ought to cover those nominations which are not disposed of at this session.

Mr. NORRIS. Mr. President, I think we might as well explain now that at the last session, perhaps in executive session, a question arose as to the suspension of this particular rule, and I had an examination made of the statutes. I expressed the opinion then, and so did the Senator from Virginia [Mr. SWANSON], that there was a statute that would prohibit us from suspending this rule. I should like to read the statute—the only one, I think, that applies to the matter. It is paragraph 14, title 5, of the United States Code:

Notification of nominations or rejections: The Secretary of the Senate shall, at the close of each session thereof, deliver to the Secretary of the Treasury, and to each of the Assistant Secretaries of the Treasury, and to the General Accounting Office, and to the Treasurer, and to the Register of the Treasury, a full and complete list, duly certified, of all the persons who have been nominated to and rejected by the Senate during such session, and a like list of all the offices to which nominations have been made and not confirmed and filled at such session. (R. S. sec. 1775.)

I take it that there perhaps will be no dispute that that statute is not in conflict with the unanimous-consent agreement; that we can suspend this rule if there is no other statute on the subject.

Mr. SWANSON. Mr. President——

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

Mr. NORRIS. In a moment I will. If there is no other statute that applies to this rule, or makes this rule mandatory as a matter of law, I do not see any reason why we can not suspend that the same as we can suspend any other rule, which the rules provide can be done by a two-thirds vote after the motion has lain over one day.

Mr. SWANSON. I am satisfied that unless there is some other statute prohibiting this rule from being suspended, it can be done. I have not looked up the statutes to ascertain whether that is the only statute in existence dealing with the subject.

Mr. NORRIS. I have not been able to find any other.

Mr. SWANSON. If the Senator is satisfied that there is no law which prohibits waiving that rule, I have no objection to waiving it.

Mr. NORRIS. Mr. President, while a unanimous-consent request is not pending just at this moment, I should like to say that when this matter came up before I was of the opinion, as was the Senator from Virginia, that this rule was made in compliance with a statute. I think I was mistaken. As far as I am able to find, this is the only statute that applies to the subject. I had some hesitancy in asking for a unanimous-consent agreement of this kind because it is rather exceptional. Under ordinary circumstances I should not ask it.

Under ordinary circumstances I would not ask it; but, speaking of the Judiciary Committee—and I think this applies to all the other committees with equal force—it has been for some time a practical impossibility to get that committee together and to keep it together to consider anything. I think that is perfectly apparent to all Members of the Senate. The way we have been going in the Senate, from 10 o'clock in the morning until 10 o'clock at night, we get a quorum once in a while but it disappears immediately because of something going on in the Senate. I never could tell in advance of calling a meeting what was going to be happening in the Senate at the particular time of the meeting, with the result that the committee has not been able to do anything. We act on something like the nomination that was acted on to-day, and the quorum disappears in less than five minutes. We can act on something that is only a matter of form. Wherever there was a controversy, wherever there was a difference of opinion, it was absolutely necessary just to let it go over; we could not consider it. I am not finding fault with anybody. It is just a condition which exists and about which everybody knows.

We have quite a number of nominations on the calendar, and some of them are important nominations. I thought we ought to take them up. It seems to me we could take them up now and dispose of them, because it is quite evident that we are not going to consider the tariff to any great extent, even if we can keep a quorum here.

I dislike even to have it appear on the face of things that this delay in acting on these nominations, which is part of our constitutional duty, comes about on account of the action of the Senate. If the President sent in a nomination just a day before we adjourn, I would not care, it ought to go over; but some of these nominations the President sent in early in the special session, and I think they ought to be acted on.

In the first place, it is the businesslike way of transacting business; and in the next place, it seems to me we ought to try to work with the Executive, if we can, to expedite these nominations. But on account of the condition that has existed here in connection with the tariff bill, and the anxiety of everybody to push it along and get as far as we could with it, it has just been impossible to do anything.

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

Mr. NORRIS. I yield.

Mr. BLAINE. I wanted to suggest, supplementary to what the Senator has said, that five members of the Judiciary Committee are also members of the committee investigating the subject of lobbying, and, of course, that has, in the very nature of things, consumed the time of quite a considerable part of the membership of the Committee on the Judiciary, and made it quite impossible for those members to attend the regular meetings of the committee.

Mr. BROUSSARD. Mr. President, I would like to inquire of the Senator whether the unanimous consent would interfere with any confirmations, such as those of postmasters.

Mr. NORRIS. We would deal with all of them that are left on the calendar.

Mr. BROUSSARD. It would not interfere with action upon confirmations at this time?

Mr. NORRIS. Oh, no. It is my intention to offer it, if I offer it at all, after we get through with everything that can be disposed of. It is quite evident now, at this stage, that, except by unanimous consent, no nomination can be confirmed. If there is deliberate opposition to some of these nominations—and there is to some of them—probably no confirmations could be secured. To one of the nominations I am bitterly opposed myself, and it will take some time to consider it, and while I would be willing to go into it right now, I realize it is perhaps asking too much of the Senate to spend the time in taking it up now. So that we really come down to this proposition, that any nomination which can not be confirmed by unanimous consent can not be confirmed at this session of the Senate.

Mr. CAPPER. Mr. President, if the Senator will yield, with reference to the nomination of Mr. Hopkins to be Federal judge in Kansas, I will say that I have no desire to deprive the Senator from Wisconsin of full opportunity to discuss it, but I again want to call the attention of the Senate to the fact that there has been a vacancy in that judgeship for six months, that I am receiving telegrams and letters from public officials, from State officials, local officials, lawyers, and others who have important interests in that court, and it is only fair to the State and many people concerned that we should have prompt action on this nomination. I have no doubt but that we will be able to show the Senate that the appointment was a worthy one, which ought to be confirmed, but we want early action.

Mr. NORRIS. Mr. President, I agree with what the Senator from Kansas has said; but I will have to admit, frankly, of course, as he will, that we must give free opportunity to everybody who wants to oppose any of these nominations to do so in any reasonable way, or to take any reasonable length of time.

There are more communications coming to me, I have no doubt, than to the Senator from Kansas, or to any other Senator, in regard to these nominations. I am getting communications almost daily, not only in the matter of the Kansas judgeship but in the matter of the Pennsylvania judgeship, and while I am opposing the confirmation of the Pennsylvania judge, nevertheless I frankly concede that it has been delayed too long already and ought to be disposed of. It is only fair to say that this delay has not come about in any degree through the action of those who have opposed the nomination. Every member of the committee will bear me out in that statement. It has come about the same as the delay in the Kansas case has come about, from the simple fact that the Senate, in considering the tariff, has taken up all the time of its Members in that matter, and there has not been opportunity to do committee work.

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

Mr. NORRIS. I yield.

Mr. SHORTRIDGE. The Senator having devoted thought to the law and to the rule, may I ask him this question? What

becomes of a nomination pending before a given committee of the Senate when an adjournment takes place?

Mr. NORRIS. It dies when the session ends, even though we should not adjourn until the day before or an hour before the regular session began. I make that statement on the strength of the rule which says clearly that every nomination not finally disposed of during a session is dead, and shall not be considered afterwards unless the President again sends the nomination in. The proposed unanimous-consent agreement will be offered, if offered at all, with the idea of making it unnecessary for the President to have to transmit the names again; in other words, to suspend this rule.

Mr. WALSH of Massachusetts. Mr. President, what is the reason, if any, why these nominations can not be disposed of before we adjourn?

Mr. NORRIS. I tried to get them up the other day, and if the Senator will remember, the Senate was practically unanimous against laying aside the tariff bill to take them up.

Mr. WALSH of Massachusetts. It is quite apparent now that the tariff bill will not be passed before we adjourn.

Mr. NORRIS. I would be glad to take them up, and, as I said a while ago, I thought we might take them up, but when I take second thought, I do not think it will be fair to do that. For instance, take the case of Judge Watson, of Pennsylvania. The Senator from Pennsylvania [Mr. REED] is not here; I understand he is not in the city. I do not think it would be fair to take that case up in his absence, without having given some notice of the fact that we were about to take it up.

Mr. WALSH of Massachusetts. I agree with that.

Mr. NORRIS. Another Senator to-day came to me about the nomination of Judge Hopkins, of Kansas. That Senator is not in the Senate at this moment. He said he had to go away, and I think he has left the city. He is opposed to that nomination. I said to him, "My own idea is that we can not take up anything except by unanimous consent," because the Senate has already shown its disposition not to be diverted from the consideration of the tariff bill to take these nominations up.

Mr. WALSH of Massachusetts. The convenience of some Senators necessitates postponement of action.

Mr. NORRIS. I would not say that exactly; I would not postpone on that account. But we are considering this matter in the absence of interested Senators. Take the case of the Senator from Pennsylvania [Mr. REED], for instance. He has gone away, and after the debate the other day, when I tried to get the nomination up, and the Senate was almost unanimously opposed to taking it up, he would be justified, I will say to the Senator, in assuming that the Senate was not going to take it up during this session. So he went away.

Mr. WALSH of Massachusetts. I do not think action ought to be taken in the absence of the Senator from Pennsylvania.

Mr. NORRIS. I do not think so.

Mr. BRATTON. Mr. President, the thought occurs to me that the Senator might couch his unanimous-consent request in language to the effect that all nominations on the Executive Calendar at the time this session adjourns shall not fail, but shall remain on the calendar.

Mr. NORRIS. If it were offered now, it ought to be in that language.

Mr. BRATTON. It would then become operative at the time we adjourn, and would apply only to those nominations on the calendar at that time.

Mr. NORRIS. I am not going to offer this unanimous-consent request until all that has been attended to, unless I do make the modification suggested.

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

Mr. NORRIS. I yield.

Mr. COPELAND. When we come to the third name under the judiciary nominations, that of Judge Byers, I may say that both the Senators from New York, although Byers does not belong to our party—and I am sure I speak for my colleague—have heard only fine opinions of Mr. Byers from members of the bar in New York. I think he ought to be confirmed.

Mr. NORRIS. As far as I know, there is no objection to that nomination.

The VICE PRESIDENT. The question is on advising and consenting to the nomination of Richard J. Hopkins to be United States district judge, district of Kansas.

Mr. BLAINE. Let that go over.

The VICE PRESIDENT. The nomination will be passed over.

The legislative clerk read the nomination of Albert L. Watson to be United States district judge, middle district of Pennsylvania.

Mr. BLAINE. Let that go over.

The VICE PRESIDENT. Without objection, the nomination will be passed over.

The legislative clerk read the nomination of Mortimer W. Byers to be United States district judge, eastern district of New York.

Mr. WAGNER. I move that the nomination be confirmed.

The VICE PRESIDENT. Without objection, the nomination is confirmed, and the President will be notified.

BOARD OF TAX APPEALS

The legislative clerk read the nomination of Herbert F. Seawell to be a member of the Board of Tax Appeals.

The VICE PRESIDENT. Without objection, the nomination is confirmed, and the President will be notified.

PUBLIC HEALTH SERVICE

The legislative clerk read the nomination of William C. Billings to be senior surgeon, Public Health Service.

The VICE PRESIDENT. Without objection, the nomination is confirmed, and the President will be notified.

POSTMASTERS

The legislative clerk proceeded to read the nominations of sundry postmasters.

Mr. PHIPPS. Mr. President, I ask that the nominations of postmasters be confirmed en bloc, with the exception of the nomination of Albert C. Gruwell, to be postmaster at Dillon, Mont.

The VICE PRESIDENT. Without objection, the nominations, with the exception mentioned, are confirmed, and the President will be notified.

Mr. BLEASE. Mr. President——

Mr. PHIPPS. I may say to the Senator that South Carolina is not on this list.

Mr. WHEELER. Mr. President, I have not any objection to the appointment of the postmaster at Butte, Mont., because of the fact that the man appointed, although he is of the opposite party, is a personal friend of mine, but I do want to call attention to the fact that the man who is the present postmaster, Richard Brimacombe, has served one term as postmaster in the city of Butte. I think probably he has made one of the best postmasters the city of Butte has ever had, and, in my judgment, he was entitled to reappointment. But some of the local politicians and the national committeemen from Montana saw fit to call for an examination.

After the examination was held Mr. Brimacombe, the present postmaster, was classified as No. 1, passing the highest in the examination, but notwithstanding that, because of the fact that certain local politicians wanted him ousted from his position without rhyme or reason, the name of John M. Evans was sent in in his place, and Brimacombe was ousted.

I simply call attention to this fact because postmasters are supposed to be under civil service. The man who has been appointed, however, is a high-class man, and I have no objection to his appointment. I merely want to call attention to the high-handed method in which the politicians are running over the civil-service rules which are supposed to govern in these matters.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. WALSH of Massachusetts. Can the Senator furnish the Senate with the relative standings in the civil-service examination of the three applicants who were certified?

Mr. WHEELER. Mr. Brimacombe was first, Mr. Evans was second, and some other gentleman was third.

Mr. WALSH of Massachusetts. What was the percentage of each of them in the civil-service examination?

Mr. WHEELER. I could not say, because I have not the figures.

Mr. WALSH of Montana. I will be able to give the Senator some definite information with respect to the next nomination, that for postmaster at Dillon.

Mr. WALSH of Massachusetts. If the variation in the grading fixed by the civil service is small, I can well understand why the candidate chosen was not first on the list and why some other candidate than the one who stood first was chosen; but if there was a wide variation, which I know has happened in some cases to the extent of as much as 20 per cent, it gives an entirely different coloring to the situation.

Mr. WHEELER. I do not think there was a wide variation between these two men.

Mr. BARKLEY. The rule has been in existence for some time requiring at least the form of an examination for postmasterships. I assume under that rule that the postmaster who is being ousted stood an examination upon a former occasion. Is that true?

Mr. WHEELER. He stood an examination on a former occasion and was appointed postmaster after taking the examination.

Mr. BARKLEY. Under those circumstances is it not customary not to require the incumbent to stand another examination after the expiration of the term and that no examination is held unless there is a vacancy?

Mr. WHEELER. That is customary, I understand, but in this instance they did require another examination.

Mr. JONES. Mr. President, I want to say that as I understand the civil service law it does not require the highest name on the list to be selected, but the selection is made out of the highest three. As I understand it, that is the law.

Mr. NORRIS. Mr. President, I do not want to take up the time of the Senate now in discussing this matter. If the Senate were not in a hurry, as it has not been for the past two or three weeks, I would like to take two or three hours to talk about the particular matter that is now before the Senate. At the present time I only want to say, rather in answer to what the Senator from Washington has stated, that while the rule provides that the selection can be made from any one of the three highest, as a matter of fact in postmasterships ninety-nine times out of one hundred the selection is made for partisan political purposes and is not civil service at all.

POSTMASTER AT DILLON, MONT.

Mr. WALSH of Montana. Mr. President, I understood the matter of the Dillon postmastership was to come up at this time?

The VICE PRESIDENT. It was passed over.

Mr. WALSH of Montana. I ask that it be laid before the Senate.

The VICE PRESIDENT. The clerk will state the appointment.

The legislative clerk read the name of Albert C. Gruwell, nominated to the office of postmaster at Dillon, Mont., vice J. C. Faller, commission expired.

Mr. WALSH of Montana. Mr. President, I feel impelled to take a brief period of the time of the Senate in the consideration of this particular nomination. I believe I can lay the situation before the Senate in such a way as that it will promptly reject this nomination.

Dillon is one of the more important cities of Montana, with a population of perhaps 5,000. It is the seat of the normal school of our State and a very enterprising city. The term of office of the present postmaster was expiring. He was a candidate for reappointment along with other applicants for the position. The nomination, however, went to a Mr. Gruwell, who is the person whose nomination is now under consideration. His appointment was protested by the American Legion of Beaverhead County, whose seat is at Dillon. An examination was had, as is usual, and the result of that examination showed that the present postmaster attained a standing of 86.60. Another candidate, a Mr. Stevenson, attained a standing of 78. The appointee, Albert C. Gruwell, attained a standing of 70.60, just barely past the line.

Both these gentlemen, of course, are Republicans and there is no politics in it at all. The present postmaster, by common consent of the people of that city, has made an admirable record. No criticism of any kind whatever is lodged against him. Moreover, he is an ex-service man, having enlisted immediately upon the declaration of war. In the third place, as was pointed out, the civil-service rule is violated in two respects. In the first place, the man having served well as postmaster under the application of the civil-service principle was entitled to reappointment. Not only that, but an examination was had under the rule and he stood highest on the list, and the appointee stood lowest on the list, as I have indicated, having just barely passed.

I did not suppose there was any misunderstanding about the rule or law. The law makes no provision, except it authorizes the President to turn into the classified service postmasters at his will. President Cleveland issued an order putting all of these postmasters under the operation of the civil service law, which means that the one who stood highest upon the list is entitled to the appointment. That was modified when President Harding came into office, and it was provided that selection could be made from the three standing highest on the list, and this is the rule at present.

As indicated by the Senator from Nebraska [Mr. NORRIS] little attention is paid to the relative standing, but the Congressman from the district, if the Congressman happens to be a Republican, makes the recommendation and whatever the standing may be the man whom he recommends is appointed. If there is no Republican Congressman from the district, as in this case, the Republican national committeeman makes the recommendation, which was done in this case, I assume, although I do not know about that. The Republican national committeeman lives in the remote northeastern part of the State while Dillon is in the remote southwestern part of the State, his residence being something like 760 miles from Dillon.

Mr. WAGNER. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from New York?

Mr. WALSH of Montana. I yield.

Mr. WAGNER. May I ask the Senator whether the examinations are strictly supervised?

Mr. WALSH of Montana. They are conducted by the Civil Service Commission.

Mr. WAGNER. In order to avoid, for instance, a situation such as the Senator is presenting here, is it within the power of the Senate to enforce a rule which has been adopted by many municipalities and State governments in their appointments, in States which are a little advanced in the matter of competitive examinations, that the one highest on the list shall be appointed? Could not the Senate adopt a rule that the appointments in order to receive favorable action of the Senate must be made in the order in which the applicants stand upon the list?

Mr. WALSH of Montana. The Senate, of course, by its practice could practically compel the observance of that policy.

I read first a telegram which I received from the chairman of the special resolutions committee of the American Legion, as follows:

DILLON, MONT., *June 19, 1929.*

Hon. T. J. WALSH,
Washington, D. C.:

Ex-service men vigorously protest the appointment of Gruwell. Earnestly request appointment of Faller as postmaster at Dillon.

GEORGE M. GOSMAN,
Chairman Special Resolutions Committee,
Beaverhead Post, 20, American Legion.

That was followed by this letter:

DILLON, MONT., *July 23, 1929.*

Hon. T. J. WALSH,
Washington, D. C.

MY DEAR SIR: Again calling your attention to the reappointment of Joseph C. Faller as postmaster at Dillon, Mont., I wish to relate a few facts to substantiate the earnest demands in resolutions and telegrams heretofore forwarded your office by this committee.

On behalf of this committee in further protesting appointment of Mr. A. C. Gruwell, and having known him for the last 20 years, will say that he is unqualified to fill such a position requiring diligence and executive ability. In fact, several years ago, my father being elected sheriff of Beaverhead County, appointed Mr. Gruwell as undersheriff, and the very same forces who are now so strongly recommending him were instrumental in forcing his removal after a few months' service. He is not a property owner and to my knowledge has never paid any taxes.

When Faller came from his native State of Ohio to Montana in 1909 I had known him in school, in play, in war, and in business. He is eminently fitted for the position, having had previous post-office experience in the local office, being assistant postmaster from 1910 to 1914.

During his present régime of four years he has proven his ability to handle the office. It has been brought up to a higher standard than ever before, in that such incompetent and unworthy employees as bootleggers, gamblers, and thieves have been removed, ever practicing economy, but always maintaining very efficient and courteous service to the public.

He has a family of five young children, paying for a home on the installment plan, a taxpayer, and is active in affairs that are for the upbuilding of the community, State, and Nation.

This case should be settled entirely upon its merits, regardless of any political affiliations, implying that no more thought should be given to partisanship than was given it in the draft law, but bearing in mind the preference law covering executive appointments where qualified ex-service men are concerned.

Mr. Faller is capable, conscientious, industrious, and trustworthy, and if he were reappointed we are sure he will continue to diligently discharge his duties in an efficient and creditable manner. It appears that after careful consideration of this case Faller should be reappointed without any hesitation, which we earnestly request.

Very respectfully,

GEORGE M. GOSMAN,
Chairman Special Resolutions Committee,
Beaverhead Post, No. 20, the American Legion.

Mr. BLACK. Mr. President——

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

Mr. WALSH of Montana. I yield.

Mr. BLACK. Are we to understand that this man was in the World War?

Mr. WALSH of Montana. The present postmaster who is to be superseded by this nominee was in the war. The nominee is not an ex-service man. This is a contest between a postmaster who has served faithfully, a man who is an ex-service man, and on the other hand a non-ex-service man. The contest is that of the applicant who stood highest in the test against the applicant standing lowest in the test.

Mr. WALSH of Massachusetts. Mr. President, will the Senator state what the rating was of the appointee?

Mr. WALSH of Montana. It was 70.60.

Mr. WALSH of Massachusetts. Is the Senator familiar with the regulations which require three names to be certified, and that on that account the examiners often mark candidates 70 and a fraction in order to have three names to certify, and that it is quite possible the appointee was given the mark of 70.60 in order to have three names to certify? That is the practice under the regulations.

Mr. WALSH of Montana. I am not familiar with that practice.

I want to read now, and that will conclude my presentation of the matter, a letter from the present postmaster himself, Mr. Faller, as follows:

NEW YORK CITY, N. Y., *June 27, 1929.*

HON. T. J. WALSH,
Washington, D. C.

MY DEAR SENATOR WALSH: When leaving Dillon, Mont., Mr. A. L. Stone thought it would be a good idea for me (J. C. Faller) to call upon you in case I found time to run down from New York, but owing to train connections coming East all possible time to spare has been consumed here in the transaction of special business. My vacation ends June 30 and I must report for duty July 1.

Relative to appointment of postmaster at Dillon, I do not like to toot my own horn and no doubt you have enough recommendations for my reappointment; neither do I like to belittle an opponent.

However, I must say that Mr. Gruwell has never done anything for the community of Dillon, barely making a living for his family of one boy and one girl, who are now making their own way. He has been a cigar maker, bartender, hotel clerk, one year a deputy sheriff, and the past year working in a soft-drink parlor; also assisted at the last election in county Republican headquarters as clerk. He is now 60 or past.

I believe the present administration is for enforcing the prohibition laws. Does the department want an ex-bartender for a postmaster?

On the other hand, politely speaking for myself, in December, 1917, along with many others, I placed my life at the disposal of our Government by enlisting in the Army and being lucky came back alive from the World War. I was married in 1920 and now have a wife and five children to keep, the oldest being 7 years. I have always taken an active part in affairs benefiting the community, State, and Nation. I do not believe that any person that knows me can attack my honesty or character without prevaricating.

In the four years as postmaster at Dillon I have practiced economy as requested by the department and decreased the expense of that office around $1,800 a year. While there was some difficulty with the employees I made up my mind that they should either work and live up to the requirements or get off the job. I was determined to do what was right regardless of whether I received a reappointment.

Does the preference law for ex-service men mean anything or is it just a political football, merely a promise cast about by the four winds?

Dear Senator, I know that your time is valuable and do not wish to take up any more of it than is possible and will close trusting that you may be able to secure my reappointment as postmaster at Dillon, Mont. It will most assuredly be appreciated.

Very respectfully yours,

JOSEPH C. FALLER.

Mr. President, these three papers were submitted to the Post Office Department, together with a letter from myself explaining them, but without avail. I went before the subcommittee of the Committee on Post Offices and Post Roads and again submitted them, again without any favorable action. I now submit them for the consideration of the Senate, merely adding that there is no law which requires a preference to be given to ex-service men in appointments to postmasterships. But by all that is right and holy and just, the Senate ought to give that preference without regard to the law, as well as should the appointing officers of the Government.

I merely desire to say that if Republican Senators vote to confirm this nomination, the Republican Party may as well abandon any claim of its interest in the ex-service men or concern for their future, and may likewise abandon all pretense of a desire to see enforced the civil-service principle.

Mr. PHIPPS obtained the floor.

Mr. BLACK. Mr. President——

Mr. PHIPPS. I yield to the Senator from Alabama.

Mr. BLACK. I wish to make a few remarks on this case. If the Senator from Colorado desires to speak, I will not ask him to yield now.

Mr. PHIPPS. Mr. President, I assume that Senators are aware of the presidential order relating to the appointment of postmasters, which is practically the same as the one which has been in force since 1921. It requires that applicants must qualify above a certain percentage; it gives the appointing power the right to select from among the three highest who qualify, and in giving the rating of percentages ex-service men are accorded an additional 5 per cent to the mark they actually attain in the examination. That is the preference accorded to them.

It is undoubtedly true—I have seen it occur time and time again—that a postmaster who has been in charge for four or eight years will have a much higher mark on the examination than will his competitors. The competitors have not had the experience which would enable them to answer the questions which are properly asked by the Civil Service Commission.

The Senate Committee on Post Offices and Post Roads is not clothed with authority to select postmasters. It can only pass upon the qualifications of a nominee whose name is sent in by the President. In order to handle such nominations to the best advantage it has been customary to appoint subcommittees. In this case three Members of the Senate were appointed as a subcommittee. They reported that they found the nominee qualified for the position. The Senators from the State are not objecting to him on personal grounds; he is not personally obnoxious to them; but they laid the case before the subcommittee, and the subcommittee reported as I have stated. The subcommittee called upon the Post Office Department to ascertain why this particular name had been sent in. In response to that inquiry a formal letter was received to the effect that it was believed that Mr. Gruwell would give greater satisfaction as postmaster than would either of the other two competitors who had qualified.

Mr. NORRIS. Mr. President——

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

Mr. PHIPPS. I yield.

Mr. NORRIS. Before the Senator from Colorado concludes, I should like to ask him a question, if he will permit me.

Mr. PHIPPS. I yield to the Senator.

Mr. NORRIS. Did the investigation made by the subcommittee disclose how it happened that the man who was third on the list was appointed in preference to the man who stood highest on the list, especially when the highest was an ex-service man? Was any reason given for that action?

Mr. PHIPPS. The statement of the Post Office Department was that it was believed Mr. Gruwell would give more general satisfaction than the former postmaster or either of the competitors.

Mr. NORRIS. Did the Post Office Department give any reason why they felt that way? Let me ask the Senator another question, and then he can answer them both at once, if he so desires. Can the Senator tell the Senate upon whose recommendation this appointment was made?

Mr. PHIPPS. If the Senator from Nebraska will permit me, I will read the response from Hon. Walter F. Brown, Postmaster General. I have it here.

Mr. NORRIS. If the Senator has it, I wish he would read the letter that the committee sent to the Postmaster General as well.

Mr. PHIPPS. The letter from the Postmaster General is addressed to me under date of October 12, and reads:

THE POSTMASTER GENERAL,
Washington, October 12, 1929.

HON. LAWRENCE C. PHIPPS,
United States Senate, Washington, D. C.

MY DEAR SENATOR PHIPPS: The department is in receipt of an inquiry from Mr. C. Brooks Fry, clerk of the Committee on Post Offices and Post Roads, relative to the reasons for recommending Mr. Albert C. Gruwell as postmaster at Dillon, Mont.

This recommendation was made because the consensus of opinion which the department received was to the effect that Mr. Gruwell was well qualified for the post, and that his appointment would be more satisfactory to the people of Dillon than would the appointment of either of the other applicants on the eligible register.

Sincerely yours,

WALTER F. BROWN.

Mr. NORRIS. Did the committee have any information as to what investigation the department had made, or anything of that kind?

Mr. PHIPPS. Nothing other than what is disclosed in the letter.

Mr. NORRIS. Nothing but that?

Mr. PHIPPS. That is all.

Mr. NORRIS. Can the Senator tell the Senate upon whose recommendation this appointment was made?

Mr. PHIPPS. No; I can not say positively; but I assume the Senator from Montana was well informed when he said that the recommendations customarily are made by the national committeemen of the State.

Mr. NORRIS. I am anxious to know whether that was done in this instance, or who the man was who made the recommendation.

Mr. BLACK obtained the floor.

Mr. FLETCHER. Mr. President——

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

Mr. BLACK. I yield.

Mr. FLETCHER. Deducting the 5 per cent allowed in favor of the ex-service men, the present postmaster, he would have a mark of 81, and the one appointed had a mark of 70.

Mr. PHIPPS. He had a rating of 70.6 per cent. That is about correct.

Mr. BLACK. Mr. President, it seems to me that the Senator from Montana——

Mr. HASTINGS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his parliamentary inquiry.

Mr. HASTINGS. Was there not a unanimous-consent agreement that only those nominations should be considered at this executive session as to which there was no contest?

The VICE PRESIDENT. The Chair did not understand that that agreement applied to postmasters; he understood it would apply only to judges. The present occupant was not in the chair when the understanding was entered into a few days ago.

Mr. BLACK. Mr. President, it seems to me that it might be a good idea if the new organization on the other side of the Chamber could prevent such cases as this from being presented to the Senate in public. It further seems to me that the Senator from Montana has performed a real genuine service in presenting this matter to the Senate. It is another illustration of the fact that open sessions for the consideration of executive nominations will redound to the advantage of the people of this Nation.

There is nothing strange about this case, but it so happens that it is the first time we have had the opportunity to present such a case to the public in an open session. It is my judgment that if other Senators will follow the example set by the Senator from Montana and bring to the attention of the Senate and of the Nation appointments such as this, a system which is pernicious in its operation, which is unjust in its workings, and which is so partisan that it can not stand the test of public scrutiny, will soon be abandoned.

I know nothing of these two men; I never heard of the case until it was presented a few moments ago; but I am familiar with the system. The idea of conformity to civil-service requirements in the appointment of postmasters such as this is a mere whim, a fancy; it does not exist.

I was interested in the statement made by the Senator from Nebraska, and I venture to assert that in one hundred out of one hundred cases the appointments are made solely upon the recommendation of Republican Representatives or of the Republican national committeemen. It makes no difference that one man has served well in the office; no consideration is given to the fact that one man served his country when it needed him in time of war in conflict; it makes no difference that one may have a character as good as the other; the only question that counts is, Is he loyal to the Republican régime? If both candidates happen to be Republicans, then the only question that is involved is, Which one is closer to the Republican régime?

I have nothing to say against the Republican national committeeman in Alabama; he is a gentleman, in my judgment; but it is impossible in Alabama for a Democratic ex-service man, even though he stands highest in the examination that is held, to receive an appointment if there can possibly be discovered anywhere within the immediate neighborhood anyone who claims to be a Republican.

We have a function to perform which we can begin to perform here if we believe in the civil service. Of course, if the duty of the Senate is merely to confirm all appointments, irrespective of justice or merit, then we should go ahead and follow the suggestion of the Post Office Department; but I venture the assertion that if the committee will make an investigation of this case they will find that the one, only, and single reason that this man is said to be the most popular in the city of Dillon is on account of the fact that he has been approved by the Republican national committeeman or by the Republican Representative in Congress, if there is a Republican Representative in Congress from that district.

I do not know how that may be; but shall we sit silently by when men who served when they were needed in time of war are thus discriminated against under a system which is supposed to be nonpartisan, and permit such men to be shunted aside merely for political purposes and to advance the cause of any party or the head of any party?

There will be many more cases such as this come up in the future, and since we have open executive sessions, it is my intention to call to the attention of the Senate and show to Senators in each particular instance that not only does the appointing power frequently do exactly what has been done in this instance but time after time the records will show that when the favorite of the committeeman fails to make a sufficient mark, a reexamination is ordered, in order that there may be given an opportunity to some other person to come in and take that which has been earned by another applicant under a fair and just examination.

It may be true that, theoretically speaking, it is a good plan to have a system under which one of the three high men can be selected. Theoretically, that may be true; but it is worked today for one purpose, and one purpose only, and that is to exclude from the appointment any man who does not meet with the favor of the Republican Congressman or the Republican national committeeman.

So far as I am concerned, I expect to vote with the Senator from Montana and with any other Senator who raises an objection to an appointment made under circumstances like these. I do not intend to vote to displace a man who served his country when it needed him, a man who was willing to risk the dangers and perils of war, in order to give a position to some other man simply because he stands a little closer to a committeeman of any party, whether it be my party or another. It is not material to me whether the Democratic Party worked a plan of this kind or did not. I do not care, in so far as this instance is concerned. I do not believe they did.

Mr. SIMMONS. Mr. President——

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

Mr. BLACK. I yield to the Senator.

Mr. SIMMONS. I desire to call the Senator's attention to the fact that President Wilson issued an Executive order with reference to postmasters and other appointees; and, according to my recollection, in that Executive order it was provided that the highest upon the list should be appointed.

Mr. WALSH of Montana. Mr. President——

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

Mr. BLACK. I do.

Mr. WALSH of Montana. I desire to supplement what has been said by remarking that so rigidly was the rule adhered to that when our esteemed friend the Senator from Massachusetts [Mr. WALSH] first came here he was confronted with the appointment of a Republican to the position of postmaster of the city of Boston, a Democratic city; and, despite everything he could do, the President of the United States adhered to his policy of appointing the man who stood first on the list for the post office, notwithstanding his opposite politics.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama further yield to the Senator from North Carolina?

Mr. BLACK. I do.

Mr. SIMMONS. That was real civil service. That made the law effective; but in 1921 that order was revoked, and an order was made permitting the appointing authorities to select from the three highest; and since that time I think the Senator is right in the statement that civil service has disappeared and partisanship has taken its place.

I do not know whether or not it has come to the Senator's attention, but cases have been brought to my attention from my own State in which all of those who happened to pass the examination and get upon the eligible list happened to be Democrats; and in some instances they ordered another examination in order that a Republican might get on the list.

Mr. BLACK. I stated that a moment ago.

Mr. SWANSON. Mr. President, will the Senator yield for a minute?

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

Mr. BLACK. I yield to the Senator.

Mr. SWANSON. As I understand, an ex-soldier was an applicant for this position and was on the eligible list. I understand, and I should like to ask the chairman of the Post Office

Committee if it is not true, that there is a statute which provides that preference shall be given to ex-soldiers.

Mr. PHIPPS. Yes, there is; but that does not extend to the point of providing that where an applicant is an ex-service man he must be appointed, regardless of who the other applicants may be.

Mr. SWANSON. So there is a statute to that effect.

Mr. PHIPPS. No; I do not think it goes to that extent.

Mr. SWANSON. But it provides that he shall be given preference; not that he must be appointed.

Mr. PHIPPS. That he shall be given preference to the extent of 5 per cent under the post-office rules; and that has been enforced.

Mr. SWANSON. As I understand, Congress in its kindness to the ex-soldiers has said that a preference should be given the ex-service men, which meant, if I am correct, that where an ex-service man passed a proper examination and was on the eligible list he ought to be appointed. They have qualified that to the extent that they give him an advantage of 5 per cent in his examination, 5 points in his examination, and that is the only preference given him.

It seems to me that if there were going to be an honest interpretation of the intention of Congress they would hold a civil-service examination, and if the ex-service man qualified as one of the three eligibles under the civil-service rules, if he was qualified and competent, the preference ought to go to him for the appointment. I have always contended that that was the real intention of Congress; and simply giving him 5 per cent advantage on an examination, and getting him on the eligible list, and then having the right to appoint people who ranked under him, is giving him no preference. It is simply exercising political power without any preference whatever accruing to the ex-service man.

Mr. BLACK. Mr. President, I think we should have a yea-and-nay vote on this appointment.

Mr. PHIPPS. Mr. President, will the Senator yield to me for the purpose of calling a quorum?

Mr. BLACK. I will ask the Senator to wait until I finish. I do not yield for that purpose at this juncture.

Mr. PHIPPS. I do not desire to take the Senator from the floor; but it is my intention to call for a quorum at the proper time.

Mr. BLACK. I think there should be a yea-and-nay vote in order that the Senators who vote on the matter may let the issue be squarely presented when the vote can be taken in open executive session.

Let it be understood that here is a man who served as postmaster of a town without complaint. Let it be understood that the committee sends down to the Post Office Department, and not one single charge is placed against the man who served in that community as postmaster. Let it be further understood that that man makes a percentage of more than 80 per cent, and a new man just gets over the fence with 70.6 per cent, I believe; and then let it be understood that one of those two men—the man who received the high percentage, the man who has served without complaint, the man against whom no charges have been preferred—served his country in time of war. Then let it be understood that the executive department of this Government, supposedly in the fair and honest discharge of a civil service act, has deliberately set aside the examination papers, has deliberately ignored the fact that no charges have been preferred against this postmaster, has considered for naught his services to his country in time of war and has selected another man to serve in his stead.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

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

Mr. BLACK. I yield to the Senator.

Mr. WALSH of Massachusetts. One of the worst abuses in this system is that when an examination is to be held the law requires three names to be certified as receiving a rank of over 70 per cent; otherwise the examination is null and void. With the desire to save expense to the Government, the inspectors strain every effort to rank men whom they know and find to be unfit to 70 and 71 per cent, so as to have three names certified, and not have a reexamination; and undoubtedly in this case the very fact that the ranking is 70 and a slight per cent more means that the inspectors, in order to save a second examination, certified to a man being over 70 per cent whom they in their own heart of hearts thought and believed was unsuited and unfit and unsatisfactory.

Something ought to be done to prevent that pressure upon those who conduct the examinations to find three candidates ranking over 70 per cent. I will say, from the experience I have had with the department in a somewhat similar case, that I found the Postmaster General very sympathetic with the idea of trying to carry out the intent and spirit of the civil service law by appointing the highest applicant; but I assume that in these cases and other cases the political pressure is terrific and the remedy is what the Senator has pointed out—an Executive order requiring the applicant having the highest standing to be appointed.

Mr. BLACK. The remedy also is here. We have it within our power, in voting upon this appointment and in voting upon others, to let the ex-service men of this Nation know whether we are their friends simply with lip service or with heart service. We can send a message to them that the service of men in the war meant nothing so far as we are concerned, and that our loyalty to partisan appointments means more than our devotion to those men who served this country in time of war.

Oh, of course, it is easy enough to say, "The committee has recommended him." That is all right; the committee has recommended him; but each Senator here has a responsibility of his own to determine, and will have it hereafter. From all over Alabama I have had complaints about the evasion of this rule with respect to ex-service men. It has not only come to me but it has come to other Senators on this floor. Now and here and hereafter, every time the question is raised, we expect to let the people of the United States know where the United States Senate stands on giving ex-service men the preference.

Mr. BRATTON. Mr. President, preliminarily I desire to say that I am a member of the Committee on Post Offices and Post Roads. I never heard of this nomination nor this controversy until now. I do not know how it was handled through the committee; but I make no complaint against that. I content myself with saying that I have never voted favorably on this nomination in committee or elsewhere, and I certainly shall vote to reject the nominee when the Senate acts.

I do not see how any Member of the Senate can vote to confirm this appointment and conform that vote to the purposes of the civil service law.

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

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Colorado?

Mr. BRATTON. I do.

Mr. PHIPPS. I think there is a misunderstanding, in that the Senator is of opinion that postmasters of this class are under the civil service laws. I do not understand that they are. First, second, and third class postmasterships have never been put definitely under the civil service laws. The Civil Service Commission is called upon as the proper channel through which examinations may be conducted; but the civil-service examiners are always accompanied by a representative of the Post Office Department in making their investigations. Fourth-class postmasters are in a different situation.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Massachusetts?

Mr. BRATTON. I yield.

Mr. WALSH of Massachusetts. The purpose of the examination which is conducted by the Civil Service Commission is to inform the President—or the First Assistant Postmaster General, an aide to the President—as to the qualifications of the candidates.

Mr. PHIPPS. Those qualifications, in the case of an office of this size, are practically limited to the mentality and ability of the postmaster, and do not go into the question of his relative standing in the community. That part is taken care of by the Post Office Department representative himself.

Mr. BRATTON. Mr. President, the chairman of the committee has said that the examination in a case of this kind is advisory. If it is merely advisory, and is cast to the four winds when it does not harmonize with the desires of those who pass upon the matter finally, it should be dispensed with. We should stop deceiving applicants.

Why call them forward and require that they submit to an examination, and then the one who makes a grade of 86 per cent, as was made here, be turned aside for one who makes a grade of 70 per cent plus? That does gross violence to the purposes of the law.

I want to address myself to what the Senator from Massachusetts said a while ago, if I may have his attention. He said that in order to bring three applicants within the eligible class the Civil Service Commission sometimes boost or give a fictitious rating to applicants. I am told that in doing so they have one factor called "executive ability," or "executive capacity," or "business ability," some such denomination as that, and that being a very elastic phrase, they frequently re-

vise the grade and give one or more applicants a much higher rating on executive ability in order to bring their average above 70. Is that the experience of the Senator from Massachusetts?

Mr. WALSH of Massachusetts. It is my experience. As I understand it, the examination is based upon experience and education, in part, and then upon the character as found from investigations that are made in the field where the people live. My experience has been absolutely in accord with what the Senator has just said.

Mr. BRATTON. That system is pernicious. But I want to call attention to a case that can not be dealt with as one may deal with this one, and I do not know what the remedy is. I would like to get the views of the Senator from Massachusetts. It is a case which comes from my own State. An applicant took the civil-service examination for a position in the prohibition enforcement forces. He was certified on the eligible list. Later his name was suspended from that list, the Civil Service Commission holding the information upon which its action was based confidential, although coming from unofficial sources. The man has been stricken from the eligible list, and the commission declines to disclose the information on which that action was taken.

Obviously he is utterly unable and wholly incapacitated to present his case, because he does not know the substance of the alleged evidence against him. Can the Senator from Massachusetts tell how that kind of situation should be met?

Mr. WALSH of Massachusetts. I am surprised at the revelation the Senator has made. In my experience with the commission they have shown a willingness at all times to give me confidential information in such cases. I do not know that I have had any case just exactly like that the Senator has related. I confess I do not know what action to take, except to ask for a hearing before the full commission, and insist that some reason be given for the action. I assume, however, that the commission takes a somewhat different attitude toward appointees in the Prohibition Bureau from its position as to any other department of the Government.

Mr. BRATTON. Probably so. I likewise am amazed at the situation. One of two things is true, either the commission has been imposed upon, or it is lending itself to a system which should be condemned. Nothing short of a full disclosure will do. But there is no way to deal with that in the Senate unless it is a resolution calling for the record. We can reject a name if the appointment is the result of a system which we disapprove, but where a name is stricken from the eligible list upon charges based upon information unofficial in character and held confidential, the person affected is helpless. Those interested in him likewise are helpless. Perhaps a resolution of the Senate is the only remedy.

Mr. WALSH of Massachusetts. I appreciate that difficulty. I should think the Senator should at least insist upon a hearing before the commission.

Mr. BRATTON. Mr. President, I shall not detain the Senate further except to say that in this instance I shall vote against this nomination. If this nominee is confirmed, the spirit of the civil service law will be cast aside and all professions of gratitude for the ex-service men will go for naught.

Mr. HASTINGS. Mr. President, I was appointed on a subcommittee to consider this case, together with the Senator from Rhode Island [Mr. HEBERT] and the Senator from Florida [Mr. TRAMMELL].

The Senator from Montana wanted to present some facts to the subcommittee, and the subcommittee met and heard those facts. They consisted of statements to the effect that the present postmaster was a thoroughly competent man, that he was an ex-soldier, and that there was much sympathy in his community for him.

I remember very distinctly, in one of the letters urging the retention of the present postmaster, the writer of the letter stated that the appointee was a thoroughly competent man, and from all the evidence we were able to gather, there was nothing brought before the subcommittee that led us to believe that the appointment was not a perfectly proper one.

I think it is safe for me to say that each member of the subcommittee regretted that the old postmaster had not been renamed, but we looked upon it as our duty to determine whether a proper selection had been made, and it never occurred to us that we had any power to make a selection ourselves. As we understand it, and I think the Senate generally will agree, the appointing power is in the President, and if this appointment is rejected, there is nothing to compel the President to name the man who is at present acting as postmaster at this particular place.

We told the Senator from Montana our position, that we sympathized with the present postmaster, and that we could not see any particular reason why he should not have been named, beyond the information we had, being the letter addressed to the committee by the Postmaster General. But without any personal objection on the part of the Senator from Montana, which he admitted did not exist, there was nothing to show that the man who was appointed was not a fit person, and it seemed to us that there was nothing for us to do but to recommend that the appointee be confirmed.

As to whether the present method of selecting the three highest from the eligible list of those who have taken an examination is a proper rule or not, I personally have no doubt that it is, and that it can be defended, because the mere marks are not always the best evidence of the qualifications of a man for a place.

Mr. FESS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Delaware yield to the Senator from Ohio?

Mr. HASTINGS. I yield.

Mr. FESS. In addition to what the Senator has just said, that the examination might, in the matter of the record, not be the best determinant, there is another consideration in reference to the certifying of the three highest, which was gone into when that rule was put into force, and that was that the appointive power of the President can not be limited to any one person. The President has the appointive power, and when the question came up as to the operation of the civil service law, I thought—and I was in a conference when the matter was discussed—that if we limited it to three people, it probably would be better to take the first name, otherwise the appointing power would be open to the charge of acting on purely political grounds. But we could not, under the Constitution, say to the President that he was limited in his appointment. That was generally conceded. The President having the appointive power, Congress can not limit him to a particular person.

Mr. HASTINGS. Mr. President, I thank the Senator for his observation, but while he was speaking I was wondering how, if it were true that during the Wilson administration they selected the highest man, it could be that at the end of the Wilson administration one could hardly find one Republican postmaster anywhere in the country.

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

Mr. HASTINGS. I yield.

Mr. BLACK. Conceding, which I somewhat question—though I am not questioning the Senator's belief—conceding that it is true that Democrats when in power did abuse their power, would the Senator think that was any excuse why an ex-service man should be turned down in favor of a man who did not serve in the World War?

Mr. HASTINGS. I am complaining about Democrats who undertake to defend Democratic administrations, who are finding fault now with a system which the Republicans think is an improvement over what the Democrats did. In this connection let me ask that the Senator to-day or to-morrow, whenever he gets an opportunity, put into the RECORD the names of all the Republican postmasters in Alabama at the end of the Wilson administration. I would like to see such a list as to Alabama or any other of the States of the Union.

Mr. BLACK. Will the Senator yield again?

Mr. HASTINGS. Yes; I yield.

Mr. BLACK. I want to say to the Senator that I was not here during the Wilson administration. If I had been here during that administration, and the officials of the Government had attempted to use this appointive power as the Senator's party is doing now, I would have been just as much against it and have been as outspoken against it as I am now. But conceding that it was abused at that time, which I deny and do not believe, can the Senator now explain to the ex-service men of the Nation how that is any excuse for him taking the position that the Republicans have a right to mistreat them because the Democrats mistreated Republicans?

Mr. HASTINGS. I will answer the Senator's question by asking him another one.

Mr. BLACK. I will be delighted to answer it.

Mr. HASTINGS. I will ask him whether or not he would approve of a system that would force the President of the United States to name as postmaster in the town in which he lives a colored man who happened to be the highest on the list in an examination.

Mr. BLACK. That has absolutely nothing to do with this question, and that would be up to the President. If the Senator desires to raise the old question that arose when his party went down into the South and attempted to put the iron heel of despotism upon the throats of the people, and wants to bring up a debate on that subject, I am willing to meet him, but I ask the Senator now to answer my question.

Mr. HASTINGS. I will be glad to do so.

Mr. BLACK. Can the Senator look an ex-service man in the face and say to him, "I voted against the appointment of an ex-service man who made the highest grade. I did it because the Democrats 10 years ago had abused the civil service"?

Mr. HASTINGS. I will answer the question.

Mr. BLACK. Can the Senator answer that?

Mr. HASTINGS. Yes. This is my answer. I never expect to admit to him that I voted against him.

Mr. BLACK. I thought the Senator would not.

Mr. HASTINGS. What I shall say, and what the Senator must admit, is that his name has not been brought before the Senate for me to vote upon, and until it is I will be able to defend myself with the ex-service man. I stated in the beginning that, so far as I was concerned, I was in sympathy with him and could see no good reason why he should not have been appointed, but he was not appointed, and as a Senator I can not turn down and vote against the man who was appointed because the particular man of my choice was not named. That is the position I take.

Mr. BLACK. Will the Senator answer this question? The Senator has not yet told me whether he thought he could justify an abuse by the Republicans by saying that the Democrats had abused a power. The Senator has not answered that yet. I assume, therefore, that he takes the position that the Republicans have a right to do wrong if the Democrats have done wrong.

Mr. HASTINGS. Of course that question needs no answer. Nobody can defend a thing that is improper or corrupt, whether it is done by Democrats or Republicans.

Mr. BLACK. Then what has it to do with this appointment to say that President Wilson abused a power?

Mr. HASTINGS. The Senator raised that question.

Mr. BLACK. I did not raise it.

Mr. HASTINGS. I beg the Senator's pardon. Was it not the Senator from Alabama who called attention to the fact that during the Wilson administration only the high man was named as postmaster?

Mr. BLACK. I did not.

Mr. HASTINGS. I beg the Senator's pardon.

Mr. BLACK. The whole issue is, as the Senator stated, that he can not vote against this man because of the fact that he has been appointed. If the Senator believes that the appointee has been designated as a result of favoritism does the Senator still take the position that he can not vote not to confirm the nomination?

Mr. HASTINGS. I can not vote against any person named here by the President if that man be a fit person for the job for which he has been named.

Mr. BLACK. Even though the Senator believes that the other man has been left out on the ground of favoritism?

Mr. HASTINGS. I make that statement without qualifications of any kind. If the name be sent here of a man who is a fit man, it is none of my business to inquire whether somebody else could do the job better than that particular man.

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

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Delaware yield to the Senator from New Mexico?

Mr. HASTINGS. I yield.

Mr. BRATTON. The Senator stated a while ago in answer to a question propounded by the Senator from Alabama that in justifying his vote he would say that it was impossible for him to vote for the ex-service man or favor the ex-service man because his name was not here.

Mr. HASTINGS. That is correct.

Mr. BRATTON. But by voting to confirm this nominee as against an ex-service man the Senator from Delaware lends himself to a system which does discriminate against the ex-service man.

Mr. HASTINGS. I would thereby lend myself to a system which undertakes to transfer the appointment from the President of the United States to the Senate of the United States, and that I am not going to try to do. That is the system which the Senator from New Mexico and the Senator from Alabama are endeavoring to set up here.

Mr. BRATTON. And by the vote of the Senator from Delaware he makes it impossible for the ex-service man ever to be considered by the Senate for the position.

Mr. HASTINGS. That may be true.

Mr. CONNALLY obtained the floor.

Mr. SMITH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from South Carolina?

Mr. CONNALLY. I yield.

Mr. SMITH. I was desirous of getting the floor in my own right. There is a matter of importance which I want to bring to the attention of the Senate before we recess this evening. I shall not ask the Senator from Texas to yield for that purpose, however.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Montana?

Mr. CONNALLY. I yield.

Mr. WALSH of Montana. In view of the position taken by the Senator from Delaware [Mr. HASTINGS] that if the President sends in a nomination to the Senate, the only question is as to whether the man is fit for the place or not, and that the requirements of the law in relation to it are to be utterly disregarded and are a matter of no consequence whatever——

Mr. HASTINGS. Of course, I never made any such suggestion as that.

Mr. WALSH of Montana. I will not enter into a controversy with the Senator on that point at this time. I call attention to section 35, Title V, of the Code of Laws, as follows:

> Persons honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty, shall be preferred for appointments to civil offices, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such offices. In making appointments to clerical and other positions in the executive branch of the Government in the District of Columbia or elsewhere preference shall be given to honorably discharged soldiers, sailors, and marines, and widows of such, and to the wives of injured soldiers, sailors, and marines who themselves are not qualified, but whose wives are qualified to hold such positions.

This I might say is an old statute enacted back in 1919, but it is also a provision of the Revised Statutes, section 1754, enacted in recognition of the obligations due from the Nation to those who served in the Civil War.

Mr. SWANSON. Mr. President, if the Senator from Texas will permit me——

Mr. CONNALLY. I yield to the Senator from Virginia.

Mr. SWANSON. That is a statute, as I stated in my previous remarks, with which the Civil Service Commission and the President say they will comply. It simply gives ex-service men a 5 per cent preference in the matter of examinations taken. It is clearly a violation of the purpose of the Congress when an honorably discharged soldier is not appointed if he proves his eligibility by a competitive examination and is put on the eligible list and is then not appointed. I have had similar cases in Virginia a dozen times. I have called attention to that statute and tried to get the department to recognize it. Every time they do not recognize it, it is a plain, palpable effort to violate the law of the land, and the time has come for the Congress to teach the executive officers that they can not violate the law any further so far as honorably discharged soldiers and sailors are concerned.

Mr. SIMMONS. The Senate can at least say to the President or to the appointing power that we will not assist them in violating the law by confirming such nominations.

Mr. SWANSON. The impression has been that by Executive order the President could avoid compliance with this law. This is not an Executive order. It is a statute enacted by the Congress which they have attempted to supersede by a little Executive order.

Mr. CONNALLY. Mr. President, I did not intend to submit any remarks to the Senate at this time, but I was provoked into doing so by the remarks of the Senator from Delaware [Mr. HASTINGS]. I happen to have been a Member of the House during the last half of the Wilson administration and happen to know something about the matter of appointments to postmasterships during that time. I want to accept the challenge which the Senator from Delaware has laid down.

I have observed in my congressional experience that a Republican always takes great pride if he can submit as a justification for his conduct the argument that the Democrats once did the same thing. The Senator seems to justify the palpable evasion of the statute and of the Executive order by saying that the Democrats also abused the matter of appointments to postmasterships. I deny that statement.

In 1913 when the Democrats came into power there was no civil-service requirement as to appointments for postmasters. We appointed Democrats in most cases to the post offices throughout the United States. We made no pretense otherwise. But in the campaign of 1916 President Wilson let it be known that he proposed to adopt the civil-service rule with reference to post-office appointments, and on the 31st day of March, 1917, President Wilson, under his constitutional power, issued an Executive order providing that thereafter vacancies in the post offices of the country should be filled by civil-service examination. I happen to know that it was the policy of the administration

to appoint the applicant with the highest standing, provided he qualified as to character, regardless of his political affiliations.

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

Mr. CONNALLY. I yield.

Mr. HASTINGS. I observe that that Executive order was not made until he had supplanted the Republicans with Democrats. Is that correct?

Mr. CONNALLY. No; it is not correct.

Mr. HASTINGS. Was it not the Senator's statement that it was pretty generally the situation? I think that was the expression he used—that in 1913 President Wilson reappointed all postmasters, and "pretty generally" appointed Democrats; and that in 1916, after he got all the offices filled with Democrats, he modified the order and put the offices under the civil service.

Mr. CONNALLY. I will say to the Senator that his remarks are in no way at variance with what I have said. In 1913 when the Democrats came into power they appointed Democrats to the post offices. They did not pretend to do otherwise. They did not adopt the hypocritical attitude which was adopted by the Republicans in 1921, which pretended to select under the civil service and which in fact selects purely according to the recommendation of the Republican national committeemen or the local Republican chairman in each State. But after 1917, when President Wilson issued his Executive order providing that all vacancies in post offices should be filled through competitive examinations, those regulations were religiously lived up to by the Democratic Party.

I had a case in my own district, in the second largest city in the district. An examination was held. A Republican received the highest grade and was appointed by President Wilson and his appointment was sent in by Mr. Burleson, the then Postmaster General. I went to the Postmaster General and told him about the matter. He said that the President had made the statement that he proposed to put the civil-service principle into effect in good faith and that he, as Postmaster General, was going to see that the President's wishes were observed, and that the Republican in this case would be appointed. He was appointed, and he is still serving in the office under presidential appointment of Mr. Wilson.

Congress intended, when it enacted the statute of 1919, that ex-service men who had fought for their country in time of war should receive a preference in the matter of appointments. Under the Executive order of the present administration and the prior two administrations that practice has been changed until preference is given to service men who serve in time of peace the Republican local machine. That is absolutely the fact. Officials in the Post Office Department will tell a Senator, if he asks them and promises not to put the facts in the record, that whenever the Civil Service Commission sends over three names after a civil-service examination, a certain thing happens. What happens to it? Does it go to the Postmaster General? Does it go to the President for him to make the selection? No. That list is sent by the Post Office Department directly to the Republican national committeeman in the State in which the post office is located; that Republican national committeeman sends that list down to the local county chairman of the Republican committee; and so the standard is not as to whether a man was a service man or not, but the standard is as to how close he is to the local Republican machine.

In this case, where both parties are Republicans, I suppose the man who was appointed was a little closer to the petty despot who happened to be the chairman of the Republican organization in that county.

Mr. President, I am prompted to make these remarks by the statement of the Senator from Delaware [Mr. HASTINGS]. He wanted an instance. I have given him at least one instance, and I have no doubt that there are hundreds of instances of postmasters now serving who are Republicans who were appointed during the Wilson administration under the civil service Executive order of March 31, 1917.

Mr. SWANSON. Mr. President, cases of this character have come up repeatedly in Virginia. Ex-soldiers who stood on the eligible list were ruthlessly brushed aside and some politician who served a local or county political boss was appointed instead of the gallant soldier. Of course, I knew of the statute to which reference has been made, and have had occasion repeatedly to call it to the attention of the department and to appeal to them to give force and effect to it as desired by Congress.

What is the issue here? The country is grateful to the brave and gallant soldiers who went through the dangers and privations of the war, and it says to them, "We will give a preference to you in civil appointments." That is right; it is just. The flag disgraces the very sunshine in which it floats if the country for which it stands will not do justice and act generously with its brave defenders.

Congress has enacted a statute providing that a preference shall be given to honorably discharged soldiers; and yet the executive department has for a number of years past nullified the will of Congress, and has only allowed 5 per cent additional to be given to the examination rating in the case of a soldier. The statute is addressed to the appointing power, it is addressed to the Postmaster General, it is addressed to the Secretary of the Interior and the Secretary of Commerce, and to the heads of all the other departments. Its intent is that where a soldier is worthy and capable of discharging the duties of the office he shall have preference when the appointment is made.

What is this case? It is a case similar, as I have said, to ones which have come up repeatedly in Virginia. The qualifications of the ex-service man have been certified to; his efficiency has been certified to; it has been certified that he would make a good postmaster. Under the law he is entitled to preference over the two others who passed the examination; but the statute is nullified and the honorably discharged soldier is brushed aside and a petty politician put in his place.

Mr. BARKLEY. Mr. President——

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

Mr. SWANSON. I yield.

Mr. BARKLEY. I call the attention of the Senator to the fact that the same policy is being pursued with reference to the appointment of enumerators and others whose services are required in the taking of the census.

Mr. SWANSON. That policy runs through the entire Government service so far as the appointing power is concerned, and the will of Congress is nullified. There is no dispute about that; it is acknowledged; it is conceded. Everybody knows that honorably discharged soldiers are practically given no preference, or that, in any event, the preference does not amount to anything.

Mr. BLEASE. Mr. President——

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

Mr. SWANSON. I yield.

Mr. BLEASE. Will the Senator permit me to read a short letter in connection with this matter?

Mr. SWANSON. I yield to the Senator for that purpose.

Mr. BLEASE. The letter reads as follows:

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., September 18, 1929.

Hon. COLE L. BLEASE,
United States Senate.

MY DEAR SENATOR BLEASE: In the absence of the Postmaster General I desire to acknowledge receipt of your letter of September 16 concerning the postmastership at Laurens, S. C.

In accordance with the regulations governing the appointment of presidential postmasters, any one of the highest three eligibles certified may be appointed as postmaster. The law requiring that preference be given to ex-service men in making appointments does not apply to the appointment of postmasters at presidential offices who are not in the classified civil service.

However, in accordance with the Executive order of October 14, 1921, the Civil Service Commission is authorized to add five points to the earned ratings of ex-service men and women in examinations for postmasters at presidential offices and give them their relative places on the eligible registers.

Very truly yours,

ARCH COLEMAN,
Acting Postmaster General.

Mr. SWANSON. Mr. President, it seems to me that the only way the Senate can make effective the will of Congress in giving preference to honorably discharged soldiers is to reject appointments where glaring injustice is done as in such cases as this. Therefore I shall vote to reject this nomination.

Mr. JONES. Mr. President, I was requested by the Senator from Delaware [Mr. HASTINGS] to advise the Senate that he was compelled to leave the Chamber because of a previous appointment.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of postmaster at Dillon, Mont.? By the sound the noes seem to have it.

Mr. HALE. I ask for a division.

On a division, the nomination was rejected.

Mr. CONNALLY. Mr. President, is it not in order when a nomination is rejected that the President be notified?

The PRESIDING OFFICER. That is the rule. The President will be notified of the rejection of the nomination.

ARMY NOMINATIONS

Mr. FLETCHER. I move that the nominations in the Army be confirmed en bloc.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The nominations are confirmed, and the President will be notified.

NAVAL NOMINATIONS

Mr. HALE. I move that all nominations in the Navy be confirmed en bloc and that the President be notified.

The PRESIDING OFFICER. Without objection, the nominations for the Navy are confirmed, and the President will be notified.

POSTAL NOMINATIONS

Mr. PHIPPS. Mr. President, there are a few nominations of postmasters which have been passed on by both Senators of each State and have been reported to-day. I do not know that any Senator cares to make any remarks about any of them, except, perhaps, as to one. I think those nominations should be confirmed to-day, and I ask unanimous consent that those which are not objected to may be confirmed. If any Senator desires to have any one of them held over, he may say so; and, of course, if we should pass on any of them in the absence of a Senator who is interested, and who might object, he will have a right to ask for the reconsideration to-morrow.

Mr. BLEASE. Mr. President, I have no objection to the request of the Senator from Colorado, except as to the nominations for post offices in the State of South Carolina. I ask that they be not confirmed.

Mr. PHIPPS. Then I ask that, with the exception of those in South Carolina, the post-office nominations reported to-day may be confirmed en bloc.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Colorado? The Chair hears none, and the nominations are confirmed, and the President will be notified.

COAST GUARD AND COAST AND GEODETIC SURVEY NOMINATIONS

Mr. JONES. Mr. President, a short time ago I reported nominations in the Coast Guard and Coast and Geodetic Survey. I ask unanimous consent that they may now be considered en bloc and confirmed.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The nominations are confirmed, and the President will be notified.

Mr. NORRIS. Mr. President, I inquire of the Chair whether all nominations on the Executive Calendar have been disposed of?

The PRESIDING OFFICER. That is the understanding of the Chair.

Mr. NORRIS. Then I ask unanimous consent that paragraph 6 of Rule XXXVIII be suspended and that all nominations now on the Executive Calendar of the Senate or pending before any of the standing committees of the Senate shall remain in statu quo until the convening of the regular session of Congress on December 2, 1929, and that said nominations shall not be affected by the adjournment of the present session of Congress.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nebraska? The Chair hears none, and it is so ordered.

REVISION OF THE TARIFF

The PRESIDING OFFICER. The Senate resumes its legislative session.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes.

Mr. BLEASE. Mr. President, I ask unanimous consent that the order providing for a night session to-night may be rescinded.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Utah?

Mr. BLEASE. Yes, sir.

Mr. SMOOT. Mr. President, I desire to make a request for unanimous consent. I ask unanimous consent that at the conclusion of the business of the Senate to-day it take a recess until 10 o'clock to-morrow morning.

Mr. BLEASE. That is proper.

The PRESIDING OFFICER. Does the Senator from South Carolina withdraw his motion?

Mr. BLEASE. Yes, sir. As I understand, the Senator from Utah has done what I wanted to do.

The PRESIDING OFFICER. Is there objection to the request for unanimous consent submitted by the Senator from Utah? The Chair hears none, and it is so ordered.

Mr. HEFLIN. I want to say to the Senator from Utah that there is an order that at 5.30 o'clock we shall recess until 7.30 o'clock to-night, and nothing has been done about doing away with a session to-night. I ask unanimous consent that when the Senate concludes its session this afternoon it take a recess until 10 o'clock to-morrow morning.

Mr. KEAN. I object.

Mr. COUZENS. I move that when the Senate concludes its business at 5.30 o'clock this afternoon it take a recess until 10 o'clock to-morrow morning.

Mr. KEAN. I object.

The PRESIDING OFFICER. The question is on the motion of the Senator from Michigan.

The motion was agreed to.

Mr. SMOOT. Mr. President, I wish to have the attention of the Senate for just a moment. There are two or three amendments remaining in the flax and hemp schedule which I am quite sure will require no further discussion.

I desire to make a brief explanation. Last night, in reply to the Senator from Massachusetts [Mr. WALSH], I stated that the amendment found on line 8, page 166, involved a decrease in the rate. I wish to correct that statement. Except this one, there is no other paragraph, whether affecting cotton, silk rayon, or other textiles, in which the lower-priced goods are not found in a bracket at a lower rate. I had not noticed that when the Senator asked me the question and therefore I said that the rate proposed was a decrease. I also stated to the Senator from Nebraska that it was a decrease. However, it is an increase, and I want to make that correction.

Mr. WALSH of Massachusetts. It is not to be wondered at, in view of the tremendous amount of work the Senator from Utah has done and the enormous amount of information the Senator has had to carry in his mind, that he should make that mistake.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment on page 168, line 8.

The amendment was rejected.

The next amendment was, in paragraph 1014, page 166, line 10, after the word "and," to strike out "20" and insert "60," so as to read:

Exceeding 160 threads to the square inch, counting the warp and filling, 40 per cent ad valorem.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. SMOOT. Mr. President, by action on one more amendment we will finish this schedule. The amendment is found on page 167.

The PRESIDING OFFICER. The amendment will be stated.

The next amendment was, on page 167, line 5, after the word "ad," to strike out "valorem" and insert "valorem: *Provided*, That any of the foregoing made with hand rolled or hand made hems shall be subject to an additional duty of 1 cent each," so as to make the paragraph read:

PAR. 1016. Handkerchiefs, wholly or in chief value of vegetable fiber, except cotton, finished or unfinished, not hemmed, 35 per cent ad valorem; hemmed or hemstitched, or unfinished having drawn threads, 50 per cent ad valorem: *Provided*, That any of the foregoing made with hand rolled or hand made hems shall be subject to an additional duty of 1 cent each.

Mr. SMOOT. That amendment is entirely for the benefit of Porto Rico. It has nothing whatever to do with the industry in the United States. The Porto Ricans have appealed for it because of the fact that they can not meet the competition from abroad. The duty proposed is only 1 cent on a handkerchief, and, of course, that amounts to very little.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

RECESS

The PRESIDING OFFICER. The hour of 5.30 o'clock having arrived, under the unanimous-consent order the Senate will stand in recess until to-morrow at 10 o'clock.

Thereupon (at 5 o'clock and 30 minutes p. m.) the Senate took a recess until to-morrow, Thursday, November 21, 1929, at 10 o'clock a. m.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 20 (legislative day of October 30), 1929

ASSISTANT ATTORNEY GENERAL

G. Aaron Youngquist.

UNITED STATES DISTRICT JUDGE

Mortimer W. Byers, eastern district of New York.

MEMBER OF BOARD OF TAX APPEALS

Herbert F. Seawell.

PUBLIC HEALTH SERVICE

William C. Billings to be senior surgeon.

COAST GUARD OF THE UNITED STATES

To be captains

William H. Shea.
Cecil M. Gabbett.

To be commanders

Warner K. Thompson.
John H. Cornell.
Gordon T. Finlay.
Louis L. Bennett.
William J. Keester.
Eugene A. Coffin.
John S. Baylis.
Charles G. Roemer.
Wilfrid N. Derby.
Leo C. Mueller.
Clarence H. Dench.
William K. Scammell.
Russell L. Lucas.
Stephen S. Yeandle.
Frederick A. Zeusler.

To be lieutenants (junior grade)

George M. Phannemiller.
John J. Purcell.

COAST AND GEODETIC SURVEY

To be aide with relative rank of ensign in the Navy

Ira Richard Rubottom.

To be junior hydrographic and geodetic engineer with relative rank of lieutenant (junior grade) in the Navy

Vawter Morton Gibbens.

To be hydrographic and geodetic engineer with relative rank of lieutenant in the Navy

William McCaslan Scaife.

APPOINTMENTS IN THE ARMY

Andrew Thomas Francis Nowak to be chaplain with the rank of first lieutenant, Chaplains Reserve.

GENERAL OFFICER

James Joseph Quill to be brigadier general, reserve, Wisconsin National Guard.

APPOINTMENTS, BY TRANSFER, IN THE ARMY

Claud Thomas Gunn to be first lieutenant to Finance Department.

Francis Henry Lanahan, jr., to be first lieutenant to Signal Corps.

Edwin Lynds Johnson to be second lieutenant to Field Artillery.

To be second lieutenants to Air Corps

Albert Lea Alexander, jr.
Forrest Gordon Allen.
Alvord VanPatten Anderson, jr.
Frederick Lewis Anderson, jr.
Samuel Egbert Anderson.
George Raymond Bienfang.
Bryant LeMaire Boatner.
Samuel Robert Brentnall.
Harold Brown.
James Wilson Brown, jr.
Joseph Arthur Bulger.
Howard Graham Bunker.
Frank Jerdone Coleman.
Robert James Dwyer.
Frank Fort Everest, jr.
Nathan Bedford Forrest, jr.
Charles Grant Goodrich.
Norris Brown Harbold.
Robert Scott Israel, jr.
Paul Harold Johnston.
August Walter Kissner.
Ralph Edward Koon.
Stuart Glover McLennan.
Alfred Rockwood Maxwell.
Arthur William Meehan.
John Stewart Mills.
John Jordan Morrow.
George Warren Mundy.
John Thomas Murtha, jr.
Thayer Stevens Olds.
James Francis Olive, jr.
Roger Maxwell Ramey.
Allen Wilson Reed.
John Alexander Samford.
LaVerne George Saunders.
Edgar Alexander Sirmyer, jr.
Frank Leroy Skeldon.
George Ferrow Smith.
Thomas Webster Steed.
Robert Frederick Tate.
Robert Kindler Taylor.
Robert Falligant Travis.
William Henry Tunner.
Robert Williams Warren.
Harry Edgar Wilson.
Roscoe Charles Wilson.
Emmett Felix Yost.

PROMOTIONS IN THE ARMY

Frank Thomas McNarney to be colonel, Cavalry.
Thomas MacAllister Knox to be colonel, Quartermaster Corps.
Frederick Julius Ostermann to be lieutenant colonel, Infantry.
William James Connolly to be lieutenant colonel, Infantry.
Jay Kenneth Colwell to be major, Cavalry.
Lawrence Wellburn Fagg to be major, Infantry.
Albert Russell Ives to be major, Field Artillery.
William Swann Shuttleworth to be major, Dental Corps.
Harvey Israel Rice to be captain, Medical Administrative Corps.
William Carleton Hanna to be major, Coast Artillery Corps.
Leon Gregory Harer to be major, Infantry.
William Remsen Taylor to be colonel, Cavalry.
John Patrick Hasson to be colonel, Quartermaster Corps.
Everett Darius Barlow to be lieutenant colonel, Quartermaster Corps.
Felix Emmanuelli to be lieutenant colonel, Infantry.
Pascual Lopez to be lieutenant colonel, Infantry.
William Albert Johnson to be lieutenant colonel, Corps of Engineers.
Edwin Mack Scott to be major, Quartermaster Corps.
Paul James Dowling to be major, Infantry.
Otis Porter to be major, Cavalry.
Hermann Charles Dempewolf to be major, Infantry.

PROMOTIONS IN THE NAVY

Herbert E. Kays to be captain.
James B. Will to be commander.
Francis A. Smith to be lieutenant commander.
Douglas A. Spencer to be lieutenant commander.
Harold F. Ely to be lieutenant commander.
Whitaker F. Riggs, jr., to be lieutenant.
William S. Campbell to be lieutenant.
George W. Snyder, 3d, to be lieutenant.
Vernon Huber to be lieutenant.
Peter J. Neimo to be lieutenant.
Howard B. Hutchinson to be lieutenant.
Horace B. Butterfield to be lieutenant.
John P. Cady to be lieutenant.
Samuel M. Tucker to be lieutenant (junior grade).
John H. Simpson to be lieutenant (junior grade).
John D. Sweeney to be lieutenant (junior grade).
Norman J. Blackwood to be medical director.
Joseph A. Biello to be medical director.
Daniel W. Heagy to be chief pharmacist.
Leo A. Duncan to be chief pharmacist.
Robert N. Cheetham to be chief pharmacist.
Edmond D. Harrison to be chief pharmacist.
Frederick O. Ball to be chief pharmacist.
John P. T. Bennett to be chief pharmacist.
Jefferson O. Forte to be chief pharmacist.
Martin Huff to be chief pharmacist.
George H. Rock to be Chief Constructor and Chief of the Bureau of Construction and Repair, with the rank of rear admiral.

POSTMASTERS

ARIZONA

Aurelio B. Sanchez, Sonora.

CALIFORNIA

Harold V. Tallon, Jackson.
Verbenia M. Hall, Quincy.
Joseph G. Petar, Bolinas.

CONNECTICUT

Charles E. Gray, North Stonington.

FLORIDA

Jesse D. Louis, Davenport.
Ralph F. Blatchley, Dunedin.
Allan Van Wormer, Inverness.
Robert V. Hedges, La Belle.
James E. Parrish, South Miami.

GEORGIA

Olene Watson, Menlo.

ILLINOIS

Gordon McClusky, Rosiclare.

INDIANA

James C. Taylor, Mooreland.

IOWA

Maude M. Peters, Alexander.
William F. Kucera, Elberon.
George D. Sailor, Lisbon.

KENTUCKY

Paris Early, Bagdad.

LOUISIANA

Robert L. Mouton, Lafayette.
Mildred M. Gleason, Belcher.
William C. Reynolds, Ida.
Bernard B. Franques, Opelousas.

MAINE

Joseph Otto Fisher, Lewiston.

MINNESOTA

Louis M. Larson, Alberta.
Arthur J. Schunk, Minneapolis.
Tollef P. Anderson, Thief River Falls.

MONTANA

Helen P. Gibb, Belton.
John M. Evans, jr., Butte.

NEW MEXICO

John P. Milner, Anthony.

NEW YORK

Fred C. Conrad, Saranac Lake.

NORTH CAROLINA

Byron J. Luther, Enka.

NORTH DAKOTA

Ellis R. Dennison, Neche.

UTAH

George A. Murphy, Spring Canyon.

VERMONT

Burton N. Sisco, Brandon.

WEST VIRGINIA

Mary L. Lilly, East Beckley.

WISCONSIN

Almer E. Adams, Minong.
John F. Coulter, National Home.

REJECTION

Executive nomination rejected by the Senate November 20 (legislative day of October 30), 1929

POSTMASTER

MONTANA

Albert C. Gruwell, Dillon.

SENATE

THURSDAY, *November 21, 1929*

(Legislative day of Wednesday, October 30, 1929)

The Senate met at 10 o'clock a. m., on the expiration of the recess.

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

The VICE PRESIDENT. The clerk will call the roll.

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

Allen	George	Kean	Shortridge
Ashurst	Gillett	Kendrick	Simmons
Barkley	Glass	Keyes	Smith
Bingham	Glenn	La Follette	Smoot
Blease	Goldsborough	McCulloch	Steiwer
Borah	Greene	McNary	Stephens
Bratton	Hale	Moses	Swanson
Brock	Harris	Norbeck	Thomas, Idaho
Broussard	Harrison	Norris	Thomas, Okla.
Capper	Hastings	Nye	Townsend
Connally	Hatfield	Oddie	Trammell
Copeland	Hawes	Overman	Tydings
Couzens	Hayden	Patterson	Vandenberg
Cutting	Hebert	Pittman	Wagner
Dill	Heflin	Ransdell	Walcott
Fess	Howell	Sackett	Walsh, Mass.
Fletcher	Johnson	Sheppard	Waterman
Frazier	Jones	Shipstead	Wheeler

Mr. NORBECK. My colleague the junior Senator from South Dakota [Mr. McMASTER] is absent on account of illness in his family. I would like to have this announcement stand for the day.

Mr. SHEPPARD. I desire to announce that the Senator from Arkansas [Mr. CARAWAY], the Senator from Montana [Mr. WALSH], the Senator from Indiana [Mr. ROBINSON], and the Senator from Wisconsin [Mr. BLAINE] are necessarily detained on business of the Senate.

Mr. BROCK. I wish to announce that my colleague the senior Senator from Tennessee [Mr. McKELLAR] is detained from the Senate as a member of the special committee of the Senate attending the funeral of the late Secretary of War.

Mr. SHEPPARD. I wish to announce that the Senator from Iowa [Mr. STECK] is necessarily detained from the Senate on official business.

I also desire to announce that the Senator from Utah [Mr. KING] is necessarily detained from the Senate by illness. I will let this announcement stand for the day.

The VICE PRESIDENT. Seventy-two Senators have answered to their names. A quorum is present.

THE JOURNAL

Mr. JONES. Mr. President, I ask unanimous consent for the approval of the Journal of Monday, November 18, Tuesday November 19, and Wednesday, November 20, 1929.

The VICE PRESIDENT. Without objection, it is so ordered.

ORDER FOR RECESS

Mr. SMOOT. Mr. President, I ask unanimous consent that at the conclusion of to-day's business the Senate take a recess until 10 o'clock to-morrow morning.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

HON. WALTER E. EDGE, AMBASSADOR TO FRANCE

A message was communicated to the Senate from the President of the United States by Mr. Hess, one of his secretaries.

Mr. BORAH. Mr. President, I ask that there be laid before the Senate the nomination of Hon. WALTER E. EDGE, to be ambassador to France.

The VICE PRESIDENT. The clerk will announce the nomination.

The legislative clerk read as follows:

To be ambassador extraordinary and plenipotentiary to France, WALTER E. EDGE, of New Jersey.

Mr. BORAH. Mr. President, following the usual custom in such matters, I ask unanimous consent that the nomination be confirmed without being referred to a committee.

The VICE PRESIDENT. Is there objection? The Chair hears none. The nomination is confirmed, and the President will be notified.

CLAIMS AGAINST UNITED STATES GRAIN CORPORATION

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Commerce, transmitting, in further response to Senate Resolution 98 (submitted by Mr. NYE and agreed to June 18, 1929), information relative to claims against the United States Grain Corporation, etc., which, with the accompanying papers, was ordered to lie on the table.

PETITIONS

The VICE PRESIDENT laid before the Senate a communication from the executive secretary of the National Council for the Prevention of War, embodying a resolution adopted by the executive board of that council, relative to a resolution of the National Patriotic Association at Chicago, Ill., stating, in part, that the National Council for the Prevention of War welcomes an investigation of any and all of its activities and sources of income, which was referred to the Committee on the Judiciary.

Mr. BINGHAM presented resolutions adopted by Sidney Beach Auxiliary, No. 11, U. S. W. V., of Branford, Conn., favoring the passage of legislation granting increased pensions to veterans of the Spanish-American War, which were referred to the Committee on Pensions.

He also presented a letter in the nature of a petition from the Nathan Hale Parent-Teacher Association, of New Haven, Conn., which was referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

NEW HAVEN, CONN., *November 13, 1929.*

The Hon. HIRAM BINGHAM,
United States Senate, Washington, D. C.

SIR: The Nathan Hale Parent-Teacher Association of New Haven, local unit of the Connecticut Congress of Parents and Teachers, a branch of the National Congress of Parents and Teachers, urges the passing of the Brookhart bill, No. 1103, to do away with the block system of motion-picture distribution; i. e., the necessity of the exhibitor having to buy his pictures in blocks of 17 or 24 or 31, as the case may be, thus accepting the poor pictures in order to get the good ones, or "buying blind." Our interest in this bill is but a part of our campaign for better motion pictures.

Yours very truly,
THE NATHAN HALE PARENT-TEACHER ASSOCIATION,
ALMA MACTAMMANY, *Secretary.*

Mr. THOMAS of Oklahoma presented petitions of sundry citizens of the State of Oklahoma, praying for the passage of legislation granting increased pensions to Civil War veterans and their aged widows, which were referred to the Committee on Pensions.

TARIFF ON NAPKINS AND TABLE LINEN

Mr. WALSH of Massachusetts. Mr. President, late last evening, just before the recess, we had under consideration paragraph 1014, which related to a duty upon napkins and table linen. I have here a letter from a leading merchant dealing in napkins and table linens, which I ask to have inserted in the