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Reform of the Senate Rules

PHOTO. BY UNDERWOOD & UNDERWOOD, N. Y. C.

Vice President Dawes Broadcasting His Speech Before the Men of the First Battalion of the 114th Infantry, New Jersey National Guard, at Elizabeth, New Jersey, October 12, 1925

By Charles G. Dawes

Vice President of the United States

SUPPOSE a body of men were gathered to discuss and act upon any matter of importance, either public or private, and one of them should rise and make the following statement: "Before we start I propose that in this meeting any one of us may talk as long as he pleases, whether relevant to the subject which we are considering or not. If anyone desires he may use up all the time we have at our disposal, even if he has the purpose of depriving us as a body of the right to act."

Of course such a statement would be regarded at first as an ill-timed joke, but when it was realized that the speaker was in earnest it would be greeted with scorn and derision as well as just resentment.

It is such a proposal which obtains in the Senate of the United States—alone of all the great deliberative bodies of the world. I maintain that the people of the United States, who favor and have established majority rule under constitutional limitations, understand and deeply resent this absurd situation; but in my judgment they do not visualize fully the great extent of its evil influence on both legislation passed and legislation defeated in this country.

All great parliamentary bodies of the world except the Senate, when, after discussion they desire to act, can close debate by a majority vote. This right thus to close debate is called majority cloture. Provision for this right, so guarded that every senator shall have the opportunity to be heard fully upon any question, but shall not be permitted frivolously or uselessly to prolong his speechmaking for the purpose of preventing action by the Senate pursuant to its constitutional duty, is the reform which is sought by the advocates of a change in the Senate rules.

Deferring for the moment explanatory and corroborating comment, I will state the principal objections to the Senate rules as they stand:

1. Under these rules individuals or minorities can at times block the majority in its constitutional duty and right of legislation. They are therefore enabled to demand from the majority modifications in legislation as the price which the majority must pay in order to proceed to the fulfillment of its constitutional duty.

The right of filibuster does not affect simply legislation defeated but, in much greater degree, legislation passed, continually weaving into our laws, which should be framed in the public interest alone, modifications dictated by personal and sectional interest as distinguished from the public interest.

2. The Senate is not and cannot be a properly deliberative body, giving due consideration to the passage of all laws, unless it allots its time for work according to the relative importance of its duties, as do all other great parliamentary bodies. It has, however, through the right of unlimited debate, surrendered to the whim and personal purposes of individuals and minorities its right to allot its own time. Only the establishment of majority cloture will enable the Senate to make itself a properly deliberative body. This is impossible when it must sit idly by and see time needed for deliberation frittered away in frivolous and irrelevant talk, indulged in by individuals and minorities for ulterior purposes.

3. The rules subject the people of the United States to a governmental power in the hands of individuals and minorities never intended by the Constitution and subversive of majority rule under constitutional limitation. In the words of Senator Pepper, of Pennsylvania:

"The Senate, by sanctioning unlimited debate and by requiring a two-thirds vote to limit it, has in effect so amended the Constitution as to make it possible for a 33 per cent minority to block legislation."

4. The present rules put into the hands of individuals and minorities at times a power greater than the veto power given by the Constitution to the President of the United States, and enabled them to compel the President to call an extra session of Congress in order to keep the machinery of Government itself in functioning activity. The reserved power of the states in the Constitution does not include the power of one of the states to elect a senator who shall at times control a majority or even all the other states.

5. Multiplicity of laws is one of the admitted evils from which this country is suffering today. The present rules create multiplicity of laws.

6. The present rules are not only a departure from the principles of our constitutional government but from the rules of conduct consistent therewith which governed the United States Senate for the first seventeen years of its existence and which provided for majority cloture.

Because of the present size of the Senate, the immense population and diversified interests of our country, with the consequent enormous increase in the work of the Senate, its business cannot be properly transacted without a return to the majority cloture provided in its original rules.

7. As long as the right of unlimited, irrelevant and frivolous speechmaking exists, indulged in purposely to consume and waste the time of the Senate, that body never can be a dignified body. The men of ability in the Senate, who speak to the point to forward both elucidation and decision, as did senators of the past before the days of filibustering, are drowned out in the public mind by the interminable and irrelevant din raised by the obstructionists, who cannot be held either in time or to the point. The latter are giving the Senate its public character—not its most able, earnest and conscientious members. The public disfavor into which the Senate has fallen is not because of any lack of able men in its membership, but because of the encouragement given by its rules to abuse and perversion of the ordinary rights of debate in parliamentary bodies.

Let us now consider these objections more in detail.

The power of filibustering and of debate without limit of time, made possible under the present defective rules of the Senate, has produced such continuous and such serious obstructions to legislation that since May 12, 1910, in sixty-six instances the majority and minority leaders of the two parties have been compelled to arrange for unanimous-consent agreements to enable the consideration of important legislation. This means that they must go like suppliants to every individual member of the Senate to get his consent that the majority shall act on important legislation, and consider the conditions in regard to other legislation which the individual senator may desire to impose as the price of his agreement.

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The Senate Chamber, Washington, D. C.

Obstruction

IT WAS the great public resentment which was aroused by filibustering in the Sixty-third Congress, during 1914, in an effort of the minority to prevent legislation by the majority which, in my judgment, led to the only serious consideration of reform in these rules which the Senate has given in recent years. In that Sixty-third Congress the River and Harbor Bill had been debated for thirty-two days; the Panama Canal Bill for thirty days; the Federal Trade Commission Bill for thirty days; the Clayton Amendments to the Sherman Act for twenty-one days, and the Conference Report on the Clayton Act for nine days.

Accordingly, in the early days of the Sixty-fourth Congress, because of this pressure of public sentiment aroused by the intolerable legislative situation in the Senate, a provision to close debate by a two-thirds vote was reported by the Senate Rules Committee, and during the special session of the Sixty-fifth Congress, in 1917, after a conference of the Republican and Democratic leaders, the present rule enabling a two-thirds majority to bring a matter to a vote was adopted. But this change in the rules did not cure the evil, and in that very Congress, with this rule in force, six major appropriation bills were defeated by the filibuster, to say nothing of eight other measures favored by the Administration. An extra session of Congress was called as result. Filibustering, or the use of it as a threat, proceeded in the usual course in the Sixty-seventh and Sixty-eighth Congresses, despite the alleged rule reform.

Nowhere has the evil of these rules been more keenly appreciated than on the floor of the Senate itself. Nowhere else have been made more bitter indictments of the system than by those officially in close contact with the rules, who are, therefore, in the best position, when once they are resolved to give up personal prerogative for the common good, to judge of the effects of these rules upon the national interest.

The issue presented in the movement for reform in the present rules of the Senate of the United States is nonpartisan, nonsectional and patriotic. An improvement in these rules to expedite the conduct of business is as impersonal and nonpartisan a question as was that of the adoption of the budget system improving the conduct of routine governmental business.

The advocates of this reform recognize it as nonpartisan. It cannot be accomplished unless it is accepted in the hearts and consciences of all citizens as nonpartisan and patriotic—a reform demanded by the people in the interest of all the people.

Therefore, as I am a Vice President who happens to be a Republican, I first quote in connection with this power of obstruction by individuals and minorities, and its evil effects, two men who have highly distinguished themselves in the Senate on the Democratic side, winning the respect of the American people without regard to partisanship—Senator Oscar W. Underwood, of Alabama, and ex-Senator Charles S. Thomas, of Colorado.

Of Senator Underwood, the late Governor McCall, of Massachusetts, said, "In breadth and clearness of mind, and in the statesmanlike quality, Senator Underwood would have been conspicuous in any Senate in our history." His remark well applies also to ex-Senator Thomas.

In an address at Birmingham, Senator Underwood, speaking to his constituency, said:

"I had served with your permission for twenty years in the House of Representatives. I had been the leader of that body; I was responsible for the legislative conduct of a great party; and I have gone to the conference table with Senate amendments on my bill, and convinced a conference—the representatives of the Senate in conference—that their amendments were wrong, and then they would calmly tell me they would not yield because a Senator So-and-So would talk the bill to death if I did not accept his amendment; and with great governmental issues at stake, I have been compelled to accept minor amendments to great bills that I will not say were graft, but they were put there for the purpose of magnifying the importance of one man with his own constituency, at the point of jeopardizing good legislation in America."

I quote ex-Senator Charles S. Thomas from a statement prepared by him, as follows:

"The fundamental vice of the right of unlimited debate is the power with which it clothes every member of the Senate, a power that will inevitably be exercised and generally on critical occasions. The member who can prevent ultimate action in matters of legislation may dictate the terms if he pleases whereby he will abstain from doing so. And if that member's constituency is aware—as all of them are—that he has such power, he will be required to assert it for local benefits and private legislation which never could command favorable action on their merits. The practice necessarily grows by what it feeds on. Hence the countless amendments providing for special appropriations for persons and communities which disfigure practically all the general appropriation bills and which swell into the millions at every session. Hence the subordination of matters of national and even of international importance to those of domestic and sometimes of local or regional concern. It is by no means intended to convey the inference that all senators do this, but a considerable number of them do so largely because they do not care to offend powerful influences by refusing to emphasize the outstanding fact. This evil more than counterbalances all the virtues that can be imagined of such a code, and fully explains why it is retained with such tenacity and defended with such vigor.

"Multiplicity of Federal statutes is largely the result of favorable committee action upon needless or questionable bills, and committee action is in turn largely influenced by senatorial courtesy, which is a polite name for individual senatorial power."

Retaliation

"THIS power is, of course, derived from the rules, whose practical effect is to require unanimous consent for the enactment and sometimes for the consideration of measures and especially those of importance. A member introducing a bill which is referred to the appropriate committee will be on that or if not on two or three other committees which in turn will have custody of other bills, in which members of the committee in charge of his bill may be interested.

"The rejection of his bill may provoke retaliation which will readily manifest itself on the floor when the measures of members of the committee pigeonholing other bills are taken or attempted to be taken from the calendar. I have known such instances to occur on more than one occasion. They are sufficiently frequent to warn senators that favorable reports on many bills backed by strong personal interests may be essential to the enactment of others of greater and more general importance.

"This condition congests the calendar and powerfully promotes the cause of private legislation. It is within bounds to assert that more than half the bills reported to the Senate calendar during the past decade are private or specific in their character, and the number is constantly increasing."

The corroborative evidence to be gathered from the record of Congress itself as to the truth of the contentions made by these able and experienced men that the right of obstruction by minorities in the Senate, made possible by the rules, not only impresses personal interests upon public legislation but contributes to multiplicity of laws is

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The $100 prize goes double!

I've always realized that the users of Mennen Shaving Cream are a pretty bright bunch, in more ways than one.

They not only know that a Mennen Shave is the cream of shaves, but let me tell you what they did in our Prize Contest.

I offered a $100 prize for the best name for the amazing, new, handy-Andy tube for Mennen Shaving Cream. The boys came through in great shape. They sent me 140,000 names.

I lost a lot of sleep and nearly all my mind trying to pick the winner. Most of the names were pretty good.

A noticeable proportion of the millions of Mennen users began to prod me for a decision.

Mr. Mennen told me to get busy. I did. I got help from four well-known business men and we have selected—Roto-Plug. The Hundred Berries Prize was awarded to L. F. Dembo, 11103 Ashbury Avenue, Cleveland, O.

But just to show you how important a little hyphen is, Walter S. Reive, Churchill, Ontario, Canada, came across with Rotoplug. Not so good, but pretty nearly. I told Mr. Mennen about it and he said instantly, "Give him a hundred, too. The prize goes double."

Then there was a fellow who sent in Rotaplug. I'd like to slip him a century also, but I've got to draw the line somewhere because there were 311 people who got the roto, rota, or rotor idea and turned in Roto Valve, Roto Tube, Roto Stop, Rotary Lock, Rotar Cap, Rota Seal, Roto Lock, Rotor Hole, and pretty nearly every variation you can think of.

But since these Roto-boys shot so near the mark, Mr. Mennen has sent to each of them, with his compliments, one of the famous Mennen-for-Men Boxes including the wonderful *new* Mennen Lather Brush. So even if they lost out on the hundred, they're going to have the makings of a Complete Mennen Shave including a Lather Brush which I'll wager they can't equal for $3 or $4 or even $5 anywhere in the country.

Well, I'm glad this Prize business is over and I can get some sleep. Thanks for *all* the names. And next time we're looking for help, we'll know where we can get it.

Jim Henry
(Mennen Salesman)

MENNEN
SHAVING CREAM

She had no heart for sentimental little girls who would have liked an extra day or two. She valued her business men higher—all her business men who were always eager to get there.

"And where," observed the man named Willsher to a nonchalant Peach, "is your haughty friend now?"

"Really," said Miss Robinwood in surprise, "does it matter?"

It mattered. It mattered so that the ballroom might have been a church. That was how much it mattered. And when some of the passengers, in the tremendous sentimentality of imminent partings, induced the orchestra to play Auld Lang Syne, Miss Robinwood wept.

She was between the man named Willsher and another addicted to equally large cigars at all possible moments. Each of her cold trembling little paws was clasped hard in a larger, hotter one. And she wept.

"Never mind, little girl," said the man Willsher, greatly stirred. "You will see me in London, never fear. I shan't forget you. Don't cry."

And he would have taken her straight away out on deck—there still being quite a good moon—for comforting purposes, had not she torn herself away.

"I'll see you home," cried the man Willsher after her flying form. But he stood not the slightest chance of catching her before she gained her pink cabin and bolted her door.

There was Eve, lovingly packing clothes.

"Eve!"

"Mademoiselle!"

"Eve, I want t-t-to s-s-see—t-t-to s-s-speak to a man t-t-tonight."

"Mademoiselle?"

"S-S-Sir John Lexham."

"Oui, mademoiselle."

"G-g-get him."

The maid Eve gave her tiny apron the slightest hitch at the waist, though its set was already perfect, adjusted a very well-trained curl in front of one ear and started for the door.

"Eve, you c-c-can g-g-get him?"

"I can get anybody, mademoiselle, if it is a man."

"Y-y-you c-c-can have m-m-my b-b-blue s-s-silk n-n-nightie."

Alone on her bed, cross-legged there just as she used to sit on her bed in Lenville, with Georgina squatting alongside, Peach endeavored to restrain her devastating emotions. She took short breaths and long breaths; held her breath, and let it go; washed her face and wept again; cold-creamed her face and ruined the result with tears; drank water; powdered her face. And then suddenly, just as in its turn the powder was endangered, a peremptory knock fell on the door and she was calm; she was smiling and gracious.

In a crisp voice she called, "Come in."

John Lexham stood on the threshold. He looked much as usual except for his eyes. They had no humor in them tonight; they were extraordinarily bright and steady, and they went immediately to Peach, who had forgotten that she was again sitting cross-legged on the bed. She rose gracefully and redisposed herself.

"I think I will come in a moment if I may," said John Lexham, shutting the door behind him.

"You once told me I should never allow a man inside my cabin," said Peach politely, a dreadful contrariness seizing her.

"It is different if it is I," said John Lexham.

"Have a cigarette?" said Peach, airily waving a boxful.

"Thanks, no, Miss Robinwood. I mustn't stay, even if I am I. . . . That maid of yours said you wanted to see me most urgently."

"Oh—oh—urgently? Not at all. What a fool the girl is! I only thought it would be nice, after all your kindness to me ——"

A dreadful malevolence now seized upon Peach, different from any malevolence she had ever experienced.

"The debt is mine," murmured John Lexham with a sickening courtesy.

"After all your kindness to me," repeated Peach, staring at him, and still he could stare back. "Nice to—to have an opportunity of—of saying good-by. We shall be off the boat very early in the morning, I understand."

"I understand we shall."

"So thanks so much, Sir John; and good-by—unless we happen to be traveling up to London together."

"I wish we were. But I'm in a carriageful of men—arranged yesterday, as a matter of fact."

"Oh, indeed! Then, as I say, good-by."

"Good-by, Miss Robinwood."

"Unless—I shall be staying at Black's Hotel. I hope you'll come and call on me."

"That would be nice. You're kind, Miss Robinwood. But circumstances make that very improbable, I am afraid. So many regrets. I mustn't keep you up now. It was—jolly of you to send for me like this. Good-by."

They shook hands as nicely as possible.

Miss Robinwood suddenly fell on her bed in a paroxysm of tears.

"I-I'm so s-s-sorry to s-s-say good-by to that n-n-nice Mr. W-W-Willsher," she choked.

"I sympathize," said John Lexham, and firmly he shut himself out of the cabin.

So that was that.

(TO BE CONTINUED)

REFORM OF THE SENATE RULES

(Continued from Page 4)

unmistakable. The figures prove that any body which at times must grant concessions to individual members in order to secure the right to act as a whole will pass more laws in proportion than a body not under that handicap, as well as modify the bills passed in many instances in a way not in the public interest.

In the last five Congresses the Senate bills and resolutions passed by the Senate, with ninety-six members, exceeded by 182 the House bills and resolutions passed by the House, with 435 members. The exact figures are 3113 for the Senate and 2931 for the House.

But more significant even than this, as evidence of the inevitable exactions of selfish human nature when given a chance, and the effect in forcing favorable reports on bills in committee, referred to by Senator Thomas, is the fact that the Senate, without majority cloture, passed these 3113 bills and resolutions out of a total of 29,332 introduced, while the House, with majority cloture, passed its smaller number of 2931 out of a total of 82,632 introduced.

Evils of Unlimited Oratory

During the last five Congresses, therefore, the Senate passed 10.5 per cent of the bills and resolutions introduced in the Senate, while the House of Representatives passed only 3.5 per cent of the bills and resolutions introduced in the House. In other words, of bills and resolutions introduced, the Senate, without effective cloture, passed in proportion three times as many as did the House of Representatives, with cloture.

As further proof, if any is necessary, that filibustering contributes to multiplicity of laws, it may be stated that it has caused the President to call, during the last eight sessions of Congress, seven extra sessions. No one can contend that more laws were not passed in the twenty-three sessions actually held than if only the sixteen regular sessions had been held. As a matter of fact, in these extra sessions a total of 386 laws and 98 public resolutions were passed. Again, as a result of filibustering, not only more laws are passed but the laws which are passed often do not receive due consideration.

Because of the consumption of time which the Senate has for constructive legislation by efforts of the minority through frivolous and unlimited oratory to obstruct the majority, it becomes necessary that there be occasional outbursts of speed by the Senate in passing bills on the calendar and jamming through appropriation bills. These outbursts of speed are a dangerous reaction from the cumulative inaction preceding them. Individual senators have bills on the calendar in which they are interested, as well as items in appropriation bills. The forces of normal action being held in check by obstruction, the reaction comes with a rush which renders impossible due and wise consideration. To pass bills in less time than it takes to read them, especially in the case of appropriation bills carrying hundreds of millions of dollars, after spending days on a revenue bill or tariff bill, demonstrates the necessity of so amending the rules of the Senate as to bring about a proper allocation of time to the consideration of all its business.

Says ex-Congressman Mondell, referring to the effects of the filibuster against the Shipping Bill:

"The entire appropriation and legislative program of the recent session of Congress was considered in the Senate under a flag of truce in the intervals in which the managers of the Senate filibuster were pleased to make way for measures other than the Shipping Bill. . . . During this period the Senate passed on one occasion more than one hundred bills in about the same number of minutes. There wasn't time to read even the titles in full if they were long."

Some, in discussing the question of reform of the rules, have endeavored to create the impression that they are to be regarded in importance as if they were part of our organic law. They are not organic law. The Constitution is the only instrument through which our forbears designed to limit the rights of the majority and to insure that the ultimate judgment of the people passed into law as distinguished from a passing phase of popular opinion. It provides that a bill must pass both Houses of Congress before it becomes a law; that then the President may veto it, in which event it must be passed over that veto by a two-thirds vote of both houses of Congress. The Supreme Court then has the power to review the law in its relation to the preservation of the minority rights and the rights of the states, which are defined by the Constitution, and if it finds any of them are overridden it declares the law to be unconstitutional and void.

Before the Day of Filibustering

For the first seventeen years of the existence of the United States Senate, filibustering and the holding up of the majority by the minority for legislative concessions were not possible. In the Senate in 1806, because of the small amount of business it had to transact and the small number of senators who transacted it, Rules 8 and 9 of the original rules of the Senate, providing for majority cloture, were dropped. These two rules had been used only three times in the seventeen years and were regarded as unnecessary for the proper conduct of business. The Senate then had only thirty-four senators and the country contained less than 7,000,000 population. Now the Senate has ninety-six members and our population is more than 110,000,000, with a more than corresponding increase in the amount and diversification of its interests and business.

It is absurd to maintain that the original Rules 8 and 9 of the Senate providing for

(Continued on Page 66)

"Out of the darkness the first gray light of breaking dawn and then—the new day"

A New Day

See Pages 102, 103 and 104

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majority cloture, which were abandoned only because the small membership of the Senate made them unnecessary, did not accord with the spirit of the Constitution or of American institutions. They did accord with them, and if these rules had continued in force the system of legislative barter would not have grown up, and the will at times of an individual senator or a minority of the Senate could not be substituted for the will of the people as expressed in the manner and by the method prescribed by the Constitution.

It is not relevant to say that majorities in the United States are temporary. Of course they are. The Constitution provided for frequent elections and thus insured that majorities in the Senate should remain temporary. We are a government of the people under constitutional limitations, and neither a free democracy, an oligarchy nor a monarchy. The principles of an oligarchy or a monarchy are those, in effect, which are urged against the reform of the Senate rules, to wit—that the will of an individual or of a minority in the Senate should at times be substituted for that ultimate judgment of the people represented by a readiness to legislate on the part of two elected houses of Congress, in agreement with an elected President of the United States who must sign the bill, all being ready to act under their constitutional rights, subject again to the possible intervention of the Supreme Court of the United States.

Carrying the Case to the People

To reëstablish the majority cloture provided for in the rules of the Senate during the first seventeen years of its existence, and thus check the intolerable evils which have arisen because of its absence, would be a return to the first principles of the American Government and of American institutions, and not a departure from them.

Again, a number of those opposing the reform of the Senate rules seem to forget that in the question a fundamental principle of American constitutional government is involved—that the methods of government must be determined by general situations and not by special cases; that the evils of the power of filibuster affect legislation passed as well as legislation defeated, and that it demoralizes the proper procedure of business in the United States Senate.

The assertion is made that no bills were ever defeated by a filibuster that have not been afterwards condemned by public sentiment. In my judgment this superficial argument is a species of special pleading, only indulged in with the hope of stirring up the prejudices of portions of our people by references to specific legislation defeated by the filibuster. If the debate could be turned from a general scope, covering all considerations, into one upon innumerable specific bills, there would be more of a chance to arouse enough prejudice to obscure the public benefits and real principles involved in this reform.

Unquestionably some bad bills have been defeated by a filibuster. A reference here, however, to particular bills, which are only a very few of a large number, will illustrate the folly of thus seeking to dispose of fundamental principles by the consideration of special cases instead of a general situation.

In the last session of the Sixty-eighth Congress the Muscle Shoals Bill was defeated by filibuster. Who, for instance, is authorized to state what the public sentiment of the United States is upon this bill? As a result of this filibuster the following bills were not reached and, therefore, failed:

Pepper-McFadden Banking Bill,
Railroad Consolidation Bill,
Departmental Reorganization Bill,
Public Buildings Bill,
Statute Codification Bill,
Cape Cod Canal Bill,
Bill for Civil Service Classification of Prohibition Agents

Who is authorized to state public sentiment upon these bills? What about the many appropriation bills defeated through the consumption of time by filibuster in different Congresses, compelling extra sessions? These bills certainly were not condemned by public sentiment.

Under the Constitution the Senate is the only body which can change these rules; and as stated before, to change them in the public interest, individual senators must give up personal powers and prerogatives which pertain to them under the rules as they stand at present.

That is what makes the reformation of the rules so difficult. That is why it is all the more incumbent upon patriotic senators, devoted to the real interest of the nation, to correct a system operating against public interest, for the creation of which no party or any individual senator is responsible. Nor does the fact that they were not responsible for the crystallization of custom and precedent into improper rules excuse them before the bar of American public opinion from the duty of rectifying them in the national interest.

From the days of Henry Clay to the present, upon the floor of the Senate, individual members have pleaded without avail for the correction of the rules. It is for the reason that repeated argument and solicitation from the floor of the Senate itself have failed, that as Vice President I am carrying the case to the people of the United States, who have the power to elect men to the Senate who will properly represent their attitude in this matter.

The Vice President is designated by the Constitution as the presiding officer of the Senate, and, like all other presiding officers, is charged with expediting the business of the body over which he presides. Being the only official of the Government sustaining a constitutional relation to the Senate as a whole—elected not by the Senate but by the people of the United States—and charged with concern for the proper conduct of the business of the Senate, in carrying the question to the people I am only performing a plain duty.

The Need for Majority Cloture

What I am advocating in connection with the rules of the Senate is that they should be changed by a provision for majority cloture so drawn that it will not prevent any senator from being fully heard upon any question, but will prevent a minority or an individual senator from unduly prolonging debate in order to destroy the constitutional right of a majority of the Senate to legislate. The adoption of the Underwood Resolution will properly and sufficiently remedy the situation, in my judgment.

No one has asked for a change in the rules which will prevent a minority from being fully heard on any question or interfere with the right of free speech. No one is asking any extension of the constitutional rights of the majority of the Senate or of the people themselves. The demand is only that the minority, protected as it is by the checks and balances of the Constitution, shall not exercise veto rights over the will of a majority when that majority desires only to exercise its constitutional rights of legislation.

This power of obstruction, resulting from the failure of the rules to provide for majority cloture, brings the Senate into disrepute, demoralizes its orderly procedure and interferes with its power to act properly under its constitutional authority in the interests of the people. It protects no essential right. It is wrong. It is un-American. And, in my judgment, the American people demand that senators abolish it.

THE DIAMOND IN THE DUST HEAP

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as many copies as possible before the inevitable revelation that would kite its value to an altitude beyond my modest reach. In three years I ran down and garnered three copies, two of which I subsequently sold at a very handsome advance upon the original purchase price. Needless to say, they are no longer listed in catalogues at three shillings, under the caption Tobacco; but that, on an average, is what mine cost me, and I ordered them from just such catalogues.

A few years ago, while employed by an afternoon newspaper, I passed the door of a small bookshop in Chicago, and paused to investigate a box of paperbacks. The price asked for the books was not exorbitant; they were offered at ten cents apiece for as many as one wanted. I pawed idly for a few moments, and then turned up a familiar title—The Misadventures of John Nicholson. The author was Robert Louis Stevenson. A line from a catalogue entered my head, and suddenly it occurred to me that this was the rare pirated edition that had appeared in America some months in advance of the authorized London edition; an unlovely affair on cheap paper, made for train butchers to sell to passengers, but an indubitable first edition of which only a few copies were known. It was quite fresh and new, and I wasted no time in buying it. There were no other copies in the box; I had discovered that fact rapidly. But as I paid over my ten cents I casually remarked, "Those paperbacks seem to be in pretty good shape for such old books!"

The dealer agreed with me. "I bought a job lot of them from the publisher," he said. "He's been out of business for some years, and these were in a warehouse somewhere, gathering dust. I took all he had. There's about a thousand more back there under the stairs."

I did not know whether to shout or to faint. And I had an assignment to cover, and a story to write. "I should like to look them over," I said at length, "but I haven't time now. I'll drop in later in the day." Then I hurried away to my task, rushed back to the office, and worked feverishly until three o'clock. When I had finished I sped back to the bookshop, fearing that someone would be ahead of me. But the shop was empty, and the books had not been touched. There they were, a thousand of them, more or less, piled under the stairs.

I took off my coat and set to work, and in an hour I had toiled through the lot. Every title in a list of popular reprints was there, including a number of Stevenson's; and there were exactly five more copies of The Misadventures of John Nicholson. Of all John Nicholson's misadventures, it occurred to me that this was the most amusing. I bought all five—every one of them!—greatly to the astonishment of the dealer, who as I left the shop eyed me with deep suspicion, and putting them in my bag I went at once to another shop, famous throughout the world, whose proprietor knew a great deal about rare volumes. There I produced a single copy of my six, and asked what he would pay for it. He examined the thing carefully, commented on its exceptional condition, and agreed to pay thirty dollars, which I accepted and went home.

A week later, I sold him another copy for thirty dollars, and he smelled a rat.

"Look here," he said, with a shrewd smile, "you've found a nest of these some place. Exactly how many have you?"

"You've just bought two," I replied, "and I have four left."

"I'll have to buy 'em all to protect my first investment," he grumbled. "I'll give you twenty-five dollars apiece for the others." (Continued on Page 68)