

5764. By Mr. TARVER: Petition of J. C. Chambers and others, urging the passage of House bill 2562, granting an increase of pension to Spanish-American War veterans; to the Committee on Pensions.

5765. By Mr. TEMPLE: Petition of number of residents of Burgettstown, Washington County, Pa., in support of Senate bill 476 and House bill 2562, providing for increased rates of pension for Spanish War veterans; to the Committee on Pensions.

5766. By Mr. THATCHER: Petition of Howard McDonald and others, of Jefferson County, Ky., supporting legislation for the relief of veterans of the Spanish-American War; to the Committee on Pensions.

5767. Also, petition signed by George J. Depner and other citizens of Louisville and Jefferson County, Ky., supporting Spanish-American War veterans' legislation; to the Committee on Pensions.

5768. By Mr. UNDERHILL: Petition of citizens of Winthrop, Mass., in behalf of legislation for the Spanish War veterans; to the Committee on Pensions.

5769. Also, petition of ex-service men of the soldiers' home in Massachusetts, urging the passage of House bill 3493, granting full payment immediately of the soldiers' adjusted-service certificates; to the Committee on Ways and Means.

5770. By Mr. VINCENT of Michigan: Petition of residents of Saginaw County, Mich., urging more liberal pension legislation for veterans of the Spanish-American War; to the Committee on Pensions.

5771. By Mr. WALKER: Petition of 126 tobacco growers of Central, Ky., praying for early consideration of Congress for a reduction of one-third of taxes now paid on tobacco; to the Committee on Ways and Means.

5772. By Mr. WINGO: Petition of citizens of Texarkana, Ark., in behalf of Senate bill 476 and House bill 2562, to increase pensions of Spanish-American War veterans; to the Committee on Pensions.

5773. By Mr. WOOD: Petition of citizens residing at Shelby, Ind., and vicinity, asking for the enactment of legislation increasing the rates of pension paid to the veterans of the Spanish War period; to the Committee on Pensions.

5774. By Mr. WYANT: Petition of J. W. Cochran, New Kensington, Pa., advocating passage of House bill 9232 and Senate bill 3086; to the Committee on Labor.

5775. Also, petition of Mary McGee, president and 205 members, Division No. 7, Ladies' Auxiliary of the Ancient Order of Hibernians of Monessen, Pa., opposing passage of the Capper-Robson bill; to the Committee on Education.

SENATE

TUESDAY, March 18, 1930

(Legislative day of Monday, January 6, 1930)

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

Mr. FESS. Mr. President, I suggest the absence of a quorum. The PRESIDENT pro tempore. The clerk will call the roll.

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

| | | | |
|-----------|--------------|----------------|---------------|
| Allen | George | Kendrick | Schall |
| Barkley | Glass | Keyes | Sheppard |
| Bingham | Glenn | La Follette | Shortridge |
| Black | Goff | McCulloch | Simmons |
| Blaine | Goldsborough | McKellar | Smoot |
| Blease | Gould | McMaster | Steck |
| Borah | Greene | McNary | Stelwer |
| Bratton | Grundy | Metcalf | Stephens |
| Brookhart | Hale | Moses | Sullivan |
| Broussard | Harris | Norbeck | Swanson |
| Capper | Harrison | Norris | Thomas, Idaho |
| Caraway | Hastings | Nye | Thomas, Okla. |
| Connally | Hatfield | Oddie | Trammell |
| Copeland | Hawes | Overman | Tydings |
| Couzens | Hayden | Patterson | Wandenberg |
| Cutting | Hebert | Phipps | Wagner |
| Dale | Heflin | Pine | Walsh, Mass. |
| Dill | Howell | Pittman | Walsh, Mont. |
| Fess | Johnson | Ransdell | Waterman |
| Fletcher | Jones | Robinson, Ind. | Watson |
| Frazier | Kean | Robson, Ky. | Wheeler |

Mr. SHEPPARD. The junior Senator from Utah [Mr. KING] is necessarily detained from the Senate by illness. I will let this announcement stand for the day.

I also desire to announce the necessary absence of the Senator from Arkansas [Mr. ROBINSON] and the Senator from Pennsylvania [Mr. REED], who are delegates from the United States to the London Naval Conference.

Mr. SCHALL. My colleague [Mr. SHIPSTEAD] is unavoidably absent. I ask that this announcement may stand for the day.

Mr. McKELLAR. I wish to announce that my colleague the junior Senator from Tennessee [Mr. Brock] is necessarily detained from the Senate by illness. I ask that this announcement may stand for the day.

The PRESIDENT pro tempore. Eighty-four Senators having answered to their names, a quorum is present. The question is, Shall the Senate advise and consent to the nomination of J. Duncan Adams to be United States marshal, western district of South Carolina?

PERSONAL EXPLANATION

Mr. BLEASE. Mr. President, before I have anything to say with reference to the nomination before the Senate, I wish to speak on a personal matter. In this morning's Washington Post, under the headline "Pay increase bill reported in Senate," the writer of the article says:

Senator BLEASE, of South Carolina, has threatened to block the bill unless Maj. Henry G. Pratt is removed as chief of police.

Further on he says:

Senate leaders are disposed to let the bill come up as soon as possible, providing BLEASE does not attempt to filibuster.

Mr. President, last night I went to the junior Senator from Kentucky [Mr. ROBSION]—I wish he were present—and told him to go ahead and present his bill, that I should not make any objection. With that understanding the Senator came into the Chamber while I was speaking, as will be shown in the RECORD at page 5431, as follows:

Mr. BLEASE obtained the floor.

Mr. ROBSION of Kentucky. Will the Senator from South Carolina yield to enable me to present a report?

Mr. BLEASE. I yield for that purpose.

I knew what the purpose was. I made no objection to the bill. I have no objection to it now. If the Senator from Kentucky brings it up at any time it is all right with me. I simply make that statement because I do not care to have the report go out as made by the Washington Post that I did not have sense enough to know the purpose for which the Senator from Kentucky wanted me to yield, and that he was trying to put something over on me, which was not the case, because he and I thoroughly understood each other.

Mr. ROBSION of Kentucky. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Kentucky?

Mr. BLEASE. Certainly. I did not know the Senator was present.

Mr. ROBSION of Kentucky. I wish to say that the Senator from South Carolina advised me on yesterday that he had no objection to the measure and urged me to present it. I brought it up, asking him to yield because I knew he was friendly to the proposal to bring up the measure at that time. It certainly does the Senator from South Carolina great injustice to have such a report go out.

CRIME IN THE DISTRICT OF COLUMBIA

Mr. BLEASE. I thank the Senator. I ask in that connection to have inserted in the RECORD in connection with these remarks a few clippings from the Washington Post.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The clippings referred to are as follows:

[From the Washington Post, Sunday, March 16, 1930]

MAN BADLY BEATEN IN AUTOMOBILE RIDE—CARRIED TO HOSPITAL AFTER MOTORIST FINDS HIM ON ROADSIDE—SAYS \$200 IS MISSING

Beaten severely in a brawl with four companions in an automobile at Georgia Avenue near the District line and robbed of \$200, John Byroad, 42 years old, who gave Eighteenth Street N.W., near Ontario Road, as his address, received serious injuries early to-day, according to third precinct police.

Attendants at Emergency Hospital declared the man was suffering from numerous hurts on the head, three fractured ribs, and possible internal injuries.

He was taken to the hospital by Grover Bell, of 2136 Pennsylvania Avenue N.W., who declared he was driving out the Wilson Boulevard in Arlington County and upon nearing Clarendon saw the man standing beside the road and waving to him. Mr. Bell said the man told him he had been beaten, robbed, and pitched out of an automobile. Mr. Bell said he complied with the man's request to rush him to a hospital.

Police quoted Byroad as declaring that he had been on a drinking party at an I Street speak-easy, and that he left with a man named Magruder and another named Ward for a notorious roadhouse on the Baltimore Boulevard. Police said he told them two strangers joined their party and that near Silver Spring they began fighting and that

he was beaten into semiconsciousness. Police said he told them also that he remembered asking the men to drive him to the home of a half brother near Clarendon, and that they threw him from the car just before reaching that town.

Byroades claimed he was robbed of \$200 in cash, a watch, and a trinket.

MAN GIVEN FIVE YEARS ON BURGLARY CHARGE

Henry Ransom, colored, was sentenced by Justice Peyton Gordon in District Supreme Court yesterday to serve five years in prison on a charge of housebreaking and larceny.

Ransom was convicted by a jury several days ago. He is alleged to have entered the bedroom of a woman on E Street NE., near Third Street, on January 11 last, and at the point of a pistol to have forced her to hand over \$116 which she had hidden under her pillow. Assistant United States Attorneys Walter M. Shea and James R. Kirkland appeared for the Government.

SENTENCES PASSED IN RUM VIOLATIONS—CREAMER GIVEN 45 DAYS AND FINED \$525 ON TRIO OF CHARGES—OTHERS RECEIVE TERMS

While 13 persons were arraigned in police court yesterday on charges of violating the prohibition law, a number of persons were sentenced, one man—Percy Creamer, 32 years old, of 235 Four-and-one-half Street SW.—being sentenced to serve 45 days in jail and to pay fines totaling \$525 or serve 180 days more.

Creamer was convicted by a jury several days ago on charges of possession, second-offense possession, and nuisance. The 45-day sentence was meted out on the nuisance count, while the other part of the sentence was divided, \$125 or 60 days on the possession charge and \$400 or 120 days on the second-offense conviction.

Other sentences were: Joseph Towles, colored, 34 years old, \$400 or 120 days; Lawrence O. Hite, colored, 30 years old, \$400 or 90 days, suspended and probation for 1 year; Roland A. Queen, colored, 18 years old, \$100 or 60 days, suspended; Joseph Alphonzo Wright, colored, 25 years old, \$300 or 60 days, committed to jail; Joseph Francis Amity, 28 years old, \$50 or 60 days, fine paid; and Reginald Harrison, 19 years old, \$400 or 90 days, suspended.

Caldwell William Bryant, 34 years old, pleaded guilty to a charge of second-offense possession and will be sentenced next Saturday.

Charges against James Vernstein, 22 years old, of I Street NW., near Sixth Street, were dropped, Assistant United States Attorney David Aiken Hart deciding that the evidence was not sufficient.

Twelve persons pleaded not guilty to liquor charges and demanded trial by jury, as follows: Stephen Jones, colored, 30 years old; Ernest Jones, second-offense possession; Fred Bryant Cheatham, colored, 27 years old; Ida Weitzman, 40 years old, possession, second-offense possession, and nuisance; Thomas Stone, colored, 28 years old, second-offense possession; Millar Irving Trazzore, 30 years old, and George Elmer Burrows, 25 years old; Henry James Carter, colored; Estelle Thomas, colored, 25 years old; Oswald White, colored, 43 years old; Carter Tatum, colored, 28 years old; and Willis Oliver, colored, 40 years old.

EIGHT ARE CAPTURED IN FIVE RUM RAIDS; 140 QUARTS ALSO SEIZED BY LETTERMAN'S SQUAD IN NORTHWEST—BLUBCOAT MADE TARGET

Five raids staged last night by Sergt. Oscar J. Letterman and his squad resulted in the arrest of eight negroes and the confiscation of approximately 140 quarts of assorted liquors.

In the first raid, on K Street near Sixth Street NW., Hortense Aeyers, 33 years old, and William Aeyers, 37 years old, were charged with sale and possession. On N Street near Twenty-third Street NW., Anna Thomas, 30 years old, and Anderson Royston, 39 years old, were picked up and almost 70 quarts of liquor were taken.

Others arrested by the squad, composed of Detectives James Mostyn, Richard Cox, and F. A. Truscott, are: Maude Coleman, 39 years old; Josh Williams, 33 years old; William Logan, 47 years old; and Daniel Clayton, 29 years old.

Corn liquor has a reputation as being rather powerful stuff, but even after being bombarded with six half-gallon jars of it last night Policeman G. E. Perry, of the sixth precinct, carried on and got his man.

Seeing a negro leave an automobile in front of a building on H Street NW., near North Capitol Street, and carrying a number of suspicious-looking packages into the place, Perry started after him.

Halfway up a flight of stairs the man paused and began hurling the bottles. All of them struck, and all but one broke. When the negro had exhausted his ammunition the policeman placed him under arrest and, retrieving the unbroken bottle, took his captive and evidence to the station house.

There the man gave his name as Augustus Madison, 20 years old, of 26 De Fries Street NW. He was held on charges of transportation, illegal possession of liquor, destroying evidence, assault, and, when a knife was found in his possession, on the additional charge of carrying concealed deadly weapons.

Herbert Ross, colored, of Twenty-fifth Street, near I NW., was arrested early last night at One-half and M Streets SW. by police of the fourth precinct and charged with transporting and possessing one-half gallon of liquor. He was later released on a bond of \$2,000.

SEARCH REDOUBLED FOR BLACK HANDERS—SHELBY INCREASES GUARD AT SHOP AND HOME OF SACHS AFTER THREATS—SUSPECTS ARE RELEASED

Convinced that the perpetrator of the black-hand death threats on the life of Frank Sachs, District auto repair shop proprietor, "means business," Inspector William Shelby last night redoubled his efforts to arrest the blackhand, who, he believes, is an out-of-town racketeer.

A thorough investigation of every angle of the threats on Mr. Sachs's life and the shop proprietor's thrilling experience Thursday when he was "taken for a ride," beaten, and robbed on the Defense Highway, has led Detective Lieut. Edward J. Kelly to believe that the thug has been hired to "do away" with Mr. Sachs unless he disposed of his new glass repair department of his shop.

As an extra precautionary measure, Inspector Shelby last night increased the guard on Mr. Sachs's shop at 609 K Street NW. and also at Mr. Sachs's residence, 906 Emerson Street NW.

The blackhand thus far has sent three warnings to Mr. Sachs to close his glass business. He has telephoned to him twice, the first time leading Mr. Sachs into his trap on the Defense Highway, when the racketeer threatened to kill Mr. Sachs unless he took heed to the threats.

The last telephone call was made Friday night, but Lieutenant Kelly is of the opinion that it was made by a practical joker. Mr. Sachs did not report the Friday call until yesterday morning. With police escort he went to the designated place assigned by his caller, which was just over the District line, in Good Hope district, Md.

When they arrived at the designated spot there was no one about. The telephone message to Mr. Sachs was that he was wanted to repair a car in the Good Hope Road. Detectives visited two garages near the spot, but the proprietors had no knowledge of any call for Mr. Sachs's assistance.

The black-hand notes, scrawled on plain paper bearing District post-mark, will be turned over to a Federal handwriting expert Monday. The handwriting will be compared with that of several persons who were questioned by detectives but later released.

NEW TRIAL DENIED PATROLMAN SLAYER—JUSTICE GORDON WILL PASS SENTENCE ON ALDRIDGE MONDAY MORNING—OVERRULES TWO PLEAS

Justice Peyton Gordon in criminal court yesterday overruled motions for a new trial and an arrest of judgment filed on behalf of Alfred Scott Aldridge, colored, convicted slayer of Policeman Harry J. McDonald.

The justice announced that he would pass sentence on the man Monday. Aldridge was convicted of first-degree murder, which automatically carries with it the sentence of death in the electric chair. Sentence would have been passed yesterday, except for the fact that it was after 12 o'clock when arguments on the motion had been concluded and the ruling had been made. Under District law a court can not sit after 12 o'clock on Saturdays.

McDonald was slain last summer when he attempted to arrest Aldridge and his brother, Albert Aldridge, for burglarizing a drug store in the northwest section. McDonald fatally wounded Albert Aldridge, but the other negro made his getaway, only to be apprehended shortly afterwards. Aldridge based his defense on contention that his brother had killed the policeman, although the pistol with which the policeman was slain was found in his room. The pistol found in Albert Aldridge's hand had not been discharged.

SMOKE LAW CASES CONTINUED IN COURT—ASSISTANT SCHOOL SUPERINTENDENT ONE OF TWO FACING VIOLATION CHARGE—HE PROTESTS ACTION

Two charges of violating the smoke law were continued in police court yesterday when the defendants appeared before Judge Ralph E. Given.

A charge against Jere J. Crane, first assistant superintendent of schools, was continued until Thursday to enable his counsel, Attorney Walter Johnson, opportunity to file a motion to quash the information.

A similar charge against David B. Karrick, vice president of the Fidelity Storage Co., 1819 G Street NW., was continued until Tuesday.

Mr. Crane was cited for alleged violation of the smoke law at the Wilson Normal School, Eleventh and Harvard Streets NW. The alleged violation is said to have occurred on February 28. Last Monday Mr. Crane was arraigned before Judge Given on the charge and declared that the warrant should have been served on the principal of the school.

While in court yesterday Mr. Crane declared that the principals of the District schools or the janitors have received complaints of excess smoke coming from the chimneys of their respective buildings and again reiterated his belief that he should not be held responsible for the alleged violations.

CAFÉ RUM RAID CASE GOES TO HIGH COURT—APPELLATE TRIBUNAL TO RULE ON INVASION WHERE NO WARRANT WAS USED—ERROR WRIT IS GRANTED

The District of Columbia Court of Appeals is to pass on the question whether prohibition agents and other officers of the law can enter a business establishment and conduct a search for whisky.

This was evidenced yesterday when the court announced it had granted a writ of error in the case of Enos Croce, operator of a restaurant on H Street NW., near Thirteenth Street, who was convicted in police court last November and sentenced by Judge John P. McMahon to pay a fine of \$250 or serve 60 days in jail.

Testimony was to the effect that a raiding squad entered the restaurant and made a complete search. There was no search warrant. The raiders claimed that they found a small quantity of liquor in the kitchen, which was separated from the dining room by a partition and a door.

Attorney George F. Lemm, who represented Croce, filed a motion to quash the information on which his client was tried on the grounds that there had been no warrant and that the search and seizure was illegal under the Constitution. Judge McMahon, however, overruled the motion, and it is on this that the appeal to the higher tribunal was taken.

RUM QUEEN IS SENT TO JAIL FOR 90 DAYS—APPEALS COURT REFUSES AID TO TESSIE RICHARDS AFTER SENTENCE—\$500 FINE ALSO LEVIED

Tessie Richards, who, police say, is one of Washington's best-known speak-easy operators, and who is alleged to have declared she would stop selling liquor only when she was sent to jail, was sentenced by Justice Peyton Gordon in District Supreme Court yesterday to serve 90 days in jail and pay a \$500 fine on a charge of third-offense possession and to pay a \$500 fine on another charge. At the same time it was announced that the Government had nolle-prossed two other charges against her.

The woman is now serving a 90-day sentence imposed by Judge John P. McMahon in police court following her conviction on a charge of second-offense possession, and Justice Gordon stipulated that the 90-day sentence he meted out should run concurrently with the one she is serving.

Attaches of the United States attorney's office state that the woman has operated for some time in the vicinity of Thirteenth and C Streets NW. Padlock proceedings are pending against two of the places where she was arrested and charged with violating the prohibition law.

Following her conviction in police court, the woman, through her attorney, Howard R. Stephenson, applied for a writ of error, but the District Court of Appeals refused to grant it and ordered that the sentence of the court be put into effect.

[From the Washington Post, Sunday, March 16, 1930]

ROVER TIES UP \$2,000,000 BY DRY PADLOCKS—SIXTY-ONE PIECES OF REAL ESTATE IN DISTRICT INVOLVED IN PROCEEDINGS—EIGHTEEN PLACES CLOSED FOR YEAR PERIODS—DISTRICT ATTORNEY TAKES STEPS FOR PREVENTION OF FUTURE BONDS—MOST OFFENDERS ARE SOON EVICTED—ONLY TWO INSTANCES FOUND OF VIOLATING COURT INJUNCTIONS

By Dunbar Hare

Due to prohibition enforcement efforts in the District of Columbia during the past two years, 61 pieces of real estate, valued at approximately \$2,000,000, have been or still are involved in liquor padlock proceedings.

Court injunctions closing premises for a year's time have been issued in 18 instances, and in 12 United States Marshal Edgar C. Snyder has attached locks and seals to the doors. In six instances property owners have convinced the court that they were not aware that the prohibition law was being violated in their buildings and have been permitted to make bonds of between \$500 and \$1,000. The bonds are effective for the length of the injunction, which under the law must be one year.

Possibility that any more property owners whose holdings are jeopardized by padlock will be admitted to bond has practically been removed. Early last fall United States Attorney Leo A. Rover, cooperating with the police department, compiled a list of every known place where liquor had been sold in the last two years and sent notices of these violations to the owners. To date 250 letters have been sent to the owners, and in practically every instance tenants who have been convicted of violating the prohibition laws have been evicted.

LETTER PART OF EXHIBIT

Records of these places are now kept in Mr. Rover's office, and when padlock proceedings are instituted against any of them copies of the letter sent to the owner are made a part of the exhibit in the case. This system has just been begun, but is expected to be very productive of results in future.

Proceedings are now pending against 43 pieces of property. Three of these date back to 1928, but Mr. Rover and Assistant United States Attorney Harold W. Orcutt, chief of the padlock department, hope to

be able to dispose of a large number of cases within the next month or two.

Due to the congested condition of the equity court calendar it has been difficult to sandwich the padlock cases in for final hearing. In a number of instances, however, decrees pro confesso have been signed by the justices, while in every instance temporary injunctions, restraining the defendants from using the premises for violation of the prohibition law, are in effect. The temporary orders, however, do not close the property against which it is directed.

The decrees pro confesso are taken where there is no defense offered by the defendants, and the only step necessary before the premises are padlocked is a final order under the signature of a judge.

FOUR MORE ORDERS

Both Mr. Rover and Mr. Orcutt expect to have at least four more final orders signed during the present week. Then comes the padlock.

Under the final orders, where no bond is granted the owner, the property is closed for a year and can not be used for any purpose, and fixtures, furniture, and other equipment can not be moved. If the injunction is ignored contempt of court proceedings are instituted.

Padlock proceedings are brought under title 2 of the national prohibition act. Tenants and owners are made joint defendants. The owners are the principal sufferers, however, since in addition to losing the use of their property for a year, when the final decree is signed, they are not relieved from the burden of paying taxes.

ALL BEGUN BY ROVER

The 61 padlock suits mentioned have all been instituted since Mr. Rover took over the job of being United States attorney on April 3, 1928. A few brought during the régimes of other United States attorneys are still pending, but due to the length of elapsed time and lack of sufficient evidence they probably will remain on the docket until the court is asked to dismiss them.

Mr. Rover believes that in every instance where he has asked for a padlock injunction that he will get it when the case comes up for final hearing.

"Captain Orcutt has been very careful to get a preponderance of evidence of violations of the law before he has moved to put the locks on a piece of property," said Mr. Rover. "In this connection he has had the able assistance of Assistant United States Attorney John B. Williams and Special Treasury Department Attorneys C. M. Kiefer and Frank H. H. Nolte.

ONLY TWO VIOLATIONS

"While to some people 61 applications for padlocks in almost two years may not seem impressive, it is when it is considered that not a single one of them has been instituted as a bluff. Every application has been filed with the serious intention of closing up the designated premises."

In only two instances have injunctions—temporary or permanent—been violated, according to records. Frank Shore is under sentence of one year following his conviction on a charge of contempt of court in connection with the alleged violation of a temporary injunction placed on his tire shop at 1223 New York Avenue NW. Since then the permanent injunction has been signed and the place is under lock and seal. Shore has an appeal from the sentence pending in the District of Columbia Court of Appeals.

Albert Schlossberg and Paul Schlossberg were convicted of contempt of court in connection with a final injunction covering the premises at 1019 H Street NE., and paid fines of \$500.

GARAGES ARE CLOSED

Notable among the recent padlocks affixed by the United States attorney was the closing of garages at 2101-2105 Fourteenth Street NW. and 1319 L Street NW. The Government moved to close the property early last summer after the arrest of Herbert Glassman, operator of the two establishments, and 11 others on charges of conspiracy to violate the prohibition act. Glassman and the others are now under indictment. The owner of the L Street property was denied bond despite his pledge to see that the place was not used for the violation of the dry law.

Tessie Richards, who was sentenced yesterday on charges of violating the prohibition law is involved in two padlock proceedings. The Government alleges she occupied and violated the law at 1313 C Street NW. and 317 Thirteen-and-one-half Street NW.

Premises padlocked for a year are as follows: 1240 Twenty-second Street NW., Raymond Carl Leimbach, tenant; 212 Ninth Street NW., Frank McCormack, tenant; corner Totten Road and Fort Drive NE., James and Rosetta Anderson, tenants; 34 H Street NW., Timothy J. Daly, tenant; 1742 L Street NW., Harry Hartman, tenant; 2105 L Street NW., Frederick Williams, tenant; 2609 Wade Road SE., John Samuel Harley and Martha Harley, tenants; 1211 U Street NW., Gay Paree Club, Robert Elmore Ray, tenant; 1223 New York Avenue NW., Frank Shore, tenant; 2101-2105 Fourteenth Street NW. and 1319 L Street NW., Herbert Glassman, tenant; 1126 Seventh Street NW., Mike Kaplan, tenant.

OWNERS GAVE BOND

Premises where owners have given bond are 1338 North Capitol Street, 1019 H Street NE., 1120 Eighteenth Street NW., 312 F Street NE., 1123 Seventeenth Street NW., and 908-910 Fourteenth Street NW.

The Mades Hotel, at 300 Pennsylvania Avenue NW., former haunt of Washington notables; the "Garden of Naples," at 423 Eleventh Street NW.; and the "A. B. C." lunch room, at 600 D Street NW., across the street from police court, are among the premises against which proceedings are now pending.

The estimate of the value of the property is Mr. Rover's, being based on assessed valuations for taxes, statements made at the time of final hearings, and in some cases on the value of the property as fixed by condemnation juries. Several of the pending suits involve property wanted by the Government.

"TWO FRIENDS" ALLOWED TO ENTER AS WORKMEN FIX RAID DAMAGE

Pictures of a supposed gaming establishment in Ninth Street, near D Street, were obtained by police photographers yesterday before the place even was ready to open for business.

Detective Sergeants Arthur Feeley and Benjamin Kuehling visited the establishment yesterday morning. It was the same place that was raided by Sergt. Oscar J. Letterman's squad Monday, when all the occupants made their escape before the raiders had battered down a 14-inch concrete wall.

A hidden bell in the hallway of the establishment was rung by the police visitors yesterday. Suddenly a man peered through a small slot in the door.

"Who's there?" he demanded.

"A couple of friends," said the detectives.

The heavy oak door which led to a corridor was opened by a carpenter who was repairing the wreckage left by the raiders on their last visit. Several heavy doors were opened which led to the alleged gaming room, where a squad of carpenters was at work rearranging tables.

The detectives reported the incident to Inspector William Shelby, who ordered photographs taken. The police photographers took "shots" from every angle of the establishment while the carpenters looked on amused.

"We're only carpenters," one of the workers chirped. "It sure would be a laugh on the police if this place was to reopen as a restaurant."

STATION PICKPOCKETS VICTIMIZED TWO WOMEN

Pickpockets operating in the Union and Mount Vernon Stations yesterday robbed two women.

Miss Jane Coffrey, of Landover, Md., said she was in the waiting room at the Union Station when her pocketbook, containing \$3, a railroad pass, and a signet ring, was stolen. A pocketbook containing about \$15 was taken from Estelle R. Reme, of 3601 Suitland Road SW., in the Mount Vernon Station.

STOREKEEPER SHOT IN DEFENDING CASH—MAX REIKES WOUNDED TWICE BY TWO YOUNG MEN IN HOLDUP—COUPÉ IS ABANDONED

Max Reikes, 52-year-old delicatessen proprietor, of 108 East Capitol Street, is at Casualty Hospital in a serious condition from two gunshot wounds, received last night when he was shot twice while defending his money from two young white men.

One bullet pierced his right arm and the other penetrated his left breast.

Dr. Louis Jimal, staff physician, said that Reikes's condition was critical.

Mr. Reikes was held up shortly before 10 o'clock. Two men came in, loitered about until customers had left, and then threatened him with a revolver. They rifled the cash register of about \$20 and fled, abandoning a small coupé in which they are believed to have ridden. The shots were fired when Mr. Reikes attempted to hark the robbers.

C. M. Shipp, 13 First Street NE., manager of a lunch room at 141 B Street SE., almost frustrated the holdup. He noticed the two men early in the night and when they aroused his suspicions, he followed them. When they went into the store, he went in also, and bought some meat for his dog. As he left he heard one of the men mutter "Watch that man."

Mr. Shipp was forced to leave to call for his wife, and with her returned past the store. They saw one of the men on the curb in front and the other in the store. The man in the store ran out and joined his companion as Mr. Shipp arrived, and the pair fled out toward East Capitol Street. Both wore caps and light-gray overcoats. Mr. Shipp told police he trailed the men for more than an hour.

Through the abandoned car police hope to learn the identity of the pair. The tags are being traced.

WILD DASH IN CAR BRINGS \$150 FINE—JOHN MCG. WILLIAMS GOES TO ROCKVILLE JAIL AS RESULT OF CRASH

James McGill Williams, Newton Street near Eighteenth Street NE., was fined a total of \$150 in Montgomery County police court at Rock-

ville yesterday by Judge Charles W. Woodward on charges of excessive speed and reckless driving.

Mr. Williams was arrested Thursday night after a wild chase from near Bethesda to the outskirts of Rockville, which ended when his car turned over and caught fire.

The four occupants, Mr. Williams, Miss Florence Saxty, Miss Helen McKern, and John Edward Thomas, all of Washington, escaped with minor cuts and bruises. Mr. Williams failed to pay the fine yesterday and was remanded to the Rockville jail to begin serving 150 days in lieu of the fine.

[From the Evening Star, Washington, D. C., Monday, March 17, 1930] WORKER WHO SOUGHT POLICE AID IS ROBBED HOURS LATER—OFFICER STANDS GUARD AS FILLING STATION IS CLOSED FOR NIGHT—EMPLOYEE SLUGGED WHEN PLACE IS REOPENED FOR BUSINESS TO-DAY

Having dreaded work on Sunday ever since his filling station was robbed a year ago, Sidney J. Cartvriendt, 38, an employee of the Standard Oil Co. at its station at Fifteenth Street and Pennsylvania Avenue SE., jokingly told a policeman last night that he might need protection. He was taken seriously, and when he locked the safe at 10 o'clock, stuffing currency, checks, and silver coins in a steel-guarded opening in the wall, a policeman stood at the door.

A few minutes after 7 o'clock this morning Cartvriendt was beaten unconscious by a mysterious assailant, who slugged him as he stood with his back to the station entrance, his head almost in the safe. While an air-compressor pump operated noisily in a corner, drowning out the noise, the intruder rifled the safe of approximately \$350 and fled.

Cartvriendt regained consciousness in a few minutes. Rubbing a lump on the left side of his head with one hand he pulled a telephone receiver from its hook with the other and called "Police." Policeman R. L. Eubanks, of the fifth precinct, responded and with Detective T. M. McVarry, also of No. 5, questioned Cartvriendt at length.

Cartvriendt later was taken to Casualty Hospital. Dr. J. D. Rogers of the hospital staff, who performed an examination, said he recommended that Cartvriendt remain for observation, but that he insisted on returning to his home. Cartvriendt was advised by Doctor Rogers to stay in bed for 48 hours.

VICTIM SAW NO ONE

"I didn't see anything or anybody," Cartvriendt told the officers. "I got here a few minutes before 7, started the pump going, and opened the safe to start work. I hadn't even put change money in my pocket when something socked me. Next thing I knew I was lying here behind the stove with a roaring pain in my head."

Nobody in the neighborhood saw any activity at the filling station, and the officers were unable to establish any evidence as to the identity of the robber. Cartvriendt supposed his assailant entered at the door, his approach covered by the noise of the pump. He told the policemen he had not noticed anything unusual about the premises.

"I saw the same people I usually see, and there were no customers in the few minutes I knew what was going on," he said.

The filling station is situated about a block from the Pennsylvania Avenue Bridge over the Potomac. It was robbed on a Sunday about a year ago by a thief who entered the window and took \$506. Cartvriendt said he had dreaded working on Sunday ever since. "But I was joking last night when I said I might need protection," he said. The station had not been guarded and the protection afforded last night was the first.

NOBODY HANGING AROUND

Detective McVarry was at the precinct when the call was received last night, asking that somebody be sent down. He didn't know who answered the call, and the precinct day staff did not know this morning who visited with Cartvriendt while he put away about \$400 in currency and checks. But everything was orderly.

"I closed up at 10 o'clock," Cartvriendt said, "and locked the safe while the policeman was here. There was nobody hanging around the place."

Cartvriendt, who resides at 11 Park Avenue, Hyattsville, Md., was not seriously hurt. He suffered intense headache, but the scalp was not cut. He has been employed by the Standard Oil Co. about three years.

Most of the money was in checks, Cartvriendt told the policemen, explaining that he had cashed several employees' checks with receipts of yesterday. A preliminary audit revealed that the robber had left the sum of \$59.96, most of which was in checks.

A survey of the premises by McVarry, Eubanks, and Policeman W. E. Laux, also assigned to the case, developed nothing tangible to work on.

CROWD CAPTURES THEATER BANDIT—PURSUERS CONTINUE CHASE IN FACE OF VOLLEY OF SHOTS FROM FUGITIVE

Ignoring a volley of pistol bullets a crowd of men last night pursued and captured George B. Mason, colored, of New York City, after he had snatched a cash box containing \$476 from an employee of the Lincoln Theater, U between Thirteenth and Fourteenth Streets.

Mason applied for work at the theater shortly after 10 o'clock last night. When an employee appeared with the cash box he snatched it and ran, police say.

A number of other employees and patrons gave chase, capturing the man at Fourteenth and W Streets after he had fired three shots at them.

Mason was beaten by the crowd and then taken to Freedmen's Hospital for treatment by Acting Lieut. A. I. Bullock, Sergt. A. E. Miller, and Detective R. A. Williams, of the eighth precinct, who placed him under arrest. He was booked for investigation.

OFFICER ARRESTS MAN DESPITE LIQUOR RAIN

Braving a storm of "flying" liquor and large glass jars, Policeman G. E. Perry, of the sixth precinct, charged up a stairway in a home in the first block of H Street to apprehend the thrower, Augustus Madison, colored.

Then, with soaked clothes which reeked of "corn" and a gallon of "evidence" under an arm, the officer led Madison to the station house to charge him with whisky possession and assault. The latter charge was placed opposite his name after a half-gallon jar filled with liquor struck Perry as he ascended the stairs.

Judge Isaac R. Hitt in police court to-day gave Madison a suspended sentence of a year in jail for assault, while the defendant asked for a jury trial in the "whisky case."

SOUTH CAROLINA POSTMASTERS

Mr. BLEASE. Mr. President, with reference to the South Carolina postmastership, about which I spoke last night, my friend, the chairman of the committee, the Senator from Colorado [Mr. PHIPPS]—

Mr. PHIPPS. Mr. President, may we not reach that in its proper order on the calendar?

Mr. BLEASE. I was just about to say that when we reach that nomination the Senator from Colorado will make a statement which will be perfectly satisfactory.

I want to make for the RECORD just another short statement. I shall not detain the Senate long this morning. I made a speech in the Senate on the 3d of January, 1929, in which I said:

There has been for some time much discussion as to the sale of post offices in my State. I have, when nominations were sent in, requested from an appointee an affidavit that he or she has not paid or promised to pay any amount to any person or persons for their influence or support in securing said position, and unless such affidavit was filed with me I have declined to allow the party to be confirmed, save in one instance, at the home post office of the senior Senator from my State.

I now have in my possession these affidavits, and if any person has been confirmed and there is any proof anywhere that he has committed perjury in making these affidavits, any person knowing of the facts can prosecute and convict him for perjury in South Carolina.

In the same remarks I said:

I have no objection to Mr. Hoover kicking Tolbert out.

Then I went on and made some other remarks in reference to Mr. Tolbert.

Mr. President, I desire that my position in this matter shall not be misunderstood. I am not asking to name any person to any office or position in my State, but I do think that when the authorities decide on a nominee for any position, that I, as a Senator, am entitled to the courtesy of having it submitted to me, and if I have any objections, let me present my reasons for the consideration of those making the appointment, and if they are substantial, let the person be not appointed.

I do not desire to control the patronage in my State under a Republican administration. I believe to the victor belongs the spoils; but when there are no victors, but those who claim to be victors after the battle has been won, I feel that the representatives from the State should at least have the opportunity to present their objections. I have the very distinguished honor of having been born and reared in a county in which not a vote was returned or appears on the official record as having been cast for Herbert Hoover for President. That is my position, and I have no reason to change it. I have no desire to change it.

I notice in the report submitted by the Senator from Iowa [Mr. BROOKHART] that in speaking of the Charleston Hotel a man testified that it was known as a kind of a bootlegging place. I have stopped at the old Charleston Hotel for 40 years. The first time I went to Charleston in my manhood I stopped there, and I have been stopping there from that day on. If I have good health, I expect to be there on the 10th, 11th, 12th, and 13th of next month. I do not say that there is no whisky drunk in that hotel, but I do resent the imputation, whoever this witness was, to the effect that the Charleston Hotel is a bootlegging joint. I have never seen a drink of whisky delivered in that

hotel; I have never seen a drop bought in it; but I have seen some drunk in it. However, I do not want the impression to go out over the country from this report that if a gentleman goes to Charleston with his wife he should not stop at the Charleston Hotel because it is a bootlegging joint. I have stopped there for these many years, and I have carried my wife there with me many times. I do not think there is a Senator in this Chamber, whatever his opinion of me may be, who would think that I would carry my wife into any but the best hotels in the country.

Mr. President, without taking any further time of the Senate, I want to call the attention of my brother Senators from the South to one fact, and then if they desire to vote to confirm Cobb they may do so, but I do not propose to do it. I objected to the confirmation last night because I did not propose to let the report go back to my home that I had voted to confirm a negro for any office, I do not care what office it may be.

Just a few weeks ago there was a white woman in this town—I do not care if she is as low down as a snake, she was a white woman, and she has two white children in school in this city—who was tried in this court by a negro jury. As an American citizen I protest against that. It does not make any difference where I come from, I think it is an outrage and a disgrace upon the Government that a white woman should be subjected to being tried by a set of niggers, I do not care how well educated or how rich they are or who they are.

The Senate may confirm Cobb if they want to, but I want it understood that there is one man from the South who stands upon this floor protesting against it. His confirmation would be an outrage, and it ought not to be allowed. The President of the United States, if he has the power, should instruct the courts here that they have enough white judges and they have enough white jurors here not to humiliate a white woman. She may be low down, but she is a woman and she is the mother of two little innocent children. To so humiliate her is an outrage. Talk about anarchy! That will bring it. Of course, no such thing will ever be attempted in my State, but if it were—well, there would be more niggers going out of windows than ever before went out of any courthouse in this country.

J. DUNCAN ADAMS

The PRESIDENT pro tempore. The question is, Shall the Senate advise and consent to the nomination of J. Duncan Adams to be United States marshal for the western district of South Carolina?

Mr. BLEASE. I ask that the nomination be carried over.

The PRESIDENT pro tempore. The nomination will go over.

THOMAS D. THACHER

The Chief Clerk read the nomination of Thomas D. Thacher to be Solicitor General of the United States.

Mr. OVERMAN. Mr. President, I ask that the consideration of this nomination be temporarily postponed. Let it go over for the present.

The PRESIDENT pro tempore. The nomination will go over.

EDGAR C. GEDDIE

The Chief Clerk read the nomination of Edgar C. Geddie to be United States marshal for the eastern district of North Carolina.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

CLINT W. HAGER

The Chief Clerk read the nomination of Clint W. Hager to be United States attorney, northern district of Georgia.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

ARTHUR ARNOLD

The Chief Clerk read the nomination of Arthur Arnold to be United States attorney for the northern district of West Virginia.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

JAMES A. COBB

The Chief Clerk read the nomination of James A. Cobb to be judge of the Municipal Court of the District of Columbia.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

COAST GUARD

The Chief Clerk read the nomination of Edward M. Kent to be constructor in the Coast Guard.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

POST-OFFICE NOMINATIONS

The Chief Clerk proceeded to read the nominations of postmasters.

Mr. PHIPPS. Mr. President, I ask first to recur to page 11 of the calendar, and I ask that Calendar No. 3085, being the nomination of Foster P. Lee to be postmaster at Lamar, S. C., which has been unfavorably reported by the committee, be rejected.

The PRESIDENT pro tempore. The question is, Will the Senate advise and consent to the nomination referred to by the Senator from Colorado. [Putting the question.] The noes have it, and the nomination is rejected.

Mr. PHIPPS. On the same page, Calendar No. 2845, I ask that the nomination of John S. McCall to be postmaster at Society Hill, S. C., be passed over without prejudice.

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

Mr. PHIPPS. I also ask that Calendar No. 3008, Wesley D. Banks to be postmaster at St. Matthews, S. C., may be passed over without prejudice.

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

Mr. PHIPPS. Referring to the nomination of postmaster at Alamo, Ga., Carlos C. Hartley, Calendar No. 2975, I ask that it may be passed over without prejudice.

The PRESIDING OFFICER. Without objection, the nomination will be passed over.

Mr. McKELLAR. I ask, on page 11, Calendar No. 2938, that the nomination of Roberta J. Tatum to be postmaster at Alamo, Tenn., may be passed over without prejudice.

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

Mr. PHIPPS. Mr. President, I ask that all other nominations of postmasters be confirmed en bloc and that the President be notified.

The PRESIDENT pro tempore. Without objection, the nominations are confirmed en bloc.

ARMY AND NAVY NOMINATIONS

The Chief Clerk proceeded to read the nominations for the Army and Navy.

Mr. HALE. I ask that the nominations for the Army and Navy be confirmed en bloc and that the President be notified.

The PRESIDENT pro tempore. Without objection, the nominations are confirmed en bloc. The President will be notified of all confirmations this day made. That completes the calendar.

FEDERAL PATRONAGE IN SOUTHERN STATES

Mr. FESS. Mr. President, before we leave the executive session to go into legislative session I want to take one or two minutes with reference to what was said by the Senator from South Carolina [Mr. BLEASE], and also with reference to the report submitted by the patronage committee headed by the Senator from Iowa [Mr. BROOKHART].

There has always been more or less confusion in patronage matters in the Southern States. That has never been more keenly understood than by the present administration. Three weeks after the present President was inaugurated the situation was called to his attention; and keenly recognizing the confusion existing, he issued a statement to the newspapers of the country in regard to patronage in the Southern States. The report submitted by the so-called patronage committee, which came to our desks on yesterday, involves four States—Georgia, South Carolina, Mississippi, and Texas. In all of those States the references made in this report relate to matters taking place before the present administration came into power, and have nothing to do with what the present administration is trying to accomplish. There have been committees set up in order to minimize this confusion, and I had supposed that there was general satisfaction, as much as could be expected under the circumstances. I know all Senators want to deal fairly in matters of this kind, and I have the statement which was made by the President three weeks after he was inaugurated on this subject. I do not want to take the time to read it myself, but I should like to have it read from the desk.

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

Mr. McKELLAR. Mr. President, what is the matter the Senator desires the clerk to read?

Mr. FESS. It is a statement of the President in reference to southern patronage made about three weeks after he was inaugurated.

The Chief Clerk read as follows:

In reply to queries from the press upon organization questions in the South the President stated:

"It has been the aspiration of Republican Presidents over many years to build up sound Republican organization in the Southern States of such character as would commend itself to the citizens of those States.

"This aspiration has arisen out of no narrow sense of partisanship but from the conviction shared in equally by the leaders of all parties that the basis of sound government must rest upon strong 2-party representation and organization; that the voice of all States in the councils of the Government can be assured by no other means; that the welfare of the Nation at large requires the breaking down of sectionalism in politics; that the public service can be assured only by responsible organization. Furthermore, it has been the belief of these leaders, whose views I share, that the building up of such organizations must in every conception of our foundations of local self-government evolve from those States themselves.

"Republican leadership in the Border States and in Virginia and North Carolina has long since built up vigorous party organization which assures Republican representation in the Congress from those States.

"In other States, including Alabama, Arkansas, Louisiana, Texas, and Florida, the Republican leadership has in recent times shown increasing strength and is now rendering able and conscientious service in maintaining wholesome organization under whose advice the appointments to public office have steadily improved and commended themselves to the citizens of those States with increased confidence in the party. I highly approve and welcome the movement of the leaders of Texas, Alabama, Florida, and other States to broaden the basis of party organization by the establishment of advisory committees of the highest type of citizenship to deal with administrative questions and who will also cooperate with independent Democrats. This movement, springing as it does from within the States themselves, insures its strength, permanence, and constant improvement in public service.

"Recent exposures of abuse in recommendations for Federal office, particularly in some parts of the States of South Carolina, Georgia, and Mississippi, under which some of the Federal departments, mainly the Post Office, were misled in appointments, obviously render it impossible for the old organizations in those States to command the confidence of the administration, although many members of these organizations are not subject to criticism. But such conditions are intolerable to public service, are repugnant to the ideals and purposes of the Republican Party, are unjust to the people of the South, and must be ended. The duty of reorganization so as to correct these conditions rests with the people of those States, and all efforts to that end will receive the hearty cooperation of the administration. If these three States are unable to initiate such organization through the leadership of men who will command confidence and protect the public service, the different Federal departments will be compelled to adopt other methods to secure advice as to the selection of Federal employees."

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Mr. FESS. Mr. President, I simply wanted, in fairness to the administration, to have the statement of the President read, which indicates that he has not been pleased with some things that have gone on in certain States under the direction of the local Republican leaders, that he has taken decisive steps looking to a reorganization in the interest of better conditions in the public service, and that he does not approve, but, on the other hand, certainly condemns any efforts such as have been alleged to have been made to sell patronage. None of us would stand for a thing of that sort; I would condemn it as bitterly as language would permit me to do so; and I feel sure that the President feels the same way.

Mr. McKELLAR. Mr. President, in reference to the matter that the Senator from Ohio [Mr. Fess] has just been talking about, I desire to say that I happen to be a member of the committee that investigated the sale of patronage and kindred matters in the South. There were four noteworthy cases. There may have been more, but four were brought to the attention of the committee after I became a member of it.

One was the rather celebrated case of Perry Howard, of Mississippi, who was found to be selling offices, and who was allowed by the Department of Justice to resign as an Assistant Attorney General of the United States. That is all right. I do not know that it was necessary to fire him, though it might have been. However, I make no complaint about the manner of getting rid of him.

The next case was that of J. D. E. Meyer, of South Carolina, a district attorney who apparently, according to the evidence—and he himself testified—was associated with the most vicious interests in South Carolina and was not enforcing the law. The President allowed him to resign. That is all right. I have no criticism at all to make of it. Indeed, I am glad that he resigned, because I think it was very much for the improvement of the public service.

However, there were two men in Texas who were just as clearly guilty. One of them was a district attorney who, according to the evidence, deliberately put before the grand jury testimony that would exculpate a defendant. The defendant

was a notorious offender against the liquor laws and other laws. I believe that he not only was an offender but he has since become an absconder. Yet the district attorney, according to his own admission, either through stupidity or through intention, himself provided the ways and means by which this man could secure immunity even from indictment.

I wrote the President a letter and urged him to dismiss this man. He ought to be dismissed. It is a shame that a man like J. D. Hartman, district attorney for one of the districts in Texas, should be in the Government service. I hope the President will have the matter examined into at once and have him dismissed. I want to say that should his nomination ever come here I propose to lay before the Senate the testimony of the man himself and the undisputed testimony of the witnesses, which will show his guilt, and I am quite sure the Senate will never permit him to be confirmed. Nor should he be longer retained as a holdover, as I have been informed is the plan of dealing with this case.

Mr. NORRIS. Mr. President, will the Senator indicate to us what he did in the way of putting up evidence?

Mr. MCKELLAR. Yes, Mr. President.

Mr. NORRIS. This was the district attorney?

Mr. MCKELLAR. This was the district attorney.

Mr. NORRIS. Was the man indicted?

Mr. MCKELLAR. No; he has never been indicted. He is still holding the office of district attorney.

Mr. NORRIS. I am referring to what the district attorney did.

Mr. MCKELLAR. I shall be delighted to tell the Senator.

Mr. NORRIS. Did he have the man indicted?

Mr. MCKELLAR. No; he secured the necessary evidence, "phony" or corrupt or dishonest evidence, that permitted the grand jury not to indict him; and I will explain to the Senator just how it was.

In Texas they have an organization known as the Texas Rangers for the enforcement of laws on the border or near the border, perhaps all over the State—I am not so sure about that—but their principal duties are on the border. These rangers caught an official of the Government, a man who was or had been connected with one of the departments—I think it was the Internal Revenue Department—selling stills to bootleggers. They caught the man. The defendant was named Hamilton, as I recall. They caught the man with the stills. The stills were in good condition. This official of the Government, Hamilton, was selling stills. He had been selling them. He sold these three stills to a notorious bootlegger, whose name I have now forgotten. The district attorney heard all the proof, because it was called to his attention by these rangers, notably Captain Baldwin, who had charge of the rangers, and an honest man, as I believe.

The district attorney, after presenting the absolute proof of the man's guilt, then permitted the defendant to go before the grand jury, and permitted him to take three "phony" stills, or stills that had been absolutely destroyed so far as making liquor was concerned, instead of the ones he had actually sold, and let him testify that those were the three stills, without ever asking Captain Baldwin, of the Rangers, whether they were the stills found on or sold by Hamilton or not. In other words, the district attorney permitted this defendant, a notorious law violator himself, to take into the grand jury room three stills that were not in working order at all, but had been destroyed as stills. In other words, he just manufactured the evidence for the purpose of letting this man escape; and the district attorney was present in the grand jury room at the time. So I say he is either so stupid that certainly he ought not to represent the Government, or he was criminal. I say that a man like that has no business representing the Government; and when the Members of the Senate read the testimony they will reach the same conclusion.

The other man—a man by the name of Roy Campbell, collector of internal revenue—according to his own evidence was associated with a deputy, a Captain Walker, who was bringing liquor across the border, bringing it into the United States in Government cars. Mr. Campbell helped him get away after he brought it in, and was captured by these rangers. He got away with Campbell's consent and is still a fugitive from justice. Mr. Campbell ought to be discharged by the President instantly, and yet it is being claimed that he is to be reappointed.

I hope Mr. Creager, the Republican national committeeman from Texas, will recommend that these two men be discharged, and will select two good men to recommend to the President for these two important places. If either or both is or are kept in office, or if either or both is or are nominated by the President I am sure when the facts are presented to this body they will not be confirmed.

Mr. BROOKHART. Mr. President—

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

Mr. MCKELLAR. In one moment.

I did not intend to bring up this matter at this time; but I am delighted to know that the President feels as suggested in this statement what the Senator from Ohio has just read to the Senate. I am quite sure that when these matters are actually called to the attention of the President he will take action. I do not know whether he actually looked at my letter or not; but when the matter is called to the attention of the President those two officials down in Texas ought to be dismissed, and dismissed at once.

I now yield to the Senator from Iowa.

Mr. BROOKHART. Mr. President, there is one other matter in reference to Campbell of which I think notice should be taken. He smuggled Mexicans across the border, and admits it, to work on his own ranch for his own profit, in violation of law. I had the Secretary of the Treasury himself investigate that matter, and his investigators so found and reported to me; but still Campbell has not been dismissed.

Mr. MCKELLAR. They ought both to be dismissed. That is all I have to say about the matter.

Mr. BLEASE. Mr. President, "by their works," and not by their words, "shall ye know them." So we will watch Mr. Hoover and Mr. Walter F. Brown, supposed to be Postmaster General of the United States.

I think I am the first one who brought this matter to the attention of the Senate. It was called to my attention by a direct, straight purchase. A change was made in my State. I went to the young man, and I said, "How came you to lose your job?" He said, "So-and-so paid \$300 for it." I said, "Do you know that to be true?" He said, "Yes, sir."

I went to the young man who got the appointment, who was quite a friend of mine, and I asked him the direct question. He said, "No; I did not pay anything, but father did." I said, "Whom did he pay it to?" and he told me. I looked into some other matters then, and I was absolutely certain; and I came to the Senate and made the speech that I did, to which nobody in the world paid any attention. The Postmaster General ignored it.

Mr. BROOKHART. Mr. President—

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Iowa?

Mr. BLEASE. Wait until I get through. The President of the United States ignored it, and the sale of patronage went right on in South Carolina just the same; and it went on under the conditions stated by the man who is receiving the money, and every dollar of that money went into the treasury of the Republican National Committee. That statement has never been denied on this floor by any man; and he still says to-day, and has an accounting which he says is correct—I do not know; I hold no brief for him—that that money did go into the hands of the Republican National Committee, and that he was told to make these collections; that it took money to run the party.

I am not criticizing what is known as the Brookhart committee, but I say the Brookhart committee have not gone into the evil here. They have skimmed over the ground. They have taken the words of a few people, but they have not gone to the very rock bottom of this thing; and until they do that the President will be just as ignorant as he is now.

What I want to do is to see this committee discharged—they ought to be—and this matter should be put in the hands of the Department of Justice; and every man—it does not make any difference to me who he is—who has bribed an officer or a man who is not an officer to be appointed to office, ought to be put in the penitentiary; and every man who has received a dollar of that kind of money ought to be put in the penitentiary.

I do not believe that the northern Republican Party wants the kind of government we have in South Carolina. It is a stench in the nostrils of every decent white man in the State. There are men there to-day who say they are Republicans who are no more Republicans than I am, and they dare not say it except to get office, and it is overlooked by some people, because they are better than negroes like we had—prior to 1877—after the Civil War. Why do they dare not say it? Because their wives and daughters would be barred from decent society in South Carolina if they said they belonged to the Republican Party as known in South Carolina from 1861 to 1877.

I know what I am talking about. I am not talking hearsay. I know what the Republican Party is in South Carolina. I know what it stands for—for graft, for corruption, for dishonest government, for dishonorable disposition of patronage, and I proved it here yesterday and have more proof yet if needed.

Men went before the Brookhart committee and swore that they had paid money. Has anything been done about it? Two of them are postmasters to-day. Here is the proof in the CONGRESSIONAL RECORD.

I repeat, we will know Mr. Brown and Mr. Hoover, not by their words but by their works.

I shall continue to expose graft in every form so long as I am a public servant.

Be ye not deceived, God is not mocked; whatsoever a man soweth, that shall he also reap.

And that applies alike to a nation, a State, the Republican Party, and the so-called Democratic Party, as much as to the individual.

Mr. SHEPPARD. Mr. President, I desire to say that I have not yet had an opportunity to examine the details in connection with the charges against Mr. Campbell and Mr. Hartman. A number of excellent people have written me in their behalf. Since this report has been published I have asked both these gentlemen to give me a statement of their side of the matter.

The PRESIDENT pro tempore. The Senator from Utah [Mr. SMOOT] moves that the Senate return to the consideration of legislative business.

The motion was agreed to.

CLAIMS ARISING FROM EXPLOSION AT LAKE DENMARK, N. J.

The VICE PRESIDENT laid before the Senate a communication from the Comptroller General of the United States, submitting, pursuant to the act of March 2, 1927 (44 Stat., pt. 3, 1800), entitled "An act to provide a method for compensating persons who suffered property damage or personal injury due to the explosion at the naval ammunition depot, Lake Denmark, N. J., July 10, 1926," a second supplemental report, with his recommendations, of the claims transmitted to the Comptroller General's office by the Secretary of the Navy, covering the property damage, death, or personal injury as required by the provisions of the act, which, with the accompanying papers, was referred to the Committee on Claims.

PETITIONS AND MEMORIALS

Mr. WATERMAN presented petitions of sundry citizens of the State of Colorado, praying for the passage of legislation granting increased pensions to veterans of the war with Spain, which were ordered to lie on the table.

Mr. CAPPER presented a petition of sundry citizens of Kansas City, Mo., and Kans., praying for the passage of legislation granting increased pensions to veterans of the war with Spain, which was ordered to lie on the table.

Mr. DILL presented a petition of sundry citizens of the State of Washington, praying for the passage of the so-called Smoot bill, being the bill (S. 1468) to amend the food and drugs act of June 30, 1906, by extending its provisions to tobacco and tobacco products, which was referred to the Committee on Agriculture and Forestry.

He also presented petitions numerous signed by sundry citizens of the State of Washington, praying for the passage of legislation granting increased pensions to Civil War veterans and veterans of the war with Spain, which were ordered to lie on the table.

Mr. HEBERT presented the following resolution of the General Assembly of the State of Rhode Island, which was referred to the Committee on Commerce:

STATE OF RHODE ISLAND,
IN GENERAL ASSEMBLY,
January session, A. D. 1930.

Resolution recommending to Congress the passage of legislation providing for a lightship southwest of Block Island

Whereas the hazards of navigation have caused many wrecks and strandings on the southwest side of Block Island; and

Whereas there is a necessity for adequate fog signals and additional lighting facilities on the southwest side of Block Island to safeguard shipping: Therefore be it

Resolved, That the General Assembly of the State of Rhode Island hereby urges the establishment of a properly equipped lightship by the United States Bureau of Lighthouses at a point approximately 2 miles south-southwest of Black Rock Spar Buoy as an aid to navigation for the many vessels navigating in these waters; and be it further

Resolved, That a copy of this resolution be transmitted by the secretary of state to the United States Commissioner of Lighthouses, and that copies be also transmitted by the secretary of state to the Senators and Representatives of Rhode Island in the Congress of the United States.

STATE OF RHODE ISLAND,
OFFICE OF THE SECRETARY OF STATE,
Providence, March 13, 1930.

I hereby certify the foregoing to be a true copy of the original (S. 79) resolution recommending to Congress the passage of legislation providing for a lightship southwest of Block Island, passed by the general assembly and approved by the governor on the 11th day of March, A. D. 1930.

In testimony whereof I have hereunto set my hand and affixed the seal of the State aforesaid this 13th day of March, A. D. 1930.

[SEAL.]

ERNEST L. SPRAGUE,
Secretary of State.

Mr. HEBERT also presented a resolution of the Council of the Town of Warwick, R. I., which was referred to the Committee on the Library and ordered to be printed in the RECORD, as follows:

Whereas the 11th day of October, 1779, is the date in American history of the heroic death of Brig. Gen. Casimir Pulaski, who died from wounds received on October 9, 1779, at the siege of Savannah, Ga.; and

Whereas the States of Indiana, Wisconsin, Michigan, Ohio, South Carolina, Pennsylvania, New York, Minnesota, Maryland, New Jersey, Illinois, Rhode Island, New Hampshire, Nebraska, Massachusetts, Georgia, Missouri, and other States of the Union, and the United States Congress have by legislative enactment designated October 11, 1929, to be General Pulaski's memorial day; and

Whereas it is fitting that the recurring anniversary of this day be commemorated with suitable patriotic and public exercises in observing and commemorating the death of this great American hero of the Revolutionary War: Therefore be it

Resolved by the Council of the Town of Warwick and State of Rhode Island, That the council and town of Warwick and State of Rhode Island respectfully memorialize the United States Congress to enact legislation which provides for the effective carrying out of the provisions of the said bill, whereby the President of the United States would be authorized and directed to issue a proclamation calling upon officials of the Government to display the flag of the United States on all governmental buildings on October 11 of each year and inviting the people of the United States to observe the day in schools and churches or other suitable places with appropriate ceremonies in commemoration of the death of Gen. Casimir Pulaski.

SEC. 2. The clerk of the town of Warwick and State of Rhode Island is hereby directed to transmit a copy of this resolution to Hon. GEORGE S. GRAHAM, Member of Congress and chairman of the Judiciary Committee, Washington, D. C., and to each of the United States Senators and Representatives in Congress from the State of Rhode Island.

Passed by the Town Council of Warwick, R. I., March 11, 1930.

Attest:

S. K. M. ROBERTSON, Town Clerk.

Mr. HEBERT also presented a resolution of the Council of the Town of West Warwick, R. I., which was referred to the Committee on the Library and ordered to be printed in the RECORD, as follows:

WEST WARWICK, R. I., March 6, 1930.

HON. FELIX HEBERT,

Senate Chamber, Washington, D. C.

DEAR SIR: At a meeting of the Town Council of the Town of West Warwick, holden in and for said town on the 4th day of March, A. D. 1930, the following resolution was adopted:

"Whereas the 11th day of October, 1779, is the date in American history of the heroic death of Brig. Gen. Casimir Pulaski, who died from wounds received on October 9, 1779, at the siege of Savannah, Ga.; and

"Whereas the States of Indiana, Wisconsin, Michigan, Ohio, South Carolina, Pennsylvania, New York, Minnesota, Maryland, New Jersey, Illinois, Rhode Island, New Hampshire, Nebraska, Massachusetts, Georgia, Missouri, and other States of the Union, and the United States Congress, have by legislative enactment designated October 11, 1929, to be General Pulaski's memorial day; and

"Whereas it is fitting that the recurring anniversary of this day be commemorated with suitable patriotic and public exercises in observing and commemorating the death of this great American hero of the Revolutionary War: Therefore be it

"Resolved by the Town Council of the Town of West Warwick and the State of Rhode Island, That the Town Council of the town of West Warwick and State of Rhode Island respectfully memorialize the United States Congress to enact legislation which provide for the effective carrying out of the provisions of the said bill, whereby the President of the United States would be authorized and directed to issue a proclamation calling upon officials of the Government to display the flag of the United States on all governmental buildings on October 11 of each year and inviting the people of the United States to observe the day in schools and churches or other suitable places, with appropriate ceremonies in commemoration of the death of Gen. Casimir Pulaski.

"Sec. 2. The clerk of the town of West Warwick and State of Rhode Island is hereby directed to transmit a copy of this resolution to Hon. GEORGE S. GRAHAM, Member of Congress and chairman of the Judiciary Committee, Washington, D. C., and to each of the United States Senators and Representatives in Congress from the State of Rhode Island."

Respectfully yours,

JOSEPH GENDRON,

Town Clerk of the Town of West Warwick.

REPORTS OF THE CLAIMS COMMITTEE

Mr. CAPPER, from the Committee on Claims, to which was referred the bill (S. 1407) for the relief of William Zeiss, administrator of William B. Reaney, survivor of Thomas Reaney and Samuel Archbold, reported it with an amendment and submitted a report (No. 274) thereon.

Mr. STEPHENS, from the Committee on Claims, to which was referred the bill (S. 2873) to carry into effect the finding of the Court of Claims in the claim of Elizabeth B. Eddy, reported it with an amendment and submitted a report (No. 275) thereon.

WILLIAM B. WILSON AND WILLIAM S. VARE

Mr. SHORTRIDGE, from the Committee on Privileges and Elections, reported the following resolution (S. Res. 239), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay out of the appropriation for expenses of inquiries and investigations, contingent fund of the Senate, fiscal year 1929, to William B. Wilson and William S. Vare, \$25,000 each in full settlement of all claims and demands of any and every kind whatsoever on account of their contest for a seat in the United States Senate resulting from the election held in the State of Pennsylvania in 1926, including fees and expenses of counsel and salaries of clerks and all other employees.

REPORT OF THE DISTRICT COMMITTEE

Mr. BLAINE, from the Committee on the District of Columbia, to which was referred the bill (S. 3558) to amend section 8 of the act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, approved March 4, 1913, reported it without amendment and submitted a report (No. 276) thereon.

REPORT OF POSTAL NOMINATIONS

Mr. PHIPPS, as in open executive session, from the Committee on Post Offices and Post Roads, reported sundry post-office nominations, which were placed on the Executive Calendar.

BILLS AND JOINT RESOLUTION INTRODUCED

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

By Mr. GOFF:

A bill (S. 3942) granting an increase of pension to Lucinda M. Hanna (with accompanying papers); to the Committee on Pensions.

By Mr. McKELLAR:

A bill (S. 3943) granting a pension to Roe Simerly (with accompanying papers); to the Committee on Pensions.

By Mr. HALE:

A bill (S. 3944) granting an increase of pension to Mary Mahoney (with accompanying papers); to the Committee on Pensions.

By Mr. LA FOLLETTE (for Mr. SHIPSTEAD):

A bill (S. 3945) to grant a right of way or easement over lands of the United States within the upper Mississippi River Wild Life and Fish Refuge to the Wabasha-Nelson Bridge Co., assignee of the Wabasha Bridge Committee, for the construction of a bridge from Wabasha, Minn., to Nelson, Wis., as authorized by the act of March 10, 1928, as amended December 13, 1929; to the Committee on Commerce.

By Mr. JONES:

A bill (S. 3946) fixing time for reimbursement of the United States for money advanced for acquisition of water rights for Indian lands within the Oroville-Tonasket irrigation district under act of May 18, 1916, and supplemental acts, and for other purposes; to the Committee on Indian Affairs.

By Mr. HAWES:

A bill (S. 3947) granting a pension to Sarah L. Mosbarger (with accompanying papers);

A bill (S. 3948) granting a pension to Lillie Wootan (with accompanying papers); and

A bill (S. 3949) granting an increase of pension to Ollie P. Stallings (with accompanying papers); to the Committee on Pensions.

By Mr. ALLEN:

A bill (S. 3950) authorizing the establishment of a migratory-bird refuge in the Cheyenne Bottoms, Barton County, Kans.; to the Committee on Agriculture and Forestry.

By Mr. RANSELL:

A bill (S. 3951) for the relief of Walter Harrell Allen; to the Committee on Naval Affairs.

By Mr. BRATTON:

A bill (S. 3952) granting an increase of pension to Laurin Larsson; to the Committee on Pensions.

By Mr. PITTMAN:

A bill (S. 3953) granting a pension to Patton D. Moreland; to the Committee on Pensions.

By Mr. COPELAND (by request):

A joint resolution (S. J. Res. 154) recognizing Lieut. John Fitch as the inventor of the world's first successful steamboat and the first person to apply successfully steam power to the purposes of navigation and recommending the teaching in public schools and other institutions of learning, maintained within the boundaries of the United States of America and its Territories, that Lieut. John Fitch was the inventor of the first successful steamboat, and that he first successfully applied steam power to the purposes of navigation; to the Committee on Commerce.

AMENDMENTS TO THE TARIFF BILL

Mr. METCALF submitted amendments intended to be proposed by him to House bill 2667, the tariff revision bill, which were ordered to lie on the table and to be printed, as follows:

(Sec. 501.) On page 398, after line 9, insert the following paragraph:

"In all proceedings instituted under this section an American manufacturer, producer, or wholesaler, or a representative of an American labor organization or labor association shall have the right to appear, to offer evidence, cross-examine witnesses, and to be heard as a party in interest under such rules as the United States Customs Court and the United States Court of Customs and Patent Appeals may prescribe."

On page 399, line 3, after the word "to," strike out "the consignee, or his agent or attorney, or filed by the consignee, or his agent or attorney, with the collector, by whom the same shall be forthwith forwarded to the United States Customs Court," and insert the following:

"Each of the parties in interest, or his agent or attorney, or filed by any party in interest, or his agent or attorney, with the collector, and a copy mailed to each of the other parties in interest, or his agent or attorney. Upon receipt of any such application the collector shall forthwith forward the same to the United States Customs Court."

And on page 399, line 25, strike out "either" and insert "any" before the word "party."

(Sec. 515.) On page 410, line 25, after the period after the word "law," strike out "such determination," and on page 411, line 1, insert the following:

"In all proceedings instituted under this section an American manufacturer, producer, or wholesaler, or a representative of an American labor organization or labor association shall have the right to appear, to offer evidence, cross-examine witnesses, and to be heard as a party in interest under such rules as the United States Customs Court and the United States Court of Customs and Patent Appeals may prescribe. The determination of the court"

On page 411, line 12, strike out the word "filed" and insert "filed by any party in interest."

And on page 411, at the end of line 14, insert the following sentence:

"If the issue is such that the party defendant can not, in the absence of samples, adequately answer the protestant's case, upon demand therefor samples of the imported merchandise shall be produced or the protest dismissed."

Mr. HAYDEN submitted amendments intended to be proposed by him to House bill 2667, the tariff revision bill, which were ordered to lie on the table and to be printed, as follows:

(Par. 1409.) On page 198, line 2, strike out the figure "30" and insert in lieu thereof the figure "20," so that the clause in lines 2 and 3 will read, "Wrapping paper not specially provided for, 20 per cent ad valorem."

(Par. 1501. (a)) On page 201, line 7, strike out the figure "40" and insert in lieu thereof the figure "30," so that, as amended, the subparagraph will read:

"PAR. 1501. (a) Yarn, silvers, rovings, wick, rope, cord, cloth, tape, and tubing, of asbestos, or of asbestos and any other spinnable fiber, with or without wire, and all manufactures of any of the foregoing, 30 per cent ad valorem."

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

Paragraph 317, on page 70, after line 16, insert the following language:

"All wire fencing and all wire netting, whether galvanized or not, composed of wires smaller than 0.08 and not smaller than 0.03 of 1

inch in diameter, nine-sixteenths of 1 cent per square foot: *Provided*, That all wire fencing and all wire netting, whether galvanized or not, of a mesh $1\frac{1}{2}$ inches or greater, composed of wire of a diameter not greater than four and one-half one-hundredths of 1 inch and not smaller than 0.03 of 1 inch, shall be subject to a duty of five-sixteenths of 1 cent per square foot."

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

(Par. 707.) On page 126, line 8, after the word "than," to strike out the figure "7" and insert in lieu thereof " $5\frac{1}{2}$," so as to read:

"*Provided*, That fresh or sour milk containing more than $5\frac{1}{2}$ per cent of butterfat shall be dutiable as cream, and fresh or sour cream containing more than 45 per cent of butterfat shall be dutiable as butter, and skimmed milk containing more than 1 per cent of butterfat shall be dutiable as whole milk."

Mr. THOMAS of Oklahoma submitted an amendment intended to be proposed by him to House bill 2667, the tariff revision bill, which was ordered to lie on the table and to be printed, as follows:

On page 35, after line 2, insert the following:

"PAR. 99. (a) Crude petroleum and fuel petroleum, \$1 per barrel of 42 gallons.

"(b) Petroleum products: Kerosene, benzine, naphtha, gasoline, paraffin, paraffin oil, and all other distillates, derivatives, or refined products of petroleum, 50 per cent ad valorem. The ad valorem rate provided in this subparagraph shall be based upon the American selling price (as defined in subdivision (f), as amended, of section 402, Title IV) of any similar competitive article manufactured or produced in the United States. If there is no similar competitive article manufactured or produced in the United States, then the ad valorem rate shall be based upon the United States value, as defined in subdivision (d), as amended, of section 402, Title IV. For the purposes of this subparagraph any petroleum product provided for herein shall be considered similar to or competitive with any imported petroleum product which accomplishes results substantially equal to those accomplished by the domestic product when used in substantially the same manner: *Provided*, That all funds derived from the tariffs upon petroleum and the refined products of petroleum as provided by this paragraph shall be covered into a special fund for appropriation, and expenditure by the Secretary of Agriculture under the Federal highway aid act and the amendments thereto and the rules and regulations made thereunder: *And provided further*, That the United States Tariff Commission is hereby authorized and directed to make an investigation of the entire petroleum industry, to prepare and file a report of such investigation, and to prepare and submit recommendations as in this act provided, to the end that the tariff rates provided in this paragraph may be increased or decreased, as the facts developed may warrant and justify."

On page 265 strike out lines 3 to 6, inclusive, being paragraph 1734.

ADDRESS BY SENATOR FLETCHER ON THE FARM-LOAN SYSTEM

Mr. WAGNER. Mr. President, I ask leave to have printed in the RECORD a very interesting address delivered by the senior Senator from Florida [Mr. FLETCHER], broadcast at the instance of the National Grange on the 15th instant, upon the farm-loan system.

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

THE FARM LOAN SYSTEM—ITS HISTORY, ACCOMPLISHMENTS, AND NEEDS

HISTORY

In April, 1912, a movement was launched by the Southern Commercial Congress at Nashville, Tenn., to devise and establish a dependable plan of agricultural finance, whereby the real farmers of the country could obtain financial accommodation on terms as to interest and time they could meet. The idea was the farmer's asset, his land and improvements, was not acceptable as security to banking and financial agencies, particularly in view of the fact that he required more time and a lower rate of interest than obtained in commercial transactions. What he required was a different, separate system, by which his capital needs could be supplied at low rates of interest, with amortization features.

With this end in view there was created the American commission, composed of two members from each State, named by the governors, respectively, to study the whole subject of rural credits in this country and to become acquainted with the plans and practices in the older countries of Europe.

Congress likewise took action and provided for a commission of nine, to be appointed by the President, called the United States commission, to cooperate with the American commission. Accordingly, in March, 1913, President Wilson appointed that commission, and \$25,000 was appropriated for its use.

I was made chairman of both commissions.

It is with some pride that I can say this is one commission that made its report within the time allowed it, and after spending three months

investigating the subject in Europe, asked for no extension of time or additional appropriation, but returned a substantial portion of the appropriation to the Treasury.

The reports of the commission speak for themselves and will be found as Senate Documents Nos. 214 (nearly 1,000 pages), 261, and 380, Sixty-third Congress.

I introduced the first bill, and it was referred to the Committee on Banking and Currency, of which I was not then a member.

A subcommittee, with Senator Hollis as chairman, was appointed, and extended hearings were held.

Certain amendments to the bill were favored, and instead of reporting my bill with amendments, Senator Hollis introduced the bill with the amendments, and it became known as the Hollis bill. It carried the essential principles and plan of the original bill and passed the Senate that way.

At the instance of the chairman, I was made a member of the Committee on Banking and Currency in order that I might serve as one of the conferees when the House and Senate were brought together.

Finally, the farm loan act was enacted July 17, 1916.

I venture to say that no act of Congress of similar importance ever went into full operation with so few amendments. In fact, I recall no amendment of consequence being offered until the amendment creating the Federal intermediate credit banks was enacted March 4, 1923.

In the meantime, the system was established most successfully and functioned most efficiently and efficaciously. More than a billion dollars were made available for real farmers at 5 to $5\frac{1}{2}$ per cent interest, the principal being payable at 1 per cent per annum, with the right at the end of five years to pay any or all the principal if desired.

TWO KINDS OF BANKS

The act provided for the Federal land banks to be established, one in each of 12 districts.

Loans were limited to \$10,000 to each borrower.

The Farm Loan Board was to be composed of five members—the Secretary of the Treasury, who was to be a member and chairman ex officio, and four members appointed by the President, not more than two of whom should be from one political party. This board was vested with supervisory power over the whole system.

The original capital stock in the Federal land banks was subscribed by the Government, \$9,000,000, and that has been substantially returned by the banks.

Joint-stock land banks were provided for.

These were to be created by individuals and conducted for private profit without limitation as to loans to one borrower.

The foundation upon which rested the Federal land banks was the National Farm Loan Associations.

These were to be cooperative in character, and it was intended they should form a nucleus for cooperative effort in the various communities where they were formed.

Each borrower had to subscribe for stock to the amount of 5 per cent of his loan at \$5 per share, which stock was to be held as collateral security until the loan was paid, at which time it had to be accepted at par on final payment, in meantime receiving dividends.

Neither of these institutions was really a "bank" in any commercial or true sense. They received no deposits. They did no banking business. They were agencies for making and securing loans. They were given certain designations and functions, usually at the discretion of the Secretary of the Treasury, for the purpose of exempting their bonds from all taxation. It was necessary to do this in order to have the bonds sell at as low rate of interest as possible, and the law provides that the banks could not charge the borrowers more than they paid as interest on the bonds, plus an amount not to exceed 1 per cent to cover administration expenses. These expenses have been ordinarily met by one-half of 1 per cent, and as the business increases the rate ought to be reduced. Neither of the banks could charge the borrower exceeding 6 per cent interest on his loan and there were to be no commissions or other fees.

No loan by Federal land bank or joint-stock land bank shall exceed 50 per cent of the value of the land mortgaged and 20 per cent of the value of the permanent, insured improvements thereon.

No national farm-loan association, Federal land bank, or joint-stock land bank shall go into voluntary liquidation without the written consent of the Federal Farm Loan Board.

Provision is made for appointment of receivers under certain conditions for farm-loan associations and joint-stock land banks by the Farm Loan Board, but the Supreme Court decided in Wheeler against Howard Greene, receiver, November 4, 1929, that such receiver has power to collect the assets of the bank, but the liability of stockholders is no part of the assets—but rather a liability to creditors, which the creditors may be left to enforce by bill in equity, and the receiver has no power to enforce the liability by levy of assessment against the stockholders.

There was an attack on the farm loan act early in its history, but the Supreme Court of the United States sustained its constitutionality and its validity in every provision.

There was a plain reason for omitting the grant of power to receivers under this act to "enforce the individual liability of the stockholders,"

as the court points out in the Wheeler case. It is entirely conceivable that it was not intended originally, since there is not the same need as in the case of national banks, "that the stockholder's liability should be summarily disposed of behind his back in Washington."

A few years ago agents of the Treasury took charge of the books and records of six joint-stock land banks in different parts of the country the same hour of the same day. That was a blow which would have destroyed completely any system of commercial banks. It was a terrible assault on joint-stock land banks generally. The framers of the law did not intend to place in the hands of an oppressive or unsympathetic Farm Loan Board the power to demolish these banks at will and involve their stockholders in summary assessments arbitrarily imposed.

The Federal Government has assumed no obligation whatever to protect stockholders in these banks from financial loss.

The supervisory duties and powers of the Federal Farm Loan Board in respect to these banks may be likened to those of the Comptroller of the Currency with respect to national banks.

There is no obligation resting on the Government to take care of the stockholders in a national bank.

SUCCESS OF THE SYSTEM

The success of the system depends upon the wisdom and efficiency of its administration.

The law is sound; its efficiency depends on its administration.

Necessarily wide discretion, extensive latitude, had to be given the Federal Farm Loan Board, which was charged with the guidance, direction, and supervision of the system.

The net mortgage loans of the Federal land banks on September 30, 1929, amounted to \$1,202,490,482.78.

The net mortgage loans of the joint-stock land banks, the same date, amounted to \$592,743,765.

Receiverships have been instituted under the act for three joint-stock land banks, the outstanding liabilities of which, according to their books, exceed \$70,000,000—the Kansas City Joint Stock Land Bank, of Kansas City, Mo.; the Bankers Joint Stock Land Bank, of Milwaukee, Wis.; and the Ohio Joint Stock Land Bank, of Cincinnati, Ohio, with headquarters now at Indianapolis, Ind.

There are 12 Federal land banks, each liable primarily for bonds issued by it and also for interest and principal of bonds issued by other banks, as set forth in section 21 of the act.

There are 48 joint-stock land banks, including three in receivership and one in process of liquidation.

There are 4,660 National Farm Loan Associations—none in receivership.

The bonds of each of the 12 Federal land banks sell for the same price and bear the same rate of interest, so that the borrowers enjoy the same terms throughout the country.

The bond market has been depressed, but the last sale of farm-loan bonds was at par, bearing 4½ per cent interest.

There is nothing wrong with the system.

There are unlimited possibilities for its development and growth.

It may be made of infinite help to real home-building farmers and immeasurable benefit to agriculture.

INTERMEDIATE CREDIT BANKS

By the amendment approved March 4, 1923, a plan for short-term credit was added to the system, embraced in the provisions for intermediate credit banks.

A number of amendments to the original act were included in that legislation.

The membership of the Farm Loan Board was increased from five to seven.

In my judgment, this was a mistake.

It simply increases the burdens on the borrowers by adding materially to the overhead expenses.

I have proposed that the membership of the board be restored to five, and, in order to secure the very best material, I suggest the salary of the five be each \$12,000 per annum instead of \$10,000, as now.

The method of electing directors of the Federal land banks was changed (see sec. 304), so as to practically give control of each board of directors to the Farm Loan Board.

The limit of loan to each borrower was raised from \$10,000 to \$25,000.

Originally it was thought advisable to take care of the needs of what might be called the small or modest farmer who could get accommodations elsewhere, if at all, only on exorbitant terms. The design was to encourage the average man engaged in farming to acquire, improve, and make permanent his home. That country is safe and prosperous in which every citizen can live under his own vine and fig tree.

One reason for creating the joint-stock land banks was to provide a means for the accommodation of large operators—owning real estate in excess of \$20,000 in value, with extensive permanent improvements. These were producers and farmers on a large scale and facilities for their capital requirements and need should be included in the general scheme to help agriculture. It was well, however, to revise the limit of the Federal land bank loan to each borrower.

The amount of loans by the intermediate credit banks has approached a half billion dollars.

The Federal land banks and the joint-stock land banks derive their funds for making loans from the sale of their bonds, respectively, secured by mortgage on real estate.

The intermediate credit banks derive their funds for making loans—aside from \$27,000,000 furnished by the Treasury toward the capital—from the sale of their short-term debentures, with a maturity of not more than five years, but they are usually issued for terms varying from 3 to 12 months; and they may charge interest at the rate allowed by the "law of the State in which such corporation is located."

All these banks are authorized to act as "fiscal agents" of the United States Government. The Government itself is not liable on any obligation of any of the banks. The responsibility of the Government is similar to that respecting national banks.

The intermediate credit banks have made loans to 85 farmers' cooperative marketing associations, having a membership of more than 1,250,000 individuals, since they were created.

They may issue debentures to the extent of ten times their paid-in capital and surplus, giving them a potential lending power of approximately \$600,000,000.

The Secretary of the Treasury subscribed, under the law, for the capital of the 12 intermediate credit banks \$5,000,000 each, but only \$30,000,000 of this has been paid in, leaving \$30,000,000 in the Treasury subject to call by the directors of the banks.

Loans are not made to individual farmers directly.

The debentures are exempt from all taxes.

All these banks, comprising the entire farm-loan system, are examined and supervised by the Federal Farm Loan Board.

They are permanent institutions and have been of vast benefit and have rendered real service to the agricultural interests of the country.

NEEDS

The needs of the farm-loan system may be summed up in a few words: Changed conditions may call for some minor changes in the law from time to time.

The institutions are permanent and sound. Their efficacy has been demonstrated.

All that is required is conscientious, intelligent, capable, and faithful administration.

There is no real obstacle in the way of that inherent in the system.

If it should not be provided, the fault will be found in playing politics with the operations, indulging in favoritism or patronage, or a deliberate purpose to cripple and eventually destroy the system by those in control.

Such a course is at present inconceivable.

Just public indignation would be invited thereby, with resulting consequences too serious to contemplate.

The problem, therefore, is one of administration.

In every case where the borrower can go on and only requires a reasonable extension of time to enable him to save his home and make good his obligation, the extension ought to be granted. It is a mistake to resort to foreclosure in strict accordance with the terms of the mortgage when it is in the power of the bank to encourage and indulge the borrower both for his and the bank's protection.

We do not wish, and would certainly avoid, anything like the experience under the Mahratta farming system in Bombay, when one-eighth of the entire agricultural population was sold out of house and home in a little more than a decade. From 1880 to 1890, 850,000 heads of families were sold out of 1,911,000 acres of land, causing much of the distress we read about in India.

Death, unavoidable adverse circumstances, abandonment, or other like cause, will bring about the taking over of mortgaged lands and perhaps some losses.

Looseness of management, neglect or indifference, would weaken security and eventually shake public confidence in the safety and soundness of the bonds.

In the interest of all this must not happen.

These bonds are based upon the permanent and sure foundation of all our wealth. They must be maintained as secure and safe as they are valid.

At the same time, and especially when loans on farm property are being curtailed by financial institutions, the facilities of the farm loan system should be afforded as generously and liberally as reasonable security and safety will permit.

HEARINGS BEFORE THE LIBRARY COMMITTEE

Mr. FESS submitted the following resolution (S. Res. 238), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on the Library, or any subcommittee thereof, hereby is authorized during the Seventy-first Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not exceeding 25 cents per 100 words, to report such hearings as may be had in connection with any subject which may be before said committee, the expenses thereof to be paid from the contingent fund of the Senate; and that the committee, or any subcommittee thereof, may sit during the sessions or recesses of the Senate.

DRAINAGE AREAS OF FLORIDA (S. DOC. NO. 115)

Mr. FLETCHER. Mr. President, a letter from the Chief of Engineers has come to the Committee on Commerce, in pursuance of a resolution adopted by that committee, submitting a review of reports on the Caloosahatchee River and Lake Okechobee drainage areas, Florida. I ask unanimous consent to have it printed as a Senate document with an illustration, and referred to the Committee on Commerce.

There being no objection, leave was granted.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had passed the following joint resolutions of the Senate:

S. J. Res. 17. Joint resolution authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point, Bey Mario Arosemena, a citizen of Panama; and

S. J. Res. 30. Joint resolution authorizing the use of tribal moneys belonging to the Fort Berthold Indians of North Dakota for certain purposes.

The message also announced that the House had passed the bill (S. 3579) authorizing a per capita payment to the Shoshone and Arapahoe Indians, with amendments, in which it requested the concurrence of the Senate.

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

H. R. 8. An act to amend an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended;

H. R. 699. An act to prevent fraud, deception, or improper practice in connection with business before the United States Patent Office, and for other purposes;

H. R. 4810. An act to add certain lands to the Helena National Forest in the State of Montana;

H. R. 6121. An act to authorize the maintenance of central warehouses in national parks and national monuments and authorizing appropriations for the purchase of supplies and materials to be kept in said warehouses;

H. R. 6130. An act to exempt the Custer National Forest from the operation of the forest homestead law, and for other purposes;

H. R. 6591. An act authorizing the Secretary of War to grant to the town of Winthrop, Mass., a perpetual right of way over such land of the Fort Banks Military Reservation as is necessary for the purpose of widening Revere Street to a width of 50 feet;

H. R. 6809. An act to exempt from cancellation certain desert-land entries in Riverside County, Calif.;

H. R. 6848. An act allowing the rank, pay, and allowances of a colonel, Medical Corps, United States Army, or of a captain, Medical Corps, United States Navy, to any medical officer below such rank assigned to duty as physician to the White House;

H. R. 7391. An act that the Secretary of the Navy is authorized, in his discretion, upon request from the Governor of the State of North Carolina, to deliver to such governor as custodian for such State, the silver service presented to the United States for the U. S. S. *North Carolina* (now the U. S. S. *Charlotte*, but out of commission);

H. R. 7701. An act to authorize fraternal and benevolent corporations heretofore created by special act of Congress to divide and separate the insurance activities from the fraternal activities by an act of its supreme legislative body, subject to the approval of the superintendent of insurance of the District of Columbia;

H. R. 8578. An act to sell the present post-office site and building at Dover, Del.;

H. R. 9183. An act to provide for the exercise of sole and exclusive jurisdiction by the United States over the Hawaii National Park in the Territory of Hawaii, and for other purposes;

H. R. 9306. An act to authorize per capita payments to the Indians of the Pine Ridge Indian Reservation, S. Dak.;

H. R. 9324. An act to dedicate for street purposes a portion of the old post-office site at Wichita, Kans.;

H. R. 9325. An act to authorize the United States Veterans' Bureau to pave the road running north and south immediately east of and adjacent to Hospital No. 90, at Muskogee, Okla., and to authorize the use of \$4,950 of funds appropriated for hospital purposes, and for other purposes;

H. R. 9439. An act to extend the times for commencing and completing the construction of a bridge across the Kanawha River between Henderson and Point Pleasant, W. Va.;

H. R. 9562. An act to authorize an appropriation for purchasing 20 acres for addition to the Hot Springs Reserve on the Shoshone or Wind River Indian Reservation, Wyo.;

H. R. 9628. An act granting the consent of Congress to the State of Arkansas, through its State highway department, to construct, maintain, and operate a free highway bridge across St. Francis River at or near Lake City, Ark., on State Highway No. 18;

H. R. 9989. An act granting the consent of Congress to the State of Minnesota, Le Sueur County and Sibley County, in the State of Minnesota, to construct, maintain, and operate a bridge across the Minnesota River at or near Henderson, Minn.;

H. R. 10076. An act to amend sections 476, 482, and 4934 of the Revised Statutes; sections 1 and 14 of the trade-mark act of February 20, 1905, as amended; and section 1 (b) of the trade-mark act of March 19, 1920, and for other purposes; and

H. R. 10171. An act providing for the erection at Clinton, Sampson County, N. C., of a monument in commemoration of William Rufus King, former Vice President of the United States.

SHOSHONE AND ARAPAHOE INDIAN PER CAPITA PAYMENTS

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 3579) authorizing per capita payments to the Shoshone and Arapahoe Indians, which were, on page 1, line 5, to strike out the word "reasonable" and insert "a"; on page 1, line 6, to strike out the word "payments" and insert "payment of \$25"; and to amend the title so as to read: "Authorizing a per capita payment to the Shoshone and Arapahoe Indians."

Mr. KENDRICK. Mr. President, I wish to say that the purpose of the amendments is merely to limit the amount of the per capita payment. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated below:

H. R. 8. An act to amend an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended; to the Committee on Agriculture and Forestry.

H. R. 699. An act to prevent fraud, deception, or improper practice in connection with business before the United States Patent Office, and for other purposes; and

H. R. 10076. An act to amend sections 476, 482, and 4934 of the Revised Statutes; sections 1 and 14 of the trade-mark act of February 20, 1905, as amended; and section 1 (b) of the trade-mark act of March 19, 1920, and for other purposes; to the Committee on Patents.

H. R. 4810. An act to add certain lands to the Helena National Forest in the State of Montana;

H. R. 6121. An act to authorize the maintenance of central warehouses in national parks and national monuments and authorizing appropriations for the purchase of supplies and materials to be kept in said warehouses;

H. R. 6130. An act to exempt the Custer National Forest from the operation of the forest homestead law, and for other purposes;

H. R. 6809. An act to exempt from cancellation certain desert-land entries in Riverside County, Calif.;

H. R. 9183. An act to provide for the exercise of sole and exclusive jurisdiction by the United States over the Hawaii National Park in the Territory of Hawaii, and for other purposes; to the Committee on Public Lands and Surveys.

H. R. 6591. An act authorizing the Secretary of War to grant to the town of Winthrop, Mass., a perpetual right of way over such land of the Fort Banks Military Reservation as is necessary for the purpose of widening Revere Street to a width of 50 feet; and

H. R. 6848. An act allowing the rank, pay, and allowances of a colonel, Medical Corps, United States Army, or of a captain, Medical Corps, United States Navy, to any medical officer below such rank assigned to duty as physician to the White House; to the Committee on Military Affairs.

H. R. 7391. An act that the Secretary of the Navy is authorized, in his discretion, upon request from the Governor of the State of North Carolina, to deliver to such governor as custodian for such State the silver service presented to the United States for the U. S. S. *North Carolina* (now the U. S. S. *Charlotte*, but out of commission); to the Committee on Naval Affairs.

H. R. 7701. An act to authorize fraternal and benevolent corporations heretofore created by special act of Congress to divide and separate the insurance activities from the fraternal activi-

ties by an act of its supreme legislative body, subject to the approval of the superintendent of insurance of the District of Columbia; to the Committee on the District of Columbia.

H. R. 8578. An act to sell the present post-office site and building at Dover, Del.; and

H. R. 9324. An act to dedicate for street purposes a portion of the old post-office site at Wichita, Kans.; to the Committee on Public Buildings and Grounds.

H. R. 9306. An act to authorize per capita payments to the Indians of the Pine Ridge Indian Reservation, S. Dak.; and

H. R. 9562. An act to authorize an appropriation for purchasing 20 acres for addition to the Hot Springs Reserve on the Shoshone or Wind River Indian Reservation, Wyo.; to the Committee on Indian Affairs.

H. R. 9325. An act to authorize the United States Veterans' Bureau to pave the road running north and south immediately east of and adjacent to Hospital No. 90, at Muskogee, Okla., and to authorize the use of \$4,950 of funds appropriated for hospital purposes, and for other purposes; to the Committee on Finance.

H. R. 9439. An act to extend the times for commencing and completing the construction of a bridge across the Kanawha River between Henderson and Point Pleasant, W. Va.;

H. R. 9628. An act granting the consent of Congress to the State of Arkansas, through its State highway department, to construct, maintain, and operate a free highway bridge across St. Francis River at or near Lake City, Ark., on State Highway No. 18; and

H. R. 9989. An act granting the consent of Congress to the State of Minnesota, Le Sueur County and Sibley County, in the State of Minnesota, to construct, maintain, and operate a bridge across the Minnesota River at or near Henderson, Minn.; to the Committee on Commerce.

H. R. 10171. An act providing for the erection at Clinton, Sampson County, N. C., of a monument in commemoration of William Rufus King, former Vice President of the United States; to the Committee on the Library.

MESSAGE FROM THE HOUSE—ENROLLED JOINT RESOLUTIONS SIGNED

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled joint resolutions, and they were signed by the Vice President:

S. J. Res. 17. Joint resolution authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point Bey Mario Arosemena, a citizen of Panama; and

S. J. Res. 30. Joint resolution authorizing the use of tribal moneys belonging to the Fort Berthold Indians of North Dakota for certain purposes.

REVISION OF THE TARIFF

The Senate resumed the consideration of the bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes.

Mr. CUTTING obtained the floor.

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

Mr. CUTTING. I yield.

Mr. FESS. I ask unanimous consent that after the address of the Senator from New Mexico no Senator shall be permitted to talk longer than 20 minutes or more than once on the pending amendment.

Mr. LA FOLLETTE. I object.

The PRESIDENT pro tempore. Objection is made.

Mr. LA FOLLETTE. Mr. President, I ask the Senator from New Mexico if he will yield to me to suggest the absence of a quorum.

Mr. CUTTING. I yield.

Mr. LA FOLLETTE. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

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

| | | | |
|-----------|-------------|-------------|----------------|
| Allen | Dill | Hawes | Norbeck |
| Barkley | Fess | Hayden | Norris |
| Bingham | Fletcher | Hebert | Nye |
| Black | Frazier | Heflin | Oddie |
| Blaine | George | Howell | Overman |
| Blease | Glass | Johnson | Patterson |
| Borah | Glenn | Jones | Phipps |
| Bratton | Goff | Kean | Pine |
| Brookhart | Goldsbrough | Kendrick | Pittman |
| Broussard | Gould | Keyes | Ransdell |
| Capper | Greene | La Follette | Robinson, Ind. |
| Caraway | Grundy | McCulloch | Robson, Ky. |
| Connally | Hale | McKellar | Schall |
| Copeland | Harris | McMaster | Sheppard |
| Couzens | Harrison | McNary | Shortridge |
| Cutting | Hastings | McNairy | Simmons |
| Dale | Hatfield | Moses | Smoot |

| | | | |
|----------|---------------|--------------|--------------|
| Steck | Swanson | Tydings | Walsh, Mont. |
| Steiner | Thomas, Idaho | Vandenberg | Waterman |
| Stephens | Thomas, Okla. | Wagner | Watson |
| Sullivan | Trammell | Walsh, Mass. | Wheeler |

The PRESIDING OFFICER (Mr. Fess in the chair). Eighty-four Senators have answered to their names. A quorum is present. The Senator from New Mexico will proceed.

Mr. CUTTING. Mr. President, the debate last night, interesting and valuable as it was in many respects, took us, I think, rather far from the fundamental features of the question at issue. I do not think it will do any harm, before discussing the pending amendments in detail, to consider the question of censorship in general. What is censorship? By what right do we enforce it? In what respect is it good policy to enforce it?

At the risk of seeming academic, I should like first to present to the Senate of the United States President William Allan Neilson, of Smith College.

In introducing him and allowing him to speak for himself, I should say, first, that President Neilson, an old-fashioned Scotch Presbyterian, almost a Victorian in his general attitude toward the arts, has been a professor of English literature at Bryn Mawr, at Harvard, and at Columbia. I had the honor to be initiated into Victorian literature as a student by Professor Neilson, a good many years ago.

There is no question whatever that Professor Neilson is thoroughly familiar with every one of the volumes which last night adorned the desk of the senior Senator from Indiana [Mr. WATSON]. There is no new discovery connected with those volumes. Most of them have been known by every well-informed man for a great many years. The few new ones have been sufficiently advertised by the senior Senator from Utah in the last few weeks. Professor Neilson is undoubtedly familiar with them.

Secondly, I want to emphasize the fact that Professor Neilson is president of a young women's college; that of all men in the country he would be most interested in avoiding anything tending toward the corruption of youth. The only excuse which has been advanced for this measure—which concededly is a nuisance measure, which concededly is calculated to keep out of the country much matter which intelligent men wish to read and feel they ought to read—the only excuse for such a measure is that it may in some mysterious way corrupt the morals of the younger generation. I am going to emphasize that point later on in the course of my remarks, and I am going to point out to the Senate that, so far as I know, every educator in the United States is against the present system of customs censorship.

I am now going to read from an article of President Neilson, published in the January Atlantic Monthly. I am not going to read the whole article, though it is a short one. There are certain matters in it which seems to me basic and fundamental in any discussion of censorship.

President Neilson begins by saying that probably all of us who are interested in this subject are not so far apart as we might imagine if we listen to nothing except the diatribes on either side. He continues:

In spite of recent tendencies in legislation and public opinion we still assume, remembering the confessions of faith on which the Republic was founded, that we believe in human liberty. The majority still holds, theoretically at least, that for the highest development of an individual or a community a large degree of freedom is necessary. Most of us would also agree that, in particular questions of the restriction of liberty, the burden of proof is on him who would restrict. Yet it is also agreed that for the preservation of liberty itself certain restrictions are necessary. The nuisance of the radio in the apartment house or at the open window is an obvious instance of this, since the right to make a noise may conflict with the right to enjoy quiet.

After stating that general point of view, Professor Neilson makes a distinction between censorship applied for the welfare of the adolescent and general censorship for the adult. He states, what we all believe, of course, that certain measures are necessary to protect the highly impressionable youth of the country at a certain age. He continues:

But I should urge the weighing of two considerations in this connection. First, keeping an undesirable book out of the hands of a young boy or girl is an affair requiring much tact, and persuasion is usually better than compulsion or threats of punishment. Otherwise we simply add the attraction of forbidden fruit and challenge the child to outwit us. Secondly, the attempt to save our children from what we regard as dangerous knowledge is likely in our times to be a locking of the stable door after the steed is stolen. It is my impression that most freshmen (of both sexes) come to college to-day already familiar to the point of losing interest with many of the facts and ideas which anxious parents are terror stricken lest they acquire. And not only are they familiar with them, but they seem to have acquired a kind of immunity which leaves them quite as fresh and unspoiled as their ignorantly innocent

parents were at their age. The policy of "Hush, hush!" is seldom effective and may, indeed, produce precisely the opposite result to that intended.

In turning from the question of the adolescent to the question of the adult, Professor Neilson again makes certain distinctions. He says:

The adult has a right to be protected against the display of offensive print or pictures where he can not avoid them. The covers of books and magazines, and still more, posters, are a fair subject for police control, since it is practically impossible not to have them thrust upon one's notice.

That, of course, is on the same theory as the theory of the radio in the open window or in the apartment house, which he took up in the first place.

Professor Neilson continues:

Most detached observers would think it self-evident that the various agencies chosen by the law for the exercise of a difficult and delicate function could hardly have been more unfortunately selected. They would suppose it is the business of the post office to carry mail and that officials chosen for this purpose have no inherent fitness as judges of art or morals; that it is the business of the customs officer to collect revenue and prevent smuggling, not pass on the value of Voltaire or Rabelais; that a policeman's duty makes demand on his courage, judgment, and loyalty, but ought not to be enlarged to include literary or dramatic criticism. In these suppositions most people would agree, and it is hardly worth while to insist on them.

After discussing the absurdities which have been involved in the customs censorship and which most of us believe are inherent in any such system of censorship, Professor Neilson said:

These absurdities in the administration of censorship serve only to strengthen the independent thinker's resentment against the essence of the practice. The saving of a man's soul, which one must presume is the object of a censorship, is, after all, a man's own affair, and is not to be achieved by external compulsion or guardianship. It is of a man's free will that he buys a ticket for a play or borrows a book from the library. If he wants to pander to the lower side of his nature, no censor will prevent him.

I should like to point out to the Senate that this is a far more advanced position than I or, so far as I know, any other Member of the Senate has taken with regard to censorship, because Professor Neilson's view that the reading of a book is a matter for the individual himself to consider would of itself bar out not only censorship by customs, not only censorship by the post office, but the State laws which prevail in practically every State of the Union against literature of this kind. We are not, of course, concerned with State laws.

The position which I have taken is that the States are in the last analysis far safer judges of what should be established in their own communities than the Federal Government can be. In considering censorship from the Federal point of view I do not think it is necessary for us to go as far as this profound and intelligent educator of youth has gone in his article.

One more quotation from Professor Neilson and I shall continue along other lines:

There are doubtless other principles involved in this difficult matter, and I shall be glad if this attempt to draw out those most obvious provoke a more capable analyst to complete the task. In doing so—

Mr. President, I think this is the most important sentence of the article—

In doing so he must find the ground for depriving the adult citizen of the privilege of choosing his own books and his own plays and pictures; he must find a method of selecting censors wise enough to suppress only what is really demoralizing, without stifling progress and experiment; and he must hit upon a device which will prevent banning a book or play from advertising it.

Those are the three fundamental things which every Senator has to decide for himself before voting on any of the pending amendments:

First. What right have we to interfere with the adult citizen at all as to what he is going to read?

Second. How can we pick men wise enough to decide that for the average American citizen?

Third. How can we do it without reacting on ourselves and encouraging the circulation of the very books which censorship is intended to restrict?

Mr. President, I want to apologize for attempting to summarize or comment on this admirable article of President Neilson, and I ask unanimous consent that the article as a whole be incorporated in the RECORD at this point in my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

The article is as follows:

[From the Atlantic Monthly, January, 1930]

THE THEORY OF CENSORSHIP

By William Allan Neilson

I

The question of literary and dramatic censorship is not at the moment merely an annoying perplexity in the life of a single city, but is an issue which concerns the whole country. Its emergence is frequently regarded as a particular instance of an antiliberal tendency appearing in a great variety of forms throughout the Nation, and it is highly important that, despite its difficulty, we should seek to see clearly what principles are implied in the suppression of books and other forms of expression and whether these are in harmony with common sense and the ideas which lie at the basis of our social structure.

In spite of recent tendencies in legislation and public opinion, we still assume, remembering the confessions of faith on which the Republic was founded, that we believe in human liberty. The majority still holds, theoretically at least, that for the highest development of an individual or a community a large degree of freedom is necessary. Most of us would also agree that in particular questions of the restriction of liberty the burden of proof is on him who would restrict. Yet it is also agreed that for the preservation of liberty itself certain restrictions are necessary. The nuisance of the radio in the apartment house or at the open window is an obvious instance of this, since the right to make a noise may conflict with the right to enjoy quiet. The problem, then, is not one to be solved by a simple statement of general principles, but by a consideration of how and when the principles, once agreed upon, apply.

I believe that on many matters concerned with censorship there is a larger degree of unanimity than is generally supposed, but that a lack of explicitness has confused the public mind and unnecessarily multiplied antagonisms. The present paper aims not at making a novel contribution but at extricating from the confusion the accepted truths, in the hope that the remaining points of difference may be seen more clearly and perhaps brought nearer to reconciliation.

II

To begin with, we ought to know whether in applying censorship we are considering the welfare of the adolescent or the adult. No one disputes the necessity of different measures in dealing with the mature and with the immature, since, apart from a few extremists, all our educational measures take for granted that the young must be guarded from risks that may inflict injury before experience has been acquired and before reason has been developed to the point where the significance of the risks can be appreciated. So, in the case of certain types of literature, plays, and pictures, it is justifiable and probably necessary to seek to prevent the young from being exposed to them while their imaginations are highly impressionable and their self-control is undeveloped.

The exercise of measures for this end is a matter mainly for parents and teachers rather than for the police, since what books can be put into the hands of boys or girls or what plays they should be taken to see is largely an individual matter dependent less upon mere age than upon degree of development and manner of upbringing. For adolescents who are beyond the control of parents or teachers, the question is more difficult. Even in the days before the eighteenth amendment we enforced laws against sales of liquor to minors, and I suppose similar laws could be made in connection with sales of books and admission to plays. But I should urge the weighing of two considerations in this connection. First, keeping an undesirable book out of the hands of a young boy or girl is an affair requiring much tact, and persuasion is usually better than compulsion or threats of punishment. Otherwise we simply add the attraction of forbidden fruit and challenge the child to outwit us. Secondly, the attempt to save our children from what we regard as dangerous knowledge is likely in our times to be a locking of the stable door after the steed is stolen. It is my impression that most freshmen (of both sexes) come to college to-day already familiar to the point of losing interest with many of the facts and ideas which anxious parents are terror stricken lest they acquire. And not only are they familiar with them, but they seem to have acquired a kind of immunity which leaves them quite as fresh and unspoiled as their ignorantly innocent parents were at their age. The policy of "Hush, hush!" is seldom effective and may, indeed, produce precisely the opposite result to that intended.

III

When we turn from the protection of adolescents to the problem of the adult a quite different point of view is imposed, though certain prohibitions still seem to be justifiable. The adult has a right to be protected against the display of offensive print or pictures where he can not avoid them. The covers of books and magazines and, still more, posters are a fair subject for police control, since it is practically impossible not to have them thrust upon one's notice. Nor is the risk of poor judgment in selecting those to be suppressed an important one. One can not honestly pretend that even a mistakenly rigorous policy in such matters would deprive the world of either truth or beauty to a noticeable degree.

The principle embodied in the pure food law might also be invoked with regard to "blurbs" and other advertising matter intended to mislead the purchaser of books or theater tickets. The worst of such tend sometimes to exaggerate, sometimes to hide, the wickedness of the volume or the play or picture; but in any case the law which already seeks to enforce honesty in advertising might well be carried farther into the field.

The opposition to the activity of the censor, however, has not been roused by attempts to save the sensibilities of the public from the outrages of the poster or the jacket. It has been due to the feeling that some branch of the Government—post office, customs official, police, or mayor—has sought to save us without our consent from what is considered a demoralizing book or play. The resentment is due to what seems to many an officious intrusion, an interference with the responsibility of the adult individual for his own moral welfare.

The case of the opposition has been strengthened by a number of considerations which, while not of the essence of the question, have made the censorship fatuous as well as annoying. Most detached observers would think it self-evident that the various agencies chosen by the law for the exercise of a difficult and delicate function could hardly have been more unfortunately selected. They would suppose that it is the business of the post office to carry mail, and that officials chosen for this purpose have no inherent fitness as judges of art or morals; that it is the business of the customs officer to collect revenue and prevent smuggling, not to pass on the value of Voltaire or Rabelais; that a policeman's duty makes demands on his courage, judgment, and loyalty, but ought not to be enlarged to include literary or dramatic criticism. In these suppositions most people would agree, and it is hardly worth while to insist on them.

Again, the effect of attempted suppression has not been such as to raise the prestige of the censors. It is now manifest that no advertisement is so effective in giving a book a nation-wide sale as its prohibition in a large city. Thus though it may be argued that since any such prohibition ought to be a reflection of a dominant public opinion, censorship ought to be in the hands of local governments, exercise of it by a local government stimulates its sale outside and does not prevent surreptitious importation on a large scale.

The statutes of Massachusetts, where the question under discussion is being most violently debated at the moment, contribute another argument to the opposition's case, since they make legal the condemnation of a book on the basis of detached passages. Time was when the Commonwealth was proud of its reputation of leadership in scholarship; but there is no greater sin in the decalogue of scholarship than that of the ignoring of the context. Yet when a modest attempt was made to amend the statute the legislature voted to continue a practice in the highest degree unscholarly, unjust, and dishonest.

The absurdities of the customs censorship have been most effectively exposed by Senator CUTTING, of New Mexico, in a recent debate, and he succeeded in inducing the Senate to relieve our revenue officers from an impossible duty as far as concerned the morality of literary works. He was less successful in connection with works supposedly seditious, and apparently it will still be possible for the question whether professors of government and economics can obtain copies of the works of Karl Marx or of Lenin for examination in their classrooms to be settled on the wharves of New York.

These absurdities in the administration of censorship serve only to strengthen the independent thinker's resentment against the essence of the practice. The saving of a man's soul, which one must presume is the object of the censorship, is, after all, a man's own affair and is not to be achieved by external compulsion or guardianship. It is of a man's free will that he buys a ticket for a play or borrows a book from the library. If he wants to pander to the lower side of his nature, no censor will prevent him.

Such arguments sometimes lead defenders of the censorship to abandon the strictly moral issue and seek a basis for suppression on esthetic grounds. But it is clear that these give no firmer footing. The whole question of standards in art is dragged in, and it becomes evident that the result of decisions on the ground of good or bad art could only be the legalizing of the timid and conventional, and the blocking of all progress by the suppression of innovation and experiment. The fact that my personal taste is offended does not give me the right to interfere with my neighbor's choice of reading or of plays unless he insists on reading aloud in my presence or forcing me to the theater.

A variant of the esthetic argument is that which advocates prohibition of a production because it deals with disease. The pathological, we are told, is no fit subject for art. But no one really believes in a principle that would prohibit Hamlet, Lear, and Macbeth because all three interest us in madness.

IV

There are doubtless other principles involved in this difficult matter, and I shall be glad if this attempt to draw out those most obvious provokes a more capable analyst to complete the task. In doing so he must find the ground for depriving the adult citizen of the privilege of choosing his own books and his own plays and pictures, he must find a method of selecting censors wise enough to suppress only what is really

demoralizing without stifling progress and experiment, and he must hit upon a device which will prevent banning a book or play from advertising it. And, lest he think that it is safer to err on the side of suppression than on the side of freedom, let him remember that it is through freedom and not through compulsion that the human spirit gains in power and reach.

"Under what precise set of conditions," writes Sir Walter Raleigh of the novels of Fielding, "and exactly by what persons he is to be read is a question that need trouble no one long. Books are written to be read by those who can understand them; their possible effect on those who can not is a matter of medical rather than of literary interest. Some literary critics, it is true, with a taste for subdued tones in art, have found some of Fielding's loudest notes too strident for enfeebled ears, but not to the great musician can the whole range of the orchestra, not to the great painter can the strongest contrast of colors profitably be denied."

Mr. CUTTING. Mr. President, we have heard a great deal about censorship. We have heard some of it on the floor of the Senate. We have heard a great deal of it from the papers throughout the country. For a moment I should like to emphasize a little the third point made by Professor Neilson, namely, that the attempt to suppress individual books simply promotes their circulation and reputation.

This is nothing new. It started in the ancient Athenian community when an attempt was made to suppress the talking of Socrates. It was then for the first time that he acquired a great reputation among Athenian youth. When the great and respectable citizens of that time condemned him to death for contumacy, then again his reputation was increased a hundred-fold and his teachings have gone on from that time to this.

I should like to remind the Senate of what Tacitus said about a very obscure Roman writer named Verjinto. Verjinto, I imagine, in Roman times was equivalent to some of the minor authors whom we have heard denounced yesterday by the Senator from Utah [Mr. Smoor] and whose books were formerly placed on the desk of the Senator from Indiana [Mr. Watson]. At any rate, when Nero, that mighty Emperor, came to the Roman throne he decided that the works of Verjinto were too immoral for the people of the empire to read. He prohibited them. Said Tacitus:

So long as the possession of those writings was attended by danger, they were eagerly sought and read; when there was no longer any difficulty in securing them, they fell into oblivion.

I believe that is an epitome of the history of censorship from the days of Nero to the present time. I hope the Senate will not carry out a policy which so lamentably failed in the days of the Caesars.

Is there any analogy, I wonder Mr. President, between what happened to Verjinto in the time of Nero and what is liable to happen to the works of D. H. Lawrence of the present time? The late Mr. Lawrence, a man whose reputation is world-wide in many ways, one of the leading authors of the present day, published a book recently which has been reviewed in all the leading magazines of the country as well as the leading magazines of England. It is a book which I personally do not admire. I find it rather dull.

When a constituent—an editor and literary man, who could make nothing but good use out of such a book or any other book—attempted to import it, I pleaded with the Secretary of the Treasury for his right to import it, not for its general circulation. I mentioned the fact that I had appealed for a book of that kind in the Senate when I made my speech in October last. I purposely omitted the name of the book, for fear that it might corrupt the morals, I will not say of the Members of the United States Senate, but perhaps of the general public who read the CONGRESSIONAL RECORD. I referred to the matter only to show the kind of foolish letters which can be written by so cultured and intelligent a man as the Secretary of the Treasury undoubtedly is when his writings are inspired by bureaucratic clerks such as those in the Bureau of Customs.

But what happened? The Senator from Utah [Mr. Smoor] gave out an interview to the United Press saying that the book, which I had never mentioned, was Lady Chatterley's Lover, by D. H. Lawrence; that it was one of the books which I was trying to bring into the United States; that I had mentioned it in my remarks; and that he was entirely opposed to its introduction. I think the Senate will remember that he made very much the same statement yesterday afternoon, and in fact went so far, after I denied mentioning the book, as to say:

I remember perfectly well—I do not know whether it is in the printed speech of the Senator or not—he referred to Lady Chatterley.

Mr. President, I am not in the habit of referring to things on the floor of the Senate and then removing them from my printed speeches. I have only done it once, and I think I know why the

Senator from Utah believes that I am in the habit of doing it. During those remarks in October the Senator from Utah during an interruption told me that the man who was censoring the literature of the world in behalf of the customs censor was a man named J. D. Nevius. I had never before heard of Mr. Nevius. I accepted the Senator's word as being 100 per cent correct, and later in my speech referred to Mr. Nevius as the individual who was doing this censorship.

After going back to my office a gentleman called on me and said that the Senator from Utah and he both thought that it was unwise to mention the name of Mr. Nevius, because it might hurt his retention in his present position, and if I had no objection he would like to withdraw the name from the RECORD. I stated that as the Senator from Utah had been the one who originally introduced it in the RECORD I had no objection to his withdrawing it and it was accordingly withdrawn, both in his introduction of the name and in my subsequent reference to it.

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

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

Mr. CUTTING. Certainly.

Mr. SMOOT. I will say to the Senator that this is the first intimation I have had of such a thing. Nobody asked me to withdraw the name. This information is entirely new to me.

Mr. CUTTING. The Senator will at least acknowledge that the name of Mr. Nevius was withdrawn from his remarks as well as from my own, he having been the first one to mention the name.

Mr. SMOOT. It was done by some one else and not by me or by my authority.

Mr. CUTTING. I merely mention that matter because that is the only time I have ever corrected or altered or expurgated any remarks I made on the floor of the Senate. So far as Lady Chatterley's Lover is concerned, I did not mention it, and until the present occasion I have not mentioned it on the floor of the Senate.

Mr. SMOOT. The Senator would not take Lady Chatterley's Lover now and read any extracts from it to the Senate, would he?

Mr. CUTTING. I will get to that later on when I reach the subject of indecent literature.

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

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

Mr. CUTTING. Yes; if it is a question and not entirely irrelevant to the subject I am discussing.

Mr. WATSON. I understood the Senator to say that he had written a letter to the Commissioner of Customs advising that the man who imported the book should have a right to have it admitted?

Mr. CUTTING. Oh, no; I said nothing of the sort.

Mr. WATSON. I was wondering if the Senator had a copy of that letter, and if he would be willing to adduce it.

Mr. CUTTING. Yes; I have copies of a number of letters, and, if it seems to be material during the course of the discussion, I shall introduce them into the RECORD; but they are so very remote from the subject which I am discussing that I should really prefer not to take them up at this time. If the Senator from Indiana later on thinks that it is material to the discussion, I shall be very glad to go into that matter very thoroughly, but I am trying to make this debate, so far as I can, relevant to the issues which we are discussing in the Senate.

All the discussion, Mr. President, of the books which were introduced yesterday, and which were submitted to the Senators, is entirely apart from the merits of the case as a whole. This is not a question of indecent literature; it is a question of freedom of speech and freedom of thought, and I am going to try, so far as I can, to limit it to that main principle. However, so long as we are on the question of this book, which the Senator from Utah evidently considers a vile and loathsome book, I want to say that, if that book is calculated to contaminate the American public, the blame for circulating its name among the people of the United States rests firmly on the Senator from Utah, because he is the first one who mentioned it, because his interviews in the press have brought it to the attention literally of millions of American citizens who would otherwise never have heard of the book, and because the reference of the Senator from Utah to it has induced the publication of an American edition, which is circulated widely all over the country. When I got back to New Mexico I found that book circulating among the students of the State university.

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

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

Mr. CUTTING. I yield.

Mr. SMOOT. If my amendment shall be adopted no more copies of that book will come into the United States; it will put a stop to that.

Mr. CUTTING. Oh, no, Mr. President; the principles embodied in the Senator's amendment have already been in the tariff act since 1890. Anything that would apply to a book like Lady Chatterley's Lover has already been the law since 1890. The Senator surely knows that. He must have studied the subject a little more than to say what he said just now. The provisions of the present law have been tested, they have been proved to be futile; and the reason why I am attempting to repeal them is that they have proved their inefficacy for 40 years.

Mr. SMOOT. My amendment would strengthen the law of 1890 and the law of 1892. I will say to the Senator that if my amendment were adopted there would be no more Lady Chatterley's Lover and other such rotten stuff come into the country.

Mr. CUTTING. I must differ with the Senator. It seems to me the amendment which the Senator introduced yesterday on the floor of the Senate weakens the law of 1892; it does not strengthen it. It allows the Secretary of the Treasury, at his discretion, to admit some of these books which previously he had no authority whatever to admit. These books, if they are obscene and indecent, have been prohibited entry since 1890, while the Senator's amendment provides that, at the discretion of the Secretary of the Treasury, he may for noncommercial purposes and in certain peculiar circumstances allow them to be imported. So the Senator's amendment will not stop Lady Chatterley's Lover from coming in. The Senator's amendment and the publicity which he has given to this book will make it a classic. That is what he has done; he has made this book a classic.

Mr. SMOOT. That ought to suit the Senator.

Mr. CUTTING. It does not suit me at all. I have no use for the book; I did not refer to it, for fear of introducing it to the American people. The Senator from Utah is the one who is responsible for any evil which this book may do, either now or in the future.

The truth of the matter is, Mr. President, when people are told, "Here is a book which you must not read," if they think that they have a right to read it an awful temptation is put in their way. That is exactly what the Senator from Utah has done with regard to this particular book.

Our children to-day are reading books in the schools which at the time they were published might have seemed just as indecent as the books to which the Senator from Utah has been referring. The Senator, of course, is familiar with the works of Shakespeare. The first page of King Lear is grossly indecent; the love making of Hamlet and Ophelia is coarse and obscene; in Romeo and Juliet the remarks of Mercutio and the nurse are extremely improper; yet all three of those plays were compulsory reading in school when I went to school a good many years ago at the age of 15. There is no reason to think, after the publicity which the Senator has given to this book, that a hundred years from now Lady Chatterley's Lover may not be compulsory reading, perhaps in the kindergarten classes. [Laughter.]

Mr. President, before I get through with this particular phase of the subject I want to remind you that too many of us are apt to think that when we want to stop something, when we want to prevent something from going on which we think is wrong, the best thing to do is to enact a law against it. In most cases, Mr. President, that is not so. The passage of a law does not necessarily abolish the evil which the law is meant to correct; in many cases it has just the opposite effect. While I know that if it were in our power we would all like to prevent much of the kind of material which the Senator from Indiana had on his desk yesterday, we might also remember the words of Emerson when he said:

Every suppressed or expunged word reverberates through the earth from side to side.

Mr. President, the former vote on the amendment which I submitted in October was taken after very thorough and very full discussion, and after a complete and sane deliberation which lasted the better part of two days. I do not want to reiterate or rehearse the arguments which were then made; they are all in the RECORD. We all want to get on as far as possible and as quickly as possible with the tariff bill.

Why reverse our action? What arguments have been presented to the Senate which were not presented in October? A certain number of books have been presented, it is true, for

private circulation among the Senators. Is there any Member of the Senate who did not realize when he voted in October that there were indecent books in the world; that there were at least as many indecent books as reposed on that desk last evening; and did anyone suppose, rating the personnel of the Customs Service at the lowest possible point, that when the Customs Service went about publishing a black list of 739 books they could not find at least 15 or 20 which really were indecent? Yet that is all that could have been proved if those books had circulated among all Members of the Senate, and that is all that could have been proved if the Senator from Utah had carried out his original proposal, to have an executive session and read those books in toto.

By the way, Mr. President, the Customs Court itself has now decided that the only excuse for excluding a book from this country is on a consideration of its contents as a whole, not on the consideration of certain pages of the book, earmarked by the customs officials, with red pencil marks under every improper and indecent word and sentence, with the margin marked so that one can easily skip from one obscenity to another, like Eliza crossing the ice. That is not the test. The test is whether the book as a whole is or is not a book which will offend the standards of decency.

Mr. President, there are certain things that have happened since we discussed this matter in October, and they are all things which make the stand the Senate then took seem more correct even than it seemed then to be.

The purpose of my amendment was to a large extent the taking away from the inefficient and ignorant employees of the Customs Service the authority to decide in such cases. At that time I had a good deal to say against the decisions which had been made by the courts up to that date, so that under even the ordinary processes of law, which would leave a case to a jury, it might have been decided in a very unfair way, or what I considered to be an unfair way. Since that time there have been two admirable decisions made by the courts. The first one was decided on October 31, 1929, by the United States Customs Court, second division, in the case of Peabody Book Shop against The United States. The decision was made by Chief Justice Fischer, some of whose decisions I severely criticized in October. I am glad to say that this decision is an admirable statement of the fundamental questions involved in censorship. It is a stepping-stone toward the goal which we all strive for, the goal of freedom of thought.

We do not deem it necessary—

Says Chief Justice Fischer, in part—

to enter into a lengthy discussion of the books entitled "Daphnis and Chloe"—

That is the great book of Longus, whose exclusion by the Customs Service I criticized in October—

Satyr and Sunlight and The London Aphrodite, for it is sufficient to say that a careful reading of the works satisfies us that they are not obscene and are not of the class of publications which Congress ordained should not be allowed to enter into this country. There are passages in the books in question which, published separately and alone, would be considered indecent and their distribution and importation prohibited, but a literary work can not be called obscene if here and there may be found some expression which is obscene. If a book can be condemned because of the existence of occasional indecent language, Shakespeare's works would be prohibited. Books must be considered in their entirety, and, if they have literary merit and are clearly not published with an object to parade obscenity and attract readers with debased minds, they are not of the class which Congress intended to exclude.

Further on in the opinion he says:

The testimony of leading men in the literary world was introduced in the trial of this case, and while views of the witnesses are regarded by us as interesting and possibly an aid to our conclusion, they can not control this court in determining the character of the book.

I refer to that because this is one of the first cases in which the testimony of literary men or psychological experts was allowed in any case of this kind.

The books in question—

Continues Chief Justice Fischer—

are the productions of eminent literati. They can be found in public libraries and the libraries of universities where they are used in the study of classics. While it is true that there are a few passages in the books which might be considered obscene if published alone, the whole work is not obscene, and we must judge each book as a whole.

That is a very important decision, Mr. President. I do not know that the debate in the Senate had anything to do with

the reversal of some of the opinions expressed by Judge Fisher in previous cases; but I do say that, whether it had or not, this opinion is one which will be quoted in the future on matters of this kind.

The second case to which I wish to refer is the opinion of the United States Circuit Court of Appeals, written by Judge Augustus N. Hand, in the case of Mrs. Mary Ware Dennett.

Mrs. Dennett, as most Senators are aware, had published a book dealing with certain anatomical and physiological processes which was almost identical with a pamphlet distributed by the United States Public Health Service; yet, by an outrageous conspiracy, working a complete injustice on the defendant, Mrs. Dennett was haled into court and convicted under the obscenity statute.

Judge Hand, in his opinion, says:

It [the statute] must not be construed to interfere with serious instruction regarding sex matters unless the terms it is conveyed in are clearly indecent. * * * The defendant's discussion * * * is written with sincerity of feeling and with an idealization of the marriage relation and sex emotion.

I take it as a layman that the implication, at least, in that sentence is that whatever is done with obvious honesty of intention and decency of purpose can not be held to be depraved.

The opinion continues:

It can hardly be said that because of the risk of arousing sex impulses there should be no instruction of the young in sex matters, and that the risk of imparting instruction outweighs the disadvantages of leaving them to grope about in mystery and morbid curiosity, and requiring them to secure such information as they may be able to obtain from ill-informed and often foul-minded companions rather than from intelligent and high-minded sources.

The old theory that information about sex matters should be left to chance has greatly changed; and while there is still a difference of opinion as to just the kind of instruction that should be given, it is commonly thought in these days that much was lacking in the old mystery and reticence. This is evident from all the current literature on the subject.

If that opinion stands, Mr. President, it is again a monument to the increased intelligence and increased liberality of our Federal courts.

I have said that the decisions made by the courts in the last few months have been an enormous improvement on the decisions made before, and I want to give you now the other side of the picture. The actions of the customs inspectors and customs clerks have been far worse than anything even imagined in the past. It would seem as if the customs clerks and the inspectors at the ports had banded themselves together in order to show how utterly ridiculous the present system is.

In the very week after the decision which I read you a while ago in the Peabody Book Store case had been rendered, the same inspector barred George Moore's *Story Teller's Holiday*—a book which I also saw last night on the desk of the Senator from Indiana [Mr. WATSON]; I can not imagine why. There is nothing in the book which could possibly damage the morals of any human being, and yet it was barred by the deputy customs collector and mail examiner at Baltimore.

The Senator from Utah [Mr. SMOOT] yesterday, in speaking on this general subject, allowed to go into the RECORD a sentence which I think will become in its time almost as great a classic as his favorite work, *Lady Chatterley's Lover*. Here it is—

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

Mr. CUTTING. I yield to the Senator.

Mr. SMOOT. I resent the statement the Senator has just made that *Lady Chatterley's Lover* is my favorite work.

Mr. CUTTING. Then I withdraw the remark. I thought it must be, because the Senator has been reading it, apparently, since the Christmas holidays.

Mr. SMOOT. I will say to the Senator that I have not read it. I did not mark these books. They were so disgusting, so dirty and vile that the reading of one page was enough for me.

Mr. CUTTING. Ah, yes, Mr. President; but the courts of the United States say that the reading of one page is not sufficient, and that the book must be read as a whole. I am sure that between Christmas and the present time the Senator must have had occasion to read the book from cover to cover. I know that he has been quoting it to Senators.

Mr. SMOOT. I have not read it and I have not quoted it. Not only that, but I would not read the stuff.

Mr. CUTTING. Has not the Senator been reading it aloud to Senators on the floor of the Senate?

Mr. SMOOT. No; I have not.

Mr. CUTTING. Then I have been misinformed.

Mr. SMOOT. The Senator judges me by himself, I suppose.

Mr. CUTTING. No, Mr. President; I have not been reading the book. I read it, as I said, on one occasion to decide on one particular matter. I have not read most of the books which were on the desk of the Senator from Indiana. I am not interested in literature of that kind. The Senator from Utah, who has been filling the press of the country with his experiences in these realms of art, must, I thought, be interested in them; but if he is not, I am glad to withdraw the charge that that is his favorite reading matter.

Mr. SMOOT. I wish the Senator would withdraw it. The statement he made was uncalled for, and was not the fact.

Mr. CUTTING. I started to quote from the Senator from Utah. I am sure he will not object to this quotation, because he has allowed it to go into the RECORD:

If a customs inspector—

Said the Senator yesterday afternoon—

at the port of New York, with his knowledge of the world, regards on his own initiative a book as obscene it is about the nearest approach to a jury trial that can be had.

Mr. President, I lived in New York a good many years. The "knowledge of the world" which is requisite to enable a man to hold the office of customs inspector at the port is exactly the knowledge which it takes to get from your home on the Bowery to the pier on the Hudson river, and then to open travelers' trunks, remove the contents from the trunks, and, after thoroughly confusing it, to replace it in such order as may be possible under the circumstances.

That is the "knowledge of the world" which is prevalent among the customs inspectors at the port of New York; and that is the "knowledge of the world" which presumably entitles them to judge the literature of the ages.

I deplore—

The Senator went on—

the contemptuous references to the personnel of the Customs Service which ran through the debate in the Committee of the Whole. Many of the members of this personnel are veterans of the service, tried and true. I know from personal contact that many are men of education, legal training, and broad information.

Now let us see about this deputy customs collector in Baltimore. According to the Baltimore Sun—

George W. Hill, deputy customs collector and mail examiner, came into the limelight at a trial in the Customs Court here in December, 1928, when he testified he did not make a practice of reading much, and was unable to answer questions as to whether Chaucer, Fielding, Beaumont, Fletcher, or any of the Elizabethan writers were still living.

This is the gentleman under whose decision the works of Francois Rabelais were recently seized.

Mr. SMOOT. Mr. President—

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

Mr. CUTTING. I do.

Mr. SMOOT. Before ever those books are finally prevented from coming in, they are always sent to the office here in Washington. They are finally passed on here in Washington; not by the man who takes the book out of the package or out of the hands of the person coming in.

Mr. CUTTING. Oh, yes, I understand that, Mr. President; I am going to deal with that in a little while.

The books which were seized, according to the Baltimore Sun, were the property of Mr. Douglas H. Gordon, 1009 North Charles Street, an attorney, and a graduate of the Harvard Law School. Mr. Gordon took the books to Paris with him to have them rebound. He had purchased them in this country. The Senators will understand that it was when they were returned with the new binding on them that they were taken, under the provisions of the tariff act of 1922. I read from the Baltimore Sun:

It is the first seizure in this country of the French edition of these works, Mr. Gordon said, which are found in every important library in the world. The French edition is not published in this country, he said.

In addition to the 14 French editions of the work, the Library of Congress has 7 in English, Mr. Gordon said. The Harvard University library has 56 editions in French, the oldest (recently acquired) of 1558 and the latest a 1920 edition. Princeton University has a special collection of Rabelais. The Enoch Pratt Free Library has 13 of Rabelais's work on index.

I am sure the Senator from Maryland will have no objection to my quoting from a letter written to him by the gentleman in question.

Mr. TYDINGS. Not at all.

Mr. CUTTING. He makes the same statements, on the whole, that are found in the Baltimore Sun. He writes:

The Harvard Library has 56 editions of Rabelais in French, the earliest printed in 1558 and the latest printed in 1920; this count is of separate editions and does not reckon duplicate copies; there are also 11 editions in English, printed from 1694 to 1921.

The Andover Theological Seminary Library has two editions, one in French (1835) and one in English (1849).

The Library of Congress has 14 complete works of Rabelais in French and 7 in English; and has 15 single works in French and 8 in English.

The Johns Hopkins Library has 7 editions of the works of Rabelais in French and 4 in English.

The Princeton Library has a special collection of the works of Rabelais.

The Enoch Pratt Free Library, of Baltimore, contains 13 author entries from Rabelais, some of them, however, being merely excerpts from his works.

It would be possible to continue this list indefinitely, as no library of any importance is lacking in copies of this great classic. In each library there are also many critical and scholarly works dealing with Rabelais's life and writings.

I shall quote only one accessible criticism of Rabelais's position in the history of literature. This is the critical estimate appearing in the article on French Literature in the Encyclopedia Britannica, eleventh edition, at page 124—which is reprinted in the recent fourteenth edition—written by George Saintsbury, the leading English critic of French literature. Professor Saintsbury says:

"Among these [novelists and romantic writers of the sixteenth century] there can be no doubt of the precedence in every sense of the word, of Francois Rabelais (c. 1490-1553), the one French writer (or with Moliere, one of the two), whom critics the least inclined to appreciate the characteristics of French literature have agreed to place among the few greatest of the world. With an immense erudition representing almost the whole of the knowledge of his time, with an untiring faculty of invention, with the judgment of a philosopher, and the common sense of a man of the world, with an observation that let no characteristic of the time pass unobserved, and with a tenfold portion of the special Gallic gift of good-humored satire, Rabelais united a height of speculation and depth of insight and a vein of poetical imagination rarely found in any writer."

Mr. President, the Senator from Utah has said—and, of course, he is absolutely correct—that after the deputy collectors at the different ports have passed on the literature, the books are then sent up to Washington for the deputy commissioner to pass on. The deputy commissioner who passes on those works, according to an article obviously inspired by the Bureau of Customs which appeared in the press recently, is Mr. J. D. Nevius. His assistant, Mr. Corridon, and himself go over the works together.

If there is any doubt as to the correctness of the decision of the local man at the port, the matter is taken up with the Commissioner of Customs, and later, in exceptional cases, with Mr. Seymour Lowman, the Assistant Secretary of the Treasury.

While all those officials are undoubtedly very estimable gentlemen, I do not believe there is a Member of the Senate who knows them who would ask for the opinion of any one of them on a work of literature or who would allow any of them, or all of them put together, to dictate the contents of his library or the quality of the books which he should be allowed to read. The proof of that is in the black list which I commented on to the Senate in October. There are on that list 739 books, many of them books of the most innocent description. I admit that among the 739 probably those authorities have stumbled here and there on books which actually are improper and indecent and which no doubt ought to be excluded.

I am not going to comment any further on that particular phase of the matter. One of the greatest living critics has declared Rabelais's book the most extraordinary book ever written by anyone. It is a book which has been read for 400 years by people of all classes and ages and conditions. So far as I know it has never corrupted a single human being.

Moreover, Mr. President, the works of Rabelais are published in this country. They can be purchased at any book store. One does not have to depend on the European editions, as Mr. Gordon unfortunately did; at least, he depended on a European binding, and lost his books in consequence. There are plenty of editions published all over this country. So there are of Bocaccio, another author who has been read considerably by the youth of this country, as well as all other countries in the world. There may be people whose downfall and degeneration in life have been due to reading Bocaccio, but I confess I do not know who they are.

Mr. President, let me quote again from the Senator from Utah. He said:

So far as the customs is concerned, standard textbooks of medicine and surgery for the profession have not been banned.

If that is true, I am rather at a loss to understand this article from the Baltimore Sun of Sunday morning, March 16, which is fairly illustrative of the complicated methods and processes which are necessary to solve these great problems at the ports. I should like to read a part of this article.

Baltimore customs agents, it was revealed yesterday, are a resourceful crew.

I hope the Senator from Maryland will realize that I am not reflecting on his State in any way. So many of the cases happen to come from his State because they are well reported by the Baltimore Sun, and because Baltimore is close to Washington, and we get the facts about them.

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

Mr. CUTTING. I yield.

Mr. TYDINGS. Part of it is because of the desire on behalf of a great many Maryland people to get these books. That is the reason why so many of them come to Baltimore.

Mr. CUTTING. I appreciate that. The article reads:

Baltimore customs agents, it was revealed yesterday, are a resourceful crew.

Having seized a medical book and having had it pronounced obscene in the proper manner by authorities at Washington, having notified its owner and promised to return it for him to publisher in London, the question of how to get it out of the country arose.

The postal authorities will not accept for postage any book pronounced obscene by customs officials. An express company was suggested, but, it was said, some difficulty having been experienced by the company in a previous handling of barred published matter, it refused to accept it.

PHYSICIAN NOTIFIED

The book, ordered by a professor in a Baltimore medical school, deals with medical matters. As soon as it was seized the physician was notified. He was acquainted by the customs officials of the various laws and rules of censorship covering the handling of such obscene matter as the book was alleged to contain.

Finally, to get the book out of the country in a legal manner, arrangements and the necessary papers were made out to have the volume shipped from Baltimore as parcel freight aboard a vessel bound direct from Baltimore to London.

NO RECORD OF RETURN

The captain could carry the tome as parcel freight, but the professor to whom the book was consigned said yesterday latest information from London disclosed that there is no record that the book has ever reached London.

It cost the importer a good portion of three days' time and \$8.25, besides the cost of the book, to have it returned. It was purchased, he said, after advertisements sent out with scientific publications had been received here by him.

So much for the liberty of the medical profession.

A prominent professor told me the other day that his specialty in life is the study of the Restoration Dramatists. He is writing a final and authoritative book on the subject of the Restoration Dramatists.

There is one of the most celebrated dramatists whose works he has not been able to procure. They are not published in this country in full, though many of the more unseemly extracts have been published many times. The works, as a whole, were published only a few years ago, and he has been unable to import them from England. They are the works of Rochester, one of the most famous of politicians, statesmen, writers, and dramatists of the restoration period.

This professor is hampered in his scientific investigations because he is unable to get the works of Rochester into this country. Yet Senators will remember that the original black list of the Customs Service made a distinction between the classics published in English and the books in another language, which, according to them, were improper for circulation in this country.

Not long ago I received a letter from a bookshop in New York which said:

For the first time in our experience we have been notified that the New York customs bureau is holding a book addressed to us because it is obscene, and we would like to know if there is no redress from this ridiculous idea of some customs official.

The books in question are by Daniel Defoe, entitled "Moll Flanders" and "Roxanna." Both of these works, as Senators undoubtedly know, have been published in a great many American editions. They are not unusual books. They are books which are read in school in the discussion of English literature of that time. Yet the foreign editions can not be imported into this country on account of the decision, first, of one of these

inspectors at the port, whose "knowledge of the world" tells him that the book should be kept out, and again by the final decision of these gentlemen in the Customs Bureau here in Washington.

Mr. President, I am devoting too much time to the question of these books alleged to be indecent. As I have said before, that is not the really serious part of the legislation which is being proposed now. Those indecent books which we saw last night, which we see no more to-day, and on which perhaps our eyes will never fall again are a red herring drawn across the trail of this discussion. Yet before I conclude that phase of the matter I would like to remind the Senate that a great many Senators last night agreed that "these books" were bad, that "these books" could be compared with the importation of opium or some deadly poison.

I ask in all candor, before dropping this part of the subject, when the Senator says "these books," which books does he mean? There was a motley collection last night on the desk of the Senator from Indiana. Many of them, I agree with the Senator from Utah, were thoroughly indecent and improper books. If I were a censor and if the Senator from Utah were a censor we should agree in keeping a good many of them out. I may add that neither the Senator from Utah nor myself is a censor; that the Senate of the United States as a whole is not a censor; that the agents of the Treasury Department ought not to be censors in the way in which they have interpreted their duties in the past.

But in addition to the books which the Senator from Utah and I would agree are improper literature, there were a number of other books on the desk of the Senator from Indiana which I should consider unfit for general circulation, but which are entirely proper to be read by scientists, specialists, authors, editors, and people of generally well-matured minds.

There was another lot of books on the Senator's desk which are perfectly proper to be read by anyone and which have been read continuously by school children for 400 or 500 years without any damage to their morals or to the morals of the communities in which they live. That is why I do not think we can talk about "these" books. It depends on the individual book about which we are talking.

Mr. President, we have denounced foreign books for a long time. I do not think the foreign countries have very much on us in the way of indecent literature. From a railway book-stall in Chicago, before taking the Capital Limited to come here the other day, I purchased these important works, which I now exhibit to the Senate:

Joy Stories, published in New York City, I think, though it does not give the name of the publisher.

Paris Nights, published in Philadelphia, Pa.

Hot Dog, published in Cleveland, Ohio.

Hot Lines for Flaming Youth, Detroit, Mich.

Jim Jam Gems, from St. Paul, Minn.

Whiz Bang, from Robbinsdale, Minn.

Unlike the Senator from Indiana [Mr. WATSON] I am not going to circulate these books among the Members of the Senate. I think that the standards of the Senate ought to be maintained. I do not think any risk should be run of corruption of the morals of the Members of this honorable body. I think their morals are quite as important as the morals of those who sit in the galleries and are listening to my remarks, because, after all, if we corrupt the legislative body of the country, that corruption, it seems to me, will, sooner or later, seep out all over the country in channels of contamination. If any Senator wants to see any of this literature, he can communicate with me, and, upon giving a certificate of good moral character, I shall consider showing it to him. [Laughter.] I want to state further that these are the January numbers and I am sure Senators can obtain them, if they insist on it, at the railway bookstalls, and, if they do so, it is at their own risk and not mine. No doubt by now the February and March numbers of these magazines are also available. I have looked through them casually and I consider them far more indecent in every way than any of the literature accumulated last night on the desk of the Senator from Indiana.

Here [exhibiting] is a book which is contained in the Congressional Library. It was published in 1888 by Vizetelly, who was the publisher of Zola's works, which the British Government attempted to ban on the ground of obscenity. Vizetelly's attorney published this book to show that if Zola's works should be excluded, the works of all the English classics should be excluded. This is a book consisting of extracts from all the leading English authors, beginning with Shakespeare. It does not include the indecencies of Chaucer and Skelton and the pre-Shakespearian authors, but, starting with Shakespeare, it goes through the list. It is the condensed indecency of the English authors.

This book has been in the Congressional Library so long, it has been fingered so often by so many people, that the original copy is going to pieces, and one is not allowed now to read it in its original form, but any citizen of the United States who wishes to have it can get a photostatic copy by paying for it. Here [exhibiting] is one, and I now assure the Senator from Utah that there is a great deal of matter in it of exactly the same kind as the matter which was submitted last night. Also, it is just in extracts. The whole of the works are not included. It is just little bits here and there from the English classics.

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

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

Mr. CUTTING. I yield.

Mr. SMOOT. The statement made by the Senator now does not conform with the statement made by officials of the Congressional Library. I took that matter up with them. All of these rotten books are kept in one place, and no one sees them unless there is some special action taken by the officials of the Congressional Library. That is what I am told.

Mr. CUTTING. My information was different in that respect.

Mr. SMOOT. I have not tried to get any of them, but I want to say to the Senator that that is what they tell me, that that is the practice of the Congressional Library.

Mr. CUTTING. Will the Senator tell me with whom he consulted in the library in that respect?

Mr. SMOOT. The Senator can consult with anybody he wants to there.

Mr. CUTTING. Will the Senator tell me from whom he got his information?

Mr. SMOOT. I got it from officials of the Library. That is sufficient.

Mr. CUTTING. I do not mind stating that my information came from Doctor Putnam, the Director of the Library, who said in the first place that the Library prided itself on having the most complete collection of indecent English literature in the world, that all adults are admitted to the place where the books are kept, but that there was some one sitting there to see that they did not make any improper use of the books while they were there. [Laughter.]

Mr. SMOOT. That place is not in the reading room.

Mr. CUTTING. No; but no one has ever been excluded who is apparently a normal adult. There is nothing indecent about this book which I have displayed except what indecency there may be in the actual classics which are on every one's bookshelves and which have been read for generations and centuries. For a legal purpose these matters were concentrated in this volume, but the book can be obtained. I know a good many citizens who have gone over to the Congressional Library and obtained copies of it.

Mr. SMOOT. I suppose it is along the same line as the books displayed in the Chamber yesterday, is it? Is it as rotten as the words used in Lady Chatterley's Lover?

Mr. CUTTING. The same words are used, and the same words are used, of course, in Shakespeare that are used in these books.

Mr. SMOOT. Not at all.

Mr. CUTTING. I think I can prove to the contrary.

Mr. SMOOT. The Senator has never read the book that he wanted to be permitted to come in here if he makes that statement now. There can not be vile language, there can not be words put together so vile and rotten as in those books.

Mr. CUTTING. The subject can not be discussed in detail here; but, if the Senator will come to see me at any time, I think I can show him in Shakespeare all of the matters which were contained in the extracts which had been pointed out in the books on the desk of the Senator from Indiana.

Mr. SMOOT. I have read Shakespeare, and there is no more comparison between what is in Shakespeare and what is in the books for which the Senator is speaking now than there is between heaven and hell.

Mr. CUTTING. I am not making the comparison. I am speaking only of words.

Mr. COUZENS. Mr. President, will the Senator from New Mexico yield?

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

Mr. CUTTING. I yield.

Mr. COUZENS. I would be much interested to have the Senator tell me the difference between hell and heaven. I have not been able to get any definition of it.

Mr. SMOOT. This is not the proper place; but I should be glad to give the Senator the first lesson to-morrow at his office.

Mr. COUZENS. Why is not this now the proper place to tell us the difference between heaven and hell?

Mr. SMOOT. That subject is not to be discussed at the present time.

Mr. CUTTING. Here, Mr. President, is a book list [exhibiting] published by reputable people with an address in New York. I happen to note on the list a number of books which are barred by the censorship:

Aphrodite, by Pierre Louys.

Aristophanes.

The Confessions of Jean Jacques Rousseau, translated from the French by Edmund Wilson.

The Fortunes and Misfortunes of the Famous Moll Flanders, by Daniel De Foe.

The Golden Ass of Lucius Apuleius, translated by William Aldington.

The Lives of Fair and Gallant Ladies, by the Seigneur de Brantome; and a book which I saw for the first time last night on the desk of the Senator from Indiana, The Merry Order of St. Bridget.

All of these books are for sale by a reputable bookstore in New York.

As for the books which are not for sale at reputable book stores, they are printed privately; they are bootlegged; they are printed in this country just the same as abroad. I have here a list of books printed for what we might call the literary bootlegging trade. I think it includes all the books to which the Senator from Indiana and the Senator from Utah have referred, and practically all of the books that I saw on the Senator's desk last night. They are being bought and sold at extravagant prices. I will say that I do not think they are doing half as much harm as the bookstall magazines which I spoke about a moment ago, because those magazines, in the first place, can be bought by anyone, and can be bought for 25 cents apiece, whereas the bootleg Lady Chatterley's Lover sells for \$25. The magazines to which I have referred are much more available. There is no difficulty in obtaining them.

It is the old question of censorship, Mr. President. We can not force people not to read something they want to read. If human beings think they have a right to read something, the presence of statutes is not going to interfere with them. We can pass all the laws we want, and the thing will remain the same.

Here [displaying] is a book by Mr. D. H. Lawrence, published in this country in 1930. It is entitled "Pornography and Obscenity." This is an explanation of the author's motives in writing Lady Chatterley's Lover. It is not very long. It shows at least that the author, whether correct or incorrect, had a very sincere attitude in the work he was doing. It can be read in 20 minutes, and I commend it to the Senator from Utah. It may fill some of the hours which have previously been filled by Lady Chatterley's Lover. [Laughter.]

Mr. SMOOT. I will say again to the Senator that I have not taken 10 minutes on Lady Chatterley's Lover, outside of just looking at its opening pages. The Senator has referred to it now twice, and I protest against it. Anything that the Senator will recommend me to read after the speech he has made to-day I would hesitate even to think of reading. [Laughter.] I think that it is most damnable to undertake to read such stuff.

Mr. CUTTING. I am very sorry, Mr. President. I was just going to refer to the Bible. I hope that my reference to it will not prevent the Senator from Utah from reading it in the future.

Mr. SMOOT. I expected the Senator to refer to the Bible.

Mr. CUTTING. Then, the Senator is not disappointed.

Mr. SMOOT. Let me suggest to the Senator that if he will read the Bible altogether, he will never stand on this floor defending any such rotten stuff as he appears to be defending.

Mr. CUTTING. O Mr. President, that is just the point. Anyone who will read the Bible altogether will be entirely in favor of the Bible, but anyone who will read selected passages from the Old Testament will realize that they could be misconstrued and could be considered in exactly the same class as the literature which the Senator is so insistent shall be excluded. The point is that books have to be read as a whole.

Mr. SMOOT. I deny it with all the force at my command. That book there [indicating] has not anything in it but the rottenest kind of stuff that can be thought of by a human being. There is not one elevating thought in it.

Mr. CUTTING. If the Senator has only spent 10 minutes on the book I can not see how he can tell whether or not there is anything elevating in it.

Mr. SMOOT. I could tell from the very beginning of the book; that is enough to indicate what the book is; it is enough to indicate that it is written by a man with a diseased mind and a soul so black that he would even obscure the darkness of hell. [Laughter.] Nobody would write a book like that unless his heart was just as rotten and as black as it possibly could be.

Mr. GLASS. Mr. President—

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

Mr. CUTTING. I yield.

Mr. GLASS. That being so, why does the Senator from Utah calmly stand there and permit one of his associates to peruse that book? [Laughter.]

Mr. WHEELER. Mr. President—

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

Mr. CUTTING. I yield.

Mr. WHEELER. In view of the denunciation of the Senator from Utah of some of these books, I want to ask him if he has read some of the essays of Brigham Young and whether or not some of Brigham Young's essays would be permitted to come into this country under the pending amendment?

Mr. SMOOT. If any of them could properly come under the provisions of this amendment, they ought never to come in.

Mr. WHEELER. I can show the Senator some that would come under the provisions of the amendment, and some that would be stopped; I can show him some extracts which, in my judgment, are almost as bad—I would not say they are as bad, because I can not conceive of anything being as bad as some of these books are; but there are extracts that would come under the ban of the amendment if they were taken alone; there are also statements which would bring the essays or discourses under the provision prohibiting literature which would be calculated to stir up insurrection.

Mr. SMOOT. I have no objection—

Mr. WHEELER. Let me call the Senator's attention to the fact that the Government lived all through the time when this literature was coming in here. I am not complaining about it, because when those essays came in here they did not revolutionize this Government, notwithstanding the fact that, if one will read them and take them seriously I say to the Senator he will discover that they might have been construed as tending to stir up rebellion. Yet, Mr. President, we have lived through it all, and this country is big enough and intelligent enough to live through the years. I can not conceive why the Senator should become so excited under the circumstances.

Mr. SMOOT. In so far as the safety of our country is concerned, I am not worried about the Senator from New Mexico or the Senator from Montana reading these books.

Mr. WHEELER. Let me interrupt the Senator long enough to say that the only portion of any of these books that I ever read was what the Senator read to me yesterday.

Mr. SMOOT. The Senator from Utah did not read anything to the Senator from Montana yesterday.

Mr. WHEELER. The Senator read me a part of one yesterday, and that is the only portion of any of these books that I have ever read.

Mr. SMOOT. That is not what I have in mind. I say that the judgment of the Senator from Montana and the judgment of the Senator from New Mexico are so mature that perhaps this rotten stuff would not affect them, but what about the boys and girls when it falls into their hands, as it does?

Mr. WHEELER. What about the boys and girls who read the works of Brigham Young?

Mr. SMOOT. If there is any literature he ever wrote or put into circulation which would fall under the ban of this amendment, it ought to be banned, and I would have no objection to it being banned.

Mr. CUTTING. Mr. President, I should like to say in response to what the Senator from Montana just suggested that I believe the Mormon Church, more than almost any sect in the country, ought to be in favor of free speech and free thought. Those men, sincere, toiling, persecuted, fought the United States Government and were persecuted by the Government for years.

I honor them for their opinions, but those opinions are not ours, and I can not conceive how anyone interested in that church and familiar with its history could adopt the kind of intolerant attitude which we have seen here from the Senator from Utah. I am entirely in favor of the circulation of all the opinions of Brigham Young or of any of the other elders of the Mormon Church.

Mr. WHEELER. Mr. President, I should like to say that I would not cast reflections upon the Mormon Church, because I believe, as the Senator from New Mexico does, that the Mormon Church has some very fine men in it, but I feel that those connected with it, as is the Senator from Utah, ought to be the last ones to stand upon this floor and become intolerant.

Mr. SMOOT. Mr. President—

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

Mr. CUTTING. I yield.

Mr. SMOOT. I want to say to the Senator from New Mexico that I am proud of the record of the Mormon people. I know they are as honest as any people who ever lived in all the world.

Mr. CUTTING. I quite agree with the Senator.

Mr. SMOOT. I know they are as industrious as any people in all the world; I know that the men and the women of the Mormon Church are virtuous, and, if I should lose my virtue, the first thing I would do would be to leave the Mormon Church.

Mr. CUTTING. Before the Senator sits down I wonder if he will answer a question. I quote from the remarks made last evening by the Senator from South Carolina [Mr. BLEASE], as follows:

Mr. President, I say the Senator from Utah is correct. If a man comes into this country and says, "damn America," he ought to be hanged for it; it is treason. If he comes into this country and says he thinks the President of the United States ought to be assassinated, he ought to be hanged.

Is the position the Senator from Utah takes the same as that announced by the Senator from South Carolina?

Mr. SMOOT. That is the position taken by the Senator from South Carolina.

Mr. CUTTING. Yes; but the Senator from South Carolina says, "the Senator from Utah is correct."

Mr. SMOOT. There is nothing in the amendment which I am proposing that would justify such statement or any such reference.

Mr. CUTTING. The reference was made by the Senator from South Carolina to the attitude of the Senator from Utah, and that is the only reason I asked the question.

Mr. SMOOT. I imagine the Senator knows my attitude sufficiently well without even asking me the question.

Mr. CUTTING. Of course, those statements referred to by the Senator from Montana were made by the elders of the Mormon Church.

Mr. SMOOT. I do not know to what the Senator from Montana referred. I presume he had reference to polygamy; but I do not know.

Mr. WHEELER. No; I had no reference to polygamy in any way, shape, or form. I have in my hand, however, extracts from discourses by Brigham Young, not mentioning polygamy, but containing statements with reference to our Government. It was stated at the time, let me say to the Senator, that the Mormons were being persecuted by some people in this country. The reason I called them to the Senator's attention was, knowing, as the Senator knows, what the Mormon Church went through, knowing how it has been persecuted, and knowing of what he himself has been through, it seems to me that the Senator would be more tolerant in some of his views than he apparently is.

I want to say to the Senator that, while not many of them live in my State, I happen to know a great many of the people who belong to his church, and I agree with the Senator that they are as honest and high-class people as ever lived in the United States of America, but, nevertheless, one can take excerpts from discourses of Brigham Young which, if the Senator should put through a provision similar to that which he seeks to put through, would never be permitted to come into this country, and under such a provision they could not have come in at the time they were written. Mind you, they were printed in England, and if it had been attempted to bring them in they would have been prohibited.

Mr. SMOOT. They were printed here, I will say to the Senator.

Mr. WHEELER. No. Some of them might have been, but many of them were printed in England.

Mr. SMOOT. They were not delivered in England, so they might as well have been printed here.

Mr. WHEELER. I will say that they were printed in England and shipped here.

Mr. SMOOT. I doubt that they were shipped here. They would have been printed here. I want to say to the Senator that at that time Johnston's army was coming to Utah to destroy a whole people on the basis of an absolute lie, that the court records had been destroyed, and Judge Drummond was telling the United States Government falsehoods as to what the Mormon Church had done to the court out there. Not only that, Senator, but my father and my mother were driven from their homes in Salt Lake City. Every home owner in Salt Lake City was prepared to burn down his house if Johnston's army should come there.

Mr. WHEELER. Of course, all that was because of the intolerance on the part of some people in the United States of America, and that is what I complain about—that many honest and sincere people use the laws that are placed upon the stat-

ute books of the United States for the purpose of persecuting innocent people. I repeat to the Senator because of the persecution which these people went through, he belonging to the Mormon Church, ought to be extremely tolerant and extremely careful that no laws shall be placed upon the statute books that might be used to oppress people in a similar fashion.

Mr. SMOOT. I wish to say to the Senator that I do not think it is any oppression to keep vile literature from the boys and girls of this country.

Mr. WHEELER. Mr. President, will the Senator from New Mexico yield to me there?

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

Mr. CUTTING. I will yield in just a moment if the Senator will pardon me. The Senator from Utah, while he has been talking entirely about indecent books, has written in his amendment a prohibition, newly introduced in this kind of legislation, against books urging treason or insurrection.

Mr. SMOOT. I am perfectly willing to eliminate that part of the amendment. I had already stated to the Senator from Virginia and to the Senator from Montana that that provision would go out. The words on that subject in the amendment are taken literally from the act governing the Post Office Department.

I am going to ask the Senate to take out the words. I know that they could be used politically if somebody desired to use them in that way. I am not willing to go even that far in this case; and, as I say, I am going to ask the Senate to take those words out of this amendment.

Mr. CUTTING. I am very happy to hear the Senator say that. This is the first time I have had that information. If I had had it earlier, I should not have commented on that particular phase of the matter, because the questions which the Senator from South Carolina raised were questions dealing entirely with these treasonable and insurrectionary passages of the amendment.

Mr. WHEELER. Mr. President, I was going to say to the Senator that all through the speeches and discourses of Brigham Young—there is not any secret about it—we can find statements which might be interpreted by some as calculated to stir up insurrection.

I simply quote this:

Do I believe that the United States will be divided? Yes, I do; and the prayers of all the saints throughout the world should be to that effect (p. 13 of his discourses).

That is only one illustration.

Again, he says:

Who would be afraid of a poor, miserable soldier—a man that gets \$8 a month for killing people, and a miserable butcher at that—one of the poorest curses in creation? Mean as the Americans are, they will not many of them hire for soldiers—let them come on or stay and wiggle; it is all right. We are the saints of God.

Mr. SMOOT. They did come and stay, Mr. President. They came there, and not a single, solitary one of them was harmed in any way, shape, or form. The only thing that came from it was that they shot up a town or two while drunk. They came over from Cedar Fort, where they were located, and the people never gave them a cause for such action.

But what was back of this? The people there were threatened with extinction. They were threatened with being driven out again as they had been driven out of Nauvoo. They had traveled 2,000 miles through a wilderness. Hundreds and hundreds of them died from cold and hunger.

Mr. WHEELER. I agree with the Senator entirely with reference to that. I agree that they were persecuted, and I agree with the Senator that they went through a great deal, and they suffered everything under the sun; but that does not alter the fact that whatever the provocation was, however great the provocation was, if there had been a law of this kind upon the statute books it could have been used to send these men to the penitentiary at hard labor for 10 years or for 5 years, whichever it is.

Would the Senator stand upon the floor of this body under those circumstances and ask that a law be enacted upon the statute books of the United States which would have sent his forbears to the penitentiary, knowing the suffering and the misery they went through? Would he stand here now and ask that we place a law upon the statute books that would have sent these men—his forbears who suffered this persecution—to the penitentiary for 10 years, or upon the rock pile at hard labor? It is inconceivable to me that the Senator should do that.

Mr. SMOOT. No, Mr. President.

Mr. WHEELER. The only reason why I called attention to it was because I could not understand the Senator's attitude with reference to this matter.

Mr. SMOOT. Mr. President, the amendment I offered had no provision such as the Senator refers to.

Mr. WHEELER. O Mr. President—

Mr. SMOOT. Wait a minute; I will tell the Senator the fact about the matter. I know it did not. The Senator from Montana [Mr. WALSH] offered that amendment to my amendment, and I accepted it. The Senator from Montana this morning, in speaking of it, I am quite sure, feels that we should not carry this out; and I know why the Senator from Montana put that provision there. He copied it word for word from the act with reference to the Postal Service.

Mr. BRATTON. Mr. President, may I ask the Senator a question there?

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

Mr. CUTTING. Yes.

Mr. BRATTON. Do I understand the Senator from Utah to say that the act with reference to mailing obscene matter includes the same language that is contained in the pending amendment with reference to treasonable or insurrectionary matter?

Mr. SMOOT. Let me read it to the Senator. It is section 344:

Every letter, writing, circular, postal card, picture, print, engraving, photograph, newspaper, pamphlet, book, or other publication, matter or thing, of any kind containing any matter advocating or urging treason, insurrection, or forcible resistance to any law of the United States is hereby declared to be nonmailable.

That is the exact wording that the Senator from Montana used; and it is in the postal act, as I stated.

Mr. BARKLEY. Mr. President—

Mr. SMOOT. To my amendment the Senator from Montana offered that amendment last night; and that amendment, as I stated to the Senator, I am going to ask to have amended by striking out those words.

Mr. BARKLEY. Mr. President—

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

Mr. CUTTING. I yield to the Senator from Kentucky.

Mr. BARKLEY. I notice that the language of the amendment adopted in Committee of the Whole, for the authorship of which the Senator from New Mexico is entitled to the credit, provides that the importation of all indecent and obscene prints, paintings, lithographs, engravings, drawings, post cards, transparencies, photographs, photographic plates, advertisements, instruments, and other articles of an immoral nature is prohibited. The word "book" does not appear in that list. Is the word "book" omitted by oversight or by intention?

Mr. CUTTING. It was omitted by intention. As I explained to the Senate at the time, I felt that a customs official or almost anyone else could comparatively easily detect the difference between an indecent picture and a decent one. As to a book, it is necessary, as the courts have declared, to read the entire book through, and I did not feel that the customs clerks would be able to give the time or have the training or experience to judge of a work of literature of any kind.

Mr. BARKLEY. If the Senator will yield further, this whole subject seems to me to divide itself into two classes. One is the importation and dissemination of literature ordinarily designated as of a liberal nature, advocating certain political principles with which many of us might not agree but which we would not seek to suppress, because, as I think Jefferson once said—not in this language but in effect—if he could not mount a goods box and outargue somebody who was opposing him on a principle of government he would let him have his way, and probably he should have his way. I draw a very clear distinction between literature of that sort and literature that is immoral and indecent and obscene.

I have in my hand a compilation of the laws of all the States on the subject, and practically all of them make it unlawful, and punishable by fine and imprisonment, to print or circulate or publish or in any way to assist in the sale or distribution of obscene, indecent, and immoral literature, books or pamphlets of any sort, showing that the effort of our State legislatures has been to protect their people against the circulation of ordinarily obscene and indecent literature or books or pamphlets that may parade under the term of "literature" but whose obvious design is to scatter obscenity and vulgarity among the people.

That is the thing that bothers me on this whole proposition. I am not afraid to admit to the light of publicity and dis-

discussion any principle of government, any economic theory of any man or woman who may disagree with the existing conditions, because I am not one of those who believe in the status quo, whatever may be our point at the time we may discuss it.

I am frank to say to the Senator, however, that I do not like to vote to admit into this country vulgar, obscene, and immoral literature, books or pamphlets, whatever may be their form, when the legislatures of all the States have sought to protect their people against that very thing.

The argument has been made that in view of the acts of the legislatures seeking to protect their people against this sort of thing it is unnecessary for the Congress to pass a Federal statute to protect the people against the same sort of literature, if it can be called literature. On the contrary, it strikes me that it is the duty of the United States Government to undertake to protect the States in the enforcement of their own laws, and not make it possible for larger quantities of this objectionable, immoral stuff to come into the country, where it will place a still greater burden upon the local officers to protect themselves against the dissemination of that sort of books.

I have talked to the Senator a time or two privately about the possibility of segregating or separating these two classes of books and pamphlets, so that we may allow any progressive and liberal literature that comes in here to be circulated, but at the same time prevent the circulation of this immoral, indecent, and obscene so-called literature about which we have been talking. Has the Senator been able to work out any such division, so that those of us who are troubled about the immoral side of it may at the same time suffer no compunctions of conscience on the liberal side?

Mr. CUTTING. Mr. President, I take it from the statement made a few minutes ago by the Senator from Utah [Mr. Smoot] that he is willing to eliminate from the amendment the radical and seditious side of it. That, of course, will make the distinction of which the Senator speaks.

I appreciate the point of view of the Senator. I had that digest printed as a public document because I thought it was important; and I want to call the Senator's attention, first, that the customs censorship goes considerably beyond the point that the Senator was advocating—the protection of the States by the Federal Government. In many States where, for instance, medical books are permitted to be circulated, the customs censorship will keep them out. The customs censorship is uniform for the whole country, regardless of what the actual State law may happen to be. It is not only helping the States to carry out their laws but it is also imposing on the States certain laws of which the States may not approve.

Mr. BARKLEY. Of course, if there are those who object to censorship altogether as a matter of principle, they would object to the enactment of State laws on the subject, because in the States they provide no expert tribunal where the decency or the indecency of the book is to be passed on. The only tribunal before which that question can be raised is the grand jury, or some committing magistrate, and then the matter has to be tried before a jury on an indictment or information in a criminal prosecution, and the jury has to pass on the question whether it is a violation of the law.

I do not imagine that the members of the average jury could be regarded as experts on that question; and I am wondering how we can abandon altogether the efforts to protect the people against this sort of literature on the ground that all censorship is objectionable. If it is objectionable, it is no less objectionable because it happens to be invoked by the States than by the Federal Government.

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

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

Mr. CUTTING. I yield to the Senator.

Mr. NORRIS. The suggestion made by my friend from Kentucky [Mr. BARKLEY] raises a point in my mind; and I am wondering if it does not raise the same point in the minds of other Senators. He seems to go on the theory that the method provided by the proposed amendment that would prevent the importation of these books is a better method of reaching the facts than to try them before a jury, as they must be tried in the States.

I have just the opposite idea in my mind. One of the reasons why I think we should not impose the duty on clerks of keeping out literature but should provide a criminal offense for bringing it in is just because the Federal Government does not have the same machinery the State has by which a man can be indicted and then tried before a court and a jury. That procedure is denied, and it is one of the reasons why I do not like it.

Mr. BARKLEY. Mr. President, I agree with the Senator. I never liked the idea of some clerk in a bureau passing on questions of this sort, and that was one of the objections raised

in October to this censorship. I understand that a different method is to be pursued, that if the collector, upon investigation and examination of the so-called literature, thinks it is obscene and immoral, then he is to report to the United States district attorney, and a proceeding in court will be instituted to determine whether it is obscene or not. That is the method adopted in the States.

Mr. NORRIS. I think that is a much better method than to let it be submitted to a clerk.

Mr. BARKLEY. In all the States, practically, if anybody is arrested and charged with a violation of the State laws on the subject, of course, the book, or pamphlet, or whatever it is, is taken to the local prosecuting attorney, and he must pass on whether it is prima facie in violation of the law and, if he thinks it is, he takes the matter before some court and institutes a prosecution. I think that method on the part of the Federal Government would be much better than to leave it to some clerk.

Mr. NORRIS. I misunderstood the Senator. I thought he favored having a clerk pass on the literature in preference to the other method, and that is the reason why I interposed.

Mr. CUTTING. Mr. President, if the Senator from Kentucky wants my point of view on the question, it is entirely in agreement with that stated by the Senator from Nebraska. I would rather trust a jury in a State than I would an irresponsible customs clerk, every time.

Mr. BARKLEY. Mr. President, the point I am making is that somebody in a preliminary way must start a proceeding, and in a State the prosecuting attorney does so. In a Federal Government proceeding, under this new amendment, as I understand it, the complaining officer at the port would lay the matter before the United States district attorney, and then the proceeding would go along somewhat similar to that in the States. Am I correct about that?

Mr. CUTTING. I think so. I should like to discuss the amendment later on.

I want to call the attention of the Senator, however, to the fact that the educators of the country, who certainly have at heart the interests of the youth as much as any man in this Chamber could possibly have, have been equally opposed to the customs censorship with regard to one type of literature. That is not, of course, a conclusive argument, and I do not put it to the Senator as such, but I just want to remind him of it.

Mr. BARKLEY. I am wondering whether these educators who are agitated over this have taken it on themselves to seek a repeal of State laws on the subject.

Mr. CUTTING. Mr. President, I try to keep as far as possible away from the State laws, because we really have nothing to do about them, and that is a matter for the States to discuss.

Mr. BARKLEY. The same principle, it seems to me, is involved. If it is wrong in principle for a State legislature to try to protect the youth of the State against the circulation of immoral literature, I do not see that the effort of the United States to keep it from getting into a State, where the State law has to be invoked, is very much opposed to the principle which the State has itself adopted.

Mr. CUTTING. That is true in one sense. Of course, the States can provide much more adequately for the conditions existing in the States than the Federal Government can provide for the entire country.

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

Mr. CUTTING. I yield.

Mr. FESS. I would like to say to the Senator from Kentucky that the dominating purpose of the educators is not against censoring as a principle so much as this particular agency of censoring at the ports. There is a criticism as to the qualifications of those who do the censoring.

Mr. CUTTING. Of course, that is the only particular feature we have before us.

Mr. BARKLEY. I did not understand that the position of the educators, to whom reference has been made, is that they favor the circulation of indecent or immoral literature. I certainly should hate to think that of the educators of the United States, or of any State. They do object to the particular method by which this so-called censorship is applied, but not to the principle of undertaking to protect the people against circulation of indecent and obscene literature.

Mr. FESS. The educators, as a rule, make a sharp distinction between the censoring of political matters or political opinions and of moral or immoral matters.

Mr. BARKLEY. That is the very distinction I have been seeking to draw out, and it is one that has worried me considerably. I am not afraid to turn the white light of publicity and of open discussion upon any political theory anybody advocates.

Mr. FESS. The educators are chiefly moved by the possibility of the distortion of the youth by immoral literature. That is the main thing.

Mr. BORAH. Mr. President, is anybody objecting to censorship properly administered? Does not the whole thing resolve itself into what kind of censorship we want? I do not understand that anybody wants a certain class of literature—such as that which has been circulated around here for the last two or three days—circulated indiscriminately, but there is a wide difference of opinion as to whether a customs officer is the proper one to pass upon the literature which should come into a country.

Mr. BARKLEY. I agree with the Senator.

Mr. CUTTING. Mr. President, may I have a word? I want first to address myself to the Senator from Ohio, who referred to the fact that the educators were opposing only the political and not the moral censorship. I have here a letter from Prof. Horace B. English, of Antioch College, whom perhaps the Senator may know—

Mr. FESS. I know him very well.

Mr. CUTTING. He states:

Your exposure of the stupidities of censorship in the proposed tariff bill is a great public service. I trust you will persist in the present session.

The press carries the announcement that Senator Smoot is reading up on smut and will demand a secret session of the Senate in which to read the objectionable passages. I hope you will force him out into the open and make him read the passages in open session.

Referring, of course, not to the political end but to the other end of the debate:

I have yet to talk with an intelligent person who does not agree with your stand.

I have hundreds of letters of the same kind from educators all over the country.

Mr. BARKLEY. Mr. President, did the professor from Antioch apply for tickets for the gallery when he also insisted that the Senator from Utah read those passages in the open?

Mr. CUTTING. I do not know.

Mr. WHEELER. Mr. President, I also would like to call attention to Dr. Nicholas Murray Butler, president of Columbia University, who is quoted as saying:

It was most refreshing to read Senator CUTTING'S words of common sense, of broad-minded liberalism, and of understanding of fundamental principles of civil liberty. How even a single Senator could dare to vote to put some unknown official or group of officials in a Washington department in supervision of what we shall read is beyond my belief.

Not only have many of the educators of the country, but likewise many of the leading bishops of the country, like Bishop McConnell, of the Methodist Church, spoken on this subject. Bishop McConnell said:

I wish to express my appreciation of Senator CUTTING'S stand against the proposal to take the censorship of literature away from the courts and to put it in the hands of customs officials. No more inappropriate and inadequate dealing with censorship could be conceived than that of putting it in the hands of men selected primarily for other purposes.

Yet, we are told practically that if we stand here upon the floor of the Senate and oppose this sort of thing, we are indicating a desire to put this kind of literature into the homes, among the children and the families of the United States. Does anybody think that Bishop McConnell, of the Methodist Church, wants to put that sort of literature into the hands of the children of this country? Does anybody stand upon this floor and suggest that I would want to put such literature into the hands of the children of this country, when I have six of my own? It is perfectly silly and perfectly preposterous. Yet Senators stand on the floor and make impassioned speeches in favor of this sort of thing because of the fact that they apparently think it appeals to the unintelligent back home.

Mr. CUTTING. Mr. President, I should like to continue without interruption for a short while, if agreeable to Senators.

We have discussed the State laws at some length, and I think that is an important matter. If there is going to be any censorship, the States seem to me the proper authorities to supervise it, and I do not believe that the Federal Government ought to adopt regulations which will go beyond the regulations adopted by the States.

I am very grateful for the interruptions, especially those of the Senator from Montana. Of course, it is not the purpose of any Member of the Senate to do anything which will in any way injure the work of the educators and the families in protecting the youth of the country. That might as well be

said at the start. A great many questions of detail, a great many differences of opinion as to detail, have arisen in the Senate, and no doubt there are as many varieties of opinion on all these questions as there are Senators.

Before we leave that subject, I should like to call to the attention of the Senate an investigation made by the Bureau of Social Hygiene of New York City a few years ago. The work in question was done by Dr. Catherine Bement Davis, who was for a long time superintendent of the State Woman's Reformatory and afterwards commissioner of correction in New York State, one of the leading criminologists of the country. She got out a questionnaire in an effort to discover whether there is anything in the theory that books, on the whole, have been of any harm to the youth of the country. A great many questionnaires were sent out, and 1,200 answers were received. The questions were as to how the early information about sex matters was received.

Out of 1,200 answers, only 72 mentioned any books in connection with their reports. Of the books mentioned which were alleged as having any influence on the lives of these different people in all occupations and all classes of life, not one of the books on the customs black list was included. The books from which these children claimed to have received their first information as to sex matters were in the following order: First, the Bible; second, the dictionary; third, the encyclopedia; fourth, the novels of Dickens; fifth, Shakespeare; and so on down the line. I think that is an interesting list in that it shows the practical results which could possibly be accomplished by excluding—if it were possible to exclude, which it obviously is not—all these books which the customs censors have attempted to exclude.

Some of these books which we read and think highly decent have, as I said before when the subject came up, been excluded, censored, and suppressed at different stages of the world's history.

No doubt the books which we value most highly will at some future stage be censored as improper for the reading of youth. It may well be that some of the books to which we now object, which we now consider immoral, will meet the changed standard of another generation. These are things which no man in the Senate has foresight enough to predict.

I came across a curious instance of it the other day. I have been too busy in the last few years to do much reading in the classics, yet I ran across a set of the Latin classics in my library the other day. It is a set of the Latin authors in about 150 or 160 volumes. I thought I would pick out one of the works of Lucretius, and in looking over the volumes I was surprised to find that Lucretius was not included.

From our point of view to-day Lucretius is probably the most solemn, the most austere, the most moral of all the Roman authors. In looking for the reason why he had been left out of this collection I took up the preface and I found that this set of classics was published in Paris in the early nineteenth century and was dedicated to King Louis XVIII, a monarch whose moral reputation was hardly of the highest, though it did not say so in the preface of the edition. It did state that the King of France refused to allow this edition of the classics to be dedicated to him unless they excluded the works of Lucretius. He allowed to be included the authors, mind you, whom some of us might consider improper. The works of Martial and Juvenal and Petronius, and so on, are all included, but when it came to Lucretius the great King of France decided that he could not go so far as that, that Lucretius must be excluded or he was not going to allow his name to be used in the issuing of a set of the classic authors which might possibly corrupt or contaminate the people of France of that day.

Of course, the reason was that Lucretius in the course of his poem denies the existence of the gods.

That shows an entirely different attitude toward the whole subject of censorship in the space of a century. We would not conceive of censoring a book from that point of view. The moral is that it does not make much difference on what ground we censor a book. If we have a censorship and if we have individuals authorized to decide what the people of the country shall read, it does not make a great deal of difference whether they exclude them on one ground or another. Thought has ceased to be free, and its expression has equally ceased to be free.

At different stages in the world's history books have been censored for different reasons—for blasphemy, the reason for which Louis XVIII refused to patronize the work of Lucretius; for indecency, the alleged reason for our present customs censorship and post-office regulations; and at another of the stages of the world's history for sedition, and that stage, it appears to me, is the stage which we are now entering. Yet whatever grounds are given for the exclusion of the works of literature,

the fundamental fact remains the same—that censorship has been in all ages and will always continue to be a tool of tyranny. For that reason I can not entirely make the distinction which so many Senators have made between censorship of one kind and censorship of another. The customs clerks have so completely shown their incompetency that I think the power which they have exercised should be removed from them.

But, Mr. President, the most important part of this section, the most important part of the whole discussion, is contained in the words which have been added to the tariff bill for the first time in the present proposed draft, and those words are "containing any matter advocating or urging treason, insurrection," and so forth.

The fight against the censorship of political opinion has been one of the main fights in American history. It started before the Government of the United States itself. It has been almost the thread on which all other parts of American history have been strung. It started the first division between the parties. It has come up repeatedly in one form or another.

The sedition and alien acts were the chief bone of contention during the Presidency of John Adams. Those who proposed the sedition acts based their attitude on their old English common law which dealt with prosecution for what was called seditious libel. Seditious libel was "to publish orally or otherwise any word or document with an intention to bring into hatred or contempt and to excite disaffection against the King and the Government and the Constitution of the United Kingdom as by law established, or to excite British subjects to attempt, otherwise than by lawful means, the alteration of any matter in church or state by law established, or to promote feelings of ill will or hostility between different classes."

Stephen, in his digest of criminal law, declares seditious libel to be the intentional publication, without lawful excuse or justification, of written blame of any public man or of the law or of any institution established by the law.

Under the English common law there was no need to prove any intention on the part of the defendant to produce disaffection or excite insurrection. It was enough if he intended to publish the blame, because "it was unlawful for him merely to find fault with his masters and betters."

That is the old English law which the Federalist Party, under John Adams, attempted to introduce into the American system. I am not going into this matter in any detail because Senators are aware of the tremendous political upheavals which resulted from that attempt to translate the English sedition laws into the United States system. It was argued and has been on the whole successfully maintained that sedition had no place in a Government of this kind because our Government represented the people themselves, and that when the fundamental crime involved is the finding fault with our masters and betters, we can not do that where we ourselves are the people criticized.

In 1805 it was decided in Pennsylvania in the case of the Republic against Dennie that, in the opinion of the judge—

The enlightened advocates of representative government pride themselves in the reflection that the more deeply their system is examined, the more fully will the judgments of honest men be satisfied that it is the most conducive to the safety and happiness of a free people. * * * It is true it may not be easy in every instance to draw the exact distinguishing line. To the jury it belongs peculiarly to decide on the intent and object of the writing * * * leaning to the favorable side where the criminal intent is not clearly and evidently ascertained * * * If the publication was honestly meant to inform the public mind, and warn them against the supposed dangers in society, though the subject may have been treated erroneously * * * the jury should acquit the defendant. * * *

It is no infraction of the law to publish temperate investigations of the nature and form of government.

Dennie had been indicted for treason and the net effect of the decision was that there is no such thing as verbal treason.

A little later in the history of the country the first attempt was made to establish a post-office censorship. It was in connection with the attempt to stop the publication of abolitionist literature in the Southern States. President Jackson sent a message to Congress making the following recommendation:

I would, therefore, call the special attention of Congress to the subject and respectfully suggest the propriety of passing such law as will prohibit, under severe penalties, the circulation in the Southern States through the mails of incendiary publications intended to instigate slaves to insurrection.

I ask Senators to remember the extremely inflamed public opinion at the time on this subject. It was something of which we have hardly had an example in the country since.

Mr. BORAH. Mr. President—

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

Mr. CUTTING. I yield.

Mr. BORAH. Has the Senator John C. Calhoun's report on that proposition?

Mr. CUTTING. I have not the report, but I have his speech in the Senate, and I was just going to quote it. If the Senator has the report I would much prefer to quote from it.

Mr. BORAH. I do not have it with me. I had it a short time ago. It is rather instructive on this point.

Mr. CUTTING. I was just going to quote from Senator John C. Calhoun, because he, of all men in the United States Senate at that time, was most completely opposed to the idea of allowing abolition literature to be circulated in the South. He was the chairman of the committee to whom the Senate referred the matter.

In his speech he says, in referring to President Jackson's message:

This was clearly unconstitutional, for it not only recommended the prohibition of publications, and circulation of incendiary papers (abridging the freedom of the press), but it recommended also the infliction of severe penalties, which powers were expressly prohibited by the Constitution. On no other principle could this ever be defended, than that it was simply abstaining from a violation of the laws of the States.

Acting on that assumption, Senator Calhoun prepared another measure merely carrying out the laws of the States by Federal action through the post office; but even that measure, Mr. President, was strenuously opposed by other Senators then in the Senate.

Mr. Clay said:

The President's message * * * had met with general disapprobation; that it was unconstitutional; and if not so, that it contained a principle of a most dangerous and alarming character.

Daniel Webster also spoke on this subject. He said that—

He was afraid that they [the Senate] were in some danger of taking a step in this matter, that they might hereafter have cause to regret, by its being contended that whatever in this bill applies to publications touching slavery applies to any other publications that the States might think proper to prohibit; and Congress might, under this example, be called upon to pass laws to suppress the circulation of political, religious, or any other description or publications which produced excitement in the States. * * *

* * * Was this bill in accordance with the general force and temper of the Constitution and its amendments? It was not in accordance with that provision of the instrument under which the freedom of speech and of the press was secured.

Mr. FESS. Mr. President—

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

Mr. CUTTING. I yield.

Mr. FESS. The weight of that opinion might have to be somewhat discounted, as the Senator knows, because of the feud between the President and what was called the "great triumvirate" of Webster, Clay, and Calhoun.

Mr. CUTTING. I appreciate that, Mr. President, but I am trying to give an historical account of the matter. Of course, the bill was defeated.

Mr. FESS. The Senator will recall that those three combined and ultimately secured a censure of the President; so that while the debate presents an idea, it should be somewhat discounted because of the bitter feeling existing at that time.

Mr. CUTTING. The point I was trying to bring out particularly was that these three Senators, of a very conservative point of view, on the whole, including John C. Calhoun, whose prejudices and general opinions were upon the other side of the question, yet did not think the President's recommendation was constitutional.

In another connection, a few years before, Daniel Webster, that great conservative, during the War of 1812—and I think this quotation has considerable bearing on the question which the Senate is considering at the present time—had spoken as follows:

Important as I deem it to discuss, on all proper occasions, the policy of the measures at present pursued, it is still more important to maintain the right of such discussion, in its full and just extent. Sentiments lately sprung up, and now growing fashionable, make it necessary to be explicit on this point. The more I perceive a disposition to check the freedom of inquiry by extravagant and unconstitutional pretenses, the firmer shall be the tone in which I shall assert and the freer the manner in which I shall exercise it. It is the ancient and undoubted prerogative of this people to canvass public

measures and the merits of public men. It is a "homebred right," a fireside privilege. It has ever been enjoyed in every house, cottage, and cabin in the Nation. It is not to be drawn into controversy. It is as undoubted as the right of breathing the air or walking on the earth. Belonging to private life as a right, it belongs to public life as a duty; and it is the last duty which those whose representative I am shall find me to abandon. Aiming at all times to be courteous and temperate in its use, except when the right itself shall be questioned, I shall then carry it to its extent. I shall then place myself upon the extreme boundary of my right, and bid defiance to any arm that would move me from my ground. This high constitutional privilege I shall defend and exercise within this House and without this House, and in all places, in time of war, in time of peace, and at all times. Living I shall assert it, dying I shall assert it; and should I leave no other inheritance to my children, by the blessing of God, I will leave them the inheritance of free principles and the example of a manly, independent, and constitutional defense of them.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER (Mr. ROSSION of Kentucky in the chair). Does the Senator from New Mexico yield to the Senator from Idaho?

Mr. CUTTING. I yield.

Mr. BORAH. Will the Senator give me the occasion of the address from which he has just quoted?

Mr. CUTTING. It was delivered during the War of 1812 and is found in the Annals of Congress, Thirteenth Session, volume 1, page 944.

Mr. BORAH. I do not desire to divert the Senator from the course of his argument, but I should like to ask the Senator from Ohio what was the observation he made a few moments ago as to the discrediting of Webster's views?

Mr. FESS. Not Webster, but Calhoun. Calhoun had been Vice President and as Vice President was the Presiding Officer of this body. He was called upon to cast the deciding vote on the confirmation of Mr. Martin Van Buren, who had been appointed by the President as minister to London. Calhoun cast the deciding vote and had Van Buren recalled, although he had already gone to London. Calhoun then resigned as Vice President to be elected Senator. He came to the Senate and became the strongest opponent of President Jackson throughout the session. He it was who joined Webster and Clay in their opposition to the President, and ultimately secured a censure of the President, not on this matter, but because of the removal of funds from the various State banks. I say that his opinion against Jackson would have to be somewhat discounted because of the bitterness existing.

Mr. BORAH. That is true, but in the light of subsequent history his constitutional position on this question was the correct position.

Mr. FESS. I agree to that.

Mr. CUTTING. Mr. President, in addition to the postal censorship, opposed at that time by these eminent Senators, but afterwards established, there has been an extreme extension of the police power throughout the country. It is summed up by Mr. Leon Whipple, in his Story of Civil Liberty in the United States, as follows:

Three interpretations of police power complete the machinery of suppression: First, its extension to cover words or acts which might have a tendency to produce mental states from which overt dangers might spring; second, the justification of the preventive measures to keep persons from uttering words or performing acts with this dangerous tendency; third, the recognition by the courts of the right of the executive officials to issue regulations which have far-reaching effects.

All three of those extensions are involved in the principles with which we are dealing in the present section of the tariff bill.

It begins—

Says Mr. Whipple—

by enforcing things that are good for the body and ends by enforcing things that are not good for the soul. It works by the quaint, but dangerous analogy, that quarantine prevents smallpox, therefore, censorship will prevent bolshevism.

Have we not heard that argument used in this Chamber, on various occasions, during the last few months?

It proceeds—

Continues Mr. Whipple—

from preserving the peace to preserving the status quo. This force for safety soon translates safety into "law and order," and this into "the established order." It changes health into comfort, and comfort into peace of mind, which means no agitation, no breaks, no tampering with things as they are.

That, Mr. President, is in brief the history of the various kinds of interference with the freedom of the American citizen which have been so prevalent in recent years. It is the history of the injunction process; it is the history of the extension of the power of contempt of court.

The punishment for contempt of court outside of the presence of the court is apparently an invention of the twentieth century, so far as United States courts are concerned. At least, Mr. Whipple says:

Recently (1900-1914) in Colorado, Ohio, and New York, editors have been punished for contempt of court, which consisted of criticism published in their newspapers, and not in the presence of the court; and, therefore, having no direct tendency to disturb its orderly proceedings.

The subject of contempt of court is a large subject in itself, and I am not going into it at the present time. I have had, as some Senators know, a good deal of experience along those lines. However, I should like to quote from a dissenting opinion of Mr. Justice Harlan in the Patterson case, where he says:

I go further and hold that the privilege of free speech and of free press belonging to every citizen of the United States, constitute the essential parts of every man's liberty, and are protected against violation by that clause of the fourteenth amendment forbidding the States to deprive a citizen of his liberty without due process of law.

Mr. Henry Schofield, in an article entitled "Freedom of the Press," in the proceedings of the American Sociological Association, at the time commenting on the Patterson case, said:

The judge-made law of contempt of court for publications censoring judges is simply intolerable in a land of equality where judges are no more important to the universe than executives and legislators.

These things may seem to some Senators to be carrying us rather far afield; and yet are not all these different attacks on the freedom of the individual converging? And is not this new law prohibiting the importation of so-called insurrectionary and treasonable literature just part of this process?

It is hard to take up a newspaper or a magazine without finding in it some article recommending censorship in some new form—Federal censorship of the films, for example. To those who think the idea plausible—for, indeed, many of the films exhibited in the United States would be none the worse for a little supervision—may I say that a move to censor the "movies" will inevitably lead to the censorship of the "talkies," and after getting to that point the censorship of the radio will be a foregone conclusion, and if there is any difference in principle between censoring the radio and censoring the press, I find it hard to distinguish between them.

Mr. President, it is not any bugbear to suggest that a general censorship of the press will be advocated in the future if the kind of process which is going on now continues to go on.

The State of Minnesota in 1925 passed a law, which is now before the courts, containing the following provision:

Any person who, as an individual, or as a member or employee of a firm, or association or organization, or as an officer, director, member, or employee of a corporation, shall be engaged in the business of regularly or customarily producing, publishing, or circulating, having in possession, selling or giving away,

(a) an obscene, lewd, and lascivious newspaper, magazine, or other periodical, or

(b) a malicious, scandalous, and defamatory newspaper, magazine, or other periodical, is guilty of a nuisance, and all persons guilty of such nuisance may be enjoined, as hereinafter provided.

This does not refer to the suppression or confiscation of individual numbers of a paper which may be considered objectionable. It prevents the publication of such paper in the future as a nuisance. Whether or not the law is constitutional is something which, of course, we have no right to pass upon. The case has been taken up and is now on appeal; and I have a copy of a very able brief filed in the case. What I am talking about is not the constitutionality but the policy or the lack of policy of this kind of violation of what we have always considered to be the fundamental rights of the press of the country, the fundamental rights of free speech and free thought. That is what we are supporting—the ancient liberties of the individual, guaranteed, or at least so we thought, by the Constitution of our country, guaranteed by the policies laid down by the founders of the country, by the fathers of our Government, by the leaders of the various political parties up to the present day.

This move is just one move; but if we accept the amendment now for the first time introduced into tariff legislation, we are driving one more nail into the coffin of American liberties, and it will not be long before we shall be called upon to drive another.

I was glad to hear the Senator from Utah [Mr. Smoot] say a short while ago that he was going to recommend that that new clause, those new words in the law, should be stricken out. I hope he will prevail upon the Senate to do so. As I have said, I object to this censorship by customs inspectors and customs clerks, whether those words be or be not stricken from the law. But at least we have been existing under the conditions of the law of 1890 during the last 40 years. We shall at least be doing nothing new even if the Senate should not decide—as it decided rightly, I believe, in October—to do away with the objectionable and foolish system under which we have been living.

A word or two more, Mr. President, and I am done. I have taken entirely too much of the time of the Senate; but before closing I should like to quote once again from the Senator from Utah, because the words which I am going to quote are words which I think reflect on a great many of the Members of this body:

I have been saddened—

Said the Senator—

by the disclosure of laxity of views developed during the debate. I have been distressed that in the Senate of the United States so few voices were raised in debate against a proposal to abolish the prohibition of the importation of obscene books. I can not refrain from expressing the opinion that some of the views expressed in that debate, while possibly only the views of the individual speakers, can not fail to react upon the Senate as a whole and lower it in the estimation of that very large part of our citizenry whose esteem we value most, but which it would appear from the debate are included by some Senators in the "unthinking class."

Mr. President, I regret being censured for laxity of views by the Senator from Utah; but as I read over the list of the Senators who voted with me on that amendment I think I can express some pride in having the same degree of "laxity of views" shared by the senior Senator from Idaho [Mr. BORAH], the Senators from Nebraska, Wisconsin, Iowa, and the Dakotas, and all the rest of the Senators who voted with me on this side of the aisle, and men like my colleague, the senior Senator from New Mexico [Mr. BRATTON], the junior Senator from Georgia [Mr. GEORGE], the Senators from Montana, and many others on the other side of the aisle. I want to call to the attention of the Senator from Utah the fact that the "laxity of views" which we all share, according to him, is likewise shared by the 560 educators of the United States who sent to the Senate a petition asking to have them sustain the position which they took in October.

Is there anyone in the United States who is more interested in the preservation of the welfare of youth than these educators? Next to the family, they have more influence on the development of the younger generation of this country than anyone else; and in many respects one might say they have more influence than the family, because these educators are the dominating influence over the young men and women of the United States at their most impressionable period. The adolescent period is one in which suggestions and impressions are far more dangerous than in the period of childhood; and during that stage I am sure that these teachers and educators have a far more direct and powerful influence on the young men and women of the country than even the family. If these men are wrong, if their idea of the best thing to do for the youth of America is wrong, then the Senate of the United States is confronted with a very much more important problem than that of any clause in a tariff bill. How can the youth of the country be guided in the proper channels by men of this kind—28 university and college presidents, 18 deans and heads of departments, 26 clergymen and teachers of religion, 23 leading librarians, 30 judges, lawyers, and professors of law, 100 scientists and teachers of science, over 100 professors of liberal arts, and so on. Are these men radicals? Would anyone accuse Dr. Nicholas Murray Butler—quoted a short time ago by the Senator from Montana—of being a radical?

I have here a letter from President Lowell, of Harvard, who writes to say:

I heartily sympathize with your efforts to take out of the tariff provisions preventing the importation of seditious literature from abroad.

I do not think any Senator would consider A. Lawrence Lowell a radical or a friend of sedition, treason, or insurrection.

The Senator from Montana quoted from Bishop McConnell, of the Methodist Church, who had previously been president of DePauw University, another one of the great teachers of the country.

I have here a letter from Dr. Henry S. Coffin, probably the most prominent Presbyterian minister in the city of New York, and now head of the Union Theological Seminary. He writes:

Let me congratulate you on the stand you are taking against the inclusion in the tariff bill of the proviso giving customs officials the right to censor foreign literature. This is manifestly a duty which does not belong to them and for which they are not fitted. This should be left where it belongs, in the courts.

I am sure I voice the opinion of many thoughtful men, both in the ministry and in the membership of the various Christian churches, when I say that I feel it would be a most unwise curtailment of the liberty of the press. Let the courts decide if a book is obscene or seditious, and refuse to allow it to be sold; but do not let us have customs officials constitute themselves judges as to what may or may not be imported into this country.

I have a letter from Doctor Niebuhr, also of the Union Theological Seminary, taking the same point of view.

I should like to commend you most heartily—

He says—

for your efforts in trying to prevent unlettered customs officials from becoming censors of the literature which American people shall be permitted to read. The efforts of the opposition to make it appear that your stand would result in a flood of obscene literature beclouds the issue. Such important matters of judgment should be left in the hands of our courts and not to the routine of customs officials.

And yet with such views expressed by the leading clergymen and the leading educators of the country—for I have quoted here merely men who have not signed the general petition which I presented—with such views expressed by our leading educators and moral and intellectual leaders, it is alleged that the adoption of the amendment agreed to by the Senate in October last will tend to injure the youth of the country! If that is so, let us look into our educational institutions, let us see if we can not get a new type of man who will not take the point of view which the educators now take. If all these men are wrong, then what a terrible prospect opens up before the coming generation of American manhood and womanhood.

Mr. President, this whole matter of censorship rests on a false basis. As Mr. Aswell, the assistant editor of the Forum, says:

The fundamental trouble with censorship is that it is based on an assumption that general human nature is weak, frail, and easily deluded, but that certain individuals do not share this common weakness and can, therefore, act as censors for the rest of mankind. When this assumption is examined critically it breaks down in both of its particulars.

Prof. John Dewey, the leading philosopher of the Nation, says this:

It is ridiculous that the foreign literature that comes to the American Nation should be subject to restrictions imposed by a group of officials whose business is concerned with economic affairs. If the American people submits to this imposition, it is a proof that it has lost its love of liberty and self-government.

Mr. President, I do not believe that the American people has as yet lost its love of liberty and self-government. If the Senators are in agreement with the intellectual and moral leaders of thought of this Nation, they will again vote, as they did in October, against any restriction by customs officials on freedom of speech or of thought.

Mr. SMOOT. Mr. President, I send to the desk the following amendment, as a substitute for the one that is now pending. I will make an explanation of it in just a moment.

Mr. McKELLAR. Let the amendment be reported.

Mr. LA FOLLETTE. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROBSON of Kentucky in the chair). The clerk will call the roll.

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

| | | | |
|-----------|--------------|----------------|---------------|
| Allen | George | Kendrick | Schall |
| Barkley | Glass | Keyes | Sheppard |
| Bingham | Glenn | La Follette | Shortridge |
| Black | Goff | McCulloch | Simmons |
| Blaine | Goldsborough | McKellar | Smoot |
| Blease | Gould | McMaster | Steck |
| Borah | Greene | McNary | Stelwer |
| Bratton | Grundy | McCall | Stephens |
| Brookhart | Hale | Moses | Sullivan |
| Broussard | Harris | Norbeck | Swanson |
| Capper | Harrison | Norris | Thomas, Idaho |
| Caraway | Hastings | Nye | Thomas, Okla. |
| Connally | Hatfield | Oddie | Trammell |
| Copeland | Hawes | Overman | Tydings |
| Couzens | Hayden | Patterson | Vandenberg |
| Cutting | Hebert | Phipps | Wagner |
| Dale | Hedin | Pine | Walsh, Mass. |
| Dill | Howell | Pittman | Walsh, Mont. |
| Fess | Johnson | Ransdell | Waterman |
| Fletcher | Jones | Robinson, Ind. | Watson |
| Frazier | Kean | Robson, Ky. | Wheeler |

The PRESIDING OFFICER. Eighty-four Senators have answered to their names. A quorum is present.

Mr. SMOOT. Mr. President, I desire to withdraw the amendment I last offered, and I send to the desk the following amendment and ask for its adoption.

The PRESIDING OFFICER. If there is no objection, the amendment formerly offered will be withdrawn.

Mr. SMOOT. Mr. President, in explanation of the amendment I want to say to the Senate that the following changes are made: In line 5, page 1, I strike out the words "containing any matter advocating or urging treason, insurrection, or forcible resistance to any law of the United States or," so that it will read:

All persons are prohibited from importing into the United States from any foreign country any book, pamphlet, paper, writing, advertisement, circular, print, picture, or drawing containing any threat to take the life of or inflict bodily harm upon any person in the United States—

And so forth.

On page 2, line 19, I strike out the words "under the customs laws" and insert the words "as hereinafter provided." It means the same, but the latter is the language used in all legislation. On page 3 I strike out lines 3 to 6, inclusive, reading:

Any person who shall import any book or other matter, the entry of which is by this section prohibited, shall be punished by a fine of not more than \$5,000 or by imprisonment at hard labor for not more than 10 years, or both.

The PRESIDING OFFICER. If there is no objection, the amendment will be modified by striking out the words indicated by the Senator from Utah.

Mr. TRAMMELL. Mr. President, I would like to ask the Senator from Utah a question. I want to get the purport of the amendment. As I gather it, the substance of it is that it strikes out the paragraph which deals with the question of literature advocating or urging treason, or insurrection, or forcible resistance to any law of the United States.

Mr. SMOOT. That is correct.

Mr. TRAMMELL. Of course, the Senator has control of his own amendment, but I am a little surprised at anyone who advocates a prohibition against this character of literature being brought into this country yielding to the extent of permitting seditious literature to be brought into the United States and allowing this country to become the dumping ground for that character of literature which may be brought here from some foreign country. The United States would be a regular cloacina for the communists and others from beyond our borders who desire to encourage and inculcate into the minds of their foreign friends who have preceded them to this country, and also of Americans, their ideas of government, the ideas of the communists, or other such ideas. This would permit them to bring that literature here absolutely without any restriction whatever. I had hoped that the amendment, as far as its main features were concerned, would remain as it was in the beginning. As it was originally worded, it provided that seditious literature—that is, statements advocating the overthrow of the American Government by force—and obscene literature could be stopped at the port when it was attempted to bring it into the United States.

We have heard a good deal in the discussion about freedom of the press and freedom of speech. There is no greater adherent than myself to the policy of freedom of the press and freedom of speech. These policies have been the very bulwark upon which our country has succeeded and prospered and grown and maintained its high standard of ideals and purposes down through the ages and which, too, have brought us to this happy hour in the life of our Nation. But, my friends, freedom of the press and freedom of speech do not mean a license to destroy our Government, nor do they mean a license to destroy our homes and blight the future of the youth of the land. Never since the days of our patriotic forefathers has freedom of speech and the press been carried to such unreasonable extent.

I may be an old fogey, as some would be wont to say, when I recall my youthful days, when my good father and my sweet and devoted mother barred from the home and from our fireside obscene literature, barred from its sacred precincts seditious literature against our Government, and instead, instilled into the mind and the heart of the youth of that home a love of our country, a loyalty to its institutions, a devotion to its flag, and a respect and appreciation for the high ideals of citizenship and private conduct. I may be wrong, my friends, when I still revere, in all sincerity, the teachings which I received from my God-loving and country-loving parents during those days. I may be wrong, but I am not when I still believe that those devoted parents were doing not only what they believed to be the best for those whom they would rear to high ideals and lofty purposes, and an

unflinching devotion to their Nation, but that which I now know and have always believed was for the best.

Yet some would have brought into this country any character of seditious literature, any character of obscene literature, to be carried into the home, to be absorbed and read by those of tender age in the country, and would cloak this behind the excuse that it is in the interest of freedom of the press and freedom of speech. A good many things might be done under different characters of excuses and cloaks. On the question of freedom of religion, freedom of thought during the early days of the Roman Empire people were allowed to kill their offspring at birth. This wicked and cruel custom was modified a little later, and that murderous privilege was not granted until the offspring was at least 3 years of age. In India, under the cloak of religion, the offspring of the people may be fed to crocodiles. Yet, with our ideals and our standards in this country, certainly not even under the pretext of religious freedom would the American citizen, for one moment, sanction or tolerate the practice of feeding children to crocodiles, permitting the young baby at its mother's breast to be snatched from her bosom and fed to crocodiles. Yet those heathens of India call this religious freedom.

The communists and anarchists are attempting to prey on this country. That might be minimized by some. Some might rise here and in the interest of so-called freedom of speech plead in behalf of the communists that they be allowed to come here and carry on their devilish teachings with perfect immunity, and this not only among the adults of the land but that they should be allowed to come with perfect freedom into our schools and there teach the overthrow and the destruction by force of our American form of government, that they might there teach atheism and all kinds of evils contrary to our American ideals. In this country we have felt that our ideals are along correct lines. Certainly under the wise policies of the Nation our Republic has prospered and succeeded and preserved the most wonderful citizenship on the globe. So far as I am concerned, I would try to perpetuate it against any and all corrupting influences.

Some might say that communistic literature is not a corrupting influence. The whole idea is contrary to our American form of government. If it serves its purpose and its intended object, it will ultimately have a corrupting influence. At times it is the small spark that grows into the consuming and destructive flame. It is said that the Roman Senator Cato never made a speech in the Roman Senate but what he concluded by saying "Carthage must be destroyed." At first but little attention was paid to his charge and utterance against Carthage, but eventually the flames were fanned, and Carthage was destroyed. Of course, I am very happy to say that the great majority of our people give no heed to efforts of that destructive character, but there are some who do. The pending measure is an attempt to place a ban upon not only seditious but obscene literature. I hope the American people will know through the press of the country that the object of the provision we are now considering is solely for the purpose of placing a ban upon seditious literature and upon obscene literature coming into the United States from a foreign country. I do not believe a very large majority of the people of the country believe in permitting it to come into the United States.

Of course, we have to have the machinery for passing upon the question of it being barred. We have to have the machinery for the purpose of passing upon the administration of any law or for the purpose of inaugurating any policy under our system of government. The Senate and the House of Representatives constitute a part of the machinery for formulating legislative policies and enacting them into law. We have to select certain officers to enforce any law which places a ban upon certain kinds of literature, reading matter, which I think a very large majority of the American people feel is not best for the maintenance of the perpetuity of our free institutions and for the preservation of the high ideals which have sustained and guided this Nation through the ages past. If we have the law, we have to provide some machinery for its enforcement. We may criticize the machinery proposed, as some people criticize the courts. They have a right to do that if they wish.

However, I have not seen anyone here who has become very solicitous in regard to the confiscation, for instance, of any other character of property that might be attempted to be imported into this country under our customs laws. Already under our laws, if there is any fraud connected with the importation of any article or commodity—it might not contain any seditious matter; it might not contain any obscene matter—but if there is fraud connected with its attempted importation, the customs officials have the right to confiscate it, and it is confiscated ac-

ording to a certain system through the medium of certain machinery.

Some object to such or a similar provision in this connection. Enforcement is a very sacred thing to them when it comes to this obscene and seditious garbage—literature that advocates the overthrow of our Government; that would pull down, if the sentiment could be inspired, our flag and destroy our institutions; literature that is obscene, that could not fail to have a bad influence upon those of tender years, the boys and girls who are to be the citizens of to-morrow. So anxious are some to have this character of foreign literature dumped in our midst that they tell us that it should not be governed by the operation of the machinery to which we do now subject fraudulent conduct in connection with other imports. They insist we will have to set up some other system for enforcing the law.

I do not think the rank and file—the great masses of our people—are worrying about the fact that they are not going to get to read some seditious or obscene literature coming from abroad. I do not think that the great majority of our people are distressed over the fact that they may be barred from obtaining for the purpose of reading some obscene literature from some foreign land. We might have some highbrows who think it would be a great pity to deprive them of that privilege. Of course, if we could make an exception for them, we could let them have it; but we have to do that which we think will bring about the greatest good for the greatest number.

I have never paid very much attention to the highbrows anyway. Some of them are all right, some of them are all wrong. I do not know where they have done anything of greater moment than has the average citizen in this country, except to set themselves up as critics and standards by which they would have everybody else judged. They may be and are sometimes useful in their way, but when they delve, for instance, into the field of commerce, away from their educational institutions, nine times out of ten they are failures. Now and then we see some of them who make an advent into the public affairs of the country, and occasionally we see one that is a success; but where we see one that is a success in other than their chosen fields, we see nine who are failures. But when they speak about obscene literature or when they speak about seditious literature, according to some Senators the Members of the United States Senate should go under their desks and very meekly hand out to them just what they advocate and want. I am not any more in favor of passing over to them what they wish on this question than I would be upon any other question of policy.

I do not become at all disturbed on account of some extracts that may be read from some of these educators—these highbrows in the educational field. It resolves itself, in my mind, down to the practical, common-sense proposition as to whether or not we desire to ban from this country obscene and seditious literature of a foreign brand that would promote, if it could carry out its purpose, the overthrow and the destruction of our Government and its institutions; whether or not we desire to ban from our shores and from our homes obscene literature. There is no man on the face of the earth who can say that such literature will do the youth of our land any good. Shall we ban that in the interest of our land and in the interest of our homes and our future citizenship? That is the burning question of the hour.

I think it was Henry W. Grady, one of the greatest orators we have ever had in the South or in America, who said upon one occasion that he came to Washington and that he was overcome with his great admiration and reverence for the Government which was represented here in Washington as it was evidenced by the magnificent Capitol and by the beautifully planned city and all that indicated the strength of the American Government. He felt that he lived in a wonderful land, and that probably here in this city was centered the great strength of this great Republic of ours.

But he said he returned to Georgia, his native State, and shortly afterwards he was riding through the rural section of a certain part of his State and came to the home of one of his country friends, who cordially invited him to spend the night.

He said he slept that night in that humble home, set in a circle of trees, surrounded by broad fields ripening unto the harvest.

The father and the mother, inspired by high ideals, and with well-trained children, sat there around the family fireside, and when the bed hour came they announced that they would have family prayers. He said next day, as he was returning to the city of Atlanta, he meditated over his reflections upon the National Capital, its splendor and its wonders, and then he began to think about that humble home, and he said that he was inspired and thrilled by the thought that not in those structures yonder in the National Capital, nor in the great wealth that was represented there, was the strength of the Nation, but the

strength of the Nation, its perpetuity, and its future, rested in that humble home and the thousands and millions of other similar homes found throughout this Republic.

My friends, so far as I am concerned, I plead and beg for the preservation of the home, for the security and protection of our Government against seditious literature and also against obscene literature.

I am pleading for America for Americans. I beg that our land of liberty, of freedom, of immortal forefathers, of cherished traditions, of patriotic, lovely, and noble womanhood, and a true and loyal manhood may live on and on forever in the perpetuity of her institutions and under the inspiration of the high ideals and standards of the fathers of the Nation, which has been preserved by each succeeding generation until this good hour.

Let no enemy within or without, no foe, American or foreign, in any wise undermine the principles and the standards which have sustained our Republic. Keep unstained and unsullied that flag, which every true American honors and cherishes in peace and stands ready to bravely and courageously follow in war.

It is the insidious and undercover enemy that must be watched, lest he surprises you as the thief in the night.

I have read that—

In storied Venice, down whose rippling streets
The stars go hurrying and the white moon beats,
Stood the great bell tower, fronting seas and skies,
Facing the ages, drawing all men's eyes,
It marked the hours for Venice—all men said,
Time shall not reach to bow that lofty head,
Time that shall mark all else with ruin, must
Forbear to make that shaft confess its dust.

Yet all the while, in secret without sound,
The fat worms gnawed its timbers underground,
The twisted worm, whose epoch is an hour,
Caverned its way into the mighty tower,
And suddenly it swayed, it shook, it broke,
And fell in darkening thunder at one stroke.
The tall shaft with an angle on the crown,
Fell ruining—a thousand years went down.

And so I fear, my country, not the hand
That shall hurl might and whirlwind on the land.
I fear not Titan traitors that shall rise
To stride like Brocken shadows on the skies;
I fear the vermin that shall undermine
Senate and school and citadel and shrine;
The worm of fraud, the fatted worm of ease,
And all the crawling progeny of these;
I fear the vermin that shall honeycomb the towers
And walls of state in unsuspecting hours.

Mr. BLEASE. Mr. President, some time ago I read an extract from a book. I now wish to say where that book came from, as some people have been so kind as to say that it was not in the libraries in Washington. I shall not mention the name of the book, because I do not care to give it the advertisement. On the inside of it I find the inscription, "Fiction Lovers' Library. Books must be returned and renewed every two weeks. Washington, D. C."

A stamp is also on it "Fiction Lovers' Library, Washington, D. C. Books must be returned every two weeks; renewed if necessary."

Also another stamp on that side [indicating] and two stamps on the back of the book.

That book was obtained by a young lady from a Washington library. I wish it were possible for every Member of the Senate to read page 52 of it. I would not want any woman to read it, even though she were the lowest scrapings this side of Hades.

Mr. President, I am proud to see that the Senator from New Mexico has not had any indorsement of his position from my State. I find on my desk, taken from the RECORD of the Seventy-first Congress, second session, the speech of the Hon. BRONSON CUTTING, of New Mexico, in the Senate of the United States. In that a petition is sent out of the National Popular Government League, Washington, D. C., March 6, 1930. There are signers to that petition from Arizona, Arkansas, California, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

The name of the State of South Carolina does not appear. I am glad that South Carolina stands on this question, as she does on the question of divorce, single and alone, in the galaxy of States which make up this great American Nation. I am proud to know that when I go back to my home there will not be one single man or woman meet me at the gateway and say I signed the petition to let come into this Nation dirty, filthy literature that will bring into the minds and hearts of the little boys and girls of this country, who, to-morrow, will be the manhood and womanhood of the country, such dirty, filthy trash as is attempted to be brought in here against the morals of the people and against the Government of the country.

I understand, Mr. President, that the Senator from New Mexico asked the Senator from Utah if he indorsed what the Senator from South Carolina said. I want to say to the Senator from New Mexico that no man need indorse what I say. I am responsible for what I say in the Senate; I am responsible for what I say outside of the Senate; and so long as I represent the people of my State I shall never stand here, claiming to be their representative, and ask for the admission of dirty, filthy trash to be put into the homes of this country, as the Senator from New Mexico appears to be doing. I am proud to stand here as a representative of the State which was the mother of secession, which stood for manhood and for freedom, which stood, and to-day stands, above all States of this Union for the protection of the virtue of womanhood, because that State authorizes no divorce from the bonds of matrimony, and which stands, above all, on the decision that whenever any man, whether he be white or black, puts his hand upon a woman against her will and her consent, the punishment therefor shall be death; and, if necessary, the technicalities of the law will be thrust aside, and that sentence will be immediately put into execution. That is where stands this representative of a people who backs what he says and what he does upon this floor. I am responsible to them and to them only and not to the Senator from New Mexico or anybody else.

Whenever South Carolina does not like that kind of representation, she has the opportunity, which will be presented to her within a short time, to change that representation; and, so help me God, whenever her manhood and her womanhood say that they do not want that kind of representation, they must get somebody else.

I love womanhood. Destroy, Mr. President, the honesty of a man, take from him his reputation as an honest man, and you damn him forever. Take from a woman her virtue and you damn her forever. Take from a government the purity of its womanhood, of its motherhood, and sooner or later that government will be destroyed.

A woman who marries for a title, a woman who marries for money without the sanction of her heart in love, is no better, Mr. President, than the woman who temporarily sells her body for money to buy food and clothing. I do not care who she is nor to what society she belongs nor what company she keeps, if she sells her body for a title or if she sells her body for money she is not as good as the poor creature who, from hunger or nakedness, sells her body that her human wants may be met.

I represent, as I believe, that State which has the purest American blood in this Union; it has fewer foreigners in it, and I thank God for that; it has a purer type of womanhood and manhood; and as their representative I would be ashamed to go home if I voted to let that kind of trash [indicating] be brought in this country or to allow any man to take any action which would jeopardize the President of these United States.

I do not have any use for Herbert Hoover; everybody knows what I think about him; but he is the President of the United States, and if a man in my presence this afternoon were to curse him for a certain thing I would slap him, if he were the best friend I had, not on account of Herbert Hoover but because he is President. If I should meet him on the street to-night or to-morrow, I would raise my hat to him, not to Herbert Hoover, but I would raise my hat to the President of the great United States of America. We owe a duty to protect him; we owe a duty to protect the President and the Vice President; we owe a duty to protect all the officials of this Nation; and we can not do it by slippy, sloppy, pussyfooting, and gumshoeing around. We have got to meet that kind of action with manhood, and the sooner the Senate and the House of Representatives realize it, the better it will be for this great American Nation which we represent.

I am an American, and for America for Americans, and for a clean administration of American ideals.

Mr. BROUSSARD. Mr. President, I wish to offer an amendment to the pending amendment, namely, on page 1, line 5, after the word "drawing" I wish to insert the words "containing any matter advocating or urging treason, insurrection, or forcible resistance to any law of the United States." Those are the

words which have been stricken out of the amendment, and I am merely moving to reinsert them.

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

Mr. WHEELER. Mr. President, I want to call the attention of the Senator from South Carolina [Mr. BLEASE] to the fact that Prof. Josiah Morse, of the University of South Carolina, is quoted as having stated that—

Practically all of our faculty would agree, of course, that such censorship is a dangerous and un-American thing.

I want to say, Mr. President, that I am in thorough accord with the views expressed by Professor Morse.

Mr. BARKLEY. Mr. President, I did not get the first part of the quotation. What does it refer to?

Mr. WHEELER. It refers, as I understand, to the amendment that was offered by the Senator from Utah [Mr. SMOOT], or similar ones that were offered here before, Professor Morse taking the position that he was entirely in sympathy with the views expressed by the Senator from New Mexico [Mr. CUTTING].

Mr. BARKLEY. I wonder if those views of the professor could be interpreted as extending his objection to any regulation of immoral and indecent literature circulated among the people.

Mr. WHEELER. I do not think so. While I have only seen this, I take it that his view was that he objected to censorship by the Customs Bureau.

Mr. BARKLEY. That problem is somewhat eliminated here now, it seems to me.

Mr. WHEELER. Yes; exactly.

Mr. BARKLEY. So that that is more or less of an academic question.

Mr. WHEELER. But I was calling attention to it in view of the statements made by the Senator from South Carolina [Mr. BLEASE].

Mr. BARKLEY. The practical matter we are up against, or will be in a very few moments, I suppose, is the amendment which has just been offered by the Senator from Louisiana [Mr. BROUSSARD]. I should like to get the Senator's reaction on this phase of the matter, because I have great respect for the Senator from Montana, and sympathize with many of his views on these subjects.

We have on our Federal statute books laws preventing the admission into the United States of aliens who advocate the violation of our laws; and we authorize the Federal Government to deport aliens who advocate the violation of our laws, which is not as serious as a charge of treason. How can we reconcile our refusal to admit or our deportation of aliens who advocate merely the violation of the law with the free admission of literature that advocates the same thing that they advocate while here?

Mr. WHEELER. Of course, in the first place, we have upon the statute books of the United States the sedition law. Anybody can be prosecuted in the United States to-day for spreading seditious literature. I want to say to the Senator that that law was put upon the statute books in time of war, and in my humble judgment it ought to be repealed. It has not any place upon the statute books.

Mr. BARKLEY. Of course, that law applies not only to aliens, but to citizens of the United States who advocate treason.

Mr. WHEELER. Exactly.

Mr. BARKLEY. I am trying to find out whether we are not liable to be led into an inconsistency here about insidious literature that may not square with our statutes dealing with persons who by word of mouth do the same thing that it is proposed to allow to be done by the written word.

Mr. BLEASE. Mr. President, will the Senator permit an interruption?

Mr. WHEELER. I yield.

Mr. BLEASE. I do not know who this Josiah Morse is. If he is a professor in the University of South Carolina, I must admit that I am more ignorant than I thought I was. I have never heard of any man in my State by that name. It may be that there is such a man; I do not say there is not; but if he is a professor in the University of South Carolina, and if he will express publicly that he is in favor of putting in circulation in this country such books as the Senator from Utah showed upon this floor and such books as I have in my desk, I will guarantee the Senator from Montana that he will not be a professor in that university 30 days. I will see that he is put out.

Mr. WHEELER. Of course, I have not any doubt but that the Senator from South Carolina would have the power to put him out.

Mr. BLEASE. I surely have.

Mr. WHEELER. I am not disputing the power of the Senator to do that; but I do not think the statement he has made with reference to the professor is exact fair, because I do not think this statement can be understood to mean that this professor favors the kind of literature that the Senator from Utah has been passing around the Senate in the last few days.

Mr. BLEASE. I will find out in 10 days whether he agrees to it or not. If he does, he will quit drawing South Carolina money.

Mr. WHEELER. The Senator can find out in one day if he wants to.

Mr. BLEASE. I am going to find out in 10 days.

Mr. MCKELLAR. Mr. President—

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

Mr. WHEELER. I yield.

Mr. MCKELLAR. In the amendment of the Senator from Louisiana [Mr. BROUSSARD]—which is, of course, exactly the same language that was cut out by the Senator from Utah a short time ago—I find this:

Containing any matter advocating or urging treason, insurrection, or forcible resistance to any law of the United States.

Suppose the people of Mexico organize, for example—of course, they are not going to do it, but suppose they do—and send over tons of literature preaching insurrection on the part of the American people down on the border. Is it possible that the Senator thinks we ought to permit that to be done by those people when we do not allow our own citizens to do it?

Mr. WHEELER. Let me say to the Senator from Tennessee that I am not from the South, and I never lived in the South—

Mr. MCKELLAR. Let us change the illustration, then.

Mr. WHEELER. Just a moment; I will take the time to answer the question. If, however, I had been raised and lived in the South, and if I had gone through what they went through in the days of reconstruction, it seems to me I would be extremely tolerant with reference to these matters.

It must be recalled that we went through civil strife, and that this Government of ours lived through it; and we have grown great and prosperous, partly due to the fact that we have been tolerant toward the views of other people.

I see, standing upon this floor now, Senators who are advocating laws which have been the curse of every European nation; and in my humble judgment laws of this character have done more to overturn various governments than any other kind of laws that have been placed upon the statute books of those nations.

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

Mr. WHEELER. Just a moment.

With reference to Mexico, assume, for instance, that Mexico did start to send a lot of literature over into this country. How many people does the Senator from Tennessee feel would be influenced in the slightest degree?

Mr. MCKELLAR. No one ever knows.

Mr. WHEELER. So far as I am concerned, I am not fearful that a people as prosperous as the people in this country are, where the workingmen receive the highest wages, where they have the automobiles that they have, and so on, are going to succumb to any propaganda of any kind or character from any class of citizens on the face of the earth.

Mr. BRATTON. Mr. President—

Mr. MCKELLAR. Just one moment, if the Senator please. Then, as I understand the Senator, he sees no objection whatsoever to the people in Mexico, or the people in Canada, or the people of any other country, for that matter—Russia, for instance, or any other country—sending tons of literature over here urging treason, urging insurrection, and urging forcible resistance to our laws? Do I so understand the Senator?

Mr. WHEELER. Let me say to the Senator from Tennessee that this Government of ours has lasted all through these years without that sort of a law upon the statute books, and we did not have any sedition law upon the statute books of the United States until the war, and it was enacted during that period of time, and it was much abused by prosecuting attorneys, judges, and others.

Somebody has said—and I am not applying it, and I want the Senator to understand that I do not apply it to him—that patriotism is the last refuge of a scoundrel. I find, Mr. President, in many instances that it is the corrupt influences in this country that are hiding behind the cloak of patriotism, wrapping themselves in the American flag, denouncing everybody who seeks in any way to criticize them as unpatriotic.

Mr. MCKELLAR. Mr. President—

Mr. WHEELER. This matter recalls very clearly to my mind the campaign that was carried on some years ago in the Northwest, when they told about how the farmers out in North

Dakota all believed in free love, and they stirred to a frenzy a great many of the people of that State because of the fact that they found in one of the libraries a book by some woman relating to that subject. Now, who was it that stirred up that feeling? Why, it was the very men who were practicing, if you please, the very sort of thing that they were condemning for the farmers and saying that the farmers believed in.

I recall in my own State, for instance, where the editor of one of the papers was constantly saying, "Why, if you elect this man Governor of Montana you are going to have free love, the same as they had over in North Dakota," and my answer to him was, "If they had had free love in North Dakota, as this editor would have you believe, he would have been the first one to move to North Dakota."

Mr. MCKELLAR. Mr. President, I do not know, and I do not care anything about free love in North Dakota.

Mr. WHEELER. I know the Senator does not.

Mr. MCKELLAR. It is a matter of utter unconcern to me; but I do want to say that there was in this amendment—I do not know why it was put in here, but it was put in here on yesterday, I believe by the distinguished colleague of the Senator from Montana [Mr. WALSH]—a provision in these words:

Containing any matter advocating or urging treason, insurrection, or forcible resistance to any law of the United States.

Mr. WHEELER. The Senator does my colleague a great injustice by saying that he had those words inserted.

Mr. MCKELLAR. Well, whoever did, some Senator did it, and it was in this amendment, and it ought to remain there; and I thank the Senator from Louisiana [Mr. BROUSSARD] for having moved to put it back there. We must have a vote as to whether we are going to let it stay there or not, for this reason, if the Senator will pardon me a moment—

Mr. WHEELER. I would prefer that the Senator make his speech in his own time.

Mr. MCKELLAR. I am not going to make a speech; but I think the Senator ought to permit me to say this, after having made the statement he made about me.

I will under no circumstances vote for any measure that would excuse in any foreigner what we do not excuse at home. If an American were to be guilty of these acts, he would be guilty under the law; and so, if a foreigner is guilty of these acts, he should be guilty under our law, and be prosecuted for it. So far as I am concerned, if we have to sit here for one week, we are going to have a vote on the amendment of the Senator from Louisiana.

Mr. WHEELER. Mr. President, the Senator speaks of a reference that I made to him. I do not recall what the reference was.

Mr. MCKELLAR. It was something to the effect that a man who pretended to be patriotic was a scoundrel.

Mr. WHEELER. Oh, no, Mr. President!

Mr. MCKELLAR. I know the Senator said that did not apply to me, and I accepted his statement about it, because I know the Senator did not mean anything like that; but I have no doubt that the newspapers will take a great deal of pleasure in publishing it, and the Senator ought not to have said it. But, however that may be, that is immaterial. I want to say to the Senator from Montana that he is on the wrong side of this question. We ought not to treat foreign people in any different way, when it comes to violating our laws, than we treat our own people; and under no circumstances ought we to permit these words to be stricken out; for any one, whether he is a foreigner or whether he is an American, who advocates or urges treason, who advocates or urges insurrection, who advocates or urges forcible resistance to the law of the United States; ought to be put in jail.

Mr. WHEELER. Well, as I pointed out a moment ago, there is already upon the statute books to-day a law prohibiting that very thing. There is no question about that in the mind of any body. If there is, I would like to have him call it to my attention.

Mr. HEFLIN rose.

Mr. WHEELER. I can not see why all this heat about taking out that provision, when there are ample laws on the statute books at the present time relating to it.

Mr. HEFLIN. Mr. President—

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

Mr. WHEELER. I yield.

Mr. HEFLIN. Why has the able Senator from Montana any objection to repeating it in this particular provision?

Mr. WHEELER. Principally because of the fact that I am against the intolerance that is constantly put forward here on the floor of the Senate. I think we are going entirely too far. I do not see any reason for it. I said to the Senator a while

ago that this Government of ours has grown great, and I can not conceive of any literature being the cause of the overthrow of this Government.

I called attention this morning, when the Senator from Utah had the floor, to the fact that had this law been upon the statute books at the time when Brigham Young, for instance, was locating his colony out in Utah, he could have been prosecuted and sent to the penitentiary because of the statements he issued at that time.

Mr. MCKELLAR. Mr. President—

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

Mr. WHEELER. No. Yet we lived through that experience. We lived through the Civil War.

Let me ask the Senator from Tennessee and the Senator from Alabama if they do not think that if we had had this kind of a law upon the statute books during and after the Civil War their people would have been subjected to persecution?

Mr. MCKELLAR. Oh, no, Mr. President.

Mr. WHEELER. All you have to do is to go back in the pages of history to the reconstruction period. Read of the attitude of Thad Stevens and the so-called radicals of that day. What would they have done if there had been a law upon the statute books like this that could have been used against the people of the South?

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

Mr. WHEELER. No; I refuse to yield at the present time.

I have a great deal of sympathy with the southerners for the things they went through in the reconstruction days, and I can not help recalling to mind what would have happened to them if there had been laws upon the statute books permitting the authorities to send them to the penitentiary for 10 years for some statement they might have uttered upon which somebody could have put a construction that would indicate that they were guilty of insurrection or treason.

Mr. BRATTON. Mr. President—

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

Mr. WHEELER. I yield.

Mr. BRATTON. I want to advert to a statement made by the Senator from Tennessee a few moments ago.

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

Mr. HEFLIN. Mr. President, I want to suggest that if Senators are going to yield continually and hold the floor, I shall have to ask that the rule be invoked, because there are others of us who want to discuss this matter before a vote is taken.

Mr. WHEELER. I suggest—

The VICE PRESIDENT. The Senator can yield only for a question.

Mr. WHEELER. I suggest to the Senator from Alabama that there has been a considerable length of time in which he could have gotten the floor, and he will have plenty of time in the future. I have occupied the floor but a very few minutes thus far, and I will say to the Senator that I propose to occupy it just as long as I see fit to.

Mr. HEFLIN. I have no objection to the Senator occupying the floor, because I think he is going to increase our majority.

Mr. WHEELER. It does not make any difference to me whether I increase the majority or whether I decrease it. I have no doubt about what the Senator is going to do, and I am not finding fault with him because of his position.

Mr. BRATTON. I wanted to submit a question.

The VICE PRESIDENT. Under the rule, a Senator may yield only for a question. If the Senator yields for anything else he will lose the floor.

Mr. WHEELER. I yield for a question.

Mr. BRATTON. I put it in the form of a question. Did the Senator from Montana ever in his experience here know of the Senator from Alabama invoking such a rigid interpretation of the rules as he now seeks to invoke against his colleagues?

Mr. WHEELER. I never did, when he had the floor himself.

Mr. BRATTON. No; and the Senator never will.

Mr. HEFLIN rose.

Mr. WHEELER. I refuse to yield.

The VICE PRESIDENT. The Senator declines to yield.

Mr. HEFLIN. I rise to a point of order.

The VICE PRESIDENT. The Senator will state it.

Mr. HEFLIN. The Senator from New Mexico, who is the author of this proposition, and those who have sympathized with him, have had the whole day.

Mr. WHEELER. That is not a point of order, Mr. President.

The VICE PRESIDENT. That is not a question of order under the rules.

Mr. HEFLIN. It is before the Senate just the same. [Laughter.]

The VICE PRESIDENT. The Senator from Montana.

Mr. WHEELER. Mr. President, I object to the Senator from Alabama constantly interrupting my chain of thought with his facetious remarks. [Laughter.]

I want to say that upon its face this amendment appears perfectly harmless. No one ordinarily would say that he could object to a law of this kind being placed upon the statute books. I appreciate how easy it is, and I appreciate that it is the easy thing for a politician to appeal to the prejudices and the passions of the American people, but I for one refuse to stand on this floor and appeal to the passions or the prejudices of the American people when it comes to a matter of this kind.

I want to call the Senator's attention to the opinions of some of the best men of this country. I particularly want to call his attention, as I did this morning, to what Bishop Francis J. McConnell, of the Methodist Church, says. Let me say to the Senator and to the Senate that he is one of the outstanding characters, one of the greatest thinkers of the Methodist Church of this Nation. He said:

I wish to express my appreciation of Senator CUTTING's stand against the proposal to take the censorship of literature away from the courts and to put it in the hands of customs officials. No more inappropriate and inadequate dealing with censorship could be conceived than that of putting it in the hands of men selected primarily for other purposes.

I likewise desire to call attention to a reference to Henry Sloane Coffin, a Presbyterian, of New York City. He said:

I am sure I voice the opinion of many thoughtful men, both in the ministry and in the membership of the various Christian churches, when I say that I feel it would be a most unwise curtailment of the liberty of the press. Let the courts decide if a book is obscene or seditious and refuse to allow it to be sold, but do not let us have customs officials constitute themselves judges as to what may or may not be imported into this country.

I likewise desire to call attention to the Rev. Robert Johnston, of Washington, D. C., who said:

I regard the censorship of books as a very dangerous experiment and one which is likely to introduce a new and terrible tyranny into our American life. * * * I question if we can shut away from people in our day the simple facts of human nature. * * * Such a book as ——— should be prevented from entering into general circulation, but it should not be made the excuse for a new Volstead Act on literature. * * * The attempt to remove all danger from life is one which increases the danger and adds sin to sin.

I desire to read also from Rev. Remsen B. Ogilby, president Trinity College, Connecticut:

I wish to assure Senator CUTTING of the backing of the faculty of Trinity College.

I read this morning from Nicholas Murray Butler. Here is a statement of a group of faculty members of Harvard University:

We are strongly opposed to section 305, paragraph (a), in the pending tariff bill. * * * Experience has shown that customs inspectors and appraisers of merchandise are ill equipped to pass judgment upon the character of such publications. * * * We believe that a political censorship of this kind by administrative officials at the customhouses is unsound in principle and likely to prove oppressive in practice.

I desire to read also from a statement of Dr. O. O. Norris, professor of education at Michigan State Normal College, as follows:

A man, institution, or nation that has recourse to censorship reveals by that very action a felt weakness in his or its own position. * * * Censorship is an unconscious revelation of weakness on the part of the censor and a fear that other people are as weak as he is. * * *

I likewise desire to quote from Prof. Avery L. Carlson, of the Texas Christian University:

I think it would be very unfortunate for our Government to set up a censorship on imported books. When our library authorities excluded certain books and magazines from the library at the State University of Iowa, when I was a student there, the news dealers reaped a harvest. * * * To exclude a book from this country * * * would immediately create a demand for that book. It would doubtless be reprinted here and sold by the thousands. * * * Our citizens are as capable of judging what they shall read and what their children shall read as any Government officer, be he a customs official or a United States Senator.

Prof. John Dewey, of Columbia University, said:

I am doubly indebted to Senator CUTTING for leading legislative action intended to prevent customs censorship of foreign literature. First, I am indebted as a citizen who is interested in checking the present movement toward censorship and other meddling with freedom of thought and speech in the United States. As a teacher and a member of the faculty of Columbia University I am interested, in the second place, that scholars shall be in a position to receive the printed material that they need in their researches without suffering from the interference of officials who are certainly wholly incapable of determining what books and periodicals students should or should not receive.

I quote from Dr. W. B. Bizzell, president of Oklahoma University:

I believe that Senator CUTTING's fight is worthy of the support of all citizens who are opposed to arbitrary restrictions on the admission of literary classics from abroad. I have had several editions of classics destroyed by customs officials, which probably can never be replaced.

A group of faculty members of Cornell University are quoted as saying:

We are opposed to the provision that requires customs officials, ill qualified for that duty, to rule upon the obscenity of books or pamphlets which it is sought to import, and that without effective appeal or redress. We favor leaving this question to the Federal Government through its postal law and to the several States.

Prof. William P. Montague, of Barnard College, said:

In common with all other educators with whom I have talked, I am heartily in favor of Senator CUTTING's efforts to remove from the discretion of customs officials their power of censoring allegedly obscene literature.

Mr. Edward C. Aswell, editor of The Forum, said:

The fundamental trouble with censorship is that it is based on an assumption that general human nature is weak, frail, and easily deluded, but that certain individuals do not share this common weakness and can therefore act as censors for the rest of mankind. When this assumption is examined critically, it breaks down in both of its particulars.

Moreover, as a practical matter, censorship is silly and always tends to defeat its own purposes.

I think this sums up as briefly as possible my feeling about censorship. I disapprove of it in theory, and its folly in practice is too evident to need elaboration.

Then I desire to quote from William Allen White. I know that many people would say that William Allen White is not a good citizen, but many of us will have to disagree with that, because I think, notwithstanding the fact that I disagree with him in politics, that he is an outstanding character in America. He is the editor of the Emporia Gazette, in Emporia, Kans.:

I have written to our two Senators asking them to stand by the Cutting amendment. No form of censorship would be quite so bad as that proposed by Senator SMOOT, which would make baggage inspectors on the dock censors of our foreign literature.

Mr. TRAMMELL. Mr. President, may I interrupt the Senator?

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

Mr. WHEELER. I yield.

Mr. TRAMMELL. With regard to the comment of the gentleman from whom the Senator just read—

Mr. WHEELER. William Allen White?

Mr. TRAMMELL. Yes. He shows an ignorance of the Customs Service of the country. They have experts there to examine everything that comes in. For instance, if tobacco comes in, they have tobacco experts to examine it.

Mr. WHEELER. Let me say to the Senator from Florida that I happen to know William Allen White, and I think probably he has been abroad and come back as many times as has the Senator from Florida, and that he knows as much about the customs officials as does the Senator from Florida.

Mr. TRAMMELL. I have never been abroad. If that is a qualification indicating intelligence and enlightenment, then most of the American people are without either.

Mr. WHEELER. It is an indication that perhaps he may know something about the customs practices.

Mr. TRAMMELL. I will say that he shows in that assertion that he knows nothing about the Customs Service, because they have special inspectors to carry on the different lines that require special knowledge and experience, and they likewise do that in connection with censorship.

Mr. WHEELER. I think it shows that William Allen White knows something about the customs, because of the fact that if he was bringing in a book, or if somebody was coming from abroad and had a book, it would be examined by the man who

examined his baggage on the dock. If the Senator had ever come into port with books in his baggage, he would know that that is true.

Ellery Sedgwick, editor of the Atlantic Monthly, said:

Senator CUTTING's vigorous and sensible speech on the censorship commanded my admiration. Beneath all the pother of the discussion the welfare of literature has been well-nigh forgotten. Instead of fortifying American ideals, the censorship is primarily useful as a gigantic advertisement to the publisher of the banned book.

Here is one of the highbrows, I presume, to whom the Senator from Florida referred. Maxwell E. Perkins, editor Scribner's Magazine, said:

I have followed Senator CUTTING's fight against censorship with sympathy and admiration. He is contending for the most important of all social principles, and the most American, that of freedom of the mind. And he is doing it in a most distinguished way.

The Southwest Review, Dallas, Tex.:

The editors of the Southwest Review are enthusiastically in sympathy with the plan to liberalize censorship. We believe that we speak for all Texas writers.

The National Community Center Association:

The issue is not an issue of obscenity but rather who shall decide what is obscenity. Every thinking person is against any system that will put into the hands of customs officials power to censor the reading of citizens of a free country * * *. Certainly the vast majority of those engaged in teaching or in social service regard the proposal to put into the hands of customs clerks this power as a most futile measure. It will serve to lower rather than to uphold standards, and it makes of us the laughingstock of the world.

Mr. President, I have not read from any Bolshevik. I have not quoted anybody who wants to destroy the home. I have not quoted from anybody who wants to destroy this Government of ours. I have quoted from the most eminent educators, from some of the most eminent Presbyterian, Methodist, and Episcopalian ministers in the United States. Likewise I have quoted from the leading magazine editors of the United States. Yet when we mention these things there are those on the floor of the Senate who think they are more patriotic than anybody else and who immediately rise to denounce those of us who have taken the opposite view, and who say that it is our desire that this Government of ours shall be destroyed and our homes shall be destroyed.

I want to say that I have as much interest in preserving the home as any man on the floor of the Senate. I have as much desire to preserve the youth and protect the youth of this country as any man in the Senate, because I have a family and, like most fathers, I cherish my children as much as any man here or elsewhere. If I thought they were going to be destroyed if this censorship were not provided, I would not be standing here for one moment talking as I am. I am doing it because of the fact of my firm conviction that this is only one of many laws that some are seeking to have enacted to bring about tyrannical conditions in this country. I think that those who read the signs of the times, those who have read their history, can not help but see the trend in this country of a little oligarchy who control the wealth of the Nation to set up and place upon the statute books of the United States laws for the purpose of suppressing and punishing every man who has an independent thought or an independent idea.

Mr. President, of course it looks harmless upon its face. Laws like the one now proposed always look harmless upon their face, and yet, as some have pointed out, it is not the law that does the harm but the interpretation placed upon it.

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

The PRESIDING OFFICER (Mr. ALLEN in the chair). Does the Senator from Montana yield to the Senator from Tennessee?

Mr. WHEELER. I yield.

Mr. McKELLAR. Does the Senator really believe that any one of the ministers or the professors or the educators or the philanthropists and others from whom he has read ever saw in their lives the kind of books that have been exhibited here in the last day or two? Does the Senator believe that if any of those gentlemen saw these books actually with their own eyes they would take any such position as the Senator has indicated?

Mr. WHEELER. Why, of course I do. I say to the Senator from Tennessee that I have only seen one of the books that was called to my attention by the Senator from Utah. I deplore the language. I think it is base. I think it is filthy. I think it is rotten. But, Mr. President, because of the fact that one Senator picks out half a dozen books for the purpose of inflaming the minds of Senators it does not make me willing

to place upon the statute books a law which can be used for the purpose of tyrannizing the people of the country.

Let me call attention again, as has been done previously, that it was the abuse of the alien and sedition laws during the Adams administration that wrecked that administration. Let me call attention to the fact further that one of the things that helped to wreck the Democratic Party was the abuse by some of those who had to do with the sedition laws upon the statute books during the Wilson administration, the extent to which they went, the extent to which they tried to use those laws to persecute honest citizens.

It was Mr. Gregory, the Attorney General during the Wilson administration, who was at all times extremely careful lest those laws be used to suppress the right of free speech in the United States. He will always be glorified because of the position he took in the matter. Yet if Senators upon this side of the Chamber will remember, A. Mitchell Palmer was denounced from one end of the country to the other, not by Bolsheviks but by the judges, by the most distinguished lawyers in the country, because of his attitude and because of his interpretation and abuse of that law. We ought to remember that it is the abuse of these laws, the abuse of power, which makes the enactment of such laws dangerous to the country.

Oh, yes, it is all right to stand here and make impassioned speeches in the name of the home, in the name of the fireside. It is all right to do that. It is the easy thing to do. It is the thing that will not be misunderstood. But who is there on the floor of the Senate that thinks Bishop McConnell is in favor of destroying the home? Who is there that thinks that William Allen White wants to destroy the home, the fireside, that he wants to put this literature in the hands of the children of the United States? Who is there that thinks the editor of Scribner's Magazine wants to destroy the home or wants to destroy his country? Who is there, Mr. President, that thinks that Nicholas Murray Butler, that one-time conservative Republican, wants to destroy the youth of the land and the home or wants to destroy his Government?

Is there anyone in this body that thinks the Rev. Henry Sloan Coffin, the Presbyterian preacher in New York City, wants to do anything of the sort, or that the faculty of Harvard University or the faculty of Cornell University or the president of Oklahoma University want to destroy this Government of ours? Is there anyone so base that he feels that Mr. Carlton, of the Texas Christian University, wants to destroy this Government of ours? There are thousands of others among the educators, among the ministers, among the editors of the country, who have gone on record in no unmistakable terms with reference to this matter.

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

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

Mr. WHEELER. I yield.

Mr. McKELLAR. The amendment merely proposes to exclude obscene books. I am just wondering if any Senator who has read the books exhibited here yesterday—and I make it the most general question in the world—if any Senator who has any children, boys or girls, would be willing to put those books in the hands of his children.

Mr. WHEELER. Why, of course not.

Mr. McKELLAR. Then why would the Senator be willing to let them go into the hands of other people's children?

Mr. WHEELER. I do not want to see them go into the hands of anyone's children, and I would not permit them to go into the hands of anyone's children if I could prevent it.

However, I do not wish to try to regulate every man's family; I do not wish to try to regulate every family in the United States and set myself up as a dictator, and say they shall be raised in accordance with the way my family is raised; and I wish to say, Mr. President, so far as my children are concerned, I believe that they are as clean-minded and as honest-minded as are any. I do not believe that they have ever read these books, and, so far as I am concerned, I know that I have never read them! I never saw them and never saw passages from them, until the Senator from Utah called my attention to them.

Mr. SMOOT. Mr. President—

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

Mr. WHEELER. I yield.

Mr. SMOOT. The words to which the Senator from Montana is objecting now are the very words that are used in the act relating to the post office and governing the transportation of the mails; and they apply to-day.

Mr. WHEELER. Mr. President, I said to the Senator a moment ago that there are upon the statute books at the present time laws which deal with the matter; so I can not see the reason for all this talk and for Senators wrapping the American flag around them when we already have laws upon the statute

books which prohibit the distribution of such matter through the mails.

Mr. BLEASE. Mr. President—

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

Mr. WHEELER. I yield.

Mr. BLEASE. If the Senator will permit me, I understood him to quote from Nicholas Murray Butler a while ago?

Mr. WHEELER. Yes.

Mr. BLEASE. Is it not a fact that Nicholas Murray Butler is not only favoring a repeal of the eighteenth amendment to the Constitution but that he is openly encouraging its violation?

Mr. WHEELER. If he is doing so, I do not know it.

Mr. BLEASE. He has so stated.

Mr. WHEELER. Mr. President, I am not the spokesman for Nicholas Murray Butler, I have never met the gentleman; I do not know him except as one of the outstanding Republicans who, it was reported, deserted them in the last campaign and came over and supported the Democratic candidate. That, at least, is my understanding; I do not know it to be a fact.

Mr. BLEASE. I am surprised that my good friend, being such an able lawyer, would put a witness upon the stand without knowing his character.

Mr. WHEELER. I think that Mr. Butler's character should not be attacked by the Senator from South Carolina. I think it is the privilege of any man in the United States to advocate the repeal of any law upon the statute books and to advocate the repeal of any provision of the Constitution of the United States. Mr. President, if we have come to that stage of intolerance where no man can advocate the repeal of a law upon the statute books or the repeal of a provision of the Constitution of the United States without being condemned and his character assailed, then, I say, we have come to a pretty pass.

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

Mr. SMOOT. Mr. President—

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

Mr. WHEELER. I yield to the Senator from South Carolina.

Mr. BLEASE. It is not a question of Nicholas Murray Butler advocating the repeal of the eighteenth amendment, but is a question of his holding himself up as a great educator and yet advocating the open violation of the law of the United States, no matter what law it may be, whether it is against petit larceny or murder.

Mr. WHEELER. Mr. President, I think that is a very unfair insinuation regarding Nicholas Murray Butler. I should desire to see the proof before I would condemn Mr. Butler for advocating the violation of any law, whether that against theft, or the prohibition law, or the eighteenth amendment. I do not believe he has ever done so, and I shall not believe it until I see unmistakable proof of the fact.

Mr. BLEASE. I do not believe everything I see in the newspapers either, because I know some of them are awful liars. However, I have never seen that Mr. Butler has denied that charge, and I have never heard of his denying it.

Mr. WHEELER. I hope the Senator from South Carolina will not hold Mr. Butler responsible for everything that the newspapers may publish about him any more than he would want to be held liable for everything the newspapers may publish about himself.

Mr. BLEASE. If I were to be, I should have been in a bad fix a long time ago. [Laughter.]

Mr. WHEELER. I am unwilling to give customs inspectors such power, and I say it is dangerous in many instances even to put the authority in the hands of the district attorneys to say what is and what is not a violation of the law.

So, Mr. President, I hope that the amendment suggested by the Senator from Louisiana will not be adopted.

Mr. HEFLIN. Mr. President, I must express my surprise at the turn the debate in the Senate has taken. If I had heard some of these speeches made in some foreign parliaments I would not have been surprised. If this Government should become embroiled in war with a neighboring nation, and when the time for a settlement came we should write the provisions that we wanted put in the instrument of settlement, and among them we should say that no person, a citizen of the other nation, shall ever come over here and advocate or by means of his literature sent over here advocate insurrection in the United States, or the use of physical force and violence against the laws of the United States, or in such manner advocate treason against the Government of the United States, why before this Government would permit those three provisions to be stricken from the terms of settlement to be entered into between the nations we would go to war again. There is not a Senator here who will dispute my statement on that proposition. The truth is there

would be no settlement if the other nation proposed to reserve the right to come here and preach insurrection, physical force and violence against our laws, and the right to advocate treason against the Government of the United States. We would go to war again before we would agree to such a thing. Yet we hear Senators standing on this floor solemnly asking this law-making body, the last stronghold of liberty in the Union, to strike these three provisions out of an American measure; to abandon its power and its right to protect and preserve free institutions in America.

Mr. President, I can not understand the mental operation of any American Senator who wants that language stricken out of the pending amendment. My God, the idea of saying that foreigners who write this vile literature, the perverted minds that bring forth this filthy stuff and put it on the printed page, should have the right to send it into the United States to be circulated among the people of our country is something I can not understand. The idea of anybody standing here and asking that they may be permitted to continue to enjoy that privilege is beyond my comprehension.

Mr. President, every Senator here ought to be so inspired with love of liberty—American liberty—as to be enthusiastically willing to do anything within his power to protect and preserve it. I said last night that I could not understand the attitude of the man who would stop at the border line of the country a little peach-tree bush because of the presence of parasites which, if brought into the United States, would affect injuriously the peach orchards of my country, and then permit this devilish foreign literature, vile and corrupt, to come in here to poison the little plants of the American household—the boys and girls in the American home.

Mr. President, again I express my amazement, my utter amazement, at the position of the Senators who want to strike this language out.

Oh! if there be, on this earthly sphere,
A boon, an offering Heaven holds dear,
'Tis the last libation liberty draws
From the heart that bleeds and breaks in her cause!

What is the Congress doing, Mr. President, to preserve American liberty? Let me tell you. We have grown careless and indifferent along many lines, so much that we have come to be on some important questions the laxest Nation on earth. The literature, the vilest that can be found anywhere, is coming here in abundance and is being circulated; and what do we see? We see the evil and the devilish fruits of it. We have communism rampant in the Republic; we have communistic doctrines being preached on every hand. I have seen some specimens of communistic literature in the United States too vile to go into the American home. Are we not ready to get together and stop it? Aliens, by the hundreds of thousands, brought in in violation of our immigration laws, infest the land. What are they doing? They are invading our industrial establishments and taking the places of American men and women. They are telling the captains of industry that they will work for half price. They are stealing the birthright of Americans. And what are we doing to stop it? I introduced a joint resolution the other day providing for their deportation, for sending them back to the countries whence they came. Pass my resolution and you will solve that problem. Shall we do that? Or shall we say, "Oh, no; let them come and let them stay." "Do not be afraid. They can not hurt this Government—it is too big and strong."

O Mr. President, it is our duty to be watchful always. The time to treat cancer is in its incipient stage. The time to stop a leak in the levee down in the Mississippi Valley is as soon as you discover the leak. Are you going to stand off and say, "Why, look at that mighty dam built yonder. That dike will stand forever. That little leak is not going to do any harm. Why, that dike is 2 or 3 miles long. It is 50 or 100 feet wide. A little leak can do no harm."

They used to say that; but the leak would spread. It went deeper and deeper, until finally they saw the river raging through the place where the innocent looking and harmless looking little leak appeared and flooding all the valley below, destroying not only property but human life.

I want us to stop this leak in the American levee to-day. Let us build the dike on the border line between us and foreign countries so compact and strong that none of this filthy literature can come here.

Mr. President, we seize the foreigner at the border line when he fails to show that our laws permit him to be here. If he is smuggled in we seize him and put him out. Are you going to say that it is alright to take a human being, who maybe is fleeing from persecution somewhere, seeking a refuge in another land, and seize him, and bodily hurl him back across the border

line, and at same time permit a book filled with danger and poison to our American institutions to come in here and circulate through the country, get into the libraries, and into the home of our people?

If we stop these foreigners at the border line that we believe will be hurtful and dangerous to our civilization, that we know will come in here and take places that belong to patriotic American men and women—if we will do that and put them out of the country, as we should, will we permit to come in the literature written by people with vile minds, written by people who have designs on our Government, people who want to overthrow free institutions, who want to set up the rule of communism here in the United States? Or are we afraid that somebody will think we are fanatical and just fold our arms and let these books continue to come in? We ought not to do it. We must not do that. We have a solemn duty to perform here to-day.

The Senator from Montana [Mr. WHEELER] has read from various college professors. I know a great many of them, and they are very fine men. I know some of them that are not so very fine. One in particular that I have very little respect for is Nicholas Murray, the butler of Columbia University. [Laughter.] When the Senator quoted Nicholas to me he had just about exhausted his list and finished the job. The idea of bringing old Nicholas Murray Butler into a debate in this body!—this old fellow who has challenged the eighteenth amendment and the Volstead Act and stands up and openly advocates the violation of both. He is not loyal to the Constitution. He believes in social equality and teaches a school that admits both negroes and whites on equal terms.

The Senator read a few statements from preachers, and from a Methodist bishop somewhere. Mr. President, I dare say that if I could bring those gentlemen to this Capitol, and take them out here in the President's room, and show them the books that the Senator from Utah had on this floor yesterday, and let them read the indecent and immoral passages contained in them, and then ask them, "Do you ask us to continue to let such literature come in?" practically every authority that has been cited here to-day would hold up his hands in holy horror and say, "No! Shut them out!"

Mr. President, the reason that so many governments back of us have perished is because people whose duty it was to protect them grew careless and indifferent. They reached that dangerous time in their growth and development where those in authority, as some here seem to feel, felt that "it does not make any difference whether we do our duty or not this Government will stand forever."

Why, Mr. President, the people of Rome in the high tide of her power had that feeling. They thought their government would live forever. But, Mr. President, evil from within, mingled with evil from without, wrought her undoing; and Rome, the city of the Caesars fell down among her beautiful hills and died. Let us profit by her example and by the example of other governments that fell because those intrusted to safeguard and protect them were not true to their trust.

Again I say, that I can not understand how Senators will stand in this body and vote to pass a law and appropriate money to keep out horses and mules and cattle coming in from foreign countries with the foot-and-mouth disease, and not vote for this amendment. We think so much of the horses and mules and cattle of the United States that we spend money, we enact laws, to stop such horses, mules, and cattle at the border line. We will not let them come in; but when it comes to bringing in vile literature, something on the printed page, something that some vile wretch has written maybe to stir up insurrection in the United States, maybe to preach treason through the land, maybe to bring about the overthrow of our Government, they say, "Why, you are going to be very narrow-minded and very intolerant if you should stop that book at the border line. Let it come in. And they do more to protect horses, mules, and cattle from the foot-and-mouth disease than they do to protect the children of the American home.

That is the situation. There is no escape from it. As I said last night, we have passed in this tariff bill item after item protecting American labor and American manufacturers against the cheap labor of foreign countries. We have sought to protect the home market for the American farmer and manufacturer. We stop this product at the border line and say, "You can not come over here, because you are going to injure the army of wage earners yonder. You are going to hurt the manufacturing business of the United States. You are going to take away from them and the farmer the home market. Stop!" And we stop it at the border line. But the attitude of some seems to be: Bring in your vile book, with its pages covered with poison, beautifully bound, to be carried around amongst the young men and the young women of the country to poison

their minds and make Bolsheviks out of them, to plant certain dangerous European ideas in their heads, to root out American ideals; and what do you do? You do that, and in time you have a people who care nothing for your country. You have a multitude of dangerous "isms" here, stalking around in the temple of liberty, deadly evils to this Government of the western world.

Mr. President, we seize the alien who is brought in by one of these hired agents who makes money slipping people into the United States—and they have them. They have organizations gotten up for the purpose of smuggling people into the United States. It has been a lucrative business. One of them was arrested in Germany a few months ago. He was charging so much a head to bring people into the United States and land them far in the interior. Why, we have become the dumping ground for the criminal refuse and the unfit hordes of foreign countries. My resolution will put an end to it. You seize that fellow at the border; you stop him and the fellow he is bringing in, and properly so. You stop them both; you arrest them. But in the case of a vile book that is coming in here, bristling with its poison, with its dangers to free institutions, you say, "That is all right. Permit it to come in."

But let me show you: "Listen: It preaches insurrection. It is deadly to our American Government. Listen. It advocates force and violence against your lawful authority. It preaches treason against this, the greatest Government in all the world. It attacks the American Constitution. It assails the American flag. Would you permit that to come in?" And they say, "Yes; let it come in."

You are right in stopping the smugglers. You are right in deporting the alien who has no right to be here. You are right in keeping out agricultural products that have parasites on them that would spread through the United States and injure the American crops. That is all right and proper; but you do nothing to protect the farmer's home. You do nothing to protect the farmer's sons and daughters from poison literature. You do nothing to prevent the army of evildoers from roaming the country, spreading their poisonous doctrine against the finest people in the freest and greatest Government in all the world. O Mr. President, what are we coming to?

I have read some of this vile communistic literature. It is being preached around now. That that I have seen is a devilish doctrine. One of the dangerous and shameful things they teach is that the dead line pertaining to social and marriage relations between the white and the black races should be abolished. Race pride and purity and the protection of the great white race is absolutely essential to the preservation of the American Republic. God Almighty had a purpose in making the white man superior to every other race under the sun.

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

Mr. HEFLIN. I will.

Mr. WHEELER. Is not the Senator mistaken? Was not that the doctrine of the Republican Party during the days of reconstruction? If I recall correctly, that was the doctrine preached by Thaddeus Stevens and Charles Sumner and some other leaders of the Republican Party.

Mr. HEFLIN. It is true that a few of the leaders at that time did advocate social equality; but what I am speaking about now, and what I particularly had in mind, was the devilish doctrine of the communists who have invaded the South. In North Carolina not long ago one of them made a speech at Charlotte, and he said that they must wipe out the line between the white and black races in all things and have social equality—a dangerous and a damnable doctrine.

Mr. Lincoln said in his debate with Douglas in 1859 at Charleston, Ill.:

I am opposed to making voters or jurors of negroes. I am opposed to marriage between negroes and whites.

He said further:

As long as the two races remain together there must be the position of the superior and the inferior, and I, as much as anyone else, favor the white race occupying the superior place.

Mr. President, I understand that just this morning the Senate confirmed the appointment of a negro judge for the District of Columbia named Cobb. I opposed his appointment before, when he was appointed by Mr. Coolidge, and to-day the junior Senator from South Carolina [Mr. BLEASE], when he made his objection, said, "I ask that the nomination go over," and the Senator from New Hampshire, the President pro tempore, replied, "The nomination goes over," which meant it would not be acted on to-day.

I have learned since that time that the nomination was put through later in the morning. I, as well as four or five other

Senators near me on this side, were opposed to his confirmation. I voted against it before, and I would vote against it now.

Mr. WHEELER. Mr. President, I was not here, and I do not know anything about the judge about whom the Senator is talking. Was he a judge of a Federal court?

Mr. HEFLIN. The negro judge named Cobb, here in Washington.

Mr. WHEELER. Appointed as a judge here in the police court?

Mr. HEFLIN. He was first appointed by President Coolidge, and his term expired last night.

Mr. WHEELER. By whom was he appointed?

Mr. HEFLIN. He was reappointed by Mr. Hoover.

I am told that President Wilson appointed a negro judge here while he was in the White House. I was not in the Senate then. My understanding was that that negro was to try only negroes. If this negro is to be judge in the District of Columbia, he must confine his jurisdiction to the negroes, just as was done under the Wilson appointment, as I understand it.

Now, getting back to this communistic doctrine; they have communistic literature, and I have heard of some of them saying in their speeches, "Down with the Government and to hell with the Government of the United States."

Mr. President, that is not "liberty"; that is "license" of a dangerous and deadly character. I want a citizen always to have a right to criticize his Government. I want him to have the right to say wherein it is going wrong, and wherein it should be restrained, where its conduct should be changed, and all that, but whenever one of these flannel-mouthed foreigners gets into this country and stands on his soap box and curses the flag and damns the Republic he ought to be dealt with severely—he ought to be deported; he ought to be gotten out of this country. Whenever they attempt to get into this country literature which preaches sedition or treason, we ought to stop it at the border line, and destroy it, and put heavy punishment upon the person who seeks to bring it in.

We are talking about the most vital thing that affects the life of the Republic at this moment. What is going to be our policy regarding the literature that our children shall read in the years to come? What will be our policy of protection to the youth of the United States in the matter of the literature they must read? Shall we declare that nothing but good and wholesome literature shall come in, or shall we permit a foreign influence—and it is at work here to-day—to bring that literature into this country and spread it with its evil influence over this Nation of ours?

Oh, these alien influences are busy. They are busy around this Capitol to-day. I charge that they are exceedingly busy. They do not want any restriction upon this poison foreign literature.

I plead for my country against them and all that they represent in the foreign lands. I want only wholesome literature to come in. If this deadly stuff is not here, the people can not read it. It is here, some of them are going to read it. There are a good many "smart alecks" around who suggest this risqué literature. A boy gets hold of it and reads it, and he tells a boy friend and he reads it, and the first thing we know they are quoting it to the girls, and its devilish work has been begun, and God only knows to what extent its poison will spread.

I am not trying to put a fence around the American citizen. I want him to have his full rights in every particular. He is going to have them as long as I am a member of this body. But I do want to say to the writers and the printers of this devilish, filthy literature, "You can not make a dumping ground of my country for this indecent and immoral literature." As the able Senator from Florida [Mr. TRAMMELL] said to-day, "We are not going to furnish you a market for that literature. We are not going to let you bring it here and spread it through the homes of the Nation, carrying a poisonous doctrine which aims at the overthrow of our free institutions in the United States."

Mr. President, it is my duty to stand for my country first. I regret very much that the Senator from Utah has intimated that he is willing to have this language stricken out. I agree with the Senator from Tennessee that we must have a vote on that language.

We are going to put it back in the amendment. The Senator from Montana tells us that it is already in the law, and I ask him, then, what objection he has to repeating it in this measure?

Mr. President, we can not repeat too often the statement that this Government must be protected at any cost against the vile poison of anybody in any foreign land.

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

Mr. HEFLIN. I yield.

Mr. BARKLEY. Merely in the interest of accuracy, it probably ought to be stated that the present law carries no provision against the admission of treasonable or seditious literature. It is limited to obscene, immoral, and vulgar literature.

Mr. HEFLIN. I thank the Senator for that suggestion. More the reason for putting it in this, because the law we have is not sufficient to reach this particular offense.

Mr. BARKLEY. If the Senator will yield further, we have a very drastic provision preventing the sending of such literature through the mails.

Mr. HEFLIN. After it gets here.

Mr. BARKLEY. Yes; but there is in the present law no provision preventing its importation into the country.

Mr. HEFLIN. Mr. President, that is a strong point. Here in the United States we realize how dangerous and deadly such literature is, and we place pains and penalties against its circulation through the United States mails. Here we are solemnly considering permitting this stuff to come from other countries into our country where it can be circulated. If we have a law against its circulation in the United States, why should we not prevent it ever entering the United States?

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

Mr. HEFLIN. I yield.

Mr. TRAMMELL. There is nothing about that, I think, that is astonishing from the viewpoint of some. It merely gives a preference to the foreign literature, and it gives an exemption to the foreigner to criticize and to advocate the overthrow of the American Government, and publish whatever seditious and obscene literature he wants to. In other words, it just gives a preference to the foreigners. American people who might write some obscene book, or might be guilty of some seditious utterance, if they want to send it through the mail, can not do it, but a foreigner can bring it in freely. Some want them to have the right to do that.

Mr. HEFLIN. Precisely. As the Senator from Florida says, we punish the man here who writes such stuff and seeks to send it through the mail, but the man just over the border, 15 feet beyond the man who is prevented on this side of the border, can write such literature and send it in freely, as the Senator says, unless we do something to prevent its coming in.

Why not complete the job and stop it at the border line and keep it out? That is what I am pleading for. I would keep this poison literature out of my country as I would seek to keep poison out of a well.

I love the American Republic. I want to see it live forever. The way to preserve it is to protect it all the way along its journey by those who are sent here to be guardians of its sacred rights and interests. The people back home expect us to do whatever is necessary to protect their rights and interests.

Mr. President, I want to see the Senate settle this important matter right here to-day.

Mr. TRAMMELL. Mr. President, will the Senator yield again?

Mr. HEFLIN. I yield.

Mr. TRAMMELL. In view of the Senator's comment in regard to Nicholas Murray Butler, I just want to ask him if he thinks he is qualified to pass on this question because he has not taken a trip abroad as Doctor White had? He referred to Doctor White having taken a trip abroad, and inferred that because he had, he was much better qualified than an American who had never taken a trip abroad. Ninety-nine per cent of all the Americans in this country have never taken a trip abroad, and they are the people who have to bear the brunt of the battle during peace times and during war times. I want to know if he is qualified as well as Doctor White is.

Mr. HEFLIN. The Senator is right. I imagine old Nicholas has been over a number of times.

I have observed this, too, I want to say to my friend the Senator from Florida, that a great many of those who do go abroad frequently become imbued with European ideas and with European ideals, and they come back here and unconsciously begin to spread them around in the United States.

As for me, I would rather accept the sound, common-sense view on real Americanism as I find it in the merchant at the crossroads store, in the village and town, of the farmer in his field, in the South or East or West, or almost any patriotic American who has never had his foot off of American soil. I would rather take his judgment and count on him to protect and preserve the American home and the American Government than I would these fellows who are gallivanting across the ocean every summer into foreign lands and coming back with strange, dangerous, and exceedingly liberal ideas to tell us how to run the Government of the United States.

Mr. TRAMMELL. Mr. President, it just occurred to me that George Washington, of whom we have heard a great deal, never had to go to Europe.

Mr. HEFLIN. But he scared a lot of fellows half to death who came here from Europe.

I suggest to some of these high brows who are so fond of this European literature, who oppose American ideals and institutions, that they go over to Europe, and God speed them on a long journey. Let them go there and stay just as long as they choose. We will not miss them, neither will we mourn them. [Laughter.]

Mr. President, I think that I have said about all that I care to say upon this subject. It has been discussed very thoroughly before, but the atheistic societies and the communistic societies and the other un-American societies have been busy in opposition to this amendment. We have consumed a great deal of time on this provision, and I am going to demand a roll call on it. I want to hear the Senator's voice, and I want to see his name in the Record who will vote solemnly to strike out of this amendment the words "insurrection and treason." Let him brand himself if he chooses. I shall not do that.

I plead for the boys and girls who can not hear me to-day. I plead for the rights and interests of those back in the homes in the States of this Union. I plead for the God-fearing men and women of the United States. I plead for the common masses of the common people of my country. I plead for my Government, for its preservation. Senators, we can not go too far in protecting our Government against this evil.

The Bible teaches us to abstain from every appearance of evil. Mr. President, when they bring this poisonous literature in we know what it means. We have already seen it. The anarchist, Czolgoz, who murdered McKinley, had read this kind of literature. He said he had. He had read literature that defiled his mind and urged him to the dastardly deed of striking down one of the kindest Americans that ever walked this earth, a great American President, who was murdered by the offspring of this anarchistic and communistic doctrine in the United States. Let us be true to those who sent us here and protect the boys and girls of America from the indecent, obscene, and immoral literature of foreign countries.

Mr. TYDINGS. Mr. President, in the consideration of this proposition it would be most unfortunate for the Senate to lose its sense of proportion and be swept off its feet by prejudice, international hatreds or antipathies, or other elements in that category. I have listened to the earnest and, I am sure, sincere remarks of the Senator from Alabama [Mr. HEFLIN]. I believe he feels intensely about this matter, and it is not with a sense of taking issue in a personal sense with him that I rise to comment upon some of the statements he has made.

I believe that historians 300 years from now will say that the Congress of the United States was one of the most barbarous law-making bodies in the history of all mankind. It is true that we appropriate millions of dollars for child welfare. It is true that we appropriate millions of dollars to prevent the spread of the hoof-and-mouth disease. At the same time in this very Chamber we have voted to poison the alcohol which unfortunates may drink, giving them the death penalty for violating a sacrosanct law. My God, governmental murder in the name of righteousness! Where is the Christianity or the Judaism or the Buddhism or any other semblance of real religion in a government that would take the life of its citizens for no greater crime than imbibing a glass containing an alcoholic beverage?

I have heard it said that the Roman Empire declined because it tried to standardize everything throughout its confines. I have heard it said that the Roman Empire declined because it was corrupt. I have heard it said that the Roman Empire declined because the people grew prosperous and thought no more of the institutions of government. In fact, we can attribute the cause of the decline of the Roman Empire to any situation which may come to mind. It seems to have declined from every imaginary fault which the world has ever known. Let that be as it may.

For myself, I do not want to be saved by legislation, poor sinner that I am. I do not want Senators to try to save me and to personally conduct me to heaven. I want to do that myself. I hope I am no weakling. I do not want to come to Senators and ask what books I may read. If I want to read any particular book I want to read it, and I am not afraid I will go to hell and damnation 5 minutes or 10 minutes or 10 years after I have read it.

How do we make an athlete? We teach him to lift heavy loads and, by tackling that resistance, we build up his muscles and make him a premier among men of prowess. How do we

train the oarsman on the river? He pulls long hours against the current, building the muscles in his arms, making them strong by the resistance they offer. How do we train the runner? We take him out on the track and there he jogs for hours at a time, strengthening the muscles in his legs and in his body and improving the capacity of his lungs. It is only by that sort of contact, bearing the burden, that we build strong, physical and self-reliant men. Yet we are attempting to build strong mental men by taking away from them everything that will make them self-reliant.

Senators, there is no logic in that procedure. If sin could be completely abolished by legislative enactment, we would be a nation of morons, because there would be nothing to develop the individuality and the spirit of resistance in each of us. Every man in this Chamber who has achieved anything of moral character has done it because he has engendered within himself the ability to resist.

I do not want to be a good man simply because the law forbids me to do some untoward thing. I want to save myself. What good is any kind of salvation if it is achieved only at the point of the bayonet or threat of the prison bars? Let us go to the greatest lawgiver of all time, Jesus Christ. Did he attempt to build a moral grandeur by force? No! He sought to inculcate into the hearts and minds of mankind truths which would enable them, through teaching and application, to resist the temptation of this short journey we call life.

I do not think it is either fitting or kind, nor is it tolerant nor is it fair, to belittle the inhabitants of other nations. I believe that many of these nations have a culture which we could well emulate. They have produced great writers and great painters. They have given to the world masters in the field of music and architecture, science and medicine, philosophy, and what not. I regret to say that our record in the United States of America, great as it has been in material prosperity, is away down the scale in many respects when we compare our spiritual and artistic achievements with the achievements of many foreign countries.

Three years ago I was one of those so-called foolish people who went abroad. I went to Russia, not for the purpose of having a good time, because one can not have a good time there, but to examine the experiments of Bolshevism without the propaganda that is apt to be inserted in it by partisans who may write about Russia. I did not like hundreds of things I saw there, and one of the things I did not like was that the circulation of any kind of literature, if circulated on a wide scale, I would say to the Senator from California [Mr. SHORTRIDGE], which sought to change the present form of Russian government was considered a capital offense. Russia did not want anything about democracy coming into that country.

Mr. SHORTRIDGE. Mr. President, will the Senator yield? The VICE PRESIDENT. Does the Senator yield to the Senator from California?

Mr. TYDINGS. I yield.

Mr. SHORTRIDGE. Since the Senator is making an argument ad hominem and does me the honor to refer to me, may I ask him whether he believes in enacting a law excluding and making impossible the introduction into our country of deadly drugs, deadly narcotics, such as opium?

Mr. TYDINGS. No, not completely. But that is not comparable.

Mr. SHORTRIDGE. I had been led to think that the Senator, thoughtful, observant, well informed, agreed with me and many others that it is wise to keep out, if we can, and prevent the introduction into our country of deadly narcotics which, used ignorantly and excessively, bring about moral, physical, and mental ruin to our people.

Mr. TYDINGS. Did the Senator interrupt me for a question or does he want to go along on that subject? I have answered his question.

Mr. SHORTRIDGE. It was immediately a question I desired to ask. If I may ask him again, though perhaps he has already made answer, I inquire whether he is opposed to the introduction of such narcotics? He has answered, as I understand, that he is not opposed completely to introduction of these deadly poisons.

Mr. TYDINGS. The medical profession needs some of them in cases, does it not? Will the Senator permit me to ask him a question?

Mr. SHORTRIDGE. The Senator may do so.

Mr. TYDINGS. We all admit that of course opium is the most vile and pernicious form of narcotic. Science has shown that tobacco contains a great deal of a drug kindred to opium, which is nicotine, and that even coffee contains caffeine. Is the Senator contending that we should eliminate tobacco and coffee

from use by the American people, and either way will he give his answer?

Mr. SHORTRIDGE. I have too great and profound respect for the Senator from Maryland to think that he considers there is any parallel or relation between the two propositions.

Mr. TYDINGS. Neither is their between books and opium. The Senator does concede that while the very, very pernicious thing, the ultimate in perniciousness, might be excluded, there are other things which might be said to be mildly injurious physically, but he would not want to go to the extent of eliminating them entirely.

Mr. SHORTRIDGE. Does the Senator desire me to make answer to that observation?

Mr. TYDINGS. The Senator said so.

Mr. SHORTRIDGE. There is no parallel whatever as between the articles mentioned and the deadly narcotic, the thing denounced by the pure food law.

Mr. TYDINGS. There is no parallel between the deadly narcotic opium and the books that are reclining on the Senator's desk, because I can read those books one hundred times and they will not affect me in the least, but I can not take opium one hundred times because it would affect me.

Mr. SHORTRIDGE. I make cheerful public admission that nothing of that character could affect the Senator from Maryland, he being immune from any such thing physically, morally, and mentally.

Mr. TYDINGS. I admit that I am not in a class with the Senator from California, who comes to Congress and asks for a law in order that he may be saved. I have said that I want to save myself, that I do not want Congress to save me. The Senator, however, on the other hand, wants Congress to save him.

Mr. SHORTRIDGE. On the contrary, I feel quite competent to take care of myself, but I reecho the words of the eloquent Senator from Alabama; I am thinking of others not of myself. [Laughter.]

Mr. TYDINGS. So am I thinking of others. I know we are all our brother's keeper. I dislike to use the illustration I am about to use, for by doing so it may be assumed that, because in the past I have shown a distaste for a certain recently adopted amendment which has been incorporated into our Constitution, I want to enter upon that type of argument. May I say sincerely that I do not want to do that? But I appeal to the logic of any man in this Chamber as to the absolute hypocrisy of barring from the mails literature because it may contaminate the minds of some one, on the one hand, and poisoning alcohol so that it will kill the man who drinks it, on the other hand.

Talk about saving your fellow men! At this very session of Congress a majority of this body, almost with unanimity, will vote to insert a provision into the law that all alcohol made in this country shall be in accordance with a certain formula, when everyone knows that if that alcohol shall be drunk the verdict will be death. The idea of saving our fellow men, that we are our brother's keeper, when right in this very session of Congress we shall vote to poison alcohol, so that if anybody drinks it, illegal and crime though it be, he shall suffer either blindness or death! Who will stand with me to save my fellow man on that contention? Will the Senator from Alabama do it? Will the Senator from California do it? That is life and death. I still have a chance if I read an immoral book, but will Senators join hands with me in saving human life? No; they will vote again to poison the alcohol so that anyone who may break the law may suffer the death penalty. My God, we have called foreigners a lot of illiterates and degenerates, but we ourselves commit murder in the name of governmental honor on the floor of the Senate. Oh, let us save where life is at stake, and not where a transitory excursion into some book may contaminate a few of our brain cells.

In the city of Washington I to-day obtained the police statistics showing the arrests for drunkenness of persons under 21 years of age in this Capital City of the United States. Before prohibition, in 1917, 113 persons under 21 years of age were arrested by the police for drunkenness, and in 1927, 422 persons under 21 years of age were arrested in the Capital of our country, and 13 of those were under the age of 17 years.

There was a time when we went out to save humanity, and what a mess we made of it! I do not want to dwell on that particular subject now, because I do not want the wet angle to get mixed up in the censorship angle, but what a mess we made of saving our fellow man with so-called righteous legislation!

Rome, my friends, did not fall because of corruption. I will tell you why all governments fail. It is because the men who are elected to the seats of power in a moment of cowardice

surrender the philosophy which has made their countries great. The pressure of the mob behind them; the fear of losing their seats saps their manhood, perchance, and in a moment of weakness or indecision the harm is done, and the philosophy of the nation is changed.

We come to Congress now where we once went to God. We once went to church to get our religion; we once used to think that moral advancement and progress were the result of teaching. Now, we take the club and beat it into the man, and, perchance, if we make him good with a bayonet's point at his back we say, "Look, no longer does he sin," little realizing that the show of righteousness is not worth a continental, because it is involuntary and not voluntary.

As I have said heretofore—and I shall conclude my remarks with the statement—it is but another evidence of the tendency to substitute man's plan for God's plan; to substitute a code of laws for the teaching of the Holy Bible. If I may rely upon the statement of St. Paul again to prove my point, may I call attention to those priceless words he uttered when he said:

If righteousness comes by law, then Christ is dead in vain.

Make men good by law! Think of all the things they do; destroy them all if you can, and you will have the greatest race of ninnies and nincompoops that ever made up the population of any country on the face of the earth. I, for one, do not want to be saved except through my own efforts. I want mental freedom to think and to form my own conclusions, and if in the game of life I have not the moral courage or the stamina to run the race, then I ask not for the reward. We are pulling down the whole top of our civilization and culture to help a few fellows who may be down below—God pity them—but in order to save those few we are pulling down the whole structure of American philosophy, culture, learning, and civilization.

Think of the men who brought this country into being; imagine them as ghosts sitting here in this Chamber. They fought for the right of local self-government, and after they had framed the Constitution in a few essential elements, they said all power not given to the Congress is reserved—to whom? To the States and the people thereof.

They had looked into the history of every government which had preceded theirs; they were not idle thinkers; they were students, and under their philosophy of government we have expanded into a mighty and great Nation. But now, rich and prosperous, forgetful of their principles and the turmoil and the sacrifice and the struggle which they endured, we wish to turn it all upside down and take all the power away from the people and the States, so that every time a farmer wants to plow a furrow he will have to write to the Secretary of Agriculture for a permit.

There may be some definition which, carefully worded, should be inserted in this measure. There may be a type of book, the extreme "opium" type of book that ought to be excluded, and if a definition which can be constructively applied shall be offered I will vote for it; but this thing of taking every little bit of ill-assorted language, taking one paragraph out of a book where the truth may be told, and condemning a fine work because, perchance, of a sentence or a word or a paragraph or a page is wrong, and we will never develop any mentality worth anything so long as we pursue that course.

Mr. SHORTRIDGE. Mr. President, will the Senator permit me an interruption?

The VICE PRESIDENT. Does the Senator from Maryland yield to the Senator from California?

Mr. TYDINGS. I yield.

Mr. SHORTRIDGE. The Senator believes in free speech, I assume.

Mr. TYDINGS. Yes.

Mr. SHORTRIDGE. The Senator believes in a free press?

Mr. TYDINGS. Yes.

Mr. SHORTRIDGE. Does the Senator think that free speech gives full freedom to utter any word that the speaker may desire to utter or free press gives full freedom to publish anything one may desire to publish?

Mr. TYDINGS. Free speech gives me the right to say practically anything I want to say.

Mr. SHORTRIDGE. Does not the Senator recognize that there is such a thing as slander?

Mr. TYDINGS. Yes.

Mr. SHORTRIDGE. And such a thing as libel?

Mr. TYDINGS. Yes.

Mr. SHORTRIDGE. And that, therefore, there are limitations to the right of free speech?

Mr. TYDINGS. No.

Mr. SHORTRIDGE. And limitations to the right of a free press?

Mr. TYDINGS. There are no limitations on the right of free speech. What the Senator is referring to is the punishment for a violation of the right of free speech, which is an entirely different thing.

Mr. SHORTRIDGE. We have not now under the law absolute and unrestrained freedom of speech, have we?

Mr. TYDINGS. Yes; we have. Under the law I can say anything I wish to say that comes into my mind.

Mr. SHORTRIDGE. But the Senator is answerable for it if it is violative of the law.

Mr. TYDINGS. The reason I do not use words which would not be pleasant or fitting in this Chamber is because I have no inclination to use them.

Mr. SHORTRIDGE. Precisely.

Mr. TYDINGS. It is not because I am afraid to use them or because the Government says I can not use them.

Mr. SHORTRIDGE. But the point I wish to develop and as to which I wish to get the Senator's view is this: We have the right of free speech and the right of free publication, but is it not a wise provision of our laws that those rights are limited by the law?

Mr. TYDINGS. As I have said to the Senator, they are not limited. One is only punished if he violates the privilege.

Now, may I say to those who take issue with me upon this amendment that if they would go with me this minute over to a newstand, we will say the newstand at the Union Station—and I have not been there for two or three months except to buy a newspaper—I would be almost willing to pledge my word that they could find displayed upon that newstand first of all a magazine showing a perfectly naked woman; secondly, that they could find a character of story which, though perhaps not written so charmingly or as delightfully as some of the stories which have been on the Senator's desk, is written for the masses of the people, is founded on sex, and has hardly any limitations if the reader has any imagination whatsoever. Nobody crusades against that condition.

Mr. SHORTRIDGE. Mr. President, does the Senator approve of that?

Mr. TYDINGS. No, I do not; but I say, let us clean out our own house.

Mr. SHORTRIDGE. One evil does not justify another.

Mr. TYDINGS. Oh, yes, I understand that; but I would much rather clean out this evil, which has fifty times the circulation and the vogue as the evil which is occupying our attention at this moment. But who rises here to eradicate that evil which is fifty times more pernicious and which is perpetrated for the masses of the people?

Anyone who has read Rabelais can see that the average man would understand him with difficulty. I do not claim to be a brilliant scholar. I have tried to wade through some of the pages of it in the past, and I think a great deal of it is the driest reading I ever put my mind to. There is no life in it. The words themselves are unusual words wherever one can be used. I should like to give a copy of Rabelais to some man upon the street and ask him to read 10 pages of it and tell me what it means. I venture to say there is not one in a thousand that we would stop upon the sidewalk who could say what the philosophy of Rabelais was. Yet that is the kind of book we are trying to keep away from the masses—a book which 99 per cent of the people would drop after they had read the first three lines, because there is no life or essence in the thing at all. Yet we have upon our own newsstands, in comparison with that, hundreds, thousands, millions of magazines every year to which we close our eyes and howl about the foreign importations coming into America. Why, it is ridiculous!

Mr. President, I want to conclude by repeating that nothing will undermine the foundations of this Republic like a loss of faith in the individual man. The minute the Government has to take care of individuals who make up its population, you need not worry about the future of your Republic; its doom is sealed. I have faith in the ability of the average American to withstand the temptations of life. I know he is self-reliant enough not to succumb to such influences as are mentioned here. Therefore I rise in support of the amendment of the Senator from New Mexico, because I have faith in the people of America, because I believe that more harm will be done by the exclusion of the classics than by the admission of a few books that only a small percentage of our population will ever read, and because if we achieve governmental and civic righteousness in America as a result of legislation and force it is my sincere and firm belief that the end of this Government is in sight.

The parallel is, let us close every church from now on, and make the Ten Commandments statutory propositions. Let us define punishment for each of them, even including the injunc-

tion to love your neighbor as yourself. Let us do away with all godly teachings, call out the Army, and make righteousness compulsory. That is what we are doing in this bill.

For my part, I want to get to heaven in my own way; and I am glad to say that I do not have to ask the Members of the United States Senate to show me the way, because I believe none, or at least few, of them know more about it than I myself know.

Mr. BLACK. Mr. President, I desire to suggest an amendment to the amendment offered by the Senator from Louisiana, if it is in order. If it is not in order, I wish to suggest it to him and ask if he will incorporate it.

The PRESIDING OFFICER (Mr. VANDENBERG in the chair). The Chair would have to rule that the amendment is not in order.

Mr. BLACK. I desire to suggest to the Senator from Louisiana that on line 6 the line be made to read as follows:

Containing any matter advocating or urging treason or insurrection against the United States.

That does not change the effect that the Senator intended by the amendment he had.

Mr. BROUSSARD. Mr. President, the Senator from Georgia has spoken to me about this. I thought the wording of the amendment as proposed means the same thing, but there seems to be a doubt in the Senator's mind about it. Inasmuch as that is the intention, I should have no objection to revising my amendment in that way.

The PRESIDING OFFICER. Does the Chair understand that the Senator modifies his amendment?

Mr. BROUSSARD. I do.

Mr. COPELAND. Mr. President, I desire to give notice of my intention to move a reconsideration of the action taken yesterday on paragraph 1545, relating to sponges, and paragraph 1554, relating to umbrellas.

Having given that notice, how long do I have before I must make the motion?

The PRESIDING OFFICER. The motion having been entered, it can be taken up at any time before the bill is passed.

Mr. COPELAND. I thank the Chair.

The PRESIDING OFFICER. The question is on the perfected amendment submitted by the Senator from Louisiana [Mr. BROUSSARD] to the amendment submitted by the Senator from Utah [Mr. SMOOT].

Mr. HEFLIN. I ask to have the amendment stated as it would read with the amendment of the Senator from Louisiana.

The PRESIDING OFFICER. The clerk will state the amendment as modified.

The CHIEF CLERK. The Senator from Louisiana now modifies his amendment so as to reinstate in the amendment of the Senator from Utah the following words:

Containing any matter advocating or urging treason or insurrection against the United States, or forcible resistance to any law of the United States, or.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Louisiana [Mr. BROUSSARD], as modified, to the amendment of the Senator from Utah.

Mr. WALSH of Montana. Mr. President, I am very sure that our good, patriotic friends are borrowing a lot of trouble about this matter. The law already, it seems to me, makes ample provision for the conditions to which this amendment is addressed.

Section 4 of the Criminal Code, title 18, of the United States Code, provides:

Whoever incites, sets on foot, assists, or engages in any rebellion or insurrection against the authority of the United States or the laws thereof, or gives aid or comfort thereto, shall be imprisoned not more than 10 years, or fined not more than \$10,000, or both; and shall, moreover, be incapable of holding any office under the United States.

Any person who incites any rebellion or insurrection against the United States becomes amenable to this; and if one introduces into the United States matter urging treason or insurrection against the United States, he falls foul of this particular statute. Accordingly, Mr. President, the case is very much better taken care of in my mind by a provision making that criminal, and punishing that by heavy penalty, than by the procedure that is provided for by this amendment.

Mr. BROUSSARD. Mr. President, is it not equally true that we have laws against the circulation of obscene literature in the United States?

Mr. WALSH of Montana. We have a statute prohibiting the passage of it through the mails.

Mr. BROUSSARD. To my mind, it seems that the two cases are similar. I wish to call the Senator's attention to the fact that he has read a statute which applies to the territory of the

United States, but this deals with the importation of literature which advocates or urges treason, and that is quite a different thing. If there is no necessity for a law against the importation of anything which advocates or urges treason, insurrection, or forcible resistance, then there would be no necessity for any of this amendment at all relating to other features of it.

Mr. WALSH of Montana. The Senator ought to bear in mind that there is a law against the passage of obscene matter through the mails, but that is all.

Mr. BROUSSARD. Yes.

Mr. WALSH of Montana. The person may carry the books in, and there is no law to prohibit him from doing it. We are providing here against the introduction of it in that way, because there is not any Federal law that will reach it after it gets into the United States.

Mr. BROUSSARD. Inasmuch as I offered the amendment, may I be permitted to say this:

I do not know that there is any necessity for any law at all other than that suggested by the amendment of the Senator from New Mexico [Mr. CUTTING]; but when this amendment was offered, and then on the floor to-day the provision under discussion now was withdrawn, it seemed to me that it was an invitation for anyone to send to this country the sort of literature referred to by the amendment I have offered.

Inasmuch as there is no law with reference to the importation of that literature any more than there is with reference to the importation of other matters contained in the Smoot amendment as modified by the amendment of the Senator from Montana [Mr. WALSH], it seemed to me necessary that we should put back these words which the Senator from Utah withdrew. I hope the Senate will not appear in the light of having offered an amendment believed to be necessary, and then withdrawn, which might result in the belief that we are inviting such literature.

Mr. WALSH of Montana. Mr. President, I hoped that I should be able to bring to an end the interminable discussion of this matter upon so small an issue as is now presented. It is perfectly clear that one who introduces into the United States matter of this kind that is actually treasonable in character, or urges treason or insurrection, incites treason or insurrection falls foul of this criminal statute, with a heavy penalty. In that situation of affairs, so long as there is some objection—and I have the objection myself, which I shall presently state—against incorporating this other provision in the bill, I can not for the life of me see why anybody should prolong this debate for the purpose of keeping it in.

Mr. BROUSSARD. I merely want to ask the Senator if he will be kind enough to show the necessity for adopting the other parts of the amendment and leaving this out—the difference in the law.

Mr. WALSH of Montana. I tried to tell the Senator.

There is no law making it a crime against the United States to offer for sale, for instance, or to have in one's possession, any of this obscene matter, so long as it does not pass through the mails. If the owner passes it through the mails, then he commits a crime against the Federal law; but, except for that, so long as he holds it in his own possession he may go to the dock and load up a dray with all of these obscene books and literature, and he may take that literature to any bookstore in the city of New York, and it may be put upon the shelves and sold, and there is no Federal law to prohibit him so long as he does not put it through the mails. Therefore we need this statute with respect to the obscene literature, but we do not need it with respect to the literature that urges treason or insurrection against the United States.

Mr. BROUSSARD. Does not that indicate that we should legislate with reference to the sale and distribution of this matter otherwise than through the mail, rather than to adopt this amendment?

Mr. WALSH of Montana. No; it does not, because we have no power to legislate with respect to that except as to its passage in interstate commerce or through the mails. So long as it remains, for instance, in the State of New York we can do nothing with it from the Federal point of view. So we can not legislate upon that, but we can legislate with respect to literature or books which urge treason or insurrection against the United States, and we have done that.

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

Mr. WALSH of Montana. In just a moment. The statute reads as follows:

Whoever incites, sets on foot, assists, or engages in any rebellion or insurrection against the authority of the United States or the laws thereof, or gives aid or comfort thereto, shall be imprisoned not more than 10 years, or fined not more than \$10,000, or both.

Mr. SHORTRIDGE. And the Senator would reason that the introduction of such types of literature would fall within that section?

Mr. WALSH of Montana. That is, if a person attempts to incite insurrection or treason against the United States—

Mr. SHORTRIDGE. He would violate that section?

Mr. WALSH of Montana. He would violate this section of the statute. So we have taken care of that situation by a penal statute.

I yield to the Senator from Delaware.

Mr. HASTINGS. Mr. President, I want to inquire of the Senator from Montana if it would not be necessary, before anyone could be prosecuted under the act, to have the book actually in his hands in this country. It is the purpose of the amendment to prohibit a book from entering the United States. Of course, if the book is shipped in by somebody in a foreign country, it would be rather difficult for this Government to prosecute that person.

Mr. WALSH of Montana. Yes; but somebody in this country must get it.

Mr. HASTINGS. It is the purpose of the amendment to prohibit them from getting it, is it not?

Mr. WALSH of Montana. Exactly.

Mr. HASTINGS. It would necessitate this Government finding out that they had it, and prosecuting them after that, in order for this statute to apply.

Mr. WALSH of Montana. Exactly, so that if the inspector had an opportunity, under the proposed law, to learn of the character of the book, he would likewise have an opportunity to learn of the character of the consignee, and the consignee would be subject to indictment under the provisions of this act.

Mr. HASTINGS. But under this amendment the inspector does not make any inspection of the books at all. They all come in without any inspection, and he has no obligation to learn the character of the book and tell it to anybody, as I understand it.

Mr. WALSH of Montana. He has the character of the book in the manifest, and he is required to inspect all books, in order to ascertain whether any of them contain any obscene literature, or to make such inspection as will enable him to determine that fact, and, of course, that would enable him to determine the character of the other books. However, that is straining a point.

I must confess that I do not like that provision of this measure. Of course, it is like the case of obscene literature. If all literature that came in were perfectly plainly urging treason against the United States, or insurrection, and there could be no doubt about it, we would want to exclude that literature. But the trouble about the matter is that there are all gradations of literature, some of which one person would construe as really inciting to treason or insurrection in the United States, and other persons would conclude that it did not have that tendency. That is where the difficulty comes in with a statute of that kind.

I am prejudiced against it because of the outrageous construction that was given by many of the courts of this country to what was known as the espionage law, passed during the war. That act provided that—

Whoever, when the United States is at war, shall willfully make or convey false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States or to promote the success of its enemies, and whoever, when the United States is at war, shall willfully cause or attempt to cause insubordination, disloyalty, mutiny, or refusal of duty, in the military or naval forces of the United States, or shall willfully obstruct the recruiting or enlistment service of the United States, to the injury of the service of the United States, shall be punished by a fine of not more than \$10,000 or imprisonment for not more than 20 years, or both.

In the application of that statute, in the hysteria which attended the war and followed in the years immediately after the war, persons were convicted of all manner of offenses, which, to the ordinary mind, did not fall under the condemnation of the statute at all.

A commentator upon the subject said, I think, with substantial accuracy:

It became criminal to advocate heavier taxation instead of bond issues, to state that conscription was unconstitutional, though the Supreme Court had not yet held it valid, to say that the sinking of merchant vessels was legal, to urge that a referendum should have preceded our declaration of war, to say that war was contrary to the teachings of Christ. Men have been punished for criticizing the Red Cross and the Young Men's Christian Association. * * * It was in no way necessary that these expressions of opinion should be addressed

to soldiers or men on the point of enlisting or being drafted. Most judges held it enough if the words might conceivably reach such men.

The document before me, which I have read with some considerable care, goes on to instance convictions in support of such constructions as these to which I have referred.

Indeed, they were so remarkable in character that in practically all of the so-called espionage cases which came before the Supreme Court in later years the eminent judges of that court, so well beloved by the people of the United States—Justices Holmes and Brandeis—uniformly dissented from the conclusions arrived at.

In the case of Abrams against the United States, reported in Two hundred and fiftieth United States Reports, is found the dissenting opinion of Justice Holmes, in which Justice Brandeis concurred, and in that case the venerable Justice said:

In this case sentences of 20 years imprisonment have been imposed for the publishing of two leaflets that I believe the defendants had as much right to publish as the Government has to publish the Constitution of the United States now vainly invoked by them. Even if I am technically wrong, and enough can be squeezed from these poor and puny anonymities to turn the color of legal litmus paper; I will add, even if what I think the necessary intent were shown; the most nominal punishment seems to me all that possibly could be inflicted, unless the defendants are to be made to suffer, not for what the indictment alleges, but for the creed that they avow—a creed that I believe to be the creed of ignorance and immaturity when honestly held, as I see no reason to doubt that it was held here; but which, although made the subject of examination at the trial, no one has a right even to consider in dealing with the charges before the court.

That is the comment of two Justices of the Supreme Court of the United States concerning what was done under this act, which we thought at the time we enacted it was simply necessary to prevent people from actually obstructing by force or by immediate persuasion the operation of the draft act.

Mr. President, I think there is a well-grounded reason for apprehension that matter will be excluded under a provision of this character, which simply argues for a change in the Government of some kind.

Reference was made to the well-known comment of Thomas Jefferson in his inaugural address, in which he said:

If there be any who would dissolve our Union or change our republican form of government, let them stand as testimony of the truth that error may be tolerated when reason is left free to combat it.

Of course, everybody realizes that when Thomas Jefferson thus spoke he had in mind the so-called alien and sedition laws, and the law to which I have referred here is sometimes spoken of as the sedition law.

Reference has been made to-day to seditious pamphlets being excluded. What was the sedition law, the counterpart of the alien law passed during the Adams administration? It provided:

That if any person shall write, print, utter, or publish, or shall cause or procure to be written, printed, uttered, or published, or shall knowingly and willingly assist or aid in writing, printing, uttering, or publishing any false, scandalous, and malicious writing or writings against the Government of the United States, or either House of the Congress of the United States, or the President of the United States, with intent to defame the said Government or either House of the said Congress, or the said President, or to bring them, or either of them, into contempt or disrepute; or to excite against them, or either or any of them, the hatred of the good people of the United States, or to stir up sedition within the United States, or to excite any unlawful combinations therein, for opposing or resisting any law of the United States, or any act of the President of the United States, done in pursuance of any such law, or of the powers in him vested by the Constitution of the United States, or to resist, oppose, or defeat any such law or act, or to aid, encourage, or abet any hostile designs of any foreign nation against the United States, their people, or Government, then such person, being thereof convicted before any court of the United States having jurisdiction thereof, shall be punished by a fine not exceeding \$2,000, and by imprisonment not exceeding two years.

In other words, it was made a crime to speak disparagingly of the Government of the United States, or of the President of the United States. That was the sedition law which provoked the antagonism of Thomas Jefferson.

Moreover, Mr. President, there was another provision not unlike that which it is proposed to incorporate in this measure which provided:

That if any persons shall unlawfully combine or conspire together with intent to oppose any measure or measures of the Government of the United States, which are or shall be directed by proper authority, or to impede the operation of any law of the United States, or to

intimidate or prevent any person holding a place or office in or under the Government of the United States from undertaking, performing, or executing his trust or duty; and if any person or persons, with intent as aforesaid, shall counsel, advise, or attempt to procure any insurrection, riot, unlawful assembly, or combination—

In other words, the first paragraph of the sedition law was not unlike this provision here, which condemned a pamphlet intended to incite insurrection against the United States.

What was the result? It was not that that act had been utilized against people who were actually urging insurrection against the United States or rebellion against its authority, but it was abused and made the instrument for the oppression of people who were simply objecting to the administration and who were desirous of having it supplanted by an administration whose views were more in conformity with their own.

What I apprehend is that this provision will be utilized by people with peculiar ideas about our own Government to exclude material which is perfectly outside the domain of urging treason or insurrection against the United States.

Inasmuch as the case is taken care of by the penal statutes to which I have referred, I trust the amendment now offered will not be accepted, but that the amendment will be adopted substantially as offered by the Senator from Utah.

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

Mr. WALSH of Montana. I yield.

Mr. McCULLOCH. Is the Senator from Montana under the impression that the amendment of the Senator from Utah still contains the criminal provision?

Mr. WALSH of Montana. No, it does not.

Mr. McCULLOCH. How can the remarks of the Senator from Montana, then, be pertinent to the pending amendment, the remarks going entirely to the criminal feature?

Mr. WALSH of Montana. The Senator has misapprehended me. I have called attention to a separate statute now in existence making criminal the incitement of treason or insurrection.

Mr. McCULLOCH. But the Senator contends that the amendment of the Senator from Utah, if it is amended as the Senator from Louisiana has suggested, might result in oppression of the nature that would result from the operation of the statute to which he has referred, which could not at all happen under the pending amendment. It only means, I submit to the Senator from Montana, an additional safeguard. We are attempting to stop seditious literature at the border, and there can be no oppression of the nature the Senator from Montana has suggested with the criminal feature of this amendment eliminated.

Mr. WALSH of Montana. The Senator has not been attending to what I said. I called attention to the fact that, at the present time, the introduction of materials falling within the amendment proposed by the Senator from Louisiana, is made a criminal offense.

Mr. McCULLOCH. That is so. It is made a criminal offense, but there can be no oppression resulting from the amendment of the Senator from Utah, he having stricken out the criminal provisions, if the amendment of the Senator from Louisiana is included.

Mr. WALSH of Montana. I have endeavored to show how that oppression could occur. Evidently I have not satisfied the Senator from Ohio?

Mr. McCULLOCH. The Senator from Montana has not at all satisfied me on the question.

Mr. WATSON. Mr. President, may we not have a vote?

The PRESIDING OFFICER. The question is on the amendment of the Senator from Louisiana to the amendment of the Senator from Utah.

Mr. WATSON. May the amendment be reported?

The PRESIDING OFFICER. The amendment will be reported for the information of the Senate.

The CHIEF CLERK. On page 1 of the amendment of the Senator from Utah, in line 5, after the word "drawing," insert the words "containing any matter advocating or urging treason or insurrection against the United States, or forcible resistance to the laws of the United States, or."

Mr. BORAH. Mr. President, I do not desire to take any time to discuss the matter in case we are ready to vote. If there is to be further discussion, I shall want to say something.

Mr. WATSON. Let us have the yeas and nays.

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

Mr. OVERMAN (when his name was called). When the vote was taken on this question in Committee of the Whole the Sena-

tor from Illinois [Mr. DENEEN], with whom I have a general pair, then voted as I expect to vote now. I vote "yea."

Mr. LA FOLLETTE (when Mr. SHIPSTEAD's name was called). The senior Senator from Minnesota [Mr. SHIPSTEAD] is paired with the junior Senator from Tennessee [Mr. BROCK]. If the senior Senator from Minnesota were present, he would vote "nay."

Mr. SIMMONS (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. GILLET]. That pair, as I understand it, stands upon the amendment now pending, but not upon the main amendment. Therefore I shall have to observe the pair, but if I could vote I would vote for the pending amendment to the amendment.

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. SMITH], which I transfer to the Senator from Illinois [Mr. DENEEN], and vote "yea."

The roll call was concluded.

Mr. BLEASE (after having voted in the affirmative). I have a pair with the Senator from Connecticut [Mr. WALCOTT], but I understand he would vote as I have voted, and therefore I let my vote stand.

Mr. HAYDEN. The senior Senator from Arizona [Mr. ASHURST] is unavoidably absent. If present, he would vote "nay."

Mr. FESS. I desire to announce the following general pairs:

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from New Jersey [Mr. BAIRD] with the Senator from Arkansas [Mr. CARAWAY];

The Senator from Maine [Mr. GOULD] with the Senator from Utah [Mr. KING]; and

The Senator from Vermont [Mr. GREENE] with the senior Senator from Mississippi [Mr. HARRISON].

The result was announced—yeas 54, nays 24, as follows:

YEAS—54

| | | | |
|-----------|-------------|----------------|---------------|
| Allen | Goff | McNary | Steck |
| Barkley | Goldsbrough | Metcalf | Steiner |
| Bingham | Grundy | Moses | Stephens |
| Black | Hale | Oddie | Sullivan |
| Bleas | Harris | Overman | Swanson |
| Broussard | Hastings | Patterson | Thomas, Idaho |
| Capper | Hatfield | Phipps | Townsend |
| Connally | Hebert | Pine | Trammell |
| Couzens | Heflin | Ransdell | Vandenberg |
| Dale | Kean | Robinson, Ind. | Walsh, Mass. |
| Fess | Keyes | Robison, Ky. | Waterman |
| Fletcher | McCulloch | Sheppard | Watson |
| Glass | McKellar | Shortridge | |
| Glenn | McMaster | Smoot | |

NAYS—24

| | | | |
|-----------|---------|-------------|--------------|
| Blaine | Dill | Jones | Pittman |
| Borah | Frazier | Kendrick | Schall |
| Bratton | George | La Follette | Tydings |
| Brookhart | Hayden | Norbeck | Wagner |
| Copeland | Howell | Norris | Walsh, Mont. |
| Cutting | Johnson | Nye | Wheeler |

NOT VOTING—18

| | | | |
|---------|----------|----------------|---------------|
| Ashurst | Gillett | King | Smith |
| Baird | Gould | Reed | Thomas, Okla. |
| Brock | Greene | Robinson, Ark. | Walcott |
| Caraway | Harrison | Shipstead | |
| Deneen | Hawes | Simmons | |

So Mr. BROUSSARD's amendment to Mr. SMOOT's amendment, as modified, was agreed to.

Mr. BRATTON. Mr. President, I desire to offer an amendment to the amendment.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 3 of the amendment of the Senator from Utah, line 19, after the period, insert:

Upon adjudication that such book or matter thus seized is not of the character the entry of which is by this section prohibited, it shall not be excluded from entry under the provisions of this section.

Mr. CUTTING. Mr. President, will the Senator from New Mexico yield to me?

Mr. BRATTON. I yield.

Mr. CUTTING. In connection with the vote just taken I ask permission to have inserted in the Record the vote on a similar provision taken on October 11 last, which will be found published at page 4472 of the CONGRESSIONAL RECORD of that date.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Mexico?

Mr. BLACK. Mr. President, will the Senator from New Mexico yield to me?

Mr. BRATTON. I should prefer not to do so at this time.

Mr. BLACK. Then I shall have to object to this matter going in until I have had an opportunity to make my statement.

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Alabama for the purpose of making a statement?

Mr. BRATTON. With the indulgence of the Senator, I should like to obtain a disposal of the pending amendment to the amendment of the Senator from Utah.

Mr. BLACK. That is all right if I may be allowed to place my remarks immediately after the vote which has just been placed in the RECORD at the request of the Senator from New Mexico.

Mr. BRATTON. Very well; I yield to the Senator from Alabama.

The VICE PRESIDENT. Without objection, the request of the junior Senator from New Mexico [Mr. CUTTING] is granted. The vote referred to is as follows:

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. WAGNER (when Mr. COPELAND'S name was called). My colleague [Mr. COPELAND] is necessarily detained from the Senate by illness in his family.

Mr. JONES (when his name was called). The senior Senator from Virginia [Mr. SWANSON] is compelled to be absent, and I promised to take care of him on this vote. I do not know how he would vote if present, and therefore I withhold my vote. If I were at liberty to vote, I would vote "nay."

Mr. FRAZIER (when Mr. NYE'S name was called). My colleague [Mr. NYE] is paired on this question with the junior Senator from New Jersey [Mr. KEAN]. If my colleague were present and permitted to vote, he would vote "yea," and I understand that the Senator from New Jersey would vote "nay."

Mr. SIMMONS (when his name was called). I transfer my pair with the junior Senator from Ohio [Mr. BURTON] to the senior Senator from New York [Mr. COPELAND] and vote "yea."

Mr. HASTINGS (when Mr. TOWNSEND'S name was called). My colleague [Mr. TOWNSEND] is paired with the senior Senator from Mississippi [Mr. HARRISON].

Mr. WALSH of Massachusetts (when his name was called). On this question I have a pair with the junior Senator from Rhode Island [Mr. HERBERT]. I transfer that pair to the senior Senator from Arizona [Mr. ASHURST] and vote "yea."

The roll call was concluded.

Mr. FESS. I desire to announce the following general pairs:

The Senator from New Jersey [Mr. Edge] with the Senator from Georgia [Mr. HARRIS]; and

The Senator from Connecticut [Mr. BINGHAM] with the Senator from Virginia [Mr. GLASS].

Mr. SHEPPARD. I desire to announce that the Senator from Virginia [Mr. GLASS], the Senator from Mississippi [Mr. STEPHENS], and the Senator from Wyoming [Mr. KENDRICK] are necessarily detained from the Senate on official business.

Mr. ROBINSON of Indiana (after having voted in the negative). Mr. President, I have had throughout the session a general pair with the junior Senator from Mississippi [Mr. STEPHENS], and I am not clear whether that pair continues or not. Assuming it does I transfer the pair to the junior Senator from Maine [Mr. GOULD] and allow my vote to stand.

The result was announced—yeas 38, nays 36, as follows:

Yeas—38: Messrs. Black, Blaine, Borah, Bratton, Brookhart, Broussard, Caraway, Connally, Couzens, Cutting, Dill, Fletcher, Frazier, George, Gillett, Glenn, Hawes, Hayden, Howell, Johnson, King, La Follette, McKellar, McMaster, Norris, Pine, Pittman, Ransdell, Robinson of Arkansas, Simmons, Steck, Thomas of Oklahoma, Tydings, Wagner, Walcott, Walsh of Massachusetts, Walsh of Montana, and Wheeler.

Nays—36: Messrs. Allen, Barkley, Blease, Brock, Capper, Deneen, Fess, Goff, Goldsborough, Greene, Hale, Hastings, Hatfield, Heflin, Keyes, McNary, Metcalf, Moses, Oddie, Overman, Patterson, Phipps, Reed, Robinson of Indiana, Sackett, Schall, Sheppard, Shortridge, Smith, Smoot, Steiwer, Thomas of Idaho, Trammell, Vandenberg, Warren, and Watson.

Not voting—21: Messrs. Ashurst, Bingham, Burton, Copeland, Dale, Edge, Glass, Gould, Harris, Harrison, Hebert, Jones, Kean, Kendrick, Norbeck, Nye, Shipstead, Stephens, Swanson, Townsend, and Waterman.

So Mr. CUTTING'S amendment was agreed to.

Mr. BLACK. Mr. President, the statement has just been made that the vote which was placed in the RECORD was upon a matter similar to the amendment upon which we just voted. That is correct in so far as similarity in the amendment as it then appeared is concerned. The situation, however, is entirely different, and there is no inconsistency whatever in having voted one way upon the amendment in the conditions under which it was offered at that time and having voted another way in the conditions under which it is offered to-day, for the reason I shall state.

I stated at that time my inherent objection to having books censored by a clerk of the Secretary of the Treasury. That objection I still have. I insisted upon that objection last night. If there had been offered the same amendment to-day which the Senator from Utah [Mr. SMOOT] offered last night, I should

not only have voted against it but I should have spoken against it. But the proposal upon which we have just voted is entirely different and distinct. In the first place, the political offenses set forth are narrowed. They are specifically limited now to urging treason or insurrection against the United States or forcible resistance to any law of the United States. No one would contend that the commission of either of those three offenses would not be a violation of law to-day. No one would contend that an attempt to commit either of those offenses would not be a violation of law. It not only would be a violation of law, but it should be a violation of law.

The objection I had to the original proposal was not with reference to the definition but it was on account of the fact that a clerk in the Treasury Department was left with the discretion to determine what came within the definition, the man whose property was taken from him being deprived of a trial in a court of law.

Mr. BORAH. Mr. President, is it not true yet that the clerk passes upon it?

Mr. BLACK. It is not. It is true to this extent, that in instituting the proceeding the clerk passes upon it. Some one must pass upon whether a proceeding shall be instituted. Some one must pass upon whether or not a proceeding will be instituted for violation of the prohibition law, whether or not a proceeding will be instituted for committing burglary or any other crime. In the amendment, however, as it was offered heretofore it was necessary to appeal from the action of the clerk before one could obtain the benefit of the law and of trial by a tribunal.

Mr. BORAH. In case the clerk stops the book, what will be the procedure now?

Mr. BLACK. Under the procedure now proposed the matter is referred to the court for action. The book is seized, and a report is made to the district attorney for a charge to be preferred in court, and there can be a trial by jury. That is the difference, and it is a distinct and vital difference.

Now, when a man is charged with violating the prohibition law—take that as an example—some one prefers the charge. It is preferred either by indictment or by an affidavit and warrant of arrest. The deputy sheriff does not pass upon the case. If he should, it would be contrary to our constitutional principles. That was the basis of the opposition I had to a clerk under the Treasury Department of the United States acting as a censor to determine what could and what could not be read by the people of the United States.

Now, when we narrow this clause down to the three distinct provisions, first, urging treason; second, urging rebellion or insurrection against the United States; third, urging forcible resistance, and at the same time the matter is carried to the court, where it should be carried in the first place, I do not anticipate the consequences which followed under the old alien and sedition law.

Therefore it seems to me, Mr. President, that the Senator from New Mexico [Mr. CUTTING] has won a distinct and decided victory. It seems to me that the Senator from New Mexico has contributed greatly to the subject under discussion. We have, as a result of his efforts, at the present time an amendment offered by the Senator from Utah [Mr. SMOOT] which is entirely separate and distinct and different from the proposed law as originally insisted upon by the Senator from Utah.

Due to the efforts of the Senator from New Mexico, under this amendment, as now framed, instead of having books censored by a clerk in the Treasury Department, that clerk merely passes upon the question as a deputy sheriff does in other cases of the violation of the law, and a proceeding is then instituted before a legal tribunal where the man who owns the book has the right to have a trial by jury.

I congratulate the Senator from New Mexico upon having brought about this great improvement in the system. I do not mean that there may not be a difference of opinion as to whether or not with reference to the three items referred to this power should be given to a court. It is my judgment, since we have prohibited treason under the law, since we have prohibited rebellion under the law, and since we have prohibited forcible resistance under the law, that certainly it would be very inconsistent to vote against an amendment which merely includes in the list of the proscribed publications those which urge the citizens of the country to violate the very laws which to-day are written upon the statute books.

Mr. SHORTRIDGE. Mr. President—

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

Mr. BLACK. I yield to the Senator.

Mr. SHORTRIDGE. I think there should be a clear understanding as to the procedure under the present law. The

customs official seizes a given book, holding it to be condemned by the law and not to be admitted under the law. If the importer claims the right to have the book entered, he may take the matter before a division of the Customs Court. If the judge or judges condemn the book, an appeal lies to the Customs Court of Appeals and Patents. If that appellate tribunal affirms the ruling of the division, then the book is excluded. That, I understand, is the procedure under existing law. Under the suggested amendment, if the customs officer seizes a book, the case is turned over to the district attorney of the district, who institutes proceedings in the district court for the confiscation and destruction of the book. In such proceedings any party in interest may demand a jury to determine the facts in issue, and an appeal or right of review is given as in ordinary actions or suits.

But, in any event, whichever procedure shall be made the law, the book in question will remain in custody until a final decision. Is that not a correct statement of the two kinds of procedure?

Mr. BLACK. That is substantially correct.

Mr. SHORTRIDGE. Wherein is it not accurate?

Mr. BLACK. I am not sure as to absolute accuracy with reference to the first so-called trial before the appeal is taken, and I desire to say now in order that there may be no misunderstanding—

Mr. SHORTRIDGE. Mr. President, will the Senator from Alabama permit me—

Mr. BLACK. I wish first to say this: If this clause of the so-called Smoot amendment, as it now exists, shall be stricken out and the old method is restored, I shall then vote for the amendment of the Senator from New Mexico, and vote to strike out not only the clause which has just been inserted but shall vote to strike all of it out, because I do not believe in the principle of permitting a customs inspector to act as censor of books for the people of this Nation.

Mr. SHORTRIDGE. Mr. President, I merely wish to observe, if the Senator will indulge me, that a question had arisen among certain Senators as to what became of the book pending the proceedings. I wish it to be made perfectly clear to all that the book remains in custodia legis until final disposition of the case.

Mr. BLACK. The Senator is correct in that, just as in the case of prohibitive liquor it remains in possession of the officer until the case is tried.

I have simply made these remarks, Mr. President, in order that it might not appear that the vote taken on this amendment was a change on the part of those who had originally voted against a provision striking out the same clause.

Mr. CUTTING. Mr. President—

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

Mr. BLACK. I yield.

Mr. CUTTING. I should like to take this opportunity of saying that nothing should allow the Senator to believe that I had not given him full credit for believing thoroughly in his position on this as on all other matters in connection with the bill. Of course, I realize the question as it comes up now is not precisely as it came up before.

Mr. BLACK. I understand. I simply suggested that in order that the record might be absolutely clear, and because, furthermore, I had wanted an opportunity to give credit where credit is due for a great improvement in the law which will result if the amendment offered by the Senator from Utah shall be adopted. That credit, in my judgment, goes directly to the Senator from New Mexico for the great fight he has made in the interest of the cause which he has espoused. In my judgment, it is a forward step and one which can well be considered a progressive step.

Mr. McKELLAR. Mr. President—

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

Mr. McKELLAR. I merely wish to make a statement.

Mr. BLACK. I yield the floor.

Mr. McKELLAR. Mr. President, I merely desire to make a brief statement. I was one of those who voted in favor of the amendment of the Senator from New Mexico when it was previously under consideration. In addition to what has been so well set forth by the Senator from Alabama, the amendment is wholly different from the other amendment and the facts are wholly different. Either consideration would justify the vote that has just been cast in favor of this amendment. In so far as consistency is concerned, it is not worth a thrip with me. I am quite sure, in view of the amendment and of the facts, that I have made no mistake in the vote I have just cast. I am entirely satisfied with it. If anyone thinks it is inconsistent, let

him think so; it is no matter of mine. I would a thousand times rather be charged with inconsistency than to be charged with being afraid to put foreigners who would bring into the United States material advocating or urging treason, advocating or urging insurrection, or advocating or urging forcible resistance to the laws of the United States upon the exact plane of American citizens. I think that foreigners ought to be so treated. I have so voted, and I have no apology to make for it however many votes may be put in the Record concerning this question.

Mr. BRATTON. Mr. President, if disposition can be made of the pending amendment, I have one to follow.

The VICE PRESIDENT. The amendment offered by the Senator from New Mexico will be stated.

The LEGISLATIVE CLERK. On page 3 of the amendment, in line 19, after the period, it is proposed to insert:

Upon adjudication that such book or matter thus seized is not of the character the entry of which is by this section prohibited, it shall not be excluded from entry under the provisions of this section.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New Mexico to the amendment offered by the Senator from Utah.

Mr. JOHNSON. Mr. President, may I inquire of my friend from New Mexico is not that the obvious consequence?

Mr. BRATTON. I fear not. Other provisions of a general nature in the law may counter with such provisions in this section. The amendment is intended to complete the section, and to set up a completed machinery so far as dealing with books of this character which are imported are concerned.

Mr. JOHNSON. I have not the slightest objection to the amendment to the amendment, but it seems to me that if there is a determination that the book does not come within the purview of the section it follows as a matter, of course, that it can come in.

Mr. BRATTON. The section, however, provides for confiscation. It may not give the right to take it out of the hands of the customs collector once he has acquired possession of it, and the amendment merely provides, when the question has been adjudicated that the book or material does not fall under the ban of this particular section, it shall not thereafter be excluded on account of this section.

Mr. SMOOT. Mr. President, I do not think the amendment is necessary, but I see no objection to having it go in.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New Mexico to the amendment offered by the Senator from Utah.

The amendment to the amendment was agreed to.

Mr. BRATTON. I send forward another amendment.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The LEGISLATIVE CLERK. On page 3 of the amendment of the Senator from Utah, line 10, after the word "provided," insert a semicolon and the following:

And no protest shall be taken to the United States Customs Court from the decision of the collector.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. McKELLAR. Who offered that amendment?

The VICE PRESIDENT. The Senator from New Mexico [Mr. BRATTON].

Mr. SMOOT. May I ask the Senator a question? I have just seen the wording of the amendment. As I understand, the effect of the amendment will be to leave it up to the district courts entirely. Is not that the object of it?

Mr. BRATTON. Mr. President, we are providing in this amendment a complete system in relation to the particular kinds of books and material specified; that is, that when the collector seizes them he shall certify the question to the United States attorney. The United States attorney shall institute the proceedings in the United States court; and during the time the matter is being determined by the court the owner or importer shall not have the right to appeal to the Court of Customs Appeals.

Mr. SMOOT. Mr. President, this amendment changes the whole theory of the bill. I hope it will not be agreed to.

Mr. WALSH of Montana. O Mr. President, I am sure the Senator from Utah has the wrong idea about that. In my estimation, the amendment now offered is really not necessary; but it is only offered by the Senator from New Mexico to "make assurance doubly sure." I am satisfied that we are providing here another system for the determination of these matters; and that would necessarily exclude a review of any supposed decision of the collector by the Court of Customs Appeals.

This is only a declaration of what I am sure is already implied in the provision. I am sure it does not change the declaration in any degree whatever.

Mr. SMOOT. Let me read the wording of it.

Mr. BRATTON. Mr. President, let me state my position.

The VICE PRESIDENT. The Senator from New Mexico declines to yield at this time.

Mr. BRATTON. We are providing, by the amendment proposed by the Senator from Utah, that when books or material of the specified class arrive at the port of entry, and the customs collector seizes them, he certifies the question to the United States district attorney. That sets the judicial machinery in motion. We have provided that the question at issue may be determined either by the court or a jury upon the demand of either party, with the right of appeal. We have further provided that if the court determines in that proceeding that the book or material does not come within the ban of the statute, it shall not thereafter be excluded under this particular section. So we have provided a complete machinery as to books or material of this particular class; but other provisions in the bill authorize an importer to appeal to the Court of Customs Appeals when his material is seized.

I am not sure that this special provision abrogates or eliminates by implication the general language in the bill. If not, in a case of this character the customs collector could certify the question to the United States district attorney; he could initiate the proceedings as the amendment provides, and at the same time the importer under the general law could appeal to the Court of Customs Appeals, thus setting the general machinery in motion. Thus, we would have two proceedings going on contemporaneously—one under the special amendment and the other under the general law.

This amendment simply provides that where the question is certified by the collector to the district attorney, the importer shall not have the right to appeal to the Court of Customs Appeals. In other words, it makes the machinery set up in this amendment exclusive so far as dealing with books or material of this class is concerned.

The Senator from Utah would not want such an anomalous condition as two separate proceedings going on at the same time involving the same question.

Mr. PITTMAN. Mr. President, may I ask the Senator a question?

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

Mr. BRATTON. I yield to the Senator.

Mr. PITTMAN. We will assume that a book of the character that is prohibited in this act is seized by a customs inspector in New York, and he notifies the United States attorney of having seized the book, and the importer appeals to the Customs Court, and the Customs Court orders that the book be released. In that kind of a conflict, what is the customs officer going to do?

Under the law as it exists to-day it is his duty to turn the book over to the importer. Unless we do state emphatically that while these proceedings are going on with regard to this book, as provided, the importer shall be divested of his right of appeal, he can appeal under the existing law and the Customs Court could release the book and the holder of it would have to turn it loose.

Mr. BRATTON. And perchance the Court of Customs Appeals might decide one way and the United States court might decide the other way.

Mr. WALSH of Montana and Mr. TRAMMELL addressed the Chair.

The VICE PRESIDENT. Does the Senator from New Mexico yield; and if so, to whom?

Mr. BRATTON. I yield first to the Senator from Montana.

Mr. WALSH of Montana. Mr. President, because of such a condition which would result I am perfectly satisfied that the court would hold that this is the exclusive remedy and accordingly it does no harm at all to declare in the act that it is exclusive.

Mr. BRATTON. Precisely; and I am surprised that the Senator from Utah should raise any question about it.

Mr. TRAMMELL and Mr. SMOOT addressed the Chair.

The VICE PRESIDENT. Does the Senator from New Mexico yield; and if so, to whom?

Mr. BRATTON. I yield first to the Senator from Florida.

Mr. TRAMMELL. Mr. President, I think the two recourses should be optional for the importer; either one or the other. If he sees fit to follow the course of procedure for taking appeals through the customs officials, I think that should be optional. Of course, this amendment now seeks to make exclusive the court procedure. I think, as stated by the Senator

from Montana, that would be exclusive anyway; but if that is the purpose of the legislation, I see no reason why the Senator's amendment should not be adopted. I just want to ask, however, if the Senator does not think the importer should have the option of either course?

Mr. BRATTON. No; because this amendment, as it now stands, makes it mandatory upon the collector to certify the question to the district attorney. Therefore, that machinery must be set in motion; and unless this amendment is adopted, if the court should hold that the remedy here provided is not exclusive of general law, there might be a conflict as I have stated.

Mr. TRAMMELL. Mr. President—

The VICE PRESIDENT. Does the Senator yield further?

Mr. BRATTON. I yield.

Mr. TRAMMELL. I appreciate that the Senator's position is correct; but it seems to me it would be better from my viewpoint, as I look at the matter, to amend it so that he would have the option of proceeding in either way.

Of course, we have a difference of opinion about this; but I consider the machinery through the customs officials far better and that it will be more satisfactory to the importers and to the people of the country than to have it assigned to courts scattered hither and thither throughout the country, with no uniform rule and no trained people upon the court to pass upon these questions. So I think the importer ought to have the option of selecting either method of procedure.

Mr. SWANSON. Mr. President—

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

Mr. BRATTON. I do.

Mr. SWANSON. I think the amendment offered by the Senator from New Mexico is very important if we do not want to have conflicting jurisdiction; but it seems to me it could be very easily accomplished on page 3, after line 15, by inserting "which court alone shall have jurisdiction of such matter."

The Senator's amendment does that, in effect.

Mr. BRATTON. That is the sole effect of the amendment.

Mr. SWANSON. That is the effect of it, but it could be accomplished very simply in this way. Then it would read:

Upon the seizure of such book or matter the collector shall transmit information thereof to the district attorney of the district in which is situated the office at which such seizure has taken place, who shall institute proceedings in the district court for the forfeiture, confiscation, and destruction of the book or matter seized, which court alone shall have jurisdiction of such matter.

Perhaps the amendment does that anyhow; but I think it is important to put that in.

Mr. SMOOT. Mr. President—

Mr. BRATTON. I yield to the Senator from Utah.

Mr. SMOOT. I still can not see why the protest should not be taken first to the Court of Customs Appeals.

Mr. BRATTON. Because we are providing a special system through which to deal with the books specified in this amendment. That system should be exclusive. It is complete. It invests jurisdiction in the United States courts, with the right of a jury trial and the right of review.

If the Government calls that machinery into play, certainly the Senator from Utah would not want the importer to appeal to the Court of Customs Appeals and perhaps have conflicting judgments rendered, one holding that the material is not to be excluded and directing the collector to return it to the importer, and the other holding that it should be confiscated and destroyed. What would the collector do, let me ask the Senator from Utah, if this amendment is not adopted, and an importer should appeal to the Court of Customs Appeals, and that court should hold that his book or material was admissible and direct the collector to admit it, and at the same time, through the procedure prescribed in this amendment, the United States district court, or let us say the Supreme Court of the United States on appeal, should hold that the book did fall within the ban of the statute, and direct the collector to destroy it?

Mr. SMOOT. Who would take the appeal in that case?

Mr. BRATTON. The Government would take the appeal.

Mr. SMOOT. The Government, as I understood the Senator, through the Customs Court, had decided that it was admissible. Who is going to take the appeal, now, to a superior court?

Mr. BRATTON. Mr. President, I am constrained to believe that the Senator does not understand the situation. In the one case, under the amendment, the Government initiates the proceeding. That is, under the Senator's amendment the Government initiates the proceeding by the collector certifying the question to the United States attorney.

Let us suppose that the United States court holds against the importer, and he appeals to the Supreme Court; or let us sup-

pose that the United States district court holds in favor of the importer, and the Government takes an appeal to the Supreme Court of the United States. Suppose, in either event, that the Supreme Court of the United States should render a final judgment that the book was indecent and immoral and direct the collector to destroy it. Let us suppose that at the same time the importer has appealed to the Court of Customs Appeals, and that court holds with him and directs the collector to return the book. What is the collector going to do? Which judgment will he obey and which will he disregard?

Mr. SMOOT. It seems to me that 90 per cent of all the cases that will arise, if they went to the United States Customs Court, would be settled there—yes, more than 90 per cent of the cases.

Mr. BRATTON. But we have undertaken here to set up an exclusive method of dealing with books and material of this class and character. We discussed that question at length last evening and to-day—that as to this particular class of material we have legislated completely, giving the right of jury trial, the right of appeal, and providing that it shall be determined by the United States court instead of the Customs Court.

Mr. SHORTRIDGE. Mr. President, I have risen so often, and the statement has been made so many times clearly, that I should not add a word; but, manifestly, if we adopt this amendment, impliedly it is a repeal of the existing law as to procedure in the courts. Of course, the jurisdiction will then be exclusively in the United States district court and not in the Customs Court.

Mr. SMOOT. That is what I say.

Mr. SHORTRIDGE. There is no harm, then, in putting this in. It is surplusage; it is unnecessary; but put it in.

Mr. BRATTON. That may be true by necessary implication; but the amendment I have offered accomplishes it expressly—the very thing we all desire.

Mr. SMOOT. Let the amendment go into the bill.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New Mexico to the amendment of the Senator from Utah.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The question now is upon agreeing to the amendment of the Senator from Utah as amended.

Mr. SIMMONS. Mr. President, before the vote is taken, I wish to say that I am going to vote for the amendment offered by the Senator from Utah because it removes the objection I had to this provision before. My objections are the same as those expressed by the junior Senator from Alabama [Mr. BLACK] with regard to the matter.

The VICE PRESIDENT. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The amendment made in Committee of the Whole as amended was concurred in, and it is as follows:

In lieu of the matter inserted in the amendment made in the Committee of the Whole as a substitute for subdivision (a) of section 305, beginning on page 286, line 10, insert the following:

“SEC. 305. IMMORAL ARTICLES—IMPORTATION PROHIBITED

“(a) Prohibition of importation: All persons are prohibited from importing into the United States from any foreign country any book, pamphlet, paper, writing, advertisement, circular, print, picture, or drawing containing any matter advocating or urging treason or insurrection against the United States or forcible resistance to any law of the United States, or containing any threat to take the life of or inflict bodily harm upon any person in the United States, or any obscene book, pamphlet, paper, writing, advertisement, circular, print, picture, drawing, or other representation, figure, or image on or of paper or other material, or any cast, instrument, or other article which is obscene or immoral, or any drug or medicine or any article whatever for the prevention of conception or for causing unlawful abortion, or any lottery ticket, or any printed paper that may be used as a lottery ticket, or any advertisement of any lottery. No such articles, whether imported separately or contained in packages with other goods entitled to entry, shall be admitted to entry; and all such articles and, unless it appears to the satisfaction of the collector that the obscene or other prohibited articles contained in the package were inclosed therein without the knowledge or consent of the importer, owner, agent, or consignee, the entire contents of the package in which such articles are contained, shall be subject to seizure and forfeiture as hereinafter provided: *Provided*, That the drugs hereinbefore mentioned, when imported in bulk and not put up for any of the purposes hereinbefore specified, are excepted from the operation of this subdivision: *Provided further*, That the Secretary of the Treasury may, in his discretion, admit the so-called classics or books of recognized and established literary or scientific merit, but may, in his discretion, admit such classics or books only when imported for noncommercial purposes.

“Upon the appearance of any such book or matter at any customs office the same shall be seized and held by the collector to await the judgment of the district court as hereinafter provided, and no protest shall be taken to the United States Customs Court from the decision of the collector. Upon the seizure of such book or matter the collector shall transmit information thereof to the district attorney of the district in which is situated the office at which such seizure has taken place, who shall institute proceedings in the district court for the forfeiture, confiscation, and destruction of the book or matter seized. Upon the adjudication that such book or matter thus seized is of the character the entry of which is by this section prohibited, it shall be ordered destroyed and shall be destroyed. Upon adjudication that such book or matter thus seized is not of the character the entry of which is by this section prohibited, it shall not be excluded from entry under the provisions of this section.

“In any such proceeding any party in interest may upon demand have the facts at issue determined by a jury, and any party may have an appeal or the right of review as in the case of ordinary actions or suits.”

The next amendment on which a separate vote was reserved was on page 379, line 4, “Entry of merchandise.”

Mr. SMOOT. Mr. President, the amendment on page 379, subsection (h) was concurred in, and now I wish to take up on page 380, paragraph 484 (j), “Release of merchandise.” I send an amendment to the desk.

The VICE PRESIDENT. The clerk will report the amendment offered by the Senator from Utah.

The LEGISLATIVE CLERK. On page 380, the Senator from Utah proposes to strike out lines 14 to 25, inclusive, and to insert in lieu thereof the following:

(j) Release of merchandise: Merchandise shall be released from customs custody only to or upon the order of the carrier by whom the merchandise is brought to the port at which entry is made, except that merchandise in a bonded warehouse shall be released from customs custody only to or upon the order of the proprietor of the warehouse. The collector shall return to the person making entry the bill of lading (if any is produced) with a notation thereon to the effect that entry for such merchandise has been made. The collector shall not be liable to any person in respect of the delivery of merchandise released from customs custody in accordance with the provisions of this section. Where a recovery is had in any suit or proceeding against a collector on account of the release of merchandise from customs custody, in the performance of his official duty, and the court certifies that there was probable cause for such release by the collector, or that he acted under the directions of the Secretary of the Treasury, or other proper officer of the Government, no execution shall issue against such collector, but the amount so recovered shall, upon final judgment, be paid out of moneys appropriated from the Treasury for that purpose.

Mr. SMOOT. Mr. President, the purposes of this amendment are as follows:

First. It permits the release of merchandise from customs custody upon the order of the carrier, the bill in its present form requiring release only to the carrier; second, in order that the collector may have proof that entry has been made, it permits the collector to retain the documents, other than the bill of lading, upon which entry has been made; and, third, it provides that where a recovery is had against a collector on account of release of merchandise from customs custody, in the performance of his official duty, and the court certifies that there was probable cause for his action or that he acted under official direction, no execution shall issue against the collector, but the amount recovered shall be paid out of money appropriated from the Treasury. The third provision is substantially the law with respect to the liability of collectors of internal revenue.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment made as in Committee of the Whole.

The amendment to the amendment was agreed to.

The amendment made as in Committee of the Whole as amended was concurred in.

The next amendment on which a separate vote was reserved was, on page 427, paragraph 526, “merchandise bearing trademarks.”

Mr. SMOOT. Mr. President, I understand the Senator from Georgia is interested in this paragraph, as well as other Senators.

Mr. GEORGE. Mr. President, it will be recalled that when this paragraph was before the Senate as in Committee of the Whole it was debated at some considerable length, and I believe that I had more to say than almost anyone else in opposition to it.

The amendment was adopted, however, and now the matter which was referred to in the debate has been brought to the attention of the chairman of the Committee on Finance, to wit, the effect of this amendment upon existing treaties.

I have looked into the matter with some care, and I believe the proper course to pursue is to allow the amendment to be concurred in and go to conference, so that the conferees may make any adjustment that may be necessary and in harmony with existing treaties.

Mr. NORRIS. Mr. President, may I inquire of the Senator whether he is talking about the amendment on page 429 or the amendment on page 428?

Mr. GEORGE. On page 428, particularly with reference to the amendment in lines 14 and 15, and subdivision (b) on the same page.

Mr. NORRIS. What is the subject, trade-marks?

Mr. GEORGE. Registered trade-marks and patent notices.

Mr. FLETCHER. Mr. President, I have not examined this particular subject, but I recall in 1916 I was a member of a joint international high commission which held a session in Buenos Aires for about two weeks, and there the foundation was laid for a convention of South American countries with reference to trade-marks and patents. I do not think it had anything to do with copyrights, but it had to do with trade-marks and patents. Following that conference, some conventions were entered into between the United States and certain South American countries, perhaps all Pan American countries.

Among other things, at the time it was urged that whenever there was a patent issued in the United States or a trade-mark registered here, if it was recorded in one of our South American neighbor Republics, it would have the force and effect there it had here, and whenever any of those countries issued a trade-mark or a patent, and it was recorded or registered here, it would become effective, but not before. Those were some of the underlying thoughts at the time, and I know there was some agreement made and some conventions entered into. I was wondering whether this would have any bearing on them.

Mr. SMOOT. No effect at all. This is an entirely different question.

Mr. GEORGE. This is a somewhat different question.

Mr. FLETCHER. Mr. President, if those conventions are in effect, and if they provide that our laws do not apply until the patents or trade-marks are recorded or registered, and vice versa, that their laws would not apply to our patents until they were registered, it seems to me this might have a bearing.

Mr. SMOOT. It has no bearing at all upon the validity of a patent.

Mr. FLETCHER. No; not on the validity, but on the effect of the patent, the protection of the patent or the lack of protection.

Mr. GEORGE. Mr. President, I wish to make an additional observation. There are articles made abroad which are not produced in this country at all. Obviously, there could be no possible reason for prohibiting their entry, although under a trade-mark, or bearing a patent designation, and I direct the Senator's attention to the fact that even if the provision, especially in paragraph (b) can be retained in conference, in view of our existing treaties, there ought to be exceptions from the trade-mark and patent notice provision of any article produced abroad which is not produced at all in the United States. Certainly that feature of it ought to be cared for.

I think the Senator is quite right in asking that the amendment made as in Committee of the Whole be concurred in, in order that it may go to conference.

The PRESIDING OFFICER (Mr. Fess in the chair). The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The next amendment on which a reservation was made was, on page 429, line 12, "Wild mammals and birds."

Mr. McNARY. Mr. President, the junior Senator from Connecticut [Mr. WALCOTT] is interested in this provision, and he left in my possession a memorandum concerning it. I ask the Senator from Utah whether he desires to have the matter taken up to-night?

Mr. SMOOT. I had intended to do so. I will say to the Senator that the amendment was offered by the senior Senator from South Dakota [Mr. NORBECK]. He saw me yesterday and asked me to allow the amendment as agreed to as in Committee of the Whole to go to conference, and have the conferees take up the dispute between the House and the Senate.

Mr. McNARY. That conforms to the view of the Senator from Connecticut.

Mr. NORRIS. Mr. President, I want to inquire whether the arrangements made are satisfactory to the senior Senator from South Dakota [Mr. NORBECK], who at the present moment does not happen to be in the Chamber. I know he is interested in this amendment.

Mr. FESS. I am doing now just what the Senator from South Dakota asked me to do.

Mr. McNARY. I had that in mind. Both of the Senators are now absent. I understand that the Senator from Utah is willing to conform to the views of the Senator from South Dakota and the Senator from Connecticut.

Mr. NORRIS. Then we can do it now.

The PRESIDING OFFICER. In the preceding paragraph there were two amendments which should have been concurred in.

Mr. SMOOT. It was understood that both amendments should be concurred in.

The PRESIDING OFFICER. Without objection, the amendments are concurred in.

Mr. McNARY. Mr. President, at this point I should like to have inserted in the RECORD a memorandum which was handed to me by the Senator from Connecticut [Mr. WALCOTT].

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

The memorandum is as follows:

MEMORANDUM ON PARAGRAPH 527

Paragraph 527, regulating the importation of certain birds from foreign countries, was included in the tariff act with the approval of the Customs Service and the Treasury Department. It was struck out by the Finance Committee apparently under a misapprehension that it referred only to birds protected by foreign laws, whereas it was intended to correct a troublesome situation arising under the regulations of the Department of State, Customs Service, and the Department of Agriculture. The amendment restoring the paragraph was adopted by the Committee of the Whole on March 4 (CONGRESSIONAL RECORD, March 4, p. 4686).

Certain birds and mammals are now given special protection by some foreign countries. Under the consular regulations of the State Department (par. 721 u u 6), consuls are required to warn persons intending to ship any such animals or birds that the necessary authorization should be obtained before the consignment is forwarded, in order to avoid delay or misunderstanding on arrival at the port of entry. The Biological Survey in the Department of Agriculture, which issues permits for foreign birds is frequently subjected to criticism by conservationists and lovers of wild life for issuing permits for such consignments, and officers of the customs are likewise criticized for not finding some way to prevent the entry of species which are specially protected so that the United States may not be made a dumping ground for birds or game illegally captured elsewhere. Section 527 is intended to clarify the present situation and strengthen the efforts of United States consuls and customs officers to prevent smuggling of such shipments by providing a definite method of procedure in all such cases. The disposition of goods is similar to that provided for the disposition of plumage of wild birds, and affords a simple and satisfactory method of disposal by officers of the customs.

Subsection 2 was included in the amendment to except birds and animals entered for scientific purposes only. It is fair to assume that rare species collected for a public museum have been obtained under proper authorization and need not be detained at the port of entry when unaccompanied by a consular certificate until such certificate can be obtained.

Subsection 3 is intended to relieve a situation which has existed for some time under the plumage section of the act by which sportsmen returning from Canada with game birds are required either to pluck their birds, or furnish a bond for the destruction of the plumage in order to comply with the provisions of the plumage clause, before bringing them across the border.

Under paragraph 527 this requirement is eliminated and furthermore the paragraph is worded so that it will not apply to animals or birds brought in for scientific purposes.

Mr. SMOOT. I now ask that the amendment made as in Committee of the Whole be concurred in.

The PRESIDING OFFICER. Without objection the amendment will be concurred in. There are at the bottom of the page two amendments that should be concurred in.

Mr. SMOOT. Yes.

The PRESIDING OFFICER. Without objection they will be concurred in.

Mr. HOWELL. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. Before the Senator from Nebraska offers his amendment the clerk will report the next amendment reserved.

The LEGISLATIVE CLERK. On page 447, paragraph 584, line 4, opium.

The PRESIDING OFFICER. The amendment offered by the Senator from Nebraska will be stated.

The LEGISLATIVE CLERK. Amend the amendment on page 447, following the word "rem" in line 12, as follows:

Strike out the words "or other executive or warrant officer of the vessel nor the owner" and insert in lieu thereof the following: "nor

any of the officers (including licensed and unlicensed officers and petty officers) nor the owner of the vessel," thus causing the original amendment to read as follows: "Except that the master or owner of the vessel used by any person as a common carrier in the transaction of business as such common carrier shall not be liable to such penalty and the vessel shall not be held subject to the lien, if it appears to the satisfaction of the court that neither the master nor any of the officers (including licensed and unlicensed officers and petty officers) nor the owner of the vessel knew, and could not, by the exercise of the highest degree of care and diligence, have known that such smoking opium, or opium prepared for smoking was on board."

Mr. McNARY. Mr. President, will the Senator have any objection to a unanimous-consent agreement to limit debate on the proposal?

Mr. HOWELL. I would not like to limit debate. I think probably it will not take any time whatever, though.

Mr. SMOOT. I rather think the amendment is all right. I would like to ask the junior Senator from Oregon [Mr. STEIWER] if he has studied it and whether there is any objection to it.

Mr. STEIWER. Mr. President, if my colleague will yield—

Mr. McNARY. I yield.

Mr. STEIWER. I will say that I have not had time to make a very full examination of the amendment, but my impression is that it is unobjectionable. So far as I am personally concerned I am disposed to accept it.

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

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

Mr. McNARY. I yield.

Mr. COPELAND. I want to be sure about this matter. It is the opium amendment, is it not?

Mr. SMOOT. It is.

Mr. COPELAND. If the amendment proposed should be adopted, what would be the procedure, then, if opium were found on a ship?

Mr. HOWELL. There is no attempt to change the amendment which was adopted in Committee of the Whole, except to clarify the designation of the officers on the vessel. I want to say that the Treasury Department stated that the designation of the officers on the vessel would seem rather indefinite. The Treasury suggested, therefore, that the phrase "neither the master nor any of the officers, including licensed and unlicensed officers and petty officers, nor the owner of the vessel," be used in lieu of the officers now designated in the provision.

Mr. COPELAND. Will the Senator be good enough to tell me this? Suppose there were some opium discovered on a ship?

Mr. McNARY. Mr. President, I have the floor. I am anxious to find out if we can enter into a unanimous-consent agreement to limit debate if the amendment is not to be accepted. I do not want to interfere with the discussion of the senior Senator from New York, but if we could get that understanding it would probably expedite the consideration of the amendment.

The PRESIDING OFFICER. Does the Senator from Oregon submit the request?

Mr. McNARY. If I may have the attention of the Senator from Utah, may I ask if he has agreed upon the acceptance of the amendment proposed by the Senator from Nebraska?

Mr. SMOOT. I see no objection to it.

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

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

Mr. McNARY. I yield.

Mr. COPELAND. I am very anxious to have made clear exactly what is the responsibility of the owners of the vessel and those who operate the ship. No one here can possibly be more bitter about opium and its harmful effects than I am; but I have seen so much of the smuggling of opium that I do not want to put innocent owners and operators and officers of a ship in hazard of the law by any vote of mine. That is the way I feel about it, but I want to understand exactly what the amendment, upon which we are about to vote, proposes and what the significance of it is. That is all. I simply want to be informed.

Mr. STEIWER. Mr. President, will my colleague yield?

Mr. McNARY. Certainly.

Mr. STEIWER. I shall endeavor in just a word to answer the question propounded by the Senator from New York. Under existing law, the owner of a common carrier has no liability at all. The entire liability is upon the master of the ship. The existing law has not been satisfactory from the standpoint of the exclusion of this drug from our country by reason of the fact that the master was usually financially irresponsible or partially so. The fines of \$25 an ounce have not been collected except to a very small extent. Therefore it has been felt that there should be a responsibility of some kind upon the owner.

The first amendment suggested placed upon the owner of the common carrier an absolute liability, but provided no way by which the owner might exculpate himself from that liability. I thought it was un-American and unfair. It was debated quite at length and after two days' debate and a vote had, the Senator from Arkansas [Mr. ROBINSON] and I agreed upon the amendment which was then adopted in Committee of the Whole. That amendment agreed to still left upon the owner the responsibility, with a penalty of \$25 an ounce, unless the owner could prove to the satisfaction of the court that neither the owner nor the master nor any warrant officer knew or could by the exercise of the highest degree of care have known of the presence of opium on board ship.

To that language and the use of the words "warrant officers" there is some objection, as I understand the Senator from Nebraska, and the customs service proposed, in order to clarify the language, that words be added which will have a definite meaning, that the amendment as adopted in Committee of the Whole be amended by the use of the words contained in the amendment offered by the Senator from Nebraska.

I see no objection to the amendment proposed by the Senator from Nebraska. It places a little greater burden upon the owner because it is not only necessary, under the amendment proposed just now by the Senator from Nebraska, that the owner shall exculpate himself by proving that he did not know, but he must prove that the master did not know and he must prove that none of the officers had knowledge nor could they have known by the exercise of diligence. It does place upon the owner a very severe burden. So far as I am concerned, I am willing that that burden should be placed there because I felt that a law-abiding owner, exercising full care in the selection of his master and in the selection of his licensed and unlicensed officers, will be able to protect himself.

Mr. COPELAND. Mr. President—

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

Mr. McNARY. I yield.

Mr. COPELAND. Under the paragraph as amended a ship traveling around the world might stop in New York and while in the harbor it might be discovered that there was opium aboard. The peace officer or whoever is involved in the matter finding out about it, the Treasury officials or customs officers, would not be able to find the sailor or employee of the ship who brought the opium. In that event the owner or master would be haled into court. Is that correct?

Mr. STEIWER. The procedure suggested by the amendment would be a libeling of the ship by the Customs Service and the owner would be held to the extent of \$25 an ounce.

Mr. COPELAND. Would the ship be held?

Mr. STEIWER. Yes; the ship would be held and the owner would be held until the obligation was discharged.

Mr. COPELAND. The ship would be kept in the harbor until then?

Mr. STEIWER. Oh, no; the settled practice in maritime affairs is to bond the ship. I do not think the Customs Service would hold the ship. The shipowners are constantly meeting with some kind of action in rem against their vessels growing out of collisions and actions by members of the crew. They are all prepared on 20 minutes' notice to furnish bond.

Mr. COPELAND. And the burden of proof would be on the owner or the master?

Mr. STEIWER. It would.

Mr. COPELAND. Is that quite fair?

Mr. STEIWER. I am not perfectly sure, but it is a thing that I consented to at the time the amendment was prepared in conjunction with the Senator from Arkansas [Mr. ROBINSON]. He thought the burden ought to be upon the master. Opium is so devastating and the difficulty of its exclusion is so great that I consented that with respect to this particular matter the burden might be upon the owner, feeling that the courts would be just and that an honest man would be protected.

Mr. COPELAND. May I ask the Senator from Utah if there is any protest from the shipowners about the matter?

Mr. SMOOT. Since the amendment was agreed to in Committee of the Whole?

Mr. COPELAND. Yes.

Mr. SMOOT. I have not received a letter.

Mr. COPELAND. Anyway, the matter would be in conference?

Mr. SMOOT. Yes.

Mr. COPELAND. So if they have a grievance it can be thrashed out there?

Mr. SMOOT. Yes.

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

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from New Jersey?

Mr. McNARY. I yield.

Mr. KEAN. How far does this go in regard to the railroad; for instance, railroads in Canada? Who is responsible in the case of a railroad from Canada or a railroad from Mexico?

Mr. HOWELL. Mr. President—

Mr. McNARY. I yield to the Senator from Nebraska.

Mr. HOWELL. The owner is protected either way, to this extent: If he can show the Secretary of the Treasury that he is not to blame, the Secretary can remit the entire fine.

Mr. KEAN. But in the case of the railroad?

Mr. HOWELL. If the Secretary refuses to do it, the owner can go to court. In other words, he now has two chances, while previously he had but one chance. He could go to the Secretary of the Treasury and appeal to his conscience under the circumstances. This provision is that if the Secretary refuses to give relief, then the owner can go to court, and not until the court has decided can he be held.

Mr. BLEASE. Mr. President, if the Senator will permit me, I should like to ask a question.

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

Mr. McNARY. I yield.

Mr. BLEASE. What does the word "court" mean? Of course, I know what "court" ordinarily means, but does it mean a court and jury, or merely a judge?

Mr. HOWELL. It means a court—

Mr. BLEASE. Does it mean that the question is left in the discretion of the judge?

Mr. HOWELL. I should assume that is true, but I am not an attorney.

Mr. BLEASE. If the Senator from Oregon will permit me a moment further, I do not like this amendment, and I do not like the provision in the shape in which it now is or as last voted on by the Senate, because I believe it is going to open the gateway to more opium than has ever flooded the country. I think it is an invitation to shipowners to bring opium in; I think it is a wide-open invitation to opium dealers to bring it here, and when it comes here there will not be anything done with it. That is exactly what I believe the effect of the language proposed is going to prove to be. However, I am going to leave it without delaying the Senate to the members of the conference committee, and I hope that they will make no mistake, because the Senator from Utah has made a great fight, a successful fight, on the question of obscene books, and the next meanest and lowest down thing we have to deal with is opium. I believe the Senator from Utah will try to see that its admission into this country is properly safeguarded.

Mr. SMOOT. I think opium is one of the greatest curses that afflict the world.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Nebraska [Mr. HOWELL] to the amendment made as in Committee of the Whole.

The amendment to the amendment was agreed to.

The amendment as amended was concurred in.

Mr. SMOOT obtained the floor.

Mr. SIMMONS. Mr. President—

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

Mr. SMOOT. I yield.

Mr. SIMMONS. I desire to ask the Senator from Utah if he will not permit me to call up an amendment which I desire to offer in connection with paragraph 1552, on page 239, line 15? The Senate, upon my motion, eliminated from that paragraph the words, "cigarette books, cigarette-book covers, cigarette paper in all forms, except cork paper." There was a duty of 60 per cent imposed on those articles in paragraph 1552. The words which I have quoted were by a vote of the Senate stricken out of the paragraph. It was then moved that the articles be placed upon the free list. The Senator from Utah announced that they might go upon the free list, and the whole matter go to conference. There was a viva voce vote, but in the confusion, very few Senators being in the Chamber, the motion to put the articles on the free list was lost. Now, Mr. President, I wish to ask for a reconsideration of that vote.

The PRESIDING OFFICER. Is there objection to the request for a reconsideration of the vote?

Mr. SMOOT. Mr. President, let me tell the Senator the situation as my book shows it to be.

The words "cigarette books, cigarette-book covers, cigarette paper in all forms except cork paper" were eliminated from paragraph 1552, on page 239, but there was no action taken as to where the item should go. I understand the Senator now wants, instead of having the articles fall under the tissue-paper

paragraph, which no doubt is where it would fall, in view of the action of the Senate—

Mr. SIMMONS. I think so.

Mr. SMOOT. The Senator wants to put the articles upon the free list. I will say to the Senator that I have no objection to that, with the understanding, of course, that the amendment will go to conference for consideration.

Mr. SIMMONS. Of course, I understand that it will necessarily go to conference.

Mr. FLETCHER. The situation is—

The PRESIDENT pro tempore. Is there objection to the motion to reconsider? The Chair hears none.

Mr. FLETCHER. Mr. President, the Senator does not want his amendment reconsidered.

Mr. SIMMONS. I do not desire my amendment that prevailed to be reconsidered, but the amendment to put the articles on the free list I wish to have considered.

The PRESIDING OFFICER. The Chair is trying to get the question before the Senate. If there is objection to a reconsideration, it will not be before the Senate.

Mr. FLETCHER. What the Senator from North Carolina wants is not that this item be reconsidered, because his motion was agreed to, and it was stricken from the bill; but he moved then to place the articles upon the free list, and that was the question which either was not passed upon or was passed on adversely.

Mr. SIMMONS. That is what I want reconsidered.

The PRESIDING OFFICER. The Chair understands that the motion to put these articles on the free list was rejected and now the Senator from North Carolina wants that action reconsidered.

Mr. SIMMONS. That is correct.

The PRESIDING OFFICER. Is there objection to a reconsideration of the vote whereby the amendment to place the articles on the free list was rejected? The Chair hears none. Now, the amendment is before the Senate, and the clerk will report it for the information of the Senate.

The LEGISLATIVE CLERK. The Senator from North Carolina proposes, on page 253, after line 5, to insert:

PAR. 1649. Cigarette books, cigarette-book covers, and cigarette paper in all forms, except cork paper.

Mr. SIMMONS. My understanding is that the Senator from Utah accepts that amendment, with the understanding that the whole question goes to conference?

Mr. SMOOT. I would not want it to be numbered paragraph 1649. Citrons and citron peel are covered by paragraph 1649, so I suggest that the amendment come in between lines 7 and 8, and then we will fix the numbers, because they will have to be changed afterwards anyway.

Mr. SIMMONS. Of course.

Mr. SMOOT. I have no objection to that.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SIMMONS. Now, Mr. President, if the Senator from Utah will pardon me further, I am bringing these matters up because I can not stay here this evening, and I am not sure I will be able to be here to-morrow. The Senator will recall that I have spoken to him about an amendment on page 120, line 7. I wish to insert, after the words "ad valorem," in line 7, the words "bamboo stems suitable for rug poles, and."

Mr. SMOOT. That would make them carry 45 per cent ad valorem.

Mr. SIMMONS. Yes. While bamboo, the raw material, is on the free list, manufactures of bamboo are dutiable at 45 per cent ad valorem. These stems are nothing in the world except an offshoot of the bamboo, and they are brought into this country in long poles, simply sawed in two, and made available for the purposes of rug poles.

The PRESIDING OFFICER. Will the Senator send his amendment to the desk? It is not here.

Mr. SIMMONS. Very well. Mr. President, the raw material is upon the free list, but this offshoot of the raw material, after it is manufactured, is put upon the dutiable list.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 120, line 7, after the words "ad valorem," it is proposed to insert "bamboo stems suitable for rug poles, and."

Mr. SMOOT. May I ask the Senator to change the position of the amendment? Let it come between lines 9 and 10, because we have above that, "all articles not specially provided for, wholly or partly manufactured of rattan, bamboo, osier, or willow, 45 per cent ad valorem."

Mr. SIMMONS. I am willing if it will accomplish the purpose I have in view.

Mr. SMOOT. I think it will be better to put it in the place I have indicated.

Mr. SIMMONS. I do not object. I put it at the place I have indicated because it was suggested to me that it was necessary in order to accomplish the object I had in view.

Mr. SMOOT. Let the amendment come in on page 120, line 9, after the words "ad valorem." It does not fit in well in line 7.

Mr. SIMMONS. Very well, I have no objection, if it will accomplish the same purpose.

Mr. SMOOT. Then instead of in line 7, after the words "ad valorem," insert the amendment in line 9, after the words "ad valorem."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from North Carolina. The amendment was agreed to.

Mr. COPELAND. Mr. President, may I ask the Senator from Utah what will be the procedure when we shall have completed the reserved amendments?

Mr. SMOOT. What I should like to do, I will say to the Senator—and I can only say what I should like to do—would be to consider and dispose of the oil and lumber items. Then I shall ask unanimous consent that the Senate take up the bill for individual amendment, schedule by schedule, beginning with Schedule 1, and complete that schedule so that no more amendments may be offered to it; and then to take up Schedules 2, 3, and 4, and so forth, until the bill shall be finally completed. Such an agreement will give every Senator notice ahead that the schedules are to be considered in order and they may be prepared at that time to take them up.

Mr. COPELAND. If I may continue my inquiry, if an article is now on the free list and it shall be desired to put it into one of the preceding schedules on the dutiable list, should we wait until we reach the free list?

Mr. SMOOT. It will be necessary to wait until the free list is reached, and if action shall then be taken striking an article from the free list, immediate action will be taken to put it in the proper schedule in which it would fall in the dutiable list.

Mr. McKELLAR. Mr. President, we have done a pretty good day's work to-day, and I am wondering if we can not take a recess until 11 o'clock in the morning?

Mr. SMOOT. I am going to make such a motion in a very few moments, as soon as we get through with several small items.

The PRESIDING OFFICER. The Chair will advise the Senator from Utah that, on page 189, there is an amendment which has not been acted upon. It is in paragraph 1402, beginning in line 7, relating to a countervailing duty.

Mr. SMOOT. That is a duty on paper board and pulp.

The PRESIDING OFFICER. Yes. The Chair is advised that the amendment has not been acted upon.

Mr. SMOOT. That is true. I think the amendment should be disagreed to.

Mr. McKELLAR. It has not been acted upon as yet.

Mr. SMOOT. The provision referred to is in the exact wording that we have already agreed to restore as affecting coal.

The PRESIDING OFFICER. Coal and lumber.

Mr. SMOOT. The lumber provision was a little different than this. This is the exact wording as the similar provision affecting coal. It applies, perhaps, only to Canada. Whatever action we took on coal we ought to take on this item, and I ask that the Senate disagree to the committee amendment.

Mr. BLAINE. I want to ask the Senator from Utah what Senator is primarily interested in this item?

Mr. SMOOT. The Senator from Maine [Mr. HALE].

Mr. BLAINE. He is not present?

Mr. SMOOT. No; but I am quite sure that what I suggest is in accordance with his desires.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. SMOOT. I want the committee amendment nonconcurring in.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was nonconcurring in.

Mr. COPELAND. Mr. President, I should like to ask the Senator if the countervailing duty on lumber was restored?

Mr. SMOOT. I think it is as the House passed it.

Mr. GOFF. We restored it on coal, and then we restored it on lumber, as I understood, right afterwards by a viva voce vote.

Mr. SMOOT. The reason I had doubt about it was because it was not exactly in the wording of the coal provision.

Mr. McKELLAR. One put it in the hands of the President and the other left it to the law.

Mr. McNARY. Mr. President, I am curious to know the subject which the Senate is discussing now in the matter of the countervailing duty. I can not understand how it arises.

Mr. SMOOT. On page 189, the countervailing duty on pulp and pulpboard was stricken out, with all of the other countervailing duties. Now the action of the Senate is to restore the countervailing duty upon pulp and pulpboard.

Mr. McNARY. It does not affect lumber in any way whatsoever?

Mr. SMOOT. None whatever; just pulp and pulpboard.

Mr. McNARY. Very well. It does not affect the action which was taken by the Senate last night with regard to rough-hewn lumber?

Mr. SMOOT. Not at all.

Mr. SHEPPARD. Mr. President, the countervailing duty on lumber was restored only as to one kind of lumber.

Mr. McNARY. That is true—the rough-hewn lumber.

Mr. SHEPPARD. It was stated at the time, however, that the Senator from Arizona [Mr. HAYDEN] would not be precluded from offering an amendment extending the countervailing duty to the other kind of lumber before we finish the bill.

Mr. SMOOT. Whenever we reach the schedule; that is understood.

Mr. THOMAS of Oklahoma. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. THOMAS of Oklahoma. Have the reserved amendments been concluded?

The PRESIDING OFFICER. All but the one dealing with Portland cement. That is the only one remaining.

Mr. THOMAS of Oklahoma. Carrying out the suggested wish of the chairman of the committee, I desire to state that I shall not ask unanimous consent, because that would require the presence of a quorum; but I will state that I am ready on my amendment on oil, and I shall be ready at 11 o'clock to-morrow to present the matter to the Senate.

Mr. BROOKHART. Mr. President, I have to be away to-morrow. Will my amendment be reached to-morrow?

Mr. SMOOT. I doubt it very much, because oil and lumber will be taken up, and I think they will take quite a while.

Mr. COPELAND. Mr. President, may I ask the Senator from Utah whether we can not meet at 12 o'clock to-morrow?

Mr. SMOOT. Mr. President, I am going to ask the Senate to recess now, and I want to meet at 11 o'clock. Notice was given that oil would be taken up to-morrow.

Mr. McNARY. Mr. President, I want this understood. The Senator from Oklahoma made the statement that he wanted to take up oil to-morrow. There has been no agreement at all on that?

Mr. SMOOT. None whatever.

Mr. McNARY. That rests entirely within the decision of the body.

Mr. SMOOT. Within the decision of the Senate.

Mr. PITTMAN. Mr. President, I desire to state that I think the Senator from Oregon [Mr. McNARY] is entirely right. Under the rules any Senator may rise, and, if he is recognized, offer an amendment to the text of the House bill, unless there is a unanimous-consent agreement providing some other method.

In the first place, I want to say that I do not believe it is good practice, if a Senator has an amendment to the mineral schedule, to wait until we reach the free list, because if it is adopted it has to go in the body of the bill. We have it just the wrong way. If we adopt an amendment to the mineral schedule, and the mineral is on the free list, it ought automatically to go off the free list; because, whether it is off the free list or not, the courts will construe that it is off the free list.

I have several amendments to offer. They properly should be offered as a part of the different schedules that are existing.

Mr. SMOOT. Certainly.

Mr. PITTMAN. If they are adopted, I do not have to pay any attention at all to the free list.

Mr. SMOOT. I will ask that it be stricken from the free list.

Mr. PITTMAN. If it is not stricken out, the court would strike it out anyway. A prior action could not govern a subsequent action; but I just want to say that I certainly shall have to object, when we are considering different schedules, not to be able to say we propose anything, and have to wait until we get to the free list. I can not do it.

Mr. SMOOT. So far as the free list is concerned, I will see that the Senate acts upon removing from the free list all items that are taken from the free list, and put upon the dutiable list. I do not want a bill carrying an item on the dutiable list and also putting it upon the free list.

Mr. PITTMAN. It would be very complex and foolish, but the court would undoubtedly hold that the item automatically went off the free list.

Mr. FLETCHER. The point is this: The Senator from Utah, in answer to the Senator from New York, said that when we were taking up the schedules, if it was a question of transferring an article from the free list to the dutiable list, we had to wait until we reached the free list. I think that practice is wrong. I agree with the Senator from Nevada, that while we are dealing with the schedules, if we propose to put a duty on an article that is now on the free list, then is the time to do it, and not wait until we get to the free list. The free list can be taken care of when we get to it.

Mr. SMOOT. Mr. President, let us not discuss that question to-night. We can discuss it when we reach it.

FLOOD OF 1927 BELOW ARKANSAS RIVER

Mr. RANDELL. Mr. President, I ask unanimous consent to have inserted in the RECORD, and referred to the Committee on Commerce, a very interesting study of the effect of the flood of 1927, by Mr. J. P. Kemper, an eminent civil engineer of my State.

There being no objection, the matter was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

A STUDY OF THE EFFECT OF THE FLOOD OF 1927 BELOW THE ARKANSAS RIVER WITH SUGGESTIONS AS TO MEANS OF RELIEF, BY J. P. KEMPER, C. E., NEW ORLEANS, LA.

Under the adopted project of flood control contained in the Jones-Reld Flood Control Act, S. 3740, known as the plan of the Army Engineers, fuse plugs are provided at Cypress Creek below the mouth of the Arkansas River into the Boeuf Basin and below the mouth of the Red River, into the Atchafalaya Basin.

These fuse plugs are prearranged weak places in the levee, designed to fail and create crevasses into these basins before the levees protecting other areas become threatened.

Although very expensive, the project will not lessen the frequency of destructive floods, because, naturally, the fuse-plug levees, being neither larger nor stronger than heretofore, will break just as often as the levees broke in the past, about once in four years average. The project simply makes it positive that the breaks will not be into the Yazoo, Pontchartrain, or Lafourche Basins, but will be into the Boeuf and Atchafalaya Basins. While a guide levee is proposed to prevent the flood waters from entering the upper end of the Tensas Basin, the enormously increased volume of backwater which would result from a crevasse into the Boeuf Basin will attack the Tensas Basin from the lower end, backing far up into it with great destruction.

The people of the Boeuf, the lower Tensas, and the Atchafalaya Basins (numbering about 200,000) who are threatened with being thus sacrificed are combating this project, with a view to having it changed or modified into an agency of benefit to them instead of destruction. The matter now seems to be hopelessly tied up in the courts, pending further flood-control legislation which is inevitable, if the work is to go forward.

There is much uncertainty as to what should be done. All of the constituted authorities had backed "levees only" for more than 200 years. There was really but little available data to which to turn in attempting to devise new plans. Not only was the acquiring of data which might be adverse to the "levees only" theory neglected but it was actually condemned by those in authority as being an unnecessary expense. Fortunately, there is a fairly complete record of flood stages for many years back and a less complete record extending back a hundred years or more. There are meager data on flood stages even back to the beginning of levee construction, more than 200 years ago. There is also a limited but very valuable record of discharge observations made by the Mississippi River Commission since its creation in 1879 and also discharge records compiled by that commission from available records before that time. These records will be relied on in the preparation of the following study.

METHOD OF PROCEDURE

This study will be particularly concerned with the flood that arrived in 1927 at the basin lying north of the south bank levee of the Arkansas River near its mouth. It will be attempted herein to measure the volume and intensity of this flood and to see if it can not be taken care of by a less destructive and expensive method than that embodied in the adopted project of the Army engineers.

There are gage stations on the Mississippi River at or near Helena, Ark., which is above the mouth of the White River; on the White River at Clarendon, Ark., and on the Arkansas River at Little Rock, Ark. With the exception of an area of less than 4,000 square miles below these gage stations, the entire run-off of the Mississippi Valley above Arkansas City (a million square miles or more) must pass these gage stations. By gaging the flood at these several stations and adding in the slight run-off from the 4,000 square miles referred to above, the volume that arrived at Arkansas City, or would have arrived had the levees held, is determined. By gaging the flood at Arkansas City up to the date of the Mounds Landing crevasse (April 21) and allowing

for the maximum discharge there after that date, it can be determined how much of that flood could have been safely carried down the Mississippi River below Arkansas City. The difference between these two amounts measures the volume of water for which provision must be made in order to take care of a flood of the magnitude of that of 1927.

The period during which the flood will be measured has been selected as beginning on April 10 at Arkansas City and ending on May 22, covering 43 days.

It is estimated that it will require three days for the flood to travel from Helena or Clarendon to Arkansas City and four days from Little Rock. The discharge observation at Little Rock therefore extends from April 6 to May 18, at Helena and Clarendon from April 7 to May 19.

TABLE 1.—Showing gages and discharges from April 7 to May 19 at Helena, Ark., 307 miles below Cairo and 122 miles above Chicot, Ark., which is the gage station for Arkansas City. Zero of gage, 141.81 feet above mean Gulf level; flood stage, 44 feet¹

| Date, 1927 | Gage | Discharge in second-feet |
|--------------|-------|--------------------------|
| Apr. 7..... | 50.5 | 1,257,000 |
| Apr. 8..... | 50.5 | 1,378,000 |
| Apr. 9..... | 50.8 | 1,362,000 |
| Apr. 10..... | 51.0 | 1,366,000 |
| Apr. 11..... | 51.1 | 1,374,000 |
| Apr. 12..... | 51.8 | 1,280,000 |
| Apr. 13..... | 52.2 | 1,292,000 |
| Apr. 14..... | 52.5 | 1,348,000 |
| Apr. 15..... | 53.0 | 1,363,000 |
| Apr. 16..... | 53.6 | 1,400,000 |
| Apr. 17..... | 53.7 | 1,410,000 |
| Apr. 18..... | 53.9 | 1,411,000 |
| Apr. 19..... | 54.2 | 1,408,000 |
| Apr. 20..... | 54.5 | 1,444,000 |
| Apr. 21..... | 55.2 | 1,481,000 |
| Apr. 22..... | 55.9 | 1,523,000 |
| Apr. 23..... | 56.2 | 1,631,000 |
| Apr. 24..... | 56.4 | 1,632,000 |
| Apr. 25..... | 56.6 | 1,634,000 |
| Apr. 26..... | 56.7 | 1,698,000 |
| Apr. 27..... | 56.7 | 1,681,000 |
| Apr. 28..... | 56.7 | 1,522,000 |
| Apr. 29..... | 56.6 | 1,756,000 |
| Apr. 30..... | 56.2 | 1,702,000 |
| May 1..... | 55.8 | 1,709,000 |
| May 2..... | 55.3 | 1,630,000 |
| May 3..... | 54.9 | 1,630,000 |
| May 4..... | 54.5 | 1,607,000 |
| May 5..... | 54.0 | 1,586,000 |
| May 6..... | 53.5 | 1,560,000 |
| May 7..... | 53.2 | 1,538,000 |
| May 8..... | 52.7 | 1,515,000 |
| May 9..... | 52.1 | 1,490,000 |
| May 10..... | 51.6 | 1,468,000 |
| May 11..... | 50.9 | 1,445,000 |
| May 12..... | 50.1 | 1,420,000 |
| May 13..... | 49.3 | 1,395,000 |
| May 14..... | 48.6 | 1,370,000 |
| May 15..... | 48.0 | 1,345,000 |
| May 16..... | 47.4 | 1,325,000 |
| May 17..... | 46.9 | 1,303,000 |
| May 18..... | 46.5 | 1,278,000 |
| May 19..... | 46.2 | 1,255,000 |
| Average..... | 52.74 | 1,470,000 |

¹ The discharge observations recorded here were those taken in 1927 at Friars Point between April 7 and May 3, supplemented by records of other years and some interpolations. The average discharge for the 43 days was 1,470,000 second-feet, at an average gage height of 52.74.

TABLE 2.—Showing gages and discharges from April 6 to May 18¹ at Little Rock, Ark., on the Arkansas River, 175 miles above mouth. Zero of gage 222.06 feet above mean Gulf level; flood stage, 23 feet

| Date, 1927 | Gage | Discharge in second-feet |
|--------------|------|--------------------------|
| Apr. 6..... | 17.5 | 94,000 |
| Apr. 7..... | 17.4 | 93,000 |
| Apr. 8..... | 16.4 | 70,000 |
| Apr. 9..... | 15.5 | 64,000 |
| Apr. 10..... | 16.4 | 78,000 |
| Apr. 11..... | 18.8 | 100,000 |
| Apr. 12..... | 19.0 | 102,000 |
| Apr. 13..... | 19.4 | 105,000 |
| Apr. 14..... | 21.4 | 155,000 |
| Apr. 15..... | 24.6 | 293,000 |
| Apr. 16..... | 26.9 | 350,000 |
| Apr. 17..... | 29.2 | 590,000 |
| Apr. 18..... | 30.2 | 617,000 |
| Apr. 19..... | 31.0 | 718,000 |
| Apr. 20..... | 33.0 | 825,000 |
| Apr. 21..... | 32.8 | 813,000 |
| Apr. 22..... | 32.6 | 735,000 |
| Apr. 23..... | 32.0 | 659,000 |
| Apr. 24..... | 31.0 | 613,000 |
| Apr. 25..... | 30.4 | 600,000 |
| Apr. 26..... | 29.6 | 570,000 |

¹ The discharge observations recorded herein are those taken in 1927 between Apr. 16 and 24, supplemented by the observations of 1929 and other years with some interpolations. The average discharge for the 43 days was 250,000 second-feet at an average gage height of 21.14.

TABLE 2.—Showing gages and discharges from April 6 to May 18 at Little Rock, Ark., etc.—Continued

| Date, 1927 | Gage | Discharge in second-feet |
|------------|------|--------------------------|
| Apr. 27 | 28.9 | 350,000 |
| Apr. 28 | 27.5 | 300,000 |
| Apr. 29 | 26.0 | 375,000 |
| Apr. 30 | 24.1 | 330,000 |
| May 1 | 22.4 | 175,000 |
| May 2 | 20.9 | 160,000 |
| May 3 | 19.0 | 100,000 |
| May 4 | 16.5 | 70,000 |
| May 5 | 14.5 | 58,000 |
| May 6 | 14.0 | 54,000 |
| May 7 | 13.8 | 50,000 |
| May 8 | 13.0 | 52,000 |
| May 9 | 13.4 | 54,000 |
| May 10 | 14.0 | 60,000 |
| May 11 | 16.5 | 71,000 |
| May 12 | 17.0 | 80,000 |
| May 13 | 16.5 | 70,000 |
| May 14 | 15.8 | 68,000 |
| May 15 | 14.4 | 60,000 |
| May 16 | 12.9 | 58,000 |
| May 17 | 11.5 | 57,000 |
| May 18 | 10.9 | 53,000 |
| Average | 21.1 | 250,000 |

TABLE 3.—Showing gages and discharges from April 7 to May 19¹ at Clarendon, Ark., on the White River, 111 miles above mouth. Zero of gage 140.02 above mean Gulf level

| Date, 1927 | Gage | Discharge in second-feet |
|------------|------|--------------------------|
| Apr. 7 | 28.5 | 100,000 |
| Apr. 8 | 28.5 | 100,000 |
| Apr. 9 | 28.5 | 103,000 |
| Apr. 10 | 28.6 | 103,000 |
| Apr. 11 | 28.6 | 103,000 |
| Apr. 12 | 28.7 | 105,000 |
| Apr. 13 | 28.8 | 108,000 |
| Apr. 14 | 29.0 | 151,000 |
| Apr. 15 | 29.8 | 180,000 |
| Apr. 16 | 30.4 | 166,000 |
| Apr. 17 | 31.3 | 175,000 |
| Apr. 18 | 32.8 | 188,000 |
| Apr. 19 | 36.8 | 285,000 |
| Apr. 20 | 40.1 | 360,000 |
| Apr. 21 | 42.2 | 390,000 |
| Apr. 22 | 43.0 | 425,000 |
| Apr. 23 | 43.3 | 440,000 |
| Apr. 24 | 43.2 | 435,000 |
| Apr. 25 | 42.7 | 400,000 |
| Apr. 26 | 42.0 | 380,000 |
| Apr. 27 | 41.2 | 370,000 |
| Apr. 28 | 40.3 | 350,000 |
| Apr. 29 | 39.3 | 315,000 |
| Apr. 30 | 38.3 | 285,000 |
| May 1 | 37.3 | 261,000 |
| May 2 | 36.4 | 240,000 |
| May 3 | 35.4 | 215,000 |
| May 4 | 34.5 | 190,000 |
| May 5 | 33.6 | 180,000 |
| May 6 | 32.8 | 160,000 |
| May 7 | 32.3 | 155,000 |
| May 8 | 31.7 | 142,000 |
| May 9 | 31.1 | 138,000 |
| May 10 | 30.7 | 133,000 |
| May 11 | 30.3 | 128,000 |
| May 12 | 30.0 | 125,000 |
| May 13 | 29.6 | 110,000 |
| May 14 | 29.5 | 105,000 |
| May 15 | 29.0 | 102,000 |
| May 16 | 28.8 | 100,000 |
| May 17 | 28.3 | 98,000 |
| May 18 | 28.6 | 99,000 |
| May 19 | 28.5 | 98,000 |
| Average | 33.6 | 204,000 |

¹ The discharge observations recorded herein are those taken in 1927 between Apr. 17 and 23, supplemented by the observations of 1929 and other years with some interpolations.

The average discharge for the 43 days was 204,000 second-feet, at an average gage height of 33.59.

TABLE 4.—Showing gages and discharges from April 10 to May 22¹ at Arkansas City on the Mississippi River, 437 miles below Cairo. Zero of gage 96.75 feet above mean Gulf level

| Date, 1927 | Gage | Discharge in second-feet |
|------------|------|--------------------------|
| Apr. 10 | 55.0 | 1,446,000 |
| Apr. 11 | 55.2 | 1,483,000 |
| Apr. 12 | 55.4 | 1,485,000 |
| Apr. 13 | 55.6 | 1,490,000 |
| Apr. 14 | 55.8 | 1,501,000 |

¹ The discharge observations recorded here are those taken in 1927 at Chicot, Ark., between April 10 and 20, supplemented by the observations of other years with some interpolations. The Mound's Landing crevasse, almost opposite Arkansas City occurred on Apr. 21 and the observations were discontinued. The gage immediately began to fall and continued to fall throughout the flood. The average discharge for the 43 days was 1,362,000 second-feet at an average gage height of 53.06.

TABLE 4.—Showing gages and discharges from April 10 to May 22 at Arkansas City, etc.—Continued

| Date, 1927 | Gage | Discharge in second-feet |
|------------|------|--------------------------|
| Apr. 15 | 56.4 | 1,540,000 |
| Apr. 16 | 57.1 | 1,603,000 |
| Apr. 17 | 57.5 | 1,610,000 |
| Apr. 18 | 58.0 | 1,615,000 |
| Apr. 19 | 58.6 | 1,628,000 |
| Apr. 20 | 59.3 | 1,712,000 |
| Apr. 21 | 60.4 | 1,824,000 |
| Apr. 22 | 57.4 | 1,674,000 |
| Apr. 23 | 54.6 | 1,534,000 |
| Apr. 24 | 53.9 | 1,500,000 |
| Apr. 25 | 53.1 | 1,460,000 |
| Apr. 26 | 52.9 | 1,450,000 |
| Apr. 27 | 52.7 | 1,440,000 |
| Apr. 28 | 52.3 | 1,420,000 |
| Apr. 29 | 51.9 | 1,400,000 |
| Apr. 30 | 51.6 | 1,385,000 |
| May 1 | 51.3 | 1,370,000 |
| May 2 | 50.8 | 1,345,000 |
| May 3 | 50.5 | 1,330,000 |
| May 4 | 50.2 | 1,315,000 |
| May 5 | 49.6 | 1,285,000 |
| May 6 | 49.3 | 1,270,000 |
| May 7 | 49.0 | 1,255,000 |
| May 8 | 48.7 | 1,240,000 |
| May 9 | 48.5 | 1,230,000 |
| May 10 | 48.3 | 1,220,000 |
| May 11 | 47.9 | 1,200,000 |
| May 12 | 47.6 | 1,185,000 |
| May 13 | 47.3 | 1,170,000 |
| May 14 | 47.1 | 1,155,000 |
| May 15 | 46.8 | 1,140,000 |
| May 16 | 46.5 | 1,125,000 |
| May 17 | 46.3 | 1,115,000 |
| May 18 | 46.0 | 1,100,000 |
| May 19 | 45.8 | 1,090,000 |
| May 20 | 45.7 | 1,085,000 |
| May 21 | 45.4 | 1,070,000 |
| May 22 | 45.2 | 1,060,000 |
| Average | 53.1 | 1,362,000 |

¹ Mounds Landing crevasse.

TABLE 5.—The discharges in this table are in thousand second-feet

| Date, 1927 | Discharge Helena | Discharge Little Rock | Discharge Clarendon | Discharge un-gaged | Total to arrive basin above the Arkansas | Left Arkansas City down river | Stored above the Arkansas | Left storage above the Arkansas | Went out through crevasses |
|------------|------------------|-----------------------|---------------------|--------------------|--|-------------------------------|---------------------------|---------------------------------|----------------------------|
| Apr. 10 | 1,257 | 94 | 100 | 20 | 1,471 | 1,446 | 25 | | |
| Apr. 11 | 1,378 | 93 | 100 | 20 | 1,591 | 1,483 | 108 | | |
| Apr. 12 | 1,362 | 70 | 103 | 20 | 1,555 | 1,485 | 70 | | |
| Apr. 13 | 1,366 | 64 | 103 | 20 | 1,553 | 1,490 | 63 | | |
| Apr. 14 | 1,374 | 78 | 103 | 20 | 1,575 | 1,501 | 74 | | |
| Apr. 15 | 1,280 | 100 | 105 | 20 | 1,505 | 1,540 | | 35 | |
| Apr. 16 | 1,292 | 102 | 108 | 20 | 1,522 | 1,603 | | 81 | |
| Apr. 17 | 1,348 | 105 | 151 | 20 | 1,624 | 1,610 | 14 | | |
| Apr. 18 | 1,363 | 155 | 160 | 20 | 1,698 | 1,615 | 83 | | |
| Apr. 19 | 1,400 | 293 | 166 | 20 | 1,879 | 1,628 | 251 | | |
| Apr. 20 | 1,410 | 350 | 175 | 20 | 1,955 | 1,712 | 243 | | |
| Apr. 21 | 1,411 | 590 | 188 | 20 | 2,209 | 1,824 | 385 | | |
| Apr. 22 | 1,408 | 617 | 285 | 20 | 2,330 | 1,674 | | 750 | 1,405 |
| Apr. 23 | 1,444 | 718 | 360 | 20 | 2,542 | 1,534 | | 700 | 1,708 |
| Apr. 24 | 1,481 | 825 | 390 | 20 | 2,716 | 1,500 | | 175 | 1,391 |
| Apr. 25 | 1,523 | 813 | 425 | 20 | 2,781 | 1,460 | | 200 | 1,521 |
| Apr. 26 | 1,631 | 735 | 440 | 20 | 2,826 | 1,450 | | 50 | 1,426 |
| Apr. 27 | 1,632 | 659 | 435 | 20 | 2,746 | 1,440 | | 50 | 1,356 |
| Apr. 28 | 1,634 | 613 | 400 | 20 | 2,667 | 1,420 | | 100 | 1,347 |
| Apr. 29 | 1,698 | 600 | 380 | 20 | 2,698 | 1,400 | | 100 | 1,398 |
| Apr. 30 | 1,681 | 570 | 370 | 20 | 2,641 | 1,385 | | 75 | 1,331 |
| May 1 | 1,522 | 350 | 350 | 10 | 2,232 | 1,370 | | 75 | 937 |
| May 2 | 1,756 | 300 | 315 | 10 | 2,381 | 1,345 | | 125 | 1,161 |
| May 3 | 1,702 | 275 | 285 | 10 | 2,272 | 1,330 | | 75 | 1,017 |
| May 4 | 1,709 | 280 | 261 | 10 | 2,210 | 1,315 | | 75 | 970 |
| May 5 | 1,630 | 175 | 240 | 10 | 2,055 | 1,285 | | 150 | 920 |
| May 6 | 1,630 | 160 | 215 | 10 | 2,015 | 1,270 | | 75 | 820 |
| May 7 | 1,607 | 100 | 190 | 10 | 1,907 | 1,255 | | 75 | 727 |
| May 8 | 1,586 | 70 | 180 | 10 | 1,846 | 1,240 | | 75 | 681 |
| May 9 | 1,560 | 58 | 160 | 10 | 1,788 | 1,230 | | 50 | 603 |
| May 10 | 1,538 | 54 | 155 | 10 | 1,757 | 1,220 | | 50 | 587 |
| May 11 | 1,515 | 50 | 142 | 10 | 1,717 | 1,200 | | 100 | 617 |
| May 12 | 1,490 | 52 | 138 | 10 | 1,690 | 1,185 | | 75 | 580 |
| May 13 | 1,468 | 54 | 133 | 10 | 1,665 | 1,170 | | 75 | 570 |
| May 14 | 1,445 | 60 | 128 | 10 | 1,643 | 1,155 | | 50 | 538 |
| May 15 | 1,420 | 71 | 125 | 10 | 1,626 | 1,140 | | 75 | 561 |
| May 16 | 1,395 | 80 | 110 | 10 | 1,595 | 1,125 | | 75 | 545 |
| May 17 | 1,370 | 70 | 105 | 10 | 1,555 | 1,115 | | 50 | 490 |
| May 18 | 1,348 | 68 | 102 | 10 | 1,528 | 1,100 | | 75 | 503 |
| May 19 | 1,325 | 60 | 100 | 10 | 1,495 | 1,060 | | 50 | 455 |
| May 20 | 1,303 | 58 | 98 | 10 | 1,469 | 1,085 | | 25 | 409 |
| May 21 | 1,278 | 57 | 99 | 10 | 1,444 | 1,070 | | 75 | 449 |
| May 22 | 1,255 | 50 | 98 | 10 | 1,413 | 1,060 | | 50 | 403 |
| | 63,225 | 10,746 | 8,776 | 640 | 83,387 | 58,555 | 1,316 | 3,916 | 27,432 |

Table 5 is compiled by adding the discharges at Helena, Little Rock, Clarendon, and that of the 4,000 square miles of un-gaged area and deducting therefrom the discharge at Arkansas City. Up to April 21, the day of the Mound's Landing crevasse, the difference was stored

above the mouth of the Arkansas; after that date it went out through crevasses, taking the stored water with it.

The run-off from the 4,000 square miles of ungaged area was ascertained by taking the rainfall at various stations throughout that area during the 43-day period. It was found to average a third of an inch a day during April and half that much during May, a run-off of about 56 per cent was allowed, amounting to 20,000 second-feet during April and 10,000 during May.

From Table 5 we learn that between April 10 and April 21, when the levees began to break in the vicinity of the mouth of the Arkansas, about 40,000,000 acre-feet of water arrived there from upstream, of which about 38,000,000 went down the river past Arkansas City and about 2,000,000 went into storage in the basin above the mouth of the Arkansas.

The table further shows that between April 21 and May 22 there arrived in the vicinity of the mouth of the Arkansas from upstream about 127,000,000 acre-feet of water, while about 79,000,000 went down the river past Arkansas City and about 54,500,000 went out through crevasses. Of this last amount about 8,000,000 was drawn from storage in the basin above the mouth of the Arkansas.

A study of table 5 will further disclose that had the river carried between April 21 and May 7 its maximum of 1,950,000 second-feet at a gage height of 62.5 feet, as proposed in the present adopted project of the Army Engineers, there would have been only about 16,000,000 acre-feet of water to arrive at the mouth of the Arkansas in the flood of 1927 which could not have been carried safely down the river past Arkansas City.

The fact that 54,500,000 acre-feet actually went out through crevasses when the surplus was only 16,000,000 above what the levees are now being constructed to take care of shows the enormous unnecessary destructiveness of water running through crevasses until the river returns to its banks, be the crevasses accidental, as were those in 1927, or designed as a fuse plug, as proposed in the adopted project.

The flood of 1927 was the greatest flood to arrive at the mouth of the Arkansas River of which there is any record. There have been many greater floods to reach Cairo. In recent years the floods of both 1912 and 1913 exceeded in volume of discharge the flood of 1927 at Cairo. It was the intense but brief flood out of the Arkansas River, which far exceeded any previous flood ever recorded there, supplemented by a similar flood out of the White River, which made the 1927 flood supreme at the mouth of the Arkansas River.

Existing records warrant the conclusion that the interval of frequency of such a flood as that of 1927 at the mouth of the Arkansas River is not less than 50 years.

It has been shown herein that the 1927 flood contained only 16,000,000 acre-feet of water in excess of what the present adopted levee system will, when completed, be able to safely carry in the Mississippi River, below the mouth of the Arkansas River.

The only sound engineering basis upon which to found a flood project is to add a reasonable margin to the greatest known flood and then provide to take care of it. Following that principle, it would be sound engineering to provide to take care of a surplus flood at the mouth of the Arkansas River 25 per cent greater than that of 1927. This would amount to 20,000,000 acre-feet.

The main problem of the lower river, therefore, is to determine what to do with 20,000,000 acre-feet more water at the mouth of the Arkansas River than the Mississippi River below that point can safely take care of.

It is impossible, with the limited available data, to work out in the office, off-hand, the best project to solve this problem. An attempt to hurriedly do that is what led to the collapse of the Jadwin plan. There are too many contingencies, due to collateral problems which are being urged and which in justice should receive adequate consideration.

Certain fundamentals, however, stand out in bold relief as being almost axiomatic. One is that it is not necessary to wreak such enormous destruction as will result from the plan of the Army Engineers in the Boeuf and Atchafalaya Basins, in order to take care of 20,000,000 acre-feet of water at the mouth of the Arkansas River.

Another is that if this 20,000,000-acre feet of water can be held back above the mouth of the Arkansas River, it will reduce the problem at the mouth of the Red River in practically the same proportion and greatly simplify the problem of the Atchafalaya Basin.

Another is that, on its own face, the project at Cairo, by means of the Birds Point to New Madrid by-pass, does not afford adequate protection to Cairo and environs and must be supplemented by some system of retarding whereby the flood peaks at Cairo will be flattened out.

Another is that the great system of locks and dams on the Ohio River does not provide the necessary water during dry weather to maintain navigation and must be supplemented by a storage system which will hold back flood peaks, the water to be released later when needed. All water held back on the Ohio River and tributaries during flood relieves the situation at Cairo and in turn at the mouth of the Arkansas River and all points below.

Another is that the problem of the Illinois River with its very gentle slope is largely a backwater problem from the Mississippi River above the Missouri River and together with the problem of the Mississippi River in that vicinity must be solved by storing the flood peaks which are above a reasonable levee height.

Another is that, unless water is stored during floods on the upper Missouri River and tributaries, to aid summer flow, the channel improvement now being carried on up to Kansas City and Sioux City will turn out even worse than has the Ohio River navigation project. Besides, water is needed there badly for irrigation.

Another is, that the St. Francis, the White, the Arkansas, the Red, and the Yazoo, together with their tributaries, have problems of flood control, irrigation, and navigation, all of which involve retarding flood waters, which retarding would contribute to the absorption of the 20,000,000 acre-feet of surplus flood water at the mouth of the Arkansas River.

All of these problems deserve consideration and should be solved in the order of their merit and feasibility. Long before their solution is completed the 20,000,000 surplus acre-feet of water at the mouth of the Arkansas River will have disappeared.

All premises considered, the conclusion is apparent that it would be a great economic error to resort to a floodway through the Boeuf or Tensas Basin to get relief from a maximum of 20,000,000 acre-feet of surplus flood water when the desired end can be accomplished simply by the carrying out of worthy and urgent projects farther up stream.

The thing to do now is to immediately bring all the levees up to the new grade and section under the plan of the Army engineers, which grade is 3 feet above the 1914 Mississippi River Commission grade. This should include the area selected for the Cypress Creek fuse-plug diversion, otherwise the flood control act can not be complied with wherein it provides that the Boeuf Basin area shall have the same protection as is afforded the adjacent areas, pending the completion of the project.

This additional 3 feet of levee height will materially increase the interval of frequency of crevasses in the Tensas and Boeuf Basins. While the levees are being raised, which will probably require two more years, the work of holding back floods above the mouth of the Arkansas River can be gotten under way.

Every drop of water added to that being held back will increase the interval between destructive floods.

No delay will result from stopping work on the Boeuf Basin flood way because it would require as long to construct the flood way as to provide to hold back the 20,000,000 acre-feet of surplus flood water above the mouth of the Arkansas River.

J. P. KEMPER, *Civil Engineer.*

NEW ORLEANS, LA.

RECESS

Mr. SMOOT. I move that the Senate take a recess until tomorrow morning at 11 o'clock.

The PRESIDING OFFICER. The question is on the motion of the Senator from Utah.

The motion was agreed to; and (at 7 o'clock and 35 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, March 19, 1930, at 11 o'clock a. m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 18 (legislative day of January 6), 1930

UNITED STATES ATTORNEYS

Clint W. Hager, northern district of Georgia.
Arthur Arnold, northern district of West Virginia.

UNITED STATES MARSHAL

Edgar C. Geddie, eastern district of North Carolina.

JUDGE, MUNICIPAL COURT, DISTRICT OF COLUMBIA

James A. Cobb.

COAST GUARD

Edward M. Kent to be constructor.

APPOINTMENTS IN THE ARMY

Henry Charles Whitehead to be assistant to the Quartermaster General, with rank of brigadier general.

MEDICAL CORPS

To be first lieutenants

| | |
|-------------------------|---------------------------|
| Junius Penny Smith. | William A. Dains Woolgar. |
| Harry George Armstrong. | Joseph Steinberg. |
| Matthew Corell Pugsley. | Karl Rosenius Lundeborg. |
| Charles Clyde Grace. | Arthur Herman Corliss. |
| Cleveland Rex Steward. | Jonathan Milton Rigdon. |

APPOINTMENTS, BY TRANSFER, IN THE ARMY

Second Lieut. Edward Murphy Markham, jr., to Corps of Engineers.

Maj. Gordon Bennett Welch to Ordnance Department.
Second Lieut. Carroll Huston Prunty to Cavalry.

PROMOTIONS IN THE ARMY

Augustine Joseph Zerbee to be major, Field Artillery.
Andrew Ed Forsyth to be captain, Cavalry.
David Goodwin Barr to be captain, Infantry.
Mark Hinstead Doty to be captain, Field Artillery.
Charles Peter Prime to be captain, Air Corps.
Joris Bliss Rasbach to be first lieutenant, Field Artillery.
Herman Lester Darnstaedt to be first lieutenant, Infantry.
Leonard Marion Johnson to be first lieutenant, Field Artillery.
Chester Archibald Rowland to be first lieutenant, Corps of Engineers.

John Sterling Taylor to be first lieutenant, Infantry.
Luther Remi Moore to be major, Medical Corps.
Carl Randolph Mitchell to be major, Medical Corps.
Michael Gerard Healy to be major, Medical Corps.
Dean McLaughlin Walker to be captain, Medical Corps.

PROMOTIONS IN THE NAVY

Walton R. Sexton to be rear admiral.

POSTMASTERS

ALABAMA

Nelson C. Fuller, Centerville.
Clarence E. Combs, Fairfax.
John B. Daughtry, Hartford.
William P. Tartt, Livingston.
Florrie Vinson, Louisville.
Lucy Downing, Moulton.
Robert A. Tuck, Oneonta.
James B. Washington, Tuskegee Institute.
James A. Anderson, University.

ARIZONA

Donald McIntyre, Yuma.

ARKANSAS

Edwin E. Blackmon, Augusta.
Charles A. Kelley, Searcy.

COLORADO

Robert L. Wilkinson, Burlington.
Frank L. Dodge, Denver.
Charles Lawton, Fort Logan.
Kiah C. Brown, Merino.
Samuel Coen, Walden.

CONNECTICUT

Samuel H. Kellogg, Colchester.
Edna M. Jenkins, Middlefield.
Samuel E. Loudon, Riverside.

FLORIDA

Charles W. Pierce, Boynton.
Cecilia E. Kilbourn, Carrabelle.
Grace M. Mashburn, Caryville.
Rexford D. L. Graves, Daytona Beach.
Ellsworth Morgan, Eau Gallie.
Louis C. Lynch, Gainesville.
William C. Johnson, Jensen.
George O. Jacobs, Lake City.
Agnes M. Moremen, Maitland.
Edna L. Goss, Mulberry.
Oren L. Elliott, Ojus.
Goldie B. Helm, Oneco.
Pearl E. Graham, Orange City.
Orville L. Bogue, Oxford.
Joseph B. Bower, Rockledge.
Jennie J. Wilbar, Salerno.
Orrell W. Prevatt, Seville.
Charles M. Loy, Stuart.
Mary L. Woodmansee, Valparaiso.
Frank W. Rodenberg, Vero Beach.

HAWAII

J. Frank Woolley, Honolulu.

IDAHO

Elsie M. Renfrew, Potlatch.

ILLINOIS

Hamil E. Veach, Clayton.
Charles L. Smith, Cutler.
George M. Clark, Galesburg.
John R. McIntire, Grand Chain.
Jacob H. Maher, Hull.

William E. Erfert, jr., Lansing.
Arthur J. Mollman, Millstadt.
Polona H. Callaway, Tallula.
Anna J. Black, Thornton.

INDIANA

Lee G. Corder, Merom.
Ernest C. Purdue, Newburgh.
Lever E. Binns, New Richmond.
Cyrus V. Norman, Sheridan.
William H. Ammon, Swayzee.
Bernice M. Beeks, Urbana.

IOWA

Walter H. Lake, Bedford.
Elda B. Sparks, Buffalo Center.
Edna B. Wylie, Derby.
Vellas L. Gilje, Elkader.
Raymond W. Rhoades, Glenwood.
Eva Keith, Goldfield.
Leonidas L. Greenwalt, Hastings.
Inga E. Cheely, Hornick.
John R. Barker, Indianola.
George McNeish, jr., Kanawha.
John Harden, Linden.
William C. McCurdy, Massena.
Eugene E. Heldridge, Milford.
Thomas F. Fawcett, Ocheyedan.
Bruce E. Harlow, Onawa.
Augustus A. Bauman, Mount Vernon.
Danel O. Clark, Ogden.
Frerich O. Christoffers, Palmer.
Otto J. Warneke, Readlyn.
Edith J. Delong, Truro.
Ross G. Hauser, Union.
Leonard G. Kelley, Wall Lake.
Inez I. Gano, Washta.
Henry C. Ficke, Wheatland.

KANSAS

Mabel I. Driggs, Bern.
Vaclav Sajner, Bison.
Charles A. Godding, Burns.
Jacob W. Wright, Elk City.
Daniel O. Anderson, Everest.
John F. Heston, Goodland.
William M. Parham, Logan.
Marion W. Covey, Miltonvale.
Lloyd J. Cobun, Sabetha.
George P. Plotner, Scandia.
Bruce Griffith, Wichita.

KENTUCKY

Anna M. Seaton, Buechel.
Halliday M. Ricketts, Covington.
Ben D. Herndon, Danville.
Aubrey Cossar, Louisville.
Anna D. Shelman, Pewee Valley.
Mary K. Diersing, Shively.

MAINE

Harvard M. Armstrong, Cape Cottage.
Clayton R. Hamlin, Unity.

MARYLAND

Charles G. Tedrick, Clear Spring.
Joseph S. Haas, Mount Rainier.
Granville S. Cropper, Ocean City.

MASSACHUSETTS

George L. Minott, Gardner.
Harlan S. Cummings, Lynn.
Hazen M. Emery, Merrimac.
Perez H. Phinney, Monument Beach.
Neil R. Mahoney, North Billerica.
Otis E. Hager, North Dana.
Annie B. Ellis, Sheffield.
Arthur J. Fairgrieve, Tewksbury.
John W. Keith, Warren.

MICHIGAN

Isaac Hurst, Akron.
Edwin L. Fox, Athens.
Percy W. Totten, Brooklyn.
Herman Buby, Brown City.
George G. Geniesse, Escanaba.
Olin M. Thrasher, Mount Morris.
Wesley J. Morrison, Mount Pleasant.
Lydia A. McElhinney, Snover.
Willard L. Claver, Zeeland.

MISSISSIPPI

Henry L. Rhodes, Ackerman.
Reid R. Williams, Arcola.
Frankie M. Storm, Benoit.
Jesse E. Patridge, Duck Hill.
Thomas A. Chapman, Friar Point.
Florence Brady, Lula.
John C. Bowen, Senatobia.
William E. Mitchell, Stewart.

MISSOURI

John Rohrer, Bourbon.
William C. Christeson, Dixon.
Leland G. Riley, Eagleville.
Herold D. Condray, Ellsinore.
Charles F. Boon, Greentop.
Clyde E. Jennings, Hollister.
Earle W. Phillips, Henrietta.
George S. Brown, Hornersville.
James A. Coder, Lewistown.
Morris W. Ledbetter, Marble Hill.
Guy Ridings, Middletown.
Gustav C. Rau, Pacific.
Clarence B. Robinson, South West City.
John J. Schaper, Warrenton.
Oscar F. Schulte, Washington.

MONTANA

Leanore K. C. Roderick, Outlook.

NEBRASKA

J. Dean Ringer, Omaha.
Alice Ward, Primrose.
Frank A. Millhouse, Sumner.
Elsie B. Thompson, Wynot.

NEW HAMPSHIRE

Charles S. Hutchins, Charlestown.
Frederick R. Jennings, Gorham.
Carrie B. Ware, Hancock.
Fred W. Colton, Hinsdale.
Charles Myers, Jaffrey.
James E. Collins, Lisbon.

NEW JERSEY

Ralph G. Collins, Barnegat.
Victor R. Bell, Closter.
Ada B. Nafew, Eatontown.
Chester A. Burt, Helmetta.
John D. Seals, Kenil.
Loretta Conrow, Oceanport.
David C. Bush, Oakland.
Jesse W. English, Wenonah.

NEW YORK

John Common, Andover.
William W. Hendryx, Avoca.
Mary H. Dunn, Bellmore.
Otis G. Fuller, Central Square.
Norman S. Taylor, Clayville.
Howard McClellan, Greenwich.
Lena M. Johnson, Interlaken.
Guy L. Stone, Luzerne.
Floyd B. Webb, Mannsville.
McKenzie B. Stewart, Mooers.
David C. Gilmour, Morristown.
Jay B. Purcell, Ovid.
Owen J. Griffith, Remsen.
John E. Widger, Smyrna.
Daniel H. DeLair, Tupper Lake.
Emil G. Schumacher, Valley Stream.
William R. Crawford, Warsaw.

NORTH DAKOTA

Katherine Medelman, Crary.
M. Evelyn Peavy, Egeland.
William C. Forman, jr., Hankinson.
Lawrence D. Larsen, Kindred.
Eldor G. Sagehorn, Stanton.
Elmer H. Myhra, Wahpeton.

OHIO

Ethel H. Somerville, Adena.
Laurence H. Maechtel, Berea.
Charles H. Murlin, Celina.
Horace B. Ramey, Centerburg.
Emanuel H. Ulmer, Chatfield.
Walter H. Scheu, Dover.
Laura L. Nash, East Canton.

Marvin P. Devore, East Columbus.
Charles E. John, Elida.
Orin Breckenridge, Grove City.
Rosa M. Fouts, McConnelsville.
Harry F. Mikesell, New Madison.
Robert D. Weedy, Shawnee.
Hugh C. Bell, Utica.

OKLAHOMA

Eugene J. Blossom, Atoka.
Thomas H. W. McDowell, Blackwell.
George N. Davina, Colony.
William I. Fisher, Cordell.
Dallas M. Rose, Davis.
Coral B. Waldie, Deer Creek.
William J. Krebs, Kaw.
Charles L. Bell, Lindsay.
Bernie A. Cockrell, Tonkawa.
Joseph Hunt, jr., Vinita.
Etta B. Henderson, Wayne.
Logan G. Hysmith, Wilburton.

OREGON

Charles W. Halderman, Astoria.
Logan E. Anderson, Cove.
Richard E. Tozier, Helix.
Harry E. Jones, Jefferson.
Henry W. Tohl, Nehalem.
Leon W. Lundell, Weston.
Ollie L. Gillespie, Willamina.
Lyman H. Shorey, Woodburn.

PENNSYLVANIA

Jay E. Brumbaugh, Altoona.
Samuel M. Lambie, Ambridge.
Ella C. Brannon, Centerville.
Lena M. Cole, Coal Center.
Lawrence L. Steiger, Mercersburg.
James L. Porter, Midland.
Edwin S. L. Soule, Newport.
James Hewett, Pen Argyl.
John A. Van Orsdale, Russell.
Margaret B. Hill, Saltsburg.
James J. Neil, Sligo.
Helen P. Howell, West Alexander.

RHODE ISLAND

Ralph H. Chapman, Esmond.

SOUTH CAROLINA

Lucy C. Vance, Allendale.
John A. Wood, Spartanburg.

TENNESSEE

Laura W. Malone, Alexandria.
William D. Howser, Clarksville.
Joe R. Taylor, Etowah.
Charles F. Perkins, Jacksboro.
Terrell McIlwain, Parsons.
Charles E. Pennington, Sweetwater.

TEXAS

Clarence Walters, Alice.
Dibrel G. Melton, Allen.
John F. Furlow, Alvord.
Fred P. Ingerson, Barstow.
John H. Atterbury, Benjamin.
Oscar Hunt, Canyon.
Joseph C. Eakin, Chilton.
Dave C. Dodge, Claude.
Benjamin F. Robey, Coleman.
Clarence V. Rattan, Cooper.
Oria H. Sieber, Crosbyton.
Simon J. Enochs, Georgetown.
Charles L. Long, Graham.
Robert Dempster, Hitchcock.
Alfred M. Finger, Hondo.
Elroy L. McCord, Katy.
Herman H. Duncan, Kaufman.
Emil Gold, Kerrville.
Don Parker, Liberty.
Maggie R. Hopkins, Lone Oak.
John H. Sharbutt, Lueders.
Asa McGregor, Milano.
John E. McAllister, Mirando City.
Charles L. Wiebusch, Riesel.
Warner W. McNaron, Rotan.
Willie E. Penick, Rule.
Ora L. Griggs, Sanatorium.

Maggie Exum, Shamrock.
 Morus B. Howard, Sweetwater.
 Lillian Procter, Teague.
 Walter M. Hudson, Weatherford.
 Emanuel T. Teller, Westhoff.
 Peter J. Sherman, Whitney.
 Leeander M. Gilbreath, Winnsboro.
 Tom Hargrove, Woodsboro.
 William B. Lee, Wortham.

UTAH

Lionel L. Peterson, Fairview.
 John W. Guild, Kamas.

VIRGINIA

Harry Fulwiler, Buchanan.
 Robert B. Rouzie, Tappahannock.
 Bruce L. Showalter, Weyers Cave.

WASHINGTON

Willis Swank, Cheney.
 Franz S. Drummond, Gig Harbor.
 Ralph L. Philbrick, Hoquiam.
 Christopher C. Van Leuven, Molson.
 Noel D. Tower, Morton.
 Michael J. Murphy, Oakville.
 Gustav A. Weber, Odessa.
 Joseph E. McManamon, Othello.
 Walter Sommers, Prosser.
 William Busch, Raymond.
 Thomas Harries, Renton.
 Golda R. Moore, Roy.
 Juanita Morris, St. John.
 David M. Donnelly, Sedro Woolley.
 William I. Leech, Steilacoom.
 Wilson Howe, Tenino.
 Arthur B. Foley, Wilbur.

WEST VIRGINIA

Harry E. Engle, Fairmont.
 Rosa H. Brown, Institute.
 Charles T. Kelly, Terra Alta.
 B. Hampton Gray, Welch.

WISCONSIN

Edward W. Guth, Adell.
 Lester B. West, Barron.
 Royal C. Taylor, Boyceville.
 Dell L. Amerpohl, Brodhead.
 Benjamin F. Querhammer, Cazenovia.
 Lewis T. Larson, Danbury.
 Clarence L. Jordalen, Deerfield.
 Charles H. Prouty, Genoa City.
 Alexander C. Magnus, Glen Flora.
 Charles P. Peterson, Glenwood City.
 Kate C. Conrad, Hammond.
 Clem G. Walter, Kendall.
 Mamie B. Johnson, Kennan.
 John P. Fitzgerald, Mellen.
 Amund J. Amundson, New Auburn.
 Verner A. Nelson, Ogema.
 David E. Lamon, Three Lakes.
 Christian R. Mau, West Salem.

REJECTION

Executive nomination rejected by the Senate March 18 (legislative day of Monday, January 6), 1930

POSTMASTER

Foster P. Lee to be postmaster at Lamar, S. C.

HOUSE OF REPRESENTATIVES

TUESDAY, March 18, 1930

The House met at 12 o'clock noon.

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

Thou hast not hidden Thy face from us, O Lord. Again this day is our day. What shall our part be? May our contribution to it be direct, wise, and unselfish, for we know by experience that any other course leads toward weakness and failure. With willing minds and generous hearts send us forth to do our duty. Merciful God, increase the power of our faith, that we may maintain a supreme allegiance to Thee as our guide. Do Thou enable us to exemplify that faith in all our daily opportunities.

Whatever sacrifices it may involve or losses it may incur, O bless us with personal satisfaction and with that peace which let the world go by. In the name of Jesus. Amen.

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

PERMISSION TO ADDRESS THE HOUSE

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent on Thursday, March 20, after the remarks by the gentleman from Louisiana [Mr. MONTER], that I be permitted to address the House for 30 minutes on the subject of the United States Steel Corporation tax refund for the years 1918, 1919, and 1920.

The SPEAKER. The gentleman from Oregon [Mr. HAWLEY] asks unanimous consent, at the conclusion of the address of the gentleman from Louisiana [Mr. MONTER], that he be permitted to address the House for 30 minutes. Is there objection?

Mr. RAYBURN. Reserving the right to object—which, of course, I do not intend to do—I call the attention of the majority members of the Committee on Interstate and Foreign Commerce to the fact that we have a very important bill pending here. To-day we have special orders which will consume about two hours and a half. Thursday, when we will be able to go on with this bill again, we will have about two hours and a half of special orders, and if we are to reach a final vote in consideration of the bus bill it would appear that somebody should look after the time of the committee.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. GARNER. Mr. Speaker, in view of the fact that I brought on this controversy, I would like to ask unanimous consent that I be permitted to address the House for one-half the time requested by the gentleman from Oregon.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GARNER. May I take this occasion, Mr. Speaker, to request the chairman of the Committee on Ways and Means [Mr. HAWLEY] to produce the minutes of the joint committee meeting settling the matter when we considered this joint return? I would like to have them in the Chamber to-day if possible.

The SPEAKER. The Chair observes that the gentleman from Texas [Mr. GARNER] already has 30 minutes to address the House.

Mr. GARNER. I intended to speak on another subject, however. The Chair will recall I had already received permission to address the House on that day.

The SPEAKER. Is there objection to the gentleman from Texas [Mr. GARNER] making two speeches on that day? [Laughter.]

There was no objection.

OUR PUBLIC SCHOOLS

Mr. SANDERS of Texas. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a speech which I made over the radio with respect to our public schools.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SANDERS of Texas. Mr. Speaker, under the permission given by the House, I insert the following speech, which was delivered by me over the radio on the 17th instant:

Ladies and gentlemen, I am to speak to you on the Robsion-Capper school bill, so called because it was introduced in the House of Representatives by Congressman ROBSION of Kentucky and in the Senate by Senator CAPPER, of Kansas. My subject suggests to me two statements, one from Jesus, the other from King Solomon: "Ye shall know the truth and the truth shall make you free"; "Where there is no vision, the people perish." Some proposed legislative matters move slowly. The educational bill is one of them. It might be interesting to you to know something about the history of this proposed legislation.

A bill of this character, but not the same bill, was introduced in the Senate on October 10, 1918, by Senator Hoke Smith, of Georgia, and was numbered S. 4987. On January 28, 1919, Congressman Horace Towner, of Iowa, introduced the same bill in the House, and was numbered H. R. 14238. On December 5, 1918, the Senate Committee on Education and Labor held hearings on the Smith bill. After Congressman Towner introduced the bill in the House it was widely known as the Smith-Towner bill, deriving its name, of course, from its authors. In July, 1919, joint hearings were held on these two bills by the Committee on Education and Labor on the part of the Senate and the Committee on Education of the House. Later this bill was revised and introduced in the Senate by Senator Thomas Sterling, of South Dakota, and was numbered S. 1252. The same bill was introduced in

the House by Congressman Horace Townner on April 11, 1921, and was numbered H. R. 7. This bill was known as the Sterling-Townner bill and hearings were held on it in May, 1921. Practically the same bill was introduced in the House on December 17, 1923, by Congressman REED of New York and was numbered H. R. 3923. A companion bill was introduced at the same session of Congress in the Senate by Senator Sterling, numbered S. 1337. In January, 1924, the Senate Committee on Education and Labor held hearings on this bill and the House Committee on Education also held hearings on it during the same month. The Robson-Capper bill, which I am discussing, was introduced at the present session of Congress by the gentlemen mentioned. Hearings have not been held on this bill at the present session of Congress nor is it necessary. The committees considering the bills have the power to report the bills based on past hearings. However, that is a matter for the committees to determine. The great multitude of people who are for this legislation are wondering why some action of some kind is not taken, and some of them do not know where to fix the responsibility.

The responsibility is clearly with the administration. The President of the United States is a Republican, and that party has a majority of about 100 in the House and about 15 in the Senate, and it has a majority on the Committee of Education and Labor in the Senate and of the Committee on Education of the House. They have the power, and clearly the responsibility is theirs. If they act, they should be given due credit. If they refuse to act, they can not escape the blame. The leaders can put this legislation on their program to carry through at this session of Congress, or they can leave it off their program. I predict the latter course. This bill provides in part:

"That there is established at the seat of government an executive department, to be known as the department of public education, to aid and encourage the public schools and promote the public educational facilities of the Nation, so that all of the people of the several States and Territories without regard to race, creed, or color shall have larger educational opportunities and thereby abolish illiteracy, make more general the diffusion of knowledge, and provide for the general welfare, but without impairment of or the infringement upon the laws, the rights, duties, authority, or responsibilities of the several States, Territories, and the citizens thereof with respect not only to the public educational agencies and institutions, but likewise as to the private educational institutions and agencies in the several States and Territories."

This bill is opposed by some because they say it is an interference with State rights. The part of the bill which I have just quoted clearly dispels that contention. I believe in State rights and I would not support any measure of this kind that I thought would deprive the several States and Territories of educational control. It is needless to argue this question, because the bill itself is so plain on that point that the wayfaring man is amply cared for.

Then, again, it is contended by some who are opposed to the bill that this is a function that does not belong to the Federal Government. If the Federal Government has no legitimate rights to participate in educational matters not in conflict with the rights of the States, then Congress ought to be consistent and repeal several laws now on the statute books. In support of this, I call your attention to the fact that the Continental Congress in 1785 passed a land grant act, which said act provided that lot 16 in every township of the Northwest Territory be set aside for the maintenance of public schools. The preamble to the ordinance of 1787 contains the following declaration:

"Religion, morality, and knowledge being ever necessary to good government and the happiness of mankind, schools and the means of education shall be forever encouraged."

Congress provided, soon after the adoption of the Federal Constitution in 1789, that each new State admitted into the Union should set aside a portion of its land for school purposes. In 1862, under the first Morrill Act, land-grant colleges were established from the proceeds of the sale of public lands. In 1867 Congress passed an act creating a department of education, but in 1869 it was reduced to a bureau, and education was never represented by one in the President's Cabinet. I will speak about this bureau later on.

In 1887 annual appropriations for the land-grant colleges were increased under the Hatch Act. In 1890, \$50,000 was appropriated annually to each State and Territory for further maintenance of the land-grant colleges under the second Morrill Act. Further additional maintenance for these institutions was provided by the Adams Act in 1906.

Appropriations for the land-grant colleges were increased by the Nelson amendment to the Morrill Act. The Smith-Lever Act of 1914 provided \$4,500,000 annually for cooperative agricultural extension work. The Smith-Hughes Act of 1917 created the Federal Board for Vocational Education. The activities of this board is in conjunction with like activities of the various States on a 50-50 basis. The Bureau of Education, which I mentioned as having come into existence in 1869, is still with us and is housed in the Department of the Interior. Secretary of the Interior Wilbur has changed the name from "bureau" to "office." I am sure that this simple change of name will result in great good to the school at Podunk. Now, since 1869 we

have had a Bureau of Education. If the Federal Government has no right or authority to act in educational matters, when the rights of the State are not interfered with, then we have no right to maintain a Bureau of Education. The witnesses who testified before the committees against this legislation, where they expressed themselves on the subject, were strong for the bureau but against educational representation in the President's Cabinet. If the Federal Government has a right to exert any activities along educational lines, it certainly ought to do its best because of the very great importance of education. Is the Bureau of Education sufficient to meet the requirements of this day and age? Let's call in the witnesses. Dr. Uel W. Lamkin, president Northwest Missouri Teachers' College, Maryville, Mo., testified: "Speaking from the standpoint of one who has been connected with the Government, I believe that this bill is sound because it will promote economy and efficiency in the organization and administration of the department of this Government."

"I think that Doctor Keith has better stated than I can state the reasons why the grouping of these several agencies into one separate, independent executive department would add to their efficiency. It is not a new department for the Government; it is merely the taking of these several agencies from other departments and putting them in a department which represents—we may consider it from the standpoint of money, capacity, annual expenditures, number of people affected, or general results to the Nation as a whole—this department which would represent directly the biggest industry of America—the education of her children. May I ask you to consider the duplication of effort in 40 departments and 40 bureaus, 40 sections, 40 divisions, which have to do with education. There can not help but be duplication of effort and waste of public money in gathering and tabulating statistics and in the employment of clerks to do so. I want to get into the record this statement; that from both the standpoint of a former superintendent of public schools, from the standpoint of a former employee of the Federal Government in charge of a board or in charge of a bureau, rather; from the standpoint of the president of a teachers' college in Missouri; from the standpoint of an American citizen, I want to say that no bureau can have the force and effect in furthering any public policy that a Cabinet officer can have or that a separate department can have."

The duplication of work and waste of money, under the present system, as mentioned by Doctor Lamkin, can not be successfully refuted.

In 1921 the Commissioner of Education, in his report, stated:

"I am of the opinion that the department [of the Interior] should seriously consider the question as to the advisability of continuing the Bureau of Education on the present basis of wholly inadequate support. The need for a national governmental agency to perform the functions expected of this bureau is imperative and unquestioned. The efforts to meet the need, however, are largely nullified by the legislative restrictions and financial limitations by which the bureau is at present handicapped. In my judgment it would be better for the Federal Government to withdraw from this field of activity entirely unless provision is to be made for it on a more liberal basis, and the policy definitely adopted of attempting to render in an effective and authoritative way the kinds of constructive service which the people and the educators themselves demand. It is futile to continue this organization on the present penurious basis and to expect returns that will justify the outlay."

In his report in 1925, he stated:

"Those responsible for school administration in the United States are in great need of assistance in certain important fields. At the present time adequate provision is direly needed for study in the fields of curriculum, organization, school finance, buildings and construction, teacher training, and secondary education."

For almost eight years Dr. J. L. McBrien was in the Bureau of Education, and in his testimony before the committee at the hearings testified as to duplication in the service as it is now, and also to waste and extravagance. Doctor McBrien is in position to know what he is talking about and that under the present system we have duplication and waste of money, time, and effort has not been denied by any witness.

Dr. S. P. Capen, chancellor of the University of Buffalo, N. Y., testified before the committee, and because of his intimate knowledge, I quote from his testimony:

"I was myself a Government servant for five years and a little more, a member of the Bureau of Education; and at the latter end of that service I was appointed by the Secretary of the Interior to represent the department in an effort to find out what duplications there were in the various portions of the different Government bureaus and departments in this particular field. Unfortunately, I resigned before the investigation was completed; but at that time there were some 40 officers of the Government functioning one way or another in the educational field, nearly every one of them dealing in some fashion with the educational machinery of the States; and the amount of confusion that is introduced into the operations of the school systems and the other educational agencies by this system of requests from Washington is something that one does not appreciate until he lives in it. It is also patent that these several divisions of the Government that deal with education have no relation whatsoever with one another and are, for the most part, each ignorant of the other's business. We want to

see that enterprise brought together so that what the Government does in education will at least represent a unified point of view and a unified policy."

This witness testified to the inadequacy of the Bureau of Education, and that we are forced to depend upon educational foundations for research and investigation on the major problems, and that education is one of the greatest activities of the Nation, comparable with agriculture, labor, and commerce. This witness further testified: "The reason a bureau chief does not answer the purpose is in the matter of international relations. * * * Since the leading nations of the world have secretaries of education, the United States should also have a secretary of education for international relations."

In this connection I call attention to the fact that 72 nations have representation among the cabinet officers, and I now give the names of those nations as shown by the Statesman's Yearbook for 1929:

NATIONS ACCORDING EDUCATION PRIMARY RECOGNITION BY INCLUDING A MINISTER OF EDUCATION AMONG THE CABINET OFFICERS

British Empire: Great Britain, president of the board of education; Northern Ireland, minister of education; the Irish Free State, minister for education; Malta, minister for public instruction; India and dependencies, education, health, and land; Union of South Africa, minister of the interior; Bombay Presidency, minister of education; Federated Malay States, director of education; New South Wales, minister for education; Victoria, minister of public instruction; Queensland, secretary for public instruction; South Australia, commissioner of public works and education; Western Australia, chief secretary and minister for education; Tasmania, attorney general and minister of education; New Zealand, minister of education, Canada; Alberta, minister of education; British Columbia, minister of education; Manitoba, minister of education; Ontario, minister of education; Saskatchewan, premier, president of council, minister of education.

Afghanistan, minister of education.
Austria, minister of education.
Argentina, minister of public instruction.
Belgium, minister of education.
Bolivia, minister of education and agriculture.
Brazil, secretary of justice, interior, and public instruction.
Bulgaria, minister of education.
China, minister of education.
Cuba, secretary of public instruction.
Chile, minister of public instruction.
Costa Rica, secretary of education.
Colombia, minister of public instruction.
Czechoslovakia, minister of education.
Denmark, minister of public instruction.
Dominican Republic, minister of justice and public instruction.
Egypt, minister of education.
Finland, minister of education.
France, minister of public instruction and of fine arts.
Guatemala, minister of public instruction.
Germany: Baden, minister of religion and education; Bavaria, minister of education; Hesse, minister of education; Prussia, minister of education.

Greece, minister of education.
Hungary, minister of public instruction.
Honduras, minister of instruction.
Italy, minister of public instruction.
Japan, minister of education.
Latvia, minister of education.
Mesopotamia, minister of education.
Morocco, grand vizier's delegate for public instruction.
Netherlands, minister of instruction, science, and arts.
Norway, minister for education and ecclesiastical affairs.
Nicaragua, minister of instruction.
Paraguay, minister of worship and public instruction.
Peru, minister of worship and instruction.
Persia, minister of education.
Poland, minister of education.
Portugal, minister of instruction.
Russia, minister of education.
Rumania, minister of education.
Serb, Croat, and Slovene State, minister of education.
Salvador, minister of foreign relation, justice, and instruction.
Siam, minister of education.
Spain, minister of public instruction.
Sweden, minister of education and ecclesiastical affairs.
Turkey, minister of education.
Uruguay, minister of industry and education.

Harold W. Foght, president Northern Normal Industrial School, Aberdeen, S. Dak., served in the Bureau of Education under Doctor Claxton, and made this statement before the committee:

"The health of the American farmer is not what it ought to be. It could be improved greatly through intelligent teaching in hygiene and the like in schools. In other words, then, the American rural school is behind the city school of America to-day. I did not realize this some

years ago as I do now. I have spent 35 years in rural education in one form or another. I began as a rural teacher, went into a State college, helped to train the teachers there, was called to the Bureau of Education as one of the specialists in rural education. One of the first things done to me was to send me abroad to make a study of other great enlightened countries on the Continent of Europe. I made a special study of the rural schools of Denmark, and I know why it is that Denmark, a disrupted and bankrupt nation after its war against Prussia and Austria in 1864, can to-day truly boast of being the most scientifically organized agricultural nation on the face of the earth. It came about through reorganization. The school men, the philosophers, the preachers, and others got together and they said: 'We must reorganize the schools in such a way that every man, woman, and child may get the right kind of education,' and it was so in a generation and a half. We have not done the same in the United States. I have directed surveys, or taken part in surveys, in 13 American States. I just returned from Japan a short time ago, where I was honored by being permitted to lead or direct a survey of the rural and agricultural schools of the Empire; and I say to you gentlemen the rural schools of Japan, an old nation which has had what we would call a westernized educational system for only 53 years, has a better and more complete system of rural schools than we have; and so it is with certain others; and why is it?"

To those who are bothered about "standardization" I wish to call especial attention to the sound argument made before the committee by Hon. S. M. N. Marrs, State superintendent of public instruction of my own State, Texas. He said:

"And I want to call your attention also to this fact, gentlemen, which I believe has not been mentioned by any person I have heard discuss this question, either for or against this measure. The nations of the world, whether justly or unjustly, look upon the American people as believing in the dollar. They look upon us as a commercial people. Let us examine the organization of our Government and see whether or not this Nation has given recognition to the spiritual and the cultural. I wonder if we would not have to admit that material interest in every act of the Government has been placed above the spiritual and the cultural interest. We have a Secretary of Agriculture, and I believe in that department. It is promotional, but the Secretary of Agriculture has never attempted to standardize the method of raising cotton in the South; he has never undertaken to standardize the method of raising wheat in the West; but through that great department information has been disseminated in the agricultural sections and the localities have been stimulated until the country is more prosperous on account of the workings of that department. And so may I say of commerce and labor. What is the department of the Government recognized by the world as standing for the cultural and the spiritual among our people? * * * It would produce a psychological effect upon the Nation to dignify the subject of education in this manner."

I wish also to call attention to one statement made by Hon. John W. Cowles, grand commander of the Supreme Council of Scottish Rite of Freemasonry: "The claim is made by prophecy that the resultant end will be federalizing education and interference with State rights." We have other departments with Cabinet chiefs—for instance, Commerce and Agriculture. One State raises hogs, another cattle, and another sheep. One State is best adapted to cotton, another to wheat, and another to corn or tobacco. The chief industry of one State may be mining, of another manufacturing, of another commerce; but all the States should be equally interested in the right education of the future voters and rulers of the country.

This legislation is favored and indorsed by the following organizations: National Education Association, with 200,000 members. National Congress of Parents and Teachers, with 1,134,714 members. Forty-four State organizations, one district organization, one territorial organization, of the National League of Women Voters.

The International Council of Religious Education. National Woman's Christian Temperance Union, with 600,000 members. National Federation of Business and Professional Women's Clubs, with 55,000 members.

National Women's Trade-Union League. American Library Association, with 10,056 members. Federal Council of the Churches of Christ in America. American Home Economics Association, with 9,000 members. American Nurses' Association, with 75,000 members. Service Star Legion (Inc.). Women's Homeopathic Medical Fraternity. Woman's Missionary Council, Methodist Episcopal Church, South, with 350,000 members.

Educational Press Association of America, with 55 members. National Council, Junior Order of United American Mechanics, with 342,000 members.

Osteopathic Women's National Association, with 1,000 members. American Hellenic Educational Progressive Association, with 17,000 members.

National Kindergarten Association, with 3,000 members. Woman's Relief Corps, with 222,000 members. American Vocational Association, with 3,000 members. National Federation of Music Clubs.

National Board of the Young Women's Christian Association, with 600,000 members.

General Grand Chapter, Order of the Eastern Star, with 2,000,000 members.

National Council of Jewish Women.

Supreme Council, Scottish Rite of Freemasonry, southern jurisdiction, with 300,000 members.

American Association of University Women, with 33,513 members.

General Federation of Women's Clubs, with over 2,000,000 members.

National Committee for a Department of Education, with 100 members.

American Federation of Labor, with 3,321,526 members.

American Federation of Teachers, with 10,000 members.

These organizations represent a total of near 29,000,000 people who are in favor of a department of education.

Education is one of our greatest problems; it is essential to the life of a republic. Universal suffrage without universal education is but a reef of rocks in front of the ship of state. No community, county, state, or nation can be great unless its individual citizenship is great in thought, pure in concept, and righteous in living.

Thomas Jefferson said: "Those who expect to remain free and ignorant in a state of civilization expect that which has never happened and never will happen."

"Education is the chief defense of nations," declared Edmund Burke.

"In proportion as the structure of government gives force to public opinion, it is essential that public opinion be enlightened." (George Washington.)

"Self-government can succeed only through an instructed electorate. The more complex the problems of the Nation become the greater is the need for more and more advanced instruction." (Herbert Hoover.)

In 1923 President Coolidge said: "I do not favor the making of appropriations from the National Treasury to be expended directly on local education, but I do consider it a fundamental requirement of national activity, which unaccompanied by allied subjects of welfare is worthy of a separate department and a place in the Cabinet."

I come from a State which has always ardently believed in education. Texans are the only people in the history of the world who solemnly declared in their declaration of independence that the failure of the government to provide for the education of the children was a ground for revolution. With marvelous wisdom, born of trained minds, they declared it to be an axiom that unless a people are educated and enlightened it is idle to expect the continuance of liberty or the capacity for self-government, and they concluded their declaration by stating "that being conscious of the rectitude of their own intentions they fearlessly committed the issues to the Supreme Arbiter of the destiny of nations." The people of Texas in 1836 boldly made their demand for popular education in the face of an invading foe which was vastly superior in numbers to her own citizenship and sent forth her statesmen from her counsel chambers to enforce that demand on the field of battle. President Lamar in his first message to the Texas Republic said:

"If we desire to establish a republican form of government on a broad and enduring basis, it will become necessary for us to provide a system of education. A cultivated mind is the guardian genius of democracy, and when guided and controlled by reason is the noblest attribute of man. It is the only dictator that freemen acknowledge and the only security that freemen desire."

According to the census of 1920, out of 82,739,315 persons 10 years of age and over 4,931,905 were illiterate. It has been estimated that the annual economic loss in the United States due to illiteracy is \$825,000,000. The appalling sum of \$3,000,045,000 has been estimated as the loss resulting from preventable disease and death. The five States ranking highest in education show an average of \$695 per capita in savings, while the five lowest average only \$89. The cost of ignorance outweighs the cost of education.

"Our Government is a stake of such inestimable value as to demand our constant and watchful attention for its preservation." (James Buchanan.)

"The public happiness is the true object of legislation and can be secured by the masses of mankind, themselves awakened to a knowledge and care of their own interests." (Bancroft.)

"The information of the people at large alone can make them safe, as they are the sole depository of our religious and political freedom." (Thomas Jefferson.)

"Patriotism consists of some very practical things. It is patriotic to learn what the facts of our national life are and to face them with candor." (Woodrow Wilson.)

"To preserve, to inform, and to perpetuate the sources, and direct in their most effective channels the streams which contribute to the public weal is the purpose for which government was instituted." (John Quincy Adams.)

The Democratic platform of 1928 stated:

"We believe, with Jefferson and other founders of the Republic, that ignorance is the enemy of freedom; and that each State, being responsible for the intellectual and moral qualifications of its citizens and for the expenditure of the moneys collected by taxation for the support of its schools, shall use its sovereign right in all matters pertaining to education. The Federal Government should offer to the States such counsel,

advice, results of research, and aid as may be available through the Federal agencies for the general improvement of our schools, in view of our national needs."

On this vital and important issue the Republican platform of 1928 is as silent as the grave. But in 1924 the Republicans said in their platform:

"The welfare activities of the Government connected with the various departments are already numerous and important, but lack the coordination which is essential to effective action. To meet these needs we approve the recommendation for the creation of a Cabinet post of education and relief."

The fact that the Republicans, advocating a Cabinet post of education in 1924, abandoned it in 1928, in their platform, shows that they do not intend to permit this proposed legislation to come to a vote in this Congress.

Federal encouragement of education was strongly emphasized by Washington, Madison, Jefferson, Adams, and Monroe. In fact, Jefferson considered the establishment of a department of education during his administration. Among other things, he said:

"I do most anxiously wish to see education given to all so that they may read and understand what is going on in the world and keep their part of it going on right."

This bill proposes to take the chief educational activities of the Federal Government as they are now and consolidate them into one administrative unit. It does not create another office nor a single educational activity for the Government. And in doing this it will be more economical, because it will dispense with duplication. It not only means economy but increased efficiency. This proposed legislation is the result of thought and deliberation of men and women who have the interest of the country at heart and who, in public and in private life, stand for the highest ideals—men and women who have made a careful study of the needs of education in the United States with a view of just what cooperation might be properly used by the Federal Government, without duplication of work, which means waste of money, as we have it now. It does not permit any interference with the complete autonomy of the States in the administration and control of their schools; and not a witness before the committee, testifying for the bill, failed to state that he was against Federal control, if the question was asked him.

It simply provides for a more efficient participation of the Federal Government by coordinating its present educational activities and extending the scope of its scientific research and investigations. The importance of public education merits and the advancement of education justifies this bill. The Departments of Agriculture, of Commerce, and of Labor are promotional under the general welfare of the Constitution, and a department of education would be in the same class. The Secretary of Agriculture does not dictate to the farmer how he shall farm or what and how much he shall plant. The Departments of Commerce and Labor conduct investigations and their activities contribute to the general welfare of the people, as also the Department of Agriculture. If the Department of Agriculture, which I am strongly for, assists the people in raising better hogs and cattle and producing more on the farms, then I ask are not the children of this country of more value than cattle and hogs? Was not Edgar A. Guest right when he said?—

The wealth of the world isn't silver or gold,
Or the diamonds and rubies its caverns may hold,
Or the trees in its woods or the power in its pools;
The wealth of the world is to-day in its schools.
For nothing has value which lies in our ken
Without the high thinking of women and men.

When you have added the dollars and measured the ore,
Take stock of the children that play at your door,
For the wealth of the world which on paper you pen,
Is as dirt by your feet without God-fearing men.
And the strength of our nation lies not in its guns
But deep in the minds of its daughters and sons.

Strip men of their manhood, and silver and gold
Are nothing but metals, hard, bitter, and cold.
Take honor from women and all things turn black,
The world to the dark, dismal ages goes back,
For the gold was all here and the forests here then
Awaiting the day when the world would have men.

The wealth of the world isn't found in its streams,
It lies in its people and all of their dreams.
Imagine this world with its gold if you can,
Without the high thinking and courage of man.
You can sum its resources again and again,
But the wealth of the world is its women and men.

ADDRESS BY ROSCOE POUND

Mr. STOBBS. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting in the RECORD an address delivered by Dean Pound, of the Harvard Law School, and a member of the Commission on Law Observance, at the tenth anniversary dinner of the bar association of this city?

Mr. UNDERHILL. Mr. Speaker, I want the House to understand that this is not the dean of the Harvard Law School, but a member of the President's Law Observance Commission. There is a distinction.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. STOBBS. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following address delivered at the tenth anniversary dinner of the Federal Bar Association at the Mayflower Hotel, February 22, 1930, by Roscoe Pound, dean of the Harvard Law School and member of the President's Commission on Law Observance and Enforcement:

WASHINGTON'S BIRTHDAY MEMORIAL

We are accustomed to thinking of George Washington as he is represented to us in statues and portraits. We think of the imposing commander in chief, of the dignified President of the Constitutional Convention, of the ceremonious first President of the United States, conducting something very like a court, from which the democratic movement of the beginnings of our polity reacted so vigorously.

The statues and portraits do not represent Washington, the pioneer. They do not show us the man who surveyed Lord Fairfax's domain, familiar with the wilderness, a believer in the development of the unsettled domain to the west of the fringe of civilization along the coast. They do not show us the man who had learned from the Indians the possibilities of a less formal and more individual fighting as against the formal drill and disciplined movements of the regular armies of the eighteenth century Europe. For let us not forget that Washington was a pioneer in fact and largely in spirit. Largely in spirit, I say, because his strong but restrained personality had other elements which held back the characteristic behavior of the pioneer. He might be called a type of the right-wing pioneer as Andrew Jackson is a type of the left-wing pioneer. Thus it is not inappropriate on Washington's birthday to think for a few moments on the pioneer spirit in American institutions and American law.

Much has been said of late as to a supposed breakdown of law and order in this country, as to a passing of old-time standards of an orderly society, a relaxation of standards of individual behavior, an enfeebling of the old-time agencies of social control, the home, household discipline, the church, the discipline of religious organization, and the neighborhood, the discipline of the feelings of one's neighbors as to what is done and what is not done.

That there is much confusion in current thinking on moral questions, that even the best and most conscientious of our citizens are at times bewildered by the problems of regulation of conduct and adjustment of relations presented by the life of to-day, goes without saying. I am not here to argue some one cause or to set going propaganda for some one supposed remedy. But I would suggest one cause of difficulty in law observance and law enforcement in this country—and those are things in which George Washington thoroughly believed and in respect of which a serious breakdown would have given him the deepest concern. I would suggest that one cause of difficulty is that our institutions, our polity, our laws, and our whole attitude toward them have a background of pioneer life. They were fashioned by pioneers to the needs of a pioneer society. Their whole spirit is that of the pioneer. We have been brought up to look upon them through the eyes of the pioneers. Hence they work awkwardly in the urban industrial society of to-day. It is not that there has been decadence in the moral fiber of the people. It is rather that what were virtues in pioneers and in pioneer societies are no longer virtues in the residents of crowded urban centers and in industrial societies.

I need not say that the picture of an ideal human society as drawn by the pioneer is not exactly the picture of an ideal human society for a world of aerial navigation and motor transport and radio and wireless telegraphy and electricity and steam.

This will be brought out better if we look into the distinguishing characteristics of the pioneer and particularly his distinguishing virtues as he saw them.

A succession of acute foreign observers saw the pioneer and his works from the early nineteenth century down to the present century and have given us their impressions derived from diverse points of view. Mrs. Trollope, Dickens, De Toqueville, Lord Bryce, and Kipling saw him from their several standpoints, and, with allowance for those standpoints, saw much the same outstanding characteristics. What has stood out in every portrait of the pioneer is self-reliance and independence, impatience of restraint, restlessness, and a disposition ever to be on the move; versatility, a suspicion of specialization, and a firm belief in the ability of anyone to do anything; dislike of form, impatience of ceremony, and disposition to take short cuts; a disregard of the amenities of life and preference for rough, blunt, outspoken manner and conduct of negotiations; and a bent for politics, a zest for individual participation in public affairs, and a tendency to bring all things into the political arena, to make law politics and politics law.

There were good reasons behind each of these characteristics of the pioneer. They were born of his struggle with new conditions of life in

the New World and they served to adapt him to the needs of that life. He had to be self-reliant. There was no policeman around the corner to whom he might appeal for protection.

There was no minutely organized bureau or set of bureaus at hand to see that his food was pure, that the medicines he was able to procure at rare intervals were wholesome, that the measures he used were standard, or that the investments he made were safe. He could not fall back on a benevolent governmental paternalism or solicitous governmental maternalism to see that he did only what was good for him. Very likely the conditions of pioneer life developed this self-reliance and independence to excess. "The unthinking sons of the sagebrush," says Owen Wister, "ill tolerate anything that makes for discipline, good order, and obedience, and the man who lets another command him they despise." This is the very spirit of the pioneer in the exaggerated form it takes at the last stand on the frontier. But this spirit is anything but a virtue in the life of an urban community where discipline, good order, and obedience are imperative to enable the complex economic order to function effectively.

Again, restlessness was a virtue in pioneer America. It drove the most vigorous elements of the population to the fringes of civilization in quest of new areas to be opened, new resources of nature to be developed, new commonwealths to be founded. It was behind the successive waves of westward expansion that took our people across the continent in the first century of our national existence. But when this restlessness takes the form of a continual and heavy turnover of labor in industry, it is less a virtue.

When it takes the form of continual legislative experimentation at the expense of stability it is less a virtue in a highly organized economic order. When it takes the form of mental restlessness—physical restlessness being inhibited by the disappearance of frontiers open to the adventurous—this mental restlessness is likely to interfere with the long-range calculations of modern economic and industrial enterprise and ceases to be wholly a virtue.

Again, it was necessary that the pioneer be versatile. He had to be versatile or get off the earth. He must be equal to anything that was to be done or it must remain undone. There was no telephone at his side, no garage around the corner, no trolley line down the road, no bus line past his door, no directory on his shelf giving the names and addresses of 100 specialized services at hand waiting to respond to his call. He must be prepared for all emergencies and must meet them himself. It is no wonder that he had faith in the efficacy of individual effort. It is no wonder that he looked down on specialists and was supremely confident that any honest citizen was competent to any task. It is no wonder that he believed in lay judges, in herb doctors, in fervent and eloquent self-called preachers, and in volunteer generals. Even Bull Run and Shiloh did not wholly break his faith in the latter. His faith in apprentice-trained physicians, patent medicines, and quack healers died hard before the coming of modern science. His faith in apprentice-trained lawyers and judges elected on popularity or instinct is still with us, albeit it has suffered some rude shocks under the conditions of administering justice in the great city of twentieth century America.

Nor is it strange that the pioneer should dislike form and be impatient of ceremonial. In the New World such things seemed to have no place. They stood in the way of the spontaneous free self-assertion which was the motive force of pioneer life. The Colonials had vivid examples of how the formal drill and rigid military ceremonial of European armies stood in the way of efficiency on the battle fields of America.

No wonder that for a time we undervalued these things. Taylor was probably our last general to lead in the field in civilian attire, and Grant the last to command armies in the uniform of a private. More and more we have had to be learning that in a crowded urban society form and ceremonial may save time and advance the dispatch of business instead of wasting and retarding.

Disregard of the amenities had caused closely akin to aversion to form and contempt for ceremonial. The pioneer was too near to nature to appreciate the conventional artificialities which smoothed the path of life in a crowded society. His neighbors were not jostling him in elevators or rubbing elbows in busses and trolley cars or dodging him in the subways during rush hours or blocking his path on the sidewalks as he went to his work. There was no long procession of vehicles in front and behind and no counter procession on the other side of the way as he drove his team along the road.

Politeness and conventional manifestations of good will, which obviate friction and keep order in apartment houses and office buildings and at the myriad points of contact in a modern city, had no serious rôle in pioneer life. They seemed traditions from the Old World. We have been having to learn their value in the different social order of the present. We are having to learn the waste involved in undignified, unceremonious, forensic conduct in a busy court. We are having to learn that wranglings of counsel, however interesting as a spectacle, when the pioneer found his theater in the courtroom, are obstacles to efficient administration of justice in the twentieth century. We are having to learn that more can be done and done better in the pomp

and ceremony of a court at Westminster than in the offhand, easy-going, unrestrained atmosphere of the pioneer tribunal.

Most of all, however, the pioneer delighted in politics. There was no theater at hand. There were no movies around the corner. There was no radio in the house. But he could discuss politics with his neighbor. He could go to rallies; he could take part in caucuses. He could find his recreation in a devoted interest in public affairs. They were relatively simple. He could know or learn all about the relatively short list of candidates. The questions at issue were not too complex to be the subject of reasonable debate between him and his neighbor.

We have been wont to deplore the relative lack of interest in politics on the part of the city dweller of to-day. But he has other recreations—the pictures, the radio, his automobile, the baseball game, the football game. Moreover, he can know but little of most of the long list of candidates, and the questions at issue are frequently so intricate and so specialized that he must judge them by instinct or traditional prejudices or simply follow his leader. In the city of to-day the devotion to politics that made the pioneer a pillar of the Commonwealth is likely rather to give us a caterpillar of the Commonwealth.

In law and administration the pioneer's tendency to put everything into politics is especially ill adapted to the conditions of to-day. Administration has come to be a sort of social engineering. It is a getting done of the things which must be done through legal or governmental machinery in a highly organized economic order. It is a getting them done with a minimum of friction and waste. Politics, as the pioneer played the game, is not an art of getting things done. It is a battle of opposing organizations. Any good citizen was competent to do well enough the relatively few and simple things there were to be done. There was plenty of time to fight out how they should be done and, what was more interesting, who should do them. This conception first showed its weakness on the military side in the War of 1812 and again in the Civil War.

Probably the Spanish-American War was the last we shall carry on with the pioneer methods of the beginning of our polity. To-day the pioneer conception is showing its weakness in a general want of cooperation on the part of administrative agencies, in ineffectiveness of law-making and inefficiency of administration of justice, in a general ill adaptation of the law-making and law-enforcing administrative régime of the pioneer to the tasks confronting legislation and adjudication and administration in twentieth century America.

Just now it is fashionable to be "disillusioned." But I still have a Victorian faith in the American people. I have faith in their inventiveness and adaptability. I have faith in their ability to redraw our traditional picture to the life of to-day. Adaptability is an inherited pioneer virtue, and it is one which we may cherish. As Washington learned to adapt the drill and discipline of the professional soldiers of Europe to the conditions of warfare in the New World, so we must learn to adapt the ideas and ideals we have brought down from pioneer America to the exigencies of a world in which the pioneering has been done and the task is to build cooperatively upon the pioneer foundations.

PERMISSION TO ADDRESS THE HOUSE

Mr. FISH. Mr. Speaker, I ask unanimous consent to address the House this afternoon for 10 minutes, after the completion of the remarks by the gentleman from Pennsylvania [Mr. BRUMM].

The SPEAKER. The gentleman from New York [Mr. FISH] asks unanimous consent that he be permitted to address the House for 10 minutes following the remarks of the gentleman from Pennsylvania [Mr. BRUMM]. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, will the gentleman from New York [Mr. FISH] join with that request a request that we have a night session to-night for the purpose of considering legislation now pending before the House?

Mr. TILSON. Mr. Speaker, we have over three hours of special orders to-day before we can go on with unfinished business. I think we have reached the limit.

Mr. O'CONNOR of Oklahoma. Does the gentleman know when the last bus will leave?

Mr. TILSON. I do not know. They may be all out of existence by that time, as far as I know. I object to any further addresses to-day.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. FISH]?

Mr. TILSON. I object, Mr. Speaker.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask unanimous consent that I may be permitted to address the House for 15 minutes after the completion of the business on the Speaker's table on next Tuesday.

The SPEAKER. The gentleman from Wisconsin [Mr. SCHAFER] asks unanimous consent that at the conclusion of the address of the gentleman from Pennsylvania [Mr. WATSON] on Tuesday, March 25, he may address the House for 15 minutes. Is there objection?

There was no objection.

PER CAPITA PAYMENT TO SHOSHONE AND ARAPAHOE INDIANS

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to vacate the proceedings whereby the vote on the passage of the bill (S. 3579) authorizing a per capita payment to the Shoshone and Arapahoe Indians was reconsidered and laid on the table, for the purpose of amending the title to conform to the act.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. CRAMTON]?

There was no objection.

Mr. CRAMTON. Mr. Speaker, I offer an amendment to the title of the bill.

The SPEAKER. The gentleman from Michigan offers an amendment to the title of the bill, which the Clerk will report.

The Clerk read as follows:

Amend the title so as to read "Authorizing a per capita payment to the Shoshone and Arapahoe Indians."

The SPEAKER. Without objection, the amendment to the title will be agreed to, and the vote by which the bill was passed will be reconsidered and laid on the table.

There was no objection.

INTERNATIONAL FUR TRADE EXHIBITION AND CONGRESS

Mr. FISH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table House Joint Resolution 205, to provide for the expenses of participation by the United States in the International Fur Trade Exhibition and Congress to be held in Germany in 1930, and concur in the Senate amendments.

The SPEAKER. The gentleman from New York asks unanimous consent to take from the Speaker's table House Joint Resolution 205 and concur in the Senate amendments.

The Clerk read the title of the resolution.

The Clerk read the Senate amendments, as follows:

Page 2, line 3, strike out "the delegates in attending" and insert "participation by the United States in."

Page 2, line 5, after "elsewhere," insert "but not including expenses or salaries of delegates, for."

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. GARNER. Mr. Speaker, reserving the right to object, did this resolution come from the Committee on Foreign Affairs?

Mr. FISH. Yes; it was reported by the Foreign Affairs Committee, and I have the approval of the Foreign Affairs Committee in making this motion.

The SPEAKER. Is there objection?

There was no objection.

The Senate amendments were agreed to.

RULES OF THE HOUSE

The SPEAKER. Under the order of the House the Chair recognizes the gentleman from Nebraska [Mr. HOWARD] for 45 minutes. [Applause.]

Mr. HOWARD. Mr. Speaker, since the dawn of the initial day of attempt to establish parliamentary government two schools of thought have contended for the supremacy, and in the present day the two schools are still in conflict. One school holds tenaciously to the claim that officials in control of a parliamentary body are, and of right ought to be, instruments through which the pleasure of the reigning monarch, or the administration in control of the realm, must be worked upon every piece of legislation considered by the body. This first school may be fairly designated as the conservative, or arbitrary school, in contrast with the second school, fairly designated as the liberal school. This second, or liberal school, holds fast to the doctrine that the officials in control of a parliamentary body are, and of right ought to be, nothing more nor less than instruments through which the will of the membership must always prevail. Instantly I take my place as student in and defender of this second school, regarding it as peculiarly the American school, in which every one of the foremost fathers of the Republic was a preceptor.

I come this morning to speak upon a serious subject, and my utterances may—if my colleagues shall fail to be very patient with me—possibly lead to an erroneous conclusion as to the real object of my present speaking. For the first time in all my service here I may in this hour ask permission to follow the lines of preparation, rather than to speak with that measure of spontaneity most becoming to one who has been granted the gracious privilege of addressing these walls and these ears. Perhaps my average colleague is more familiar with my impetuous side than with my side of repose, and if now I shall resort to reading, then let me plead pardon on the base of fear that my intensity of thought regarding the subject in hand might lead to intemperate sentences should I speak extemporaneously.

Please, may no colleague of mine in this presence misinterpret my motive in my words of this morning. Let me instantly meet and defeat the argument of any who shall say that I am attempting to detract from the grandeur and the glory of this House of Representatives, or that I am giving preference to the initial worthwhileness of any other legislative body in the world—not excepting the United States Senate. My object is not to debase this House of Representatives but rather to direct attention to its own shameful mistreatment of itself. Sages have said, and their sayings are true, that this House was intended to be a forum in which the soul of the American people, speaking through the lips of chosen representatives, could be heard—a forum in which every representative might have opportunity to express the views of his home people with reference to any pending legislative problem. Happy the wish that this design of the fathers might be the fact as of to-day, but in the garish light of the record in recent years one is impelled and compelled to the conclusion that our House of Representatives has become everything else than a deliberative body.

To whom shall we ascribe the blame for this shameful fact? Shall one stand here and speak as a partisan, declaring that the blame belongs to one particular partisan political organization? In the glaring light of fact I dare not—and shall not. The unhappy transforming of this House from its original state as a deliberative body into its present state as a body in which deliberation finds small place has been due to no one political partisan organization but to a linking and a welding of influences in the two great political parties, influences preferring that this House shall become the plaything of official masters rather than the handmaid of its membership.

Perhaps I should, before proceeding further, select a text around and upon which to cluster in words my own estimate of a very unhappy situation in the legislative affairs of our Republic. And so I shall select a text, taking it from the very first verse of the very first chapter in the Book of Fact, reading as follows:

The liberal rules of debate in the United States Senate constitute to-day the last and only governmental bulwark between the average American citizen and those powerful predatory interests which so often seek and so often receive permission to spollate the average citizen by aid of laws enacted by the Congress.

Very proud is the boast of the average American citizen that under our system of government nothing can take away from him the sacred right of free speech. Let one who shall carelessly utter that proud boast serve for a day or for a session as a Member of this House of Representatives, and thereafter his voice will be small, very small, when voicing that proud boast, if indeed not thereafter hushed to perpetual and shameful silence.

The United States Senate is to-day the only national forum wherein the right of free speech remains uncontrolled, and wherein the right of each individual Member to offer amendments to pending legislation is preserved in its entirety. No man, and particularly no American citizen, can find words to properly estimate the importance of free speech and the right to offer amendments in a legislative body. Without the safeguard of this sacred right the representatives of the people in any legislative body are wholly unable to express in speech, or in written amendment to pending legislation, the views of their home people regarding such legislation.

To-day in the United States Senate every Member has the inalienable right to offer amendments to any pending bill. He may seek by amendment to add something to the bill, or to take something from it, and his right to be heard with reference to any amendment, or to any question of governmental policy is unchallenged. Will any one of my colleagues here present, speaking in capacity as an individual Member of this House, be heard to say that any such sacred right is preserved to him in this body? I pause for reply. Silence reigns, and it is humiliating silence.

For the sake of comparison, let us now turn to the consideration of a tariff bill in this House, and then to the consideration given to a tariff bill in the United States Senate. When the tariff bill now being considered by the Senate was before this House did any Member have opportunity to fairly analyze the bill? Did any nonmember of a powerful committee have opportunity to rise in his place on the floor and offer an amendment to change any schedule in the bill? The individual membership of this House had absolutely nothing to say as to what the bill should contain, or as to what should be excluded from it. The people in our home districts were interested in the bill, and yet we had no opportunity to speak their desires with reference to any of its provisions.

Did we discover some particular feature of the bill which we felt must be harmful to our home people, and did we then cast

a vote against that particular feature? No; and for the ample reason that we were compelled, under the workings of the gag rules of this House, to vote for the bill as a whole, or against the bill as a whole.

I recall that immediately prior to the passage of that tariff bill under the gag rules of this House many Members denounced the bill as distressingly unfavorable to their home people. For reasons far beyond my ability to understand, those protesting Members said they would vote for the bill, admittedly hurtful to their constituents, believing that the Senate, working under its liberal rules, would enact wholesome amendments and send the bill back to the House with such amendments. Their prophecies in this regard have been in part fulfilled. The Senate has splendidly amended the bill in several directions, and some day—God and GRUNDY know when—it will come back to the House, carrying some good amendments—and some perhaps not so good.

This one object lesson, showing the different manner in which the two Houses have handled the tariff legislation, ought to be sufficient to sustain my contention as stated in the text upon which I am here basing my remarks. Shall it be construed as challenging the honesty, the patriotism, or the ability of the Members of this House when I assert that it has ceased to be a deliberative body, and has become a body in which three men control the doings of the House as absolutely as an American schoolboy controls his own marbles? I have no such thought in mind. Indeed, it is my firm conviction that the membership of this House in this hour will suffer not at all in comparison with the membership of any preceding House. Measured by the true yardsticks of probity, patriotism, and ability, this present membership is instantly the equal of any predecessor since this great legislative body first became the speaking soul of the American people in a legislative way.

I look about me here and discover colleagues magnificent in point of patriotic fervor, common honesty, and ability, supinely submitting to the sway and control of three official Members who are empowered by the House gag rules to allow legislation to live or to make it die, just as the trine will of the three shall decree. Many magnificent statesmen, sent here as servants of and spokesmen for their home people, are as helpless as little children in effort to accomplish legislation not favored by that trinity of control.

The average American citizen loves to behold the President of the United States as the most powerful man in the world, and particularly with reference to governmental matters in our Republic. Our President does have vast power. By the aid of his veto he may put to death any piece of legislation which may have been enacted by the two Houses of the Congress, but by a sufficient vote the two Houses may make that same piece of legislation live again, and may make it the law of the land despite the veto.

But there is here in Washington, holding membership in this House, one man far more powerful than the President of the United States with reference to affairs of government, and particularly with reference to legislative matters. That one man who possesses more power than the President of the United States is our princely colleague, the gentleman from New York, Mr. SNELL, chairman of the gag rules committee of this House. How vast is his power? Why, it is so far-reaching that he can choke to death any piece of legislation which may originate here, or which may come over from the Senate, before ever it can get a chance for consideration on the floor of the House. I can not believe that any one Member of this House, no matter how charming his personality, should be vested with such vast power. While always applauding the personality of that powerful man, never am I able to pridefully observe his exercise of power.

Often when observing his murderous treatment of legislation for the country's weal, or when beholding him promoting legislation for the country's woe, I find myself recalling a long-ago encounter between a magnificent President of the United States and a powerful money lord. In that encounter the mighty power exercised by the money lord in matters of Government was recited, and at the close of the recital the Chief Executive of that day looked the man of money straight in the eye and said some short words to him. And often now I am wishing that but for a moment I might have a tittle of the courage displayed by Andrew Jackson when he spoke to Nicholas Biddle. In that moment I would look BERTRAND SNELL squarely in the eye, and my Quaker lips would paraphrase the speech of Andrew Jackson long enough to make them say:

Chairman SNELL, the power which, under the House gag rules you exercise, is too damned much power.

If time would now permit I would like to direct attention to many good things accomplished by the aid of the liberal rules of the United States Senate—good things which this House of

Representatives should have accomplished; but, hindered by its own gag rules, could not. For instance, the Norris "limping duck" resolution has been, by aid of liberal rules, pushed through the Senate several times. It is my sincere judgment that if that lame-duck resolution might come to a vote in this House right now it would receive the votes of a large majority of our membership. But it does not come to a vote. Why? Because 3 men in this House, by aid of the gag rules, are more powerful than the other 432 Members. Long ago the House should have been the originator of legislation to do away with the lame-duck sessions, but it remained for the Senate, under its liberal rules, to take the initiative. To-day there is reposing in a pigeonhole in the House Rules Committee a resolution requesting consideration of the Norris lame-duck resolution which came over from the Senate months ago. I refer to House Resolution No. 177. Just why this resolution was consigned to the Rules Committee cemetery I do not know, for, indeed, the resolution did not ask for Rules Committee action until after action by the Committee on Election of the President and Vice President.

I have expressed belief that this limping-duck resolution is favorably regarded by a large majority of the Members of this House. If that be true, then why does not that majority sentiment make a demand that the resolution be brought before the House. Simply because, as every Member knows, in order to drag a measure from a hostile committee a petition to that end must be signed by 218 Members of the House. Such a petition can not be carried about and presented for signatures. It must lie on the Clerk's desk and may only be signed by Members when they go to the desk and ask permission to sign it. No such gag rule was ever invented by any other legislative body in any country claiming even a semblance of parliamentary government. Since that particular gag rule was invented, no petition to compel a hostile committee to report a bill has ever received 218 signatures. At this moment there is lying upon the Clerk's desk a petition in behalf of consideration of a bill to carry quick relief to the disabled soldiers of the World War, and particularly the ex-service men now victims of tuberculosis. This petition, in a cause almost holy, is languishing and dying for lack of 218 signatures, although it must be true that the heart of this House would run quickly to the rescue of the fast-fading tuberculars were it not impeded by fear of the disfavor of the operators of our gag rules.

The infamy of our House gag rules system runs even to the length of compelling the House to spit in the face of the Constitution of the United States. That Constitution commands the Congress to pass a reapportionment bill every 10 years, and yet, by aid of the gag rules, the controllers of the House prevented action, and I now sadly recall the fact that it was the liberal rule of debate in the Senate which compelled the House to observe belated loyalty to that Constitution which each Member here had so solemnly sworn to support and defend.

Ever since I began study of the science of government—in which study I am still in the primary class—I have believed it was the mission of the House to conduct investigations such as have now seemingly been given over wholly to the Senate. This House should have begun investigation of the predatory oil interests years ago, and yet never a move was made in that direction. The country had never been permitted to peer beneath the lid of Teapot Dome and behold the seething mass of corruption therein, nor had the country's nose ever been sickened by the foul effluvia arising therefrom had the lifting of that lid been left to our House of Representatives. That lid was lifted alone by the crowbar of the rule of liberal debate in the Senate.

Once upon a time this House did attempt to impeach a Daugherty. My love for this House forbids further mention. But the liberal rules of the Senate came into action. The Senate proposed to investigate Daugherty and did investigate him. One faithful and intrepid Senator, by aid of the liberal rules, forced a roll-call vote on a motion to investigate Daugherty, and then that Senator, in order to prevent a packed investigating committee, proposed that the committee should be selected by the Senate as a whole and not by an individual Member. The country now knows the result. The most startling disclosures were made, finally resulting in the trial of Daugherty and Miller. The penitentiary won Miller. Daugherty escaped by the narrow margin of one vote.

It was the liberal rules of the Senate that made possible an investigation of the oil leases. By aid of the liberal Senate rules a few Senators forced a roll-call vote on the resolution for investigation. The roll call in a legislative body has been well said by Senator NORRIS to be the guardian angel of progressive government. In this particular case the roll call brought unwilling votes in sufficient number to pass the reso-

lution. The result was the uncovering of some of the most shameful official proceedings in our Nation's history. Members of a President's Cabinet were found to have been engaged in bartering the natural resources of the country for a money price. Property thus stolen, in value beyond a billion dollars, has now been restored to the Government. All this because the liberal rules of the Senate enabled a few Members of that body, honest and brave, to successfully insist upon an investigation. Hindered by the gag rules in this House, such a victory for the right could not have been accomplished here.

The oil investigation is but a sample of other investigations by the Senate, some of which are now under way. Almost every day the headlines in the newspapers announce new and startling disclosures made by the Federal Trade Commission, always as a result of a Senate resolution giving directions for the investigation of Power Trust. For more than two years the Federal Trade Commission has been carrying on this investigation, made possible only by a few Senators who made use of the liberal rules of the Senate for that purpose. The country has been startled by the disclosures of the mighty power of the greatest combination of moneyed men and corporations ever joined together by the ingenuity of the human mind.

The watered stocks of public utilities, the political control, the propaganda methods of Power Trust to mold and control public sentiment—reaching even into our public and private schools and universities, our churches, our lodges—robbing the people by stealing their own money, and then deceiving them by spreading propaganda with money which Power Trust had wrongfully taken in the form of unjust charges for public-utility service all over the land. All this has been exposed because the liberal rules enabled the Senate to act—perhaps not a majority of the Senate, perhaps just a little coterie of Senators—but under the liberal Senate rules that small number of Senators had the power to force action.

I have given only a few instances of the guardianship of the interests of the common herd in our country by a few Senators, their best weapon in their fight for the masses being the liberal rules under which that body is working. These instances clearly show what this wonderful House of Representatives might accomplish in that direction if only we could get out from under a control of legislation here by a system of gag rules which has bound this House to the chariot wheels of three drivers, splendid in their personalities, but as ruthless as Geronimos in their roughriding over the fair rights and prerogatives of the individual membership.

Mr. Speaker, it can not be that advisedly any foe or friend has listed me as peering through covetous eyes toward a seat in the United States Senate. First place I yield to none in expression of the proud privilege which is mine—the privilege of serving in this ancient and honorable body, along with this present galaxy of the noble and the true. Collectively we constitute a legislative nobility never marred, save only when it sleeps supinely and obeys truculently a system of gag rules constituting the one and only shame of the United States House of Representatives.

May the God of our fathers give wings to the hour in which this House shall dethrone the unworthy monarch of gag rule and adopt as its own at least a measure of the liberal rules of debate which now make the United States Senate the last steadfast bulwark between the common herd in America and those mighty predatory interests which so often seek and so often receive special governmental favors, by aid of which they are enabled to extract unearned tribute from the citizenry of the Republic. [Applause.]

Mr. ALLGOOD. Will the gentleman yield for a question?

Mr. HOWARD. Oh, yes.

Mr. ALLGOOD. The gentleman referred to the tariff measure and the procedure which was followed, but the gentleman failed to state that in writing the tariff bill in the House the minority members of the Ways and Means Committee were excluded altogether.

Mr. HOWARD. The gentleman is absolutely right. I have but one plea to make for my failure in that direction, and that was, if my colleague will permit, to carry out in good faith the intention I had in mind to make my little address this morning absolutely devoid of anything in the nature of the partisan. But what the gentleman says is absolutely true, and it is shamefully true. Yet I did not think it best to inject anything of a partisan nature into my remarks this morning.

Mr. ALLGOOD. Will the gentleman yield again?

Mr. HOWARD. Certainly.

Mr. ALLGOOD. The gentleman has pointed out the facts in the case, and pointed them out well. What is the gentleman's suggestion as to the treatment or cure?

Mr. HOWARD. Oh, the suggestion is instant. It is to give the individual Member of this House a right to speak the sentiment of his home people on this floor and to liberalize the rule of debate. For instance, here comes a man, sitting in front of me, Mr. TIMBERLAKE, of Colorado, representing a people who are engaged more largely than the people of any other district in the United States in the production of sugar beets. Did he have an opportunity to rise on this floor—as an individual Member and as a nonmember of an important committee—and offer an amendment to raise the rate of tariff on beet sugar? Why, no. Here I come from an exclusively agricultural country. Did I have an opportunity to offer an amendment to increase any manner of tariff rate on the agricultural products of my particular country? No; not at all. The gentleman is absolutely right.

The gentleman asks my remedy. There is only one remedy, and that is to give us a liberal rule of debate and dethrone this gag rule under which we have triune control.

I will say to the gentleman, and I will say to all of my colleagues, that I would prefer at this moment to have my Speaker sitting up there and absolutely controlling the debate of this House, saying who should speak and who should not, than to have the present system under which I, as an individual Member, am compelled to beg time from a brother Member, who is my equal in every respect, if he can be. I do not believe in it. I look up to authority. I believe in authority, but I do not believe in making one Member of this House more important than his fellows because he is in control of a committee; and I do not believe in giving him more influence on the floor of this House and more opportunity for influence than the humblest individual Member on the floor. It is not right; it is damnable and destructive of the rights of the individual Member.

Mr. ALLGOOD. Will the gentleman yield again?

Mr. HOWARD. Surely.

Mr. ALLGOOD. Then the House Members, by their own action, have reduced their own authority to less than that of the Members of the Senate?

Mr. HOWARD. Oh, the fault lies alone with the Members of the House. I told the gentleman and I told the House that I did not attribute this hideous fault to any particular political organization. I do not, because I recall that some Members of my own political organization were heartily in favor of these infamous gag rules. These evil gag rules were invented and manufactured by the linking and welding of influences in the two great political parties, those influences desiring that this House shall become a plaything in the hands of a trinity of managers, rather than the handmaid of the membership of the House. I believe that is true, and I believe it can not be gained.

If I have made any statement in my little talk of this morning that is not in harmony with the facts, I would humbly make amends in any way I can. I have tried to avoid any misstatements, and I hope I have.

Mr. GREEN. Will the gentleman yield?

Mr. HOWARD. Yes.

Mr. GREEN. Is it not also a fact that under the rules, as the gentleman has so ably mentioned them, it is almost impossible to offer an amendment or to get an amendment accepted on the floor? It is all cut and dried in the committee, and when a proposition is brought before the House we have little chance to express ourselves or to amend. I detest any such rule and believe it not for the interest of expressive and representative legislation. The House rules should be amended to permit floor discussion and possible amendment. I commend my colleague from Nebraska for his plea for the restoration of the rights of the respective Members of the House.

Mr. HOWARD. That is absolutely true, as stated by the gentleman from Florida, with reference to the tariff bill. It is not altogether true with reference to other legislation, except sometimes when this powerful chairman of our Rules Committee brings in a piece of legislation, hurls it on the floor here like a flash of lightning out of a clear sky, and gives us no time in which to consider it and no opportunity to offer amendments. Sometimes we do have a chance to offer a little amendment, but not very often. I remember I offered one the other day, and it was a good one, too, although it did kill the bill. [Laughter and applause.]

Mr. Speaker, always desiring to work the welfare and the pleasure of my majority floor leader, I heard him say a little while ago that he is terribly pressed for time, and could not yield any more time. I notice I have about 15 minutes left. I really feel I might use this for the good of my country, but my love for my majority floor leader bids me now to yield that 15 minutes to him to be disposed of as he may desire. [Laughter and applause.]

AMERICA IN A WORLD AGE

The SPEAKER pro tempore (Mr. HOLADAY). Under the special order of the House the gentleman from New Jersey [Mr. EATON] is recognized for 30 minutes.

Mr. EATON of New Jersey. I wish it were possible, Mr. Speaker, for me to take the time at this stage of the proceedings to make an attempt, at least, to assuage the grief which shadows the mind of our distinguished friend from Nebraska over the depraved and enslaved condition of the Members of this House. I notice that the gloom which enshrouds his usually cheerful soul is lightened somewhat by his affection and admiration for the conditions obtaining in the United States Senate, and if, in the providence of God, the grateful people in his State should transfer him to that exalted body, his problems would be solved, although we would miss him badly here.

My purpose in addressing the House is to urge upon Congress and the country the imperative necessity for sane, courageous, and adequate attention to the new position among the family of nations in which our country finds itself to-day, and to outline some of the responsibilities which this new place of power and influence lays upon us as individuals and as a Nation.

It must be self-evident to every thoughtful mind that we are living in an intellectual, spiritual, and social climate radically unlike that of any period within the experience of the present generation. In common with all other peoples we find ourselves in what may be described as a World Age. The outstanding characteristics of this new world age have rapidly taken shape since the World War. Although we are still in the gray dawn of the new day, it is possible to determine in outline, at least, the most important of these characteristics.

We face, first of all, the fact that in this new age every section and nation of the world is in complete and continuous contact with all other sections and nations, and we are just beginning to evaluate the central significance of this condition. We live in a cosmic climate. No movement of any kind—social, political, economic—can take form in any quarter of the globe without becoming immediately the common possession of, and affecting for good or ill the common consciousness of mankind. Local facts and forces remain as of old, but their relationships are constantly becoming universalized.

For a century and a half our country has been floating down the ever widening and deepening stream of a distinctively national development. We have been mainly concerned with the problems of an American culture and an American prosperity. We had a new continent to explore, exploit, and organize. We had to create for ourselves new constitutions, new institutions, and new social instrumentalities. We seemed to be self-contained and to a degree had to be self-centered.

The World War changed all this, as it changed the status of every other race and country. That titanic struggle contained within itself the death throes of an outworn age and the birth pangs of a new era for all mankind. To-day, in common with all other peoples, we find ourselves adrift upon an uncharted sea of universal change and contrast, upon whose far shores we hope to find room and scope for a civilization spacious and genial enough to meet the utmost needs of human progress. Ours is the largest ship. It carries, we believe, the most precious cargo. Even if we would we can not turn back to the safe anchorage of our home port. Like all the others, we must make the hazardous voyage. We are beset and baffled by strange new tides and currents. We must steer by new stars. Whether we will or not, necessity is upon us to face these new world conditions. The price for our national safety and progress as for all other nations is the abandonment of parochialism and provincialism in thought and method. Unless we learn to think in world terms we can not think our problems through at all.

It is this vast and devastating break-up of old ideas, ideals, and relationships, which accounts in large measure for the mental and moral unrest which afflicts all societies at the present time. Everywhere discontent, cynicism, petulance, and instability are common expressions of the social temper. Discontent among the rich because they are rich. Discontent among the poor because they are poor. Everyone seems to want something that he has not got and his desire usually ends in getting something that he does not want. The substitution of amusement for happiness and molecular motion for intellectual tolerance and spiritual serenity satisfies no one. The delusion that statute law can successfully displace the authority of conscience and reasoned judgment gets disappointing results. Hysterical attention to the business of others leaves little time and less inclination for the individual to attend to his own responsibilities. The mote in his neighbor's eye distracts attention from the beam in his own eye. One of our most popular spiritual excitements consists in shocked contemplation of the faults and

failures of others. Even statesmanship at times waxes great by the stern exposure of the total depravity of corporate and individual taxpayers.

Amidst this universal strife of tongues and clash of wills and interests we can not remind ourselves too often that behind the shifting shadows of human failure and frailty in every age stand the eternal verities of truth and justice unshaken and unshakable.

Through all the changes and chances of history mankind has advanced slowly but surely toward the golden day when all men shall enjoy full participation in all the good things of life—spiritual, intellectual, material.

Perhaps the most pregnant and significant shift in the emphasis of thought in this new world age is the placing of humanity above material things as the chief concern in the social process. No longer do we conceive of business or politics as an end in themselves. They have value and meaning simply as a service to mankind, to men, women, and children. I would place this as the proudest achievement of the civilizing process. While as yet we only discern the vast revolutionary implications of this idea, it is evident that it contains within itself potentialities which must eventually reconstruct all society. In this twentieth century man will not only achieve a new dominion over the forces and resources of nature, but he will learn to use this dominion for the liberation of all classes in all sections from many of the burdens which have cramped, degraded, and held back the individual in his development.

Another important factor in the intellectual and spiritual climate of the new age is the consciousness of political power which manifests itself among the masses of men in all countries. This has been named a demand for self-determination. Whatever name we give it in its practical results it is disturbing every organized political society in the world. It is modifying the permanent institutions of countries like the United States and Great Britain, Germany, and Italy. And it is acting like a powerful ferment rapidly dissolving and reassembling the materials of society in nations like China and India.

This new world age is preeminently an economic age. For the first time in history every civilized society is focusing its main attention upon one common problem. That problem is how to eliminate and gradually abolish economic poverty. This supreme central idea or objective controls political policies in all countries. It is rapidly modifying the social thinking of all societies. As it moves irresistibly forward to take possession of the citadel of men's minds everywhere, it creates confusion and loss. But at the same time upon the wreckage of social machineries which it destroys, it is building up a new, wholesome, humane, and progressive type of civilization.

The determination to eliminate and finally abolish economic poverty throughout the world is no longer a Utopian dream. Science has placed in the hands of men everywhere the scepter of full dominion over the forces and resources of nature. There is no doubt that the production of enough of every commodity needed to sustain a wholesome physical and spiritual existence for the entire race is already far within the power of organized industry and agriculture to achieve. Our chief problem now is how to create a sufficient buying power to absorb our mass production. There are two main plans for the accomplishment of this purpose claiming the attention of the world. One is the Russian idea—known as communism; the other is the American idea, which for want of a better name we may call cooperative individualism—the Russians call it capitalism.

One of these plans will surely rule the world. In practice they will profoundly modify each other, but in essence they are mutually exclusive. There is not room enough in the world for both. In its economic structure the world must eventually become all Russian or all American.

The communistic leaders of Russia have no illusions on this point. They are at war with every society in the world, including the peasant class in Russia itself. At this very moment they have moved their New World headquarters to New York and are at work in the United States enlisting the aid of self-styled liberals, who have nothing else to do; staging strikes and parades; rubbing salt into every social sore; and fomenting every antisocial poison among the alien minded in our large cities.

The Russian communists have newspapers in New York and elsewhere financed from Moscow. They have throughout the United States organizations for purposes of social agitation led and financed from Moscow, bearing names as similar as possible to the honored names of American labor groups. They have here an active political party, and here, as everywhere else, they are the very incarnation of hate, suspicion, lawlessness, and violence.

This determination of the Russian communists to destroy all existing social, economic, and political institutions in the whole

world is entirely logical. Their communistic society as set up in Russia can not permanently do business with or even live at peace with any existing society or nation. Normal men in the rest of the world believe in God. The communists propose to abolish God by uprooting all religion. The world has a common standard of morals covering the essentials of human conduct. Communism has no morals. Its whole philosophy is repugnant to every normal idea or ideal cherished by the world through the long centuries.

Now, what has the American plan of life to offer as its reason to be? How has it handled the problem of poverty? What kind of men and women has it produced? What is its program for the future? How does America compare with the rest of the world in all that makes life for the masses of men bearable and worth while?

Let us admit at once that we are still far from the millennium. We still have grave inequalities and injustices in our social structure. Our very progress has created immense new difficulties and disturbing problems and will continue to do so. But we are on the way toward better things, and we have already done more toward the lessening of general economic poverty than any society that ever existed. Even at this time of business uncertainty and stress, our economic worst is better than the economic best of any country in the world with the possible exception of Canada. And in this fact lies one of our most baffling problems.

How has this been accomplished? Certainly not by any dictatorship of the proletariat—not by any class war—not by bloody revolution—not by the enthronement of hate as the cardinal virtue.

We have reached our present level of happiness and prosperity, imperfect as it may be, by adherence to our American ideals of individual effort; individual private ownership of property; free cooperation among all interests for their mutual good; a free political Government alert to guard the rights of all, to preserve the sanctity of the home, to furnish education for all, to insure every man the right to work and worship in his own way.

There can be no question that in this economic age America leads the world in progress toward freedom from poverty. With 6 per cent of the world's population, we have in use 60 per cent of the world's telephones and 78 per cent of the world's automobiles. We use practically as much electric power as the rest of the world put together. Over 20,000,000 of our homes are wired for electricity. Over 50,000,000 of our people have on deposit in the savings institutions of our country around \$30,000,000,000. Seventy-five million policyholders are paying premiums on around \$100,000,000,000 of life insurance guaranteed by cash reserves great enough to pay the Nation's debt. In the State of New Jersey a million and a quarter of our citizens have a billion and a quarter dollars invested in building and loan associations alone. At least a quarter of our people engaged in gainful occupations own securities in the industrial securities of the country. Last year the people of this country saved in Christmas funds over \$600,000,000.

The enormous purchasing power of the American people has been made possible by the highest wage level in the world. And this wage level is paid out of the high production of labor. And the high production of labor is made possible by full understanding and cooperation between employer and employee; by good management, good machinery, and the use of cheap and abundant power.

It has long been a commonplace of patriotic oratory that America is the hope of the world. I believe that this is the truth, but not in the old accepted sense. We used to think that America was the hope of the world because men could come here and find a better job with better pay and better living conditions than they had known in the lands of their birth.

To-day America is the hope of the world, because by American methods under our American system of government, and the American-minded conduct of our industries, we have demonstrated that poverty can be eliminated. We are still far from complete success in this magnificent demonstration, but we are far enough along to prove that we are on the right track and headed in the right direction.

This is what we have at stake. This is the responsibility that rests upon every citizen and upon all our governments—National, State, and municipal. We must not fail our own people. We must not pluck from the sky this one star of hope for the struggling sons of men in other lands who, because we have done what we have, take heart and courage to strive for the same results in their own place and under their own peculiar conditions.

We are now entering upon a national political campaign. No party has any right to the confidence of the people which

can not come before them with a workable plan to aid, so far as Government can, the masses of our citizens to hold their present economic status and make further progress toward freedom from the curse of poverty. This is the supreme issue in this campaign, involving as it does the happiness and security of all, regardless of breed, creed, or class.

The American people are tired of mere partisan ballyhoo. They know that this is essentially an economic age. Our problem is mainly an economic problem. And there is no partisanship in the multiplication table. What the average American citizen wants is a chance to earn an honest wage sufficient to care for his family and himself according to American standards of living. He wants to be free from the fear of losing his job and to have a surplus against old age and illness.

It has been well said that our people are striving for a four-fold prosperity—the prosperity of productive capacity, the prosperity of purchasing power widely distributed, the prosperity of security of life and property, the prosperity of leisure for full enjoyment of life more abundant.

We have an almost infinite number and variety of agencies of a private and social nature working to conserve and upbuild the priceless fabric of our American civilization. The church, the school, the home, great public-minded organizations like the American Federation of Labor, and various voluntary cooperative bodies. These constitute a noble and reassuring expression of our genius for self-government and free cooperation for common ends.

When we enter the realm of politics the prospect is not so inspiring. The political mind is still far behind the economic mind in vision, courage, and constructive force.

We have a two-party system of government. At least, we have had a two-party system, and in spite of the tendency to create blocs and cliques and sectional interests the skeleton of our two-party system still stands.

We are now entering upon a great national political campaign, in which the citizenship must choose which of the two major parties will be intrusted with the responsibility of carrying on our Government, so far as the legislative branch is concerned.

What is the program of the Democratic Party?

I gladly recognize the honorable history of the Democratic Party. It is our oldest political organization. It has had great men among its leaders. It counts within its ranks numbers of our noblest and best citizens. But the program offered by its leaders for solving the vast and complicated problems of our national life at the present time seems absolutely frivolous and intellectually barren, with no really constructive idea.

Judging from the daily outgivings of its official leaders, the Democratic policy in this campaign consists—for the present, at least—of these absurd negatives:

First. Our country, as a whole, is in a state bordering upon economic ruin, which sad condition has been brought about by Republican wickedness and inefficiency in office, and especially by that supreme iniquity, the Republican tariff.

And this in face of the fact that the Republican tariff is the sole governmental wall of safety between the starveling wage levels of the rest of the world and our American economic fabric, which is keyed to an American standard of living.

It seems useless to point out that our national income has trebled since 1909—reaching the enormous total of \$90,000,000,000 a year ago—that seven-eighths of the national income goes to the masses who earn less than \$5,000 a year; that we have now, in spite of temporary depression and unemployment, the widest distribution of wealth and the highest level of comfort ever achieved by any society since time began.

Second. To quote the chaste and restrained language of the Houston platform, the official leadership of the Democratic Party professes to believe that the whole official administration under Republican rule has become saturated with dishonesty and the watchword of the day should be, "Turn the rascals out." Which reminds one of the signs in front of a city store: "Do not go elsewhere to be cheated—come in here." [Laughter.]

And third, President Hoover, his advisers, and the party he leads are hopelessly incompetent and his administration during its first year has done absolutely nothing—or if it has done anything, it has done the wrong thing in the wrong way. Again in the language of the Houston platform—

This is the appeal of the Democratic Party to the people of the country.

Gentlemen, I say that for any political party to come before the American people with so puerile and feeble a program constitutes a national calamity, and I can not understand why, with the brains and character and quality and history that lie back of the great Democratic Party in this country, its intellectual processes should have frazzled out to such a series of meaningless negatives.

Mrs. NORTON. Will the gentleman yield?

Mr. EATON of New Jersey. I will be pleased to yield to my friend from my home State.

Mrs. NORTON. What does the gentleman think of the present senatorial fight in his own party on the other side of the Capitol?

Mr. EATON of New Jersey. I do not know just the particular fight. They have so many over there, which one does the gentlewoman mean?

Mrs. NORTON. Suppose the gentleman tells us about the Pennsylvania fight. What does the gentleman think of that?

Mr. EATON of New Jersey. I do not live in Pennsylvania, Mrs. Norton. I have troubles enough in New Jersey.

Mr. ALLGOOD. Will the gentleman now yield to me?

Mr. EATON of New Jersey. No; I yield to the fairer sex, but not to mere men. [Laughter and applause.]

Mrs. NORTON. I thank the gentleman.

Mr. EATON of New Jersey. Now, what is the Republican answer to all this? I wish I could take flight and wing myself into the seventh heaven of satisfaction over all our proposals, but I can not.

I have lived long enough to know that human nature is pretty frail no matter what its political label may be, but on the whole I think at the present time we Republicans have a program that is worthy of the attention and confidence of the American people; but, ladies and gentlemen, I am equally convinced that we have got to get rid of the intellectual graveclothes that have wrapped themselves around us in both parties and face the new, tremendous, challenging realities of this world age if we are going to serve the American people as political parties ought to serve. [Applause.]

In all my campaigns, as the lady from New Jersey [Mrs. Norton] well knows, I refrain entirely from personal criticism of Democrats, whatever I may think of their political program, because my belief is that when you scratch the surface and get under these political differences you find both Democrats and Republicans to be Americans first of all, and it is American-minded people we must put on guard.

Under the leadership of our great President the Republican Party has now in actual operation a constructive, practical policy for helping the American people to solve the vital and difficult problems that confront them in this world age. This policy begins with frank recognition of the fact that our chief domestic economic problems are vitally related to world economic conditions and forces. We have an excess productive capacity in both industry and agriculture of around 25 per cent. We must find foreign markets to absorb this excess at profitable prices. Foreign peoples can not buy our excess products unless they are prosperous.

In facing this world problem the basic Republican principle is that world peace is the foundation of world prosperity. The Kellogg peace pact and the movement for international disarmament are practical applications of this principle under Republican leadership.

The Republican Party stands, as it always has, for a tariff to protect both agriculture and industry, and we do not believe in the coalition doctrine that the way to aid agriculture is to injure industry.

The Republican policy, under Mr. Hoover's leadership, seeks to enlist all resources of science and research and the best brains of labor, finance, industry, agriculture, education, and religion to cooperate with Government in safeguarding and advancing the best interests of the whole country.

The Republican Party is acting upon the conviction that there must be developed a new world standard of economic comfort for the masses of men, and that this, in the long run, must be the American standard.

Either the rest of the world is coming up to our level or we must sink down to theirs. We can neither live nor die unto ourselves. We can not forever remain an island of prosperity in an ocean of adversity. Our problem is to keep our present American standard and go on to better things.

While these are general considerations, they are as practical in their effects upon human life as are the effects of climate upon fruits and plants.

Our country stands to-day face to face with the most searching test in our whole history. We have the brains and character and money and machinery to meet this test. We need only the vision and united constructive leadership of the best men and women in all parties to hold all that we have achieved and to go on to more glorious triumphs over poverty and distress, not only here but throughout the world. [Applause.]

Mr. ALLGOOD. Now will the gentleman yield?

Mr. EATON of New Jersey. I will yield to the gentleman.

Mr. ALLGOOD. I want to ask the gentleman this question: When this country is confronted with a common foe, like com-

munism, does not the gentleman believe that the Democratic Party will stand fast with the Republican Party and oppose it?

Mr. EATON of New Jersey. Yes; that is exactly what I think and what I want—the Democratic and Republican Parties to forget the secondary graveclothes conditions which separate them and get together in the interest of all the people of our common country and of all the world. [Applause.]

JUDGE HENRY B. ANDERSON

The SPEAKER pro tempore (Mr. ACKERMAN). Under the order of the House, the Chair recognizes the gentleman from Tennessee [Mr. FISHER] for 10 minutes.

Mr. FISHER. Mr. Speaker, ladies and gentlemen, in the brief statement made by the gentleman from New York [Mr. LA GUARDIA] on Wednesday last, on page 5105 of the CONGRESSIONAL RECORD, and the charges made in House Resolution 184 against Judge Harry B. Anderson, district judge for the western district of Tennessee, it is evident that they are based on anonymous letters and from unreliable sources.

It is understood by everyone that the present administration, particularly through the Attorney General, is making active efforts to enforce all laws. In the enforcement of laws the integrity of the presiding judge and the cooperation of the officers of the courts are vital to the successful prosecution of violators of the laws. The Federal judges are selected with great care after investigations have been made by the Department of Justice. These judges, as a rule, have the respect and confidence of our people, and before charges of misconduct are made a most careful investigation should be made to see that there is sound proof available and that the origin is not in the antagonistic spirit, arising from a hostile personal feeling or from violators of the law who have been in court and given deserved punishment.

It is well known that there has been friction between the United States district attorney and Judge Anderson and that there have been activities from the same group which unsuccessfully assaulted the judge to prevent his confirmation in 1925.

The spirit in which the judge meets these charges is shown in this telegram:

MEMPHIS, TENN., March 15, 1930.

HON. HUBERT F. FISHER,

House of Representatives:

Please say for me to chairman of the House Judiciary Committee that I earnestly request the appointment of an impartial committee to meet in Memphis to investigate the charges that have been preferred against me. After this committee has heard the sworn testimony of witnesses in refutation of the anonymous communications against me, I am confident of being absolutely vindicated.

HARRY B. ANDERSON.

Judge Anderson is a native of Michigan, but his family early in his life moved to Memphis. His father was for many years one of the outstanding business men of our city. He and his son, the judge, are Republicans. I have known Judge Anderson for 25 years. His college education was followed by the study of law at one of our great universities, and one of his teachers is now a member of the United States Supreme Court.

He and his family have an enviable place in the social life of our city. He was at one time president of the Tennessee Bar Association, and because of his combining business experiences with the law he was elected president of our chamber of commerce.

In 1917, upon the declaration of war, notwithstanding the fact that he had a family, with four children, he enlisted in the Army and was sent to France, where he served with distinction and was promoted to the rank of lieutenant colonel. In 1925 he was nominated for district judge and soon there was an attempt made to block his confirmation. This opposition was represented by the late W. F. Zumbrum, the attorney for the Ku-Klux Klan, who made efforts for two weeks to prove a lot of hazy charges, but finally abandoned the attempt and he was immediately confirmed.

His record as a judge since 1925 has been approved by the lawyers who practice in his court. The Circuit Court of Appeals of the Sixth Judicial Circuit rarely reverse his decisions.

When these charges were made against Judge Anderson I asked Albert G. Riley, a lawyer of Memphis, Tenn., who was familiar with these charges, to write me a statement setting forth an explanation, which he did:

Your letter of March 13 just came in, and I appreciate it, as well as the inclosures. I knew that you would become active in the matter at once.

Most of the facts you already know if you can recall them. I think I went over each charge with you last fall. Since that time, however, the Department of Justice sent down a corps of investigators, and Harry King advises me that at times there were as many as nine investigators

here. They audited, checked, and investigated each bankruptcy case for the last 10 years. They did not confine their investigation to the records but went out into the body of the county and interviewed purchasers of stock, attempting to make them exhibit to them the canceled checks. They did everything in their power to dig up corruption, whether they had any basis to work on or not. King advises me that Cage told him that he was going to put the whole bunch in the penitentiary. As a result of it all they learned that C. H. Elliotte had been delinquent in making his settlements and by an order of Judge Anderson required him to close up his cases and account for his money. Phillips filed a motion to remove Elliotte as trustee in one case. A check given to the Government for income tax was returned by the bank for insufficient funds. At this time the estate had been administered, all checks issued, and there was nothing further to be done in the case except to obtain the trustee's vouchers. Elliotte stated that it was an error on the part of the bank, but paid the check to the Government.

It appears now that these investigators also investigated the entire records of the district court, covering all of the court's jurisdiction and every case.

Of course, we do not know what specific charges have been made to the Department of Justice, except those that are obtained through the La Guardia resolution and the newspapers. Harry Anderson's record is an open book, and every act that may have been investigated and unfavorably reported upon can be fully and frankly explained. It seems almost ridiculous to criticize the judge's conduct in regard to narcotic cases. That is one class of law violation that he thoroughly despised and imposed the most severe penalties for.

The commissioner usually fixed the bail bond in the sum of \$10,000 and it is my opinion that those with knowledge would testify that the judge's handling of this class of law violation has greatly reduced the amount of narcotics that have been illegally handled in the district. Everyone knows that narcotic violators thoroughly fear the court. Until specific instances are brought up one can not explain the resolution in regard to the amount of bail fixed when persons failed to appear and defaulted. You may be sure that whatever the judge did in any particular case was done wholly within the law and his own conception of justice in the particular case.

The resolution in regard to probation is likewise most unjust. I know of several cases, and I am sure other persons in authority know of dozens of cases, in which the judge probated defendants that have caused such defendants to make a new start on the road to redemption. In my opinion he has used the probation statute wisely and for the purposes for which it was made a Federal statute. Certainly there is no charge of corruption in this respect, and if any errors have been made they are no more than any human being would make when he had hundreds and thousands of problems to correctly solve. This charge almost seems to be baseless, and I can not imagine what is in mind. Certainly there has been no criticism in this district by lawyers or laymen in regard to such conduct.

As to bail bonds: When a bail bond is defaulted the law vests in the judge complete discretion as to what should be done under the circumstances, and in every case, upon an understanding of the facts, it will be shown that Judge Anderson followed the dictates of his mind and conscience.

In regard to the American bank: The bank was thought to be perfectly solvent and had enjoyed an enviable reputation for many years under Mr. Harry Cohen as a strong, sturdy, and well-managed bank. It is true that Judge Anderson's father had a loan at that bank, just as he had loans at the Bank of Commerce and the Union and Planters, which latter banks were designated depositories for Federal funds. No one understands why the judge should be criticized for the loan of money made at the bank by his father. It is true that the bank failed, to the amazement of the entire community and to the amazement of Mr. Cohen himself. There is no information in regard to any loss to bankrupt estates, as insinuated by the resolution. Every depository is required to put up a statutory bond, and there has not been any loss in the district to bankruptcy estates by bank failures.

Any charge that may have been made as to favoritism can be thoroughly explained, and it is entirely a creature of imagination, born of personal enmity. Doubtless the judge may be called upon to make clear a few particular incidents. There just is no foundation in fact for any such charge, and those that know the facts know that he is thoroughly impartial in the conduct of his court among all defendants and the members of the bar. Some of his good friends have had their clients receive pretty severe treatment, just because the client deserved it.

There is a newspaper charge about padding vouchers. You will note that it is a single instance, involving a very small amount of money. I do not know the facts in connection with the incident and have refrained from going into it at this time so as not to worry anyone with details until a specific charge is made. The judge has paid out of his own pocket hundreds of dollars in conducting his judicial duties, just because he has not been able to meet expenses in New York, Cincinnati, and other points on \$10 a day, living as a Federal judge should live.

There is some charge about the court messenger's monthly pay. There is absolutely no basis in fact for it, and all facts must come from this negro messenger, who would not hesitate to say anything to serve his

purpose in connection with it. I hear that he is a former felon and the judge had to discharge him. We all know that negroes drawing their pay once a month are always out of funds before the end of the month. He was constantly in debt to the judge. He even bought a couple of automobiles that the judge helped him out on. No doubt the messenger and the judge had a running account and at every pay day the negro had to and did make payments to the judge. I understand that he received his check from the judge's secretary or from the marshal, just as it was issued by the marshal. This character of charge based on a discharged negro's statement is vicious, and I have no doubt but the real facts will show just about the way I have given them.

You will recall that I told you that the judge's record in his decisions has been remarkably sound. In all the cases on appeal I think he has been reversed four or five times, and in some of those reversals his decision has only been modified. I know that the judges think highly of him personally and for his district court decisions. Judge Anderson has been meting out justice in a broad, fine way, and no one, neither laymen or lawyers, have really made any criticism of his decisions. He is broad, human, and has an uncanny ability to get a quick insight into litigated questions. Particularly is he quick to understand the guilt or innocence of defendants in a criminal case, and he then acts according to his judgment and his conscience. He has handed out justice, tempered with mercy, and in this administration I know of my own knowledge that two confirmed and notorious bootleggers have not reengaged in the business, owing to the punishment the judge imposed.

Judge Anderson may have made errors, as I have stated, but no one except a palpably biased enemy would attach any evil doing or corruption to his acts.

It would be a fine thing if at the proper time you could speak to the resolution on the floor, because you know the judge, and you may be assured that he has done no corrupt thing, nothing that the Senate would impeach him for, and I believe that if it should go to findings of articles of impeachment by the House that they would be boiled down to one or two matters, but the judge could easily explain them and they would fade away as the mist. If the committee should make a personal investigation of the charges prior to the findings of articles it is my candid judgment that no articles would be found.

Cordially yours,

ALBERT G. RILEY.

The Memphis Post, No. 1, of the American Legion, adopted the following resolution to show their attitude toward this assault:

LEGION BACKS ANDERSON—ADOPTS RESOLUTION INDORSING PUBLIC AND PRIVATE LIFE OF JUDGE

Unqualified indorsement of both the public and private life of Judge Anderson, coupled with an expression of confidence in his character and ability, were carried in the resolutions which were unanimously adopted by Memphis Post, No. 1, American Legion, Thursday night.

The document reads:

"Whereas the public press has carried news articles from Washington, D. C., stating that certain charges will be made against Judge Harry B. Anderson, judge of the United States District Court for the Western District of Tennessee; and

"Whereas Judge Harry B. Anderson is a member of Memphis Post, No. 1, of the American Legion, and is an ex-soldier with an enviable war record; and

"Whereas it has been our observation that Judge Anderson has conducted himself beyond reproach both in private and public life, and in the conduct of his court he has always tempered justice with mercy where justified; and

"Whereas by reason of his record, both in public and private official life, he has endeared himself to us and is a credit to the American Legion, to his profession, to the city of Memphis, and State of Tennessee; and

"Whereas we have utmost confidence in his integrity and character, both as a judge and as a citizen: Therefore be it

Resolved by Memphis Post, No. 1, of the American Legion, That we hereby express our sincere confidence in the unimpeachable character and integrity of Judge Harry B. Anderson, judge of the United States District Court for the Western District of Tennessee; be it further

Resolved by the Memphis Post, No. 1, of the American Legion, That a copy of these resolutions be forwarded to Judge Harry B. Anderson, and a copy of the newspapers published in Memphis, Tenn.; be it further

Resolved, That a copy of this resolution be spread upon the minutes of this organization."

The Commercial Appeal of Memphis had on its editorial page on March 13 the following splendid review of Judge Anderson's work on the Federal bench:

GOOD CITIZEN AND A GOOD JUDGE

Judge Harry Anderson enjoys the respect and confidence of this community. He has as many friends as any man in Memphis.

He has never been guilty of an unkind or ungenerous act. He never harmed a human being.

His every impulse is to be charitable and generous.

He carried to the bench a compassion for human frailty and a sympathy for the weakness of his fellow man.

He is a human judge who has never assumed the rôle of infallible justice.

He realizes that he is liable to error, and has been careful to see that his errors were on the side of mercy.

A Federal judge possesses arbitrary powers. Instead of being arbitrarily tyrannical, he has been arbitrarily merciful.

It may be out of line with judicial authority to consider the poor and destitute family in determining the penalty for a half-pint offender, but Judge Anderson has looked beyond the prisoner at the bar to the consequence of long-term imprisonment on the innocent and unoffending. If this be judicial error, he is guilty, and the public applauds him for it.

Perhaps there are irregularities in the different departments of the court, but it can not be said that Judge Anderson has failed to maintain the dignity of the court and the respect and confidence of the public.

We know him as a splendid citizen and a good judge. It will be difficult to convince any unprejudiced individual to the contrary.

Mr. LAGUARDIA. Mr. Speaker, I crave the indulgence of the gentleman from New Jersey [Mr. BACHARACH], who is to be recognized next. I ask unanimous consent that I may address the House for five minutes.

Mr. PARKER. I shall have to object to that. I have a bill that I want to get up and conclude to-day.

Mr. LAGUARDIA. Will the gentleman let me have three minutes?

Mr. PARKER. I will not object to three minutes.

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent that I may address the House for three minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LAGUARDIA. Mr. Speaker and gentlemen, the gentleman from Tennessee makes a most temperate defense of his friend, Judge Anderson. I admire him for it. I am sure the gentleman from Tennessee can not classify me as one of his enemies, because I know nothing of the political situation in Memphis. But the various apologies and explanations made by the gentleman from Tennessee would indicate that Judge Anderson would welcome an investigation.

All I have done to date is to take the information which has been coming to me for the past 10 months. I have been waiting patiently for the Department of Justice to act. I introduced a resolution asking the Department of Justice to submit all of the information it has to the Committee on the Judiciary. As the gentleman from Tennessee stated, these rumors, this gossip, if you please, has been going on for six months. It is in the interest of the Federal courts that when there are such charges and such accusations we should proceed with a thorough investigation.

If the judge is absolutely innocent, as the gentleman from Tennessee suggests, I would be the first to say that no further action is necessary. If he is guilty, I shall do all within my power to carry out my constitutional duty as a Member of this House.

I am one who does not believe in the infallibility of Federal judges. When I have information concerning the misconduct of any judge, I am going to bring it to the attention of the House and the country.

TAX REFUNDS

The SPEAKER pro tempore. Under the special order, the Chair recognizes the gentleman from New Jersey [Mr. BACHARACH] for 20 minutes.

Mr. BACHARACH. Mr. Speaker and gentlemen of the House, on Friday last the gentleman from Texas arose in this House and in his usual likable manner and without any too great regard for the facts proceeded to castigate the Treasury Department and the Republican members of the joint committee on taxation on the subject of tax refunds in general but with particular reference to the refund of \$33,000,000 to the United States Steel Corporation.

Before I proceed further I want to direct your attention and the attention of the country to the membership of this joint committee. Now, who are the great men and from what States do they come who represent the Democratic Party on that committee? Why, the gentleman from Texas [Mr. GARNER], whose State pays 1½ per cent of the Federal corporation tax; the Senator from Mississippi [Mr. HARRISON] and the gentleman from Mississippi [Mr. COLLIER], whose State pays 0.1 of 1 per cent of the corporation tax; and the Senator from North Carolina [Mr. SIMMONS], whose State pays 1½ per cent of the corporation tax.

I have observed that when the Democratic Party looks for a presidential candidate it goes to the States of New Jersey, New York, Ohio, and West Virginia, not to the State of Texas, not to the State of North Carolina, not to the State of Mississippi, where in the last election there were less votes cast in all of the eight congressional districts combined than were cast in my own congressional district. The great State of New York, the largest taxpaying State in the Union, with a representation of 22 Democratic Members in the House and 2 United States Senators, has no representation on this joint committee.

Of course, we Members of the House who have been here for some time know that the gentleman from Texas [Mr. GARNER] has a particular antipathy for the Secretary of the Treasury and for any recommendation that comes from him or his department. As a result of this, his dislike even for the name of "Andy" has become so fixed in his consciousness that he actually refuses to listen in on the nightly broadcast of "Amos 'n' Andy." [Laughter.]

In the course of his remarks the gentleman from Texas [Mr. GARNER] stressed the fact that during the hearing on the matter of this refund to the Steel Corporation there was only one Republican member of the joint committee present, and to emphasize this his colleague from Mississippi [Mr. COLLIER] interrupted him to make this observation:

Mr. COLLIER. The Joint Committee on Internal Revenue is composed of five Members of the House and five Members of the Senate, and it is empowered to scrutinize these refunds. I want to ask the gentleman if he does not recall that during the entire time of the hearings there was not present a single member on the majority side of the other body, and during at least 85 or 90 per cent of the hearings—which were held to pass on a refund of \$33,000,000 to the greatest taxpayer in the United States—there was only one member of the majority present, and now, as a boast to ourselves, I would like the RECORD to show that the gentleman from Texas and myself were present during the entire hearings. Am I not right in my statement?

To which the gentleman from Texas [Mr. GARNER] replied:

The gentleman is correct.

Now, what are the facts and circumstances surrounding that particular meeting of the joint committee? On Wednesday, March 5, not on Saturday, March 8, as stated by the gentleman from Texas [Mr. GARNER], the chairman by personal letter to each member of the committee called for a meeting of the committee on Tuesday, March 11, and at the same time transmitted to each member of the committee a preliminary report on the Steel Co.'s case, prepared by Mr. Parker, chief of staff. The committee members therefore had six days prior to the meeting in which to go over the record and acquaint themselves with the facts.

If the gentleman from Texas did not give any attention to the letter from the chairman and the report which accompanied it until the 8th of March, apparently he has been a little lax in his duties, for the letter and report were delivered to his office by special messenger on the 5th.

Of course, I do not need to remind the Members of the House that on Saturday, March 8, the country received the sad news of the death of one of its most distinguished citizens, the former Chief Justice and President of the United States, William Howard Taft.

So that when the joint committee met in the office of Chairman HAWLEY at 10 o'clock on Tuesday, March 11, within a distance of about 500 feet the body of the former President and late Chief Justice of the United States, was resting in the rotunda of the Capitol, in order that the people, of whom he was so greatly beloved, might have a last opportunity to view his body and pay their respect.

The House and Senate adjourned on Monday until Wednesday as a mark of respect, and as a further tribute, the President ordered the several departments closed at noon and practically all business in the city was suspended at the hour of the funeral. I am not certain, but I think that I am safe in saying that the joint committee was the only committee of the Congress that was in session on that day.

The gentleman from Mississippi [Mr. COLLIER] mentioned the fact that there was not a single member of the majority side of the joint committee from the other body present at the meeting on March 11, and I merely want to call your attention to the fact that Senator SMOOR and Senator WATSON were members of the funeral party on the part of the Senate, and, of course, Senator REED is in Europe and could not be present. I might also state that both the gentleman from Texas [Mr. GARNER] and the gentleman from Mississippi [Mr. COLLIER] were members of the funeral committee on the part of the House.

When we met on that day I suggested to the chairman that it would be proper for the committee to adjourn its meeting out of respect to the memory of Mr. Taft, but he stated that he thought the meeting would last only a very short time, and for that reason we should go on with it. I told him that so far as I was personally concerned, under the circumstances, I would not remain at the meeting for more than an hour, and the gentleman from Massachusetts [Mr. TREADWAY] also stated that he would leave before 11 o'clock. When it was time for me to leave I stated to the chairman that I approved of the refund, and he could so record me. Senator HARRISON stated to the chairman that Senator SIMMONS could not be present on account of his state of health, but had given him authority to cast his vote.

On the following day, March 12, the joint committee met again, and at that meeting there were present the chairman [Mr. HAWLEY], the gentleman from Massachusetts [Mr. TREADWAY], the gentleman from Texas [Mr. GARNER], and the gentleman from Mississippi [Mr. COLLIER]. I was out of the city because of a previous engagement and could not attend. The Senators on the committee, of course, were very much taken up with the tariff bill and could not be present.

It is true that I was not present at that meeting, because I had asked the chairman of the committee to excuse me. It was necessary for me—and it is frequently necessary, having a district within three hours and a half of Washington—to be occasionally at home to consult with my constituents. Of course, if I were situated as are the gentleman from Mississippi and the gentleman from Texas, with a constituency at a great distance from the city of Washington, I realize it would be quite difficult for me to visit my district as often as I do. It is true, as I say, that they did meet with the committee on that day. It is also true that I did ask the chairman of the committee to excuse me.

Now, although much has been made by the gentleman from Texas [Mr. GARNER] about the absence of the Republican members of the committee when this refund was agreed upon, there is really nothing in that to be concerned about, and there was absolutely no reason why there should have been any prolonged discussion on the subject.

What are the facts about this refund to the United States Steel Corporation? If I may have it, I want the close attention of the Members of the House.

This refund covers the years 1918, 1919, and 1920. Most of you will remember that in 1928 we made a refund covering the year 1917 to this same corporation. The same state of facts that were considered for the year 1917 were involved in the settlement for the years 1918 to 1920, inclusive, covered by this refund.

A very intensive audit by the Internal Revenue Bureau covering this return has been going on for the past six years, and the result of that audit has been under investigation by the committee's chief of staff, with five additional experts for the past 35 days. This same staff had previously investigated the 1917 refund for six weeks; moreover, it so happens that the chief of our staff had previously studied the amortization claims of the taxpayer, and the report on this examination covered 216 printed pages of a former select Senate committee report.

It was of no surprise to these experts nor to the members of the joint committee that there would be a refund of these proportions due to the Steel Co. for the years 1918 to 1920. As a matter of fact, Mr. Parker, the chief of staff, in his letter to the chairman of the joint committee, transmitting his preliminary report, stated as follows:

It will be recalled that the joint committee met in December, 1928, to consider a refund to this same corporation for the taxable year 1917 in the total sum, including interest, of \$25,856,361.14. At that time a refund for the years 1918 to 1920 was predicted which was of the approximate magnitude of the refund now in fact proposed.

So you will see that as far back as December, 1928, the joint committee had notice from its chief expert that there would probably be a considerable refund due the Steel Co. on the same state of facts for the years 1918 to 1920, and it is worthy of note to point out to you that the two amounts so closely approximate each other.

The Joint Committee on Internal Revenue Taxation was created under the act of 1926 for the purpose of investigating all refunds allowed to taxpayers by the Treasury Department. Mr. Parker, the chief of staff of the committee's experts, was formerly the chief investigator for the select committee of the Senate, headed by Senator COUZENS, of Michigan, which made a very thorough investigation of the Internal Revenue Bureau and its methods of making refunds, and so forth. Of course, Mr. Parker is supposed to be neutral in rendering his reports,

but from my knowledge of his work and his previous experience I would hazard the guess that if he had any bias whatsoever in the matter, it would not be on the side of the Steel Co.

The able minority leader did not state all the facts which are necessary in properly considering the subject which was before the joint committee, with the result that a very imperfect picture of the true situation has been placed before the House by the remarks of the gentleman from Texas [Mr. GARNER].

It seems fitting therefore to supply some of the most important facts which were omitted from the discussion on Friday. In the first place, consider the refund to the United States Steel Corporation. This corporation is composed of approximately 195 corporations which report and pay their taxes as a unit. If the refund of \$33,000,000 had been returned to each corporation, we would have an average refund per corporation of only \$170,000, a sum which would cause no comment.

It is also absolutely essential in considering this refund to keep in mind the magnitude of the taxes paid by this group of corporations. For the three years 1918, 1919, and 1920, which are the years for which the refund is made, the Steel Corporation paid the enormous sum of \$333,359,986 in taxes. Of this amount \$21,555,358 is now being refunded, leaving a final net tax collected of \$311,804,628. Thus it can be seen that the tax adjustment is less than 7 per cent. It is true that in addition to the \$21,000,000 of principal refunded there is also paid to the corporation \$12,000,000 in interest. As to the interest, two facts should be noted: First, the Government has had the use of the money for 10 years, and, second, the Steel Corporation will be taxable on this interest in its 1930 return and will pay a tax thereon of approximately a million and a half dollars.

The original tax reported by the Steel Corporation for the years 1918, 1919, and 1920 amounted to \$303,936,509. The final tax collected is nearly \$8,000,000 more than this original figure. If it were not for the fact that additional assessments of some \$29,000,000 were made and paid by the corporation, the Government would now be collecting \$8,000,000 from the corporation instead of refunding \$21,000,000.

The policy of the Steel Corporation was to pay all additional assessments, regardless of their inaccuracy. In fact, in making these particular additional assessments the department knew that they were using tentative figures, but considered the assessments necessary to protect the interests of the Government.

In view of the fact that it has taken years for the courts to even partly define our complicated income tax act, it does not seem at all surprising that adjustments of 7 per cent will be necessary, as in this case. In fact, it will be noted from the refund report now being considered by the joint committee that tax adjustments are sometimes necessary to the extent of 80 per cent of the original amount returned.

When the magnitude of the tax paid by the corporation is kept in mind, together with the numerous changes put on the interpretation of the law by the courts and the fact that tentative and inaccurate additional taxes have been assessed and paid, I can see no reason for suspecting that the refund to the Steel Corporation is not entirely just and proper.

The second subject discussed by the gentleman from Texas [Mr. GARNER] was in regard to tax refunds in general. The first thing he worries about is the large amount of refunds to persons in Pennsylvania. He forgets that refunds are bound to be somewhat proportionate to the amount of tax paid. The State of Pennsylvania in 1927 paid about 10 per cent of the total corporation tax, and that does not include the tax of the Steel Corporation, which has its main office in New York. The States of Pennsylvania and New York together pay about 40 per cent of the total corporation tax. The State of Texas, as I stated previously, pays only 1½ per cent of the total corporation tax. It is perfectly obvious that the larger amount of refunds will go to those States that pay a big tax, not to those who pay a small tax.

I read in a newspaper, after Mr. GARNER's speech, in reply to an inquiry whether there had been refunds in certain States like the States of Texas and Oklahoma, it was stated that there was no oil company in the State of Texas to which a refund was made. I want to call your special attention to that, for I note in this year's report on refunds that the United North & South Oil Co., of Luling, Tex., received a refund of \$293,604, which represented a reduction of almost 88 per cent of the total tax assessed. Relatively, which looks worse, an 88 per cent reduction to the Texas concern or a 7 per cent reduction to the United States Steel Corporation? Of course, I do not make any criticism of this 88 per cent reduction, because I have confidence in the department and in the staff of our joint committee. I know also that I voice the sentiment of the gentleman from Texas that he has confidence, too, in their integrity.

The gentleman from Texas [Mr. GARNER] also worries about a refund to the Baldwin Locomotive Works because it covers the

years 1912 to 1922. He seems to think that the years 1912 to 1917, at least, should be barred on account of the statute of limitations. Yet he must know that Congress itself is responsible for this situation, for by enacting section 252 of the revenue act of 1921, under certain circumstances all income-tax years are made subject to correction regardless of the statute of limitations.

In conclusion, I must confess that any general criticism of the refund situation seems out of place at this time. The report on refunds for the whole calendar year 1929 is in the hands of the Joint Committee on Taxation and is summed up by Mr. Parker, chief of its staff, as follows:

1. The rate of overassessment has decreased 58 per cent for the calendar year 1929, over the rate for the preceding 7-month period.
2. No serious question can be raised as to the propriety of the allowances consummated.
3. The department has cooperated in every way with the staff and is making a review of two cases where certain questions were raised.

In view of the fact that the staff of the committee has not been afraid to offer constructive criticisms of the department in the past, I give great weight to the statements made by Mr. PARKER, and am convinced that the general situation in regard to tax refunds is satisfactory. [Applause.]

The SPEAKER pro tempore (Mr. ACKERMAN). The time of the gentleman from New Jersey has expired. Under the special order the Chair recognizes the gentleman from Texas [Mr. GARNER].

Mr. GARNER. Mr. Speaker, I ask unanimous consent to proceed for 20 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GARNER. Mr. Speaker, I expected to get some information from the gentleman from New Jersey [Mr. BACHARACH]. That is the reason I asked for a little time, in order to make reply. But outside of the demonstration of the fact that he has the same idea concerning the Southern States, especially Mississippi and Texas, as Pennsylvanians have about the Western States—that is to say, that they are somewhat backward and should have no voice on committees—I have received from his address no information on the question of the refund of taxes.

Evidently the gentleman from New Jersey has had a consultation with Uncle Andy and Brother Ogden. The written portion of his address sounds as though it might have been prepared in the Treasury Department. I do not say so direct, but the language in the part that he read runs along just as the language used by the Secretary of the Treasury in his reply appearing in Sunday's papers. I can only infer it from that circumstance, that it is the language used by the Secretary of the Treasury in his reply.

Mr. BACHARACH. Mr. Speaker, will the gentleman yield there?

Mr. GARNER. Certainly.

Mr. BACHARACH. So far as I am personally concerned, or so far as I know, I have not been to the Treasury Department or consulted them.

Mr. GARNER. Then you must have a very apt clerk. I congratulate you on having a good clerk. [Laughter.]

Gentlemen of the House, nothing that the gentleman from New Jersey can say and nothing that the Treasury Department can say takes away the outstanding facts concerning this tax refund; and the chief fact is that one taxpayer of this Nation, the United States Steel Corporation, gets a refund over a period of four years of \$98,000,000. That is the most efficient corporation in the world—the United States Steel Corporation. It does not take away from the fact that last Saturday the Treasury Department sent the Steel Corporation a check more than one hundred thousand times greater than the average taxpayer of the United States pays. Think of it! With over 2,000,000 taxpayers. From over 1,800,000 returns of taxpayers the Government collected \$2,000,000 less than they refunded to one single taxpayer—the United States Steel Corporation.

Mr. BACHARACH. It did not include the amount paid by the United States Steel Corporation in additional taxes.

Mr. GARNER. If you go back a year ago, you will find that I showed the reduction of their first rendition. They got a final reduction in that first rendition of more than \$32,000,000. The return was frankly made. Nobody coerced them into making it. They ought to have good bookkeepers. Do you suppose that that vast corporation, composed of about 190 subsidiary corporations under one head, was not able to make an accurate report?

I do not want to criticize the gentleman from New Jersey [Mr. BACHARACH] with reference to his duties on that commit-

tee, and the only reference made to it was when my friend from Mississippi [Mr. COLLIER] referred to it only for one purpose, and that was with reference to the joint committee, controlled by six Republicans as against four Democrats, that they did not look into these matters and never intended to look into these matters.

It was all a formality. There was no occasion for the gentleman from New Jersey not to remain in Atlantic City. It would have been the same if he had been here and if the gentleman from Massachusetts had been here. Mr. HAWLEY knew he could depend on his vote and on Mr. TREADWAY's vote. So you both left your proxies with him. I venture the assertion that before we met you never read the report.

Mr. BACHARACH. In your statement of last Friday concerning the Ways and Means Committee you said you had received the report.

Mr. GARNER. I made the statement I received it on the 8th, and I received it on the 5th. I made that mistake. Did you read this report in full?

Mr. BACHARACH. I read it pretty much in full.

Mr. GARNER. Yes; you read it pretty much in full! [Laughter.] It was not necessary, I repeat, for you to be there, because it was a mere formality, for Mr. HAWLEY knew you were going to O. K. this transaction. Only one Republican on that committee failed last year to report this, and that man, a Senator, is in Europe now. He declined last year to vote to approve it.

Everybody knew you were going to approve it. You merely made a gesture; that was all. It makes no difference what they send down here or what Uncle Andy tells you to do, you will do it. But I will say that the gentleman from New Jersey [Mr. BACHARACH] is not quite as obedient a child as the other two Members. [Laughter.]

Mr. BACHARACH. I thank the gentleman for that.

Mr. GARNER. I was surprised when my genial friend took it upon himself to answer for the Treasury Department to-day. I notified my bombastic friend from Massachusetts [Mr. TREADWAY] [laughter] that I was going to talk about this matter, and I expected him to reply; because, as I understand it, you look upon him as your leader in all taxation matters on your side of the House. I have drawn the inference from what I have heard that the Republican organization looks upon the gentleman from Massachusetts [Mr. TREADWAY] in that way. The fact that he cut an intestine some weeks ago might keep him off the floor for some time. I would think you would keep him off the floor in view of the fact that he ruined the administration's version of the loss of the election in the second Massachusetts district. [Laughter.]

Mr. Speaker, this is not the only case. Let me show you what the Treasury Department is doing. I requested the chairman of the committee to permit the secretary of the joint committee to send me a list of these abatements and refunds as they came in. I have received a statement from Mr. Parker, and among other things is an abatement made on the 14th of March, to John D. Rockefeller, of New York, \$356,378.32, refund for taxes paid in 1917.

Heretofore I have not called anything to your attention except corporations, where there was some difficulty in arriving at the amortization, or interlocking companies. But now we have one individual taxpayer. And it has taken 10 or 12 years to find out what Mr. Rockefeller owed the Government.

I wonder how much they amortized the old man in making this calculation; \$356,000 from the 1917 taxes. That old fellow permitted Uncle Andy Mellon to keep that for 12 years without giving it up. Gentlemen, do you know how much money that is? I understand he has quit giving away dimes and is giving away Buffalo nickels now. That is more Buffalo nickels than he could give away in the balance of his life if he lived a hundred years. That is over 7,000,000 Buffalo nickels that you are giving back to Deacon Rockefeller at one time.

Uncle Andy had to take care of Pennsylvania. The Pennsylvania Rapid Transit Co., Philadelphia, Pa., was allowed \$1,721,000, on the 14th of this month. I told you Pennsylvania was the main State.

But that is not all. It shows you the trend of the Treasury Department. Not later than yesterday you will recall having read in the newspaper that the Treasury Department has begun to promote education. The article in the newspaper is headed thus:

LONGWORTH heads list of patrons of new venture.

I wondered what that venture was, because I love to keep up with what Nick is going to do, so interesting is he. I discover that it is the promotion of grand opera in the city of Washington, and I find associated with him Uncle Andy Mellon, Mr. BACON, of New York, and Mr. BLOOM. So the firm would be, as

I understand it, in order to have strength in the middle, "Longworth, Mellon, Bacon & Bloom." [Laughter and applause.]

Now, how are they going to promote it? It just shows you the tendency of the Treasury Department. They have nothing in their minds except wealth and the exemption of wealth from taxation, so far as they can. Grand opera! Educational!

Secretary Mellon, 74 years old, is going to be educated. And in order to encourage that education he is going to exempt everyone purchasing a ticket from paying the tax on the same. When Mr. LONGWORTH puts his name on the guaranty and they lose \$10,000 by virtue of this venture, Mr. Mellon tells him in advance, "I am going to permit you to deduct that from your income tax because you are promoting education in this country." [Laughter.] God knows you and Andy need it. [Laughter.]

Education! Who is to be educated? Uncle Andy, Brother Ogden, Sir Nicholas, and Mr. BLOOM. [Laughter.] Ah, sir, it would be something to laugh at if it did not tend to show how anxious the Treasury Department is to cater to wealth at the expense of the people. Are you going to give me a deduction for the ticket I buy to the spoken drama or Shakespearean play to get education? Nothing is said about that. Four or five thousand people perhaps attend grand opera. They will be all the way from 21 years to 75 years old; and Uncle Andy. In order to encourage that particular class of education the Treasury Department issues a notice to the public and to the world, "Buy tickets; underwrite the enterprise, and we will give you a deduction on your income tax."

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. GARNER. I yield.

Mr. SCHAFER of Wisconsin. Is the gentleman going to consider reading out of the party the gentleman from New York [Mr. BLOOM] because he has taken part in the transaction?

Mr. GARNER. Oh, no; we are glad we have one Member who can get in. We Members over here are too poor. We look on the gentleman from New York [Mr. BLOOM] with a degree of pride that he was included in this great and noble venture.

This morning I also got a notice of another refund that might be interesting to you gentlemen—\$2,542,304.59 to the Eastman Kodak Co.

Now, gentlemen, I am contending for two things. One is that if I were the Secretary of the Treasury I would insist that one of the cases involving various and sundry questions be taken to the Supreme Court of the United States. I would insist that one of the refunds be taken to the United States Supreme Court to determine some of these questions. That is my first proposition.

My second proposition is that in view of the stupendous amount refunded, in view of the fact that Mr. Mellon, since he has been the Secretary of the Treasury, has given back nearly \$3,000,000,000 to the American taxpayers, I would say to the Congress of the United States: "There has been a lot of criticism in and out of Congress about my action in this matter. The doors are open. Send a committee from the House and Senate, or elsewhere, so long as they are official and responsible, and investigate my books and see whether I am conducting this office as it should be conducted."

Is there anything you are afraid of? Are you afraid to trust these men to come up and look at it? There has not been any investigation by the House of Representatives, whose duty it is under the Constitution to raise this revenue and to initiate revenue bills. They have not had a single look-in in 10 years. If the Secretary of the Treasury is so anxious about it, as he seems to be in the newspapers and through his spokesman on the floor of the House, he would undoubtedly say to the House of Representatives: "I welcome you with open arms. Come and look in. We are clean. We are running this as it should be run. We are proud of it."

Instead of that, he closes the doors and says, "No man can come and look in for himself."

That is what I complain of, and it is wrong in principle. The Speaker of this House and his Republican organization ought to get together and think seriously about making an investigation of the Treasury Department, with a view of giving the people of this country renewed confidence in it.

Why, five or six years ago, if I had made the same kind of a speech I made the other day, Uncle Andy would have paid no attention to it; but he went so far on Sunday as to let them quote him. Maybe the old fellow is getting old. He can not be getting thin-skinned, because it would take a long time to scrape the hard shell off of him. But he is evidently getting weak. Maybe Brother Ogden is urging him along.

Whenever you get a combination between Mellon and Mills you have two great combinations, made up of the very capable, far-reaching, and far-sighted intellect of the Secretary of the Treas-

ury and that wonderful capacity of the Undersecretary of the Treasury of making white look black and yellow look red.

Do you not remember that two years ago, or maybe it was three, Mr. Mills came on the floor of the House and told you they had to have \$160,000,000 at once to buy all the liquor in the United States, in order to properly enforce prohibition, and he had Bishop Cannon at his right hand?

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. GARNER. Mr. Speaker, I ask unanimous consent to proceed for three additional minutes.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. GARNER. After he had presented the facts I went on the floor of the House, if you will remember, and cried "Thief." The proposition had the approval of the Treasury Department and the approval of Mr. Mellon. We had a hearing on that bill. It was backed by the Anti-Saloon League; it was backed by every organization in this country for temperance, so far as I know, and by those against the eighteenth amendment. Before we got through with that hearing the bill was withdrawn. The very first question I asked these two gentlemen when I had the pleasure of meeting them in their offices when I came back at the next session was, "What are you going to do about the liquor bill?" And they said, "We are not going to do anything more about it. We are through."

Then you remember that when we started to settle the alien-property business Mr. Mills told you how beautifully it could be done. He introduced a bill and was going to settle it at the expense of \$280,000,000 of the American people's money. The plan was to issue bonds, pay American claimants, take the I. O. U. of Germany, and then the whole thing could easily be settled, just as long as the people paid the bill. I again cried "Thief." When I did it on that occasion I drew the attention of the gentleman from New York, Mr. Mills, to the fact that he was personally interested in an item of approximately \$240,000 out of this money, and that it was not right for him to appear in advocacy of the bill.

So he withdrew from any further participation in that proposition. Mr. Mills is one of the greatest artists this country has ever known when it comes to making things look feasible and making things look right. You know, he can even make many well-meaning Republicans believe he is right. It is a fact that he caught me two or three times. He is honest looking; he is honest talking; and I am confident he is absolutely honest in what he believes. That kind of a man, you know, is dangerous, especially when he has the backing of a man like Uncle Andy.

I call on you, Mr. Speaker, to take under consideration, you and your steering committee, the advisability of selecting a committee, made up of the best men we have here, to investigate the Treasury Department. I ask you to give them ample power and ample funds; give them a competent lawyer, a competent accountant, and a competent engineer, all of whom are necessary in making an investigation of these things. Let them make this investigation and come back and report to this House; and if they can conscientiously report that the Treasury Department has been run honestly, efficiently, and impartially for the last 10 years, it will be the most glorious fact we could possibly find. I would be as happy a man as there is in the Nation. I want the people of this country to have confidence in both the executive and legislative branches of the Government; but you are losing it in the House of Representatives because the joint committee is approving these things without any knowledge of them. I protest against it and I will continue to protest against it as long as I am able to stand on the floor of the House and can get the opportunity to do so. [Applause.]

COAL

The SPEAKER pro tempore. Under the special order of the House the Chair recognizes the gentleman from Pennsylvania [Mr. BRUMM] for 45 minutes.

Mr. BRUMM. Mr. Speaker, at the outset may I ask the usual courtesy requested by Members who have reserved time, and that is that I be not interrupted until I finish the main part of my remarks.

Mr. Speaker and Members of the House, before I address myself to the real purpose of my remarks this afternoon, may I premise them with the statement that I do not rise before you to-day as a partisan. I do not for the time being care to be associated with any particular economic thought as affected by political or geographical lines. I should rather that I may address the Members of this House as one who is seriously interested in my own home State and in particular the district which I have the honor to represent, its industries, and the welfare of the people.

I shall endeavor to lay before you in all candor and fairness a most serious situation, through a course of contemporary events, which strikes at one of the most basic industries of the land, striking at its very existence, and which is a blow to the dignity and to the self-respect of every laborer engaged in this industry and consequently to every laborer wherever found.

For the last few weeks, Mr. Speaker, there was exhibited in this city a most powerful moving picture demonstrating the cause of the fall of the German Empire. It portrayed most graphically that the war lords of Germany, in their desire to win the war had inflicted willful and unjust punishment and death upon a simple Russian peasant.

The wiser heads of Germany recognized, then, that they were taking the soul out of the German Government and that its days were numbered. As they prophesied, so did the proud imperial power of the great German nation topple and fall in the way of all empires.

So, Mr. Speaker, we, as Americans of this present day, in the light of our history, know that our people as a whole have learned through the vicissitudes of a terrible Civil War and the most bitter experience that the welfare of our great Nation, its prosperity and its permanence, are dependent upon the indissoluble unity, economic as well as political, of its several parts. No political unit, however small, is too little to demand the highest consideration and justice from the rest, and no section or part or parts can willfully, either by legislation or otherwise, inflict a wrong upon even the smallest without shattering the stability of the whole fabric and, if persisted in, the end will be but a matter of time.

This is the lesson of 150 years; and, believing as I do, that you accept it as a self-evident verity, I have the conviction that the honorable, patriotic Members of this House will receive with fair consideration a most just cause, and I hope and cherish the thought that I may make it, in a sense, your own.

Mr. Speaker, I have thus addressed you for this reason. For a few years back it seems that both branches of the Congress, whether consciously or unconsciously, are aligned along sectional lines, and, while we regret it, prejudice seems often to replace reason, and personalities which may be applied as well to a State as to people, often have taken the place of sound argument.

As I read almost daily these persistent references, innuendoes, and sometimes direct charges, particularly in yonder Chamber, against my own fair State and its officers, and I ponder on what I know to be the shortcomings of some others, I am impelled irresistibly to recall the famous answer of the Savior when the Pharisees tried to enmesh him in the temple by asking him to pass sentence on an immoral woman who had been caught in an illicit act. To their great surprise he said, in effect, if this woman has broken the law, by the law shall she be punished, and let him who is without sin cast the first stone; and, Mr. Speaker, while the rains descended and the floods came, you know very well there were no stones cast that day.

Criticism, Mr. Speaker, is always very easy and awfully cheap and invariably is the weapon of demagogues and iconoclasts, but broad-minded, constructive statesmanship is a task for philosophers, and while prejudice and jealousy are but the emanations of shallow minds, broad-minded charity and justice are the very essence of statesmanship.

Towers, Mr. Speaker, are measured by their shadows, and great States, like great men, are measured by their slanderers. I veritably believe that if the sons of my State should care to retaliate in kind, they could crush their detractors like I might crush an eggshell in the hollow of this hand.

So, Mr. Speaker, for the reason that I come from the great State of Pennsylvania, the history of which makes it fill so potential a niche in the establishment and in the maintenance of this great Nation, I hope I shall not be met at the threshold, as two of our legally constituted representatives were, by sectional prejudice, but that the cause which I humbly espouse may be received upon its merits and treated with fairness.

Mr. Speaker, at the close of the eighteenth century or the beginning of the nineteenth, when an old pioneer of the Blue Mountains of Pennsylvania, in attempting to rid his fields of trees, had ignited a stump and discovered that after the wood had burned the black stones, as he thought, which surrounded the roots, burned with a bright glow and with excessive heat, and he had transmitted his discovery to his friends and neighbors, he had then taken the first step in establishing what, perhaps, is the most basic industry of the United States.

We can hardly conceive of any industry that does not utilize fuel at some time or in some shape, and coal, for over a hundred years, has been recognized as the almost universal fuel not only for manufacturing but for domestic purposes, at least in the congested sections.

The building up of this great industry, particularly confined to the mountains of eastern Pennsylvania, had attracted thousands upon thousands of people from all over the United States and even from Europe, and notwithstanding the cosmopolitan make-up, from them has grown a citizenry which compares more than favorably with the labor of any industrial section throughout the world. No braver people, more industrious, more patriotic ever trod the soil of America than the miners from the mountains of Pennsylvania. [Applause.]

When the integrity of this Union was at stake, the first defenders to rally to Lincoln's call were the miners from Schuylkill County, and with all due respect to the patriotic State of Massachusetts, and notwithstanding what historians have said and may continue to repeat, I say here that the first volunteers to reach the United States Capital at the call of Abraham Lincoln were the coal crackers from my home town [applause], and for want of better accommodations they marched up the west stairway of this Capitol and bivouacked on the stony floor of yon Rotunda. [Applause.] They sealed their patriotism with their blood on many a gory battle field of the South, and from what I have learned here and elsewhere, I believe my southern brothers had no more respect for any Union soldier than they had for the boys from Pennsylvania.

In every emergency they have stood up, and in the dank fields of Flanders, nigh the battle fields of Chateau-Thierry, the Argonne, Belleau Wood, and on the Marne, where the rows of whitened crosses mark their place, no greater numbers or prouder achievements, mark the toll of our honored dead, than the hallowed glory that enshrouds forever the memory of these noble sons of Penn. [Applause.]

These are the people that I represent; these are they whom I ask this House to have consideration for. Politics, notwithstanding, I ask for fair and just treatment and I have faith enough in the Members of this House to believe that I shall in a sense receive it.

Until a few years ago the great anthracite mining industry grew up by leaps and bounds. It was in its very nature a natural monopoly being confined to a limited area, and while we had many industrial troubles, which was perfectly natural through conditions that might arise in any other locality similarly situated and not confined to that particular region and while labor was highly paid, according to the views of outsiders, when the character of their employment is understood, they receive nothing exorbitant and, in fact, not near enough considering the hazards of their employment, to say nothing of the short life of the average miner.

I might take Members of this House to my home town and introduce them to men of my own age with whom I went to school who would appear to be years my senior through the almost universal contraction of miners' asthma which is the gradually filling up of the lungs with the fine silt which fills every crack and cranny of the mine, so that at the age of 45 or 50 they apparently look old and decrepit.

Then again the employment is peculiar and uncertain. The mines are not operated like a factory; they do not work every working day, they have been accustomed to operate until a certain amount is produced and stored and then they shut down and wait until there is a new demand. These interruptions, however, do not seem to drive labor away but they seem contented with the conditions there. The result is that we have been proverbially one of the most prosperous regions in the country. Until 1925 and 1926 such a thing as advertising anthracite coal, except by the retailers, was almost unheard of. Anthracite coal sold itself and needed very little advertisement. But in 1925 and 1926 through the most natural causes a great strike was brought about and they were shut down for about six months.

During this time the consumers unfortunately were compelled to resort to substitutes. In the past they were able to get back these markets, but American inventive genius had in the meantime perfected bituminous burners, oil burners, and had cheapened fuel gas so that this suspension afforded a glorious opportunity for the promoters of substitutes to introduce these new furnaces, so that for the first time in the history of the industry anthracite coal had real competitors.

But as the old adage has it, "It never rains but it pours." At this most inopportune time a peculiar coincidence took place. I remember very distinctly when I graduated from the University of Pennsylvania, at the request of my professor, I submitted a thesis on anthracite coal.

I remember looking up my data in the Geological Survey and the reports of the bureaus, and I found that the only place in the wide world where anthracite coal was produced was in the eastern Pennsylvania district. This was a generally accepted fact. However, within the last few years I have learned of a coal that is almost identical, at least for practical purposes,

to the Pennsylvania anthracite, that was discovered in the mountains of Siberia.

As ill luck would have it, just at the time when our owners, our miners, and the public had realized that they had to move to restore their industry, and had formed an organization and entered into covenants which will insure peace between the employer and the employed for a long term, and at least minimize the possibility of long strikes and lockouts, and when the operators themselves had renovated their entire plants, installed new machinery, resized their coal, cleansed it, and minimized the slate or refuse, and had produced an article for domestic purposes which will challenge comparison anywhere, suddenly over in Russia the sleeping giant that Napoleon spoke of had not only awakened, but had indeed become rampant, and seemed to have become mad for money; and the great soviet innovation, unable to meet her economic needs because of her untenable government and inefficient industrial system, commenced to mine coal with not only convict labor but enforced labor, working for 17 cents a day, and at an actual loss to the Government this product was shipped as ballast into American ports, so that last year soviet coal, produced under those conditions, was sold in the city of Philadelphia in my own State for less than \$5 a ton, when the cheapest that we could offer it for from my own town, 98 miles away, was \$10 a ton.

On the very best of authority these soviets are simply wild to get their hands on ready money to extend, if possible, their untenable régime.

So, my friends, I discovered when I came to Washington in April last upon my reelection, that in January, 1929, 164 tons of anthracite coal had been imported into this country from the soviet; that in the next month it had jumped to over 17,000 tons, and the following month—March—fell back to 890 tons. In April it was 2,289 tons and in May none; in June, 14,753 tons, and in July, 11,000 tons. In August it was 4,000 tons and in September 11,000, in October 11,000 again, and then jumped in November of last year to 26,621 tons, and in December went back to 13,816 tons, and in January of this year to 10,975 tons, which are the last statistics that the Department of Commerce has on hand for that particular product. So it does not matter what your ideas of economics are, this is a situation which interests us all. I tried to get a hearing before the Committee on Ways and Means last April. I called upon the chairman and he told me that it was entirely too late, as it might open up all of the various schedules, but that I could file a brief. I did so, and finally was given an opportunity before an executive session of the committee in which to present my request for an amendment to the schedule on coal, permitting a tariff on anthracite coal.

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

Mr. BRUMM. Yes.

Mr. McKEOWN. What is the total output of anthracite coal in the United States?

Mr. BRUMM. Seventy-seven million tons.

Mr. GARBER of Oklahoma. Is the gentleman able to state the number of tons imported during 1929?

Mr. BRUMM. From all places?

Mr. GARBER of Oklahoma. Yes; from all sources.

Mr. BRUMM. In January, 1929, 48,343 tons; in February, 54,389 tons; in March, 29,414 tons; in April, 36,768 tons; in May, 28,640 tons; in June, 25,601 tons; in July, 33,417 tons; in August, 24,835 tons; in September, 30,583 tons; October, 29,359 tons; in November, 44,425 tons; in December, 49,206 tons; and in January, 1930, 50,311 tons.

Mr. PALMER. Mr. Chairman, will the gentleman yield?

Mr. BRUMM. Yes.

Mr. PALMER. What rate of duty is sufficient to protect our industry against cheap-labor soviet coal?

Mr. BRUMM. I should think about four dollars or four dollars and a half a ton, possibly five dollars a ton, specific duty, depending upon freight rates. Most of the soviet coal bore no freight at all, so that we would have to make allowance for that. When I found that in the wisdom of the Ways and Means Committee I could not get any solution to this proposition, I immediately called upon Senator REED, from Pennsylvania, who was our only representative in the Senate at that time, and who I have no doubt held his seat only by the grace of God and the oversight of some of his friends over there.

For that reason, possibly needless for me to state, it would be impossible to have coal added to any schedule in our sister body. The prejudice against my beloved State, without which perhaps you and I would not be sitting here to-day, was so great that neither coal nor anything else that emanated from Pennsylvania had a day in court.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. BRUMM. Yes.

Mr. SCHAFER of Wisconsin. With reference to prejudice, I may frankly state to the gentleman that there has been a great deal of prejudice created in Wisconsin against Pennsylvania, particularly with reference to alleged violation of corrupt practices acts, when as a matter of fact those demagogues and hypocrites from my State, who were supported by the La Follette Progressive Republican Club of Milwaukee County, denounced Pennsylvania, when they did not even claim violation of the specific laws, but large expenditures. The election campaigns in their behalf flagrantly violated the corrupt practices acts of our own State in many instances.

In the 1928 primary election in Wisconsin the La Follette Progressive Republican Club of Milwaukee County received from Richard H. Lee, a master lobbyist from New York, thousands of dollars in clear violation of the Wisconsin corrupt practices acts.

In the 1926 primary campaign about \$10,000 was expended without complying with the Wisconsin corrupt practices acts for full-page beer advertisements in behalf of the nomination of a candidate supported by the La Follette Progressive Republican Club of Milwaukee County, which candidate has had much to say about alleged violations of election laws and large election campaign expenditures in Pennsylvania, but who has been silent about Mr. Lee and the beer advertisements [applause] in his behalf.

Mr. BRUMM. The kettle often calls the pot black. So, Mr. Speaker, when the tariff bill returns to this House I hope that I may have the assistance of a large portion of the House in influencing those in charge to permit an amendment to give us some relief. I suppose the parliamentary situation will make it difficult, if at all possible, to put an amendment onto the bill, but I shall certainly use every possible means in my power to have a tariff levied on all importations of anthracite coal, which should be about \$4 a ton.

That would certainly keep out the soviet coal, and would apply to any anthracite from other countries, and I am sure we are all interested in preventing the importation of this product from a country which my friend from Pennsylvania calls the Godless country of Russia. Mr. Speaker, this is not a sectional question. Perhaps every State in the Union inhibits competition of convict labor with that of free American citizens.

It is an insult to every free laborer who earns his bread by the sweat of his brow. It is a blot on civilization. It is inhuman to the Russian convicts and enforced laborers themselves. What? The United States of America, with its proud ideals, cognizant of the sacrifices of the fathers, are they to consent to the sale here of a commodity produced by slaves? It is incomprehensible that any American should stoop to handle a product which he knows emanates in that way.

Siberia! The time-honored scene of the arch tragedies of the world, the very synonym of everything that is unnatural and inhuman. Its glens and its caves, its mountains and its snows, which form its grim visage, if given the tongues of men would unfold a tale that would make America's blood run cold. Are we to compete with that? Siberia, where in our mind's eye, through the imagery of Tolstoi, we can still hear the crack of the driver's whip, we can still see that long line of God-forsaken creatures, we can still see the dead and dying, miserable victims of inhumanity to man.

Mr. Speaker, there is not a Member of this House who can stand up in this body or elsewhere and publicly say that he is willing to stand for that sort of thing. Justice demands that something be done here. Morality abhors it, and expediency, so characteristic of the American mind, will find a way, or the law of retribution will surely visit those who are responsible.

Mr. Speaker, the Federal law already prohibits convict-made products from coming into the land, but it does not stop it; and subterfuges will constantly be used, and the products of convict labor will continue to flow to our shores. The only practical way I can conceive of is a tariff which will absolutely bar these products from Siberia.

After all, we are Americans first, and I have faith enough to believe that no Member of this House will willingly stand for injustice, wherever the injury arises. In the interest of our people, in the interest of civilization, to maintain our self-respect before the world, something must be done to prevent a continuation of this malpractice. It is my earnest hope, therefore, that at the proper time the membership of this House will join with me not only in protecting a great industry and protecting the labor engaged in it but will assist in maintaining the dignity and self-respect of the great masses of our country, who, after all, are the bone and sinew of this great land and who, when compared with others, by their matchless example have dignified honest toil. This is my hope. This is the hope of the laboring masses of America; and, Mr. Speaker, I ask for your help and cooperation. [Applause.]

Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. Three minutes.

Mr. BRUMM. I am through, and I simply wanted to call the attention of the House to this message which I have received from the Rev. John Hundiak, pastor of the Ukrainian Orthodox Church of St. George, of Minersville, Pa., concerning a dispatch which he had received from Russia, exemplifying what I have said about that wonderful land of the soviets. I read:

Recent press dispatches from Kharkow, the capital of the Ukrainian Soviet Socialistic Republic, report that the soviet government has arrested Archbishop Vasil Lipkovsky, retired metropolitan, and five bishops of the Ukrainian Orthodox Autocephalic Church. They are to be tried, together with Vladimir Checkhovsky, president of the Supreme Council of the same church; Prof. Serge Efrehoff, an eminent Ukrainian scientist; Andrew Nikovsky, a member of the Ukrainian Academy of Sciences, and twoscore other Ukrainian scientists and church leaders.

The charges of counter-revolutionary activities on which those arrested are to be tried are absolutely fictitious, since none of them are in any way connected with any political or revolutionary movements. The penalty awaiting those innocent leaders of the spiritual and scientific life of Ukraine is either a death sentence or long term imprisonment in the unspeakable soviet prisons or an exile into Siberia or on Solovetsky Island.

The Soviet Government has also ordered the Supreme Council of the Ukrainian Orthodox Autocephalic Church in Kieff to disband and has decreed that that church be dissolved and outlawed. The Ukrainian church edifices, among them one that was built by Vladimir the Great in the eleventh century, are being either destroyed or converted into atheistic clubs, granaries, and storage houses.

Religion in general is being suppressed by the Godless soviet régime, and the Ukrainian Orthodox Autocephalic Church is receiving the full brunt of this destructive antireligious mania of the soviet imperialists. Its bishops, priests, and lay members have been subjected to horrible persecutions in the last 10 years. Many have been executed, and even now many of them are imprisoned. The Church of Ukraine has never suffered so much even in times of the invasions of the Tartars and the Turks. The martyrdom of the Ukrainian Christians can be compared only to the martyrdom of the early Christian Church in the times of Diocletian and Nero. We are heartbroken that there seems to be no power on earth which can stop this terrorism being perpetrated by the unspeakable and vile communistic enemies of religion.

In this dark hour when our mother church and religion in general is being crucified we, the members of St. George's Ukrainian Orthodox Church, of Minersville, Pa., appeal to you as our Representative in the United States Congress to ask the Government of the United States and Senator WILLIAM E. BORAH to intercede, if possible, on behalf of the Ukrainian Orthodox Autocephalic Church and its martyred metropolitan, bishops, priests, and lay members, and all other suffering Ukrainians.

We would sincerely appreciate any step that you might take in this matter. We feel that any publicity given to this protest will tend, at least temporarily, to alleviate the untold sufferings of our mother church and of our brethren under the soviet misrule.

The Ukrainian Orthodox Church of St. George, of Minersville, Pa., by
 Rev. JOHN HUNDIAK, *Pastor*.
 NICHOLAS SALICK, *President*.
 LEO SEMORHUN, *Vice President*.
 JOHN TORICK, *Secretary*,
 405 Front Street, Minersville, Pa.

TRANSPORTATION OF PERSONS IN INTERSTATE AND FOREIGN COMMERCE BY MOTOR CARRIERS OPERATING ON THE PUBLIC HIGHWAYS

Mr. PARKER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10288.

The SPEAKER pro tempore. The gentleman from New York moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10288. The question is on agreeing to that motion.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. RANKIN. Mr. Speaker, I call for a division.

The SPEAKER pro tempore. A division is demanded.

The House divided; and there were—ayes 60, noes 10.

Mr. RANKIN. Mr. Speaker, I object to the vote on the ground that there is no quorum present, and I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The Chair will count. [After counting.] One hundred and twenty-two Members are present; not a quorum. The Clerk will call the roll. Those in favor of the motion of the gentleman from New York [Mr. PARKER] will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 308, nays 16, not voting 104, as follows:

[Roll No. 14]
YEAS—308

- | | | | |
|----------------|------------------|------------------|-------------------|
| Ackerman | Elliott | Kiefner | Ramsayer |
| Adkins | Ellis | Kincheloe | Ramspeck |
| Aldrich | Englebright | Kinzer | Ransley |
| Allen | Eslick | Knutson | Rayburn |
| Andresen | Estep | Kopp | Reece |
| Arentz | Esterly | Korell | Reed, N. Y. |
| Aswell | Evans, Calif. | Kurtz | Reid, Ill. |
| Ayres | Evans, Mont. | Kvale | Robinson |
| Bacharach | Fenn | Lambertson | Rogers |
| Bachmann | Finley | Lampert | Rowbottom |
| Baird | Fish | Langley | Rutherford |
| Barbour | Fisher | Lankford, Ga. | Sanders, N. Y. |
| Black | Fitzgerald | Lankford, Va. | Sanders, Tex. |
| Blackburn | Fitzpatrick | Lea, Calif. | Sandlin |
| Bland | Fort | Leavitt | Schafer, Wis. |
| Bloom | Foss | Leech | Schneider |
| Bohn | Free | Lehlbach | Sears |
| Bolton | Freeman | Letts | Seger |
| Bowman | French | Linthicum | Seiberling |
| Box | Gambrill | Lozier | Selvig |
| Brand, Ga. | Garber, Okla. | Luce | Shaffer, Va. |
| Brand, Ohio | Garber, Va. | Ludlow | Short, Mo. |
| Brigham | Garner | McClintock, Ohio | Shott, W. Va. |
| Browning | Gifford | McDuffie | Shreve |
| Brumm | Glover | McFadden | Simmons |
| Buchanan | Golder | McKeown | Simms |
| Burdick | Goldsbrough | McLaughlin | Sinclair |
| Burtness | Goodwin | McLeod | Sloan |
| Busby | Granfield | McReynolds | Smith, Idaho |
| Butler | Green | McSwain | Smith, W. Va. |
| Byrns | Greenwood | Maas | Snell |
| Cable | Gregory | Magrady | Sparks |
| Campbell, Iowa | Guyer | Mansfield | Speaks |
| Campbell, Pa. | Hadley | Mapes | Sproul, Ill. |
| Canfield | Hale | Martin | Stafford |
| Carter, Calif. | Hall, Ill. | Mead | Stalker |
| Carter, Wyo. | Hall, Ind. | Menges | Stobbs |
| Celler | Hall, Miss. | Merritt | Stone |
| Chalmers | Hall, N. Dak. | Michener | Strong, Kans. |
| Chindblom | Halsey | Miller | Strong, Pa. |
| Christgau | Hancock | Milligan | Summers, Wash. |
| Christopherson | Hardy | Montague | Summers, Tex. |
| Clague | Hare | Montet | Swanson |
| Clancy | Hartley | Mooney | Taber |
| Clark, Md. | Hastings | Moore, Ky. | Tarver |
| Clark, N. C. | Haugen | Moore, Ohio | Taylor, Tenn. |
| Cochran, Mo. | Hawley | Moore, Va. | Temple |
| Cole | Hess | Morehead | Thompson |
| Collier | Hickey | Morgan | Thurston |
| Colton | Hill, Wash. | Murphy | Tilson |
| Connolly | Hoch | Nelson, Me. | Timberlake |
| Cooke | Hoffman | Nelson, Mo. | Tinkham |
| Cooper, Ohio | Hogg | Newhall | Tucker |
| Cooper, Tenn. | Holiday | Niedringhaus | Turpin |
| Cooper, Wis. | Hooper | Noian | Vincent, Mich. |
| Corning | Hope | Norton | Vinson, Ga. |
| Cox | Hopkins | O'Connell, R. I. | Wainwright |
| Coyle | Howard | O'Connor, La. | Warren |
| Craddock | Hudson | O'Connor, N. Y. | Wason |
| Crail | Hull, Morton D. | O'Connor, Okla. | Welch, Calif. |
| Cramton | Hull, William E. | Oliver, Ala. | Welsh, Pa. |
| Crisp | Hull, Wis. | Palmer | Whitehead |
| Cross | Irwin | Palmisano | Whitley |
| Crosser | Jeffers | Parker | Whittington |
| Culkin | Jenkins | Patterson | Wigglesworth |
| Dallinger | Johnson, Ind. | Peavey | Williams, Tex. |
| Darrow | Johnson, Nebr. | Perkins | Williamson |
| Davenport | Johnson, Okla. | Pittenger | Wilson |
| Davis | Johnson, Tex. | Porter | Wingo |
| Dempsey | Johnston, Mo. | Prall | Wolfenden |
| Denison | Jonas, N. C. | Pratt, Ruth | Wolverton, N. J. |
| Dowell | Jones, Tex. | Pritchard | Wolverton, W. Va. |
| Doxey | Kading | Purnell | Wood |
| Dunbar | Kelly | Quin | Woodruff |
| Dyer | Kemp | Ragon | Woodrum |
| Eaton, Colo. | Kerr | Rainey, Henry T. | Wright |
| Eaton, N. J. | Ketcham | Ramey, Frank M. | Wyant |

NAYS—16

- | | | | |
|-----------|---------|------------|----------|
| Abernethy | Briggs | Garrett | McMillan |
| Allgood | Cannon | Hill, Ala. | Oldfield |
| Almon | Collins | Huddleston | Patman |
| Arnold | Fulmer | Larsen | Rankin |

NOT VOTING—104

- | | | | |
|---------------|------------------|--------------------|-----------------|
| Andrew | Dominick | Kahn | Sirovich |
| Auf der Helde | Doughton | Kearns | Snow |
| Bacon | Douglas, Ariz. | Kendall, Ky. | Somers, N. Y. |
| Bankhead | Douglas, Mass. | Kendall, Pa. | Spearing |
| Beck | Doutrich | Kiess | Sproul, Kans. |
| Beady | Doyle | Kunz | Steagall |
| Beers | Drane | LaGuardia | Stedman |
| Bell | Drewry | Lanham | Stevenson |
| Boylan | Driver | Lee, Tex. | Sullivan, N. Y. |
| Britten | Edwards | Lindsay | Sullivan, Pa. |
| Browne | Frear | McClintic, Okla. | Swick |
| Brunner | Fuller | McCormack, Mass. | Swing |
| Buckbee | Gasque | McCormick, Ill. | Taylor, Colo. |
| Carley | Gavagin | Manlove | Thatcher |
| Cartwright | Gibson | Michaelson | Treadway |
| Chase | Graham | Mouser | Underhill |
| Clarke, N. Y. | Griffin | Nelson, Wis. | Underwood |
| Cochran, Pa. | Hammer | O'Connell, N. Y. | Vestal |
| Connery | Houston, Del. | Oliver, N. Y. | Walker |
| Crowther | Hudspeth | Owen | Watres |
| Cullen | Hull, Tenn. | Parks | Watson |
| Curry | Igoe | Pou | White |
| De Priest | James | Pratt, Harcourt J. | Wurzbach |
| DeRouen | Johnson, Ill. | Quayle | Yates |
| Dickinson | Johnson, S. Dak. | Romjue | Yon |
| Dickstein | Johnson, Wash. | Sabath | Zihlman |

So the motion was agreed to.
The Clerk announced the following pairs:
Until further notice:

- | | |
|---|---|
| Mr. Graham of Pennsylvania with Mr. Drane. | Mr. Michaelson with Mrs. Owen. |
| Mr. Treadway with Mr. Hammer. | Mr. Vestal with Mr. O'Connell of New York. |
| Mr. Watson with Mr. Hull of Tennessee. | Mr. Wurzbach with Mr. Dominick. |
| Mr. Gibson with Mr. Stevenson. | Mr. Kearns with Mr. Spearing. |
| Mr. Frear with Mr. Cullen. | Mr. Manlove with Mr. Quayle. |
| Mr. Swing with Mr. Bankhead. | Mr. Kiess with Mr. Doughton. |
| Mr. Beers with Mr. Lindsay. | Mr. Yates with Mr. Boylan. |
| Mr. Michaelson with Mrs. Owen. | Mr. Watres with Mr. Romjue. |
| Mr. Vestal with Mr. O'Connell of New York. | Mr. Harcourt J. Pratt with Mr. Brunner. |
| Mr. Wurzbach with Mr. Dominick. | Mr. Bacon with Mr. Drewry. |
| Mr. Kearns with Mr. Spearing. | Mr. Mouser with Mr. Gasque. |
| Mr. Manlove with Mr. Quayle. | Mr. Andrew with Mr. Taylor of Colorado. |
| Mr. Kiess with Mr. Doughton. | Mr. Swick with Mr. Igoe. |
| Mr. Yates with Mr. Boylan. | Mr. White with Mr. Griffin. |
| Mr. Watres with Mr. Romjue. | Mr. Johnson of Washington with Mr. Douglass of Massachusetts. |
| Mr. Harcourt J. Pratt with Mr. Brunner. | Mr. Curry with Mr. Connery. |
| Mr. Bacon with Mr. Drewry. | Mr. Chase with Mr. Auf der Helde. |
| Mr. Mouser with Mr. Gasque. | Mr. Nelson of Wisconsin with Mr. Lee of Texas. |
| Mr. Andrew with Mr. Taylor of Colorado. | Mr. Beck with Mr. Parks. |
| Mr. Swick with Mr. Igoe. | Mr. Thatcher with Mr. DeRouen. |
| Mr. White with Mr. Griffin. | Mr. Crowther with Mr. Bell. |
| Mr. Johnson of Washington with Mr. Douglass of Massachusetts. | Mr. Johnson of Illinois with Mr. McClintic of Oklahoma. |
| Mr. Curry with Mr. Connery. | Mr. Underhill with Mr. McCormack of Massachusetts. |
| Mr. Chase with Mr. Auf der Helde. | Mr. Houston with Mr. Cartwright. |
| Mr. Nelson of Wisconsin with Mr. Lee of Texas. | Mr. Dickinson with Mr. Pou. |
| Mr. Beck with Mr. Parks. | Mr. LaGuardia with Mr. Sabath. |
| Mr. Thatcher with Mr. DeRouen. | Mr. Kendall of Pennsylvania with Mr. Driver. |
| Mr. Crowther with Mr. Bell. | Mr. Johnson of South Dakota with Mr. Edwards. |
| Mr. Johnson of Illinois with Mr. McClintic of Oklahoma. | Mr. Zihlman with Mr. Fuller. |
| Mr. Underhill with Mr. McCormack of Massachusetts. | Mr. Walker with Mr. Steagall. |
| Mr. Houston with Mr. Cartwright. | Mr. Buckbee with Mr. Yon. |
| Mr. Dickinson with Mr. Pou. | Mr. Sullivan of Pennsylvania with Mr. Somers of New York. |
| Mr. LaGuardia with Mr. Sabath. | Mr. James with Mr. Gavagan. |
| Mr. Kendall of Pennsylvania with Mr. Driver. | Mr. McCormick of Illinois with Mr. Sirovich. |
| Mr. Johnson of South Dakota with Mr. Edwards. | Mr. Sproul of Kansas with Mr. Underwood. |
| Mr. Zihlman with Mr. Fuller. | Mr. Browne with Mr. Kunz. |
| Mr. Walker with Mr. Steagall. | Mr. Clarke of New York with Mr. Lanham. |
| Mr. Buckbee with Mr. Yon. | Mr. Cochran of Pennsylvania with Mr. De Priest. |
| Mr. Sullivan of Pennsylvania with Mr. Somers of New York. | |
| Mr. James with Mr. Gavagan. | |
| Mr. McCormick of Illinois with Mr. Sirovich. | |
| Mr. Sproul of Kansas with Mr. Underwood. | |
| Mr. Browne with Mr. Kunz. | |
| Mr. Clarke of New York with Mr. Lanham. | |
| Mr. Cochran of Pennsylvania with Mr. De Priest. | |

The result of the vote was announced as above recorded.
Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 10288) to regulate the transportation of persons in interstate and foreign commerce by motor carriers operating on the public highways, with Mr. LEHLBACH in the chair.

The Clerk read the title of the bill.
The CHAIRMAN. When the committee rose at its last session there was pending an amendment offered by the gentleman from Michigan [Mr. MAPES]. The gentleman from New York [Mr. PARKER] was seeking to make arrangement for the limitation of debate.

Mr. PARKER. I ask that the pending amendment may be reported to the House.

The Clerk read the Mapes amendment, as follows:
Amendment offered by Mr. MAPES: Page 7, line 16, after the word "conducted," strike out the words "between two States only are involved" and insert in lieu thereof the words "involve not more than three States."

Mr. GARBER of Oklahoma. Mr. Chairman, I rise in support of the pending amendment, and ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Oklahoma [Mr. GARBER] asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. GARBER of Oklahoma. Mr. Chairman and members of the committee, in resuming the consideration of this bill your attention is called to section 3, the administrative provisions, in connection with the amendment offered by the gentleman from Michigan [Mr. MAPES], which increases the administration of the joint board provision from two to three States.

In the presentation of the bill on a former occasion, I stated that the most serious problem which confronted the committee was the necessary administrative machinery to administer the provisions effectively and satisfactorily throughout the country.

Now, let us not be confused by the mention of joint boards. The heated argument the other day confused the term "joint boards" with that of the State boards. This is not a State board we propose, and it does not include a State board. It is entirely separate and distinct from any State agency. It is a board to be composed of one member nominated by the utilities commission of each State in which the proposed operation is to occur. That one member is nominated and then appointed by the Interstate Commerce Commission, and, by the provisions of this bill, is made a Federal agent. Note the distinction. He is made a Federal agent for the administration of this bill. So

it takes out of the presentation of the opposition to this amendment all the argument that has thus far been presented. This is not a State board. It is a Federal board, and the amendment does not propose to transfer any Federal power to the State governments whatever. It is not a transfer of Federal power to the State governments. It is a proposal to decentralize the administration of the Federal power for the convenience of the people, and the proposition ends there.

After the power providing for the national defense and the establishment of courts to administer justice, in my judgment the power embodied in the commerce clause of the Constitution is the most important and valuable power in that great instrument. It is an economic power. It has contributed more to our economic growth and to the development of the resources of this country than any other power within that sacred instrument.

We do not propose to permit the opposition to this amendment to put us in a false position as endeavoring in any way to transfer any of that power. That power must be left in the Constitution to be fully exercised. The channels of commerce must be left open. It is just as important to the farmers of this country, to the farmers of the great West, that the products of agriculture shall flow freely to the ports and to the markets of the East as it is that the products of industry flow west for consumption. There is no purpose here to impinge upon that power in any way. These boards are Federal agents and as such they are fully authorized to act under the terms of the bill and the decisions of the courts of the United States.

We have State commissions cooperating with the Interstate Commerce Commission under the interstate commerce act, working together, wherein State and interstate rates are commingled, and in connection with the granting or refusing of certificates of convenience and necessity to roads that desire to extend and to roads that desire to be discontinued.

Those who insist that prejudice results from local cooperation with the Interstate Commerce Commission are answered by the administration of the interstate commerce act. Paragraph 3 of section 13 of the act provides:

(3) Whenever in any investigation under the provisions of this act, or in any investigation instituted upon petition of the carrier concerned, which petition is hereby authorized to be filed, there shall be brought in issue any rate, fare, charge, classification, regulation, or practice, made or imposed by authority of any State, or initiated by the President during the period of Federal control, the commission, before proceeding to hear and dispose of such issue, shall cause the State or States interested to be notified of the proceeding. The commission may confer with the authorities of any State having regulatory jurisdiction over the class of persons and corporations subject to this act with respect to the relationship between rate structures and practices of carriers subject to the jurisdiction of such State bodies and of the commission; and to that end is authorized and empowered, under rules to be prescribed by it, and which may be modified from time to time, to hold joint hearings with any such State regulating bodies on any matters wherein the commission is empowered to act and where the rate-making authority of a State is or may be affected by the action taken by the commission. The commission is also authorized to avail itself of the cooperation, services, records, and facilities of such State authorities in the enforcement of any provision of this act.

The advantages of cooperation under the above provision have been pointed out by Mr. Justice Brandeis, of the Supreme Court, in his opinion in the case of Colorado against United States. He invites attention to the fact that from the enactment of the transportation act of 1920 to February 18, 1926, 191 abandonment applications were acted upon by the Interstate Commerce Commission, of which 170 were granted; of these only 6 were granted contrary to the recommendations of State authorities, and of 47 cases where State authorities made recommendations, the commission acted in accordance therewith in 38 cases. (271 U. S. 153, 167.)

In the annual report of the Interstate Commerce Commission for the year ending October 31, 1926, it was stated that a check of the commission's records discloses that 27 State commissions cooperated with the Federal commission in 51 rate cases in which interstate-intrastate rate relations were in some manner involved, 22 State commissions cooperated in 44 construction and abandonment cases, and 6 in car-service cases.

The gentleman from Kansas [Mr. HOCH] in his argument opposing this amendment, confessed that he was not a mathematician, but the gentleman could see as many as 25 different boards under the administrative provision, called into action in five different States. While the gentleman from Kansas may not be a good mathematician, it must be admitted that his powers of imagination are highly developed. His statement of the number of boards required running into the hundreds is not coupled with the statement that the appointee from a State would not be limited to acting on one board but would

act on as many boards requiring the cooperation of his State so that in his illustration of a 5-State operation, there would be only 5 members composing a joint board instead of 25 inferred from such statement.

But this amendment does not extend that far. It does not include five States. It does not include in excess of three States.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. GARBER of Oklahoma. I yield.

Mr. MOORE of Virginia. I am in sympathy with the amendment that the gentleman is supporting. I would like to ask a question which has relation to the argument of the gentleman from Kansas [Mr. HOCH]. The gentleman said there would be serious complications; a great multiplication of boards, and so forth.

The language of the provision that the gentleman is discussing is:

The commission shall, when operations of common carriers by motor vehicles conducted or proposed to be conducted between two States only are involved, refer to a joint board for hearing and decision and recommendation of appropriate order thereon, any of the following matters.

Can I understand that would not be construed as compelling a reference in a given case of all matters to the joint board, but that the commission would have the discretion to segregate the matters to be so referred?

Mr. GARBER of Oklahoma. I think the provision is mandatory and would be construed as requiring the Interstate Commerce Commission to refer all matters therein enumerated.

Mr. RANKIN. Will the gentleman yield?

Mr. GARBER of Oklahoma. For a question; yes.

Mr. RANKIN. The Interstate Commerce Commission, though, would have the absolute power to review every decision the joint board made, would it not?

Mr. GARBER of Oklahoma. That is correct. Why is that power granted to the Interstate Commerce Commission? It is to preserve the supremacy of the commerce clause necessary to preserve uniformity in administration.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. GARBER of Oklahoma. Mr. Chairman, I ask unanimous consent to proceed for three additional minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GARBER of Oklahoma. In concluding this explanation of the proposed amendment I want to call your attention to an authority which I hope you will accept with favorable consideration. In his very exhaustive and able speech presenting the various provisions of this bill, the gentleman from Illinois, among other things, said, in reference to this scheme of administration by joint boards:

The most important feature, however, from an administrative standpoint, to be gained by having local State authorities designated and empowered to act as a Federal agency, arises from the fact that such a board will have first-hand, direct, and personal knowledge of local conditions. This is particularly desirable in view of the fact that there is no distinguishing difference between interstate and intrastate problems other than a difference in jurisdiction arising from crossing a State line. If it were not for the fact that such a boundary line intervened, the regulation or control of the carrier would and could be properly and satisfactorily exercised by the State board having jurisdiction over operations entirely within the State. It would seem, therefore, to be rational and proper to enable State representatives to act as a Federal authority in dealing with such local interstate matters.

There is also another possible advantage that might be gained from a board so formed, in the opportunity that is afforded to deal at the same time with interstate and intrastate operations that might have a relationship to one another. The authority to act on the intrastate matter would exist by reason of the power vested in the individual member as a part or representative of the State regulatory body, and the authority to act with reference to the interstate matter arises by reason of the Federal agency created by this act. Thus, by the exercise of both State and Federal power, having due regard to the restrictions and limitations of each, it would be possible to coordinate the two by appropriate orders in a particular matter in such a way that one would supplement the other to the great advantage of the public.

While the act provides that all operations involving more than two States shall be heard by the commission, or a member or examiner thereof, nevertheless, it is the opinion and judgment of many that the provisions now applying to matters involving not more than two States might very properly be extended to at least three States, and discretionary power given to the Interstate Commerce Commission to create such joint boards, no matter how many States involved, whenever in the judgment of the commission it might properly be done. There is much to be said in support of this proposition, and the adoption of it

would certainly not detract or decrease in any way the effectiveness of the administrative features of the bill.

The gentleman from Illinois was giving expression to that found in every decision of the Supreme Court in its recognition of the doctrine of reasonable regulation in the absence of congressional action. Every Supreme Court justice in writing an opinion in regard to interstate motor transportation has emphasized the necessity of reasonable regulation to the limit of the constitutional exercise of the police powers of the several States, especially emphasizing the need of local knowledge, information, and experience. Why? Because—not like the railroads—these roads have been built by the several States with the assistance of the Federal Government upon the condition that the States will maintain these roads, and they can only do that by taxation. The Supreme Court has recognized that. It has recognized the local need, the local cooperation, and the local advice and assistance of the States in helping to maintain these roadways. The people of the several States have built the roads and are entitled to friendly administration for their protection and maintenance. [Applause.]

The CHAIRMAN. The time of the gentleman from Oklahoma has again expired.

Mr. COX. Mr. Chairman and members of the committee, I rise in opposition to the amendment. I take it that the members of the committee reporting this bill, who have given long and careful study to this question, have come to the conclusion that the power in the Congress to regulate commerce, carried on by bus lines, should be exercised. The committee is unanimous, as I understand it, in favoring legislation of some character. While there is a minority report filed by one member of the committee, that gentleman has proposed a substitute to the bill which, in my judgment, would have been a wise initial step for the Congress to have taken.

This amendment, Mr. Chairman, is proposed by a friend of the bill, but I respectfully submit that it is an aggravation of an evil that the bill already contains. It is an effort to satisfy the State commissions, who have been insisting upon no limitation with respect to the setting up of State boards to cooperate with the commission in the administration of this law.

I submit, Mr. Chairman, there can be no reason for the existence of even a 2-State board, much less a 3-State board, if the findings of such board are not to be binding upon the Interstate Commerce Commission.

Under the terms of the bill the State joint boards, while designated as agencies of the Federal Government, are nothing more nor less than State agencies, set up for the purpose of investigating and reporting to the Interstate Commerce Commission, both as to fact and as to recommendation of treatment.

I submit, Mr. Chairman, that there being no finality to the report of these State boards, there can be no sense in creating them.

The act placing upon the Commerce Commission the responsibility of review carries with it the implication that the commission will itself conduct some original investigation, for if there be no such investigation on the part of the Interstate Commerce Commission, then there can be no intelligent exercise of the power of review. Therefore we must conclude that the commission in testing the accuracy of the findings of State boards on questions of fact and in testing the wisdom of their recommendations as to treatment will investigate outside of the report as made by the State boards.

Mr. BURTNESS. Will the gentleman yield?

Mr. COX. Yes.

Mr. BURTNESS. Does not that same argument apply to the findings of an examiner representing the commission?

Mr. COX. I do not catch the significance of the gentleman's question or understand his question, but if the gentleman will wait until I make my statement I will be glad to yield to him.

Mr. BURTNESS. I thought it was an appropriate question at this point.

Mr. COX. The argument made by those opposing this bill is that it constitutes an invasion of the States on the part of the Federal Government and deprives the States of control over purely domestic questions.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. COX. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. COX. I wish to bring to the attention of this committee that the enactment of this law, if it is enacted, does not deprive the State regulatory boards or commissions of the exercise of all control over agencies carrying on an interstate business. The argument is made upon the floor that immediately upon the

enactment of this legislation all jurisdiction exercised by State boards is immediately stricken down, so far as their control over interstate agencies or a bus line doing an interstate business is concerned. I submit, Mr. Chairman, that the power is in the State boards at the present time, and it will continue to be in the State regulatory bodies, to pass rules which will be binding upon interstate carriers so far as the handling of interstate business is concerned, and the right to exercise all police control.

Now, Mr. Chairman, I was struck with the statement made by the gentleman from Kansas [Mr. HOCH] on Friday last when he was quoting a witness appearing before the committee, who stated that if a provision of this amendment were carried in the bill it made possible the setting up of thousands of State joint boards. I thought the statement rather extravagant. So this morning I commenced to figure on the possibilities with respect to the creation of such agencies under the proposed amendment to the bill, and I figured until I ran the number up to 2,107, therefore coming to the conclusion that the gentleman from Kansas and the gentleman from Texas were accurate in the statement they made that this amendment would set up a condition under which it would be impossible to operate.

Mr. JOHNSON of Indiana. Will the gentleman yield?

Mr. COX. The gentleman will pardon me if I decline?

Mr. JOHNSON of Indiana. I simply wanted to ask the gentleman if he has figured how many boards could be created with the provision in the bill with regard to two States?

Mr. COX. I did not make the calculation. If the gentleman is opposed to that feature of the bill I join him, because I, too, am opposed to it; but this seems to have been the best the committee could do in order to enlist the support that meant the passage of the measure.

But, Mr. Chairman, this is the observation I wish to make: If you are in favor of legislation you want the best legislation you can get, and if you adopt this amendment you destroy the possibility of uniformity of treatment of the entire problem. You will have as many different rates governing this proposition as there are State agencies set up under this provision of the bill.

You will have as many different bases of calculating rates as there are different agencies set up under the bill. You will have a different method of determining what degree of control should be exercised over the operator, over the instrumentality that is used in the carrying on of the business. You create a condition, Mr. Chairman, which makes it absolutely impossible that you may have uniform rates established by any agency covering the entire country. The hope of effectuating the purpose of the bill, in the event this proposed principle is incorporated as one of its provisions, lies in the expectation that the Interstate Commerce Commission will make liberal use of its power of review.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the question before the House is merely whether we should extend the provision recommended by the committee one degree. The committee recognized that so far as the operation of busses between two States is concerned, all questions as to necessity for issuance of certificates, consolidations of bus companies, approval of surety bonds, and rates of fare and the like should be determined by a representative of the utility commission of each State on a joint board, with authority to hear and determine such matters.

I respectfully submit for your consideration that this authority should be extended to where three States are involved, as proposed by the pending amendment. I submit in support of my position concrete instances which will show the need for the extension of this power. For instance, busses running from Buffalo to Cleveland have to go through three States—New York, Pennsylvania, and Ohio.

The character of this service should be determined by a representative of the utility commissions of New York, Pennsylvania, and Ohio, acting as a joint board rather than by an examiner of the Interstate Commerce Commission, as the bill now provides, for questions of necessity and convenience, mergers, fares, and the like where more than two States are concerned.

Another concrete instance is the bus service between New York and Boston, a very frequent bus service, going through the States of New York, Connecticut, and Massachusetts. This is another concrete instance where this character of service and the number of vehicles and the rates to be charged for the service should be determined by a joint board comprised of a representative of the utility commissions of New York, Connecticut, and Massachusetts, highly qualified utility commissions, rather than by an examiner of the Interstate Commerce Commission, a bureaucrat.

I may cite as another instance, and I assume this instance is the one that inspired the gentleman from Michigan to sponsor this amendment, the bus line from Detroit to Chicago. This service goes through three States—Michigan, Indiana, and Illinois. A representative of the utility commissions of these States should determine the number of vehicles and the character of that service rather than an examiner of the Interstate Commerce Commission not accountable to the people of the respective States for service, rates, or any related service matter.

It has been my privilege in recent years to travel frequently between Detroit and Chicago on the fast trains of the Michigan Central, paralleling the highways that these busses use. I travel by daytime on the Wolverine, the Twilight, and on the Niagara Falls Special, keeping my eyes open and following the traffic on this great highway between Detroit and Chicago. There are not any great number of passenger busses crowding out other passenger traffic. I am acquainted with the character of busses that ply between Detroit and Chicago. One line leaves the Fort Wayne Hotel at midnight.

I am acquainted also with the busses of its competitors, and I say to you that this character of service should not be left to a representative of a bureau here, with the localities concerned having no voice in the matter, but should be left to a joint board composed of one representative appointed by the utility commissions of the respective States involved.

I bottom my argument on State rights and on State operation, and not upon control and domination by an examiner appointed by the Interstate Commerce Commission.

Mr. SMITH of Idaho. Will the gentleman yield?

Mr. STAFFORD. I will be pleased to yield if I have the time.

Mr. SMITH of Idaho. How would the gentleman handle the company that operates through more than three States, probably a dozen States?

Mr. STAFFORD. Oh, it is entirely a question of practical control. I might be able to extend the illustration to some instances where it might be practicable if four or five States were involved, but commissioners of three States can get together and determine the proper policy, as that policy is local, of which each representative would have personal knowledge of the existing conditions. They would be directly interested and would be acquainted with the actual conditions. The commissioners of four States or five States might not be acquainted with local conditions, and therefore it would become more a national than a local question.

I can multiply these instances where it would be practicable to vest authority in a 3-State board, for instance, the service from Washington to Philadelphia, involving three States; Chicago to St. Paul and Minneapolis, where three States are concerned.

Why should not the number of these vehicles, as well as the policy generally, be subject to the police power of the States as it exists to-day guaranteeing the rights and the safety of the public under the constitutional power of our Government?

As I understand the decisions of the Supreme Court—and I have read them quite closely within the last two weeks—when the Congress attempts to regulate these powers, then the States do not have corrective power of regulation over such interstate carriers. [Applause.]

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. ABERNETHY. Mr. Chairman, I rise in support of the amendment. Mr. Chairman and Members of the House, I am very much gratified and pleased to know that the distinguished gentleman from Michigan [Mr. MAPES], a very prominent member of the Interstate and Foreign Commerce Committee, has seen fit to introduce this amendment. I think there is some hope of passing it.

I think the Interstate Commerce Commission has about as much power at the present time as it ought to have—and too much, according to my notion. Wherever I can vote to cut down some of that power and at the same time preserve it to the States, I am willing to support any measure that will do it.

Under the law under which the Interstate Commerce Commission operates, we can scarce do anything pertaining to railroads in the several States without getting the consent of the Interstate Commerce Commission. This powerful commission has gone into my State in the last few months and has required the State commission to raise intrastate rates so as to conform with the rates of a sister State. We have no power at all unless we come with our hats in our hands to the Interstate Commerce Commission and ask them to please give us a little crumb now and then, and the people get precious little from this body.

I wish the amendment had gone further and provided for three or more States, and leaving it entirely to the State commissions of those States jointly acting. I am in favor of pre-

serving the rights of all States to deal with this matter, and I hope that you will support the amendment of the gentleman from Michigan as going part of the way. [Applause.]

Mr. EATON of Colorado. Mr. Chairman, an examination of the bill before me and an attentive presence during the debate have shown that the committee reached a conclusion that there were two types or classes of interstate common carriers of passengers by automobile busses which should hereafter operate under Federal legislation. The class to which I shall address my remarks is that one in which the regular route within a defined district extends to no more than two States. Possibly, the best answer to the query why this was limited to two States was given by the gentleman from Illinois [Mr. DENISON] when he said:

The committee, in its wisdom, decided we ought not to extend the provision for joint boards beyond the interstate operations involving two States only.

Of course the designation of two is the selection of an arbitrary number. Possibly, any number is arbitrary.

I want to ask you to consider the Rocky Mountain situation, using the city of Denver as a point from which the Rocky Mountain motor-bus business radiates. Comparatively speaking, there may not be a great deal of interstate traffic in that district, but when busses run from Denver to Yellowstone Park they go through Colorado, Wyoming, and Montana. To Salt Lake City they run through Colorado, Wyoming, and Utah. To Amarillo, Tex., they run through Colorado, Utah, and Texas. To Kansas City they run through Colorado, Kansas, and Missouri.

These give you a fair view of the situation. Three States are traversed in every such interstate trip.

I might say that these routes cover most of the interstate motor-bus transportation that would be affected by the Parker bill in that region.

By adopting the amendment and changing the figure "2" to "3," this House itself will consider public convenience and serve the public interest best by providing that the questions covered by subsection d of section 3 of the bill, shall be heard and determined by a joint board of three selected in a territory which is from 1,800 to 2,500 miles from Washington.

Will not the members of the standing committee concede that much and support the amendment of the gentleman from Michigan [Mr. MAPES]?

Safety requirements—are they to await the delays incident to hearings being made by a delegate from Washington whose experience has been with bus transportation over the crowded paved roads of eastern cities, but not mountain passes?

The gentleman from Maine [Mr. NELSON] quoted from the Supreme Court of the United States, and said:

Freedom of commercial intercourse between the States is of such paramount importance that interference with it by the States can not be permitted.

Note that he did not say that aid by the States would be prohibited.

Why can we not go as far as the Supreme Court?

We are delegating power as far as we may do so constitutionally.

The wisdom of the committee has been expressed by creating joint boards from two States.

Why not recognize that in the more sparsely settled parts of this country, that a 3-State joint board may best serve the public interest and permit freedom of commercial intercourse?

And that in proper cases of "paramount importance" the Interstate Commerce Committee should have the power to exercise its discretion and call to its aid a joint board from more than three States.

I submit that this amendment meets the situation squarely and ought to be adopted.

Mr. NELSON of Maine. Mr. Chairman and Members of the House, I realize the difficulty of attempting, in a few words, to explain the very serious objections, well founded or otherwise, which some members of the committee have to this proposed amendment offered by the gentleman from Michigan.

On its face it seems the change of a simple detail of administration, but to some of us it seems to go further and impinge on a very serious constitutional question.

I think Members might better understand our position in this matter if I took a moment to review the history of this legislation. The debate on the bill has shown that previous to 1925 Congress having taken no action in the matter, the State regulatory boards, believing that they had the right to regulate interstate commerce, did so regulate it and regulated it satisfactorily.

That same year we had the Buck decision, which said that the States could not regulate interstate motor bus transportation.

The court held that it was an attempt on the part of the State to say, not how the highways should be used, but by whom.

Quoting from the opinion:

Moreover, it determined whether the prohibition shall be applied by resort through State officials to a test which is peculiarly within the province of Federal action—the existence of adequate facilities for conducting interstate commerce.

Now, on account of that decision, the first bill was introduced in December, 1925. That was S. 1734, introduced by Senator Cummins. Since the time of the Buck decision, the question has been, and now is, whether or not we shall restore to the State regulatory bodies the powers which the Supreme Court of the United States said they should not exercise.

I think every member of the committee believes in the decentralization of Government. Surely every member of the committee would do his utmost not to interfere with State rights; but we can not preserve to a State a right that it never had, and a right which the Supreme Court said it should not exercise.

I am giving you now the history of this legislation. This legislation, as then embodied in the Cummins bill, started in to give back to the State regulatory bodies, the same bodies that had been regulating interstate commerce previous to 1925, the very powers which the Supreme Court said they should not exercise. Those powers were given in S. 1734. That was five years ago. All the time since the struggle has been between those who believe that the commerce clause of the Constitution intended that interstate matters should be decided by those who, removed from, and unaffected by, the local prejudices and interests of the States might view the projects from a national standpoint, and those who want to give the decision of such matters back to the State regulatory bodies, who are immediately interested in all of the matters concerned.

All of the evidence taken out in these hearings disclosed the expectation on the part of every witness; that the member of the State regulatory body would represent his State and nobody the Nation; that the State member would take heed of the conditions of the ways and streets and tunnels and the intrastate commerce of his own State and no one would take heed or give voice to the interstate need of the proposed line. We started with a bill that would give back to the very bodies that the Supreme Court said should not exercise it, the very rights the court said they should not exercise, and we have worked down through various modifications to the present bill. In its initial form this very bill which we are considering to-day not only adopted representatives of these State bodies as administrative agents but gave to them the final power of determining whether a certificate should or should not be granted. I do not contend for a moment that we may not delegate power to administrative agents. I do not contend that we may not delegate such administrative power to State officials, but there is a limit to our discretion beyond which we should not go. A judge may very properly delegate to a referee or appraiser certain duties, but it would be highly improper to select as such referee or appraiser one directly interested in the subject matter of the case. Here it was the intent of Congress that these matters should be decided by men not influenced by local conditions. If this regulation is a matter of national importance, if it is a national problem, then it should be administered by a national board. The bill we have before us is a compromise of the ideas of the various members of the committee.

It appeared in the course of the evidence that much of the trouble was confined to and arose out of the local transportation problems of cities located near the State line. The gentleman from California suggested some case involving the interpretation of some act to regulate commerce which would seem to differentiate this purely local commerce from the purely interstate commerce. I do not believe we really have even the justification of that case. Certainly, however, this situation of local commerce over short distances across State lines is a peculiar one that never could have been in the contemplation of the founders when the Constitution was formulated. I am not in favor of the State board proposition, and I believe that the less power we give to the local board and the more power we retain in the Federal authorities the better off we will be.

Mr. MAPES. Mr. Chairman, will the gentleman yield?

Mr. NELSON of Maine. Yes.

Mr. MAPES. The gentleman has said quite frankly that he does not believe in the use of the State boards at all, not even in the 2-State proposition as set forth in the bill. Does he think that such use is unconstitutional, or, if so, that the amendment that I have proposed is any more unconstitutional than the present provision of the bill?

Mr. NELSON of Maine. I can only answer that proposition in a very general statement. I think the validity of an act is determined more by its substance than by its form. I think we

ought not to attempt by indirection what we can not do by direction. I think the intent of the Constitution in that these matters of interstate regulation should not be left to those who are directly interested in them, and to that extent I do not approve of this 2-State board. I believe that it probably does avoid the objection that it is unconstitutional. I think the Supreme Court would go far to sustain any such legislation. But it is a question of policy; it is a question of whether this Congress wants to attempt to circumvent even the spirit and intent of the Constitution. Personally I do not.

Mr. MAPES. Does the gentleman think the amendment that I propose is any more unconstitutional than the present provision of the bill?

Mr. NELSON of Maine. I think perhaps not. Some claim that there is justification for the 2-State method, not only through necessity but also from the fact that it deals with purely local transportation, which ought not to be considered as interstate. I do not think we should give that claim much consideration. I think the 2-State board is bad enough, but that when you make it a 3-State board, you are adding considerably to the difficulties and cost of administration.

The CHAIRMAN. The time of the gentleman from Maine has expired.

Mr. MOORE of Virginia. Mr. Chairman, I agree with the distinguished gentleman from Maine [Mr. NELSON] that we have no legal question here, but simply a question of policy. I am supporting the amendment of the gentleman from Michigan [Mr. MAPES], and I would be glad to go a step further and vest in the Interstate Commerce Commission discretion to make a reference to joint boards in any other cases even though more than three States might be involved. Concerning the amendment now under consideration, the reason why I support it is this, mainly: The situation being dealt with differs altogether from the railroad situation. The railroads buy their rights of way and build their tracks and incur the necessary expenditure for that purpose. Their status is different from the highway status, inasmuch as the States have at their own expense, with the exception of such aid as they have gotten from the Federal Government, which is comparatively small, constructed the highways; therefore they should be given a larger measure of cooperative authority by this bill than anybody thinks of giving them relative to interstate commerce by rail.

The particular question under debate is not a new question. It was not a new question when it was taken up by the very able committee, for which I have so much respect. Prior to that time the Interstate Commerce Commission itself had engaged in a protracted investigation. If you will look at the report following that investigation made in 1928 you will find that there were represented before the commission all of the State commissions, all of the railroads, and all others who cared to appear and present their views. In that elaborate report made in 1928 the commission submitted its conclusions, and on the point that is now being discussed its conclusion is unmistakable. Here is the substance of what the commission said, without reading it all:

Joint boards composed of two or more States, or representatives of such State boards and of the Interstate Commerce Commission when acting instead of a State board, should be authorized to act where the commerce is carried on in two or more States.

Now, who is in a better position to know what is the wise course to take relative to this matter than the Interstate Commerce Commission, which has dealt with cognate matters for so many years, and which has so plainly advised that in its opinion it would not be going beyond the limits of a wise policy to provide for the creation of joint boards in all cases? And why should we not do what the amendment proposes as a first step?

If we take that course, where three States are involved, and give discretion to the commission to act where there are more than three States—if we take that course at the outset, and then it is found that all the trouble occurs that was predicted the other day by my friend from Kansas [Mr. HOCH], it will be a very easy matter for Congress to amend the act.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. MOORE of Virginia. May I have three minutes more?

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

Mr. MOORE of Virginia. My friend from Kansas gave a very alarming picture of what may take place, and yet what do we discover, as found by the Interstate Commerce Commission in its investigation?

Mr. RAMSEYER. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Virginia. In a minute.

I want first to refer to the report of the commission. Analyzing conditions in eight States, it did not find that the motor vehicle interstate operations were ordinarily over such long routes as to inspire the alarm felt by the gentleman from Kansas. Over 50 per cent of the routes were only 20 miles in length, nearly three-fourths less than 30 miles, and only 11.9 per cent of the routes were more than 50 miles in length.

Now, if the routes were so short in 1928, or rather in 1926, when the analysis was made, what reason on earth have we to fear that the routes have become so long in the limited interval between that date and now that if joint boards are provided for these may be so many operations through two or three States that innumerable joint boards would have to be created as apprehended by my friend from Kansas and my friend from Georgia [Mr. Cox]?

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

Mr. MERRITT rose.

The CHAIRMAN. The gentleman from Connecticut is recognized.

Mr. MERRITT. Mr. Chairman, I do not think I need take time to argue on the general question of providing State boards in all cases.

Mr. RAMSEYER. Mr. Chairman, will the gentleman yield there?

Mr. MERRITT. Yes.

Mr. RAMSEYER. The gentleman gets up here and talks about "State boards." There is nothing pending here about State boards. They are joint boards.

Mr. MERRITT. I accept the correction of the gentleman. We need not discuss the general question of providing joint boards in all cases, because the difficulty of that was conclusively shown on Friday last by the gentleman from Kansas. The fact that many of these routes are now in existence and will be taken care of by the grandfather clause is not important, for the reason that these same joint boards would be necessary to take care of violations, so that we should have an infinity of joint boards.

Another thing that I think should be taken into consideration there is this: What we need in this great country, as the network spreads, is uniformity of law, so that men starting new routes can know what their rights are, and their counsel can advise them what their rights are.

Now, if we have this infinity of joint boards, we will get innumerable varying decisions on the same states of fact, whereas if we empower the Interstate Commerce Commission to perform this function we shall not have that confusion, so that lawyers can properly and conscientiously advise their clients.

Now, coming to this particular motion or amendment that is before the House, gentlemen argue that there is no special difference between a case of two States and a case of three States. There does not seem to be much numerical difference, but I think the difference which has been stated should be clearly kept in mind by the members of this committee, and that is in all the cases of 2-State boards the important cases come in what may be termed metropolitan areas, as, for instance, New York and Jersey City, Philadelphia and Camden, and St. Louis and East St. Louis. They are practically one community, like regulating a street railway, not in the ordinary sense of interstate commerce, because the interests are not different, as was spoken of by the gentleman from Maine [Mr. NELSON], whereas if you get into three States you necessarily spread over a large area and get into an interstate relation. And in those cases the reasons set forth for action by the Interstate Commerce Commission come strongly in force; so that while it seems not important to speak of the difference between 2 and 3, yet, in fact, looking at the geographical situation, you find an important difference—which shows the importance of supporting the bill, and voting against this amendment.

Mr. PARKER and Mr. RANKIN rose.

Mr. PARKER. Mr. Chairman, I move that all debate on this amendment close in 20 minutes.

The motion was agreed to.

Mr. RANKIN. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. RANKIN. Mr. Chairman, every Member who has spoken in opposition to this amendment seems to be opposed to any State board or any joint board at all.

The gentleman from Georgia [Mr. Cox] spoke about requiring 2,100 different boards to do all this work. As a matter of fact, these joint boards are composed of members of your State utility boards or commissions and, they are already or-

ganized in all States except possibly one or two. But, if the work is going to be so heavy on all these 2,100 boards, surely it would be much heavier on the Interstate Commerce Commission if all of it were placed upon them.

The gentleman from Maine [Mr. NELSON] seems to be under the impression that we should not have any State representatives on these boards because of "local prejudice." The gentleman seems to travel on the theory that the further we get away from the people we represent the better Government they will have.

Mr. NELSON of Maine. Will the gentleman yield?

Mr. RANKIN. I yield for a question.

Mr. NELSON of Maine. Do you dissent from the provisions and the idea of the Constitution in regard to the regulation of interstate commerce?

Mr. RANKIN. I am now discussing the distinguished gentleman from Maine [Mr. NELSON] and his argument.

Mr. NELSON of Maine. And I stand with my feet on the Constitution of the United States.

Mr. RANKIN. I will ask the gentleman to kindly sit down on the Constitution, and let me show him the fallacy of his argument. [Laughter.]

The gentleman from Maine [Mr. NELSON] seems to think that if any of this power is left to the joint board, composed of members of your State boards, they will be actuated by prejudice. Does he think our State boards are actuated by prejudice? Did we act with prejudice when we issued bonds to build the roads that they now propose to turn over to the large bus companies and railroad companies owning bus lines and deprive our people of the ordinary use of those highways?

If the further you get from the people the less prejudice you find, as indicated by the gentleman from Maine, possibly we had better refer this question to the World Court, where we will have very little say so; and then if you want to get it further from the prejudice of the people you represent, you might pass it on to the League of Nations, where we will have no say so at all. [Laughter.]

Mr. Chairman, the closer you get these boards to the people you represent, the better service the people are going to get. I am in favor of the amendment offered by the gentleman from Michigan [Mr. MAPES], but I want to call attention to the fact that these boards, until other amendments to the same section are adopted, are largely perfunctory. Why? Because you make them all subservient to the Interstate Commerce Commission. It will be seen from reading that section that all the decisions of the joint boards are subject to review by the Interstate Commerce Commission. That ought not to be. If the representative from your State and the representative from my State, members of one of these boards, get together and agree on these rates and regulations between the States involved, their decisions should be final. I shall offer an amendment to that effect at the proper time, if some other Member does not do it.

I may say further that we have a checkrein on the members of the various State boards. We have the power to get rid of them every two years or every four years, or if they go wrong we can call the legislature together and impeach them. But, when you transfer all of this power, as this bill does, to Washington, in order to remove it from the "prejudice" of the people you represent, I want to sound a warning to you to-day, and especially those of you whose districts touch a State line, that you will live to regret it.

If you turn over to the Interstate Commerce Commission in Washington all of this vast power which this bill gives, more power than has ever been given in any one bill since the United States emerged from the World War, and deprive your State boards of any power at all except as clerks, which they will be under the provisions of this bill, you will regret it, and the chances are you will regret it just as soon as the people in your State find out what you have done.

There is no agitation for this bill, except on the part of the corporations that are interested—the people who own these large bus lines and the railroads.

The bus companies want to sell their lines and the railroads want to buy them, and they want the people to furnish the roads, and want us to shut out competition.

One member of the committee took me to task the other day, stating that the railroads were not represented at the hearings. I looked up the hearings, and every once in a while one of these gentlemen, ostensibly representing the bus lines, would get into deep water and he would turn around and ask Mr. Thom about it. Mr. Thom would proceed to give the committee information. Everybody knows that Mr. Thom is one of the leading railroad attorneys or lobbyists of the country.

The people are not clamoring for this bill. The people along the State lines, who will be drastically affected if this measure

goes into effect, have not asked for it. They have not even heard of it. They are satisfied. They have at least some faith in their local commissions or they would remove them.

So in supporting the amendment offered by the gentleman from Michigan I am trying to retain to the people as much power as possible over the regulation of their local affairs and their local transportation.

Mr. DENISON. Will the gentleman yield?

Mr. RANKIN. I yield.

Mr. DENISON. The gentleman understands, does he not, that interstate busses are not now under regulation?

Mr. RANKIN. Yes; except by State authorities. That is thoroughly understood.

Mr. DENISON. Does the gentleman want it to continue that way?

Mr. RANKIN. I prefer the present situation to this bill. And the gentleman further understands that the interstate busses and the interstate railroads and their influences are responsible for the large crowd which came here to testify before the Committee on Interstate and Foreign Commerce.

Mr. STAFFORD. Will the gentleman yield?

Mr. RANKIN. I yield.

Mr. STAFFORD. The gentleman realizes that the interstate busses are under the control of the State commissions as far as police regulations are concerned.

Mr. RANKIN. Certainly, and we are getting along remarkably well with them. Why all this haste to take this vast power from the people of the States, concentrate it in Washington, and place it in the hands of a commission that the people of the States have no voice in selecting, and, as I said, depriving them of control over their local transportation and over their local affairs?

I hope the amendment offered by the gentleman from Michigan will be adopted, and then that we may adopt a further amendment making the decisions of these joint boards final. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. LEA of California. Mr. Chairman, these joint boards are composed of representatives of the State boards, but the selection of the representatives of the States is required by law, so while constitutionally this is a Federal board, in fact and substance it is a State board. It is a case where it is the hand of Esau but the voice of Jacob.

During the hearings Mr. McDonald appeared before the committee to represent the organized State utility commissions of the United States. Asked by the gentleman from Alabama [Mr. HUDDLESTON] if State commissions would support this bill if they were not in the picture, Mr. McDonald replied they would support it just the same. Mr. McDonald then made this further statement:

The Interstate Commerce Commission eventually is going to regulate interstate commerce by motor vehicle, I think both persons and commerce, so far as they are handled by motor vehicles, before many years.

If you will consider the practical working out of what is proposed here, I think no man will say that after a few years' experience we will have a duplicated and complicated system of boards such as is proposed in this amendment.

Under the plan proposed, we will have a duplicated system. Interstate lines on the same road will originate from different sources. We may have a hearing to-morrow in Salt Lake City for three States, and at the same time in the same city, we will be conducting another hearing separately by the Interstate Commerce Commission. The duplicated plan would be in use all over the United States. Instead of setting up a harmonious, uniform, and businesslike plan holding hearings for the Interstate Commerce Commission, it is proposed to adopt a complicated, duplicated, and impracticable system. In a few years it will have to be abandoned. If the provisions of the bill remain, an examiner representing the commission will go over the country on a circuit and hear many cases in regular order while he is on that trip. If the plan proposed by the amendment offered by the gentleman from Michigan is adopted, we will have separate boards, each one called for a specific purpose. They will have no regular place of meeting; they will have no regular place for keeping records, and there will be no regular place to present your cases. In addition to that, we will always have the board members subjected to the inconvenience of leaving their State duties and assembling to perform a Federal function. The meetings will be postponed and delayed to suit the members remotely located from the place of meeting. They will frequently neglect their State duties to attend.

Mr. PARKER. Mr. Chairman, there has been enough discussion of this amendment to convince the committee that there was a decided division of opinion in our committee. There was

a school of thought in the committee which believed that the regulation should be entirely in the hands of the Interstate Commerce Commission. There were those who believed it should be left to the State commissions.

State commissions, let me say, had regulated this commerce up until the decision in the Buck case in 1925. They had regulated it satisfactorily, but the Supreme Court of the United States said they had no right to do it.

Now, there would be no particular discussion of this particular amendment if it were not for the activities of the State commissions, and I do not mean that in an offensive way. It is perfectly natural that men wish to retain all the power they have and it is perfectly natural that the State commissions wish to retain all the power they have. They came to us in the first instance and they wished us to write a law which would give them the power to do what the Supreme Court said they could not do. We have not ability enough in the Committee on Interstate and Foreign Commerce to do that thing, namely, to write a law which the Supreme Court has said is unconstitutional, which we know will go back to them, and they will then overrule themselves.

Now, this is a compromise, and to relieve anyone of any doubt that we do not intend to leave to the States the entire control of intrastate situations allow me to read an amendment I am going to offer that was stricken from the bill, not because there was any objection to it but because it was thought to be unnecessary. However, the public utilities commissions of the States believe it is important, and it reads as follows:

SEC. 14. (a) Nothing in this act contained shall be construed to affect the powers of taxation of the several States or to authorize a motor carrier to do an intrastate business on the highways of any State. It is not intended hereby to interfere with the exclusive exercise by each State of the power of regulation of intrastate commerce by motor carriers on the highways thereof; and notwithstanding this act, motor carriers operating in intrastate commerce on the highways of a State shall continue to be subject to the laws of the State regulating such intrastate commerce, and motor carriers operating in interstate commerce shall be subject to the proper exercise by the State of its police powers.

(b) The commission while acting under authority of this act shall not have any jurisdiction or authority over intrastate commerce by motor carriers, and the commission is expressly prohibited from interfering in any way with or attempting to regulate such intrastate commerce by motor carriers.

Mr. GARRETT. Could this bill possibly give them that power?

Mr. PARKER. I started out by saying it was stricken from the bill because we thought it was unnecessary, but the public utility commissions wish it restored to the bill, and, as I said, I am going to offer that as an amendment.

What is the reason for the 2-State proposition? I went all over it in my original statement. You have any number of sizeable cities and towns in this country that are right on State lines.

You do not have to go to New York; you do not have to go to Philadelphia to find them. You can go down to Augusta, Ga., which is right across the South Carolina line, or you can go up to Portland, Ore.—

Mr. RAMSEYER. Will the gentleman yield?

Mr. PARKER. Certainly.

Mr. RAMSEYER. That illustration has been presented here time and again—New York and Jersey City, Kansas City, Mo., and Kansas City, Kans.—but under the bill you do not limit the joint boards to taking care of those peculiar situations.

Mr. PARKER. That is true, and I think that is the weakness of the proposition.

Mr. RAMSEYER. And you give these joint boards power, under the direction of the Interstate Commerce Commission, to investigate and report to the commission and the commission itself really makes the decision in the last analysis.

Mr. PARKER. Yes.

Mr. RAMSEYER. That same illustration has been used here time and again, and I do not think it properly applies.

Mr. PARKER. Let me follow out the line of the gentleman's argument by stating I do not believe we can, under the Constitution, delegate this power to any board, to delegate this power to some one else, and have them make the final decision.

Mr. RAMSEYER rose.

Mr. PARKER. I must refuse to yield further, because I have not the time.

Mr. RAMSEYER. That is an unusual statement.

Mr. PARKER. I mean the Interstate Commerce Commission has not the power to delegate to anybody the making of a final decision.

The CHAIRMAN. The time of the gentleman from New York has expired.

The question is on the amendment offered by the gentleman from Michigan [Mr. MAPES].

Mr. BURTNESS. Mr. Chairman, may we have the amendment again reported?

The Mapes amendment was again reported.

The question was taken; and the Chair being in doubt, the committee divided, and there were—ayes 134, noes 45.

So the amendment was agreed to.

Mr. PARKER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LEHLBACH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 10288) to regulate the transportation of persons in interstate and foreign commerce by motor carriers operating on the public highways, had come to no resolution thereon.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate agrees to the amendments of the House to the bill S. 3579, entitled "An act authorizing per capita payments to the Shoshone and Arapahoe Indians."

MAJ. GEN. WILLIAM GEORGE HAAN

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including the proceedings held at Arlington Cemetery at 10.30 a. m., November 9, 1929, on the occasion of the unveiling of the Maj. Gen. William George Haan Monument, erected by the officers and men of the Thirty-second Division Veteran Association.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The proceedings were as follows:

Music—A Night in June—Serenade by K. A. King, Third Cavalry Band, Fort Myer, Va.

Invocation—Monsignor Patrick Dunnigan:

"Our Father, who art in heaven, hallowed be Thy name, Thy kingdom come, Thy will be done on earth as in heaven; give us this day our daily bread (by which we pray for all the necessities of soul and body), and forgive us our trespasses as we forgive those who trespass against us. Amen."

Address: Maj. Gen. Briant H. Wells, deputy chief of staff:

"The Secretary of War, Mr. Good, regretted very much that his absence from Washington prevented him from accepting the invitation of the Thirty-second Division Association to be here to-day.

"It is a great privilege to be here representing him and the War Department in doing honor to Maj. Gen. William G. Haan. I may say that additional pleasure and satisfaction comes to me from the fact that I am here on my own account to pay a tribute of respect and love to a friend and comrade, 'Bunker' Haan, as he was familiarly and affectionately known amongst us.

"Our acquaintance extended over a period of more than 30 years, of which I can count at least 10 when I served near him or under his immediate supervision and direction.

"I had the happiness of his friendship, the confidences of his aspirations, the opportunity to observe the development of his career, and the advantages of his personality and example to guide my own endeavors.

"His experience before the war ran into every phase of military activity. There was no problem that could come before him that he had not already met and solved. Thus equipped he was quickly able to apply his knowledge and experience to the problems of war. He greatly appreciated the services of his staff officers and used the information and facts it was their duty to give him. He listened carefully and sympathetically to counsel and recommendations, and was quick to accept or reject them; but he always had a solution of his own to serve his needs, that he was ready to follow if a better was not forthcoming at the hour when a solution was needed.

"To those of us who had known General Haan before the World War it was no surprise that he exhibited a consummate leadership and at the same time held the affection, yes the love, of those he led. Through a long and brilliant career he had continuously displayed high talent for command, fortified by solid common sense, and cloaked in a broad humanity. He was a soldier's general, trusted and beloved by rank and file. He was decorated by his own Government; foreign nations delighted to honor him; but I know that he esteemed as his greatest reward the privilege of leading home his own division, battle tried and undefeated.

"The high point in his life of military service was undoubtedly that period when he led from victory to victory the splendid division, which under his command had forged itself into an irresistible striking force.

In the Thirty-second Division he encountered the soldier's ideal—an organization composed of strong men, strong in body, strong in mind, above all strong in will. It was made up of men who deliberately and knowingly dedicated themselves to the dangers and hardships of battle in the certainty that something greater than their own lives and fortunes was at stake.

"He was a national character. It is most fitting that there should arise a memorial to him in this our American pantheon. It is all the more suitable that this material tribute should be at the Nation's Capital, visible to those who come from all over our country. He needs no local monument. In each of the many localities where he served, his memory is interwoven with the traditions of the community. In no place is this more true than in Michigan and Wisconsin, those great States where his soldiers lived."

Address: Hon. Wilbur M. Brucker, attorney general, State of Michigan:

"Mr. Chairman, ladies and gentlemen, I am directed by the Hon. Fred W. Green, Governor of Michigan, to convey to this assemblage his very keen regret that he can not be here to-day to express his own personal tribute of respect to the memory of Gen. William G. Haan from the people of Michigan.

"It is indeed a high patriotic privilege to be here. Arlington and sacrifice are synonymous. No man can stand on this hallowed ground without feeling the absolute futility of expressing the realization that here lie thousands of our hero dead who gave the best years of their life for America.

"In the hectic days of 1917, when America was frantically going to war, trying in its own characteristic way to embrace the blessings of preparedness in a fortnight, some divinely inspired hand must have written the order that brigaded together the National Guard troops of two great sister States—Wisconsin and Michigan—to form the Thirty-second Division. Over 12 years later when the din and noise of battle have long since been hushed, it is again peculiarly significant, and almost like a page from the Iliad and Odessy, that the friendly rivalry of these same two sister States should again be united in common peaceful purpose to do honor to the great leader of our division. Memory leads us on and back again.

"Every man is the product of his time. No man more truly typifies the highest traditions of the American officer from George Washington down to the present day than General Haan. Schooled in the military science at West Point, groomed in the postgraduate course of hard knocks in junior command of troops, experienced in tactics from close contact with the various arms of the service, General Haan came up through the ranks. If Providence had intended it every day from June, 1885, when he entered the Military Academy, until September, 1917, when he assumed command of the Red Arrow Division, he could not have been better prepared for that tremendous undertaking. It was as though his life had been planned that way from the beginning.

"Leadership is no coincidence. Men do not succeed on any permanent basis as leaders of men without the lasting virtues of leadership. Fortune may help, influence may hasten, but the leadership that calls men together a decade after it has been finished in solemn recognition of greatness is based upon genius combined with years of toil and preparation.

"So it was with the leadership of General Haan. From the day he assumed command at Waco, Tex., he was instinctively 'the chief.' No one was left in doubt after the first day but that he 'had the situation well in hand.' Discipline was his handmaiden. He breathed it and he lived it. It was his creed and his apotheosis. Naturally, it descended upon the division as the foremost requirement of success. Then followed the banishment of that defeatist theory, which was abroad in the land, that we would never really 'get into it,' but that the war would be won before we 'got in.' Like a blight this iniquitous, unfounded belief crushed the morale. General Haan cleared the atmosphere like a morning sun when he dispelled all doubts and paved the way for the divisional fighting spirit.

"But another essential element was needed—loyal followership. This, too, was no coincidence. The flower of these two States matched the leadership of General Haan. The officers and men of these two States had been toiling and ceaselessly preparing the National Guard for an emergency. This was scoffed at by large numbers of our people who opposed any expenditure or move in the direction of preparedness, calling it 'militarism.' But thanklessly they toiled on to prepare a small body of men for our national defense; men who had served on the Mexican border in 1916 and had seen enough of the service to realize the seriousness of the grim job of war.

"From this union of peerless leadership and loyal followership there was builded a divisional esprit de corps that was not surpassed in the whole American Expeditionary Forces. No wonder the brilliant record of General Haan resulted. To honor him is likewise to honor every officer and man of the Red Arrow Division.

"But General Haan had also a high sense of loyalty to his command that had no superior anywhere. When upon its arrival overseas the Thirty-second Division seemed destined to the ignominy of being a replacement division, here it was that General Haan displayed his absolute loyalty to his command. With dogged persistence in the belief

that the splendid fighting spirit of the Red Arrow should not be sacrificed so needlessly, undaunted by discouragement, unfaltering because of the dismal prospect, he fought for his command, determined to preserve the integrity of this great fighting machine for the Stars and Stripes. Who knows what might have been the delay in the final glorious result had it not been for the preservation of the Red Arrow with its combat morale beating with triphammer blows in the drive of the late summer and early fall of 1918?

"It may be truly said that the spirit of General Haan was the spirit of the division. Defeat never once entered his head. Neither did it occur to the officers and men of the division. In the three major offensives, first from the Ourcq to the Vesle; second, in the Oise-Aisne; third, in the Meuse-Argonne, this spirit was the chief element of hard-won victory. How General Haan must have gloried in the dash and courage of those men he had trained! How his heart must have been heavy for the 14,000 who suffered the casualties of war. Did his precept and example succeed? The answer has been written deep in the heart of America.

"If ever a service was timely, it is this one. The dedication of this monument comes at the armistice season as the tribute of thousands of surviving veterans of the Red Arrow Division. It is being unveiled at an hour when we uncover our hearts in gratitude for the victory that this day represents.

"Michigan is proud to join in honoring this fallen leader and to say to him in sincerest eulogy, in the words of the immortal Scott:

"Soldier, rest; thy warfare o'er,
Sleep the sleep that knows not breaking;
Dream of battle fields no more,
Days of danger, nights of waking."

Music: A dream—J. C. Bartlett, by Third Cavalry Band.

Address: Hon. Walter J. Kohler, Governor State of Wisconsin:

"The dedication of a permanent memorial to Maj. Gen. William George Haan at Arlington National Cemetery is not only a tribute of respect to a great citizen and soldier but is also a tribute of affection.

"General Haan's record reveals him as a man of conspicuous ability, who developed strength through the practice of thoroughness and intense application, which characterized his entire career. Advancing through his own efforts from modest beginnings to unusual eminence, he knew and sympathized with the problems of his fellow men.

"It was my privilege to have made the acquaintance of General Haan nearly 20 years ago, and so I speak from personal knowledge when I refer to his sympathetic understanding and human qualities.

"He was born on an Indiana farm October 4, 1863, the son of parents who had emigrated from Germany.

"Following the early training of a district school and of a near-by high school, he received an appointment to the United States Military Academy at West Point, where he was graduated in 1889 with high honors.

"In 1905 he married Margaret H. Haan, of San Mateo, Calif., a woman of charm and culture whose constant support and faithful, true-hearted help added greatly to his constructive program.

"He spent his entire adult life in the military service of his country until his retirement in 1922. Commencing as a second lieutenant of Artillery, he progressed steadily, and a consecutive reading of his military record shows an unbroken series of commendations and promotions.

"In the war with Spain he went to the Philippine Islands, a member of General Merritt's expeditionary force, won a brevet for daring conduct, was honorably mentioned in general orders 'for distinguished conduct in the attack on Manila, August 13, 1898,' was recommended 'for bravery, efficiency, and energy' in an attack on the Filipinos near Manila, February 15, 1899, and was promoted to a captaincy and made acting quartermaster, October 17, 1898.

"Following the close of the war in the Philippines, he was assigned to the General Staff and studied in the Army War College, from which he was graduated.

"He acted as Chief of Staff for Gens. Frederick T. Funston and A. W. Greeley at the time of the San Francisco disaster and was highly commended by them. In 1906 and 1907, when an army was sent to Cuba, he was adjutant general. General Wotherspoon said of him that he had 'shown the greatest skill and administrative ability in the conduct of that office, adding much, in my opinion, to his already well-earned reputation.'

"He commanded at various other times some of the most important coast defenses of the country, including Fort Wadsworth, on Staten Island, N. Y., and the defenses of Boston, Mass., and Fort Totten, on Long Island.

"In 1912 he was selected for a second time to serve with the General Staff as Assistant Chief of Staff and afterwards as chief of staff for the Eastern Department at Governors Island, where he won high praise from his superiors, Gens. Thomas Barry and Leonard Wood. General Barry and others recommended him for chief of the Coast Artillery and for brigade command.

"These are characteristic pages of his record prior to our entrance into the World War.

"In the late summer of 1917 troops from Wisconsin and Michigan began to pour into Waco, Tex., and plans were made for the formation of the Thirty-second Division. Colonel Haan, promoted to brigadier general, was then made commander of the Fifty-seventh Artillery Brigade. Upon the assignment a few weeks later of General Parker to duties abroad General Haan was placed in command of the Thirty-second Division, with which his name and fame will ever be associated.

"He trained his troops with characteristic vigor and thoroughness, with the result that the Thirty-second led many other divisions throughout the United States in preparation for overseas duty. The sailing schedule was advanced and the Red Arrows, later called Les Terribles, were sent to France ahead of a number of other divisions. In December, 1917, Brigadier General Haan was appointed a major general of the National Army and the division was ordered to the seat of war in France.

"General Haan's confident prediction of the effectiveness of the division and his deep interest in his soldiers were indicated in his earnest protest against using them as replacement troops. Many of the men in the Thirty-second had already been transferred to other divisions, but the process was halted and by means of replacements the strength of the Thirty-second was restored.

"After weeks of strenuous training under General Haan's immediate supervision, the Thirty-second went into its first hard battle on July 28, 1918, with the French Sixth Army and was continuously in combat or just behind the firing line in reserve from that date until the armistice. Its first fighting was on the Marne, northward from Chateau Thierry, and resulted in heavy casualties, amounting to about 4,000.

"Following the second battle of the Marne General Haan's division was transferred to the Tenth French Army, commanded by General Mangin, and against the most desperate resistance captured the village of Juvigny and surrounding strong enemy territory. This action resulted again in heavy casualties, the losses amounting to about 3,500 men, but the result of the victory was not only the capture of the key position but the taking of a thousand prisoners as well as large quantities of material.

"The fighting around Juvigny demonstrated the quality of the soldiers composing the Thirty-second Division, the splendid training General Haan had given them, their implicit confidence in his leadership, and his clear grasp of the military problem. General Mangin was enthusiastic in his commendation of General Haan and of his men.

"It was, however, as a unit of the first American Army and under the orders of the American high command that the Thirty-second was to perform its most arduous and brilliant service. In the Meuse-Argonne offensive the division was in the front line continuously for 20 days, driving the enemy back 8½ kilometers, capturing over 1,100 prisoners, and taking great quantities of material, at a cost, however, of over 6,000 casualties.

"This brilliant successful attack against the Côte Dame Marie drove the enemy from a key position and won for General Haan and the Thirty-second Division the highest praise and most distinguished honors. The general received an additional silver star through a citation in the War Department general orders and was awarded the distinguished-service medal, the French croix de guerre, and commander of the Legion of Honor. Following the war he was decorated with the Italian Order of the Crown.

"The French citation, which was typical, reads as follows: 'He commanded the Thirty-second Division in a remarkable manner during the operations which ended in the retaking of the Chemin des Dames and Laon. Thanks to his tactical sense, to his strategical skill, to his indomitable tenacity, and to the magnificent spirit of his troops, who had absolute confidence in their commander, he advanced several kilometers and captured the important positions at Juvigny, which the enemy was defending with desperate obstinacy.'

"Premier Clemenceau, of France, in a letter to General Haan, said: 'From May to November, 1918, the Thirty-second Division passed 120 days on the firing line, 35 of which were passed in very severe battles. The enemy fire cost it 14,268 men. * * * You engaged successfully 20 German divisions; never did you yield them an inch of ground.'

"It was an additional and high tribute to the men and their leader that the Thirty-second was selected by General Pershing as one of the three divisions to compose the American Army of Occupation and was assigned to hold the Coblenz bridgehead. About the same time General Haan was promoted to the command of the Seventh Corps, which it was his difficult task to organize. He received at this time the rank of brigadier general in the Regular Army. When in the spring of 1919 the Thirty-second was ordered home General Haan requested and received permission to return with his old division.

"Following the war the President assigned him the position of Director of War Plans Division of the General Staff, making him responsible for the reorganization of the Army. His conception of the national land forces, consisting of the Regular Army, the National Guard, and the Organized Reserves, was adopted.

"In July, 1920, he became a major general in the Regular Army, and on March 31, 1922, at his own request, he went on the retired

list. He became a resident of Milwaukee, where he engaged in journalistic work.

"On Sunday, October 26, 1924, General Haan passed away at the Mount Alto Veterans' Hospital in Washington.

"It is fitting that in this resting place of the Nation's heroes we dedicate a permanent memorial to this great but modest man, a man who schooled himself long and faithfully, proved equal to the heaviest responsibility in peace and in war, and exercised his gift of leadership with brilliant success and with commendable regard for all associated with him. He left a record of remarkable achievement and of unblemished character.

"It is appropriate that in these ceremonies the States of Michigan and Wisconsin, and particularly the veterans of the Thirty-second Division who served with General Haan in the World War, should play a representative part.

"It is a privilege to express the sentiments of pride, respect, and affection of the people of the two great Commonwealths and the soldiers of the Thirty-second for this great leader, in whose memory this memorial is now to be unveiled."

Music: The Thirty-second Division March, Theodore Steinmetz, Third Cavalry Band.

Placing of Floral Tributes, Lieut. Col. Robert M. Beck, jr.:

"General Haan, the living members of the Thirty-second Division Veterans' Association will always remember your fine soldierly qualities, your superior leadership as exemplified by justice, firmness, and human interest in our welfare. To you with this token we open our hearts."

Brig. Gen. Edward G. Heckel:

"This is a token to the memory of Gen. William G. Haan from the men of the One hundred and twenty-fifth Infantry Veterans' Association, who learned to love and respect as well as honor and obey him."

Mrs. Mary L. Pendergast:

"I present this floral arrow in memory of Maj. Gen. William George Haan, who was greatly beloved by the Women's Memorial Association of the Thirty-second Division."

Hon. JOHN C. SCHAFER, Representative, fourth district, Wisconsin:

"Maj. Gen. William G. Haan was a patriot of the most self-sacrificing type, and one of the outstanding American heroes of the late World War. From the time that he entered the United States Military Academy, on June 14, 1885, until he passed into the Great Beyond, he gave his services unstintingly to our common country and his fellow men. The keen intellect, sterling character, extraordinary ability, and the kind heart of their beloved commander inspired and instilled confidence in the men of the Thirty-second Division in their struggles on the battle fields.

"This division, which was originally made up entirely of National Guardsmen from the great States of Wisconsin and Michigan, carved a record of achievement surpassed by none. Upon some of the most shining pages of our Nation's history the name of Gen. William G. Haan and the Thirty-second Division is written, running like a golden thread.

"The late general's heart, now stilled in death, had ever been filled with the noblest purposes and the highest aims—with the last throbbing of life he kept the faith.

"I have the great honor to present this wreath from the General William G. Haan Post, No. 234, American Legion, Milwaukee, Wis.

"A brave man now is sleeping
While his deeds in memory live
And the tribute we are bringing
Is a Nation's joy to give.

"Hero of old, we humbly lay
The laurel on your grave again.
What men have done, men may.
The deeds you wrought are not in vain."

Benediction: Col. Edmund P. Easterbrook, Chief of Chaplains, United States Army:

"May the Lord bless thee and keep thee. May He make His face to shine upon thee and give thee peace. Amen."

Salute to the dead: Three volleys and taps.—Detachments from the Third Cavalry, United States Army, Fort Myer, Va.

THE FEDERAL AND JOINT-STOCK LAND BANK SYSTEM

Mr. HENRY T. RAINEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Federal farm loan system.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HENRY T. RAINEY. Mr. Speaker, I have obtained permission to extend my remarks in the RECORD for the purpose of explaining the farm loan land bank bill which I introduced in the House on Monday, March 17, 1930, and which is numbered H. R. 10830.

This bill changes in one particular the bill I introduced on the 9th day of December last and which was numbered H. R. 6983.

That bill provided that whenever a joint-stock land bank should vote to suspend dividends in the manner provided in the bill its assets should be taken over by the Federal Farm Loan Board and administered through the 12 Federal land banks, merger consolidated bonds to be issued for the purpose of taking up the stock and bonds of the bank so voting to suspend.

On the 10th day of December, 1929, I printed in the CONGRESSIONAL RECORD of that date an explanation of this bill.

The bill I have now introduced provides, in brief, for an amendment to the agricultural marketing act of 1929 and authorizes the Federal Farm Board to organize a Federal merger land bank for the purpose of taking over the assets of the bank or banks so voting to suspend operations.

The Federal merger land bank to issue Federal merger land bank bonds to take up the stock and bonds of the bank or banks so voting to suspend, each stockholder and bondholder to receive in lieu of his stock and bonds merger bonds issued by this bank to the amount he paid for his stock and bonds not to exceed par.

The Federal merger land bank is authorized to administer upon the farms turned over to it and can hold any of them or all of them out of production, planting them only in legumes and grasses and using them only for grazing purposes for such period of time as the bank may deem necessary. The bank may farm all or any part of the farms on the share system or with tractors on a large scale or group method if it shall determine so to do under regulations to be issued by the Federal Farm Board.

Holding part of these farms out of production and using them only for grazing purposes would tend to control agricultural output and farming them in larger units under the control of the Federal Farm Board would also be a step in the direction of controlling the volume of production and the flow of agricultural products to the market.

Whenever conditions seem to warrant the return of any part or all the farms so taken over to private ownership and private control the Farm Board could so direct under this bill and it could be accomplished through the medium of the Federal merger land bank provided for.

The proposition I am submitting in the bill I am now discussing would tend to consolidate the two Federal farm-loan systems of banks. It is reasonable to suppose that most of the 22 joint-stock land banks, which have now suspended dividends, would vote to discontinue operations. Those which will discontinue the payment of dividends in the near future will soon follow in suspending operations. This would remove from the field all but a very few of the joint-stock land banks, and the entire system of Federal farm loans could then be controlled by the 12 Federal land banks or through branch banks to be established by them.

PENDING COLLAPSE OF OUR FEDERAL FARM LOAN SYSTEM

During the 12 months ending November 30, 1929, only 14 joint-stock land banks issued any bonds, and these 14 only issued a total of \$5,455,000 worth of bonds. Practically one-half of this amount was issued by joint-stock land banks which are affiliated with and owned by other financial institutions, and they took up their own bonds, of course.

Three of these joint-stock land banks issuing last year over \$900,000,000 worth of bonds have indicated to me that they may soon suspend the payment of dividends; therefore, the issuing and marketing of bonds does not indicate that banks are always prospering. By reloading their amortization payments and by issuing bonds the 47 joint-stock land banks now operating were able to close loans during the 12 months ended November 30, 1929, to the amount of a little over \$20,000,000. During the 12 months ended November 30, 1929, the 12 Federal land banks issued bonds to the amount of \$18,850,000 and closed loans to the amount of a little over \$68,000,000.

Recently the Treasury Department called attention to the record made by the 12 Federal land banks during the period of time I have mentioned and pointed to it as evidence of the fact that the banks were still functioning.

The facts are, however, that six years ago the 12 Federal land banks and the joint-stock land banks then functioning were loaning a million dollars a day. In other words, in 88 days six years ago these two systems loaned as much as the entire aggregate amount of their loans during the 12 months ended November 30, 1929. When we compare what these banks are accomplishing now with what they accomplished a few years ago we can see that the system is rapidly failing.

REVAMPING THE SYSTEM

The amended bill I have introduced will revamp the entire system and put it on its feet again. More loans ought to be made now to farmers than were made five and six years ago. Now is a better time for young farmers to buy farms and to

pay for them on the amortization plan of the Federal farm loan act.

Under the present method of managing these systems joint-stock land banks are being forced to liquidate. Most of the suspended banks are merely buying in their own bonds.

The amended bill I have introduced will revamp the entire system without the slightest ultimate cost to the Government. Under it the Government will be able to redeem all its implied promises and be relieved from the odium which now rests upon it in this connection. The present stockholders and bondholders will be treated fairly. There will be no opportunity for more speculators to make money out of their purchases of stocks and bonds—they only get back in merger bonds what they paid for the stock and bonds they hold, provided that amount does not exceed par. An immense volume of stock of Federal land banks has been purchased at negligible prices by speculators—a still larger volume of bonds have been purchased by speculators at ridiculously low rates. These speculators get only what they paid for these securities—no more.

Nothing can be done, of course, for the stockholders and bondholders who have parted with their holdings at these low prices. They have taken their losses voluntarily and they are completely out of consideration.

Insurance companies are commencing to fail on account of their investments in Federal land-bank securities. Relying upon the representations of the Federal Government, many millions of fiduciary and trust funds have been invested in these securities. Some of the States, following the Federal act, have also made these securities legal investments for fiduciary and trust funds. Organizations creating annuity funds for municipal employees, on the faith of the Government, have invested in these securities. Some of these investments have been made also under laws passed by State legislatures, and they have suffered a loss as matters now stand of 50 per cent of the amount of their investments.

The present session of Congress ought not to adjourn without passing constructive legislation relieving the present situation, which may soon assume the proportions of a national financial disaster.

ADDRESS OF HON. GEORGE WHARTON PEPPER

Mr. McFADDEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address of George Wharton Pepper, delivered over the radio.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD by printing an address of ex-Senator Pepper. Is there objection?

Mr. RANKIN. Reserving the right to object, was that speech made while Mr. Pepper was in the Senate?

Mr. McFADDEN. No.

Mr. RANKIN. On what subject?

Mr. McFADDEN. On international questions.

Mr. RANKIN. It is not a political speech?

Mr. McFADDEN. No.

Mr. RANKIN. I am not going to object, but I am sorry that the gentleman from Massachusetts [Mr. UNDERHILL] is not here to take care of this.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. McFADDEN. Mr. Speaker, under leave to extend my remarks in the RECORD, I include an address which was delivered by Hon. George Wharton Pepper, of Philadelphia, a former United States Senator from Pennsylvania, covering one phase of the international situation—the Permanent Court of International Justice or the World Court.

The address is as follows:

THE WOODEN HORSE

Young people tell me that in these enlightened days a father's advice is little heeded and that it is a wise father who gives none at all. These young people may be right, and yet when, on February 22, I read again Washington's Farewell Address, I was deeply impressed with the number of instances in which we seem to have been guided by his parting words of counsel.

In bequeathing his wisdom to posterity he himself had doubts whether we could be trusted to make the best use of his legacy. He was inclined to believe that the self-confidence of the young would outweigh the wisdom of their elders. This is what he said:

"In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our Nation from running the course which has hitherto marked the destiny of nations; but, if I may even flatter myself that they may be productive of some partial benefit, some

occasional good, that they may now and then require to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated."

If, on his birthday anniversary, Washington could have surveyed the whole field of our national life, he would have realized that his misgivings were unnecessary, and that in two among other particulars we have had the good sense to follow his advice. We have maintained a Military and Naval Establishment adequate for national defense, and we have consistently avoided permanent alliances with foreign powers. To Washington's precept and example, more than to the influence of any other man in our history, we owe the maintenance of our Army and Navy and our wise refusal to join the League of Nations.

As to national defense, I am sure that he would be gratified by the breadth of our policy. We are constantly reminding ourselves that peace without freedom is not worthy to be called peace, and that freedom without peace is not freedom at all. We steadfastly decline to allow peace movements to blind us to the necessity of preparedness, and yet we combine with our policy of preparedness an earnest and effective leadership in efforts to limit armaments and to outlaw war as an instrument of policy. It would be a sad day for the Republic if advocates of preparedness were to withhold their support from our representatives at the London conference. It would, if possible, be a sadder day were the supporters of the conference to oppose reasonable programs for the naval and military defense of the Republic.

After all, the value of advice is proportionate to our affection and respect for the adviser and to our capacity to appreciate the soundness of the counsel that he gives.

As for affection and respect, Washington's place in the hearts of his countrymen is secure for all time to come. Neither calumny nor detraction has been able to disturb it. Even in a day when attacks upon the defenseless dead arouse little indignation efforts to shake popular regard for Washington are proving to be about as effective as if their authors were severally to attempt to shake the Washington Monument at its base.

As respects the soundness of Washington's advice you will often hear the assertion made that the advice was wise when given, but that it has little application to the modern world. We are reminded, as if such a reminder were necessary, that the telegraph, the telephone, the radio, the airplane, the conveniences of travel, and the spirit of commercial intercourse have brought all peoples and nations nearer together and have in effect made the people of the world one great family. "Therefore," such people say, "Washington's warning against entanglements is out of date. Let us face the facts, modify our nationalism, and join the League of Nations." This, I am sure, is the exact opposite of the conclusion that ought to be drawn from the complexity of modern life. Imagine a family living in the country and suddenly moved into a crowded city. In the country a wise father had taught his children the wisdom of minding their own business, of helping others when in need, of giving advisory opinions to neighbors only when asked, of preserving family customs and traditions, and of guarding against sudden attachments, strong dislikes, and too great intimacy with strangers. What should we think of a friend who undertook to reverse this advice merely because the family had moved into a crowded neighborhood. "Space," says he, "has been annihilated and distant neighbors are now close at hand; you must," he insists, "think of your family as including the whole ward in which you live, forego your distinctive family customs, pry into everybody's business, have a finger in every pie, tell all the neighbors what they must and must not do, and so give them an excuse for advising you how to lead your daily life. Do this," says he, "and you will be happy."

Everybody within the sound of my voice knows that such talk is mere nonsense and that the friend who tries to nullify the advice of a wise father is no friend at all. It is, of course, true that in their relation to God Almighty all men everywhere are of one family and of one blood, and that the church of the living God should be regarded as a great unincorporated unity. Nations, on the other hand, are incorporated differences. It is to preserve those things in our Government which differ from other constitutional and governmental systems that we exist as an independent nation. The varying needs of people in different parts of the world make the idea of a world government an idle dream. When we see our own Congress in action and note the clash of conflicting interests between different parts of the United States, we should realize that we already have on hand a gigantic task to preserve the unity of the Republic. The simple truth is that if Washington's advice was sound when given it is no less sound to-day. This is because his advice was based on enduring principles of psychology and its weight is quite independent of time and circumstance.

Bear with me while I quote from this wise father of our country a passage of which we can not too often be reminded:

"Against the insidious wiles of foreign influence—I conjure you to believe me, fellow citizens—the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign

influence is one of the most baneful foes of republican government. But that jealousy to be useful must be impartial, else it becomes the instrument of the very influence to be avoided instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another cause those whom they actuate to see danger only on one side and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people to surrender their interests.

"The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

"Europe has a set of primary interests which to us have none, or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities.

"Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient Government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war as our interest, guided by justice, shall counsel.

"Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalry, interest, humor, or caprice?

"It is our true policy to steer clear of permanent alliance with any portion of the foreign world."

I repeat that these words of advice have colored our national history and have helped us to shape a wise foreign policy. Under such guidance we, the people of the United States, have definitely decided that to join the League of Nations would be for the United States an act of folly. This is so well settled that the advocates of league membership have all but abandoned their policy of direct attack and are resorting to a stratagem to detect which we should be "constantly-awake."

When a national policy has been definitely adopted the restless souls who want to change it usually abandon direct attack and try to accomplish their purpose by subtlety. When this happens we should recall the once familiar legend of the fall of Troy. After the assaults of the Greeks had year after year been repulsed by the defenders of the city, the canny Ulysses gave out the story that he and the other attackers had decided to quit and were going home in disgust, but were leaving behind them a peace offering to the gods in the form of a huge wooden horse. In spite of a warning that they had better let the harmless looking monster alone, the Trojans, ready to accept whatever bore the trade-mark of peace, drew the wooden horse inside the defenses of the city. After nightfall the armed men concealed inside the horse came out, slew the Trojan guards, and opened the gates to waiting friends outside. Is anything happening in the United States at this moment which makes it wise to remind ourselves that even peace offerings require scrutiny? I think there is; and it is to invite your attention to a modern instance that I have repeated to you this ancient story.

The Permanent Court of International Justice, or the World Court, as it is usually called, is a court that was established after the war by the action of the League of Nations. Our new Chief Justice, Judge Hughes, was for a time one of the judges of this court. A few weeks ago he gave to a radio audience a most interesting and effective account of the way the court works. All who heard it were much impressed and many people asked, "Why does not the United States join with other nations in supporting this institution, the creation of which was originally advocated in America?"

Comparatively few of those who asked this question know that more than four years ago the Senate of the United States voted to adhere to the court upon terms deemed necessary to protect our national interests. For four years we have been ready and willing to unite with our friends in this experiment and for four years they have kept us waiting at the gate. At first they said:

"We do not like one of the conditions upon which you insist; we can't agree to it."

Now they are adopting a different attitude, and they speak to us in this wise:

"We have changed our minds about the condition you propose. After keeping you out of the court for four years we are now ready to agree to your condition and to admit you. In so doing we make only one stipulation, and that is that instead of insisting upon the language of the Senate resolution you will let us express your thought in our language. We assure you it will mean the same thing; but we Old World diplomats have a liking for long and complicated contracts.

Your Senate resolution is perfectly all right, but it is too short and too clear."

Now, as a lawyer, when my client is negotiating a business contract and he and I have put this meaning into language that can't be misunderstood, I can't help being suspicious when the lawyer on the other side says:

"These two pages that I have drafted mean the same thing as your two lines, but I shall be better satisfied if the contract follows my draft instead of yours."

In such a case I should reply:

"No doubt you mean well and perhaps your long formula means the same thing as my short one, but I do not think it does, and I am advising my client to make this agreement in his own language or not at all."

In order to understand the point at issue you must remember that the judges of the World Court have two sorts of duties to perform that are entirely distinct from one another. The judges sit as a court to decide international controversies which disputing nations submit to them. This is the admirable function which Judge Hughes so ably described. The Senate condition has nothing to do with this function. If this court were only a court, we should have adhered to it long ago. But, in addition to their duties in cases between disputing nations, the judges of the World Court constitute the department of justice of the League of Nations. The court, as one of its ablest judges has said, is the advisory organ of the League of Nations. Its duty is to give advice to the league on request by the league's council or the league's assembly. If two sovereign nations get into a dispute and do not choose to lay their troubles before the league or to refer their case to the World Court, there is only one way in which the League of Nations can inject itself into the controversy—and that is by calling on the World Court to give an opinion upon the question on which the two nations have divided. The right of the league to ask for such advice does not spring from the constitution of the court itself but from one of the articles in the covenant of the League of Nations. The theory upon which the league is entitled to treat the judges of the court as league advisers is that they are elected by the league; that they are paid by the league; and that when they resign, as Judge Hughes recently did, their resignations go to the secretary of the league.

Such being the situation, if two nations are engaged in a serious dispute, the action of such an outside organization as the league in calling for a court opinion might easily arouse fierce indignation and precipitate a war which might otherwise have been averted. Suppose a case in which the United States were having a serious controversy with another nation. Then imagine that we were to wake up some fine morning and read that the League of Nations had wired the World Court for an opinion whether the stand of the United States was or was not well taken. This would be front-page news with a scare heading in every newspaper in the United States. That the opinion of the World Court when given would not bind us is not important. The important point is that we do not wish any foreign power or any combination of foreign powers, whether you call the combination a league or what you will, to carry our business without our permission before the judges of a court which has no concern with the rightness or wrongness of our conduct unless we ourselves submit the controversy and ask for a decision. George Washington was a man of peace; but if he were alive when such a thing happened, he would be fighting mad. To prevent anybody from getting mad, the Senate of the United States four years ago said to the other nations:

"The United States will be glad to join you in supporting the Permanent Court of International Justice in so far as it is a court; but we want it clearly understood that after we have adhered to the court is to give no advice to the League of Nations without our consent in any matter in which the United States has or claims an interest."

I was in the Senate at that time. I thought then, as I think now, that the hold which the league has on the court is a terrible handicap to the court and ought to be relaxed. But I am a lawyer and a man of peace. I believe in the judicial settlement of international disputes, and, since it is not now practicable to cut the tie between court and league, I was willing to vote for adherence upon the protective condition which I have specified. When the other nations said, "We won't accept your condition" I thought to myself "Well, we have done our duty; if they don't want us on these terms, they will have to get along without us." When, after four years, I heard it said, "The other nations have accepted the Senate conditions," I was mildly astonished; because the Old World diplomats are not apt to yield. However, I studied carefully and with an open mind the complicated and obscure documents offered us as the equivalent of the clean-cut Senate provision, and when I had finished I said to myself, "There is a joker in every paragraph. This so-called equivalent fails to give us the protection upon which we insist. It is a subtle attempt to tie us up to the League of Nations through the court. It is once more the wooden horse—and I decline to be deceived."

I am aware that in saying this I differ from some of our ablest and most patriotic public men. To express disagreement with many of one's own friends is not an agreeable duty. This, however, is a subject upon

which I feel qualified to speak with the authority of long study and careful analysis, and when the safety of the United States is involved party ties and personal friendships must be ignored. I earnestly assert that if we are going to adhere to the World Court we must do so only upon the condition already dictated by the Senate, a condition which conforms to Washington's policy of peace and freedom, for by it we assert the gladness of the United States to cooperate in all honorable efforts to substitute peaceful settlements for the arbitrament of war, but proclaim our fixed determination to avoid those entanglements against which the Father of his Country so wisely warned us.

We are told that if we adhere to the court we may at any time withdraw our adherence and go home without being called quitters. This kind of an assurance has no value. Even if no such assurance is given the United States or any other party to a treaty might denounce it and withdraw at will. When you go to a theater or other place of public assembly, it is important to note the red lights and study the exits in order that you may make your way out safely in case of fire.

If the calamity happens, there is no division of opinion as to what ought to be done. Everybody wants to leave at once and successful escape is a perfect remedy for those who succeed in achieving it. In the case of international engagements, however, the thing that makes you want to withdraw is the same thing that makes the other parties want to keep you in. No matter how earnestly they assure you that in the event of disagreement you may go in peace you know perfectly well that when the time comes assurances of good will will be forgotten and the torrent of abuse that will be liberated against America for withdrawing from Europe will be comparable only to the flood of reproaches directed against us for not going over there sooner. The argument in favor of experimental unions appeals more strongly to the young and the irresponsible than to those who are older and more experienced. If we adhere to the World Court let it be wholeheartedly and upon such terms as will make it possible to continue our adherence. The time to look is before you leap and the time to reserve your rights is before you sign on the dotted line. Ask yourself, What would Washington have done when confronted with a demand for his signature? If you seriously put this question to yourself, the first thing that you will do is to write your Senator and urge him to support the Senate resolution and to accept no imported substitutes.

ORDER OF BUSINESS

Mr. PARKER. Mr. Speaker, I ask unanimous consent that to-morrow, after the Committee on Coinage, Weights, and Measures have completed their two bills, that we may go on with the consideration of this motor bus bill, H. R. 10288.

Mr. FISH. Reserving the right to object, if it was merely to permit the Committee on Coinage, Weights, and Measures to complete the bills they have for consideration I would not object, but if it is any attempt to dispense with Calendar Wednesday I would object.

Mr. PARKER. I did not mean to limit it to two bills for the Committee on Coinage, Weights, and Measures, but whatever business they have.

Mr. FISH. If you are going to get through early to-morrow, would it be in order, Mr. Speaker, for me to ask unanimous consent to speak for 5 or 10 minutes?

The SPEAKER. The Chair would recognize the gentleman for that purpose.

Mr. FISH. Then I will ask unanimous consent to address the House for 10 minutes after the Calendar Wednesday business is completed.

The SPEAKER. The gentleman from New York asks unanimous consent that after the Committee on Coinage, Weights, and Measures shall have disposed of their business to-morrow further business on Calendar Wednesday shall be dispensed with.

Mr. MAPES. Reserving the right to object, in looking over the record, my recollection is that the Committee on Coinage, Weights, and Measures has reported three bills.

Mr. RANKIN. Reserving the right to object, is that the only committee that would have the call to-morrow?

Mr. PARKER. The next committee would be the Committee on Interstate and Foreign Commerce.

Mr. FISH. I will ask my colleague from New York if he will yield to me to make a request?

Mr. STAFFORD. I think, Mr. Speaker, it might be well to have the matter clarified, that it is not the intention of the gentleman from New York [Mr. PARKER] to count to-morrow as one of the days that the Committee on Interstate and Foreign Commerce is entitled to.

Mr. PARKER. Oh, no; that was stated yesterday; that it should not be counted and that we want two full days.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. PARKER]?

There was no objection.

Mr. FISH. Now, Mr. Speaker, I renew the request that I may speak for 10 minutes to-morrow after the business of the Committee on Coinage, Weights, and Measures is disposed of.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. FISH]?

Mr. SCHAFER of Wisconsin. Reserving the right to object, on what subject?

Mr. FISH. On the proposed memorial meeting for General Foch, to be held on Thursday.

The SPEAKER. Is there objection?

There was no objection.

SENATE ENROLLED JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled joint resolutions of the Senate of the following titles:

S. J. Res. 17. Joint resolution authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point, Bey Mario Arosemena, a citizen of Panama; and

S. J. Res. 30. Joint resolution authorizing the use of tribal moneys belonging to the Fort Berthold Indians of North Dakota for certain purposes.

BILL PRESENTED TO THE PRESIDENT

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H. R. 8423. An act granting the consent of Congress to the State of Minnesota, or any political subdivision thereof, to construct, maintain, and operate a bridge across the Mississippi River at or near Topeka, Minn.

ADJOURNMENT

Mr. PARKER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 11 minutes p. m.) the House adjourned until to-morrow, Wednesday, March 19, 1930, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Wednesday, March 19, 1930, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

(10 a. m.)

To authorize the sale of Government property acquired for a post-office site in Akron, Ohio (H. R. 3246).

To provide better facilities for the enforcement of the customs and immigration laws (H. R. 10416).

To authorize the Secretary of Commerce to purchase land and to construct buildings and facilities suitable for radio-research investigations (H. R. 10652).

COMMITTEE ON THE JUDICIARY

(10 a. m.)

Proposing an amendment to the Constitution of the United States (H. J. Res. 114, H. J. Res. 11, H. J. Res. 38).

Proposing an amendment to the eighteenth amendment of the Constitution (H. J. Res. 99).

Proposing an amendment to the Constitution of the United States providing for a referendum on the eighteenth amendment thereof (H. J. Res. 219).

Proposing an amendment to the eighteenth amendment of the Constitution of the United States (H. J. Res. 246).

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To consider branch, chain, and group banking as provided in House Resolution 141.

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Navy Department appropriation bill.

Legislative appropriation bill.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

371. A letter from the Acting Secretary of the Navy, transmitting draft of a bill to amend the act entitled "An act to authorize the construction and procurement of aircraft and aircraft equipment in the Navy and Marine Corps, and to adjust and define the status of the operating personnel in connection therewith," approved June 24, 1926, with reference to the number of enlisted pilots in the Navy; to the Committee on Naval Affairs.

372. A letter from the Comptroller General of the United States, transmitting second supplemental report of the claims transmitted to this office by the Secretary of the Navy covering

the property damage, death, or personal injury due to the explosion at the naval ammunition depot, Lake Denmark, N. J., July 10, 1926 (H. Doc. 231); to the Committee on Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII.

Mr. FRENCH: Committee on Appropriations. H. J. Res. 264. A joint resolution making an appropriation to complete the restoration of the frigate *Constitution*; without amendment (Rept. No. 925). Referred to the Committee of the Whole House on the state of the Union.

Mr. SWING: Committee on the Public Lands. H. J. Res. 181. A joint resolution to amend a joint resolution entitled "Joint resolution giving to discharged soldiers, sailors, and marines a preferred right of homestead entry," approved February 14, 1920, as amended January 21, 1922; with amendment (Rept. No. 929).

Mr. HAUGEN: Committee on Agriculture. H. R. 9900. A bill to provide for the acceptance of a donation of land and the construction thereon of suitable buildings and appurtenances for the forest products laboratory, and for other purposes; without amendment (Rept. No. 930). Referred to the Committee of the Whole House on the state of the Union.

Mr. NOLAN: Committee on the Public Lands. H. R. 6981. A bill to promote the better protection and highest public use of the lands of the United States and adjacent lands and waters in northern Minnesota for the production of forest products, the development and extension of recreational uses, the preservation of wild life, and other purposes not inconsistent therewith; and to protect more effectively the streams and lakes dedicated to public use under the terms and spirit of clause 2 of the Webster-Ashburton treaty of 1842 between Great Britain and the United States; and looking toward the joint development of indispensable international recreational and economic assets; with amendment (Rept. No. 931). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII.

Mr. JOHNSON of Nebraska: Committee on Claims. H. R. 1029. A bill for the relief of Arthur D. Story, assignee of Jacob Story, and Harris H. Gilman, receiver for the Murray & Thurgurtha plant of the National Motors Corporation; without amendment (Rept. No. 926). Referred to the Committee of the Whole House.

Mr. GUYER: Committee on Claims. H. R. 1176. A bill for the relief of Catherine C. Schilling; without amendment (Rept. No. 927). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 1354. A bill for the relief of Arthur H. Teeple; without amendment (Rept. No. 928). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. COX: A bill (H. R. 10876) to provide for the purchase of a lot for the enlargement of the post-office building at Tifton, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. CLARKE of New York: A bill (H. R. 10877) authorizing appropriations to be expended under the provisions of sections 4 to 14 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States or with the United States, for the protection of the watersheds of navigable streams and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as amended; to the Committee on Agriculture.

By Mr. HILL of Washington: A bill (H. R. 10878) fixing time for reimbursement of the United States for money advanced for acquisition of water rights for Indian lands within the Oroville-Tonasket irrigation district under act of May 18, 1916, and supplemental acts, and for other purposes; to the Committee on Irrigation and Reclamation.

By Mr. LEAVITT: A bill (H. R. 10879) directing the Secretary of the Interior to investigate reimbursable charges against Indian tribes, and for other purposes; to the Committee on Indian Affairs.

By Mr. SMITH of Idaho: A bill (H. R. 10880) authorizing the construction of the Michaud division of the Fort Hall Indian irrigation project, Idaho, an appropriation therefore,

and the completion of the project, and for other purposes; to the Committee on Indian Affairs.

By Mr. JENKINS: A bill (H. R. 10881) to amend section 24 of the immigration act of 1917, as amended; to the Committee on Immigration and Naturalization.

By Mr. CURRY: A bill (H. R. 10882) to provide for examination and survey of the Mormon Channel section of the San Joaquin River and Stockton Channel, Calif., project; to the Committee on Rivers and Harbors.

By Mr. JAMES (by request of the War Department): A bill (H. R. 10883) to authorize certain activities for the maintenance of the Army; to the Committee on Military Affairs.

Also (by request of the War Department), a bill (H. R. 10884) to authorize the acquisition of a right of way for sewer line in connection with the Fort Bragg Military Reservation, N. C.; to the Committee on Military Affairs.

By Mr. McLEOD: A bill (H. R. 10885) to provide a tax on the sale on margin of corporate securities; to the Committee on Ways and Means.

By Mr. STONE: A bill (H. R. 10886) an act to establish a Federal board of veterans' affairs to consolidate, coordinate, and provide for equalization and efficient management of all activities relating to the relief and other benefits provided by law for former members of the Military and Naval Establishments of the United States; to the Committee on Expenditures in the Executive Departments.

By Mr. HOUSTON of Delaware: A bill (H. R. 10887) authorizing the Delaware & New Jersey Bridge Corporation, a corporation of the State of Delaware, domiciled at Wilmington, Del., its successors and assigns, George A. Casey, of Wilmington, Del.; Clifford R. Powell, of Mount Holly, N. J.; and Anthony J. Siracusa, of Atlantic City, N. J., their heirs, executors, administrators, or assigns, to construct, maintain, and operate a bridge across the Delaware River at or near Wilmington, Del.; to the Committee on Interstate and Foreign Commerce.

By Mr. LEHLBACH: Joint resolution (H. J. Res. 272) constructing section 7 of the merchant marine act, 1920; to the Committee on the Merchant Marine and Fisheries.

By Mr. HASTINGS: Joint resolution (H. J. Res. 273) to pay the judgment rendered by the United States Court of Claims to the Iowa Tribe of Indians, Oklahoma; to the Committee on Indian Affairs.

By Mr. GARNER: Resolution (H. Res. 188) authorizing the appointment of a special committee to investigate the Bureau of Internal Revenue of the Treasury Department; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARBOUR: A bill (H. R. 10888) for the relief of Margaret V. Pearson; to the Committee on Claims.

By Mr. BOHN: A bill (H. R. 10889) granting certain lands to the city of Sault Ste. Marie, State of Michigan; to the Committee on the Public Lands.

By Mr. BUCKBEE: A bill (H. R. 10890) granting an increase of pension to Carrie M. Backus; to the Committee on Invalid Pensions.

By Mr. CLAGUE: A bill (H. R. 10891) granting a pension to Mary C. Greene; to the Committee on Invalid Pensions.

By Mr. COCHRAN of Missouri: A bill (H. R. 10892) granting a pension to George Kohler; to the Committee on Pensions.

By Mr. CARTER of Wyoming: A bill (H. R. 10893) granting a pension to Kate V. Richards; to the Committee on Invalid Pensions.

By Mr. COYLE: A bill (H. R. 10894) granting an increase of pension to Isabella Young; to the Committee on Invalid Pensions.

By Mr. COX: A bill (H. R. 10895) for the relief of Tift County Exchange (Inc.); to the Committee on Claims.

Also, a bill (H. R. 10896) for the relief of John Rufus Turner; to the Committee on Military Affairs.

By Mr. CRAIL: A bill (H. R. 10897) granting a pension to Alvina Courtright; to the Committee on Invalid Pensions.

By Mr. CURRY: A bill (H. R. 10898) granting a pension to Earl G. Barnum; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10899) to authorize the Secretary of War to donate two bronze cannon to the city of Benicia, Calif.; to the Committee on Military Affairs.

By Mr. ELLIS: A bill (H. R. 10900) for the retirement of Charles W. Luthy; to the Committee on Military Affairs.

By Mr. ESLICK: A bill (H. R. 10901) granting a pension to Lula Inslay; to the Committee on Invalid Pensions.

By Mr. EVANS of California: A bill (H. R. 10902) granting a pension to Fred E. Kunkel; to the Committee on Pensions.

By Mr. FINLEY: A bill (H. R. 10903) for the relief of Dillon A. Collett; to the Committee on Military Affairs.

By Mr. FITZGERALD: A bill (H. R. 10904) granting an increase of pension to Mary Ida Acton; to the Committee on Invalid Pensions.

By Mr. GREEN: A bill (H. R. 10905) granting a pension to Dena C. Mudge; to the Committee on Invalid Pensions.

By Mr. HILL of Washington: A bill (H. R. 10906) for the relief of Panhandle Lumber Co. (Ltd.), a corporation of the State of Idaho; to the Committee on Claims.

By Mr. HOLADAY: A bill (H. R. 10907) for the relief of Charles E. Dern; to the Committee on Military Affairs.

By Mr. HOPKINS: A bill (H. R. 10908) granting a pension to Elizabeth Bowen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10909) granting a pension to Sarah E. Reno; to the Committee on Invalid Pensions.

By Mr. HUDDLESTON: A bill (H. R. 10910) for the relief of the heirs of O. M. Dodgen, alias C. M. Dodgen; to the Committee on Claims.

By Mr. IRWIN: A bill (H. R. 10911) for the relief of George W. Steele, jr., captain, United States Navy; to the Committee on Claims.

By Mr. JENKINS: A bill (H. R. 10912) granting an increase of pension to Laura Hysell; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Oklahoma: A bill (H. R. 10913) for the relief of Andrew J. Murphy, otherwise known as Andrew or A. Johnson; to the Committee on Military Affairs.

By Mr. JOHNSTON of Missouri: A bill (H. R. 10914) granting a pension to William Newton; to the Committee on Invalid Pensions.

By Mr. KOPP: A bill (H. R. 10915) granting a pension to Jessie Cordelia McLane; to the Committee on Invalid Pensions.

By Mr. LANKFORD of Virginia: A bill (H. R. 10916) for the relief of the heirs of John W. Odend'hal, deceased; to the Committee on Naval Affairs.

Also, a bill (H. R. 10917) to reimburse W. H. L. Joynes; to the Committee on Claims.

By Mr. MANLOVE: A bill (H. R. 10918) granting an increase of pension to Willis P. McCampbell; to the Committee on Pensions.

By Mr. MARTIN: A bill (H. R. 10919) for the relief of certain officers and employees of the Foreign Service of the United States, and of Elise Steiniger, housekeeper for Consul R. A. Wallace Treat at the Smyrna consulate, who, while in the course of their respective duties, suffered losses of Government funds and/or personal property by reason of theft, warlike conditions, catastrophes of nature, shipwreck, or other causes; to the Committee on Foreign Affairs.

By Mr. MORGAN: A bill (H. R. 10920) granting a pension to Selvanis B. Cork; to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 10921) granting an increase of pension to Lydia Nickerson; to the Committee on Invalid Pensions.

By Mr. O'CONNOR of Oklahoma: A bill (H. R. 10922) granting a pension to Ralph Smith; to the Committee on Pensions.

By Mr. REECE: A bill (H. R. 10923) granting a pension to Mary A. Green; to the Committee on Pensions.

By Mr. STRONG of Kansas: A bill (H. R. 10924) for the relief of Roland Baldwin Estep; to the Committee on Naval Affairs.

By Mr. SWICK: A bill (H. R. 10925) granting an increase of pension to Margaret A. Bauder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10926) granting an increase of pension to Nancy J. Critchlow; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 10927) granting an increase of pension to Elizabeth M. Olson; to the Committee on Pensions.

By Mr. WHITEHEAD: A bill (H. R. 10928) to confer authority on the Commissioner of Pensions to permit W. C. Jamison to file his application for retirement annuity and to authorize and empower the Commissioner of Pensions to hear and determine the same; to the Committee on the Civil Service.

By Mr. WOOD: A bill (H. R. 10929) granting a pension to Emma Berryman; to the Committee on Invalid Pensions.

By Mr. ADKINS: A bill (H. R. 10930) granting an increase of pension to Charlotte C. Hay; to the Committee on Invalid Pensions.

By Mr. MORGAN: Resolution (H. Res. 187) to pay Amanda A. Richmond, widow of James E. Richmond, six months' compensation and an additional \$250 to defray funeral expenses and last illness of said James E. Richmond; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5776. By Mr. ADKINS: Petition of citizens of Fisher, Ill., petitioning Congress to secure early and favorable consideration of House bill 2562, providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War; to the Committee on Pensions.

5777. By Mr. BACHMANN: Petition of Thomas H. Parsons and other citizens of Proctor, Wetzel County, W. Va., urging immediate action on Senate bill 476 and House bill 2562, providing for increased rates of pension to veterans of the Spanish-American War; to the Committee on Pensions.

5778. By Mr. BARBOUR: Petition of residents of the seventh congressional district of California, urging enactment of House bill 2562, which would increase the pensions of Spanish War veterans; to the Committee on Pensions.

5779. By Mr. BEEDY: Petition of citizens of Maine, urging increased rates of pensions for Spanish-American War veterans; to the Committee on Pensions.

5780. By Mr. BEERS: Petition from citizens of Lewisburg, Pa., favoring the passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

5781. By Mr. BECK: Petition of E. J. Shields and 86 other citizens of Philadelphia and vicinity, for consideration of House bill 2562, providing increased rates of pension for veterans of the Spanish War; to the Committee on Pensions.

5782. By Mr. BLACKBURN: Petition of the Women's Auxiliary of the Maxwell Presbyterian Church, at Lexington, Ky., praying for the enactment of legislation providing for Federal supervision of motion pictures; to the Committee on Interstate and Foreign Commerce.

5783. Also, resolution of the members of the executive board of the Kentucky Library Association, opposing the enactment of House bill 2667, prohibiting the importation of certain reading matter into the United States from foreign countries; to the Committee on Interstate and Foreign Commerce.

5784. By Mr. BLOOM: Petition of Visigraphic Pictures (Inc.), producers and distributors of advertising motion pictures, protesting against the Hudson bill (H. R. 9986) to appoint a Federal motion picture commission with wide powers and which they feel would practically paralyze the motion-picture industry; to the Committee on Interstate and Foreign Commerce.

5785. By Mr. CARLEY: Petition by citizens of Brooklyn, N. Y., indorsing legislation for increase of pensions for veterans of the war with Spain; to the Committee on Pensions.

5786. By Mr. CARTER of California: Petition of the city council of the city of Alameda, Calif., memorializing the Congress of the United States to enact into law House Joint Resolution 167, directing the President of the United States to proclaim October 11 of each year as General Pulaski's memorial day; to the Committee on the Judiciary.

5787. By Mr. CARTER of Wyoming: Petition of citizens of Sheridan, Wyo., asking that the pensions of the Civil War veterans and widows of veterans be increased; to the Committee on Invalid Pensions.

5788. By Mr. CRAIL: Petition of many citizens of Los Angeles County, Calif., favoring increased pensions for Spanish War veterans; to the Committee on Pensions.

5789. By Mr. CRAMTON: Petition of Flint River Grange, No. 656, of Lapeer County, Mich., in favor of the export debenture amendment to the pending tariff bill; to the Committee on Ways and Means.

5790. Also, petition of Columbia and Almer Grange, Tuscola County, Mich., in favor of the export debenture amendment to the pending tariff bill; to the Committee on Ways and Means.

5791. By Mr. CULLEN: Petition of the Midwest States Air Parley, indorsing the principle of the Federal road act applied to the establishment of a national system of airways, and recommend to Congress the passage of such Federal enabling act; to the Committee on the Post Office and Post Roads.

5792. Also, petition of Midwest States Air Parley, indorsing House bill 9500, known as the Watres bill, providing for the change of payment for carrying air mail from the poundage basis to a basis of rental of definite spaces, as the railroads are now paid, per mile; to the Committee on the Post Office and Post Roads.

5793. By Mr. DEMPSEY: Petition signed by 25 residents of Buffalo, N. Y., urging speedy consideration and passage of House bill 2562 and Senate bill 476; to the Committee on Pensions.

5794. By Mr. DENISON: Petition of various citizens of Marion, Williamson County, Ill., urging speedy consideration and passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

5795. Also, petition of certain citizens of Johnston City, Ill., urging speedy consideration and passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

5796. Also, petition of various citizens of Williamson County, Ill., urging speedy consideration and passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

5797. Also, petition of the village board of St. Johns, urging the passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

5798. Also, petition signed by citizens of West Frankfort, Ill., urging speedy consideration and passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

5799. By Mr. ESTEP: Petition supporting Senate bill 476 and House bill 2562, sent by D. G. McCafferty and other citizens of Allegheny County, Pittsburgh, Pa.; to the Committee on Pensions.

5800. By Mr. FENN: Resolutions of the West Hartford League of Women Voters, West Hartford, Conn., favoring the so-called Jones-Cooper bill for maternity and child hygiene work, and opposing House bill 9888; to the Committee on Interstate and Foreign Commerce.

5801. By Mr. FITZGERALD: Petition of 5,700 members of the Fraternal Order of Eagles, favoring old-age pensions; to the Committee on Labor.

5802. Also, petition of 42 citizens of Dayton, Ohio, praying for early consideration and passage of a bill to increase the pensions of Spanish War veterans; to the Committee on the Judiciary.

5803. By Mr. FITZPATRICK: Petition of the National Association of Letter Carriers, Branch 387, Yonkers, N. Y., urging the speedy passage of House bill 6603, providing for a short workday on Saturdays for postal employees; to the Committee on the Post Office and Post Roads.

5804. By Mr. FOSS: Petition of George Lamoureux and 85 other residents of Spencer, Mass., urging passage of Senate bill 476 and House bill 2562, providing for increased rates of pension for veterans of the Spanish War; to the Committee on Pensions.

5805. By Mr. GLOVER: Petition of citizens of Redfield, Ark., urging the passage of House bill 2562, granting an increase of pension to Spanish-American War veterans; to the Committee on Pensions.

5806. By Mr. GREENWOOD: Petition of W. H. Hensley and others, of Morgan County, Ind., urging the passage of House bill 2562, granting an increase of pensions to Spanish-American War veterans; to the Committee on Pensions.

5807. By Mr. HESS: Petition of citizens of Lockland and Mount Healthy, Ohio, urging the passage of House bill 10, creating a department of education; to the Committee on Education.

5808: By Mr. HICKEY: Petition of Marion Esarey and other citizens of St. Joseph County, Ind., urging the early passage of a bill increasing the pensions of Spanish War veterans; to the Committee on Pensions.

5809. By Mr. HILL of Washington: Petition of J. F. True and 51 other residents of Spokane, Wash., asking for speedy consideration and passage of Senate bill 476 and House bill 2562, providing for increase of pension rates to Spanish War veterans; to the Committee on Pensions.

5810. Also, petition of George F. Vath and 16 other citizens of Valley, Wash., asking for prompt consideration and passage of House bill 2562; to the Committee on Pensions.

5811. By Mr. HOOPER: Petition of Jennie M. Wilkins and 214 other residents of Branch County, Mich., against manufacturing, selling, or using malt; to the Committee on the Judiciary.

5812. By Mr. JAMES: Petition of citizens of Nicula, Houghton County, Mich., petitioning for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War; to the Committee on Pensions.

5813. By Mr. JOHNSON of South Dakota: Resolution of board of commissioners of Aberdeen, S. Dak., memorializing Congress to enact legislation for the proper commemoration of the death of Brig. Gen. Casimir Pulaski; to the Committee on the Judiciary.

5814. By Mr. KEARNS: Petition of citizens of Bethel, Clermont County, Ohio, in support of the bill to increase the rates of pension of Civil War soldiers and their dependents; to the Committee on Invalid Pensions.

5815. Also, petition of 56 residents of Aberdeen, Brown County, Ohio, in support of the bill to increase the rates of pension of Spanish War soldiers; to the Committee on Pensions.

5816. Also, petition of 22 residents of Goshen, Clermont County, sixth congressional district of Ohio, urging enactment of House bill 2562, providing for increased rates of pension for Spanish War veterans; to the Committee on Pensions.

5817. Also, petition of 66 residents of McDermott, Scioto County, Ohio, requesting an early consideration of House bill 2562, a bill to increase the rates of pension for Spanish War soldiers; to the Committee on Pensions.

5818. By Mr. KELLY: Petition of citizens of Turtle Creek, Pa., asking for quota-immigration restrictions on Mexico; to the Committee on Immigration and Naturalization.

5819. By Mr. KENDALL of Pennsylvania: Petition of certain citizens of Connellsville, Pa., asking that favorable consideration be given to House bill 2562 and Senate bill 476, providing for increased pensions for Spanish-American War veterans; to the Committee on Pensions.

5820. By Mr. LANKFORD of Virginia: Petition of Mrs. Arthur Depue and others, indorsing the bill for exemption of dogs from vivisection in the District of Columbia or in any of the Territorial or insular possessions of the United States, as proposed by the International Conference for the Investigation of Vivisection; to the Committee on the District of Columbia.

5821. By Mr. LINDSAY: Petition of the Maritime Association of the Port of New York, New York City, expressing disapproval of Senate bill 306, entitled "A bill to amend certain laws relating to American seamen"; to the Committee on the Merchant Marine and Fisheries.

5822. By Mr. LOZIER: Petition of numerous citizens of Randolph and Chariton Counties, Mo., urging the enactment of Senate bill 476 and House bill 2562; to the Committee on Pensions.

5823. By Mr. McKEOWN: Petition of H. D. Hewlett, of 24 West Main Street, Shawnee, Okla., and other members of Shawnee Lodge, No. 25, Independent Order of Odd Fellows, Shawnee, Okla., urging immediate action on House bill 2562, a bill providing increased rates of pension for veterans of the Spanish War period; to the Committee on Pensions.

5824. By Mr. McREYNOLDS: Petition of 67 voters of Polk County, Tenn., urging immediate consideration of House bill 2562 and Senate bill 476, providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish-American War; to the Committee on Pensions.

5825. By Mr. MAAS: Resolution by the city council, St. Paul, Minn., the capital city of Minnesota, recognizing the debt we owe to the splendid service of Indian war veterans who fought for home and country, and asking that unanimous approval be given to the Manlove bill, which seeks to do justice to the few remaining survivors of these frontier struggles and urging the Minnesota Representatives in Congress to support this measure; to the Committee on Pensions.

5826. By Mr. MANLOVE: Petition of Henry R. Carlson and other citizens of Monett, Mo., urging early passage of legislation increasing the pensions of Spanish War veterans; to the Committee on Pensions.

5827. By Mr. MILLER: Petitions of citizens of Seattle, Wash., and vicinity, indorsing legislation prohibiting vivisection experiments, especially on dogs, in the District of Columbia; to the Committee on the District of Columbia.

5828. By Mr. MURPHY: Petition signed by Mr. J. H. McElroy and 72 other citizens of Carrollton, Carroll County, Ohio, relative to Senate bill 476 and House bill 2562, providing increased rates of pension to Spanish War veterans; to the Committee on Pensions.

5829. By Mr. O'CONNELL of New York: Petition of the National Bridge Works, Long Island City, N. Y., favoring the passage of the Capper-Kelly bill (H. R. 11); to the Committee on Interstate and Foreign Commerce.

5830. Also, petition of the United Retail Grocers' Association, of Brooklyn, N. Y., favoring the passage of House bill 11, the price maintenance bill; to the Committee on Interstate and Foreign Commerce.

5831. By Mr. O'CONNOR of Oklahoma: Petition from Mr. Gustavus E. W. Cox and 59 other citizens of Keystone, Okla., urging early and favorable consideration of the measure providing for increases in the Spanish-American War veterans' pensions; to the Committee on Pensions.

5832. By Mr. PARKS. Petition of citizens of Stephens, Ark., urging the passage of House bill 2562, granting an increase of pensions to Spanish-American War veterans; to the Committee on Pensions.

5833. By Mr. HARCOURT J. PRATT: Petition of Harry J. Gilbert, D. L. Stewart, G. A. Plass, T. I. Hewlett, V. E. Andrus, Burdette Dyer, John F. Hungaboom, and other residents of Jefferson, Schoharie County, N. Y., praying for passage of legislation to increase the pensions of Spanish War veterans; to the Committee on Pensions.

5834. By Mr. FRANK M. RAMEY; Petition of John T. Bruns and 61 other residents of Pana, Ill., urging passage of Senate bill 476 and House bill 2562, providing for increased rates of pension for Spanish-American War veterans; to the Committee on Pensions.

5835. By Mr. SMITH of West Virginia: Resolution of the Woman's Christian Temperance Union of Charleston, W. Va., urging Congress to enact a law providing for Federal supervision of motion pictures; to the Committee on Interstate and Foreign Commerce.

5836. Also, resolution of the Woman's Christian Temperance Union of South Charleston, W. Va., urging Congress to enact a law providing for Federal supervision of motion pictures; to the Committee on Interstate and Foreign Commerce.

5837. By Mr. SNELL: Petition of citizens and residents of the thirty-first congressional district of New York, protesting against the United States entering the World Court; to the Committee on Foreign Affairs.

5838. By Mr. SPEAKS: Petition signed by 31 citizens of Columbus, Ohio, urging passage of House bill 2562, proposing increased pension allowances for Spanish War veterans; to the Committee on Pensions.

5839. By Mr. STRONG of Pennsylvania: Petition of citizens of Indiana County, Pa., in favor of increased rates of pension for veterans of the war with Spain; to the Committee on Pensions.

5840. By Mr. SWICK: Petition of the mayor and city council of New Castle, Lawrence County, Pa., urging the enactment of House Joint Resolution 167, directing the President of the United States to proclaim October 11 of each year as General Pulaski's memorial day, for observance and commemoration of the death of Brig. Gen. Casimir Pulaski; to the Committee on the Judiciary.

5841. Also, petition of Hadassah Chapter, New Castle, Pa., Mrs. Louis F. Kohn, president; Mrs. Harold E. Abkowitz, secretary, opposing any change in the calendar which in any way endangers the fixity of the Sabbath, and the participation of the United States in any international conference for such purpose unless the delegates thereto are instructed to oppose such change; to the Committee on Foreign Affairs.

5842. By Mr. WHITEHEAD: Petition of W. G. Shackelford and others, of Henry County, Va., urging the enactment of House bill 2562, for increase of pensions to Spanish-American War veterans; to the Committee on Pensions.

5843. By Mr. WHITTINGTON: Petition of Martin G. McCrae and 70 other citizens, to pass House bill 2562 and Senate bill 476, to increase rates of pension to Spanish-American War veterans; to the Committee on Pensions.

5844. By Mr. WILLIAMSON: Petition of L. C. Valle and 30 other residents of Hot Springs, S. Dak., for the passage of legislation on behalf of Spanish-American War veterans; to the Committee on Pensions.

SENATE

WEDNESDAY, March 19, 1930

(Legislative day of Monday, January 6, 1930)

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

The VICE PRESIDENT. The Senate resumes the consideration of the unfinished business.

REVISION OF THE TARIFF

The Senate resumed consideration of the bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes.

Mr. SMOOT. Mr. President, I ask unanimous consent that the Senate reconsider the vote taken last night by which the amendment to section 305 was concurred in, and I move that subparagraph (b) of the amendment adopted in Committee of the Whole be amended by substituting therefor the matter which I send to the desk.

Mr. MOSES. Let it be reported.

The VICE PRESIDENT. The Chair is advised that this is to correct a parliamentary situation. Without objection, the vote whereby the amendment made as in Committee of the Whole was concurred in will be reconsidered. The provision now submitted by the Senator from Utah will be reported.

The LEGISLATIVE CLERK. It is proposed to amend the amendment made as in Committee of the Whole by substituting therefor the following:

(b) Penalty on Government officers: Any officer, agent, or employee of the Government of the United States who shall knowingly

aid or abet any person engaged in any violation of any of the provisions of law prohibiting importing, advertising, dealing in, exhibiting, or sending or receiving by mail obscene or indecent publications or representations, or books, pamphlets, papers, writings, advertisements, circulars, prints, pictures, or drawings containing any matter advocating or urging treason, or insurrection against the United States, or forcible resistance to any law of the United States, or containing any threat to take the life of or inflict bodily harm upon any person in the United States, or means for preventing conception or procuring abortion, or other articles of indecent or immoral use or tendency, shall be deemed guilty of a misdemeanor, and shall for every offense be punishable by a fine of not more than \$5,000, or by imprisonment at hard labor for not more than 10 years, or both."

The VICE PRESIDENT. Without objection, the amendment to the amendment is agreed to. Without objection, the amendment as amended is concurred in.

CALL OF THE ROLL

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

The VICE PRESIDENT. The clerk will call the roll.

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

| | | | |
|-----------|--------------|----------------|---------------|
| Allen | George | Keyes | Shortridge |
| Ashurst | Glass | La Follette | Simmons |
| Baird | Glenn | McCulloch | Smoot |
| Barkley | Goff | McKellar | Steck |
| Bingham | Goldsborough | McMaster | Stelwer |
| Black | Gould | McNary | Stephens |
| Blaire | Greene | Metcalf | Sullivan |
| Blease | Grundy | Moses | Swanson |
| Borah | Hale | Norris | Thomas, Idaho |
| Bratton | Harris | Nye | Thomas, Okla. |
| Broussard | Harrison | Oddie | Townsend |
| Capper | Hatfield | Overman | Trammell |
| Caraway | Hawes | Patterson | Tydings |
| Connally | Hayden | Phipps | Vandenberg |
| Copeland | Hebert | Pine | Wagner |
| Couzens | Heflin | Pittman | Walsh, Mass. |
| Cutting | Howell | Ransdell | Walsh, Mont. |
| Dale | Johnson | Robinson, Ind. | Waterman |
| Dill | Jones | Robinson, Ky. | Watson |
| Fess | Kean | Schall | Wheeler |
| Frazier | Kendrick | Sheppard | |

Mr. SHEPPARD. The junior Senator from Utah [Mr. KING] is necessarily detained from the Senate by illness. I will let this announcement stand for the day.

I also desire to announce the necessary absence of the Senator from Arkansas [Mr. ROBINSON] and the Senator from Pennsylvania [Mr. REED], who are delegates from the United States to the London Naval Conference.

Mr. SCHALL. My colleague [Mr. SHIPSTEAD] is unavoidably absent. I ask that this announcement may stand for the day.

Mr. MCKELLAR. I wish to announce that my colleague the junior Senator from Tennessee [Mr. BROCK] is necessarily detained from the Senate by illness. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Eighty-three Senators have answered to their names. A quorum is present.

EXPLANATION AND CORRECTION

Mr. BLEASE. Mr. President, I notice in this morning's RECORD, on page 5479, that the nomination of James A. Cobb to be judge of the municipal court of the District of Columbia was reported at the desk, and then the President pro tempore said:

Without objection, the nomination is confirmed.

On the same page, at the top of the second column, appear my remarks objecting to this nomination.

I also wish to send to the desk a telegram from Professor Morse, of the University of South Carolina, in reference to a quotation from him made yesterday by the Senator from Montana [Mr. WHEELER], as found on page 5504 of yesterday's RECORD. I ask that the telegram may be read.

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

The Chief Clerk read as follows:

COLUMBIA, S. C., March 18, 1930.

Senator COLE, L. BLEASE,

United States Senate, Washington, D. C.:

My position evidently misinterpreted. Do not approve unrestricted censorship by unqualified persons, but am as strongly opposed as anyone to importation and distribution of obscene books.

JOSIAH MORSE.

WASHINGTON AIRPORT—RETRACTION OF H. E. YOUNG'S CHARGES

Mr. VANDENBERG. Mr. President, I desire to make this immediate, informal report to the Senate respecting certain charges which were publicly made in the city of Washington last Saturday night, and which, if true, would have impugned the integrity of pending airport legislation and Senators connected with it.