SENATE

WEDNESDAY, *January 5, 1927*

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

Our heavenly Father, we recognize the hand that blesses us and we realize constantly our need of Thee so that in every crisis of life we shall find ourselves assured of Thy guidance. Help us individually to do Thy will. Help us to look out upon the world with larger promise of increasing blessings, prospering at home and abroad, so that the peoples of the earth shall receive Thy benediction. We ask in Jesus' name. Amen.

ROBERT M. LA FOLLETTE, JR., a Senator from the State of Wisconsin, appeared in his seat to-day.

THE JOURNAL

The Chief Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14827) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1928, and for other purposes; that the House had receded from its disagreement to the amendment of the Senate numbered 37 to the said bill and concurred therein with an amendment, in which it requested the concurrence of the Senate.

CREDENTIALS—SENATOR FROM WISCONSIN

The VICE PRESIDENT. The Chair lays before the Senate the certificate of election of JOHN J. BLAINE, of Wisconsin, which, without objection, will be read and placed on file.

The Chief Clerk read as follows:

UNITED STATES OF AMERICA, STATE OF WISCONSIN,
Department of State, ss:

To all to whom these presents shall come, greetings:

This is to certify that on the 2d day of November, 1926, JOHN J. BLAINE was duly elected by the qualified electors of the State of Wisconsin a Senator of the United States from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1927, as appears from the certificate of the State board of canvassers on file in the office of secretary of state.

In testimony whereof I have hereunto set my hand and caused the great seal of the State of Wisconsin to be affixed. Done at the Capitol, in the city of Madison, this 30th day of November, A. D. 1926.

JOHN J. BLAINE, *Governor.*

By the governor:
[SEAL.]
FRED R. ZIMMERMAN,
Secretary of State.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES.

Mr. REED of Missouri. I move that the credentials be referred to the Committee on Privileges and Elections.

Mr. BORAH. Mr. President, as the term of the Senator elect from Wisconsin will not begin until the 4th of March next, I have no objection.

The VICE PRESIDENT. The question is on the motion of the Senator from Missouri that the credentials be referred to the Committee on Privileges and Elections.

The motion was agreed to.

REPORT OF GEORGETOWN BARGE, DOCK, ELEVATOR & RAILWAY CO.

The VICE PRESIDENT laid before the Senate a communication from Hamilton & Hamilton, attorneys and counselors at law, transmitting, in compliance with law, the annual report of the Georgetown Barge, Dock, Elevator & Railway Co. for the year ended December 31, 1926, which, with the accompanying report, was referred to the Committee on the District of Columbia.

PETITIONS

The VICE PRESIDENT laid before the Senate a resolution adopted by the Conduit Road Citizens Association, of Washington, D. C., favoring the appointment of William McKay Clayton to the office of people's counsel of the Public Utilities Commission of the District of Columbia, which was referred to the Committee on the District of Columbia and ordered to be printed in the RECORD, as follows:

CONDUIT ROAD CITIZENS ASSOCIATION,
Washington, D. C., January 4, 1927.

The SECRETARY OF THE SENATE.

SIR: The following resolution was unanimously adopted at the December meeting of the above association:

Resolved by the Conduit Road Citizens Association, in regular meeting assembled this 30th day of December, 1926, That it hereby indorses and recommends the appointment of William McKay Clayton for the office of people's counsel on the recently created Public Utilities Commission of the District, as it believes that Mr. Clayton's knowledge of public utilities and legal training, his long experience and deep interest in these matters eminently qualify him for this position; and

Resolved further, That a copy of this indorsement be sent to the President of the United States, the Commissioners of the District of Columbia, the Secretary of the Senate, and the Federation of Citizens Associations.

Respectfully submitted.

CONDUIT ROAD CITIZENS ASSOCIATION,
By ROBERT E. ADAMS, *President.*

Mr. CURTIS presented petitions of sundry citizens of Emporia and Reserve, all in the State of Kansas, praying for the prompt passage of the so-called White radio bill, which were ordered to lie on the table.

Mr. WILLIS presented a petition of sundry citizens of Poland, in the State of Ohio, praying for the prompt passage of the so-called White radio bill, which was ordered to lie on the table.

Mr. CAPPER presented a petition of sundry citizens of Kansas City, in the State of Kansas, praying for the prompt passage of the so-called White radio bill, which was ordered to lie on the table.

He also presented a resolution adopted by the Marion County (Kans.) Farmers Educational and Cooperative Union, favoring the passage of the so-called Capper-Tincher bill regulating the ownership and control of independent stock yards, which was referred to the Committee on Agriculture and Forestry.

DENATURANTS IN ALCOHOL

Mr. WILLIS. Mr. President, I present a telegram relative to denaturants in alcohol, which I ask may be printed in the RECORD.

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

CLEVELAND, OHIO, *January 5, 1927.*

Hon. F. B. WILLIS,
Senator from Ohio, Washington, D. C.:

In connection with present hysteria over denaturants in tax-free alcohol, we respectfully urge careful consideration of needs of legitimate industry under a 20-year-old statute, which was enacted to encourage our chemical industry. Our present formulas are based on sound scientific principles and experience over a long period. Any hasty change might have a critical effect on our production and the use of our products and their use by the industrial trade, especially nitrocellulos lacquers. We support the Treasury Department's attitude that denaturation is an industrial problem and not a prohibition question.

THE GLIDDEN CO.

GILES GORDON

Mr. PINE, from the Committee on Military Affairs, to which was referred the bill (H. R. 1129) for the relief of Giles Gordon, reported it with an amendment and submitted a report (No. 1213) thereon.

TOMBIGBEE RIVER BRIDGE

Mr. STEWART. From the Committee on Commerce I report back favorably without amendment the bill (S. 4712) granting the consent of Congress to Meridian & Bigbee River Railway Co. to construct, maintain, and operate a railroad bridge across the Tombigbee River at or near Naheola, Ala., and I submit a report (No. 1214) thereon. I ask unanimous consent for its present consideration.

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

[S. 4712, Sixty-ninth Congress, second session]

Be it enacted, etc., That the consent of Congress is hereby granted to Meridian & Bigbee River Railway Co., its successors and assigns, to construct, maintain, and operate a railroad bridge and approaches thereto across the Tombigbee River at a point suitable to the interests of navigation at or near Naheola, Ala., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to Meridian & Bigbee River Railway Co., its successors and assigns; and

any corporation to which such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized to exercise the same as fully as though conferred herein directly upon such corporation.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

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

BILLS INTRODUCED

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

Mr. JONES of Washington. On behalf of the Department of Commerce I introduce a bill and ask that it be read by title and referred to the Committee on Commerce.

By Mr. JONES of Washington:

A bill (S. 5063) providing for the consolidation of the functions of the Department of Commerce relating to navigation, to establish load lines for American vessels, and for other purposes; to the Committee on Commerce.

By Mr. GERRY:

A bill (S. 5064) granting an increase of pension to Sarah Emma Garvin; to the Committee on Pensions.

By Mr. SACKETT:

A bill (S. 5065) granting an increase of pension to Barbara J. Ward (with accompanying papers); to the Committee on Pensions.

By Mr. PINE:

A bill (S. 5066) granting an increase of pension to Alice A. Newell (with accompanying papers); to the Committee on Pensions.

By Mr. BINGHAM:

A bill (S. 5067) to provide for the disposition of moneys collected as taxes upon articles coming into the United States from the Philippine Islands; to the Committee on Finance.

By Mr. WADSWORTH:

A bill (S. 5068) granting an increase of pension to Celynda Werner Ford; to the Committee on Pensions.

A bill (S. 5069) to amend the act entitled "An act authorizing the conservation, production, and exploitation of helium gas, a mineral resource pertaining to the national defense, and to the development of commercial aeronautics, and for other purposes"; to the Committee on Military Affairs.

By Mr. SHORTRIDGE:

A bill (S. 5070) granting an increase of pension to John Sullivan; to the Committee on Pensions.

By Mr. WILLIS:

A bill (S. 5071) granting an increase of pension to Maria M. Wilson (with accompanying papers); to the Committee on Pensions.

By Mr. McNARY:

A bill (S. 5072) for the relief of F. J. Goodenough; and

A bill (S. 5073) for the relief of Clifford J. Sanghove; to the Committee on Claims.

By Mr. CAPPER:

A bill (S. 5074) granting an increase of pension to Mary J. Paine (with accompanying papers); to the Committee on Pensions.

By Mr. TRAMMELL:

A bill (S. 5075) authorizing a survey by the Secretary of the Interior of the Everglades of Florida to obtain information regarding the reclamation thereof; to the Committee on Irrigation and Reclamation.

PRINTING OF SENATE MANUAL

Mr. CURTIS. Mr. President, I submit a resolution, which I send to the desk, and ask unanimous consent for its immediate consideration. It is the usual resolution in regard to the printing of the Senate Manual passed at every Congress.

The resolution (S. Res. 313) was read, considered by unanimous consent, and agreed to, as follows:

Senate Resolution 313

Resolved, That the Committee on Rules be instructed to prepare a new edition of the Senate Manual, and that there be printed 2,500 copies of the same for the use of the committee, of which 300 copies shall be bound in full morocco and tagged as to contents.

ASSISTANT CLERK TO COMMITTEE ON INTERSTATE COMMERCE

Mr. GOODING submitted the following resolution (S. Res. 314), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Senate Resolution 314

Resolved, That Senate Resolution No. 124, agreed to April 15, 1926, authorizing the Senate Committee on Interstate Commerce to employ a special assistant clerk until the end of the Sixty-ninth Congress, to be paid out of the contingent fund of the Senate, hereby is further continued in full force and effect until June 30, 1927, inclusive.

AMERICANS' CONCESSIONS ABROAD

Mr. WHEELER. Mr. President, on December 11 a conference on Americans' concessions abroad was held in Washington under the auspices of the People's Reconstruction League at which several speeches were made containing extremely important information. The league has prepared a summary of some of these speeches, which I ask to have inserted in the RECORD.

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

THE TREND OF INVESTMENTS

By Robert W. Dunn, author American Foreign Investments

American private interests have loaned to foreign governments, Provinces, and municipalities approximately $4,000,000,000. These loans carry an interest rate averaging from 6½ to 7 per cent and their purposes are ostensibly for government railroad construction, public works, highways, national banks, sanitation projects, purchase of government equipment, port improvements, exchange stabilization, and general floating indebtedness.

Between $800,000,000 and $900,000,000 of this investment in government loans is in Canada, over $325,000,000 in France, nearly $300,000,000 in British bonds, over $200,000,000 in Argentina, and so on in the following order: Belgium, Germany, Japan, Brazil, Dutch East Indies, Russia, Norway, Denmark, Australia, Netherlands, Cuba, Switzerland, Mexico, Philippines, Sweden, Poland, Chile, etc. About $850,000,000 is invested in bonds of Latin American republics and $1,500,000 in European countries, and a half a billion in Asia and the Orient.

Investments in loans floated by foreign corporations and by American corporations with major investments abroad, in addition to so-called direct investments by Americans abroad are now estimated at over $7,000,000,000. Most of this investment—about $5,000,000,000 of it—is, of course, in Canada and in Latin America, but it has been growing significantly in Europe during the last two years. Direct investments in Asia are still comparatively negligible, only a quarter of a billion thus far.

Taking the two kinds of investments together—the government loans and the corporate and direct investments—we find that out of every $100 invested abroad by Americans, about $70 goes to Canada and Latin-American countries; the bulk of the remainder to Europe.

It is interesting to note that government loans secured upon specific revenues, such as customs, salt, and sugar taxes and tobacco monopolies, have become the rule among the weaker countries of Europe just as they have been in the case of the Dominican Republic and other Central American States. Austria, Czechoslovakia, Hungary, Yugoslavia, Greece, Germany, Poland—all have floated this type of loan in the American market. Indeed, it seems to be the only type of security American bankers dream of floating in these days of postwar unsettlement and uncertainty. Loans of this type to the countries mentioned above now aggregate $225,000,000. They are all 7 to 8 per cent bonds.

How far American control over the industries of such countries as Germany will go is a matter for speculation. Most of our holdings are now in the form of bonds or minority blocks of stocks. However, it is our prediction that most of these will not be repaid when they mature, and it is quite probable that they will be converted into shares which, of course, will mean complete control of the native industries involved.

When will American foreign investments recede or stop? They are now piling up at the rate of a round billion or more per annum. Some forecast that the present total of $11,000,000,000 to $12,000,000,000 privately invested abroad by American citizens will amount to $50,000,000,000 within 20 years; in other words, increase at the rate of $2,500,000,000 a year, or at a rate much higher than the present annual investment. These experts base their estimates on the need for investing a great American national surplus abroad in order to keep industry prosperous and buzzing at home. They also assume that interest rates will remain high in Europe and that no great accumulation of capital will be made there in spite of the sums now poured into her industries by American bankers.

Others feel that as Europe is "restored" and "rehabilitated" the demand for American capital will fall off and that the lower interest rates there will drive European capital to America, and that the whole position of Europe and America will be changed, with American dollars also being returned home in the form of European goods.

In any event, and no matter what the trend in Europe, it is certain that the investment of American capital in Latin America and the East is likely to increase, and that America will greatly increase her total foreign investments and her mortgage on the rest of the world.

ARE CONCESSIONS JUSTIFIED, AND SHOULD THEY BE RECORDED?

Prof. Charles Hodges, assistant director, division of oriental commerce, New York University

Though there are people who believe that imperialism ended with the Great War, this "easiest way" of nations in dealing with so-called backward countries is a force still to be reckoned with in world politics.

METHODS, NOT PURPOSES, WRONG

There is nothing "right" or "wrong" about the development of so-called backward countries by the more advanced economic powers now holding the leadership in world life. The industrial nations of to-day have no choice under the existing conditions of world life. They are obliged by economic necessity to seek sources of the raw materials upon which their very populations and industries literally feed and to secure markets wherein can be sold the products of their factories.

These rising tides of commerce, industry, and finance can not be swept back by sentimentalism, idealism, or other similar forces. The economics of modern national existence have made imperialism an inevitable part of the extension of the world's business to involve peoples everywhere under the sun. Nowadays these imperialistic processes seem to many of us to be a bad way to do a good thing—the economic development of the world will go ahead, but it ought to be possible to bring an enlightened statesmanship into play to temper the roughshod drive of nations for dominion.

In its broadest sense, a concession is nothing more or less than a contract entered into by two parties for the performance of a specified purpose on terms which have been freely entered into and designed to confer mutual advantages. Unlike undertakings to which both parties are private interests, the concession becomes an outstanding phase of modern international relations because of the inequality between the parties to such an agreement. Unless the concession is granted by one government to another government, there is an essential inequality between the parties. This is typical of the general run of rights, so that the relationship between the parties to the understanding is that of two wholly different interests—one the sovereign state subject only to the dictates of international law as a member of the community of nations, and the other the subject of another such sovereign state which itself may be involved only indirectly through its own nationals in such an undertaking.

Such a grant by the governmental authorities to another state or its nationals dealing with economic rights, privileges, or potentialities, then, is a commodity trafficked in for a variety of motives. The grantor may be either the central government itself or the local authorities of such a state. The grantee may be a foreign power directly exercising the rights and privileges of the concession, or the alien interest of such a state may be camouflaged behind an official company, such as the South Manchuria Railway Co. in China. In the case of a foreign national the grant may, by the relations such a subject enjoys with its own government, take on an essentially political character, or it may be predominantly a nonpolitical enterprise without international significance from the standpoint of diplomacy. So far as terms go, a concession may be wholly monopolistic, with exclusive rights and privileges being guaranteed it under the principle of the "closed door," so that foreign competition is strangled. The terms may be such as to establish only a quasi-monopolistic situation, marked by special rights being promised the concessionaire of a particular character, but not completely effecting a monopoly—instanced by the various concession clauses which give priority for future development to such a concession holder or promise favorable consideration of bids for future undertakings, provided they are no higher than the lowest competing offer. Such terms, finally, may be based upon the "open door," in which equality of opportunity is preserved, so far as any blanket rights of a monopolistic character or any future priorities are concerned.

CONCESSION DIPLOMACY ROOT OF EVIL

When such economic undertakings are joined with an ulterior diplomatic objective in a kind of union between the foreign office and a nation's business and finance, we have what might be termed "concession diplomacy." That is, what normally would be truly a commercial enterprise deliberately is made a part of a nation's economic diplomacy.

Therefore, concession diplomacy may be set down as the root of the evil—in Abyssinia, China, or Nicaragua. It may be described as the economic side of the political struggles of industrial nations; as a commercial undertaking in which a business proposition is made into a political deal; as a private enterprise transformed into a diplomatic stake. The foreign office, not the business man, becomes the custodian of the equities involved.

In other words, it is not the fact of business development overseas which is sinister, but the political implications put behind this economic expansion. The whole thing is tantamount to saying: We build you a railroad not as a means of transportation but as an instrument of penetration; we loan you funds not for the purpose of stabilizing public finances but with the object of securing mortgages on national assets and circumscribing national independence; we diplomatically underwrite propositions not for legitimate commercial protection but for illegitimate political advantage.

THE CONTROL OF CONCESSION DIPLOMACY

Can concession diplomacy be controlled?

The answer to this question involves two considerations—(1) the provisions within the agreement itself; and (2) the larger external aspects of the problem or the international implications of these concessions.

As to the provisions within concessions, it is safe to say that the responsible financial undertakings to-day are characterized by a much broader understanding of the mutual interests that ought to be served than a quarter of a century ago or longer. The "safe" investment becomes the crux of the problem. The methods of securing a loan at the present time may be said to be a pretty accurate index of the status of a borrowing country. The whole problem of security is an inevitable result of the banker being merely a trustee in the allocation of funds which are not his own but which are merely mobilized through national financial machinery for profitable employment. The safeguarding clauses admittedly are designed to cover every contingency reasonably to be anticipated—repudiation by the borrowing State; invalidity, which may subsequently arise; legal difficulties, such as the effecting of changes in sovereignty on loans and concessions under international law; and the financial difficulties which may result from inadequate or ineffectively applied security, together with the possible dissipation of the proceeds of the loan without adequate control.

From the international standpoint, the control of concessions diplomacy rests upon three broad lines of development.

In the first place certain economic tendencies themselves are making for more satisfactory international conditions. The banker is tending more and more to deal with the whole question of the financial underwriting of backward countries in terms of financing not greatly different from the conditions attaching to domestic loans rather than from the old attitude which may be termed financiering at the expense of weak countries. There is the possibility of developing among investors a realization that their best interests are served through disentangling rather than entangling less advanced nations.

Secondly, there are political tendencies that well can be strengthened by an informed public opinion in the capital-exporting countries. The insistence upon the "open door," the nonmonopolistic and nonpolitical conduct of development is, perhaps, the most significant diplomatic policy now before us. The development of international cooperation in contrast to national monopoly goes hand in hand with this policy of the equality of opportunity. However much the formation of such international lending combinations, such as the new China consortium, may seem to contain an ominous power of dictating its terms or cutting off the supply of capital, it also promises to prevent the reckless competition of rival national banking interests under conditions which in the past have been wholly disastrous to the integrity of underdeveloped peoples. There is no reason why this international cooperation, alleviating much of the hazardous play of recent national financial interests should not actually be able to render greater service at lower costs through a broader spread of the risk under obviously safer conditions.

Thirdly, the development of international law itself is producing legal safeguards restricting the old play of world politics in backward countries. For instance, the Drago doctrine regarding the forcible collection of debts of creditor States from defaulting borrowing countries has found partial acceptance in The Hague Convention of 1907, which interdicted summary procedure without due process designed to give every opportunity for the amicable settlement of claims. Then, again, the Calvo clause, a provision inserted in many Latin-American concessions which requires the exhaustion of local remedies by concession holders before appealing to their respective countries for diplomatic intervention, is neither wholly rejected nor completely accepted; but it tends to prevent unfair advantage being taken of disputes over the execution of contracts. So far as special measures go, the resolution of the Washington arms conference, calling for the communication of all public and private undertakings which countries interested in the Far East intended to rely upon in protection of the interests in China marks a significant blow at secret diplomacy in the field of concessions. Fuller publicity regarding the diplomatic transactions might be extended to other storm centers. So far as interstate agreements go, the provision in the covenant of the League of Nations requiring the registration of treaties between member States or member States and nonmembers is a material step in the direction of more open diplomacy that touches upon the problem of concessions which have been made the subject of conventions between two States. Similarly other articles in the covenant, such as dealing with the integrity of the members of the league, appeals for readjustment when conditions may jeopardize peace, and the revision of the agreements which are likely to provoke international disturbances, are all part of the fuller publicity attending upon modern international relations.

Hence in the final analysis the problem of concessions, economic imperialism, and backward peoples is part and parcel of the larger

problem—the popular control of diplomacy. If democracy stops at the water's edge, like many other things in this age of nationalism, there is little use in denouncing the seamier side of world politics. International relations are what peoples nowadays want to make them. The trouble in the past has been the linking of diplomacy with perfectly legitimate economic activities—from the establishment of industrial enterprises to the stabilization of sick currencies with the subordnation of sound business to hazardous political ventures. Until the peoples of nations deal with the larger aspects of foreign policy in truly democratic terms it seems to me that the whole question of the control of concession diplomacy is elusory. It is part and parcel of so much more vast a problem that it can not be detached from the greater political setting. In a word, to take the danger out of concessions is to remove the menace which attaches in a far larger degree to the whole trend of present-day diplomacy.

AMERICAN CONCESSIONS IN MEXICO

By Mr. Carlton Beals

Once more the relations between the United States and Mexico have reached an acute point. On January 1 we are menaced, according to hints in Mr. Kellogg's last note, with the possibility of a break in the relations between the two countries. This, conceivably, might lead to lifting the embargo on arms, the weakening of the present Mexican Government, and new disorder that would destroy more property, more lives, and menace the relations between the two countries. This crisis is the direct outgrowth of the existence of concessions and property investments and property steals by Americans largely during the régime of Porfirio Diaz; that is, prior to 1910. During the 30 years of the Diaz administration Americans came to own 78 per cent of the mines, 72 per cent of the smelters, 58 per cent of the oil, and 68 per cent of the rubber business in Mexico, this according to the report of that eminent authority upon Mexico, Mr. Albert B. Fall. The Mexicans owned at that time about a third of their own country; and the mass of the people were robbed of their lands. It is safe to say that within the 20 years from the beginning of the oil industry in Mexico, the American companies completely recovered their original investment. On the other hand, according to Mr. McBride, an authority upon the land-owning systems of Mexico, in his book published by the American Geographical Society, 99.8 per cent of the people of the State of Oaxaca were without property in the year 1910. The Americans holding these concessions have not benefited the people of Mexico, but have extracted the national resources for the benefit of the wealthiest and most powerful petroleum and mining companies in the United States. Among the investors of the former are men who have besmirched the name of good government in the United States, and used their money to corrupt the seats of the mighty in the Harding administration. Is it possible where these men could browbeat and bribe a weaker government than our own, that they have refrained in the past?

Since the fall of Diaz there has not been a government in Mexico, with the exception of that of bloody Huerta, which large financial and industrial interests, or both, have not attempted to coerce and browbeat and undermine; not a government left in peace and good will to work out its problems. In this nefarious propaganda our State Department has proved a ready partner. We threw our moral support to Madero's revolution, and then, when he had achieved power, harassed him at critical moments with petty claims advanced by a petty and antagonistic ambassador, with ugly notes and border mobilizations, until he had no opportunity to institute any creative reform; we permitted his government to be wrecked and supplemented by a brutal dictator supported by English capital; we proceeded to give orders to Huerta with no means of enforcing our demands, and thus strengthened him in the eyes of his people. Not satisfied with what happened to Madero, we made the same tragedy possible in the case of Carranza. We blocked every reform—land, labor, electoral, and social—and even before the Obregon régime had shown its capacity for maintaining order, we flung our battleships into Mexican waters. We have demanded time and again, on behalf of American concessions holders in Mexico, that their President should be a criminal bound not by the laws of his country but by the wishes of American politicians in Washington, whose shifting demands will, in turn, be shaped by the winds of political exigency and financial intrigue.

To-day the Coolidge administration is concerned over dubious questions of law and petroleum rights, but too short-sighted to see that the first requisite in Mexico is a stable government which will embody the will of the Mexican people to free themselves from oppression and reconstruct their national life. The present Government, which is the most serious, most stable, and most constructive since the beginning of the revolution of 1910, can be seriously hampered by the breaking off of relations; by the lifting of the embargo on arms; by filling Mexico, with the sanction of our Government, with disorder, banditry, and murder. This can not help save American property. The present Mexican Government has shown every desire to arrive at an understanding in a friendly and honorable spirit. If it is overthrown by our machinations we shall only have upon our hands a government bitterly anti-American. No government that would suit Mr. Kellogg could survive in Mexico without the support of American bayonets. There is a principle far more important than guarding property rights and concessions, according to the narrow interpretation of those rights by Mr. Doheny and Mr. Fall, and that is the peace and happiness of two peoples, and our own honor among nations. The Mexican Government is merely trying to enforce laws necessary for the social regeneration of the country.

CONCESSIONS IN NICARAGUA

By Dr. Albert H. Putney, attorney at law and director school of political science, American University

The conflict between the parties in Nicaragua primarily rests upon the question of the United States concessions in that country. In supporting the conservative government the United States is not protecting the legitimate rights of investors of this country, but is assisting such investors in their efforts to retain control of properties which they have already sold and received their money for.

The Liberal Party when it came into power a few years ago attempted to remove the hardships arising from the control by investors of this country of the leading bank and railroad in Nicaragua by the very honest method of buying out the interests of such investors at a price which gave a good profit. A bargain was fairly entered into on both sides and the money paid.

It is now charged by the representatives of the constitutional government of Nicaragua that these investors attempted to retain control of the companies which they had sold and were assisted in such efforts by certain officials in the State Department. Finally it was charged that the Chamorro rebellion was instigated in New York City.

The constant references by the State Department to the Sacasa government in Nicaragua gives a very erroneous view of the situation in that country. The title of Sacasa to the Presidency under the constitution of Nicaragua is as clear as that of President Coolidge under the Constitution of the United States. In 1924 Doctor Sacasa was elected Vice President of Nicaragua for the term of four years, in one of the freest and fairest elections ever held in that country, and the resignation of the President raised Doctor Sacasa to that office. No fair-minded observer can doubt that he is the choice of the great majority of the inhabitants of Nicaragua; the Conservative Party, the party of Chamorro and Diaz, has not won an election in Nicaragua for 40 years, except when assisted by United States marines. Hon. Elihu Root, who is one man in the United States whom no one has ever accused of being "red" or even "pink," in a letter written while he was in the United States Senate, said that the Liberal Party "constitutes three-fourths of the inhabitants of the country."

The claim of Diaz to the Presidency rests upon an alleged election to that office by Congress. There are two vital objections to this claim—the body holding the alleged election was not the legal Congress of Nicaragua, and even the legal Congress would have had no authority to make such an election. The revolutionary forces under General Chamorro expelled the liberal members of Congress, who, together with the anti-Chamorro conservatives, constituted a majority of that body, and filled up the vacancies with conservatives without a vestage of title to such position. Even the legal Congress could not have elected a President, as there was no vacancy in that office. The illegal Congress attempted to create such a vacancy by a vote of impeachment and removal from office against Sacasa, but the power to remove from office on impeachment in Nicaragua is vested in the supreme court and not in Congress.

AMERICA'S OWN LEAGUE OF NATIONS

By Norman Thomas, director League for Industrial Democracy

Without belonging to the League of Nations the United States by its economic power is steadily asserting its authority over the life of other nations in all parts of the world. This league is not a league of equals; it has no formal covenant; it is scarcely recognized even by its makers. But it is an outstanding fact and will increase in importance for an indefinite future.

This league is created by American investments abroad through loans to foreign governments, investments in stocks and bonds in foreign corporations, and the acquisition of foreign concessions at the rate of over $1,000,000,000 a year. The political consequences of these economic transactions vary with the strength of varying foreign states. Nowhere—not even in Canada, where United States citizens own more than British—are they negligible. In Europe such loans as that to Mussolini or the immense sums invested in Germany may have incalculable consequences.

The most obvious sense in which the United States has created a league of subordinate nations is in its relations to the Philippines and the Latin-American peoples. Here we have a genuine economic empire complicated by various emotional considerations and justifications and expressing itself in many political arrangements which may be classified somewhat as follows:

1. Ownership, as of Porto Rico, the Virgin Islands, and the Philippines. The Virgin Islands were acquired to protect the approaches to the Panama Canal and we haven't yet got around to giving them a civil government, but leave them to the tender mercies and bureaucratic absurdities of the Navy Department. To the Philippines we are in honor bound to give independence. Increasing autonomy or even ultimate political independence will be dearly purchased by the Filipinos at the price of the kind of concessions rubber magnates want—concessions, by the way, that will not greatly help American rubber users.

2. American protectorates or quasi protectorates, legalized by treaty as with Cuba, definitely established by force, as in Santo Domingo and Haiti, less definitely but none the less really established by intervention or threat of intervention, as in other Carribean countries, notably Nicaragua. Each of these relationships differs in detail from the others; each has its own history. Cuba, "the world's sugar bowl," is economically wholly subordinate to American sugar refiners and banking interests. There is no immediate probability of intervention; the present Government representing Cuban business interests is friendly. Cuba is protected from outright annexation by the interests of our own best sugar-tariff beneficiaries who do not want her competition.

From Santo Domingo, following our wholly illegal occupation, our marines have been withdrawn at a price paid to our investors. Something of the same sort at the same price may happen in Haiti. We are back again in Nicaragua to support our old friend and puppet, Diaz, who promptly paid for recognition by sanctioning the sale of 51 per cent of stock of his country's national bank to the Guaranty Trust Co. of New York.

3. Spheres of influence not yet amounting to a protectorate. The typical case is Bolivia, where a commission of three, two appointed by American bankers, supervises the collection of customs to guarantee payments on a loan of $33,000,000. In Salvador such an arrangement has back of it a treaty making our Supreme Court arbiter of disputes. In short, it has been stated that we dominate 21 Latin-American countries, 10 being completely under our influence. In 6 of the 10 we have American financial agents, backed by force or latent threat of force. Some special mention must be made of Mexico. It is too big to be controlled by landing of marines. It is, as we all know, constantly subject to pressure in behalf of American oil men and landlords. Such in boldest outline is our league of nations, and we have won the hatred of the people we exploit.

It would not be either wise or possible to forbid foreign investment, but we ought to get by congressional investigation more light on these investments than we now have. It might be practicable to work out a code for the restraint of international banking and the prevention of unsound and sharp practices so common in weaker countries. Most certainly we ought to work here at home for higher returns to farmers and workers so that there would not be such large profits in the hands of a fortunate class in investments abroad. We should in each individual case fight imperialism and seek justice in dealing with the Philippines, Haiti, Mexico, and the rest.

The American Occupation of Haiti

By Mr. Ernest Gruening, editor and writer

The American occupation of Haiti is directly traceable to a single concession. The invasion of our small, defenseless, and unoffending neighbor by the armed forces of the United States, the destruction of its more than centuries-old liberties, the killing of 3,000 peaceable Haitians, including women and children, the incidental death of a score of American boys wearing the United States uniform are due primarily to the desire of a small group of New York financiers to recoup themselves for their loss in a gamble. The venture in question is the so-called National Railroad of Haiti, a road never more than begun, over which no trains have ever been run, which, nevertheless, in consequence of a treaty imposed by "military pressure," these being the words of the admiral who imposed it, has paid the bankers 100 cents on the dollar in capital and 6 per cent interest out of the funds which those same bankers forced the Government of Haiti to borrow from them. To make this possible the United States Navy, Marine Corps, and State Department have worked diligently and at the expense of the American taxpayer. This is not a question of opinion but of fact, verifiable by anyone who cares to investigate. It constitutes a complete violation of fundamental American principles and is a gross and total violation of the spirit and letter of the immortal doctrine of President Monroe, which is often invoked to justify the proceedings of the American officeholders who are responsible. In reality it is a betrayal of the American people, to whom the facts have been misrepresented, when they could not be concealed, by official propaganda.

American Concessions in the Philippines

By Mr. M. P. Lichauco, author American's Conquest of the Philippines

Strictly speaking, there are really no concessions granted to Americans as such in the Philippines. The Congress of the United States has, in a practical sense, complete authority and control regarding the regulation of Philippine land laws, and in 1902 it provided that future holdings were to be limited to 2,500 acres for any individual or corporation. This restriction was made applicable to Filipinos as well as Americans, and was undoubtedly a wise provision to prevent the concentration of large holdings in the hands of a few. In 1914 the regulation of these Philippine land laws was turned over to the then newly created Philippine Legislature. In 1916 one American succeeded in inducing the Filipinos to grant his concern certain desirable concessions, but since then the legislature has been wise enough to refrain from making any exceptions to the prevailing restrictions. The recent interest in large-scale rubber growing, however, has resulted in an agitation to make Congress change the present restrictions, inasmuch as the Filipinos continue to refuse to let any corporation, Filipino as well as American, own more than 2,500 and lease an additional 2,500 acres. These limited holdings, it must be added, have been shown to be ample for profitable investment. But American capitalists want authority to lease or purchase hundreds of thousands of acres. The ultimate decision will rest on the American Congress.

China and Concessions

By Dr. C. Kuangson Young, secretary, the Chinese Legation

It is pleasant to note that the conference on causes and cure of war has adopted a resolution that the United States should revise treaties with China on the basis of equality, which will doubtless be approved by the American people and their Government.

A concrete example of China's determination to carry out her desire to terminate unequal treaties is the recent termination by China of the Sin-Belgian commercial treaty of 1865 was given. All these unequal treaties grant unilaterally to the other powers consular jurisdiction of their nations in China, control and limitation upon China's customs tariff and administration, and most-favored nation treatment. These treaties have in a large measure prevented China's national growth and struggle to maintain a stable republican form of government.

These rights could be termed the political concessions the treaty powers are now holding in China—the word "concessions" here is being used in the broad sense. To a considerable extent, however, these political concessions are also economic in nature. Nothing needs to be said as to the economic character of the tariff limitation and control. Furthermore, extraterritoriality also has its economic factors; for a clear example we may cite the exemption of the extraterritorial nations from local taxation.

In the usual and narrow sense, the term "concessions" includes those with respect to railway construction, navigation, and development of natural resources like mining, forestry, etc. These have been often classified as economic concessions because their primary object is economical; and yet we need hardly point out the vast political importance which is attached to them.

Many of these concessions are made as direct contracts between government and government. In some cases they are made to private concerns; in others made to private concerns with express government cognizance.

As to the purely economic concessions, China does and will recognize those that have been legitimately acquired.

China's position, as made clear at the Washington conference, was well stated by Dr. Sao-Ke Alfred Sze, the chief of the Chinese delegation. He said:

"The Chinese Government, conscious of the mutual advantage which foreign trade brings, has hitherto pursued an established policy to promote its development. Of this trade, products of nature, of course, form an important part. In view of this fact, as well as of the requirements of her large and increasing population and the growing needs of her industries, China, on her part, has been steadily encouraging the development of her natural resources, not only by permitting, under her laws, the participation of foreign capital but also by other practical means at her disposal. * * *

"Consistent with the vital interests of the Chinese nation and the security of its economic life, China will continue, on her own accord, to invite cooperation of foreign capital and skill in the development of her natural resources."

Concessions in China

By Rev. James M. Yard, D. D., representative in America of the West China Union University

America is interested in the international concession at Shanghai and has a good share in its government since Mr. Stirling Fessenden is chairman of the municipal council. During the disturbance of May 30, 1925, 13 out of the 20 men of war in the Shanghai Harbor were American, and American marines were stationed in the most conspicuous places in the city.

America's further interest in China is contained in her loans and investments in Shanghai and other places amounting to $60,000,000. This includes investments in business, loans to railroads and to the Chinese Government.

American gunboats patrol the Yangtse River as far as Chungking—1,500 miles from Shanghai. There are also American regulars at Tientsin and marines in the legation guard at Peking. The Chinese greatly resent all this display of military force.

The American chambers of commerce in China have consistently urged the Government to take a strong stand and have asked for more gunboats for the upper Yangtse. Six are now being built. All such plans are out of date. Hereafter both missionaries and business men must go to China "at their own adventure" or stay at home.

It is poor business, to say nothing of diplomacy, to antagonize the nation that is destined to be the greatest power in Asia. This is an hour for vision and courage in our State Department.

We ought to understand that what is happening in China is not due to a revival of superstitution. China is not antiforeign in the old sense of the term. She is antiforeign domination. She is determined to be free and looks forward to the day when, as in the past, she shall take the place that is due her as the largest, richest, and most populous nation in the Far East. The present movement in China is due to the fact that she is in the throes of a tremendous intellectual, moral, and industrial renaissance. She has been aroused by unjust treatment on the part of the powers by the awakening minds of her students, thousands of whom have studied abroad, and by the new ideas which have flooded her from men like Darwin, Spencer, Huxley, Wells, Dewey, and Bertrand Russell. Understanding, appreciation, and friendship will carry us far in our effort to cooperate with China during the next generation. Threats, scorn, and military force will be worse than useless.

CONCESSIONS IN RUSSIA

Excerpts from an address by Elias Tobenkin

That Russia's 100,000,000 peasants are as tired of utopian dreams of world revolution at the close of 1926 as they were of "divine right" rule at the close of 1916, just before the overthrow of the czar; that they are clamoring for a policy of reconciliation and of friendship with the rest of the world; and that Joseph Stalin, the man at the helm in Russia to-day, comes nearest of any Russian statesman to understanding the clamor of the peasantry and to attempt to give it what it wants—were assertions made by Elias Tobenkin, writer and sociologist, in an address before the conference of the People's Reconstruction League on Americans' Concessions Abroad last night. Mr. Tobenkin has just returned from Russia.

"The Russian peasant," Mr. Tobenkin said, "has forgotten that there ever was a czar in Russia, and wants to forget as quickly as possible that there ever was a revolution. He wants government and economics in Russia to take a normal progressive course. He got his land and relief from certain burdensome taxation and now wants peace and the opportunity to work his land undisturbed and profitably."

"M. Stalin," Mr. Tobenkin said, "is better informed on the peasant situation than any other Soviet leader, because, as head of the Communist Party, he comes in touch with 5,000 secretaries of the party in every section of Russia." These secretaries are his "lookout" men. They report to him the state of mind in the rural classes, and Stalin is guided in his policies by these reports.

"Russia's ailment," Mr. Tobenkin said, "can be diagnosed briefly. The country needs more goods, better goods, cheaper goods. There exists in Russia to-day a 50 per cent difference between the amount of goods the Soviet Government, as the sole producer and wholesale distributor, is able to muster up and the minimum amount that the Russian masses—the Russian peasantry—are clamoring for."

Mr. Tobenkin said "that the shortage of manufactured goods in Russia is responsible for the vigor with which the Soviet Government is pushing its concessions policy in the principal financial centers of the world."

"Soviet leaders realize," he said, "that with their own resources they will not be able to bring Russia up to the standard prevailing in other countries for at least 60 years yet. Russia to-day has 30 per cent fewer factories than before the war. Her textile centers are now a part of Poland and Latvia. Finland and Estonia, now functioning as separate Republics, were manufacturing areas of no mean proportions until overcome. There is another more important drawback."

"Even when she was in possession of these large industrial centers Russia in the past has never succeeded in running her industries without the aid of foreign capital. Fifty per cent of Russian industry, of her banks, her commerce under the Czar was controlled by foreigners. Stalin figured out recently that just before the outbreak of the World War, Russia owed 6,000,000,000 rubles to foreign countries, a large part of which went to bolster up her industries. Left to its own resources, industry in Russia can only grow very slowly, while the Russian peasant is clamoring for goods as never before."

"The peasant," Mr. Tobenkin said, "has gone forward more than a hundred years since the World War. He now understands the relation between his life and politics. Millions of young Russians have been to other countries during the World War. The peasant knows what radio is. He has seen airplanes. His demands have increased by one-third."

"The concession policy of the soviets," Mr. Tobenkin said, "has been in existence since 1921. A total of 1,500 inquiries for concessions had come in during that time, and the number of contracts with foreign capitalists signed was 110. Of these concessions, some had expired, some were abrogated, and 88 are operating. They come from all countries of Europe and the Orient. The amount of capital foreign concessionnaires have put into Soviet industries is estimated at 85,000,000 rubles. The combined total credit which the Soviet Government has thus far been able to command abroad is still below the figure of 400,000,000 rubles—a far cry from the 6,000,000,000 rubles which figured in Russian industry under the Czars."

"The Council of People's Commissars," Mr. Tobenkin said, "has adopted a number of laws and regulations in recent months making the path of foreign concessionaires much more easy than it has been in the past. There is an effort to conciliate foreign capital. The soviet leaders are willing to give every guaranty for the safety of foreign investments short of violating the basic law of their constitution with regard to private property. A concessionaire in Russia may have every privilege for the exploitation of Russian resources for a stipulated time, usually up to 35 years. But he can never own property in Russia, the sole owner of property in Russia by virtue of the soviet constitution being the State."

In its appeal for foreign investments the Soviet Government is frankly monopolistic, Mr. Tobenkin said. It does not want small concerns to come to Russia. Russian industries are operated as Government-owned monopolies through the medium of trusts and syndicates. Her natural resources are measured by the same monopolistic scale. There are a number of concessions in oil, coal, and graphite, which would give the companies to whom they are awarded complete monopoly in their respective fields. The Soviet Government is on the lookout, therefore, for such financial interests as are in a position to operate in Russia on a large scale and over a period of years.

Three kinds of concessions are included in the immediate plans of the Soviet Government for attracting foreign capital—"commercial," "productive," and "technical aid" concessions. The enormity of the home market is stressed. Russia needs manufactured articles from thimbles to electric fixtures and radios. For these it is willing to let foreign companies establish factories in Russia or to give them the right to bring in goods from abroad and to establish in Russia wholesale enterprises for their distribution throughout the country.

Under "productive concessions" the Russian Government has in mind the reequipping of Russia's old factories, mines, and mills, and the building of new ones. Russia's vast stocks of raw materials will pay for that, according to soviet plans.

The "technical aid" group of concessions is in effect an offer by the Soviet Government to exchange Russian markets for foreign patents. The Soviet Government will grant certain foreign companies the right to establish factories in Russia and manufacture and sell their products there. At the expiration of the concession limit, however, all of the plans, patents, drawings, maps, and technical information of every sort connected with the business must revert to the Soviet Government.

The business relationship between the Soviet Government and the foreign concessionaire may take one of three forms. The company is either given a "clear concession," which means that it pays a certain tax to the government on all its profits. This is generally employed in commercial concessions. In concessions of the second and third group either a joint-stock company is formed or an outright partnership with the Soviet Government is entered into.

All of the capital invested by the concessionaire becomes property of the Soviet Government at the expiration of his concession period, an arrangement having been made for its amortization during these years. In the matter of employment, strikes, and wages the foreign concessionaire is guided by the same laws as the Russian employer.

MATERNITY AND INFANT HYGIENE

The VICE PRESIDENT. Morning business is closed.

Mr. SHEPPARD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 739, the bill (H. R. 7555) to authorize for the fiscal years ending June 30, 1928, and June 30, 1929, appropriations for carrying out the provisions of the act entitled "An act for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes," approved November 23, 1921.

Mr. BINGHAM. 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:

Ashurst	Borah	Capper	Curtis
Bayard	Broussard	Caraway	Dale
Bingham	Bruce	Copeland	Deneen
Blease	Cameron	Couzens	Dill

Edge	Hawes	Norbeck	Shortridge
Edwards	Heflin	Norris	Smoot
Ferris	Howell	Nye	Steck
Fess	Johnson	Oddie	Stephens
Fletcher	Jones, Wash.	Overman	Stewart
Frazier	Kendrick	Pepper	Swanson
George	Keyes	Phipps	Trammell
Gerry	King	Pine	Tyson
Gillett	La Follette	Pittman	Wadsworth
Glass	Lenroot	Ransdell	Walsh, Mass.
Goff	McKellar	Reed, Mo.	Walsh, Mont.
Gooding	McLean	Reed, Pa.	Warren
Gould	McMaster	Robinson, Ark.	Watson
Greene	McNary	Robinson, Ind.	Wheeler
Hale	Mayfield	Sackett	Willis
Harreld	Metcalf	Sheppard	
Harris	Neely	Shipstead	

The VICE PRESIDENT. Eighty-two Senators having answered to their names, a quorum is present. The question is on the motion of the Senator from Texas that the Senate proceed to the consideration of House bill 7555, the maternity and infancy bill.

Mr. REED of Missouri. Mr. President, I wish to ask the Senator from Oregon [Mr. McNARY] a question before this matter is taken up. Has the Committee on Agriculture and Forestry prepared an agricultural bill?

Mr. McNARY. In the nature of farm relief?

Mr. REED of Missouri. Yes.

Mr. McNARY. No. I have offered one for the consideration and study of the committee, but the committee up to this time has not had an opportunity to take it up for consideration.

Mr. REED of Missouri. There are left, as I roughly estimate it, only something like 50 working days of this session. My question is not intended to be in the nature of a criticism.

Mr. JONES of Washington. Mr. President, I rise to a point of order.

The VICE PRESIDENT. The Senator from Washington will state the point of order.

Mr. JONES of Washington. My point of order is that the motion pending is not debatable.

Mr. REED of Missouri. I am not debating it.

Mr. JONES of Washington. The question is on agreeing to the motion, and I think we are entitled to a vote upon it.

Mr. REED of Missouri. That is technically true; but the courtesy of asking a question is very seldom denied a Senator. I am not undertaking to do more than get some light.

Mr. JONES of Washington. There is nothing to prevent the Senator from asking the question after the motion is voted on.

Mr. REED of Missouri. Of course, the Senator is right; but if he thinks he will gain any time on his bill by that sort of tactics, I say to him very pleasantly that he will not.

Mr. JONES of Washington. Of course, I do not expect to gain any time on the bill from the Senator from Missouri, because I know he is opposed to it.

Mr. REED of Missouri. Exactly; but there are two or three different ways of being opposed to a measure.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Texas.

Mr. BINGHAM. I move as a substitute for the motion of the Senator from Texas that the Senate proceed to the consideration of Calendar No. 1028.

Mr. JONES of Washington. That motion is not in order.

Mr. WILLIS. I make the point of order against it.

The VICE PRESIDENT. The point of order is well taken. The question is on the motion of the Senator from Texas [Mr. SHEPPARD].

Mr. BRUCE and Mr. REED of Missouri demanded the yeas and nays.

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

Mr. OVERMAN (when the name of Mr. SIMMONS was called). I desire to announce that my colleague [Mr. SIMMONS] is absent on account of illness. I will let this notice stand for the day.

Mr. STEPHENS (when his name was called). On this vote I have a pair with the Senator from Colorado [Mr. MEANS], and, therefore, withhold my vote.

The roll call was concluded.

Mr. FLETCHER. I have a general pair with the Senator from Delaware [Mr. DU PONT]. Not knowing how he would vote, if present, I transfer that pair to the Senator from Mississippi [Mr. HARRISON] and vote "yea."

Mr. GILLETT (after having voted in the negative). I have a general pair with the Senator from Alabama [Mr. UNDERWOOD]. I do not know how he would vote, if present, so I transfer my pair to the Senator from Maryland [Mr. WELLER], and will let my vote stand.

Mr. HARRELD. The Senator from North Carolina [Mr. SIMMONS], with whom I am paired, is not present; so I will refrain from voting.

Mr. BAYARD. I desire to announce that the Senator from Rhode Island [Mr. GERRY] is necessarily absent on official business.

Mr. JONES of Washington. I wish to announce that the Senator from Kentucky [Mr. ERNST] is detained from the Chamber on official business. If present, he would vote "yea."

I desire also to announce the general pair of the Senator from Minnesota [Mr. SCHALL] with the Senator from New Mexico [Mr. BRATTON].

The result was announced—yeas 56, nays 20, as follows:

YEAS—56

Ashurst	Gooding	McLean	Robinson, Ind.
Cameron	Gould	McMaster	Sackett
Capper	Hale	McNary	Sheppard
Copeland	Harris	Mayfield	Shipstead
Couzens	Hawes	Neely	Shortridge
Curtis	Heflin	Norbeck	Smoot
Dale	Howell	Norris	Steck
Deneen	Johnson	Nye	Stewart
Dill	Jones, Wash.	Oddie	Trammell
Ferris	Kendrick	Overman	Tyson
Fess	Keyes	Pine	Walsh, Mont.
Fletcher	La Follette	Pittman	Watson
Frazier	Lenroot	Ransdell	Wheeler
Goff	McKellar	Robinson, Ark.	Willis

NAYS—20

Bayard	Edge	King	Reed, Pa.
Bingham	Edwards	Metcalf	Swanson
Blease	Gillett	Pepper	Wadsworth
Broussard	Glass	Phipps	Walsh, Mass.
Bruce	Greene	Reed, Mo.	Warren

NOT VOTING—19

Borah	George	Means	Stanfield
Bratton	Gerry	Moses	Stephens
Caraway	Harreld	Schall	Underwood
du Pont	Harrison	Simmons	Weller
Ernst	Jones, N. Mex.	Smith	

So Mr. SHEPPARD's motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7555) to authorize for the fiscal years ending June 30, 1928, and June 30, 1929, appropriations for carrying out the provisions of the act entitled "An act for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes," approved November 23, 1921, which had been reported from the Committee on Education and Labor with amendments.

Mr. PHIPPS. Mr. President, some time since I received a telegram from the secretary of the American Medical Association, with offices in Chicago, referring to the proposed legislation now pending before the Senate, and I desire to have the telegram read from the desk.

The VICE PRESIDENT. Without objection, the telegram will be read.

The telegram was read, as follows:

CHICAGO, ILL., *December 18, 1926.*

Hon. LAWRENCE C. PHIPPS,

United States Senate, Washington, D. C.:

The American Medical Association, with a membership of more than 90,000 physicians, protests against any extension of the Sheppard-Towner Act. To get Federal bonus a State must appropriate money. To appropriate money State taxes must be increased or funds withdrawn from other State activities. The act therefore invites limitation of State sanitary activities in fields except that named in act. No evidence has yet been produced to show that act has prevented sickness or death or that it has increased total appropriations for sanitary purposes over what would have been normally appropriated.

AMERICAN MEDICAL ASSOCIATION,
By OLIN WEST, *Secretary.*

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

Mr. PHIPPS. The American Medical Association also adopted a resolution which I send to the desk and ask to have read.

The VICE PRESIDENT. The resolution will be read.

The resolution was read, as follows:

Resolution passed by the American Medical Association with respect to the Sheppard-Towner Act May 23, 1922

Whereas the Sheppard-Towner law is a product of political expediency and is not in the interest of the public welfare; and

Whereas the Sheppard-Towner law is an imported socialistic scheme unsuited to our form of government; and

Whereas the Sheppard-Towner law unjustly and inequitably taxes the people of some of the States for the benefit of the people of other States for purposes which are lawful charges only for the people of the said other States; and

Whereas the Sheppard-Towner law does not become operative in the various States until the States themselves have passed enabling legislation: Therefore be it

Resolved, That the American Medical Association disapprove the Sheppard-Towner Act as a type of undesirable legislation which should be discouraged. (36.)

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

Mr. PHIPPS. Mr. President, under date of May 3 your Committee on Education and Labor made a report on the bill which is now before the Senate, and, while the bill has been under discussion heretofore, the report has not been read. I think it should be read for the information of Senators, and I ask that that may be done.

The VICE PRESIDENT. Is there objection? Without objection the report will be read.

The legislative clerk read the report (No. 745) submitted by Mr. PHIPPS on May 3, 1926, as follows:

The Committee on Education and Labor, to whom was referred the bill (H. R. 7555) to authorize for the fiscal years ending June 30, 1928, and June 30, 1929, appropriations for carrying out the provisions of the act entitled "An act for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes," approved November 23, 1921, having considered the same, report thereon with amendments and recommend that as amended the bill do pass.

The principal object of the original maternity and infancy act was to assist to lower infant mortality and maternity death rates in the United States through the aid of a Federal bureau, which should carry on proper research work and disseminate helpful knowledge on this subject to the citizens of the several States. As a temporary portion of this general program and to encourage the States to take direct charge of such work within their boundaries there was authorized, for a period of five years, an annual appropriation of $240,000 to be equally apportioned among the States, and an additional sum of $1,000,000 annually to be distributed at the rate of $5,000 to each State, plus an amount proportional to its population. In order to obtain the latter funds each State is required to appropriate an equal amount to be used for similar purposes.

It will be noted that such annual appropriations were strictly limited to a five-year period, and the present bill, as it passed the House, would extend the time for an additional two years or, in other words, for the fiscal years ending June 30, 1928, and June 30, 1929.

Your committee's amendment is to strike out the words "for the period of seven years" appearing in lines 8 and 9 of the bill, and to insert in lieu thereof the words "for the period of six years," and to amend the title accordingly. It will be noted that this amendment would authorize such appropriations for Federal maternity aid for only one additional year, instead of two, as proposed by the House.

Five States—Connecticut, Illinois, Kansas, Maine, and Massachusetts—have steadfastly refused to accept such funds from the Federal Government. It would seem that no permanent policy should be adopted by Congress whereby States who do not share in the benefits of such an appropriation would be required to contribute indefinitely to same.

The progress of this important work in the several States has been set forth in full in the hearings before the House Committee on Interstate and Foreign Commerce, and in that committee's report on the pending bill, being Report No. 575, Sixty-ninth Congress, first session.

The data furnished in the hearings and report need not be repeated here, as your committee does not question the good which has been accomplished. It is sufficient to add that the committee has given the entire subject sympathetic consideration, as it is one which properly appeals to the highest emotions of mankind.

However, in suggesting its amendment, your committee believes that the very fact that the attempt to meet this problem through Government aid has met with response in 43 States justifies Congress in taking cognizance of the original five-year limitation and of the general thought then in the minds of legislators, namely, that the work of the bureau was to be educational and inspirational in order to lead the States to appreciate the value of such State activities and to undertake them, within a short period of time, entirely at the State's expense. Certainly it was not thought then that such financial aid would become a permanent function of the Federal Government or that such Federal appropriations should be continued indefinitely from year to year.

Your committee feels, therefore, that a definite date for the discontinuance of such aid should now be established, that the question should be decided at this time in order that State legislatures may arrange their budgets accordingly and make plans to continue the entire work at their own expense. It has been strongly argued, however, that there should be no abrupt termination of Federal aid, especially as State legislatures do not meet every year, and the committee recognizes this fact in its amendment, making the effective date of such termination June 30, 1928. As the bill will doubtless be acted upon during the present session of Congress, notice of more than two years would thereby be given to the States as to the fulfillment of the Government's part of the program, in so far as financial aid is concerned; and this should certainly prove sufficient for the purpose.

It should be unnecessary to advance arguments to show that the policy of the Federal Government in this regard should not be indefinitely continued, and that a time limit should now be fixed. The following facts, however, might properly be borne in mind:

1. The original purpose and intent of Congress to encourage the States to take up this important work is rapidly approaching fulfillment, if indeed that time has not already come. It is conceded that the experiment or demonstration has been a success, and that many States have established the necessary machinery which is now functioning properly and adequately, even where they have declined to accept Federal aid.

2. It is also generally admitted that this work as conducted in the several States is strictly a local function. They should therefore be encouraged to stand on their own feet rather than to lean upon the central Government, thus tending to impair the prestige, power, and sovereignty of local self-government. As already indicated, the very object of granting such Federal aid fails if the States, instead of learning to take care of matters connected with maternity and infancy through their own efforts, grow to be dependent upon Washington for this purpose.

3. The enactment of the pending bill, with the committee's amendment, and the fixing of a definite time for the cessation of Federal aid, will have no direct effect upon the infancy and maternity work conducted by the Children's Bureau and the Women's Bureau in the Department of Labor in Washington. In other words, the bill only refers to Federal aid to the several States. When this aid is discontinued there will still exist these governmental agencies in Washington which will proceed with their important research work, issue pamphlets, and be a general clearing house of information on this subject in order to aid the people of the United States.

Mr. PHIPPS. Mr. President, the American Medical Association Bulletin of May, 1926, carried a very able article by William C. Woodward, its executive secretary. I think that article should be read for the information of the Senate.

The VICE PRESIDENT. Without objection, the article will be read.

The legislative clerk read as follows:

THE SHEPPARD-TOWNER ACT—ITS PROPOSED EXTENSION AND PROPOSED REPEAL

William C. Woodward, executive secretary, bureau of legal medicine and legislation of the American Medical Association, Chicago

The term "Sheppard-Towner Act" is the popular designation for "An act for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes," approved November 23, 1921. Exactly six months after the approval of this act the house of delegates of the American Medical Association adopted a resolution condemning it as "a type of undesirable legislation which should be discouraged." The act itself authorized appropriations to carry it into effect until June 30, 1927. If appropriations are to be made to carry it into effect after that date, it is necessary for the guidance of the Federal Budget makers and of the several State legislatures meeting in January, 1927, that legislation to that end be enacted at the present session of Congress. Bills for that purpose were introduced into the Senate and the House of Representatives, as reported in the Journal (Protest the Sheppard-Towner Act, J. A. M. A. 86:421 (February 6), 1926) at that time, authorizing appropriations for two additional years. The bill introduced into the House was passed. In the Senate the Committee on Education and Labor has recommended the passage of the House bill, but recommended that the period of the proposed extension be reduced from two years to one and that a definite date for the discontinuance of aid under the Sheppard-Towner Act be now fixed. With those recommendations the bill now awaits action by the Senate. In the meantime another bill—H. R. 10986, "A bill to repeal an act entitled 'An act for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes,' approved November 23, 1921, and amendments thereto"—has been introduced in the House of Representatives. It seems worth while, therefore, to inquire into the nature of the original Sheppard-Towner Act so as to facilitate intelligent action on the bills now pending and to promote a constructive program for future action should the life of the act be prolonged.

PURPOSE AND SCOPE OF THE SHEPPARD-TOWNER ACT

The Sheppard-Towner Act authorizes Federal appropriations to stimulate and aid the States in protecting and promoting the health of mothers and infants. It denies aid, however, to every State that will not subject its activities to the supervision and control of a Federal bureau and a Federal board and that will not appropriate from the State treasury money to match the Federal subsidy. If the State's plans for the hygiene of its mothers and infants are not pleasing to the Federal board, no Federal funds are forthcoming.

Mr. SHEPPARD. Mr. President, I should like to interrupt the reading there to say that that statement is not true.

The PRESIDING OFFICER (Mr. OVERMAN in the chair). Does the Senator from Colorado yield to the Senator from Texas?

Mr. PHIPPS. I yield to the Senator for the purpose of making that statement; but I should like to have repeated the statement to which the Senator takes exception.

The legislative clerk read as follows:

It denies aid, however, to every State that will not subject its activities to the supervision and control of a Federal bureau and a Federal board and that will not appropriate from the State treasury money to match the Federal subsidy. If the State's plans for the hygiene of its mothers and infants are not pleasing to the Federal board, no Federal funds are forthcoming.

Mr. SHEPPARD. That is not true.

Mr. PHIPPS. The Senator is entitled to his own opinion.

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

Mr. SHEPPARD. The Senator has yielded to me.

Mr. PHIPPS. I yield for that purpose.

Mr. SHEPPARD. The State authorities have the right of an appeal to the President if the Federal board objects.

Mr. PHIPPS. The Senator is entitled to his opinion.

Mr. SHEPPARD. If the rest of the article is as unreliable as that statement, it will not have any weight with the Senate.

Mr. PHIPPS. That may be.

The PRESIDING OFFICER. The Senator from Colorado has the floor.

Mr. PHIPPS. I ask to have the Secretary proceed with the reading.

The PRESIDING OFFICER. The Secretary will continue the reading of the article.

The legislative clerk read as follows:

If the Federal board does not like the way the State is carrying its plans into effect, the board can discontinue Federal aid. Each State must determine whether it will or will not accept the proffered subsidy and submit to Federal supervision and control. Connecticut, Illinois, Kansas, Maine, and Massachusetts have steadfastly refused to do so. The Federal Government is represented in the case primarily by the Children's Bureau, a lay bureau in the Department of Labor. The chief of that bureau, however, functions also as a member of the board of maternity and infant hygiene, her comembers being the United States Commissioner of Education and the Surgeon General of the United States Public Health Service. The administration of the act is intrusted to the Chief of the Children's Bureau, the board having authority merely to pass on the adequacy of State plans and activities.

It can be readily seen from the foregoing analysis of the Sheppard-Towner Act that it empowers the Federal Government to use money collected from the people through Federal taxation to induce or compel the several States to surrender to the Federal Government the right to supervise and control the hygiene of maternity and infancy within their respective State borders. That the Federal Government has no right to control such matters by direct Federal legislation seems to be universally conceded. The question as to whether it has the right through the devious agency of conditional Federal subsidies, as provided in the Sheppard-Towner Act, to accomplish that which it can not accomplish directly has been presented to the United States Supreme Court for decision. The court held, however, that it could not properly pass on the question in the form then submitted, because the determination of the question submitted lay within the discretion of Congress, a coordinate branch of the Government, and was not subject to review by the court. (Commonwealth of Massachusetts *v.* Mellon, and Frothingham *v.* Mellon, 43 Sup. Ct. Rep. 597.) No one has yet found a way of bringing the situation before the United States Supreme Court in a form in which that court can pass on it, and the constitutionality of the act remains therefore undetermined.

PROPOSED EXTENSION OF THE SHEPPARD-TOWNER ACT

Some of the proponents of the Sheppard-Towner Act now contend that the act is permanent legislation. Up to the time of their recent declarations, however, it had been commonly believed that the act was temporary, limited by its own express provisions that authorized appropriations only until the fiscal year ending June 30, 1927. That view seems to be borne out by the now admitted necessity for specific legislative authority for any appropriation to continue operations under the act after the period stated, for if the act is permanent in character new legislation should not be needed to enable Congress to make appropriations to carry it into effect.

In the hearings before the House Committee on Interstate and Foreign Commerce preceding the enactment by the House of Representatives of the bill to authorize appropriations for two additional years, the proponents of the legislation admitted that if the purposes of the Sheppard-Towner Act as conceived by them are to be accomplished, an extension for two years was insufficient and that other extensions would probably be sought. They were unwilling to state any definite time by which, in their judgment, the purposes of the act would be accomplished. The House of Representatives looked complacently on the prospect of repeated appeals for extensions of the act and passed the bill providing for a two-year extension. In the Senate the Committee on Education and Labor recommended that the bill passed by the House be enacted, but only after amendment reducing the extension of the act from two years to one. In the opinion of the committee, it seems the work undertaken by the Federal Government under the Sheppard-Towner Act belongs in principle to the States and should be allowed to revert to them as soon as practicable. At present writing the bill, with the committee's proposed amendment, is pending in the Senate. The bill providing for the repeal of the Sheppard-Towner Act is pending before the Committee on Interstate and Foreign Commerce of the House of Representatives.

FALLACIES OF THE SHEPPARD-TOWNER PROPAGANDA

In recent hearings before the House Committee on Interstate and Foreign Commerce, as in all other propaganda in support of the Sheppard-Towner Act, one looks in vain for facts and figures showing a reduction in maternal and infant mortality through the operation of the act. The best way to pass on the merits of the pending legislation to extend the act or to bring about its repeal seems to be, therefore, to examine the arguments commonly offered in support of the Sheppard-Towner plan.

1. In support of the Sheppard-Towner plan it is commonly urged that maternal and infant mortality in the United States is excessive, as compared with maternal and infant mortality in other countries, and therefore must be reduced. The comparisons offered by the proponents of the Sheppard-Towner plan, however, to show such excessive mortality in the United States do not justify the conclusion that such mortality is higher than in other countries; nor if it be higher, that such mortality in the United States can be reduced to foreign standards by legislative action, nor that the needful legislation could be enacted by the Federal Government more effectively than by the States.

Such figures as have been offered to show that Federal interference is necessary have almost uniformly been unsupported by citations of the sources whence they came. It is impracticable, therefore, to determine their accuracy or weight, and to determine whether they fairly present the entire situation. No evidence has been offered by Sheppard-Towner proponents to show that the statistical methods in the countries whose mortality rates they have cited are identical with the methods used in the United States. All figures offered by the proponents of the Sheppard-Towner plan are crude figures; that is, figures not distributed according to race, economic conditions, individual diseases or classes of diseases, and other conditions, with which every death is inseparably bound up and a knowledge of which is the very basis of prevention. Obviously, such figures can not be analyzed and compared so as to afford a basis for rational conclusions and intelligent preventive action. But even though maternal and infant mortality were shown to be higher in the United States than in other countries, that fact alone would not justify Federal or even State action until after it had been determined that the conditions operative in such other countries to prevent excessive mortality could be duplicated in the United States. And if it were shown that such conditions could be duplicated in the United States, it would still remain to determine whether such duplication should be effected by the States or by the Federal Government.

The burden of proving that the Federal Government, rather than the States, should assume the obligation of bringing about within each of the several States conditions that would reduce maternal and infant mortality would certainly rest on the proponent. For our State governments are with practical unanimity conceded to be supreme in matters of health within their own respective borders. Such supremacy is conceded by the Sheppard-Towner Act itself, for through it the Federal Government seeks, not to force its way into the State health program but to pay the State for the privilege of supervising and directing it. State supremacy in the field of child health was admitted by the Federal Government through the enactment of the two more or less ephemeral Federal child labor laws, through which it was attempted to regulate the health of children within the States, not by direct action but under color of Federal taxation in one case and of the regulation of interstate commerce in the other; and in both instances the United States Supreme Court took the firm ground, not only that the protection of the health of its people was the right and duty of the State but that the Federal Government was powerless to interfere even by such subterfuges as had been attempted. (Hammer *v.* Dagenhart, 248 U. S. 251; Child Labor Tax case, 250 U. S. 20.)

The proponent of the right of the Federal Government to interfere in the health activities in the several States on behalf of their mothers and infants because of the supposed neglect of the several States would find a difficult task before him. He would find that in practically every State without Federal interference there had been great reductions in infant mortality during recent years. If he carried his investigations into the period that has elapsed since the Sheppard-Towner Act was passed he would find that its passage had not increased the rate at which that reduction was going on. He would find, too, that in some States in which the Sheppard-Towner Act has been accepted infant mortality has increased. He would find that in those States that have not yielded to the terms of the Sheppard-Towner Act infant mortality has decreased quite as rapidly as in other States. He would find that the supposedly excessive maternal mortality in the United States as compared with corresponding mortality abroad may represent merely differences in statistical methods in stating such mor-

tality and not differences in the mortality itself; and he would find that so far as decreases in maternal mortality have occurred during recent years States which have declined Federal assistance have records quite as good as those that have accepted it. On the whole, available evidence would hardly show that the Federal Government could accomplish any more in the field of maternal and infant hygiene than could be accomplished by the States themselves.

In the birth registration area of the United States, the infant death rate per thousand live births fell from 101 in 1918 to 76 in 1921 (CONGRESSIONAL RECORD 67: 6919 (Apr. 5) 1926). With the Sheppard-Towner Act in effect, it fell from 76 in 1921 to 72 in 1924. The maternal death rate per thousand live births fell from 9.2 in 1918 to 6.8 in 1921, and during the next three years it fell from 6.8 in 1921 to 6.6 in 1924. In other words, the infant death rate declined 25 points in the three years preceding the enactment of the Sheppard-Towner Act and only 4 points in the three years following its enactment. The maternal death rate declined 2.4 in the earlier period and only 0.2 during the later. These figures are not cited to show that the passage of the Sheppard-Towner Act retarded the decline in infant and maternal mortality rates. They do show, however, that that act did not accelerate such decline.

2. The Sheppard-Towner Act stresses artificially the importance of maternity and infant hygiene. It does not take into consideration the relative importance of the various health activities in which a State must engage. It disregards limitations on the State's resources for health work, and the possibility that to appropriate money to meet the requirements of the Sheppard-Towner Act it may be necessary to curtail essential activities in other fields. The act tends, therefore, artificially to unbalance the health program. From the standpoint of public health administration it is illogical and unwise.

The Sheppard-Towner Act arbitrarily assumes that maternal and infant hygiene present the supreme problem in health administration. It allots to each State as an available subsidy an amount arbitrarily determined by Congress, based on the total population of the State, disregarding all other health needs and all limitations on the resources of the State to meet such needs. The health activities of every State, however, extend into many fields. Adequate water supplies and sewer systems must be provided. The food supply must be supervised and controlled, particularly the milk supply. The spread of communicable diseases must be prevented. Swamps must be drained to prevent malarial fever. Some States must contend with the hook-worm problem; others need not. School hygiene is of vital moment everywhere. The hygiene of maternity and infancy presents but one of the State's many health problems. No State, however, under the Sheppard-Towner plan can determine unbiased the relative importance of its various health problems and allot to each the money the State should rightly give to it on account of its inherent importance. Its judgment is warped by the proffered subsidy.

3. The distribution of money appropriated under authority of the Sheppard-Towner Act is arbitrary and irrational.

The Sheppard-Towner Act provides certain arbitrarily fixed Federal bonuses that are distributed equally to every State that submits to the act. It provides other payments computed on the basis of the relation of the total population of the State to the total population of the United States. Neither of these distributive schemes has any logical relation to the needs of the State with respect to maternal and infant hygiene. The work to be done relates to infants and their mothers. The number of births recorded annually would, therefore, have come nearer to affording a rational numerical basis for distribution of the fund than would any other available figure. Incidentally, the distribution of the Sheppard-Towner fund on the basis of recorded births would have been a most effective method of stimulating birth registration. Some States, however, have been blessed with climates and with racial distributions of population that have prevented any serious infant mortality problem from arising, or else such States have through their own efforts gone a long way toward solving such problems. Obviously such States are not so much in need of subsidies as are the others. So far as figures alone afford a guide—and it is on the face of figures alone that the Sheppard-Towner fund is distributed—Oregon with an infant death rate in 1924 of only 53 certainly did not need a Federal subsidy so much as did South Carolina with an infant death rate of 102. Utah with a maternal death rate in 1924 of 4.5 clearly did not need stimulation to improve that figure so much as did Florida, with a maternal death rate of 12.1. Nor is there any reason, so far as these figures show, why Oregon and Utah should be forced by the Sheppard-Towner Act to appropriate from their own funds for the lowering of maternal and infant mortality amounts of money in the same proportion, based on the total population, as might properly be required of South Carolina and Florida if the Sheppard-Towner plan were workable on a logical basis.

4. The purpose of the Sheppard-Towner Act is presumably to increase State appropriations and State activities for the lowering of maternal and infant mortality. The subsidies provided by the act, however, do not necessarily accomplish that end. Such subsidies are presumed to be matched against appropriations for new or enlarged activities. But they may be matched equally well against appropriations that were regularly made before the Sheppard-Towner Act was passed. The mere reallocation of items in a State budget can produce an apparent increase in the appropriation for maternal and infant hygiene and in that way procure an increased Sheppard-Towner subsidy, without any increase whatever in the State's activity in the field of maternal and infant hygiene.

The cost of a campaign for the prevention of any communicable disease may be charged wholly against the appropriation for the prevention of communicable diseases, but as such a campaign is partly in the interest of infants and their mothers a part can be fairly charged against the appropriation for maternal and infant hygiene. In the former case, no Federal subsidy can be obtained; in the latter, a subsidy will be available. The cost of supervision and control of the milk supply can be entered in the budget against the cost of food inspection; but as the milk supply has such an intimate relation to the health of infants, a part of the cost can without dishonesty be charged against infant hygiene. If the former system of charging be adopted, no subsidy will be available; if the latter, the amount charged may be matched from the Sheppard-Towner fund. A State may reduce its normal appropriation for maternal and infant hygiene and yet obtain a subsidy. If a State cuts its appropriation in half, it can rely on the Sheppard-Towner subsidy to bring the fund back to normal. There is no certainty, therefore, that Sheppard-Towner subsidies will accomplish the end they are intended to accomplish. Apparent increases in State appropriations and State activities subsequent to the passage of the Sheppard-Towner Act must be studied so as to determine the methods by which such increases where brought about before it can be known whether they represent actual increases or mere paper increases, and the extent to which the Sheppard-Towner Act is entitled to credit for them.

5. The extent to which Sheppard-Towner Act produces increases or decreases in maternal and infant mortality can not be determined by a study of mortality rates alone. It must be shown by other evidence that but for the passage of that act such increases or decreases would not have occurred.

Maternal and infant mortality rates during any given period are computed on the basis of the number of births. In this respect they differ from other death rates, which are computed on the bases less readily ascertainable. If protective measures for mothers and infants are successful, demonstrable improvements in the corresponding death rates should promptly become apparent. If any such improvement is found, inference as to whether the Sheppard-Towner Act has produced it can readily be based on the time of its occurrence, whether before or immediately after the acceptance of the Sheppard-Towner plan by the State, and on an examination of the record to determine whether the variation was one that might have been expected because of antecedent circumstances independent of the Sheppard-Towner Act. A comparison between the death rate in the community under supervision and corresponding death rates in other communities not subject to the Sheppard-Towner plan is necessary. Unfortunately, the data offered by the proponents of the Sheppard-Towner plan in support of the proposed extension of it are not of this character. They are of the most general kind, not properly correlated to Sheppard-Towner activities, too often from interested sources and not infrequently from persons who are hardly to be regarded as competent to speak on the subject.

6. Maternal and infant health work can not be separated from health work generally. If the Government maintains supervision over maternal and infant health work in the States, it must ultimately gain control over all other health activities; otherwise there may be wasteful duplication of effort and a possible working at cross purposes by the Federal and State agencies.

The board of maternity and infant hygiene has apparently found already that to limit infant hygiene to the field commonly regarded as the field of infancy is impracticable. Infancy is commonly understood to cover children in the first year of life and, at most, children in the first and second years. The board, however, has enlarged the meaning of the term "infancy," so far as operations under the Sheppard-Towner Act are concerned, to include all children below school age. With this as a precedent, and on the ground that an infant, in law, is a person who has not yet attained his majority, other extensions may be logically looked for. In Delaware the Sheppard-Towner program included a campaign for a better milk supply. In Florida dental clinics were established as a part of Sheppard-Towner activities. In Colorado a gynecologist was provided for rural communities, the reason being, in part at least, to overcome "the great drawback of shyness or timidity in having the local doctor make the examination." Such applications are the logical outcome of the failure of the act to define what it means by "the welfare and hygiene of maternity and infancy." In the absence of such a definition there seems to be no reason why Sheppard-Towner activities should not extend ultimately to the control of water supplies, sewer systems, and housing, and more particularly to the control of the food supply, and to the prevention of communicable diseases, particularly venereal diseases. All activities in the fields named are certainly related intimately to the health of mothers and of women about to become mothers, and to the health of infants. But if the Federal Government extends its supervision and control so

as to cover State health activities generally, what is the future function of the State in this field, if it has any?

7. The Sheppard-Towner Act involves a wasteful and unwise duplication of effort in Federal health activities.

The work done under the Sheppard-Towner Act is primarily medical work. The United States Government has a highly organized Public Health Service for the execution of such work, under competent medical direction. The Children's Bureau, which is charged with the execution and enforcement of the Sheppard-Towner Act, is a lay bureau. For such medical supervision as it exercises it has to employ physicians, and even then, in last analysis, the work of such physicians and of all physicians employed by the several States under the Sheppard-Towner subsidies, and all medical work whatever done under the act, is under the direction and control of the lay chief of the Children's Bureau.

8. The proponents of the Sheppard-Towner Act claim that the interest of the Federal Government in mothers and babies justifies it in subsidizing in their behalf State health activities and in taking over the supervision and control of them. If so, the interest of the Federal Government in persons of other ages obviously would justify it in providing subsidies in their behalf and in taking over the supervision and control of health work for them also.

Boys and girls, the youth of the country, and men and women of all ages are as important factors in the life of the Nation as are infants and mothers. The wealth of the Nation has already been expended to make them producing economic units in community life and to make them available to protect the Nation in case of war. To them the Federal Government must look for the care and nurture of coming generations, and even for the care and nurture of mothers and infants, on whose behalf the Sheppard-Towner Act expresses such solicitude. Obviously, the Federal Government has an interest in youth and adults quite as great as its interest in mothers and babies. If the Federal Government has the power to buy from the States the right to supervise and control health activities in behalf of mothers and infants, it has the power to buy also the right to supervise and control health work for youth and adults. But if the Federal Government can buy from the States the right to supervision and control of State health activities, vested by the Constitution in the States, there is no reason why the Federal Government should not likewise buy the other constitutional rights of the States. It is to that end that the Sheppard-Towner Act seems to lead. The accomplishment of that end will be coincident with the destruction of our present system of government.

CONCLUSION

The comments here offered have been written in the hope of bringing about a clearer understanding of the purposes and probable effects of the Sheppard-Towner Act. The subject has been approached from the standpoint of public-health administration and from the standpoint of government. The physician is no less a citizen because he is a physician, and it is conceived that he is interested in the act and entitled to speak concerning it from both standpoints. If what has been said leads to the conclusion that the life of the act should not be prolonged or that the act should be now repealed, that conclusion should be made known to the Senators and Representatives who represent in Congress the readers of these comments.

During the reading of the foregoing article,

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from New York?

Mr. PHIPPS. May I ask for what purpose the Senator desires me to yield?

Mr. COPELAND. I wish to have inserted in the RECORD two letters bearing on this matter, but I do not care to interrupt the Senator.

Mr. PHIPPS. I prefer not to have the continuity of this article broken.

Mr. COPELAND. Pardon me; I supposed it had been finished.

Mr. PHIPPS. No; the reading is still under way.

After the conclusion of the reading of the article,

Mr. BINGHAM obtained the floor.

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

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Ohio?

Mr. BINGHAM. I yield for a question.

Mr. WILLIS. As we have just had read an extensive document, I wondered if the Senator would yield to me to have read what the President said upon this subject in his message to the Congress. Will the Senator yield for that purpose?

Mr. BINGHAM. I shall be very glad if the Senator will first permit me to have read a supplementary statement made by the executive secretary of the bureau of legal medicine and legislation of the American Medical Association, supplementary to the statement which has just been read at the request of the Senator from Colorado [Mr. PHIPPS]. If the Senator from Ohio will permit the supplementary statement to be read in connection with the statement just read, at the end of that reading I shall be glad to yield for the purpose he suggests.

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

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from New York?

Mr. BINGHAM. I yield for a question.

Mr. COPELAND. The question is, in view of the fact that I had the floor for an instant a few moments ago to ask that that a letter be read, will the Senator from Connecticut yield in order that the letter may be read at this time?

Mr. BINGHAM. Will the Senator first permit this supplementary statement to be read in connection with the other statement just read? I have already acceded to the request of the Senator from Ohio [Mr. WILLIS] that a statement by the President of the United States may be read for the RECORD at the end of the reading of the supplementary statement. If the Senator from New York will not think I am discourteous, I should like to yield to him after I have yielded to the Senator from Ohio.

Mr. COPELAND. I thank the Senator from Connecticut. May I ask him if the reading of the article will take until 2 o'clock?

Mr. BINGHAM. No; it will not, in my opinion. I ask that the supplementary statement which I send to the desk may be read.

The PRESIDING OFFICER. Without objection, the clerk will read as requested.

The Chief Clerk read as follows:

FURTHER FALLACIES OF THE SHEPPARD-TOWNER PROPAGANDA

William C. Woodward, executive secretary, Bureau of Legal Medicine and Legislation of the American Medical Association, Chicago

1. In support of pending legislation to authorize appropriations to carry the Sheppard-Towner Act into effect for two years beyond the date originally set for it to expire, it is urged that this is merely a temporary expedient, designed to prevent the loss of the money and effort already expended under the act. The record shows, however, that is not the case. The extension of the Sheppard-Towner Act now sought, for two years only, is merely one of a series of extensions that will be sought if this extension be granted. In fact, proponents of the Sheppard-Towner plan regard the act as permanent legislation.

In the report of the hearing before the Committee on Interstate and Foreign Commerce, House of Representatives, January 14, 1926, on H. R. 7555, the bill authorizing further appropriations for carrying the Sheppard-Towner Act into effect, on page 51 we find the following statement by Miss Grace Abbott, Chief of the Children's Bureau:

"The committee is familiar with the fact that the legislation enacted in the maternity and infancy act is permanent; the only thing that is not permanent is the authorized appropriation for the five-year period.

In the CONGRESSIONAL RECORD, April 5, 1926, page 6925, the same view was stated by Representative BARKLEY, when he spoke in support of the bill:

"My only regret is that this authorization is limited to two years. I would advise gentlemen of the fact that this is permanent legislation. The Sheppard-Towner bill is a permanent law. It only provided originally for a five-year authorization of appropriations. This merely extends the authorization two years, but the law itself is permanent law. * * *"

The same view was adopted by Senator SHEPPARD, in the CONGRESSIONAL RECORD, April 14, 1926, page 7408.

"As to the present status of the measure, let me add that, after consultation with the Budget Bureau and the President, the Secretary of Labor transmitted to Congress a recommendation for the continuation of the appropriations under the maternity act for two additional years. The act itself is permanent legislation."

It could not well be made clearer that the proponents of this legislation expect to keep the Sheppard-Towner plan as a permanent part of our Federal organization. But whether they do or do not plan to go that far, it is clear that they have no intention whatsoever of abandoning the scheme at the end of the two-year extension they now seek. For turning to the printed report of the hearing before the Committee on Interstate and Foreign Commerce, House of Representatives, we find the following:

"Mr. NEWTON. Now, this further question: Do you consider that the two years is sufficient?

"Miss ABBOTT. Well, I do not consider it sufficient if it is to end at the two-year period. I did not think in asking that period of time that that was the intention either of the Secretary of (or) the President that there was to be no further extension after the two-year period" (p. 12).

* * * * * * *

"Mr. LEA. What time would you specify for a certainty that, in your judgment, the United States should remain in this work?

"Miss ABBOTT. Well, I do not want to specify for a certainty.

"Mr. LEA. Do you think four years?

"Miss ABBOTT. No; I would rather say five as the time that the Government would, without question, need to continue the work.

"Mr. LEA. You are certain that the Government should stay in for five years?

"Miss ABBOTT. Personally, I am; yes. But I am supporting the recommendation of the Secretary and the President for the two-year period, with a view to showing accomplishments and needs still existing at the end of that time" (p. 14).

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"Mr. RAYBURN. You would not hazard an opinion on just when you think you could recommend that the Government go out of this supervision?

"Miss ABBOTT. No; because I think it is a factual thing. I am not a prophet, after all, as to when that condition may come to pass" (p. 15.)

With such testimony as that of Miss Abbott, the statement that has been made in support of the pending bill, that "there is no disposition to extend Federal cooperation beyond the next one or two years," is certainly without foundation.

2. Attempts to justify an extension of the life of the Sheppard-Towner Act by showing the extent of activities in the field of maternal and infant hygiene since that act was passed are inadequate unless they show the results of such activities, and this they do not do.

"Child-health conferences," "school conferences," "infant clinics," "institutes," "public talks," "patterns distributed," "milk letters, with instructions to mothers," and similar activities (CONGRESSIONAL RECORD, April 14, 1926, pp. 7408–7426) are at best merely agencies to conserve health and life. Evidence showing only that such activities are going on does not prove that they are accomplishing that result. Such evidence is even further from proving that such activities are being conducted efficiently and economically, or that they are being conducted under the Sheppard-Towner Act better than they could have been conducted by the States alone. The evidence offered is inadequate, too, to permit intelligent judgment as to the relation of such activities to the Sheppard-Towner Act, for such evidence very generally fails to show the nature and extent of similar activities in the same jurisdictions before the act was passed.

3. The assertions that have been made that there have been substantial reductions in infant and maternal mortality, with the implication that such reductions have been due to the Sheppard-Towner Act, are not supported by the evidence.

In the CONGRESSIONAL RECORD, April 5, 1926, on page 6919, in the argument of Representative NEWTON in support of the act, the following appears:

"Since the operation of this act there has been a substantial decrease in both the infant mortality and the maternity death rates."

Representative NEWTON, then submits tables showing that in the three Sheppard-Towner years—1922–1924, inclusive—the infant mortality rate for the registration area fell from 76 to 72, and the maternal mortality rate fell from 6.8 to 6.6. Such a decline could hardly be regarded as "substantial." But even if it were, it could not be accepted as an argument in favor of the Sheppard-Towner Act, for during the three years immediately preceding, namely, 1919–1921, inclusive, the infant mortality rate fell from 101 to 76, and the maternal mortality rate fell from 9.2 to 6.8. Of course, we know that the improvement shown by the figures last stated was only relative and that the decline was great because of the high mortality due to influenza in the year preceding the triennium named and from which the decline is computed. But what the improvement in 1922–1924 was due to, and how long it will continue, we do not know.

As a fallacious argument offered in support of the Sheppard-Towner bill recently passed by the House, we find the following by Representative BARKLEY, in the CONGRESSIONAL RECORD, April 5, 1926, page 6925:

"Taking the United States as a whole, in 1920, which was the year before the enactment of this law, the number of children who died in infancy amounted to 86 out of every 1,000 in the United States. In 1924, four years after the passage of this law, the death rate among children in the United States had been reduced from 86 to 71 per 1,000. This is a reduction of nearly 20 per cent in less than four years."

The Sheppard-Towner Act was not approved until November 23, 1921. Obviously, its enactment could not have influenced the infant mortality rate for 1921. Why, then, did not Representative BARKLEY take the infant mortality rate for 1921 as a basis for comparison instead of the infant mortality rate for 1920? The infant mortality rate for 1921 was 76. The decline, therefore, under the Sheppard-Towner régime was from 76 to 72. It was only 5 per cent in three years, not 20 per cent in less than four years, as stated. And no evidence is offered to show that the Sheppard-Towner Act had anything to do with even such decline as did occur.

4. Statements made to show the extent to which infant and maternal mortality are preventable, in support of an argument for the enactment of the pending legislation, are without adequate foundation.

In the CONGRESSIONAL RECORD, March 31, 1926, page 6619, Senator SHEPPARD is quoted as referring to certain studies and investigations made by the Children's Bureau, as follows:

"It was found that nearly 20,000 mothers and almost 200,000 infants under 1 year of age were dying in the United States every year from lack of proper knowledge as to the hygiene of maternity and infancy."

As a matter of fact, according to the Twenty-fourth Annual Report of the Bureau of the Census, covering Mortality Statistics, 1923, published in 1926, page 126, there were in the entire registration area of the United States in 1923 only 166,274 deaths of children less than 1 year old from all causes. The estimated population of the registration area was 96,986,371, and the estimated population of the entire continental United States was only 110,663,502. (See report cited, p. 8.) And yet, unless Senator SHEPPARD has misinformed us, investigations by the Children's Bureau disclosed the fact that almost 200,000 infants under 1 year of age die in the United States every year from lack of proper knowledge as to the hygiene of maternity and infancy. If the reported findings of the Children's Bureau are correct, where do the extra 34,000 babies come from each year who die from lack of proper knowledge? And where do all the babies come from who die every year from other causes?

A similar discrepancy exists with respect to maternal mortality. In support of the Sheppard-Towner Act, the Children's Bureau is quoted as authority for the statement that "nearly 20,000 mothers * * * were dying in the United States every year from lack of proper knowledge as to the hygiene of maternity and infancy." And yet the report of the Census Bureau, cited above, page 176, shows that the total number of deaths in 1923 in the entire registration area, containing nearly nine-tenths of the population of the continental United States, from accidents of pregnancy and labor, and hemorrhage, blood poisoning, and other conditions incident to the puerperal state, was only 15,505.

5. Comparisons between maternal mortality in the United States and maternal mortality in other countries, to the discredit of the United States, are not justified by comparable records.

Referring to studies and investigations made by the Children's Bureau, Senator SHEPPARD, according to the CONGRESSIONAL RECORD, March 31, 1926, page 6619, said:

"Reports from the birth-registration area of the United States showed that from 1915 to 1920 the death rate of mothers from causes relating to maternity was increasing. It was shown that the death rate of mothers in the United States from these causes was the highest for any nation in the world for which recent figures could be obtained, and that seven foreign countries had infant death rates lower than the United States."

The reason for the increase in maternal mortality in 1920, as compared with maternal mortality in 1915, is not hard to find. In 1920 many expectant mothers died from influenza, and their deaths were charged to pregnancy; in 1915 influenza did not contribute to such mortality.

But probably the most overworked figures that have been used in the support of the Sheppard-Towner propaganda are such as those referred to above, purporting to show an exceedingly high maternal mortality rate in the United States as compared with the maternal mortality rates in other countries. Concerning comparisons of that kind the Bureau of the Census has this to say:

"As already pointed out, the classification of deaths from puerperal causes differs greatly in different countries. Higher rates in one country than in another therefore do not necessarily mean higher mortality from these causes. However, as classification in a given country presumably differs but little from year to year, the rates do presumably serve as useful measures of mortality from these causes within the country itself.

"Comparing the rates of 1923 with those of 1915, for puerperal septicemia, the United States shows the same rate for both years, England and Wales a reduction of 13.3 per cent in its rate, Australia an increase of 30.8 per cent, New Zealand an increase of 137.5 per cent, and Scotland the same rate for both years. For other puerperal causes the United States shows an increase of 5.4 per cent, England and Wales a decrease of 7.4 per cent, Australia an increase of 17.2 per cent, New Zealand a decrease of 15.4 per cent, and Scotland an increase of 7.1 per cent." (Twenty-fourth Annual Report, Bureau of the Census, Mortality Statistics, 1923, published in 1926, p. 64.)

Just what comfort Sheppard-Towner propagandists can get out of these figures is hard to see.

6. Even if it could be admitted that infant and maternal mortality rates were as bad as the proponents of the pending legislation assert, and that it is as easily reducible as some of them claim, there is no evidence to show that preventive measures can be applied more effectively by the Federal Government than by the State.

So far as is known, not a single advance in methods for preventing infant and maternal mortality has been made by the Children's Bureau since the Sheppard-Towner Act was passed. It has merely adopted methods devised and in use by the several States and cities of the country. Obviously, supervision and control of such activities over the entire land area of the United States, approximately 3,000,000 square miles, by a Federal bureau in Washington, must entail a heavy overhead expense—or must be supervision and control on paper only.

Mr. HEFLIN and Mr. WILLIS addressed the Chair.

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

Mr. BINGHAM. I agreed to yield first to the Senator from Ohio.

Mr. WILLIS. Mr. President, I desire to have read at this time the recommendation of the President of the United States in favor of the legislation now under consideration. I ask the clerk to read the brief paragraph which I have marked from the President's Budget message.

Mr. HEFLIN. Mr. President, before that is read, I hope the Senator will permit me to use about five minutes.

Mr. WILLIS. I do not have control of the floor. The Senator from Connecticut has yielded to me, and I should like to have this article read in juxtaposition with what has just been read.

Mr. HEFLIN. It can be printed in juxtaposition with what has been read and at the same time allow me to say a few words.

Mr. WILLIS. I desire to have it read; I do not desire merely to have it printed.

Mr. HEFLIN. I have no objection to having it read at all, but I should like to have the Senator let me talk for three or four minutes.

The PRESIDING OFFICER. Does the Senator from Connecticut yield?

Mr. BINGHAM. I yield with the understanding that I do not lose the floor.

Mr. WILLIS. Where do I come in in this arrangement? I want to have this brief paragraph read.

Mr. BINGHAM. I will say to the Senator from Alabama that while he was not in the Chamber I agreed to yield to the Senator from Ohio [Mr. WILLIS] at the close of the reading of the paper which was read at my request.

Mr. HEFLIN. Mr. President, I have no objection to the reading of the matter presented by the Senator from Ohio, but I will inquire how long it will take to read it?

Mr. WILLIS. About half the length of time we have used in talking about how long it will take.

Mr. HEFLIN. Very well.

Mr. BINGHAM. I may say further that I also agreed to yield then to the Senator from New York [Mr. COPELAND].

Mr. HEFLIN. Very well. I think the article should be read now.

Mr. WILLIS. I thank the Senator.

The PRESIDING OFFICER. The clerk will read.

The Chief Clerk proceeded to read from the CONGRESSIONAL RECORD of December 8, 1926, page 79.

Mr. REED of Missouri. Mr. President, I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Missouri will state his parliamentary inquiry.

Mr. REED of Missouri. As the matter which is about to be read is already in the RECORD and has been placed in the RECORD very recently, why should we have it read to take up the valuable time of the Senate?

Mr. WILLIS. Mr. President, if the Senator from Connecticut will yield to me——

Mr. BINGHAM. I yield.

Mr. WILLIS. I know the Senator from Missouri is anxious to bring about an early vote on the pending measure and is therefore desirous of saving the time of the Senate. I should like to say to him, however, that this brief paragraph is particularly in point, and I thought it would be well to have it read at this time, in view of the lengthy documents which have already been read.

Mr. REED of Missouri. Mr. President, it seems to me that there can be no question about the fact that every Member of the Senate—indeed, every one in the country—is perfectly familiar with everything the President has said in recent times. Furthermore, the matter is already in the RECORD. I do not care about it, but it seems to me that it gives the appearance of a filibuster here by the Senator from Ohio. [Laughter.]

Mr. WILLIS. I ask for the reading of the paragraph.

The PRESIDING OFFICER. The clerk will read.

Mr. BRUCE. Mr. President, I should like to unite in the objection made by the Senator from Missouri.

Mr. WILLIS. No objection has been made.

Mr. BRUCE. I do not see what the Senator from Ohio has to gain by this proceeding. I never have known his side of the Chamber to pay any attention to any recommendation of the President since I have been here.

Mr. WILLIS. Mr. President, I asked and obtained unanimous consent for the reading of the paragraph, and I ask that it be read.

The PRESIDING OFFICER. The clerk will read.

The Chief Clerk read as follows:

MATERNITY AND INFANCY

No estimate is submitted for carrying on the work under the maternity and infancy act, approved November 23, 1921, inasmuch as the authorization of appropriations for this purpose was fulfilled with the appropriation for 1927. A bill is now pending before the Congress extending the provisions of that act to the fiscal years 1928 and 1929. If and when that measure becomes law I propose sending to the Congress a supplemental estimate for an appropriation to make its provisions effective. I am in favor of the proposed legislation extending the period of operation of this law with the understanding and hope that the administration of the funds to be provided would be with a view to the gradual withdrawal of the Federal Government from this field, leaving to the States, who have been paid by Federal funds and schooled under Federal supervision, the privilege and duty of maintaining this important work without aid or interference from the Federal Government.

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

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from New York?

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

Mr. COPELAND. I desire to have read from the desk two short letters.

The first one is from Dr. Haven Emerson, long-time commissioner of health of the city of New York and now professor of public health administration in Columbia University.

The PRESIDING OFFICER (Mr. ASHURST in the chair). The Secretary will read the letter.

The Chief Clerk read as follows:

COLUMBIA UNIVERSITY, COLLEGE OF PHYSICIANS AND SURGEONS, INSTITUTE OF PUBLIC HEALTH,
New York, November 3, 1926.

To the Hon. ROYAL S. COPELAND,
United States Senate, Washington, D. C.

DEAR DOCTOR COPELAND: No one who has the least acquaintance with the facts of maternal and early infant mortality in the United States doubts that the administration of Federal and State services under the Sheppard-Towner Act has contributed materially to the saving of lives of the mothers and babies of this country.

Preventable deaths, especially those due to lack of information in the homes of wage earners, in matters of simple personal hygiene, are evidence of inert and careless public service.

The unanimous opinion of the sanitarians of the United States, representing the physicians, nurses, educators, and administrators of official and volunteer health agencies of this entire country has been expressed repeatedly and publicly in favor of the principles and operation of the Sheppard-Towner Act.

To permit the work under this act to lapse for lack of continuing appropriations for at least another period of three years would be to confess that the Congress is incapable of intelligent expenditure of the tax money, and that its Members consider lives are less valuable than dollars.

"Public health is purchasable," and it can be shown that the most profitable investment in health is by education through professional medical and nursing guidance of the mother before and immediately after the birth of her children. At least half of the maternal and infant deaths in the United States can be prevented by intelligent distribution of information now readily available. These deaths need not occur.

Your continued active support of this measure is confidently expected.

Yours very truly,

HAVEN EMERSON, M. D.,
Professor of Public Health Administration, De Lamar Institute of Public Health, Columbia University.

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield; and if so, to whom?

Mr. BINGHAM. I yielded to the Senator from New York. If he is not through, I yield to him again.

Mr. BRUCE. I ask the Senator to yield to me for a question; that is all.

Mr. BINGHAM. I yield.

Mr. BRUCE. I merely wanted to ask whether this Doctor Emerson is the Doctor Emerson who is so prominent in prohibition circles?

Mr. COPELAND. I may say to the Senator that I am not familiar with prohibition circles.

Mr. BRUCE. He certainly is; and he has made such a mess of the whisky bottle that I think he had better let the milk bottle alone.

Mr. COPELAND. Mr. President, in order that the RECORD may be 50-50, I send to the desk a letter from the health commissioner of the State of New York, who is not active in prohibition circles but who is one of the most eminent health

administrators in the world and one of the greatest physicians. I ask the Secretary to read the letter from Doctor Nicoll, commissioner of health of the State of New York. This letter, I may say to the Senator from Maryland, can not be contaminated in any sense with evil associations.

The PRESIDING OFFICER. The Secretary will read the letter.

The Chief Clerk read as follows:

NEW YORK STATE DEPARTMENT OF HEALTH,
Albany, December 28, 1926.

Hon. ROYAL S. COPELAND,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I understand that the bill extending the life of the so-called Sheppard-Towner Act is in committee and likely to remain there, although a majority of the Senate is in favor of it, unless it is moved.

While it is true that a number of persons throughout the country are against this measure for one reason or another and that a certain part of the medical profession is also opposed to it, I desire to express my opinion that the work of maternity and child hygiene has been immensely forwarded by this act in that it has encouraged legislatures to appropriate funds for this very-much-needed purpose, which otherwise they unquestionably would not have done. Even in the State of New York the appropriations for maternity and child hygiene had been, up to the time of the passage of the Federal act, totally inadequate, and they were quadrupled as a result of it. While I have no doubt that if these funds were withdrawn future legislatures in New York State would unquestionably provide adequately for this purpose, there can be little doubt that in the vast majority of the less prosperous States the work would fall flat if Federal funds were withdrawn.

You will, as a physician, be interested in the fact that, with the permission of the Children's Bureau at Washington I was able to spend some $10,000 in the interest of postgraduate medical education in maternity and child hygiene. Lectures, demonstrations, and clinics in these subjects, given by qualified members of the medical profession, have been, in my opinion and in the opinion of the medical profession of the State, a very great success. It is questionable whether State funds for this purpose would be forthcoming in the future.

I understand that you are in favor of this measure; and whatever the situation may be in our own State, I do not think that you as a United States Senator or I as a health officer can conscientiously afford to overlook the needs of the country at large in a matter so vitally important to the health and lives of women and infants. I, therefore, am taking the liberty of urging you to use your best efforts to move this bill from committee, unless, in your opinion, there is good reason for not so doing.

With best wishes for the New Year, believe me,

Very sincerely yours,

M. NICOLL, JR.,
Commissioner of Health.

Mr. COPELAND also presented the following telegrams and communications, which were ordered to lie on the table and to be printed in the RECORD, as follows:

BROOKLYN, N. Y., *January 2, 1927.*

Hon. ROYAL S. COPELAND,
Senate Chamber, Washington, D. C.:

The members of the League of Women Voters of the ninth assembly district of Brooklyn urge you to vote for the two-year extension of the Sheppard-Towner grant. We appreciate the support you have given to this much-needed aid for mothers and babies.

AGNES C. R. HAIG,
Chairman of Legislation.

NEW YORK, N. Y., *January 3, 1927.*

Hon. ROYAL S. COPELAND,
Washington, D. C.:

The New York League of Women Voters are counting upon you as a member of the Committee on Education and Labor to press for early action on the infancy and maternity act.

MRS. HENRY GODDARD LEACH, *Chairman.*

NEW YORK, N. Y., *January 3, 1927.*

Hon. ROYAL S. COPELAND,
Senate Office Building, Washington, D. C.:

Since saving the lives of mothers and children appears to me the most important work that Congress will have an opportunity to do this session, I urge you to use every effort to expedite the passage of the bill continuing the Sheppard-Towner Act.

ELIZABETH BROWNELL COLLIER,
Chairman Brooklyn League of Women Voters.

NEW YORK, N. Y., *January 4, 1927.*

Hon. ROYAL S. COPELAND,
United States Senate, Washington, D. C.:

I am counting on your vote for a renewal of the Federal grant for maternity and infant hygiene as set forth in the Sheppard-Towner bill.

KATRINA E. TIFFANY.

UNIVERSITY OF THE STATE OF NEW YORK,
STATE DEPARTMENT OF EDUCATION,
Albany, December 22, 1926.

Hon. ROYAL S. COPELAND,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR COPELAND: I am very much interested in the fate of the maternity bill. I feel strongly that sufficient appropriation should be made to enable this excellent work to go on for a longer period. A great many women who may not write directly to you are watching the progress of the bill with much interest.

I trust that favorable action will be taken.

Very truly yours,

CAROLINE A. WHIPPLE,
Supervisor of Immigrant Education.

MEDICAL SOCIETY OF THE COUNTY OF KINGS,
Brooklyn, N. Y., December 28, 1926.

The Hon. ROYAL S. COPELAND, M. D.,
The Senate of the United States, Washington, D. C.

DEAR SIR: I beg to inform you of the attitude of the Medical Society of the County of Kings, representing 1,700 registered physicians, in regard to a measure pending to perpetuate the Sheppard-Towner Maternity Act. Inclosed you will find a copy of the resolution passed unanimously at the December meeting of this society.

I respectfully invite your attention to its content and earnestly request your careful consideration of our attitude upon this matter.

Sincerely yours,

THOMAS M. BRENNAN, M. D.,
Secretary.

MEDICAL SOCIETY OF THE COUNTY OF KINGS,
Brooklyn, N. Y.

Whereas in the present short session of Congress a measure is pending (as unfinished business) to perpetuate the Sheppard-Towner Maternity Act with luscious appropriations; and

Whereas the operation of that act during the five years of its existence has demonstrated that its administration has resulted in a reduction of the birth rate of this Nation 2.4 to the 1,000 of population, or 250,000 babies per annum who will never be American citizens; and

Whereas also, after an intensive campaign of five years by the agents of the Children's Bureau of the Federal Department of Labor, administering that act in the State of Montana, that State has shown the lowest birth rate and the highest septicemia rate in the Nation; and

Whereas the judgment of this County Medical Society of Kings in 1921 was against the enactment of this measure as uneconomic and wasteful of the money and man power of the Nation: Therefore be it

Resolved, That the Medical Society of the County of Kings (New York), in meeting assembled, condemns the specialized medicine of the Sheppard-Towner maternity type and now, as in 1921, urges the Representatives from Kings County to the Congress of the United States to work and vote against the perpetuation of this measure through appropriation bills, or otherwise, for any period of time whatsoever; and be it further

Resolved, That a copy of this resolution be sent to the Representatives in Congress from this county and State and to the daily press, and that the delegates from this county society to the Medical Society of the State of New York be, and hereby are, instructed to present this resolution to the State society with a request from this society for its indorsement or for the adoption of a separate resolution on the same lines.

ACQUITTAL OF FALL AND DOHENY

Mr. HEFLIN. Mr. President——

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

Mr. HEFLIN. My attention has been called to an article in another one of the hirelings of the corrupt and criminal interests of the country. This article attacks me.

Mr. President, the Independent, published in New Hampshire and Massachusetts, another one of the hired agents of predatory interests, has done the bidding of its master and assailed me for my position on the verdict which acquitted Fall and Doheny. I do not mind fair criticism; I welcome it; but I do object to having my name appear in the bought-and-paid-for columns of sheets that represent the corrupt interests of the country.

One of these—once a decent paper, but now the corrupt and contemptible mouthpiece of the despicable interests that feed

and fatten on Government graft and the corrupt use of money in politics—has come to the rescue of Doheny and Fall. For a time that paper appealed to the honest and intelligent reader. During that time its readers multiplied and the number of its subscribers increased. Then it was that certain corrupt interests decided that if they could, by the use of money, influence the editorial preachments of the Independent, it would help them in corraling and controlling for the corrupt interests the independent voters of the country. The temptation was too strong; and in an evil hour the Independent fell into the control of the boodlers and corruptionists in politics, and became the mouthpiece of the Dohenys and Falls. The same paper has a very strong article defending Mussolini, one of the most dangerous men in the Old World to the peace and happiness of the whole world.

So much, Mr. President, for the Independent. Here is an editorial that is being sent from New York to various Senators. It is from the New York Evening Inquirer; and William Griffin appears to be the editor and publisher of this villainous sheet. He is one of the ecclesiastical henchmen of Doheny, Fall's coconspirator.

Mr. President, I can best illustrate his situation and express my opinion of him by telling the story of a Scotchman and a little caddy.

The Scotchman had played golf all day, and had walked the little caddy back and forth on the golf links so long that he was very tired. When the game was finished, and the little fellow was so weary that he could hardly stand on his feet, the Scotchman ran his hand into his pocket, and, taking out three nickels, said, "I am now going to pay you for your service." The boy took the nickels, looked at them, and then looked at the Scotchman. He stood silent for a moment. He was dazed and dumfounded. Then he said, "I believe I can tell your fortune with these nickels. The first one tells me that you are a Scotchman." The Scotchman said, "That's right." "The second one tells me that you are a bachelor." The Scotchman said, "That's right." "And the third nickel tells me that your father was a bachelor." [Laughter.]

The PRESIDING OFFICER. Let there be order in the Senate.

MATERNITY AND INFANT HYGIENE

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7555) to authorize for the fiscal years ending June 30, 1928, and June 30, 1929, appropriations for carrying out the provisions of the act entitled "An act for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes," approved November 23, 1921.

Mr. BINGHAM. Mr. President, there is important legislation for the island of Porto Rico which needs attention, and I move that Order of Business 1028, Senate bill 4247, be taken up.

The PRESIDING OFFICER. The Senator from Connecticut moves that the Senate proceed to the consideration of Order of Business 1028, Senate bill 4247.

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

The PRESIDING OFFICER. The Secretary will call the roll.

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

Ashurst	Fletcher	McKellar	Robinson, Ind.
Bayard	Frazier	McLean	Sackett
Bingham	Gerry	McMaster	Sheppard
Blease	Gillett	McNary	Shipstead
Borah	Glass	Mayfield	Shortridge
Bratton	Goff	Metcalf	Smoot
Broussard	Gooding	Neely	Steck
Bruce	Hale	Norbeck	Stewart
Cameron	Harris	Norris	Swanson
Capper	Hawes	Nye	Trammell
Copeland	Heflin	Oddie	Tyson
Couzens	Johnson	Overman	Wadsworth
Curtis	Jones, N. Mex.	Pepper	Walsh, Mass.
Dale	Jones, Wash.	Phipps	Walsh, Mont.
Deneen	Kendrick	Pine	Warren
Dill	Keyes	Pittman	Watson
Edge	King	Ransdell	Wheeler
Ferris	La Follette	Reed, Mo.	Willis
Fess	Lenroot	Reed, Pa.	

The VICE PRESIDENT. Seventy-five Senators having answered to their names, a quorum is present. The question is on agreeing to the motion of the Senator from Connecticut [Mr. BINGHAM].

The motion was rejected.

Mr. BINGHAM. Mr. President, I move that the Senate proceed to the consideration of executive business.

Mr. REED of Missouri. I ask for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. FLETCHER. I transfer my pair with the junior Senator from Delaware [Mr. DU PONT] to the senior Senator from Mississippi [Mr. HARRISON] and vote "nay."

I desire to announce that the senior Senator from Arkansas [Mr. ROBINSON] is necessarily absent on business of the Senate.

Mr. JONES of Washington. I desire to announce the following general pairs:

The Senator from Minnesota [Mr. SCHALL] with the Senator from New Jersey [Mr. EDWARDS]; and

The Senator from Oklahoma [Mr. HARRELD] with the Senator from North Carolina [Mr. SIMMONS].

Mr. GERRY. I desire to announce that the junior Senator from Mississippi [Mr. STEPHENS] has a general pair with the junior Senator from Colorado [Mr. MEANS].

The result was announced—yeas 14, nays 57, as follows:

YEAS—14

Bayard	Bruce	Metcalf	Wadsworth
Bingham	Edge	Phipps	Walsh, Mass.
Blease	Gerry	Reed, Mo.	
Broussard	Gillett	Reed, Pa.	

NAYS—57

Ashurst	Frazier	McKellar	Sackett
Borah	Glass	McLean	Sheppard
Bratton	Goff	McMaster	Shipstead
Cameron	Gooding	McNary	Shortridge
Capper	Hale	Mayfield	Smoot
Copeland	Harris	Neely	Steck
Couzens	Hawes	Norbeck	Stewart
Curtis	Heflin	Norris	Tyson
Dale	Johnson	Nye	Walsh, Mont.
Deneen	Jones, N. Mex.	Oddie	Watson
Dill	Jones, Wash.	Overman	Wheeler
Ernst	Keyes	Pine	Willis
Ferris	King	Pittman	
Fess	La Follette	Ransdell	
Fletcher	Lenroot	Robinson, Ind.	

NOT VOTING—24

Caraway	Harreld	Pepper	Stephens
du Pont	Harrison	Robinson, Ark.	Swanson
Edwards	Howell	Schall	Trammell
George	Kendrick	Simmons	Underwood
Gould	Means	Smith	Warren
Green	Moses	Stanfield	Weller

So Mr. BINGHAM's motion was rejected.

Mr. BINGHAM. Mr. President, it being impossible to complete the discussion of the pending bill at this time, and the Senate having entered into a unanimous-consent agreement to proceed to the consideration of executive business at 2 o'clock, I suggest now that the Senate go into executive session.

Mr. SHEPPARD. Mr. President, I object.

EXECUTIVE SESSION

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Senate will proceed to the consideration of executive business, under the unanimous-consent order of January 4. The Sergeant at Arms will clear the galleries and close the doors.

The Senate thereupon proceeded to the consideration of executive business. After 2 hours and 45 minutes spent in executive session the doors were reopened.

While the doors were closed,

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on to-day the President had approved and signed the following acts:

S. 3615. An act for the relief of soldiers who were discharged from the Army during the Spanish-American War because of misrepresentation of age;

S. 3728. An act to grant to the State of New York and the Seneca Nation of Indians jurisdiction over the taking of fish and game within the Allegany, Cattaraugus, and Oil Spring Indian Reservations;

S. 4153. An act to provide for enlarging and relocating the United States Botanic Garden, and for other purposes;

S. 4741. An act providing for the promotion of Lieut. Commander Richard E. Byrd, United States Navy, retired, and awarding to him a congressional medal of honor; and

S. 4742. An act providing for the promotion of Floyd Bennett, aviation pilot, United States Navy, and awarding to him a congressional medal of honor.

CONGRESS OF MILITARY MEDICINE AND PHARMACY AT WARSAW, POLAND (S. DOC. NO. 186)

As in legislative session,

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Military Affairs and ordered to be printed:

To the Congress of the United States:

I transmit herewith a report by the Secretary of State recommending, at the request of the Secretary of the Treasury, the

Secretary of War, and the Secretary of the Navy, constituting, together with the surgeon generals of the three medical services of the Treasury, War, and Navy Departments, an advisory board under the Federal act to incorporate the Association of Military Surgeons of the United States, approved January 30, 1903, that Congress be asked for an appropriation of $5,000 for the payment of expenses of five delegates, three of whom shall represent the medical services of the War and Navy Departments and the United States Public Health Service, at the Congress of Military Medicine and Pharmacy to be held at Warsaw, Poland, in 1927.

The recommendation has my approval, and I request of Congress legislation authorizing an appropriation of $5,000 for the purpose of participation by the United States by official delegates in the Congress of Military Medicine and Pharmacy to be held at Warsaw, Poland, in 1927.

CALVIN COOLIDGE.

THE WHITE HOUSE,
Washington, January 5, 1927.

PAN AMERICAN INSTITUTE OF CHILD WELFARE (S. DOC. NO. 184)

As in legislative session,

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Congress of the United States:

I recommend to the favorable consideration of the Congress the inclosed report from the Secretary of State, with an accompanying paper, to the end that legislation may be enacted authorizing an appropriation of $2,000 to enable acceptance by the United States of membership in a Pan American Institute of Child Welfare at Montevideo, in accordance with the recommendation of the Secretary of Labor joined in by the Secretary of State.

CALVIN COOLIDGE.

THE WHITE HOUSE,
Washington, January 5, 1927.

EIGHTH PAN AMERICAN SANITARY CONFERENCE (S. DOC. NO. 185)

As in legislative session,

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Congress of the United States:

I transmit herewith a report by the Secretary of State with a copy of a letter to him from the Secretary of the Treasury, with related papers, requesting that an appropriation be authorized for the expenses of three delegates (two of whom shall be officers of the Public Health Service) to the Eighth Pan American Sanitary Conference to be held at Lima, Peru, from October 12-20, 1927. The especial attention of Congress is invited to the memorandum furnished by the Secretary of the Treasury of the reasons why it is believed the Government of the United States should be represented in the conference.

I concur in the view of the Secretary of the Treasury that participation by the United States in these Pan American sanitary conferences is of importance and agree with the conclusion of the Secretary of State that such participation is in the public interest. I, therefore, request of Congress legislation authorizing an appropriation of $3,000 for the expenses of delegates to the Eighth Pan American Sanitary Conference to be held at Lima, Peru, in October, 1927, in accordance with the draft of a joint resolution submitted with the papers herewith transmitted.

CALVIN COOLIDGE.

THE WHITE HOUSE,
Washington, January 5, 1927.

The doors having been reopened,

ADJOURNMENT

Mr. CURTIS. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 6, 1927, at 12 o'clock m.

NOMINATIONS

Executive nominations received by the Senate January 5, 1927

APPOINTMENTS IN THE REGULAR ARMY

GENERAL OFFICERS

To be brigadier general

Col. Alston Hamilton, Coast Artillery Corps, from January 19, 1927, vice Brig. Gen. Thomas H. Slavens, who is to be retired from active service January 18, 1927.

QUARTERMASTER CORPS

To be assistant to the Quartermaster General, with the rank of brigadier general, for a period of four years from date of acceptance

Col. Francis Horton Pope, Quartermaster Corps, from January 24, 1927, vice Brig. Gen. Moses G. Zalinski, assistant to the Quartermaster General, who is to be retired from active service January 23, 1927.

APPOINTMENT IN THE OFFICERS' RESERVE CORPS OF THE ARMY

GENERAL OFFICER

To be brigadier general, reserve

Brig. Gen. Robert Morris Brookfield, Pennsylvania National Guard, from December 23, 1926.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 5, 1927

POSTMASTERS

ARKANSAS

William B. Owen, Alma.
James S. Burnett, Clinton.
Seth Boles, Dardanelle.
William B. Pape, Fort Smith.
James F. Hudson, Lake Village.
James G. Brown, Magnolia.
Cooper Hudspeth, Nashville.
Robert H. Willis, Watson.

CALIFORNIA

Carrie V. Stoute, Saratoga.

FLORIDA

Zoel Hodge, Dowling Park.
Charles W. Stewart, Naples.
Thomas H. Milton, Trenton.

IDAHO

Joseph S. Cooper, Carey.

IOWA

Frank B. Moreland, Ackley.
Henry C. Haynes, Centerville.
Albert R. Kullmer, Dysart.
Benjamin S. Borwey, Eagle Grove.
George F. Monroe, Fairbank.
Guy A. Whitney, Hubbard.
George Banger, La Porte City.
Raymond S. Blair, Parkersburg.
George Sampson, Radcliffe.
Linn L. Smith, Webb.

MAINE

Ida K. Stewart, South Gardiner.

NORTH CAROLINA

Roy F. Shupp, New Bern.

NORTH DAKOTA

Nellie W. Fowler, Center.
Orrin McGrath, Glen Ullin.
August Kreidt, New Salem.
John V. Kuhn, Richardton.

OKLAHOMA

Luella Sloan, Ketchum.

VIRGINIA

William G. Faris, Glade Spring.
Matilda W. Campbell, Greenville.
Thomas N. Massey, Mount Holly.
Mathew B. Hammitt, Pocahontas.

WITHDRAWAL

Executive nomination withdrawn from the Senate January 5, 1927

POSTMASTER

SOUTH CAROLINA

Parnell Meehan to be postmaster at Chesterfield, in the State of South Carolina.