

The Outlook

Volume 139

January 21, 1925

Number 3

Governor Davis Accused of Crime

JONATHAN M. DAVIS, retiring Democratic Governor of Kansas and one of the candidates for the Presidency voted for in the Madison Square Garden Convention, was arrested on the day of his retiral from office on the charge of bribe-taking. He declared his innocence before a large audience at Topeka, and he is entitled to forbearance from public condemnation until he has been tried.

The charge is based on evidence that Governor Davis's son, Russell Davis, received the sum of \$1,250 from one Fred Pollman, a penitentiary convict on parole, giving in return a promise that the Governor would grant Pollman a full pardon. It is asserted that Governor Davis was a party to the agreement.

Apart from this criminal charge there has been angry public comment on what is claimed to be Governor Davis's abuse of the pardoning power. In retort he asserts that a comparison of his record in this respect with the records of Governor Allen and Governor Capper will show that he pardoned fewer men than either, and he makes the intimation that an outgoing Governor is expected to use the pardoning power freely—a bad practice if it is a practice.

We commented two weeks ago on Governor Davis's attempt to remove from office the Chancellor of the Kansas University without a hearing, as an attempt to use the State University for party politics. Mr. Davis was defeated as a Democratic candidate for the Governorship by Ben S. Paulen, a Republican, who has now been inaugurated. The not at all creditable purpose of Governor Davis in the University affair was apparently to embarrass and annoy his successor.

The Return of the Exiles

THE state of political party chaos that existed in Rhode Island for many months was practically ended by the sweeping Republican victory of November. Now, in his inaugural address on January 6, Governor Pothier, by his

recommendation of such measures as the abolition of the property qualification for voters in cities, the appointment of a commission to study redistricting for the State Senate, and the popular election of sheriffs, gives proof that a reasonable degree of reform in popular representation will be considered by the dominant party.

This is a wise political attitude. At present there is an absurd inconsistency



(C) Underwood

Charles Beecher Warren, appointed U. S. Attorney-General by President Coolidge

between the representation of small towns and rural districts, when they are compared as to population with the great cities. At the same time it is true that the numerical question is not the only thing to be considered, and that the two big cities of the State should not be allowed to overpower or neglect the interests of the non-urban population. The welfare of the whole people should prevail; factious party strife should be relegated to the background.

Thirteen of the twenty-one Republican Senators who "exiled" themselves last June were re-elected to the Senate in November. The Republican majority in the Senate is now 17; in the lower house, 34. Evidently there is no likelihood that the Democratic filibuster of 1924 will be repeated.

The New Attorney-General

PRESIDENT COOLIDGE's appointment of Charles Beecher Warren as Attorney-General to succeed Harlan Fiske Stone augurs well for the quality of material out of which the Cabinet will be constructed for the next four years.

Mr. Warren has had the confidence of three successive Presidents, and has served all of them well. Indeed, for twenty years he has served his Government in important capacities, and always with success. He conducted two important negotiations with Great Britain. As Ambassador to Japan during the period of the Washington Conference on the Limitation of Naval Armaments he displayed unusual tact and ability. He helped to compound our difficulties with Mexico and served successfully as our first Ambassador after diplomatic relations were resumed.

Mr. Warren's somewhat wide experience in diplomacy does not detract from his ability as a lawyer. He has been engaged actively and ably in the practice of his profession when not performing public service. Much of that public service was legal rather than diplomatic. He is not, in the usual sense, a politician. The positions he has held have sought him. He has never been an office-seeker.

There are good reasons for expecting that Mr. Warren will make in the office of Attorney-General a record comparable with those of the ablest men who have filled it.

The Case of the Voltaire

BEFORE his resignation as Attorney-General, Mr. Stone made a ruling in the Voltaire case which is based on the historic coastwise law prohibiting foreign flagships from engaging in American coastwise trade. The Voltaire, a ship of the English Lamport & Holt Line, is held to have violated "both the letter and spirit of these statutes."

The Collector of Customs at Boston, on July 11 last year, imposed a fine of \$111,000, or \$200 per passenger, upon the Voltaire for carrying a party of Elks from Philadelphia to the annual Con-

vention in Boston. The owners contended that the trip was not coastwise, but international, and therefore not in violation of law. Tickets were sold, not to Boston, but to St. John's, Newfoundland. This is the basis of the owners' contention that the trip was overseas and not coastwise. The Attorney-General holds, however, that the trip would not have been considered by the passengers but for the fact that they were to be landed at Boston for the Convention, that this was the real purpose of the trip, and the subsequent sailing to St. John's an incident.

It appears that a number of the passengers left the ship at Boston, without making the Newfoundland trip, and returned to Philadelphia by rail. While holding that the taking of all passengers for such a trip was in violation of law, the Attorney-General recommends that the fine be reduced to cover only such passengers as did not complete the trip to Newfoundland but returned home from Boston. This would have the effect of reducing the fine from \$111,000 to \$4,000. American marine interests, gratified in the main with the ruling, are dissatisfied with this phase of it, and there is talk of legal proceedings to prevent its consummation.

A Queer Vote of Confidence

A GAIN the cry of "Coolidge or chaos" was raised, and again Coolidge received a vote of confidence. But the margin of safety was so narrow that a single man—and he a Democrat—could have changed it to a vote of disapproval. And that despite the fact that the President needed only one vote more than one-third of the votes cast in order to achieve a victory.

The Postal Salaries Bill came on in the Senate for action on the motion to pass it over the President's veto, exercised toward the close of the session which ended last June. A great deal more than higher salaries for postal employees had become involved. The Administration had made no secret of the fact that it very much wished the veto sustained. It was said that Republican discipline would be shattered if the bill passed. The leadership of the President was undergoing its first test since election—and the leadership of the President not only, but of Senator Curtis, who became the Republican leader of the Senate after the death of Lodge. Chaos was said to be waiting around the corner, ready to

swarm over the Capitol if Coolidge were overridden.

The vote was fifty-five in favor of overriding the President's veto to twenty-nine against. A lone Democrat, Dial, of South Carolina, voted with twenty-eight Republicans to sustain the President. All the other Democrats present and twenty-one Republicans voted to pass the bill over the President's veto. If Dial had voted with his party, there would have been exactly the two-thirds necessary to override a veto.

Despite the President's narrow victory, the postal pay fight is not yet over. The bitterest part of it may be still ahead. The increase of salaries is written into the Postal Rates Bill, which is paraded as an Administration measure, and which is scheduled to come up for action later in the session.

Inward Pains in the Parties

THE disposition of the Postal Salaries Bill by the sustaining of the President's veto appeared to serve as a tocsin of intestine war. A hot battle within the Republican ranks and one even hotter within the Democratic ranks followed hard upon the taking of the vote.

Senator Ladd, of North Dakota, who was read out of the party at the beginning of the session, arose to make defense of himself and other "insurgents." Senator Edge, of New Jersey, one of the authors of the Postal Salaries Bill and the leader in excommunicating the insurgents, defended the action of the caucus. Senator Borah, who was not excommunicated, demanded a definition of party loyalty. Senator Edge said that support of the candidate for President constituted one test. And Borah retorted by asking if the Senator meant to say that supporting the candidate before election only to betray him after election was party loyalty.

Chaos, after all, came around the corner and muddled things up mightily for a little while. But the Coolidge victory stands and the Republican forces are still under control.

On the Democratic side, Dial came in for chastisement—not ostensibly for having voted to sustain the President's veto, but for making a speech criticising the Democratic Party and charging individual Democrats with disloyalty to principle. Finally he arose and asked permission to withdraw certain portions of the speech. Under pressure from his colleague, Senator Smith, and the Demo-

cratic leader, Senator Robinson, he withdrew the entire speech before he sat down. The Democratic forces also are still under control, though at least four factional fights have occurred since Congress reconvened after the holidays.

The Senate Navigating the Shoals

A NOTHER victory for Coolidge was won in the passage by the Senate, in committee of the whole house, of the Underwood Muscle Shoals Bill. This, indeed, was a several-sided victory. It was decidedly a triumph for Senator Underwood, in whose State the Shoals are situated. His plan for operation of the great plant had bitter and, as it appeared at times, vindictive opposition. Charges—groundless, as fair-minded men generally admit—were made of efforts to turn the property over to unworthy interests. Senator Underwood successfully refuted the charges and convinced a substantial majority of Senators that his plan was the best yet offered for operation of the largest single property owned by the Federal Government.

Most of all, perhaps, the passage of the Underwood Bill in committee of the whole was a victory for that group of men who all along have insisted that Muscle Shoals must be regarded primarily as a nitrogen fixation plant and not as a plant for generating commercial power. The Underwood Bill appears to be genuinely a nitrates bill, and not, except in an incidental sense, a power bill. The purpose of the plants under this bill will be to insure the Nation an adequate supply of nitrates for explosives in case of war, but it will be used steadily and at capacity for the manufacture of nitrates for fertilizers instead of being maintained in an idle or so-called "stand-by" condition.

Finally, the Underwood Bill is a victory for those who believe that the Federal Government should not engage in the operation of industrial plants in competition with private industry. Under the terms of the bill, the plant will be leased to private operators if this can be done before September 1 of this year. If no suitable lessee can be found by that time, the Government will undertake operation. The Underwood Bill supplanted the Norris Government Operation Bill. The majority of 48 to 37 was a surprise even to the leaders of the fight for the Underwood plan. An extremely close vote had been expected.

The bill has not yet, properly speak-