7620. By Mr. SHANLEY: Petition of the General Assembly, State of Connecticut, January session, 1935, concerning the textile industry; to the Committee on Agriculture.

7621. By Mr. SMITH of West Virginia: Petition of Kanawha Camp, No. 2, United Spanish War Veterans, of Charleston, W. Va., urging the passage of House bill 6995; to the Committee on Pensions.

7622. By Mr. TRUAX: Petition of Local Union 7070 of the United Mine Workers of America, New Philadelphia, Ohio, by their secretary, Lawrence Minnis, urging support of the Guffey coal bill, Wagner labor-disputes bill, and the Black 30-hour-week bill; to the Committee on Labor.

7623. Also, petition of the American Blue Shirts of Cuyahoga Falls, Ohio, by their secretary, C. C. Cunningham, urging support of the Nye-Sweeney bill; to the Committee on Banking and Currency.

7624. Also, petition of Local 1418, United Mine Workers of America, New Philadelphia, Ohio, by their secretary, Joseph Walker, urging support of the Guffey coal bill, the Wagner labor-disputes bill, and the Black 30-hour-week bill; to the Committee on Labor.

7625. Also, petition of H. J. Donnelly and numerous other citizens of Columbus, Ohio, urging support of the Townsend plan; to the Committee on Ways and Means.

7626. Also, petition of the United Textile Workers of America, Cleveland, Ohio, by their secretary, Theo. R. Longmire, urging support of the Wagner labor-disputes bill; Connery bill, providing labor representation on codes; Connery Resolution No. 141, to prohibit use of Federal arms and supplies during strikes; and Byrnes bill, S. 2039, stopping shipment of strikebreakers over State lines during strikes; to the Committee on Labor.

SENATE

FRIDAY, APRIL 26, 1935

(Legislative day of Monday, Apr. 15, 1935)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Thursday, April 25, 1935, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. ROBINSON. 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:

Adams	Clark	Hatch	Nye
Ashurst	Connally	Hayden	O'Mahoney
Austin	Coolidge	Johnson	Pittman
Bachman	Copeland	Keyes	Pope
Bailey	Costigan	King	Radcliffe
Bankhead	Couzens	La Follette	Robinson
Barbour	Cutting	Lewis	Russell
Barkley	Dickinson	Logan	Schall
Bilbo	Dieterich	Lonergan	Schwellenbach
Black	Donahey	McAdoo	Sheppard
Bone	Duffy	McCarran	Shipstead
Borah	Fletcher	McGill	Smith
Brown	Frazier	McKellar	Steiwer
Bulkley	Gerry	McNary	Thomas, Utah
Bulow	Gibson	Metcalf	Trammell
Burke	Glass	Minton	Vandenberg
Byrd	Gore	Moore	Van Nuys
Byrnes	Guffey	Murphy	Wagner
Capper	Hale	Murray	Walsh
Caraway	Harrison	Neely	Wheeler
Carey	Hastings	Norris	White

Mr. ROBINSON. I announce that the Senator from Connecticut [Mr. MALONEY] and the junior Senator from Louisiana [Mr. OVERTON] are absent because of illness, and that the Senator from North Carolina [Mr. REYNOLDS], the Senator from Maryland [Mr. TYDINGS], the Senator from Georgia [Mr. GEORGE], the Senator from Oklahoma [Mr. THOMAS], the Senator from Missouri [Mr. TRUMAN], and the senior Senator from Louisiana [Mr. LONG] are necessarily detained from the Senate. I ask that this announcement stand for the day.

Mr. AUSTIN. I wish to announce that the Senator from Delaware [Mr. TOWNSEND] and the Senator from South Dakota [Mr. NORBECK] are necessarily absent.

The VICE PRESIDENT. Eighty-four Senators have answered to their names. A quorum is present.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following memorial of the Legislature of the State of Florida, which was referred to the Committee on Public Lands and Surveys:

Senate Memorial 6

Whereas the city of Palatka, Putnam County, Fla., has, with the cooperation and the financial assistance of the Federal Government, converted its municipal waterworks property into one of the outstanding beauty spots of not only Florida but of the entire Nation; and

Whereas great numbers of citizens of the United States, including residents of every State in the Union, have during the winter season just closed visited and enjoyed Palatka's Ravine Azalea Gardens; and

Whereas the gardens, with their thousands of azaleas, magnolias, flame vines, crepe myrtles, cherokee roses, and a profusion of tropical plantings, have attained to the proportions far beyond local or even State-wide interest and scope: Therefore be it

Resolved by the Legislature of the State of Florida, That the Congress of the United States be, and it is hereby, respectfully memorialized to enact the necessary legislation to authorize the United States Government to receive and accept as a gift from the city of Palatka, in the State of Florida, the said Palatka Ravine Azalea Gardens, embracing 85 acres of land and all plantings and improvements thereon, and to constitute and maintain such gardens as a national park or garden for the pleasure, education, and edification of all persons seeking beauty in and knowledge of flowers, vines, plants, and native trees such as are found in this place of indescribable beauty; and be it

Resolved further, That the secretary of state of the State of Florida is directed to transmit a duly authenticated copy of this memorial under the great seal of the State to the Congress of the United States and to each of Florida's Senators and Representatives in the Congress; and that our said Senators and Representatives are most earnestly requested to employ their best efforts to induce the Congress to act favorably to the accomplishment of the purposes outlined in this memorial.

The VICE PRESIDENT also laid before the Senate a resolution adopted by the Nevada Home Labor Association, Reno, Nev., favoring modification of the law governing the awarding of contracts so as to more rigidly compel contractors to employ Nevada citizens and workers on any and all public works within the State of Nevada, which was referred to the Committee on Education and Labor.

He also laid before the Senate petitions of sundry citizens of the United States, praying for an investigation of charges filed by the Women's Committee of Louisiana relative to the qualifications of the Senators from Louisiana [Mr. LONG and Mr. OVERTON], which were referred to the Committee on Privileges and Elections.

He also laid before the Senate the petition of the Interdenominational Ministerial Alliance, of Little Rock, Ark., and vicinity, praying for the enactment of the so-called "Costigan-Wagner antilynching bill", which was ordered to lie on the table.

He also laid before the Senate a resolution adopted by Westmoreland County Council, Veterans of Foreign Wars, Jeannette, Pa., favoring the prompt enactment of the so-called "Patman bill", providing for the immediate cash payment of adjusted-service certificates of World War veterans, which was ordered to lie on the table.

He also laid before the Senate the memorial of John B. Watson, of Media, Pa., remonstrating against the enactment of legislation providing for the prepayment, or payment in advance of maturity, of the adjusted-service certificates of World War veterans, which was ordered to lie on the table.

He also laid before the Senate a telegram from the Square Deal Association of Louisiana, by Oscar R. Whilden, leader of the First and Second Congressional Districts, New Orleans, La., relative to certain alleged statements of the senior Senator from Louisiana [Mr. LONG] in connection with the disbursement and distribution of Federal funds in Louisiana, and pledging the support of the association to the national administration, which was ordered to lie on the table.

Mr. BARBOUR presented a memorial of the New Jersey Women's State Republican Club, representing 1,500 women, remonstrating against the enactment of the so-called

"Wheeler-Rayburn public-utility-regulation bill", a "central banking bill", and the "Wagner labor-disputes bill", which was ordered to lie on the table.

Mr. COPELAND presented a letter from Earl B. Clark, chairman of the Chenango County Farm Bureau Executive Committee, Norwich, N. Y., favoring insertion in the "Banking Act for 1935" of clauses which will result in the revaluation of the dollar to raise commodity prices to the level prevailing from 1921 to 1929, also the inclusion of clauses that will create the commodity dollar, which was referred to the Committee on Banking and Currency.

He also presented a resolution adopted by the Arizona State Chamber of Commerce, favoring the extension of the present excise tax on copper, which was referred to the Committee on Finance.

He also presented a resolution adopted by Glenwood Landing Post, No. 336, American Legion, of Glenwood Landing, Long Island, N. Y., favoring the enactment of legislation to create a bureau of alien deportation in the Department of Justice, which was referred to the Committee on Immigration.

He also presented a petition of sundry citizens of Binghamton, N. Y., praying for the enactment of House Joint Resolution 167, known as the "Ludlow resolution", to take the profit out of war, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by the Memorial Associates, Inc., of New York City, N. Y., protesting against the enactment of legislation permitting the Secretary of War to furnish bronze markers for soldiers' graves instead of stone, which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Buffalo and vicinity, in the State of New York, praying for the enactment of House bill 1411, permitting full cuts of United States postage stamps to be printed in stamp catalogs, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of members of Local No. 46, Metal Polishers International Union, of Ilion, N. Y., praying for the enactment of the so-called "Black 30-hour work week bill", which was ordered to lie on the table.

He also presented a resolution adopted by Branch No. 359, Workmen's Sick and Death Benefit Fund, of Hewlett, Long Island, N. Y., favoring the enactment of the bill (H. R. 2827) to provide for the establishment of unemployment, old age, and social insurance, and for other purposes, which was referred to the Committee on Finance.

NATIONAL INDUSTRIAL RECOVERY ACT

Mr. SCHALL. Mr. President, on April 15, 1935, the Philadelphia Board of Trade adopted a report of one of its committees relative to the N. R. A. wherein it urges that individual enterprise be encouraged and given a freer hand, and that the law of supply and demand in an open and competitive market be restored in place of the N. R. A. policy of freezing prices at a certain level, upsetting the whole price structure, both in domestic and in foreign trade. The report deplores the administration policy of making reciprocal-trade treaties, letting in foreign goods produced at lower prices, causing our manufacturers to close down, thus creating more unemployment. The small business man is unable to defend himself in this scheme of things, and is compelled to close down. He can afford neither to appear at code hearings nor to carry out the codes when adopted, because the small man has not the reserves or the financial strength to compete with the united strength of the favored trusts.

The report urges Congress to deny N. R. A. a longer lease on life. I ask that it be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the report was ordered to be printed in the RECORD and referred to the Committee on Finance, as follows:

EXTRACT FROM MINUTES OF STATED MEETING, PHILADELPHIA BOARD OF TRADE, HELD APRIL 15, 1935

The following report was submitted by the committee on domestic productions and on motion adopted:

"NATIONAL INDUSTRIAL RECOVERY ACT

"This board having been among those who cheerfully subscribed to the voluntary movement initiated by the administration in 1933, sincerely seeking the rehabilitation of our commerce and manufactures, now presents to you its convictions concerning the policy then proposed, urging that individual enterprise be permitted a freer hand, that commercial and industrial competition be encouraged, and that the immutable law of supply and demand be again recognized as an inevitable force determining the value of our commodities in the open market.

"We have participated with our membership in a sincere effort to accomplish results desired under the National Industrial Recovery Act of June 16, 1933, and it is now opportune that unprejudiced consideration be given the results experienced under the Federal policy thus enunciated.

"The undersigned, therefore, have watched with interest the development of conditions under this policy and are impressed with the economic futility of this policy, viz, the attempted Federal dictation of prices, hours of labor, wages, working conditions, and trade practices, especially when the same are subject to the partisan political activities and influences characteristic of the day.

"This board of trade thoroughly respects the rights of the individual citizen as defined in the Constitution of the United States. It is sympathetic with the desire of labor to better its social position and, as consistent with sound business economy, has urged the reasonable protection of labor in the position which it occupies in the conduct of our industrial and economic affairs.

"However, the conflict and discord which obviously has been created—with or without the approval of the National Industrial Recovery Administration—by exciting the demands in one faction against another with the effect, so apparent, of preventing a reasonable adjustment of these demands in the interest of practical business economy, in our opinion, demonstrates the futility of the Federal policy referred to and prompts this emphatic request that the National Industrial Recovery Act be permitted to expire June 16, 1935.

"Exhaustive statistical exhibits are scarcely necessary in this communication to direct your attention to the impracticability of any other attitude toward the National Industrial Recovery Act as a policy than that which is now urged.

"Concurrent policies established by the administration are seeking the establishment of commercial treaties with foreign countries, admitting foreign-made merchandise to our domestic markets at prices cheaper than such merchandise can be made or marketed by our domestic manufacturers.

"The inevitable result is now apparent with the abandonment of millions of spindles in our textile trade and sharply reduced production activities asserting themselves throughout this country in almost every line of trade.

"It may be admitted that the N. R. A., so called, has favored commercial rehabilitation with certain manufacturing interests capable of a low-cost production on a capacity basis, but always this has been realized at the expense of smaller producers whose economic position does not permit of a reasonable profit on such a productive basis as that to which the N. R. A. subjects them.

"Thus, such encouragement as the N. R. A. offers certain industrial interests is afforded to the discouragement of many more individual enterprises which, if individually smaller in their corporate capacity, represent in the grand total an even larger number of employees, and hence the social status as well as the purchasing power of a greater proportion of citizens of this country is impaired rather than enhanced.

"This board of trade so recorded its convictions in the referendum of the Chamber of Commerce of the United States (no. 68), and thus summarizing its reactions to the policy enunciated from Washington reiterates its urgent request of you that you exercise your influence in defeating Senate bill 2445, which would reenact and amend title no. 1 of the National Industrial Recovery Act approved June 16, 1933, by further extending the powers accorded under that act of Congress."

THE PHILADELPHIA BOARD OF TRADE,
GEORGE L. MARKEAND, JR., *President*.

Attest:

H. W. WILLS, *Secretary*.

REPORTS OF COMMITTEES

Mr. FLETCHER, from the Committee on Commerce, to which was referred the bill (H. R. 7132) to authorize the Secretary of the Navy and the Secretary of Commerce to exchange a portion of the naval station and a portion of the lighthouse reservation at Key West, Fla., reported it without amendment and submitted a report (No. 554) thereon.

Mr. SHEPPARD (for Mr. REYNOLDS), from the Committee on Military Affairs, to which was referred the bill (H. R. 2294) for the relief of Thaddeus C. Knight, reported it without amendment and submitted a report (No. 555) thereon.

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the joint resolution (S. J. Res. 98)

to authorize the acceptance on behalf of the United States of the bequest of the late Maj. Gen. Fred C. Ainsworth for the purpose of establishing a permanent library at the Walter Reed General Hospital to be known as the "Fred C. Ainsworth Endowment Library", reported it without amendment and submitted a report (No. 556) thereon.

INVESTIGATION OF LABOR CONDITIONS IN PANAMA CANAL ZONE

Mr. SHEPPARD, from the Committee on Military Affairs, reported a resolution (S. Res. 122), which, under the rule, was referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Resolved, That the Committee on Military Affairs, or any duly authorized subcommittee thereof, is authorized and directed to investigate the labor conditions in the Panama Canal Zone with a view to determine the advisability of enacting S. 1819, Seventy-fourth Congress, first session. The committee shall report to the Senate, as soon as practicable, the result of its investigation, together with its recommendations.

For the purposes of this resolution the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions and recesses of the Senate in the Seventy-fourth and succeeding Congresses, to employ such clerical and other assistants, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures, as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per 100 words. The expenses of the committee, which shall not exceed $1,500, shall be paid from the contingent fund of the Senate, upon vouchers approved by the chairman.

ENROLLED BILLS PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on the 25th instant that committee presented to the President of the United States the following enrolled bills:

S. 1209. An act to authorize the Secretary of the Navy to relinquish an easement for a water main at Pearl Harbor, Hawaii; and

S. 1610. An act authorizing the Secretary of the Navy to accept on behalf of the United States a certain strip of land from the State of South Carolina.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

Mr. SHEPPARD, from the Committee on Military Affairs, reported favorably the following nominations:

Brig. Gen. Carl Eugene Nesbitt, Adjutant General's Department, Texas National Guard, to be brigadier general, Adjutant General's Department, National Guard of the United States, from April 19, 1935, under the provisions of section 38 of the National Defense Act, as amended;

Capt. Elmer Dane Pangburn, Infantry (detailed in Quartermaster Corps), for appointment, by transfer to the Quartermaster Corps, in the Regular Army, with rank from March 26, 1934; and

Second Lt. Charles Gates Herman, Infantry, for appointment, by transfer to the Quartermaster Corps, in the Regular Army with rank from June 10, 1932.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

The VICE PRESIDENT. The reports will be placed on the Executive Calendar.

BILLS AND JOINT RESOLUTION INTRODUCED

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

By Mr. STEIWER:

A bill (S. 2687) for the relief of Henry Ziegenhagen; to the Committee on Military Affairs.

By Mr. KING:

A bill (S. 2688) to amend an act entitled "An act to regulate the manner in which property shall be sold under orders and decrees of any United States courts", approved March 3, 1893, as amended; to the Committee on the Judiciary.

By Mr. COPELAND:

A bill (S. 2689) for the relief of the city of New York; to the Committee on the Judiciary.

A bill (S. 2690) for the relief of the Eberhart Steel Products Co., Inc.; to the Committee on Claims.

By Mr. NYE (for Mr. NORBECK):

A bill (S. 2691) for the relief of E. E. Sullivan (with accompanying papers); to the Committee on Indian Affairs.

A bill (S. 2692) granting a pension to Walter E. Fink (with accompanying papers); to the Committee on Pensions.

By Mr. SCHWELLENBACH:

A bill (S. 2693) for the relief of Fred P. Halbert; and

A bill (S. 2694) to add certain lands to the Columbia National Forest in the State of Washington; to the Committee on Public Lands and Surveys.

By Mr. CAREY:

A bill (S. 2695) to add certain lands to the Medicine Bow National Forest, Wyo.; to the Committee on Public Lands and Surveys.

By Mr. GORE:

A joint resolution (S. J. Res. 109) providing that the Superintendent of the Five Civilized Tribes shall be appointed by the President and confirmed by the Senate; to the Committee on Indian Affairs.

EXTENSION OF NATIONAL INDUSTRIAL RECOVERY ACT—AMENDMENTS

Mr. HARRISON submitted three amendments intended to be proposed by him to the bill (S. 2445) to amend title I of the National Industrial Recovery Act, which were referred to the Committee on Finance and ordered to be printed.

AMENDMENT TO RIVER AND HARBOR BILL

Mr. WHEELER submitted an amendment intended to be proposed by him to the bill (H. R. 6732) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

WELFARE OF INDIANS OF OKLAHOMA—AMENDMENT

Mr. GORE submitted an amendment intended to be proposed by him to the bill (S. 2047) to promote the general welfare of the Indians of the State of Oklahoma, and for other purposes, which was referred to the Committee on Indian Affairs and ordered to be printed.

ADJUSTED COMPENSATION OF WORLD WAR VETERANS—AMENDMENT

Mr. GORE. Mr. President, I desire to offer an amendment to House bill 3896, the soldiers' bonus bill. I have not finished preparing the amendment, and I should like to reserve the right to hand it in to the Secretary of the Senate after the Senate adjourns or recesses, if I cannot do so at an earlier hour.

The VICE PRESIDENT. Is there objection? The Chair hears none, and permission is granted.

Mr. GORE subsequently submitted an amendment intended to be proposed by him to the bill (H. R. 3896) to provide for the immediate payment to veterans of the face value of their adjusted-service certificates, for controlled expansion of the currency, and to extend the time for filing applications for benefits under the World War Adjusted Compensation Act, and for other purposes, which was ordered to lie on the table and to be printed.

THREE HUNDREDTH ANNIVERSARY OF THE FOUNDING OF CONNECTICUT

Mr. LONERGAN. Mr. President, I send to the desk Senate Joint Resolution 94, and ask unanimous consent for its present consideration.

The VICE PRESIDENT. The clerk will read the joint resolution for the information of the Senate.

The legislative clerk read the joint resolution (S. J. Res. 94) establishing a commission for the participation of the United States in the observance of the three hundredth anniversary of the founding of the Colony of Connecticut, authorizing an appropriation to be utilized in connection with such observance, and for other purposes.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. McNARY. Mr. President, I inquire of the Senator from Connecticut whether the joint resolution has met the sanction of the Committee on the Library?

Mr. LONERGAN. I will say to the Senator from Oregon that the joint resolution has been considered by the committee and was favorably reported yesterday with amendments.

The VICE PRESIDENT. Is there objection to the consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution, which had been reported from the Committee on the Library with amendments, on page 1, line 6, before the word "commissioners", to strike out "fifteen" and insert "sixteen"; and in line 8, before the word "Members", to strike out "five" and insert "six", so as to make the joint resolution read:

Resolved, etc., That there is hereby established a commission to be known as the "United States Connecticut Tercentenary Commission" (hereinafter referred to as the "Commission") and to be composed of 16 commissioners, as follows: Five persons to be appointed by the President of the United States, 5 Senators by the President of the Senate, and 6 Members of the House of Representatives by the Speaker of the House of Representatives. The Commission shall serve without compensation and shall select a chairman from among their number.

SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $10,000, to be expended by the Commission for actual and necessary traveling expenses and subsistence, while discharging its official duties outside the District of Columbia.

The amendments were agreed to.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

COINAGE OF 50-CENT PIECES—CALIFORNIA-PACIFIC INTERNATIONAL EXPOSITION

Mr. FLETCHER. Mr. President, I am informed by the junior Senator from California [Mr. MCADOO] that the construction of the California-Pacific International Exposition at San Diego, Calif., is moving along rather rapidly, and those in charge thereof are anxious to have the bill (H. R. 5914), Calendar No. 569, with reference to the coinage of 50-cent silver pieces in connection with that exposition passed. There is no opposition to it, and I ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate proceeded to consider the bill (H. R. 5914) to authorize the coinage of 50-cent pieces in connection with the California-Pacific International Exposition to be held in San Diego, Calif., in 1935 and 1936, which was ordered to a third reading, read the third time, and passed.

ADDRESSES ON OCCASION OF PRESENTATION OF SILVER PLAQUE TO SENATOR PITTMAN

Mr. ADAMS. Mr. President, I ask unanimous consent to have printed in the RECORD the speech of Ygnacio Soto, on behalf of the committee of La Fiesta de la Plata and the silver miners of Mexico, on Mexican-American boundary line, at Nogales, Mexico, August 18, 1934, in presenting to the Senator from Nevada [Mr. PITTMAN], on behalf of the State of Sonora, Mexico, and the silver fiesta, a silver plaque in the form of a reproduction of the wonderful Aztec calendar in recognition of his distinguished and effective services in the cause of silver. I also ask that the speech of the Senator from Nevada in acknowledgment of the presentation, together with a translation of an editorial from El Nacional of September 2, 1934, of the City of Mexico, entitled "Mexico and Senator PITTMAN", may be printed in the RECORD. These statements will be found interesting and pertinent and prophetic of events of today.

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

PRESENTATION SPEECH BY SEÑOR YGNACIO SOTO

My dear Senator PITTMAN, Señor Gobernador de Sonora, distinguished guests, gentlemen, ever since immemorial times nations have come to regard as divine gifts such resources and elements as afforded, in one way or another, permanent means to further their progress and strength—spiritually and materially. Anything that helped to make them respected and superior to others was considered as a reward and a blessing for their superiority, and such beliefs had much to do historically.

It does not sound logical nor proper to establish a direct contact between spiritual and intellectual accomplishments and physical elements, whose worth does not go beyond their intrinsic value; it does not seem usual to regard one as necessary for the other, and yet they bear a very close connection. I do not mean to say by this that moral betterment invariably keeps a definite relation to the wealth and strength of a nation; I do not mean to say that the richer a nation in money the richer is she spiritually. We have seen where nations of old and modern times have gone to their complete destruction from having too much power and too much wealth. In these instances, however, wealth and power came too fast and too easy; education could not keep the proper pace and distance, and the people were not prepared for a higher level of living conditions overnight, which accounts for such nations losing their heads completely, going after more wealth and power, forgetting the limit beyond which wealth and power only meant selfishness and destruction.

There are many notable instances where nations have acted differently, so that it can be said that physical elements can also bring sound and lasting benefits, when used properly; your great nation and my great nation are very good examples of such a statement. When and where such gifts are made good use of they may be depended upon to bring along added benefits of greater endurance, of a higher moral and educational benefit; and such advancement, beginning with the understanding and preparation of each individual nation, should eventually extend to other nations as an example to the strong ones who are likely to forget their duties and as an aid to the weak nations who need a mentor.

The silver metal in Mexico can be justly considered a gift of God that was given most abundantly; the Indians that inhabited our country centuries ago, those Indians that had such a remarkable civilization and gave us much to be proud of, primarily the blood that made us the proud and progressive Nation that we are today; those Indians that so valiantly defended their past, but were vanquished because the unavoidable sequence of events so demanded it, considered silver as one of the most valuable gifts of nature, and their remarkable perfection in the art of working and carving silver is today shown by that wonderful piece of work that has been presented to you in behalf of the mining industry of Mexico. Many other nations have also regarded silver in the same sense, notable among them stands India, where the white metal is considered something enjoying close to a Divine endorsement and demanding their veneration; after all, anything that is instrumental in furthering our own betterment should be considered in a higher level than dollars and pesos.

If silver has played an important part in Mexico in the past, with the undervaluation she has endured so much of the time, she is about to be a greater factor when silver is given a fair appreciation and value, as this will stimulate added production more than anything else. While Mexico enjoys the distinction of being the largest producer of silver, her production can be increased substantially, her mining resources being entirely unknown because of very little prospecting and development work that has been done; I dare say a lot of her mountains have not been even prospected, and this confirms what an American mining engineer said in New York sometime ago, when, referring to the mining possibilities in Mexico, he said that the amount of mining operations going on could not be considered more than a mere scratch.

The silver industry in Mexico has been most fortunate, as during the very trying conditions that she has gone through recently, including a record bottom level for our star metal, silver, when the price received per ounce did not even cover production costs, and when it looked as though she was doomed completely, a man of remarkable foresight, faith, and determination took what was then considered very daring steps that meant the salvation of the silver producers of Mexico, and, I dare say, had a far-reaching effect for the cause of silver the world over. This remarkable man, who has steered our Nation out of the stagnation and has safely piloted the ship to the port where we are making a better use for mankind of our fabulous resources, is none other than Gen. Plutarco Elias Calles. What was then considered a daring experiment, a strictly silver basis or bimetalism, as you might also call it, has been resorted to by many nations, some of which had taken action within very recent times contrary to this principle.

We have watched your untiring efforts in behalf of silver, and we have watched the splendid spirit of cooperation of some of your very notable colleagues; you have accomplished much, but we know from your own expressions that you are not satisfied and that you propose to continue your fight for the white metal until such a time as it is permanently stabilized at a fair and adequate price. We are very glad to know this, as we also propose to keep up this fight and we want you to know that we are with you; that we will give you our support according to our means.

The time is most favorable for your activities in this connection; you should lose no time in furthering your campaign, as you can gain maximum results from your activities at this time, because of the remarkable intellect and foresight of your great President Roosevelt, who has already given you so definite proofs of his faith in silver and, among other measures, enacted and put into effect the coinage of silver in a proportion of 1 to 3 of gold and the nationalization of the silver stocks in the United States.

I hope, my dear Senator, that the calendar presented to you by our beloved Governor Elias Calles will be emblematic to you of the faith, confidence, and appreciation that we hold for each other on the Mexican border, as you have plainly seen here today; of the appreciation for the work you have already done in behalf of the betterment of international relations and what you have accomplished for the white metal; of our expectations for your continued fight until you reach our common goal; and of our sincere good wishes for the welfare of your great Nation and your good self.

ADDRESS BY SENATOR KEY PITTMAN

Governor Calles, members of the committees of La Fiesta de la Plata, and the silver miners of Mexico: My dear Governor, your generous and warm-hearted words on behalf of yourself and your citizens, whilst they have touched me deeply and filled me to overflowing with sentimental emotions, have lodged in my heart and mind a great affection and admiration for you and the Mexican people that will abide there eternally. No greater gift was ever presented to a foreign citizen or more noble and generous act done by any people.

This beautiful plaque made of silver delved from the mines of Mexico, an exact and artistic replica of the wonderful Aztec calendar, the most remarkable product of ancient civilization, and conclusive evidence of the earliest achievements of learning on this continent, is humbly and gratefully accepted by me in the spirit in which it is tendered, and as a permanent memento of the great accomplishments of your President and our President and their distinguished representatives to the world conference at London.

At that conference, where 66 governments of the world were represented, pessimists may contend that little material progress was made. Had nothing been accomplished at the conference save the meeting on common ground of representatives of all these nationalities, still it will have brought about a better comprehension between peoples which is so essential for peace and prosperity throughout the world.

President Woodrow Wilson in his great speech at Mobile in the State of Alabama in 1913 said: "Comprehension must be the soil in which shall grow all the fruits of friendship." But there was material accomplishment. The representatives of 66 governments unanimously recognized silver as the basic money of over half of the people of the world, and that the prosperity and happiness of these peoples and their power to exchange their money for the products of other countries where gold is the basic money required the protection of the monetary value of silver against destruction by the adverse action of governments.

This resolution expressly provides that governments will refrain from legislation that can substantially depreciate the value of silver in the world markets; that governments will abandon the policy and practice of melting up and debasing silver coins and that low-valued paper currency will have substituted therefor silver coins. This resolution is the magna carta of silver. It ends the unnatural supply of silver that had been and was being dumped on the markets of the world derived from the melting up and debasement of silver coins. It ends forever the enactment of further adverse legislation that was the cause of the discredit of silver money, and which was rapidly working its destruction.

There is an unnatural surplus of silver on the markets of the world. This surplus is estimated from seven hundred and fifty millions to one billion ounces. This surplus cannot increase because the unnatural source has been destroyed by the London resolution and the production of silver from the mines is sufficient only to meet the current demand.

The President of the United States at the last session of the United States Congress was the proponent of silver legislation which became law. Under that act he is to restore to our monetary stocks silver to the extent that there will be at least one-third as much silver as there is gold. That means, according to the estimates of our Treasury Department, that the President will be required under present conditions to purchase in the world markets at least 1,300,000,000 ounces of silver. This will more than consume the entire unnatural surplus of silver now existing throughout the world. The effect of this process is inevitable. Through the orderly and conservative purchases made by the President the price of silver must gradually rise until it reaches the price of $1.29 an ounce. The President has the power to stabilize silver at such a price or at a higher parity price if he sees fit, because after purchasing the surplus supply of the world he will still have authority and power to purchase any additional silver that may be offered for sale. The stabilization of silver in accordance with such a program will, in my opinion, result in the opening of the mints throughout the world to the free and unlimited coinage at the stabilized price and ratio. This will mean more to Mexico and the United States than to any other countries in the world. They are the greatest producers of silver, and I believe that the great silver resources of Mexico have hardly been touched. It will make of Mexico one of the richest countries on earth.

These are the material effects of the great accomplishments for the cause of silver money. This occasion, however, may be taken as an evidence of the rapidly increasing friendship and spirit of cooperation between the people of Mexico and the people of the United States. The harsh and sometimes cruel acts of depredation along the border that marked the acts of desperate men, unrestrained by love of God or adequate law enforcement, which is natural in every pioneer section, has disappeared with the development of these sections and the growth of the power of governments to enforce justice, law, and order. Too often, and I do not deny that it is natural people judge the entire people of another country by the few outlaws and adventures who invade their borders and with whom they first come in contact.

The great development of Mexico and the southwestern portion of the United States, the settlement of these sections by intelligent God-fearing, industrious, law-abiding people, the closer communications by telegraph, telephone, radio, moving pictures, railroads, air and motor transportation, interchange of experiences and thoughts is bringing about rapidly mutual comprehension of the character, aspirations, laws, and conditions in our respective countries. Fear and suspicion have been replaced by mutual confidence and respect.

The Monroe Doctrine, which was pronounced solely for the purpose of protecting the new Republics of Mexico and South America at their inception, gradually developed with the changing times until it was the cause of exasperation to the great governments in Mexico and South America, and even aroused suspicion in the minds of the people in those countries. Woodrow Wilson, the great Democratic President and a great world statesman and humanitarian, first placed definite limitations on this doctrine when at Mobile, State of Alabama, he declared to the world "that the United States will never again seek one additional foot of territory by conquest." The new doctrine of our Government and our country has been announced by the greatest and most universally beloved ruler in the world—by our President and your neighbor and friend, Franklin D. Roosevelt. In his address before the Woodrow Wilson Foundation on December 28, 1933, at the time he quoted with approval the pronouncement of Woodrow Wilson, he declared: "The maintenance of constitutional government in other nations is not a sacred obligation devolving upon the United States alone. The maintenance of law and the orderly processes of government in this hemisphere is the concern of each individual nation within its own borders first of all." And then he goes further to pronounce the new American doctrine. In that speech he said: "It therefore has seemed clear to me as President that the time has come to supplement and to implement the declaration of President Wilson by the further declaration that the definite policy of the United States from now on is one opposed to armed intervention."

Again in that celebrated and epoch-making address he laid down a rule for conduct for nations which he invited all nations to adopt and follow, in the following language: "A simple declaration that no nation will permit any of its armed forces to cross its own borders into the territory of another nation. Such act would be regarded by humanity as an act of aggression and, as an act, therefore, that would call for condemnation by humanity." These were not empty words. They were for him the foundation for action. Cuba by its constitution had adopted the so-called "Platt amendment" to the treaty between the United States and Cuba permitting the United States the right of armed intervention in Cuba. By the treaty of Washington of 1934 between the United States and Cuba the United States Government has definitely and voluntarily repealed the Platt amendment and denied its own right of armed intervention in Cuba. Under these new doctrines which in spirit were accepted in Montevideo there must exist the highest spirit of confidence and cooperation that inevitably will draw closer and closer the ties, both social and economic, between the great Latin American Republics and the United States. I deeply appreciate this opportunity here on the border line of Mexico and the United States to repeat the words of Woodrow Wilson and our great President which mean so much happiness for both of our people. I personally wish you, Governor, and your citizens and all of the citizens of Mexico, a rapid accomplishment of all of your ideals and aspirations, and eternal prosperity and happiness.

[Editorial from El Nacional, Mexico City, Sept. 2, 1934]

(Translation)

MEXICO AND SENATOR PITTMAN

Because we consider it of special significance to our country, both internally and internationally, we refer in these comments to the cordial and elevated conceptions solemnly expressed a few days ago by United States Senator KEY PITTMAN during the silver fair on the border at Nogales.

As an antecedent to this we must record that upon the initiative of the present Governor of Sonora, Rodolfo Elias Calles, there was organized at Nogales a concourse of Mexican mining men as a manifestation of the great vitality of our country in the silver industry. To this meeting, which constituted a veritable celebration, a special invitation was extended to Senator PITTMAN, who, as is already known, is recognized throughout the world as a powerful leader in the campaign in favor of the white metal. To honor him and as a manifestation of Mexican friendship, and at the same time as a demonstration of the richness of our mines, there was presented to Senator PITTMAN a valuable piece of carved silver, displaying the Aztec calendar, which gratefully impressed the heart of the illustrious visitor. It was on this occasion that Senator PITTMAN, in expressing his appreciation, disclosed the ideas to which we shall refer.

In advance we should say that Senator PITTMAN is one of those public men who, beyond specializing his activities in the prosecution of a determined ideal, considers that all the thoughts of the public men of our time must refer to the establishment on the most solid basis of international confraternity as the best means of extending a service to contemporaneous humanity, which is so much in need of high conciliatory spirits.

In this connection the Senator referred to the World Conference in London, held a short time ago, at which 66 nations were represented, and during which, besides the fact that the conference succeeded in bringing together an exceptional international concurrence, which in itself alone permitted much getting together and the clearing up of many misunderstandings, it was unanimously recognized that silver was the basic monetary metal of more than half of the world's population, and declared that the prosperity of these peoples and the possibility of their exchanging

their money along acquisitive lines for the products of other countries which are on a gold basis required that the monetary value of silver be protected.

From those proceeded the legislation which very shortly changed for the better the condition of the finances of the world, and which has brought about an increasing rise in silver in the international markets. It has been established that governments will abstain from legislating in a sense that will considerably depreciate the value of silver as merchandise and abandon their practices and programs of melting and despising silver moneys. Since the London Conference the war against silver has ceased, which was at the point of impoverishing world circulation through the predominance of the policy of the monometallic countries on a gold standard.

Effectively it happened that silver was demonetized and melted, and from this source it was sought to supply the industrial and commercial necessitives which worked with this metal, and so, practically, the silver industry was in danger of falling into moribund inactivity, highly compromising to the economic consolidation of the producing countries. After the London Conference, which brought about the rehabilitation of silver in circulation as money, this current of economic destruction was halted and an energetic equilibrium has been established, in the shade of which mining wealth has profited by an open revival.

From the beginning Senator PITTMAN has been one of the most decided supporters of this economic policy in favor of the white metal; and as much because of his experience in these matters as on account of the merit of the thesis sustained by him his activity has been of the highest importance in the world campaign for silver, headed by President Roosevelt and the United States Government.

"In conformity with the present law of the United States", said Senator PITTMAN, "there must be restored to our monetary stock the silver which represents a third of the gold value of the stock. This signifies that the United States Treasury must purchase, according to the circumstances of the world markets, not less than 2,000,000,000 ounces of silver, which will inevitably cause the price of silver gradually to rise. * * * The stabilization of the white metal, in accordance with this program, will, in my opinion, result in reopening mints throughout all the world to its free coinage, in unlimited form, according to its price and the ratio established between it and gold."

[It will be interesting to see the changes in these remarks undergone in the translation of the original from English into Spanish and then back to English.]

Considering the importance of our wealth in silver, this pro-silver movement and its powerful development day by day, under the influence of United States legislation and by its propagation in other countries, offers a brilliant future to our mining industry, or, as Senator PITTMAN eloquently said, "The great sources of silver in Mexico are still intact; it will simply make Mexico one of the richest countries on earth."

Historical fate has brought Mexico and the United States to collaborate in the phenomenon of rehabilitating silver, which, according to the perspicacity and generosity of the illustrious Senator, is a clear sign of the rapid increase of friendship and of a spirit of cordiality between the two nations. He believes that there will be terminated all the epochs of confusion and enmity that there might have been between both peoples by the working of an imperfect social development in the frontier communities of both countries. "The great development of Mexico", he went so far as to affirm, "and that of the western part of the United States; the colonization of those regions by good people, industrious and law-abiding; rapid communication by telephone, telegraph, railways, films, and automobiles; the interchange of ideas and experiences are bringing, gradually but rapidly, a comprehension of the character, aspirations, laws, and conditions which prevail in our respective countries and ambients. Fear and suspicion have been supplanted by confidence and mutual respect."

The warm and sincere words of Senator PITTMAN did not abound only in these generous doctrines. He also referred in his discourse to the transformation undergone by the judgment of the present Government of the United States to the old and discussed topic of the Monroe Doctrine, and in effect cited the words of President Roosevelt in declaring that the conservation of constitutional government in other countries is not a sacred obligation of the United States only, but that it devolves upon every nation individually, within its own limits, before anyone else. And, thinking of that other great President, who was called Woodrow Wilson, he closed by saying that from now on the absolute policy of the United States would be opposed to all armed intervention, inasmuch as "understanding must be the soil in which international friendship flourishes."

FARMERS' HOME CORPORATION—EDITORIAL FROM BIRMINGHAM NEWS

Mr. BLACK. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the Birmingham News of April 24, 1935, on the farm tenant bill. I should like particularly to call the attention of the Senate to this editorial by reason of the arguments made in favor of the bill and the quotation from an editorial in the Commonweal, setting up reasons why this measure should be passed.

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

[From the Birmingham (Ala.) News of Apr. 24, 1935]

THE BANKHEAD BILL TO REDUCE FARM TENANCY

The Birmingham News on several occasions has spoken in favor of Senator Bankhead's bill to create a billion-dollar Government corporation to aid tenant farmers and share-croppers to acquire small farms of their own. When the Alabama Senator first announced his bill it appealed to this newspaper as one of the most significant and hopeful measures introduced in Congress in many years for the benefit, not merely of the agricultural population, but of our entire economic system, for the successful operation of his plan would undoubtedly have far-reaching consequences in many directions.

Above all, of course, it would aid that class of our agricultural population which is most in need of assistance, and which must be assisted if our country is not to be confronted with the danger of the development of a peasant system. The growing evil of farm tenancy, particularly in the South, has been a cause for alarm for years, since long before the depression began, and the situation has been made worse by the depression. There is no doubt that farm tenancy is the South's gravest agricultural problem, and the chief cause of the low standards of living which prevail so widely throughout this section. The farm tenant system is the root of most of our agricultural and sociological problems in the South. Reliable observers have expressed the fear that out of our tenant and share-croppers there is being created an American peasant class.

Recently a survey of farm tenancy in the South was made by a committee representing several leading educational, sociological, and other groups. The findings, to which the News called attention in an editorial a few weeks ago, were appalling. The committee, as this paper pointed out at the time, made recommendations which were precisely in line with the purposes of Senator BANKHEAD'S bill.

Now further support of the bill is forthcoming from an important source. This week's issue of the Commonweal devotes its leading editorial to the Bankhead bill, and announces that a statement is being prepared to be signed and issued by a group of Catholic leaders, both of the clergy and of the laity, in support of the measure.

The Commonweal says: "Whether or not the bill introduced by Senator BANKHEAD will be enacted into law in the present session of Congress is questionable; but it seems to us unquestionable that the proposed measure, or one similar to it, should be given the strongest support of all Americans who desire the reestablishment of the principle of private property, and of the principle of personal and family liberty—which is dependent for its practical realization upon the possession of real personal property in land by great numbers of individuals, and not upon the possession of vast holdings in land, and great wealth of other sorts, by a small minority of the Nation."

It is for that reason, the magazine continues, that the statement by Catholic leaders is being issued. The Commonweal suggests that all who agree with it "should at once begin to urge their Representatives in Congress to vote for the Bankhead bill, and to obtain public discussion and study of the measure." Its editorial gives the text of the statement, which is well worth reproducing here because of its clear exposition of the purposes of Senator BANKHEAD'S bill and its thoughtful comment on the proposal:

"The undersigned sees much merit in the Bankhead bill, which proposes to establish as an instrumentality of the Federal Government the Farmers' Home Corporation, authorized to issue bonds to the extent of $1,000,000,000 for the purpose of obtaining funds to make loans for and assist in the establishment of small individual farms and farm homes. As we understand it, the objective of the measure is the conversion of tenants and share-croppers, and of those who were formerly on the land but are now adrift, into independent small landowners upon a cost basis low enough to make it feasible for them to secure, over a considerable period of time, the independence derived from unencumbered landowning.

"Excellent precedents for the underlying ideas of the bill can be found in the successful efforts of the British to promote land ownership, through the extension of Government credit, and of the Danes to foster it through Government efforts in their country. * * * Authoritative pronouncements of Catholic spokesmen, favoring the general principles upon which the measure is based, are readily at hand. There is, for instance, the statement of Pope Leo XIII, in his encyclical letter on The Condition of Labor, that 'the law should favor ownership, and its policy should be to induce as many people as possible to become owners', and his striking description in the same document of the social benefits that would result 'if working people could be encouraged to look forward to obtaining a share in the land.'

"We deem it particularly significant that the Honorable Henry A. Wallace has seen fit to speak in favor of the measure. This would seem to indicate that it can be carried into effect without creating conflict with the present agricultural-adjustment program.

"Only two generations ago we were at the height of our homestead movement, which aimed directly at the creation of an agriculture based upon the privately owned small farm. Today fully 45 percent of our farms are being operated by tenants. Needless to add, such a development bodes nothing but ill for our country and there is every justification for taking determined steps to check it and even to turn the tide in the opposite direction. We feel that the Farmers' Home Corporation, proposed by the Bankhead bill, offers an effective medium for accomplishing this. We

submit, furthermore, that because of the present disturbed and transitional condition of agriculture the time is particularly opportune.

"We take occasion to warn, however, against two possible dangers: (1) Restricting the application of the measure to only certain parts of the country; (2) linking the proposed Farmers' Home Corporation too closely with present rural relief and rehabilitation efforts. We suggest that the administration of the bill be placed under the direction of the Secretary of Agriculture.

"None of the many and sometimes powerfully cogent arguments advanced against governmental 'interference' in economic problems, as tending inevitably—even in spite of contrary intentions—to bring about State socialism, can justly be made against the Bankhead bill", the Commonweal declares, and with that opinion the News agrees. Precisely those arguments have been advanced in the Senate against the measure, but the majority of the Senators have not been impressed by them.

The enactment of the Bankhead bill at this session of Congress is not so questionable as the Commonweal thinks. The Senate seems to be on the verge of passing it. For 2 days Senator BANKHEAD and other supporters of the measure have succeeded in defeating efforts of opponents to kill it by recommittal and by striking out the billion-dollar bond authorization. The indications are that the Senate will soon pass the bill. If it does, there is every reason to think that the House will pass it also. The administration, it is to be remembered, is favorable toward the bill.

With the passage of this important measure, several cubits will be added to the stature of JOHN H. BANKHEAD as the foremost agricultural statesman in the Senate.

BILATERAL TRADE PACTS—ARTICLE BY HON. WALTER E. EDGE

Mr. BARBOUR. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD an article by Hon. Walter E. Edge, former American Ambassador to France and also formerly United States Senator from my State of New Jersey, which appeared in the Herald Tribune on Sunday, April 21, 1935.

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

[From the New York Herald Tribune of Apr. 21, 1935]

BILATERAL PACTS NO TRADE AID, ABROAD OR AT HOME, SAYS EDGE—EX-AMBASSADOR FINDS DOLLAR DEVALUATION RESPONSIBLE FOR UNSETTLED WORLD COMMERCE; FAVORABLE BALANCES WON ONLY BY UNITED STATES SACRIFICES

By Walter E. Edge, former American Ambassador to France

No doubt the midwest Republican powwow, scheduled for Kansas City next month, will effectively throw the spotlight on the many inconsistencies of the Washington merry-go-round. However, thousands of eastern compatriots trust that the conferees will recognize that a national calamity demands the same receptive cooperation among members of a political party as all shades of thought have given the present administration, irrespective of partisan alinement.

The Roosevelt honeymoon has been extended long beyond the traditional period, and almost everyone not on relief is bitterly disappointed. Now is the time for the Republican Party to present a united front and save the day, as it has done on so many historic occasions. Republicans will get nowhere scolding each other. On the contrary, if they can't initiate their campaign by a display of tolerance, they will emphasize their inability to rule. This doctrine applies to the old and young, conservative or liberals.

Most of the appeals for a rejuvenated Republican Party demand what the critics term "liberalism", and then usually fail to present the specifications.

Many agree with the formula, if the definition is what history has accepted and recorded.

LIBERALISM VERSUS NEW DEAL

Liberalism, as I understand it, is the antithesis of the policies now prevailing in Washington.

Liberalism, as defined by Professor Collingwood, of Oxford University—even before the advent of the new deal—"begins with the recognition that men are free; that a man's acts are his own, spring from his own personality, and cannot be coerced." And, again, "The function of the liberal state is not to oppose the freedom of personality, but to realize it in practice."

The liberalism as practiced in Washington today, under the new deal, is the exact opposite. There dictatorship and competition have succeeded democracy and cooperation. Extravagance and inflation take the place of a balanced Budget and sound money.

Demands that private business assume the burden and the country return to a normal state are coupled with such checks, confusing and overpowering nostrums, and even coercion that a favorable response is impossible, notwithstanding that there can be no question but that the country is "raring to go."

The administration is apparently so sensitive on this point that it has reached the nauseating stage of calling names.

Only last week in Philadelphia a Cabinet officer accused capital of cowardice because its custodians hesitated to embark on new or enlarged business activities.

EXPERIMENTS

I repeat, the Government need have no misgivings. If the theorists now in command in Washington will give business half a chance, plain, ordinary common sense, not to speak of business acumen, will assure that capital will do its full part as a matter of self-preservation as well as loyalty.

The army of unemployed is just as much, if not more, interested in a return to normal business, conducted by the individual, as the employer or the stockholder. Two years of the new deal, notwithstanding all types of temporary employment, have resulted in placing one-sixth of the country's population on relief.

The sooner unemployed labor realizes that it will not be permanently placed until capital has at least a fair chance, the sooner the depression will be effectively broken, and not before. Many of the experiments in Washington, heralded with a blare of trumpets, have been discarded, but more seem to be promised.

During my recent visit to the Orient and southern Europe I was particularly interested in observing trade and economic conditions as they might affect the United States.

If the Washington administration seriously believes the proposed bilateral commercial treaties will provide relief or make any substantial dent in the existing business stagnation, or materially increase our export trade, it will be grievously disappointed.

I use the words "materially increase our export trade" with qualifications, as, of course, it is always possible to boost a favorable trade balance, if the United States is prepared to make the major part of the sacrifice. I am convinced, because of trade conditions and policies one finds in vogue in almost every country abroad, that for any new business our producers obtain we will give up much more than a quid pro quo or we won't get the order. In other words, our experience with Soviet Russia, where we were held up with a demand for the goods and the wherewithal to purchase as well, may be an extreme, but at least should be a warning.

In the first place, the greatest detriment to increasing our international trade are the feverish and entirely undependable conditions existing with international exchange, to a great extent brought about by the unnecessary, unwise, and unproductive action of the present administration in devaluing the American dollar. Until the monetary policies of at least the major nations of the world are stabilized, business commitments beyond the necessities of the hour are out of the question.

REVERSED EMPHASIS

By urging commercial treaties under present conditions, the administration is putting the cart before the horse. Its proposed Yankee trading between countries may have some advantage in isolated instances, but as a national policy with any expectation of gain we haven't a chance.

I have no intention of engaging in an old-fashioned protective-tariff argument, but it is difficult for some of us to understand just how it is possible to decrease industrial unemployment at home through the lowering of the tariff on dutiable commodities for the obvious purpose of permitting some country to increase its sales within our borders. On the other hand, we would be giving no concession to any country with which we were negotiating by urging it to make greater efforts to increase its exports of undutiable commodities. Then when our importers are called upon to buy, as all agree trade cannot flow but one way, our devalued currency compels them to pay a 40-percent tribute. Therefore, any way you look at this so-called "Yankee" trading we must be prepared to give up something we now possess. In a word, the United States will never recover her economic or commercial prosperity if she depends on increased exports to bring it about.

As students of the situation well know, our manufactured products needed or desired by the nationals of other countries are almost prohibited by quotas, increased duties, or other trade restrictions. The devaluing of our currency only inspired other nations to instigate all types of reprisals. For example, an automobile costing about $500 in the United States costs more than $3,000 in Rome. The moment the administration made it possible to buy American dollars at a 40-percent discount other countries, in most cases, increased their tariffs or decreed partial embargoes.

Our raw materials, which ordinarily accounted for 8 percent of our exports, are annually becoming less necessary for foreign consumption, for the simple reason that our former customers abroad either have developed their own supplies or consummated more advantageous terms with our competitors. In fact, a report from the Department of Commerce, published last week, admitted that cotton exports, formerly our most eagerly sought exportable product, had decreased 40 percent during the last 8 months.

TRADE WITH JAPAN

Again, how can we compete with Japan under present price conditions?

You can buy a fully equipped bicycle in Tokyo for $5, a custom-made silk shirt for $2, a pure silk necktie for 50 cents. Compare those prices with the American schedule and with the administration's effort to have domestic commodity prices rise and tariffs lowered. The Japanese are manufacturing almost everything for the world market except the better type of automobiles, and from all indications they won't be long reaching that accomplishment.

Our relief lies right at home. We must revive our domestic market and bring back some of the 40 or more percent of shrunken or diminished local purchases. I am not attempting to make a political argument at this time, but I am convinced that we will never enjoy anything comparable to permanent recovery until we transfer the activity of stimulating trade from the Government to the governed. Colossal expenditures with increased taxation won't do the trick.

DELAYING RECOVERY

Submerging individual enterprise and initiative into regimentation and centralized bureaucratic control only will deter and delay

permanent recovery. The Government may stimulate in spots and, no doubt, through these tremendous expenditures and a $10,000,000,000 deficit, has done so; but as the last 2 years have certainly demonstrated, until the public gets more confidence, it cannot be expected to assume the responsibility and take up the slack, particularly when one reviews the confusion and uncertainty at the National Capital.

I can hear an immediate observation that such a program would be going back to the old order. Such expressions are childish. There is no power, even among the most conservative and reactionary, to ever return to the so-called "old order." The experiences of the past have reached every class. Business has learned a lesson at a terrible cost, and, if government will limit or minimize its destructive competition, the results to every type of citizenship will be far more satisfactory than the apparent determination at Washington to administer as well as to regulate. The latter must always come from the Government, and should. It is the function of Congress; that is, if Congress does not completely abdicate its responsibility.

WHO LOST THE MOST

The debacle of the last 5 years has brought relatively much more catastrophe and ruin to the formerly so-called "prosperous" than to those the drastic policies propose to protect. Everyone knows the water has been pretty well squeezed out of the pre-'29 bubbles, and, with many regulatory and remedial laws since put into effect, we can be reasonably sure a return to real encouragement of the individual would promote permanent recovery rather than licentiousness.

Surely with unemployment, as recently announced by William Green, president of the American Federation of Labor, having reached the highest peak in history; and with the cost of relief millions above that at the advent of the present administration, no one can successfully contend that the policy of experimentation has gotten us anywhere excepting further in the mire.

No school of thought, so far as I know, differs with the conviction that the lessons of the last 5 years have made necessary a complete social-insurance program, but liberalism, so called, should be clearly defined, and not consist of a race between two political parties for popular approval and acclaim.

PREVENTION OF LYNCHING

The Senate resumed the consideration of the motion of Mr. COSTIGAN that the Senate proceed to the consideration of the bill (S. 24) to assure to persons within the jurisdiction of every State the equal protection of the laws by discouraging, preventing, and punishing the crime of lynching.

Mr. COSTIGAN. Mr. President, I rise to a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. COSTIGAN. Am I correct in understanding that, under the rules and practices of the Senate, if at the close of today's proceedings the Senate should recess, the pending motion would not be displaced; but if, on the other hand, the Senate shall adjourn, the effect will be to displace the pending motion?

The VICE PRESIDENT. The Senator has stated the parliamentary situation correctly.

Mr. BAILEY. Mr. President, as the Senate approached the hour of recess yesterday, I had taken up the bill with a view to going through the more significant sections of it and undertaking to show their import. So, by way of beginning today, I wish to read for a second time the second section of the bill, as follows:

SEC. 2. If any State or governmental subdivision thereof fails, neglects, or refuses to provide and maintain protection to the life or person of any individual within its jurisdiction against a mob or riotous assemblage, whether by way of preventing or punishing the acts thereof, such State shall by reason of such failure, neglect, or refusal be deemed to have denied to such person due process of law and the equal protection of the laws of the State, and to the end that the protection guaranteed to persons within the jurisdictions of the several States, or to citizens of the United States, by the Constitution of the United States, may be secured, the provisions of this act are enacted.

Mr. President, this section is the heart of the proposed legislation. It undertakes to lay the foundation for all the provisions, all the extraordinary provisions, which are contained in the sections which follow. Let us look at this section. In the first place, section 2 provides in language as follows:

If any State or governmental subdivision thereof fails, neglects, or refuses to provide and maintain protection to the life or person of any individual within its jurisdiction against a mob or riotous assemblage, whether by way of preventing or punishing the acts thereof, such State shall by reason of such failure, neglect, or refusal be deemed to have denied to such person due process of law—

And so forth. That language is a judgment by act of law, and it negatives every theory of jurisprudence from which this country derives its life. The simple failure of an American Commonwealth to cope with a mob or the acts of three or four persons by way of interfering with the right of a man to pursue his ordinary existence or to live, the mere fact that the failure is adjudged not by a court of justice but is adjudged by the Congress of the United States to have been a denial by the State to such person of due process of law and the equal protection of the laws of the State, constitute an irrebuttable presumption of law, regardless of the innocence or the guilt of the party affected, which happens to be one of the sovereign States of the Union. I wish to dwell upon that point.

Congress has no power to convict anybody, and when it assumes that power we may write "Ichabod" over our doorposts. Its glories will have departed, and I should not hesitate to say that its right to existence will have been forfeited. Yet here we are, with the legislation before us seriously put forward, pleas made for it by two Senators—legislation which undertakes to arrogate to the Congress of the United States the power to declare an irrebuttable conclusion of guilt regardless of trial and regardless of the facts. If there were no other reason for the defeat of the legislation, that would be sufficient.

Congress must have a care. Once the Congress conveys to the minds of the American people that it can determine who is guilty and who is innocent, once it declares in the law that under certain circumstances either an individual or a State shall be deemed to have violated the law, it has struck down on one hand the judicial department established in the Constitution and from which the country derives its life, because we live by way of justice; and, on the other hand, has stricken down the right of every individual in the land.

If this proposed legislation should be enacted, I imagine there would rise a cry throughout the land addressed to the Congress, "Who art thou that thou hast presumed to be the judge over us?" It is absurd, it is unfounded in reason, it is a violation of the Constitution which the bill itself purports to maintain, and it is a denial of the fundamental rights of the freemen who constitute the Republic of the United States. It is an imposition upon the States, which, carried out, will destroy them.

Let me make an application which will be pertinent to the thought of one of the authors of the bill. I do not know the facts, but I read from time to time in the New York papers of gangsters, 3 or 4 or 5. The bill defines a mob as "an assemblage composed of three or more persons acting in concert." I read of three or more persons acting in concert in the streets of the city of New York, with their machine guns concealed in milk wagons, shooting down for price some citizen who walks the street. If there is virtue in the bill now before us, if the Senator from New York [Mr. WAGNER] means that the bill shall be given in New York the force and effect which he expects it to be given in the State of North Carolina, then under the terms of the bill the State of New York can be deemed to have denied to the person so shot down due process of law and the equal protection of the laws of the State, and the Federal Government must intervene. I do not hesitate to say that if the bill should pass, the first victim of its injustice and the first to feel the weight of its unconsidered folly would be the city of New York in the State of New York.

Moreover, Mr. President, the first section of the bill undertakes by legislative act to interpret the Constitution of the United States. It does not subordinate the law to the Constitution, but it undertakes to say what is the Constitution, and by way of saying it it provides that the fourteenth amendment of the Constitution is an amendment which provides that where three or four men may take the life of another, the State in which they take his life has defeated the amendment and violated the due-process-of-law clause of the Constitution and the further clause providing the equal protection of the laws of the State. It is an effort, Mr.

President, to strain the Constitution and to write into that great document ideas and conceptions, powers and force, never contemplated even in the heated hours when the fourteenth amendment was adopted by the people of the United States.

Again, the section I have read gives directly, and in unqualified terms, the supervision of the sovereign States of the Union to the Federal Union. When did North Carolina fall so low, when did New York fall so low, when did Colorado fall into such depths that we are here inviting the Federal Union which the 13 States created—it did not create North Carolina—to become the lord and the supervisor of the sovereign Commonwealths which constitute the Union?

Imagine the situation if this section should pass some watchful eye at Washington, some new bureau, some branch of the Department of Justice, sitting here upon the watchtower at Washington, casting a suspicious eye throughout this broad land, to see, not whether crimes are being committed against the Federal Government, not whether Federal laws are being complied with, not whether taxes are being paid, but whether the sovereign States of the American Union are doing their simple duty as written in their own constitutions as well as in the Constitution of the United States!

I will read now section 3, subdivision (a):

> Any officer or employee of any State or governmental subdivision thereof who is charged with the duty or who possesses the power or authority as such officer or employee to protect the life or person of any individual injured or put to death by any mob or riotous assemblage or any officer or employee of any State or governmental subdivision thereof having any such individual in his custody, who fails, neglects, or refuses to make all diligent efforts to protect such individual from being so injured or being put to death or any officer or employee of any State or governmental subdivision thereof charged with the duty of apprehending, keeping in custody, or prosecuting any person participating in such mob or riotous assemblage who fails, neglects, or refuses to make all diligent efforts to perform his duty in apprehending, keeping in custody, or prosecuting to final judgment under the laws of such State all persons so participating, shall be guilty of a felony, and upon conviction thereof shall be punished by a fine not exceeding $5,000 or by imprisonment not exceeding five years, or by both such fine and imprisonment.

That section takes in every policeman in America. It takes in the mayor of every city of America. It takes in every sheriff and every deputy sheriff in America. It takes in the governor of every State in America. It takes in every prosecuting officer in America. It probably takes in every judge on every local bench in America. It ties to the responsibility of the Federal Government these officers of the law who derive no authority from the Federal Government, who are elected by the people of their counties and their cities and their States, who are paid by the people of their counties and their cities and their States, who are responsible at the polls to the people of their counties and their cities and their States. It makes felons of them if, in the judgment of the Federal authorities, they fall short of their duty. Worse than that, it provides as to these immense classes of our population—the local officers of the law from the governor all the way down to the coroner—that if they fail in any case to arrest the processes of a mob, if they go out and face the mob and do all that men can do, and the mob overcomes them, nevertheless, under the proposed law, failure—the mere human impossibility of coping with a dreadful situation—is made a felony, and a man is subject to a fine of $5,000, or imprisonment for 5 years.

Mr. President, I hope Senators get the significance of that. We propose in this measure, or this measure proposes—I do not assume for one moment that Senators propose it, other than the two who introduced it—to set over the governors, the judges, the solicitors, the sheriffs, the mayors, the policemen, the deputy sheriffs, and the coroners throughout the country the force and effect of a criminal law which would deprive them not only of their property but also of their liberty.

When did we ever before hear anything like that in the United States of America? Grant that mob law is bad; grant that lynching is horrible; I do not know but that a law which proposes to subject every officer of the law in the American Union, notwithstanding there is no official privity between him and the Union itself, notwithstanding he is a local officer, notwithstanding he may do his duty, to the disgrace of felony and the ruin of a fine is comparable, at any rate, in its dreadfulness to the mob law itself. It proposes, in the form of law, to oppress, to constrain, to control, to condemn, and destroy every officer in every local government in the land.

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

Mr. BAILEY. Yes.

Mr. COSTIGAN. The Senator is commenting on a general declaration in the proposed legislation. I submit to him that he has overlooked the controlling language with respect to the officers, to be found in section 3 (a) on pages 2 and 3 of the bill——

Mr. BAILEY. That is what I am reading. I have not overlooked it.

Mr. COSTIGAN. Which states, on line 22, following the reference to officers and employees having individuals in their custody, that if they fail, neglect, or refuse to make all diligent efforts to protect an individual—I am paraphrasing, rather than reading the exact language—from being injured or put to death, certain consequences shall follow. I desire to say in this connection that the able Senator from Arkansas [Mr. ROBINSON], the Democratic leader, has proposed one or two amendments under which that precise language would be incorporated in other parts of the proposed legislation.

Mr. BAILEY. Very well, Mr. President; I am glad the senior Senator from Arkansas has proposed some amendments. I have not seen them. I am discussing the bill as it is written. I shall discuss the amendments when they are brought forward.

I notice the attitude of my friend the senior Senator from Colorado. He is, all the way through, throwing tubs to the whales. No one here, perhaps, understands the weaknesses of this proposed legislation any better than he does. On day before yesterday the senior Senator from Alabama [Mr. BLACK] called the attention of the Senator from Colorado to the fact that under the proposed act the workingmen of America in the midst of a strike could, with one motion of the Federal Government, be brought under its jurisdiction, charged with carrying on an unlawful assemblage, brought into the grasp of the Federal power.

What was the answer? The Senator from Colorado said he had never thought of that before, that he would be perfectly willing to accept an amendment that would except that type of men.

Mr. COSTIGAN. Mr. President, will the Senator yield again?

Mr. BAILEY. I yield.

Mr. COSTIGAN. The able Senator from North Carolina, who never, I am sure, purposely misrepresents, will look in vain in the RECORD for a statement that the point now being pressed by the Senator from North Carolina was not heretofore "thought of" by me. As a matter of fact, that subject has been freely and frequently discussed by those who have been most actively concerned in the drafting of the proposed legislation.

Mr. BAILEY. Mr. President, I distinctly recall that colloquy, but I shall read what was said from the RECORD. This is the language as it appears on page 6358 of yesterday's RECORD:

> Mr. BLACK. Mr. President, I do not know exactly what statement was made today, but the question I asked was based upon my belief that the bill as it is written would give the greatest weapon to the opponents of labor organizations that has ever been extended to them since the beginning of the history of this Government.
>
> I base my statement on this fact: I do not believe there is any lawyer who can read this bill and not be convinced that every time three or more members of a labor organization meet, when they are on a strike, and it can be charged that they have the intention of injuring somebody——
>
> Mr. CONNALLY. Suppose they do injure somebody?
>
> Mr. BLACK. And they also do injure somebody; they can then be tried in a Federal court.
>
> This is the point I have in mind: For years and years and years the labor organizations have been seeking to deprive the Federal courts of that very jurisdiction.

Now let us see what the Senator from Colorado said. I read from the same page:

Mr. COSTIGAN. With full appreciation of the generous words of both the Senator from Texas [Mr. CONNALLY] and the Senator from Alabama [Mr. BLACK] I desire to say that the Senator from New York and I do not share the apprehensions expressed. I desire also to thank the Senator from Alabama for making clear this morning, as I think he did not make clear last night, the extent of his concern and the grounds on which he bases that concern.

Without interrupting the Senator from Texas at this moment, and reserving, of course, the right to refer to the subject at a later time, I merely suggest to the two able Senators, whose admirer I am, that if they will join in the preparation of some constructive amendment which they really believe will protect the reasonable and lawful activities of organized labor, and on the adoption of such an amendment will support the pending bill, I shall, of course, be happy to endeavor to cooperate with them.

Mr. President, that is the record. I take it that it is somehow in the contemplation of one of the authors of the bill that he can have a measure enacted which will convict the officers of the law in my State of crime, under which my State can be deemed guilty of denying to American citizens equal protection of the laws and the right of due process of law, and at the same time find some means, somewhere in the United States, some sort of an amendment, whereby we can drive a horse and wagon through his own legislation in order to make an escape for one class of our citizens. That is denying equal protection of the laws also. That defeats the whole theory of the bill.

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

Mr. BAILEY. I yield.

Mr. COSTIGAN. It is not my purpose continuously to interrupt the able discourse of the Senator from North Carolina. I feel, however, that I ought once and for all to state what I stated on more than one occasion yesterday, and what was stated, in effect, in the very paragraph which was read by the able Senator from North Carolina, that neither the Senator from New York nor I joins in the conclusion expressed by the Senator from North Carolina, the Senator from Alabama, or the Senator from Texas. The purport of the remarks read from the RECORD was that, if the Senator from Alabama or any other Senator here entertains apprehensions, which we think are unwarranted, we shall, of course, cooperate, so far as it is within our power, to aid them in the consideration and adoption of an amendment which will more securely guard the rights which we think are already protected in the proposed measure.

Mr. BAILEY. Very well; I shall propose an amendment. This is one of the definitions in the Senator's bill:

That the phrase "mob or riotous assemblage", when used in this act, shall mean an assemblage composed of three or more persons acting in concert, without authority of law, for the purpose of killing or injuring any person in the custody of any peace officer—

And so forth. Just insert there a provision that that language shall not relate to the constituents of the Senator from Colorado, and it will be all right.

There cannot be a law for one class in the United States and another law for another class. The Commonwealth of North Carolina cannot be deemed guilty by the enactment of a law and everybody else in the United States not deemed guilty by the same means; and no one can crawl out of that situation, however he tries to do it. The proposition here was for constructive legislation which would exonerate one class of citizens from the force and effect of the proposed law. I would exonerate all classes. So much for that.

Let us take the other feature of this section. All the officers in all the States, in all the counties, and in all the cities are brought under the provisions of the bill. They would be subjected to criminal penalties for the commission of felonies.

I desire to know when the Federal Government became powerful enough to do that. I want to know what are the implications of that proposal. What power has the Congress over a sheriff in North Carolina? Congress did not elect him. Congress does not pay him. He is not responsible to the Congress. He is responsible to the people of his community; and when that responsibility is destroyed, free government in this land is destroyed. That is the clear implication.

Imagine the picture of this Union, just imagine the picture of this American Republic, with a Federal Government having power of imprisonment over local officers in every State and city in the land.

Mr. President, I know there is a considerable movement in this land to extend the powers of the Federal Government. Inch by inch the encroachment has gone on. But the pending bill is notification to the United States that there are those who intend to destroy the States and destroy local self-government, and take jurisdiction over the rights of individuals, not by way of courts of justice which could ascertain their rights, but by casting them into the grip of a central power, not governing by courts of justice, but governing by arbitrary law.

I wish to know where the Federal Union gets the power to punish a sheriff. Where is the privity? If in his capacity as an individual he violates a criminal law of the United States, to be sure it has power; but if in his official capacity he fails or neglects or refuses to carry out some State law, there is but one judge for him, and that is the judge in the jurisdiction in which he is elected and in which he lives. There is but one power to control him, and that is the power of the government which pays him and which he serves. There is but one tribunal before which he answers, and that is the tribunal of the people who put him into office by their suffrage. When that is denied, we are at the end of local self-government in the United States of America.

Again, subsection (b) provides:

(b) Any officer or employee of any State or governmental subdivision thereof, acting as such officer or employee under authority of State law, having in his custody or control a prisoner, who shall conspire, combine, or confederate with any person who is a member of a mob or riotous assemblage to injure or put such prisoner to death without authority of law, or who shall conspire, combine, or confederate with any person to suffer such prisoner to be taken or obtained from his custody or control to be injured or put to death by a mob or riotous assemblage, shall be guilty of a felony, and those who so conspire, combine, or confederate with such officer or employee shall likewise be guilty of a felony. On conviction the parties participating therein shall be punished by imprisonment of not less than 5 years nor more than 25 years.

Mr. President, we already have the law on that subject. The law against doing the things described in that paragraph is the law of murder, and I defy any man to say that my Commonwealth has failed to prosecute murderers when they have committed the crime of murder. I do not wish to make an invidious distinction; but if the standing and character of American States is to be tested by the number of murderers who escape, I point Senators to those cities from which come records day after day and week by week of the deaths of men at the hands of gangs with machine guns. No one ever hears of their arrest or indictment. They escape, and that is the last of it.

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

Mr. BAILEY. I yield.

Mr. BLACK. With reference to the part of the bill which the Senator has just read, I recall that several years ago in the State of West Virginia it was charged that a number of miners who were on strike went from one county to another county, and it was charged that they constituted a riotous assemblage and a mob. It was charged, as I recall, that the officers of the State, the sheriff and other county officers, either conspired or colluded with the strikers in the acts which were committed, and, as I recall, some people were killed. Can the Senator see any possible manner in which, if this proposed law had then been in effect, a defense could in any way have been pleaded to keep that case from being tried in the Federal court?

Mr. BAILEY. I cannot.

Mr. BLACK. In other words, we would have transferred the jurisdiction of the trial of those miners from the State courts to the Federal courts.

Mr. BAILEY. Yes. I am coming to that. I am dwelling now, though, on another feature of the bill. The suggestion here is that certain Commonwealths in America, concerning

which certain statistics have been put in the RECORD with the index finger pointed directly at them, do not enforce the law of murder and of manslaughter against men who commit murder and manslaughter; and I resent the suggestion.

When North Carolina reaches the point where she must get down upon her knees and beg the Federal Government to enforce her criminal laws, for one, I shall be willing for that Commonwealth to go out of business as a free government, and not until then. I am perfectly willing to invite comparison between the Federal Government and the government of North Carolina, and I do not hesitate to say that I will prove by statistics that we are just as instant and just as efficient in enforcing our laws as is the Federal Union. Even if it were not, the time will never come while I am alive that I will stand here and ask that a guardian ad litem or a next friend be appointed for the Commonwealth of North Carolina.

Mr. President, so much for that section. Let me move over.

I come now to section 4, as follows:

> The district court of the United States judicial district wherein the person is injured or put to death by a mob or riotous assemblage—

That is, three people or more—

> shall have jurisdiction to try and to punish, in accordance with the laws of the State where the injury is inflicted or the homicide is committed, any and all persons who participate therein: *Provided*, That it is first made to appear to such court (1) that the officers of the State charged with the duty of apprehending, prosecuting, and punishing such offenders under the laws of the State shall have failed—

The first time in my life, Mr. President, ever I understood that failure was crime—

> neglected, or refused to apprehend, prosecute, or punish such offenders; or (2) that the jurors obtainable for service in the State court having jurisdiction of the offense are so strongly opposed to such punishment that there is probability that those guilty of the offense will not be punished in such State court. A failure for more than 30 days after the commission of such an offense to apprehend or to indict the persons guilty thereof, or a failure diligently to prosecute such persons shall be sufficient to constitute prima facie evidence of the failure, neglect, or refusal described in the above proviso.

Mr. President, that section in plain language ousts the jurisdiction of the State courts throughout the American Republic. That destroys the State rights of trial by jury. That strikes at the very foundation of the life of the State and the jurisprudence of America. Then we have the other purpose in this bill that upon somebody making it appear—that is, by an affidavit, I take it; and anybody could take the oath—that the officers of the State charged with the duty of apprehending have failed, immediately the District Courts of the United States, stepping in in the name of the Federal Union, shall oust the courts of the several States, take charge of their trials, shall oust the jurors in the panels of the State courts, and substitute jurors in the panels of the Federal courts.

I confess, Mr. President, that I never expected to live to see the time when anyone bearing the name of American citizen, brought up in the traditions—traditions now of nearly 150 years of local self-government, of the rights and the powers of the States, of the right of a citizen of the Commonwealth of North Carolina to be tried by the courts which his fathers wrought out and handed down to him—I never expected to live to see the time when he should have those rights taken away on the filing of an affidavit before a Federal judge.

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

Mr. BAILEY. I yield.

Mr. GORE. Does the bill provide for disqualifying of persons for jury service who do not take an oath in advance that they will return a verdict of guilty against the defendant?

Mr. BAILEY. Well, not exactly that, I will say to the Senator, but it suggests that. I think the suggestion is there.

Mr. BLACK. Mr. President, does the Senator object to my presenting another state of facts with which I am familiar in connection with that particular phase?

Mr. BAILEY. Not at all; I yield.

Mr. BLACK. I happen to know that several years ago there was a strike of certain railroad men throughout the country. I recall that a number of those men gathered together and that two men were killed. There were more than three of the railroad men who were on strike gathered together. After these two men were killed, the grand jury in Alabama met and declined to indict the men who were on strike. The charge was made that the grand jury was sympathetic with the strikers. The charge was also made that some of the other people were sympathetic with the strikers who were charged with the violation of the law. If this bill had been a law in effect at that time, is it or is it not true that 30 days after those deaths had occurred the railroad operators could have gone to the Federal court and again tried these striking railroad men in the Federal court for that offense?

Mr. BAILEY. I think so, but I look forward with a great deal of expectation to the amendment which is going to be offered to exempt railroad operations, although everybody else will be included.

Now, listen to this, Mr. President:

> A failure for more than 30 days after the commission of such an offense to apprehend or to indict the persons guilty thereof, or a failure diligently to prosecute such persons, shall be sufficient to constitute prima facie evidence of the failure, neglect, or refusal described in the above proviso.

When someone kills another in Colorado, if the murderer is not caught within 30 days, the State jurisdiction is gone, the Federal Government steps in, and the Federal court tries the case. That is the effect of the provision. When a man commits a murder ordinarily he can hide himself for 30 days, and most of them do. Under this provision just a little 30-day delay is interpreted as the denial of due process of law. That is a monstrous absurdity on its face, and I do not think I need to discuss it further.

Mr. President, in this section it is further provided that if it shall be made to appear to the district court of the United States—

> That the jurors obtainable for service in the State court having jurisdiction of the offense are so strongly opposed to such punishment that there is probability that those guilty of the offense will not be punished in such State court.

That may be made to appear on an affidavit filed with the Federal judge. Some fellow comes up there and swears that he does not think the jurors over in a court in the State of North Carolina would try the case fairly, and immediately the Federal judicial system steps in, and the Federal Government takes charge, and we in that jurisdiction have granted to us the humble privilege of having a trial according to the laws of our State. I think the authors of this bill, as a mere matter of logical consistency, ought to have stricken that provision out and have written a new set of laws for the trial of people under those circumstances. I would suggest to the eminent gentlemen that they go back down the path a thousand years and uproot the common law, which is the law of North Carolina and the law of most of the other States on the Atlantic seaboard, destroy all its precedents, destroy all its advantages, and while they are writing a new law of murder and of trial, and finding a new jurisdiction, that they be not content with destroying the character of the Union and the rights of the people, that they do not stop with a centralized arbitrary Federal power and the destruction of the States and the obliteration of local self-government, but that they devise some sort of a new system of law to fit the extraordinary character of their proposal.

Again—and here is the gem of all the wisdom of this great proposition; Solomon in all his glory and the Queen of Sheba, with all her charm, never beheld the like of this:

> SEC. 5. Any county in which a person is seriously injured or put to death by a mob or riotous assemblage shall be liable to the injured person or the legal representatives of such persons, or the estate of such deceased person for a sum of not less than $2,000 nor more than $10,000 as liquidated damages——

Mr. GORE. There is no jail penalty provided for the county?

Mr. BAILEY. I will read on to see if there is a jail penalty. It is impossible for one to tell what he may find when he is pursuing this sort of a lead—

which sum may be recovered in a civil action against such county in the United States District Court of the judicial district wherein such person is put to the injury or death. Such action shall be brought and prosecuted by the United States district attorney of the district in the United States District Court for such district.

We have the United States now suing our counties.

If such amount awarded be not paid upon recovery of a judgment therefor—

I hope the Senate will appreciate the implications of this provision—

such court shall have jurisdiction to enforce payment thereof by levy of execution upon any property of the county—

The Federal court can take the county courthouse and walk off with it; and I think they might as well, for if this bill should pass what use would we have for courthouses? We might turn them over to the welfare department.

Mr. SMITH. To Colorado and to New York.

Mr. BAILEY. I read further from the same provision:

or may otherwise compel payment thereof by mandamus or other appropriate process.

An order will be sent down to Wake County, N. C., some of these days to pay somebody some money; the order will come from the Federal court, and if the mandamus is exhausted, then there is an "appropriate process." I understand what that means. The proponents of the bill do not dare use the word, but that means the machine gun in the hands of the United States soldier. That is the "appropriate process." What else could it mean? They will exhaust the powers of the judiciary; they will exhaust the means provided by mandamus; and if the county refuses, then there is to be invoked the "appropriate process." The "appropriate process", under the circumstances and the spirit of this bill, cannot be anything short of a regiment of soldiers. The Federal Government is going to compel payment.

But, Mr. President, that is not all. So far as I know, this is the first time the Federal Government has ever undertaken to impose a penalty upon innocent people. I did think that innocent men and women in America were immune from the interference of the law. I felt that if a man kept the laws and behaved himself the hand of the policeman would never be laid upon him; that the power of execution would never be invoked against him.

Mr. SMITH. Mr. President, will the Senator allow me an interruption?

Mr. BAILEY. Certainly.

Mr. SMITH. It is manifest that this is an implication, or more than an implication, that there are no innocent ones in the section from which the Senator and I come. We are all particeps criminis; we are all in such a nefarious business that it takes the undefiled mind and the philanthropic brain of Colorado and New York to find out about it. [Laughter.]

Mr. BAILEY. I thought, Mr. President, if I trained my little children to keep the law that the law would always throw the power of a great government round about them and protect them and make the way of life easier for them. God helping me, I do not want to die anyhow, but if I had no other inducement to live I would want to live to see the day when this sort of threat would not be possible in a free land.

I live in a county; I am against any kind of mob action; but if in that county three or four men overreach the power of the law—as sometimes they do everywhere under the sun, for there is not a land but that the law and its officers are not always sufficient—and injure or kill some man there, they may escape, they may flee to the wilderness, they may disappear, but I remain, and, if this bill should pass, I pay the penalty. I cannot find words to express my horror and disgust at legislation of this sort.

That, however, is not all of it—

The amount recovered shall be exempt from all claims by creditors of such injured or deceased person, or the legal representatives of such injured person or of the estate of such deceased person. The amount recovered upon such judgment shall be paid to the injured person, or where death resulted, distributed in accordance with the laws governing the distribution of an interstate decedent's assets then in effect in the State wherein such death occurred.

Now I come to section 6:

SEC. 6. In the event that any person so injured or put to death shall have been transported by such mob or riotous assemblage from one county to another county or counties during the time intervening between his seizure and injury or putting to death, the county in which he is seized and the county in which he is injured or put to death shall be jointly and severally liable to pay the forfeiture herein provided, and action shall be brought and prosecuted by the United States district attorney of any district wherein any such county is located. Any district judge of the United States district court of the judicial district wherein any suit or prosecution is instituted under the provisions of this act may by order direct that such suit or prosecution be tried in any place in such district as he may designate in such order.

They not only want to hold the innocent in the county where the man is seized, but if he is carried to another county they want the right to sue in both counties. Should this legislation pass, can Senators imagine what thoughts would be in the minds of innocent people throughout our country? Every one of them would know that the whole power of the Federal Government, in the event, through some dire break-down of the powers of our laws, one man should be injured or killed, would be utilized to require every man, woman, and child in the county of the occurrence to pay taxes at the demand of the Federal Government by mandamus or other appropriate process.

Mr. President, that is coercion. Coercion is the most dangerous thing in all the life of the country. The American people cannot be coerced. They may be led, they may be persuaded, and there are those who think they can be fooled. We can work with them, we can deliberate with them; but, by the eternal gods, neither the Federal Government nor the State government nor the powers in the heaven nor the powers in hell can coerce an American citizen. He will not yield.

Something grew up with us over here. We are the heirs of a thousand years of free existence. We are the children of the Magna Carta. We are the sons of the men who wrested from Great Britain the right of representation. We will not be coerced.

When the time comes that the Federal Government makes it known to the American people that it is seeking by an act like this to coerce them—and I do not for one moment intimate that it is—when that time comes, the Congress of the United States and the Federal Government will learn the lesson learned long since by those who have tried to coerce English-speaking freemen.

Mr. President, I have discussed all the provisions of the bill. I have omitted no section. I have laid down what the bill implies and what is clearly written on its face. I shall come now to the constitutional aspects of the bill. I stated on yesterday that I desire to take some time on that matter. I think it would probably pay me to take more time than I could have taken between yesterday afternoon and this morning. However, it is not a difficult constitutional question. The question here is settled, and historically settled. I had thought it never again would be revived. The Slaughter House cases and the Civil Rights cases, back in that period of reconstruction when men's minds were inflamed, settled this question, and settled it right.

Mr. President, I digress for a moment. We had thought the question was settled; we thought the character of the American Union had been determined, and determined under extraordinary circumstances. However, if it is unsettled—and the bill implies as much—it will not be amiss for some of us to struggle here until we are exhausted to see that the settlement which was made shall be maintained for ourselves and the generations to follow.

Mr. President, I shall read first from a constitutional history of the United States by Andrew C. McLaughlin, a very recent publication by the Appleton-Century Co. It is dated 1935. I have been in possession of it only a few weeks. I shall read from page 691.

There was evidence that the war was finished when Charles Sumner declared in the Senate, "* * * it is contrary to the usage of civilized nations to perpetuate the memory of civil war", and proposed that "the names of battles with fellow citizens" be no longer "continued in the Army Register or placed on the regimental colors of the United States." And perhaps there was even greater proof of the dying of old animosities when L. Q. C. Lamar, of Mississippi, eulogizing Sumner in Congress, said, "Charles Sumner was born with an instinctive love of freedom. * * * To a man thoroughly permeated and imbued with such a creed and animated and constantly actuated by such a spirit of devotion, to behold a human being or a race of human beings restrained of their natural rights to liberty, for no crime by him or them committed, was to feel all the belligerent instincts of his nature roused to combat. The fact was to him a wrong which no logic could justify."

That is the great scene, Mr. President, when Charles Sumner announced that the war should be forgotten and when Lucius Quintus Curtius Lamar, upon his death, paid tribute to his memory in words like these.

I read again:

Though the day of new force bills was gone by—

We thought so!—

Congress did not quite surrender the hope of compelling, by direct legislation, a recognition of the civil rights and, in large measure also, the social equality of the Negro. Sumner died in 1874, but as a memorial to him and his ambitions, Congress passed the Civil Rights Act the next year. It declared all persons within the jurisdiction of the United States entitled to the full and equal enjoyment of the accommodations and privileges of inns, public conveyances, theaters, and other places of public amusement, "subject only to the conditions and limitations established by law, and applicable alike to citizens of every race and color, regardless of any previous condition of servitude." It made the act of any person denying to any such citizen such full enjoyment and privilege a misdemeanor, punishable by fine or imprisonment, and it allowed the offended party to sue for civil damages. It proved to be an instance of misdirected legislative zeal. Eight years after its passage the essential portions of the act were pronounced unconstitutional by the Supreme Court.

That act was incomparably more moderate than the bill we are now asked to consider. Here is what the Court held. I shall quote from the Court's decision, though I am reading from McLaughlin's summary:

It was held by the Court to assume the existence of Federal power unwarranted by either the thirteenth or the fourteenth amendment. "It would be running the slavery argument into the ground", the Court declared, "to make it apply to every act of discrimination which a person may see fit to make as to the guests he will entertain, or as to the people he will take into his coach or cab or car." * * * And while positive rights and privileges are undoubtedly secured by the fourteenth amendment they are secured by prohibition against State laws and State proceedings affecting these rights and privileges. * * * It is proper to state that civil rights, such as are guaranteed by the Constitution against State aggression, cannot be impaired by the wrongful acts of individuals, unsupported by State authority in the shape of laws, customs, or judicial or executive proceedings.

I read again:

The principle laid down in the decision was not altogether novel, but it made perfectly clear that the fourteenth amendment was not to be enforced by congressional acts directed against the misconduct of individual citizens unsupported by the authority of the State. The case ranks in importance with the Slaughter House cases (1873), an account of which will be given in a succeeding chapter.

That states the case. The fourteenth amendment, under which this legislation is proposed, relates to the actions or the proceedings of a State, and under no circumstances to the actions or the proceedings of individuals or of mobs.

I read again from page 737, from Mr. McLaughlin's work, heretofore referred to:

For nearly 20 years after the adoption of the amendment there appeared no tendency to give the first section any very serious weight. In spite of strenuous opposition of the dissenting justices, the decisions appeared to be, almost literally, reading the amendment out of court. (1) Even before the Civil Rights cases (1883) the amendment had been interpreted quite inevitably to mean that State action, and State action only, was referred to in the first section—

This bill does not refer to State action; it refers to mob action—

(2) It was made fairly clear in the Slaughter House cases that primary legislation by Congress—

And this is primary legislation—

for regulating the internal affairs of the State was not justified by this section.

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

Mr. BAILEY. Yes; I yield.

Mr. CONNALLY. I suggest the absence of a quorum.

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

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

Adams	Clark	Hatch	Nye
Ashurst	Connally	Hayden	O'Mahoney
Austin	Coolidge	Johnson	Pittman
Bachman	Copeland	Keyes	Pope
Bailey	Costigan	King	Radcliffe
Bankhead	Couzens	La Follette	Robinson
Barbour	Cutting	Lewis	Russell
Barkley	Dickinson	Logan	Schall
Bilbo	Dieterich	Lonergan	Schwellenbach
Black	Donahey	McAdoo	Sheppard
Bone	Duffy	McCarran	Shipstead
Borah	Fletcher	McGill	Smith
Brown	Frazier	McKellar	Steiwer
Bulkley	Gerry	McNary	Thomas, Utah
Bulow	Gibson	Metcalf	Trammell
Burke	Glass	Minton	Vandenberg
Byrd	Gore	Moore	Van Nuys
Byrnes	Guffey	Murphy	Wagner
Capper	Hale	Murray	Walsh
Caraway	Harrison	Neely	Wheeler
Carey	Hastings	Norris	White

The PRESIDING OFFICER (Mr. THOMAS of Utah in the chair). Eighty-four Senators having answered to their names, a quorum is present.

Mr. BAILEY. Mr. President, I shall read now from the second volume of the work entitled "The Supreme Court in United States History", by the Honorable Charles Warren, and I shall read his commentary on the Slaughter House cases:

Two months after the second argument the opinion of the Court was rendered by Judge Miller, on April 14, 1873, Judges Clifford, Davis, Strong, and Hunt concurring. It stated that it was "impressed with the gravity of the questions raised" and recognized the "great responsibility" of the decision.

I read those words because the bill we are discussing presents the same gravity and the same responsibility.

That no questions so far-reaching and pervading in their consequences, so profoundly interesting to the people of this country, and so important in their bearing upon the relations of the United States and of the several States to each other and to the citizens of the States and of the United States, have been before this Court during the official life of any of its present members.

That is, since 1858.

After considering the history of the fourteenth amendment—

And that is the amendment under which this legislation is proposed—

the evil which it was designed to remedy, and its "pervading spirit", the Court held that the Louisiana statute did not violate the amendment in any particular; that if the right claimed by the plaintiff to be freed of monopoly existed, it was not a privilege or immunity of a citizen of the United States as distinguished from a citizen of a State; that the amendment, in defining a citizen of the United States, did not add any additional privileges and immunities to those which inhered in such citizens before its adoption; that it was only rights which owed their existence to the Federal Government, its national character, its Constitution, or its laws, that were placed under the special care of the National Government.

Mr. President, that is a very important distinction. The effort is made here to maintain, in the name of the Federal Government, rights which, from the foundation of every State in the American Union, have been written either in their constitutions or their bills of right.

That it was not intended to bring within the power of Congress or the jurisdiction of the Supreme Court "the entire domain of civil rights heretofore belonging exclusively to the States."

This is worthy of comment. There are people in the United States, there are politicians in the United States, there are agitators in the United States, who do desire and who are moving to bring within the power of Congress the entire domain of "civil rights heretofore belonging exclusively to the States."

And that to hold otherwise would "constitute this Court a perpetual censor upon all legislation of the States on the civil rights of their own citizens." Such, very briefly stated, was this momentous opinion. That the decision, so far as it concerned the provisions of the amendment forbidding the States to abridge the privileges and immunities of a citizen, rendered that clause a

practical nullity, was pointed out by dissenting judges (Justices Field, Swayne, Bradley, and Chief Justice Chase).

I shall read from Mr. Justice Bradley where he takes another view from his dissenting opinion in this case:

The construction given by the majority of the Court made of this clause, they said, "a vain and idle enactment which accomplished nothing, and most unnecessarily excited Congress and the people on its passage."

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

Mr. BAILEY. I yield.

Mr. CONNALLY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

Adams	Clark	Hatch	Nye
Ashurst	Connally	Hayden	O'Mahoney
Austin	Coolidge	Johnson	Pittman
Bachman	Copeland	Keyes	Pope
Bailey	Costigan	King	Radcliffe
Bankhead	Couzens	La Follette	Robinson
Barbour	Cutting	Lewis	Russell
Barkley	Dickinson	Logan	Schall
Bilbo	Dieterich	Lonergan	Schwellenbach
Black	Donahey	McAdoo	Sheppard
Bone	Duffy	McCarran	Shipstead
Borah	Fletcher	McGill	Smith
Brown	Frazier	McKellar	Steiwer
Bulkley	Gerry	McNary	Thomas, Utah
Bulow	Gibson	Metcalf	Trammell
Burke	Glass	Minton	Vandenberg
Byrd	Gore	Moore	Van Nuys
Byrnes	Guffey	Murphy	Wagner
Capper	Hale	Murray	Walsh
Caraway	Harrison	Neely	Wheeler
Carey	Hastings	Norris	White

The PRESIDING OFFICER. Eighty-four Senators have answered to their names. A quorum is present.

Mr. BAILEY. Mr. President, when the decision of the Court in the slaughter House cases came down it was regarded universally in America as of the utmost importance and of perpetual significance. There was comment throughout the country by the newspapers, and Mr. Warren has preserved for us certain of these comments. I propose to read them mainly because the present generation seems to be less appreciative of the values in that great decision than was the generation which fought the Civil War, and that the modern generation, with nothing of that atmosphere about it, is less regardful of the rights of free men and the sovereignty of the States than was the generation which made the great decision on the fields of battle.

The New York Times said of the opinion that it was—

Calculated to throw the immense moral force of the Court on the side of rational and careful interpretation of the rights of the States and those of the Union. It is calculated to maintain, and to add to the respect felt for, the Court, as being at once scrupulous in its regard for the Constitution and unambitious of extending its own jurisdiction. It is also a severe, and we might hope a fatal, blow to that school of constitutional lawyers who have been engaged, ever since the adoption of the fourteenth amendment, in inventing impossible consequences for that addition to the Constitution.

I should like to read that again. The New York Times thought it was—

A fatal blow to that school of constitutional lawyers who have been engaged, ever since the adoption of the fourteenth amendment, in inventing impossible consquences for that addition to the Constitution.

It was fatal, as I thought, until this bill lifted its ugly head, its monstrous form, in the Congress of the United States.

The New York Tribune termed it—

A most important decision.

It said that it—

Set up a barrier against new attempts to take to the National Government the adjustment of questions legitimately belonging to State tribunals and legislatures.

The Philadelphia Press said that it would—

Clear away a tolerably dense legal fog.

The Boston Advertiser said that a contrary decision—

Would constitute this Court a perpetual censor upon all State legislation concerning the rights of its citizens.

That is from Boston. One is from New York and the other is from Philadelphia.

Now we come to Chicago. The Chicago Tribune said that the decision plainly indicated two things:

That the Court will not construe the constitutional amendments as upsetting State governments; and that the people of every State must look to their own protection against monopolies when they frame their constitutions and elect their legislatures, and not come to the Court afterward and ask them to undo what the legislative authority had done.

Of the soundness of the decision, it said that there could be no doubt that—

The constitutional amendments, beyond their estoppel of the States from enslaving the Negro or depriving him of the privilege of the elective franchise and the other rights of white men, cannot interfere with State rights. Any other interpretation of these amendments would be glaringly in conflict with historical facts. * * * The Federal Government thus becomes absolute in its jurisdiction, and State governments only exist or exercise their powers by its sufferance. * * * The principal value of this decision grows out of the fact that it clearly and unmistakably defines the province of the constitutional amendments and will hereafter put a quietus upon the thousand and one follies seeking to be legalized by hanging onto the fourteenth amendment. * * * The decision has long been needed as a check upon the centralizing tendencies of the Government and upon the determination of the administration to enforce its policy and to maintain its power, even at the expense of the constitutional prerogatives of the States. The Supreme Court has not spoken a moment too soon or any too boldly on this subject.

I now read Mr. Warren's comment:

Sentiments like these, widely expressed in the North, the East, and the West, afford an interesting illustration of how far the pendulum had swung away from centralization and toward the most extreme State-rights views held by the Democratic Party before the war.

An opinion similar to that of the daily press was also held by the American Law Review, which said:

"In its results it is of untold importance to the future relations of the different members of our complex system with the whole. The line which separates the Federal Government from the States, and which of late years has trenched on what are called the reserved rights of the latter, was never so precisely defined as to make trite or tiresome new descriptions of its position; and the interpretation of the thirteenth, fourteenth, and fifteenth amendments to the Constitution of the United States, which was called for by attempts to apply their letter, if not their spirit, to new states of fact not contemplated by the Congress nor the legislatures that made them, is the latest and one of the most important acts of Government growing out of the war."

I read again, and this is from Mr. Warren:

Had the case been decided otherwise, the States would have largely lost their autonomy and become, as political entities, only of historical interest.

That is Mr. Warren's commentary by way of interpreting the Slaughter House cases based upon the fourteenth amendment, from which the extraordinary powers of the pending bill are sought to be derived. I will read it again:

Had the case been decided otherwise, the States would have largely lost their autonomy and become, as political entities, only of historical interest.

If Mr. Warren is right, and this bill should be enacted and go to the Supreme Court, and the Supreme Court should reverse its position taken in the Slaughter House cases and the Civil Rights cases, then we could invoke precisely this language, and notify the world that the States have lost their autonomy and become, as political entities, only of historical interest. Mr. Warren said:

If every civil right possessed by a citizen or a State was to receive the protection of the national judiciary, and if every case involving such a right was to be subject to its review, the States would be placed in a hopelessly subordinate position; and the ultimate authority over the citizens of the State would rest with the National Government.

That is a precise description by the Honorable Charles Warren, one of the great lawyers of the country, and one of the great historical authorities on all matters touching the judiciary and the development of our law.

The ultimate authority over the citizens—

I could almost read his language into my remarks here—

The ultimate authority over the citizens if this legislation shall be passed will, so far as this Congress is concerned, rest with the National Government. The boundary lines between the States

and the National Government would be practically abolished, and the rights of the citizens of each State would be irrevocably fixed as of the date of the fourteenth amendment, without power in the State to modify them, and with power in the Supreme Court of the Nation to review any State statute asserted to be in violation of such rights, even if such statute affected solely a matter of State policy. Inasmuch as about 800 cases have been before the Court since 1873, involving State statutes under the due-process clause of the fourteenth amendment, it is impossible to conceive of the amount of litigation on which that Court would have been called to pass, if State legislation involving every possible civil right of a State citizen could also have been brought before it under the privilege and immunity clause.

Mr. President, I turn from historical works and the constitutional history of the United States and the Supreme Court of the United States in the history of the United States to a volume of the Supreme Court reports. I turn to the Civil Rights case, reported in One Hundred and Ninth United States Reports, October term, 1883, at page 11. For the benefit of those who may be interested, I will state that these cases are known as the Civil Rights cases. They were five in number, but were consolidated for the purposes of the opinion of the Court. I read first the Court's quotation from the fourteenth amendment:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

It is State action of a particular character that is prohibited—

Says the Court—

Individual invasion of individual rights is not the subject matter of the amendment.

That is the decision of the Supreme Court in 1883, a few years after the surrender at Appomattox and almost in the midst of reconstruction.

It has a deeper and a broader scope. It nullifies and makes void all State legislation and State action of every kind which impairs the privileges and immunities of citizens of the United States or which injures them in life, liberty, or property without due process of law, or which denies to any of them the equal protection of the laws. It not only does this, but, in order that the national will, thus declared, may not be a mere brutum fulmen, the last section of the amendment invests Congress with power to enforce it by appropriate legislation. To enforce what? To enforce the prohibition. To adopt appropriate legislation for correcting the effects of such prohibited State laws and State acts and thus to render them effectually null, void, and innocuous.

Where is there a State law, where is there a State act that denies to anybody in America due process of law or the equal protection of the law? And yet that is the excuse, that is the pretext upon which this bill is brought here. That could be its only justification, and that is why in the second section of the bill States are deemed, in the event a man is destroyed or injured by a mob, to have denied those rights. The authors of the bill undertake to write into the law what the Supreme Court of the United States declares cannot be written into it.

This is the legislative power conferred upon Congress, and this is the whole of it.

If it is the whole of it, all this bill is out of court.

It does not invest Congress with power to legislate upon subjects which are within the domain of State legislation—

Congress cannot legislate upon murder; it cannot legislate upon lynching; they are in the domain of State legislation—

but to provide modes of relief against State legislation, or State action, of the kind referred to. It does not authorize Congress to create a code of municipal law for the regulation of private rights, but to provide modes of redress against the operation of the State laws, and the action of State officers, executive or judicial, when these are subversive of the fundamental rights specified in the amendment. Positive rights and privileges are undoubtedly secured by the fourteenth amendment; but they are secured by way of prohibition against State laws and State proceedings affecting those rights and privileges, and by power given to Congress to legislate for the purpose of carrying such prohibition into effect; and such legislation must necessarily be predicated upon such supposed State laws or State proceedings, and be directed to the correction of their operation and effect. A quite full discussion of this aspect of the amendment may be found in *United States* v. *Cruikshank* (92 U. S. 542); *Virginia* v. *Rives* (100 U. S. 313; and Ex parte Virginia, 100 U. S. 339).

Mr. President, I should like to read a great deal more from this opinion. I desire to see if I can look through it and abbreviate the reading.

An apt illustration of this distinction may be found in some of the provisions of the original Constitution. Take the subject of contracts, for example. The Constitution prohibited the States from passing any law impairing the obligation of contracts. This did not give the Congress the power to provide laws for the general enforcement of contracts; nor power to invest the courts of the United States with jurisdiction over contracts, so as to enable parties to sue upon them in those courts.

And again:

And so in the present case, until some State law has been passed, or some State action through its officers or agents has been taken, adverse to the rights of citizens sought to be protected by the fourteenth amendment, no legislation of the United States under said amendment nor any proceeding under such legislation can be called into activity, for the prohibitions of the amendment are against State laws and acts done under State authority.

Mr. President, when a mob gathers and lynches a man that is not under any State law and that is not under any State authority.

Again:

An inspection of the law shows that it makes no reference whatever to any supposed or apprehended violation of the fourteenth amendment on the part of the States.

The present bill undertakes to constitute a violation of the fourteenth amendment by act of law, an arbitrary declaration of an irrebuttable presumption.

It proceeds ex directo to declare that certain acts committed by individuals shall be deemed offenses and shall be prosecuted and punished by proceedings in the courts of the United States. It does not profess to be corrective of any constitutional wrong committed by the States; it does not make its operation to depend upon any such wrong committed. It applies equally to cases arising in the States which have the justest laws respecting the personal rights of citizens, and whose authorities are ever ready to enforce such laws, as to those which arise in States that may have violated the prohibition of the amendment. In other words, it steps into the domain of local jurisprudence and lays down rules for the conduct of individuals in society toward each other, and imposes sanctions for the enforcement of those rules, without referring in any manner to any supposed action of the State or its authorities.

And again:

These sections in the objectionable features before referred to are different always from the law ordinarily called the "civil-rights bill", originally passed April 9, 1866 (14 Stat. 27, ch. 31), and reenacted with some modifications in sections 16, 17, and 18 of the Enforcement Act passed May 31, 1870 (16 Stat. 140, ch. 114). That law, as reenacted, after declaring that all persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and none other, any law, statute, ordinance, regulation, or custom to the contrary notwithstanding, proceeds to enact that any person who, under color of any law, statute, ordinance, regulation, or custom, shall subject, or cause to be subjected, any inhabitant of any State or Territory to the deprivation of any rights secured or protected by the preceding section (above quoted), or to different punishment, pains, or penalties, on account of such person being an alien, or by reason of his color or race, than is described for the punishment of citizens, shall be deemed guilty of a misdemeanor, and subject to fine and imprisonment as specified in the act. This law is clearly corrective in its character, intended to counteract and furnish redress against State laws and proceedings, and customs having the force of law, which sanction the wrongful acts specified.

In the Revised Statutes, it is true, a very important clause, to wit, the words "any law, statute, ordinance, regulation, or custom to the contrary notwithstanding", which gave the declaratory section its point and effect are omitted; but the penal part, by which the declaration is enforced, and which is really the effective part of the law, retains the reference to State laws, by making the penalty apply only to those who would subject parties to a deprivation of their rights under color of any statute, ordinance, custom, etc., of any State or Territory, thus preserving the corrective character of the legislation.

The distinction is perfectly clear. The fourteenth amendment relates to the States and their formal action. The State acts only by authority of law and by its ministerial officers executing the law.

The distinction is perfectly clear. The fourteenth amendment relates to the States in their formal action. The State

acts only by the authority of law and by its ministerial officers executing the law.

But here it is proposed that upon a mob breaking loose in a State we may tear down the Constitution, overrule these decisions, and bring into the jurisdiction of a sovereign State the power of the Federal Government.

In this connection it is proper to state that civil rights, such as are guaranteed by the Constitution against State aggression, cannot be impaired by the wrongful acts of individuals, unsupported by State authority in the shape of laws, customs, or judicial or executive proceeding. The wrongful act of an individual, unsupported by any such authority, is simply a private wrong, or a crime of that individual—

Yet the bill proposes to put a penalty upon all the people in a county because three individuals interfere with the rights of another individual—

an invasion of the rights of the injured party, it is true, whether they affect his person, his property, or his reputation; but if not sanctioned in some way by the State, or not done under State authority, his rights remain in full force, and may presumably be vindicated by resort to the laws of the State for redress. An individual cannot deprive a man of his right to vote, to hold property, to buy and sell, to sue in the courts, or to be a witness or a juror; he may, by force or fraud, interfere with the enjoyment of the right in a particular case; he may commit an assault against the person, or commit murder, or use ruffian violence at the polls, or slander the good name of a fellow citizen; but, unless protected in these wrongful acts by some shield of State law or State authority, he cannot destroy or injure the right.

Nothing could be clearer than the distinction between the doctrine of the courts with regard to the acts of the States, and the doctrine regarding the acts of a mob as written in the language of the proposed legislation:

Hence, in all those cases where the Constitution seeks to protect the rights of the citizen against discriminative and unjust laws of the State by prohibiting such laws, it is not individual offenses, but abrogation and denial of rights, which it denounces, and for which it clothes the Congress with power to provide a remedy. This abrogation and denial of rights, for which the States alone were or could be responsible, was the great seminal and fundamental wrong which was intended to be remedied. And the remedy to be provided must necessarily be predicated upon that wrong. It must assume that in the cases provided for, the evil or wrong actually committed rests upon some State law or State authority for its execution and perpetration.

I shall take no further time reading this historical opinion of our great court. I shall content myself by saying that the Slaughter House cases and the Civil Rights cases, which involved the thirteenth, fourteenth, and fifteenth amendments, up until now have been regarded as having determined once and for all the relation of the States to the Federal Union under these amendments.

The war settled the question of slavery. There were those on the Federal side who said that those on the Confederate side were fighting to perpetuate the institution of slavery. Those on the Confederate side, I will say with my latest breath, justly said they were fighting to preserve the rights of the States of the American Union. The question of slavery was merely the match which set off the explosion of war. The war determined the question of slavery probably a little sooner than it otherwise would have been determined. But after the war was over there still remained to be settled the question of State rights.

I have read today the testimony from the highest Court in the land, the ultimate authority, that although the question of State rights seemed to go down with the surrender at Appomattox, it still lives in the hearts of the American people, North and South. It was drawing its life and its sustenance from the Federal Constitution, which our fathers wrought 145 years ago, and at length, as the clouds of civil conflict were rolling from this land, never again to return, I hope and pray, the Supreme Court of the Federal Union determined that State rights had not in any degree been impaired. The South lost the war, but the American spirit preserved State rights.

We lost the war. Our fathers preserved our rights. It remains for us here today to preserve the heritage which they handed down to us.

Mr. President, I have finished for the time. I am going to yield to the Senator from Kansas [Mr. CAPPER] in a moment, but before doing so I wish to say just a word or two further. I was reading the address of my honored friend the junior Senator from the State of New York [Mr. WAGNER] on this subject——

Mr. BANKHEAD. Mr. President, I suggest the absence of a quorum. If we are going to carry on the debate, we ought to have more of an attendance or else take a recess. Therefore I suggest the absence of a quorum.

Mr. BAILEY. Mr. President, will the Senator permit me to finish just the one thought before that is done?

Mr. BANKHEAD. Very well; I withdraw the suggestion.

Mr. BAILEY. I said I was reading the address of my honored friend the distinguished and able junior Senator from the State of New York [Mr. WAGNER], and I came upon these words:

Far from depriving the States of their obligations and power to preserve order, it (the bill) gives them added incentive to do their duty.

We need no incentive to do our duty! Holding in trust for my State all that a United States Senator can hold in the National Council, what can a Senator say when a fellow Senator introduces a bill and tells me that the bill is an incentive to my Commonwealth to do its duty? Mr. President, it is best that I should say nothing! Is it possible that we have reached the hour in America when it is proposed to ride us with whip and spur? Is that to be the incentive to a State to do its duty? If so, I want to be there when they saddle the nag!

Mr. CAPPER. Mr. President——

Mr. BAILEY. I yield to the Senator from Kansas.

Mr. CAPPER. It seems to me the pending measure, Senate bill 24, must appeal to and command the support of every Member of the Senate who believes in law and order.

I am not going to take the time of the Senate to recite the great volume of statistics which tells the story of the prevalance of lynching in this country. That information already has been laid before the Senate. Everyone knows that this blot on our civilization, lynch law, is far too prevalent in the North as well as in the South, and neither its victims nor its executioners are confined to any one race.

Neither am I going into a gruesome relation of stories of mob murders. Suffice it to say that the details of cruelty and barbarity, of savagery and bloodthirst, as related from time to time in newspapers and magazines and by word of mouth, stagger the imagination. That such scenes are enacted in enlightened America is a sinister blot on our boasted civilization.

I do desire, however, to call attention to the fact that persistent propaganda calculated to make it appear that rape is practically the sole cause or excuse for lynching and that Negroes are lynched only for crimes against white women is not true. Men are tortured, maimed, killed for minor crimes; all too frequently for imaginary offenses.

Every such mob crime weakens the moral fiber of the people who participate and many of those not actually participants and tends to the substitution of mob law for statute law.

Surely no one needs to argue the injustice, the danger, the shame of lynching. That much is conceded. Lynching works a gross injustice, because the accused is denied the fundamental and constitutional trial by due process of law. This injustice operates most generally against our colored citizens. Will anyone deny that, as a race, these are good and loyal citizens? Has this race ever been lacking in loyalty to our country and our flag? Will not its record, in peace and in war, compare very favorably with any other class of our population? Does not the splendid force of 400,000 Negroes in the Military Establishment of the United States during the World War speak with sufficient emphasis of their valor, of their devotion to their country?

By what process of reasoning can anyone justify the people of this race being denied the constitutional right to trial by jury when accused of crime? There can be only one answer to that question.

Lynching is not only a monstrous injustice to those persons lynched and to the group against which it is chiefly

practiced; it also is a danger and a menace to orderly government in the United States.

Moreover, it is a shame and a humiliation and a disgrace to the name of America among the nations of the world; it holds up to scorn, it sets at naught our protestations about democracy, justice, equality before the law. It cannot be tolerated for long if our Republic is to endure.

I do not know that this measure, enacted into law, will bring an end to this barbaric hangover from the Dark Ages. I do believe it will go far toward curbing lynchings and bringing about orderly government by law; and we should do everything in our power to bring this about.

One of the chief talking points urged against this measure is the question of its constitutionality. I am not disturbed by that question. To my mind, it has been very ably disposed of by previous speakers supporting the proposed legislation. To those worrying about the alleged unconstitutionality of the bill I suggest that it is the duty of the courts to pass on the constitutionality of legislation enacted by Congress. If this measure is unconstitutional, its opponents need not worry about its ever becoming the permanent law of the land; the courts will take care of that by promptly setting the act aside.

Mr. President, I can see no reason for a prolonged argument in support of this measure. Its purposes are so laudable, its motives so much in the interest of humanity, its need so manifest, that I cannot understand why anyone should oppose its passage. I intend to vote for the measure if given the opportunity. It is a matter of regret to me that apparently we are not to be allowed a vote on the proposed legislation today.

Mr. President, I ask unanimous consent to include in the RECORD as a part of my remarks an able and forceful editorial from the Washington Daily News of today.

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

[From the Washington Daily News of Apr. 26, 1935]

NOT DIXIE'S VOICE

A small group of southern Senators threaten to filibuster the Costigan-Wagner antilynching bill just as a similar group killed the Dyer bill 12 years ago.

They may succeed. But if they do the country should know that their specious pleas in behalf of State rights or chivalry do not echo the sentiments of the whole South.

Organizations representing some 42,000,000 Americans urge passage of this bill. How much of this support comes from south of the Mason-Dixon line may be judged from its approval by many of Dixie's leading papers.

"Its (the Costigan-Wagner bill's) invasion of State rights should cause no southern heartburning", says the Norfolk (Va.) Virginian-Pilot. "There is no such thing, morally speaking, as a reserved right to deal in our own way with a form of collective murder which our own way has uniformly failed to punish."

"It may be", says the Newport News (Va.) Press, "that the antilynching bill will not be adopted by the Congress now in session. But if it is not, and lynchings do not stop, it will be adopted by some other Congress; in fact, must be adopted if the machinery of justice is to function."

"Apparently", says the Macon (Ga.) Telegraph, "the mere threat of the Federal antilynching bill has a wholesome effect, and the time has come when even the South would vote for such a bill."

Southern women, too, have been quick to resent Senator SMITH'S quaint argument that "lynchings are necessary for womanhood's protection." Scores of letters, telegrams, and resolutions from southern women's religious, welfare, and club organizations have repudiated the preposterous claim that the South's law is helpless to protect the South's women.

Proponents of this measure claim 59 Senate votes from all over the country and a big majority in the House. Only 20 Senators are called irreconcilables. It is neither just nor gallant of them to filibuster against this popular national movement.

Mr. BAILEY. Mr. President——

Mr. COSTIGAN. Mr. President, I thought the Senator had yielded the floor.

Mr. BAILEY. No; I stated before concluding for the time that I would yield to the Senator from Kansas [Mr. CAPPER] at his request. I had also agreed to yield to the Senator from Oregon [Mr. STEIWER]. I rather think it is my duty now to yield to him; so I yield to the Senator from Oregon.

Mr. STEIWER. I thank the Senator. Does the Senator from Colorado wish me to yield to him?

Mr. COSTIGAN. Mr. President, will the Senator yield to me in order that I may place in the RECORD some telegrams and newspaper articles?

Mr. STEIWER. I am glad to yield for that purpose.

Mr. COSTIGAN. I ask unanimous consent to have placed in the RECORD a number of telegrams received by me today, strongly urging the passage of the present legislation and expressing the hope that no filibuster will be allowed to succeed; also an editorial attributed to the New Orleans (La.) Item of April 3, 1935; also an article in this morning's Washington Post, under caption of the Associated Press, stating that the Interracial Commission meeting in Atlanta, Ga., composed of 50 members from 11 States, at its seventeenth annual gathering, came out for the first time yesterday in favor of a Federal law against lynching.

The PRESIDING OFFICER (Mr. SMITH in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

PHILADELPHIA, PA., *April 26, 1935.*

Senator EDWARD P. COSTIGAN:

I desire to record with you at this time my deep appreciation of your efforts in behalf of antilynching legislation in the Congress. Although myself not a member of the minority group most victimized by this form of oppression, it seems to me it ought to be clear to all who are not yet ready to abandon our democratic form of government that this Nation's duty to stamp out the lynching custom is, of all its important duties, one of the most pressing and imperative. While the struggle to enact an antilynching statute is fought with great emotional excitement, I submit that you and the other friends of this worthy cause can afford to stand your ground without flinching, convinced of the ultimate success of any cause that is noble, just, and fundamentally sound, even if temporarily unpopular.

HENRY CATER PATTERSON.

CHICAGO, ILL., *April 26, 1935.*

Senator EDWARD P. COSTIGAN,
United States Senate:

The 53 newspapers serviced by this organization urgently request you to resist filibuster and stand firm for passage for antilynch bill.

INTERNATIONAL PRESS SERVICE,
PERRY C. THOMPSON, *Director.*

BALTIMORE, MD., *April 26, 1935.*

Senator EDWARD P. COSTIGAN,
Senate Office Building:

I hope you will insist on consideration of the Costigan-Wagner bill and not allow it to be blocked by any minority group.

ASBURY SMITH, *Chairman,*
MARYLAND ANTILYNCHING FEDERATION.

JACKSONVILLE, FLA., *April 26, 1935.*

Senator EDWARD P. COSTIGAN,
The Senate:

As chairman of public affairs for Florida for national Y. W. C. A. and representing hundreds of Y. W. C. A. members, I urge the passage of the Costigan-Wagner antilynching bill.

MRS. WALTER S. JONES.

NEW YORK, N. Y.

Senator EDWARD P. COSTIGAN,
Senate Office Building, Washington, D. C.:

Strongly commend you and Senator WAGNER in determination to bring antilynching bill to vote. Trust all friends of bill will resist efforts to adjourn, rather than recess today.

KATHERINE GARDNER, *Secretary.*
CHURCH WOMEN'S COMMITTEE,
FEDERAL COUNCIL OF CHURCHES.

PHILADELPHIA, PA., *April 26, 1935.*

Senator EDWARD P. COSTIGAN:

We urge passage of antilynching bill to wipe out barbarism; to promote justice.

THE PRINCIPAL AND FACULTY,
HILL SCHOOL, GERMANTOWN.

PHILADELPHIA, PA., *April 25, 1935.*

Senator EDWARD COSTIGAN,
United States Senate, Washington, D. C.:

Am 100 percent back of Wagner-Costigan bill. Do not surrender to filibuster.

F. BECKER,
Representing Young People's Christian Endeavor.

PHILADELPHIA, PA., *April 25, 1935.*

Hon. EDWARD COSTIGAN,
Senate Office Building, Washington, D. C.:

Pennsylvania Branch Women's International League hopes all possible efforts will be made to break filibuster and push anti-lynching bill through to success. We wish to give you every support in your excellent work.

EMILY COOPER JOHNSON,
Chairman.

PHILADELPHIA, PA., *April 25, 1935.*

EDWARD COSTIGAN,
United States Senator, Washington, D. C.:

The Young People's Fellowship of St. Thomas Church is behind you. Fight hard to break the filibuster. Don't be discouraged. We are hoping for success. Fight against adjournment. Here's luck. Seventy-five of us are behind you; we must win. Phi Omega Tau Fraternity is with us.

JOSEPH E. BRINKLEY,
President.

PHILADELPHIA, PA., *April 25, 1935.*

Senator EDWARD P. COSTIGAN,
Washington, D. C.:

Urge you not to surrender to filibuster. We ask you to use all your influence to prevent the side-tracking of the Costigan-Wagner bill. Our group is backing the bill and we have confidence in you.

GEO. DEVINE,
Young People of the Reformed Church in Philadelphia.

PHILADELPHIA, PA., *April 26, 1935.*

Senator EDWARD P. COSTIGAN,
Senate Office Building:

Understand over 50 Senators favor Costigan-Wagner antilynching bill. As editor Friends Intelligencer, organ Society of Friends, urge you break filibuster and call for record vote.

S. C. YERKES.

PHILADELPHIA, PA., *April 26, 1935.*

Senator EDWARD COSTIGAN,
Senate Office Building:

Encourage efforts for antilynching bill. Stop filibuster. Watching and praying.

ETHEL RHOADS POTTS,
Member Society Friends.

PHILADELPHIA, PA., *April 25, 1935.*

Hon. EDWARD COSTIGAN,
Senate, Washington, D. C.:

Trust that friends of the Costigan-Wagner bill will not allow any surrender to filibuster. Know you will use all your influence. Important to avoid adjournment. Our group more than interested in attitude of Senators. Power to you.

TIOGA PEACE GROUP,
KATHRYN PATTERSON, *Chairman.*

PHILADELPHIA, PA., *April 25, 1935.*

Senator COSTIGAN,
Washington, D. C.:

We wish to commend the passage on the floor of the Costigan-Wagner bill, and urge in the name of all that is righteous that you do all in your power to stop all filibustering that might influence the retraction of said bill.

THE ENTIRE DELAWARE YOUTH CONFERENCE.

PHILADELPHIA, PA., *April 25, 1935.*

Senator EDWARD COSTIGAN,
United States Senate, Washington, D. C.:

We members of the Methodist youth conference of Philadelphia area urge all continued efforts to avoid adjournment while pushing Costigan-Wagner antilynching bill. Interested in support by all Senators. All success to you.

JACK LAMPING,
President Philadelphia Methodist Youth Conference, Membership 500.

PHILADELPHIA, PA., *April 25, 1935.*

EDWARD COSTIGAN,
United States Senate Office Building, Washington, D. C.:

Strongly in back of Costigan-Wagner bill. Anxiously watching stand of the Senators. All power behind you.

MARY COOPER,
Baptist Young Peoples Union.

PHILADELPHIA, PA., *April 25, 1935.*

Hon. EDWARD COSTIGAN,
Senate, Washington, D. C.:

Trust that friends of the Costigan-Wagner bill will not allow any surrender to filibuster. Know you will use all your influence to prevent. Important to avoid adjournment. More than interested in attitude of Senators.

DOROTHY BRADBURY.

PHILADELPHIA, PA., *April 25, 1935.*

Senator EDWARD P. COSTIGAN,
United States Senate, Washington, D. C.:

As president of District Sunday School Union of Philadelphia, representing 75 schools, with a membership of 10,000, urge you not surrender to filibuster; bring bill to vote. Confident you will use every effort to get bill passed.

EUSTACE GRAY.

PHILADELPHIA, PA., *April 25, 1935.*

Hon. EDWARD COSTIGAN,
Senate, Washington, D. C.:

Trust that friends of the Costigan-Wagner bill will not allow any surrender to filibuster.

FLORENCE EVANS.

WASHINGTON, D. C., *April 25, 1935.*

Senator EDWARD P. COSTIGAN,
Senate Office Building, Washington, D. C.:

I wish to thank you and Senator WAGNER for the fine work you have done to kill the filibuster. May God help you to pass this bill that will wipe out the most regrettable blot on American civilization.

Director GEORGIA A. COLEMAN,
Member of Women's Political Study Club.

PHILADELPHIA, PA., *April 25, 1935.*

Senator EDWARD COSTIGAN,
United States Senate, Washington, D. C.:

Do not surrender to filibuster on Costigan-Wagner bill. I represent the race relations committee of the Philadelphia Young Friends movement. We are watching the bill.

EMMA SIDLE.

PHILADELPHIA, PA., *April 25, 1935.*

Senator EDWARD COSTIGAN,
Senate Office Building, Washington, D. C.:

Please don't submit the Costigan-Wagner bill to filibuster; use all your influence to push this bill through. It is one of the most important bills this year; to us the most important.

BETTY CRAMER,
Representative of Philadelphia Inter-Collegiate Club.

MOORESTOWN, N. J., *April 26, 1935.*

Senator COSTIGAN,
Senate Office Building:

Don't let filibuster or adjournment prevent passage antilynching bill.

ELEANOR WILDMAN.
CAROLYN JOHN.

PHILADELPHIA, PA., *April 25, 1935.*

Senator EDWARD COSTIGAN,
United States Senate, Washington, D. C.:

Don't let the filibuster defeat the Costigan-Wagner bill. The young peoples' city-wide forum group of 300 young people.

RANDOLPH BAYLOR, JR.

WASHINGTON, D. C., *April 26, 1935.*

Hon. EDWARD J. COSTIGAN:

The Washington Federation of Churches heartily commends your faithful work and that of Senator WAGNER in behalf of the antilynching bill. We hope you will resist all efforts to prevent it from coming to a vote and wish you ultimate success.

W. L. DARBY, *Secretary.*

[From the New Orleans (La.) Item of Apr. 3, 1935]

LYNCHING AND PUBLIC?

The New Orleans Ministerial Union endorses the Costigan-Wagner lynching bill. Clergy elsewhere in the South have endorsed it, and other southern organizations have called for the bill's passage in sufficient numbers to make a respectable showing for the orderly and humane elements of the South's population.

A conviction persists in other parts that a majority of the countryfolk of the South approves of lynching and will make short work of any Congressman who dares to interfere with it as an "institution." A good deal of evidence exists that much of this rural barbarism is mythical. The news for several years has abounded in stories of village constables and private citizens who have defied and outwitted mobs and foiled lynching bees.

If lynching were held as sacred in the country districts as some timorous Congressmen believe it is, some or all of these constables, clergymen, and private citizens would have been run out of their communities. Perhaps an occasional reprisal of this kind can be cited, but if it were the common practice practically nobody would dare defy lynch mobs.

[From the Washington Post of Apr. 26, 1935]

ATLANTA, April 25.—A call for a Federal antilynch law came from the Interracial Commission here today.

Composed of 50 members from 11 States, the commission in its seventeenth annual meeting came out for a Federal law against lynching for the first time. The organization expressed itself as "disappointed" by the record of State and local officials in lynching cases.

The commission also gave its endorsement to the Bankhead farm-tenant bill now pending in Congress.

Mr. COSTIGAN. Mr. President, I also desire to insert in the RECORD a telegram received this afternoon from Mr. W. W. Alexander, recently, I am advised, elected president of Dillard University, of New Orleans, La., in which references are made to the membership of the Interracial Committee, and the resolution adopted yesterday is detailed. The telegram is not long, and I ask unanimous consent to have it read at the desk.

The PRESIDING OFFICER (Mr. CLARK in the chair). Without objection, the telegram will be read.

The Chief Clerk read as follows:

ATLANTA, GA., *April 26, 1935.*

Hon. EDWARD P. COSTIGAN,
United States Senator:

Membership of the Commission on Interracial Cooperation comprises 130 representative citizens, educators, ministers, editors, business men, leaders of women's organizations of 13 Southern States. Affiliated are State and local interracial committees with aggregate membership running into thousands. Following is the statement unanimously adopted yesterday by the commission in annual session at Atlanta: "Hitherto the commission has taken no position relative to Federal antilynching legislation. We were agreed that the primary responsibility for the prevention and punishment of lynching rested upon State officials and courts, and that in the last analysis public opinion was largely the determining factor. Consequently, the commission from its inception has worked continuously along these lines, seeking special antilynching legislation in a number of States; urging vigorous preventive measures when lynchings were threatened; asking effective court action against the members of mobs; and, at the same time, seeking through all possible avenues of publicity and education to build up a public opinion that would no longer tolerate crimes of this character. Lynching records of the last 15 years indicate progress along the line of prevention. Officers generally are more vigilant than formerly in the protection of prisoners, thereby reducing the lynching toll. Meantime intelligent public opinion is practically unanimous in condemnation of mob violence. On the contrary, with rare exceptions, attempts at prosecution in lynching cases continue to be futile. In nearly every case the community hysteria which gives rise to a lynching makes impossible any effective court action against the perpetrators of the crime. Consequently, in not 1 case in 10 is an effective effort made by the authorities to identify and prosecute the members of lynching mobs. Even in the rare cases in which such efforts have been made, indictments have seldom been obtained, and convictions have usually proved impossible. Disappointed by this record of impotence on the part of State and local officials, the commission has reluctantly been forced to the conclusion that little is to be expected from this source, at least in the immediate future, and that an appeal to the Federal courts in such cases is justified and demanded by the conditions. The commission favors, therefore, the enactment of Federal legislation to this end, in the hope that Federal agents and courts would be in better position to act fearlessly and effectively in the prosecution of participants in the crime of lynching."

WILL W. ALEXANDER.

Mr. SMITH. Mr. President, I wish to request the Senator from Colorado to try to obtain information as to the names, residences, and occupations of the "patriots" who sent this telegram. I should be obliged to him if he would do that.

Mr. COSTIGAN. Mr. President, in answer to the Senator from South Carolina I will say that during the day I have made an effort to obtain precisely what he requests, and I have received information giving names of a number of prominent people who are reported connected with the association to which he refers.

Mr. SMITH. I do not ask the Senator to read them, but to have them put into the RECORD.

Mr. COSTIGAN. I shall take pleasure in doing so. The public will likewise be interested in the names.

Mr. SMITH. I shall be glad if the Senator will put them in the RECORD.

Mr. COSTIGAN. I ask unanimous consent to have the names printed in the RECORD.

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

The matter referred to is as follows:

NAMES OF A NUMBER OF CITIZENS REPORTED ACTIVELY INTERESTED IN THE WORK OF THE COMMISSION ON INTERRACIAL COOPERATION

E. McNeill Poteat, Jr., president (said to be a young southern minister of distinguished family connections; was elected, it is reported, in 1934).

Mrs. Mary McLeod Bethune (colored), first vice president, president Bethune-Cookman Institute.

Mrs. W. A. Newell, second vice president.

John H. King, third vice president.

Emily H. Clay, secretary.

J. Sherrard Kennedy, treasurer.

Will W. Alexander, executive director (elected president Dillard University, New Orleans, La.).

R. B. Eleazar, educational director.

Mrs. Jessie Daniel Ames, director of woman's work.

RECIPROCAL-TARIFF AGREEMENTS

Mr. STEIWER. Mr. President, on June 12, 1934, Congress enacted an amendment to the Tariff Act of 1930. The amended act is commonly called the Trade Agreements Act. Pursuant to its provisions the Executive, acting largely through the Department of State, has attempted to negotiate a number of treaties, and has in fact negotiated four so-called "trade agreements". These four agreements are with Cuba, Brazil, Belgium, and Haiti.

These agreements are not important in the sense that they affect to a substantial degree the whole schedule of duties, nor in the sense that they affect on a large scale the total volume of commerce of the country. They are important chiefly in that they reveal the processes by which this program is to be carried out and the Trade Agreements Act is to be administered.

I shall attempt presently to describe as best I am able to describe these processes, and to exhibit to the Senate the system which is resorted to by the executive branch of our Government in bringing into being the trade agreements.

First, I wish to call attention to a series of letters, which I will later ask to have printed in the RECORD as part of my remarks.

The letters to which I refer consist of the following:

A letter written by me to the President under date of March 18.

A subsequent letter upon the same subject written to the Secretary of State.

The President's answer to my letter of March 18, under date of April 8.

My letter to the Secretary of State, of date April 8, and the Secretary's answer, which is dated April 16.

I shall send these letters to the desk after I shall have proceeded further with my statement.

These letters on my part seek to raise the question of the propriety of the system which is resorted to in the negotiation of these treaties. The letter of the President, evidently written in the office of the Secretary of State but signed by the President under date of April 8, 1935, is in the nature of a defense of the present procedure.

Senators who have had some contact with the State Department and with the other agencies of Government in connection with the tariff-treaty negotiations know that the system, in substance, is something like this:

A "public notice" is given. This notice is a mere press release. It comes from the Department of State. It is to the effect, in brief, that a treaty is to be negotiated with an identified nation. It fixes a date for interested persons to be heard, and directs the nature of the hearing or the showing which may be made.

The showing is not made, however, before the Department of State. One of the significant phases to be considered in studying the sufficiency of this system is the fact that the showing made by American producers is not made before those who are conducting the negotiations. It is made before a committee called the "Committee for Reciprocity Information." This committee has no authority, it claims no authority, and it exercises no duties at all with respect to the negotiation of the treaty. The committee sits in formal session, and permits those who are interested, upon application, to appear before the committee, to file briefs, and to make verbal statements in which and through which they may either support the treaty or may object to the making of the treaty, or they may speak in defense of their own industry and resist reductions in the duties in which they are interested.

The committee, I am told, announces at each of these hearings that it has no part in the negotiation of the treaty. It

advises those who are interested that the briefs filed and the oral statements made will be transmitted to the agencies which in fact conduct the negotiations.

The committee on reciprocity information, in some cases, at least, if not in all cases, makes an outline or summary of the evidence. That summary is also transmitted to the agency which is negotiating the treaty.

The group which has to do with the making of the treaty is a group which we may call, for convenience, the "trade agreements committee." Concerning this group I am not able to inform the Senate accurately, and the reason I am not able to inform the Senate accurately is that the committee is a variable committee. There is some difficulty in ascertaining the membership of the committee. It is said frankly at the State Department that the committee changes from time to time. It varies as between different treaty negotiations, and I believe it is accurate to say that it even varies in respect to the study of different commodities which are under consideration in the making of one treaty.

One of the letters which I should like to have printed contains an interesting statement over the signature of the President. The statement is to this effect, and I read from the President's letter of April 8, as follows:

> In addition to the trade agreements committee, a number of special or technical interdepartmental committees have been set up to facilitate the full consideration of important trade-agreement matters.

My office was advised that as a matter of fact there is no standing trade agreements committee. Some of those who have been interested in presenting the viewpoint of American producers to the Department of State, and to others who are charged with administration of the act, had asserted to me that there was in fact no committee, and that if such a committee existed, its personnel was confidential; that there was no way to identify the people who made up the committee.

I accordingly wrote a letter to the Secretary of State in which I asked him for his advice concerning the personnel of the committee or group directly in charge of the negotiation of the reciprocal trade agreements. From the Secretary I have an answer under date of April 16, and from that answer I read:

> The actual negotiations with representatives of foreign governments are conducted by officers of this Department, with the assistance of representatives of other departments, and on the basis of information and advice supplied by the interdepartmental organization and by nongovernmental interests through the Committee for Reciprocity Information.
>
> The personnel of the group participating in the actual negotiations varies for each agreement. However, Mr. Henry F. Grady, Chief of our Trade Agreement Section; Assistant Secretary of State Sayre; and, in the case of Latin American countries, Assistant Secretary of State Welles, as well as Under Secretary of State Phillips and myself, participate in or keep closely in touch with all negotiations.

Taking this statement at its full face, as, of course, we would all desire to do, it would seem that those who have said that this committee is variable are entitled to make that statement. The Secretary, it will be noted, does not assert that Dr. Grady or Mr. Sayre or the others whose names I mentioned are in fact members of the committee. He does assert that these gentlemen whom he names, as well as the Secretary himself, "participate in or keep closely in touch with all negotiations."

The result of my inquiry, made formally to the Secretary, and informally to members of his staff, and the information I have gathered through others who have attempted to arrive at a conclusion concerning the identity of this organization, is that this committee for trade agreements, if there be such a committee, is a variable committee, the membership of which is not publicly known. It advises with or is advised by the people on the staff or in the office of the Secretary of State. In the Department there are a number of economists who make studies of trade questions.

There has been no announcement by the State Department concerning the names of advisers to the State Department or to the trade agreements committee in reaching conclusions concerning proposed reductions of tariffs or other concessions to be made as a part of these international trade agreements. I am not prepared to state the reason why so much secrecy surrounds the make-up of this committee; nor am I prepared to advise the Senate either the reason or the necessity for the secrecy of the negotiations which are carried on by the committee on behalf of our Government in dealing with the representatives of the other governments which may be involved. I merely state the fact.

It is obvious to those who give even a moment's reflection to a system of this kind that very serious defects may creep into it. It is obvious, I think, that every care should be taken, and I imagine that the President believes that every care is taken in order to safeguard American interests when they are placed in jeopardy by secret and confidential negotiations of this kind.

I want to note three defects in the system which I think ought to be corrected. The first is that the committee on reciprocity information stands rather as a barrier to all American interests and to all Americans. In my letter to the President I characterized it as a "buffer" committee. That may not be a fair characterization, but as a matter of practical administration American interests are apt to regard it as a buffer committee because it is to that committee and to that committee alone that American interests are permitted to address their case.

After their case has been submitted to this committee on reciprocity information, American interests are obliged, in a practical sense, to withdraw from further participation in the matter. They know that their briefs and oral arguments reduced to writing will be transmitted to some other person or group of persons, and that this other group, in part known and in part unknown, may or may not give the consideration to the arguments made to which the American interests may think their arguments are entitled.

It is a little like trying a lawsuit in a court which appoints a referee or a master in chancery, and where the court might say to a party litigant, "Both interests may appear before this referee, or before this master in chancery. One side may argue its case there and not be heard further, but the other litigant will be permitted to carry his case to the court that is to make the determination and argue it there."

It seems to me most unfortunate, Mr. President, that in this disparity between interests which are involved the American interest should be afforded the least advantage and that the foreign interest should be afforded the greatest advantage, as is the case, because the foreign interests, through their representatives, go straight to our State Department and deal, it is believed, with the committee which has the full responsibility and which negotiates the treaty. I say it is unfortunate that the American interests should not be on a basis of parity with foreign interests which are seeking our market, a market which they recognize as the greatest and most profitable market on earth.

There is a disparity between the American interests and the foreign interests on the question of knowledge. It is most certain that those who are negotiating with the agents of our State Department will learn, as they proceed, something of the questions in the minds of the American representatives. They will learn of the economic theories entertained by them and the reasoning upon which the American agents are seeking to gain an advantage in the trade treaties. They therefore acquire a knowledge of the kind or type of argument which must be offered. It is a knowledge which they gain from their contact with our State Department, but it is a knowledge which is denied to the American interests, who are obliged to appear before the committee on reciprocity information without knowing the economic theories entertained in the State Department or the particular arguments which are there being presented to secure reduction of a duty upon a commodity which some foreign group desires to ship into our country.

The second of the objections we make to this system grows out of the fact that there is no obligation on the State Department to advise American interests concerning the identity of the articles or commodities which are to be con-

sidered in making treaties. The State Department does not advise the American interests, save in a very general way, and I believe the State Department feels itself under no obligation to give any advices at all. Those conducting the negotiations, of course, in the very nature of things learn before the negotiations proceed very far just exactly what is involved in the discussion, because they themselves suggest the identity of the commodities, and the identity of the tariffs and duties and the classifications which they would seek to change to their advantage in the trade agreements. In connection with all four of the treaties heretofore executed, no information has been furnished to American interests of the type which would enable them to stand upon a parity with the foreign interests in the matter of presenting their case against proposals to cut down duties and to facilitate bringing in foreign articles.

Mr. President, if the commodities to be considered in the treaty are not known, it follows that the industries which are affected by the treaty are not known. An entire industry might rely, for one reason or another, upon a belief that its commodity was not to be affected; and yet, if it should turn out that that commodity was affected in the making of the treaty, the entire industry would have been misled, possibly to its very great injury.

The third of the defects in or objections to this system, in my opinion, is the inadequacy of the "public notice."

These notices do not receive conspicuous attention of the press. I have no doubt that there are literally countless people who are interested in tariff rates who in fact do not see the notices, and who have no information at all concerning the purpose of the State Department, or of its unidentified committee, in conducting the tariff negotiations, and certainly no notice at all that the particular commodity in which they may be interested will be affected by those negotiations.

The fact that there is no identification of the products involved creates a situation whereby it is literally impossible for these groups to be aware of the nature of the proceedings.

The President's letter to me, to which I made reference earlier in these remarks, implies that the people interested know where their competition is coming from, and that their particular commodity may be drawn into the controversy; but I submit to the Senate that a general notice merely identifying the country with which the proceedings are to be had is not a sufficient prompting as to the need to be on the defensive. Import statistics are not available by countries of origin for a very considerable number of the commodities on which duties have been reduced in the agreements which have been completed. In the Belgian agreement the language of 11 paragraphs was rewritten to provide for concessions on a part of the imports covered by a broader classification. In a case like this it is utterly impossible for interested persons to anticipate the need of presenting their side of the controversy.

The law under which these agreements are to be negotiated—that is, the trade-agreement law—and the rules which are to be promulgated by the State Department do not give a single specific statement as to the type of evidence that is desired from the interested parties. Nor do these authorities give a single specific test as to what conditions of fact warrant a reduction of duty. This lack of information or guiding principle makes it absolutely impossible for a majority of those who testify, or who might testify if they were informed, to appear and present their affidavits and to address themselves properly to the significant questions which may be involved. Everyone knows innumerable arguments are offered on both sides of any tariff question. Some of these arguments are apparently completely unconvincing to one person, although they may be entirely convincing to another. Some of the arguments may be convincing to the persons who are conducting the negotiations; yet there is no way by which the American producers can tell which of these propositions are regarded as important and which are regarded as unimportant.

In this respect, again, the American is at a disadvantage with the foreigner, because the foreigner, by reason of his close relationship in conducting the negotiations, learns of the economic theory in the mind of the American agents and has in his possession facts which the American producer cannot acquire. Therefore, the foreigner deals advisedly, with the knowledge of the type of argument which is weighing heavily with our executive department, whereas the American deals blindly, in the dark, and without knowledge at all, as to the character or type of evidence which might be made effective if the American producer could but know in advance what that evidence is.

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

Mr. STEIWER. I yield.

Mr. WHITE. I take it there is no doubt that when the foreign representative comes to our State Department to make his representations he at least knows what he is asking for in behalf of his own country.

Mr. STEIWER. Of course, Mr. President, he knows that; and the discussion develops the kind of reception which is accorded to his suggestion, and if he is as able as we assume him to be he soon learns what type of argument is necessary to overcome the reluctance of our representatives.

Mr. WHITE. He knows not only what he is asking for, but presumably he gets some suggestion as to what our representatives are asking for in return.

Mr. STEIWER. Of very necessity he must know it.

Mr. WHITE. But the American citizen has no such information, and cannot get any such information. I recall that when, a short time ago, because of the interest of the people of the State of Maine in the prospective Canadian reciprocity treaty, I went to the State Department and undertook to find out, in behalf of citizens of Maine, what Canada was asking for and what was under consideration by the Department, I received no information whatsoever. Then, if I am not unduly interrupting the Senator, Maine citizens, in their anxiety and in their distress, began to send in their representations both to the President and to the State Department. In response they got no information, but there was a press release from the State Department, a part of which I should like to read, if the Senator will indulge me.

Mr. STEIWER. Does it support my theory?

Mr. WHITE. It does not conflict with it, so far as I understand it.

Mr. STEIWER. Very well; I am glad to have you read it.

Mr. WHITE. I will read only a portion of the press release. The State Department put out this press release, commenting on the fact that the school children and others in the State of Maine were making representations with respect to the threatened reduction in the duty on potatoes, and then there is this paragraph:

> The fact that the pleas voiced in the letters are based on the wholly false assumption that it has already been decided to reduce the duties on potatoes and certain other products, or remove them altogether, creates the distinct impression that those who have inspired the correspondence are propagandists of high protection who are not so much distressed over the condition of the producers as they are desirous of furthering their own selfish interests and of hampering the whole trade-agreement program by arousing fears that have no basis in reality. It would appear that these tariff lobbyists, or ex-officials, interested in maintaining their positions in Washington, or regaining their public offices, have generated these fears by circulating rumors and false statements designed to befuddle and mislead the farmers and others whose interests they profess to safeguard.

So in substance the people of Maine, instead of getting information, got a lecture and got abuse.

Mr. LEWIS. Mr. President, will the Senator from Oregon yield so that I may ask a question of the Senator from Maine [Mr. WHITE]?

Mr. STEIWER. I yield.

Mr. LEWIS. I have asked the accommodating Senator from Oregon to yield so as to allow me to ask the Senator from Maine a question. I now ask the able Senator from Maine [Mr. WHITE], having heard the statement he has just made, whether he personally, as a representative of the sovereign State of Maine and its authorized agent, went to the State Department for information necessary to his people,

and could get no information whatever; and then does my able friend the Senator from Maine say that in the Department they were so discourteous as to refuse to comply with his request and refuse to accommodate him, and that no effort was made to give him information accessible to our Government?

Mr. WHITE. I did not receive discourtesy, but I obtained no information. I asked specifically for information as to what products of my State Canada had asked for tariff concessions, and the information was not disclosed. So I left the Department wholly as ignorant as when I went there.

Mr. LEWIS. I know that could hardly be possible. [Laughter.] That statement I feel goes a little further than was intended. I meant it could hardly be possible that they could be so ungenerous and lacking in common manners——

Mr. WHITE. I accept the Senator's apology.

Mr. LEWIS. That it could hardly be possible that they would decline to give information if the Senator addressed himself to the appropriate and proper department. May I ask the Senator to what department he addressed his inquiry?

Mr. WHITE. I addressed the inquiry to the Assistant Secretary of State and to another gentlemen who, I understand, is chairman of the reciprocity committee, or some committee of a similar name, in the State Department.

Mr. LEWIS. May I ask the Senator if he knew whether those to whom he addressed the inquiry were the source through whom information should be communicated and who possessed it to a degree that they could give the Senator that which he desired?

Mr. WHITE. They were the gentlemen to whom I had been referred by the Secretary of State as the proper persons with whom to discuss the subject matter.

Mr. LEWIS. Nevertheless, the Senator leaves the intimation that they did not give him the information which was accessible then to the Department?

Mr. WHITE. It is not an intimation; it is a very broad and positive statement that they refused to give me the information.

Mr. LEWIS. I am very anxious that the facts so stated be brought to the attention of the State Department, and it is for that reason that I put the query so directly, as I am going to make free to communicate to the Department, in the humble position I may occupy here, that such discourtesy was extended to a fellow Senator of this body. I thank the Senator from Oregon.

Mr. STEIWER. Mr. President, I am sure that no one regards it as a matter of discourtesy. The treatment accorded to the Senator from Maine is the same treatment which has been accorded to others; and my good friend, the Senator from Illinois, may well be a little disturbed by it. I think the entire Congress will be disturbed when they learn the exact nature of this system. It is not discourtesy that is to be cried out against; rather it is the vice of the system itself. It is the wickedness of putting foreigners in a preferential situation and giving them an advantage over Americans in dealing with their own State Department. I hope that the distinguished Senator from Illinois will, as he has implied, take some active and effective interest in this matter, in order that there may be a better system.

I wish to say in that regard, Mr. President, that I am not criticizing any one for negotiating treaties under the law. I have not detained the Senate today in order to make argument against the law itself, although I disapproved that measure and made arguments against it at the time it was before this body. The Secretary of State and the other executive agencies of our Government are entirely within their rights in the negotiations of such treaties, because Congress enacted the law giving them the authority to negotiate them but, even when they are clothed with that authority and that right, I submit that they owe it to the country which they serve to put American producers on a parity with foreigners and stop the wicked system by which others have better opportunities, better advices, more information, and closer contact than we have, and in every way are in strong position to defend themselves, while our own citizens are helpless in their ignorance. In conclusion, Mr. President, I wish to add a further observation. The method of making and adjusting tariffs and scaling duties down in order to negotiate trade agreements has had the result of substituting secret and confidential processes for the former legislative processes in tariff making. I know that much may be said against the system by which our National Legislature made the tariffs in the past; much will be said, no doubt, in the future; much may be said that ought to be said; I am not defending the system in its entirety. But there is this much to be said in its behalf: That tariffs made by the Congress were made in the open and in the light of day.

Everybody knew who was responsible. Hearings were held before committees of both the Senate and the House. Those hearings were reduced to writing and printed. They became permanent records of the legislative branch of our Government. The votes here upon the floor were held in the presence of the entire country and every vote cast, where there was a roll call, is recorded in the permanent records of this body. Under the old legislative system we at least had what President Woodrow Wilson called "pitiless publicity." If I may borrow further from his language, we had in our legislative efforts "open covenants openly arrived at."

We have lost the entire advantage that comes to the country from proceedings that are aboveboard and in the daylight. We have substituted for light the darkness of subterranean passages; and I think that I was justified in suggesting to the President, in my letter to him, that this system ought to be improved, and in saying to him that unless it shall be improved it will result in improvident action. I am going to say now that improvident action has already been had. I may illustrate that in two or three ways.

Let me call attention first to the reduction of the duty on manganese brought about by the treaty with Brazil. Senators will remember that manganese was placed upon the dutiable list in the act of 1922, and that it has been upon the dutiable list since that time. Senators will remember also that the steel interests of the country have sought to remove manganese from the dutiable list, or at least to cut down the protection from 1 cent a pound to a rate of one-half of 1 cent a pound. The War Department, regarding manganese as important to the national defense, has earnestly endeavored to develop a manganese industry in this country, and has urged upon the Congress that an adequate duty be maintained upon that commodity. In the making of the 1930 tariff there was a controversy before the Finance Committee and upon this floor. In that controversy the steel interests sought to decrease the manganese duty from 1 cent a pound to one-half of 1 cent a pound; but this body, in its wisdom, whether right or wrong, after mature deliberation, restored the duty of 1 cent a pound and declined to yield to the steel interests of America with respect to this duty. But, lo and behold, when the secret processes are resorted to by this variable committee and finally the agreement is made with Brazil, we find that the duty on manganese has been cut down from 1 cent a pound to one-half of 1 cent a pound, and the objective which the steel industry of America was trying to attain, and which it failed to attain by the open processes of congressional legislation, was attained through this trade agreements committee.

Not only that, Mr. President, but the manganese interests were quite awake to the situation. They had made an effort to hold the duty on manganese in connection with the negotiation of the treaty with Brazil. Someone—I cannot state who it was—circulated here a letter addressed to the President of the United States. I have in my hand a copy of that letter, which bears date of June 28, 1934, and which is signed by 41 Senators and by 145 Members of the House of Representatives. In that letter, or petition, to the President the signers appealed to him for action that would insure the maintenance and further development of the manganese industry of this country. The State Department knew of this petition; they knew that 41 Senators and 145 Members of the House had taken their stand against

this tariff reduction; but, nevertheless, the administration permitted this matter to be handled through secret processes by which the judgment of a great number of the legislators of the United States was utterly disregarded and the wishes of the steel industry were acceded to.

There is another illustration, Mr. President, which, to my mind, is still more important. I refer to the fact that in the Belgian treaty we find that concessions have been made as to a number of articles of which there were no importations at all in the year 1934. I think with respect to some of them there had been importations in previous years; but so far as the year 1934 is concerned, there were seven or eight articles of which there had been no importations at all. There were other articles which Belgium supplied to our country only to a very limited extent but concerning which it may not be said that there were no importations at all in the year 1934.

In the published statement containing a detailed analysis of the concessions which we made to Belgium in this treaty we find that there were some articles included of which the Belgians supply a great part of our importations. Take the case of aluminum sulphate. We find that they supplied in the year 1934, 94 percent of the total. There is some reason in making a concession on an item of that kind; certainly I do not criticize it now; but we find also other articles in connection with which the Belgian contribution to the total importations of that year was on a very nominal basis. Here is chalk or whiting, which, I think, is called "paris white", the importations of which from Belgium in 1934 were 13 percent of the total. Here is the case of lead pigment, which is one of the articles of which there were no importations from Belgium in that year. We find the case of manufactured laminated glass, of which there were no importations in 1934. We find in the case of hoop or band iron or steel, cut, that the Belgian importations constituted 21 percent of our importations in 1934.

I shall not detain the Senate to read further from the list, because it is a rather laborious and tiresome enterprise.

Mr. KING and Mr. LEWIS addressed the Chair.

The PRESIDING OFFICER (Mr. CLARK in the chair). Does the Senator from Oregon yield; and if so, to whom?

Mr. STEIWER. I yield to the Senator from Utah.

Mr. KING. I am not sure that I understand the point which the able Senator is attempting to make and probably is making. Is he contending that the State Department in its negotiations with Belgium has reduced the tariff rates even to where they were almost insignificant and importations were unimportant in order to secure some reciprocal or alleged reciprocal benefits?

Mr. STEIWER. I am happy to answer the question, but the Senator makes it difficult by asking if a certain thing has been attempted in order to do something else. I cannot answer the Senator from Utah by saying what it was the State Department was seeking to do by the concessions made to Belgium. It is assumed that they are seeking to advance or extend American trade. It is assumed they were granting concessions to Belgium for concessions which Belgium made to us in our trade. I am not sure that I know with respect to any one of the items what the particular inducement was. It would be revealing if the country could know what the inducements were. Throughout the remarks I have been making today I have been complaining that we do not have that knowledge and cannot get it.

To answer the Senator's question a little more categorically, it is true that upon certain items of which the Belgians made no importations in 1934 or of which they made a relatively small or negligible importation in 1934, we find concessions; that is to say, we have reduced the tariff on those particular items. Does that answer the Senator's question?

Mr. KING. I think it does; but may I say that if, by a sort of gesture upon our part in the way of reducing the tariff upon commodities which we import, if at all, in insignificant quantities, we thereby extend our market for American products, certainly the able Senator ought not to complain, because even if we make a gesture, and, as a result of that gesture, we open up a market for one more bushel of potatoes or one more ton of steel or one more automobile, pro tanto that benefit comes to the United States.

Mr. STEIWER. If the concession made to Belgium were a mere gesture, I should not criticize it; but the vice of that kind of gesture is that under the favored-nation clause contained in existing trade agreements, when we concede to Belgium by reducing a duty upon an article which Belgium does not furnish us in any substantial amount, we are obliged to cut the duty on that same article to other countries which do furnish the article in large amount, countries which are not parties to the treaty.

The net result of the whole thing is that we have to make a concession to a country which has nothing to trade, nothing with which to pay us back. We let the benefit inure to producers of other nations, and then when we seek to negotiate a trade agreement with the other nations we find that we have already made the concession, and if we are to obtain any concession from such countries, it will be necessary for us to give something in addition.

It is all quite improvident, it seems to me, thus to barter away our advantage by conceding to a country upon an item with which they are, after all, not very much concerned. A "gesture" of that kind may be very injurious to our trade without any compensating benefit.

Mr. KING. Mr. President, will the Senator yield further?

Mr. STEIWER. I yield.

Mr. KING. May I say to the Senator that in the tariff hearings in 1922 and in the tariff hearings in 1930 there were scores of individuals, representing industries, who appeared before the Finance Committee and before the Ways and Means Committee of the House, insisting upon prohibitive tariffs, notwithstanding the fact that in hundreds and hundreds of items the importations were less than 1 percent of domestic consumption.

I am not complaining and not desiring to be critical, but the Republicans yielded to those demands, made in some instances by trusts and monopolies, or by industries which had not been developed and which could not be developed, in order to satisfy domestic demands—yielded to the importunities and granted high tariffs—indeed prohibitive tariffs, so that on the insignificant quantities which were imported, less than 1 percent of domestic consumption, and in many instances less than one-thousandth of 1 percent, the tariff rates were increased and the domestic demands were adhered to.

That is the way, unfortunately, in which tariff duties have been imposed and tariff laws have been written. One of the great Senators who sat upon the other side of the aisle for many years, a distinguished senior Senator at that time from Minnesota, rose in his place and said that the lobbyists came down here representing various industries, industries which had not been developed and could not be developed; that they came here and made their demands and got what they wanted because they knew what they wanted. He condemned his own party for yielding to the demands to the disadvantage of our country.

While the Senator has yielded to me, let me say that he mentioned, as I came into the Chamber a few moments ago, the question of manganese. In 1922 the manganese producers of the United States came before the Committee on Finance begging for a tariff. The evidence showed they were producing but inconsequential amounts, wholly inadequate to meet the demands of the steel interests of the United States. Of course, as the Senator knows, manganese and chrome and those elements, the production of which is limited in this and other countries, are indispensable in the production of steel. However, they insisted on getting a tariff and it was granted. They said, "If you will give us this tariff we will not ask any additional tariff, and we will assure the country and the steel industry that we will soon develop a great manganese industry."

In 1930 the same representatives came here, scores of them, not all of whom testified, and demanded a higher tariff upon manganese. When they were confronted with their former testimony and promises and asseverations, they said, "Give us an additional tariff and we will develop the manganese

industry." They did not develop it; they have not developed it; and they could not develop it. It seems to me that the testimony which was given then by the protagonists of the demand as well as the opponents of it was accurate, for I have found nothing to indicate that the testimony was inaccurate.

Coming from a mining section, may I say that if there had been evidence showing there would be a production of manganese adequate to meet the demands of our country at reasonable rates, I should have been inclined to grant a tariff perhaps even higher than that which was asked by those who were demanding a tariff.

Mr. STEIWER. Mr. President, there are two suggestions I want to make to the Senator from Utah in answer to what he has said.

It is true the American producers of manganese have been disappointed in the development of their own industry in this country. Yet very much may be said for the duty. It did provide some protection. It did permit several thousand people in the United States to earn their livelihood in the manganese industry. It did give to our national defense a little semblance of local support.

But above that it did another thing which is very significant, with which I think the Senator from Utah would not want to quarrel. It paid a revenue to our Government. It paid a revenue since 1922 in excess of $50,000,000, and now, at a time when we need revenue as we never needed it before, either in peace or in war, the State Department has cut that duty in half, from 1 cent per pound down to one-half cent per pound, and our Treasury is losing that revenue.

I address that argument to the Senator from Utah merely because of his orthodox views as a Democrat.

The other suggestion I wish to make to the Senator relates to the subject I was discussing at the time I yielded to him a few minutes ago. He said, and he said truly, that in the previous history of tariff making we sometimes had accorded duties to commodities which we did not produce except in a negligible way. That is true, and it is not to the credit of our legislation that it is true; but I wish to call to the Senator's attention the fact that as between the two kinds of mistakes, if we are obliged to resort to mistakes in fixing tariff duties, it is better to put a duty upon the importation of an article which we do not extensively produce, for the benefit and advantage of our own people, than it is to concede a reduced tariff rate to a country which does not have any importation in a substantial way of the article affected by the tariff, because then we may injure the American industry and we benefit nobody, not even the country with which we are negotiating our trade agreement. We may possibly benefit somebody else, but we destroy our trade-promotion possibilities in dealing with other nations of the world, and put ourselves at a disadvantage in every quarter.

This complaint is not novel with me. It was urged in committee against the very thing which has happened here. Mr. Sayre, one of those appearing before the committee in support of the trade-agreements legislation, gave to the committee and to the Congress an assurance to which I now call attention. He said:

> The whole purpose of the program of trade bargaining is this—to restrict the commodities covered in the agreement with any specific country to commodities of which that country furnishes the chief source of supply of importation into the United States.

Mr. President, I have not risen for the purpose of criticizing Mr. Sayre. Indeed, I have no desire to criticize anybody. I wish my remarks to be just as impersonal as I can make them. I direct them against the defects of a system, and not against any person who may be involved in the administration of this law; but I think I am justified in saying that the assurance upon which Congress enacted this legislation has not been lived up to, and that we have a right to demand of the executive branch that these assurances be strictly kept, and that importations shall not be permitted from other countries under the guise of making a trade agreement with Belgium.

American interests cannot be served in that way, when we thus generously perform what the Senator from Utah has characterized as a gesture. The opportunity is lost to us, and the American people will be injured by a system which operates under the guise of trade extension. We will suffer trade losses as well as losses at home with relation to our domestic business.

Mr. VANDENBERG and Mr. KING addressed the Chair.

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

Mr. STEIWER. I yield first to the Senator from Michigan.

Mr. VANDENBERG. Mr. President, the Senator has been emphasizing the fact that the American producer is at a relative disadvantage as compared with the foreign producer when one of these tariff-bargain contracts is negotiated. I wish to call his attention to the fact that this disadvantage carries on subsequently into the relationship after the trade agreement is created, because we continue thereafter to be at the mercy of monetary manipulations in these other countries; and I give the Senator this example in connection with the Brazilian trade treaty to which he has referred:

The Brazilian treaty was signed by President Roosevelt on February 2. On February 11, just 9 days later, the Brazilian exchange control authorities issued a decree changing the nature of exchange in which these transactions should be paid, with the direct result, as reported officially by the Bureau of Foreign and Domestic Commerce of the United States, that practically all the advantage which we thought we had gained on February 2 by our reciprocity treaty was wiped out on February 11 by a monetary decree against us. So there is this continuing disadvantage and hazard and jeopardy always following American interests, in addition to those to which the Senator has referred.

Mr. STEIWER. I thank the Senator for that contribution. It is revealing for more than one reason. Not only may Brazil wipe out the advantages which we thought we had obtained in making this treaty but varying exchange rates constitute only one of the procedures to which she may resort in order to wipe out every advantage. I submit to the Senator from Michigan and for the consideration of the Senate that it is not possible, in a treaty of this kind, to write enough clauses to bind the hands of the other country to the extent that they cannot wipe out the advantages which they appear to grant in the trade agreement. It is not possible because the imagination of man would not suggest all the variety of advantages that might be taken by the other country at a subsequent time, not only with respect to exchange and monetary matters but in a hundred other ways the nations which are parties to these agreements will be able to undo that which we may hope we have accomplished. I believe it emphasizes the point I made earlier in these remarks, namely, that in making agreements of this kind we are entitled to a better system. We are entitled to a method under which we may know, so far as knowledge of that kind is obtainable, that American interests are not to be sacrificed and frittered away by improvident traders who possibly are not so well versed in the problems in which they are dealing as some of those with whom we deal. We are entitled, I say, to the most perfect system that can be devised, in order that there may be some guarantee against improvident action, against mistakes, and against injurious results to American commerce and business.

Mr. President, in conclusion I send to the desk and ask unanimous consent to have incorporated in the RECORD at the end of my remarks the various letters to which I referred earlier in the debate.

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

MARCH 18, 1935.

The Honorable FRANKLIN D. ROOSEVELT,
President of the United States, The White House.

MY DEAR MR. PRESIDENT: In presenting certain arguments this morning before the committee for reciprocity information in connection with the proposed negotiation of a foreign-trade agreement with Canada my attention was drawn again to the system under which part III of title III of the Tariff Act of 1930, as amended, is administered.

The representatives of the domestic industries interested in this proposed negotiation presented their views before the committee for reciprocity information. This committee advised the representatives appearing at the hearing that the information would be

transmitted to the appropriate agencies, which, I assume, include the committee on foreign-trade agreements. The net result of this system is that the Canadian Government, seeking to acquire a share of the American domestic market on behalf of the Canadian producers, will deal directly with the American agencies which conduct and control the negotiations, whereas the American producers do not enjoy access to those agencies but present their cause through an information committee which at the most can act only as an intermediary. Under this system Canadian competitors may have their views presented more effectually than can the Americans.

I make no criticism here and now of the Reciprocal Trade Agreement Act, nor of the effort to negotiate any treaty. Such effort is authorized by an act of Congress, but I most respectfully suggest that the President consider an improved system which will permit interested Americans immediate access to the agencies which negotiate the foreign-trade treaties in order that they may be on a parity with foreign competitors.

It was believed by some Members of the Congress that the purpose of section 4 of part III was to provide the American producers a direct means of presenting their views to the President or "to such agency as the President may designate", meaning the agency designated to negotiate the treaty, and not a buffer agency set up for the sole purpose of collecting information and then transmitting it to a committee on foreign-trade agreements. The present division of authority between two committees, one on reciprocity information and the other on foreign-trade agreements, in my judgment will never be accepted as satisfactory by the American producers.

Permit me to suggest also that the organized American groups be fully informed concerning the commodities which may be affected, and that they be advised the theories of economic reasoning entertained in the committee on foreign-trade agreements so that the American producers may have opportunity to show that the theories entertained do not justify a reduction in duties. The representatives of American producers, where they can be identified through established associations, should be given a reasonable opportunity to comment upon the evidence in the hands of the committee on foreign-trade agreements on the score of its sufficiency to justify a reduction in duty.

I suggest also that the commodities upon which duties are reduced shall be only those included in the lists submitted to the American producers. I am advised that this was not done in negotiating the trade agreement with Belgium.

It is my opinion that unless the procedure is modified improvident action will be inevitable.

With assurances of esteem, I am,

Respectfully yours,

FREDERICK STEIWER.

UNITED STATES SENATE,
April 4, 1935.

Hon. CORDELL HULL,
Secretary of State,
Department of State, Washington, D. C.

MY DEAR MR. SECRETARY: May I request that you read the enclosed copy of letter, the original of which I sent to the President under date of March 18. I have received no acknowledgment of this letter and have no means of knowing whether it came to the personal attention of the President or of anyone else charged with the responsibility for the administration of part 3 of title 3 of the Tariff Act of 1930, as amended. I, therefore, feel justified in submitting the matter to you.

It ought not to be necessary in correspondence with any official of the United States Government either to prove or defend the proposition that American producers should be on a basis of not less than parity with their foreign competitors. To my mind, it is equally clear that the effect of proposals for tariff adjustment ought not to be determined in private conference by Government officials without receiving first hand the views of those whose business will be directly affected by the proposed tariff adjustments. The economic theories maintained by the advisors in the Government agencies may well be theoretically valid and at the same time be wholly unsound. I hope I will not be charged with intent to disparage anyone when I say no man is wise enough to know all the important practical considerations affecting all lines of production. Unless those engaged in the various industries are permitted to discuss the economic theories upon which the tariff-adjustment proposals are to be predicated, tragic mistakes inevitably will result.

Even though the objectives sought under the Reciprocal Trade Agreement Act were in every way defensible, I cannot escape the conclusion that the results will be more satisfactory to all American interests if every facility for the development of the American viewpoint be afforded and every American argument be accorded the fullest possible consideration.

With assurances of esteem, I am, respectfully yours,

FREDERICK STEIWER.

THE WHITE HOUSE,
Washington, April 8, 1935.

The Honorable FREDERICK STEIWER,
United States Senator.

MY DEAR SENATOR STEIWER: I have given careful consideration to the views expressed in your letter of March 18, 1935, with reference to the procedure which is being followed in carrying out the purposes of the Trade Agreements Act of June 12, 1934.

This procedure has been worked out after most careful consideration of all aspects of the matter. Its effect, I am sure, is not to give Canadian or other foreign interests, through their own Governments, better access to the agencies responsible for formulating recommendations concerning proposed trade agreements than is afforded to our own domestic interests. On the contrary, the procedure being followed is designed to provide domestic producers and other American interests an orderly and certain means of bringing their information and views to the attention of these agencies.

A reasonable period of time is given after public notice of intention to negotiate a trade agreement for interested persons to submit written statements to the Committee for Reciprocity Information. Oral statements are received by that committee a week or so later from persons whose applications to present supplementary views orally have been approved. The Committee for Reciprocity Information distributes these written and oral statements to the agencies concerned in carrying out the trade agreements program, namely, the Departments of State, Commerce, and Agriculture, the Treasury Department, the Tariff Commission, the Office of the Special Adviser to the President on Foreign Trade, and the National Recovery Administration. Competent experts and high officers of these agencies study all proposals and views transmitted to them by the Committee for Reciprocity Information and cooperate in formulating specific recommendations on the basis of such information and that available from other sources. In addition to the Trade Agreements Committee, a number of special or technical interdepartmental committees have been set up to facilitate the full consideration of important trade-agreement matters.

The Committee for Reciprocity Information is in no sense a "buffer agency." It is a convenient channel through which interested persons may bring their views to the attention of the several governmental agencies actively concerned in formulating recommendations in regard to proposed trade agreements. With reference to your statement concerning the "present division of authority" between the Committee for Reciprocity Information and the Trade Agreements Committee, I may say that no such division of authority exists or can exist, since the committee is only an agency of the trade agreements organization for obtaining the information and views of interested persons. In addition to the above-mentioned channel—that is, the Committee for Reciprocity Information—domestic interests have access to each of the governmental agencies concerned in the trade-agreements works.

In regard to your suggestion that organized groups be fully informed concerning the commodities which may be affected, you may be assured that full consideration has been given to the possibility of announcing the products or subjects to be considered in connection with any proposed trade agreement. The conclusion was early reached that such a procedure would be impracticable. At the time public notice is given of intention to negotiate a trade agreement, the administration itself may not know what products or subjects may come up for consideration. If an all-inclusive list should be announced at the time notice is given, and later on it seemed desirable to consider other products, it would be necessary to announce a supplementary list and provide interested persons an opportunity to present their views to the Committee for Reciprocity Information. Such a procedure, if adopted, probably would so complicate and delay the negotiation of trade agreements as to hinder seriously the carrying out of the purposes of the act.

Because of this and other considerations, I believe that the present procedure of announcing only the name of the foreign country concerned and making readily available statistical and other information concerning the trade between the United States and that country is quite satisfactory. It seems reasonable to assume that domestic producers, importers, and other American individuals or organized groups should know whether their interests are in fact involved.

With reference to your suggestion that the commodities upon which duties are reduced "shall be only those included in the lists submitted to the American producers" and to your statement that you have been advised that this was not done in negotiating the trade agreement with Belgium, I should like to point out that no such lists are given out. Whoever advised you that such was the case may have been referring to the statistical information concerning the principal items entering into the trade between the United States and the foreign country concerned, which is issued in the form of a press release at the time public notice is given, for the convenience of interested persons and is in no sense a definitive list of the products which may be considered. At the head of every such tabulation of trade statistics is the following statement:

"The following table indicating in a general way the nature of the trade between the United States and Belgium has been compiled by the Division of Foreign Trade Statistics of the Department of Commerce. The table shows the principal commodities entering into this trade. More detailed statements of the trade with Belgium will be available shortly at the Division of Foreign Trade Statistics and the district offices of the Department of Commerce."

The statement quoted above is taken from a Department of State press release of September 4, 1934, a copy of which I enclose, which was issued in connection with the public notice given on that date of intention to negotiate a trade agreement with Belgium.

The purpose of the Trade Agreements Act is to facilitate the restoration of our foreign trade by means of agreements with foreign countries providing for reciprocal reductions of excessive trade barriers. In carrying out this purpose the trade agree-

ments organization is actuated by a sincere desire to conclude trade agreements which will promote the national interest. By making possible an increased flow of trade, these trade agreements should contribute materially to the relief of unemployment and to the improvement of the general economic situation in this country.

If you would like to study further the trade-agreements organization and the procedure which has been adopted in connection with its work, I suggest that you talk with Assistant Secretary of State Sayre or with Dr. Henry F. Grady, Chief of the Trade Agreements Section of the Department of State. They would, I am sure, be glad to have an opportunity to discuss these matters with you.

Sincerely yours,

FRANKLIN D. ROOSEVELT.

UNITED STATES SENATE,
April 8, 1935.

Hon. CORDELL HULL,
Secretary of State, Department of State.

MY DEAR MR. SECRETARY: I have had an inquiry concerning the personnel of the committee or group directly in charge of the negotiations for reciprocal trade agreements. I will be most appreciative if you will advise me the names of this committee or group at your earliest convenience.

Respectfully yours, ——— ———.

APRIL 16, 1935.

The Honorable FREDERICK STEIWER,
United States Senate.

MY DEAR SENATOR STEIWER: I have received your letter of April 8, 1935, in which you state that you have had an inquiry concerning "the personnel of the committee or group directly in charge of the negotiations for reciprocal trade agreements." I understand that your office telephoned on April 10 concerning this same matter.

The actual negotiations with representatives of foreign governments are conducted by officers of this Department, with the assistance of representatives of other departments, and on the basis of information and advice supplied by the interdepartmental organization and by nongovernmental interests through the Committee for Reciprocity Information.

The personnel of the group participating in the actual negotiations varies for each agreement. However, Mr. Henry F. Grady, Chief of our Trade Agreements Section; Assistant Secretary of State Sayre; and, in the case of Latin American countries, Assistant Secretary of State Welles, as well as Under Secretary of State Phillips, and myself participate in or keep closely in touch with all negotiations.

Sincerely yours,

CORDELL HULL.

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

Mr. STEIWER. I yield the floor.

Mr. KING. I desire to state that I think the Senator from Oregon attributed to me a characterization which certainly I did not intend to make. I did not characterize the transaction with Belgium as being a mere gesture. I predicated the statement I made upon the assumption made by the Senator that Belgium, with respect to the commodities to which he referred, was sending no imports into the United States, but we entered into an agreement under the terms of which we might find an exportable market for some of our commodities; and I suggested that if that were true, and Belgium had not sent into the United States any articles which were the basis of this commercial relation, it might be a mere gesture upon our part. I then asked the Senator, however, whether he was justified in making complaint if by that gesture we found a market for some of our surplus products.

I did not characterize the transaction as a gesture. I do not know what are the facts. I am not assuming, as the Senator did—doubtless he has superior knowledge, because he has made inquiry, and I have not—that there were no imports coming from Belgium, and that there was not a quid pro quo for the mutual agreement which was entered into between the two countries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2035) to amend an act approved June 25, 1934, authorizing loans from the Federal Emergency Administration of Public Works, for the construction of certain municipal buildings in the District of Columbia, and for other purposes.

WHEN THE KING CONTROLS THE PURSE STRINGS

Mr. SCHALL. Mr. President, if the wisdom of article I of the Constitution, placing control of the Federal purse strings in the hands of Congress, were ever in question, any doubt would now be removed by arbitrary Executive actions, even in the first week after the enactment of House Joint Resolution 117, with its delegation of power to the Executive in the allocation of $5,000,000,000.

Mr. Hopkins, of the F. E. R. A., announces that Georgia will be cut off the relief rolls on June 1, following the published statements of Governor Talmadge of Georgia opposing Rooseveltian and "brain-trust" policies.

Mr. Ickes, of the P. W. A., declares that Louisiana shall have no public-relief funds, because the distribution would aid the political machine of the Senator from Louisiana [Mr. LONG], who, likewise, opposes Roosevelt.

Scarcely a week has passed since the signing of the measure turning over to the President and his alphabetical bureaus this vast fund, which exceeds the total annual revenues of the Government, yet already the Executive allocations are showing their teeth and exposing the fangs of political favoritism.

Does anyone believe that if Governor Talmadge were shouting for Roosevelt and the N. R. A. and the A. A. A., for the processing taxes and the corn-hog checks, for the substitution of the "Blue Eagle" for the Stars and Stripes, and for the substitution of the new deal for the Constitution the State of Georgia would be thus cut off from Federal relief, like a daughter disowned by an irate parent because she would not marry the man assigned to her?

Does anyone believe that if the Senator from Louisiana [Mr. LONG] were now singing the praises of Roosevelt and Ickes the State of Louisiana would be consigned to the River Styx?

The administration hereby serves notice on the States that if they expect to share in the benefits of public funds they must, as the first essential, proclaim their fealty to the king who controls the purse strings. They must shout his praises. They must join in the Te Deum and sing:

"Long live the king—our one and only Roosevelt and his prime ministers, Ickes and Hopkins."

When the $4,800,000,000 allocation was voted, subject to the will of the Executive to carry him through the 1936 campaign, all the small boys who govern their respective States should have shouted "Selah!"

They should have read to their congregations the scriptural injunction that "the new Lord God of Israel is a jealous God, and we should have no other god before us." Had the Governor of Georgia and the Senator of Louisiana [Mr. LONG] done that and disclosed no signs of independence, the States of Georgia and Louisiana might today be sitting serene, with halos over their heads like unto the glory of Arkansas and Texas, or the most-favored State of all, New York, whence comes the President himself, his "brain trust", and half his Cabinet and bureau chiefs.

It was because of such conditions of executive favoritism and exploitation, court favors, and star-chamber persecutions that the farmer barons of the thirteenth century took control of the public purse strings from King John and made him sign the great charter, which placed control over appropriations and taxes in the hands of the commons. Parliamentary bodies were created in the first place for the exclusive function of taking out of the hands of the ruling monarch the power to tax, which is the power to destroy, and the power to allocate public funds, which is the power to corrupt the body politic and all its instruments.

Says the historian, Green, in speaking of the methods of King John at the time of the great charter:

> John starved Rochester into submission * * * while his mercenaries spread like locusts over the whole face of the land.

And again:

> Robert Fitz-Walter was taken prisoner.

Thus the royal measures of 300 years ago are repeated in 1935. The new deal is a revival of the days when John's power over the public purse strings paralyzed England. The

Governor of Georgia and the Senator from Louisiana are in the same boat as Rochester and Fitz-Walter 3 centuries ago. The two English leaders named would not crook the hinges of their knees to the royal freebooter in London. Today Georgia and Louisiana will not sing Te Deums to the royal irresponsibles of the raw deal in Washington. So they are to be either starved out or taken prisoner, according to the measures devised by John's "brain trust", and revived here today as a new deal—the same old wolf in sheep's clothing.

For the control of a King whom no man could trust—

Says the historian—

a council of 24 barons were chosen from the general body of their order to enforce on John the observance of the charter.

John's reaction to this control over his allocation of public funds was not unlike the reaction of the White House today against any attempt of Congress to resist White House domination.

"They have given me four and twenty over-kings," cried John in his fury, flinging himself upon the floor and gnawing sticks.

Now, as I recall, the Senate Committee on Appropriations likewise has 24 members, who in a measure acted as "overkings" in regard to the provisions of House Joint Resolution 117 providing for the appropriation of billions by the present Congress.

What was the White House reaction to the attempts of these "overkings", headed by the distinguished Senator from Virginia [Mr. GLASS], for control of the executive allocations of the relief billions? The first act of the White House was to snatch the bill from the Senate for a period of 2 weeks, and the second act of the White House was to go fishing for 2 weeks with Admiral Astor on the flagship *Nourmahal*.

On a like occasion, in 64 A. D., Nero played his fiddle while Rome burned, and Nero's mercenaries persecuted the Christians who refused to recognize his gods.

Coming down to 1215 A. D., John gnaws sticks and then starves or imprisons his political opponents.

Coming down again to 1935, our new potentate goes fishing 2 weeks and directs his mercenaries against Georgia and Louisiana.

Fiddling, gnawing sticks, and going fishing have their respective merits with which we here are not greatly concerned. But we are concerned when the "mercenaries spread like locusts over the whole face of the land", and today on a scale never before known in world history. We are concerned when public debt, doles, and deficits are piled up to such a height that taxes may destroy public credit and industry and the hopes of permanent recovery and liberty as completely as the fires destroyed Rome. And we are concerned when the unbridled powers of a Federal imperialism are used to "crack down" sovereign States and deny them the constitutional guaranties of equal rights and a republican form of government, and when liberty and equality are jeopardized by Executive mandates which take the place of due process of law.

The ways of Nero, John, and the autocrats of today, may differ in minor particulars. They may fiddle, gnaw sticks, or go fishing. They may wear blue eagles, black shirts, or brown shirts. They may call themselves Fascists, Nazis, Soviets, or bear sundry alphabetical titles. All of them in their time called themselves "new dealers", but they all belonged to the same old school of executive autocracy—the wolves which harass and fatten upon the sheep which support them. If their official tenure is temporary, they are known as "dictators" or "bureaucracies." If their official tenure is made permanent by the extension of their so-called "emergency" under grants in perpetuity, they are known variously as "kings", emperors", or "lord protectors" of those they plunder.

The particular mannerisms and titles and halos of publicity are of minor consequence, just a matter of taste and style. But the fundamental issues—the questions of liberty and equality of the Nation's future and constitutional existence—no Congress holding the responsibility of legislation by and for the people of 48 sovereign States can in conscience either ignore, surrender, or betray.

If this vast sum of $5,000,000,000, together with other billions far in excess of the annual revenues of the Government, is to be used as an instrument of political favoritism, or as a political bludgeon to enforce allegiance from the States to a potentate who not only violates all the pledges of the platform on which he was elected by the people, but encroaches upon and threatens the integrity of the Constitution upon which the Republic stands, the Senate of the United States cannot escape its due share of the responsibility.

We are here assembled, two Senators from each of the 48 sovereign States, sworn to uphold the Constitution, and sworn to uphold the sovereign rights of those States as the constituent parts of the Republic. Equality of rights as between the States, and equality of rights as between the citizens thereof, are the cornerstones of our national freedom. To secure that equality as between States, each State has the same representation in the Senate. Georgia and Louisiana, under the law of the land, have the same rights to Federal cooperation as belong to New York and Texas, to Alabama and Arkansas.

Have Ickes and Hopkins, the bureaucratic heads of P. W. A. and F. E. R. A., a voice greater than that of Congress in the allocation of public funds to the respective States? Is that allocation of public funds subject to the provisions of article I, and the constitutional guaranty of equality, or is it subject to the will of two bureaucrats and to their political interest in the reelection of their appointing chief? Is fidelity to the Constitution or fealty to a candidate for office the guiding rule in the distribution of $5,000,000,000?

I have no ax to grind, certainly no political concern, with regard to the status of Georgia or Louisiana. But what happens to Georgia and Louisiana may happen, on the same political grounds, to any State in the Union. States which now seem to be in the high light of royal favor may yet stand in the desperate strait of that British archbishop, who, faced by the beheading block, declared:

> Had I but served my God with half the zeal
> I served my king, He would not in mine age
> Have left me naked to mine enemies.

The past 30 days have certainly furnished an object lesson to the people of the United States on this point, namely, that the makers of the Constitution in the Convention over which Washington presided, in 1787, had powers of vision worthy of our respect and veneration, when in article I they took all control of the purse strings from the Executive, and created the legislative body called Congress to levy the taxes and control the disbursements.

This administration and this and the preceding session of Congress furnish the only examples of violations of that constitutional provision in American history.

Under Executive control of the tax power, which includes duties on imports, the country is now being flooded by foreign imports which have taken from the farmers their home markets for $500,000,000 of food products last year, and are destroying the textile industries of both New England and the South.

Under Executive allocation of $5,000,000,000 of Federal relief, at the end of the first fortnight two States are read out of the Union so far as concerns distribution of Federal relief.

Under Executive domination of debts and doles, there is a threat to a free and fair national election in every State in the Union. The national debts and deficits are piled to heights which threaten not only national credit, but the development of private enterprise, and the expansion of the productive resources which both maintain the Government and furnish employment to the wage-earners.

We are having our object lesson. It is our responsibility to derive wisdom from the lesson so painfully imparted. Shall we uphold the tradition of the United States Senate as the world's leading parliamentary body?

P. W. A. LOANS FOR MUNICIPAL CONSTRUCTION IN THE DISTRICT—CONFERENCE REPORT

Mr. KING submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2035) to amend an act approved June 25, 1934, authorizing loans from the Federal Emergency Administration of Public Works for the construction of certain municipal buildings in the District of Columbia, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agreed to the same.

Amendment numbered 1: That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows: Omit the matter proposed to be inserted by said amendment, and in lieu thereof, on page 1 of the Senate bill, line 9, delete the first comma and after the word "Act" insert the following: "(which, for the purposes of this act, shall be construed to include any agency created or designated by the President for similar purposes under the Emergency Relief Appropriation Act of 1935)"; and the House agree to the same.

WILLIAM H. KING,
CARTER GLASS,
ARTHUR CAPPER,
Managers on the part of the Senate.

MARY T. NORTON,
HENRY ELLENBOGEN,
EVERETT M. DIRKSEN,
Managers on the part of the House.

The report was agreed to.

PROPOSED ADJOURNMENT TO MONDAY

Mr. ROBINSON. I move that the Senate adjourn until 12 o'clock noon on Monday next.

Mr. COSTIGAN. I suggest the absence of a quorum.

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

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

Adams	Connally	Lewis	Radcliffe
Austin	Copeland	Logan	Robinson
Bachman	Costigan	Lonergan	Russell
Bailey	Couzens	McCarran	Schall
Bankhead	Dieterich	McGill	Schwellenbach
Barbour	Donahey	McKellar	Sheppard
Bilbo	Duffy	McNary	Shipstead
Black	Fletcher	Metcalf	Smith
Brown	Frazier	Minton	Steiwer
Bulkley	Gerry	Moore	Thomas, Utah
Bulow	Gibson	Murphy	Trammell
Burke	Gore	Murray	Vandenberg
Byrd	Guffey	Neely	Van Nuys
Byrnes	Hale	Norris	Walsh
Capper	Harrison	Nye	White
Caraway	Hatch	O'Mahoney	
Carey	King	Overton	
Clark	La Follette	Pittman	

Mr. LEWIS. Mr. President, I rise at this moment to make an announcement in order that the RECORD may show the absence of Senators, and the reasons therefor, as announced by me on previous roll calls.

The PRESIDING OFFICER. Sixty-nine Senators have answered to their names. A quorum is present.

Mr. COSTIGAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. COSTIGAN. If a motion to adjourn shall be adopted, does the Presiding Officer rule that the result will be to displace the pending motion?

Mr. CONNALLY. Mr. President, I submit that is not a parliamentary inquiry. That question can only rise when that motion is made on Monday, or on whatever day we adjourn to.

Mr. COSTIGAN. It has been made, I will say to the Senator.

Mr. CONNALLY. I know, but that is not a parliamentary inquiry, and I challenge the good faith of it.

Mr. COSTIGAN. I call for a ruling of the Chair.

The PRESIDING OFFICER. It seems to the Chair that the inquiry is not in order on the motion which is now before the Senate.

Mr. COSTIGAN. Which is a motion to adjourn?

The PRESIDING OFFICER. Yes.

Mr. COSTIGAN. Mr. President——

Mr. CONNALLY. Mr. President, I make a point of order that the motion to adjourn is not debatable.

The PRESIDING OFFICER. The point of order is well taken, and will be sustained.

Mr. COSTIGAN. I am not debating the motion to adjourn.

Mr. CONNALLY. The Senator is trying to do so.

Mr. COSTIGAN. Mr. President, I make another parliamentary inquiry, which is: If the Democratic leader shall substitute for the motion to adjourn to recess, will the pending motion retain its place upon the calendar?

Mr. CONNALLY. I submit that is not a parliamentary inquiry and is not in order. There is no such matter pending.

The PRESIDING OFFICER. The Chair is advised the motion will die with an adjournment, but will not on recess. The question is on the motion to adjourn.

Mr. COSTIGAN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered and the legislative clerk called the roll.

Mr. AUSTIN. I wish to announce the following general pairs:

The Senator from New Mexico [Mr. CUTTING] with the Senator from Virginia [Mr. GLASS];

The Senator from Iowa [Mr. DICKINSON] with the Senator from Oklahoma [Mr. THOMAS]; and

The Senator from New Hampshire [Mr. KEYES] with the Senator from Missouri [Mr. TRUMAN].

I also announce the necessary absence of the following Senators: The Senator from Iowa [Mr. DICKINSON]; the Senator from New Mexico [Mr. CUTTING]; the Senator from Delaware [Mr. HASTINGS]; the Senator from New Hampshire [Mr. KEYES]; the Senator from South Dakota [Mr. NORBECK]; and the Senator from California [Mr. JOHNSON].

I am not advised how any of these Senators would vote if present.

I also wish to announce that if present and voting the Senator from Delaware [Mr. TOWNSEND] would vote "nay."

Mr. LEWIS. I desire to announce that the following Senators are unavoidably detained from the Senate:

The Senator from Arizona [Mr. ASHURST]; the Senator from Kentucky [Mr. BARKLEY]; the Senator from Washington [Mr. BONE]; the junior Senator from Virginia [Mr. BYRD]; the Senator from Massachusetts [Mr. COOLIDGE]; the Senator from Georgia [Mr. GEORGE]; the senior Senator from Virginia [Mr. GLASS]; the Senator from Pennsylvania [Mr. GUFFEY]; the Senator from Arizona [Mr. HAYDEN]; the Senator from Louisiana [Mr. LONG]; the Senator from California [Mr. MCADOO]; the Senator from Idaho [Mr. POPE]; the Senator from North Carolina [Mr. REYNOLDS]; the Senator from Oklahoma [Mr. THOMAS]; the Senator from Missouri [Mr. TRUMAN]; the Senator from Maryland [Mr. TYDINGS]; the Senator from New York [Mr. WAGNER]; and the Senator from Montana [Mr. WHEELER].

I also wish to announce that the Senator from Connecticut [Mr. MALONEY] is detained by illness.

I am authorized to announce that the Senator from North Carolina [Mr. REYNOLDS] is paired with the Senator from New York [Mr. WAGNER]. Were the Senator from North Carolina [Mr. REYNOLDS] voting, he would vote "yea." Were the Senator from New York [Mr. WAGNER] voting, he would vote "nay."

I announce further that the Senator from Virginia [Mr. BYRD] has a pair with the Senator from Pennsylvania [Mr. GUFFEY]. I am authorized to say that if the Senator from Virginia [Mr. BYRD] were present and voting he would vote "yea", and if the Senator from Pennsylvania [Mr. GUFFEY] were present and voting he would vote "nay."

Mr. MCKELLAR (after having voted in the affirmative). I have already voted, but I notice my pair, the senior Senator from Delaware [Mr. TOWNSEND], is not present. Therefore, I transfer my pair with that Senator to the Senator from Georgia [Mr. GEORGE] and allow my vote to stand.

Mr. LOGAN. I have a pair with the senior Senator from Pennsylvania [Mr. DAVIS]. If he were present, I understand he would vote as I intend to vote, and I am therefore at liberty to vote. I vote "nay."

The result was announced—yeas 33, nays 34, as follows:

YEAS—33

Adams	Connally	King	Russell
Bailey	Couzens	Lonergan	Sheppard
Bankhead	Dieterich	McKellar	Smith
Bilbo	Duffy	Murphy	Thomas, Utah
Black	Fletcher	Norris	Trammell
Brown	Gerry	Overton	Walsh
Bulow	Gore	Pittman	
Byrnes	Harrison	Radcliffe	
Caraway	Hatch	Robinson	

NAYS—34

Austin	Costigan	McGill	Schall
Bachman	Donahey	McNary	Schwellenbach
Barbour	Frazier	Metcalf	Shipstead
Bulkley	Gibson	Minton	Steiwer
Burke	Hale	Moore	Vandenberg
Capper	La Follette	Murray	Van Nuys
Carey	Lewis	Neely	White
Clark	Logan	Nye	
Copeland	McCarran	O'Mahoney	

NOT VOTING—28

Ashurst	Davis	Johnson	Reynolds
Barkley	Dickinson	Keyes	Thomas, Okla.
Bone	George	Long	Townsend
Borah	Glass	McAdoo	Truman
Byrd	Guffey	Maloney	Tydings
Coolidge	Hastings	Norbeck	Wagner
Cutting	Hayden	Pope	Wheeler

So the Senate refused to adjourn.

Mr. GLASS (subsequently said): Mr. President, I was necessarily absent from the Chamber when a motion was made to take a recess. The RECORD does not show how I would have voted had I been here. I desire the RECORD to show that I would have voted to adjourn, and against the recess, had I been permitted to vote; but I was paired on the question with the senior Senator from New Mexico [Mr. CUTTING]. Therefore, nothing was lost by my absence.

Had I been present, I would, of course, have voted to adjourn, and therefore to dispose, for the time being, of this wretched bill.

The VICE PRESIDENT. The question is on the motion of the Senator from Colorado [Mr. COSTIGAN] to proceed to the consideration of the bill.

Mr. VANDENBERG. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. CONNALLY. Mr. President, I understood there was a motion pending to take a recess until Monday.

The VICE PRESIDENT. A motion was made to adjourn until Monday, and the motion was rejected.

RECESS

Mr. ROBINSON. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The VICE PRESIDENT (putting the question). The Chair is in doubt.

On a division, the motion was agreed to; and (at 4 o'clock and 10 minutes p. m.) the Senate took a recess until tomorrow, Saturday, April 27, 1935, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

FRIDAY, APRIL 26, 1935

The House met at 11 o'clock a. m.

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

Blessed Lord and Father of the eternal past, we rejoice that there is one God, one law, one element, and one far-off event toward which the whole creation moves; with passionate hope help us to cling to this ideal. By the tranquil guidance of Thy Holy Spirit, O carry on the work of man's redemption. Bring unity into the divided and estranged members of the family universal. Lift the clouds of discord and reveal the divine purpose to the pressing hosts of earth. Be with us, our Heavenly Father, and arm us with jealous care; may we be chivalrous of heart toward the weak, always striving higher for the standards of personal honor. Bless and strengthen with the spirit of forgiveness of injuries and with the other excellences of unsullied manhood. Through Jesus Christ our Lord. Amen.

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

Mr. VINSON of Georgia. Mr. Speaker, in view of the fact that amendments will be offered at the very beginning of the reading of the naval-appropriation bill, it is highly important, in my judgment, that we should at least have 100 Members present, a quorum of the Committee.

Mr. SNELL. If the gentleman from Georgia is going to make the point of no quorum, I want to say that you will not, by unanimous consent, meet at 11 o'clock hereafter.

Mr. VINSON of Georgia. During the 21 years that I have been here I have never made a point of no quorum, but I think the House should know what the amendments are and have a large number of the Membership present.

Mr. SNELL. That is all right; we yielded to meet at 11 o'clock today at the request of the majority leader, but I am opposed to coming here at 11 o'clock and wasting an hour in the call for a quorum.

Mr. VINSON of Georgia. I am not willing to take up these amendments without having at least a quorum of the Committee present.

Mr. SNELL. All right, go ahead; but we will not come in at 11 o'clock hereafter.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask the gentleman from Georgia to withhold his point of no quorum. We will endeavor to have the whip get Members in as expeditiously as possible.

Mr. VINSON of Georgia. Mr. Speaker, in view of the statement of the majority leader, for the time being I will withdraw the point of no quorum, but I do insist that there shall be at least a quorum of the Committee present.

Mr. TAYLOR of Colorado. The only reason that I asked to have the House meet at 11 o'clock was with hope that we might finish the bill today. A large number of Members have stated that they want to go out of town tomorrow to attend to other official matters, and the House has agreed to adjourn this afternoon until Monday, and we are quite anxious to finish the bill today.

Mr. VINSON of Georgia. You can count on my full cooperation to expedite the consideration of the bill, but when we consider these amendments to the bill I think we should have a quorum present.

WASHINGTON-LINCOLN MEMORIAL-GETTYSBURG BOULEVARD

Mr. HAINES. Mr. Speaker, I send to the desk Senate Joint Resolution 43 and ask for its immediate consideration.

The Clerk reported the title, as follows:

Senate Joint Resolution 43 for the establishment of a commission for the construction of a Washington-Lincoln Memorial-Gettysburg Boulevard connecting the present Lincoln Memorial in the city of Washington with the battlefield at Gettysburg in the State of Pennsylvania.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. BLANTON. Mr. Speaker, I do not think a resolution of this importance ought to be taken up out of order and passed by unanimous consent. I do not know when all of this continued orgy of money-spending is going to stop. It has got to stop some day. If it does not, our Nation will be bankrupt. I am not willing to tax the posterity of the American people for all of this continued debt making when we have no reasonable assurance they will have means of paying, when the inevitable pay day comes.

Mr. HAINES. This resolution has passed the Senate.

Mr. BLANTON. Oh, anything on God's earth can pass—somewhere else. They have recently passed a bill—and a House committee is now holding hearings on it—to spend $3,500,000 to ruin this Capitol Building, one of the best types of colonial buildings anywhere on earth. That passed the Senate without the majority of the Senators knowing anything about it.

Americans spend millions of dollars abroad every year looking at old buildings in Europe, but as soon as a build-