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The Regularly Recurring Filibuster

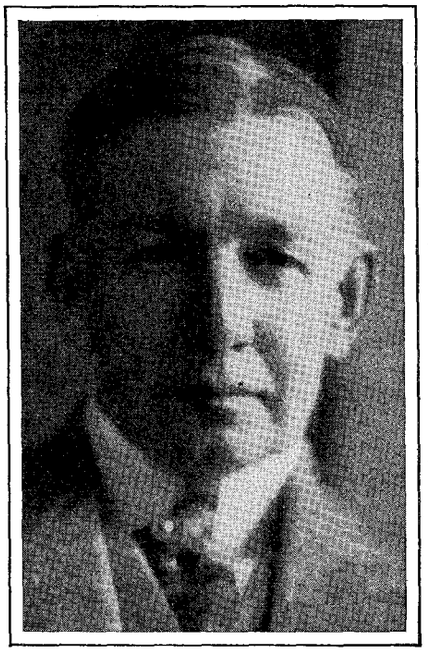
AT the close of every Congress the Senate indulges in a filibuster. It seems to think that it is maintaining its old dignity by staging the extraordinary spectacle of a lone Senator, his desk piled high with books, reading to a virtually empty chamber.

Vice-President Dawes's campaign for reducing this evil has resulted in no modification of the Senate's antiquated rules; but it has perhaps rendered the Senate somewhat more sensitive to public criticism of a practice such as that which jammed the Senate calendar in the last days of this session with bills of importance waiting passage. What the effect of this filibuster will be upon the record of this Congress will not be known for some time. What happens in consequence of every filibuster is that bills are allowed to slip through which ought never to be passed, while important legislation which the majority clearly want fails. As Mr. Dawes has pointed out, the evil is not so much in the prevention of needed legislation as it is in the enactment of unnecessary bills in the very attempt to get the needed legislation through.

Boulder Canyon

WHATEVER hope there may have been for prompt enactment of the Boulder Canyon Dam Bill was blasted in a Senate filibuster. That the fabric of the hope was extremely sleazy was indicated by the fact that when Senator Johnson invoked cloture, for the first time in his Congressional career, he could not secure half enough support to make it effective. The bill could not have been passed if there had been no filibuster. The filibuster did not defeat a bill. All that it did was to consume time that might have been devoted to other bills when this one had been defeated.

It is, no doubt, best that the bill was not passed. It involves disposal of a great public resource concerning which public sentiment is not yet sufficiently crystallized. There are strong indications, as recently pointed out in The Outlook by Representative Davenport, that the Government should own and control, not merely the dam, but the power plant on the Colorado. Such



Underwood & Underwood

Vice-President Charles G. Dawes

ownership and control would not put the Government in business in the objectionable sense of that term. Yet the public, not sufficiently informed as to the tremendous possibilities and responsibilities, probably believes that it would. Even the Administration is presumed, at least by some of those who oppose the enterprise, to condemn Government ownership and control of the proposed dam and power plants on the Colorado River. A paragraph from the President's Message of March 4, 1925, has been frequently quoted to support this presumption.

On the whole, embarkation upon an enterprise so large and of such far-reaching importance as this had better be delayed than undertaken without full consideration of the possibilities. Final arrival at the right destination is vastly more important than speedy arrival somewhere.

The Radio Law—An Experiment

THE Radio Control Bill is in effect, except for a single feature—operators of broadcasting stations will not be subject until April 24 to the penalties provided for operating without license. Meanwhile, the Commission of five members, who have not been appointed as this issue of The Outlook goes to press, must be efficiently about its business in order to issue even temporary licenses within that time.

The law is a compromise, and therefore likely to be not quite satisfactory to anybody concerned. The enactment of some sort of control law, however, was imperative, and nothing except a compromise measure could be put through.

Five Commissioners, appointed from as many zones created by the bill, will have complete charge of the regulation of broadcasting for a period of one year, during which time they will classify all broadcasting stations, assign wavelengths, and make general regulations to prevent interference and special regulations applicable to stations engaged in chain broadcasting. At the end of a year from the first meeting of the Commission the duty of regulating broadcasting will revert to the Department of Commerce. To this there is the one exception that the Commission will retain the power of reviewing matters brought before it on appeal from decisions of the Secretary of Commerce.

The Commission has a large task, and a correspondingly large opportunity for service. How completely it performs the task and embraces the opportunity will largely depend, of course, upon the ability and character of the men to be appointed by the President. There were nearly nine hundred applicants when the bill was signed, a number sufficiently large, it would seem, from which to select good men. The choice of the President is, however, limited in at least three ways. First, a Commissioner must be appointed from each of the five zones. Second, not more than three of the five may be members of the same political party. Third, no Commissioner may be financially interested in the manufacture or sale of radio apparatus or in the transmission of radio telegraphy or telephony or in broadcasting.

Nobody regards the law just signed as more than a temporary one. It is not improbable that another radio bill will be passed at the session of Congress which begins next December. Perhaps the work of the Commission will have sufficiently progressed by that time to indicate at least some of the changes that may be desirable. Meanwhile, the fact is to be borne in mind that the framing of the present law, or any law of the kind, was not an easy task. Con-

gress was forced into a new field, and anything that it might have done would have been, in a measure, experimental. The public, therefore, is bound to be tolerant toward any hardships that the law may impose until they can be ascertained and corrected.

The McFadden Banking Bill

BECAUSE of inequalities in competition between State and National banks the Federal Reserve System, on which the stability of our credit system and currency depends, has been in real danger. State banks do not have to belong to the Federal Reserve System. National banks, which have to belong, have been giving up their charters in many cases and withdrawing from the Federal Reserve System. To stop this disintegration of the Federal Reserve membership something had to be done to put State and National banks more nearly on a plane of equality. In consequence, the Act to Amend the National Banking Laws and the Federal Reserve Act, commonly known as the McFadden Banking Bill, was passed by Congress and has now been approved by the President. It modifies in a number of particulars the regulations for the conduct of National banks and of member banks of the Federal Reserve System. The provisions in which public interest has centered are those relating to branch banking. There are two of these, one extending the branch privileges of National banks, the other restricting the branch privileges of State banks which are members of the Federal Reserve System.

Under the new law, a National bank in a city, town, or village of not less than 25,000 population may establish branches in the city if maintenance of branches is permitted to State banks under State law. A State bank converted into or consolidated with a National bank may retain branches previously in lawful operation. The same provision applies to consolidations of two or more National banks.

The limitation upon branch banking by State banks is, perhaps, even more important. The law does not undertake to limit the practices of State banks as such, but provides that a State bank which holds or seeks to acquire stock in a Federal Reserve Bank—in other words, which is or seeks to be a member bank of the Federal Reserve System—shall not operate branches outside of the city in which it is located.

So far as Federal Reserve member banks are concerned, the law places National and State banks as nearly as possible on the same basis with regard to branch banking.

The Elk Hills Oil Case

THE lease of the Elk Hills (California) Naval Oil Reserve to the Doheny companies was illegal, corrupt, and invalid. The Supreme Court of the United States has so held, unanimously. Not only are the Doheny companies not entitled to use the property under the lease, not only must they make payment for the oil already taken out, but they are not entitled to recover anything of what they expended, under the terms of the lease, in the construction of storage tanks at Pearl Harbor, Hawaii, and at San Pedro, the port of Los Angeles. "They may not insist on payment of the cost to them or the value to the Government of the improvements made or fuel oil furnished," says the Court, "as all were done without authority and as means to circumvent the law and wrongfully to obtain the leases in question."

It would be difficult to frame a severer castigation of the acts of Edward L. Doheny and former Secretary of the Interior Albert B. Fall than is contained in the opinion of the Supreme Court. The consummation of the transaction, it is said, was brought about "by collusion and corrupt conspiracy" between them. "It is clear that, at the instance of Doheny," says the Court, "Fall so favored the making of these contracts and leases that it was impossible for him loyally or faithfully to serve the interests of the United States." The Court holds that "there are direct evidence and proven circumstances to show" that Mr. Denby, Secretary of the Navy at that time, knew what he signed, but that he took no active part in the negotiations.

The purpose of the suit, as stated by the Supreme Court in its opinion, was "to vindicate the policy of the Government, to preserve the integrity of the petroleum reserves and to devote them to the purposes for which they were created."

We pointed out, when Fall and Doheny were on trial, charged with criminal conspiracy, that the proper policy with regard to the Naval Oil Reserves was not involved in that suit and should not be considered by the public in connection with the criminal trial. Similarly, the question of the criminal guilt of Mr. Fall and Mr. Doheny was not involved in the civil case which the Supreme Court has now finally determined.

The decision just rendered does not end the litigation growing out of the leasing of the Naval Oil Reserves. Mr. Fall is still to be tried, jointly with Mr. Sinclair, for conspiracy to defraud in connection with the lease of the Teapot Dome reserve. And the validity of the lease of that reserve to the Sinclair interests is still to be passed upon by the Supreme Court.

The Baumes Law Upheld

THE New York State Court of Appeals has upheld the constitutionality of the Baumes Law requiring the life sentencing of criminals guilty of a fourth felony. Mr. Justice Crane writes the decision, which lacked but one vote, that of Mr. Justice Lehman, of being unanimous. The mandatory provision is maintained, overcoming the chief argument against the act, in that it deprives courts of discretion. As the Governor at all times retains the power of pardon, injustice, should such occur, is not without remedy.

The salutary effect of the measure in controlling crime is emphatically visible in New York, where professional criminals are less active or have removed themselves to other less stringent surroundings.

The Chicago Primaries

AFTER a campaign bitterly waged, full of personalities, and rather lacking in the discussion of more serious issues, candidates have been named for Mayor of Chicago.

Mayor Dever was renominated by the Democrats without serious opposition. His opponent received but 13,000 votes, while Mr. Dever received 150,000. All the bitterness and the personalities were practically confined to the Republican primary. In that the successful candidate was a former Mayor whose administration was of the sort that has made municipal government in America so often a byword and reproach—William H. Thompson.

Mr. Thompson's opponent, Edward R. Litsinger, had the backing of Senator Deneen. He was at one time alderman, and has been for several years a member of the Board of Review. Though he was supposed to have some qualities that would get him votes, he did not make a specially strong appeal to the good government force of the community.

There was a third candidate at first in the Republican primary who later withdrew. This was Dr. John Dill Robertson, who was Health Commissioner under Mayor Thompson and during the close of Thompson's last term was by the Mayor's appointment President of the Board of Education. Before the primaries were held, however, Dr. Robertson pulled out and filed as an independent candidate for election.

The candidates for Mayor will there-