PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BUCHANAN: A bill (H. R. 12165) to promote improvement in the spinning quality of cotton grown in the United States, to secure the correlation and the most economical conduct of cotton and other researches, and for other purposes; to the Committee on Agriculture.

By Mr. LARSEN: A bill (H. R. 12166) to provide payment to railway postal clerks and acting or substitute railway postal clerks, assigned to duty in railway post-office cars, for excessive layover time at outward terminals; to the Committee on the Post Office and Post Roads.

By Mr. VINSON of Georgia: A bill (H. R. 12167) to amend the United States cotton futures act of August 11, 1916, as amended, to provide for the prevention and removal of obstructions and burdens upon interstate commerce in cotton by further regulating transactions on cotton futures exchanges, and for other purposes; to the Committee on Agriculture.

By Mr. GIFFORD: A bill (H. R. 12168) to legalize an intake pipe in Warren Cove, at Plymouth, Mass.; to the Committee on Rivers and Harbors.

By Mrs. LANGLEY: A bill (H. R. 12169) to amend the meaning and intention of an act of Congress entitled "An act to regulate the practice of the healing art to protect the public health of the District of Columbia," approved February 27, 1929; to the Committee on the District of Columbia.

By Mr. JONES of Texas: A bill (H. R. 12170) to prevent the sale of cotton and grain in futures markets; to the Committee on Agriculture.

By Mr. SABATH: A bill (H. R. 12171) making unlawful the use of the mails, or any means of interstate communication, to offer for sale shares of stock not actually owned, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. IRWIN: Resolution (H. Res. 217) prohibiting the Postmaster General from discriminating between individuals, firms, corporations, and communities in the receipt, transportation, dispatch, and delivery of registered mail matter; to the Committee on the Post Office and Post Roads.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEERS: A bill (H. R. 12172) granting an increase of pension to Amelia Rhoads; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12173) granting an increase of pension to Annie Catharine Kauffman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12174) granting an increase of pension to Sarah M. Houck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12175) granting a pension to Henry F. Moyer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12176) granting an increase of pension to Marye A. Sassaman; to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Iowa: A bill (H. R. 12177) for the relief of Oluf Volkerts; to the Committee on Invalid Pensions.

By Mr. CURRY: A bill (H. R. 12178) to authorize the Secretary of War to donate two bronze cannon to the Veterans' Alliance of Vallejo, Calif.; to the Committee on Military Affairs.

By Mr. DENISON: A bill (H. R. 12179) granting a pension to Elizabeth Pitchford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12180) granting a pension to Mary Jane Phumphrey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12181) for the relief of Arthur Smith; to the Committee on Military Affairs.

By Mr. EVANS of Montana: A bill (H. R. 12182) granting a pension to Mary Buckley; to the Committee on Pensions.

By Mr. EDWARDS: A bill (H. R. 12183) granting a pension to Calhoun Shearouse; to the Committee on Pensions.

By Mr. EVANS of California: A bill (H. R. 12184) for the relief of C. B. Bellows; to the Committee on Claims.

By Mr. FREE: A bill (H. R. 12185) granting a pension to Zachary G. Jamison; to the Committee on Invalid Pensions.

By Mr. HUDSON: A bill (H. R. 12186) for the relief of Mary Orinski; to the Committee on Claims.

By Mr. MAPES: A bill (H. R. 12187) granting an increase of pension to Charles A. Halbert; to the Committee on Pensions.

By Mr. MENGES: A bill (H. R. 12188) granting an increase of pension to Elizabeth Brillhart; to the Committee on Invalid Pensions.

By Mr. MONTAGUE: A bill (H. R. 12189) for the relief of Roscoe McKinley Meadows; to the Committee on Naval Affairs.

By Mr. REID of Illinois: A bill (H. R. 12190) to authorize preliminary examination of sundry streams with a view to the control of their floods, and for other purposes; to the Committee on Flood Control.

By Mr. ROWBOTTOM: A bill (H. R. 12191) granting an increase of pension to Cyntha E. Patterson; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 12192) granting an increase of pension to Mary Moreton; to the Committee on Invalid Pensions.

By Mr. SOMERS of New York: A bill (H. R. 12193) for the relief of John J. Boyer, otherwise known as John J. Boyle; to the Committee on Military Affairs.

Also, a bill (H. R. 12194) for the relief of Isadore Abrahams, otherwise known as Irving Abrahams; to the Committee on Military Affairs.

By Mr. THOMPSON: A bill (H. R. 12195) granting an increase of pension to Sarah E. Abbott; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 12196) granting a pension to Ida Raphael; to the Committee on Pensions.

By Mr. WASON: A bill (H. R. 12197) for the relief of Alberto D. Huntoon; to the Committee on Claims.

By Mr. WYANT: A bill (H. R. 12198) granting an increase of pension to Hannah F. Black; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7208. Petition of International Union of Mine, Mill, and Smelter Workers, urging support of the present tariff duty as passed by the Senate Finance Committee; to the Committee on Ways and Means.

7209. By Mr. CRAIL: Petition of many citizens of Los Angeles County, Calif., favoring the passage of House bill 7884; to the Committee on the District of Columbia.

7210. By Mr. CULLEN: Resolution of the board of directors of the Merchants & Manufacturers' Association of Bush Terminal (Inc.), of Brooklyn, N. Y., favoring an increase in compensation paid to officers and enlisted men, both active and retired, of the Army, Navy, Marine Corps, Coast Guard, Public Health, and Coast and Geodetic Survey as recommended by the interdepartmental board; to the Joint Committee on Military Services Pay.

7211. Also, resolution of the Brooklyn section, a part of the National Council of Jewish Women, composed of 52,000 members, opposing bills H. R. 9109, H. R. 10207, and S. 1278, providing for the registration of aliens; to the Committee on Immigration and Naturalization.

7212. By Mr. HUDSON: Petition of the city council of the city of Dearborn, Mich., urging Congress to enact House Joint Resolution 167, directing the President of the United States to proclaim October 11 of each year as General Pulaski's memorial day; to the Committee on the Judiciary.

SENATE

TUESDAY, *May 6, 1930*

(Legislative day of Wednesday, April 30, 1930)

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

The VICE PRESIDENT. The Senate, as in legislative session, will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Farrell, its enrolling clerk, announced that the House had passed the bill (S. 2589) authorizing the attendance of the Marine Band at the Confederate veterans' reunion to be held at Biloxi, Miss.

The message also announced that the House had passed the following bill and joint resolution of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. 3531. An act authorizing the Secretary of Agriculture to enlarge tree-planting operations on national forests, and for other purposes; and

S. J. Res. 135. Joint resolution authorizing and requesting the President to extend to foreign governments and individuals an invitation to join the Government and people of the United States in the observance of the one hundred and fiftieth anniversary of the surrender of Lord Cornwallis at Yorktown, Va.

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

H. R. 1194. An act to amend the naval appropriation act for the fiscal year ended June 30, 1916, relative to the appointment of pay clerks and acting pay clerks;

H. R. 5662. An act providing for depositing certain moneys into the reclamation fund;

H. R. 6347. An act to amend section 101 of the Judicial Code, as amended (U. S. C., Supp. III, title 28, sec. 182);

H. R. 6997. An act to confer to certain persons who served in the Quartermaster Corps, or under the jurisdiction of the Quartermaster General during the war with Spain, the Philippine insurrection, or the China relief expedition the benefits of hospitalization and the privileges of the soldiers' homes;

H. R. 7933. An act to provide for an assistant to the Chief of Naval Operations;

H. R. 8806. An act to authorize the Postmaster General to impose fines on steamship and aircraft carriers transporting the mails beyond the borders of the United States for unreasonable and unnecessary delays, and for other delinquencies;

H. R. 9444. An act to authorize the erection of a marker upon the site of New Echota, capital of the Cherokee Indians prior to their removal west of the Mississippi River, to commemorate its location and events connected with its history;

H. R. 9843. An act to enable the Secretary of War to accomplish the construction of approaches and surroundings, together with the necessary adjacent roadways, to the Tomb of the Unknown Soldier in the Arlington National Cemetery, Va.;

H. R. 9939. An act authorizing the Secretary of the Interior to lease any or all of the remaining tribal lands of the Choctaw and Chickasaw Nations for oil and gas purposes, and for other purposes;

H. R. 10037. An act to amend the act entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1929, and for other purposes," approved May 16, 1928;

H. R. 10258. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Cannelton, Ind.;

H. R. 11780. An act granting the consent of Congress to Louisville & Nashville Railroad Co. to construct, maintain, and operate a railroad bridge across the Ohio River at or near Henderson, Ky.;

H. R. 12013. An act to revise and equalize the rate of pension to certain soldiers, sailors, and marines of the Civil War, to certain widows, former widows of such soldiers, sailors, and marines, and granting pensions and increase of pensions in certain cases; and

H. J. Res. 305. Joint resolution providing for the participation by the United States in the International Conference on Load Lines, to be held in London, England, in 1930.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 2589) authorizing the attendance of the Marine Band at the Confederate Veterans' reunion to be held at Biloxi, Miss., and it was signed by the Vice President.

PETITIONS AND MEMORIALS

As in legislative session,

Mr. VANDENBERG presented a resolution adopted by the city council of Dearborn, Mich., favoring the passage of legislation dedicating October 11 of each year as General Pulaski's memorial day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski, Revolutionary War hero, which was referred to the Committee on the Library.

Mr. WALCOTT presented telegrams in the nature of petitions from the Chapter of Disabled American Veterans of the World War at Bridgeport, and Lieutenant Robinson Post, Veterans of Foreign Wars, of Hartford, both in the State of Connecticut, praying for the passage of the so-called Johnson bill with the Rankin amendment for the relief of certain classes of World War veterans, which were referred to the Committee on Finance.

He also presented the petition of Lacroix-Murdock Post, No. 585, Veterans of Foreign Wars, of Meriden, Conn., praying for the passage of the so-called Swick bill, for the relief of World War veterans, which was referred to the Committee on Finance.

He also presented a letter in the nature of a petition from Huguenot Division, No. 561, Order of Railway Conductors, of Stamford, Conn., praying for the passage of the joint resolution (S. J. Res. 161) to suspend the authority of the Interstate Commerce Commission to approve consolidations or unifications of railway properties, which was referred to the Committee on Interstate Commerce.

He also presented the petition of the League of Women Voters of Naugatuck, Conn., praying for the passage of the so-called Jones and Goodwin bills, relative to the financing of the maternity and infancy hygiene program, which was referred to the Committee on Commerce.

He also presented the petition of Union No. 897, Brotherhood of Painters, Decorators, and Paperhangers of America, of New London, Conn., praying for the passage of the bill (H. R. 9232) to regulate the rates of wages to be paid to laborers and mechanics employed by contractors and subcontractors on public works of the United States and of the District of Columbia, which was referred to the Committee on Education and Labor.

He also presented the petitions of Local No. 611, International Hod Carriers' Building and Common Laborers' Union of America, and Union No. 21, Brotherhood of Painters, Decorators, and Paperhangers of America, both of New Britain, Conn., praying for the passage of the bill (H. R. 10343) to provide quota limitations for certain countries of the Western Hemisphere, and for other purposes, which were referred to the Committee on Immigration.

He also presented a petition of sundry citizens of Yalesville, Conn., praying for the passage of the so-called Stalker resolution, being House Joint Resolution 20, providing for an amendment to the Constitution to exclude unnaturalized aliens from the population count of the Nation for apportionment of the House of Representatives, which was referred to the Committee on Immigration.

He also presented a memorial of the Jewish Republican Club of Colchester, Conn., remonstrating against the passage of the so-called Blease bill, pertaining to the registration of aliens, which was referred to the Committee on Immigration.

THE TARIFF AND AMERICAN ECONOMISTS

As in legislative session,

Mr. HARRISON. Mr. President, I ask unanimous consent to have inserted in the RECORD two editorials which appeared in two of the New York papers this morning, the World and the Times, with reference to the protest of the 1,028 celebrated economists against the tariff bill.

The VICE PRESIDENT. Is there objection?

Mr. SMOOT. I have no objection, but I do object to the word "celebrated"; that is all.

The VICE PRESIDENT. Without objection, leave is granted.

The editorials are as follows:

[From the New York World of Tuesday, May 6, 1930]

MR. HOOVER AND THE ECONOMISTS

There is no subject on which Mr. Hoover has spoken oftener or more eloquently than on the importance of substituting expert guidance for blind guessing in the management of American business. He is above all else the great apostle of economic research, of objective study, of trained judgment, and in preaching his gospel he has set up more committees and utilized more experts than any other President. For nearly a year he has beheld the making of an economic program which affects the whole economic life of the country and its foreign relations. For nearly a year he has seen his own party in Congress ignoring his own advice, and within a short time there will be placed before him for his approval or his veto a new general revision of the tariff upward to the highest averages of all time. By every ideal which Mr. Hoover has professed his decision to veto or to approve should be controlled not by political expediency but by the best expert opinion which the country affords.

That opinion is now before him. Over 1,000 American economists, an assemblage which is practically a Who's Who of the men who can qualify as the highest expert authorities on the subject, have unanimously and unequivocally asked him to veto the bill which is about to emerge from Congress. Mr. GRUNDY and Mr. SMOOT may feel able to dismiss this petition as the plea of a collection of unworldly professors. But Herbert Hoover can not take that view. He is committed by innumerable professions of faith to the idea that the opinion of the disinterested expert is of capital importance. He can not, without discrediting his own philosophy of life, ignore this petition.

That the present tariff bill does not represent Mr. Hoover's own views is certain. One has only to read his message to the special session last spring to see that the bill originated by Mr. HAWLEY and Mr. SMOOT and engineered by Mr. GRUNDY is an overwhelming repudiation of Mr. Hoover's leadership. The record of events will show, moreover, that this repudiation resulted directly from Mr. Hoover's indecision last June when he missed the concrete opportunity that was presented to him to hold Congress to the program he had outlined. By what process of the human mind can he, then, justify approval of this bill? It defies his own judgment. It breaks his party's pledges. It inflicts tremendous burdens on the majority of the people. It will create ill will throughout the world.

There is, we suspect, one ground on which he will seek to square a surrender with his conscience. That is by fixing his eye on the flexible provisions and telling himself that if Congress will only grant him this power he can undo whatever mischief may be in the bill. The

flexible provision is the one thing he has passionately desired. There can be little doubt that his insistence on it is due to a belief that with this power in his hands he can right everything.

If this is his view, it is a dangerous illusion. Apart from the fact that presidential tariff making is contrary to the constitutional principle of reposing the taxing power in the legislature, the notion of a Hoover revision to revise the Hawley-Smoot-Grundy revision is the fantasy of a politically inexperienced man. The President of the United States can not decide the infinitely intricate questions involved in each schedule of the tariff. He has not the wisdom and he has not the time. He ought not to put himself into the embarrassing position of making himself the focal point of a hundred lobbies.

Yet that is what presidential tariff making means. It means that he must listen to a thousand conflicting arguments, submit to pressure from innumerable interests and decide a thousand questions which he is not competent to decide. Mr. Hoover has made many serious mistakes since he went to Washington. He will make a most serious mistake if he signs this bad bill on the theory that he, in his own wisdom and power, can make it a good bill. The sound course is that indicated by the economists: To reject the bill and put squarely upon Congress, where the constitutional power resides, the duty of framing an honest and reasonable tariff.

[From the New York Times of Tuesday, May 6, 1930]

ECONOMISTS AND THE TARIFF

Already in many ways unexampled in our history of tariff legislation the pending bill has now achieved a new bad eminence. It has been made the object of a concerted and overwhelming attack by the leading political economists of the country. Over a thousand of them, representing all parties and all regions, have joined in a weighty protest against the measure, and in calling upon the President to veto it should it come to him for signature. Nor are these objectors merely a lot of college professors. In their number are included the skilled advisers of banks and great manufacturing companies. Taken together, they speak for a large body of specially educated opinion, which is massed against the tariff bill with a vigor of conviction and expression quite without a parallel in American experience.

What these economists affirm is that the upward revision of the tariff is ill advised and ill timed. They are certain that the ends aimed at by it will never be attained. It will not create or benefit labor. It will not aid the farmer. It will lay an additional handicap upon many forms of gainful occupation, and will make the lot of the consuming public harder than ever. Moreover, the bill, if it becomes a law, is bound to diminish and dislocate that foreign commerce which is now essential to the United States. It will provoke not only resentment abroad but reprisals. The action speedily taken by the Canadian Government is a hint of what will be done by others. Finally, allege these political economists, the whole theory of restricting overseas trade is a monumental piece of folly for this country just when it has become the leading creditor nation of the whole world.

Such are the mature conclusions of men who have long and impartially studied questions of taxation and manufacture and commerce. They are stated without any possible bias, whether personal or partisan. It may well be that most Members of Congress will listen with scorn to this unprecedented protest. They will describe it as the utterance of academic doctrinaires, out of all touch with practical affairs and the realities of business. But it is impossible to imagine President Hoover dismissing light-heartedly this solemn remonstrance. He himself is a university man. He knows with what impartiality and scientific authority these leading economists of the United States have pronounced judgment on the tariff bill. With many of them he is personally acquainted. For all of them he must feel respect. For him to toss aside their deliberate statement as if it meant nothing would be to deny those of his own household, for Mr. Hoover himself has rightful claims to be considered a political economist.

Another Republican President, brought up in the tradition of high protection, might sneer at the idea of economists having anything to say about a bill which touches our national economics at a thousand points—Herbert Hoover can not. He believes in trained men. He is committed to the scientific investigation of questions affecting government. So that it can not fail to give him pause when a thousand specialists in trade and taxation tell him that the tariff bill is wrong in principle and will prove harmful and perhaps disastrous if made law. The President may yet feel constrained to sign the bill if it reaches his desk. But he will frankly be influenced by political motives, not by economic. And we may be sure that if he does sign, it will be with a heavy heart and haunting apprehensions.

RELIEF OF THE CATAWBAS IN SOUTH CAROLINA

As in legislative session,

Mr. BLEASE. Mr. President, I present a letter from Chief Samuel T. Blue, of the Catawba Indians of South Carolina, together with my reply thereto, and ask that they may be printed in the RECORD and referred to the Committee on Indian Affairs.

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

CATAWBA, S. C., *May 5, 1930.*

Senator COLE. L. BLEASE,
United States Senate, Washington, D. C.

DEAR SENATOR BLEASE: Can anything be done in behalf of my people during this session of Congress? Our condition is such that the prospects of making any corn or cotton is very grave. We drew the appropriation from the State, but when our debts are paid we won't have money left with which to purchase fertilizer and farm implements that we are so badly in need of.

Unless a way is provided, I see a serious time ahead for my people. Our only hope and salvation from the condition that we are now in is through the Federal Government.

We will be glad to furnish any information that you may desire. Thanking you again for the interest you are taking in our behalf, I am,

Very respectfully yours,

SAMUEL T. BLUE,
Chief of the Catawbas.

P. S.—If you desire a committee of two or three from the reservation to come to Washington, we will be glad to do so.

WASHINGTON, D. C., *May 6, 1930.*

Chief SAMUEL T. BLUE,
Chief of the Catawbas,
Catawba, S. C.

DEAR CHIEF: Your letter of the 5th received. I shall ask that your letter be printed in the CONGRESSIONAL RECORD to-day and referred to the Committee on Indian Affairs.

I think the committee was impressed with the necessity for some help for your people and that they will help us get assistance. You can rest assured that I will be glad to do all that I can.

With my best wishes for you and all in your tribe, I am,

Very respectfully,

COLE. L. BLEASE.

CALL OF THE ROLL

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

The VICE PRESIDENT. The clerk will call the roll.

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

Allen	Frazier	King	Smoot
Ashurst	Gillett	McCulloch	Steck
Baird	Glass	McKellar	Steiwer
Barkley	Glenn	McNary	Stephens
Bingham	Goldsborough	Metcalf	Sullivan
Black	Gould	Norris	Swanson
Blease	Greene	Nye	Thomas, Idaho
Borah	Hale	Oddie	Thomas, Okla.
Bratton	Harris	Overman	Townsend
Brock	Harrison	Patterson	Trammell
Broussard	Hastings	Phipps	Tydings
Capper	Hatfield	Pine	Vandenberg
Caraway	Hawes	Pittman	Wagner
Connally	Hayden	Ransdell	Walcott
Copeland	Hebert	Robinson, Ark.	Walsh, Mass.
Couzens	Howell	Robinson, Ind	Walsh, Mont.
Cutting	Johnson	Schall	Waterman
Dale	Jones	Sheppard	Watson
Deneen	Kean	Shipstead	Wheeler
Dill	Kendrick	Shortridge	
Fess	Keyes	Simmons	

Mr. NORRIS. I desire to announce that both Senators from Wisconsin [Mr. LA FOLLETTE and Mr. BLAINE] are absent attending the funeral of a former justice of the Supreme Court of the State of Wisconsin, where Senator BLAINE on yesterday delivered the funeral oration. I should have made this announcement yesterday, but overlooked it.

Mr. SHEPPARD. I announce that the Senator from Florida [Mr. FLETCHER], the Senator from Utah [Mr. KING], and the Senator from South Carolina [Mr. SMITH] are all detained from the Senate by illness.

Mr. BLACK. I desire to announce that my colleague the senior Senator from Alabama [Mr. HEFLIN] is necessarily detained in his home State on matters of public importance.

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

TREE-PLANTING OPERATIONS ON NATIONAL FORESTS

As in legislative session,

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3531) authorizing the Secretary of Agriculture to enlarge tree-planting operations on national forests, and for other purposes, which was to strike out all after the enacting clause and to insert a substitute.

Mr. McNARY. I move that the Senate disagree to the House amendment, ask a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. McNARY, Mr. NORRIS, and Mr. RANSDELL conferees on the part of the Senate.

INTERNATIONAL CONFERENCE ON LOAD LINES

As in legislative session,

The VICE PRESIDENT laid before the Senate the joint resolution (H. J. Res. 305) providing for the participation by the United States in the International Conference on Load Lines, to be held in London, England, in 1930, which was read twice by its title.

Mr. BORAH. Mr. President, a similar bill has been reported from the Committee on Foreign Relations and is now upon the Senate Calendar.

I ask unanimous consent that the Senate proceed to the consideration of the House joint resolution.

Mr. BLEASE. Mr. President, I object and I will state my reasons for objecting: I offered a resolution some time ago, and, at the request of the Senator from New Hampshire, did not object to its going to the Committee on Foreign Relations. The resolution sought information as to the necessity for the expenditure and for what the money was to be spent. I think the Senate has a right to know who are going to London to attend the conference, for what purpose they will go there, what their duties will be, and what their expenses will be before we appropriate in this general way the amount proposed. I object to the present consideration of the resolution.

Mr. BORAH. Mr. President, if the Senator from South Carolina will permit me, the joint resolution now before the Senate is wholly apart from and has nothing whatever to do with the conference which the Senator has in mind.

Mr. BLEASE. But I think the Senate, in a case like this, when it is asked to appropriate money, ought to know what the money is going to be used for and the object of the expenditure. Therefore I object. I think my resolution should long since have been reported back to the Senate, in which event it could have been acted upon. I do not think my resolution ought to be kept in cold storage and something else brought forward, while my resolution is postponed and the Senate is not given the information.

Mr. BORAH. Permit me to say, Mr. President, that the Senator's resolution has not been placed in "cold storage." On the other hand, it has had consideration at the hands of the committee, but, owing to the fact that there were many other matters ahead of it, we were unable to dispose of it at the session prior to the last session, and we did not have any session upon last Wednesday. We are to have a session on next Wednesday, that is to-morrow, and I will again bring up the resolution then for consideration. I wish, however, the Senator would permit the House joint resolution now before the Senate to be acted upon, as it has no relationship whatever to the other matter.

The VICE PRESIDENT. The Senator from South Carolina objects to the present consideration of the joint resolution.

Mr. JONES subsequently said: Mr. President, the Senator from South Carolina [Mr. BLEASE] has kindly consented to withdraw his objection to House Joint Resolution 305, which was laid down at the desk this morning. I, therefore, renew the request that the Senate proceed to the consideration of the joint resolution.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. J. Res. 305) providing for the participation by the United States in the International Conference on Load Lines, to be held in London, England, in 1930, which was read, as follows:

Resolved, etc., That the sum of $20,000, or so much thereof as may be necessary, is hereby authorized to be appropriated for the expenses of participation by the United States in the International Conference on Load Lines, to be held in London, England, in 1930, including travel and subsistence or per diem in lieu of subsistence (notwithstanding the provisions of any other act), compensation of employees, stenographic and other services by contract if deemed necessary, rent of offices, purchase of necessary books and documents, printing and binding, printing of official visiting cards, and such other expenses as may be authorized by the Secretary of State.

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

The VICE PRESIDENT. Without objection, the bill (S. 4104) authorizing an appropriation for expenses of delegates to attend the International Conference on Load Lines at London, England, will be indefinitely postponed.

ANNIVERSARY OF THE SURRENDER OF CORNWALLIS

As in legislative session,

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the joint resolution (S. J. Res. 135) authorizing and requesting the President to extend to foreign governments and individuals an invitation to join the Government and people of the United States in the observance of the one hundred and fiftieth anniversary of the surrender of Lord Cornwallis at Yorktown, Va., which was, on page 2, line 3, after the word "resolution," to insert "including the expense of entertaining the guests of the United States."

Mr. SWANSON. Mr. President, as the author of the joint resolution, I move that the Senate concur in the amendment of the House.

The motion was agreed to.

OHIO RIVER BRIDGE NEAR HENDERSON, KY.

Mr. BARKLEY. As in legislative session, I ask unanimous consent for the present consideration of House bill 11780, which has just come over from the House of Representatives.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11780) granting the consent of Congress to the Louisville & Nashville Railroad Co. to construct, maintain, and operate a railroad bridge across the Ohio River at or near Henderson, Ky., which was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to Louisville & Nashville Railroad Co., a corporation organized and existing under the laws of the Commonwealth of Kentucky, its successors and assigns, to construct, maintain, and operate a railroad bridge and approaches thereto across the Ohio River, at a point suitable to the interests of navigation, at or near Henderson, Ky., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to Louisville & Nashville Railroad Co., its successors and assigns; and any party to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized to exercise the same as fully as though conferred herein directly upon such party.

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

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

Mr. BARKLEY. There is a similar bill on the calendar, being order of business 609, Senate bill 4259, granting the consent of Congress to the Louisville & Nashville Railroad Co. to construct, maintain, and operate a railroad bridge across the Ohio River at or near Henderson, Ky., which I move be indefinitely postponed.

The motion was agreed to.

REPORTS OF COMMITTEES

As in legislative session,

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (S. 4211) to amend the act entitled "An act to provide for the elimination of the Michigan Avenue grade crossing in the District of Columbia, and for other purposes," approved March 3, 1927, reported it with an amendment and submitted a report (No. 615) thereon.

He also, from the same committee, to which was referred the bill (S. 4223) to amend the act entitled "An act to provide for the elimination of grade crossings of steam railroads in the District of Columbia, and for other purposes," approved March 3, 1927, reported it with amendments and submitted a report (No. 617) thereon.

Mr. KENDRICK, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 317) to authorize the Secretary of the Interior to grant certain oil and gas prospecting permits and leases, reported it with amendments and submitted a report (No. 616) thereon.

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

S. 543. A bill to increase the pay of mail carriers in the village delivery service (Rept. No. 618); and

S. 3599. A bill to provide for the classification of extraordinary expenditures contributing to the deficiency of postal revenues (Rept. No. 619).

REPORTS OF NOMINATIONS

As in executive session,

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

Mr. JOHNSON, from the Committee on Commerce, reported the nominations of sundry officers in the Coast Guard, which were placed on the Executive Calendar.

BILLS INTRODUCED

As in legislative session,

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

By Mr. TRAMMELL:

A bill (S. 4365) granting a pension to Sophie Alexander;

A bill (S. 4366) granting a pension to Elizabeth M. Bateman; and

A bill (S. 4367) granting a pension to Lillian M. Jennison; to the Committee on Pensions.

By Mr. HARRISON:

A bill (S. 4368) granting a pension to Missouri L. Clark; to the Committee on Pensions.

By Mr. CONNALLY:

A bill (S. 4369) for the relief of Mary Elizabeth Fox; to the Committee on Claims.

By Mr. VANDENBERG:

A bill (S. 4370) to authorize the design, construction, and procurement of one metal-clad airship of approximately 100 (long) tons gross lift and of a type suitable for transport purposes for the Army Air Corps; to the Committee on Military Affairs.

By Mr. THOMAS of Oklahoma:

A bill (S. 4371) authorizing the construction and equipment of a veterans' hospital at Claremore, Okla.; to the Committee on Finance.

A bill (S. 4372) for the relief of Ralph E. Williamson for loss suffered on account of the Lawton, Okla., fire, 1917; to the Committee on Claims.

By Mr. RANSDELL:

A bill (S. 4373) to amend the act entitled "An act to protect navigation from obstruction and injury by preventing the discharge of oil into the coastal navigable waters of the United States," approved June 7, 1924; to the Committee on Commerce.

By Mr. METCALF:

A bill (S. 4374) granting a pension to Emma M. Cornell (with accompanying papers); to the Committee on Pensions.

AMENDMENTS TO RIVER AND HARBOR BILL

As in legislative session,

Mr. TRAMMEL submitted an amendment, and Mr. JONES and Mr. McNARY each submitted two amendments, intended to be proposed by them, respectively, to the bill (H. R. 11781) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which were severally referred to the Committee on Commerce and ordered to be printed.

EXECUTIVE MESSAGES

Messages in writing were communicated to the Senate from the President of the United States by Mr. Latta, one of his secretaries.

NINTH INTERNATIONAL DAIRY CONGRESS (S. DOC. NO. 143)

As in legislative session,

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

To the Congress of the United States:

I commend to the favorable consideration of the Congress the inclosed report from the Secretary of State, to the end that legislation may be enacted to authorize an appropriation of $10,000 for the expenses of participation by the United States in the Ninth International Dairy Congress, to be held in Copenhagen, Denmark, in July, 1931.

HERBERT HOOVER.

THE WHITE HOUSE, *May 6, 1930.*

EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT laid before the Senate messages from the President of the United States making nominations, which were referred to the appropriate committees.

HOUSE BILLS REFERRED

As in legislative session,

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

H. R. 1194. An act to amend the naval appropriation act for the fiscal year ended June 30, 1916, relative to the appointment of pay clerks and acting pay clerks; and

H. R. 7933. An act to provide for an assistant to the Chief of Naval Operations; to the Committee on Naval Affairs.

H. R. 5662. An act providing for depositing certain moneys into the reclamation fund; to the Committee on Irrigation and Reclamation.

H. R. 6347. An act to amend section 101 of the Judicial Code, as amended (U. S. C., Supp. III, title 28, sec. 182); to the Committee on the Judiciary.

H. R. 9843. An act to enable the Secretary of War to accomplish the construction of approaches and surroundings, together with the necessary adjacent roadways, to the Tomb of the Unknown Soldier in the Arlington National Cemetery, Va.; to the Committee on Military Affairs.

H. R. 8806. An act to authorize the Postmaster General to impose fines on steamship and aircraft carriers transporting the mails beyond the borders of the United States for unreasonable and unnecessary delays and for other delinquencies; to the Committee on Post Offices and Post Roads.

H. R. 9444. An act to authorize the erection of a marker upon the site of New Echota, capital of the Cherokee Indians prior to their removal west of the Mississippi River, to commemorate its location, and events connected with its history; to the Committee on the Library.

H. R. 9939. An act authorizing the Secretary of the Interior to lease any or all of the remaining tribal lands of the Choctaw and Chickasaw Nations for oil and gas purposes, and for other purposes; to the Committee on Indian Affairs.

H. R. 10037. An act to amend the act entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1929, and for other purposes," approved May 16, 1928; to the Committee on Agriculture and Forestry.

H. R. 10258. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Cannelton, Ind.; to the calendar.

H. R. 6997. An act to confer to certain persons who served in the Quartermaster Corps or under the jurisdiction of the Quartermaster General during the war with Spain, the Philippine insurrection, or the China relief expedition the benefits of hospitalization and the privileges of the soldiers' homes; and

H. R. 12013. An act to revise and equalize the rate of pension to certain soldiers, sailors, and marines of the Civil War, to certain widows, former widows of such soldiers, sailors, and marines, and granting pensions and increase of pensions in certain cases; to the Committee on Pensions.

RUSSIAN COMMUNISM

As in legislative session,

Mr. VANDENBERG. Mr. President, in view of new contemporary disclosures respecting subvertive communistic propaganda in the United States, I want to call the Senate's attention to a cogent and sustained editorial in the Detroit News respecting Russian realities. All that our American people need is the truth, and they will continue to scorn and to spurn all invitations to sink the United States in the awful welter of Bolshevism. I ask unanimous consent that this illuminating editorial be printed in the RECORD.

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

[Editorial from the Detroit (Mich.) News of May 3, 1930]

THE TRUTH ABOUT RUSSIA

Now that we are beginning to understand accurately how the money is raised we need not be particularly astonished at what is being accomplished in Russia, nor at what is being planned by the Soviet Government.

A railroad 1,700 miles long, constructed in four years by means of 400,000 men, 200,000 camels, and $100,000,000 in money? Certainly. A $250,000,000 irrigation system? To be sure. An automobile plant costing $100,000,000; a $100,000,000 hydroelectric plant; a $75,000,000 tractor plant; an industrialization program to cost $33,000,000,000? All comparatively easy if you have the power to do and are willing to do what the Soviet Government is doing.

But this also is true: Once the people of the world understand the methods by which the people of Russia are compelled to pay the bill for what is being done to them, not anywhere could you induce any people to submit to such a process.

We here in Michigan are beginning to understand that process. Thanks most largely to the researches and writings of Philip Adler, of the Detroit News staff, many people here have secured an inkling of the horrors attending the business of industrializing a nation by force.

When a man of Mr. Adler's sound education and high integrity, born in Russia and speaking the language, tells us what he found and what

he saw on his recent prolonged visit to Russia, we at least make a start at understanding. When such a man tells us that the billions the Soviet Government is expending are raised by grinding 150,000,000 people into abject poverty and unbelievable misery, that year after year the fruits of the labor of all these millions are virtually confiscated, then we begin to comprehend how it is that the radicals from England, from our own country, and from all other countries return so profoundly disillusioned from a visit to Russia. Then we begin to appreciate the heart-wringing narratives of such of the farmers and workingmen as have managed to escape from Russia.

An enormous standing army kept on the alert to suppress uprisings, the most comprehensive spy system ever maintained on this earth and reaching into the most remote parts of Russia, ruthless prosecutions and executions, beggars everywhere, and bands of homeless boys wandering about in every section of Russia are all a concomitant and inevitable part of the picture.

It is a land of anguish.

Nor is the horror of it at all relieved if we grant the sincerity of the theorists who have seized and who thus manhandle this people. Concede that they believe they will some day turn Russia into happyland, and still, what have you? Apply the lesson to your own land. To our own United States. Could any possible set of circumstances justify a government at Washington in robbing all the people of home and hope and faith and substance for the purpose of rolling up billions in Washington with which to build stupendous public works on the theory that at some distant day, somehow, the people were to be made happier?

The truth is that Russia is paying in blood and tears even as it did under Ivan the Terrible. For the Soviet apostles of the socialistic teachings of Marx and Lassalle are close adherents to the methods of Ivan.

The $33,000,000,000 represents but a small part of the cost of Russia's industrialization program. In order to raise this sum the Russian Government compels its 125,000,000 farmers to sell to the State every product of their farms, with soviet agents prescribing the quality, quantity, and price of the goods to be presented by the farmers. Part of the goods, virtually confiscated from the farmers, is exchanged abroad for machinery for the industrialization program. Part of it is sold at a profit to the cities, where the proletariat, through the communistic dictatorship, maintains its supremacy over the farmers.

In order to prevent an uprising of the farmers the Government maintains the red army, one of the most powerful military systems in the world; the G. P. U., a system of espionage even more powerful than the army; and its vast coterie of politicians and bureaucrats—all nonproductive bodies, living off the farmer. Criticism of this system is punishable by exile, if not by death. Twelve years after the revolution and seven years after Russia's civil war, Russia's population of 150,000,000 still lives in a state of appalling misery; black bread is rationed out to the soviet citizens on Government books; the books are issued to loyal supporters of the dictatorship only, and countless nameless graves and 100,000 living exiles to the marshes of Siberia, to the burning sands of Kazakstan, and to the hyperborean regions of the Solovetzky Island in the White Sea are a continuous threat to those who would dare raise their voice against the dictatorship.

The industrial achievements of the Soviet Government, as they are carried out, no doubt will arouse the admiration of the followers of Stalin, but will hardly arouse a feeling of envy among any enlightened democratic people or create an attempt at emulation in any representative republican government, among people who are aware of the price the Russian people are paying for them. Any nation could accomplish as much, if not more, in as short a time by adopting the methods of the soviet. But no sane government will. No self-respecting people would submit to a government that dared.

PHILIPPINE INDEPENDENCE

As in legislative session,

Mr. HAWES. Mr. President, I ask leave to insert in the RECORD an article upon Philippine Independence, by Raymond Leslie Buell. It is an impartial statement. I do not agree with all its conclusions, but it is illuminating; and the matter is one which will shortly be brought before the Senate for final action.

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

PHILIPPINE INDEPENDENCE

By Raymond Leslie Buell, with the aid of the research staff of the Foreign Policy Association

PART I

INTRODUCTION

With the return of the American delegation from the London Naval Conference the question of the Philippines is likely to confront the Government at Washington shortly. On March 12 the Senate Committee on Insular Affairs suspended hearings on the subject of Philippine independence, and Senator BINGHAM, of Connecticut, chairman, announced that the committee would make a report only after having conferred with Secretary of State Stimson and the Secretary of the Navy in regard to international aspects of the question. Meanwhile a large number of bills looking toward Philippine independence have been introduced into Congress. One bill (S. 3108), introduced by Senator KING, of Utah, on January 13, 1930, would authorize the Philippine Legislature to hold a constitutional convention to formulate a constitution for an independent government. Similar bills have been introduced into the House by Congressmen DYER and KNUTSON (H. R. 5652 and H. R. 5182) On January 6, 1930, Senator BINGHAM introduced a resolution authorizing the President of the United States to call a conference in Manila in September, 1930, including eight representative citizens of the United States and eight representative citizens of the Philippines, to deliberate and make recommendations as to the future of the islands. On March 31, 1930, Senator VANDENBERG, of Michigan, introduced a bill (S. 3379) providing for complete independence at the end of 10 years. A similar measure was introduced on March 5 by Senators HAWES, of Missouri, and CUTTING, of New Mexico (S. 3822). The last measure would authorize a Philippine constitutional convention to draft a constitution for a free and independent government of the Philippines. During a transitional period of five years the United States would be given the right to control the foreign affairs of the Philippines, and, if necessary, to intervene to maintain a stable government. In order to supervise the Philippine administration during this transitional period, the United States would maintain a commissioner in the islands. During this transitional period trade relations would be upon the following basis: During the first year no change would be made in the free trade régime, but during the second year the Philippines would levy upon imports from the United States 25 per cent of the duty levied on goods from other countries, while the United States would impose a similar duty on Philippine products. During the third year the proportion would be increased to 50 per cent, and in the fourth year to 75 per cent. During the fifth year full duties would be charged. Within six months of the fifth year a plebiscite would be held in regard to Philippine independence. If the Filipino people should vote in the affirmative, the United States would withdraw its jurisdiction over the islands, subject to the acceptance of certain provisions in the Philippine constitution, to be embodied in a permanent treaty with the United States. These provisions concern property rights and debts; they also would obligate the Philippine Islands to sell or lease to the United States lands necessary for naval stations.

Such are the various proposals now pending before Congress. What the Senate Committee on Insular Affairs will recommend is not publicly known. It is possible that the committee will report against any change in the present system; it is also possible that it will vote in favor of immediate independence, as in the King bill; or for independence within 5 years, as in the Hawes-Cutting bill; or for independence within 10 years, as in the Vandenberg bill. It may adopt Senator BINGHAM'S proposal for a commission of investigation or it may recommend the ultimate admission of the Philippines as a State in the American Union.

Filipinos in the United States

Events of a sensational character in California have recently caused the Philippine problem to enter upon a new phase. According to press reports a mob at Watsonville on January 23, 1930, killed a Filipino lettuce worker, and the next day two Filipinos were maltreated at San Jose, while on January 29 a Filipino clubhouse in Stockton was bombed. On the same day California barred Filipinos from boxing rings as a precaution against further racial demonstrations. Apparently these outbursts were caused by fear of competition from Filipino laborers entering the United States from Hawaii and by the fact that white girls were being employed as entertainers in Filipino dance halls.

Filipinos responded to the California disturbances by celebrating a national humiliation day at Manila. The Philippine Commissioner at Washington, Mr. GUEVARA, moreover, declared that the only remedy for the condition was to grant the Philippines independence. He added that if similar mobbing of Americans had occurred in Manila the American Government would have sent "battleships and armies to meet the situation."

At the present time Filipino laborers—not being aliens—may enter the United States from the Philippines and from Hawaii without any restriction. Although in 1922 only 339 Filipinos arrived in the United States, the number has steadily increased, until the high point of 11,360 was reached in 1929. Detailed immigration figures are as follows:

Filipino immigration to the United States

	From the Philippine Islands	From Hawaii	Total
1922	241	98	339
1923	457	937	1,394
1924	1,833	2,118	3,951
1925	1,352	835	2,187
1926	3,918	2,888	6,803
1927	6,793	2,254	9,047
1928	4,681	1,515	6,196
1929	8,689	2,654	11,360
Grand total			41,280

At present it is estimated that there are about 50,000 Filipinos in continental United States, in comparison with 110,000 Japanese. A Filipino Federation of America has been established which has 12,000 members in the United States and 10,000 in Hawaii. It is declared that Filipino emigration to the United States is due to a lack of opportunities in the Philippines, and to the advertisements of American shipping interests.

Legal status

It is possible that Filipinos may come to occupy the same position in the eyes of the Pacific coast as have Chinese and Japanese laborers in the past. Several years ago American workers began to complain that Filipino immigrants were supplanting them as bellhops, elevator boys, culinary trade workers, and coastwise seamen on the Pacific coast. In order to check this "invasion" the California State Legislature in May, 1929, passed a resolution in favor of the restriction of Filipino immigration. The American Federation of Labor in 1927, 1928, and 1929 passed similar resolutions, as has the Seattle City Council. Several bills have recently been introduced into Congress providing in effect for Filipino exclusion.

Thus the Welch bill, introduced on January 16, 1930, provides that the term alien under the immigration act shall include "any individual not a native-born or naturalized citizen of the United States, but this definition shall not be held to include Indians of the United States not taxed, nor citizens of the islands (except the Philippine Islands) under the protection of the United States." The effect of the passage of this provision would be to exclude Filipino immigrants, since they belong to a race ineligible to American citizenship. It would also presumably bar them from acquiring land under the California alien land laws.

Already the status of the Filipino in the United States is inferior to that of the inhabitant of Porto Rico. All persons born in Porto Rico are ipso facto citizens of the United States. But the same is not true of a Filipino born in the Philippines. He is simply a citizen of the Philippines. He is not, however, an alien as far as the United States immigration laws are concerned, and he enjoys the protection of the United States when abroad.

There is some doubt as to whether or not a Filipino may become an American citizen by naturalization. Before 1906 the laws of the United States restricted naturalization to aliens who were "free white" persons and to those of African origin. The naturalization law of 1906 declared, however, that persons "not citizens, who owe permanent allegiance to the United States" could also be naturalized. It was assumed by some courts that this clause included Filipinos. Other courts, however, held that since Filipinos were not "free white" persons they could not generally be naturalized. This view was sustained by the Supreme Court in 1924 in a case which concerned a Japanese. As its view concerning Filipinos was only incidental to the decision of the case, and as the reasoning of the court is open to criticism, it is not impossible that this decision will be reversed in the future.

Since 1927 there has also been an organized movement to restrict the entrance of Philippine products, such as sugar, tobacco, hemp, copra, and coconut oil into the United States on the ground that these articles, produced by cheap labor, unfairly compete with American products. When these proposals to restrict Philippine imports were rejected on the ground that they were unfair to an American territory, many of the groups interested in their adoption began to advocate complete independence for the Philippines. For many years certain American business interests, for material reasons, have opposed Philippine independence, and it is only recently that groups such as the farm organizations have found it to their interest to support the other side. It is possible that liberal groups in the American Congress who have always believed in Philippine independence as a matter of principle, together with interested farm and labor organizations, may be strong enough to secure the passage of a Philippine independence bill during the present session of Congress.

While the movement within the United States against Filipino immigration and Filipino products has increased the possibility that the Philippines will be granted independence by the American Congress, it has also intensified the movement within the Philippine Islands for independence. As a result of this combination of circumstances, it seems that during 1930 the Philippine issue may be more acute than at any time since the famous Philippine insurrection.

This report will attempt to describe the general economic and social conditions in the Philippines, as well as the system of government; it will also present the arguments that are made for and against independence.

The Philippines—Description and history

The Philippines consist of a group of 11 large islands and over 7,000 smaller ones, lying 300 miles southeast of Asia and about 7,000 miles from the United States. They nearly touch north Borneo and are only 300 miles from Japan. Their total area is about 114,400 square miles—which is three times the area of the State of Ohio and one-half the area of insular Japan.

Several centuries ago Malay immigrants entered the Philippines and displaced the aboriginal population. Although the Filipinos are, for the most part, racially similar to one another, they are divided into 43 ethnic groups and speak 87 different dialects, belonging, in general, to the Malay-Polynesian family. There are eight languages, each of which is spoken by at least 500,000 people. Tagalog is spoken by 1,800,000 people, or a larger number than those who speak English and those who speak Spanish combined.

The total population of these islands increased from 7,600,000 in 1903 to 10,300,000 in 1918, while at present it is estimated to be about 12,000,000. In 1918 the census recorded a foreign population of about 65,000, including about 8,000 Japanese, 6,000 Europeans (4,000 of these being Spaniards) and about 6,000 Americans. The largest foreign group, however, was that of the Chinese, which numbered about 45,000. Most of these, apparently, entered the Philippines before the American occupation when the Chinese exclusion laws of the United States were applied to the Philippines; but, according to the Governor General, a large number of Chinese still enter the country illegally. Chinese merchants control about 60 per cent of the trade of the islands.

According to the 1918 census, about two-thirds of the people are Roman Catholic. An additional million and a half belong to an independent Philippine church, organized at the time of the 1899 insurrection by a Filipino, Gregorio Aglipay, formerly a Roman Catholic priest. There are also about 500,000 Moslems and 500,000 pagans in the islands.

In 1565 Spain established a colony in the Philippines, and within a few years extended its control over the whole of the islands. For three centuries the Philippines remained under Spanish rule. In the Wood-Forbes report of 1921, the results of Spanish rule in the Philippines were briefly characterized as follows:

"Whatever may be said of Spain's methods (and too much is said without knowledge), the fact remains that she implanted the Christian religion and European ideas and methods of administration in these islands, and laid the foundations which have been of far-reaching value in our work here. From a number of warring tribes Spain succeeded in welding the Philippine people into a fairly homogeneous group, sufficiently allied in blood and physical characteristics to be capable of becoming a people with distinctive and uniform characteristics."

Overthrow of Spanish régime

The Filipino people themselves, however, complained against Spanish rule, their chief criticisms being leveled at the Catholic friars whose power was extensive. Religious orders acquired vast estates; priests were in control of local government; many friars were accused of immoralities.

The movement that culminated in temporary independence began as early as 1872. In 1896 organized fighting against Spain broke out under Don Emilio Aguinaldo. The Spanish authorities retaliated in December, 1896, by executing Dr. José Rizal, who had headed the independence movement for some time, and whose two books, Noli Me Tangere and El Filibusteriano, had had a wide influence. Peace was finally made in the so-called pact of Biac-nabato, in 1897. Spain agreed to pay Aguinaldo 800,000 pesos as an indemnity to the leaders of the rebellion, to widows and orphans, and to those who had lost property during the disturbances. The leaders promised to live in exile; and Aguinaldo went to live in Hong Kong. Moreover, according to Aguinaldo, the Spanish Government promised to expel the religious orders and to grant Filipinos participation in the government of the islands. Later the Spanish authorities denied that they had promised to make these reforms.

Annexation by the United States

In April, 1898, a few months after the pact of Biac-na-bato was signed, war broke out between Spain and the United States over the question of Cuba's status. In this conflict Admiral Dewey destroyed the Spanish squadron in Manila Bay (May, 1898), and American forces then occupied Manila. Spain was soon brought to terms, and in September President McKinley sent a commission to Paris to negotiate a peace treaty. Although President McKinley in his original instructions asked only for the cession of the Island of Luzon to the United States, in the next month he expressed the view that the whole Philippine Archipelago must be ceded. Accordingly, on November 21, the American commissioners presented an ultimatum demanding cession of the entire archipelago in return for a payment of $20,000,000 and a guaranty of the open door to Spain for a period of 10 years. These terms were embodied in the treaty of peace signed on December 10, 1898.

Thus, although (subject to the Platt amendment) the United States recognized the independence of Cuba, only a few miles from its own shores, it annexed the Philippines, located 7,000 miles away. In 1898 Admiral Dewey declared: "In my opinion, these people [the Filipinos] are far superior in their intelligence and more capable of self-government than the natives of Cuba, and I am familiar with both races." Apparently the United States insisted on the annexation of the Philippines because of the belief that if left independent they would be seized by European powers or Japan, which had already shown aggressive designs against China. An independent Cuba, lying only a few miles away, on the other hand, could easily be protected by the United States under the Platt amendment. Moreover, not everyone agreed with Admiral Dewey that the Filipinos were better prepared for self-government than the Cubans.

Following a bitter debate after the outbreak of hostilities between Filipino and American forces described below, the United States Senate

passed a resolution explaining that by the ratification of the treaty of peace it was not intended to annex the islands permanently but to "prepare them for local self-government, and in due time to make such disposition of said islands as will best promote the interests of the citizens of the United States and the inhabitants of said islands."

The Philippine insurrection

At the time of the outbreak of the Spanish-American War Aguinaldo, the Filipino leader, was in Singapore on his way to Europe. Here he had a secret conversation with Consul General Pratt in which the latter apparently suggested that Aguinaldo cooperate with Admiral Dewey in taking Manila. Aguinaldo later claimed that Pratt had promised independence for the Philippines in return for his aid. This was denied; but Mr. Cameron Forbes, once Governor General of the Philippines, states that there is no doubt "that General Aguinaldo hoped to establish his own government with the assistance of the United States."

Aguinaldo returned to the Philippines and began operations against Spain. In June, 1898, he established a government which he asked foreign states to recognize. The Aguinaldo group, amid great popular enthusiasm, framed a republican constitution at Malolos, convened a congress, and appointed a cabinet. The United States, however, declined to recognize this government, or to allow a plebiscite on the question of the future of the Philippines, as had been requested in a Philippine memorial. Meanwhile, the situation on the islands soon grew tense, and on February 4, 1899, an exchange of shots between outposts started a war which lasted about two years. Peace was finally restored in 1901, after 120,000 American troops had been sent to the islands. The Philippine insurrection resulted in death of a total of 4,165 American officers and enlisted men, including those who were killed and those who died of wounds or disease. Reliable statistics on casualties among the Filipino forces are not available, but presumably they were much higher than among the American forces. The total cost of the insurrection to the American people was about $175,000,000.

PART II

NONPOLITICAL ACHIEVEMENTS OF THE AMERICAN ADMINISTRATION

Between August, 1898, and July, 1901, the Philippines were ruled by a military governor from the United States. But since then the United States has maintained a civil administration in the Philippines. What have been its accomplishments?

Public order

It was only in 1906 that American troops succeeded in suppressing the guerilla fighting that had started with the Philippine insurrection. Since then, except for recurrent disturbances in the Moro Provinces, and occasional fanatical outbursts of non-Christian tribes elsewhere, order has been maintained. The number of American troops in the islands has declined from 12,723 in 1904 to 4,946 in 1926. In addition, there are in the islands to-day about 7,000 Philippine Scouts. These form part of the United States Army and are supported by American funds, but are not subject to service outside the Philippines. In 1925 there were 29 Filipino officers (four of whom were majors) out of a total of 101 officers assigned to the Philippine Scouts.

The ordinary policing of the islands is undertaken by the Philippine constabulary. In 1928 this force consisted of 6,132 men and 394 officers. Of the officers 365 were Filipinos and 29 Americans. Between 1917 and 1927 the head of the constabulary was a Filipino-Spaniard, Brig. Gen. Rafael Crame. Since his death the constabulary has been commanded by an American. It maintains an extensive patrol system, furnishes quarantine guards for animal diseases and other epidemics, carries on operations against the Moro rebels, and furnishes first aid in typhoons, floods, and other catastrophes.

While the cost of the United States Army, including that of the Philippine Scouts, is borne by the United States, the cost of the constabulary is borne by the Philippine treasury. This averages about ₱5,000,000 a year, or 7.8 per cent of the 1930 budget.

Health

When the Americans arrived in the Philippines they found that pure water for drinking purposes was not available, and that even in the city of Manila no adequate provision for sanitation had been made. Smallpox was regarded as inevitable; cholera, beriberi, malaria, and other terrible diseases were widespread. There was not a modern hospital in the islands.

The American authorities immediately started a health campaign, which has made headway against many diseases during the last 25 years. Except for a period between 1914 and 1918, cholera, malaria, plague, and smallpox have become virtually nonexistent. In 1927, 37 government hospitals treated nearly 47,000 patients, while 1,036 dispensaries handled 994,000 cases. Under the direction of a public-welfare commissioner, maternity and child welfare work is being carried on. In 1928, 819,000 mothers were aided at 184 puericulture centers. Moreover, a notable leper colony has been established at Culion. General progress in promoting sanitation has also been made. Sewer systems have been installed in Manila and Baguio; and there has been a large increase in the number of water systems established during the last 10 years. A school of public hygiene has been established in the University of the Philippines for the training of public sanitation officers, and increased attention to the teaching of public health in the primary schools is being given. It is claimed that as a result of these various measures the death rate has declined materially during the American occupation, but the actual rate of decline is difficult to determine. The early statistics necessary for a basis of comparison are not generally regarded as wholly reliable.

While progress has been made in promoting public health, much remains to be done. Although the Philippines are kept practically free of quarantine diseases, other preventable diseases still cause a large number of deaths. Thus dysentery took a toll of about 9,300 in 1926 and about 5,800 in 1927; influenza, 6,200 in 1926 and 6,000 in 1927; tuberculosis, about 30,000 in 1926 and 25,000 in 1927; malaria, 24,000 in 1926 and 17,000 in 1927; beriberi, 19,200 in 1926 and 19,500 in 1927. It is also believed that between 70 and 90 per cent of the laboring population suffers from intestinal parasites.

Acting Governor General Gilmore summarized the difficulties in the health situation in 1927 when he said:

"The problem of improving public-health conditions still remains one of the most difficult tasks which confronts the government. There are still too few doctors and nurses; there are large areas without drug stores; many people are still uninformed with respect to the importance of public health and indifferent toward sanitary matters; local officials are too often ignorant as to the importance of sanitary regulations and indifferent to carrying them out. * * * The real solution lies along the lines of effective health education * * *."

The need of an improved diet is also frequently stressed. Moreover, complaints have been made that the Philippine Legislature is niggardly in its health appropriations. Appropriations for public health average about ₱4,000,000 a year, or about 8.9 per cent of total expenditures in 1930.

Education

One of the most important features of the American administration has been its educational work. During the occupation the number of pupils in the schools has increased from 227,600 in 1904 to 1,111,500 in 1928. At present there are about 26,500 school-teachers in the islands, of which 293 are still American. In 1930, 28 per cent of the total budget was devoted to education; this is in contrast to an expenditure of 4 or 5 per cent in the possessions of many other colonial powers. How much greater the emphasis on education has been in the Philippines than in other far eastern Territories may be seen from the following table:

School population, Far Eastern dependencies

Territory	Total population	Number of children in school	Percentage
Philippines	12,000,000	1,111,500	9.26
Dutch East Indies [1]	50,000,000	1,500,000	3.0
Korea [2]	19,000,000	515,000	2.7
French Indo-China [1]	20,000,000	200,000	1.0

[1] French and Dutch figures from G. Angoulvant, Les Indes Néerlandaises, Vol. I, p. 312.
[2] Japan Yearbook, 1929, p. 677.

As a result of this educational effort in the Philippines the rate of literacy has increased from 44.2 per cent in 1903 to 49.2 per cent in 1918. Filipinos assert that if those who can read and write native dialects were included, the rate of literacy would be 60 per cent. Nevertheless, it is estimated that only 35 per cent of the children of school age now attend school.

At the request of the Philippine Legislature, an American educational survey commission, the chairman of which was Prof. Paul Monroe, made a report in 1925 upon the educational system in the Philippines.

"For almost a generation," this report stated, "a school system patterned on the American plan and using English as its medium of instruction has been in operation. Through this system a Malay people which for more than three centuries lived under Spanish rule has been introduced to Anglo-Saxon institutions and civilization. Through this system an effort has been made to give a common language to more than 10,000,000 people, divided by the barriers of dialect into numerous noncommunicating groups. Through this system teachers have sought to bring to the Orient the products of modern scientific thought. Through this system both American and Filipino educational leaders have hoped to prepare a whole people for self-government and for bearing the responsibilities of effective citizenship."

In certain respects the commission found that results have not been successful. The medium of instruction in the schools has been English, and especially during the first few years the hours of instruction are occupied with the study of that language. On the average, Filipino pupils remain in school less than three years. After leaving school not 1 per cent of them speak English in their homes; and probably not more than 10 or 15 per cent use it in their occupations. As a result, the smattering of English acquired in three years at school soon disappears. At present not more than a million Filipinos have a knowledge of English—or 1 out of every 12.

Despite these criticisms, the commission recommended that from the beginning English should be continued as the language of instruction, but urged that methods of instruction should be improved. While there was no intention of replacing the dialects, a language for common intercourse was needed, and the commission believed that this common language should be English rather than Spanish, not only because the former was the language of the United States but also because it was the secondary language of the Orient.

There are some observers who feel, however, that it is a mistake to use English during the first three school years. They believe that while English should be taught as a subject, the language of instruction in the elementary years should be Tagalog, or some other widely spoken dialect, depending on the district. Instead of placing emphasis on a foreign language during this earlier period, the emphasis should be placed on subjects of value to the pupils in their daily village life. English, they believe, should be used as a medium of instruction only after the third year.

The Philippine public-school system has made provision for agricultural and industrial training, but the American educational commission found that many students were not interested in such opportunities, and that a far larger class of students having a purely academic training was being produced than could be absorbed. It found, moreover, that the textbooks were thoroughly American rather than Filipino. The whole course of study, it stated, "reflects American culture." It also declared that the standard of teaching was defective.

Finally, the Philippine educational system has been criticized on the ground that it is influenced by politics. The Monroe commission declared that "the appointment, tenure, and advancement of every division superintendent of schools and practically every high-school principal in the system is really subject to political control." The legislature, according to the commission, has placed the selection of textbooks in the hands of a board controlled by politicians; it has also been ungenerous in its appropriations for the bureau of education.

The Monroe commission recommended an increase in taxation for educational purposes, more adequate inspection, more thorough preparation of teachers, the concentration of American teachers in the normal schools, and a continuous and scientific revision of the curriculum, emphasizing a practicable type of instruction that would benefit the actual lives of the people.

The Monroe report was thoroughly analyzed by a joint legislative committee, which objected strongly to some of the observations of the Monroe report, although it accepted many of its recommendations. Moreover, a convention of division superintendents, American and Filipino, criticized statements attributed to members of the Monroe commission "as a campaign which has no precedent in the annals of contemporary pedagogy and which violates the most elementary principles of professional ethics; a campaign of vicious propaganda which under the veil of professional freedom of expression exposes the Philippine school, its pupils, its teachers, and its administrators to the ridicule of American and European educational circles. * * *."

In 1928 the director of education reported that there was an awakening interest in the study and practice of better English; that the courses of studies were being reconstructed; and that the standard of instruction had improved.

PART III

ECONOMIC DEVELOPMENT UNDER AMERICAN RULE

Believing that the establishment of communications is essential to economic development, the American administration has aimed to improve water transportation so as to connect the islands with one another; it has also established a large number of lighthouses and constructed a large number of roads. The mileage of first-class roads has increased from 305 in 1907 to about 3,955 at the present time. Moreover, a conservation system designed to protect the vast forest resources of the Philippines has been established. Sixteen Government irrigation systems have been put in operation, and 164 municipal and provincial water-supply systems have been created which, excluding Manila, serve drinking water to more than half a million people. Likewise postal, telegraph, and savings bank systems have been installed.

A department of agriculture and natural resources attempts to promote agricultural development by carrying on experiments, by maintaining a system of extension agents and rural credit associations, and by conducting other activities. In certain respects, these efforts have been criticized on the ground that they have not achieved the desired end. Thus Governor General Stimson states that in "the character and capacity of vessels," and the "safety and adequacy of service," the interisland shipping is "far behind the requirements of the islands and constitutes a most serious handicap to their development." Likewise the work of the rural credit associations has been criticized.

The Philippines are primarily an agricultural country. More than 72 per cent of total production takes the form of agricultural products. The remainder consists of lumber, metals, and manufactures. The leading product is rice, a chief food staple.

Sugar, manila hemp, and copra are other important products. The principal manufactures are cigars and cigarettes, followed by embroideries and hats. The total annual value of commercial production in the Philippines is put at about $2,000,000,000.

Foreign trade

One indication of economic progress in the Philippines under American rule will be found in an examination of foreign-trade figures. The increase of foreign trade may be seen from the following table:

Value of foreign trade

(In dollars)

	Imports	Exports
1901–1905	31,389,000	29,635,000
1906–1910	33,369,000	34,779,000
1911–1915	51,681,000	50,007,000
1916–1920	95,594,000	111,996,000
1921–1925	102,256,000	117,735,000
1926	119,299,000	136,844,000
1927	115,851,000	155,574,000
1928	134,657,000	155,055,000

Ever since 1915 there has been an excess of exports over imports. While in 1913 hemp was the leading export of the islands, sugar has now forged ahead to first place. The increase in the share of the United States in this trade, caused in part by the tariff policy discussed below, is shown in the following table:

Period	Average percentage of imports to the United States to total imports	Average percentage of exports to the United States to total exports	Average percentage of total trade with United States to total external trade of Philippine Islands
1899–1904, inclusive	11.3	29.5	20.0
1905–1909, inclusive	18.2	37.0	28.0
1910–1914, inclusive	43.6	42.2	43.0
1915–1919, inclusive	56.8	55.4	56.2
1920–1924, inclusive	59.8	67.2	64.0
1925–1928, inclusive	60.5	74.0	67.75

Although in 1913 the Philippines imported from the United States more than they exported to it, at present the Philippines sell more to us than they buy from us in return.

In 1900 about 55 per cent of Philippine exports went to Europe, 26 per cent to Asia, and 13 per cent to the United States. At the present time, however, about 75 per cent of Philippine exports go to the United States.

China's share in the Philippine trade has declined from 15 per cent in 1901 to 3.47 per cent in 1928. But, despite the present tariff régime, Japan has made progress in the Philippine trade. In 1908 only 0.03 per cent of the Philippine trade was with Japan, but in 1928 this had increased to 6.68 per cent.

The leading articles in Philippine overseas trade in 1928 were as follows:

Exports

Sugar	$47,500,000
Manila hemp	26,600,000
Coconut oil	23,500,000
Copra	22,500,000
Tobacco and cigars	16,400,000
Hats	6,600,000
Embroideries	4,400,000

Imports

Cotton and cloth	48,000,000
Foodstuffs	27,000,000
Machinery	22,000,000
Petroleum and coal	20,000,000
Iron and steel	11,500,000
Vehicles	11,000,000

Another sign of economic progress is found in the increase of the number of depositors in the postal savings banks from 2,331 in 1907 to 289,145 in 1928. The amount due to depositors at the close of the year increased from $255,000 in 1907 to $8,100,000 in 1928.

Finances

Government revenue also increased from $10,450,000 in 1906 to $38,800,000 (estimated) in 1930. This latter figure is slightly less than the average annual income ($39,500,000) between 1924 and 1928. In this period there has been an annual excess of income over expenditures of more than $1,000,000.

The American Congress has provided that the indebtedness of the Philippine government shall not exceed 10 per cent of the aggregate value of taxable real estate—a percentage which in 1928 represented about $86,000,000. The present net indebtedness of the insular and local governments, however, is only $58,400,000. The greater part of this debt was contracted in connection with the construction of public works. Philippine bonds are exempt from taxation, both in the Philippines and in the United States. Although these bonds are not guaran-

teed by Congress, they are regarded as a "moral obligation" of the United States. Consequently Philippine bonds have been issued at a rate which has averaged a little above 4 per cent. This rate is much lower than that which certain independent governments are obliged to pay on the New York market.

About 12.5 per cent of the total expenditure of the Philippine government goes to the public debt in comparison with 26.06 per cent in Haiti.

Although the Philippine budget has balanced during the last few years, Governor General Davis declares that "Government revenues are practically stationary, while the needs and proper demands are steadily expanding. * * * A steady increase in the wealth of the people, which in turn will steadily increase the revenues of the government, is essential.

Low standard of living

Despite the growth in foreign trade and other signs of economic progress, a number of Filipinos declare that living conditions of the Filipinos have improved but little under the American occupation. Señor Manuel Roxas recently said that the purchasing power of the Philippine people at the present time is "barely equal" to what it was under the Spanish régime. "Anybody intimately acquainted with the life of a Filipino laborer knows that if he is to depend exclusively on his earnings to support himself and his family, his difficulties are greater to-day than they were 30 years ago." He blames these conditions upon failure to build up an economic organization and also upon the régime of free trade.

Señor Rafael Palma, president of the University of the Philippines, declares that "very few of our people are moneyed people; the great rank and file of our citizens lead a life of abject poverty, of penury that inspires pity and commiseration. They do not have more than is necessary to supply their daily needs, the morrow is ever to them a question mark and a constant worry. To see people undernourished and poorly clad is a common sight in our barrios. Whoever would judge and grade our civilization on the social level of our peasants and laborers would form an idea not altogether complimentary to our people." Governors General Stimson and Davis have both declared that the islands are backward from the economic standpoint.

According to an investigation of the Philippine Bureau of Labor in 1925, the cost of actual necessities for a family of two adults and three minors amounts (outside of Manila) to 91 cents a day. But the average wage in the Philippines is only 37 cents a day; and so if both adults in the family work the total income would be only about 75 cents, which is considerably less than the budget.

Although the population density of the Philippines is only about 90 per square mile, which is much less than the density of population in Japan or China, there has been a considerable emigration of laborers from the islands to Hawaii—an indication that economic development in the Philippines is inadequate for the needs of the people. In 1906 the Hawaii sugar planters entered into an agreement with the Philippine government making possible Filipino emigration under certain safeguards. It was provided, for instance, that part of the wage should be deducted monthly and used to defray the cost of passage home. The Philippine government could maintain a supervisor of labor in the Hawaiian Islands. This emigration has frequently caused concern to Filipino leaders.

Causes of economic backwardness

Among the causes for the alleged backwardness of the Philippines are said to be first, the present tariff system which, while it gives them a privileged position in the distant American market, prevents the islands from developing reciprocal trading privileges with their neighbors; and second, the reluctance of foreign capital to enter the islands. This reluctance is said to be due to: (1) Restrictive land and corporation laws, and (2) the uncertain political status of the Philippines.

Despite assertions as to the economic backwardness of the Philippines, statistics show that per capita imports and exports in these islands are higher than in the Dutch East Indies and in French Indo-China.

An important factor in the economic development of the Philippines has been the tariff policy of the United States. The act of August 5, 1909, admitted Philippine products (with the exception of rice) into the United States free of duty; the free importation of sugar, however, was limited to 300,000 tons annually, while a similar limitation was placed upon the importation of tobacco products. The tariff act of 1913 removed all of these limitations. American products, moreover, enter the Philippines free of duty. Free trade was established between the United States and the Philippines in spite of a resolution of the Philippine Assembly in 1909 condemning the policy on the ground that it would lead to a reduction in revenue and would militate against Philippine independence. Although free trade thus exists between the Philippines and the United States, the American Congress has established a tariff of about 20 per cent upon foreign imports entering the Philippines.

In February, 1928, Congressman TIMBERLAKE introduced a bill which proposed to modify this free trade régime to the extent of limiting to 500,000 tons a year the amount of sugar that might enter the United States free of duty. Various farm organizations advocated the restriction of other duty-free products, such as copra, coconut oil, and hemp, on the ground that they compete with products of American farmers, especially cottonseed growers and butter producers. With the failure of these measures, many farm organizations declared for Philippine independence, in order to secure the same end.

ADVANTAGES OF "FREE TRADE"

The existing tariff régime has been praised by a number of American observers. They declare that under this régime Filipinos enjoy unrestricted access to the markets of a country having the largest purchasing power in the world; that despite the distance of this market from the Philippines, it is actually worth much more than any market in Japan and China which might theoretically be built up under a different tariff régime. They declare that before the establishment of free trade in 1909 there was little progress in the overseas trade of the Philippines; but because of the new tariff régime, this trade grew rapidly. Mr. Cameron Forbes states that "the result of this enlightened measure exceeded even the fondest hopes of the most sanguine of its supporters. Trade between the islands and the States increased by leaps and bounds."

One reason why certain American merchants support the present régime is because it tends to give them a monopoly of the Philippine market. Likewise, those who are opposed to independence for the Philippines favor the present system, since it tends to make the islands economically dependent upon the United States, thus increasing the difficulty of establishing political independence.

When measures were proposed in Congress to impose tariff restrictions upon Philippine imports into the United States in 1927–1929, they were vigorously opposed by former Governor General Stimson, and also by Filipino representatives. Mr. Stimson declared, "The American flag stands to-day not only for individual freedom but for freedom of trade for all people under the flag." He later said:

"Once it is known that the basis underlying their entire economic system is in danger and can be broken successfully by the efforts of protected industries in the United States the harm is done, and the people of the islands have lost their confidence in the people of America. * * *

"In this connection it must be remembered that the present standard of living throughout the Philippine Islands rests almost entirely upon the American market. The standard of living of the Filipino laborer is at least 300 per cent higher than that of his neighbor in China. It is much higher than that of any similar laborer in the other surrounding countries like Java or Singapore. Thirty years ago we offered the Filipino occidental civilization and he accepted it. We have given him western education, western schools, western improved roads, and other western physical advantages, and he has come to have a western outlook. This accounts for the sense of betrayal and wrong which is now produced by an attempt to take away the foundation to which we ourselves have led him."

Likewise Filipino leaders oppose any tariff restrictions on the ground that as long as American goods enter the Philippines freely, restrictions upon Philippine goods entering the United States would be unjust. They deny, however, that their desire to retain free trade means that they have surrendered their goal of independence. They simply do not wish to be discriminated against as long as they remain under the American flag.

Arguments against tariff régime

While Filipino leaders and many Americans thus support the present free-trade régime, it has been subjected to three main criticisms. The first is that tariff duties on non-American imports into the islands have been fixed so as to exploit the Filipino people for the benefit of American manufacturers. Before 1909 half of the flour consumed in the Philippines came from Australia; but to-day it comes—and probably at a higher price—from the United States. American shoes, dairy products, cigarettes, textile goods, agricultural machinery, and automobiles enter the Philippine market free of duty, while protective duties exclude such products entering from foreign countries, although none of them are produced in the Philippines. At the protest of American tobacco interests, the Philippine Legislature increased the tariff duty on tobacco wrappers for its cigars, which had formerly come from Sumatra. As a result of this increase, the Filipinos now purchase such wrappers, at a higher price, from Connecticut. Another example of the doubtful value of the tariff régime is furnished in the case of sugar. Before 1909 the Philippines exported large quantities of muscovado sugar to the near-by markets of China and Japan. With the establishment of free trade the centrifugal sugar industry sprang up, the output of which is exported solely to the United States.

As a result, the Philippines have lost a natural sugar market in China and Japan. Although they have gained a market in the United States it is based upon a political favor which may be withdrawn at any time. The free-trade régime has artificially created a sugar industry in the Philippines, and at a time when the world is suffering from an overproduction of this commodity. Both Americans and Filipinos testify to backward economic condition of the islands; and it is alleged that this backwardness is partly due to free trade, which has forced the islands to grow a few crops for the American markets, located 7,000 miles away, instead of diversifying agriculture and building up markets close at home.

The second argument advanced against the present tariff régime is that it prevents the Philippine government from collecting revenue upon imports from the United States. Had a duty of 20 per cent been imposed upon such imports in 1928 the Philippine government would have received an additional revenue of about 34,000,000 pesos, or about half the present budget. American authorities complain that the revenue of the Philippine government is low. One reason may be that the government can not tax what in other similarly situated countries is one of the most fruitful sources of income; namely, imports from every source.

The third argument is that the free-trade régime hampers the establishment of political independence. If the islands build up an economic system which depends for its existence upon free trade with the United States, this system would be overturned by the imposition of a protective tariff in the United States against the Philippines, which would inevitably follow the granting of independence. It has therefore been proposed that the Philippines be given tariff autonomy, so that by taxing American imports and by negotiating tariff agreements with neighboring countries they may gradually reorganize their economic system with a view to achieving political independence.

There are some students who do not believe that the cessation of free trade would have a disastrous effect upon Philippine foreign trade. They point out that while the American sugar market would be lost, the export of many materials to the United States would continue. For example, both copra and hemp, which now constitute 30 per cent of the total Philippine exports to the United States, are already on the general free list, and hence would presumably be allowed to enter this country free following the achievement of Philippine independence. In addition, markets in China and Japan would be built up.

Violation of the open-door principle

The final argument against the present tariff régime is that it is a violation of the open-door policy which the United States has requested that other governments should adopt. Practically every colonial system in the world imposes duties upon the trade between the mother country and the colonies. In some cases a preference is given to interimperial as compared with foreign trade; but in many colonies, as in territories under league mandate, the open door prevails. Under this latter régime an American may trade, for example, in British Nigeria upon exactly the same basis as a British trader. Where the open-door system prevails there is no economic incentive for one government to attempt to annex colonies governed by another. But when the closed door is established, as by the United States in the Philippines, neighboring powers tend to be excluded from the trade of the colony, and, consequently, they resent the occupation of the country by the power which imposes the monopolistic tariff régime. To remove this irritating factor in international relations, the extension of the open-door principle to the entire colonial world has frequently been advocated. In following the opposite policy in the Philippines the United States, it is argued, obstructs the movement. It is declared that the United States, from the commercial standpoint, has much more to gain from the universal application of the open-door policy than it has from maintaining a quasi monopoly of trade in the Philippines.

THE LAND SITUATION

A fundamental factor in the economic development of the Philippines is the land situation. The total area of the soil cover of the Philippines is about 72,000,000 acres. More than 25,000,000 acres are forest land and about 9,000,000 acres are already under cultivation. There remain about 34,500,000 acres of vacant cultivable land, all belonging to the public domain. At present only about 21 per cent of the land suitable for cutivation is being used. While from the absolute standpoint this percentage is low, it is high in comparison with certain undeveloped countries. Thus only about 5 per cent of the land in South Africa and Kenya, already alienated or surveyed, is under cultivation.

Although there are about 29,500,000 acres of public land available for alienation, only 77,800 acres on the average are being alienated or leased annually. These figures indicate that "nearly 400 years must elapse at the present rate of development before the Philippine Islands are cultivating all the land that can be cultivated here."

One reason for this supposedly slow rate of development is the restriction imposed upon the acquisition of land by corporations. Restriction was first imposed by the American Congress in the organic act of 1902. The Jones Act of August, 1916, authorized the Philippine Legislature to enact laws concerning public lands, subject to approval by the President of the United States. Accordingly, in an act of November 29, 1919, the Philippine Legislature declared that any citizen of the United States or the Philippines could take out homesteads of 24 hectares (60 acres); while any such citizen or any corporation, of which at least 61 per cent of the capital stock belonged wholly to citizens of the Philippine Islands or of the United States, could purchase any tract of public agricultural land not exceeding 144 hectares (355 acres) in the case of an individual, or 1,024 hectares (2,500 acres) in the case of a corporation.

Subject to the same nationality restriction, individuals or corporations might also lease land up to 1,024 hectares for a period of 30 years at an annual rental of not less than 3 per cent of the annual value of the land.

The object of this restrictive land legislation has been to prevent the resources of the islands from passing into foreign hands, or a return to the condition when the Catholic friars had land holdings.

Whether or not as a result of this legislation, the Philippines to-day are dotted with small farms, the average size being about 1.23 hectares (3 acres). The number of farms has increased from 815,500 in 1903 to 1,955,000 in 1918. About 96 per cent of the area under cultivation is owned by Filipino farmers. With the exception of some Japanese hemp plantations in the Gulf of Davao there are few foreign agricultural corporations in the islands.

In other words, the resources of the Philippines are for the most part in Filipino hands, in contrast to the situation in Porto Rico and Cuba, where these resources have passed in large part to American corporations.

The friar lands

In addition to enacting restrictive land legislation, the United States at the beginning of its occupation of the Philippines adopted a policy of promoting native small-farm agriculture in connection with the so-called "friar lands." These were vast holdings acquired under Spanish rule by the Catholic orders, who leased such lands to Filipino tenants. In some cases tenants refused to pay rents on the ground that they were exorbitant; and upon the establishment of American rule it was realized that the hold of the church upon the land must be relinquished. In 1902 the Secretary of War instructed Governor Taft to visit Rome to negotiate the purchase of the friar lands from the Vatican. An agreement was finally signed, in which the Philippine government secured about 410,000 acres for $7,000,000—a sum which was raised by a bond issue.

The Government, through the Bureau of Public Lands, has inaugurated a plan of allocating these lands to peasant farmers, giving preference to existing tenants. Ownership of a plot may be acquired by the annual payment of 8 per cent of the sale price over a period of 25 years. This sum is said to be less than the rent formerly exacted. Up to 1928 about 49,000 lots had been thus sold to Filipino farmers.

Peonage

While an effort has been made to exclude large foreign holdings and to develop peasant proprietorship in the Philippines, little has been done to eliminate the system of peonage, or debtor labor. Filipino landlords, called "caciques," frequently involve their tenants or laborers in debt. These tenants can not leave their employment until the debt has been paid, and as the clandestine interest rate is 10 or 20 per cent a month it is almost impossible to extinguish it. Dean C. Worcester has declared that peonage "lies at the root of the industrial system of the Philippines."

In 1912 the Philippine Commission, controlled by American members, agreed to an act which imposed a fine or imprisonment upon laborers who violated their contracts. The result of this law was to strengthen the peonage system, since if a laborer attempted to desert his employment before paying off his debt he could be imprisoned. In December, 1927, the Philippine Legislature repealed this law, thus removing the legal sanction of peonage.

Land reforms

Believing that existing land legislation is responsible in part for the economic backwardness of the islands, a number of American spokesmen have urged the Philippines to liberalize their land and corporation laws. Although such recommendations were made before the World War, they became particularly numerous during the Hoover campaign to find new sources of rubber, after the British placed restrictions on rubber production in their dependencies in the Orient. In 1925 the Department of Commerce declared, after an extensive survey, that "on the islands of Mindanao, Basilan, and Jolo there were located regions comprising more than 1,500,000 acres which were suitable for rubber planting." Its report declared that the land laws were too restrictive "for corporations wishing to undertake plantation projects on a large scale * * *" but pointed out that the Philippine Legislature had power to make grants of land on more favorable terms, subject to the approval of the President of the United States.

After referring to the rubber possibilities of the islands, Mr. Carmi Thompson in his report to President Coolidge in 1926 recommended that the Philippine Legislature amend the land laws "so as to bring about such conditions as will attract capital and business experience for the development of the production of rubber, coffee, and other tropical products, some of which are now controlled by monopolies."

Mr. Harvey Firestone desired to enter the Philippines for the purpose of growing rubber, but after investigation he declared that this could not be done until the Philippines had modified their laws so as to allow the acquisition of more land and the importation of contract labor. The legislature in its seventh session refused to adopt a bill making a special grant, and Mr. Firestone concentrated his attention upon Liberia.

In his inaugural address of March 1, 1928, Governor General Stimson emphasized the importance of the economic development of the Philippines. He declared that it was "the simple truth * * * that individual freedom and the practice of self-government are found to be most prevalent and firmly held in those communities and nations which have

a highly developed system of industry and commerce as their foundation * * *." He asked for opportunities for American capital in the Philippines, claiming that in the United States the "abuses of capital which excited criticism a generation ago have been curbed." In a message to the legislature, he also asked for the "wise and conservative revision" of the land laws, the corporation laws, and certain other measures. Mr. Stimson declared that "American capital has learned the unwisdom of attempting to exploit the land in which it enters." Senator Cabahug introduced a measure into the legislature extending the holdings which foreigners might acquire from 1,024 hectares (about 2,500 acres) to 5,000 hectares (12,350 acres). It was declared that Governor General Stimson favored some such bill.

Controversy over foreign capital

At first the proposals to encourage the entrance of foreign capital met with widespread opposition. Speakers called attention to the fate of Cuba, Porto Rico, and Hawaii. It was declared that the entrance of large plantations into the Philippines sooner or later would lead to a demand for imported labor from China.

Commenting on the Stimson program, Mr. OSIAS said:

"The supreme ambition of the Filipino people has never been that of being the richest people on earth. The thought, the ideal which has animated us in our individual and national life has always been the ideal of freedom and independence."

On September 15, 1928, Señor Manuel Roxas, speaker of the Philippine House of Representatives, declared that public opinion was demanding careful and close scrutiny of all proposals tending to amend laws governing business and agriculture. It feared the "stranglehold of the American economic octopus * * * which would leave our country lifeless and forever dependent on the United States." At a banquet given in honor of Mr. Stimson on September 27, 1928, Señor Quezon, president of the Philippine Senate, declared that while the policy of political cooperation had won approval, candor compelled him to admit that Mr. Stimson's economic policies had—

"aroused misgiving in certain quarters * * *. But there has been in recent years an apparently deliberate campaign to induce the United States to reverse its policy with regard to the Philippines and to have her follow the path of greedy and selfish imperialism. This, together with the suggestions to open up Mindanao for the production of rubber by large American corporations permanently holding unlimited tracts of land and the presentation of bills in Congress intended to segregate the rich island from the rest of the Archipelago could not but engender distrust and suspicion in the minds of our people. Thus, whenever anyone, whether in public or in private life, advocates economic development there is at once the fear that it might be a scheme behind which lurks a purpose of enslaving our people, both politically and economically."

In reply, Mr. Stimson denied that he wished to turn Mindanao over to American corporations. Nevertheless, he reiterated the importance of economic development. The Filipinos could not look to the government for salvation. They had to call to their assistance private capital "both here and in America." But it was unnecessary to place the resources of the country in foreign hands. What was necessary was a development of the cooperative idea already applied in the case of the sugar centrals, namely, the grouping of small farmers around a common central, operated by foreign capital, and expert advice, to aid the farmers in the production and marketing of crops. By such means the advantages of scientific production and the small-farm system could be combined. He believed that this cooperative method might be applied to the development of the rubber industry in Mindanao.

Reforms adopted

In order to obtain capital for agriculture it was necessary to resort to investment companies. But under Philippine laws it was illegal for a stockholder of a corporation engaged in agriculture to be in any way interested in any other corporation engaged in that industry.

As a result of Mr. Stimson's efforts, the legislature repealed this provision prohibiting an investor from being interested in more than one agricultural corporation. It also authorized no-par stock and stock dividends, and made certain amendments in the land act facilitating the distribution of lands by the government. It authorized the appointment of 10 new judges for the purpose of clearing up land titles. It did not, however, change the restrictions upon the amount of land that corporations might acquire.

In accordance with the plan to stimulate cooperative agriculture, the government in April, 1929, set aside 34,500 acres of land in Mindanao as an agricultural colony for the cultivation of pineapples. This land will be available in lots of 24 and 144 hectares (70 and 355 acres) to Filipino settlers who are willing to raise pineapples; and graduates of the College of Agriculture are given preference. The Philippine Packing Corporation, a private concern, has a factory and plantation adjoining this reservation, and it will finance and furnish seed to the settlers. Experts of the corporation will also supervise the work of inexperienced settlers.

Such is the system by which it is hoped to combine the merits of the small farm with scientific production. The only criticism which may be offered to this program is that unless the government closely watches the activities of the American corporation, which supervises the Filipino farms, the independence and initiative of the Filipino settler may become more nominal than real.

PART IV

THE POLITICAL PROBLEM—DEVELOPMENT OF SELF-GOVERNMENT

While the development of the material, educational, and physical welfare of the Filipino people is important, the most interesting objective of the United States has been to train them for eventual self-government. To achieve this aim the United States has established a system of local government, which is entirely in Filipino hands. Likewise it has gradually increased the powers of the people of the islands in the central government. The actual extent of the powers exercised by the Philippine parties in the central government, however, depends very much upon the Governor General for the time being in office. There is, therefore, an element of uncertainty in the present political system, which the Filipinos as well as many Americans wish to see clarified.

At present there are about 865 municipalities in the Philippines the officials of which are Filipinos. Each municipality has an elective council the members of which serve for three years. The president of each council—an elective official—fills all nonelective positions with the consent of the majority of the council, except in the case of the municipal treasurer, teachers, and justices of the peace, who are appointed by central or provincial authorities, usually in accordance with the civil service law.

Provincial government

The Philippines are divided into 40 regular provinces and 9 specially organized (non-Christian) provinces. The officials in the regular provinces are all Filipinos. Each of these provinces is administered by a governor and two other elective officials, who constitute the provincial board. In a number of cases this board can act only with the consent of the secretary of the interior, himself a Filipino. The other provincial officials are appointive. Thus the central government appoints the provincial treasurer, the provincial "fiscal" (district attorney), the provincial assessor, the provincial auditor, the provincial commander of the constabulary, and the district health officer. In the case of the provincial treasurer and the fiscal, appointments require the consent of the senate. But the other appointments are made by the central department or bureau concerned.

Each of the appointive officials is responsible to one of the six departments in the central government, while all of the provincial officials may be removed or suspended for misconduct by the Governor General. Moreover, the executive bureau of the department of the interior at Manila generally supervises the activities of municipal and provincial governments. It carries on inspections and receives complaints against officials. For example, in 1924 it heard 409 complaints; out of 65 elective municipal officials proceeded against 8 were removed. Conferences of the provincial governors and provincial treasurers are held annually.

In 1926 the secretary of the interior reported:

"On the whole the conduct, morality, and efficiency of provincial and municipal officials were excellent. * * * A high standard of morality was maintained by the officials intrusted with the custody of public funds."

Criticisms have been made that the system of government in the Philippines is overcentralized. In 1921 the secretary of the interior declared that "questions relating to assessment, issuance of bonds for public improvements by Provinces and municipalities, and other important undertakings require action of one sort or another from the central government." Moreover, private citizens have followed the practice of filing directly with the central government complaints against local officials "even for a minor dereliction of duty." The secretary of the interior declared, "If this practice is not checked in time, the Provinces and municipalities will, sooner or later, be absorbed by the central government." In 1924 the administration reported that local autonomy was being encouraged.

The non-Christian Provinces

Less than 1,000,000 of the 12,000,000 inhabitants of the Philippines are non-Christian peoples. About half of these are pagans, including the pigmy Negritos and the head-hunting Igorotes, many of whom live in the island of Luzon. About half are Moslem groups, collectively called Moros, who inhabit Mindanao and Sulu. These non-Christian peoples are distributed among nine specially organized Provinces and are under the jurisdiction of the bureau of non-Christian tribes, which is part of the department of the interior.

A particularly difficult problem of administration has been presented by the Moros, who have lived under tribal institutions and have had the reputation of being fierce fighters.

In 1899 the United States made the Bates agreement with the Sultan of Sulu, undertaking to respect his "rights and dignities." But in 1904 it abrogated the treaty on the ground that the sultan had not lived up to its terms. In spite of this, the sultan apparently wished to continue to exercise judicial power, at least in civil cases, and to enjoy other traditional rights of which the United States desired to deprive him. After a series of disputes, the United States made an agreement with

the sultan in 1915 whereby the latter admitted that the United States had full judicial power. In return the United States recognized the sultan as the spiritual head of the Moslems of the archipelago. He is paid by the Philippine government an annual subsidy which in 1930 amounts to 6,000 pesos.

Between 1903 and 1913 the island of Minadanao and the Sulu Archipelago—then known as the Moro Province—were administered by a military governor and other American officials. The Province was given a legislative council composed of these officials, while the provincial treasury was allowed to retain the customs and internal revenue collected in the territory. Filipinos were excluded from administration on the ground that traditional hostility had existed between the Christian and non-Christian peoples. Moreover, general legislative power over non-Christian people was reserved to the Philippine Commission, a body controlled by Americans. Thus before 1913 the Moro Province was kept separate from the Philippines proper. The principal task of the military administration during this period was to establish peace, stamp out piracy, and gradually assimilate the Moro people. While progress along many lines was made, the decade was marked by a series of punitive expeditions.

Commenting on the American administration of the Moro Province, Mr. Cameron Forbes declares:

"In the opinion of some careful observers, it is believed that progress would have been more rapid and these abuses would have been cured with much less bloodshed and open hostility had the early administrators made haste a little more slowly, won the confidence of the native rulers by first learning their language and dealing with them in their own tongue, and then explaining the necessity for these reforms."

Moro assimilation

With the advent of Governor General Harrison and the Democratic Party a change came. An American civil governor was appointed to administer the department of Mindanao and Sulu, as the Moro Province now came to be called, while the financial autonomy of the district was suppressed. During the next few years Filipinos supplanted Americans in nearly all positions. In 1915 the Philippine Commission drafted a new code of laws for the Moros, the preamble of which declared that its purpose was to accomplish the complete unification of the Moros with the inhabitants of other Provinces; and that although certain special provisions and limitations were for the time being necessary, its firm purpose was "to abolish such limitations, together with the departmental government, as soon as the several districts of said region shall have been converted into regularly organized Provinces."

The Jones Act of 1916 transferred legislative authority over non-Christian tribes to the Philippine Legislature, in which non-Christian peoples were admitted to representation. As a result of this provision the Governor General for the time being appoints 2 of the 24 members of the senate and 9 of the 94 members of the lower house to represent the non-Christian Provinces. It is understood that at present 6 of the 9 representatives in the house are Christians. It is assumed, however, that eventually representatives from the non-Christian provinces will be elected upon the same basis as representatives from other parts of the Philippines.

The next step toward assimilation was the division of the department of Mindanao and Sulu into seven Provinces (1920), each responsible directly to Manila. These seven Provinces, together with two specially organized Provinces in Luzon, have continued to be supervised by the Bureau of Non-Christian Tribes in Manila. The policy of the government is gradually to give these Provinces the elective institutions found elsewhere. Thus in 1922 four of the specially organized Provinces elected their provincial governors. Each of the specially organized Provinces now elects one member to its provincial board.

In 1924 the council of state formally announced a policy of appointing non-Christian inhabitants to positions in the different bureaus and offices of the government in Manila as well as in the non-Christian Provinces. In 1927, 1,674 non-Christians were employed in the non-Christian Provinces in such positions as third members of provincial boards, deputy provincial governors, municipal and district presidents, policemen, teachers, treasurers, etc.

Unlike British policy in West Africa and Dutch policy in the East Indies, American policy in the Philippines has not tolerated tribal institutions and customs. Not only has the Sultan of Sulu been deprived of his traditional powers but the legislature has also enacted laws looking to the prohibition of polygamy and slavery, while an attempt has been made to establish compulsory education for Moslem girls. As has been indicated, the present policy is to prepare non-Christian people for the same system of government and administration as inhabitants of other parts of the country enjoy. This policy of assimilation has been criticized by a number of observers. They declare that as a result of destroying native institutions a situation of chaos, which is responsible for frequent disorder, has arisen. They believe that the Moros should be administered through their own sultans and datos and courts and councils until they themselves express a desire for change.

Others declare that the Moro sultans never had real authority, that Moro institutions are socially harmful, and that their perpetuation would mean a delay in the establishment of Philippine unity.

Señor Quezon declares that "the Moros do not want to be governed in their local affairs either by Filipinos or Americans, but by Moros, and they are right. If the Philippines were given independence, the Moros would have complete self-government in local affairs and would share in the general government on equal terms with the Filipinos."

The Moros and independence

In 1921 the Wood-Forbes Commission expressed the opinion that "the Moros are a unit against independence and are united for continuance of American control, and, in case of separation of the Philippines from the United States, desire their portion of the islands to be retained as American territory under American control." It declared that the minor disturbances which had occurred in the Moro regions were due principally "to energetic and sometimes overzealous efforts to hasten the placing of Moro children, especially girls, in the public schools, and to the too sudden imposition upon the disarmed Mohammedans of what amounts to an absolute control by Christian Filipinos. It is also due in part to failure to give adequate representation in local governments to Moros."

In 1926 Congressman BACON introduced a bill providing for the separation of Mindanao and Sulu from the Philippines and for their administration by a commission under United States supervision. No action on this bill was taken by Congress.

Filipinos resent repeated American statements to the effect that the Moros are opposed to Philippine independence. Many complain that Americans attempt to stimulate Moro animosity against their neighbors in accordance with the principle of "divide and rule." In support of their view they point out that Moro representatives in the legislature vote for Philippine independence every year.

THE CENTRAL GOVERNMENT

This brief review indicates the extent to which Filipinos control the municipal and provincial governments. But in view of the fact that many officials in the municipal and provincial governments are appointed from Manila, and that the whole system of local government is under the immediate inspection of the Secretary of the Interior, the extent to which the Philippines are self-governing depends upon the extent to which Filipinos control the central government.

From the very beginning a chief executive, appointed by the President of the United States, has been responsible for administration of the central government. Before 1907, however, legislative power was vested in the Philippine Commission, which was composed of three Filipinos and four Americans, appointed by the Governor General. These four Americans were also heads of the four executive departments in the government. They supervised the work of a civil service which in 1903 contained 2,777 Americans and 2,697 Filipinos.

In 1907 the United States established the Philippine Assembly, a popularly elected body, and until the Jones Act was passed in 1916 legislative power was vested jointly in this assembly and in the Philippine Commission, which acted as an upper house.

In 1908 the assembly approved a declaration in favor of independence, which asserted that "through all the vicissitudes, difficulties, and reverses the ideal of the Filipino people has remained unalterable. * * * The Filipino people aspire to-day as before taking up arms for the second time against Spain, as thereafter in the din of arms and then in peace, for their national independence.

Between 1907 and 1913 the Philippine Assembly engaged in a series of conflicts with the American-controlled commission and the Governor General over appropriations and other matters. One of the matters in dispute was the appointment of two resident commissioners to represent the Philippines in Washington. The organic act of 1902 had provided that these commissioners should be selected by the assembly and the Philippine Commission, voting separately. Desiring that both commissioners should favor independence, the assembly contended in 1910 that it should have the right to elect them both. Although the Philippine Commission declined to surrender the right to name one of the Washington commissioners as in the past, it finally agreed to elect a commissioner who favored independence.

The conflicts between the American authorities and the Philippine Assembly came to an end after the accession to power of President Woodrow Wilson and the Democratic Party, which was pledged to grant independence to the Philippines.

The Jones Act

In 1914 the House of Representatives passed a bill the preamble of which favored independence for the Philippines as soon as a stable government could be established. It conferred large powers upon the Philippine government. The Senate failed to act at this time, but on February 2, 1916, by the deciding vote of Vice President Marshall, it adopted the Clarke amendment in favor of complete independence within not less than two nor more than four years.

The Clarke amendment was defeated in the House by a vote of 213 to 165. About 30 Democrats bolted the caucus and voted against the amendment, presumably because the Roman Catholic Church was then opposed to Philippine independence.

The Jones Act, as finally enacted on August 29, 1916, contained the following preamble:

"Whereas it was never the intention of the people of the United States in the incipiency of the war with Spain to make it a war of conquest or for territorial aggrandizement; and

"Whereas it is, as it has always been, the purpose of the people of the United States to withdraw their sovereignty over the Philippine Islands and to recognize their independence as soon as a stable government can be established therein; and

"Whereas for the speedy accomplishment of such purpose it is desirable to place in the hands of the people of the Philippines as large a control of their domestic affairs as can be given them without, in the meantime, impairing the exercise of the rights of sovereignty by the people of the United States, in order that, by the use and exercise of popular franchise and governmental powers, they may be the better prepared to fully assume the responsibilities and enjoy all the privileges of complete independence, etc."

This preamble has always been regarded by the Filipinos as a promise of independence.

To determine the extent to which the Filipinos already govern themselves, it is first necessary to examine in some detail the organization of the executive, legislative, and judicial branches of government under the Jones Act.

Powers of the executive

The President of the United States, with the consent of the United States Senate, appoints the Governor General and the Vice Governor of the Philippines. The President also appoints the auditor and the deputy auditor. Although the salaries of these officials are paid out of insular funds, they are fixed in the organic act and hence can not be reduced by the local legislature. According to the organic act, the Governor General has "supreme executive power" and general supervision and control over all the departments and bureaus of the government. He is responsible for the faithful execution of the laws. With the consent of the Philippine Senate he appoints officials to local positions in accordance with law.

The Vice Governor acts as head of the department of public instruction, which includes the bureaus of education and health. Apparently the United States regards these two bureaus as the most important in the government departments, since they can not be abolished by the Philippine Legislature. The Vice Governor acts as Governor General in case of the latter's inability to serve.

The third and not the least important executive official appointed by the President of the United States is the auditor. He examines, audits, and settles all accounts pertaining to revenues and receipts and has the duty "to bring to the attention of the proper administrative officer expenditures of funds or property which in his opinion are irregular, unnecessary, excessive, or extravagant."

No insular warrant may be paid by the treasurer until it has been countersigned by the auditor and no contract involving 3,000 pesos or more may be authorized without a certificate from the auditor to the effect that an appropriation for the purpose exists. There have been many differences of opinion as to the extent of the auditor's power.

Organization of the legislature

The appointive second chamber (i. e., the Philippine commission) is superseded by a senate composed of 22 members elected every six years, together with 2 appointed senators representing the non-Christian areas. The house of representatives consists of 85 members, elected for three years, together with 9 members appointed to represent the non-Christian provinces. Suffrage is confined to men over 21 who own real property to the value of 500 pesos or who formerly exercised the suffrage, or who can read and write either Spanish, English, or a native language. It is understood that to-day less than 10 per cent of the qualified voters are illiterate.

Elections

The conduct of elections is in charge of three inspectors and one poll clerk for each precinct. Two inspectors must belong to the party receiving the largest number of votes, while the third comes from the second largest party. Ballots are counted publicly and watchers, who may witness the registration and voting and the counting of ballots, represent the opposing candidates. An illiterate voter may choose a friend who is not a candidate to assist him in the preparation of his ballot, accompanied by a watcher. The law provides for the establishment of a permanent registry of voters; and in 1925, 1,131,137 voters were registered. Between 81 and 92.5 per cent of those registered actually vote, a proportion much higher than is found in ordinary presidential elections in the United States. The general elections are held under the supervision of the executive bureau. The percentage of registered voters to voting population has increased from 11.14 per cent in 1909 to 44.89 per cent in 1928.

While there has been little or no violence in Philippine elections, charges of fraud have been made. From 1907 to 1926, 1,590 cases of alleged violation of the election law came before the courts and resulted in 566 convictions. During the same period there were 1,453 cases of contested elections, in which the plaintiffs won 47 per cent of the cases. In 1922 the Wood-Forbes commission declared that the "election machinery is practically in the hands of the dominant parties and the inspectors of election are too often their tools." Nevertheless, Governor General Wood declared that the general election of 1922 was conducted "with an absence of fraud and irregularity which would be a credit to any people. * * * The election was honest and fair." The system of giving the majority in power two inspectors at each booth has nevertheless been criticized. Some concern is also felt at the increase in campaign expenditures.

Legislative power

Under the Jones Act the Philippine Legislature enjoys general legislative powers, including the appropriation of money, subject to a number of specific restrictions. Thus it can not violate the bill of rights in the Jones Act; it can not diminish the jurisdiction of the supreme court or courts of first instance; it can not repeal the provisions in the organic act relating to the appointive senators and representatives; it can not legislate in regard to tariff relations between the United States and the Philippines. It can not abolish the bureau of education, the bureau of public health, or the bureau of non-Christian tribes. Nor may it impose export duties or exceed certain debt limits. Generally speaking, it has no power to make amendments to its constitution (the organic act), as have most of the British Dominions.

While the Philippine people elect all but 11 of the members of the legislature, the United States under the organic act exercises the following forms of control: It retains responsibility for the executive branch of the government; it has a veto over legislation; it is likewise responsible for the judiciary.

The veto power of the United States over acts of the Philippine Legislature takes three forms.

(1) Certain types of legislation, viz, bills relating to the tariff affecting countries other than the United States, or bills concerning public land, timber, mining, immigration, and currency, can not enter into effect without receiving the signature of the President of the United States.

(2) The Governor General may veto any bill of the legislature, including individual items in appropriation bills. In case the legislature passes the bill over such veto by a two-thirds vote it is sent to the President of the United States for a final decision. There does not seem to be any case where the President has overruled the Governor General.

(3) Congress has the power to annul any act of the Philippine Legislature—a power which does not seem to have been exercised.

Organization of the judiciary

The United States, as just indicated, is responsible for the Philippine judiciary. The Jones Act gave the Supreme Court of the United States jurisdiction over judgments of the Supreme Court of the Philippines in cases involving any constitutional question in which the value in controversy exceeds $25,000. In 1925 Congress passed an amendment granting appeals to the United States Supreme Court only on writs of certiorari. This increased the difficulty of appeal, and at present not more than two or three cases involving the Philippines reach the Supreme Court at Washington in any year.

The nine justices of the Supreme Court of the Philippines are appointed by the President of the United States with the consent of the United States Senate. At present the chief justice and three associate justices are Filipinos. The Supreme Court of the Philippines has two kinds of control over the inferior courts—i. e., the courts of first instance: (a) It may hear certain cases on appeal, and (b) it may ask the Governor General to remove a judge on the ground of serious misconduct or inefficiency.

The courts of first instance in turn supervise the work of the justices of the peace. Each justice of the peace makes an annual report to the court of first instance; and the judge of first instance may reprimand a justice or recommend to the Governor General that he be removed.

Despite the fact that the supreme court, which is responsible for the entire judicial administration, is appointed by the President of the United States, complaints have been made against the inferior courts. The Wood-Forbes report declared that "in the lower tribunals, generally speaking, the administration of justice is unsatisfactory, slow, and halting, and there is a widespread feeling among the people that political, family, and other influences have undue weight in determining issues." It was stated that the number of cases filed in the courts of first instance had steadily increased from year to year. It was added that the justices of the peace were the weakest part of the establishment. The unsatisfactory condition in the administration of justice in its opinion arose from "the lack of proper inspection and prompt, corrective action where inefficiency and negligence have been shown, and from an insufficient number of judges."

Filipinos do not agree with the opinions expressed in the Wood-Forbes report. They quote statistics to show that under Governor General Harrison the supreme court reversed about 5 per cent fewer cases than under the preceding Governor General, which in their opinion showed that the work of the inferior courts had improved under Filipino control.

It was General Wood's policy to increase the number of American judges in the courts of first instance; but by the end of 1926 only 2 out of the 55 judges of first instance were Americans.

In 1928 Governor General Stimson reported that "the administration in the justice of the peace courts has in the past been the weakest point in the entire system of the Philippine government." In that year

the responsibility for recommending the appointment of justices of the peace was imposed upon the judge of the district concerned. One difficulty in connection with the position of justice of the peace has been that the salary is low and that the position is usually accepted as a stepping stone to a higher political office. As a result the turnover is high; in 1927 there were 185 new appointments.

Checks and balances

Although the United States is responsible for the administration of the Philippines, the legislature may so exercise its powers as to influence this administration materially. Thus the legislature may decline to vote the appropriations desired by the Governor General. Subject to the veto of the Governor General, the legislature may also define the number and duties of the executive departments, and it may establish a new department or abolish an old one. Moreover, the senate may influence the administration of the Governor General through the constitutional provision whereby its consent is necessary to appointments.

The organic act authorizes the Governor General to break deadlocks over appropriations by continuing in force the appropriations of the last year. He may evade the necessity of obtaining senatorial consent to appointments by making ad interim appointments, which apparently may be renewed indefinitely. Nevertheless, the Governor General has no power to enact legislation to which the legislature is opposed; and generally the system created by the Jones Act, whereby the legislature is controlled by the Filipinos and by the Executive of the United States, is conducive of deadlocks. Whether these deadlocks occur depends largely upon the view of the Jones Act held by the American Governor General and by Filipino leaders. When the Governor General has been willing to allow the legislature to influence administration, harmony has usually prevailed; but when he has attempted to exercise his executive power without regard to the wishes of the political leaders of the country deadlocks have taken place.

Political parties

To understand the operation of the Jones Act, it is necessary to refer briefly to the political parties in the Philippines. There are two parties in the Philippines to-day, the Nationalist Party and the Democratic Party. Both demand immediate independence. The Nationalist Party was organized in 1907 by Sergia Osmeña, Manuel L. Quezon, Rafael Palma, and others, and it won every election until 1922. In the previous year a split occurred between Señor Osmeña, then speaker of the house, and Señor Quezon, president of the senate, as a result of which Señor Quezon formed a new group called the National Collectivist Party, also pledged to work for immediate independence.

Division among the Nationalists permitted the Democratic Party to make gains in the election of 1922. Apparently out of concern over these gains, the two Nationalist groups reunited in 1925 under the name of the Consolidated Nationalist Party. The new party won an overwhelming majority in the elections of that year and in the elections of June, 1928. At present 19 of the 24 members of the senate belong to the Nationalist Party, as do 68 of the 94 members of the house.

In 1926 the two parties established a Supreme National Council for the purpose of prosecuting an independence campaign. As a result of this alliance it was agreed that one of the two Resident Commissioners at Washington should come from the Democratic Party and the other from the Nationalist Party. Nevertheless, the two parties have subsequently disagreed on major issues, such as the Belo Act, which was supported by the Nationalists and opposed by the Democrats.

The Democratic Party is in part the outgrowth of the old Federal Party brought into existence through the influence of Governor Taft—a party which originally stood for admission as a State into the American Union. For the most part Governor Taft restricted his appointments to Filipinos from this party and hence it came to be dominated by officeholders. In 1907 it changed its name to the Progressive Party and dropped its demand for statehood in favor of independence. In 1916 the Progressives united with other groups to form the Democratic Party.

THE JONES ACT IN OPERATION

Since the adoption of the Jones Act three policies have been followed by the United States in the administration of the Philippines: (1) Gov. Gen. Burton F. Harrison (1913–1921) followed a policy that tended toward complete self-government; (2) Gov. Gen. Leonard Wood (1921–1927), adopting a literal interpretation of the Jones Act, established the independence of the American executive and attempted to deprive the Filipinos of the influence over administration which they had secured under the previous régime; (3) Governor General Stimson, returning to a certain extent to the Harrison régime, established a system of "cooperation" between the legislature and executive under which the Filipino political leaders have a certain influence over administration. This system is being followed by the present Governor General, Dwight F. Davis.

The first phase—The Harrison régime

The Democratic Party of the United States has from the beginning been pledged to Philippine independence; and with President Wilson's victory in 1913 and Governor General Harrison's appointment the Filipinos naturally believed the islands would be administered with this goal in view. Generally speaking, Governor General Harrison's régime was marked by three features: (1) The establishment of the principle of parliamentary responsibility in regard to administration; (2) the replacement of American officials by Filipinos; (3) the entrance of the Philippine government "into business."

Previously the Governor General had appointed Filipinos as heads of government departments for an indefinite term and these appointments were made without reference to the political situation. Although there were five departments in the government, administration was carried on through about 20 bureaus, some of which reported directly to the Governor General. Nearly all these bureaus, moreover, were headed by Americans.

Parliamentary responsibility

Following the passage of the Jones Act the Philippine Legislature enacted a reorganization law, the general purpose of which was to make the administration responsible to the legislature. Thus the various bureaus were grouped under six departments, as follows: Finance, justice, public instruction (under which is public health), interior, agriculture and natural resources, commerce and communications. The law provided that the Governor General should appoint department heads at the beginning of each new legislature rather than for an indefinite term. This meant that following each election the Governor General would submit new appointments, and the Philippine Senate, which approved such appointments, could insist that such department heads be chosen from the victorious party. Except for the department of public instruction, all departmental secretaries were to be Philippine citizens. It was also provided that secretaries of departments might be called before either house of the legislature. Moreover, executive orders by the Governor General "as a general rule" were to be promulgated upon the recommendation of the department concerned.

In 1919 the legislature declared that the power of the Governor General to supervise departments should be limited to "matters of general policy."

In a regular parliamentary government the leaders of the majority party assume the responsibility of administering the government, acting collectively as a cabinet. In the Philippines, following the passage of the Jones Act, the question arose as to whether Señor Osmeña, the leader of the Nationalist Party and speaker of the house of representatives, should become secretary of the interior and prime minister of a cabinet responsible to the legislature. After long deliberation Señor Osmeña decided that he preferred to retain his position as speaker. Whether or not as a result of this decision, observers state that with one or two exceptions none of the outstanding Filipino political leaders have held administrative positions in the Philippine government. They have therefore not acquired the administrative experience obtained by political leaders under the ordinary parliamentary régime. Moreover, the practice on the part of department secretaries of appearing before the legislature seems to have been used chiefly in connection with the budget

Nevertheless, Governor General Harrison moved in the direction of parliamentary responsibility when he created the council of state in October, 1918. This body contained the six department heads called the cabinet, the speaker of the house and the president of the senate. The purpose of the council was to "advise the Governor General on matters of public importance." It held weekly meetings at which administrative questions were discussed. Thus it passed upon the budget before the Governor General submitted it to the legislature. In short, the council of state tended to become a cabinet whose advice Governor General Harrison usually followed. Legislation also required that the consent of the council of state be given to a number of executive acts.

Filipinization

In addition to the establishment of Filipino control over the administration, the second feature of the Harrison régime was the supplanting of Americans in the civil service by Filipinos. Some Americans were discharged while others were encouraged to resign by the Osmeña Act, which provided that any government employee who had served for six years could be retired upon application and receive an annual gratuity for three years, provided he resigned before June 30, 1916—or within five months after the passage of the act.

Although in 1913 all but two or three of the bureaus in the government were headed by Americans, in 1921, 30 such bureaus and offices were headed by Filipinos. Americans, however, continued to be heads of the bureaus of education, the mint, prisons, forestry, science, weather, the quarantine service, the coast and geodetic survey, and the metropolitan water district. Taking the civil service as a whole, the number of Americans declined from 2,148 in 1914 to 614 in 1921; the percentage declined from 23 to 4 per cent.

The government in business

The third feature of the Harrison administration was the so-called entrance of government into business. In 1914 the Philippine government bought the Manila Railway, an English enterprise, which, according to Mr. Harrison, had been conducted scandalously. Because of critical economic conditions created by the World War and the general need of capital, the government also established a National Coal Co., a Na-

tional Cement Co., a sugar central board, and the Philippine National Bank. In 1919 it organized a National Development Co., with a capital of $25,000,000, for the purpose of engaging in any commercial and agricultural enterprise necessary to the economic development of the country. The stock of these various companies was voted by a board of control consisting of the governor general, the speaker of the house, and the president of the senate—the two latter being Filipinos.

As a result of the system of autonomy established by Governor General Harrison, cordial relations between the American authorities and the Filipino leaders were developed and maintained. Material and social progress was likewise made. School attendance and the mileage of first-class roads doubled; irrigation works to serve 150,000 acres, and 949 wells were installed. The production of rice greatly increased, largely, according to the Governor General, because of the appointment of a Filipino as head of the agricultural department. Government revenue increased from 18,500,000 pesos in 1913 to 55,500,000 pesos in 1921.

The Wood-Forbes Commission

Criticisms of the Harrison administration, however, were numerous. In 1921 President Harding sent a commission, composed of Gen. Leonard Wood and Mr. Cameron Forbes, to investigate conditions; and it reported that the Harrison régime had resulted in a "deterioration in the quality of public service by the creation of top-heavy personnel." The commission declared that there had occurred "a slowing down in the dispatch of business, and a distinct relapse toward the standards and administrative habits of former days. This is due in part to bad example, incompetent direction, to political infection of the services, and above all to lack of competent supervision and inspection. This has been brought about by surrendering, or failing to employ, the executive authority of the Governor General, and has resulted in undue interference and tacit usurpation by the political leaders of the general supervision and control of departments and bureaus of the government vested by law in the Governor General."

Likewise the commission stated that there had been some lowering of standards in the constabulary; a steady increase in the number of preventable diseases; an undue increase in the cost of public works and deterioration of quality; and a deterioration of the bureau of lands and of the courts. Taxation and expenditure were greatly increased.

Mr. Cameron Forbes states:

"With the passage of the Jones law and control of both houses of the legislature placed in the hands of elective Filipinos, there was a marked falling off in legislative interest in health matters, which reflected itself in a decrease in the appropriation available for vaccine and vaccination against smallpox."

Vigorous criticism, often emanating from the local merchants, was likewise made against the "government in business." It was declared that in one year the government railway issued 80,000 free passes. But in defense it is stated that a large proportion of passes were issued to workmen to travel between their homes in Manila and the railway shops in a suburb.

The Philippine national bank

The greatest government failure was that of the Philippine National Bank, the story of which, according to the Wood-Forbes report, is "one of the most unfortunate and darkest pages in Philippine history." The Wood-Forbes report declared that the bank had used large sums held for the conversion of currency to make unwise loans. "Much of it was then loaned out to speculative concerns under circumstances which have led to grave doubt as to the good faith of the transactions." Loans were made largely to sugar centrals and coconut factories during the period of boom prices, "and minimum precaution in regard to security was taken, with the result that the bank has allowed its reserves to run down much lower than required by law, and is unable to meet its current obligations * * *. These losses have seriously involved the Philippine government, and the fact that it has not been able to meet its obligations has seriously impaired its credit." As a result, Philippine currency depreciated about 15 per cent.

While they do not deny that the Philippine bank was mismanaged, Filipinos declare that Americans were responsible for most of the losses—especially for improper speculation—and that the excessive loans of the bank were made, not to Filipinos, but to American corporations. Generally, they declare that the alleged increase in disease and inefficiency during the Harrison régime can not be fairly held against the Filipinos. This was an abnormal period, because of the World War, in which conditions in every country in the world were disorganized. Others declare that in view of past experience an independent Philippine government would not attempt to extend governmental activities in business. It is pointed out, however, that at present a number of these enterprises are making profits.

In his annual reports for 1918, 1919, and 1920 Governor General Harrison declared that the islands had achieved the stable government envisaged in the Jones Act and, having fulfilled this requirement, were entitled to independence. Because of the World War, the Filipinos suspended independence agitation; but on March 17, 1919, the Philippine Legislature approved a declaration of purposes which asserted that a stable government had been established and that independence should be granted. In 1919 a Philippine independence mission was sent to the United States. In his message of December 7, 1920, President Wilson declared it to be "our duty to keep our promise to the people of those islands by granting them the independence which they so honorably covet."

With the return of the Republican Party to power in the United States, these hopes for immediate independence were dissipated. The Wood-Forbes Commission sent to the islands by the new Republican President declared that the people were "not organized economically nor from the standpoint of national defense to maintain an independent government." Moreover, it said, the experience of the last eight years "has not been such as to justify the people of the United States relinquishing supervision of the government of the Philippine Islands, withdrawing their Army and Navy, and leaving the islands a prey to any powerful nation coveting their rich soil and potential commercial advantages."

The commission concluded by stating that "it would be a betrayal of the Philippine people, a misfortune to the American people, a distinct step backward in the path of progress, and a discreditable neglect of our national duty were we to withdraw from the islands and terminate our relationship there without giving the Filipinos the best chance possible to have an orderly and permanently stable government."

The second phase: General Wood and the Jones Act

Following the publication of the Wood-Forbes report President Harding appointed Gen. Leonard Wood as Governor General. General Wood's first objective was the financial rehabilitation of the islands. He set to work to restore the finances of the government, which had been shattered by the mismanagement of the bank. His second objective was to take the government out of business—an objective which he had not succeeded in realizing at the time of his death, in August, 1927. His third objective was to restore the executive independence of the Governor General. In other words, he attempted to curtail the control over the administration of the country established by the Filipinos under the Harrison administration, on the ground that such control was illegal and had resulted in inefficiency, if not corruption.

For the first two years the Filipino leaders, also desiring the financial rehabilitation of the country, cooperated with General Wood. By 1923 this aim had been to a large extent accomplished. And in July of that year the entire cabinet and the two legislative members of the council of state resigned over the so-called Conley incident.

In their letter of resignation the Filipino leaders declared that for some time past it had been the policy of General Wood "to intervene in and control even to the smallest details the affairs of our government, both insular and local, in utter disregard of the authority and responsibility of the department heads and other officials concerned." They declared that Governor General Wood's action in the Conley case was in violation of the law, a "backward step and a curtailment of Filipino autonomy guaranteed by the organic act and enjoyed by the Filipino people continuously since the operation of the Jones law."

Conflict with Filipino leaders

In a resolution of October, 1923, the Philippine Legislature asked for General Wood's resignation and declared that the only satisfactory remedy was "immediate and absolute independence." A special Philippine mission thereupon journeyed to Washington, and on January 8, 1924, protested against General Wood's policy and asked for independence. Meanwhile General Wood denied that he had violated any law, adding that he had never disapproved any recommendation of the Philippine secretaries of justice and agriculture. He believed the Filipino protest was simply a pretext to induce the Governor General to restrict his powers of supervision. President Coolidge supported General Wood in this view. He declared that General Wood had not exceeded his authority and that the grievances of the Filipino leaders were not supported by a very large proportion of the people.

The Philippine Legislature replied to this argument in 1925 and 1926 by enacting bills providing for a plebiscite upon the question of independence. The Governor General vetoed the bills. When the legislature passed the 1926 bill a second time it was sent to President Coolidge, who sustained General Wood's action on the ground that a plebiscite would not be convincing; he added that the Philippines were not yet ready for full self-government.

Governor General Wood declined to submit to the demands of the Filipinos, and as a result between 1923 and the coming of a new Governor General no Filipinos served as department heads except in the department of the interior. Although Governor General Wood did not abolish the council of state, it fell into disuse following the 1923 break. Thenceforth no department secretaries appeared upon the floor of the Philippine Legislature.

In order to supervise the administration of the country, General Wood relied upon a number of officers from the United States Army, assigned to him for this purpose. This so-called "military cabinet" was the object of adverse criticism, but Governor General Wood declared that he could not employ civilians as advisers because the legislature would not make appropriations for this purpose. In a number of cases he attempted to appoint Americans to places formerly held by Filipinos. One of General Wood's most important steps in asserting the independence of the executive power was taken in November, 1926, when he abolished

the board of control which had voted the government stock in government enterprises. The Governor General declared that the organic act vested supreme executive control in him and that it was unconstitutional for the legislature to compel him to share his power with the board of control. His position on this point was sustained by the Philippine Supreme Court.

Governor General Wood freely used his veto power, voiding 123 bills between 1922 and 1926, in comparison with 287 bills which he approved. In 1923 he vetoed a bill remitting the penalty for nonpayment of the land tax on the ground that conditions did not justify remission. In passing the bill again by a two-thirds majority, the Philippine Legislature declared that the Governor General had no right to veto a bill which was "not unconstitutional" and was of "mere domestic concern." President Coolidge upheld the veto, declaring that there was no ground for the contention that the veto power was limited to a particular class of bills.

The independence fund

Another dispute arose in 1924 when the American auditor asserted the independence of the American executive by holding unconstitutional the so-called independence fund of ₱1,000,000, which was a standing appropriation of the legislature. The auditor vetoed it on constitutional grounds and stated among other things that since members of the legislature had taken an oath of allegiance to the United States they could not legally appropriate money for the "express purpose of abrogating the existing form of government under which the sovereignty of the United States is exercised." The Filipinos replied by organizing a campaign for voluntary subscription to an independence fund, which by March, 1925, reached a total of nearly 636,000 pesos.

Not only did the Filipino leaders decline to act as department heads, as a means of showing their opposition to General Wood's policy, but the legislature also refused in some cases to pass legislation desired by the Governor General; thus in 1924, 1925, and 1926 it declined to make appropriations to pay salaries of certain American officials. In order to retain them, the administration had been allowing them to serve in two positions. Thus the insular auditor had also been allowed to be examiner of banks, receiving a salary for both positions. Americans in the Philippine health service had also been permitted to supplement their salaries by private practice. The legislature passed a law forbidding such practice in the case of persons drawing a salary of $2,000 or more, while it would have eliminated the salary of the bank examiner had the measure not been vetoed.

The legislature restricted the appropriations for the cutter *Apo*, thus "imperilling" the inspection work of the Governor General. In 1927 it protested against Governor General Wood's proposal for alienating government-owned properties without the previous approval of the Philippine Legislature. Likewise the senate declined in many cases to approve nominations of the Governor General.

Despite these obstacles General Wood continued to carry on the administration, sometimes resorting to ad interim appointments to avoid the senate veto. A tense political situation and a condition of deadlock resulted from this conflict. The Filipinos showed their feeling by naming a square in front of the Governor General's office "Independence Square."

Strengthening the American executive

In 1926 Mr. Carmi Thompson made an investigation in the islands for President Coolidge, and he reported that under existing conditions business was "practically at a standstill" and "no constructive legislation" was possible. He suggested that General Wood's military advisers be supplanted by civilians.

The Government at Washington attempted in 1926 and 1927 to strengthen the hand of the American executive of the Philippines. It proposed new legislation having three objects: (1) An increase in the salaries of the officials appointed by the President of the United States so as to attract and retain the services of able men; (2) the strengthening of the auditor's power, and the appointment of an additional assistant auditor; and (3) the appointment of a number of civilians to assist and advise the Governor General in such matters as banking, law, foreign affairs, trade, science, public health, and in the inspection of general administrative activities. In order to make these assistants independent of the Philippine Legislature, it was proposed to pay their salaries from the internal revenue collected upon Philippine products in the United States. Since 1902 the American Government had turned back this fund to the Philippines and had placed its expenditure in the hands of the Philippine Legislature. Within recent years this fund has realized to the Philippine treasury between $600,000 and $900,000 annually.

The War Department declared that this internal-revenue fund was an "unequivocal donation of the United States money to the Philippines" and that consequently Congress might withdraw it from the control of the Manila Legislature, for the payment of the salaries of the new assistants, or for any other purposes.

Mr. Henry L. Stimson, before taking up his duties as Governor General in succession to General Wood, made known that he favored this plan for civilian assistants. In February, 1928, the House Committee on Insular Affairs reported the Kiess bill, increasing the salaries of American officials in the islands and setting aside $125,000 out of the internal-revenue fund for the purpose of employing civilian advisers to the Governor General. In the following month Mr. Stimson, who had only recently assumed his duties as Governor General, issued a statement in Manila in support of the Kiess bill, but declared that its purpose was not the establishment of a supercabinet.

The Belo Act

From the beginning this proposal for a staff of civilian advisers, dependent not upon the local legislature but upon the American Congress, met the opposition of the Filipino leaders. They declared that any such system would reduce the Filipino department secretaries to the position of figureheads. Moreover, they declared that it was incorrect to say that the American Congress had refunded internal revenue to the Philippines as a "gift," and hence could freely take it away. They declared that this fund had been turned over to the Philippines in 1902 in return for the repeal of a Philippine export tax which certain American producers disliked. The fund therefore was an integral part of Philippine revenue. As a compromise the legislature itself appropriated a fund of 150,000 pesos for the employment of the new advisers. But believing that they should be removed completely from local control, the Acting Governor General vetoed the measure. Nevertheless the feeling of the Filipinos was so strong that the Kiess bill and other measures would result in a diminution of local autonomy that a compromise had finally to be arranged. In this compromise Governor General Stimson declared his willingness to accept a standing appropriation for the advisers from the local legislature. After a vigorous debate, in which the measure was opposed by the Democratic Party, the Philippine Legislature voted on August 8, 1928, the so-called Belo Act. This act provided for a standing appropriation of 250,000 pesos for the employment of civilian assistants to the Governor General and of the personnel needed in case of epidemics, public calamities, or other grave emergencies. Any unexpended balance would revert at the end of the year to the general funds. With the acceptance of the Belo Act by the Governor General, the Philippine proposals in Congress were abandoned.

In an effort to set at rest Filipino fears that the inspectors and technical assistants authorized in the Belo Act would encroach upon local self-government, Governor General Stimson declared in a statement of August 8:

"The evident purpose of the statute is to provide for the employment of men whose duties will not be administrative in character but will be limited to giving advice upon technical matters or assisting the Governor General in those informative and supervisory functions to accomplish which he is now without any adequate means. Administration is placed by law in other hands, namely, in the heads of the six executive departments and their subordinates. To attempt to form a supercabinet of administrators with this appropriation, in my opinion, would be not only contrary to public opinion both in the United States and in these islands but clearly illegal. It is inconceivable that it would be attempted."

The purpose of the statute was just the opposite—namely, to develop autonomy, subject to investigation and inspection when necessary. Mr. Stimson concluded: "I regard the measure as one of the most important forward steps which have been taken in the development of responsible government in the Philippines."

The third phase: The Stimson régime

In August, 1927, General Wood died and President Coolidge appointed Mr. H. L. Stimson as his successor. Governor General Stimson arrived in the islands in March, 1928, and remained about a year. His policy was (1) to bring about a program of economic development and (2) without committing himself to independence to reestablish cordial relations between the Philippine Legislature and the American authorities. His first act to achieve the latter aim was to abandon his former support of the Kiess bill in favor of the Belo Act.

At present there are about half a dozen advisers to the Governor General, popularly known as the "Belo Boys." These include legal, agricultural, and shipping experts, medical advisers, and an executive officer; their contracts are usually for one year. While Filipino department heads may possibly have had more discretion under Mr. Stimson than under General Wood, it is understood that, if anything, there was more inspection of the administration under General Wood than under his successor. It is believed that the value of the "Belo Boys" will depend upon their willingness to remain permanently in the islands.

Despite the appointment of these assistants, the Governor General indicated his intention of not interfering with the administration of departmental affairs intrusted to Filipino officials, except in serious matters. This became evident in the Cornejo case, when a Filipino appealed to the Governor General to suspend a sale which was being conducted by the bureau of lands. Mr. Stimson declined to do so on the ground that "the great power of supervision and control over the executive functions of government which [the] organic law imposes upon me should ordinarily not be invoked to interfere with the conduct of government by my subordinates unless they have been guilty of some misconduct or neglect deserving of grave reprehension or even removal from office."

The second step toward establishing "organized governmental machinery for cooperation" between the executive and legislative branches of the government was the appointment of the secretaries of five government departments from members of the party successful at the last election, after conference with the leaders of that party. Comparing the administration after the establishment of this cabinet with that existing under General Wood, Mr. Stimson declared that "the change wrought by their appointment was little short of revolutionary."

As a third step toward parliamentary responsibility, the practice was revived of giving members of the cabinet the privilege of speaking on the floor of both houses of the legislature on subjects relating to their departments.

Finally, in August, 1928, the council of state (composed of the six department heads—the president of the senate, the speaker of the house, and the majority floor leaders of the senate and the house) was restored. Although this council was not now given the administrative duties it had exercised under the Harrison régime, under which the Filipino members could outvote the Governor General, it was authorized to give its advice on legislative and administrative matters. Thus, bills reported by legislative committees or passed by either house were discussed at a meeting of the council of state; if any objections were offered by the Governor General the bill was usually amended or held for further consideration. The result of this form of cooperation was to do away with the veto of bills by the Governor General, except for a number of bills passed during the last day of the session.

Such were the four steps taken by Governor General Stimson to restore cooperation between the legislature and the executive, and to give the legislature an influence, or at least a right to be heard, in regard to administrative matters. As a result of these steps, Governor General Stimson declared that under the present organic act "there is sufficient flexibility for the working out of Filipino autonomy through the development of a responsible cabinet system which will be both satisfactory to the natural Filipino desire for such administrative autonomy and which, at the same time, will preserve the safeguards against possible mistakes and setbacks which may come in that process."

Actual extent of self-government

At the present time Filipinos occupy all positions in municipal and provincial governments in the Philippines except in three non-Christian Provinces, where there are American governors. But local administration is under the close supervision of the Filipino secretary of the interior in Manila, who in turn is responsible to the Governor General, an American. In the central government the Philippine electorate elects all but a few of the members of both houses of the legislature; five of the six department heads are Filipinos; all together there are about 20,000 Filipinos in the government service. The only department headed by an American is the department of public instruction, which includes the bureau of public health; this is headed by the vice governor. The auditor is also an American. A number of the thirty-odd bureaus grouped under the various departments are also headed by Americans now, as in the case of the bureaus of education, agriculture, forestry, science, public works, and coast and geodetic survey. Moreover, the chief of the constabulary, the head of the constabulary academy, and the district commanders in the districts of northern Luzon, Mindanao, and Sulu are Americans. In the past, however, a non-Caucasian held the position of commander of the constabulary.

Altogether there are 503 Americans and 20,147 Filipinos in the government service. Of the Americans, about three-fifths are employed, mostly as teachers, in the bureau of education.

Except for these positions, the actual administration of the entire Philippine government is in the hands of the Filipinos. But these Filipinos are subject to a series of checks, beginning with the courts. While all of the 800 justices of the peace and all but 2 of the 55 judges of the courts of first instance are Filipinos, the supreme court is now composed of a majority of Americans, and the court as a whole is appointed by the President of the United States. A second and more important check upon the administration is continuously exercised by the Governor General, the vice governor, the auditor, and the assistant auditor, appointed by the President of the United States. The Governor General's assistants—the "belo boys," who are his "eyes and ears"—may inspect the administration of any Philippine department and report to the Governor General. The auditor maintains control over all expenditures of the local and central governments. In other words, while the Filipinos perform the daily work of the government in the islands, they are subject to the check of American judicial and executive authority. It is stated, however, that Americans are so few in number that the checks are not very effective, especially under a Governor General not familiar with conditions.

Despite this check, a number of "scandals" in administration have recently appeared. In August, 1928, a series of frauds in the conduct of the bar examinations conducted under the general supervision of the supreme court was revealed. As a result of investigations about 20 convictions were obtained, while several employees, including three private secretaries of the justices, were dismissed. Following an adverse judgment as to the extent of his powers in the Tan C. Tee case, Auditor Ben F. Wright resigned, declaring that the government "was honeycombed with graft and corruption." About this time administrative investigations into conditions in the bureaus of posts, commerce, and industry were undertaken. In December, 1929, an investigating committee reported that during the last five years the head of the bureau of posts had misappropriated several hundred thousand dollars; in the same month a court sentenced the chief of the stamp section of this bureau to 10 years' imprisonment for the misappropriation of postage stamps.

Following these various revelations it was announced that more rigorous auditing methods would be introduced, and that 28 additional assistant auditors would be employed.

Two views of these scandals have been expressed by local leaders. One view is that they have been the result of Mr. Stimson's policy of "cooperation." The Independent, a local paper, declares: "When there is cooperation in the country, the auditors are helpless to go after those guilty of prevarication, of malversation, and want of scruples in the management of public revenues."

An opposite view was expressed by Sr. Manuel Quezon, who declared that while these abuses had been going on a long time, they were discovered and brought to light only after Governor General Stimson invited the party leaders to become department heads. General Aguinaldo, moreover, declared that, "paradoxical though it may seem," he would "even venture to state that the quickest way to curtail the abuses, the graft, and corruption that now exist in the islands would be to set us free. Then everyone would realize the tremendous responsibilities upon our shoulders." It is asserted that most of these corrupt practices grew up during the Wood régime when there were no responsible secretaries in office.

The revival of the independence issue

Mr. Stimson's policy of "cooperation" and his insistence upon the necessity of economic development for a time led to a cessation of the demand for immediate independence. In an address to the Philippine Agricultural Congress, Sr. Manuel Quezon declared that the people should not abandon their efforts for material well-being. "The power to dominate the world," he told them, "is passing into the hands of nations most advanced industrially." In April, 1929, he declared that he was "getting tired" of the word independence. "If I can get actual independence by not using such a word, I will proceed to use the arguments in a new language." Likewise, another important leader, Speaker Osmeña, made a speech upon his return from the United States, in September, 1929, in which he cited the example of Canada as one which would give the Philippines "ample autonomy." While he added that independence would definitely solve Philippine problems, he intimated that such independence could only be gradually realized.

These statements at once led to criticism from various elements, such as the Independent, which accused the political leaders of having been won over "to the cause of foreign domination." Nationalist sentiment was strengthened by the agitation within the United States in favor of a duty on Philippine sugar and other products.

Failing in their effort to secure such a tariff restriction, a number of interested organizations, such as the American Farm Bureau Federation, the National Grange, the Southern Tariff Association, the Domestic Sugar Producers' Association, the Texas Cotton Oil Crushers' Association, the National Dairy Union, and the Beet Sugar Association, declared in favor of complete independence.

The King amendment

The strength of this movement was illustrated by the narrow defeat of the King amendment in favor of complete independence by the Senate on October 9, 1929. This was an amendment to the tariff bill, and while it was defeated by 45 to 36 votes, at least six Senators declared that they voted against the amendment not because they were opposed to independence but because they thought it should be granted as a separate measure. If these six had voted the other way, the proposal for Philippine independence would have carried the Senate by a vote of 42 to 39.

The vote on the King amendment, along with the agitation against Philippine products and Filipino laborers, at once aroused opinion in the islands. A number of Filipinos—outside of political circles—organized a league for Philippine independence—a body which seemed to duplicate the Philippine Independence Commission. The recognized Philippine political leaders, who for a time had accepted Mr. Stimson's attitude that political discussion should be postponed until after an economic program had been worked out, now revived the cry for complete independence; and an independence mission, consisting of Señor Manuel Roxas, speaker of the house, and Señor Pedro Gil, minority leader, journeyed to the United States, where, in 1930, they asked Congress "to recognize the independence of the Philippines at an early date."

Meanwhile an intensive independence campaign was organized in the Philippines. The first independence congress was held in Manila February 22–26, 1930, upon the initiative of private citizens. It was composed of representatives of business and agriculture, educators, students, labor leaders, non-Christian Filipinos, and elective officials.

PART V

ARGUMENTS FOR AND AGAINST INDEPENDENCE

Strength of the independence movement

The first argument in favor of independence for the Philippines is that the great majority of the Filipinos desire it. They fought a war against Spain for this purpose and they fought a similar war against the United States at the beginning of the American occupation. In 1910 Governor General Forbes referred to "the almost universal desire for independence" in the islands. In 1924 Governor General Wood declared that "the bulk of the people want independence at some future time and, generally speaking, under our protection." Moreover, the Philippine Legislature annually passes a resolution by unanimous vote in favor of complete independence. Philippine municipalities also pass such a resolution annually. In 1919, 1922, 1923, 1924, 1925, and 1930 independence missions were sent to the United States. In 1929 a convention of Filipino business men, which met for the first time, passed a resolution stating that whereas it had been said repeatedly that "only the politicians clamor for Philippine independence," the national convention of Filipino business men wished to state that they "strongly favor the national aspiration for independence and are ready to cooperate in the common task for the liberation of the country." In the same year an agricultural congress adopted a similar resolution. The Filipino Catholic priests and the Confederation of Evangelical Churches both have recently gone on record in favor of independence. In December, 1929, an Association of Veterans of the Revolution, of which General Aguinaldo is president, passed a resolution asking for "the immediate restoration of the Philippine Republic." Although the view of American officials usually has been that the Moro population is opposed to independence, Philippine leaders point out that the Moro representatives in the legislature invariably vote for the annual independence resolution.

On the other hand, it has been frequently contended that the silent mass of the people, fearing exploitation by a native oligarchy, secretly hope that the United States will not leave the islands. Filipinos reply that the way to test actual sentiment is by means of a plebiscite, the proposal for which the United States has vetoed. Moreover, it may be pointed out that history has often shown it to be the case that colonial powers underestimate the strength of the demand for freedom in their possessions.

American commitments

In the second place, it is argued that the Philippines should be granted independence in view of repeated promises made by spokesmen of the United States. Thus Presidents Taft, Roosevelt, and Wilson have all encouraged the Filipinos in their aspirations for independence, and the Congress of the United States in the preamble to the Jones Act of 1916 declared that it was the purpose of the people of the United States to "withdraw their sovereignty over the Philippine Islands and to recognize their independence as soon as a stable government can be established therein." Even President Harding, who supported General Wood's efforts to overthrow Governor General Harrison's system of semiresponsible government, declared in 1922: "I can only commend the Philippine aspirations to independence and complete self-sovereignty." And again, "No backward step is contemplated. No diminution of your domestic control is to be sought."

Filipino competence

The third argument in favor of independence is that the Philippine people are able to maintain a stable government. For a number of years Filipinos have occupied all the positions in the local administrations and the vast majority of positions in the central government. All the members of the legislature are Filipinos. The interest of the people in politics—an essential of democracy—is shown by the fact that the percentage of voters actually going to the polls is sometimes twice as large in the Philippines as in the United States.

There are racial and linguistic differences among the people, but these differences, it is urged, should be no greater handicap to self-government than they are in such bilingual or multilingual countries as Egypt, Iraq, Switzerland, Yugoslavia, or Czechoslovakia. Mr. Cameron Forbes, although he is not in favor of independence at this time, writes of the Filipino people:

"It is, of course, true that the difference in language makes common understanding more difficult. But the fact is that the people are all reasonably similar in type, generally so in religion, have the same ideals and characteristics, and are imbued throughout with a great pride in their race and desire for its advancement which should make them capable, under a common language, of being welded into a united and thoroughly cohesive body politic. The tribal differences, marked mostly by language and also by geographic bounds, should not be in any way an insuperable bar to the development of a people capable of nationality. Those who question Filipino capacity should look for argumeuts against it in other directions than that of language or of tribal division."

While the proportion of literacy in the Philippines is only 50 per cent, it is nevertheless higher than in such independent countries as China, Colombia, Mexico, Brazil, Nicaragua, Portugal, Venezuela, Russia, Santo Domingo, Egypt, Haiti, or Guatemala.

Moreover, the history of many countries shows that widespread literacy has often followed rather than preceded self-government. Thus, although parliamentary government in England dates back to the time of Walpole, in 1845 an education committee reported that only 16 per cent of the children of school age were able to read the Bible, while the rest could not even spell their names. Moreover, the English elementary education act of 1870 was passed three years after rather than before the reform act of 1867, which added 1,000,000 voters to the electorate. It is interesting also to note that officials opposed granting responsible government to Cape Colony on the ground of lack of education among Europeans; and that the Durham report declared that the inhabitants of Canada were "almost universally destitute of the qualifications even of reading and writing."

It is stated that the United States is not justified in exacting perfection from the Philippines as a condition of independence. Corrupt or inefficient administrations exist in many independent countries in the world, including certain States and municipalities within the United States. The only sound criterion of independence, it is argued, is whether a Philippine government will be able to maintain a reasonable standard of law and order and live up to its international obligations. The New Republic recently expressed the opinion that the "Filipinos to-day are as competent to run their own affairs as are the Nationalists of China and, for that matter, most of the independent governments of Latin America and Central Europe." Filipinos admit that there has been graft in their administration, but they declare that conditions will be rectified only when Filipinos are fully responsible for the administration of their country. Generally they believe that freedom will release forces of energy and initiative which are now restrained by alien rule.

It is probable, moreover, that an independent Philippine government would be willing to follow the example of many other newly established governments and employ foreign advisers in such matters as finance, health, and education. The Filipinos realize that they can not hope to protect themselves from outside attack by force of arms any more successfully than the smaller States of Europe. Nevertheless they believe that their international safety would be guaranteed by the admission of the Philippines into the League of Nations. Others believe that since the United States is not a member of the league, it would be desirable for the United States, Japan, France, and the British Empire, and possibly Russia and China, to enter into an agreement to neutralize the Philippines. Should internal revolution then occur, foreign intervention presumably could not take place except by agreement among the treaty powers.

The Philippines a liability

The fourth argument in favor of the independence of the Philippines is that they are more of an economic and financial liability than an asset to the United States. The duty-free entrance of Philippine products into the United States is alleged to injure the American farmer, while the unrestricted immigration of Filipino laborers is causing trouble on the Pacific coast. From the standpoint of trade, only 1.43 per cent of our exports in 1927 went to the Philippines. In 1927, 35 foreign countries and each of our overseas territories purchased more from the United States in proportion to their population than did the Philippines. Dr. Rufus S. Tucker estimates that the total gain from the Philippines to all classes of American citizens, whether in profits from commerce, investments, or personal service, is less than $10,000,000 a year. On the other hand, the occupation of the Philippines, instead of bringing in additional income to the United States Government, subjects it to an annual charge of at least $4,000,000 a year, excluding interest upon the cost of acquisition. Independence would mean the saving of this sum, and about $22,000,000 now expended annually by American consumers upon Philippine products (not including sugar) which enjoy a protected position upon the American market. The net loss to the United States on account of the Philippines is therefore said to be at least $26,000,000 a year.

Others believe that the Philippines are also a moral liability to the United States. If we refuse to heed their request for independence at a time when subject races everywhere are demanding and receiving freedom, the United States will be charged with being an "imperialist" power. It is argued that if the United States, after proclaiming for 25 years that Philippine independence is its object, should now adopt an anti-independence attitude, it would injure American prestige among politically dependent people everywhere. On the other hand, it is stated that "an independent Philippines will be a monument to America's unselfishness," and an incentive to a more sympathetic attitude by colonial powers toward subject races in every part of the world. These races can not be indefinitely held in subjection, and an enlightened policy in the Philippines may prevent inter-racial difficulties in other territories in the Orient.

Strategic difficulties

The final argument in favor of independence for the Philippines is that it would terminate the strategic difficulty which the occupation of these islands imposes upon the United States. At present the American naval program is laid down with a view to the defense of the Philippines against outside attack. The Japanese, however, believe that in view of the distance of the Philippines from the United States an American

Navy large enough to defend the islands would be large enough also to attack Japan. Thus the problem of defending the Philippines has created a difficulty between the United States and Japan.

A large number of authorities believe that, regardless of the size of the American Navy, the Philippines could not possibly be defended by the United States at the outbreak of war. Former President Roosevelt wrote in 1914 that in case the United States were attacked by a foreign power the Philippines would be our "heel of Achilles." Secretary of War Garrison and Senator Henry Cabot Lodge in 1915–16 declared that the Philippines are a military liability to the United States. Gen. J. Franklin Bell declared in 1913 that "the possession of the Philippine Islands is not in the slightest degree necessary to the welfare of the United States in so far as the military or strategical requirements are concerned. They are an absolute military weakness to the United States." Secretary of War Weeks declared in 1924: "If I were going to view this question entirely from [the standpoint of] military or other benefits to the United States, I would say let the Philippines go." Gen. Enoch Crowder is reported to have declared: "The plans of the General Staff provide that in case of war any attempt to keep a traffic lane open between the Philippines and the United States would be promptly abandoned."

Alienation of territory unconstitutional

The first argument against independence is that it is unconstitutional to alienate territory of the United States. This argument seems to have been developed most fully by Judge Daniel R. Williams. He declares that the United States now possesses "complete and absolute sovereignty and dominion over the Philippines." In acquiring the Philippines the Federal Government acted simply as a trustee of the people of the United States. The only authority of Congress over the islands is to "make needful rules and regulations respecting the territory of the United States," and the alienation of sovereignty can not be regarded as incidental to this power—in fact, such alienation would destroy the "very thing over which legislation is authorized." The power to alienate sovereignty can therefore be exercised by Congress only after having been expressly authorized to do so by a constitutional amendment. Judge Williams cites in support of his contention a statement of Gov. Edmund Randolph in the Virginia State convention called in 1788 to ratify the Federal Constitution to the effect that "there is no power in the Constitution to cede any part of the United States." Moreover, there does not seem to be any clear-cut case where Congress has actually alienated territory.

An opposite point of view was expressed by the Attorney General of the United States in 1924, who declared that Congress had the power to grant complete independence to the Philippines, since under the Constitution it had complete control over territories. Moreover, he said, the Philippine Islands had never been incorporated into the United States. Judge Malcolm, of the Supreme Court of the Philippines, has come to the same conclusion. Prof. W. W. Willoughby, in his recent treatise on constitutional law, declared that "the United States is a sovereign power, and, except as expressly limited by the Constitution is to be viewed as possessing within the field of international relations all those powers which, by general international usage, sovereign and independent States are conceded to possess, and that, among such conceded powers is that of parting with, as well as acquiring, political jurisdiction over territory."

Economic and political dangers

In the second place, independence is opposed on the ground that it would be harmful to the Filipino people. The Filipino people, it is urged, lack a common language and religion—there is a wide gulf between the non-Christian and Christian peoples. They are said also to lack the educational basis for self-government. Less than half of the people are literate; the newspaper-reading public, upon whom the formation of an intelligent public opinion supposedly depends, is about 165,000 out of a literate population of about 6,000,000. The Filipinos are also lacking, it is declared, in administrative experience. As proof of this contention, the alleged inefficiency of the Filipinization period and the recent scandals in government bureaus are cited. It is also said that the Philippines do not have the financial resources necessary to maintain an independent government. The existing budget is not large enough to maintain an army, navy, and diplomatic service, which independence would supposedly require. Independence would probably mean a depreciation of the Philippine currency and a deterioration in public works, education, public health, and other activities of benefit to the people. Mr. Carmi Thompson reported to President Coolidge in 1926 that immediate independence might result in the establishment of an oligarchy or in splitting the islands "into warring factions led by chieftains of the various language groups." In an article in the Saturday Evening Post, written before becoming Governor General, Mr. Henry L. Stimson declared that independence would mean "political domination over the main population of the islands by an oligarchy of more politically competent mestizos." He also declared that independence would mean "an eventual foreign submersion and control by the more powerful races in the neighborhood." Apparently he had in mind the difficulty of controlling Chinese immigration and the fear that the resources of the islands would pass to Chinese and Japanese immigrants. This might be followed by the loss of political independence. Others fear that independence will mean an increase in the exploitation of tenant farmers by Filipino landlords, through the institution of peonage and otherwise.

Finally, it is urged that independence would be financially and economically harmful to the Filipino people, since a free American market would be closed to them. Mr. Carmi Thompson states that independence would mean "economic disaster"; Mr. Stimson declares independence would mean "almost total collapse of the sugar, tobacco, coconut oil, embroidery, and other principal commerce of the islands."

It has been estimated that the annual monetary value of the privileges received by the Philippines from the United States is $71,000,000. All these privileges, it is urged, the Philippines would lose upon becoming independent.

American interests involved

Independence, it is declared, would also be harmful to the commercial and political interests of the United States. Senator HIRAM BINGHAM has asked: "Do you think that the American people would have paid $20,000,000 for something that they knew they were going to give up in such a short time? Is that the way we do things?" Moreover, it is declared that American business men and investors have gone to the islands and built up a profitable trade upon the assumption that the Philippines would remain indefinitely under the American flag. The establishment of a tariff against American goods, which would follow upon the granting of independence, would interfere with this trade. In view of the doubtful stability of a purely Filipino government, independence would impair the value of commercial investments. Moreover, Philippine government bonds, which are practically all held by American investors, would, it is argued, immediately depreciate in value following independence. "This would constitute a species of moral repudiation both undignified and dishonorable." Many American business firms have protested against immediate independence for the Philippines.

From the standpoint of national interests, Mr. Carmi Thompson states: "We need the Philippines as a commercial base, and the retention of the Philippines will otherwise be of great benefit to our eastern situation." Admiral Hilary Jones has declared, "The Navy considers that we must possess bases in the Philippines. They are vital to our operations in the western Pacific—so vital that I consider their abandonment tantamount to abandonment of our ability to protect our interests in the Far East."

International dangers

A fourth argument against independence is the opinion that it would finally be harmful from the international standpoint. It would stimulate the desire for freedom in India, French Indo-China, the Dutch East Indies, Formosa, and Korea, where seditious or revolutionary movements are already smouldering. If all these countries should secure their freedom, widespread civil war would be bound to result; foreign intervention would become inevitable, naval reduction impossible, and the status quo in the Orient to-day would be upset—with disastrous results to world peace and international good will.

NOMINATION OF JUDGE JOHN J. PARKER

The Senate in open executive session resumed the consideration of the nomination of John J. Parker, of North Carolina, to be an Associate Justice of the Supreme Court of the United States.

Mr. ALLEN obtained the floor.

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

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

Mr. ALLEN. I yield.

Mr. GLASS. I happened not to be present in the Chamber yesterday when a colloquy took place between two Senators while the Senate had under consideration in open executive session the nomination of Judge Parker. But I find in the Baltimore Sun of to-day on the front page what purports to be a quotation from the remarks of one of the Senators, to wit, the Senator from Arizona [Mr. ASHURST], to this effect:

> In my remarks the other day I did not know of the letter that had been written by the Assistant Secretary of the Interior, Mr. Dixon, and I now say call the lobby committee together and you will find that men with Judge Parker's consent are being offered Federal judgeships and other appointments to office if they will vote for this nominee.

Mr. President, I want to inquire of those on the other side of the Chamber—or on this side, either—who are responsible for the conduct of this case before the Senate, if it is proposed to proceed with the consideration of it in the face of a charge like that without first ordering an inquiry into the accuracy of the statement?

I may say for one, after very intent and careful consideration, that I have about come to the conclusion that I can not, in accordance with the promptings of my conscience and my judg-

ment, vote against this nominee; but if there is any semblance of truth in this statement I could not vote for him.

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

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

Mr. ALLEN. I yield.

Mr. OVERMAN. I have a similar article from the New York Times, which I intended to send forward to have read. In justice to my able and distinguished colleague the Senator from Arizona [Mr. ASHURST], and to Judge Parker, I had the RECORD searched this morning and there are no such words in it as that Judge Parker was using his influence to get judges appointed in order to capture the votes of Senators; but there are other charges which, I agree with the Senator from Virginia, ought to be investigated.

At this point I ask to have inserted in the RECORD a part of the article to which I just referred, appearing in the New York Times of this morning.

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

[From the New York Times, Tuesday, May 6, 1930]

JUDGESHIP OFFER FOR VOTE FOR PARKER IS CHARGED; NO POLITICS, SAYS MITCHELL—ASHURST STIRS UP STORM—HE DEMANDS AN INQUIRY BY LOBBY COMMITTEE OF NOMINEE'S BACKING—FESS SEES SLUR ON HOOVER—BUT ARIZONIAN DENIES IT—PRESIDENT NEVER SAW THE DIXON LETTER, MITCHELL WRITES—SENATORS' OFFICES RIFLED—M'KELLAR ACCUSES SECRET SERVICE—SMOOT AND BROCK ROBBED, TOO, THEY ASSERT

WASHINGTON, May 5.—A charge that a Federal judgeship was offered a Senator in return for support of Judge John J. Parker, and that "men with Judge Parker's consent are being offered Federal judgeships and other appointments to office if they will vote for this nominee," was made by Senator ASHURST, of Arizona, in to-day's debate on the appointment of Judge Parker to the Supreme Court.

Senator ASHURST demanded an investigation of his charge by the Senate lobby committee, asserting that Judge Parker's supporters are "approaching the frontier line of culpability."

Mr. GLASS. I may say just at this point that I am very glad to know the distinguished Senator from Arizona made no such statement, because that would involve a degree of culpability which would cause me to hesitate not a second to vote against the nominee.

Mr. FESS. Mr. President, will the Senator from Kansas yield to me?

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Ohio?

Mr. ALLEN. I yield.

Mr. FESS. I, too, read a statement in the New York Times similar to that which was read by the Senator from Virginia just now from another paper. I also read the RECORD and did not find the statement in the RECORD that was made in the Times; but I have the impression or the impression was made upon my mind that the Senator from Arizona did use the expression "with the consent of Judge Parker." I was trying to make some investigation as to whether I was mistaken or not, but I am inclined to believe that an examination of the stenographic report of the speech of the Senator from Arizona will disclose the fact that those words were used, and for that reason I was going to ask that some action be taken with reference to the statement to investigate the facts, unless the Senator from Arizona disclaimed the statement.

Mr. ASHURST. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Arizona?

Mr. ALLEN. I think I will speak for a little while on this subject, if I may now proceed.

Mr. ASHURST. I hope the Senator will permit me to say a word at this point.

Mr. ALLEN. I will in due time. I will address myself to the question immediately.

Mr. ASHURST. Will the Senator just allow me to answer a question?

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

Mr. ALLEN. A question from whom?

Mr. ASHURST. A question propounded to me by the Senator from Virginia and by the Senator from Ohio.

Mr. ALLEN. Very well, Mr. President; I yield for that purpose.

Mr. GLASS. Mr. President, before we proceed further, I rose to ask a question which has not been satisfactorily answered. Aside from the use of these particular words which the Senator from Arizona disclaims, let me ask the Senators having charge of this case if they do not regard the accusation couched in the words used of such a grave nature as that we should not proceed with this case until the Judiciary Committee shall be instructed to make an inquiry?

Mr. FESS. Mr. President, so far as I am concerned—I have not consulted with the Senators from North Carolina or any other Senator—I think that the statement made on yesterday is of a sufficiently grave character that there ought to be an investigation.

Mr. GLASS. There ought to be one immediately, before we proceed with this case.

Mr. FESS. Yes; immediately.

Mr. WATSON. Mr. President, will the Senator from Kansas further yield?

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

Mr. ALLEN. I yield.

Mr. WATSON. Mr. President, it occurs to me that these charges are of such gravity that an immediate investigation should be had. A number of Senators have spoken to me about it, and they insist that these charges shall be cleared up. So far as I know, nobody implicates Judge Parker in this matter.

Mr. GLASS. Judge Parker is implicated before the country in this matter.

Mr. WATSON. So far as I know, nobody has ever charged that anything was done with his assent, or even with his knowledge.

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

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Arizona?

Mr. ALLEN. For what purpose?

Mr. ASHURST. Just to clear this matter up.

Mr. ALLEN. Very well; I yield.

Mr. ASHURST. Mr. President, in the CONGRESSIONAL RECORD of this morning on this subject—and I have read it—is a very accurate report of what I said. It is a fact, as the Senator from Ohio says, that when I saw the transcript from the reporters it did say "with Judge Parker's consent." The reporters are accurate; I am not laying any blame on them; but I am quite sure Senators will bear me out that no such remarks were made, and, if they were heard, the auditors probably overlooked the statement I made, that undoubtedly it was "without Judge Parker's consent or knowledge." In all this controversy, which is one of the fiercest that has raged in my time, I have never said nor implied that Judge Parker had a part in making or knew of any offers being made to any Senator.

I want to be fair about the matter, and I here say, as I tried to say yesterday, that an offer was made to a Senator; but I do not charge and I never have charged or even believed that it was with Judge Parker's knowledge or consent. That is my statement; and, so far as an investigation is concerned, I am ready at any time that it shall be undertaken.

Mr. ALLEN. Mr. President——

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

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

Mr. ALLEN. I yield.

Mr. GLASS. I am glad to have the disclaimer of the Senator from Arizona as to these particular words, but I, for one, am not willing to vote on this question while the grave charge remains that offers of judgeships and of other appointments to office are being made to Senators in order to control their votes on this proposition; and I do not think the Senate should be willing to proceed until that matter is cleared up.

Mr. ASHURST, Mr. BORAH, and Mr. WATSON addressed the Chair.

The VICE PRESIDENT. Does the Senator from Kansas yield; and if so, to whom?

Mr. ASHURST. I merely wish to utter another sentence.

Mr. ALLEN. I yield to the Senator from Arizona now, and I will yield to the Senator from Indiana later.

Mr. WATSON. I trust the Senator from Kansas will not proceed until we can clear this matter up, if it can be cleared up.

Mr. ALLEN. Very well.

Mr. WATSON. If the Senator will permit me, I should like to hear what the Senator from Idaho has to say.

Mr. BORAH. Mr. President, I was going to say that I do not understand that any charge has been made that expressly or impliedly involves Judge Parker, and therefore it does not seem to me that any inference should be drawn in any way, shape, or form as against Judge Parker in regard to this matter.

As to the charge that Senators have been approached, so far as I am concerned, Mr. President, I am perfectly willing to proceed upon the theory that if anybody was fool enough to approach a Senator on the matter his action did not have any

effect, and that we will proceed to vote upon the theory that whatever may have been the enthusiasm of some individual it has not affected the Senate of the United States in its vote.

Mr. WATSON. Mr. President, I want to ask whether or not that statement is satisfactory to the Senator from Virginia?

Mr. GLASS. Mr. President, it certainly is not; it brushes aside a charge that involves the integrity of the Senate. I have no enthusiasm for Judge Parker, but the charge involves the very integrity of the Senate.

Mr. WATSON. But the Senator from Arizona yesterday exculpated entirely the President of the United States and every Senator.

Mr. GLASS. No.

Mr. WATSON. That was his statement on the floor—he exculpated every Senator.

Mr. GLASS. He exculpated the Senator from Indiana and the Senator from Ohio.

Mr. WATSON. He went much further than that, and said that he was entirely willing to exculpate every Member of the Senate and say that no Member of the Senate had made such an offer to anybody.

Mr. ASHURST. Mr. President, if the Senator will yield, it is obvious that the Senator from Virginia either did not hear me or has not read the RECORD. The Senator from Indiana is correct. I stated, and I think I can repeat, that I did not believe and that no one believed that this offer of a judgeship made to a Senator had influenced or would influence a single Senator, and that each and all Senators would reject such an offer, if made to them, with indignation and contempt.

Mr. GLASS. Mr. President, the Senator added that the processes of securing the confirmation of this nomination were reeking with such odium as was never witnessed before in the history of America.

Mr. ASHURST. I stand on that.

Mr. GLASS. Then, if that be so, there ought to be an investigation to clear up the matter.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Idaho?

Mr. ALLEN. I will yield in a moment, but I should like first to say a word, since I have the record of what was said. In addition to what the Senator from Arizona has stated, he also said that if we knew what he knew we would be ashamed to vote for this man. Therefore, I am sympathetic with the attitude of the Senator from Virginia. I now yield to the Senator from Idaho.

Mr. BORAH. Mr. President, I do not want to interrupt the Senator from Kansas any further, as he has the floor, but nothing has been said in connection with this matter that disturbs me either as to the effect which it has had or as to its relationship to Judge Parker.

Mr. WATSON. Mr. President——

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

Mr. ALLEN. I yield.

Mr. WATSON. Mr. President, I am decidedly of the opinion that an investigation should be made of the statement uttered by the honorable Senator from Arizona. He says that he is entirely willing that such an investigation shall be made, and I think there is a universal demand that it shall be made and made at once, in order that this whole matter may be cleared up before the vote shall be taken. It is due to the President of the United States, it is due to the Senate as a body, it is due to each Senator as an individual, and it is due to Judge Parker that this shall be done. Therefore, while the Senator from Kansas is making his speech, we shall see what arrangements can be made looking to that end.

Mr. SIMMONS. Mr. President——

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

Mr. ALLEN. For what purpose?

Mr. SIMMONS. For the purpose of making a brief statement about the matter of which the Senator from Indiana has just spoken.

Mr. ALLEN. I think I will not yield any further at this time, but will take the floor, if I may.

Mr. SIMMONS. I think, if the Senator will consider, he will come to the conclusion that under the circumstances he ought to extend the courtesy to me.

Mr. ALLEN. Very well; I yield to the Senator.

The VICE PRESIDENT. The Senator from Kansas yields to the Senator from North Carolina.

Mr. SIMMONS. Mr. President, this matter involves a citizen of North Carolina. I have thought very seriously about the charges made by the Senator from Arizona since he uttered them upon the floor and if the Senator from Virginia [Mr. GLASS] had not made the protest that he did, I should have made it. I now wish to join that protest, and in the demand that there shall be a full and complete investigation of this matter, because it is perfectly apparent that the effect of this charge, if not answered by an investigation, will be very injurious to Judge Parker; and he is at least entitled to fair treatment and consideration at the hands of the Senate. As his supporter and friend and as a representative of the State from which he comes, I insist that there shall be a speedy, complete, and thorough investigation of the charge which has been made.

Mr. ALLEN. Mr. President, I am heartily in sympathy with the suggestion of the Senator from Virginia [Mr. GLASS] that we investigate the foundation for the statement made yesterday by the Senator from Arizona. This morning, when I read in three different newspapers that the Senator from Arizona had used this language—

> You will find that men, with Judge Parker's consent, are being offered Federal judgeships and other appointments to office if they will vote for this nominee.

Mr. ASHURST. Now, Mr. President——

Mr. ALLEN. Just a moment—I immediately visited the official reporters, taking the RECORD which the Senator from Arizona had changed to suit his afterthought, and find that this which has appeared in a thousand newspapers in the United States this morning is exactly what the Senator from Arizona said.

Mr. ASHURST. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Arizona?

Mr. ALLEN. I yield to the Senator.

Mr. ASHURST. The Senator from Arizona disclaims saying, at any time or place, "with Judge Parker's consent." The reporters are usually very accurate. The language was, "doubtless without Judge Parker's knowledge or consent."

The Senator from Kansas is welcome to put any construction upon that he pleases. When I saw that in the transcript "with Judge Parker's consent," I struck it out, and was quite surprised, owing to the accuracy of the reporters, that that language was there.

Mr. ALLEN. May I ask the Senator from Arizona why he struck it out in the special fashion he did? How much more easy it would have been to have added the word "without," rather than to have changed the construction of the entire sentence.

Mr. ASHURST. Possibly the Senator from Kansas would have done that, and possibly I should have; but that remains the fact, just the same—that no such language was used.

Mr. ALLEN. I think if I had cast as wide an aspersion as that, I would not only have struck it out but after I had read the statement I would have seen that the press was acquainted with the fact that the meaning attributed to me was exactly opposite to that which I had in mind.

Mr. ASHURST. Will the Senator yield?

Mr. ALLEN. I have known many instances, Mr. President, in which Senators inclining toward the front page have attacked the President of the United States; but I have never read an attack upon the President of the United States as unbridled and as unconscionable as this attack is.

Mr. ASHURST. Mr. President——

Mr. ALLEN. The mere fact that the Senator from Arizona now says that he did not mean to include the President of the United States does not in any sense soften the real meaning of that which he said. Go across the country this morning, and in a thousand morning newspapers you will read the headlines that the President has been accused by the Senator from Arizona of trafficking in these offices.

Mr. ASHURST. Now, Mr. President, one word.

Mr. ALLEN. I will yield to the Senator when I get ready. In a dozen newspapers already I have read the headlines proclaiming the sinister thing that the Senator from Arizona desired to have them proclaim.

I am not going to continue my speech, Mr. President, because I desire to wait until this investigation shall have been closed; but I want to say now that this mud-throwing episode that has finally come into this fight is exactly what we might have expected when the fight started.

Mr. President, it is a very serious thing to accuse the President of the United States of bribery. In all of the history of this body I dare say there is not a single precedent for the remarkable attack which the Senator from Arizona made upon this floor yesterday; and I am glad that we are to have a thorough sifting of it. I am glad that we may possibly approach the moment when there may be some consideration given by unbridled Senators before they turn out loose statements that, if they were not made in a legislative assembly, would be characterized as cowardly and inexcusable.

Mr. BORAH. Mr. President——

Mr. ASHURST. Mr. President, may I claim the floor at this juncture?

The PRESIDING OFFICER (Mr. FESS in the chair). The Senator from Arizona.

Mr. ASHURST. Mr. President, of course, it may be true that other Senators do not have that strict regard for the proprieties that the Senator from Kansas [Mr. ALLEN] possesses. As to his charge of cowardice, I am sure the Senator from Kansas will never attribute to me any lack of intestinal stamina. He will find that out.

The able Senator from Ohio [Mr. FESS] yesterday afternoon directed attention to the fact that some newspaper has construed my remarks about 1 o'clock yesterday as meaning that I inferred that the President was concerned in or knew of this offer that had been made to a Senator of a Federal judgeship if he voted for confirmation; whereupon I, with the permission of the Senator from Ohio, claimed the floor and used language which I must repeat, owing to the nature of the controversy, which appears in the RECORD and which seemed to satisfy the able Senator from Ohio. I shall read it.

Mr. President—

This is yesterday evening, now. I ask the Senator from Kansas to listen to this—

Mr. President, I did not say that the President was making offers. The Senator will search the RECORD in vain for any such statement from me. I said that some of those who are urging confirmation are offering appointments. I did not say "the President." All that the President did on this matter, so far as I know, was to nominate an unfit person for this judicial office and then refuse to divulge the names of those who recommended such person. I hope the Senator will not attempt to read into my remarks something I did not say.

Mr. FESS. Mr. President, will the Senator permit me to have a little time?

Mr. ASHURST. In the Senator's own time, certainly.

The VICE PRESIDENT. The Senator from Ohio declines to yield further.

Mr. FESS. The Senator has made an explanation which is satisfactory to me; but when he said that judgeships were being offered, since no one can offer a judgeship outside of the appointing power, the natural inference must be that the President was making such offers.

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

The President has been brought into this controversy, not by the Senator from Arizona, but by my able friend the Senator from Ohio. Senators will bear me out that I did not bring into this contest the name of the President. I said, "those seeking confirmation." The Senator, however, is too ingenuous and is too frank a man to pretend that there are not in this administration and in this Capitol men who are able to make promises and have them complied with in that regard.

Mr. FESS. No, Mr. President; I would not accept that statement. I do not believe that it is credible or possible that any promise of this character binding the President could be made, because the Senator believes, as I believe, that that could not be done with the President of the United States.

Mr. ASHURST. The Senator, then, is such a babe in the woods that I do not perceive how he could have advanced so far in American politics.

There is a great deal more; and one Senator this morning—I think it was the junior Senator from Virginia [Mr. GLASS]—wanted to know how far the Senate had been exculpated. Apparently I have satisfied the Senator from Ohio [Mr. FESS], whose conscience is equally as alert and whose scholarship, I think, may well compare with that of the junior Senator from Kansas. He seemed to be quite satisfied; but possibly the Senator from Kansas was not present, or did not take the pains to read the RECORD. I am not going to bandy epithets with the Senator. That is not my purpose.

Mr. ALLEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Kansas?

Mr. ASHURST. I yield.

Mr. ALLEN. I want to say, on the contrary, that I took the pains to read the RECORD; and, the RECORD being contrary to my memory, I then went to the official reporters, and I there was forced to the conclusion that the Senator from Arizona had either changed his mind or realized that his statement was too extreme.

Mr. ASHURST. I have said to the Senator that when I read my remarks—I am not going to lay this on the reporters. I am not going to be so cowardly, if a word of that kind slipped from me, as to lay it on the reporters. You can put any construction you please on it. When I found the remarks said "with Judge Parker's consent," I knew it was not what I had said or intended to say, and struck it out. I have dealt with that, and that is all I am going to say about it. If I said it, I say here that I have no evidence, I never have had any evidence, that Judge Parker knew of the attempts being made to force his nomination over this Senate. I have said that; but let me say that the Senator on this side who would pretend that there has been no lobby here to confirm Judge Parker ought to be sent home. The Senator here who will now rise and say he never heard of a lobby here to confirm Judge Parker had better go out of that door. Why, as the Senator from Arkansas [Mr. CARAWAY] said, two or three ex-governors from a certain State have been besieging and storming Senators for days at a time here in trying to lobby for this confirmation. I ask any Senator here to stand up and say, "I have been such a babe in the woods that I never knew there was a lobby here to confirm Judge Parker."

All right.

Now, let us see. I am not going to take much time of the Senate, except that I am ready now, at a moment's notice, to appear before the lobby committee and give the name of the Senator who told me he was offered a judgeship to vote for the confirmation of Judge Parker. I am ready.

Mr. GLASS. Mr. President, I have no doubt the Senator is, and I think he ought to be required to do it.

Mr. ASHURST. Required? I object to the use of the word "required." I yesterday said five times, "I challenge you to call me before the committee." Required?

Mr. GLASS. I know the Senator did, and I think the Senator's challenge should be accepted.

Mr. ASHURST. It ought to be.

Mr. GLASS. I think so.

Mr. ASHURST. That is the point I raised—that it ought to be. I am not in the habit of making challenges or statements unless I have some ground upon which to stand.

Mr. GLASS. I am not undertaking to say that the Senator is; and if the Senator has ground upon which to stand, I for one, do not intend to vote for Judge Parker.

Mr. ASHURST. That is just the kind of a statement I should expect from the Senator.

Mr. ALLEN. Mr. President——

Mr. ASHURST. Let me finish this. I will yield, though, to the Senator.

Mr. ALLEN. I should like to know what objection there is to a mind as bold as that of the Senator from Arizona to giving us the name of the Senator now.

Mr. ASHURST. All right. On Saturday at noon, in the presence of Senator BRATTON, of New Mexico, a Senator sitting in this Chamber told me that offers of office had been made to him if he would vote to confirm Judge Parker.

Mr. ALLEN. But that is the Senator we are looking for. Who was it?

Mr. ASHURST. All right; I will give him an opportunity to rise if he wants to: My learned friend the junior Senator from Washington [Mr. DILL].

Mr. DILL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Washington?

Mr. ASHURST. I yield.

Mr. DILL. Mr. President, I have hesitated to inject myself into this discussion, for I had no way of knowing to whom the Senator from Arizona referred. I am sure that all he has said was in good faith; but when he says that he understood me to say that I was offered a judgeship, I must say that the Senator was badly mistaken as to my statement. I made no such statement.

Mr. ASHURST. Will the Senator restate what he did say?

Mr. DILL. If the Senator will allow me to make my statement——

Mr. WATSON. Will the Senator from Washington speak a little louder? We can not hear him.

The PRESIDING OFFICER. Let the Senate be in order. This applies to the occupants of the galleries as well.

Mr. DILL. I say I made no such statement. I did say that I was impressed with the pressure that was being brought to bear on Senators to vote for Judge Parker's confirmation, and that a gentleman from my own State had talked with me on the subject, and suggested that I would be in high favor with the administration if I would vote for Parker, and that I was rather amused at the suggestion, and that I attempted to draw him out and see how far he would go. Finally, when he said that he thought I could be rewarded with anything I wanted from the administration, I said, "The trouble is I do not want anything, even if I were inclined to trade." The talk went on and finally I said that I probably would decide that my next move should be to retire to private life; that I was trying to get enough courage to bring myself to the point of never run-

ning again for office. He said, "Well, in that case there will be judgeships always open." I laughed about it and said, "Well, I would rather be a private citizen than a judge."

I considered the matter in a somewhat jocular way, and did not at any time regard it a challenge to my honesty or my integrity as a Senator. I did not consider it went to the extent of justifying anything seriously being said about it, and in talking at the table, I simply talked with two Senators in a confidential room and never expected it to be even thought about to any extent afterwards, much less mentioned in this Chamber.

I would not believe, until this morning when newspaper men called me out and asked me about it, that I was the Senator referred to, because had I thought it was a challenge to me to change the position which I had taken in the Judiciary Committee, I certainly would have needed nobody to champion my conscience on this floor. I would have taken care of that myself. So there is no need of any investigation; there is no need of calling me before the lobby committee.

Mr. NORRIS. Mr. President——

Mr. DILL. Let me go further. The gentleman who talked with me is a personal friend of mine. He did not claim to come from the White House; he did not claim that the President had told him to talk as he did, but rather indicated he could do a lot for me at home. I do not think he has done anything politically for me in the past and I doubt if he would do anything in the future. I regret the matter should have been brought here and given all this attention and all this advertising in the newspapers.

I want to assure the Senate that I have not even been tempted in the matter, much less have I had any thought of yielding on the proposition.

Now I yield to the Senator from Nebraska.

Mr. NORRIS. I would like to say to the Senator from Washington—and I would not ask this question if it had not been that the matter had been taken as far as it has been—I rather agree with the Senator that it probably would have been better if nothing had been said about it, as similar things often happen. But since the matter has gone as far as it has, it seems to me that the Senator ought to tell us who that man was, whether he is connected in any way, politically or otherwise, where a person might reach a conclusion that he might have some reason to bring about a fulfillment of any promise he might make.

Mr. DILL. Well, I want to say to the Senator that this man is a private citizen. He has no connection with the administration, and I do not see any use in dragging his name into this, because, as I said before, I did not take it seriously enough to give it serious consideration from the standpoint of anything being done about it. I think the sooner it is forgotten, the better for everybody concerned. I certainly would never have even suggested it at the dining table if it had not been more or less a giving of my experience to my fellow Senators, as I thought, in a confidential discussion.

I do not want anyone to misunderstand me. I do not want anyone to think that if somebody came to me with a proposition to trade my vote for certain things in return, that I would not resent that, but, on the other hand, I am not so thin-skinned, nor am I so sensitive, that when political opponents or political and personal friends talk with me in a more or less joshing way, that I shall get angry and break off friendships and connections of long years' standing. So I say that it is ridiculous that the whole matter should have been given the attention it has been given here in the Senate.

Mr. GLASS. May I ask the Senator whether this particular man has any particular interest in the confirmation of Judge Parker, and if he is here in Washington for the purpose of bringing it about?

Mr. DILL. No; I do not think he has any interest, other than that he is a Republican, and anything that the Republican Party wants he is always for—good, bad, or indifferent.

Mr. GLASS. So that it was a purely personal conversation between the Senator and his personal friend?

Mr. DILL. I looked on it so. He was just passing through here, and the matter came up in our conversation.

Mr. GLASS. The Senator would not think, then, that the suggestion made to him in that way by the Senator's trusted personal friend invests this whole matter with a degree of odium never heard of before in the American Nation?

Mr. DILL. No; because I have often had men suggest to me that it would be to my political advantage if I would vote in a certain way, and I did not get excited and think my honor and integrity had been challenged, and I considered there was nothing sinister in this conversation.

Mr. WALSH of Massachusetts. Mr. President, I hope the Judiciary Committee will take cognizance of the atmosphere that has surrounded the consideration in the Senate of this nomination, and will adopt some rules or regulations that will prevent a recurrence of the suspicions and rumors and lobbying pro and con which have been attached to this case.

To that end I offer a resolution, which I will ask to have referred to the Committee on the Judiciary, which may suggest some action upon the part of the committee to improve present conditions and remove some of the pressure that may be attempted in the future in the confirmation of judges.

I ask that the resolution be read and referred to the Committee on the Judiciary.

The PRESIDING OFFICER. The resolution will be read.

The Chief Clerk read the resolution (S. Res. 258), as follows:

Resolved, That it is the sense of the Senate that any person holding office as judge or justice of a Federal or State court who is nominated by the President for appointment to the Supreme Court of the United States should immediately tender his resignation from such office.

The PRESIDING OFFICER. The resolution will be referred to the Committee on the Judiciary.

Mr. WATSON. Mr. President, I move that this matter of the nomination of Judge Parker be referred to the Committee on the Judiciary of the Senate for the purpose of investigating the charges made by the Senator from Arizona, and——

The PRESIDING OFFICER. Does the Senator mean to refer the nomination to the Committee on the Judiciary?

Mr. WATSON. No; not the nomination.

Mr. OVERMAN. Mr. President, would it not be better to move that the consideration of the nomination of Judge Parker be deferred until Monday, and that in the meantime immediately the Judiciary Committee shall investigate the charges made, and call in the Senator?

Mr. WATSON. I was going to put that in the motion if the Senator would permit.

My motion is that further consideration of the nomination of Judge Parker in the Senate be suspended until next Monday, and that this matter be referred to the Committee on the Judiciary to investigate the charges made by the Senator from Arizona in the meantime.

Mr. ASHURST. Mr. President, the charge I made was that offers of office had been made to a Senator, and, upon the request of a Senator, I think the junior Senator from Kansas, I gave the name of the Senator who told me. I have no objection to the matter going to the Judiciary Committee. My testimony will be exactly what I said here, and I assume and believe that the Senator from Washington would testify to the same thing he stated here. So all the evidence I possess on that point is before the Senate now, and the statement or interpretation the Senator from Washington put upon it is before the Senate now.

Mr. ROBINSON of Arkansas. Mr. President, it is perfectly clear to me, in view of the proceedings which have just transpired on the floor of the Senate, that very little, if anything, would be accomplished by the proposal of the Senator from Indiana. The Senator from Arizona has stated that all the facts within his knowledge bearing upon the declaration he made, and which has been brought in question, have been brought to light on the floor of the Senate.

This nomination has been pending before the Senate for a very long time. There is no objection, of course, to obtaining any information which will reflect light upon the merits of the issue involved, but it seems to me it would be a very frivolous action, a fruitless course, in view of what has transpired here, to indulge in the favorite pursuit of the Senate and order an investigation.

If there is anything to be disclosed, in the opinion of any Senator, either the Senator from Indiana or any other Senator, which has not already been brought to light, I should be the very last Member of this body to interpose an objection, but we all owe something to the dignity of our positions. We should not pursue this matter unless it is expected that something will be accomplished by it. The only end I see in view, after the declaration made by the Senator from Arizona and the statement from the Senator from Washington, is to make ourselves ridiculous.

You could probably compel the Senator from Washington to name the individual who made the statement to him quoted on the floor of the Senate. You might embarrass the Senator from Washington in that way, and you might embarrass the individual who made the statement to him in that way. But you would not throw one flash of light on the real issues involved in this nomination, and you would commit an act which, in my judgment, would justify the establishment of some body to advise and consent to the question of your own fitness as a representative in the Senate.

Mr. NORRIS. Mr. President, I think I can safely say what I am about to say to the Senate without any possible danger of

anyone feeling that what I say or what I advocate has been moved by anything I have said in this long controversy.

I have been one of the Senators who have abstained entirely from any reference of any kind to any individual in which the motive, the character, or the ability of anyone has been called in question. I did that premeditatedly. It was not because I have not heard of rumors and read of rumors of various kinds, some of them very severe, which I did not believe, and never investigated, even; but, in a general way, I reached the conclusion all Senators must have reached, that in this particular case there has been a very consistent effort on the part of people, almost nation-wide, over the country, taking part on one side or the other of this controversy. We can not escape that. I do not believe we ought to try to escape it. Whenever a contest of that kind goes on to the extent this one has gone, there will always be serious charges made questioning the motives, political and otherwise, of various people.

Mr. President, I would like to avoid that if I could, but I do not believe there is any possible way of doing it.

I think I can speak plainly because, as I said, in this case at least, whatever might have been my belief or my conviction, I have refrained entirely from participating in anything of that kind. So that if we started to investigate we could probably unearth facts; we could put men on the stand and compel them to testify as to charges that probably in most instances would be unfounded and in others would be explained away. It seems to me we would be undertaking a task that we ought to let alone. So far as this particular controversy is concerned, everything has been developed that would be developed on an investigation with the exception of the identity of the man referred to by the Senator from Washington [Mr. DILL], and what other investigations the disclosure of that identity might lead an investigating body to pursue.

I do not want to stand in the way of any investigation, if the Senate sees fit to have it made; but with the matter before us as we have it now, I would hate to see the Committee on the Judiciary charged with the making of such an investigation, because it seems to me I can see just where we would land. Anyway, taking everything that is now before us at 100 per cent, why should it have anything to do with the confirmation or the rejection of Judge Parker? It is not claimed that he is guilty. It is not claimed that he is at fault in the particular charge that is made, or that he knew anything about it. It probably would result in the fact that somebody, out of overzealousness in partisanship, had gone farther than he ought to have gone. It seems to me we ought to reach a conclusion on what is before the Senate, vote on Judge Parker's confirmation, and let us have done with it.

Mr. President, I ask unanimous consent——

Mr. SIMMONS. Mr. President, may I interrupt the Senator?

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

Mr. NORRIS. Yes; I yield to the Senator.

Mr. SIMMONS. If we should leave it upon the statements which have been made, as the Senator suggests, might there not be left a lurking suspicion that the gentleman who spoke to the Senator from Washington with reference to a possible judgeship spoke with authority from somebody, and, leaving that question open, might it not create a situation which would be unfavorable to Judge Parker?

Mr. NORRIS. I do not think so.

Mr. SIMMONS. Would it not be better to let us call that gentleman before the committee and ask him whether in making the suggestion he was doing so of his own initiative and without any suggestion from any higher source, thereby removing all possible suspicion that anyone with authority had indicated to him that he might use that sort of an argument in favor of the confirmation of Judge Parker?

Mr. NORRIS. I will say in answer to the question of the Senator from North Carolina that I can not see a possibility of it connecting Judge Parker. Some gentleman here from the State of Washington——

Mr. SIMMONS. I did not mean to connect Judge Parker with it. The Senator misunderstood me. But there might be a suspicion that the party who made the suggestion to the Senator from Washington had authority, not from Judge Parker, but from some one who could control judgeships, and that he was authorized to make a suggestion of that kind.

Mr. NORRIS. Even if there were such a person, we would never get that person to admit it. We would lack proof of being able to fasten it upon him. He would not admit it, of course. I have not the remotest idea who this gentleman could be, but I take it that it was some prominent Republican, perhaps in an outburst of enthusiasm for his party, wanting the confirmation of a man that a Republican President had named. Such people get enthusiastic, and if we put one of them on the stand he would not say, and probably we would not believe him if he did say, that he had been sent by the President of the United States to make that kind of a proposition. No one thinks that. I do not think anyone for a moment harbors such a thought. But if that be true—and let us assume now that it is all true—why stop further consideration of the matter now before the Senate to make such an investigation? There is only one reason that I can see why we should prolong the debate on account of such an investigation, and that would be something that pertains to Judge Parker, and it is conceded that this charge does not pertain to him.

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

Mr. NORRIS. Certainly.

Mr. ALLEN. Before I vote upon the motion presented by the Senator from Indiana [Mr. WATSON], I would like to have the Senator from Arizona tell us what was in his mind in reference to the sentence which seems so full of meat, to wit——

Mr. NORRIS. Oh, Mr. President, I am not going to yield for that purpose. The Senator can do that when I yield the floor.

Mr. ALLEN. I thought it would be helpful to the Senator to get the information now.

Mr. GILLETT. Mr. President, will the Senator from Nebraska yield to me?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Massachusetts?

Mr. NORRIS. I yield.

Mr. GILLETT. I quite agree with what the Senator says if the only evidence before us is what the Senator from Arizona [Mr. ASHURST] said; but the Senator from Arizona said within a half an hour—though I can not quote his exact words—that this case is so reeking with scandal that if Senators knew about it nobody would vote for Judge Parker. There is a statement by the Senator. I understood him to say that.

Mr. SIMMONS. The Senator does not think he said it in those words?

Mr. GILLETT. No; not in those exact words, but that was the purport of his statement.

Mr. NORRIS. Nobody will deny that in this case there has been a tremendous lot of influence which has been attempted on both sides of the proposition. It has gone to the extreme. Many men have said that it is disgraceful that it should go so far. I am not denying that it is, but it is something that I do not see how we can escape. A man in public office must meet somewhat with these things, and the Senate will always be the center of a storm of that kind when something of this sort happens, and it would not do any good to investigate it.

Mr. GILLETT. But should not the Senator from Arizona disclaim the statement which I understood him to make within a half an hour that there was scandal connected with it which, if Senators knew about it, would mean nobody would vote for Judge Parker?

Mr. BORAH. What he said was that every Senator knew there had been a great lobby and great pressure, and if he did not know it he ought to have a guardian. I do not say that there was, but that is what he said.

Mr. NORRIS. My own idea is that there has been a great lobby.

Mr. GILLETT. Of course there has been.

Mr. NORRIS. I do not believe anybody would deny it. We can not have that kind of a lobby without finding men in it who go farther than they have an honorable right to go. I do not think there is any doubt about that. I know there has been very great pressure on some Senators who have told me so; but that is always so, and it will always be so.

Mr. GILLETT. There has been on me.

Mr. NORRIS. There has not been on me. I can stand a lot more pressure than anybody has attempted to put on me. [Laughter.] So I am free from it, and I am glad that I am. Nevertheless, if we investigate from now until doomsday we can not change that condition. In a free country we ought not want to change it. Anyone who wants to come here to presuade his Senator ought to have the right to do it. When we have a great many people doing that we will find here and there one who will go farther than he has any authority to go, who will go farther than he ought to go. He will do things sometimes that are disgraceful. We can find that in connection with almost any confirmation where there is a contest. It seems to me the Senate ought to proceed to consider the confirmation and vote on it, and then investigate if they want to do so.

Mr. GLASS. Mr. President, inasmuch as I seem to have been responsible for the situation which has arisen, I feel some obligation upon me to say that after hearing all that has transpired here I myself am perfectly willing to proceed with the consideration of the case. If there is no other evidence available to sustain the sweeping statement which my very genial and

able friend from Arizona [Mr. ASHURST] made than that which has been presented on the floor of the Senate, I am perfectly willing to retire to the cloakroom to discuss with him whether he is the babe in the woods or whether I am. [Laughter.]

Mr. SIMMONS. Mr. President, I did not hear all of the speech of the Senator from Arizona [Mr. ASHURST], but the Senator from Massachusetts [Mr. GILLETT] has just alluded to something which the Senator from Arizona said to the general effect, as I understood the Senator from Massachusetts, that if the Senate knew what he, the Senator from Arizona, knew about this case no Senator here would be disposed to vote for Judge Parker. I would like to have the Senator from Arizona read to the Senate what he did say about it.

Mr. ASHURST. Does the Senator mean this morning?

Mr. SIMMONS. No; in his speech of yesterday.

Mr. ASHURST. First, as to what I said this morning, the notes of the official reporters are the eligible medium of my statement to the Senate.

Mr. SIMMONS. I am speaking of what the Senator said yesterday. I understood the Senator from Massachusetts was speaking about something the Senator from Arizona said on yesterday when I was not here.

Mr. ASHURST. I read the remarks this morning and, of course, I am willing to read them again.

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

Mr. SIMMONS. Certainly.

Mr. COUZENS. The Senator from Massachusetts said "within 30 minutes." The Senator from Massachusetts did not refer to what the Senator from Arizona said yesterday, but said that the Senator from Arizona had made these statements within 30 minutes.

Mr. SIMMONS. Possibly I misunderstood the Senator from Massachusetts.

Mr. COUZENS. I wanted to point out that fact.

Mr. ASHURST. The official reporters' notes are the most eligible record. I stand on the reporters' notes.

Mr. SIMMONS. I ask that the reporter read what the Senator from Arizona stated with respect to that matter.

The VICE PRESIDENT. The official reporter will be requested to read his notes.

Mr. BORAH. Mr. President, while we are sending for the reporter's notes let me say that the Senator from Arizona stated over and over again that he knew no facts which in any way implicated Judge Parker. He has also said that he knew nothing which implicated the administration or anyone that had appeared to control it. It seems to me that with these statements uncontroverted by anyone and asserted by the Senator from Arizona we ought to be able to proceed here.

Mr. SIMMONS. I have no disposition to prevent or interfere with proceeding here, but I wanted to know whether the Senator from Arizona had, outside of the charge with reference to the judgeship, made a statement in effect that if the Senate knew what he knew about this matter no Senator here would vote for Judge Parker. I want to know if the Senator from Arizona made that statement.

Mr. ASHURST. I say that the official reporter's notes are the eligible record disclosing what I said. The matter has grown to such serious proportions that I rely on the reporter's notes, and if when they are ready they are not a fair transcript of what I said I will make some comments thereon. But while the notes are being transcribed, let me say that I said—and surely there could have been no misunderstanding as to my remarks—that this nomination from its inception down to this hour is clustered around with an odium rarely paralleled in American annals. I said that and I stand on it.

When before did a high executive officer, such as an Assistant Secretary of the Interior, before the eyes were closed upon one judge who had gone to his long reward, before the funeral obsequies had been had, say "Now the master political stroke"! If that does not surround and cluster the matter with odium, what else does the Senate want?

I said and I now repeat, no matter what construction may be placed upon the nomination—and Senators are entitled to such construction as they see fit to place upon it—I do not charge and did not charge that the President was offering anything of value to induce Senators to vote for the confirmation, and that I was quite certain that no Senator would succumb to any such offer if it were made to him.

Mr. SIMMONS. All I wish to know of the Senator is whether he had made any insinuation that he was in possession of some information which he had not disclosed to the Senate which, if disclosed to the Senate, would discredit Judge Parker.

Mr. ASHURST. I have disclosed to the Senate this morning all the legally admissible evidence I know of, and I am not going to disclose hearsay evidence, immaterial and incompetent evidence, although in a parliamentary forum the Senator knows and I know that there are many evidences, many facts, that lead to a conclusion satisfactory in one's own mind that could not be established when in a court of justice. In a parliamentary forum we do not resort to the rules of evidence.

In the parliamentary forum many things must be taken for granted; in a way we take parliamentary judicial notice of them. I have seen fit to take parliamentary judicial notice of some matters that are not to be supported or proved by legal evidence; but I have disclosed to the Senate all of the legal evidence of which I am possessed.

Mr. SIMMONS. Mr. President, I have no feeling about this matter at all. I had the impression that possibly the Senator from Arizona had intimated that he had some facts with reference to this question which he had not brought to the attention of the Senate, which, if brought to the attention of the Senate, would discredit Judge Parker. I simply wanted to know whether he had made any statement of that kind. I understand the Senator now says he has not, and therefore I entirely dismiss that phase of the subject.

However, I want to say, Mr. President, before I sit down that as to the suggestion that there has been a great lobby here in behalf of Judge Parker's nomination from my State, so far as I am concerned, I know but little about any lobby on the part of people from North Carolina. A great many letters have been written, and I understand that a great many citizens have come to this city for the purpose of advising with the President and with Senators. I have been absent from the Senate, and I did not see many who came; but, so far as lobbying in this case is concerned, we might differentiate lobbying into several different categories. There is the lobbying of an individual character which is carried on about the corridors of the Senate and of the Capitol, in the Senate Office Building, and in the city of Washington, and there is the lobbying which is carried on from the outside by means of communications which we receive—protests, letters of indorsement, threats, and things of that character. I agree with the Senator from Nebraska that there has been a great deal of that kind of lobbying on both sides. Organizations have sent resolutions, many of them of the most threatening character, intended to affect the position of Senators. Many letters of that character have been written. They are as much in the nature of lobbying, probably, as are the activities of people who come here to express their individual views and convictions with regard to the merits or demerits of a candidate.

However, I do not see any necessity of an investigation for the purpose of looking into these matters. They happen not only in this case but they happen in many other cases that have come before the Senate. They happen in connection with nearly all the important legislation that is presented to this body, and they will hereafter continue to happen. Nothing we can do will prevent it. The greater part of it is a just exercise of the rights of the people of the country, and I have no criticism to make of it unless it is accompanied with intimations that are suggestive of something in the nature of bribes or compensation or something in the nature of a threat.

The VICE PRESIDENT. Does the Senator from North Carolina desire to have read the transcript of the reporter's notes for which he called a few moments ago?

Mr. SIMMONS. No; I do not ask for that after having heard the statement of the Senator from Arizona [Mr. ASHURST].

Mr. BRATTON obtained the floor.

Mr. FESS. Mr. President, will the Senator from New Mexico yield to me for just a moment?

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

Mr. BRATTON. I yield.

Mr. FESS. I have just received a telegram which I think ought to be read to the Senate, and I ask unanimous consent to have it read.

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

The legislative clerk read as follows:

RICHMOND, VA., *May 6, 1930.*

Hon. SIMEON D. FESS,
United States Senator:

I have just sent Senator ASHURST the following telegram: "The New York Times and the United States Daily of this morning quote you as saying in the Senate yesterday 'You will find that men with Judge Parker's consent are being offered Federal judgeships and other appointments to office if they will vote for this nominee.' This statement is absolutely untrue and I resent it as an attack upon my character. I trust you will take steps to correct it and will give the correction publicity equal to that given the statement."

JOHN J. PARKER.

Mr. OVERMAN. Mr. President, I desire to say that I, myself, have received a telegram similar to the one which the Senator from Ohio has just had read from the desk.

Mr. BRATTON. Mr. President, the motion made by the distinguished Senator from Indiana [Mr. WATSON] is dual in character, the first phase of it being that the Judiciary Committee shall investigate the charges made by the Senator from Arizona [Mr. ASHURST] in the course of his remarks yesterday afternoon, and the second being that further action upon the confirmation of the nomination of Judge Parker be deferred until Monday, in order that such an investigation may be completed in advance. In my opinion, Mr. President, the motion is entirely unnecessary and will serve no useful purpose, because the Senator from Arizona has told the Senate frankly this morning that the only tangible evidence in his possession——

Mr. ASHURST. Legal evidence.

Mr. BRATTON. The only legal evidence in his possession is the conversation had between himself and the Senator from Washington [Mr. DILL] in my presence Saturday, it having taken place in the Senate restaurant at noon. I heard the conversation from start to finish. The Senator from Washington has detailed it with remarkable accuracy. I think he has told the Senate virtually word for word what he said on Saturday, and the Senator from Arizona has given the Senate his interpretation of it. What could an investigation accomplish? Nothing, except to effectuate delay in acting on the confirmation of the nominee in question. I regarded the circumstance related by the Senator from Washington as merely incidental and paid no further attention to it until it was brought to the attention of the Senate yesterday afternoon. An investigation would be fruitless; it would accomplish nothing; it would cause the Senator from Washington to repeat what he has told the Senate to-day, and the Senator from Arizona to repeat what he has already said.

Mr. ALLEN. Mr. President——

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

Mr. BRATTON. Yes; I yield to the Senator from Kansas.

Mr. ALLEN. I merely wish to ask the Senator if it is his understanding that the Senator from Arizona has in effect withdrawn the request he made yesterday that this matter be taken up by the lobby committee.

Mr. BRATTON. I do not so understand.

Mr. ALLEN. Let me quote from the remarks made by the Senator from Arizona on yesterday:

> And I now say—

This was a statement made by the Senator from Arizona to the Senator from Mississippi [Mr. STEPHENS]—

> And I now say, call the lobby committee together and you will find that Federal judgeships or other appointments to office are being offered for votes for this nominee.

Do I understand that the Senator from Arizona has now disclosed all the evidence he has in support of that statement?

Mr. ASHURST. Mr. President——

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

Mr. BRATTON. I yield.

Mr. ASHURST. I have disclosed to the Senate all the legal evidence that could be brought forward on that particular point.

I ask unanimous consent now—and I do this at the request of the Senator from Mississippi [Mr. STEPHENS]—to make a correction for the permanent RECORD. The RECORD now reads:

> When I said that, I did not know of the letter which has been written by the Assistant Secretary of the Interior, and I now say, call the lobby committee together and you will find that Federal judgeships or other appointments to office are being offered for votes for this nominee.

I ask that the permanent RECORD may be corrected so that it will read:

> And you will find that a Federal judgeship or some other appointment—

Making it in the singular rather than in the plural—

> a Federal judgeship or some other appointment is being offered for votes for this nominee.

Mr. STEPHENS. Mr. President——

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

Mr. BRATTON. I do.

Mr. STEPHENS. I should like to have the attention of the Senator from Arizona for just a moment. He has just suggested a change in the permanent RECORD that is entirely in line with what he has stated this morning, that he had in mind only one; but it seems to me that his attention should be directed to the sentence immediately following the one he has read wherein he said:

> So far from withdrawing my charge, I assert that many of his supporters are approaching the frontier line of culpability.

Mr. ASHURST. Mr. President, does the Senator want to go into that?

Mr. STEPHENS. I am asking the Senator——

Mr. BRATTON. Mr. President, I decline to yield for that purpose.

The VICE PRESIDENT. The Senator from New Mexico declines to yield further.

Mr. BRATTON. I decline to yield further.

Mr. STEPHENS. Mr. President, does the Senator prefer not to yield?

Mr. BRATTON. Yes; I would prefer that the Senator from Mississippi and the Senator from Arizona settle that matter between themselves in their own time.

Mr. President, I rose simply to say that everything relating to the conversation had in the restaurant last Saturday has been disclosed fully to the Senate. Obviously an investigation, ever so short or ever so long, will develop no additional facts relating to that incident. An effort to postpone a vote on the confirmation of the nominee in order to investigate that incident would be without any justification. The Senator from Kansas must be conscious of that fact.

Mr. WATSON. Mr. President——

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

Mr. BRATTON. I yield to the Senator.

Mr. WATSON. I do not want to ask a question. I am going to withdraw my motion.

Mr. BRATTON. I yield for that purpose.

Mr. WATSON. Mr. President, everything that possibly could have been accomplished has been accomplished by the making of the motion. It has developed a statement by the Senator from Arizona that he in no wise involved the President of the United States in his charges, or Judge Parker, or anybody in authority. It has also developed the source of the only information the Senator says he had that he could take before a committee to substantiate the charge. Yesterday he said that it involved no United States Senator.

Therefore, all of these disclaimers having been filed, and all of these acknowledgments having been made, and all of these statements having been given to the public, I am entirely satisfied that no good end would be subserved by an investigation. I am delighted that all of these speeches have been made and that all of these statements have been given to the press, because it shows that we are in the clear on the whole proposition. Therefore, I desire to withdraw my motion.

Mr. JONES. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. JONES. As I understand, this motion is before the Senate. Can the Senator withdraw it without unanimous consent?

The VICE PRESIDENT. The Senator may withdraw his motion.

Mr. BRATTON. Mr. President, I conclude by saying that the Senator from Washington [Mr. DILL] detailed with perfect accuracy this morning what he stated in the course of his conversation with the Senator from Arizona last Saturday.

Mr. JONES. Mr. President, I desire to ask the Senator from Arizona [Mr. ASHURST] a question.

I find that on yesterday, on page 8359 of the RECORD, he made this statement:

> My challenge stands. Call your lobby committee and put Senators on the witness stand. I assert that around this nomination and around this contest for confirmation there clusters an odium heavier than I have heretofore seen in my 18 years in the Senate; and when the truth gets a hearing history will tell of these events.

Then, after referring to the Senator from North Carolina, and so on, he says:

> But I repeat: Call your lobby committee and ask Senators: "Who has tried to induce you to vote for this nominee and what have you been offered to vote for confirmation?"
>
> I am not a member of the lobby committee. I have been offered nothing, and nobody has tried to influence me; but Senators—

Not "a Senator"—

> but Senators have told me that they have, and I believe them.

I just want to ask the Senator whether the substantial facts upon which those statements are based have been brought out on the floor to-day?

Mr. ASHURST. Mr. President, I am surprised at the accuracy of my own language when I hear it read. The only error—and doubtless it is not the fault of the reporters but my own—the only error I perceive is that that should be in the singular number; instead of "Senators," it should be "a Senator." Otherwise, I am really surprised at the accuracy with which I use language.

Mr. JONES. But I ask the Senator whether or not the substantial facts upon which those statements are based have been brought out on the floor of the Senate to-day.

Mr. ASHURST. All of the facts that could be proved by legal evidence.

Mr. JONES. We are not confined in the Senate to legal evidence. I want to ask the Senator whether or not all of the substantial facts have been brought out.

Mr. ASHURST. All of the substantial facts that any lawyer, I believe, could bring out before a senatorial committee have been brought out.

Mr. JONES. Anything can be brought out before a senatorial committee.

Mr. ASHURST. I have not quite finished.

When I went to college they hazed me the first day I went, but the hazers remembered the hazing longer than I did. I have been hazed a little this morning, and I probably brought it on myself.

Mr. JONES. I am not trying to haze the Senator.

Mr. ASHURST. I was not quite as accurate as I might have been, and for that I am willing to endure the punishment that is due to me; but I do not retreat one inch, sir—not at all—from the statement that enormous pressure, sinister and proper pressure, has been brought upon Senators to induce them to vote for this nominee. Make the most of that.

When I said "Call Senators" I had in mind what we did in the early days of the Wilson administration. Beginning alphabetically, from Ashurst to Zimmerman, we put them on the witness stand and said, "Who has approached you to lobby with you on the tariff?" and, under the leadership of my good friend from North Carolina [Mr. OVERMAN] and former Senator Reed, great disclosures were made.

I am not going to be led into any entrapment. If you want to put Senators on the witness stand, the leader, the alphabetical leader—the only sort of leadership to which he pretends—the alphabetical leader of the Senate will be called first, Senator ALLEN, and I will be next. If you want to resort to that procedure, all right; but I have disclosed to the Senate all the legal evidence which I possess.

Now as to my good friend from Washington [Mr. DILL], I do not blame him for trying to avoid, if possible, in an honorable way, the full force and effect of his own statement. I do not blame him. I do not conceive it to be a light matter, however; and I do not think I am any more sensitive on this subject than any other. When a Senator tells me that something has been offered to him in the way of an appointment to vote for a nominee, I am going to consider that, and I have a right to do so.

In conclusion, the Senator from Mississippi [Mr. STEPHENS] indicates that he is not quite satisfied with another sentence in these remarks of mine, and he asks me if I am able to correct them or explain them. Will the Senator please give me the page?

Mr. STEPHENS. Page 8343; it is marked.

Mr. ASHURST. I thank the Senator.

On page 8343, near the center of the page, in the right-hand column, it reads as follows:

> So far from apologizing for calling the nominee a weakling, I repeat it, and say that new and additional evidence has been supplied convincing me that his nomination is an injustice to the American people.
>
> I said in my remarks the other day that that measure of due caution which should cause the President to send to the Senate the names of high-class men was not employed upon this occasion. When I said that, I did not know of the letter which has been written by the Assistant Secretary of the Interior, and I now say, call the lobby committee together and you will find that Federal judgeships or other appointments to office are being offered for votes for this nominee.

Did I tell the truth? The Senator from Washington has verified what I stated. Now—

> So far from withdrawing my charge, I assert that many of his supporters—

I did not mean Senators—

> So far from withdrawing my charge, I assert that many of his supporters are approaching the frontier line of culpability.

Do you want me to tell about that? Culpability, I mean, with reference to violating our rule as to lobbying. Do you want me to give the names of the lobbyists? I can not give them all, but I think the chairman of the Senate committee on lobbying can give you a few—the names of some ex-governors who have, in season and out of season, blocked the passageways of the Senate and the Senate Office Building in lobbying with Senators in behalf of this confirmation.

That is what I mean when I said that some of his supporters had approached the frontier line of culpability. I did not mean to indicate that any supporter had offered anything of value to any Senator.

Now, I hope the Senator is satisfied.

Mr. STEPHENS. Mr. President——

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

Mr. JONES. I yield to the Senator.

Mr. STEPHENS. My reason for calling attention to the language was simply that it was used in connection with the preceding sentence, in which it was stated that Federal judgeships or other appointments had been offered, and so forth; and I desired to inquire of the Senator whether he intended, by the sentence that I read and which he has just read, to indicate or suggest that any supporter of Judge Parker had approached the frontier line of culpability in the way of offering offices of any kind or character.

Mr. ASHURST. No, no!

Mr. STEPHENS. That is what I wanted cleared up.

Mr. ASHURST. Now, Mr. President, have I responded fully to the interrogatory of my able friend from Washington?

Mr. JONES. When the Senator is through I should like to make a brief statement.

I want to say to my good friend that I had no idea of hazing him at all. I simply wanted the matter made clear. I gathered from other statements he had made, that he had stated on the floor of the Senate to-day substantially all the facts upon which these statements were based. Those were pretty strong statements that I read; and I thought I would ask the Senator, in all fairness, if he had stated substantially to-day the facts upon which those statements were based—not with the intention of hazing the Senator in any way, shape, or form.

Mr. ALLEN obtained the floor.

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

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Ohio?

Mr. ALLEN. I yield.

Mr. FESS. I ask unanimous consent that at the conclusion of the business of the Senate to-day it take a recess until 12 o'clock to-morrow, and vote on the Parker nomination at 12.30 without further debate after the close of to-day.

The VICE PRESIDENT. Is there objection?

Mr. WALSH of Massachusetts. Mr. President, will the Senator repeat his request, please?

Mr. FESS. The request was that at the conclusion of the business of the Senate to-day, we take a recess until 12 o'clock to-morrow, and that at 12.30 the vote be taken upon this nomination, closing the debate with our adjournment to-day.

Mr. WALSH of Massachusetts. I have no objection.

Mr. ROBINSON of Arkansas. Mr. President, reserving the right to object, may I ask the Senator what is the object in allowing 30 minutes of debate to-morrow? Why does not the Senator propose that a vote be taken immediately upon convening to-morrow?

Mr. FESS. There will not be any debate to-morrow. The debate is to close to-night, according to my request. I am making the hour 12.30 so as to give an opportunity to call the roll and transact other routine business.

Mr. ROBINSON of Arkansas. Why does not the Senator propose that immediately upon the convening of the Senate to-morrow, without further debate, the Senate proceed to vote? I do not know that I have any objection to any arrangement the Senator wishes to make about the matter.

Mr. FESS. I am following the suggestion of the Senator from Idaho.

Mr. SIMMONS. Mr. President, I do not like the suggestion of the Senator from Arkansas. I think the Senator ought to make his proposal that we vote at 1 o'clock, say, to-morrow. It may be that at the last minute some Senator will want to have something to say, and some time ought to be allowed in the morning for an emergency of that kind.

Mr. ROBINSON of Arkansas. May I interrupt the Senator? I am perfectly ready to vote upon the reconvening of the Senate to-morrow, or I am ready to vote at any hour to-morrow; but I merely wished to understand why a period of 30 minutes was allowed. It seemed to me that that should be explained. I have no objection to fixing the hour at any time that suits the convenience of Senators.

Mr. SIMMONS. I suggest that we fix it at 1 o'clock.

Mr. WATSON. Mr. President, will the Senator yield? I spoke to the Senator from Nebraska [Mr. NORRIS] about the matter down at the lunch table, and he said he was entirely willing that the vote should be taken at 1 o'clock to-morrow.

Mr. FESS. Make it 1 o'clock.

Mr. ROBINSON of Arkansas. Yes; make it 1 o'clock.

Mr. WATSON. There are two or three Senators who say they desire to leave shortly after that.

Mr. ROBINSON of Arkansas. Not later than 1 o'clock—is that the idea?

Mr. NORRIS. Mr. President, perhaps it would be well to have an understanding of this kind; I am not asking that this be done, but I suppose the Presiding Officer would carry it out, anyway, and I have no doubt but that he would do that as far as he could without its being put in the agreement. For instance, if we vote to-morrow, it ought to be understood that at least commencing at 12 o'clock to-morrow no Senator shall speak longer than five minutes, or something of that kind, and that the time shall be equally divided between those in favor of confirmation and those opposed to it.

Mr. FESS. I would accept that.

Mr. SIMMONS. Mr. President, I am not willing to agree to a 5-minute limitation to-morrow. I may want to make some observations myself to-morrow, but I should not want to be limited to five minutes.

Mr. NORRIS. The Senator would not think it would be quite fair for him to take up all the time to-morrow?

Mr. SIMMONS. I do not want to take up all the time.

Mr. NORRIS. I will not insist on the 5-minute limitation. I am willing to trust to the honor of Senators and say nothing about it, and trust to the Chair to do as well as he can.

Mr. FESS. Would the Senator from North Carolina indicate what time he would like to have?

Mr. SIMMONS. Not more than 15 or 20 minutes at the most.

Mr. WATSON. I ask unanimous consent that the vote be taken at 1.30 o'clock.

Mr. SIMMONS. I do not know whether I shall want to make any speech, but I think it very likely I will.

The VICE PRESIDENT. The Senator from Ohio asks unanimous consent that at the conclusion of business to-day the Senate take a recess, as in executive session, until 12 o'clock to-morrow, and that at not later than 1 o'clock a vote be had, and that no Senator be permitted to speak more than once or longer——

Mr. ROBINSON of Arkansas. Mr. President, I did not understand that there was any request for a limitation.

Mr. BLACK. Mr. President——

Mr. FESS. I did not put in the words "not later than." I said "at 1 o'clock."

Mr. BLACK. Why should it not be at not later than 1? Suppose those who want to speak finish this afternoon; why wait until to-morrow to vote? Why not get through with it?

Mr. FESS. There is objection to making it "not later than."

Mr. BLACK. I will object if it simply fixes the time when we are to vote to-morrow. I see no reason why we should not vote this afternoon if those who want to speak conclude.

Mr. FESS. The Senator from Idaho and the Senator from Nebraska requested——

Mr. NORRIS. I will not consent to a vote to-day.

Mr. FESS. That is what I understood.

Mr. BLACK. If there is objection to a vote to-day, I wanted to know it.

Mr. FESS. I am ready for a vote to-day, but some Senators do not want it.

Mr. BLACK. If the vote is to be taken at 1.30 to-morrow——

Mr. FESS. I amend the suggestion, then, and make it 1.30.

Mr. BLACK. I think the time ought to be divided, and let each Senator who wants to speak have 10 minutes. I do not think it would be right to let one Senator take the entire time.

Mr. FESS. And the time to be equally divided between the two sides.

The VICE PRESIDENT. Is there objection?

Mr. SIMMONS. What is the suggestion?

Mr. FESS. That when the business of the day is concluded the Senate take a recess, in executive session, until 12 o'clock to-morrow, and that at 1.30 o'clock a vote be taken upon the Parker nomination, the debate to be equally divided between the two sides.

Mr. NORRIS. The debate to-morrow.

Mr. FESS. The debate to-morrow.

Mr. BLACK. I understood no Senator was to be allowed to speak more than 10 minutes.

Mr. FESS. No; I did not put that in.

Mr. BLACK. I object unless that is put in.

Mr. FESS. And that no Senator be permitted to speak longer than 10 minutes.

Mr. JONES. Mr. President, I do not think, under the circumstances, in view of the suggestion of the Senator from North Carolina, a limitation to 10 minutes should be included.

Mr. NORRIS. Mr. President, will it help matters any if we put in the unanimous-consent agreement that the Senator from North Carolina to-morrow, if he so desires, be allowed 15 minutes? Would that suit the Senator from North Carolina?

Mr. SIMMONS. Just leave it out altogether.

Mr. NORRIS. I am willing to do that, but there is objection to leaving it out. The Senator from Alabama objects unless we limit the time.

The VICE PRESIDENT. Is there objection?

Mr. BLACK. How does it read now?

The VICE PRESIDENT. The Senator from Ohio will state his unanimous-consent agreement again.

Mr. FESS. That at the conclusion of the business of the session this afternoon the Senate take a recess, as in executive session, until 12 o'clock to-morrow, and that at 1.30 a vote be taken on the nomination of Judge Parker, the time of debate to be equally divided to-morrow. The Senator from Alabama wanted a limitation of debate, and I will amend the suggestion so as to provide that no Senator shall be permitted to speak longer than 10 minutes.

Mr. NORRIS. Make it 15 minutes.

Mr. WATSON. That is the part to which the Senator from North Carolina objects, and I hope the Senator will amend the request by making it 15 minutes instead of 10 minutes.

Mr. FESS. Let it be 15 minutes.

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

The agreement was reduced to writing, as follows:

Ordered, by unanimous consent, That when the Senate concludes its business to-day it take a recess in executive session until 12 o'clock m. to-morrow (May 7, 1930); that at 1.30 o'clock p. m. to-morrow the Senate proceed to vote upon the question of the confirmation of John J. Parker to be an Associate Justice of the Supreme Court of the United States; that the time between the convening of the Senate and the hour of 1.30 o'clock be equally divided between the proponents and opponents, and that no Senator shall speak more than once or longer than 15 minutes upon the question of confirmation.

Mr. ALLEN. Mr. President, I wish there might be completely revealed to the country the little foundation that existed for the sensational statements of Senator ASHURST that were in the papers this morning, and which we have spent the morning discussing, which now, by the admission of the Senator, are rendered void. We have been debating this nomination for 10 days. We have discussed one issue with our minds rather generally fixed on the other, because there are two issues in this case. One is the racial issue and the other is that involved in the Red Jacket case, embracing the "yellow-dog" contract.

The real question is as to whether we in the Senate shall decide memberships upon the Supreme Court or let outside minorities decide them for us, whether we shall continue to function under our oaths or to obey class-minded influences in the make-up of the United States Supreme Court.

The Senator from Nebraska, with admirable frankness, has revealed his meaning in this controversy. He is for a class-minded court. In response to a question from me, he stated that he desired judges—this was the meaning of his answer—whose minds would go along with his mind; in other words, he said he wanted "a modern court." He clarified this by admitting that he wanted men who thought as he did.

I can not accept as being historically accurate the conditions in which these peaceful persuasions of the West Virginia mining field were carried on as presented by the Senator from Idaho. I have a very distinct recollection of that strike. We had just gone through a general coal strike. Kansas, West Virginia, and one or two of the Southern States were the only States which had been able to meet the emergency by mining coal, Kansas through strip mining on the part of volunteers; West Virginia because for a dozen years she had what she yet has, open-shop mining.

At that time President Lewis, of the United Mine Workers' Union, had conceived the intention of increasing, even beyond the war levels, the cost of coal and the wages of miners, and had called a general strike. President Lewis spoke sadly of the necessity of bringing to bear upon the situation "economic pressure."

Mr. President, economic pressure is this sort of an arrangement: At the top, capital; at the bottom, labor; or probably at the top, labor, and at the bottom, capital; but on one side less than 1 per cent of the population, on the other side less than 4 per cent of the population, and in between the submerged 95 per cent of the people, and as the top and the bottom come together to squeeze us for a larger cost of coal, they call that "economic pressure."

The strike had not been as successful as President Lewis had desired it to be, and so immediately there arose the desirability,

in his judgment, of unionizing the West Virginia mines, which are still open mines, where mining labor is better cared for, and where the wages are just as good as in the union territory. But it was natural, of course, that, the West Virginia mines having contributed more to the failure of the strike than any other influence, the president of the United Mine Workers' Union should have desired to unionize the West Virginia fields. So his peaceful persuaders crossed the Ohio River and appeared in West Virginia, bringing with them their instrumentalities of peace.

I was familiar with the situation, because I had learned that I could get up every morning and read the list of the casualties which came out of that peaceful persuading. I came to know that every morning there would be the names of those to whom the peace of death had brought testimony of the effectiveness of the peaceful persuasion.

I hold in my hand here statements of more than 25 killings, mounting up to more than 40 people, these statements taken from the news reports of that day, because the harbingers of peace in that peaceful persuading were high-powered rifles and dynamite, and another contraption of death and terror which appeared afterwards at Herrin, Ill., and later in Chicago, known finally in newspaper phraseology as the "pineapple." All these blossomed first in the peaceful persuadings of the West Virginia district. The messengers of peace inaugurated the strike out of which the Red Jacket case came by the massacre of seven men.

Mr. President, there has been such a thorough discussion of the merits of the decision of Judge Parker that I will not go into it. I am willing to take the judgment of great lawyers who have preached the philosophy that Judge Parker had no other course to take in deciding the "yellow-dog" contracts, and I have, in addition to all this, the decision of the Supreme Court upon the subject, because at the conclusion of the trial of these cases, after Judge Parker's decision and the decision of his associates had been announced, there was a petition from the miners' union in the Red Jacket Mining Co. and the 12 companies associated with them in the case for a writ of certiorari from the Supreme Court; that appeal was received by the Supreme Court on October 3, 1927.

I have the attested certificate of the petition from the clerk of the United States Supreme Court. I have certified copies of the decision of the Supreme Court 14 days later, denying these writs of certiorari.

I went over and looked at the evidence as it was stacked in the office of the clerk of the United States Supreme Court. Every line of evidence upon which Judge Parker and his associates decided this case is there in two volumes, each volume 5 or 6 inches thick, as well as a brief written by the miners' counsel. The Supreme Court of the United States unanimously, including Judge Brandeis and these other justices to whom attention has been called to-day because of their reputed liberality, joined in the refusal to grant a review of the case decided by Judge Parker and his associates. So I say that if there was fault in Judge Parker's following the law and the reasoning, there was ample opportunity for the Supreme Court of the United States to correct that fault when they received these petitions.

I am opposed, Mr. President, to the "yellow-dog" contract. I am opposed to every act of tyranny which capital places upon labor, to every act of tyranny which labor places upon capital, and to every act of tyranny which capital or labor may place upon the public.

In the argument of one of the Senators here it was said that we might search the record of Judge Parker from beginning to end without finding a single instance or a single sentence which indicated on his part a human or kindly relationship to labor. I did that searching. I found the case of Manly against Hood, decided only last January 14, and reported in Thirty-seventh Federal (2d), 212. Hood, on behalf of himself and other laborers, filed claims against Manly, who was receiver for the Reliable Furniture Manufacturing Co. This corporation went into the hands of a receiver February 6, 1928, and on the 19th of May proceedings in bankruptcy were started. The law provides that wages due for the three months prior to bankruptcy shall have priority over other debts, but in this case the receiver contended that the period from February to May would be counted in the three months, and therefore defeat the rights of the laborers. In writing the opinion Judge Parker said:

> There can be no question that it was the purpose and intent of Congress by the provision in question to protect wages of laborers due them by insolvents whose assets had been taken over by the courts under the act. The laborer is generally dependent upon his wages for livelihood and the support of his family, and he has little means of judging of the solvency of his employer. Every consideration of morality, as well as of public policy, demands, therefore, that his wages be preserved to him and be given priority over ordinary commercial claims.
>
> * * * * * * *
>
> If the interpretation for which the trustee contends is to prevail, the laborer in cases such as this is caught between the upper and nether millstones of the State and Federal laws. Although given priority by the State, he can not enforce it, because the State insolvency proceedings were followed by bankruptcy. Although given priority by bankruptcy law, he can not enforce it, because the bankruptcy followed insolvency proceedings. And thus, although the favorite of both the State and Federal laws and given priority by both, he is to be denied priority under either simply because the courts of both jurisdictions have had a hand in the administrations of the insolvent estate. We need not multiply words to prove that Congress intended no such absurdity.

Judge Parker was joined by one of his associates upon the bench in that opinion which he wrote, while the other associate dissented.

Judge Parker is not new before this body. He was confirmed here in December, 1925, for his present position upon a court, which, next to the Supreme Court, is the greatest judicial body in the United States. I can not relate just what the circumstances were surrounding his confirmation unless I may be given unanimous consent to quote from the Executive Journal of that date, and accordingly I ask for that consent.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. ALLEN. The record shows that the name of Judge Parker, having received a favorable report from the Committee on the Judiciary, several of the present members of that committee being then upon the committee, was presented to the Senate; and that on December 5, 1925, Judge Parker was confirmed by unanimous vote of the Senate.

That, Mr. President, was before we made a political field day of judicial confirmations. At that particular time no one was baiting the President; no one was seeking to make politics out of appointments. At that time President Coolidge was believed to possess the ability and the capacity and the proper motives when choosing Supreme Court justices.

There was not any reason why at that time the racial question, which underrides the present controversy and is of deeper concern than any other issue in it, should not have been brought out. It was only five years after Judge Parker's now famous speech in the Republican campaign in North Carolina, and yet no reference was made to it. I would not be in favor of the confirmation of Judge Parker if I thought he believed in "grandfather" clauses. That was not an issue in North Carolina. The "grandfather" clause had been declared five years before to be unconstitutional in the case of the Oklahoma amendment. But in 1908, 12 years previously, the provisions of the North Carolina constitution had reached the point at which the qualifications of a voter as to poll tax and as to education applied alike to the white man and to the black man. What Judge Parker was discussing at the moment was a political effort to introduce the racial issue into the campaign which he was then making. I hold in my hand a copy of the front page of the Greensboro Daily News dealing with that situation. Amongst other things, Judge Parker said:

> The Republican Party in North Carolina has accepted the amendment in the spirit in which it was passed.

What was the amendment? The amendment provided that before any man, white or black, might be registered to vote he must comply with exactly the same qualifications. Then, having discussed the efforts being made to introduce the race issue into the campaign, he said:

> The negro as a class does not desire to enter politics.

He did not mean the negro as an individual voter. He meant the negro en masse did not desire to be introduced into politics by politicians. Then he said later:

> I say it deliberately, there is no more dangerous or contemptible enemy of the State than the man who for personal or political advantage will attempt to kindle the flame of racial prejudice or racial hatred.

Mr. President, I am from the State of John Brown. My father was a Pennsylvania soldier and fought at Spotsylvania and in the Wilderness and at Gettysburg and wherever the Army of the Potomac met the brave soldiers of General Lee; and yet I stand here to reaffirm what Parker said: I think there is no more contemptible man in the world than the man who will introduce racial issues into political causes.

I have always realized that no greater problem was ever delivered into the moral stewardship of any people than that

problem created by the necessity of the Southern States to take over at the close of the Civil War and assimilate into citizenship the great mass of those who had been set free from slavery. Without reverting to any bitterness of the period, we did not help them with their problem at that particular moment. I have been glad to see every evidence from that time to this of the constant growth in the appreciation of the colored man, touching his rights as a citizen. So I am comforted to-day to have in my possession from leading black men of the South their affirmations touching Judge Parker, the expression of their faith in him, the expression of their patient understanding of the problem which has seemed to make it necessary for the South to wait upon better education for the fuller recognition in Southern States of the rights of the black man.

When I look at this particular problem I realize that all we need to do is to appeal from Parker the candidate for governor in North Carolina to Parker the judge. Only four months ago he was under the necessity of deciding a case which involved not only the fourteenth but the principle of the fifteenth amendment. He had been called upon to decide a case under the segregation law of Virginia, where a colored man had bought a house in an unsegregated district, and had attempted to move into the house. The city of Richmond, under a segregation ordinance, had dispossessed him. The case had been prophesied for some time. Oswald Garrison Villard, who is now in support of the movement to deny confirmation to Judge Parker because of his statement in North Carolina, said in a letter in his magazine:

> That Judge Parker should be defeated admits of no question. There are constantly coming before the Supreme Court of the United States questions vitally affecting the liberty and the pursuit of happiness of our colored Americans. The city of Richmond, for instance, recently enacted an ordinance segregating the negroes residentially despite the fact that the Supreme Court of the United States has repeatedly held such ordinances unconstitutional and invalid. * * * Such cases will ere long come before Judge Parker if he is confirmed.

That was the gloomy prophecy of Villard. Well, a case—Richmond against Deans—did come before Judge Parker four months ago on the 30th of January, and Judge Parker held that the Richmond ordinance was a violation of the fourteenth amendment.

Mr. President, there is another evidence in the record of Judge Parker's normal friendship for all races and all peoples and particularly for the colored race. The Deans case is not the only evidence we have. The American Eagle Fire Insurance Co. six months ago had a case before Judge Parker and his associate judges. A colored church had burned. The contract of insurance provided that that church should not be insured for a larger sum than that agreed upon, without the consent of the insurance company; but the pastor of the church, not realizing the purport of the contract, had taken added insurance without consulting his congregation. The church burned and the insurance company set up the fact that the pastor of the church, by his action in increasing the insurance without the company's consent, had annulled the contract. Judge Parker, deciding the case, held that the congregation which owned the church could not be held responsible for the unauthorized action of the pastor.

The colored people, Mr. President, have come to realize that much of the furor against Judge Parker is unjust and undeserved. I have here quotations from the St. Luke's Herald, a colored paper of Richmond, Va., discussing Judge Parker's confirmation. The St. Luke's Herald said:

> We hope that the association for the advancement of our race, in its zeal to uncover harmful propaganda, will not lose sight of the present advantages which have accrued to our racial group through this same Judge Parker.

The Baltimore (Md.) Commonwealth, one of the great publications of the colored race, in discussing the question which we are debating to-day, says:

> It is to be remembered that one of the fairest and most impartial judges who ever sat on the Supreme Bench was a southerner who was selected while holding a political office, an ex-Confederate soldier and trained in politics in the hotbed of prejudice against our race in Louisiana.
>
> As a politician, Senator White, of Louisiana, stood for white supremacy * * *.
>
> As a judge he was just, impartial, and fearless, loyal to his Government and true to his oath of office to uphold and defend its Constitution and laws.

That is testimony by the colored race to the former Chief Justice from Louisiana. Here is a quotation from the Topeka Plain Dealer, the oldest colored newspaper of the Middle West, a leading publication. Nick Chiles, its editor, for 30 years fought the battles of his race in Kansas and the adjacent territory. He having passed on, his daughter is now editor of the paper. She says this in an editorial which I received on yesterday:

> While we do not uphold Judge Parker in ignoring the National Association for the Advancement of the Colored People, the mouthpiece of the Negro race, or his public statement during the campaign, we feel that his decision in the Deans case is worthy of serious thought. This was an unusual decision for a southern judge to make in a southern district. I have lived in Virginia, and I know that type of segregation. This act would have been noticeable in a northern community under a northern judge. Have we forgotten the famous Detroit segregation case? In the heart of the North the negroes almost lost their rights for nonsegregated residence. When we think of the segregated districts in all our cities, the black belt of Chicago, the difficulty that negroes have in purchasing property in white neighborhoods, the insults they receive in such districts, we can better appreciate Judge Parker's decision.
>
> Parker is at least not a pharisee. If he was big enough to defend the black man's rights in old Virginia, he is bigger than a great many northerners in John Brown's country.

Here is a telegram, Mr. President, from Mr. W. S. Scales, president of the Colored Business League of Winston-Salem, N. C.:

WINSTON-SALEM, N. C., *April 28, 1930.*

Senator ALLEN,

Washington, D. C.:

We are sending this telegram to inform you the reports that were circulated by Mr. White through the press of the country that the colored citizens of this city were being threatened and forced to sign a petition in behalf of the Hon. Judge Parker, I wish to state that there is not a word of truth in the false report and that said report is misleading and unfair to our city. The relationship here between the two races are the best to be found in the United States. I take great pleasure in indorsing the Hon. Judge Parker, and trust you will stand by him.

W. S. SCALES,

President Colored Business League, Winston-Salem, N. C.

Mr. President, what are we going to do if we raise against the confirmation of Judge Parker the race barrier? The application of the principle that is advanced by certain colored leaders in opposition to Judge Parker's confirmation will deprive the South through all future time of the opportunity of having a representative sit upon the Supreme Court Bench of the United States. If such a theory had been in vogue in past years, there never would have been upon the Supreme Court Bench a Harlan from Kentucky, or a Lamar from Mississippi, or a Jackson from Tennessee, or an Edward D. White from Louisiana, or a Horace Lurton from Tennessee, or a Lamar from Georgia, or a McReynolds from Tennesse, or a Sanford from Tennessee, because it stands to reason that any man who has lived in the Southern States and who has taken any part in the politics of those States has at some time placed himself under the interdiction that any man who introduces racial prejudice into politics is contemptible.

Mr. FESS. Mr. President, will the Senator yield at that point?

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Ohio?

Mr. ALLEN. I yield.

Mr. FESS. There have been made some assertions which would indicate that there is some kind of political phase to this appointment. The Senator has named, I think, eight distinguished men from the Southland, all but two of them Democrats, most of whom were appointed by Republican Presidents.

Mr. ALLEN. Exactly so; and in urging the appointment of Judge Parker there is a list which includes every United States district judge in the fourth circuit, now being served by Judge Parker, and in that list of judges there are the names of men who were appointed by Roosevelt, one man who was appointed by Taft, two men who were appointed by Wilson, one who was appointed by Harding, one who was appointed by Coolidge, and one who was appointed by Hoover. They have all come forward, saying that there is not a blurred line in the judicial record of this man.

There are, in addition, the indorsements of seven former presidents of the American Bar Association, including the present president of the American Bar Association.

Mr. FESS. And that gentleman is from Alabama.

Mr. ALLEN. Yes; he is from Alabama.

I do not know, Mr. President, where you would go to find a richer tribute to the capacity of a man than exists in the recommendations which have been provided indorsing Judge Parker.

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

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Ohio?

Mr. ALLEN. Yes.

Mr. FESS. We have heard read a resolution offered by the Senator from Massachusetts [Mr. WALSH] providing that if a Federal State judge be nominated to a position on the Supreme Court Bench he shall resign his inferior judgeship. Has the Senator any idea, if such a law had been enacted, how many judges of the Supreme Court who have been appointed in the past would have had to have resigned?

Mr. ALLEN. If I were to hazard a guess, I should say that 75 per cent of them.

Mr. FESS. That is far below the real number; the percentage would be even greater than 75.

Mr. ALLEN. I dare say that 75 per cent is below the actual number, because there is nothing more natural in the world, Mr. President, than that a President, earnestly seeking a man to serve on the Supreme Court Bench, should look at the records of the judges of the district courts and the circuit courts. In this particular instance I contend that it was perfectly natural that the President should have wanted a judge from the fourth circuit, it having been 70 years since that circuit has been recognized upon the Supreme Court Bench. So the President went thoroughly into the attributes of this candidate; and all of the indorsements without exception justified the appointment.

I am sorry, of course, for the voice that comes from the wards and the voting precincts from two minorities touching this matter; I am sorry, of course, to disappoint any of my political friends of any class or race; but, Mr. President, I can afford to be defeated for the United States Senate, while I can not afford to be afraid. I am getting along in years, Mr. President; I can not afford to endanger an aging heart by running foot races with my fears; and I am going to vote for Judge Parker's confirmation because I believe it is my conscientious duty thus to do.

Ah, what kind of a Supreme Court shall we have presently if we are going to select judges to sit upon that bench according to the class they represent or the label they wear or the preconceived notions we possess touching the doctrines we should like to have them believe?

What are we going to do in this body presently when a nomination for the Supreme Court comes in and we are told, "The future of the eighteenth amendment depends upon the interpretation of the Supreme Court, and this man is not wet enough or that man is not dry enough"?

I think we have all been touched by the history of Judge Parker which was given by his friend, the Senator from West Virginia [Mr. HATFIELD]. What a typical history it is of the best type of manhood which our free institutions develop! A young man, without any backing, going to the university of the State of his nativity, ambitious to pay his way through college by his own efforts, and, by that consecrated devotion which youth can inspire, making a success by the use of his own energy, his own courage, and his own industry, graduating an honor student, taking the honor medal, the Phi Beta Kappa pin. We are told that this man has no human sympathy for labor. Was the background in which he labored in order that he might make his way through college calculated to develop in his breast a lack of sympathy for labor? Mr. President, that is the type of training out of which there comes the fullest realization on the part of the citizen of his duties to every element in life.

I have thought it was peculiarly wise that the early fathers should have so fashioned the Supreme Court that popular emotions should not at any time beat upon its members. This view may not be as modern as the Senator from Nebraska would ask for, but the Supreme Court thus constituted has safeguarded us for more than six generations; God grant that it may safeguard us in the years to come.

I notice that whenever anybody tries to show how newspapers stand upon a subject, there is generally a question as to whether it makes any difference to us; and yet I do notice that every time a controversy arises here of general interest, we fill the CONGRESSIONAL RECORD with what the editors have said.

For two weeks I have been making a survey of the press of America. I have here a digest of the newspapers the country over; and this morning the circulation of those papers that have indorsed Judge Parker amounts to 13,000,000 subscribers, while the circulation of those in the same survey that have opposed his confirmation amounts to less than 2,000,000.

It may be of no moment to you; but there sit these men, in their editorial sanctums, subject to normal reactions. Moreover, that they are peculiarly human and definitely trained to study public reactions. They understand us rather well, as is developed by their constant observations. So I do submit this aggregate of editorial expressions to be of some importance touching the reaction that has come from this debate.

Mr. FESS. Mr. President, will the Senator yield before he concludes his remarks?

The PRESIDING OFFICER (Mr. MCCULLOCH in the chair). Does the Senator from Kansas yield to the Senator from Ohio?

Mr. ALLEN. I yield.

Mr. FESS. Has the Senator ever examined the directorate of the association that has been so much opposed to the confirmation of Judge Parker on the ground of his attitude toward the colored race?

Mr. ALLEN. I have given it only casual notice. I should not be able to express myself upon the character of its directors.

Mr. FESS. My first contact with that organization was on the Marcus Garvey deportation case. It was quite bitter, not unlike the present opposition. Knowing that the opposition was bitter, and originated in New York, I tried to ascertain just what part of the colored people they represented. I find a very pronounced division stating that the real American patriots would prefer to follow such men as Booker T. Washington rather than Doctor DuBois.

Doctor DuBois, as the Senator knows, is a very brilliant man, a great editor; but he has written some very radical utterances recognizing class consciousness and race consciousness, as the Senator knows.

Mr. ALLEN. I think I will discuss frankly my reactions touching the Senator's question.

Mr. FESS. Will the Senator permit me to name a few more?

Mr. ALLEN. Certainly.

Mr. FESS. I made some investigation, and I have here a letter from a lady whose husband is an Ohio man. The lady herself is from Alabama, and she has a brother in this city who is one of the most distinguished lawyers to-day in the city. She is a very intelligent woman and she has given me in a letter her views, stating that there are a great many fine people with the best intentions who are on the directorate, and some who would do honor to any group of people. In fact, one of my very warmest friends is on the directorate, because his ambition is to help anything that tends to advance the cause.

I find, however, that Doctor DuBois, editor of the Crisis, the official organ of the national association, and a member of the executive committee, is a self-confessed Bolshevist. He calls himself so, and I have here the exhibit that I could show to the Senator if he desired.

William Pickens is the field secretary and a member of the executive committee. He has visited communist Russia, is a communist and a defender of communism, as well as an ardent advocate of social equality. I have attached here Exhibit 2 to demonstrate that.

Mary White Ovington, chairman of the board of directors, is also a socialist, promoting the revolutionary spirit among negroes. Evidence is attached.

Rev. John Haynes Holmes (white), vice president and member of the board of directors, is an extreme radical preacher who made the statement that "We don't need the Bible"; that the "religion of the future" will have "nothing to do with Christ," and that no religious man can conscientiously be a soldier. I have the evidence of that statement here.

Oswald Garrison Villard the Senator has just mentioned.

Then there is the distinguished, well-known Chicago attorney, Clarence Darrow, who took such a prominent position, as the Senator knows, in the strike in Cleveland's time.

Then there is Prof. Felix Frankfurter, member of the national legal committee, well-known defender of revolutionary radicals, denounced by the late President Roosevelt as "engaged in excusing men precisely like the Bolsheviki in Russia, who are murderers and encouragers of murder"—that is the language of Colonel Roosevelt—and others along that line.

I do not mean, of course, that everybody identified with the organization believes as these men do. We know better than that. In fact, I know Senators who were invited to go on this directorate, who did not go on, but it appealed to them. What I wanted to suggest to the Senator is that the propaganda against Judge Parker from this particular organization is not in accordance with the views of the best colored people of my section, representative of the colored people. On the other hand, it is the radical element that wants to use the colored vote or influence for certain purposes; and if the Senator will permit me, and the Senate will permit it, I should like to insert in the RECORD the letter of this distinguished lady.

Mr. ALLEN. I shall be very glad to have it done.

Mr. FESS. I ask unanimous consent to insert the letter in the RECORD.

The PRESIDING OFFICER (Mr. DALE in the chair). The Senator from Ohio asks unanimous consent to insert a communication in the RECORD. Is there objection? The Chair hears none.

The letter is as follows:

(Data regarding Mrs. Lewis C. Lucas: Husband is from Marietta, Ohio, old Ohio family; father was William Russell Smith, of Alabama—member of Alabama Legislature when State seceded, member of Confederate Congress, Member of United States Congress)

WASHINGTON, D. C., *May 2, 1930.*

Senator SIMEON D. FESS,

United States Senate, Washington, D. C.

DEAR SIR: As a southern woman, an Alabaman, a friend of the negro, acquainted with the colored race through generations of association and contact with them, and also as an American citizen interested in preserving the independence and integrity of the Supreme Court, free from all class, race, or political bias, I deem it a duty to submit to you documentary evidence of the following facts:

1. The opposition to Judge Parker's confirmation outside of the United States Senate comes from organizations and publications which, since 1922, have openly attacked the decisions and sought to abolish the power of the Supreme Court itself.

2. The interlocked lobby groups fighting confirmation of Judge Parker (with the exception of the American Federation of Labor, which has failed to show Judge Parker's decision in the Red Jacket case contrary to the decision of the Supreme Court in the Hitchman case, or even contrary to the dissenting opinion of Justice Brandeis and Justice Holmes in the Hitchman case on the validity of these contracts) are the same groups which, in 1924, failed in their attempt to secure a mandate from the people to "put the ax to the root" of the Supreme Court.

3. The real issue and question to-day in the case of Judge Parker is the same issue which former President Calvin Coolidge discussed in his speech of September 5, 1924, at Baltimore, upholding the judicial power of the Supreme Court:

"The question is whether America will allow itself to be degraded into a communistic and socialistic state or whether it will remain American. * * * In this contest there is but one place for a real American to stand."

4. The opposition to Judge Parker which pretends to represent the American negro is more red than either white or black, as proved by their own statements quoted hereafter and the documentary exhibits herewith attached.

You have already quoted on the floor of the Senate the editorial confession of the Washington Daily News, April 23, 1930:

"Parker is an incident. The Supreme Court is the issue."

You have also remarked, "It is a socialistic movement." (CONGRESSIONAL RECORD, April 29, 1930.)

Herewith submitted is the actual proof in detail that "it is a socialistic movement," and that the chief leaders of the so-called National Association for the Advancement of Colored People are self-confessed communists or socialists!

This complete and documented information is herewith submitted because it has been publicly alleged that the opposition to Judge Parker's confirmation comes from "negro leaders," which is not true, and the Senate and the country have a right to know the whole truth about the radical leadership of some of the organizations opposing Judge Parker's confirmation.

Frank R. Kent, in the Baltimore Sun, April 30, writes:

"A considerable number of regular Republicans are frightened by the negro politicians and negro newspapers. Parker could be a much better known and far abler man than he is and the result would be the same. In effect it serves notice on the President that if he wants support from the regulars of his party sufficiently solid to overcome the consistent Progressive-Democratic opposition, he must name a man acceptable to the negro leaders. Admittedly this is an ugly fact."

Hence this appeal to you, sir, to give the Senate and the public the facts as to the true nature of the present attack upon the Constitution and the Supreme Court, with Judge Parker serving as an "incident" for its manifestation.

Why did former President Coolidge, in his speech of September 5, 1924, defending the judicial power of the Supreme Court, which the Democratic candidate, Hon. John W. Davis, also publicly defended, seriously declare that the question raised in that campaign by the "liberal" and radical elements, was a question of "whether America will allow itself to be degraded into a communistic and socialistic state"?

Undoubtedly because he knew much of the radical leadership and revolutionary designs of the groups then attacking the Supreme Court, and the inevitable results to the country if their objectives were achieved.

The late Senator La Follette himself was surprised at the radicalism of some of the elements that wished to make him President. It will be recalled that he promptly rejected and repudiated the nomination offered him by the communists directly affiliated with Moscow, but in several States ran upon the socialist ticket.

He had made an address, June 14, 1922, to the American Federation of Labor, in which he attacked a number of Supreme Court decisions, and proposed to "put the ax to the root" of the power of the Supreme Court. (Full text in CONGRESSIONAL RECORD, June 21, 1922.) By 1923 the movement had grown into a proposed "crusade" to "curb the court's power." (See Federated Press, May 26, 1923, and American Federation of Labor News Letter, June 2, 1923.) By 1924 the late Senator La Follette was persuaded to carry that issue to the people at a presidential election.

The late Senator, however, did not in fact introduce his proposal in Congress. In this respect, he was less radical than Senator WILLIAM E. BORAH, for example, who did introduce a bill (S. 1197, December 15, 1923) to hold anything constitutional which a majority of a quorum in Congress, plus one-third of the justices of the Supreme Court, might so declare! The late Senator La Follette preferred to take the issue to the people, which he did in 1924.

The Socialist Party, the People's Legislative Service, and many other groups now opposing confirmation of Judge Parker, including some leaders of the American Federation of Labor, did their utmost, in 1924, to elect Senator La Follette President on that issue. They failed. And they failed even to get Senator La Follette, after the American people had spoken, to introduce that proposal in Congress.

Their attack upon Judge Parker now, as the Washington Daily News admits, is "an incident." Having failed, in 1924, to convince the people that the power of the Supreme Court should be taken away; having failed, in 1928, to persuade any respectable statesman to lead another third party on that issue; they now use the "incident" of Judge Parker's nomination as a revival of their effort to control the personnel appointed to the Supreme Court by organized class, group, and race lobby pressure. This amounts to an organized radical effort to "pack" the Supreme Court with judges they believe to be "liberal" or "radical" precisely because they have failed to persuade the people at large, or the Democratic or Republican Parties, to "put the ax to the roots" of the Supreme Court's power by constitutional amendment.

Of course, many members of the organizations fighting Judge Parker's confirmation are sincere and misled. They do not know that "Parker is an incident" of the much more revolutionary "drive" against the Supreme Court which began in 1922.

The National Association for the Advancement of Colored People, like the People's Legislative Service, includes some prominent citizens who are not radical, who serve as a "whitewash" and screen for revolutionary leaders whose records are hereafter given. For example, the late Moorfield Storey, distinguished Boston lawyer, still appears as president of the National Association for the Advancement of Colored People, although dead several years. But living leaders of that organization have been in closer touch with Moscow than with the broad masses of either white or negro American citizens, as shown by their own appended statements and records.

A movement must be judged by its own chosen leaders, its official organs, and public record.

As the late Samuel Gompers, president of the American Federation of Labor, wisely said in another connection: "Fact must take the place of opinion and selfish interest."

Consider these facts, Senator:

Dr. W. E. B. DuBois (negro), editor of The Crisis, official organ of the National Association for the Advancement of Colored People, and member of its executive committee, is a confessed "Bolshevik." (See The Crisis, November, 1926, and Exhibit 1, attached.)

William Pickens, field secretary and member of the executive committee, who, like DuBois, has visited communist Russia, is a communist and defender of communism as well as an ardent advocate of "social equality." (See Exhibit 2, attached.)

Mary White Ovington, chairman of the board of directors, is a confessed socialist, promoting "the revolutionary spirit" among negroes. (See Exhibit 3, attached.)

Rev. John Haynes Holmes (white), vice president and member of the board of directors, is an extreme radical preacher who holds that "We don't need the Bible"; that the "religion of the future" will have "nothing to do with Christ"; and that no religious man can conscientiously be a soldier! (See Exhibit 4, attached.)

Oswald Garrison Villard, vice president and member of the board of directors, is editor of The Nation, radical New York magazine, and advocate of "social equality." (See Exhibit 5, attached.)

Clarence Darrow, member of the board of directors and of the national legal committee, has legally defended revolutionary radicals since 1894, when he argued in the Supreme Court that Grover Cleveland had no constitutional power to suppress the Pullman strike led by the late Eugene V. Debs. Darrow, in his speeches to negroes, says, "When I meet a colored man I feel as if I ought to apologize for my race, and I do." (See Re Debs, 158 U. S. 564, and Exhibit 6, attached.)

Prof. Felix Frankfurter, also member of the national legal committee, and well-known defender of revolutionary radicals, was denounced by the late President Theodore Roosevelt as "engaged in excusing men precisely like the Bolsheviki in Russia, who are murderers and encouragers of murder." (See Exhibit 7, attached.)

Mrs. Florence Kelley (formerly Florence Kelley Wischnetetzky), member of the board of directors, who has often represented the National Association for the Advancement of Colored People at congressional hearings, is probably the only living communist leader who was personally trained by Friedrich Engels (coauthor and financial backer of

Karl Marx in publishing "The Communist Manifesto," Das Kapital, and other communist works, and "sole guardian of the world revolution after the death of Marx.") Mrs. Kelley's attacks upon the Supreme Court have been notorious. In a signed article in Good Housekeeping, February, 1923, Mrs. Kelley wrote:

"'We have not time to amend the Federal Constitution every time the Supreme Court throws out a good law,' said an eminent Senator in a significant speech. [Mrs. Kelley here referred to Senator La Follette's speech of June 14, 1922.] * * * Congress has done all that ingenuity could suggest to lawmakers hampered by a Constitution older than the first American cotton mill, interpreted by men appointed for life and responsible only to their consciences with none to fear save the grim reaper death."

Mrs. Kelley, in the American Labor Legislation Review for September, 1924, wrote:

"Of all the obstacles to labor legislation for women and children, none equals in effectiveness the judicial obstacle, using the word 'judicial' in its widest possible sense."

Mrs. Kelly was one of the three members of the committee appointed at the "conference" of liberal and radical organizations at Washington, May 15, 1923, to draw up a "program of action" for:

"1. Restriction of the power of the Supreme Court.

"2. Amendment of the Federal Constitution to insure 'protection of social legislation and the rights of labor.'

"3. Amendment to the Federal Constitution giving specific power to the States and to Congress to enact minimum wage laws." (See Federated Press, May 26, 1923; American Federation of Labor News Letter, June 2, 1923.)

Mrs. Kelley, in the Woman Citizen, April 21, 1923, under the title "Women Wanted on the Bench," wrote:

"No court of last resort can, henceforth, be justly regarded as a twentieth century institution, which consists exclusively of men. The decision of a case as important as the present one is to millions of women by a court composed of men, should not be allowed to happen again."

In short, the Communist-Feminist Mrs. Kelley holds that the Supreme Court should be "packed" to "represent" a class, a group, or a sex, and has been vigorously campaigning for years to overthrow Supreme Court decisions by constitutional amendments, or to change its personnel to harmonize with her own "program of action," which she derived originally from Friedrich Engels.

So important were the instructions of Friedrich Engels to Mrs. Kelley that the Moscow communists themselves are still taking lessons in promoting "Revolution in America" from this correspondence between Friedrich Engels and Mrs. Kelley 40 years ago. (See text of Engels-Kelley correspondence in Marx and Engels on Revolution in America, Little Red Library No. 6, issued by Communist Workers Party of America; Workers Monthly, November, 1925, December 1925, December, 1926.)

The Communist, official American communist organ, May, 1928, declares:

"The correspondence between Engels and his translator (Mrs. Kelley) connected with the entire project, are of the utmost importance to present-day Marxists in America" (p. 308). "It is 40 years since Engels gave this advice to American Marxists; it might just as well have been given to us to-day" (p. 311).

Samples of the communist strategy Engels taught Mrs. Kelley are included in Exhibit 8, attached.

"More interlocking directorates than business has."

Mrs. Florence Kelley, the Engels-trained communist, boldly told the House Agricultural Committee in 1921:

"We have the votes, and we are now organized with a thousand ramifications; we have more interlocking directorates than business has." (Meat packer hearings, May 2, 1921, p. 59.)

There have been many investigations by Congress, but there has been no investigation whatever of these radical groups of lobbyists who admit they have "more interlocking directorates than business has," and have been working for years to control congressional legislation by lobby pressure, and to overthrow the power, or to "pack," the membership of the Supreme Court of the United States!

Roger L. Baldwin, director of the so-called American Civil Liberties Union (which is interlocked with communist organizations, socialist organizations, and pacifist organizations, as well as with the National Association for the Advancement of Colored People), also states:

"To many of us interlocking directors and to many of us interlocking contributors it is pretty difficult to tell from whom to bring greetings and to whom to give greetings. It is sometimes difficult for me to tell whether I am in a meeting of the League for Industrial Democracy or a meeting of the American Civil Liberties Union." (L. I. D. dinner, December, 1918; see Twenty Years of Social Progress.)

The so-called League for Industrial Democracy itself is only a new name for the former "Intercollegiate Socialist League, of which Mrs. Florence Kelley was president for many years, and changed its name only in order to promote socialism more subtly in American schools and colleges.

The so-called National Association for the Advancement of Colored People, as shown by the exhibits attached, has many "interlocking directors" with these other radical organizations.

And it is respectfully submitted that these radical communist and socialist leaders of the National Association for the Advancement of Colored People no more represent any appreciable number of the colored race than their white colleagues on these interlocked radical organizations represent the white race, or than Mrs. Florence Kelley, the communist-feminist trained by Frederich Engels, represents American women.

Much of the other agitation in opposition to Judge Parker's confirmation comes from members of the so-called People's Legislative Service, which was represented before the Senate Judiciary Committee by Mercer G. Johnson, director, who declared in his testimony that his organization was dedicated to the perpetuation of the principles expounded by the late Senator La Follette—another proof that the present opposition to Judge Parker's confirmation is an "incident" of the old campaigns of 1922 and 1924 conducted by these groups to "curb the power" of the Supreme Court.

Fully half of the individuals and organizations which have protested against the confirmation of Judge Parker are connected by these "interlocking directorates" with the People's Legislative Service. And among the officers of the People's Legislative Service are radicals who are also officials of the American Civil Liberties Union, the National Association for the Advancement of Colored People, the League for Industrial Democracy, the League for Independent Political Action, the National Popular Government League, the Public Ownership League, the Anti-Imperialist League, the Indian Independence League, the Committee on Militarism in Education, the People's Reconstruction League, the American Society for Cultural Relations with Russia, the People's Lobby, and the American Civil Liberties Union, which in turn has "interlocking directors" directly with the Communist Party of the United States of America and the Socialist Party of America.

Typical of the opponents of Judge Parker is Norman Thomas, Socialist candidate for President in 1928. Behind him are arrayed many out-and-out socialists not afraid to profess publicly their political faith and to attempt at every opportunity to carry out the Socialist platform of 1908 to abolish the power and change the character of the Supreme Court, as well as many other socialists masquerading as "liberals" or "progressives" but by belief and affiliations known to be a part of the general socialist movement to subvert the American Government through the substitution of State socialism for the United States Supreme Court.

These radical elements constitute the backbone of the Parker opposition to-day. They made no protest against him whatever when he was appointed to the circuit court of appeals, proving again that "Parker is an incident" and "the Supreme Court is the issue" in their opposition now.

The purpose and effect of their present campaign against Judge Parker is to serve notice on the Government that the President must not appoint and the Senate must not confirm any justice to the Supreme Court who has not the approval of these former "third party" and present Socialist Party groups, who have organized "with a thousand ramifications" to "put the ax to the root" of the United States Supreme Court.

Former Senator James A. Reed, in the Senate September 27, 1918, said:

"I have said before on this floor, and say again, that the man who would undertake to interfere with the decisions of the Supreme Court of the United States would be as bad an enemy of this Republic as an anarchist, because he would strike at the very citadel of human liberty; he would tear down one of the great pillars that sustain it; that pillar torn out, the entire structure will fall."

It is respectfully submitted that practically all the opposition to confirmation of Judge Parker by lobbies and groups outside of the United States Senate comes from those who, by their own admissions, "would undertake to interfere with the decisions of the Supreme Court of the United States" by restricting its power to decide constitutional questions, or by trying to "pack" the Supreme Court with judges they believe to be in sympathy with class, group, or socialist legislation contrary to the present provisions of the Constitution of the United States.

Will you not, therefore, consider the facts as to this radical campaign against the Supreme Court and the Constitution enumerated in this letter and the attached exhibits? And if further facts in this connection are desired, would it not be worth while to have a thorough congressional investigation to determine by sworn testimony the true nature and objects of those radical interlocked lobbies that pretend to represent "colored people" and other American citizens in race, class, or other groups, without any political mandate whatever, either from the large groups of citizens they pretend to represent, nor from the American people at large, to substitute lobby, bloc, or group government for the Government of the United States.

Respectfully submitted by—

PAULA EASBY-SMITH LUCAS.
(Mrs. Lewis Clarke Lucas.)

Mr. ALLEN. Mr. President, I know a great many of the members of the Society for the Advancement of the Colored Race. I know them to be entirely in earnest and of the highest devotion; but I also realize that the crowd that is behind the Chicago Crisis answer the impulses which the Senator from Ohio has just pointed out. I know that the colored crowd in New York that pushes forward the Bolshevik idea either answers to the Bolshevist impulse or to the impulse of Tammany Hall, one of the two—sometimes both. I know, moreover, that the fact that the colored people in the heavily unionized districts have been much more frantically concerned about this nomination than the colored people elsewhere is not due to an accident. It is due to the close working harmony between radical leaders of labor and radical leaders of the colored folk.

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

Mr. ALLEN. I yield.

Mr. FESS. I think it is quite important that we make that emphasis—the radical leaders of labor and the others—because union labor to-day, as led by Mr. Green, is, I think, far from the radical element that at one time the organization possessed. I think President Green is exercising a tremendous influence against these radical movements.

Mr. ALLEN. I agree with the Senator from Ohio touching Mr. Green and touching the officers of the American Federation of Labor. I could not agree, touching the miners' organization, that it had lost its radical impulses; but it is a matter of great comfort to us all that there is growing constantly a better relationship between capital and labor, a less radical color on the part of the labor leader, and a less ruthless color on the part of the employing capitalist.

Mr. JONES. Mr. President, during my service in the Senate prior to this session two bitter contests have occurred over nominees to the high office of Justice of the Supreme Court of the United States. Charges were made against one that he was of a reactionary disposition and under capitalistic influences, and against the other that he had extreme socialistic tendencies. After lengthy discussion they were confirmed and are to-day both ranked among the best and ablest of our judges. The one is more liberal than many thought him to be and the other less socialistic than many feared. The rights and interests of the American citizen, whatever his station may be, are safe in their hands.

When the President makes an appointment to the Supreme Court of the United States we have the right to assume that he has made a careful selection and named a good and competent man.

The primary qualities of a judge of the highest court in the world are high character, unquestioned honesty and integrity, fine ability, good educational fitness and legal training, fair-mindedness, impartiality, a high sense of justice, fearlessness in the discharge of his responsibility, and devotion to the fundamental principles of our Government.

Judge John J. Parker meets these requirements, according to the testimony of those who know him personally and intimately, and according to the record he has already made by his service on the court next in authority and power to our Supreme Court.

Some charges are made now that, if they are worthy of consideration, should have been made when he was named to the high office he now holds. Reports are sent broadcast to the country that he is against the fourteenth and fifteenth amendments to the Constitution. No proof is submitted to support such a charge. In my judgment, such a charge is not only unfounded, but it is so baseless as to be malicious. Judge Parker says in his letter to Senator OVERMAN:

> I regard the Constitution and all of its amendments—

Note this language—

> as the fundamental and supreme law of the land, and I deem it the first duty of a judge to give full scope and effect to all of its provisions.

There is no equivocation or ambiguity about this statement. He points to his record to sustain this assertion, and no one can controvert it.

Among the decisions showing his fair and just attitude toward the colored people and his devotion to the provisions of the Constitution he declared null and void an ordinance of the city of Richmond discriminating between white and colored citizens, and that, too, in spite of a strong feeling in favor of such an ordinance. This is only a part of his record as a judge. What better guaranty can the colored man have than this as to the protection of his rights by this man as a judge of the highest court in the world? This is more than a promise—it is a positive assurance to every colored man that Judge Parker will protect his rights to the utmost.

It is urged that he said something derogatory of the colored man in a campaign in North Carolina over 10 years ago. No charge of this kind was made when his nomination came up for confirmation for the high judicial office he now holds. If he said what is alleged, I do not indorse it; I do not agree with it. It is fair to say that he was only a little over 30 years of age at that time, was in the midst of a political campaign, and I put over against this alleged statement the decision to which I have already referred. I think the good colored people of my State will feel that he has demonstrated his devotion to law and to duty. I have always been the friend of the colored man. I always expect to be. I have marveled at the amazing progress he has made during the last half century. I expect to continue to be his friend and to help him advance and have the rights to which he is entitled under our Government. I think I am helping to do this when I vote to confirm Judge Parker. If my vote for him cancels all I have done in the past for the welfare of the colored people, I can not help it. I know, however, that they are not an ungrateful people.

Furthermore, the colored people of Judge Parker's home and of his State voted for him in the past and indorse him now. That should appeal most strongly to the colored people elsewhere. The home colored people who know him personally are more to be trusted than any socialistic or other organization that may have some special end to serve, no matter where it may be located.

The leaders of organized labor oppose Judge Parker's confirmation. They are able men. They are honest and sincere. They are looking after the rights and interests of labor. What leads them to feel that Judge Parker is unfriendly to them? They point to his opinion in a certain case sustaining an injunction against some of their people. They feel that this injunction went entirely too far. I think so, too. They hold Judge Parker responsible for it, and are sustained in this by Senators who are friendly to labor and lawyers of unsurpassed ability. I am just as friendly to labor as these Senators, but I do not presume to compare with them in legal ability or attainment. I do, however, have the temerity to differ from them as to Judge Parker's responsibility for the decision complained of.

I have been unable to hear any of the speeches made, except a good part of that of the able and learned senior Senator from Idaho, who is the equal of any of the learned lawyers of the past as well as of the present. He sought to show that Judge Parker was not justified in relying on what is known as the Hitchman case for his decision in what is known as the Red Jacket case. Judge Parker, in his letter to Senator OVERMAN, referring to his decision in the Red Jacket case, says, referring to the decision of the Hitchman case:

> In view of this it must be obvious to any that as a member of this court in the Red Jacket case I had no latitude or discretion in expressing any opinion or views of my own, but was bound by these decisions to reach the conclusion and to render the decision that I did.

There is an attempt to show that the Hitchman decision did not bind him to render the decision he felt he must render. It is also sought to show that there were other decisions of the Supreme Court justifying a different decision by him. Be that as it may, I most humbly beg to call attention to certain facts which to my mind wholly exonerate Judge Parker from any blame for the Red Jacket decision and put the blame, if any blame there be, upon the Supreme Court of the United States itself.

This statement may be surprising, but I think it is based upon plain, simple facts.

If there was error in Judge Parker's decision, an appeal in the nature of a writ of certiorari could be made to the Supreme Court of the United States, the court of final resort. Such a writ was applied for at the hands of the Supreme Court and filed on June 28, 1927. The Supreme Court had the power to grant such a writ. If there was error in Judge Parker's decision, it should have done so. The Supreme Court on October 17, 1927, denied the writ, continued the injunction, and in effect affirmed Judge Parker's decision and made it its own. According to the record, that decision was unanimous.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Idaho?

Mr. JONES. I yield.

Mr. BORAH. The Senator does not mean to say that by reason of the fact that the Supreme Court denied the writ, therefore they affirmed the holding of Judge Parker?

Mr. JONES. It seems to me that if they thought there was error in Judge Parker's holding they should have granted the writ and brought the case up to them for review.

Mr. BORAH. The Supreme Court has said many times that in the refusal of a writ they do not pass upon the merits of a controversy at all.

Mr. JONES. I do not think that excuses the Supreme Court in its responsibility in denying the writ asked for in a case where the decision of the court below was based on a decision rendered by the Supreme Court.

I understand that Justice Brandeis dissented in the Hitchman case. He was on the court when the writ of certiorari was denied in the Red Jacket case, and no dissent was made. As a matter of fact, if any Justice on the bench at that time had questioned the basis of that decision, the writ of certiorari, in my judgment, would have been granted and the case brought up to the Supreme Court for review.

Judge Parker followed what he thought was the law as laid down by the highest court in the land. He could not overthrow the decision of the Supreme Court. That court, however, could have overthrown his decision. It did not do it. Hence I say in all humility that blame, if blame there is, for the decision in the Red Jacket case, rests upon the Supreme Court of the United States.

But this is not all. I join with the Senators who condemn the scope of the injunction issued in the Red Jacket case and affirmed by the Supreme Court. It went too far. It enjoined the doing of that which ought not to be enjoined. Every citizen should have the right to talk peacefully with other citizens and seek in a peaceful way to have them take peaceful action.

The Supreme Court evidently felt that under the law as it now exists such acts should be enjoined and should have been enjoined in the Red Jacket case.

Where does the blame really rest for the continuance of such a state of the law? The Supreme Court, of course, can reverse itself. It can annul its decisions. But in my judgment the real duty and responsibility rests upon the lawmaking power of the Government, upon the Congress of the United States.

Mr. BORAH. Mr. President, in view of the fact that Congress has twice tried to change that proposition and the Supreme Court has held that it could not do so, I do not know what Congress could do.

Mr. JONES. Mr. President, we can pass a resolution, as we should, and submit to the people of the country the question of amending the Constitution of the United States, under which, apparently, the Supreme Court says it has no authority to change this ruling. Would the Senator have the Supreme Court, notwithstanding its ruling as to the unconstitutionality of action by Congress, say "Congress can not act, Congress can not legislate, but we can"? This is the legislative body of this Government, and the court is not. The judge of every court in the land takes an oath that he will stand by the law and by the Constitution, and the only power to change it rests with the people of the country.

Mr. BORAH. We would have to get a view of the Supreme Court as to whether or not it would be effective before we passed a constitutional amendment.

Mr. JONES. O Mr. President, I can not appreciate that remark of the Senator from Idaho. We do not call upon the court to pass upon the effectiveness of a constitutional amendment. Surely the Supreme Court would not say that the people of this country can not amend the Constitution in the way provided by the Constitution.

Mr. BORAH. Certainly not, but a number of able judges, just as able as those who have held the contrary, have held that the Constitution already, as it stands, is ample.

Mr. JONES. The Supreme Court of the United States apparently held in the case for which Judge Parker is criticized that his decision was right. There was nothing in his decision to indicate that if he were a member of the Supreme Court of the United States he would sustain that view of it. In my judgment, we have a right to infer, from the suggestion Judge Parker made when he decided that case, that if he were upon the bench where he had supreme power to pass on this question his judgment might be different.

This must not be overlooked, and I think it ought to be considered, that an inferior court is bound by the decisions of the superior court, just the same as any citizen is bound by the law of the land. Until the Supreme Court reverses its ruling, or declares that this or that is not the law, the inferior courts are bound in law and by their oaths to sustain the law as it has been declared by the Supreme Court of the United States.

It was suggested that Judge Parker might well have expressed his opinion that he did not approve this decision It is true he might have done that, but in following the decisions of superior courts, inferior courts may not have the opinion that that is really correct law, but they do not express that opinion. We find oftentimes dissent made by judges of the Supreme Court itself. They merely express their dissent, without stating the particular reasons upon which it is based.

Why is it—and I ask it in all sincerity—that when the questions involved in the Red Jacket case came up, the judges who had dissented in the Hitchman case did not dissent in that case upon the refusal of the writ? It seems to me that if those judges felt that the Red Jacket case was decided erroneously they should have disagreed with the denial of this writ.

I do not criticize them for not doing so. I do not know what their reasons were. They may have felt that the law had been passed upon; that the law had been declared by the Supreme Court of the United States; and that it is better to allow that to stand than to disturb it, or dissent. I say that in my judgment there is not any just ground for criticizing Judge Parker for what he did as an inferior court, in the face of the decisions rendered by the Supreme Court of the United States.

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

Mr. JONES. I yield.

Mr. BLEASE. Does not the Senator think a judge who would attempt to do other than that would lay himself liable to impeachment?

Mr. JONES. I would not go that far, but he would be defying the law of the land as laid down by the highest court, and what would be the law until that high court declared it otherwise.

Mr. President, let the Senator from Idaho, a member of the Committee on the Judiciary of the Senate, prepare a bill that will meet the situation by changing the law as laid down by the Supreme Court, and have that committee report it to the Senate. No one will more cheerfully vote for it than I. At any rate, let us not put the blame upon Judge Parker. Let us not place upon Judge Parker the judicial blame, if there be any, which rests upon the Supreme Court and which really rests upon Congress.

We have passed legislation prohibiting the issuance of injunctions in certain cases. If that is good, why can we not extend that limitation? Why can we not emphasize that restriction? Why can we not lay down the law ourselves, the real, legislative body, as to what the action shall be with reference to these injunctions? The courts construe and declare the law. We, at any rate, are supposed to make it. If the law should be changed, we should do it and not depend upon the courts to do it.

Mr. President, it is claimed that there should be more humanity in the courts. True enough! We can not have really too much of it there. But what about humanizing Congress, the legislative body, the lawmaking body of this Government? If humanizing is necessary, it should begin here in this body which helps to make the laws and to legislate for the people of the country.

What kind of a man is Judge Parker? I will only repeat briefly what has already been said. He was a boy with humble parents. They were not blessed with much of this world's goods. He had to work with his hands in every way that he could to help his parents and to help himself. He worked his way through college, doing what he could find to do. That was only forty-odd years ago. Mr. President, since he has grown to manhood, since he has been working for himself, since he has been practicing law, he has not allied himself with great corporations, he has not been under capitalistic influences, he has not had the character of practice which makes him forget his humble origin and takes away from him the humanity which I am satisfied he had and has to this day. Talk about humanizing the courts! How can we better humanize them than to put upon them men who have come up from the humblest circumstances, the humblest beginnings, and made their way in life?

Mr. President, I may be accused of having been lobbied with; I do not know. I have always taken the position that any citizen of the United States has a perfect right to talk with a Senator or a Representative about matters in which he is interested. No man has ever suggested any improper thing to me. I would feel that the time had come for me to get out of this body if I could not talk with and permit a citizen of my State to talk with me.

I met Judge Webb of the United States district court the other day. Judge Webb served in the House of Representatives with me. I knew him personally and well. I have the very highest regard for him. I asked him about Judge Parker, because I knew he was from down in that territory. He told me many things about Judge Parker.

Judge Webb is a Democrat, has always been a Democrat, but he has dropped partisanship on the bench. When he votes he no doubt votes according to his Democratic beliefs. He spoke in the very highest terms of Judge Parker not only as a man but as a judge. Judge Webb had known his people; he knows him personally; he knows the feeling which the people of his home town and his community and his State and his churches

have about him. I asked Judge Webb to give me a written statement with reference to Judge Parker. I have here the statement which he mailed to me. I shall read it. Probably it is not necessary for the Senators who are here, but I know that some of my colleagues know Judge Webb personally. I think they have confidence in his honesty and in his sincerity. Judge Webb is talking about things about which he knows personally. He said:

Judge Parker was born in the little town of Monroe, N. C., in the year 1885. His father was a small merchant of very limited means. His mother, a woman of fine mind and good education, was a daughter of a clergyman. She was a firm believer in education, and her influence had much to do with her son's ambition to go to college and enter the legal profession. Through his mother, who was Frances Johnston, of Edenton, Judge Parker is related to James Iredell, one of the first Justices of the Supreme Court.

Judge Parker's youth was one of struggle. When he was only 13 years of age it became necessary for him to drop out of school and go to work. He clerked in a grocery store of the little town for a year and a half, but again entered school and graduated from the public schools of Monroe when he was 16 years of age. His father was not able to send him to college, and he got a job as salesman in a clothing store in order to earn money to carry on his education. His course of study in the public schools had not equipped him to enter college, and he studied Greek at night under another young man of the town to prepare himself to meet the college requirements. He has always been proud of the fact that, with no more preparation than this, he won the Greek prize in his second year at the university.

After working for something more than a year in a clothing store, he had saved up enough money to begin his college education; and he accordingly entered the University of North Carolina in the fall of 1903. He had little money and immediately began looking around for an opportunity to earn something while carrying on his education. Having had experience in selling clothing, he decided that there was an opportunity to make money at this; and he accordingly obtained the agency for a made-to-measure clothing house. He sold clothing for this concern during the entire time he was at the university, and made sufficient profit therefrom to pay his expenses.

While at the university, notwithstanding the fact that it was necessary for him to earn a livelihood, Judge Parker entered fully into the life of the institution. He led his class in scholarship and was president of Phi Beta Kappa. He was president of his class both in its freshman year and in its senior year. He won the prizes in economics and law, as well as in Greek, and was awarded the Greek fellowship. He represented the university in two intercollegiate debates and was awarded the Mangum medal in oratory, at that time the most coveted honor at the university. He was president of the student council and judge of the court of the law school. The university gave him the degress of A. B. in 1907 and LL. B. in 1908. In 1927 it gave him the honorary degree of LL. D.

After graduating at the university Judge Parker found that his struggles had just begun. He worked for a year in the office of a lawyer at Greensboro, and then decided to go back to his home town and try his fortunes among his own people. He began practicing there alone in 1909. He had no influential connections, but he had many friends among the people of the town and county and practice soon came to him. In 1910 he was taken into partnership by Hon. A. M. Stack, now a judge of the superior courts of North Carolina, with whom he practiced until 1922, when he moved to Charlotte and became the head of one of the leading law firms of that city.

Judge Parker's practice prior to his appointment to the bench in 1925 was the varied practice of a lawyer in the rural South. He was not retained by any of the great corporations but his services were in demand where cases of importance were to be tried and he succeeded in building up a practice extending over a considerable part of the States of North and South Carolina. He appeared in the State and Federal courts of both States as well as in the Circuit Court of Appeals for the Fourth Circuit and in the Supreme Court of the United States. His clients were drawn from all classes of the people, including laboring people and farmers, white people and colored people. Laboring people and colored people who know nothing of him may protest his appointment, but it is significant that the laboring people and colored people of his home town have borne the highest testimony as to their absolute confidence in his fairness and integrity.

Although Judge Parker's primary interest has always been the law, he has always taken a deep interest in public affairs. He was a great admirer of President Roosevelt, and in 1908 cast his lot with the Republican Party in a State which was overwhelmingly Democratic. In 1910 he was nominated by his party for Congress and made a campaign against the veteran and distinguished Congressman, Hon. Robert N. Page. It is a tribute to his ability as well as to his personality that Mr. Page has had the highest regard for him ever since that campaign and has recommended his appointment to the circuit court of appeals as well as to the Supreme Court of the United States. This is true also of Governor Morrison, against whom Judge Parker campaigned for governor in 1920.

Judge Parker was nominated for attorney general by his party in 1916 and for governor in 1920. While defeated for governor he received the unprecedented vote of 230,000, which was 63,000 more votes than had ever before been cast for Governor of North Carolina. He was defeated by Governor Morrison but made a campaign which is universally recognized as having contributed much to the progress and development of the State. In 115 speeches made from the mountains to the seashore of North Carolina he advocated an improved system of education, a State system of highways, and a modern taxing system based on the income tax. He advocated also a system of rural credits and a program of progressive labor legislation, including laws for the protection of women and children in industry and a workmen's compensation act. It is significant that he advocated the passage of the workmen's act eight years before it was adopted by the Legislature of North Carolina. The year 1920 was a year of industrial conflict in North Carolina, but Judge Parker's speeches rang clear on the right of labor to organize, to bargain collectively, and to strike. He said that the power of the State should not be used to deprive labor of the exercise of these fundamental rights.

Judge Parker was appointed judge of the circuit court of appeals by President Coolidge in 1925.

Judge Webb sent me also a copy of a letter from Leon M. Nelson, president of the Richmond Bar Association, to the New York World, calling attention to certain matters that he had seen in that paper and giving his high opinion of Judge Parker. I ask that that letter may be printed in the RECORD without reading.

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

The letter is as follows:

The WORLD,
Pulitzer Building, 63 Park Row, New York, N. Y.:

I have read the editorial appearing in your paper of the 23d instant, and as president of the Richmond Bar Association, the bar of which city has unanimously indorsed Judge Parker's appointment, I am wiring to protest against your estimate of Judge Parker, and ask that you give this protest some prominence in your newspaper.

In the five years' period Judge Parker has been on the bench the Richmond bar has recognized him as a capable and able judge.

During this period Judge Parker has heard and participated in the decision of more than 450 cases and has written the opinion of the court in 184 of those cases. Many of these opinions involved questions of far-reaching importance and have invariably shown thorough preparation and sound judicial judgment.

A careful examination of his work on the circuit court of appeals will convince any unbiased mind that he does possess abilities as a jurist which entitle him to rank with the able judges of this country. He has discharged the duties of his present high judicial position with untiring industry, courage, and impartiality, and the lawyers of Virginia regard him as possessing in a remarkable degree all the qualifications necessary for service on the Supreme Court.

Mr. Mark Sullivan was unquestionably right in his statement appearing in the New York Herald Tribune on April 23 that his name would certainly be included in any list of 5 circuit judges out of the 40 of the whole country who are best equipped for elevation to the Supreme Court.

We feel that if Judge Parker is confirmed by the Senate he will fully sustain the dignity and purity, ability, and learning of the Supreme Court Bench, and the bar of this city feels that his defeat on the grounds on which the attack against him is based would be a blow at the independence of the judiciary.

LEON M. NELSON,
President Richmond Bar Association.

APRIL 26, 1930.

Mr. JONES. Judge Webb also sent me a quotation from a speech made by Judge Parker in the campaign of 1920, which I shall not take the time to read, but which shows very clearly and very concisely Judge Parker's humanity, if you please. It shows his interest in agriculture, in the farmer. It shows his interest in labor. It shows his interest in legislation to promote the interests and the welfare of the farmer, of the laborer, of the women of the South and of his home State. I do not believe there could be found clearer evidence of the humanity of the man than this statement as to what his attitude was away back yonder when he was only 35 years of age. I ask that the statement may be printed in the RECORD without reading.

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

The statement is as follows:

SYNOPSIS OF SPEECH OF JOHN J. PARKER ON ACCEPTING NOMINATION FOR GOVERNOR IN 1920

It is a shame that an agricultural State has done so little for agriculture. The farmer has been asking us to revise our antiquated and unjust laws, but he has asked for bread and has been given a stone.

Instead of creating a new taxing system in the light of the experience of our sister States, we have revalued the farmer's property at a time and in a manner which has aggravated the evils of the old system. I do not criticize the theory that property should be placed on the tax books at its real value. I criticize the provision which requires personal property to be listed when the merchants' shelves are empty and the farmers' barns are full. I criticize the administration of the law under which real estate has been listed—not at its true but at its inflated value due to abnormal conditions and real-estate speculation. The farmer sees that the inevitable result is to throw upon his shoulders a greater share of the burden. We must have a new system. We can not put "new wine in old bottles," and we can not, by patching and tinkering, make a revenue system of 50 years ago meet the conditions of to-day. Until the new system can be formulated and put into operation the farmer must be given relief from the unjust features of the present act.

We must encourage home ownership. We must aid the young man and the tenant to buy a home. The Federal land bank is a good thing, but it has failed to help us solve the problem because it demands security that the young man and the tenant can not give. We must develop a system of rural credits which will give help to the man who needs help, and whom we need as a producer on the farm. Incidentally we should exempt from taxation not the notes given to purchase a home but the home to the extent of the debt against it.

The warehouse system is a good thing for the farmer and must be encouraged. The act of the last legislature must not be allowed to become a dead letter. If South Carolina can successfully operate a warehouse system, there is no reason why we should not do so also.

Nothing causes the farmer to leave the farm like bad roads and bad schools. We have a highway commission that raises a great noise but builds no roads. We have an educational system under which it developes that 25 per cent of our young men are illiterate according to Army standards. The great State of North Carolina, which pays over $200,000,000 annually in Federal taxes, is rich enough to lift the veil of ignorance from the minds of her children. We must have a State system of schools. We must give to the boy on the country hillside the same educational advantage of the boy in Greensboro or Charlotte. We must pay our teachers higher salaries and modernize our educational methods. We must also build a State system of highways. Experience shows we can not depend on the counties to build a State system. This system can be built by a tax on motor vehicles and gasoline, and will wonderfully improve the life of the farmer and add to the commercial prosperity of the State.

I favor the industrial development of North Carolina. Every factory means employment for labor, investment for capital, and a market for the farmer's products. The time of the anticorporation demagogue is past. Our people and our government must give a square deal to the man who invests his money in the development of our State.

But with the growth of industry comes the factory problem. Labor must be protected from the evils of the factory system. The protection of women and children, the limitation of hours of labor, insurance for the benefit of the employee against industrial casualties are too important to leave to private judgment. We must enact adequate labor legislation. We must remember that the future of North Carolina, in which your child and my child will live, depends upon the chance which we give to-day to the man in the mill and his child.

Adequate labor legislation will remove the causes of industrial conflict, but when industrial conflict arises it must be met intelligently. We should not in fear destroy the right of either labor or capital or surrender the rights of the public. Labor has the right to organize. The right to strike can not be denied. But labor and capital have no right to fight out their differences to the danger and inconvenience of the public. The right of the public is superior to the right of any individual or any class. We must have a compulsory arbitration law for public-service corporations and an industrial commission with power of investigation and mediation for other cases. The law must be impartially enforced. The power of the State shall not be used to intimidate labor, neither shall the power of the State be withheld when necessary to uphold the majesty of the law.

The time has come for us to improve the political morality of North Carolina. No State can hope to be a great State which condones dishonesty in the very source of public power. We demand the Australian ballot, and we demand that the absentee voter law be either repealed or safeguarded.

The vote should be extended to women. The perennial officeholders of North Carolina oppose woman suffrage because the women would clean up the State and would sweep them from power; but I am ashamed that the men of the North and West should confer upon our wives and mothers the privileges which we have denied to them.

Mr. JONES. Mr. President, I am not going to take further time of the Senate. It seems to me that the Congress of the United States should not seek to fasten upon the courts the blame for a failure to enact legislation to put the injunctive process in the condition in which it ought to be; that we ought not to try to put it off upon the judges, whether the circuit judges or the judges of the Supreme Court. We have sought to limit to some extent the issuance of injunctions. If we can do that, then we can go further and we can enact legislation to take care of the situation of which he complains.

Mr. President, the Congress of the United States should not shirk its duty. It is unjust, it is unfair, for us to denounce the courts of the land after they have rendered decisions which they believe to be just, which they believe to be in accordance with the law by which they are governed and controlled the same as we are, rather than that we should take up the responsibilities which are thoroughly upon us to lay down to the courts the limits beyond which we think they should not go, that we should lay down the law to limit what they have declared to be the law if we think they have gone too far.

Mr. President, instead of rejecting nominees for the bench of high character, splendid ability, high standing among their people, showing a high standing before the courts of the land by their own actions, by their own decisions, instead of condemning them for not restricting the law, for not limiting the writs of injunction, let us do our duty and enact legislation going as far as we think we ought to go in defense of the liberties and the peaceful rights of the people of the country.

Mr. President, I ask permission to print in the RECORD a letter which I have sent to several labor organizations which have telegraphed urging me to oppose the nomination of Judge Parker.

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

The letter is as follows:

MAY 5, 1930.

GENTLEMEN: I have your telegram opposing the confirmation of Judge Parker. You give no reasons for your opposition. I assume, however, that it is because of the charges that have been made to the effect that he is unfriendly to labor.

I have the interests and welfare of labor at heart. I think the record that I have made proves this. I know that I have been a laboring man myself and I have always resolved doubts in connection with legislation in favor of the laboring man and have sought to aid, so far as I could in a legislative way, in promoting his welfare.

I have looked into these charges against Judge Parker. I believe they are unfair, unjust, and without any basis in fact. He is of humble parentage. He worked with his hands as a boy and worked his way through school. His early environment was that of a laboring man, and he has never been tied up with corporations or wealthy interests.

Labor of his own State, labor that knows him, is for him. What better recommendation to labor elsewhere could he have than this?

It is said that he showed his unfriendliness to labor by his decision in what is known as the Red Jacket case. That, in my judgment, is an unfair charge. The Supreme Court of the United States had, in another case, decided the question involved in that case. Its decision is supreme and binding upon every inferior judge as the law of the land until it is reversed by the Supreme Court itself. Judge Parker based his ruling solely on that decision, clearly indicating that he might rule differently if he were free to do so and that decision had not been made by the Supreme Court. If his decision was wrong, that could have been so declared by the Supreme Court. His critics seem to proceed on the theory that his decision was final. They either purposely or maliciously ignore the real facts regarding the matter. An application was made to the Supreme Court for a writ of certiorari. This was in the nature of an appeal. What did the Supreme Court do? It unanimously denied the writ, in effect affirming his decision. If blame there is, it rests on the Supreme Court and not on Judge Parker. That court declared the law of the land. If it is to be changed, it should be done by Congress, the law-making body; not by the courts; and if blame should attach to anybody, it should attach to Congress.

I will frankly say to you that I am in favor of Congress, in the proper way, limiting or defining how far the courts may go in issuing injunctions. Injunctions have gone too far, but it is for Congress to limit the power of the Supreme Court in this regard rather than to give blame to inferior courts for following the decisions of the superior body.

I may be wrong in this, but I can not think so. From my study and investigation I can not conscientiously take a different course. I would rather be conscientiously wrong than cowardly right. I can not believe that you would have me take a different course.

Believe me to be very sincerely yours,

W. L. JONES.

Mr. McCULLOCH. Mr. President, I was very much impressed by the opening statement of the remarks of the Senator from Rhode Island [Mr. HEBERT] on the nomination of Judge Parker to be Associate Justice of the United States Supreme Court. The Senator from Rhode Island is a member of the Judiciary Committee, which committee investigated and reported to the Senate on the nomination of Judge Parker, and his statement in regard to the qualifications of a judge seemed to me to be sound.

A nominee for this exalted judicial office should have ability of a high order, legal training, and judicial experience, but, above all, he should be fair and impartial. A judge who is not fair and impartial is unfit.

I have been supporting the President's legislative program, and I am opposed to any effort which will embarrass the President. The President, exercising his constitutional power, having nominated Judge Parker for this important post, in the absence of convincing proof of his unfitness, his nomination would receive my support on the vote for confirmation.

I am out of sympathy and vigorously opposed to any effort to control the judiciary in the interest of any class or group. The Supreme Court of the United States must be above politics, above personal, political, social, or economic prejudices and fair to all classes.

I have received many letters and telegrams from citizens of Ohio opposing the confirmation of Judge Parker because he is alleged to have been unfair to labor and to have expressed himself as unfriendly to the participation of colored people in politics, rights which are guaranteed every citizen by the Constitution of the United States. These charges seemed to me to be so important and far-reaching that I felt I should reserve my decision as to my vote until the conclusion of the debate and until the facts were fully disclosed. I announced this as my attitude some days ago.

It has been charged that Judge Parker has shown himself to be unfair to labor, placing property rights above human rights, because of his decision in the Red Jacket case, which involved the so-called "yellow dog" contracts.

The debate has disclosed the fact that Judge Parker, in the decision complained of, followed a decision of the United States Supreme Court, and that Judge Parker was bound by the decision of the Supreme Court in rendering his decision in the Red Jacket case.

A judge should not be criticized for following the law, but might be severely criticized for not following it, and, of course, would be subject to reversal. If there is a decision in point on any question of law in a case, every lawyer knows that it is the prerogative and duty of the judge to decide the vital question as to whether or not a prior decision of the court of last resort is a precedent. The refusal of the Supreme Court of the United States to review the decision of Judge Parker in the case complained about would seem to settle the question as to whether or not he was following the law as laid down by the Supreme Court.

A careful examination of Judge Parker's decision in the Red Jacket case discloses no expression of prejudice toward labor, and the opinion is free from expressions of any kind which are not directly related to the legal questions at issue.

Mr. President, I desire to incorporate in the RECORD as a part of my remarks some excerpts from Judge Parker's opinion in the Red Jacket case, and excerpts from other decisions, which were printed in connection with the speech of the Senator from Rhode Island [Mr. HEBERT], and which indicate, in my opinion, the attitude of mind of Judge Parker toward labor.

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

The excerpts referred to are as follows:

Early in the opinion Judge Parker states:

"In the first place, we do not think that the international organization, United Mine Workers of America, constitutes of itself an unlawful conspiracy in restraint of interstate trade and commerce because it embraces a large percentage of the mine workers of this country or because its purpose is to extend its membership so as to embrace all of the workers in the mines of the continent. It may be conceded that the purposes of the union, if realized, would affect wages, hours of labor, and living conditions, and that the power of its organization would be used in furtherance of collective bargaining, and that these things would incidentally affect the production and price of coal sold in interstate commerce. And it may be conceded further that by such an extension of membership the union would acquire a great measure of control over the labor involved in coal production. But this does not mean that the organization is unlawful."

Later Judge Parker quotes from the opinion in the case of American Foundries *v.* Tri-City Council (257 U. S. 184), as follows:

"Labor unions are recognized by the Clayton Act as legal when instituted for mutual help and lawfully carrying out their legitimate objects. They have long been thus recognized by the courts. They were organized out of the necessities of the situation. A single employee was helpless in dealing with an employer. He was dependent ordinarily on his daily wage for the maintenance of himself and family. If the employer refused to pay him the wages that he thought fair, he was nevertheless unable to leave the employ and to resist arbitrary and unfair treatment. Union was essential to give laborers opportunity to deal on equality with their employer. They united to exert influence upon him and to leave him in a body in order by this inconvenience to induce him to make better terms with them. They were withholding their labor of economic value to make him pay what they thought it was worth. The right to combine for such a lawful purpose has in many years not been denied by any court. The strike became a lawful instrument in a lawful economic struggle or competition between employer and employees as to the share of division between them of the joint product of labor and capital. To render this combination at all effective, employees must make their combination extend beyond one shop. It is helpful to have as many as may be in the same trade in the same community united, because in the competition between employers they are bound to be affected by the standard of wages of their neighborhood."

Judge Parker then said:

"What is said in this case as to the effect of the standard of wages on competition between employers applies in the coal industry, not to a restricted neighborhood but to the industry as a whole; for in that industry the rate of wages is one of the largest factors in the cost of production and affects not only competition in the immediate neighborhood but that with producers throughout the same trade territory. The union, therefore, is not to be condemned because it seeks to extend its membership throughout the industry. As a matter of fact, it has been before the Supreme Court in a number of cases, and its organization has been recognized by that court as a lawful one. We have no hesitation, therefore, in holding that the defendants are not guilty of a conspiracy in restraint of trade merely because of the extent and general purpose of their organizations."

Near the close of the opinion Judge Parker states:

"It is said, however, that the effect of the decree, which, of course, operates indefinitely in future, is to restrain defendants from attempting to extend their membership among the employees of complainants who are under contract not to join the union while remaining in complainants' service, and to forbid the publishing and circulating of lawful arguments and the making of lawful and proper speeches advocating such union membership. They say that the effect of the decree, therefore, is that because complainants' employees have agreed to work on the nonunion basis, defendants are forbidden, for an indefinite time in the future, to lay before them any lawful and proper argument in favor of union membership."

Then Judge Parker goes on to say:

"If we so understood the decree, we would not hesitate to modify it. As we said in the Bittner case, there can be no doubt of the right of defendants to use all lawful propaganda to increase their membership."

The final quotation in the opinion, the insertion of which reveals the absence of any attitude prejudicial to the interests of the laboring man, is found toward the bottom of page 850. This quotation is taken from the opinion in the case of Gasaway *v.* Borderland Coal Co. (278 Fed. 56), and reads as follows:

"So far as the contracts themselves and this record disclose, the check-off is the voluntary assignment by the employee of so much of his wages as may be necessary to meet his union dues and his direction to his employer to pay the amount to the treasurer of his union. In that aspect the contract provision is legal, and quite evidently there are many lawful purposes for which dues may be used."

In Hitchman Coal & Coke Co. *v.* Mitchell (245 U. S. 229), upon which Judge Parker relied and which he believed to be controlling in the Red Jacket case, the Supreme Court said in its decision:

"Another fundamental error in defendants' position consists in the assumption that all measures that may be resorted to are lawful if they are 'peaceable'—that is, if they stop short of physical violence or coercion through fear of it. In our opinion, any violation of plaintiff's legal rights contrived by defendants for the purpose of inflicting damage, or having that as its necessary effect, is as plainly inhibited by the law as if it involves a breach of the peace. A combination to procure concerted breaches of contract by plaintiff's employees constitutes such a violation, that is, a violation of the plaintiff's legal rights."

In its opinion (245 U. S. 250) the Supreme Court declared:

"That the plaintiff was acting within its lawful rights in employing its men only upon terms of continuing nonmembership in the United Mine Workers of America is not open to question. * * * The same liberty which enables men to form unions, and through the union to enter into agreements with employers willing to agree, entitled other men to remain independent of the union and other employers to agree with them to employ no man who owes any allegiance or obligation to the union. In the latter case, as in the former, the parties are entitled to be protected by the law in the enjoyment of the benefits of any lawful agreement they may make. This court repeatedly has held that the employer is as free to make nonmembership in a union a condition of employment as the workingman is free to join the union, and that this is a part of the constitutional rights of personal liberty and private property, not to be taken away even by legislation unless through some proper exercise of the paramount police power. (Adair *v.* United States, 208 U. S. 161; Coppage *v.* Kansas, 236 U. S. 1.) * * *

"Plaintiff, having in the exercise of its undoubted rights established a working agreement between it and its employees, with the free assent of the latter, is entitled to be protected in the enjoyment of the

resulting status, as in any other legal right. That the employment was 'at will' and terminable by either party at any time is of no consequence."

Mr. Justice Brandeis wrote a dissenting opinion in the Hitchman case, but his dissent was not based on a suggestion that the contract between the employer and its employees not to join the union was unenforceable or void. On the contrary, he said (p. 271):

"In other words, an employer, in order to effectuate the closing of his shop to union labor, may exact an agreement to that effect from his employees. The agreement itself being a lawful one, the employer may withhold it from the men an economic need—employment—until they assent to make it."

Mr. McCULLOCH. Mr. President, the other charge made against Judge Parker is that the made the following statement when he was a candidate for Governor of North Carolina 10 years ago:

The participation of the negro in politics is a source of evil and danger to both races and is not desired by the wise men of either race or by the Republican Party of North Carolina.

It has not been denied that Judge Parker made this statement. It has been disclosed, however, in the debate that while sitting as a member of the circuit court of appeals in a southern district, as a judge with a life tenure, his decisions clearly indicate that he would not, sitting as a judge, nullify the fourteenth and fifteenth amendments, or prejudice the rights of any citizen.

That the decisions of Judge Parker are accepted by colored people who are familiar with the facts as a complete answer to the charge made against him is evidenced by the following statement from the St. Luke Herald, leading colored newspaper of Richmond, Va.:

In this decision we feel inclined to accept the opinion expressed by the North Carolina jurist in his official capacity less than six months ago, rather than a tawdry bit of political balm uttered as a bait for votes in his fight for the gubernatorial seat 10 years ago. We hope that the association for the advancement of our race, in its zeal to uncover harmful propaganda, will not lose sight of the present advantages which have accrued to our racial group through this same Judge Parker.

The two points about which I have been in doubt have been sufficiently cleared in my own mind, and I intend to support President Hoover's nominee and vote for his confirmation.

Mr. WALSH of Massachusetts. Mr. President, I have here a communication from the Shoe Workers' Protective Union of Massachusetts. Attached to this communication are some sample "yellow-dog" contracts that are now in effect in Massachusetts and in the neighboring State of New Hampshire.

I ask that this letter, which explains these "yellow-dog" contracts and which has attached to it copies of two of them, be printed in the RECORD.

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

The letters are as follows:

SHOE WORKERS' PROTECTIVE UNION,
Boston, Mass., May 2, 1930.

Hon. DAVID I. WALSH,
United States Senator, Washington, D. C.

MY DEAR SENATOR: I have read with a great deal of interest and pleasure your statement that you would be unable to vote for the confirmation of Judge Parker as Justice of the United States Supreme Court, and note that in your statement you have made reference to the "yellow-dog" contracts. I am accordingly taking the liberty of forwarding the inclosed copies of "yellow-dog" contracts as an example of some of those that are in effect in our own State of Massachusetts and in the neighboring State of New Hampshire.

I desire to call your particular attention to the George B. Leavitt Co.'s contract of Farmington, N. H., which, to distinguish it from the others, I have had typewritten on white paper. There are several outstanding features in this agreement that I would like to call your attention to, to show how far some of these contracts go.

First, I would like to call your attention to the first paragraph of this contract, that is, that part of it which states, among other things: "I will give my best efforts and so much of my time as may be designated by said company to the work assigned me by said company." My impression of this particular part of the contract is that the employee must work as many hours as the company desires, including Sundays as well as week days, or it might be well considered in the event he refused to do so that he committed a breach of contract. In the same paragraph you will also find, "less such sums as the company shall determine as will compensate them for damages done to the stock, goods, and equipment used by me in performing the work assigned me by the company," which could well be interpreted to mean that the employee would be required to pay for repairing any breakage in the machines used by him in performing his work, regardless of whether or not it was his fault. Might even go so far as to compel him to pay for replacement of parts worn out by the ordinary wear and tear of machinery.

In the second paragraph the following language appears: "And I will not coerce, induce, or force in my individual capacity or by combination with others, the said George B. Leavitt Co. to vary the terms of this contract or make any attempt whatever in any manner to do so." It might be held under the language "in any manner" that were the workers to approach the owner to discuss changes in the contract he would be liable for breach of contract.

In the third paragraph there appears what seems to me as the most vicious of all conditions in the contract, namely: "That the said George B. Leavitt Co. shall have the right to terminate this contract without notice to me at any time that said company may determine that I have or any member of my family has committed or attempted to commit any act above referred to." This language seems very clear that a worker signing this contract not only signs away his own personal rights and liberties, but, at the same time, signs away the rights and liberties of all the members of his family, or at least he is binding himself to be responsible for the acts of his family, and the language following this condition of the agreement says: "That all questions that may arise relative thereto and to my said employment shall be determined by the company in such a manner as they may designate and the company's decision with reference thereto shall be final." It is also further provided that "I will accept all money then due under the terms of the contract in full for all claims and demands that I have against the said company." It might be that under this section, regardless of what amount the worker had earned he would have nothing to say under the contract as the company might well claim that it would take whatever he had coming in wages to fix the machine he had been operating in replacing the parts worn by the ordinary usage of the machine in performing his work.

Of the many individual contracts, or "yellow-dog" contracts as they are commonly called, that have come under my observation I am frank to say that without a doubt this is the most vicious contract that I have ever seen and after reading your discussion of "yellow-dog" contracts it struck me that you might be interested in reading the inclosed contract that I have explained my impression of in this communication.

This contract was actually signed by many of the employees of this concern and to the best of my knowledge and belief is still in effect in that factory at the present time. It seems hard to believe that a free-born American citizen would sign any such an agreement, but it is harder to believe that any American employer would present any such an agreement to an American worker as the condition of his employment.

Trusting that the inclosed agreements in this communication will be of interest to you, I am,

Very truly yours,

DANIEL M. FITZGERALD,
General Secretary-Treasurer.

CONTRACT OF EMPLOYMENT

This contract made between ——— ——— of ——— and George B. Leavitt Co., of Farmington, in the county of Strafford and State of New Hampshire. Witnesseth:

That whereas ——— ——— is desirous of obtaining employment in the said George B. Leavitt Co. in the capacity of ——— ———, now therefore, I, the said ——— hereby contract and agree with the said George B. Leavitt Co. to perform the labors and duties assigned to me by said company in a workmanlike manner and to the satisfaction of said George B. Leavitt Co., and that I will give my best efforts and so much of my time as may be designated by said company to the work assigned me by said company; that I will accept therefore the sum of ——— per day, or, in case of piecework, to accept the current prices therefor as paid in said factory for performing said work, less such sums as the company shall determine as will compensate them for damages done to the stock, goods, and equipment used by me in performing the work assigned me by the company.

And I further contract and agree not to enter into any combination or association with any person or persons whomsoever for the purpose of injuring the said George B. Leavitt Co. or its property, and I will not coerce, induce, or force, in my individual capacity or by combination with others, the said George B. Leavitt Co. to vary the terms of this contract, or make any attempt whatever in any manner to do so; that I will not be a party to any hostile act which may obstruct, hinder, or delay the operations of said company.

And I, the said ——— ———, further contract and agree that the said George B. Leavitt Co. shall have the right to terminate this contract without notice to me at any time that said company may determine that I have, or any member of my family has, committed or attempted to commit any act above referred to. That all questions that may arise relative thereto and to my said employment shall be determined by the company, in such manner as they may designate, and the company's decision with reference thereto shall be final. The company shall have the right to terminate this contract upon the breach of any condition thereof by me without notice to me, but that under all other conditions I will accept and give six workingdays' notice in writing of the inten-

tion to terminate this contract. And in case of termination of said contract on notice or otherwise, as provided herein, I will accept all money then due under the terms of this contract in full for all claims and demands that I have against the said company. At the expiration of such notice, given or received by me, this contract shall be null and void.

Dated at Farmington, N. H., the ——— day of ———, 192—.

Witness:

[SEAL.] ———

AGREEMENT

This agreement made the 21st day of October, 1927, by and between L. M. Block & Sons, party of the first part, hereinafter called the company, and August Chass, party of the second part, hereinafter called the operative.

Witnesseth that—

1. The operative agrees to work for the company to the best of his (her) skill and ability and in accordance with factory regulations, receiving for his (her) services compensation as hereinafter provided, and that he (she) will not attempt to leave the employment of said company because of any dissatisfaction on account of compensation or conditions surrounding said employment or conduct of the business of said company without first submitting in writing to said company his (her) grounds for grievance, and giving reasonable opportunity to said company to change or remedy the same.

2. The company agrees to employ the operative and to pay him (her) for services during the time that he (she) remains in such employment ——— dollars ——— cents per week, ——— hour ———, or the prevailing piece rate, all upon the terms and conditions of this agreement.

3. The operative, for the consideration aforesaid, agrees that during the period of his (her) employment by said company he (she) will not join or become a member of or participate in the purposes of any labor organization or union.

This contract may be terminated by either party hereto by giving three days' written notice to other party; or by said company, in lieu of such written notice, paying to said operative the equivalent of three days' average wages of said operative.

In witness whereof the said parties have signed the above instrument the day and year first above written.

L. M. BLOCK & SONS,
By IRENE CAREY,
Operative.

AGREEMENT

Date ——— ———, 192—.

I hereby apply for employment as ———, and in consideration of employment by you I agree that:

1. I will perform all work assigned to me to the best of my ability and I will comply with such rules as you may put into effect for the conduct of your business.

2. I will not take part in any strike or in any concerted cessation of work or in any effect or plan to hinder the conducting of your factory as an "open shop" or as a nonunion shop.

3. I agree that during the period of employment by you I will not join or become a member of or participate in the purpose of any labor organization or union.

4. My employment may be terminated by you or me upon and by written notice (notice to me to be sufficient if mailed to my address as given below).

5. In case my employment is terminated, I will for one year thereafter, in no way annoy, molest, or interfere, directly or indirectly, with your customers, property, business, or employees.

(Signed) ——— ———.

Resident: Street ——— City ——— State ———

Mr. SHORTRIDGE obtained the floor.

Mr. FESS. Mr. President, will the Senator from California yield to me in order that I may suggest the absence of a quorum?

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

Mr. SHORTRIDGE. I yield.

The VICE PRESIDENT. The Secretary will call the roll.

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

Allen	Cutting	Hatfield	Nye
Ashurst	Dale	Hawes	Oddie
Baird	Deneen	Hayden	Overman
Barkley	Dill	Hebert	Patterson
Bingham	Fess	Howell	Phipps
Black	Frazier	Johnson	Pine
Blease	Gillett	Jones	Pittman
Borah	Glass	Kean	Ransdell
Bratton	Glenn	Kendrick	Robinson, Ark.
Brock	Goldsborough	Keyes	Robinson, Ind.
Broussard	Gould	King	Schall
Capper	Greene	McCulloch	Sheppard
Caraway	Hale	McKellar	Shipstead
Connally	Harris	McNary	Shortridge
Copeland	Harrison	Metcalf	Simmons
Couzens	Hastings	Norris	Smoot
Steck	Thomas, Idaho	Vandenberg	Waterman
Steiwer	Thomas, Okla.	Wagner	Watson
Stephens	Townsend	Walcott	Wheeler
Sullivan	Trammell	Walsh, Mass.	
Swanson	Tydings	Walsh, Mont.	

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

Mr. SHORTRIDGE. Mr. President, duties have called me out of the Chamber during the last four or five days, and I have been denied the advantage, and I am sure the pleasure of listening to the several addresses and arguments which have been delivered for or against our consenting to the nomination of John J. Parker, now one of the judges of the Circuit Court of Appeals of the Fourth Circuit, to be a Justice of the Supreme Court.

The discussion has taken a very wide range. It has been carried on with proper senatorial courtesy and very commendable urbanity by the participants. Divergent and opposing views have been expressed by thoughtful Members of this body. These divergent and opposing views have had to do with legal principles and as to the precedents of our courts, some State, some Federal, of inferior and of courts of last resort. Different views have been expressed as to public policy involving the welfare of our people; and assuredly we all appreciate that there have been divergent and perhaps directly opposing views expressed as to the function, the duty, of our Federal courts, inferior and supreme.

Suffer me to emphasize the last thought—that learned Members of this body, lawyers of established reputation and scholars who have studied government, entertain and, I think, have expressed opposing views as to the function and the duty of our Federal courts, inferior and supreme, under the supreme law of the land, which is the Constitution and treaties and laws made in pursuance thereof; and certainly, if not intentionally, these contending or opposing and divergent views have drawn in question the very framework of our Government as designed by the Constitution under which we live. I beg to say—though I have not had the pleasure of listening to these several addresses, I have glanced through most of them as they appeared in the RECORD—that the discussion thus far has been highly creditable to the learning, to the industry, to the sincerity of those participating; and those who know me know full well that if I differ from a brother Senator, it is not that I have the less respect for his ability or his integrity of purpose or his high and worthy ambition to serve his State and his country.

I do not differ from much that has been said during this debate, for such it has been—a debate. I agree with much that has been uttered. I may differ as to certain conclusions reached, and as to what our duty is in respect of the matter immediately before us.

I beg to add that I am not disposed at this hour, partly because of my physical condition, to prolong unduly the discussion; and I would not now claim the attention of the Senate if I did not consider it my duty to place of record my dissent from certain propositions advanced and certain arguments made which, it is argued, disqualify the nominee for a seat on the Supreme Bench. We have, indeed, sir, a duty to perform, and in the performance of that duty we are bound to consider all the elements that, combined, in our conscientious judgment, make a man fit and worthy to participate in administering justice under the Constitution and the law in the Nation's court of last resort.

Mr. President, our fathers builded wiser than they knew. What was their purpose? They declared their purpose in the preamble to the Constitution. Those immortal words are these:

> We, the people of the United States, in order to form a more perfect union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

It is interesting to note that the words "justice," "tranquility," "welfare," "blessings of liberty" are capitalized, as if to give them emphasis or as if to arrest the attention of the men and women of that hour and their posterity.

Mr. President, how were these priceless purposes to be achieved? How were these inestimable blessings to be secured to them and to their posterity? By a written constitution. That Constitution divides the Government to be operated under it into three great branches or departments. Observe: Power—not discretion, not inclination, but power—is assigned to each of these departments or branches of our Government.

That, of course, is known to all Senators; but it is well to remind our people to-day that the Constitution framed by the fathers divided the Government into three great departments, and assigned to each department certain power.

Article I of the Constitution says:

All legislative powers—

With the word "powers" capitalized—

herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

All legislative power is granted to the Congress, is vested in the Congress.

Article II of the Constitution vested and vests all executive power in a President of the United States. That article provides:

The executive power shall be vested in a President of the United States of America.

Article III provides for the vesting, the lodging of judicial power. It provides:

The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.

Observe, therefore—and the minds of Senators will run along and see why I am emphasizing these thoughts—that the Constitution, by express terms, divides the Government into three departments, and by express language vests in these different departments certain power; the legislative power being in the Congress, the executive power being in the President of the United States, and the judicial power being in the Supreme Court and in such inferior Federal courts as Congress may from time to time ordain and establish.

If these fundamental facts are clearly borne in mind, the solution of many problems is very easy; and I venture to think and to say that it is because, as a result of pique or disappointment, the result of prejudice or passion, men sometimes forget these simple, plain facts and distribution of powers that so much confusion results and so much acrimonious debate is indulged in, here and elsewhere, as to the powers and duties of those charged with administering our Government.

This Constitution further provides, in Article VI, as follows—and by this we are guided, we are bound, under our oaths recorded here and up yonder:

This Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.

The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution.

Then follow these words, which should never, never be lost sight of, ignored, or disregarded:

But no religious test shall ever be required as a qualification to any office or public trust under the United States.

I beg to remind the Senate, though it is, of course, quite unnecessary to do so, that to this Constitution, so framed, there were speedily added 10 amendments, and later others, making up 19 in all. This Constitution, with these added 19 amendments, is the supreme law of this land, and laws which are made in pursuance thereof are similarly the supreme law of the land.

Under this Constitution we have grown from weakness unto strength, from a little, feeble Republic to the mightiest Republic that has ever existed on this earth. We have thus grown and expanded and stand to-day under this Constitution which we, honored by speaking in part for our State and Nation, are obligated to uphold. I do not pause to do myself the pleasure of paying tribute to this great instrument. It is enough for me to say that if it had not been framed, if it had not been adopted, if it had not been defended by the learning and the sacrifices of our ancestors, we would not now be the Republic of the United States of America, and you would not be sitting there, sir, in that high place, presiding over a Senate of the United States.

To this Constitution as framed, construed, administered, we owe whatever makes us to-day proud to be American citizens, and I would rather have this arm paralyzed, I would rather drop dead on this floor, than consciously to do anything to impair the rightful power of any of the great departments of our Government.

I hasten now to add, and to anticipate, that if I thought the nominee before us would be unfaithful to his oath—that sacred oath which each Supreme Court Justice takes—if I thought he would be unfair to any poor and struggling man or woman or boy in this land, if I thought he would be unfair or unjust to the colored man or woman or child, I would rather die this minute than cast an approving vote for him.

I need not say so to those who know me; it may not be improper or indelicate on my part, however, to add that I have always had a sympathy with and a desire to assist in all proper and possible ways the man or woman, native or naturalized, poor, white, or black citizen of the United States, who has to toil with hand or brain, and I conceive it to be my duty, as I know every honored Senator thinks it is his, never to put in high place of power and authority in the legislative or the executive or the judicial branch of our Government any official who feels otherwise or who would not lend an attentive ear to the demands of those who labor or would not guard and uphold the rights of those who labor to organize and to present their views to the legislative, to the executive, to the judicial branch of our Government.

Right here I anticipate by saying that the gravamen of the attack upon Judge Parker is that he mistook the rulings of the Supreme Court of the United States, for my learned friend from Idaho, in his opening address, which was clear and logical, undertook to point out that the Circuit Court of the Fourth Circuit, in the opinion written by Judge Parker, followed the Hitchman case rather than the Tri-City case, which, he argued, qualified and modified the earlier decision. The gravamen of the offense of the fourth circuit was that they committed error, that they erred in this that they looked to an earlier decision and overlooked the later decision, which later decision they should have followed.

Ah, who of us is entirely guiltless of error? Who of us has not so offended? But I will refer to these cases and discuss them briefly in a few moments.

Mr. President, I do myself the pleasure, however, of repeating that whatever we have to-day which makes us proud as American citizens we owe to the Constitution under which we live and which we are bound in honor and in duty in this or other place to defend and uphold, and which the Federal judge is similarly bound to defend and uphold.

Mr. President, to borrow a thought from Macaulay, if a visitor from some strange and remote and unknown part of the world should come and sit in this gallery and listen to the addresses of certain of our Members, he might conclude that we were the most downtrodden, oppressed, poverty-stricken, unhappy people on the earth, whereas we are the best-fed, the best-clothed, the happiest people on the earth to-day. If that be an imaginative picture I have drawn, let me ask you, sir, why it is that all the poor men and struggling women of all the European nations and all the oriental Asiatic nations are hoping and praying that they may some time come to the United States, why they are striving to come to blessed United States. So I wish to dissent from the pictures which have been drawn touching the conditions in our country to-day.

The powers to which I have referred as granted amount to this: That the Congress legislates, the President executes, and the judiciary decides in all cases in law and equity mentioned in the Constitution. I read but a part of Article III, where it is provided that all judicial power is delegated to the Supreme Court and the inferior courts created by Congress, and, I repeat, that the judges of the Supreme Court and of the inferior courts established by Congress decide in all cases in law and equity mentioned in the Constitution.

The courts do not legislate. The learned Senator from Nebraska and possibly others have again and again and yet again used the phrase "the courts legislate." I speak as a member of the legal profession, and my mind runs back to some forty-odd years ago, when I was admitted to the bar of the Supreme Court of California, and to some 30 years ago, when admitted to practice before our Supreme Court here. Speaking, therefore, for a moment, as a lawyer to lawyers, scholarly Senators, I say that no judge ever "legislates," no Federal judge, no State judge, inferior or supreme, "legislates." In respect to our Federal Government, all "legislative powers" are lodged in the Congress, as all executive power is lodged in the President, while the judicial power is vested in the Supreme Court and inferior Federal courts.

The Supreme Court does not "make law," it does not "legislate." It is a misuse of terms, it is misleading, it is confusing, and it does injury throughout the Nation to say that it does, in this, that it conveys the idea that the Federal courts usurp power, usurp authority, and "legislate," "make laws," for the people.

To speak accurately, the court interprets statutes, the court construes contracts, the court determines the right and the duties of litigants in cases before it. The court, I repeat—and if everything else, I say, is forgotten, I hope this will be remembered—does not legislate; the court does not make laws; the court interprets statutes, construes contracts, and determines

the rights of litigants. It construes contracts entered into between parties and it determines the rights and the duties of litigants in cases before it.

What has our Supreme Court said, Mr. President, as to its power and duty? It has answered my question in language which was written by the hand of the great—perhaps the greatest of our Chief Justices—John Marshall in the never-to-be-forgotten and often-cited case of Marbury against Madison. I would gladly read it, but time is on the wing, and I shall ask, therefore, that I may hereafter have incorporated in the RECORD the language of the Supreme Court of the United States in the case mentioned, wherein John Marshall laid down principles which have ever since been adhered to, principles which have preserved us as a Nation.

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

Mr. SHORTRIDGE. Mr. President, of those immediately present and of those who may read let me ask, What if that battle waged by John Marshall in that case had been otherwise decided? What if the people of the United States had not approved and acquiesced in that decision as they have? That decision, indeed, preserved us as a Nation.

It is true, Mr. President, that individual men soon pass away From the dimpled cradle to the quiet grave is a brief journey. "We are such stuff as dreams are made of, and our little life is rounded with a sleep." Men pass away, but great principles of government, great policies of government endure, and they endure to bless or to blast a nation. I claim that the principles laid down by Marshall and thus far acquiesced in by the American people have blessed our fathers, blessed us, and if we are faithful to them, if our children are faithful and devoted to them, will bless posterity as long as this Republic lasts—and let us hope that it may last forever.

Mr. President, speaking of the past, I invite the thought of my countrymen to the personnel of the Supreme Court from John Jay down to Charles Evans Hughes. I invite the world to look at that array of great men, our Chief Justices from the beginning to this hour. Similarly and in like confidence I invite our own people—my sons, your sons, our daughters—to look at the Associate Justices who have adorned the Supreme Court from the days of Washington until this hour. I need not go back to the days of the Tudors or the Plantagenets or the Stuarts, though I have studied the history of that great people. I need not go back and draw comparisons specifically; but having in mind the great chancellors of England, having in mind the great jurists of Rome, and being more or less acquainted with the great judges who sat in Athens in her hour of glory and power, I say that there is not a series of men to be found in the record of all Greece or Rome or Great Britain—and I would include France and other European nations—which exceeds in learning, in character, in service to humanity—there is not a series of judges to be compared with and certainly not to excel the Chief Justices and the Associate Justices of our Supreme Court of the United States.

It is to that bench and for a seat upon that bench that the great President of the United States—Herbert Hoover—has named a great native son of the great old North Star State of North Carolina. Our great President, with no other desire than to serve his country, has submitted for our consideration the name of a great native son of the dear old State of North Carolina, for which for personal reasons I have a sincere affection.

The President has nominated a man of unblemished character, of unquestioned ability, commended by his neighbors who love and honor him, indorsed by the people of the State in which he was born, indorsed by men of different and divergent political beliefs, indorsed by great judges with whom he has served, indorsed by the great Senators who speak for that State, indorsed by men of high and low conditions, by the poor and the affluent, by distinguished and obscure; a man who has come up through toil and through service even as some of our Senators have come up through toil and service to their high positions, a man born in poverty, but who by his God-given gifts has risen to high place, to a seat on the circuit court; a man without a stain upon his character, without a word breathed against him as to his ability. It is such a man that is before us and as to whose fitness or worthiness to sit on the Supreme Court we are asked to advise.

Mr. President, we ought as Senators to forget partisanship. As for me, I do. Certainly we should forget geography, and we should think merely of the character and fitness of the man for the position in question. The question is whether the man is fit and worthy. He has been submitted to us by President Hoover. He has been indorsed by the many to whom I have referred. The record here is overcrowded with letters and telegrams vouching for his ability and his worthiness as man and as judge.

I recall a certain libel case I tried years ago in San Diego, Calif. During the trial a reporter for a New York paper who was there covering the case passed to me a slip of paper on which he wrote: "Reputation is what men say of us. Character is what God knows us to be." True indeed, and beautifully expressed. But if we may judge character by reputation and by acts done then we may conclude concerning this man, whom I have never met, who has never addressed me, and as to whose nomination no one has approached me to persuade or convince or intimidate me other than by letters and telegrams which have come, the receipt of which I have not resented—concerning this man we may conclude that his reputation is a true reflection of his character.

Wherein has he offended? Why has he offended many good men and women in the country who are organized under terms known as unions and who think that he entertains views and would join in decisions hostile to their best interests? Why is it the colored men and women of the Nation have been led to think that he would join in any decision inimical to their interests or deny to them all their rights under the Constitution and the laws of the United States? The answer is very simple.

I listened in part and read in whole of the address of the Senator from Idaho [Mr. BORAH] in respect of certain decisions of our Supreme Court and I have heretofore inquired of him, and will inquire now and of other Senators, what is the offense from a legal standpoint of which Judge Parker is guilty? What is the decision which he rendered which shows him unfit or unworthy to be a member of the Supreme Court? He is now a member of the United States circuit court and will continue to be, I assume, if not approved here, as long as God gives him to live. He will still be a member of the Circuit Court of the Fourth Circuit.

But what is the offense, what is the gravamen or the burden of the offense with which he is charged? Of course his associates agreed with him in the decision under discussion. It was not a solitary 1-judge decision in the Red Jacket case. The court, made up of himself and associates, joined in the decision which is criticized. As to some portion of it I criticize; and what I say here I would stand up without fear before those nine judges yonder in the Supreme Court and say to them, with respect but with earnestness, and with entire confidence that my position now here taken, and which would be taken there is and would be absolutely sound—sound under the law of this land.

If what my friend from Idaho says is true, the law against which some gentlemen here are complaining is not the law, for he argues that the Supreme Court has turned away from the earlier case and laid down a better and more humane and more correct rule of procedure and law in respect to the court's power to grant injunctions in labor trouble cases. In other words, in the Hitchman case the several courts that dealt with it had under consideration a certain contract, also the acts or the alleged acts of certain defendants complained of, and also the scope of the injunction which was issued against the defendants. The Tri-City case, which came on later, dealt with the same subject matter. In that case there was a contract; there were acts of defendants complained of; and there was the injunction which followed. In the Red Jacket case there was the contract so often referred to; there were acts of defendants complained of; and there followed the injunction concerning which so much has been said.

In other words, Mr. President, here are the three cases around which most of the discussion has flowed—the Hitchman case, the Tri-City case, and the Red Jacket case.

In each of those three cases the contract complained of so justly by many, the acts of defendants, and the injunction were necessarily involved.

My friend from Idaho, of course, has no complaint against the injunction issued in the Red Jacket case in so far as it restrained defendants from acts of violence, from intimidation, and from threats, from physical assertions of overruling power in the nature of threats; he has no objection to such an injunction nor has anyone who has spoken; and no one in this body has complained of such an injunction, if thus limited as in these words described.

It is argued, Mr. President, that in the Hitchman case there was an injunction against physical acts of violence or threats, and that also there was an injunction against the breaching of a contract, the contract therein involved, by deceit or misrepresentation, coupled with, if you please, what may be called peaceful persuasion. But my friend from Idaho, as a result of a logical analysis, argues that in the Tri-City case there was no deceit, misrepresentation, or fraud about the arguments or the persuasion of the defendants in their effort to induce the violation or breach of the agreement, but only peaceful persuasion, and therefore an injunction should not run against it—peaceful persuasion.

Mr. President, if that be so, then why this attack upon the Supreme Court? That court has then modified the scope of injunctions as issued in the Hitchman case in respect of peaceful persuasion leading to a breach of a contract, and has, as argued, decided that it was not unlawful to attempt by peaceful persuasion to bring about the breach of the contract entered into between the mining company, for example, and the individual miners, and, therefore, if that be so, then the offense of the Fourth Circuit Court was in following, as claimed, the Hitchman case instead of the rule as laid down in the Tri-City case. For the moment I pass from that thought to add that after the decision in the Red Jacket case——

Mr. BORAH entered the Chamber.

Mr. SHORTRIDGE. I am glad my friend from Idaho has come into the Chamber. After the decision in the Red Jacket case the attorneys representing the defendant sought a writ of certiorari from the Supreme Court of the United States. The writ was denied, unaccompanied by any written opinion. I do not know and the record has not disclosed whether the court was unanimous or whether it was divided in declining to issue the writ; I do not know whether some of the Justices thought the writ should issue, that the petition be granted, and others thought that it should be denied; I do not know whether it was a mere majority conclusion; I do not know how the judges individually stood on that question, but the record fact is that the petition for the writ was denied.

Whether that action amounted to an affirmance of all that was in the injunction against which the petitioning defendants complained I am not now to pause curiously to consider. I do say, however, that there are those who claim that the denial of the writ amounted to an affirmance of the decision of the circuit court, including the injunctive feature of the decision complained of, and particularly that portion of the injunction which enjoined peaceful persuasion by a third party to bring about the breach, if you please, the breaking, of an unconscionable contract, of a contract which is not, under a decision of the Supreme Court, void ab initio, but a decision the violation of which, it has been argued with great power and great persuasive logic, should not be protected by injunction restraining the members of the union in their own interest and, as they may think, in the interest of the miner who had entered into that contract from seeking to break it. It is against that portion of the injunction that serious and earnest complaint has been made. I repeat what I said a moment ago that, with perfect confidence, I would stand yonder in the room of the Supreme Court, where long years ago I was admitted to practice, and contend that it is not within the judicial power of the Federal Government delegated under Article III of the Constitution, or within the judicial power of any State government to destroy free speech or crush down and utterly annihilate a free press in America. You will see in a moment, Mr. President, why I would thus argue and with perfect confidence, but with the utmost respect for all men who may differ with me.

I said a while ago—it was a platitude to Senators, but I look outside of this Chamber—I should like to have the people of this country bear ever and steadily in mind the distribution of powers under our Constitution—the legislative power under Article I, the executive power under Article II, the judicial power under Article III, and the scope and extent of those several powers. Therefore, I say that, just as we, as the legislative branch, are incompetent to destroy free speech in America, just as we are incompetent to destroy a free press in America, so the executive department is impotent, or would be impotent in any such attempt, to destroy free speech or a free press, and so is the judicial department of our Government restrained, enjoined, from destroying free speech or a free press.

Why do I say this now with such apparent confidence, and why with equal confidence would I say it to Mr. Chief Justice Hughes and his honored associates? Why do I say it, my brother Senators, with such confidence? It is because I do not overlook the first amendment to the Constitution of the United States. I sometimes think it is forgotten or overlooked, and I think it has been overlooked in respect to these injunctions against peaceful persuasion or argument by word of mouth or by letter or by print when the courts have been led to enjoin peaceful persuasion, and treat it, if engaged in, as a high contempt of court, punishable by fine and imprisonment.

I have but to repeat that none of us complains against an injunction restraining acts of violence or threats of violence endangering life or property. We recognize that as necessary in a land of liberty regulated by law. This is not a land of license. It is not a land of anarchy. It is not a land of unregulated liberty. It is a land of liberty regulated and guarded by law; but no court has the right to close our lips or silence the press of America.

The first amendment reads:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press—

Since they are all great guaranties, let me finish the sentence—

> or the right of the people peaceably to assemble—

Peaceably to assemble—

> and to petition the Government for a redress of grievances.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from California yield to the Senator from Idaho?

Mr. SHORTRIDGE. I yield.

Mr. BORAH. Does not the Senator think the Tri-City case respected that amendment pretty well?

Mr. SHORTRIDGE. I said a moment ago, in the Senator's absence, that the Senator from Idaho had made a very persuasive and logical argument to the effect that the Tri-City case differentiated from the Hitchman case, and did seem to hold that peaceful persuasion was not unlawful and should not be enjoined. I then hastened to add that the gravamen of the offense of the Fourth Circuit Court was in not following that decision rather than the one they apparently did follow—namely, the earlier case, the Hitchman case—though I said that lawyers of eminence had argued with great power that perhaps there was no differentiation, and that perhaps, in view of the fact that the Supreme Court had denied the petition for the writ of certiorari in the Red Jacket case, the conclusions the Senator reached may have been somewhat erroneous, or did not reach a sound legal interpretation or conclusion.

Mr. HEBERT. Mr. President——

The VICE PRESIDENT. Does the Senator from California yield to the Senator from Rhode Island?

Mr. SHORTRIDGE. I yield.

Mr. HEBERT. I have before me the language used by Mr. Justice Parker in the Red Jacket case, in which he refers to the effect of the decree. If I may be permitted, I should like to read it for the information of the Senator:

> It is said, however, that the effect of the decree, which, of course, operates indefinitely in futuro, is to restrain defendants from attempting to extend their membership among the employees of complainants who are under contract not to join the union while remaining in complainants' service, and to forbid the publishing and circulating of lawful arguments and the making of lawful and proper speeches advocating such union membership. They say that the effect of the decree, therefore, is that because complainants' employees have agreed to work on the nonunion basis defendants are forbidden for an indefinite time in the future to lay before them any lawful and proper argument in favor of union membership.

Judge Parker continues:

> If we so understood the decree, we would not hesitate to modify it. As we said in the Bittner case, there can be no doubt of the right of defendants to use all lawful propaganda to increase their membership.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from California yield to the Senator from Idaho?

Mr. SHORTRIDGE. I yield, with pleasure.

Mr. BORAH. The next sentence modifies the statement:

> On the other hand, however, this right must be exercised with due regard to the rights of complainants. To make a speech or to circulate an argument under ordinary circumstances dwelling upon the advantages of union membership is one thing. To approach a company's employees, working under a contract not to join the union while remaining in the company's service, * * * is another and very different thing.

In other words, Judge Parker held specifically that where the contract existed, the liberty of persuasion or the liberty of speech ended.

Mr. HEBERT. Mr. President, will the Senator yield to me for one further quotation?

The VICE PRESIDENT. Does the Senator from California further yield to the Senator from Rhode Island?

Mr. SHORTRIDGE. Certainly.

Mr. HEBERT. Mr. Justice Parker, in using that language, relied on the language in the Hitchman case, in which the Supreme Court said:

> Another fundamental error in defendants' position consists in the assumption that all measures that may be resorted to are lawful if they are "peaceable"; that is, if they stop short of physical violence or coercion through fear of it. In our opinion, any violation of plain-

tiff's legal rights contrived by defendants for the purpose of inflicting damage, or having that as its necessary effect, is as plainly inhibited by the law as if it involved a breach of the peace.

Mr. BORAH. Mr. President, I do not wish to interrupt further than to say that I should have no objection to an injunction which sustained that proposition. Where an act was such as was calculated to injure the party in the way of destroying his property or injuring his rights, that would be one thing; but what I contend is that where a person is approached for the purpose of a peaceful discussion, the inference of injury can not arise.

Mr. HATFIELD. Mr. President——

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

Mr. SHORTRIDGE. I yield to the Senator.

Mr. HATFIELD. There is no evidence of peaceful persuasion in the Red Jacket case, but, to the contrary, a massacre which took place 42 days before the strike became effective, July 1.

Mr. SHORTRIDGE. Mr. President, we have here an immediate illustration of how learned lawyers differ in respect of the decisions of our courts. I, of course, have in mind the colloquy which has just gone on as between the Senator from Rhode Island [Mr. HEBERT] and the Senator from Idaho [Mr. BORAH]. We have here three cases—the Hitchman case, the Tri-City case, the Red Jacket case—and Senators learned in the law, of well-established reputation and of great earnestness and power, present their views and appear to differ radically as to the meaning of these cases; the Senator from Idaho, arguing that the Tri-City case materially modified, so to speak, the decision in the Hitchman case, and therefore that Judge Parker and his associates should have followed the decision as by the Senator now interpreted in the Tri-City case, and that his error was in not doing so; whereas the Senator from Rhode Island argues that there was no change in the rulings, and that the circuit court of appeals for the fourth circuit in the Red Jacket case followed properly the law as interpreted in both the preceding cases.

Mr. McKELLAR. Mr. President——

The VICE PRESIDENT. Does the Senator from California yield to the Senator from Tennessee?

Mr. SHORTRIDGE. I do.

Mr. McKELLAR. Of course the Senator has read the entire opinion of Chief Justice Taft in the Tri-City case.

Mr. SHORTRIDGE. I think so.

Mr. McKELLAR. Can not the Senator see that in that opinion the Chief Justice very greatly modified the holding in the Hitchman case? It seemed to me that he came very near repudiating the principal thing in it.

Mr. SHORTRIDGE. The Senator perhaps has not heard me. I have quite agreed with him as I see his position to be; and I myself think that the decision was materially modified in the Tri-City case in respect to the power of the court to enjoin what we now call peaceful persuasion, the object of the persuader being to bring about, perhaps, the breach of an existing contract between an employer and an employee. I have said, and I repeat, that I do not think the Congress would have any power to pass a law against such peaceful persuasion; I do not think the executive department would have any Cæsarian power to issue a decree making it a crime upon the part of a citizen to engage in peaceful persuasion; and I do not think there is vested in the judicial power of the Supreme or any inferior Federal court which we may establish the power to destroy free speech and a free press when that free speech and that free press expresses itself in an endeavor to benefit itself, and to assist and possibly benefit the party who had entered into the given contract.

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

Mr. SHORTRIDGE. Yes.

Mr. SHIPSTEAD. Does the Senator also think that the constitutional prohibitions in that respect cover a court of equity as well as a court of law?

Mr. SHORTRIDGE. Certainly; because the injunctive jurisdiction falls within what are called the equity powers of the court.

Mr. SHIPSTEAD. And it is controlled by the provisions of the Constitution?

Mr. SHORTRIDGE. Unquestionably.

Mr. SHIPSTEAD. May I ask the Senator another question? Would the Senator place that opinion within the provisions of a phrase we hear very often here in the Senate—a phrase that is often used with which to preface a statement by Senators when they say, "This is something that lawyers understand"?

Mr. SHORTRIDGE. I do not quite grasp the force of the question. Lawyers differ, and men have the ability to make the worse appear the better cause; and division and differences of opinion are expressed by eminent lawyers in respect of matters which seem to the layman to be very simple and very plain.

But to be serious, the judicial power speaks, of course, through courts of law and equity, and we understand generally what that means.

Mr. SHIPSTEAD. Mr. President, if I understood the Senator correctly, he expressed, if not concern, at least he observed that eminent lawyers had disagreed on questions of law involved in these various decisions. That, of course, is very embarrassing to us laymen. The phrase is so often used as a preface to a statement made by a Senator, when some so often say, "This is something which lawyers will understand." I wanted to call to the Senator's attention the fact that we laymen are embarrassed sometimes and not a little concerned about this difference of understanding among eminent lawyers on questions of law and decisions.

Mr. SHORTRIDGE. If the Senator did me the honor to be present in the Chamber a few moments ago, he may have heard me express myself in this fashion, to lawyers and scholars in the Senate, and learned gentlemen here familiar with history. I have not assumed for one moment that the lawyer in this body was superior in his knowledge of law or history or philosophy or government, science, or what not. We are all equal, and some of us are far inferior to the noble Senator from Minnesota.

So, Mr. President, the complaint against Judge Parker is that he failed to understand the decisions of the Supreme Court; that he and his associates failed to understand those decisions.

Who, I repeat, has not erred, and, as has been pointed out here again and again by Senators, if he joined in the Red Jacket case believing that he was following a decision of the Supreme Court, that is no evidence whatever that he believed in that Supreme Court decision. Under our system of government it was his duty to follow that decision as he understood it. So that, at most, the offense is that he misunderstood what the Supreme Court had decided.

The Senator from West Virginia [Mr. HATFIELD], making a remark a moment ago, recalled to my mind that former Senator Kenyon and I went over to West Virginia soon after all those distressful and tragic events growing out of the great and prolonged strike in the mines of West Virginia, and I visualize those hills, those mountains, those valleys, and the river running between the two States of West Virginia and Kentucky.

I turn from this legal discussion, if it be so, in seeking to make it plain to everybody, present or elsewhere, that the only fault of this particular judge, if it be fault, is that he misunderstood certain decisions of the Supreme Court.

If error of that kind is to deny inferior judges promotion, there is not a superior judge in any of our States who would ever reach the supreme court of his State. We have inferior tribunals, we have superior and supreme tribunals, in our several States in the Union, and men serve in those different courts, and a given case is tried in an inferior court and a ruling is made, a decision is rendered, an appeal is taken to the supreme court, and the decision is reversed. But does anybody thereafter oppose forever the promotion of that judge sitting in the inferior court whose judgment has been reversed by the supreme court?

I have here a book containing a case which, you will see, I shall not soon forget. It happens to be entitled "In re Shortridge," and is reported in Ninety-ninth California.

Mr. BORAH rose.

Mr. SHORTRIDGE. Not I. That Shortridge was my brother, Charles M. Shortridge. There is a later one, however, concerning my own poor self, in the supreme court, both cases involving the question of contempt of court; and I may say, with propriety, that in both cases the ruling of the superior court was unanimously reversed by the Supreme Court of California.

I mention this in connection with what I said in respect to amendment 1 of the Constitution, which guarantees and protects free lips and a free press in the United States.

In that connection I said, and I say now, that there is a right to persuade, the right to speak, the right to print, and attempt to persuade 1 man or 40 men to breach a contract where, if I am the speaker or the writer, I have a direct interest in the subject matter, and where I think that it will advance the welfare of one of the parties to that contract. I say that no State legislature, no Congress, no court, State or Federal, can make it a crime on my part to exercise that right of free speech and of free press.

Mr. BORAH rose.

Mr. SHORTRIDGE. I yield.

Mr. BORAH. Do I understand, then, that the Senator was in contempt of court for peaceable persuasion?

Mr. SHORTRIDGE. The case did not arise exactly in that way. In one case, yes, I happened to be attorney of record in the latter case, wherein my own poor self was involved, and I had made some observations which the court construed as contempt of court, and ordered me to be confined in a dungeon vile for 24 hours.

Mr. SHIPSTEAD. I think the Senator was highly honored.

Mr. SHORTRIDGE. My friends wanted to give me a banquet and have a brass band and serve some H_2O and celebrate. But my mind turned to habeas corpus, and so I had to send for the sheriff to put me in custody, whereupon a number of eminent lawyers of California, former judges, one of them dear Judge Robert Farrell, for so long on our bench there, and others, filed a petition for a writ of habeas corpus, and the hearing came on.

During the hearing one of the judges, Judge Cooper, leaned over and inquired whether the petitioner was an attorney of record in the case, and a certain attorney answered emphatically, "Yes." "Well," said the judge, "then very likely it was his duty to say exactly what he said. Proceed with your argument."

It was my duty to say what I said, and I said it on behalf of a hated and despised defendant, who was then on trial, and against whom there was a great and, perhaps, just outcry.

I come back to this case in the ninety-ninth volume of the California Reports as illustrative of what I have been attempting to say in support of this proposition, that nature gives us minds to think and lips to speak and hence that the right to speak is said to be a natural right.

Constitutions do not give us the right to speak. The Constitution of the United States does not give us the right to speak, nor does it give us the right to print or publish our thoughts. The Constitution protects those rights, guarantees those rights, and when you strike down the right of a free press, you strike down the right of free speech, and if they perish, they will lie in the same grave.

I repeat and emphasize, as bearing upon this whole case, and this injunctive feature in these cases, that the right to speak and the right to print and to publish are natural rights. They are not delegated rights; they are protected rights, hedged around and protected by the Constitution of the United States.

That was the decision in this California case to which I have referred, reported in Ninety-ninth California. I remember that that case attracted the attention of every newspaper in the United States. My brother happened to be the editor and publisher of the San Jose Mercury, a daily morning newspaper. A certain divorce case came on for hearing before the superior court. The judge of that court—my great friend, and I was his—was sitting in the trial. He ordered the case tried within closed doors, because it was felt that there would be features in the testimony which should not be made public.

The case attracted some attention because a young, giddy girl of 75 years of age sued her gallant husband of about 80 for divorce. They had lived together happily for 50 or 60 or 70 years, but finally the parting came, and it was a case such as attracted the newspapers. Then the judge made a further order, that no publication of the testimony be made by any newspaper.

It so happened that my brother telephoned to me in respect to the matter, and I told him that the court probably had the power to order the case tried within closed doors, but that the court had no power whatever to prevent a fair and truthful report of the judicial proceedings. Upon my advice he took the liberty next morning of publishing all that had taken place during the trial, for which he was cited for contempt of court in this, that he violated that order of the court.

We appeared before the judge, who was somewhat angry. He lacked judicial poise, and was in error, as you will see, for he found the contemnor guilty of contempt, and fined him $100.

I sought a writ of certiorari in our supreme court, a writ of review, as we term it, which was granted, and the case came on for argument in the Supreme Court of California, and that high court, by unanimous decision, held this, that the order which had been violated was utterly null and void; that the court had no power to interfere with the publication in question, and, of course, dismissed the petitioner, and the case was at an end.

I cite that case, which has been cited by practically all of the courts of the land and quoted from by practically all the newspapers of the country, in support of the proposition that the right to print, the right to publish, is not a delegated right, not a given right, but that it is a natural right, as much so in law as the right to speak is a natural right. Therefore our Federal Constitution in the amendment mentioned specially provides that "Congress shall make no law abridging the freedom of speech or of the press," and my argument is that the Congress may not do so and that the courts may not do so.

Of course, there is the law of slander. I may not slander my neighbor. There is the law of libel. I may not libel my neighbor. But there are actions at law for any damage done if I slander or libel my neighbor. The law of slander and the law of libel is in each instance well known and although there is a case or two where it has been argued that injunction might lie against a continuing and persistent libel, yet it is not the generally accepted law. That view has been thrown out by the Supreme Court either of Georgia or Alabama, but ordinarily as a general fundamental proposition, while speech is not to be licensed in the sense of slander or printing in the sense of libel, if slander is complained of or libel is complained of it must be by way of an action at law for the damage incurred.

Mr. SHIPSTEAD. The remedy has been provided by legislative authority in defining the crime and fixing penalties for its commission.

Mr. SHORTRIDGE. Exactly.

Mr. SHIPSTEAD. Is not that also true of trespass, destruction of property, and threats of violence?

Mr. SHORTRIDGE. Yes; except there are cases where threats of violence may be enjoined. Where there is a threat of violence, an act of violence may be enjoined in proper cases; but that is not in harmony with what we have just been agreeing touching slander and libel.

Mr. SHIPSTEAD. Originally the equity power was not used to punish crime or to enjoin crime.

Mr. SHORTRIDGE. No. I catch the Senator's thought now. Where there is a specific act done which is of itself a crime, the law punishes the guilty.

Mr. SHIPSTEAD. Would the Senator believe that it would be an efficacious remedy to enjoin murder or to enjoin theft or arson or other crimes for which the legislative authority has provided a punishment?

Mr. SHORTRIDGE. I can not imagine how a case could go before a court of a threatened murder or a threatened crime such as the Senator has in mind. I do not quite grasp what the Senator is trying to develop.

Mr. SHIPSTEAD. If a petitioner should come before a judge sitting in a court of equity, claiming that the remedy furnished at law was neither adequate nor complete, and asking for an injunction, the Senator does not feel that the judge would be justified in issuing an injunction against a threat to murder, does he?

Mr. SHORTRIDGE. If I understand the Senator, if the law itself has fixed the penalty by way of physical punishment or penalty by way of money fine for the doing of a given act which is inhibited by the law, the law then has anticipated, and in such case a court of equity has nothing to do with it.

Mr. SHIPSTEAD. I am very glad to hear the Senator say that.

Mr. SHORTRIDGE. I think that is so.

Mr. President, I must apologize. I set out with the best of intentions and then forget them or violate them. I promised others that I would not speak long and certainly I did not intend to do so, but I have yielded to others and that consumes some time, and by yielding perhaps I have strayed from the path I intended to follow and have thus wandered over too wide a field.

Much more might be said. I had intended to devote some time to the question of the colored men and why it is that they have come to think that Judge Parker is hostile to them. I listened with much interest to the remarks of the Senator from Washington [Mr. JONES] in respect to that feature of the matter.

It may not be known here, but far off it is known that all my life, in court and elsewhere, I have been the champion and the defender of the rights of the colored man. I have volunteered to defend, and have defended, a number of them when charged with offenses against the law. I have been their champion and their friend, and I avow myself their champion and friend now.

I repeat what I said, that if I thought for one moment Judge Parker, as a member of the Supreme Court, would join in any decision denying to any colored man or woman his or her rights under the Constitution and the laws of the country, I would rather die here and now than to cast a vote for his confirmation. I can not express myself more earnestly. I know that when the colored men of my State of California listen to me touching the attitude of Judge Parker concerning the colored man, I will have no fear of any alienation on the part of their affections. I am very proud and happy to say that they are my friends, they have been my ardent friends, my overzealous friends all my life, for I have inherited the views of my father, who was a personal friend of Abraham Lincoln.

With the utmost regard and high respect for many Senators who may not feel as ardently as I do and in the same way, I have inherited certain views and I have expressed them on many occasions, on public and quasi public occasions, in courts of the lower and higher degree in my State, touching the rights of the rich and the poor and lowly, the white and the black. While it so happens that while at the bar for a great many years the great corporations of my State have never seen in my abilities anything which brought about my employment, and perhaps they were right in assuming that I could not efficiently represent them, they know and the people know that I bear no prejudice against men, rich or poor, white or black, native or naturalized, and therefore I feel that Judge Parker would be a just judge.

There are Senators in this Chamber who will vote against Judge Parker for reasons which they entertain, for whom I would gladly vote to confirm as a member of the Supreme Court of the United States. Why? Why would I do so? Because I know that as judges they would join in such decisions as they thought were in conformity with the Constitution and the laws made in pursuance thereof. I know they would strip themselves and empty their hearts of all prejudices and passions and preconceived notions and render just decisions according to their conscientious and matured and final belief and conclusion.

I feel that way in respect to this nominee. The fact that he hails from the State of North Carolina is neither here nor there. The fact that he has allied himself with the Republican Party is neither this nor that with me in this instance. If he came here as a member of the historic great Democratic Party of Tennessee, and was a pronounced partisan of that great political organization, and possessed character and learning, I would believe that if placed upon the Supreme Court and the rich or the poor came before him, he would forget his partisanship even as the great Democratic justices and even as great Republican justices forget their partisanship when they come to render decisions affecting the rights of men. I am satisfied that our decision should be in favor of approving the choice of President Hoover.

I hope I will be forgiven for taking so much of the Senate's time. I have endeavored, however, to impress one or two thoughts upon the Senate and upon Senators who differ from me, and that is that the gravamen of the complaint against this nominee is that he erred in joining with his associates in a certain decision, that he erred in not following a later, but adopting the principles which he thought were announced in an earlier decision of the Supreme Court of the United States.

If I may, without irreverence, refer to the most celebated case in all history, if I may do so with reverence, I quote the sacred words of the Master, "Let him who is without sin cast the first stone." Nobody has accused Judge Parker of a sin. At most he has been accused of an error.

Mr. President, I earnestly hope that Senators will approve and advise the confirmation of the nomination of Judge Parker.

Mr. SHIPSTEAD obtained the floor.

Mr. McNARY. Mr. President, is it the desire of the Senator from Minnesota to address the Senate now.

Mr. SHIPSTEAD. It is pretty late to do so now.

Mr. McNARY. It is my desire to move a recess, if the Senator does not care to proceed to-night.

Mr. SHIPSTEAD. There will hardly be time to say much to-morrow, but I would not like to keep the Senate in session longer at this late hour.

Mr. McNARY. Would the Senator have any objection to the Senate now taking a recess until 12 o'clock to-morrow?

Mr. SHIPSTEAD. I have no objection.

RECESS

Mr. McNARY. I move that the Senate take a recess until to-morrow at 12 o'clock noon.

The motion was agreed to; and (at 5 o'clock and 15 minutes p. m.) the Senate, in executive session, took a recess until to-morrow, Wednesday, May 7, 1930, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate May 6 (legislative day of April 30), 1930

COAST GUARD

The following-named officers in the Coast Guard of the United States, to rank as such from July 13, 1929:

To be commanders (engineering)

Lieut. Commander (Engineering) Charles J. Odend'hal.
Lieut. Commander (Engineering) Henry C. Roach.
Lieut. Commander (Engineering) Clinton P. Kendall.

PROMOTIONS IN THE NAVY

Commander Russell Willson to be a captain in the Navy from the 10th day of November, 1929.

Commander William A. Hall to be a captain in the Navy from the 6th day of April, 1930.

Lieut. Commander Donald B. Beary to be a commander in the Navy from the 6th day of April, 1930.

Lieut. Seldon L. Almon to be a lieutenant commander in the Navy from the 10th day of February, 1930.

Lieut. (Junior Grade) Leon J. Manees to be a lieutenant in the Navy from the 19th day of January, 1930.

Lieut. (Junior Grade) Robert A. Knapp to be a lieutenant in the Navy from the 30th day of January, 1930.

Lieut. (Junior Grade) Beverly E. Carter to be a lieutenant in the Navy from the 1st day of March, 1930.

Ensign Robert B. Ellis to be a lieutenant (junior grade) in the Navy from the 3d day of June, 1929.

Ensign Benjamin Katz to be a lieutenant (junior grade) in the Navy from the 3d day of December, 1929.

Passed Asst. Surg. Joseph B. Logue to be a surgeon in the Navy, with the rank of lieutenant commander, from the 7th day of January, 1930.

Passed Asst. Paymaster Arthur Rembert to be a paymaster in the Navy, with the rank of lieutenant commander, from the 7th day of January, 1930.

Lieut. (Junior Grade) Alexander Sledge to be an assistant naval constructor in the Navy, with the rank of lieutenant (junior grade), from the 4th day of June, 1928.

Lieut. (Junior Grade) Edmund M. Ragsdale to be an assistant naval constructor in the Navy, with the rank of lieutenant (junior grade), from the 3d day of June, 1929.

The following-named ensigns to be assistant naval constructors in the Navy, with the rank of ensign, from the 2d day of June, 1927:

Charles M. Tooke.
Henry T. Koonce.
Allen M. Zollars.

The following-named ensigns to be assistant naval constructors in the Navy, with the rank of ensign, from the 7th day of June, 1928:

Charles R. Watts.
William E. Howard, jr.
Raymond O. Burzynski.
Ralph K. James.
John Zabilsky.

The following-named radio electricians to be chief radio electricians in the Navy, to rank with but after ensign, from the 8th day of November, 1929:

John E. Ferree.
Francis J. Hall.

POSTMASTERS

ALABAMA

Knox McEwen to be postmaster at Rockford, Ala., in place of Knox McEwen. Incumbents' commission expires June 3, 1930.

Leonard F. Underwood to be postmaster at Shawmut, Ala., in place of L. F. Underwood. Incumbent's commission expires June 3, 1930.

ARIZONA

Ezbon E. Cooper to be postmaster at Chandler, Ariz., in place of W. W. Jett, resigned.

ARKANSAS

Nannie L. Connevey to be postmaster at Bauxite, Ark., in place of N. L. Connevey. Incumbent's commission expires June 12, 1930.

CALIFORNIA

Ralph H. Read to be postmaster at Middletown, Calif., in place of R. H. Read. Incumbent's commission expired December 21, 1929.

CONNECTICUT

Francis W. Chaffee, jr., to be postmaster at Eagleville, Conn., in place of F. W. Chaffee, jr. Incumbent's commission expires June 3, 1930.

Edward F. Schmidt to be postmaster at Westbrook, Conn., in place of E. F. Schmidt. Incumbent's commission expired December 16, 1929.

FLORIDA

Daniel H. Bishop to be postmaster at Mount Dora, Fla., in place of D. S. Simpson. Incumbent's commission expired December 18, 1929.

GEORGIA

Edwin R. Orr to be postmaster at Dublin, Ga., in place of E. R. Orr. Incumbent's commission expires May 21, 1930.

ILLINOIS

Frederick H. Meyer to be postmaster at Deerfield, Ill., in place of F. H. Meyer. Incumbent's commission expires June 8, 1930.

Frank W. Squire to be postmaster at Godfrey, Ill., in place of F. W. Squire. Incumbent's commission expires May 28, 1930.

Harry W. Smart to be postmaster at Herrick, Ill., in place of Elmer Beck. Incumbent's commission expired January 30, 1930.

Arno R. Mebold to be postmaster at Marine, Ill., in place of A. R. Mebold. Incumbent's commission expires May 28, 1930.

Edward J. Wise to be postmaster at Troy, Ill., in place of F. S. Edwards. Incumbent's commission expired December 18, 1929.

William A. Kelly to be postmaster at West Frankfort, Ill., in place of W. A. Kelly. Incumbent's commission expires May 14, 1930.

INDIANA

Ella S. Shesler to be postmaster at Burnettsville, Ind., in place of E. S. Shesler. Incumbent's commission expires June 7, 1930.

Rexford F. Hinkle to be postmaster at Hymera, Ind., in place of R. F. Hinkle. Incumbent's commission expired March 3, 1929.

Lee Roy Calaway to be postmaster at La Fontaine, Ind., in place of Lee Roy Calaway. Incumbent's commission expired April 20, 1930.

Hugh A. Fenters to be postmaster at Macy, Ind., in place of H. A. Fenters. Incumbent's commission expires June 7, 1930.

Earl R. Shinn to be postmaster at Mentone, Ind., in place of E. R. Shinn. Incumbent's commission expired March 25, 1930.

IOWA

Gus J. Walters to be postmaster at Alta Vista, Iowa, in place of John Daly. Incumbent's commission expired December 18, 1929.

Gust A. Hall to be postmaster at Colo, Iowa, in place of G. A. Hall. Incumbent's commission expires June 7, 1930.

Samuel J. Stites to be postmaster at Crawfordsville, Iowa, in place of S. J. Stites. Incumbent's commission expires June 7, 1930.

Robert B. Light to be postmaster at Deep River, Iowa, in place of R. B. Light. Incumbent's commission expired December 18, 1929.

George A. Redenbaugh to be postmaster at Tabor, Iowa, in place of G. A. Redenbaugh. Incumbent's commission expires June 7, 1930.

Walter H. Vance to be postmaster at Winterset, Iowa, in place of W. H. Vance. Incumbent's commission expires June 7, 1930.

KANSAS

Walter Holman to be postmaster at Sharon, Kans., in place of Walter Holman. Incumbent's commission expired January 28, 1930.

MAINE

Henry W. Bowen to be postmaster at Chebeague Island, Me., in place of H. W. Bowen. Incumbent's commission expired February 26, 1930.

Lillian L. Guptill to be postmaster at Newcastle, Me., in place of L. L. Guptill. Incumbent's commission expires June 3, 1930.

George O. Carr to be postmaster at Norridgewock, Me., in place of G. O. Carr. Incumbent's commission expires May 14, 1930.

Carroll H. Clark to be postmaster at Ogunquit, Me., in place of C. H. Clark. Incumbent's commission expires June 8, 1930.

Alfonzo F. Flint to be postmaster at West Buxton, Me., in place of A. F. Flint. Incumbent's commission expired February 26, 1930.

MARYLAND

Robert H. Lancaster to be postmaster at Frostburg, Md., in place of R. H. Lancaster. Incumbent's commission expires June 10, 1930.

Raymond R. Russell to be postmaster at Reisterstown, Md., in place of R. R. Russell. Incumbent's commission expired April 3, 1930.

MASSACHUSETTS

Harold E. Cairns to be postmaster at Bernardston, Mass., in place of H. E. Cairns. Incumbent's commission expired May 4, 1930.

Albert W. Haley to be postmaster at Rowley, Mass., in place of A. W. Haley. Incumbent's commission expires June 10, 1930.

Frances C. Hill to be postmaster at Templeton, Mass., in place of F. C. Hill. Incumbent's commission expired March 11, 1930.

MICHIGAN

Milo E. Blanchard to be postmaster at Hersey, Mich., in place of M. E. Blanchard. Incumbent's commission expires June 8, 1930.

Eugene E. Hubbard to be postmaster at Hudsonville, Mich., in place of E. E. Hubbard. Incumbent's commission expires May 6, 1930.

Minnie E. Allen to be postmaster at Leslie, Mich., in place of M. E. Allen. Incumbent's commission expires June 1, 1930.

Otto L. Wickersham to be postmaster at Onaway, Mich., in place of O. L. Wickersham. Incumbent's commission expires May 12, 1930.

John W. Barton to be postmaster at Otsego, Mich., in place of F. W. Walker, deceased.

MINNESOTA

Alice G. Doherty to be postmaster at Byron, Minn., in place of A. G. Doherty. Incumbent's commission expired December 18, 1929.

MISSOURI

May Carpenter to be postmaster at Burlington Junction, Mo., in place of May Carpenter. Incumbent's commission expires June 3, 1930.

John M. Gallatin to be postmaster at Chillicothe, Mo., in place of J. M. Gallatin. Incumbent's commission expires June 7, 1930.

Leonard Ancell to be postmaster at Higbee, Mo., in place of Leonard Ancell. Incumbent's commission expired March 16, 1930.

Hugh Terry to be postmaster at Jamesport, Mo., in place of J. R. Wiles. Incumbent's commission expired December 18, 1929.

Mary E. Blackburn to be postmaster at Malta Bend, Mo., in place of M. E. Blackburn. Incumbent's commission expires May 29, 1930.

MONTANA

Chauncey R. Fowler to be postmaster at Lewistown, Mont., in place of C. R. Fowler. Incumbent's commission expires June 2, 1930.

Burr A. Davison to be postmaster at Roundup, Mont., in place of B. A. Davison. Incumbent's commission expires June 2, 1930.

NEBRASKA

Herbert M. Hanson to be postmaster at Clay Center, Nebr., in place of H. M. Hanson. Incumbent's commission expires June 3, 1930.

Andrew E. Stanley to be postmaster at Loomis, Nebr., in place of A. E. Stanley. Incumbent's commission expires June 3, 1930.

NEW HAMPSHIRE

Harriet A. Reynolds to be postmaster at Kingston, N. H., in place of H. A. Reynolds. Incumbent's commission expires June 3, 1930.

NEW JERSEY

Joseph M. Evans to be postmaster at Maple Shade, N. J., in place of J. M. Evans. Incumbent's commission expires June 8, 1930.

Charles H. Mingin to be postmaster at Mays Landing, N. J., in place of C. H. Mingin. Incumbent's commission expires June 3, 1930.

Matilda M. Hodapp to be postmaster at Spotswood, N. J., in place of M. M. Hodapp. Incumbent's commission expires June 8, 1930.

NEW MEXICO

Lydia C. Harris to be postmaster at Mesilla Park, N. Mex., in place of L. C. Harris. Incumbent's commission expires June 8, 1930.

NEW YORK

Albert C. Stanton to be postmaster at Atlanta, N. Y., in place of A. C. Stanton. Incumbent's commission expires June 10, 1930.

Harry L. Carhart to be postmaster at Coeymans, N. Y., in place of H. L. Carhart. Incumbent's commission expires June 3, 1930.

DeWitt C. Talmage to be postmaster at East Hampton, N. Y., in place of D. C. Talmage. Incumbent's commission expires June 10, 1930.

Clarence F. Dilcher to be postmaster at Elba, N. Y., in place of C. F. Dilcher. Incumbent's commission expired May 6, 1930.

John A. Rapelye to be postmaster at Flushing, N. Y., in place of J. A. Rapelye. Incumbent's commission expired May 4, 1930.

Clarence M. Herrington to be postmaster at Johnsonville, N. Y., in place of C. M. Herrington. Incumbent's commission expires June 3, 1930.

Emma P. Taylor to be postmaster at Mexico, N. Y., in place of E. P. Taylor. Incumbent's commission expires June 1, 1930.

William V. Horne to be postmaster at Mohegan Lake, N. Y., in place of W. V. Horne. Incumbent's commission expired December 21, 1929.

LeRoy Powell to be postmaster at Mount Vernon, N. Y., in place of S. L. Happy, deceased.

Dana J. Duggan to be postmaster at Niagara University, N. Y., in place of D. J. Duggan. Incumbent's commission expires June 3, 1930.

Henry C. Windeknecht to be postmaster at Rensselaer, N. Y., in place of H. C. Windeknecht. Incumbent's commission expired May 4, 1930.

NORTH CAROLINA

Roscoe C. Jones to be postmaster at Manteo, N. C., in place of R. C. Jones. Incumbent's commission expires June 8, 1930.

NORTH DAKOTA

Ole T. Nelson to be postmaster at Stanley, N. Dak., in place of J. N. Campbell, resigned.

OHIO

Bolivar C. Reber to be postmaster at Loveland, Ohio, in place of B. C. Reber. Incumbent's commission expired December 21, 1929.

Solomon J. Goldsmith to be postmaster at Painesville, Ohio, in place of W. R. Meredith, deceased.

OKLAHOMA

William C. Yates to be postmaster at Comanche, Okla., in place of W. C. Yates. Incumbent's commission expires June 3, 1930.

Ben F. Ridge to be postmaster at Duncan, Okla., in place of B. F. Ridge. Incumbent's commission expires June 8, 1930.

PENNSYLVANIA

Elwood S. Rothermel to be postmaster at Fleetwood, Pa., in place of E. S. Rothermel. Incumbent's commission expired April 28, 1930.

William H. Scholl to be postmaster at Hellertown, Pa., in place of W. H. Scholl. Incumbent's commission expires June 8, 1930.

Andrew L. Coffman to be postmaster at Phoenixville, Pa., in place of A. L. Coffman. Incumbent's commission expires June 10, 1930.

George F. Klinefelter to be postmaster at Shrewsbury, Pa., in place of G. F. Klinefelter. Incumbent's commission expires June 8, 1930.

John E. Showalter to be postmaster at Terre Hill, Pa., in place of J. E. Showalter. Incumbent's commission expires June 3, 1930.

Emma K. McLean to be postmaster at Weiser Park, Pa. Office became presidential July 1, 1928.

RHODE ISLAND

William L. Simonini to be postmaster at Conimicut, R. I., in place of W. L. Simonini. Incumbent's commission expires June 2, 1930.

SOUTH CAROLINA

Ralph W. Wall to be postmaster at Campobello, S. C., in place of R. W. Wall. Incumbent's commission expires June 3, 1930.

SOUTH DAKOTA

Florence M. Hausman to be postmaster at Chester, S. Dak., in place of F. M. Hausman. Incumbent's commission expires June 3, 1930.

Clarence J. Curtin to be postmaster at Emery, S. Dak., in place of C. J. Curtin. Incumbent's commission expires June 3, 1930.

Robert C. Gibson to be postmaster at Geddes, S. Dak., in place of R. C. Gibson. Incumbent's commission expires June 3, 1930.

Theresa R. Harrington to be postmaster at Montrose, S. Dak., in place of T. R. Harrington. Incumbent's commission expires June 3, 1930.

Charles P. Decker to be postmaster at Roscoe, S. Dak., in place of C. P. Decker. Incumbent's commission expires June 3, 1930.

Paul F. W. Knappe to be postmaster at Tripp, S. Dak., in place of P. F. W. Knappe. Incumbent's commission expires June 3, 1930.

TENNESSEE

John B. Elliott to be postmaster at Athens, Tenn., in place of J. B. Elliott. Incumbent's commission expires June 8, 1930.

John S. Wisecarver to be postmaster at Mohawk, Tenn., in place of J. S. Wisecarver. Incumbent's commission expires June 8, 1930.

TEXAS

Ferman Wardell to be postmaster at Avery, Tex., in place of Ferman Wardell. Incumbent's commission expires May 12, 1930.

Annie B. Causey to be postmaster at Doucette, Tex., in place of A. B. Causey. Incumbent's commission expired March 15, 1930.

William W. Sloan to be postmaster at Falfurrias, Tex., in place of W. W. Sloan. Incumbent's commission expires May 12, 1930.

Thomas L. Bryan to be postmaster at Matador, Tex., in place of T. E. Williams, removed.

Walter E. Shannon to be postmaster at North Zulch, Tex., in place of F. M. Bell, deceased.

John W. Waide to be postmaster at Paint Rock, Tex., in place of J. W. Waide. Incumbent's commission expired May 5, 1930.

Mamie Milam to be postmaster at Prairie View, Tex., in place of Mamie Milam. Incumbent's commission expired April 20, 1930.

Billie W. Sorey to be postmaster at Refugio, Tex., in place of C. E. Simpson, deceased.

Claud C. Morris to be postmaster at Rosebud, Tex., in place of C. C. Morris. Incumbent's commission expires June 7, 1930.

Lee W. Harris to be postmaster at Seymour, Tex., in place of L. W. Harris. Incumbent's commission expired May 5, 1930.

Ada A. Ladner to be postmaster at Yorktown, Tex., in place of A. A. Ladner. Incumbent's commission expires June 7, 1930.

UTAH

Claude C. McGee to be postmaster at Lewiston, Utah, in place of C. C. McGee. Incumbent's commission expires May 6, 1930.

VIRGINIA

Emma B. Snow to be postmaster at Clover, Va., in place of E. B. Snow. Incumbent's commission expires June 8, 1930.

Bertha Thompson to be postmaster at Ferrum, Va., in place of Bertha Thompson. Incumbent's commission expires June 8, 1930.

Mary C. Lewis to be postmaster at Fort Eustis, Va., in place of M. C. Lewis. Incumbent's commission expires June 8, 1930.

Jesse R. Skinner to be postmaster at Kenbridge, Va., in place of J. R. Skinner. Incumbent's commission expires June 8, 1930.

P. Edgar Lineburg to be postmaster at Stephens City, Va., in place of P. E. Lineburg. Incumbent's commission expires June 8, 1930.

WASHINGTON

Sylvester G. Buell to be postmaster at Arlington, Wash., in place of S. G. Buell. Incumbent's commission expires June 8, 1930.

WEST VIRGINIA

Shirley H. Mitchell to be postmaster at Elizabeth, W. Va., in place of S. H. Mitchell. Incumbent's commission expired May 5, 1930.

Charles J. Parsons to be postmaster at Sabraton, W. Va., in place of C. J. Parsons. Incumbent's commission expires June 3, 1930.

Archie J. Frazier to be postmaster at Triadelphia, W. Va., in place of Walter Thomas. Incumbent's commission expired April 5, 1930.

WYOMING

Ralph R. Long to be postmaster at Gillette, Wyo., in place of R. R. Long. Incumbent's commission expires June 3, 1930.

HOUSE OF REPRESENTATIVES

TUESDAY, *May 6, 1930*

The House met at 12 o'clock noon.

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

Ever-blessed God, we can not understand Thee; by searching we can never compass Thy being. Thou art infinite in truth, infinite in purity, and infinite in goodness. Touch, O touch, the best springs of our beings and let us draw near to Thee. Shield us from the poor imperfections of life and inspire us with a larger manhood, nobler generosity, purer affection, and allow us to pass into the higher realm of spiritual power and beauty. O Thou, before whom all suns, moons, stars, constellations, galaxies, immensities, and eternities wheel and blaze in triumph, yet Thou dost stoop to kiss the earth with Thy glory and claim man as Thy child. How we thank Thee, Almighty God, for this marvelous and unspeakable condescension. Amen.

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

RESIGNATION OF A MEMBER

The SPEAKER. The Chair lays before the House the following communication.

The Clerk read as follows:

PROVIDENCE, R. I., *May 1, 1930.*

Hon. NICHOLAS LONGWORTH,
Speaker of the House of Representatives,
Washington, D. C.

DEAR SIR: I beg leave to inform you that I have this day transmitted to Norman S. Case, Governor of the State of Rhode Island and Providence Plantations, my resignation as a Representative in the Congress of the United States from the third district of said State of Rhode Island and Providence Plantations, said resignation to take effect on May 9, 1930. A copy of said letter of resignation is inclosed herewith.

Cordially yours,

JEREMIAH E. O'CONNELL.

The SPEAKER. The Clerk will read the letter to the Governor of Rhode Island.

The Clerk read as follows:

PROVIDENCE, R. I., *May 1, 1930.*

Gov. NORMAN S. CASE,
Statehouse, Providence, R. I.

MY DEAR GOVERNOR CASE: Having been appointed by you as an associate justice of the Superior Court for the State of Rhode Island and Providence Plantations and said appointment having been confirmed by the Senate of said State of Rhode Island and Providence Plantations, in accordance with law, I hereby tender my resignation as a Representative in the Congress of the United States for the third district of said State of Rhode Island and Providence Plantations, said resignation to take effect on May 9, 1930.

Cordially yours,

JEREMIAH E. O'CONNELL.

The SPEAKER. The communications will be spread upon the Journal.

Mr. UNDERHILL. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. UNDERHILL. Mr. Speaker and Members of the House, in connection with the resignation you have just heard read by the Clerk of the House, I think it is most appropriate that some Member should pay a word of tribute to JERRY O'CONNELL. [Applause.]

All of us who have known him well here love him. Those of us who were privileged to know his sweet wife loved her also. This elevation to the bench came within 24 hours of the death of that beautiful character who had been such a help to him ever since their wedding morn.

I think it would not be out of place for the House, through the Clerk, to express to our colleague who has sent in his resignation to-day our sympathy in his affliction, our hope for his bright and brilliant future, and our congratulations upon his advancement to the bench of the State which he served so well while in the Congress. [Applause.]

Mr. CHINDBLOM. Mr. Speaker, I ask unanimous consent that the Clerk be instructed to send a message as indicated by the gentleman from Massachusetts [Mr. UNDERHILL].

The SPEAKER. Without objection, it is so ordered.

There was no objection.

ANNOUNCEMENT

Mr. SIROVICH. Mr. Speaker, ladies, and gentlemen, in the realm of science, art, literature, philosophy, music, and drama the world invariably pays the tribute of its respect to those who try to improve the conditions of their fellow men. With that object in view, I have just concluded a serious drama which I trust will be instrumental in curing an evil that afflicts our country. Its action, characterization, dialogue, and motivation will, I trust, entertain the theater-loving public who are interested in the spoken drama, and later its adoption for motion pictures.

This play has been accepted, and America's foremost and greatest motion-picture actor and star, George Bancroft, will appear in the leading part. When the play comes to Washington to open in December I expect to invite the entire membership of the House as my guests on this auspicious occasion. [Applause.]

NAVAL DISARMAMENT

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. Without objection, it is so ordered.

Mr. LAGUARDIA. Mr. Speaker, there is nothing before the country at this time that is of greater interest than the naval pact which has just been brought back by our delegates.

This brings to mind what happened after the Geneva conference, when a great deal of misinformation was sent throughout the country. The misinformation was so startling that the other body of Congress created a committee to investigate. The committee was appointed on September 12, 1929, commenced its hearings on September 20, 1929, and closed the hearings on January 11, 1930.

From what some of us have gathered from the press, we have learned that shipyards had paid agents to create propaganda against any sort of a pact and had sent misinformation throughout the country to create sentiment against any sort of naval disarmament and in favor of large navies.

The information which this Senate committee obtained is of vital importance at this time. We have been unable to obtain the hearings for some reason. I think I know the reason. The chairman of this committee was Senator SHORTRIDGE, of California. The committee consisted of three members. The personnel of the committee has been changed, and with the exception of Senator SHORTRIDGE I believe the committee is inactive.

Now, the information obtained is public property; it is useful at this time. I should like to know what pressure is being brought on Senator SHORTRIDGE that he is improperly withholding this information.

Mr. SNELL. Mr. Speaker, I make the point of order that my colleague from New York is not proceeding in order when he criticizes an individual Senator in connection with his legislative capacity. Mr. Speaker, I would like to be heard on that.

Mr. LAGUARDIA. And I would like to be heard, Mr. Speaker, at the proper time.

Mr. SNELL. Mr. Speaker, as every Member of the House knows, our proceedings in the House are governed entirely by the Constitution, Jefferson's Manual, the rules of the House itself, and decisions by the Speaker and Chairman of the Committee of the Whole.

It is always understood that where there is no definite rule of the House itself applying to the case, Jefferson's Manual is to control on the subject.

In this matter before us at this time I would like to call attention to some sections in Jefferson's Manual. I would like to call the attention of the Speaker to section 301 of Jefferson's Manual:

It is highly expedient, for the due preservation of the privileges of the separate branches of the legislature, that neither should encroach on the other, or interfere in any matter depending before them, so as to preclude, or even influence, that freedom of debate which is essential to a free council. They are, therefore, not to take notice of any bills or other matters depending, or of votes that have been given, or of speeches which have been held, by the members of either of the other branches of the legislature until the same have been communicated to them in the usual parliamentary manner.

I want also to call the Speaker's attention to sections 364, 365, and 367. Section 364 reads as follows:

It is a breach of order in debate to notice what has been said on the same subject in the other House, or the particular votes or majorities on it there, because the opinion of each House should be left to its own independency, not to be influenced by the proceedings of the other, and the quoting them might beget reflections leading to a misunderstanding between the two Houses.

Section 367 is very pertinent in this case; it says it is the duty of the Speaker of the House himself, if not otherwise called to his attention, to sustain the point of order along this line.

Section 367 reads as follows:

Where the complaint is of words disrespectfully spoken by a Member of another House, it is difficult to obtain punishment, because of the rules supposed necessary to be observed (as to the immediate noting down of words) for the security of Members. Therefore it is the duty of the House, and more particularly of the Speaker, to interfere immediately, and not to permit expressions to go unnoticed which may give a ground of complaint to the other House, and introduce proceedings and mutual accusations between the two Houses which can hardly be terminated without difficulty and disorder.

Now there are some definite decisions that are mentioned in section 365.

While the Senate may be referred to properly in debate, it is not in order to discuss its functions or criticize its acts, or refer to a Senator in terms of personal criticism, or read a paper making such criticism; and after examination by a committee a speech reflecting on the character of the Senate was ordered to be stricken from the RECORD, on the ground that it tended to create unfriendly conditions between the two bodies—obstructive of wise legislation and a little short of a public calamity.

Now the House has always been very zealous of its own procedure and at all times to do its part and maintain friendly relations with the Senate.

In my judgment, such reference as has been made by my colleague from New York on the actions of an individual Senator, acting in his legislative capacity as a United States Senator, does not tend toward that friendly relation that should exist between the two Houses, and it does not make for the general comity of action between the two Houses that is supposed to exist. In my judgment, it is the duty of the Speaker to insist that the gentleman proceed in order if he continues his speech.

Mr. LAGUARDIA. Mr. Speaker, I always endeavor to follow the rules of the House. I am familiar with the rule cited by my colleague from New York [Mr. SNELL]. I have not in my 12 years' service at any time violated the particular rule to which the gentleman referred. May I call the attention of my colleague to the fact that we are bound by precedent in this House, and that rules have been changed by construction from time to time? I particularly call the attention of the Speaker to the genesis of Jefferson's Manual. It was prepared by Thomas Jefferson for his own guidance as President of the Senate. That being so, originally Jefferson's Manual was prepared as the rules of the Senate and the provisions therein as to criticism of a Member of another body have been ours by adoption and custom for well over 140 years. Recently, by a rule of the gavel in the other body, the provisions cited by my colleague from New York in Jefferson's Manual were wiped out. Shortly thereafter a Member of this body sought to strike out of the RECORD objectionable utterances made by a Member of the other body. If my memory serves me correctly, the Speaker refused to strike out the objectionable language. That being so, the Speaker will readily see that as a matter of self-defense, if one body is going to abolish the provisions contained in Jefferson's Manual, it is absolutely necessary that the rule apply to both bodies.

Mr. SNELL. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. My utterances were no slip of the tongue. I said what I did having in mind the changed rules, and to emphasize the point I was trying to make, when the point of order was made by my colleague from New York. I yield to the gentleman from New York.

Mr. SNELL. In making my point I had nothing in mind whatever in connection with the rules of the Senate, because this is a separate body and, as far as the House is concerned and as far as my experience in the House has been, we have always followed Jefferson's Manual in such cases as this, where there are no rules in the House definitely to the contrary. I made the point of order definitely on the rules and procedure that have always existed in the House, and so far as I know they have never been changed.

Mr. LAGUARDIA. Mr. Speaker, I await the ruling of the Chair. If I was out of order, I shall yield back the remainder of my time, because I can not properly express myself on the subject otherwise.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. CRAMTON. The situation, of course, for some time in the Senate has been that the customary comity between the two bodies has been ignored. I have myself on numerous occasions in the Senate hearings and on the floor of the Senate been most unfairly and unjustly attacked, but I may say also that I think it has done me no injury whatever. [Laughter.]

The SPEAKER. Since the ruling of the Vice President just referred to by the gentleman from New York [Mr. LAGUARDIA] on April 21 of this year, in which he specifically overruled the decision of the President pro tempore of the Senate made on July 31, 1917, on the subject, the Chair has regarded it as inevitable that a situation would speedily arise of which this House must take cognizance. A comparatively recent decision of the Senate is directly in point as to whether the rules of Jefferson's Manual do or do not, impliedly at least, govern the proceedings of that body, certainly with reference to matters spoken in derogation of the actions or attitude of Members of another body, or of that body itself.

The Chair has taken the pains to look up a number of these decisions, some of which he will quote, because, as the Chair has already said, he was morally certain that a situation would speedily arise in which a final, definite ruling might have to be made in the House.

On August 26, 1912, in the Senate during the consideration of the conference report upon the deficiency appropriation bill, Mr. Charles A. Culberson, of Texas, having the floor in debate, said:

> I ask that the Secretary may read from the RECORD the marked paragraph which I send to the desk, from page 13016, in the debate in the House of Representatives.

The Secretary read as follows:

> "Mr. FITZGERALD. Mr. Speaker I move the House adhere"——

At that point Mr. John Sharp Williams, of Mississippi, made the point of order that under the rules of the Senate it was not permissible to animadvert upon the proceedings of the other House. The President pro tempore, Mr. Jacob H. Gallinger, of New Hampshire, said:

> The Chair thinks it will be found in Jefferson's Manual, not in the rules of the Senate.

Mr. Culberson submitted that Jefferson's Manual, while persuasive in determining proceedings, was not in fact, part of the rules of the Senate. The President pro tempore ruled:

> The Chair has always been of opinion that Jefferson's Manual, so far as it is pertinent, is, and has been recognized as a part of the rules of this body, and the Chair finds in Jefferson's Manual this statement—

And here he quotes from the precedent referred to by the gentleman from New York [Mr. SNELL]:

> It is a breach of order in debate to notice what has been said on the same subject in the other House, or the particular votes or majorities on it there; because the opinion of each House should be left to its own independency, not to be influenced by the proceedings of the other; and the quoting them might beget reflections leading to a misunderstanding between the two Houses.

He then proceeded with his decision:

> While undoubtedly in debate in this body, and perhaps in the other body, that rule has not always been strictly adhered to, yet, the point of order having been made, the Chair feels constrained to sustain it.

On July 31, 1917—and this is the last decision of the Senate that the Chair has been able to find, and he is not aware that there has been any other decision on the subject up to the one recently made on April 21 of this year—the Senate, as in Committee of the Whole, had under consideration the joint resolution proposing an amendment to the Constitution prohibiting the sale, manufacture, and transportation of intoxicating liquor.

Mr. Joseph B. Thompson, of Oklahoma, being recognized for debate, proposed to have read at the desk a letter certifying that Jacob E. Meeker, a Representative from Missouri, was formerly a Congregational minister and had resigned under censure. Mr. LEE S. OVERMAN, of North Carolina, made the point of order that the rules of the Senate did not permit the introduction of matter reflecting upon a Member of the House of Representatives.

The Presiding Officer (WILLIAM H. KING, of Utah), President pro tempore, sustained the point of order and said:

> There is a rule that would make it improper and out of order to refer to a Member of the House of Representatives in opprobrious terms and to impute to him unworthy motives. No Senator ought to make any statement that would be a reflection upon any Member of the House or impute to him improper conduct or an unworthy motive. He is not here to defend himself. It would seem to the present occupant of the chair unfair for any Senator to make any comment upon the life or character or political conduct of a Member of the House of Representatives that would reflect upon his honor or his integrity or his good faith. The point of order is sustained.

Mr. Thompson submitted that Mr. Meeker had himself, on a previous occasion, violated the privileges of debate by inserting in the RECORD an extension of remarks reflecting on the State of Kansas. The Presiding Officer said:

> The Chair will say that an infraction of the rules of the House by a Member of the House would not, in the opinion of the Chair, warrant an infraction of the rules of the Senate by an attack upon a Member of the House. In the opinion of the Chair, nothing should be stated by Senators that would be a reflection upon the integrity or moral character of a Member of the House, or impute to him improper or unworthy motives. (RECORD, 65th Cong., 1st sess., 5597.)

On April 21, 1930, the Senate was considering a resolution (S. Res. 245) which provided that the Vice President should appoint a committee of five Senators to investigate the delay of the Speaker of the House of Representatives in not referring S. J. Res. 3 to a committee of the House and to report to the Senate what action, if any, should be taken in the premises.

Mr. GEORGE W. NORRIS, of Nebraska, in speaking on the resolution, criticized the Speaker and imputed to him unworthy motives in not referring the joint resolution to a committee.

Mr. SIMEON D. FESS, of Ohio, made the point of order that under section 17 of Jefferson's Manual it was not in order for a Member of the Senate to criticize the actions of the Speaker of the House or of any Member of the House.

The Vice President (Charles Curtis, of Kansas) overruled the point of order and said:

The Chair is willing to rule on the question. The Senate has not adopted Jefferson's Manual as a part of the rules of the Senate. It is left to the discretion of Senators as to what they may or may not say about the proceedings of the House in connection with the resolution under consideration.

Mr. FESS objected to the ruling and said:

That is not a rule.

The Vice President replied:

The Chair makes that ruling now.

The Chair has no hesitation in quoting these decisions in extenso, because it is a recognized principle that one House may refer to the parliamentary decisions of the other House in deciding questions of order (sec. 9442, Cannon's Precedents).

So far as the Chair knows, the decision of Mr. President pro tempore KING is the last decision up to the recent one by Vice President Curtis which involves the question of how far the Senate is bound by Jefferson's Manual, and while it is true that the Senate never by express rule has made Jefferson's Manual a part of the Senate rules, as the House has done, nevertheless it has been fair for the House to assume, certainly up to 1917, and, if the Chair is not greatly in error, up almost to the present moment, that in the absence of a specific rule to the contrary Jefferson's Manual did wherever applicable govern the proceedings of the Senate.

In the note of introduction to Jefferson's Manual of Parliamentary Practice it is stated, on page 93 of the House Rules and Manual, as follows:

Jefferson's Manual was prepared by Thomas Jefferson for his own guidance as President of the Senate in the years of his Vice Presidency, from 1797 to 1801. In 1837 the House, by rule which still exists, provided that the provisions of the manual should "govern the House in all cases to which they are applicable and in which they are not inconsistent with the standing rules and orders of the House." In 1880 the committee which revised the rules of the House declared in their report that the manual "compiled as it was for the use of the Senate exclusively and made up almost wholly of collations of English parliamentary practice and decisions, it was never especially valuable as an authority in the House of Representatives, even in its early history, and for many years past has been rarely quoted in the House" (V, 6757). This statement, although sanctioned by high authority, is extreme, for in certain parts of the manual are to be found the foundations of some of the most important portions of the House's practice.

But that was back in 1880. That statement or sanction by high authorities is strengthened, for certain parts of the manual are found to be the foundation of our parliamentary practice, and the Chair thinks that is daily growing more important as time goes on.

The parliamentary practice of the House of Representatives emanates from four sources: First, the Constitution of the United States; second, Jefferson's Manual; third, the rules adopted by the House itself from the beginning of its existence; and, fourth, the decisions of the Speakers of the House and decisions of the Chairmen of the Committee of the Whole.

Scarcely a day passes in this House when Jefferson's Manual is not a basis for some of our legislative proceedings. On all matters relating to appointment of standing committees and designation of duties of chairmen, the Committee of the Whole, risings of the Committee of the Whole for various reasons, reports from the committee, and amendments of the committee, most of the provisions relating to the decorum and debate, many matters relating to bills and committees, to amendments in the House, to amendments between the Houses, and particularly to all matters dealing with amendments and conferences between the two Houses, the provisions of Jefferson's Manual are basic.

There is no doubt then that even if the House had not specifically provided that Jefferson's Manual should govern in all cases where applicable, it could be safely laid down as a general proposition that Jefferson's Manual should so govern.

In fact, it must be conceded that Jefferson's Manual is the primary authority for all parliamentary proceedings in this country, and the Chair thinks that if Thomas Jefferson had never done anything except to write this monumental manual he would merit the thanks of his countrymen. [Applause.]

The Chair will not attempt to comment upon any phase of this question except that which relates to the rules of comity between the two Houses. There are three provisions, at least, of Jefferson's Manual which are particularly relative to this question. I read:

SEC. 301. It is highly expedient, says Hatsel, for the due preservation of the privileges of the separate branches of the Legislature that neither should encroach on the other, or interfere in any matter depending before them, so as to preclude, or even influence, that freedom of debate which is essential to a free council. They are, therefore, not to take notice of any bills or other matters depending, or of votes that have been given, or of speeches which have been held, by the Members of either of the other branches of the Legislature, until the same have been communicated to them in the usual parliamentary manner (a Hats., 252; 4 Inst. 15; Seld. Jud. 53.)

SEC. 364. It is breach of order in debate to notice what has been said on the same subject in the other House, or the particular votes or majorities on it there; because the opinion of each House should be left to its own independency, not to be influenced by the proceedings of the other; and the quoting them might beget reflections leading to a misunderstanding between the two Houses. (8 Grey, 22.)

SEC. 367. Where the complaint is of words disrespectfully spoken by a Member of another House it is difficult to obtain punishment, because of the rules supposed necessary to be observed (as to the immediate noting down of words) for the security of Members. Therefore it is the duty of the House, and more particularly of the Speaker, to interfere immediately and not to permit expressions to get unnoticed which may give a ground of complaint to the other House, and introduce proceedings and mutual accusations between the two Houses, which can hardly be terminated without difficulty and disorder. (3 Hats. 51.)

The effect of the recent decision of the Vice President is to hold that the three sections of Jefferson's Manual just quoted do not govern the proceedings of the Senate, and that Senators may use their own discretion in making any comment, insinuation, or attack upon any Member of the House or any proceeding of the House.

The Chair makes no criticism whatever of the decision of the Vice President. He wants that clearly understood. But he thinks it is clear that under these changed conditions relating to the comity of the two Houses the House must take some action one way or the other.

Concerning those precedents in Jefferson's Manual, Mr. Speaker Clark went so far as to say that it is not in order even to compliment Members of the Senate. [Laughter.] From Cannon's Precedents I quote the following:

SEC. 9444. It is not in order to refer to a Member of the other House even for the purpose of complimenting him.

On June 27, 1918, Mr. Ben Johnson, speaking by unanimous consent, in discussing the bill H. R. 9248, the antiprofiteering rent bill, referred to Mr. Atlee Pomerene, a Member of the Senate from Ohio.

Mr. Oscar William Swift, of New York, made the point of order that it was not permissible to refer to a Senator in debate.

Mr. Johnson argues that the rule applied to criticism only, and was not applicable to his remarks in praise of the Senator.

The Speaker ruled:

The rule is that a Member of the House can not discuss a Senator at all, not even compliment him, because if you do compliment him somebody might jump up and say he was the grandest rascal in the country, and you would then have on your hands a debate of a very acrimonious nature.

[Laughter.]

There would seem to be but two alternatives for us to adopt in dealing with this situation. If the House desired to retaliate, it might, by rule, provide that these rules in Jefferson's Manual relating to comity between the two Houses should not apply to proceedings in the House. In other words, to say that Members of the House should be guided solely by their own discretion in making any comment, insinuation, or attack upon any Senator, or any proceeding of the Senate.

The other alternative is to rigidly insist upon strict adherence to both the spirit and letter of Jefferson's Manual.

In the opinion of the Chair, the adoption of the first alternative would be violative of the spirit in which the House for 140 years has followed the precepts of Thomas Jefferson in our manner of association and dealing with the other legislative body. [Applause.] After all, Jefferson's general precepts are but a restatement of the manner in which all legislative bodies, particularly the British Parliament, have dealt with each other for centuries. They are but a restatement of what is and ought to be true sportsmanship in the dealings between the legislative branches of great governments.

The Chair is firm, and he believes that the House will remain firm in our adherence to the rules of sportsmanship and comity as laid down in Jefferson's Manual. [Applause.]

A situation arose sooner than the Chair expected where he was called upon to rule upon at least one phase of this question. On April 28, one week after the decision of the Vice President, the gentleman from Massachusetts [Mr. LUCE] offered, as a matter of privilege, a resolution providing that a respectful message be sent to the Senate calling attention to certain remarks of a Member of the Senate in which he criti-

cized certain proceedings in the House. The debate upon this resolution, and the ruling of the Chair, are to be found on pages 7877 and 7878 of the RECORD, and the Chair will not quote them here.

Having had no notice in advance that such a resolution was to be brought up, the Chair had not then been able to give such investigation to this question as he has since. Nevertheless, he ruled that the resolution was not privileged in that the House, under Jefferson's Manual, had not the right to criticize the remarks of any Senator or occurrence on the floor of the Senate. Since then the Chair has had the opportunity to make more careful investigation of the principles and precedents governing this question, in anticipation that the question might again be brought up, and has already quoted what he believes to be the general rules underlying.

The remarks of the gentleman from New York [Mr. LAGUARDIA] raise a question which, while it differs in form from that upon which the Chair has previously ruled, pertains to the same general governing principles.

The question raised by the gentleman from New York is whether a Member may reflect in any way on the floor of the House against the actions, speeches, or proceedings of another Member or of the body itself.

To put it in another way, Shall the House, notwithstanding any adverse action by the other body, adhere to the provisions laid down in Jefferson's Manual, which have always governed?

The answer of the Chair is emphatically "Yes." Indeed, it appears to the Chair that it has become all the more necessary, if the rules of comity between the two Houses are to be at all preserved, that Members of the House should be limited even more rigidly than ever by Jefferson's rules prohibiting reference in terms of the slightest disparagement of the remarks or actions of Members or any of the proceedings of the other body.

If no rules of comity are to be followed in either House, then legislation may become chaos indeed.

In conclusion the Chair will say that so long as he remains Presiding Officer of this body he will see to it that the rules of Jefferson's Manual, in so far as they apply to the friendly relations between the Members of the two Houses and the Houses themselves, shall be enforced with the utmost rigidity, not only in the letter but in the spirit.

The Chair therefore sustains the point of order. [Applause, the Members rising.]

Mr. LAGUARDIA. Mr. Speaker, I bow to the Speaker's ruling, which has spoiled a perfectly good speech, and I yield back the balance of my time. [Laughter and applause.]

Mr. CRISP. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. The gentleman from Georgia [Mr. CRISP] asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. CRISP. Mr. Speaker, I simply desire to say that I thoroughly concur in the ruling just made by the Speaker. It was a statesmanlike ruling in the interest of good legislation and the welfare of this country. [Applause.]

I am sure any other course pursued by the coordinate legislative branches of the Government would not be in the interest of orderly procedure so essential to good legislation. I wanted to express my unqualified approval of the Speaker's able ruling. [Applause.]

STOCK SPECULATIONS

Mr. SABATH. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. The gentleman from Illinois [Mr. SABATH] asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. SABATH. Mr. Speaker and ladies and gentlemen of the House, I, too, join in congratulating the Speaker upon his able ruling, and recognize that it is in the interest of the House and in the interest of the country. But I wish to call your attention to something which to my mind is of still greater interest to the people of the Nation than friendly relationship between the House and the Senate.

Some months ago I introduced in the House a bill placing a tax of 5 per cent upon all short sales on the stock exchanges. I have made several efforts to secure consideration, but have failed, and for that reason I yesterday introduced a bill, H. R. 12171, which provides—

> that it shall be unlawful for any person to deliver or cause to be delivered for transmission through the mails or in interstate commerce by telegraph, telephone, wireless, or other means of communication, any offer of sale of any shares of stock in any corporation, joint-stock company, or association, unless the person so offering said stock for sale shall have the ownership or possession, actual or constructive, of such shares of stock.
>
> SEC. 2. That it shall be unlawful for any person to execute or cause to be executed any orders for the sale of any shares of stock in any corporation, joint-stock company, or association which have been transmitted through the mails or through interstate commerce by telegraph, telephone, wireless, or other means of communication, unless such person shall first have ascertained that the person ordering or communicating such offer of sale had at the time of the ordering or communicating of such offer of sale the ownership or possession, actual or constructive, of said shares of stock.
>
> SEC. 3. Any person who violates any provision of this act shall be deemed guilty of a felony, and upon conviction thereof shall, if a corporation, be punished by a fine of not more than $10,000 for each offense, and all other persons so convicted shall be punished by a fine of not more than $1,000 or by imprisonment of not more than two years, or both.
>
> SEC. 4. For the purposes of this act the term "person" shall mean any individual, association, partnership, or corporation and/or any agent, factor, or broker thereof.
>
> SEC. 5. This act shall take effect on the sixtieth day after the date of its approval—

and as this bill was referred to the Committee on Interstate and Foreign Commerce, I feel that I will have better chance of securing favorable consideration from that committee than was accorded me on the tax bill in the Ways and Means Committee.

I am of the opinion, Mr. Speaker and ladies and gentlemen, that it is manifestly unjustifiable for us and for the Nation to permit a few designing safety gamblers to bring destruction to the business of the Nation. No one who is familiar with conditions and knows anything about the present deplorable situation can deny the fact that short selling on the stock exchange brought the havoc and created the crash last November.

At that time I wired the stock exchanges, demanding cessation of short selling, and they responded by asking their members for a report on all loanings and borrowings of stock, which action was helpful, because the most influential of the destructive short sellers did not wish their names to become known and to be held responsible for the ruination of millions of men and women.

After the issuance of this questionnaire conditions and confidence were partially restored, but business on the exchanges was reduced. The avaricious appetites that the "shorts" had worked up during the two preceding weeks were not satisfied, as there were still some investors who had escaped the slaughter, and so on Monday, November 25, the questionnaire was withdrawn, and immediately on Tuesday the attacks were renewed, and another crash followed.

I feel satisfied that the country is convinced by this last attack that short selling of commodities or stock which one does not own or possess are responsible for the destruction of actual values and for the crash and the havoc that usually follows:

Last Friday and Saturday, again, the "shorts," known commonly as "bears," at about the time the country had started rehabilitating itself, and with conditions beginning to readjust themselves, have started another crusade by throwing upon the market, as reported by the press, thousands upon thousands of shares of stock, and thus undoing all the good that the well-meaning financial and industrial leaders of the Nation have been trying to accomplish. I feel it is the duty of the House to see to it that short selling, this unjustifiable gambling, should cease. We have it in our power to bring this about.

Are we going to be courageous enough to legislate against this plunderbund in the interest of the Nation, to bring about prosperity and confidence in the Nation, or are the high-finance racketeers powerful enough to stop any action on our part? The country is looking to the House for action. I feel that legislation should be enacted which will preclude or prevent in the future these unjustifiable, yes, criminal manipulations on the part of a few men against the interests of the entire nation. [Applause.]

The SPEAKER. The time of the gentleman from Illinois [Mr. SABATH] has expired.

Mr. SABATH. In pursuance of the leave granted me to extend my remarks, I take the privilege of inserting an extract from a statement prepared by one of the best-posted men in America on this question, a man who has had years of experience and who has studied the problem thoroughly, Mr. Albert Newton Ridgely. He states that his motive—

> Is simply the desire to do one good deed, one good action for the lasting benefit of ordinary men before the final dusk shall gather and the final darkness fall.
>
> Prohibit the sale of the property of a third party (without his consent) to a second party by a first party, i. e., "short selling."

This is not at all experimental. It has been enforced not only in London and Paris with most satisfactory results, but was done by the New York Stock Exchange some dozen years ago at the time of impending threatened demoralization, with complete success—after favored banking groups and insiders had accumulated their full lines and really wanted to avert further pressure.

"Selling short" is, briefly, to sell stock you do not own, trusting that you will be able to buy lower at some later date and then make the delayed delivery. Whatever the short seller gains, obviously, either the original owner or the buyer must lose. But if outsiders sell short, as they did heavily late in 1926 and throughout 1927, the penalty usually is drastic. The manipulators at that time, knowing the income tax law would keep investment stock off the market, proceeded to mark prices upward, higher, and still higher, until the margins of those venturesome outsiders—the public—were exhausted. Thus at least was initiated the period of wild inflation, a direct result of the wrong people selling short. Similarly, later, the extreme record highs of many stocks were made by forced short covering.

Of course, short selling widens the range of fluctuations and adds to commissions and is claimed by brokers and traders to act as a cushion or stabilizer in declining markets. All Wall Street (self-interestedly) is impressed with this monstrous fallacy. So far from being a "stabilizer," except on very rare occasions, it steadily depresses prices in a weak market and brings panics to their acute stage.

Manipulation and collusive bear raiding explain the repeated violent attacks in the November collapse, and the forcing of the market to new low levels until the investing public had no available money to buy. Then, after favored capitalists had replaced their stocks and acquired their complete lines, the stock exchange issued a much belated warning against short sales; and the mere rumor that these were to be stopped ended the panic and sent stocks up 10 points that day.

Another specious and superficial argument is that investors should have the right to sell short against their safe-deposit holdings. They should have no such "right" in justice or equity. An eminent financier and esteemed "philanthropist" is said to have garnered two hundred millions within three months by actually selling short against long investment stock. He was within his present legal rights.

But having sold a vast quantity of stocks to the gullibles, would this "financier" have been logical or human had he not desired those stocks to fall, and to fall sharply, for the obvious reason that he might repurchase them on a cheap investment basis? In any case, selling short instead of long stock substantially reduced his income tax and—doubtless of more importance to him—kept his activities obscured. This is the pernicious type. At present it is any man's right and privilege under the law. But it is a wholly unfair status which permits transactions of such magnitude, affecting the actual welfare of the country, to be done in strictest secrecy and under cover.

Prohibit short sales and you will surely block destructionists; you will deal a heavy blow to ruinous manipulation—and you will go very far toward preventing future depression and panics.

ALCOHOLIC LIQUOR TRAFFIC

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent that I may address the House for three minutes.

The SPEAKER. The gentleman from Maryland [Mr. LINTHICUM] asks unanimous consent to address the House for three minutes. Is there objection?

There was no objection.

Mr. LINTHICUM. Mr. Chairman, Members of the House, as is well known to all of you, we have had a very long hearing on the question of the repeal of the eighteenth amendment or the modification of the eighteenth amendment, lasting four or six weeks.

None of the bills before the committee have been reported either favorably or unfavorably. Therefore two of our Members have taken advantage of the rule of the House in asking that the Judiciary Committee be instructed to report their resolutions.

I wish to call the attention of the Members to the petition of the gentleman from New York [Mr. LAGUARDIA], who asks that his bill, H. R. 130, be reported by the Judiciary Committee. This is a bill providing for the modification of the Volstead Act and which, if passed, would allow 2.75 per cent beer.

Then there is another petition on the part of the lady from New Jersey [Mrs. NORTON], asking that her resolution, House Joint Resolution 219, be reported by the Judiciary Committee. That resolution proposes an amendment to the Constitution of the United States and provides for a referendum to the voters on the eighteenth amendment.

I call this to the attention of all those who are in favor of either the modification of the Volstead Act, as is provided for by the resolution of the gentleman from New York [Mr. LAGUARDIA], or the repeal of the eighteenth amendment through a referendum of the voters of the country, as provided for in the resolution of the lady from New Jersey. I ask all of those who are in favor of these propositions to sign these petitions instructing the Judiciary Committee to report these resolutions.

I call this to the attention of those friendly to the modification of the Volstead Act and to those in favor of the repeal of the eighteenth amendment. I hope they will make their wishes known by signing the petitions which rest on the Clerk's desk. [Applause.]

PERMISSION TO ADDRESS THE HOUSE

Mr. LETTS. Mr. Speaker, I ask unanimous consent that on Thursday, after the disposition of business on the Speaker's table, I may be permitted to address the House for 20 minutes.

The SPEAKER. The gentleman from Iowa asks unanimous consent that on next Thursday, after the disposition of matters on the Speaker's table, he may be permitted to address the House for 20 minutes. Is there objection?

Mr. MURPHY. Mr. Speaker, reserving the right to object, on Thursday we expect to go on with the legislative bill We will have some time in general debate, and I will be very glad to yield the gentleman the time he desires.

Mr. LETTS. I will say to the gentleman from Ohio that I have been requested to make some remarks on Mother's Day, and I would like to have them in the proceedings of the House.

The SPEAKER. Is there objection?

There was no objection.

PHILIPPINE INDEPENDENCE

Mr. GUEVARA. Mr. Speaker, I ask unanimous consent to print in the RECORD a statement made by the majority floor leader of the Philippine House of Representatives, Hon. Manuel C. Briones, before the Senate Committee on Territories and Insular Affairs.

The SPEAKER. The Commissioner from the Philippines asks unanimous consent to extend his remarks in the RECORD by printing a statement made by the majority floor leader of the Philippine House of Representatives before the Senate Committee on Territories and Insular Affairs. Is there objection?

There was no objection.

The statement is as follows:

Mr. Chairman and gentlemen of the committee, having arrived in Washington only a few days ago to join the other members of the Philippine delegation who preceded me to Washington, it has not been possible for me to be present at the previous hearings held by this committee. For this reason I am appearing only at this time to submit my views on the question of the independence of my country pending consideration by this committee.

There is already on file in the records of the committee the concurrent resolution adopted by the Philippine Legislature on October 29, 1929, creating a committee composed of six members, who, jointly with the Resident Commissioner, shall petition the Government and Congress of the United States for the early granting of independence to the Philippines, and submit to them from time to time the views of the legislature on any matter concerning the Philippines under consideration by the Government at Washington.

My delayed departure from the Philippines gave me an opportunity to witness a good portion of the work of organization of the first independence congress of the Philippines recently held in Manila. It would not, therefore, be presumptuous for me to say that I bring first-hand information about this congress.

The outstanding feature of this great national convention is that the intiative came entirely from a large group of private citizens acting independently of partisan considerations. The call for the congress was made by this group and addressed to the entire nation without distinction as to class, creed, or political affiliation, and the people responded readily and enthusiastically, all the vital elements of the country joining the congress.

It can be stated that never since the inception of American sovereignty has a congress of this kind assembled with such a varied and large representation from every conceivable sector of the nation for the purpose of voicing once more the desire of the people for freedom and of deliberating upon the problems which independence would bring to them. That this congress was truly national in scope may be inferred from the members representing the different elements that constitute it; representatives of agriculture, of commerce, and of industry, directors of the various civic associations, leaders in the various professions, publicists, educators, leaders of labor, religious and student organizations, municipal presidents, Moro leaders, associates of Dr. Jose Rizal and

Marcelo H. del Pilar in their struggles against Spanish misrule; veterans of the revolution, elective members of the provincial governments, officials of the former Philippine Republic, past and present members of the Philippine Legislature, and Filipino members of the council of state.

If any additional proof were necessary to show the unity of the Filipino people in their desire to be free and independent, the Philippine independence congress held recently in Manila precisely for that purpose, on February 22, 1930, the birthday of George Washington, furnished that proof. In that Congress the people met for common counsel on a common cause and all party and other differences disappeared to voice only one sentiment and to formulate only one appeal—an appeal to the sense of justice, generosity, and magnanimity of the American people for the redemption of the sacred promise to grant independence to the Philippine Islands—a promise spontaneously made in repeated declarations by the authorized officials and by the Congress of the United States.

This new appeal for freedom is embodied in the declaration approved by the Philippine independence congress in its last session on February 26, 1930, which also urges the people and Government of the United States to grant immediate, complete, and absolute independence to the Philippine Islands. The declaration breathes the appreciation and gratitude of the Filipinos toward America for all the generous and altruistic efforts displayed by her on behalf of the Filipino people, but at the same time it maintains the firm vigor and the simple dignity of the great declarations of human liberty. The full text of this declaration is as follows:

We, the members of the first independence congress convened at the city of Manila, P. I., from February 22 to February 26, 1930, upon the initiative of private citizens and composed of representatives of business and agriculture, directors of civic organizations, leaders in the various professions, publicists, educators, labor, religious and student leaders, municipal presidents, Moro chiefs, coworkers of Rizal and Del Pilar in Spain, veterans of the revolution, elective officials of the provincial governments, high officials of the former Philippine Republic, past and present members of the Philippine Legislature, and Filipino members of the council of state, after deliberating upon the problems of independence including national defense, finance, and economics as well as political, social, and educational questions which would be faced by an independent Philippines, hereby makes the following declaration:

"While fully conscious of the debt of gratitude we owe to America for her benevolent policy in the Philippines, we are convinced that immediate independence is the only solution in consonance with the unalterable desires of the Filipino people.

"No matter how lightly an alien control may rest on a people, it can not, it will not make that people happy.

"The genius and potentialities of the Filipino people can only be developed in an atmosphere of freedom unrestrained by foreign rule.

"Differences in race, history, and civilization render difficult, if not impossible, a common life under one flag between the American and Filipino peoples.

"The uncertainty of our future political status hampers the economic development of the country.

"Our present trade relations with the United States are not conducive to the economic independence of the Philippines and whatever may be the temporary advantages of such relations we are willing to forego them for the sake of freedom.

"The longer we remain under America the harder it will be for us to be freed from our political and economic dependence upon her.

"We are now better prepared for nationhood than many independent states of to-day, and we are ready to assume the risks and resposibilities of independence.

"We are not unmindful of the fact that in the final solution and settlement of the Philippine problem, American and foreign interests must be adequately safeguarded.

"The establishment of a Philippine republic to-day will be but the logical and just outcome of our long struggles for freedom and will be in keeping with American history and traditions.

"Independence will make for close friendship and better understanding between America and the Philippines, while retention fosters distrust and ill feeling.

"In our solemn constitutional covenant with America she has promised to grant us independence as soon as a stable government can be established. This condition has long been fulfilled.

"Therefore in the name and in behalf of the Filipino people we solemnly affirm with full realization of the consequences and responsibilities of political independence that our people should be allowed to live an independent life and to establish a government of their own without any further delay and without any condition which makes its advent uncertain; hence we respectfully reiterate our petition to the people and Government of the United States to grant the Philippines immediate, complete, and absolute independence."

But the independence congress did more than merely voice anew the demand of the Filipino people for independence. The Filipinos are frequently charged with being exceedingly too idealistic, but the critics forget that our people possess practical qualities which have been strengthened and developed by contact with the eminently practical American civilization and culture. Thus the independence congress, while reaffirming the moral right of the Filipinos to be free, also took cognizance of the practical problems which independence entails. Conscious of the importance of these problems, the Congress appointed committees for the study of national defense, finance, economic readjustment, and growth, as well as political, social, and educational development under a government completely free and independent. All this demonstrates that the Filipino people regard their independence not only in the abstract, based upon moral reasons beyond controversy, but also as a living reality, and as the best means to develop the genius of our race and to fulfill our destinies as a people with a history, ideals, traditions, and a personality distinctly their own.

There seems to be a school of thought which believes that independence would add nothing to the well-being and individual liberties now enjoyed by the Filipino people under the American flag, and that on the other hand independence would endanger the progress already attained. This reasoning seems convincing at first sight, but a deeper study of the question reveals its superficiality.

Besides satisfying the natural yearning of our people for freedom, independence would make the individual liberties that we now enjoy our very own to be exercised by us of our own free will and not as mere concessions from a foreign power which may withdraw them at any time. It is not enough to have personal liberties; what really and truly satisfies an individual or a people is the feeling that they possess these liberties by virtue of their own power, worth, and sufficiency, as something which of right belongs to them and not merely as a simple privilege granted by another, however good and magnanimous the source from which it may come. Existence in man of the natural feeling of dignity and self-respect has been the force which impelled all sentient peoples to struggle for their liberties and to defend them at any cost once acquired.

With respect to the alleged benefits which the mass of the Filipino people now enjoy under the American flag, the stabilizing influence of independence is the only real factor that can insure the permanence of those benefits. The present undefined, uncertain, transient political status of the Philippines can not and can never lead to the establishment of a solid economic structure. Capital, foreign or domestic, always seeks a clear and defined situation which permits normal and progressive development. Such a situation, it is admitted by all, does not obtain to-day in the Philippines. But the present political uncertainty is not the only factor that is preventing greater economic development of our country, and consequently the growth of our material well-being. The uncertainty of our economic relations with the United States is a contributing factor to this slow growth. The strong agitation which has been carried on in this country during the last few years to restrict the free entry of our principal products to the American market clearly demonstrates the fragile nature of these relations, which are already giving way to conflict and controversy. Such a situation has but one result—stagnation if not retrogression.

The argument that independence would have a disastrous effect upon our agriculture and certain Philippine industries, such as sugar, coconut oil, tobacco, embroidery, rope, is in reality an argument in favor of our cause. The reason is simple. If our political association with the United States has the effect of tieing us up permanently with the economic system of this country, and that is what this argument amounts to, then the sooner we withdraw from that dependence the better it would be for us. The longer we remain under the United States the stronger our economic dependence will be and the more disastrous the effect of separation later when independence is at last granted. To-day, at least the shock that would follow the severance of relationship would only be temporary and after the necessary readjustments have been made the situation would again become normal.

Our assertion that independence is the only satisfactory solution to the present uncertainty is predicated upon America's policy of emancipation and not upon permanent retention against the express will of the Filipino people. It is not necessary to repeat here the pronouncements of the Presidents of this Great Republic, commencing with President McKinley, which clearly establishes the granting of independence as the final solution of the Philippine problem, if such were the wishes of the Filipinos, setting thus aside any thought of retention and exploitation. Much less is it necessary to recall the solemn pledge embodied in the preamble of the Jones law, a promise around which our faith in America has been built. Any solution, therefore, that deviates from this path of honor which America herself, of her own violition, has traced out, would be repugnant to American sense of justice and fairness and unjust to the Filipino people who have been made to believe that independence would be the final goal.

The question of independence, thus, as we see it, has reduced itself to a matter of time. While some maintain that independence should be granted when the Filipinos have reached a degree of development sufficient to insure political and economic stability, we, on the other hand, affirm that the time has come. The only condition required to the granting of independence, as set forth in repeated authoritative pronouncements culminating in the preamble of the Jones Act, is the establishment of a stable government, able to guarantee security of life and of property, nationals as well as foreigners, and the fulfillment of international obligations. A stable government has been established in the Philippines long ago. Elihu Root, when he was Secretary of

War, added to the above prerequisite of a stable government the existence of the orderly and peaceful suffrages of the people. This we have also met satisfactory, the Wood-Forbes mission which reported against independence having recognized the effectiveness of our elections and the orderly manner in which they are conducted.

The Philippine government to-day, from the bottom up, is in reality a government by Filipinos with hardly any assistance from Americans. Its various branches are filled and directed by Filipinos. True, a few positions, those requiring technical skill, are held by Americans, especially in the bureau of education where Americans are needed to teach the English language to the Filipino children. But even independent countries employ foreign experts.

When the Philippines become independent it could continue to utilize the services of such technical men. Among the higher officials of our government there are practically no Americans other than the Governor General, the vice governor, who acts as secretary of public instruction, the insular auditor, and five of the nine members of the Philippine Supreme Court. With a practically responsible cabinet such as we have, closely identified with the legislature, which is entirely Filipino, it may be stated that the Governor General exercises his functions as chief executive through the secretaries of departments, who are all Filipinos, with the exception of the secretary of public instruction. It is for this reason that a Secretary of War of a past administration properly depicted the situation when he said that between the government of the Philippines and American sovereignty there exists only the tenuous connection of the Governor General.

The only logical and justifiable conclusion from these premises is that the Philippine government is fully organized and constituted and that the granting of independence to-day would be nothing more than the nominal and formal transfer to the people of the Philippines of the principal instruments of self-government already in their hands, together with the other attributes of sovereignty which America still reserves to herself.

All fear that an independent government would be, by revolution or by internal act of violence overthrown, should be set aside. The Filipino is naturally and temperamentally peaceful, and his respect for law and order is admitted even by those opposed to independence.

The efficient civil and political training that we have received, which gave us an opportunity actually to handle the instruments of democracy, has taught us that it is not necessary to resort to violence to change an undesirable government or the men that direct it. Furthermore, the Filipinos know too well the sacrifices which the achievement of freedom has required and they will not endanger it by suicidal strife. They have demonstrated in the course of their history that they possess innate qualities of discipline and readiness to follow social and political guidance even under circumstances less conducive to self-control than under a government of their own. There is no reason to believe that they would lose these deep-rooted qualities precisely when the goal of their aspirations has been attained.

A tribute to the peaceful nature of the Filipinos has come from the late Governor General Wood in his annual report to the Secretary of War for the year 1923, as follows:

"With a few minor exceptions, conditions of public order have been excellent throughout the archipelago. No disturbances have occurred beyond the control of the municipal and insular police. There has been no organized resistance to authority. Life and property have been reasonably secure and travelers have gone unmolested without arms or escort wherever they cared to go. Parties of women unescorted and unattended have traversed the most remote portions of the mountain provinces without suffering any discourtesy or annoyance."

It is asserted that an independent Philippines would be endangered by aggression from without for purposes of exploitation. Those who advance this argument consider it absolutely necessary for the Philippines to have an army and navy and fortifications sufficient to withstand attack even from the most powerful nation on earth. But we ask, what small nation would be able to stand alone if that were made a condition for an independent existence? Even the relatively large nations would be unable to maintain their independence. Only four or five countries would be able to assert their sovereignty and the rest would be nothing but mere colonies.

In the past, this argument was taken a little more seriously than at present, and even then it was regarded merely as a bugaboo. To-day, it is given a lesser importance. For a new order has come out of the old as the contribution of the World War to international security. With the instrumentalities which have been and are being created to secure permanent world peace and to insure the observance of international morality as high and as pure as that which governs the relations between individuals, we can not believe that this alleged danger to an independent Philippines is a real menace. At any rate, it is not any greater than that which has menaced the weak nations which have been enjoying their independence for centuries and those that have recently become independent.

We are not blinded by stupid optimism. Our optimism is based upon the belief that at this stage of the world's development no nation can simply devour another, especially when the latter, like the Philippines, is composed of 13,000,000 souls that have learned the meaning of liberty, not from theory but from the sacrifice of their very lives and their very fortunes. We believe that this is the propitious time to launch an independent Philippines, when the horrors of the great war are still fresh in the minds of men and international conscience for justice and righteousness is spreading and taking root everywhere under the leadership of the most powerful nations, including the United States. If the Philippines must wait until she is absolutely invulnerable from external aggression before she can be granted independence, we would have to wait for centuries, if not for all time.

In conclusion, we maintain that the only feasible solution to the Philippine problem is the granting of immediate, absolute and complete independence. All admit that something must be done to remove the present uncertainty. It is also admitted that this uncertainty, from which no one derives any benefit, can not be removed either by the adoption of reactionary measures or by the granting of larger measures of self-government: The first, because it would be repugnant to the history, traditions, and honor of the American people, who are committed to independence, and whose promise has been accepted by the Filipino people in good faith; the second, because any intermediary solution, however liberal, would not only not appease the longing of the Filipinos for independence, which would mean continuation of the agitation for it, but also because any such solution would leave unsolved those controversial problems, especially those of economic nature, which only the severance of American-Filipino relations can eliminate. The only feasible solution, therefore, is the granting of independence.

It is true that the final solution that we propose will terminate our present political association with America, but the more precious bonds will remain—the bonds of appreciation and gratitude. When our freedom shall have been granted, our veneration for America will be second only to that of our own country. And when the day of separation comes America shall have added another brilliant page to the cause of liberty and human rights as brilliant as that written in the historic city of Philadelphia, in the hallowed grounds of Gettysburg, in the emancipated island of Cuba, and in the embattled fields of France.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On May 2, 1930:

H. R. 7356. An act for the relief of the American Foreign Trade Corporation and Fils d'Aslan Fresco.

On May 5, 1930:

H. R. 10379. An act to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H. J. Res. 305. Joint resolution providing for the participation by the United States in the International Conference on Load Lines, to be held in London, England, in 1930.

The message also announced that the Senate had agreed to the amendment of the House to Senate Joint Resolution 135, "Joint resolution authorizing and requesting the President to extend to foreign governments and individuals an invitation to join the Government and people of the United States in the observance of the one hundred and fiftieth anniversary of the surrender of Lord Cornwallis at Yorktown, Va."

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 3531) entitled "An act authorizing the Secretary of Agriculture to enlarge tree-planting operations on national forests, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. McNARY, Mr. NORRIS, and Mr. RANSDELL to be the conferees on the part of the Senate.

LEGISLATIVE APPROPRIATION BILL

Mr. MURPHY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11965) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1931, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11965, with Mr. LUCE in the chair.

The Clerk read the title of the bill.

Mr. MURPHY. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. GIFFORD].

Mr. GIFFORD. Mr. Chairman, I have asked for this time for the purpose of saying a few words relative to the "lame-duck amendment," so called, which has been somewhat under discussion this morning. Inasmuch as the proceedings in another body on April 21 have been often alluded to to-day, it seems a proper statement to make that the various measures referred to the Committee on the Election of President, Vice President, and Representatives in Congress last December, when the committees were organized, were on the table and before every member of that committee, including the amendment that was sent over from the Senate, but which had not at that time been referred. I have no criticism to make because that amendment had not been actually referred, for the reason that there was before the Rules Committee of the House a resolution providing that all matters affecting amendments to the Constitution should be referred to the Judiciary Committee in the future. However, it was found that there was no probability of that resolution being reported, so the matter was finally referred to our committee.

As the chairman of the committee, I want it thoroughly understood that our committee acted wholly independently. Neither the Speaker of the House nor the leader of the House knew what action was contemplated by the committee. After due and long consideration of all those matters—and the resolution from the Senate was considered with the others—we finally reported an amendment, which is now on the calendar. So the criticism made in another body on April 21, in my opinion, was entirely unjustified as far as the action of my committee is concerned. We had that amendment before us; it was considered with all the others, and when we were ready to vote we simply reported the amendment which we considered ought to have been reported.

I want to call the attention of the House to the fact that I have been a member of that committee for seven years, and when the amendment came to us originally it was simply the so-called "lame-duck amendment."

We thought if we were to amend the Constitution we had better take care of other mechanics of the Constitution and not lay so much stress on that particular amendment.

There had been before the committee for years 15 very important questions. For instance, what would happen to the country if the President and the Vice President elect, either one or both, should die after they were elected and before they were inaugurated? This is an extremely important question, and one that, to my mind at least, has by far the greater significance and importance, and personally I would have liked to have recommended separately that portion of the resolution relating to the succession to the presidency, but it was thought that if we were to simply amend the mechanics of the Constitution the two ideas ought to be incorporated, and while I think the succession idea is far more important I have been led now to believe that the other amendment ought to be included, and though it may not be so important it is highly desirable, and certainly the country as a whole is demanding the abolishment of the short session, the doing away with filibusters, and that sort of thing.

In 1928 we had three days of debate—March 6, 7, and 8—on this question, and we embodied this debate in a public document which I think it would be well for every Member to read.

Hastily, I may say that the objection given to the adoption of the proposed constitutional amendment were, particularly, we should not tinker any longer with the Constitution. This proposed amendment is not like the sixteenth, seventeenth, eighteenth, and nineteenth amendments. This has simply to do with the mechanics of the Constitution. It was also stated that our forefathers knew exactly what they were doing when they gave us this cooling-off period of 13 months and all that sort of thing.

It was not thought of in those days. It was purely an accident in those days. After the election of the First Congress in January it assembled as soon as possible, which date was March 4. I may remind the House that the reason this change has not been practicable before is because the seventeenth amendment to the Constitution had not been adopted. Senators formerly were elected by the legislatures of the various States which meet after the first day of January. Senators are now elected in November, and this change can now be made.

So, Mr. Chairman, I thought it was timely to take this opportunity of saying, that because of the preponderance of opinion over the whole country in favor of this proposed amendment we should take early action.

A certain clipping bureau found of the editorials from all over the country 97 per cent of the newspapers were greatly in favor of this amendment and are now demanding its adoption.

The vote taken two years ago showed that there was a good majority and the change of a few votes would have been sufficent for favorable action.

As chairman of the committee and acting under the orders of my committee, I am supposed to do everything possible to bring this proposed amendment to the floor of the House during this particular session. I do not want to be lax in my duty, and my chief motive in rising at this time, Mr. Chairman, is to say that this proposed amendment which has caused so much discussion, criticism, and ill feeling has been before our committee as filed by several Members, and that the Senate resolution has been before the committee at all times in the consideration of the question. Our own amendment we considered to be much better, and as it had been discussed here at so much length, we decided to introduce it in this session just as it was voted on by the House, obtaining a large majority therefor in May, 1928. [Applause.]

Mr. Chairman, I yield back the balance of my time.

Mr. MURPHY. Mr. Chairman, I yield 10 minutes to the gentleman from Nebraska [Mr. SLOAN].

Mr. SLOAN. Mr. Chairman and members of the committee, desiring briefly to supplement the able statement made by the chairman of the Committee on Election of President, Vice President, and Representatives in Congress, permit me to call your attention to some distinctive and controlling facts and dates.

The Congress of the United States convened in 1929, on April 15. That committee was not appointed or organized during the special session. It was organized on the 12th day of December, 1929. Up to that time there was no committee, with jurisdiction, to which there could have been referred a resolution touching the election of President of the United States or his succession or the beginning or ending of his term. Congress adjourned for the holiday season on the 21st of December, 1929, convening on the 6th day of the following January, 1930.

On the 13th day of January, 1930, Chairman GIFFORD called the committee together. There was a full attendance and an elaborate and complete discussion of the problems involved in the various resolutions and bills then before the committee, either these by due reference or as a physical fact; among these was Senate Joint Resolution No. 3. The difficult problem was to present a resolution which would appeal to the country, to another body, and would pass this body by a two-thirds majority. The time for mere gestures had passed. Authorships involving helps or handicaps were to be of less importance than results.

The distinguished chairman, a member of the committee for seven or eight years, was backed by four or five members who had served for a considerable time.

The membership of that standing committee was as follows:

Charles L. Gifford, Massachusetts; Randolph Perkins, New Jersey; Arthur M. Free, California; Frank L. Bowman, West Virginia; Charles H. Sloan, Nebraska; John L. Cable, Ohio; William I. Nolan, Minnesota; Vincent Carter, Wyoming; Lamar Jeffers, Alabama; Ralph Lozier, Missouri; Samuel Rutherford, Georgia; Patrick J. Carley, New York; D. D. Glover, Arkansas.

The first eight Republicans, the other five Democrats. It may be proper to say that in this committee since its organization there has been complete agreement.

This has been a mooted question for a number of terms and they were familiar with the demands of the country and the difficulties of presenting a bill and carrying it through the House of Representatives.

I raise no new question when I say that at the time I am covering there was considerable discussion before other committees, in the press and country, relative to the last two amendments which have been adopted by the Republic—credit and discredit being hurled at them, and their validity challenged. So it was not a popular proposition for the committee to undertake and evolve something that would pass the House by a two-thirds vote.

It might meet with the approval of a majority of the House, it might meet with the approval of the press of the country; but to obtain two-thirds majority of this great body, every man who is fairly well posted in political affairs knows it presents a difficult problem.

So the chairman ably brought before the committee the two commanding facts, the jurisdiction over which was being appealed to us for exercise. The more important was that which man can not control. The period at which our Congress shall end is fixed by the Constitution. The sectional views, distributed as they may be throughout the country can not change that. It is a fixed fact by the calendar and in the Constitution. It has served us well from the organization of our Government until now.

True, I believe the majority of the American people think that we should elect our Members of Congress so they will be more immediately responsive to American people than now waiting from November until the 4th of March for the presidential succession and for the activity of the Congress for 13 months.

The second proposition and most important, those changes and influences, including life, death, incapacity, and fickle public's facile whims.

Mr. KNUTSON. Will the gentleman yield?

Mr. SLOAN. I will yield to the gentleman from Minnesota.

Mr. KNUTSON. Does not the gentleman think that the provision to which he refers was put in for the special purpose of allowing the new Member to cool off and get back to the normal basis before Congress convenes?

Mr. SLOAN. Yes. Cold storage was not in vogue at that time.

Mr. KNUTSON. The gentleman will admit that the cooling process is not to be sneezed at.

Mr. SLOAN. As a conservative I quite agree with the gentleman.

Mr. SPARKS. Will the gentleman yield?

Mr. SLOAN. I yield.

Mr. SPARKS. At the time of the adoption of the Constitution when we were in an experimental stage, was not it necessary to take a longer time to figure out the proposed course of legislation than it has been when we have a definite course?

Mr. SLOAN. Quite true. That was an important fact. It was an important fact in reaching this seat of Government. Because the winds had to carry them up and down the ocean, bays, and rivers; while we have since that time railroad, steamboat, and airplane transportation. I think the country now believes that the period between the election and the activities of the President and the Congress should be materially shortened. What the country advisedly desires and which is in line with our representative government should be brought about and that through effective means.

But, as I said before, the old system has served us well, and in its continuance no great calamity could or did occur. A betterment, an improvement in our system, undoubtedly would follow the shortened period, but that was not the large consideration. The large consideration was that under our electoral system we are liable to have blocs instead of parties. There might be many candidates voted for under our electoral system. Many of those candidates may receive less votes than a majority and none more than a plurality.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. MURPHY. Mr. Chairman, I yield 10 minutes more to the gentleman from Nebraska.

Mr. SLOAN. Take the situation liable to occur at any election. There may be four or five candidates for the Presidency and no one receive a majority. Disease may sweep away the man for whom a plurality of votes were cast. The hand of the assassin may dispose of the second. In that case, under our system, there is but one course. The third man receives the votes, and when the election is turned into the House of Representatives is, perforce, elected President of the United States. It could well be wrought out—and Heaven forbid that it shall—we might have three candidates for the Presidency—one a Democrat, one a Republican, and one might be an anarchist. He might carry one of the small States of this Union. He might have the balance of power. But whether he had the balance or more than that and yet less than the others, the hand of an assassin might wipe out the leader and the second. In that event, under our system, this anarchist would, perforce, be the President of the United States, because he would be the only one for whom votes could be cast in the House of Representatives.

Many complications may arise. It is providential that they have not arisen thus far. It is of prime importance that this committee should make provision for these contingencies. I was reluctant to take a place upon this committee for a number of reasons, but I felt that it was my duty upon request to do so, with the understanding that the day of gestures in improving the mechanism of our Constitution should terminate and that the House of Representatives, orderly body that it is, reaching for results and not for advertisement, should work out a system that might save this Republic from chaos at some of our future elections. [Applause.] With that in view, I have followed our chairman, who made it plain to us new Members that what should be done would be to bring before this House and the country the large and controlling reasons why we should construct and submit such an amendment. I ask the chairman at this point whether in the seven years of his experience there have been extensive hearings on this proposition?

Mr. GIFFORD. There have been.

Mr. SLOAN. It did not come to my special notice. The chairman of the committee called before that body the eminent men who had resolutions before that committee, including, among others, the gentleman from California [Mr. LEA], the gentleman from Missouri [Mr. ROMJUE], the gentleman from Ohio [Mr. CABLE], the gentleman from New York [Mr. LAGUARDIA], the gentleman from Wisconsin [Mr. BROWNE], and others, to present the merits of several resolutions.

As I understand it, the committee meetings were open not only to the membership of the House and all other persons interested but to the membership of any other body that might be in existence here or elsewhere.

Mr. GIFFORD. Mr. Chairman, will the gentleman yield?

Mr. SLOAN. Yes.

Mr. GIFFORD. Formerly there were very extensive hearings under the leadership of the American Bar Association, which for years has fought for the passage of this amendment. I would remind the House that this year, while we had fairly exhaustive hearings, we had before us a public document presenting the three days' debate. The dates of those hearings were advertised in the CONGRESSIONAL RECORD, so that if anyone wished to come before the committee he could know that it was his privilege and that the opportunity was offered.

Mr. SLOAN. There were hearings held for five different days, covering 123 pages of printed matter. After that was done the chairman appointed a subcommittee of three, made up of the gentleman from Missouri [Mr. LOZIER], the gentleman from West Virginia [Mr. BOWMAN], and myself, to review the evidence and present, not the LaGuardia, Browne, Cable, Lea, Romjue resolution, or any other particular one, but to present that which we were convinced would appeal to the membership of this House and stand the best show of being carried by a two-thirds vote.

Just as soon as I could get those men together we considered the evidence and came to agreement that the resolution which would most strongly appeal to the membership of the House and command the most votes was that upon which debate had been had for three days in 1928 and which received a very large and commanding majority, but not a two-thirds vote, as the Constitution requires.

There were no differences in that subcommittee except what little difference there was between the others and myself when I suggested that perhaps the resolution should be a little more explicit in extending the power to Congress to meet some of these contingencies that experience had not pointed out. I had consulted the legislative draftsmen on the subject. But I was convinced from their statements and agreed with them that our strongest position in this House was to take that which had been fully debated and present it to the main committee and let that committee recommend what was to be done.

There appeared before that committee the Chairman of this Committee of the Whole, the gentleman from Massachusetts [Mr. LUCE], whose legal learning and forensic abilities are unsurpassed in this House. It should be said—and I can say it in his absence—that for close reasoning and "luce" speaking our Chairman of the Committee of the Whole is without a peer.

Congressmen STOBBS, SEARS, LAGUARDIA, CABLE, LEA, Clerk Tyler Page, and others, 14 witnesses in all, made their views known to the committee and they were placed in the record.

Speaking of my own State, three Members beside myself, namely, SEARS, JOHNSON, and SIMMONS, either spoke or gave written statements or otherwise made their interest manifest.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. SLOAN. If the chairman in charge of the pending bill has plenty of time, I should like another little section of eternity cut out for me.

Mr. MURPHY. I want to be courteous. The other side have four hours and five minutes. With the permission of my colleague, the gentleman from Missouri [Mr. CANNON], I will yield the gentleman from Nebraska five additional minutes.

Mr. CANNON. In view of the fact that the time is to be yielded to the gentleman from Nebraska, that will be entirely satisfactory.

Mr. SLOAN. I thank my chairman and the gentleman from Missouri.

I want to say that with all possible dispatch the subcommittee's report was made to the main committee. The main committee authorized the chairman to report the bill, and in my opinion it will receive vigorous support in this House.

I wish to speak of the reasonable speed that we made. We were not organized until December 12; our resolution was introduced into this House five days before criticism came from another quarter. I want to emphasize what the chairman has said about the Senate resolution, concerning which something had been heard. It was before our committee all the time, on a par with all the other resolutions that were being considered, so that each had its opportunity.

I desire to give to the country this significant fact: This resolution was reported to the House long before its calendar shall come. It has not lost a moment of time or one poor fraction of

proper speed. More than that, it is ready for application at any time to the Committee on Rules to be advanced; if that Committee on Rules, speaking for the majority of this House, grants our request.

Mr. LEA. Mr. Chairman, will the gentleman yield there?

Mr. SLOAN. Yes; I yield to the gentleman.

Mr. LEA. I want to take advantage of the opportunity that the gentleman has given me by yielding to compliment the committee for its sincere interest in these problems and its work in connection with them. For years your chairman has been a close student of this subject. It is easy to realize the importance of this legislation. It gives me pleasure to stand here to-day and pay a tribute, a well-deserved tribute, as I view it, to the committee and its chairman for their consideration of these problems.

Mr. SLOAN. I thank the gentleman. Concerning our chairman, I may say with the poet—

None know him but to love him,
None name him but to praise.

The compliment of the gentleman from California, a Democrat, is a high evidence of the nonpartisan work of this committee.

There are reasons why there has been delay in connection with this measure in other years. One is the flippant manner in which it has been referred to by its professed friends, making it more an object of derision than a great piece of constructive legislation. They call it the "lame duck" amendment. In harmony with that it was so referred to in another body, and that body accordingly referred it to the Committee on Agriculture, apparently on the theory that it concerned poultry. [Laughter.]

Mr. O'CONNOR of Louisiana. Mr. Chairman, I understood this was a privileged matter and therefore was not subject to the Rules Committee. Can the gentleman enlighten us upon that?

The resolution for an amendment to the Constitution is not a privileged measure under the House rules. A study of the hearings will show that men who favor this procedure have little sympathy with the "lame duck" designations. That derisive designation carries the implication that defeated Members of Congress in short sessions of Congress, after election are unmindful of their exalted duties and violate their trusts. As the average retirement every two years is about 15 per cent, and a large number of these are voluntary, and men either in defeat or voluntary retirement are just as liable to be pure patriots as those who succeed, the injustice will readily appear.

The committee took the view that now before either defeat or victory at the polls, all Members were and should be looking to their country's good and not to any transient distinction which might be attached to formal authorship. It is a fine tribute to the Members of the House, that not one has complained because his particular form of resolution was not selected upon which to go before the House.

A distinguished member of another body on an occasion outside of Congress said, "I have no reverence for the Constitution or any of its amendments." I do not agree. The Constitution and all its amendments have my reverence. Because, there is the symmetrical crystallization of the American will. It is the greatest prose document in the world since Holy Writ. Between its immortal lines is breathed the most magnificent poem of civilization. Catch its inspiring cadences and talk no more of the turbulent roll of Ossian or the majestic movement of Milton.

Its change should be wrought with a care and wisdom, matched only by the patriotism and zeal with which Americans will uphold and defend it.

Mr. MURPHY. Mr. Chairman, I yield five minutes to the gentleman from Virginia [Mr. LANKFORD].

The CHAIRMAN. The gentleman from Virginia is recognized for five minutes.

AVIATION

Mr. LANKFORD of Virginia. Mr. Chairman and my colleagues, a few days ago I had the pleasure of accompanying a congressional party to Hampton Roads, Va., and witnessing the aeronautical exhibitions that were performed there. We had our eyes opened by the wonderful strides that have been made in aviation. As we stood on the deck of that giant carrier and saw the airplanes circle about and swarm in the air like a flock of ducks we marveled at the great efficiency that has been attained in the art of aviation.

I wish especially to comment on the efficiency of the personnel, from the admiral down to the men. As I stood there and saw that wonderful exhibition I felt like taking off my hat to the Wright brothers, who made all of this possible at Kitty Hawk, N. C.

I have filed a bill, H. R. 7722, which is now pending before the Military Affairs Committee, providing for the construction by the Secretary of War of a road from Cape Henry, Va., to Kill Devil Hill, N. C. This road, aside from its military value, will make accessible the memorial to the Wright brothers at Kill Devil Hill, N. C. This memorial is now cut off from approach by vast expanses of sand and water, and the roadway when completed will not only open up to thousands and hundreds of thousands who would do honor to the Wright brothers as the years go by by visiting the shrine of the first birdmen but will lead through a section rich in early historical events and unsurpassed in wild and natural beauty.

You have often heard the expression and perhaps as often used it, "If the hill will not come to Mahomet, Mahomet will go to the hill." On this roadway you will see a hill to-day that literally would have come to Mahomet, if he had waited at the right place and for a sufficient length of time.

The name of this hill is Kill Devil Hill, located at Kitty Hawk, N. C., a vast mountain of sand, 97 feet in height, covering 26 acres, and which has moved 500 feet in the last 30 years. It is a strange coincidence that at this spot, where man first learned to fly, that even the mountains moved and this mountain would have continued its impetuous flight had it not been made world famous by the Wright brothers as the scene of the first successful flight of man. Having become world famed it became necessary to check its flight. The War Department, through its engineers, has accomplished one of the novel engineering feats of all time. They have literally anchored and chained this moving mountain. She has reached her journey's end. One of my old friends, Herman Drinkwater, a resident of Virginia Beach, and familiar with the pranks of shifting sea sand from boyhood, aided in the practical work of anchoring this mountain, and I learned of his death a few days ago with deep regret. It has been chained by covering its sandy slopes with wood mould and planting over this native grasses and shrubs that hold the shifting sand better than concrete.

The recent stabilization of Kill Devil Hill, the world's most famous moving mountain, and the determination of Congress to use it as the base of a national memorial to the Wright brothers, has convinced me of the wisdom of connecting this memorial with civilization by means of a concrete roadway leading from Fort Story at Cape Henry, which protects the entrance to Chesapeake Bay, along the ocean front and over the narrow strip of sand beach separating Back Bay and Currituck Sound from the ocean to the memorial at Kill Devil Hill, a distance of 60 miles.

This short roadway covers the scene of three great first events in American history. First comes Cape Henry—at its northern end where still stands the first lighthouse erected in America, and the scene of the first landing of permanent settlers in America—the John Smith expedition on April 26, 1607. John Smith himself, it is true, did not land, for he was in irons for insubordination on the way over, but when the sealed orders from the King were opened, several days later at Jamestown, it was found that he was placed in command of the expedition. This spot is the scene of an annual pilgrimage held on the 26th of each April, attended by men of national prominence and thousands of visitors.

Another first event occurred at the southern end of this roadway, on Roanoke Island—the birth of Virginia Dare, the first white child born in America. At this point also occurred the mysterious disappearance of the lost colony in 1585—a colony sent over by Sir Walter Raleigh 22 years before Jamestown. Part of the colony was left on Roanoke Island and the ship returned to England for supplies. Sir Richard Grenville, the commander of the expedition became more interested in privateering than he was in his friends left in America, and when he returned three years later not a trace of them could be found—only the mysterious word carved on a tree "Croatan."

The third great event occurred at Kill Devil Hill near Kitty Hawk, the scene of the first successful and sustained flight of man, made by Orville Wright in 1903, which marked the beginning of man's conquest of the air. Even now in its infancy it has enabled him to span the oceans, circle the poles, and circumnavigate the earth.

Along the brief span of roadway will be seen myriads of wild fowl in their native element, bent and twisted pines, lashed by northeast gales, spreading their limbs toward the land as if seeking protection from the fury of the gales, ever-changing colors of sand and sky, each scene an inspiration for the artist and lover of nature. Along this route was the haunt of Blackbeard, the most famous and ruthless of pirates; it is said that Nags Head, near Kitty Hawk, received its name from the practice of these buccaneers in tying a lantern on a horse's head and driving him along the beach to lure vessels to their doom. I have personally dug out of the sands in this barren area a tombstone bearing the date 1736, showing that it was occupied at that time by perhaps fisher folks by day and pirates by night.

At Virginia Beach, one of the most beautiful resorts on the Atlantic coast and connected by concrete road with Washington, can be found wonderful surf bathing, perfect golf, fishing, and ample accommodations; a duck hunter's paradise in winter and a haven of rest and recreation during the entire year; and within 50 miles lie Jamestown, Yorktown, Williamsburg, and Hampton Roads, the scene of the first conflict between ironclads—ironclads that perhaps in another generation will be singing their swan song to the hawks of the air, first flown by the Wright brothers at Kill Devil Hill.

Let me quote an account of the first flight given by Capt. William J. Tate, a former Coast Guard and eyewitness to the event:

At last the decision and the final hour arrived, and in the presence of J. T. Daniels, W. L. Dough, A. D. Etheridge, three members of the near-by Coast Guard station; W. C. Brinkley, of Manteo, N. C.; and an 18-year-old boy, John Moore, of Nags Head, N. C., the machine was taken out of the hangar and placed upon the track on the level plain near the hangar; the motor was started and allowed to run and warm up; Orville Wright stepped into this new vehicle, confidently took hold of the controls, clipped the restraining wire, and the machine began to run along the track. After a 40-foot run it arose of its own power in free flight, soared along a distance of 120 feet from where it left the ground, and alighted without mishap. Thus the most epoch-making event of all the human ages was accomplished.

Since this spot on which was achieved man's ambition to master the air and of which he has dreamed since time began will become more and more famous as time goes by and will become a mecca for generations yet unborn of those who would do honor to the first birdmen, it may be interesting to mention the manner in which these points, Kitty Hawk and Kill Devil Hill, received their unusual names. Of Kitty Hawk it is said that the Indian name for goose was honk, and in describing the period of a year to the early English settlers the Indians described it as from "Killy honk to killy honk," meaning from the time the first goose was killed in one season to the first in the next season was a year. This name now has geen gradually changed to Kitty Hawk. However, some of the old deeds on record to-day describe this area as Killy Honk.

As to Kill Devil Hill it is said that after the days of piracy, and when underwriters came into existence, watchmen placed on the beach to guard salvaged cargoes reported to their employers that during the night the devil walked off with bales of goods. A particularly shrewd watchman was employed, and one night he saw a bale of goods moving off apparently of its own accord. He investigated and found a rope attached to the bale, and following it for some 100 yards he discovered a man on a beach pony dragging it away. He reported to his employers the next day that he had killed the devil. Since that time this hill has been known as Kill Devil Hill.

Since time began man has longed for and dreamed of the conquest of the air. Icarus, in Greek mythology, sought to accomplish it with wings attached to his body by wax, but when he flew too near the sun he did a tail spin; Pegasus, the winged horse of Bellerophon, was the next dream of the ancients, and the dreamer came nearer to the truth than he knew, for there is a marked similarity between the ancients' conception of a winged horse and the metal-winged horse with which Colonel and Mrs. Lindbergh crossed the continent a few days ago.

But it remained for two quiet, determined American dreamers to make these dreams come true, and Orville and Wilbur Wright did this on December 17, 1903, at Kill Devil Hill, Kitty Hawk, N. C.

In conclusion, my colleagues, on the board outside the Chamber, there is a map giving a description of this entire territory and showing the course of the road. If you have an opportunity, I hope you will examine it before you leave. [Applause.]

Mr. CANNON. Mr. Chairman, I yield 35 minutes to the gentleman from Missouri [Mr. LOZIER].

PHILIPPINE INDEPENDENCE

Mr. LOZIER. Mr. Chairman, without further quibbling, equivocation, or delay the United States should grant unconditional independence to the inhabitants of the Philippine Islands. From every worth-while standpoint our national interests will be promoted by a speedy withdrawal of our sovereignty from these far-off Asiatic possessions. By the fortunes of war into which we were reluctantly drawn, these islands with their millions of brown-skinned men and women were left on our front doorstep. They are not the fruits of a war of conquest, or for territorial expansion, or for national aggrandizement. They are the residue of an adventure in the initiation of which we were undeniably actuated by altruistic, unselfish, and humanitarian motives. We assumed sovereignty over the Philippines only because American statesmanship could devise no scheme compatible with our national honor to avoid taking them, but at the time there was no substantial national sentiment in favor of permanently retaining them as provinces, admitting them to our sisterhood of sovereign States, or keeping them for all time under our flag. Subsequently, by a solemn legislative declaration, we, in no uncertain terms, made known to the world our deliberate purpose to grant full and complete independence to the Philippines.

If we were sincere in our professions, if the sentiment and wishes of the great majority of the American people are to be respected, if our solemn covenants are to be fulfilled, if our promises are to be 100 per cent performed, and if we are to keep faith with our own conscience, we should get out of the Philippines, for we must admit that we are now holding these islands not as owners but as trustees under an express trust, the plain terms of which not only permit but require us to withdraw from these regions in the Far East, over which an inscrutable Providence gave us temporary control. [Applause.] Moreover, this is not a dead, dry, passive, or inactive trust; it is not merely an implied, resulting, or constructive trust; it is a direct, express, and active trust, the clear intent, purpose, and provisions of which will never be consummated and in good faith performed until we grant the Philippines unconditional independence.

My conclusions have not been hastily formed. My zeal for Filipino independence is not of recent birth. I am not in any way or to any extent influenced by economic problems that have recently arisen in reference to tariff duties on imports from the Philippines. Nor am I moved by any selfish, sordid, or sinister appeal, or narrow nationalism. In framing the pending tariff bill we have been brought face to face with certain perplexing problems that tremendously emphasize the wisdom and necessity of our withdrawing from the Philippines in order to preserve some of our domestic commodity markets for the American farmer. These markets are now savagely menaced by imports of agricultural products from the Philippines. For economic reasons, the arguments in favor of relinquishing the Philippines are not only convincing but irrefutable. Undoubtedly the financial interests of the American people as a whole will be conserved and promoted by a speedy severance of our present relations with our insular wards. [Applause.]

But I do not predicate my demand for Philippine independence primarily on economic grounds. To my way of thinking these economic reasons are quite convincing, but they are not the prime factor in the equation. There are more persuasive and compelling reasons why we should heed this fervent prayer for independence. There are moral and ethical reasons that appeal mightily to the minds and consciences of men; reasons that are founded on solemn covenants and involve not only our national interests but our national honor; reasons that underlie and spring from a safe and sane national policy; potential reasons that have existed ever since we took over the Philippines following the treaty of Paris, which ended the Spanish-American War, and which reasons, with the flight of time have grown stronger and stronger, and each year make our stay in the Philippines more hazardous and indefensible.

A proper solution of the Philippine problem involves not only our own national interests and national dignity, but the destiny of more than 12,000,000 men and women, who in 1898 by the fortunes of war came under our flag and sovereignty. In this, and in subsequent addresses, I propose to analyze the Philippine situation, review the circumstances surrounding our assumption of sovereignty, consider the principal arguments against Philippine independence, and present some of the compelling reasons why we should speedily end our Philippine experiment.

Obviously it will serve no useful purpose to detail the events that culminated in the Spanish-American War, and which marked the passing of the last vestige of Spanish authority in the Orient and in the western world. It is sufficient to say this war involved primarily the problem of freeing Cuba from Spanish misrule, and was the inevitable fruitage of centuries of cruelty and oppression of her colonies by Spain. What a brilliant and glorious, yet cruel, bloody, and gruesome page Spain has written in the history of the western world. Controlling at one time the major portions of the continents of North and South America, for centuries the unchallenged mistress of the sea, rich and respected at home and abroad, for centuries the paramount power of Europe and the world, yet by shortsightedness, misrule, unspeakable tyranny, and pitiless exploitation, she lost all of her oversea empires, which in potential and actual wealth, staggered human comprehension and surpassed the most fantastic dreams of avarice. For a long time after Spain had been shorn of her other dependencies, she managed to hold Cuba, Porto Rico, and the Philippines, and, by the exercise of moderation, her sovereignty over these princely possessions might

have been prolonged indefinitely. But Spanish Bourbons, learning no lesson from their inglorious and melancholy experiences, selfishly continued to exploit and rule these colonies by methods typical of medieval absolutism.

The Philippine Islands, the largest group of the Malay Archipelago, were discovered in 1521 by Magellan, a Portuguese mariner in the service of Spain, and conquered by Spain in 1565, under the reign of Phillip II. Thus for more than three centuries the Filipino race lived under the baneful and depressing shadow of Spanish autocracy. The story of this people is one of the most pathetic in modern history. But an unfathomable Providence, with the slow-moving shuttle of destiny, was silently weaving a web of events that in the fullness of time would emancipate this enthralled race from age-long servitude.

Destiny imposed on the United States the unsought and unwelcome task of terminating the intolerable conditions in Cuba, and we found ourselves at war with Spain. In a surprisingly short time our Navy destroyed or drove the Spanish Fleet from the seven seas and our Army, composed largely of volunteers, carried our flag to a speedy and decisive victory. The valor of our military and naval forces in the Spanish-American War, as in all other contests in which we have engaged, brought to our soldiers, sailors, and marines imperishable glory.

Defeated on land and sea, the proud house of Asturias sued for peace. Spain, having by centuries of misrule, inexorable exploitation, and pitiless oppression forfeited her right to longer retain these rich insular possessions, and as an inevitable result of our victories, the United States assumed control of these islands and their many millions of inhabitants, not as chattels or pawns or as our absolute property, but we accepted them in trust, to keep or dispose of them in due time and in such manner as would best promote our and their national interests and honor.

While no other course was open to us, the assumption of sovereignty over these islands, marked a radical departure from our traditional policy. As modified by twentieth century conditions, the Monroe doctrine embodies our one outstanding national policy, which, with the approval of our people for over a century, has become a part of our accepted national creed. By that epoch-marking declaration, we, in effect, erected a barrier around the Western Hemisphere, and served notice on the greedy nations of the world that in their lust for power, and in their ambition for national aggrandizement and territorial expansion, they must not attempt to break through, tunnel under, or climb over this wall, which marked a sphere in which our interests and influence were paramount.

When fairly construed and intelligently applied, the Monroe doctrine means that, we will permit no European or Asiatic nation to acquire territory in the Western Hemisphere, because such acquisition might menace our interests and impair our influence as the dominant power in the western continent, and in consideration of other nations being excluded from the Western Hemisphere, we in turn, impliedly agree not to menace the security of other nations, by acquiring territory and establishing outposts in the Eastern Hemisphere where their interests and influence are predominant. If we, in order to safeguard our national interests, forbid European and Asiatic nations acquiring territory in the Western Hemisphere, where our interests are undoubtedly peculiar and preeminent, how can we consistently invade the Eastern Hemisphere and establish dependencies in regions where the interests and influence of other nations are paramount? [Applause.]

By announcing the Monroe doctrine we served notice on foreign nations that were annexing territory in strategic positions throughout the world, that they must keep their hands off the continents of North and South America and islands in adjacent waters. To justify and enforce this policy and be consistent, we are morally obligated not to acquire and hold far-distant territory in regions where other nations, by reason of their location, have a vital, peculiar, and preeminent interest. From the birth of our Nation there has been an overwhelming sentiment among our people to confine our activities to the western world, and to limit our territorial expansion, if any, to the areas within the walls, which we, by the Monroe doctrine, have thrown around the Western Hemisphere.

The American people have never given any mandate for the permanent retention of the Philippines, or sanctioned a policy that would make us a "Pacific power," as that term is now understood, or involve us in the complex Far East problems and intrigues, that must inevitably grow out of our permanent, or even protracted control of the Philippines. We are not an "empire-minded" people. We accepted these rich insular possessions, not gleefully, but because it was unthinkable that the astucious Spaniard should continue longer to exploit them, and because there was nothing else for us to do but to take them. But there has never been a substantial national sentiment in favor of permanently retaining them.

In unequivocal language we have proclaimed to the world that we were not permanently annexing these islands, that we had no thought of retaining them as colonial possessions, or incorporating them as integral or inseparable units of our Federal structure. In presidential messages, in congressional debates, from platform, forum, pulpit, and press, we, with seeming sincerity, announced to the world that our stay in the Philippines would be short, and that independence would be granted as soon as the inhabitants were capable of self-government. This did not mean that independence would come only after decades, generations, or centuries of tutorage under American Governors General, American Congresses, and American Presidents; nor that we would measure their capacity for self-government by such a high standard, that they could not possibly hope to meet our arbitrary and self-serving requirements.

Who will challenge the sincerity of our Government and the good faith of the American people when we assured the inhabitants of the Philippine Islands that we would grant them independence at no distant date? The rank and file of our citizenry, the great mass of right-thinking, right-living men and women in the United States are not to blame for our failure to keep faith with the inhabitants of the Philippines. The responsibility rests with Congress and our Presidents, who have sacrificed duty on the sharp edge of expediency, beguiled by the sophistry of those who for selfish ends have ceaselessly preached the spurious and sinister gospel of procrastination; who deep down in their hearts want us to permanently retain the Philippines, or prolong our stay there indefinitely, for the financial gain that would accrue to a very small group of our people interested in trade and commerce with these islands.

By longer listening to the siren son of those who dream of territorial expansion in the Orient, we will dull our national conscience, violate our national covenants and impair our prestige as a fair dealing, square-shooting, and self-respecting nation. In meeting this issue let us not be constrained by fear, swayed by passion or false pride, intoxicated by the hope of financial gain, misled by prejudice, or seduced by ambition. But let us cling tenaciously to the faith and ideals that actuated our far-seeing constitutional fathers when they wrote our national creed, formulated our safe and sane national policies, marked out our national trails and established our national landmarks.

Vain and fruitless will be our triumph at Manila, Santiago, and San Juan, if the pæans of victory are disturbed by the unanswered prayers of a captive race. Disappointing will be our songs of exultation if their echoes are mingled with the pathetic voices of millions of brown-skinned men and women reproaching us for not having kept faith with them. The policy I advocate may mean less territory and a few less dollars to a few Americans, but it will earn the lasting good will and benediction of liberated millions, ease our national conscience, fulfill our national covenants, and demonstrate to the world that our Republic will keep its promises, and be not only just, but generous in its dealings with an humble but deserving race that was cast into our lap by inexorable destiny and the whirligig of war.

Mr. LEA. Will the gentleman yield?

Mr. LOZIER. I yield.

Mr. LEA. I take it that the gentleman from Missouri [Mr. LOZIER] thinks we should free the Philippine Islands on the basis of keeping faith with a promise. Would the gentleman be in favor of their independence for that reason alone at this time?

Mr. LOZIER. I will say to my friend from California that it is undeniably our duty to keep faith with the inhabitants of the Philippines and fulfill in letter and spirit our promise to grant them independence. This promise, standing alone, would be a sufficient reason why the Congress of the United States should grant full and complete independence to the inhabitants of these islands, but there are many other reasons which appeal very strongly to the mind and conscience of the American people, which support and buttress the arguments in favor of relinquishing these Asiatic possessions. There are financial reasons, economic reasons, strategic reasons, and many other reasons why our permanent or protracted stay in the Philippines is unwise and, in my opinion, dangerous to our national interests. Undeniably we should keep faith with the Philippines and grant them the promised independence.

Mr. LEA. From the standpoint of keeping faith with that promise, what does the gentleman think that promise required, so far as time is concerned?

Mr. LOZIER. Our promise, not only implied but expressed, was to withdraw from these islands as soon as the inhabitants

were capable of self-government, or, to express it in another way, when they shall have established a stable government. This did not mean that they were to wait decades, generations, or centuries, or that they would be denied independence until they had acquired as much genius or capacity for self-government as the American people claim to possess. A reasonable construction of our promise is that we covenanted to withdraw our sovereignty as soon as the inhabitants had created a stable governmental structure which would be conclusive evidence of their capacity for self-government.

Our promise did not imply that we would measure their capacity for self-government by American or European standards, or that they had to establish and maintain as efficient and stable a government as that of the United States; and it was never understood that their government should be in all respects a duplicate of ours. The only conditions we imposed were that the native inhabitants were to establish and maintain a republic or representative form of government suitable to their needs, in harmony with their environment, and which would promote the interest and welfare of the population as a whole.

Mr. GUEVARA. Will the gentleman yield?

Mr. LOZIER. I yield to my friend, the honorable Commissioner from the Philippines.

Mr. GUEVARA. I wish to correct the statement that the promise to grant independence to the Philippine Islands is predicated upon the capacity of the people of the Philippine Islands for self-government. The only condition required, previous to the granting of independence, was that as soon as a stable government is established in the Philippine Islands then independence shall be granted to the Philippine Islands.

Mr. LOZIER. Answering my friend from the Philippines, I will say there is no disagreement between his and my construction of our obligation under our promise to grant independence to the Philippine Islands. We have promised this independence as soon as the inhabitants have established a stable government for the administration of their domestic and ultimately their international affairs, which is tantamount to saying that independence will be granted as soon as they are capable of self-government. I contend that that time has already come, and there is no substantial reason why they should longer continue under our trusteeship.

In this connection I want to say that the Filipinos have established and are now maintaining an efficient and stable government for the administration of their domestic affairs, 98½ per cent of all the civil officers in the Philippines being native inhabitants of those islands. The Filipino race has made marvelous progress in education, culture, social and civic affairs, and in the science of government in the last generation. They have demonstrated beyond the peradventure of a doubt that they have a genius for government. They are progressive and ambitious and animated by passion to qualify themselves for the duties and responsibilities of life and to have a part in the world's work and accomplishments.

Mr. LEA. I do not want to press the gentleman unless it is entirely agreeable to him.

Mr. LOZIER. Go ahead. I am glad to yield to the gentleman from California, who is always interesting and well informed, and who always contributes something worth while to every debate in which he participates.

Mr. LEA. Is it the gentleman's judgment that the Filipinos having established the reputation of having a stable government, we are now called upon to free them?

Mr. LOZIER. Undeniably, yes.

Mr. LEA. Assuming we have reached that conclusion, how soon does the gentleman think freedom should be granted?

Mr. LOZIER. We should withdraw our flag from the Philippine Islands just as soon as the inhabitants have created a republic or governmental structure patterned in a general way after our scheme of government. By this I mean that we should release these islands without unnecessary delay, within the next few years, and just as soon as they can rear a stable government. To do this, ample notice should be given to the inhabitants to the end that they may be advised as to the proposals and have a voice in formulating the institutions under which they are to live and work out their racial and national destiny. Ample time should be allowed for the selection of delegates to a constitutional convention, and all inhabitants, including all racial groups, should be given fair representation in that convention.

The members of this convention should proceed deliberately in writing the constitution of the Filipino republic, which, when completed, should be submitted to the inhabitants for ratification. While unnecessary delay should be avoided, ample opportunity should be allowed for full and free discussion, to the end that the organic act may reflect the wishes of the inhabitants. It is only necessary to delay our withdrawal long enough to allow the inhabitants, by the exercise of reasonable care and diligence to set up a governmental structure with which to take over the responsibilities and burdens incident to a self-governing state.

I am not able to state dogmatically just how long this would require, but, in my opinion, not more than five years would be required to formulate their scheme of government, write their constitution, and enact the necessary statutes to enable the inhabitants to take over the exclusive management and control of their domestic and international affairs.

Judging the future by the past, the inhabitants will be amply able to rear and maintain a stable republican form of government, and I believe the United States should proceed upon the theory that not more than five years will be required to enable the native inhabitants to set their house in order and be in a position to take over the administration of their own affairs.

In the last 30 years the Filipino race has made marvelous progress in education, the arts, and the science of government, and has developed a remarkable genius and capacity for politics and efficient administration of public affairs. The advancement of the Filipino race in the last three decades has no counterpart or parallel in the history of the world, considering that Spain never shared with her subjects the duties and responsibilities of government.

Mr. LEA. Assuming that period has arrived and we grant them full independence, what, if any, further obligations does America owe to the Philippine Islands different from any other nation?

Mr. LOZIER. It is my purpose to discuss this phase of the problem in a subsequent address. But for the information of my colleague and others I will take this occasion to say that our future attitude toward the Philippines after their liberation is a matter to be considered by the Congress as we approach the time when we will sever our present relations with our insular wards. In relinquishing the Philippines I believe we should make known to the world that the United States will not stand by and permit any other nation to make a war of aggression on the Philippine republic. I do not think that there is any danger of any European or Asiatic nation attempting a conquest of the Philippine Islands after the withdrawal of our flag.

I am further convinced that the great nations would willingly enter into a covenant for the neutralization, integrity, and independence of the Philippine Islands. The gentleman from California has raised an interesting question which I hope to discuss in detail in a subsequent address.

Mr. SLOAN. Will the gentleman yield?

Mr. LOZIER. I yield to my friend, the gentleman from Nebraska.

Mr. SLOAN. In the proposition to grant them full independence, does the gentleman's plan include all the islands and all the people, whatever lines of demarcation there may be among them, or is it to be limited territory and limited peoples or tribes, and I say that with the utmost respect for them?

Mr. LOZIER. Answering the gentleman from Nebraska, I will say that these 7,000 and more islands were intended by Providence to constitute one great state, and to have an important part in the development of the Orient. Practically all of the inhabitants belong to the Malayan race, although, of course, there are different tribes, dialects, and, I may say, groups of different or uncertain racial origin. But there is a similarity and cohesiveness which will justify the incorporation of all these islands and all these inhabitants in one nation. But in framing their organic act the rights and privileges of each and every racial group should be amply protected, to the end that all may enjoy the benefits and blessings of free government and have equality of opportunity.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. SANDLIN. Mr. Chairman, I yield the gentleman from Missouri 10 additional minutes.

Mr. LOZIER. Since the dawn of civilization, since the historic muse began to keep a record of all the dark hand of destiny weaves, can you point to many instances where a king or commonwealth has freely and willingly, without compulsion or adequate compensation, given up power, dominion, or territory, or restored independence and self-government to a conquered nation or subject race? When in all the annals of time has any nation voluntarily or without remuneration surrendered the fruits of conquest or rich possessions acquired by the fortunes of war?

The outstanding exception to this almost universal practice is found in the action of the United States Government, after the Spanish-American War, in giving Cuba independence and in solemnly promising autonomy to the Philippines. To this policy we were morally committed before we entered the war

that destroyed the last vestige of Spanish power in the Western Hemisphere. This pledge was made in good faith and not with crossed fingers. It had and has the sanction of the enlightened sentiment of an overwhelming majority of the American people. This solemn covenant is but half fulfilled. We have kept faith with the Cuban people, but our promise to grant the Filipinos independence is as yet unperformed. This obligation can not be evaded without a sacrifice of our national honor. By no process of reasoning, by no refined sophistry or doctrine of expediency, by no consideration of self-interest or financial gain, can we justify further delay on our part in keeping faith with our conscience and fulfilling our pledge to the Philippine people.

Mr. LEA. Will the gentleman yield?

Mr. LOZIER. I yield.

Mr. LEA. With reference to your statement that in consideration of our excluding European and Asiatic nations from the Western Hemisphere we are morally obligated not to invade the Eastern Hemisphere and establish dependencies in regions where other nations, by reason of their location, have a paramount interest, is there not this distinction? When we went to take the Philippines we did not invade or violate any rule established by the oriental countries so far as territorial relationships were concerned.

Mr. LOZIER. I do not contend that when we took over the Philippines we violated the legal right of any Asiatic nation or disregarded any announced policy of any nation in the Orient, but I assert that such action on our part violated the fundamental principle on which our Monroe doctrine is based. This doctrine is bottomed on the proposition that the United States is the dominant power in the Western Hemisphere; that by reason of our location we have a peculiar and paramount interest in the national life of North and South America and adjacent islands, which interest would be injuriously affected and seriously menaced if European or Asiatic nations should acquire territory in the Western Hemisphere and establish dependencies in our front or back yard.

That these nations, by acquiring territory in the Western Hemisphere, would thereby acquire a special, peculiar, and vital interest in affairs that are essentially Pan American, and sooner or later the interests of these nations, functioning through their American dependencies, would conflict with our national interests. They would automatically become our rivals and challenge our preeminence as the dominant power of the western world.

Once intrenched in North and South America, the influence of these Asiatic and European nations in purely American affairs would be tremendously augmented and precipitate intrigues and rivalries, now so common in Europe. If we are consistent, and if we honestly believe in the philosophy on which we predicated the Monroe doctrine, we can not logically invade the Eastern Hemisphere and establish dependencies which would make us an Asiatic power and inevitably embarrass or threaten the interests and influence of other nations in that remote region, and involve us in the complex Far East problems and intrigues.

There is the same reason for the Asiatic nations to declare an Asiatic Monroe doctrine, or for the European nations to declare a European Monroe doctrine as there was for the United States to promulgate our traditional Monroe doctrine.

If we can invoke this policy against Europe and Asia, by the same token the nations of those continents can invoke the same principle or policy against us. The Asiatic and European nations, in ethics and morals, have as much right to embarrass us by establishing dependencies in the Western Hemisphere as we have to embarrass them by establishing dependencies in the Orient. It is a poor rule that will work when we want protection from a possible danger, but which can not be invoked in fairness and justice against us by other nations that are interested in being protected from an invasion by us of their spheres of influence.

To speak frankly, we have no business in the Orient, and the sooner we relinquish the Philippines, the better it will be for us and for the Philippines.

By permanently holding the Philippines we violate the spirit and the principle upon which the Monroe doctrine was founded. We are undeniably inconsistent, if we, by the Monroe doctrine, throw a barrier around the Western Hemisphere and deny to other nations the privilege of acquiring territory within this area, because such acquisition might impair our interests and jeopardize our national security, and then ignore this principle and policy by invading the Eastern Hemisphere and establishing dependencies and outposts in regions where other nations, by reason of their location, have a peculiar and paramount interest.

Most persons who oppose immediate or early independence for the Philippines, predicate their opposition on the claim that the inhabitants are not yet qualified for self-government. By whose yardstick and by what standard are these qualifications to be measured? Must the Filipino have the same genius and capacity for self-government that we Americans are supposed to possess? Shall we demand that the Filipino demonstrate his capacity for self-rule before he has been given a fair trial and had an opportunity to prove his aptitude for efficient management of his own domestic and international affairs? Every race must crawl before it can walk, and it must walk before it can run. Efficiency in the administration of a government is the fruitage of opportunity and experience. Every great nation has passed through periods of infancy and adolescence. The capacity of the Filipino for wise and efficient self-government, which has already been developed to a remarkable degree, will improve as they take on themselves exclusively the burdens and responsibilities of enacting and administering their own laws. Talents grow with use. Skill in governmental matters will come with experience.

The realization by a people that they are free; that they are privileged in their own way to work out their own destiny; that they have no masters but their constitution, their laws, their conscience and sense of right; that they must solve their own problems, develop their own culture, rear their own institutions, enact and administer their own laws, and develop their own civilization, will sober them, inspire them, strengthen them, incite their patriotism, arouse their interest in public affairs, give them poise, discretion, and conservatism, and develop their faculty and talents for governmental affairs, which can never come to a people held in bondage, and on whom the duties and sole responsibilities of government have never been placed.

I have watched with interest and admiration the progress of the Filipino race since these islands came under our sovereignty, and in all the annals of time no record can be found comparable with that of the Filipinos, who, emerging from more than three centuries of pitiless oppression, quickly learned the ways of the western world, developed a passion for education, exhibited remarkable genius for governmental affairs, and proceeded to establish a culture and civilization suitable for their needs and local environment, all of which justify the opinion that this hitherto backward race is undoubtedly destined to play a prominent and important part, not only in the development of the Orient, but in the history of the world. [Applause.]

And the United States, as the outstanding Republic of the world, should ungrudgingly keep faith with these generous and confiding people and fulfill the promise that we have made to them in letter and spirit.

Our permanent or protracted stay in the Philippines is pregnant with very mischievous consequences. The lust for power is reprehensible when displayed by a monarchy, but it is especially odious when manifested by a republic and garbed in professions of sincerity and disinterestedness. It is a serious act for any nation, especially a republic, to throw itself across the path over which 12,000,000 people are traveling toward self-government, thereby blocking their progress. Only under the benign influence and stimulation of self-government, can any race capitalize its physical, intellectual, and spiritual powers, and reap the bountiful rewards Providence has ordained it should enjoy.

In the time at my command to-day, I have only been able to present a few preliminary observations on the Philippine problem. From time to time as I may find opportunity to be heard, it is my purpose to discuss every phase of this question, in the hope that I may contribute something to a speedy and just solution of what I consider one of the most important issues now confronting the American people. [Applause.]

Mr. SANDLIN. Mr. Chairman, I yield now to the gentleman from California [Mr. LEA].

Mr. LEA. Mr. Chairman, I ask this time in order to correct what perhaps is a wrong impression gained through the question I asked of the gentleman from Missouri [Mr. LOZIER]. I agree with the gentleman that the United States should keep its promise to the Philippines, and keep that promise in good faith. I do not agree with him that there is any injustice to oriental nations by the United States being in the Philippines. If there is any injustice in our remaining there, it is an injustice to the Philippine people and not to other Asiatic countries.

Mr. SANDLIN. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. CULLEN].

UNEMPLOYMENT

Mr. CULLEN. Mr. Chairman and members of the committee, we are nearing the end of the second session of the Seventy-first Congress, and it is high time that we pause to review the business and labor situation of our country at this time fairly and

impartially, so that we may take back to our people some effective plan for relieving the present unemployment situation.

Senate bills 3059 and 3061, introduced by Senator WAGNER, of New York, to remedy unemployment were reported favorably by a unanimous vote of the Senate Committee on Commerce after an executive session held on April 3, and on April 30 were passed by the Senate and sent to the House. The Wagner bills provide for more comprehensive unemployment statistics, and for long-range planning of public works for the purpose of offsetting cyclical unemployment. A third bill, S. 3060, which provides for cooperation of Federal and State governments in the establishment of employment agencies, has been held up temporarily at the request of the National Association of Manufacturers to allow them to file a brief with the committee in regard to the bill.

We can not overlook the importance from a practical point of view, a means of ascertaining the extent of the distressing unemployment in the country at this time. As the result of the apparent indifference and shortsightedness of many men in public life, they find themselves to-day in a maelstrom of recrimination due to exaggerated guesses of unemployment. The arbitrary figures in regard to the number of people out of work and the Government's lack of any comprehensive statistics to show the present number of unemployed workers has been the result of a serious disturbance throughout the Nation, and it seems to me that Congress should throw its full and immediate support behind the Wagner bills, which will undoubtedly help to relieve the present period of depression, which has been so disastrous to capital and labor.

The first of the Wagner bills provides for an expansion of the Bureau of Labor Statistics that would permit it to gather figures on unemployment of a far more comprehensive character than those on which it must rely at present. The second would put in practice the policy of planning ahead for public projects, including river and harbors improvements, flood control, public buildings, and highways, so that work on any or all of these might be accelerated immediately when depression threatens the Nation. I believe that this legislation proposed by Senator WAGNER is sound in principle and should lead to immediate legislative action by Congress.

Let the Congress not forget that a warning against the possibility of trouble was issued a few days ago by William Green, president of the American Federation of Labor. His statement is deserving of our closest attention, when we consider that Mr. Green is one of the world's most conservative labor leaders, and incidentally one of the bitterest opponents of any type of red movements. When such a man speaks of the possibility of trouble as a result of widespread unemployment and hunger, it is time for Congress to take some definite action.

In urging the passage of the Wagner series of unemployment bills, Mr. Green stated to the Senate committee:

> Our people should be given the opportunity to earn money and not have it doled out to them without labor in return.

He further stated that—

> Unless employers change their tactics toward the unions we shall face either Federal unemployment insurance to take care of the jobless or have a revolution to contend with.

What has caused a conservative type of man like Mr. Green to issue such a statement? His answer in the form of statistics shows that one in every four men unemployed this winter; almost half the men in the building trades unemployed; an estimated national total of 3,700,000 men out of work in the country during the month of February, with a loss in wages of $400,000,000 for that month alone.

That nonunion labor has fared even worse seems to be indicated by the Federal Reserve Board production statistics just announced. Taking three outstanding unorganized industries, the automobile production index fell from 148 in February, 1929, to 103 in February, 1930; iron and steel from 128 to 118; textiles from 113 to 98, while industrial production as a whole dropped from 117 to 105.

The number of commercial failures in March was the largest since 1922, according to Dun's Review.

With the possible exception of the American Federation of Labor, the New York State Industrial Commission has probably the most complete facilities for obtaining data on unemployment of any organization in the country. Testifying before the Senate Commerce Committee on March 21, Miss Frances Perkins, New York State industrial commissioner, said that unemployment conditions in New York, the largest industrial State in the Union, were the worst in more than 15 years; that appeals for charity had increased 200 per cent in the last six months, the increase coming from persons normally employed; and that conditions were "striking and shocking."

Bread lines and soup houses were common sights in every important industrial center in the country. In New York City lines of hungry and destitute line up daily, two and three blocks long, at these bread and soup houses. The famous Little Church Around the Corner in New York established a bread line for the third time in its existence of approximately 80 years.

Governor Roosevelt, of New York, said in a statement that, while there is likely to be some easing of the unemployment situation with the coming of spring, it will not be sufficient to restore normal employment so necessary for stable business, and that if plans are not made now the slump of the autumn and winter of 1930–31 will be more distressing than ever.

The governor has taken the bull by the horns and has appointed a special committee of business men and labor representatives to work out such practical methods as can be devised for the future control of unemployment.

Ladies and gentlemen, in closing my remarks I wish to say to you that if it were not for the bread lines, the lodging houses, and the many charitable organizations the misery of the most serious unemployment crisis in many years would be even greater. In this crisis it appears to me that the Congress has been delinquent. Work must be created in such emergencies. It can only be created by united action of the Congress. It is a reasonable function of a humanitarian Federal Government to help provide or at least stimulate the leadership for united action to alleviate the existing privation and suffering of the horde of unemployed.

We have a wealth in dollars undreamed of and a staggering array of physical plants and vast natural resources, and it seems to me that the Congress should pledge itself to put forth its best efforts to keep our own people and our Nation prosperous, so that everyone may have an equal opportunity to be steadily employed at a living wage, and it is my sincere hope that the Wagner bills now before the Congress shall pass and become law before this session adjourns. [Applause.]

Mr. SANDLIN. Mr. Chairman, I yield 20 minutes to the gentleman from Washington [Mr. HILL].

EXPORT DEBENTURES

Mr. HILL of Washington. Mr. Chairman, the export debenture with organized agriculture under the agricultural marketing act would give protection to the producers of wheat and other surplus crops that can not be protected by tariff duties. The Senate put the debenture into the tariff bill by an amendment. If the House had accepted this amendment, the export debenture would become a part of our protection policy. On Saturday, May 3, the House had the debenture amendment up for consideration. As a member of the Ways and Means Committee, and favoring the debenture, I moved that the House concur in the Senate amendment and led the fight for the debenture plan. We made the hardest and best fight possible for it against the powerful forces of the administration leaders in the House. We lost. The vote stood 161 for and 231 against the debenture, and 36 not voting; 111 Democrats voted for and 36 Democrats voted against the debenture; 49 Republicans voted for and 195 Republicans voted against the debenture; 1 Farmer-Labor voted for it. In appreciation of the efforts made in behalf of the debenture, Mr. L. J. Taber, master of the National Grange, wrote me as follows:

WASHINGTON, D. C., *May 5, 1930.*

HON. SAM B. HILL,
House of Representatives, Washington, D. C.

DEAR MR. HILL: Allow me to commend your leadership and support of the debenture amendment to the tariff act. I can assure you that the farmers of Washington, as well as the farmers of the Nation, feel that the export debenture is a necessary complement to the tariff act. It is the one sure way of bringing tariff benefits to wheat and similar staple crops.

It is interesting to note that the longer the debenture has been debated and discussed the stronger it has become. The first time it was voted upon it received little support. A year ago it received 113 votes. Last Saturday 161 supported it, indicating a growing sentiment that the debenture program is as defensible as the tariff itself, is in harmony with the present drawback provisions of the tariff, and is no more a subsidy than the high or prohibitive tariff rates.

The National Grange has a sincere desire to support legislation that will benefit the agricultural producers in all parts of the Nation and give them equality of opportunity and reward commensurate with those engaged in other callings.

Again assuring you of our appreciation, I remain,

Yours sincerely,

L. J. TABER,
Master National Grange.

The export debenture was defeated by 70 votes. The debenture is therefore eliminated for the present as a part of the

farm-relief program, and I shall not discuss it further at this time. The only farm relief possible now must be worked out under the agricultural marketing act of June 15, 1929. I want to talk to you to-day about that act.

To aid the farmers of America to take over and control their own markets is the sole purpose of the agricultural marketing act. I voted for it. It was not my first choice of legislation for the relief of agriculture and it was not the kind of relief legislation that the majority of the farmers had been demanding for eight years. It is, however, the legislation which President Hoover recommended and sponsored. It is his plan of farm relief—make no mistake about that. The farm relief act is President Hoover's idea. Congress passed the bill that he asked for and provided for a Federal Farm Board with broad powers to administer the act.

The President selected and appointed the members of the board. I supported the measure. I had faith in the President's sincere desire to formulate a system that would enable the farmers to set up and control their own markets as other industries control the markets of their products. I had faith in the President's wholehearted purpose to put his great influence and farvisioned business capacity back of the plan to establish agriculture as an independent and self-operating industry in the marketing of its products. Neither Mr. Hoover nor anyone else had any illusions as to the magnitude of the undertaking and the difficulties and opposition that would be encountered in carrying the plan into effective operation. It involves a nation-wide movement of the farmers into a close-knit business combine. To lift a continent of farmers out of their accustomed ways of individual marketing and place them in cooperative groups on the basis of commodity marketing challenges the highest intelligent action of the farmers themselves, aided by the Federal Farm Board with all its power and resources. It is a Herculean task but it can and must be done. There is a desperateness in the situation that compels this accomplishment. The average farmer is just as keen and capable a business man as the average man in other occupations, if not more so, but he has a more difficult problem to solve. There are 6,000,000 farms in the United States and about 30,000,000 farm people. The farms are operated independently by individualized farmers. To organize these independent thinking and independent acting men into cohesive sales-agency groups where individuality must be subordinated to the common purpose is extremely difficult, and the coordination of these groups through a nation-wide organization adds other if not greater difficulties. But how is the farm-marketing problem to be solved in the interest of the farmers unless cooperation is substituted for competition in selling their products, and how can this substitution be effected except through farmer owned and farmer controlled cooperative sales agencies that cover and embrace the terminal as well as the intermediate markets? What, then, is to be done? There is no choice. The farmers must organize under the plan of the Federal Farm Board and the agricultural marketing act. They have everything to gain and nothing to lose. If they do not so organize they are already lost. If they organize under this plan they will gain control of their markets and agriculture will step up to the marketing level of other industries.

The more I study this plan of President Hoover for the solution of the farm marketing problem and the work of the Federal Farm Board in putting it into operation the stronger is my faith in its practicability. My faith is further strengthened in the workability of the plan by the fear which has seized the Minneapolis Grain Exchange and has caused it to send out the distress call to have the Chamber of Commerce of the United States pass resolutions condemning the agricultural marketing act and demanding its repeal. The grain exchanges did not oppose but rather encouraged the passage of this act, because they believed the plan would not work. They felt sure that the farmers could not or would not organize to put the plan into operation. They are now convinced to the contrary and are in a panic of fright. They say that the scheme must be destroyed or they will lose control of the farmers' market. On the representations of the grain and cotton exchanges and other nonproducer dealers in farm commodities that they are being put out of business by the agricultural marketing act the Chamber of Commerce of the United States last week by resolution condemned the use of Government funds to aid agricultural cooperatives. Of course, they know that if this aid should be withdrawn the act would be utterly useless, but if continued the act will be effective.

The act provides a half billion dollars from the Federal Treasury to be used by the Federal Farm Board in financing farm marketing operations under the act. However, the act is not self-executing. Nor can the board put it into operation unless the farmers will organize producer-owned and producer-controlled cooperative marketing associations. The act does not automatically organize the farmers into cooperative marketing associations and does not compel them to organize themselves into such associations. It does invite them to voluntarily organize and withholds its benefits from them until they do.

The plan is entitled to a fair trial. It is a pioneering adventure, but no one doubts the efficacy of bargaining power in the commerce of marketing. The lack of it places either the buyer or the seller in a position of helpless disadvantage. For a half century and more far-seeing farmers have been trying with meager success to bring about cooperation of producers in the marketing of farm products. Many such organizations, local in scope of operation, have been formed which have brought actual advantages and presaged far greater potential advantages of cooperation. It is obvious, however, that lacking a nation-wide organization on a commodity basis, local cooperatives are in competition with each other instead of cooperating in marketing their commodities. Under such conditions there can be no cooperation among the individual cooperative marketing associations.

The plan of the Federal Farm Board under the farm marketing act is to coordinate marketing operations of the various individual and local cooperative associations, handling the same commodities, through an organized, nation-wide sales agency.

The agricultural marketing act is based on the recognized necessity of cooperative action of the farmers in marketing their products. It proceeds on the proven theory that the farmers, acting individually and separately in their marketing operations, are both helpless and hopeless in the matter of bettering their bargaining power in selling their commodities. The act does not provide for financial assistance to the individual farmer marketing his products individually, but it does provide for assistance to the individual farmer as a member of a cooperative marketing association. Such assistance, however, must come through the cooperative association of which he is a member, as the Federal Farm Board deals only with cooperative marketing associations and not with the individual members of such associations.

The day of the one-man marketing agency is past. The sooner this fact is accepted the quicker will come relief to agriculture.

The Federal farm act is not a lazy man's law. It points the way to marketing success for the farmer, but it does not haul him there. He must do his own traveling along the directed way to reach the goal pointed out to him. Success is based upon responsibility. The man who will not accept responsibility will not achieve success. Opportunities must be embraced when presented.

The farmers of America have the opportunity of a lifetime under the farm marketing act to form local, regional, and national cooperative marketing associations with the active help and financial backing of the Federal Government. I fully realize that the gigantic size of the undertaking staggers the imagination of the man unaccustomed to contemplate a personal part in a business organization of nation-wide scope, and taxes his faith in the possibility of its accomplishment.

The fact remains, however, that if the farmers of this country are to develop a system whereby they can control their own markets such system must include the operation of the terminal markets where the greatest influence is exercised upon control of prices and orderly distribution. This result can not be accomplished merely through local cooperatives for they can not force cooperation at terminal markets. Nothing short of a comprehensive organization of local, regional, and national cooperative marketing associations can give to the farmers the control of their markets. The heart and soul of the act is collective and cooperative marketing and its whole plan is to encourage and assist the farmers to organize themselves into cooperative marketing associations to accomplish such purpose.

Agriculture is on trial for its life as an independent industry. Does any man believe that it will ever reach the plane of parity with other industries until and unless the farmers gain control of their own markets?

We are faced with the alternative of whether we shall rise to the occasion and demonstrate our capacity to do the job or admit failure simply because the work of organizing agriculture on a nation-wide scale is a gigantic and difficult task to accomplish. Recognizing the large and peculiar difficulties of bringing the farmers throughout the Nation into cooperative effort in marketing their commodities, the Federal Farm Board has taken the leadership in initiating these organization movements. This work has progressed to a point of accomplishment that demonstrates that the farmers, with the assistance of the Federal board, can effect the necessary organizations of local, regional, and national cooperative marketing associations.

Under the guidance of the Federal Farm Board four national commodity sales agencies have been formed. They are Farmers' National Grain Corporation, National Wool Marketing Associa-

tion, American Cotton Cooperative Association, and National Bean Marketing Association. In addition to these four national agencies plans are well under way for the establishment of the National Livestock Marketing Association. Producers of dairy products, rice, tobacco, poultry and eggs, seeds, apples, and potatoes are also being encouraged to centralize their marketing activities in order that they will have a greater bargaining power.

The Farmers' National Grain Corporation was the first of the agencies to be established. It was incorporated October 29, 1929, with a capital stock of $10,000,000. Also on February 11, 1930, the Grain Stabilization Corporation was organized for the purpose of aiding in the stabilization of wheat prices, and the Federal Farm Board provided it with an initial credit of $10,000,000. Both corporations have their headquarters at 343 South Dearborn Street, Chicago, Ill. The Federal Farm Board has issued the statement that the Farmers National Grain Corporation will have adequate capital if given the support of existing farmer-owned grain marketing associations to handle annually more than 500,000,000 bushels of all grains.

The National Wool Marketing Corporation was incorporated November 20, 1929, with an authorized capital stock of $1,000,000. Last January the officers of this corporation, with the approval of the Federal Farm Board, signed a marketing contract with Draper & Co., of Boston, Mass., constituting that company the exclusive agent for the corporation in the sale of wool and mohair consigned for marketing to the woolgrowers' central agency by its member cooperative associations. The Federal Farm Board has loaned money and extended a line of credit to the National Wool Marketing Corporation.

The American Cotton Cooperative Association was the third central commodity marketing agency to be organized by cooperatives with the aid of the Federal Farm Board. This association was incorporated on January 13, 1930, with a capital stock of $30,000,000. This new association has brought almost the entire cotton cooperative marketing system of the South into one organization, and through it the cooperatives will be prepared in advance for the handling of the 1930 crop under the control of a tightly organized group. It will have back of it ample financial support of the Federal Farm Board.

The National Bean Marketing Association was recently incorporated with a capital stock of $1,000,000 as the central selling agency for the marketing of dry beans handled cooperatively. This association has been recognized by the Federal Farm Board as eligible for loans and credit from the board.

In addition to the four central commodity sales agencies set up under the guidance and with the assistance of the Federal Farm Board four advisory commodity committees have also been set up by cooperative associations on invitation of the board, as provided in the agricultural marketing act. These advisory committees consist of seven members each, and are for dairy products, wool and mohair, wheat, and cotton. The State of Washington has representation on two of these committees. F. J. Wilmer, of Rosalia, Wash., is a member of the advisory committee for wheat and A. G. Zeibell, of Marysville, Wash., is a member of the advisory committee for dairy products.

When we consider the enormous amount of work on the part of the farmers and the Federal Farm Board necessary to organize cooperative marketing associations for the various farm commodities and to establish central sales agencies for such cooperatives, I feel that the progress of the work to date is highly gratifying and encouraging.

It is true that wheat prices, especially, have been so low during the period of operation of the Federal Farm Board that many farmers have been led to doubt the efficacy of the agricultural marketing act. It must be borne in mind, however, that the organized nonfarmer dealers in agricultural commodities are doing everything in their power to discredit the act and the work of the Federal Farm Board in order to hold the control of the farm markets in their own hands and to prevent the farmers themselves from gaining such control. Every farmer and every friend of the farmer should rally to the support of the Federal Farm Board and to the organization movement to put the farmers in control of their own markets. The agricultural problem is not of concern alone to the farmers. There can be no real prosperity anywhere so long as the fundamental industry of agriculture is not showing a profit. The people of the cities can not be prosperous unless the farmers can buy. The cities should, therefore, lend every helpful effort and encouragement possible to bring buying power to the farmers.

Through the agricultural marketing act the Federal Government says to the farmers, "If you are interested enough to follow a plan which I suggest to solve your marketing problems, I will loan you the money and show you how to do it." I submit that that is a fair proposition. The act has potential farm relief in it. We can make it a success; we can also let it fail. It is our move. It is up to us to accept whole-heartedly the Government's offer or to reject it flatly. There is no middle ground—there is no twilight zone.

The Federal Farm Board recently issued a circular in the form of questions and answers, giving a detailed interpretation of the agricultural marketing act and information as to the work of the board. This circular is a valuable aid to an understanding of the act itself and of the program to carry it into operation. I will, therefore, embody it in my remarks without reading it. The circular follows:

QUESTIONS AND ANSWERS

GENERAL

1. Question. What is the Federal Farm Board?

Answer. The Federal Farm Board, created to administer the agricultural marketing act, is composed of eight members appointed by the President and confirmed by the Senate. The Secretary of Agriculture is ex officio member of the board.

2. Question. Is the Federal Farm Board a division of the United States Department of Agriculture or an independent unit?

Answer. The Federal Farm Board is an independent unit, but is cooperating with the Federal Department of Agriculture and other governmental agencies to avoid duplication of services.

3. Question. What is the length of term of the members of the Federal Farm Board?

Answer. Six years. The terms of the first board members expire as follows: Two at the end of the first year, two at the end of the second year, one at the end of the third year, one at the end of the fourth year, one at the end of the fifth year, and one at the end of the sixth year. In case of a vacancy the appointment is only for the unexpired term.

4. Question. When did the agricultural marketing act become a law?

Answer. June 15, 1929, when it was signed by President Hoover.

5. Question. When did the Federal Farm Board begin its work?

Answer. Members of the Federal Farm Board met for the first time on July 15, 1929. The President called them into this meeting, which was held at the White House.

6. Question. What general policy was laid down by Congress to guide the Federal Farm Board?

Answer. The Federal Farm Board is charged with carrying into effect the policy of Congress as expressed in the agricultural marketing act, which is as follows: "To promote the effective merchandising of agricultural commodities in interstate and foreign commerce, so that the industry of agriculture will be placed on a basis of economic equality with other industries." More specifically, the policy is expressed as follows: "To protect, control, and stabilize the currents of interstate and foreign commerce in the marketing of agricultural commodities and their food products—

"(1) By minimizing speculation.

"(2) By preventing inefficient and wasteful methods of distribution.

"(3) By encouraging the organization of producers into effective associations or corporations under their own control for greater unity of effort in marketing and by promoting the establishment and financing of a farm marketing system of producer-owned and producer-controlled cooperative associations and other agencies.

"(4) By aiding in preventing and controlling surpluses in any agricultural commodity through orderly production and distribution, so as to maintain advantageous domestic markets and prevent such surpluses from causing undue and excessive fluctuations or depressions in prices for the commodity."

7. Question. In what general way does the Federal Farm Board plan to help improve the farmer's marketing system?

Answer. First, by helping farmers organize into cooperative marketing associations. Second, by aiding in federating these associations into district or regional selling units and, wherever possible, into national sales agencies. Third, by assisting them through loans and in developing highly efficient merchandising organizations.

8. Question. What other major objectives does the Federal Farm Board have?

Answer. To assist farmers through collective action in controlling the production and marketing of their crops; to encourage the growing of quality crops instead of more crops; to aid in adjusting production to demand.

9. Question. What would be the effect on consumers of agricultural products if farmers limited production to harmonize with demand?

Answer. The Federal Farm Board is working on the theory that the production of farm products in excess of normal marketing requirements is a waste. It injures the producer without benefiting the consumer. The consumer requires and should have a normal supply of food and textile products of high uniform quality. The producer desires a supply which can be sold at prices that will assure him a reasonable profit on his farm business. The development and maintenance of a condition of stability with regard to production and price will benefit both producers and consumers. Such coordination of supply and demand is a problem to which the farmer cooperatives must give further attention, and in the solution of which the Federal Farm Board must render all possible assistance.

10. Question. Can farmers build up a cooperative system of marketing with the aid of the Federal Farm Board that will reduce fluctuations in prices of farm products, yield the farmers larger incomes, and yet not raise prices to consumers of farm products?

Answer. The Federal Farm Board believes this can be done.

ORGANIZATION

11. Question. Is there a blanket plan for the marketing of all kinds of farm products?

Answer. No. The cooperatives and the Federal Farm Board realized from the beginning that no stereotyped marketing plan could be used in the development of a system for the handling of all kinds of products. It is necessary to work out an individual plan for each commodity. For example, a plan has been developed for the marketing of grain, another separate and distinct plan for the marketing of wool and mohair, and still another for the marketing of cotton.

12. Question. What producers of farm products are to be aided by the Federal Farm Board?

Answer. The Federal Farm Board will help producers of recognized agricultural products, no matter where they live in the United States, provided they organize themselves into cooperative associations for the business of marketing their crops.

13. Question. Does the Federal Farm Board deal directly with the individual producer?

Answer. No. Congress realized that it would be impracticable for the board to deal directly with individual producers, and provided that the board should deal with farmers and ranchers through producer-owned and controlled organizations.

14. Question. Is it necessary for individual producers to join a cooperative marketing association to be benefited under the marketing provisions of the agricultural marketing act?

Answer. Yes.

15. Question. Is it necessary for a producer to join any organization other than his cooperative association?

Answer. No. It is not necessary for a producer to join any organization other than a commodity cooperative qualified to deal with the Federal Farm Board through a central marketing agency for the commodity or directly in the event there is no such central organization.

16. Question. Does the cooperative marketing plan fostered by the Federal Farm Board provide for an organization that will take care of all products grown on a farm located in a diversified agricultural region?

Answer. Yes. In some diversified agricultural regions where there is not enough of any one crop produced to justify the establishment of a local commodity organization to handle only one product, the board has found it necessary to encourage the organization of associations equipped to receive various kinds of farm crops and coordinate the sale of them through central sales agencies dealing in specific commodities.

17. Question. What must a farmer do in order to market his products through a central or national sales agency, owned and controlled by farmers and recognized by the Federal Farm Board?

Answer. He must join a local or regional cooperative marketing association that has been organized to meet the conditions of the Capper-Volstead Act. Where an association does not exist in the farmer's immediate locality he will have to help organize one. The State agricultural colleges, State extension services, State departments of agriculture, State departments of vocational agriculture, and other agencies in many States stand ready to assist farmers in their organization work.

18. Question. What is required of a cooperative association formed to meet the provisions of the Capper-Volstead Act?

Answer. The cooperatives must meet all of the provisions of the Capper-Volstead Act. The main provisions are:

1. That the members or stockholders shall be agricultural producers;
2. That the association must be operated for the mutual benefit of its members;
3. That the association shall be engaged in interstate commerce;
4. That the association shall not do more business with nonmembers than with members; and
5. The association must conform to one of the following: Either that it follow the principle of 1 vote per member or else dividends on capital stock must be limited to 8 per cent.

19. Question. Does the Federal Farm Board deal directly with the local cooperative associations?

Answer. The board deals with the national or central marketing organizations as soon as they are established. Through these organizations the board aids district and local associations. It is the policy of the board to request that all local, State, or regional cooperatives affiliate with the central as soon as it is formed.

20. Question. Will the marketing plan now being developed under the guidance of the Federal Farm Board eliminate existing cooperatives?

Answer. It is not the policy of the board to encourage the elimination of any cooperative association that is rendering an efficient and necessary service. The board will try to strengthen existing cooperative associations, help form new ones wherever they are needed, and bring them all into central marketing agencies.

21. Question. Does the Federal Farm Board buy or sell farm products?

Answer. No. The Federal Farm Board does not buy or sell farm products of any kind. It is helping farmers establish organizations to market their own products.

COMMODITIES

22. Question. What constitutes a commodity?

Answer. The agricultural marketing act directs the Federal Farm Board to designate as a commodity any farm product or group of products whose use and marketing methods are similar.

23. Question. How many commodities have been designated by the Federal Farm Board?

Answer. Eleven. (Up to March 15, 1930.)

24. Question. What are the commodities that have been designated by the Federal Farm Board?

Answer. The 11 designated commodities are:

1. Cotton.
2. Dairy products, including fluid milk, cream, cheese, condensed milk, butter, ice cream, evaporated milk, whole and skim milk powder.
3. Wheat.
4. Rice.
5. Livestock.
6. Wool and mohair.
7. Tobacco.
8. Poultry and eggs.
9. Seeds, including alfalfa, clover, timothy, redtop, and other field seeds.
10. Potatoes.
11. Coarse grains.

25. Question. Will other commodities be designated by the Federal Farm Board?

Answer. Yes. The Federal Farm Board is studying the uses and methods of marketing other farm products and later will designate additional agricultural commodities when sufficient information is available upon which to act.

26. Question. What is an advisory commodity committee?

Answer. Advisory commodity committees are provided for in the agricultural marketing act. These advisory committees are to represent commodities before the Federal Farm Board.

27. Question. Who selects the members of the advisory commodity committees?

Answer. They are selected by the cooperatives at the invitation of the Federal Farm Board. The manner of selection is prescribed by the board. Each advisory commodity committee is composed of seven members; the act requires that two members shall be specialized handlers or processors of the commodity.

28. Question. How often are the advisory commodity committees to meet?

Answer. At least twice a year upon call of the Federal Farm Board, and at other times upon call of a majority of the advisory commodity committee's members.

29. Question. Do members of the advisory commodity committees receive salaries?

Answer. No. The committee members are paid $20 a day and expenses when attending committee meetings called by the Federal Farm Board and doing other work ordered by the board.

STABILIZATION

30. Question. What is meant by a stabilization corporation as provided for in the agricultural marketing act and what is the position of the Federal Farm Board on the subject of stabilization?

Answer. According to the Federal Farm Board's interpretation, the process of stabilization divides itself into two rather distinct classes. The first class is what might be called normal operations, involved in almost everything the board is doing. Every measure taken to increase the effectiveness of cooperative organizations in any commodity, or improve their financial position, to centralize or correlate their activities so as to make their operations more effective, is in itself a process of stabilization. It is the hope that as time goes on this activity will in most cases prove to be all that is needed, the result, of course, depending on how successful cooperatives are in working out large, well-managed organizations, which will control a sufficiently large percentage of the product to make their influence felt on the market.

The second form of stabilization might be termed extraordinary or emergency operations, whereby, because of a large surplus of any commodity, the operation would consist of buying and taking off the market some considerable part of the tonnage so as to relieve the pressure and carrying the product until some future date in the hope there would be a more favorable opportunity of disposing of it. This second or emergency class of operation would, of course, be carried out strictly under the provisions of the agricultural marketing act with money advanced by the board, and if the final result of such operation shows a loss or deficit, such loss will be borne by the revolving fund as provided by the act. The Grain Stabilization Corporation, with headquarters in Chicago, is an example of the latter or emergency type. (See sec. 9 of the act.)

LOANS

31. Question. How much Federal Government money is available for loans to farmers under the provisions of the agricultural marketing act?

Answer. Congress authorized $500,000,000 to be used as a revolving fund. At the outset only $150,000,000 of this amount was appropriated. The board will ask for more money as it is needed.

32. Question. What rate of interest does the Federal Farm Board charge on loans made from the $500,000,000 revolving fund?

Answer. The money is loaned to cooperatives at a limited rate of interest—"in no case shall the rate exceed 4 per cent per annum on the unpaid principal." (See sec. 8 of the act.) Where national or central agencies exist the Federal Farm Board loans the money to them. These central or national agencies, in turn, loan the money to district or local cooperatives at a slightly higher rate of interest to cover handling charges and build up a reserve to the association against losses. Profits resulting from their operations will go to build up the reserves of the national or central, in which ownership is shared by members in proportion to their patronage.

33. Question. Can an individual farmer borrow money directly from the Federal Farm Board?

Answer. No. Money is being loaned by the board to producers through their cooperative organizations and not to individuals.

34. Question. Can individual cooperative associations borrow money directly from the Federal Farm Board?

Answer. It is a policy of the Federal Farm Board to make loans to farmer-owned cooperative central commodity marketing organizations as soon as they have been established instead of lending directly to local associations. The National Wool Marketing Corporation, the Farmers' National Grain Corporation, and the American Cotton Cooperative Association are examples of national commodity marketing organizations. In the absence of such central associations or corporations the board has advanced money directly to qualified cooperatives. Application blanks are furnished by the Federal Farm Board to prospective borrowers, with the necessary forms of exhibits which will develop the detailed information that should be before the board when it considers the application of an association for a loan.

35. Question. What associations are eligible to borrow money from the Federal Farm Board?

Answer. The organization applying for the loan must be a cooperative association meeting the provisions of the Capper-Volstead Act, marketing agricultural products and doing an interstate business. The organization must show satisfactory management and sound operating policies.

36. Question. Are there any restrictions on the power of the Federal Farm Board to loan money to associations?

Answer. No loan shall be made to any cooperative association unless, in the judgment of the board, the loan is in furtherance of the policy of the agricultural marketing act. The cooperative association applying for the loan must have organization, management, and business policies of a character that will insure the reasonable safety of the loan.

37. Question. Is the Federal Farm Board compelled to make a loan to an association merely because it is eligible for a loan?

Answer. No. The Federal Farm Board has complete discretion with respect to the making of any loan.

38. Question. May a cooperative association borrow money from the Federal Farm Board for the purpose of buying farm supplies?

Answer. No. There is no authority under the agricultural marketing act for the loaning of money to a cooperative association for the purchasing of farm supplies.

39. Question. In making loans, are there any restrictions for which the money may be used?

Answer. The purposes for which loans may be made are all specified in the act.

40. Question. For what purposes may money be loaned by the Federal Farm Board to qualified associations?

Answer. Loans may be made from the revolving fund to assist associations as follows:

1. In the effective merchandising of agricultural commodities and food products thereof.

2. In the construction or acquisition by purchase or lease of physical marketing facilities for preparing, handling, storing, processing, or merchandising agricultural commodities or their food products.

3. In the formation of clearing-house associations.

4. In extending membership of the cooperative association applying for the loan by educating the producers of the commodity handled by the association in the advantages of cooperative marketing of that commodity.

5. In enabling the cooperative association applying for the loan to advance to its members a greater share of the market price of the commodity delivered to the association than is practicable under other credit facilities.

41. Question. Are there any restrictions on loans which the board may make to cooperative associations?

Answer. Yes. The board is prohibited from making any loan that "is likely to increase unduly the production of any agricultural commodity of which there is commonly produced a surplus in excess of the annual marketing requirements."

In addition there are special restrictions on loans for acquiring physical facilities. They are: "No loan for the purchase or lease of such facilities shall be made unless the board finds that the purchase price or rent to be paid is reasonable."

Also: "No loan for the construction, purchase, or lease of such facilities shall be made unless the board finds that there are not available suitable existing facilities that will furnish their services to the cooperative association at reasonable rates; and in addition to the preceding limitation no loan for the construction of facilities shall be made unless the board finds that suitable existing facilities are not available for purchase or lease at a reasonable price or rent."

42. Question. Will the Federal Farm Board supervise the operations of a cooperative to which it has loaned money?

Answer. As long as the organization is indebted to the Federal Farm Board its management will be subject to the approval of the board and its records open to the board's inspection and audit.

43. Question. Does the Federal Farm Board have offices outside of Washington?

Answer. The Federal Farm Board has a regional office at 519 New Post Office Building, Portland, Oreg., and 419 Arctic Building, Seattle, Wash.

Mr. CANNON. Mr. Chairman, I yield now to the gentleman from South Carolina [Mr. GASQUE].

Mr. GASQUE. Mr. Chairman, under leave to extend my remarks in the RECORD I include a resolution adopted a few days ago by the Tobacco Cooperative Marketing Association of South Carolina in support of the work of the Federal Farm Board.

The resolution is as follows:

Whereas it appears that selfish interests representing at least a part of the industrial, commercial, and business groups of the United States are expressing their opposition to the Federal marketing act being administered through the Federal Farm Board; and whereas Federal Government has on many occasions come to the rescue of such interests at times when business conditions seemed to be depressed and no objection was raised to such action.

Therefore, we, the directors recently elected by the members of the Tobacco Cooperative Marketing Association of South Carolina, that has been organized in a large measure through the sympathetic and active support of the Federal Farm Board and the extension service of South Carolina, do hereby protest and earnestly call to the attention of the farmers of our State and the Nation to rally to the support of the Federal Farm Board and the President of the United States in their earnest effort to aid agriculture.

Resolved, That a copy of this resolution be sent to the President of the United States, chairman of the Federal Farm Board, the daily press of South Carolina, North Carolina, and Virginia, and the Members of Congress, both Senate and House, of South Carolina. This resolution passed the 2d day of May at a meeting of the full board of directors at Florence, S. C.

Mr. MURPHY. Mr. Chairman, I yield 20 minutes to the gentleman from Indiana [Mr. HOGG].

Mr. HOGG. Mr. Chairman and members of the committee, Hon. Louis W. Fairfield, whose recent death has been reported to the House of Representatives, was a kindly and affable gentleman, a sincere and conscientious public servant, an able scientist and educator, and a well-trained student of public affairs. Throughout the Nation he possessed a vast throng of devoted friends who mourn the loss of his outstanding and picturesque personality.

During his four terms as Congressman from the twelfth Indiana district, Mr. Fairfield was diligent in his championship of the fundamentals of republicanism, and scrupulously committed to keeping the faith as he found it in his constituency.

RESEMBLED LINCOLN

Even those who had occasion to differ with him politically were always conscious of Mr. Fairfield's sincerity of motive and conscientiousness of purpose. Resembling Lincoln in physical appearance and in the simplicity of his political philosophy, Mr. Fairfield was frequently called upon to deliver addresses at services held in Lincoln's memory. He lived a long, busy, and useful life. His memory will be cherished by all who knew him.

Hon. Louis W. Fairfield was the youngest son of George and Clarissa Garner Fairfield, pioneers in Ohio. He was born October 15, 1858, in Auglaize County, near Wapakoneta, in a log cabin. When he was 8 years of age his parents moved to a rural community near Lima, Ohio. At the age of 16 Mr. Fairfield passed the required examination and began in a district school his life profession as a teacher. For the next few years he taught school, worked on the Pennsylvania Railroad as a section hand, and earned money to begin his course in what is now Ohio Northern University at Ada. He supported himself

in this course by teaching in various communities near Ada. While teaching he regularly walked in to the college to take part in the evening debating society programs, in which he soon demonstrated his fine abilities as a speaker.

BEGAN HIS CAREER AS AN EDITOR

During 1881 and 1882 he was editor of the Kenton Republican at Kenton, Ohio. He then became editor of the county paper at Sandusky, Ohio, and from there went to Middlepoint as superintendent of schools.

While a student at Ada College he was in the classes of Prof. L. M. Sniff. A mutual friendship began between them, which in succeeding years resulted in the founding of Tri-State College at Angola, Ind.

FOUNDS A COLLEGE

Tri-State College was begun in 1884, when Prof. L. M. Sniff became president. There was only one frame building, with a heavy debt, and 34 students the first term. Soon Mr. Fairfield moved to Angola, joined President Sniff in the faculty, and became vice president. From the start it was, in the words of Mr. Fairfield, "a sacrificial service in obedience to great educational ideals." They sought to eliminate all extravagant social functions and all nonessentials in the college courses, to emphasize the essentials, and welcome all students who were willing to work. There never has been any financial endowment. The school has had to compete with endowed institutions and stand on its own merit. The smallness of their salaries and the greatness of their service was amazing. The story of their prodigious labors, their heroic sacrifices, and their success in the steady and sturdy growth of the college would make a most interesting chapter in the history of education. Tri-State College stands to-day unique in the demonstration of the liberty, economy, and efficiency that succeeds in harmony with these ideals, and it has put Angola on the map of the educational world.

LEFT DEEP IMPRESS AS TEACHER

For 32 years—1885 to 1917—Mr. Fairfield served as vice president, and his fame as a teacher, preacher, and lecturer spread through the adjoining States. His range of subjects was unusual, including history, science, mathematics, philosophy, and literature.

Thousands of alumni have gone out of Tri-State College to become leaders in all callings and professions of life.

A CHRISTIAN MINISTER

When he came to Angola in 1885 he was actively identified with the Christian Church and soon was ordained to the Christian ministry. As opportunity afforded, in connection with his other work, through all succeeding years he has preached the gospel with great power and blessing. He was an elder of the church until death.

SERVED LOYALLY IN CONGRESS

Mr. Fairfield was given a leave of absence from the college when he was elected to Congress from the twelfth district of Indiana in 1916, where he served for eight years, retiring in 1924. Few men in public life have enjoyed such fine tributes of praise from leaders of both political parties.

He was an earnest and useful Member of Congress and gained respect for his abilities in Washington. He had influential committee assignments and was a force to be reckoned with in the House when the vicissitudes of the political game brought his retirement.

Mr. Fairfield was uncompromising for those things which he thought were for the rights of the citizenship and for the honor of the Nation. He was not a quibbler nor a dissimulator. He had no hesitancy in stating his position on a question, and no amount of influence could deter him from that position unless he was convinced that another course was better. As he served young men and women in his teaching days, he served the whole Nation in his career as a statesman.

He was an upright man, a generous man, a kindly man, and wealthy—vastly rich, not in a wealth counted by gold and silver, but in the wealth of loving esteem of everyone who knew him and delighted to call him friend.

ESTIMATE OF HIS CHARACTER

The manner of this man was such that, in all the battles and controversies of life, his bitterest opponent could grasp his hand to eternal friendship.

If you glanced into his mind, you saw the balance wheel of humor, the rapier of logic and adroitness, justice's equal scales, and, over it all, the mellow light of tolerance.

His graciousness was such that those of different religious and social views and habits were at ease with him. He was not stilted, he was not strained, he was not dogmatic.

He had the genius to help the young to find themselves and the tact not to destroy their individuality. Countless beneficiaries all over this country bear witness to this.

Could all the inspiration he has furnished be brought back to him as lifeblood, hundreds of years might easily be added to his three score and eleven. [Applause.]

In addition to all of this he was nature's man. He loved the hills, the lakes, the streams, the flowers, and every living thing.

He retained his boyish enthusiasm and his youthful spontaneity. He was so molded that he was easily understood. There was no mystery in his make-up and no guile.

He was positive in his convictions and determined in his purposes. Yet he moved easily among men of every class. The meanest were not abashed by his presence, yet they respected him.

He never lost his usefulness because of any preconceived religious, social, or political convictions.

It never entered his mind to go about doing good. He went about being good. What the sunlight is to the earth, the life of such a man is to society in which he moves.

The nonessentials about which men differ occupied little space in his thought. He moved majestically toward the main purposes of life. He was graceful in thought and high in resolve. It would be a strange human that ever bore him malice. He left a priceless heritage. [Applause.]

Mr. MURPHY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LUCE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 11965) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1931, and for other purposes, and had come to no resolution thereon.

MESSAGE FROM THE PRESIDENT—NINTH INTERNATIONAL DAIRY CONGRESS (S. DOC. NO. 143)

The SPEAKER laid before the House the following message from the President, which was read, and, with the accompanying papers, referred to the Committee on Foreign Affairs and ordered printed.

To the Congress of the United States:

I commend to the favorable consideration of the Congress the inclosed report from the Secretary of State, to the end that legislation may be enacted to authorize an appropriation of $10,000 for the expenses of participation by the United States in the Ninth International Dairy Congress, to be held in Copenhagen, Denmark, in July, 1931.

HERBERT HOOVER.

THE WHITE HOUSE, *May 6, 1930.*

CAPT. DRINKARD B. MILNER

Mr. SANDERS of Texas. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2076) for the relief of Drinkard B. Milner, a similar House bill having been favorably reported from the committee and now on the calendar.

The SPEAKER. The gentleman from Texas asks unanimous consent for the present consideration of a Senate bill, which the Clerk will report.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That in the administration of the emergency officers' retirement act Capt. Drinkard B. Milner shall be considered as coming within the provisions of said act and entitled to the benefits thereof.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2589. An act authorizing the attendance of the Marine Band at the Confederate Veterans' reunion to be held at Biloxi, Miss.

ADJOURNMENT

Mr. MURPHY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 12 minutes p. m.) the House adjourned until to-morrow, Wednesday, May 7, 1930, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Wednesday, May 7, 1930, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON THE POST OFFICE AND POST ROADS—SUBCOMMITTEE NO. 3

(10 a. m.)

To authorize the Postmaster General to investigate the conditions of the lease of the post-office garage in Boston, Mass., and to readjust the terms thereof (H. R. 4135 and S. 1101).

To vest in the Postmaster General authority to decide which bid is the most advantageous to the Government in connection with the purchase of motor trucks and motor-truck equipment in order that a reasonable standardization of motor trucks and equipment may be maintained throughout the Postal Service, and to purchase motor-truck parts from the manufacturers of the motor trucks under such arrangements as the Postmaster General may deem advantageous to the Government (H. R. 8772).

To authorize the Postmaster General to purchase motor-truck parts from the truck manufacturer (H. R. 9374).

To enable postmasters to designate one or more employees to perform duties for them during their absence, including the signing of checks in the name of the postmaster (H. R. 8773).

Authorizing the purchase and maintenance of passenger-carrying automobiles for use at post offices having gross receipts of $1,000,000 or more (H. R. 9561).

COMMITTEE ON EDUCATION

(10.30 a. m.)

To provide for the further development of vocational education in the several States and Territories (H. R. 10821).

COMMITTEE ON WAR CLAIMS

(10.30 a. m.)

For the relief of George B. Marx (H. R. 1611).

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10.30 a. m.)

To amend section 4530 of the Revised Statutes of the United States (H. R. 6789).

To amend section 2 of an act entitled "An act to promote the welfare of American seamen in the merchant marine of the United States; to abolish arrest and imprisonment as a penalty for desertion, and to secure the abrogation of treaty provisions in relation thereto; and to promote safety at sea" (H. R. 6790).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To consider private bills in the subcommittee.

COMMITTEE ON WAYS AND MEANS

(11 a. m.)

To provide for a prohibition upon the importation into the United States of certain anthracite coal (H. R. 12061).

COMMITTEE ON IMMIGRATION AND NATURALIZATION

(10.30 a. m.)

To exclude certain citizens of the Philippine Islands from the United States (H. R. 8708).

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To consider branch, chain, and group banking as provided in House Resolution 141.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

To reorganize the Federal Power Commission and to amend the Federal water power act, and for other purposes (H. R. 11408).

COMMITTEE ON FLOOD CONTROL

(10 a. m., 2 p. m., and 8 p. m.)

To consider the economics involved in flood control in areas affected by backwaters of the Mississippi River.

To amend section 7 of Public Act No. 391, Seventieth Congress, approved May 15, 1928 (H. R. 8479).

To amend the act entitled "An act for the control of floods on the Mississippi River and its tributaries, approved May 15, 1925" (H. R. 11548).

The committee will hear proposals to construct a spillway below New Orleans.

EXECUTIVE COMMUNICATIONS, ETC.

455. Under clause 2 of Rule XXIV, a letter from the Acting Secretary of War, transmitting draft of a bill "to permit naval and Marine Corps service of Army officers to be included in computing dates of retirement," was taken from the Speaker's table and referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. CABLE: Committee on Immigration and Naturalization. H. R. 10672. A bill to amend the naturalization laws in respect of posting of notices of petitions for citizenship; without amendment (Rept. No. 1386). Referred to the House Calendar.

Mr. KVALE: Committee on the Territories. S. J. Res. 155. A joint resolution to provide for the naming of a prominent mountain or peak within the boundaries of Mount McKinley National Park, Alaska, in honor of Carl Ben Eielson; without amendment (Rept. No. 1387). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SCHAFER of Wisconsin: Committee on Claims. S. J. Res. 165. A joint resolution authorizing the settlement of the case of United States against the Sinclair Crude Oil Purchasing Co., pending in the United States District Court in and for the District of Delaware; without amendment (Rept. No. 1384). Referred to the Committee of the Whole House.

Mr. JOHNSTON of Missouri: Committee on Claims. H. R. 305. A bill for the relief of Northern Trust Co., the trustee in bankruptcy of the Northwest Farmers Cooperative Dairy & Produce Co., a corporation, bankrupt; with amendment (Rept. No. 1385). Referred to the Committee of the Whole House.

Mr. KNUTSON: Committee on Pensions. H. R. 12205. A bill granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; without amendment (Rept. No. 1388). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. KAHN: A bill (H. R. 12199) to authorize the design, construction, and procurement of one metal-clad airship of approximately 100 (long) tons gross lift and of a type suitable for transport purposes for the Army Air Corps; to the Committee on Military Affairs.

By Mr. McFADDEN: A bill (H. R. 12200) to amend the Federal farm loan act; to the Committee on Banking and Currency.

By Mr. ARENTZ: A bill (H. R. 12201) for the rehabilitation of private irrigation projects; to the Committee on Irrigation and Reclamation.

By Mr. JAMES (by request of the War Department): A bill (H. R. 12202) to authorize certain activities for the maintenance of the Army; to the Committee on Military Affairs.

By Mr. JOHNSON of Washington: A bill (H. R. 12203) to prohibit the operation of motor propelled vehicles by Army post exchanges for hire for private gain without a certificate of convenience and necessity in States which require such certificate for the operation of motor-propelled vehicles; to the Committee on Military Affairs.

By Mr. WINGO: A bill (H. R. 12204) to amend section 7 of Public Act No. 391, Seventieth Congress, approved May 15, 1928; to the Committee on Flood Control.

By Mr. KNUTSON: A bill (H. R. 12205) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; to the Committee of the Whole House.

By Mr. FISH: Joint resolution (H. J. Res. 331) relative to The Hague Conference on the Codification of International Law; to the Committee on Foreign Affairs.

By Mr. IRWIN: Joint resolution (H. J. Res. 332) prohibiting the Postmaster General from discriminating between individuals, firms, corporations, and communities in the receipt, transportation, dispatch, and delivery of registered mail matter; to the Committee on the Post Office and Post Roads.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOWMAN: A bill (H. R. 12206) for the relief of Freda Mason; to the Committee on Claims.

Also, a bill (H. R. 12207) for the relief of Lewis Clark; to the Committee on Claims.

By Mr. CARLEY: A bill (H. R. 12208) for the relief of Albert A. Ayuso; to the Committee on Claims.

By Mr. COOPER of Wisconsin: A bill (H. R. 12209) for the relief of the estate of Victor L. Berger, deceased; to the Committee on Claims.

By Mr. CRAIL: A bill (H. R. 12210) granting a pension to Robert M. Knipple; to the Committee on Pensions.

By Mr. DOUGLAS of Arizona: A bill (H. R. 12211) for the relief of John W. Miller; to the Committee on Military Affairs.

By Mr. GREENWOOD: A bill (H. R. 12212) granting a pension to Nancy Ann Scribner; to the Committee on Invalid Pensions.

By Mr. HOOPER: A bill (H. R. 12213) for the relief of Will A. Helmer; to the Committee on War Claims.

By Mr. HOPKINS: A bill (H. R. 12214) granting an increase of pension to Elizabeth J. Mumford; to the Committee on Invalid Pensions.

By Mr. IRWIN: A bill (H. R. 12215) for the relief of Daisy Ballary; to the Committee on Military Affairs.

By Mr. JOHNSTON of Missouri: A bill (H. R. 12216) granting an increase of pension to Margaret C. Vitteto; to the Committee on Invalid Pensions.

By Mrs. KAHN: A bill (H. R. 12217) providing for the appointment of Roderick R. Strong as a warrant officer, United States Army; to the Committee on Military Affairs.

By Mrs. McCORMICK of Illinois: A bill (H. R. 12218) granting a pension to Bertie E. Williams; to the Committee on Pensions.

By Mr. McCLINTIC of Oklahoma: A bill (H. R. 12219) providing for the enrollment of William J. Cizek as a member of the Kiowa Indian Tribe of Oklahoma and providing for an allotment of land in the Kiawo, Comanche, and Apache Indian Reservations; to the Committee on Indian Affairs.

By Mr. MOREHEAD: A bill (H. R. 12220) granting a pension to Pearl Rounds; to the Committee on Invalid Pensions.

By Mr. NELSON of Wisconsin: A bill (H. R. 12221) granting an increase of pension to Christina Stiehl; to the Committee on Invalid Pensions.

By Mr. SEARS: A bill (H. R. 12222) authorizing the Treasurer of the United States to pay to Henry F. Meyers the sum of $785.10 as full compensation for services rendered as a member of local draft board No. 1, Omaha, Nebr.; to the Committee on Claims.

By Mr. STALKER: A bill (H. R. 12223) granting an increase of pension to Jane Bronson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12224) granting an increase of pension to Ida E. Saxbury; to the Committee on Invalid Pensions.

By Mr. STONE: A bill (H. R. 12225) for the relief of the heirs of James H. Jones; to the Committee on War Claims.

By Mr. STRONG of Pennsylvania: A bill (H. R. 12226) for the relief of Edward Deyarmin, otherwise known as Edward Miller; to the Committee on Naval Affairs.

By Mr. TAYLOR of Tennessee: A bill (H. R. 12227) granting a pension to Charles Farris; to the Committee on Pensions.

By Mr. TEMPLE: A bill (H. R. 12228) granting an increase of pension to Nancy Malone; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7213. By Mr. GUEVARA: Petition of Cepriano Gigata, of Guiuan, Samar; Pedro Bassig, of Ilagan, Isabela; and Agustin Ibus, of Laspinas, Rizal, all citizens of the Philippine Islands, to secure speedy consideration and passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

7214. By Mr. JOHNSON of Washington: Petition and resolutions of various organizations and sundry citizens of South Bend, Wash., favoring the enactment of House bill 8976, for the relief of Indian war veterans and widows and minor children of veterans; to the Committee on Pensions.

7215. By Mr. SWANSON: Petition of C. C. Wilson and 53 others, urging increased Spanish War pensions; to the Committee on Pensions.

7216. By Mr. WELCH of California: Petition of all clerks of the post office of San Francisco, Calif., urging that a special rule be granted to permit early consideration of the Kendall bill, H. R. 6603; to the Committee on the Post Office and Post Roads.

SENATE

WEDNESDAY, *May 7, 1930*

(Legislative day of Wednesday, April 30, 1930)

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

The VICE PRESIDENT. The Senate, as in legislative session, will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Farrell, its enrolling clerk, announced that the House had passed the bill (S. 2076) for the relief of Drinkard B. Milner.

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

H. R. 10209. An act authorizing the appropriation of $2,500 for the erection of a marker or tablet at Jasper Spring, Chatham County, Ga., to mark the spot where Sergt. William Jasper, a Revolutionary hero, fell; and

H. R. 10579. An act to provide for the erection of a marker or tablet to the memory of Col. Benjamin Hawkins at Roberta, Ga., or some other place in Crawford County, Ga.

ENROLLED JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled joint resolution (H. J. Res. 305) providing for the participation by the United States in the International Conference on Load Lines, to be held in London, England, in 1930, and it was signed by the Vice President.

CALL OF THE ROLL

Mr. GLASS obtained the floor.

Mr. FESS. Mr. President, will the Senator from Virginia yield to me to enable me to suggest the absence of a quorum?

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

Mr. GLASS. I yield.

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

The VICE PRESIDENT. The clerk will call the roll.

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

Allen	Fess	Keyes	Shortridge
Ashurst	Frazier	La Follette	Simmons
Baird	Gillett	McCulloch	Smoot
Barkley	Glass	McKellar	Steck
Bingham	Glenn	McNary	Steiwer
Black	Goldsborough	Metcalf	Stephens
Blaine	Gould	Norris	Sullivan
Blease	Greene	Nye	Swanson
Borah	Hale	Oddie	Thomas, Idaho
Bratton	Harris	Overman	Thomas, Okla.
Brock	Harrison	Patterson	Townsend
Broussard	Hastings	Phipps	Trammell
Capper	Hatfield	Pine	Tydings
Caraway	Hawes	Pittman	Vandenberg
Connally	Hayden	Ransdell	Wagner
Copeland	Hebert	Reed	Walcott
Couzens	Howell	Robinson, Ark.	Walsh, Mass.
Cutting	Johnson	Robinson, Ind.	Walsh, Mont.
Dale	Jones	Schall	Waterman
Deneen	Kean	Sheppard	Watson
Dill	Kendrick	Shipstead	Wheeler

Mr. SHEPPARD. I wish to announce that the Senator from Florida [Mr. FLETCHER], the Senator from Utah [Mr. KING], and the Senator from South Carolina [Mr. SMITH] are all detained from the Senate by illness.

Mr. BLACK. I desire to announce that my colleague the senior Senator from Alabama [Mr. HEFLIN] is necessarily detained in his home State on matters of public importance.

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

Mr. WALSH of Montana. Mr. President, will the Senator from Virginia yield?

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

Mr. GLASS. I yield.

RECEPTION TO SENATOR DAVID A. REED

Mr. WALSH of Montana. Mr. President, I am advised that another Member of this body, returning from abroad after having rendered distinguished service as a member of the American delegation at the naval conference in London, is about to resume his duties in this Chamber. In token of the deserved esteem in which he is held by his colleagues in this body, I suggest that he be greeted upon his entrance to the Chamber by the Members of the Senate, led by the Vice President, in the well of the Senate. I move that a recess be now taken for such time as is necessary to carry out this order.