

Ref. 348/10/40.

10

6

Mr. O'CONNOR. The Government of the United States is spending a tremendous amount of money for the purpose of conservation of our natural resources. I have observed the work of these C. C. C. boys, particularly in the forests. They are employed along the line of building roads in the forests, marking out and building trails in virgin forests, the purpose of this being to enable people to get into the forests during these great forest fires, so as to put out the fires and save these great millions of acres of fine timber in the forest regions. Now, it seems to me it is penny wise and pound foolish to curtail this expenditure or to cut down this appropriation, thereby taking the chance of losing the millions of acres of splendid forest trees. We are getting more than value received for this outlay of money.

Mr. ELLIS. I thank the gentleman for his contribution.

In conclusion, I think we have done the same thing with N. Y. A. that we have done with the C. C. C. We have made an unwise reduction. They, too, like the C. C. C., have done a great work in this country. Much has been done to help the youth of this Nation, much has been done to stabilize the unrest that did exist and will still exist among the youth.

I am sure the administration was sincere in recommending this cut, I am sure the committee was wholly sincere in recommending the cut, but I am also sure that if you and I feel that it is the overwhelming opinion of the American people whom we represent that these agencies should not be thus reduced, then it becomes our duty to endeavor to retain them at the proper status without these drastic reductions. [Applause.]

[Here the gavel fell.]

Mr. ENGEL. Mr. Chairman, I yield 20 minutes to the gentleman from Massachusetts (Mr. TINKHAM).

Mr. TINKHAM. Mr. Chairman, the American people will be astonished and shocked to learn of the existence of a joint agreement between the United States and Great Britain—secretly negotiated and relating to joint control over strategically located islands in the Pacific Ocean—which in its implications amounts to a political alliance of far-reaching and dangerous consequences.

The agreement relates to the Canton and Enderbury Islands of the Phoenix group located some 1,912 miles southwest of Hawaii and some 1,316 miles southeast of the Japanese mandated islands.

The agreement, which has the force and effect of a treaty and by its terms is to endure for 50 years, is the fruit of a controversy between Great Britain and ourselves with respect to the ownership of these islands and rests upon diplomatic interchanges between the two Governments which have never been made public, and which the State Department now refuses to disclose to Members of Congress.

The facts evidence that President Roosevelt and Secretary of State Hull have been guilty of collusive action in entering into this alliance with Great Britain in relation to these islands, and that secret diplomacy has dominated the situation from start to finish.

In March 1937 the British Government took formal and legal possession of these islands. A year later, after our State Department had had secret correspondence with Great Britain, the United States, according to the press, seized the islands, asserting ownership.

It is manifestly absurd, in view of Secretary Hull's repeatedly declared policy of "parallel action" with Great Britain, to suppose that the United States "seized" these islands claimed by Great Britain, which act in itself was an act of war, without some previous understanding with Great Britain.

Here was a situation of conflicting claims of ownership which obviously called for arbitration, and had good faith and honesty of purpose governed the action of the United States arbitration would have been sought; but instead there was more secret negotiation with Great Britain, and in August 1938 the issuance of a joint communiqué which announced that the two Governments had "agreed to set up a regime for the use in common of these islands."

The next step, so far as the public is concerned, was the exchange of joint notes in April 1939 between Secretary of

State Hull and the British Ambassador which purported to recite an agreement respecting the joint control of the two Governments over these two islands for civil aviation. One of the vices of this agreement was the provision whereby the two Governments may secretly agree to use the islands for any other purpose.

If an enemy of Great Britain should attack these islands, the United States, having joint control over them, would have to join Great Britain in their defense, thereby becoming involved in war. Such an arrangement constitutes not only a political alliance but, what is more, a military alliance, inasmuch as even the armament of the islands could be agreed upon secretly by the two Governments.

The United States has no such arrangement with any other nation.

The United States is being deliberately entangled in Asia for British political purposes. British economic interests in Asia are 10 times greater than those of the United States.

This alliance was closely followed by our notice to Japan of termination of treaty relations, a move manifestly in accord with British policy in the Far East. Now we have threats of embargoes by the United States of trade with Japan and threats by Japan of retaliation, all of which are the seeds of war.

The making of secret commitments which cannot be disclosed to the people or to officials of the Government is the policy of dictators. President Roosevelt and Secretary of State Hull make a fateful mistake if they believe that when loyal Americans, not hyphenated Americans who put British interests ahead of American interests, obtain control of this Government there will not be an investigation of this political alliance and of other political commitments made in the interest of Great Britain.

I shall now read the correspondence between the State Department and myself in relation to Canton and Enderbury Islands:

APRIL 13, 1939.

The Honorable GREEN H. HACKWORTH,

Legal Adviser, Department of State, Washington, D. C.

MY DEAR MR. HACKWORTH: I note in the press that there has been an exchange of notes between Secretary Hull and the British Ambassador making a 50-year agreement for "the joint control of the United States and Great Britain" of Canton and Enderbury Islands, part of the Phoenix group of coral islands lying midway between Hawaii and Australia.

Will you kindly give me a short résumé of the facts in the situation which led to this agreement, including advice concerning the discovery of these islands?

With appreciation of your attention and with cordial personal regards, I remain,

Sincerely yours,

GEORGE HOLDEN TINKHAM.

DEPARTMENT OF STATE,
Washington, April 21, 1939.

The Honorable GEORGE HOLDEN TINKHAM,

House of Representatives.

MY DEAR MR. TINKHAM: I have your letter of April 13, 1939, in regard to Canton and Enderbury Islands of the Phoenix group in the Pacific Ocean.

I am not in a position to state who were the discoverers of these two islands. However, they were known to American whalers before 1828.

Without entering into details concerning the claim of the United States to the two islands, I may state that Enderbury and Canton, under the name of Mary's, were, along with other islands, included in the lists of Guano Islands appertaining to the United States issued by the Treasury Department. These lists are printed in Moore's International Law Digest, volume 1, page 567-568. On December 31, 1859, Lewis Cass, Secretary of State, issued to the Phoenix Guano Co. a guano certificate covering Enderbury and certain other islands. On March 3, 1938, the President by Executive order placed Canton and Enderbury Islands under the control and jurisdiction of the Secretary of the Interior for administrative purposes.

The British Government has also claimed jurisdiction over these two and other islands in the Phoenix group, and the British Order in Council of March 18, 1937, provided for the incorporation of the islands in the Gilbert and Ellice Island Colony. This Government has not acceded to the British claims. In view of their conflicting claims, the two Governments, by an exchange of notes on April 6, 1939, agreed, without prejudice to their respective claims to Canton and Enderbury Islands, to a joint control over these two islands.

A copy of the Department's press release, No. 129, of April 6, 1939, containing the text of this agreement is enclosed.

Sincerely yours,

GREEN H. HACKWORTH, *Legal Adviser.*

(Enclosure: Press release, No. 129.)

MAY 31, 1939.

The Honorable GREEN H. HACKWORTH,
Legal Adviser, Department of State, Washington, D. C.

MY DEAR MR. HACKWORTH: I trust you will excuse my delay in thanking you for your communication of April 21 in regard to Canton and Enderbury Islands of the Phoenix group in the Pacific Ocean (your reference Le 811.0141 Phoenix group/122).

In your letter you refer to a list of Guano Islands printed in Moore's International Law Digest, volume 1, pages 567-568. The list of Guano Islands in Moore's International Law Digest is followed by detailed information concerning various islands as to which correspondence had taken place. There does not appear to have been any international discussion regarding the islands particularly mentioned above at the time of the publication of the Digest of International Law in 1906. Were there any international discussions regarding these islands previous to the recent discussions which resulted in the agreement of "joint control" by the United States and Great Britain? What is the evidence?

In your letter you state: "On March 3, 1938, the President, by Executive order, placed Canton and Enderbury Islands under the control and jurisdiction of the Secretary of the Interior for administrative purposes." But you also state that the British Government by an order in council of March 18, 1937, provided for the incorporation of Canton and Enderbury Islands "and other islands in the Phoenix group * * * in the Gilbert and Ellice Island colony." You further state that the Government of the United States "has not acceded to the British claims," but that, in view of their conflicting claims, the two Governments, by an exchange of notes on April 6, 1939, "agreed without prejudice to their respective claims to Canton and Enderbury Islands, to a joint control over these two islands."

Taking these statements as a whole, it appears that the President's Executive order placing Canton and Enderbury Islands "under the control and jurisdiction of the Secretary of the Interior for administrative purposes" was issued a year after the British Government had by order in council incorporated them in the Gilbert and Ellice Island colony. My question is: Was any correspondence on the subject exchanged between March 18, 1937, and March 3, 1938? You make no statement in relation to this.

Of course, the British Foreign Office has a copy of Moore's International Law Digest, and those who are familiar with the work and use it may be supposed to know that it contains a list of the islands which are considered as "appertaining to the United States," under the Guano Islands Act of August 18, 1856.

If we assume that the British Government possessed such information, it is natural to infer that it had a particular reason for undertaking to assert sovereignty over the islands in question. Possibly they saw fit to assume that the islands had been abandoned by the United States and took the chances of acting upon that assumption. However, in your letter to me it does not expressly appear that when the Executive order of March 3, 1938, was issued the Department of State was acquainted with the order in council of March 18, 1937. Will you kindly inform me whether or not the Department of State was acquainted at that time with the order in council of March 18, 1937?

You do not state in your letter to me what is meant by "joint control." Will you kindly elucidate this point?

If the "joint control" is meant for military purposes—and I wish to ask whether or not it is, and if it is alleged that it is not, what prevents it from being so—let me observe that an embarrassing situation might arise in case the parties should not be acting in harmony; and the embarrassment would not be lessened if their interests and their aims should positively conflict. Such a predicament is always possible between parties that are independent and equal.

With appreciation of your kind attention and with cordial personal regards, I remain

Sincerely yours,

GEORGE HOLDEN TINKHAM.

DEPARTMENT OF STATE,
Washington, June 9, 1939.

The Honorable GEORGE HOLDEN TINKHAM,
House of Representatives.

MY DEAR MR. TINKHAM: In response to the inquiries contained in your letter of May 31, received June 6, 1939, concerning Canton and Enderbury Islands, you are informed that between March 18, 1937, and March 3, 1938, correspondence was exchanged between the United States and Great Britain concerning their divergent views respecting sovereignty over these islands, and this Government was furnished a copy of the British order in council of March 3, 1937, to which you refer. This correspondence has not been made public, and I am not, therefore, in a position to discuss it in detail.

The nature of the joint control to be exercised over the islands by the two Governments is indicated by the exchange of notes of April 6, 1939, the texts of which are embodied in the Department's press release No. 129 of April 6 last, a copy of which has already been furnished you, but another copy of which is enclosed for your convenience.

You will note that paragraph 5 stipulates that the use of any part of either of the islands or their territorial waters for aviation purposes, except as therein agreed upon, or for any other purpose shall be the subject of agreement between the two Governments.

Sincerely yours,

GREEN H. HACKWORTH, *Legal Adviser.*

Enclosure: Press release No. 129, April 6, 1939.

JULY 10, 1939.

The Honorable GREEN H. HACKWORTH,
Legal Adviser, Department of State, Washington, D. C.

MY DEAR MR. HACKWORTH: I regret that the press of many urgent matters has so long delayed my writing you to thank you for your letter of June 9, 1939, concerning Canton and Enderbury Islands (your reference Le 811.0141 Phoenix Group/140).

In your letter you stated "that between March 18, 1937, and March 3, 1938, correspondence was exchanged between the United States and Great Britain concerning their divergent views respecting sovereignty over these islands, and this Government was furnished a copy of the British order in council of March 3, 1937, to which you refer. This correspondence has not been made public, and I am not, therefore, in a position to discuss it in detail."

May I see the correspondence in question if I come personally to the Department?

Mr. Hull's note of April 6, 1939, proposed an agreement which the British Ambassador's note accepted in the terms in which it was presented to him; and this agreement, which embraces aviation in the most comprehensive terms, is to last for 50 years. During all those years the islands are to be subject to "a special joint ad hoc regime, the details of which shall be determined by the two Governments in consultation from time to time." Moreover, while it is specially provided (pars. 3, 4, 5) that during those 50 years only civil aviation companies incorporated in the United States or in British jurisdiction shall be permitted to use the islands for scheduled air services, yet it is stipulated that the use of them for "any other purpose," aviation or otherwise, shall be the subject of agreement between the two Governments. From this it appears to follow that, as neither Government admits the other's claim of sovereignty over the islands, they have agreed jointly to use them in common, to the exclusion of all other powers. In the papers that have been disclosed there is nothing to show that a third power has advanced a competing claim of title. On the other hand, as each of the two joint users claims title, it would seem logically to follow that if a power at war with only one of them should attack the islands, both would combine to repel the attack, and in this aspect the agreement would in effect operate as an alliance.

With cordial personal regards, I remain,

Sincerely yours,

GEORGE HOLDEN TINKHAM.

DEPARTMENT OF STATE,
Washington, July 25, 1939.

The Honorable GEORGE HOLDEN TINKHAM,
House of Representatives.

MY DEAR MR. TINKHAM: In response to your letter of July 10, 1939, I regret to inform you that exchange of communications with Great Britain with respect to Canton and Enderbury Islands could not be made available for your inspection without the consent of the British Government.

This correspondence does not amplify or modify in any way the information in regard to the joint control over these islands, contained in press releases No. 384 of August 10, 1938 and No. 129 of April 6, 1939, copies of which you already have.

Sincerely yours,

GREEN H. HACKWORTH.

JULY 27, 1939.

The Honorable GREEN H. HACKWORTH,
Legal Adviser, Department of State, Washington, D. C.

MY DEAR MR. HACKWORTH: I thank you for your letter of July 25, 1939, your reference Le 811.0141 Phoenix Group/144.

I have before me a map of the Pacific Ocean published in December of 1936 by the National Geographic Society. I note on this map that Christmas Island carries the notation, "United States and Great Britain." Will you please explain what the situation is in relation to this island and how such a connection as that indicated came about, and when?

With appreciation of your attention and with cordial personal regards, I remain,

Sincerely yours,

GEORGE HOLDEN TINKHAM.

DEPARTMENT OF STATE,
Washington, August 3, 1939.

The Honorable GEORGE HOLDEN TINKHAM,
House of Representatives.

MY DEAR MR. TINKHAM: I have your letter of July 27, 1939, in which you refer to a map of the Pacific Ocean published in December 1936 by the National Geographic Society on which Christmas Island carries the notation "United States and Great Britain," and request to be informed of the situation with respect to this island.

As you doubtless are aware the National Geographic Society is not a governmental institution and its maps are not official publications of this Government.

According to the Department's information, Christmas Island was discovered by Capt. James Cook, a British subject, on Decem-

Refce. 348/10/40.

10

1940

CONGRESSIONAL RECORD—HOUSE

4957

ber 24, 1777. Capt. John Stetson, of New Haven, Conn., reported having landed on Christmas Island from the American ship *Equator* on February 15, 1825.

The island has been occupied at various times by American citizens and British subjects. It was first occupied by Americans about 1838 and was bonded as an American guano island on December 29, 1859. Christmas was included in the lists of guano islands issued by the Treasury Department. See in this connection Moore's International Law Digest, volume I, page 567. You may also desire to read the discussion of Christmas Island commencing on page 572 of that volume and also to see the exchange of correspondence referred to therein between the United States and Great Britain concerning this island which is published in the Foreign Relations of the United States 1888, volume I, pages 712, 713, 727-728.

The island is now reported to be occupied by the Central Pacific Coconut Plantations, Ltd., a British corporation, under a lease from the British Government which grants the use of the island for 87 years from January 1, 1914. By a British Order in Council dated July 30, 1919, the boundaries of the Gilbert and Ellice Islands colony were extended to include Christmas Island. No protest in respect to the British Order in Council of 1919 has been made by the Government of the United States.

Sincerely yours,

GREEN H. HACKWORTH.

AUGUST 5, 1939.

The Honorable GREEN H. HACKWORTH,

Legal Adviser, Department of State, Washington, D. C.

My DEAR MR. HACKWORTH: I thank you for your letter of August 3, 1939, your reference Le 811.0141 Phoenix Group 144.

May I ask whether there are any other islands than Canton and Enderbury Islands, or any other territory, which are owned in common by Great Britain and the United States?

May I ask you further whether you know of any other similar arrangement in the world, under which islands or territory are under joint ownership or control of two or more countries? Of course, I do not mean islands or territory some or part of which is under the jurisdiction of one country and part under the jurisdiction of another country.

With cordial good wishes, I remain,

Sincerely yours,

GEORGE HOLDEN TINKHAM.

DEPARTMENT OF STATE,
Washington, August 22, 1939.

The Honorable GEORGE HOLDEN TINKHAM,

House of Representatives.

My DEAR MR. TINKHAM: In the absence of Mr. Hackworth I acknowledge the receipt of your letter dated August 5, 1939, addressed to him, inquiring whether there are any other islands than Canton and Enderbury Islands, or any other territory, which are owned in common by Great Britain and the United States.

As you note from the copy of the Department's press releases transmitted herewith, the islands of Canton and Enderbury are not "owned in common" by Great Britain and the United States, but provision is made for "a joint control over these islands" by the two Governments. There are no islands or other territory which are owned in common by Great Britain and the United States.

With respect to your inquiry whether there is any other similar arrangement in the world under which islands or territory are under joint ownership or control of two or more countries, you are advised that the New Hebrides are under the joint administration of Great Britain and France, pursuant to the British-French Convention of October 20, 1906, which was superseded by a protocol of August 6, 1914, and extended until modified by common agreement by an exchange of notes of December 15, 1922, and December 25, 1922, between the British and French Governments. Administrative regulations with respect to the New Hebrides were approved by these Governments by an exchange of notes of August 29, 1907, amended by exchanges of notes dated December 15, 1931, and January 31, 1935.

Reference is also made to the British-Egyptian agreements of January 19 and July 10, 1899, which provide for the administration of Sudan. The status of Sudan as a condominium was reaffirmed by article 11 of the British-Egyptian Treaty of August 26, 1936.

You doubtless recall the general act providing for the neutrality and autonomous government of the Samoan Islands concluded at Berlin on June 14, 1889 (26 Stat. 1497), under which Great Britain, Germany, and the United States exercised jurisdiction over these islands. This general act was replaced by the convention respecting the Samoan Islands, concluded on December 2, 1899 (31 Stat. 1878), between the United States, Germany, and Great Britain.

Sincerely yours,

JOSEPH R. BAKER,
Acting Legal Adviser.

(Enclosure: Press releases.)

NOVEMBER 24, 1939.

JOSEPH R. BAKER, Esq.,

Assistant to the Legal Adviser,
Department of State, Washington, D. C.

My DEAR MR. BAKER: Please accept my belated thanks for your letter of August 22, written in reply to a letter which I wrote to Mr. Hackworth on August 5 concerning questions in relation to Canton and Enderbury Islands. Had I not been obliged to spend

considerable time out of Washington since the receipt of your letter, you would have heard from me much sooner in relation to its contents.

In your letter of August 23 you state that Canton and Enderbury Islands are not "owned in common" by Great Britain and the United States but that Great Britain and the United States agreed to "a joint control" by the two Governments. Your letter fails to show any distinction between common ownership and joint control. If the control does not mean ownership, it would be interesting to know by whom the islands are owned. You would I take it, be reluctant to admit that they are owned by the natives but controlled by Great Britain and the United States, because that would be hardly consistent with the exalted conception of "democracy" of which we now assume to be the glorified champion.

Your letter cites precedents for the assertion of joint control, and among them you mention the Sudan as a "condominium" reaffirmed by a British-Egyptian treaty of August 26, 1936. If you will consult Webster's Dictionary you will find "condominium" defined as "joint dominion or sovereignty," and specifically, in Roman law, as "joint ownership." Similar language will be found in other dictionaries. Moreover, no matter what we may call the joint occupation, it necessarily implies the right and the intention to defend it against the claim of any other power. It can hardly be supposed that if some third power, whether Germany or any other, should demand, not indeed the exclusive control, but a joint control of the islands with the two present occupants, the latter would feel that they were obliged to yield the claim without a fight. We have taken the ground without any physical occupation of the Latin American countries that we would defend them by force against occupation by any European power. I fancy that we should not have supposed our claim of protection and defense to be weakened if we had induced some other power to share the burden with us, or if we ourselves had actually assumed control of them.

You will understand the pertinency of the foregoing observations if you will read my earlier correspondence with Mr. Hackworth in relation to these islands.

With kindest regards, I remain,

Sincerely yours,

GEORGE HOLDEN TINKHAM.

DEPARTMENT OF STATE,
Washington, December 2, 1939.

The Honorable GEORGE HOLDEN TINKHAM,
House of Representatives.

My DEAR MR. TINKHAM: I have read with interest your letter of November 24, 1939, addressed to Mr. Joseph R. Baker in further relation to Canton and Enderbury Islands.

As you of course are aware, sovereignty and ownership are not synonymous terms. A State may have sovereignty over territory privately owned and even over territory owned by aliens. There has been no discussion regarding the actual ownership of the land comprising the islands in question. As heretofore indicated these islands are not owned in common by the United States and Great Britain, but are merely under the joint control or administration of the Governments of the two countries. The present situation is due to the fact that the two Governments having conflicting claims to sovereignty over Canton and Enderbury Islands, as a practical expedient and without prejudice to their respective claims, entered into the arrangement for joint control embodied in the exchange of notes of April 6, 1939, of which you have copies.

Sincerely yours,

GREEN H. HACKWORTH,
Legal Adviser.

DECEMBER 1, 1939.

The Honorable GREEN H. HACKWORTH,
Legal Adviser, Department of State, Washington, D. C.

My DEAR MR. HACKWORTH: In your letter of July 25, 1939 (your reference Le 811.0141 Phoenix Group/144), you stated:

"In response to your letter of July 10, 1939, I regret to inform you that exchange of communications with Great Britain with respect to Canton and Enderbury Islands could not be made available for your inspection without the consent of the British Government."

After carefully investigating the matter it is my understanding that prior to 1913 the publication of our diplomatic correspondence was kept up to date; that in our earliest days as a government, even when wars pervaded the entire globe, we published everything, and that we were in a position to do this freely because we had no secret commitments; that the annual publication of our diplomatic correspondence began during our Civil War, and that while that great conflict was going on, as many as four volumes were published in 1 year, and that their contents candidly and comprehensively covered the entire field of our foreign relations.

It would seem that since the era of "open covenants openly arrived at," proclaimed as an American policy in 1918-19, there have been secret commitments which cannot be disclosed to the people or to officials of the Government. The significance of this situation does not appear to have been grasped either by our people or by those who, as Senators and Representatives, act for them in the Congress. We read and hear the daily prattle about "dictatorships," but a dictatorship is nothing but a system under which an individual in an executive office disposes of the fate of a country and its people as he likes. Consequently, a country in which secret engagements are made, which are not to be disclosed to the legislature or the people without the consent of the other party, is necessarily

NOTE FROM THE BRITISH AMBASSADOR TO THE SECRETARY OF STATE

April 6, 1939

Mr. Sheppard, Mr. Chairman, I yield 10 minutes to the gentleman from New Mexico [Mr. Dempsey].

(By unanimous consent, Mr. Dempsey was granted leave to extend his remarks in the Record.)

Mr. Dempsey, Mr. Chairman, I desire at this time to call the attention of the Members of the House to Senate Bill 3046, the bill introduced by the distinguished senior Senator from New Mexico, the Honorable Carl A. Hatch, extending the provisions of the original Hatch Act to employees of State agencies which are financed, in whole or in part, from Federal funds.

There is no other measure before the Congress which so holds the interest of the American people, and has their universal commendation—rightfully so—as does this particular legislation.

The amendments proposed in this bill have been adopted by the other body of this Congress by a more than two-to-one vote. The Senate-approved measure is now before the Judiciary Committee of this House for consideration, and, I sincerely trust, its approval.

Mr. Chairman, I particularly direct this legislation to your attention because of rumors, I might say whispers, which, in the past few days, have continually grown in volume until they are reverberating through the Capitol, indicating an effort will be made to pigeonhole this bill in committee. I feel confident that the leadership and members of this House, recognizing the wishes of the people of the country whom they represent, will not tolerate or sanction any such action. The Members of this body are entitled to an opportunity to consider and approve, or disapprove, the bill and make known to the public their position, either for or against the measure.

Mr. Sheppard, Mr. Chairman, I yield 10 minutes to the gentleman from New Mexico [Mr. Dempsey].

(By unanimous consent, Mr. Dempsey was granted leave to extend his remarks in the Record.)

Mr. Dempsey, Mr. Chairman, I desire at this time to call the attention of the Members of the House to Senate Bill 3046, the bill introduced by the distinguished senior Senator from New Mexico, the Honorable Carl A. Hatch, extending the provisions of the original Hatch Act to employees of State agencies which are financed, in whole or in part, from Federal funds.

There is no other measure before the Congress which so holds the interest of the American people, and has their universal commendation—rightfully so—as does this particular legislation.

The amendments proposed in this bill have been adopted by the other body of this Congress by a more than two-to-one vote. The Senate-approved measure is now before the Judiciary Committee of this House for consideration, and, I sincerely trust, its approval.

Mr. Chairman, I particularly direct this legislation to your attention because of rumors, I might say whispers, which, in the past few days, have continually grown in volume until they are reverberating through the Capitol, indicating an effort will be made to pigeonhole this bill in committee. I feel confident that the leadership and members of this House, recognizing the wishes of the people of the country whom they represent, will not tolerate or sanction any such action. The Members of this body are entitled to an opportunity to consider and approve, or disapprove, the bill and make known to the public their position, either for or against the measure.

Mr. Sheppard, Mr. Chairman, I yield 10 minutes to the gentleman from New Mexico [Mr. Dempsey].

(By unanimous consent, Mr. Dempsey was granted leave to extend his remarks in the Record.)

Mr. Dempsey, Mr. Chairman, I desire at this time to call the attention of the Members of the House to Senate Bill 3046, the bill introduced by the distinguished senior Senator from New Mexico, the Honorable Carl A. Hatch, extending the provisions of the original Hatch Act to employees of State agencies which are financed, in whole or in part, from Federal funds.

There is no other measure before the Congress which so holds the interest of the American people, and has their universal commendation—rightfully so—as does this particular legislation.

The amendments proposed in this bill have been adopted by the other body of this Congress by a more than two-to-one vote. The Senate-approved measure is now before the Judiciary Committee of this House for consideration, and, I sincerely trust, its approval.

Mr. Chairman, I particularly direct this legislation to your attention because of rumors, I might say whispers, which, in the past few days, have continually grown in volume until they are reverberating through the Capitol, indicating an effort will be made to pigeonhole this bill in committee. I feel confident that the leadership and members of this House, recognizing the wishes of the people of the country whom they represent, will not tolerate or sanction any such action. The Members of this body are entitled to an opportunity to consider and approve, or disapprove, the bill and make known to the public their position, either for or against the measure.

Mr. Sheppard, Mr. Chairman, I yield 10 minutes to the gentleman from New Mexico [Mr. Dempsey].

(By unanimous consent, Mr. Dempsey was granted leave to extend his remarks in the Record.)

Mr. Dempsey, Mr. Chairman, I desire at this time to call the attention of the Members of the House to Senate Bill 3046, the bill introduced by the distinguished senior Senator from New Mexico, the Honorable Carl A. Hatch, extending the provisions of the original Hatch Act to employees of State agencies which are financed, in whole or in part, from Federal funds.

There is no other measure before the Congress which so holds the interest of the American people, and has their universal commendation—rightfully so—as does this particular legislation.

The amendments proposed in this bill have been adopted by the other body of this Congress by a more than two-to-one vote. The Senate-approved measure is now before the Judiciary Committee of this House for consideration, and, I sincerely trust, its approval.

Mr. Chairman, I particularly direct this legislation to your attention because of rumors, I might say whispers, which, in the past few days, have continually grown in volume until they are reverberating through the Capitol, indicating an effort will be made to pigeonhole this bill in committee. I feel confident that the leadership and members of this House, recognizing the wishes of the people of the country whom they represent, will not tolerate or sanction any such action. The Members of this body are entitled to an opportunity to consider and approve, or disapprove, the bill and make known to the public their position, either for or against the measure.

Mr. Sheppard, Mr. Chairman, I yield 10 minutes to the gentleman from New Mexico [Mr. Dempsey].

(By unanimous consent, Mr. Dempsey was granted leave to extend his remarks in the Record.)

Mr. Dempsey, Mr. Chairman, I desire at this time to call the attention of the Members of the House to Senate Bill 3046, the bill introduced by the distinguished senior Senator from New Mexico, the Honorable Carl A. Hatch, extending the provisions of the original Hatch Act to employees of State agencies which are financed, in whole or in part, from Federal funds.

There is no other measure before the Congress which so holds the interest of the American people, and has their universal commendation—rightfully so—as does this particular legislation.

The amendments proposed in this bill have been adopted by the other body of this Congress by a more than two-to-one vote. The Senate-approved measure is now before the Judiciary Committee of this House for consideration, and, I sincerely trust, its approval.

Mr. Chairman, I particularly direct this legislation to your attention because of rumors, I might say whispers, which, in the past few days, have continually grown in volume until they are reverberating through the Capitol, indicating an effort will be made to pigeonhole this bill in committee. I feel confident that the leadership and members of this House, recognizing the wishes of the people of the country whom they represent, will not tolerate or sanction any such action. The Members of this body are entitled to an opportunity to consider and approve, or disapprove, the bill and make known to the public their position, either for or against the measure.

Mr. Sheppard, Mr. Chairman, I yield 10 minutes to the gentleman from New Mexico [Mr. Dempsey].

(By unanimous consent, Mr. Dempsey was granted leave to extend his remarks in the Record.)

Mr. Dempsey, Mr. Chairman, I desire at this time to call the attention of the Members of the House to Senate Bill 3046, the bill introduced by the distinguished senior Senator from New Mexico, the Honorable Carl A. Hatch, extending the provisions of the original Hatch Act to employees of State agencies which are financed, in whole or in part, from Federal funds.

There is no other measure before the Congress which so holds the interest of the American people, and has their universal commendation—rightfully so—as does this particular legislation.

The amendments proposed in this bill have been adopted by the other body of this Congress by a more than two-to-one vote. The Senate-approved measure is now before the Judiciary Committee of this House for consideration, and, I sincerely trust, its approval.

Mr. Chairman, I particularly direct this legislation to your attention because of rumors, I might say whispers, which, in the past few days, have continually grown in volume until they are reverberating through the Capitol, indicating an effort will be made to pigeonhole this bill in committee. I feel confident that the leadership and members of this House, recognizing the wishes of the people of the country whom they represent, will not tolerate or sanction any such action. The Members of this body are entitled to an opportunity to consider and approve, or disapprove, the bill and make known to the public their position, either for or against the measure.

living under a dictatorial regime. In my opinion, the acceptance of such a situation by the legislature does not mitigate the situation; on the contrary, it seems to me that the submission demonstrates that the legislature has abdicated its functions.

It would appear from the facts that the transaction between Great Britain and the United States with regard to Canton and Enderbury Islands constitutes an alliance; that arbitration, the classic method of settling disputed territorial ownership, has been carefully avoided in this case, just as it would be avoided in the case of a collusive transaction so that the true facts in the situation would not come to light. The apparent desire to conceal the true facts in this matter would seem clearly to support a charge of secret diplomacy. In the circumstances, it seems to me that there should be an independent and thorough examination of the transaction in question by the Congress.

Sincerely yours,

George Holden Tinkham

No. 129

DEPARTMENT OF STATE

April 6, 1939

Confidential release for publication at 3 p. m., Eastern standard time, Thursday, April 6, 1939. Not to be previously published, quoted from, or used in any way.

On August 11, 1938, the following joint communiqué was issued simultaneously in London and in Washington:

"The Governments of the United States and of the United Kingdom have agreed to set up a regime for the use in common of the islands of Canton and Enderbury in the Phoenix group and for the employment of these islands for purposes connected with international aviation and communication, with equal facilities for each party. The details of the regime will be determined in notes to be exchanged between the two Governments."

The Secretary of State made public today the texts of notes exchanged on Thursday, April 6, 1939, between the Government of the United States and the Government of the United Kingdom defining the future administration of the islands. The texts of the notes are as follows:

NOTE FROM THE SECRETARY OF STATE TO THE BRITISH AMBASSADOR IN WASHINGTON

April 6, 1939

EXCELLENCY: With reference to recent correspondence between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland concerning Canton and Enderbury Islands in the south Pacific Ocean, I have the honor to propose an agreement concerning these islands in the following terms:

1. "The Government of the United States and the Government of the United Kingdom, without prejudice to their respective claims to Canton and Enderbury Islands, agree to a joint control over these islands.

2. "The islands shall, during the period of joint control, be administered by a United States and a British official appointed by their respective Governments. The manner in which these two officials shall exercise the powers of administration reserved to them under this paragraph shall be determined by the two Governments in consultation as occasion may require.

3. "The islands shall, during the period of joint control, be subject to a special joint ad hoc regime, the details of which shall be determined by the two Governments in consultation from time to time.

4. "The islands shall be available for communications and for use as airports for international aviation, but only civil aviation companies incorporated in the United States of America or in any part of the British Commonwealth of Nations shall be permitted to use them for the purpose of scheduled air services.

5. "The use of any part of either of the islands or their territorial waters for aviation purposes, except as herein agreed upon, or for any other purpose, shall be the subject of agreement between the two Governments.

6. "An airport may be constructed and operated on Canton Island by an American company, or companies, satisfactory to the United States Government, which, in return for an agreed fee, shall provide facilities for British aircraft and British civil aviation companies equal to those enjoyed by United States aircraft and by such American company or companies. In case of dispute as to fees, or the conditions of use by British aircraft or by British civil aviation companies, the matter shall be settled by arbitration.

7. "The joint control hereby set up shall have a duration of 50 years from this date. If no agreement to the contrary is reached before the expiration of that period, the joint control shall continue thereafter until such time as it may be modified or terminated by the mutual consent of the two Governments."

I have the honor to inform you that an agreement in the terms of the foregoing paragraphs is acceptable to the Government of the United Kingdom, and that this note, and your note under reference, will be regarded as placing on record the understanding arrived at between the two Governments concerning this matter.

I have the honor to be, with the highest consideration, sir,

Your most obedient, humble servant,

R. C. LINDSAY

Mr. Sheppard, Mr. Chairman, I yield 10 minutes to the gentleman from New Mexico [Mr. Dempsey].

(By unanimous consent, Mr. Dempsey was granted leave to extend his remarks in the Record.)

Mr. Dempsey, Mr. Chairman, I desire at this time to call the attention of the Members of the House to Senate Bill 3046, the bill introduced by the distinguished senior Senator from New Mexico, the Honorable Carl A. Hatch, extending the provisions of the original Hatch Act to employees of State agencies which are financed, in whole or in part, from Federal funds.

There is no other measure before the Congress which so holds the interest of the American people, and has their universal commendation—rightfully so—as does this particular legislation.

The amendments proposed in this bill have been adopted by the other body of this Congress by a more than two-to-one vote. The Senate-approved measure is now before the Judiciary Committee of this House for consideration, and, I sincerely trust, its approval.

Mr. Chairman, I particularly direct this legislation to your attention because of rumors, I might say whispers, which, in the past few days, have continually grown in volume until they are reverberating through the Capitol, indicating an effort will be made to pigeonhole this bill in committee. I feel confident that the leadership and members of this House, recognizing the wishes of the people of the country whom they represent, will not tolerate or sanction any such action. The Members of this body are entitled to an opportunity to consider and approve, or disapprove, the bill and make known to the public their position, either for or against the measure.

Mr. Sheppard, Mr. Chairman, I yield 10 minutes to the gentleman from New Mexico [Mr. Dempsey].

(By unanimous consent, Mr. Dempsey was granted leave to extend his remarks in the Record.)

Mr. Dempsey, Mr. Chairman, I desire at this time to call the attention of the Members of the House to Senate Bill 3046, the bill introduced by the distinguished senior Senator from New Mexico, the Honorable Carl A. Hatch, extending the provisions of the original Hatch Act to employees of State agencies which are financed, in whole or in part, from Federal funds.

There is no other measure before the Congress which so holds the interest of the American people, and has their universal commendation—rightfully so—as does this particular legislation.

The amendments proposed in this bill have been adopted by the other body of this Congress by a more than two-to-one vote. The Senate-approved measure is now before the Judiciary Committee of this House for consideration, and, I sincerely trust, its approval.

Mr. Chairman, I particularly direct this legislation to your attention because of rumors, I might say whispers, which, in the past few days, have continually grown in volume until they are reverberating through the Capitol, indicating an effort will be made to pigeonhole this bill in committee. I feel confident that the leadership and members of this House, recognizing the wishes of the people of the country whom they represent, will not tolerate or sanction any such action. The Members of this body are entitled to an opportunity to consider and approve, or disapprove, the bill and make known to the public their position, either for or against the measure.

Mr. Sheppard, Mr. Chairman, I yield 10 minutes to the gentleman from New Mexico [Mr. Dempsey].

(By unanimous consent, Mr. Dempsey was granted leave to extend his remarks in the Record.)

Mr. Dempsey, Mr. Chairman, I desire at this time to call the attention of the Members of the House to Senate Bill 3046, the bill introduced by the distinguished senior Senator from New Mexico, the Honorable Carl A. Hatch, extending the provisions of the original Hatch Act to employees of State agencies which are financed, in whole or in part, from Federal funds.

There is no other measure before the Congress which so holds the interest of the American people, and has their universal commendation—rightfully so—as does this particular legislation.

The amendments proposed in this bill have been adopted by the other body of this Congress by a more than two-to-one vote. The Senate-approved measure is now before the Judiciary Committee of this House for consideration, and, I sincerely trust, its approval.

Mr. Chairman, I particularly direct this legislation to your attention because of rumors, I might say whispers, which, in the past few days, have continually grown in volume until they are reverberating through the Capitol, indicating an effort will be made to pigeonhole this bill in committee. I feel confident that the leadership and members of this House, recognizing the wishes of the people of the country whom they represent, will not tolerate or sanction any such action. The Members of this body are entitled to an opportunity to consider and approve, or disapprove, the bill and make known to the public their position, either for or against the measure.

Mr. Sheppard, Mr. Chairman, I yield 10 minutes to the gentleman from New Mexico [Mr. Dempsey].

(By unanimous consent, Mr. Dempsey was granted leave to extend his remarks in the Record.)

Mr. Dempsey, Mr. Chairman, I desire at this time to call the attention of the Members of the House to Senate Bill 3046, the bill introduced by the distinguished senior Senator from New Mexico, the Honorable Carl A. Hatch, extending the provisions of the original Hatch Act to employees of State agencies which are financed, in whole or in part, from Federal funds.

1940

CONGRESSIONAL RECORD—HOUSE

4955

Mr. O'CONNOR. The Government of the United States is spending a tremendous amount of money for the purpose of conservation of our natural resources. I have observed the work of these C. C. C. boys, particularly in the forests. They are employed along the line of building roads in the forests, marking out and building trails in virgin forests, the purpose of this being to enable people to get into the forests during these great forest fires, so as to put out the fires and save these great millions of acres of fine timber in the forest regions. Now, it seems to me it is penny wise and pound foolish to curtail this expenditure or to cut down this appropriation, thereby taking the chance of losing the millions of acres of splendid forest trees. We are getting more than value received for this outlay of money.

Mr. ELLIS. I thank the gentleman for his contribution.

In conclusion, I think we have done the same thing with N. Y. A. that we have done with the C. C. C. We have made an unwise reduction. They, too, like the C. C. C., have done a great work in this country. Much has been done to help the youth of this Nation, much has been done to stabilize the unrest that did exist and will still exist among the youth.

I am sure the administration was sincere in recommending this cut, I am sure the committee was wholly sincere in recommending the cut, but I am also sure that if you and I feel that it is the overwhelming opinion of the American people whom we represent that these agencies should not be thus reduced, then it becomes our duty to endeavor to retain them at the proper status without these drastic reductions. [Applause.]

[Here the gavel fell.]

Mr. ENGEL. Mr. Chairman, I yield 20 minutes to the gentleman from Massachusetts [Mr. TINKHAM].

Mr. TINKHAM. Mr. Chairman, the American people will be astonished and shocked to learn of the existence of a joint agreement between the United States and Great Britain—secretly negotiated and relating to joint control over strategically located islands in the Pacific Ocean—which in its implications amounts to a political alliance of far-reaching and dangerous consequences.

The agreement relates to the Canton and Enderbury Islands of the Phoenix group located some 1,912 miles southwest of Hawaii and some 1,316 miles southeast of the Japanese mandated islands.

The agreement, which has the force and effect of a treaty and by its terms is to endure for 50 years, is the fruit of a controversy between Great Britain and ourselves with respect to the ownership of these islands and rests upon diplomatic interchanges between the two Governments which have never been made public, and which the State Department now refuses to disclose to Members of Congress.

The facts evidence that President Roosevelt and Secretary of State Hull have been guilty of collusive action in entering into this alliance with Great Britain in relation to these islands, and that secret diplomacy has dominated the situation from start to finish.

In March 1937 the British Government took formal and legal possession of these islands. A year later, after our State Department had had secret correspondence with Great Britain, the United States, according to the press, seized the islands, asserting ownership.

It is manifestly absurd, in view of Secretary Hull's repeatedly declared policy of "parallel action" with Great Britain, to suppose that the United States "seized" these islands claimed by Great Britain, which act in itself was an act of war, without some previous understanding with Great Britain.

Here was a situation of conflicting claims of ownership which obviously called for arbitration, and had good faith and honesty of purpose governed the action of the United States arbitration would have been sought; but instead there was more secret negotiation with Great Britain, and in August 1938 the issuance of a joint communiqué which announced that the two Governments had "agreed to set up a regime for the use in common of these islands."

The next step, so far as the public is concerned, was the exchange of joint notes in April 1939 between Secretary of

State Hull and the British Ambassador which purported to recite an agreement respecting the joint control of the two Governments over these two islands for civil aviation. One of the vices of this agreement was the provision whereby the two Governments may secretly agree to use the islands for any other purpose.

If an enemy of Great Britain should attack these islands, the United States, having joint control over them, would have to join Great Britain in their defense, thereby becoming involved in war. Such an arrangement constitutes not only a political alliance but, what is more, a military alliance, inasmuch as even the armament of the islands could be agreed upon secretly by the two Governments.

The United States has no such arrangement with any other nation.

The United States is being deliberately entangled in Asia for British political purposes. British economic interests in Asia are 10 times greater than those of the United States.

This alliance was closely followed by our notice to Japan of termination of treaty relations, a move manifestly in accord with British policy in the Far East. Now we have threats of embargoes by the United States of trade with Japan and threats by Japan of retaliation, all of which are the seeds of war.

The making of secret commitments which cannot be disclosed to the people or to officials of the Government is the policy of dictators. President Roosevelt and Secretary of State Hull make a fateful mistake if they believe that when loyal Americans, not hyphenated Americans who put British interests ahead of American interests, obtain control of this Government there will not be an investigation of this political alliance and of other political commitments made in the interest of Great Britain.

I shall now read the correspondence between the State Department and myself in relation to Canton and Enderbury Islands:

APRIL 13, 1939.

The Honorable GREEN H. HACKWORTH,

Legal Adviser, Department of State, Washington, D. C.

MY DEAR MR. HACKWORTH: I note in the press that there has been an exchange of notes between Secretary Hull and the British Ambassador making a 50-year agreement for "the joint control of the United States and Great Britain" of Canton and Enderbury Islands, part of the Phoenix group of coral islands lying midway between Hawaii and Australia.

Will you kindly give me a short résumé of the facts in the situation which led to this agreement, including advice concerning the discovery of these islands?

With appreciation of your attention and with cordial personal regards, I remain,

Sincerely yours,

GEORGE HOLDEN TINKHAM.

DEPARTMENT OF STATE,
Washington, April 21, 1939.

The Honorable GEORGE HOLDEN TINKHAM,

House of Representatives.

MY DEAR MR. TINKHAM: I have your letter of April 13, 1939, in regard to Canton and Enderbury Islands of the Phoenix group in the Pacific Ocean.

I am not in a position to state who were the discoverers of these two islands. However, they were known to American whalers before 1829.

Without entering into details concerning the claim of the United States to the two islands, I may state that Enderbury and Canton, under the name of Mary's, were, along with other islands, included in the lists of Guano Islands appertaining to the United States issued by the Treasury Department. These lists are printed in Moore's International Law Digest, volume 1, page 567-568. On December 31, 1859, Lewis Cass, Secretary of State, issued to the Phoenix Guano Co. a guano certificate covering Enderbury and certain other islands. On March 3, 1938, the President by Executive order placed Canton and Enderbury Islands under the control and jurisdiction of the Secretary of the Interior for administrative purposes.

The British Government has also claimed jurisdiction over these two and other islands in the Phoenix group, and the British Order in Council of March 18, 1937, provided for the incorporation of the islands in the Gilbert and Ellice Island Colony. This Government has not acceded to the British claims. In view of their conflicting claims, the two Governments, by an exchange of notes on April 6, 1939, agreed, without prejudice to their respective claims to Canton and Enderbury Islands, to a joint control over these two islands.

A copy of the Department's press release, No. 129, of April 6, 1939, containing the text of this agreement is enclosed.

Sincerely yours,
GREEN H. HACKWORTH, Legal Adviser.

(Enclosure: Press release, No. 129.)

MAY 31, 1939.

The Honorable GREEN H. HACKWORTH,
Legal Adviser, Department of State, Washington, D. C.

My Dear Mr. HACKWORTH: I trust you will excuse my delay in thanking you for your communication of April 21 in regard to Canton and Enderbury Islands of the Phoenix group in the Pacific Ocean (your reference is 811.0141 Phoenix group/122).

In your letter you refer to a list of Guano Islands printed in Moore's International Law Digest, volume 1, pages 667-668. The list of Guano Islands in Moore's International Law Digest is followed by detailed information concerning various islands as to which correspondence had taken place. There does not appear to have been any international discussion regarding the islands particularly mentioned above at the time of the publication of the Digest of International Law in 1906. Were there any international discussions regarding these islands previous to the recent discussions which resulted in the agreement of "joint control" by the United States and Great Britain? What is the evidence?

In your letter you state: "On March 3, 1938, the President, by Executive order, placed Canton and Enderbury Islands under the control and jurisdiction of the Secretary of the Interior for administrative purposes." But you also state that the British Government by an order in council of March 18, 1937, provided for the incorporation of Canton and Enderbury Islands, and other islands in the Phoenix group . . . in the Gilbert and Ellice Islands Government had by order in council incorporated them in the Gilbert and Ellice Island colony. My question is: Was any correspondence on the subject exchanged between March 18, 1937, and March 3, 1938? You make no statement in relation to this.

Of course, the British Foreign Office has a copy of Moore's International Law Digest, and those who are familiar with the work and use it may be supposed to know that it contains a list of the islands which are considered as "appertaining to the United States," under the Guano Islands Act of August 18, 1856.

If we assume that the British Government possessed such information, it is natural to infer that it had a particular reason for undertaking to assert sovereignty over the islands in question. Possibly they saw fit to assume that the islands had been abandoned by the United States and took the chances of acting upon that assumption. However, in your letter to me it does not expressly appear that when the Executive order of March 3, 1938, was issued the Department of State was acquainted with the order in council of March 18, 1937. Will you kindly inform me whether the order in council of March 18, 1937?

You do not state in your letter to me what is meant by "joint control." Will you kindly elucidate this point?

If the "joint control" is meant for military purposes—and I wish to ask whether or not it is, and if it is alleged that it is not, what prevents it from being so—let me observe that an embarrassing situation might arise in case the parties should not be acting in harmony, and the embarrassment would not be lessened if their interests and their aims should positively conflict. Such a predicament is always possible between parties that are independent and equal.

With appreciation of your kind attention and with cordial personal regards, I remain

Sincerely yours,
GEORGE HOLDEN TINKHAM.

DEPARTMENT OF STATE,
Washington, June 9, 1939.

The Honorable GEORGE HOLDEN TINKHAM,
House of Representatives.

My Dear Mr. TINKHAM: In response to the inquiries contained in your letter of May 31, received June 6, 1939, concerning Canton and Enderbury Islands, you are informed that between March 18, 1937, and March 3, 1938, correspondence was exchanged between the United States and Great Britain concerning their divergent views respecting sovereignty over these islands, and this Government was furnished a copy of the British order in council of April 6, 1939, the text of which are embodied in the Department's press release No. 129 of April 6 last, a copy of which has already been furnished you, but another copy of which is enclosed for your convenience.

The nature of the joint control to be exercised over the islands in detail.

It has been made public, and I am not, therefore, in a position to discuss it in detail.

My Dear Mr. TINKHAM: I have your letter of July 27, 1939, in which you refer to a map of the Pacific Ocean published in December 1936 by the National Geographic Society on which Christmas Island carries the notation "United States and Great Britain," and request to be informed of the situation with respect to this island. As you doubtless are aware the National Geographic Society is not a governmental institution and its maps are not official publications of this Government.

According to the Department's information, Christmas Island was discovered by Capt. James Cook, a British subject, on December 24, 1777.

My Dear Mr. HACKWORTH: I regret that the press of many urgent matters has so long delayed my writing you to thank you for your letter of June 9, 1939, concerning Canton and Enderbury Islands (your reference is 811.0141 Phoenix Group/140).

In your letter you stated "that between March 18, 1937, and March 3, 1938, correspondence was exchanged between the United States and Great Britain concerning their divergent views respecting sovereignty over these islands, and this Government was furnished a copy of the British order in council of March 3, 1937, to which you refer. This correspondence has not been made public, and I am not, therefore, in a position to discuss it in detail."

May I see the correspondence in question if I come personally to the Department?

Mr. Hull's note of April 6, 1939, proposed an agreement which the British Ambassador's note accepted in the terms in which it was presented to him; and this agreement, which embraces aviation in the most comprehensive terms, is to last for 50 years. During all those years the islands are to be subject to "a special joint ad hoc regime, the details of which shall be determined by the two Governments in consultation from time to time." Moreover, while it is specially provided (pars. 3, 4, 5) that during those 50 years only civil aviation companies incorporated in the United States or in British jurisdiction shall be permitted to use the islands for scheduled air services, yet it is stipulated that the use of them for "any other purpose," aviation or otherwise, shall be the subject of agreement between the two Governments. From this it appears to follow that, as neither Government admits the other's claim of sovereignty over the islands, they have agreed jointly to use them in common, to the exclusion of all other powers. In the papers that have been disclosed there is nothing to show that a third power has advanced a competing claim of title. On the other hand, as each of the two joint users claims title, it would seem logically to follow that if a power at war with only one of them should attack the islands, both would combine to repel the attack, and in this aspect the agreement would in effect operate as an alliance.

With cordial personal regards, I remain,

Sincerely yours,
GEORGE HOLDEN TINKHAM.

DEPARTMENT OF STATE,
Washington, July 25, 1939.

The Honorable GEORGE HOLDEN TINKHAM,
House of Representatives.

My Dear Mr. HACKWORTH: I thank you for your letter of July 25, 1939, your reference is 811.0141 Phoenix Group/144.

I have before me a map of the Pacific Ocean published in December 1936 by the National Geographic Society. I note on this map that Christmas Island carries the notation "United States and Great Britain." Will you please explain what the situation is in relation to this island and how such a connection as that indicated came about, and when?

With appreciation of your attention and with cordial personal regards, I remain,

Sincerely yours,
GREEN H. HACKWORTH.

DEPARTMENT OF STATE,
Washington, August 3, 1939.

The Honorable GEORGE HOLDEN TINKHAM,
House of Representatives.

You will note that paragraph 5 stipulates that the use of the part of either of the islands or their territorial waters for aviation purposes, except as therein agreed upon, or for any other purpose, shall be the subject of agreement between the two Governments.

Sincerely yours,
GREEN H. HACKWORTH, Legal Adviser.

Enclosure: Press release No. 129, April 6, 1939.

JULY 10, 1939.

The Honorable GREEN H. HACKWORTH,
Legal Adviser, Department of State, Washington, D. C.

My Dear Mr. HACKWORTH: I regret that the press of many urgent matters has so long delayed my writing you to thank you for your letter of June 9, 1939, concerning Canton and Enderbury Islands (your reference is 811.0141 Phoenix Group/140).

In your letter you stated "that between March 18, 1937, and March 3, 1938, correspondence was exchanged between the United States and Great Britain concerning their divergent views respecting sovereignty over these islands, and this Government was furnished a copy of the British order in council of March 3, 1937, to which you refer. This correspondence has not been made public, and I am not, therefore, in a position to discuss it in detail."

May I see the correspondence in question if I come personally to the Department?

Mr. Hull's note of April 6, 1939, proposed an agreement which the British Ambassador's note accepted in the terms in which it was presented to him; and this agreement, which embraces aviation in the most comprehensive terms, is to last for 50 years. During all those years the islands are to be subject to "a special joint ad hoc regime, the details of which shall be determined by the two Governments in consultation from time to time." Moreover, while it is specially provided (pars. 3, 4, 5) that during those 50 years only civil aviation companies incorporated in the United States or in British jurisdiction shall be permitted to use the islands for scheduled air services, yet it is stipulated that the use of them for "any other purpose," aviation or otherwise, shall be the subject of agreement between the two Governments. From this it appears to follow that, as neither Government admits the other's claim of sovereignty over the islands, they have agreed jointly to use them in common, to the exclusion of all other powers. In the papers that have been disclosed there is nothing to show that a third power has advanced a competing claim of title. On the other hand, as each of the two joint users claims title, it would seem logically to follow that if a power at war with only one of them should attack the islands, both would combine to repel the attack, and in this aspect the agreement would in effect operate as an alliance.

With cordial personal regards, I remain,

Sincerely yours,
GREEN H. HACKWORTH.

DEPARTMENT OF STATE,
Washington, July 25, 1939.

The Honorable GEORGE HOLDEN TINKHAM,
House of Representatives.

My Dear Mr. HACKWORTH: I thank you for your letter of July 25, 1939, your reference is 811.0141 Phoenix Group/144.

I have before me a map of the Pacific Ocean published in December 1936 by the National Geographic Society. I note on this map that Christmas Island carries the notation "United States and Great Britain." Will you please explain what the situation is in relation to this island and how such a connection as that indicated came about, and when?

With appreciation of your attention and with cordial personal regards, I remain,

Sincerely yours,
GEORGE HOLDEN TINKHAM.

DEPARTMENT OF STATE,
Washington, August 3, 1939.

The Honorable GEORGE HOLDEN TINKHAM,
House of Representatives.

My Dear Mr. TINKHAM: I have your letter of July 27, 1939, in which you refer to a map of the Pacific Ocean published in December 1936 by the National Geographic Society on which Christmas Island carries the notation "United States and Great Britain," and request to be informed of the situation with respect to this island. As you doubtless are aware the National Geographic Society is not a governmental institution and its maps are not official publications of this Government.

According to the Department's information, Christmas Island was discovered by Capt. James Cook, a British subject, on December 24, 1777.

My Dear Mr. HACKWORTH: I regret that the press of many urgent matters has so long delayed my writing you to thank you for your letter of June 9, 1939, concerning Canton and Enderbury Islands (your reference is 811.0141 Phoenix Group/140).

In your letter you stated "that between March 18, 1937, and March 3, 1938, correspondence was exchanged between the United States and Great Britain concerning their divergent views respecting sovereignty over these islands, and this Government was furnished a copy of the British order in council of March 3, 1937, to which you refer. This correspondence has not been made public, and I am not, therefore, in a position to discuss it in detail."

May I see the correspondence in question if I come personally to the Department?

Mr. Hull's note of April 6, 1939, proposed an agreement which the British Ambassador's note accepted in the terms in which it was presented to him; and this agreement, which embraces aviation in the most comprehensive terms, is to last for 50 years. During all those years the islands are to be subject to "a special joint ad hoc regime, the details of which shall be determined by the two Governments in consultation from time to time." Moreover, while it is specially provided (pars. 3, 4, 5) that during those 50 years only civil aviation companies incorporated in the United States or in British jurisdiction shall be permitted to use the islands for scheduled air services, yet it is stipulated that the use of them for "any other purpose," aviation or otherwise, shall be the subject of agreement between the two Governments. From this it appears to follow that, as neither Government admits the other's claim of sovereignty over the islands, they have agreed jointly to use them in common, to the exclusion of all other powers. In the papers that have been disclosed there is nothing to show that a third power has advanced a competing claim of title. On the other hand, as each of the two joint users claims title, it would seem logically to follow that if a power at war with only one of them should attack the islands, both would combine to repel the attack, and in this aspect the agreement would in effect operate as an alliance.

With cordial personal regards, I remain,

Sincerely yours,
GREEN H. HACKWORTH.

DEPARTMENT OF STATE,
Washington, August 3, 1939.

The Honorable GEORGE HOLDEN TINKHAM,
House of Representatives.

My Dear Mr. HACKWORTH: I thank you for your letter of July 25, 1939, your reference is 811.0141 Phoenix Group/144.

I have before me a map of the Pacific Ocean published in December 1936 by the National Geographic Society. I note on this map that Christmas Island carries the notation "United States and Great Britain." Will you please explain what the situation is in relation to this island and how such a connection as that indicated came about, and when?

With appreciation of your attention and with cordial personal regards, I remain,

Sincerely yours,
GREEN H. HACKWORTH.

DEPARTMENT OF STATE,
Washington, August 3, 1939.

The Honorable GEORGE HOLDEN TINKHAM,
House of Representatives.

My Dear Mr. TINKHAM: I have your letter of July 27, 1939, in which you refer to a map of the Pacific Ocean published in December 1936 by the National Geographic Society on which Christmas Island carries the notation "United States and Great Britain," and request to be informed of the situation with respect to this island. As you doubtless are aware the National Geographic Society is not a governmental institution and its maps are not official publications of this Government.

According to the Department's information, Christmas Island was discovered by Capt. James Cook, a British subject, on December 24, 1777.

1940

CONGRESSIONAL RECORD—HOUSE

4957

ber 24, 1777. Capt. John Stetson, of New Haven, Conn., reported having landed on Christmas Island from the American ship *Equator* on February 15, 1823.

The island has been occupied at various times by American citizens and British subjects. It was first occupied by Americans about 1858 and was bonded as an American guano island on December 29, 1859. Christmas was included in the lists of guano islands issued by the Treasury Department. See in this connection Moore's International Law Digest, volume I, page 567. You may also desire to read the discussion of Christmas Island commencing on page 572 of that volume and also to see the exchange of correspondence referred to therein between the United States and Great Britain concerning this island which is published in the Foreign Relations of the United States 1888, volume 1, pages 712, 713, 727-728.

The island is now reported to be occupied by the Central Pacific Coconut Plantations, Ltd., a British corporation, under a lease from the British Government which grants the use of the island for 87 years from January 1, 1914. By a British Order in Council dated July 30, 1919, the boundaries of the Gilbert and Ellice Islands colony were extended to include Christmas Island. No protest in respect to the British Order in Council of 1919 has been made by the Government of the United States.

Sincerely yours,

GREEN H. HACKWORTH.

AUGUST 5, 1939.

The Honorable GREEN H. HACKWORTH,
Legal Adviser, Department of State, Washington, D. C.

MY DEAR MR. HACKWORTH: I thank you for your letter of August 3, 1939, your reference Le 811.0141 Phoenix Group 144.

May I ask whether there are any other islands than Canton and Enderbury Islands, or any other territory, which are owned in common by Great Britain and the United States?

May I ask you further whether you know of any other similar arrangement in the world, under which islands or territory are under joint ownership or control of two or more countries? Of course, I do not mean islands or territory some or part of which is under the jurisdiction of one country and part under the jurisdiction of another country.

With cordial good wishes, I remain,
Sincerely yours,

GEORGE HOLDEN TINKHAM.

DEPARTMENT OF STATE,
Washington, August 22, 1939.

The Honorable GEORGE HOLDEN TINKHAM,
House of Representatives.

MY DEAR MR. TINKHAM: In the absence of Mr. Hackworth I acknowledge the receipt of your letter dated August 5, 1939, addressed to him, inquiring whether there are any other islands than Canton and Enderbury Islands, or any other territory, which are owned in common by Great Britain and the United States.

As you note from the copy of the Department's press releases transmitted herewith, the islands of Canton and Enderbury are not "owned in common" by Great Britain and the United States, but provision is made for "a joint control over these islands" by the two Governments. There are no islands or other territory which are owned in common by Great Britain and the United States.

With respect to your inquiry whether there is any other similar arrangement in the world under which islands or territory are under joint ownership or control of two or more countries, you are advised that the New Hebrides are under the joint administration of Great Britain and France, pursuant to the British-French Convention of October 20, 1906, which was superseded by a protocol of August 6, 1914, and extended until modified by common agreement by an exchange of notes of December 15, 1922, and December 25, 1922, between the British and French Governments. Administrative regulations with respect to the New Hebrides were approved by these Governments by an exchange of notes of August 29, 1907, amended by exchanges of notes dated December 15, 1931, and January 31, 1935.

Reference is also made to the British-Egyptian agreements of January 19 and July 10, 1899, which provide for the administration of Sudan. The status of Sudan as a condominium was reaffirmed by article 11 of the British-Egyptian Treaty of August 26, 1936.

You doubtless recall the general act providing for the neutrality and autonomous government of the Samoan Islands concluded at Berlin on June 14, 1889 (26 Stat. 1497), under which Great Britain, Germany, and the United States exercised jurisdiction over these islands. This general act was replaced by the convention respecting the Samoan Islands, concluded on December 2, 1899 (31 Stat. 1878), between the United States, Germany, and Great Britain.

Sincerely yours,

JOSEPH R. BAKER,
Acting Legal Adviser.

(Enclosure: Press releases.)

NOVEMBER 24, 1939.

JOSEPH R. BAKER, Esq.,
Assistant to the Legal Adviser,
Department of State, Washington, D. C.

MY DEAR MR. BAKER: Please accept my belated thanks for your letter of August 22, written in reply to a letter which I wrote to Mr. Hackworth on August 5 concerning questions in relation to Canton and Enderbury Islands. Had I not been obliged to spend

considerable time out of Washington since the receipt of your letter, you would have heard from me much sooner in relation to its contents.

In your letter of August 22 you state that Canton and Enderbury Islands are not "owned in common" by Great Britain and the United States but that Great Britain and the United States agreed to "a joint control" by the two Governments. Your letter fails to show any distinction between common ownership and joint control. If the control does not mean ownership, it would be interesting to know by whom the islands are owned. You would I take it, be reluctant to admit that they are owned by the natives but controlled by Great Britain and the United States, because that would be hardly consistent with the exalted conception of "democracy" of which we now assume to be the glorified champion.

Your letter cites precedents for the assertion of joint control, and among them you mention the Sudan as a "condominium" reaffirmed by a British-Egyptian treaty of August 26, 1936. If you will consult Webster's Dictionary you will find "condominium" defined as "joint dominion or sovereignty," and specifically, in Roman law, as "joint ownership." Similar language will be found in other dictionaries. Moreover, no matter what we may call the joint occupation, it necessarily implies the right and the intention to defend it against the claim of any other power. It can hardly be supposed that if some third power, whether Germany or any other, should demand, not indeed the exclusive control, but a joint control of the islands with the two present occupants, the latter would feel that they were obliged to yield the claim without a fight. We have taken the ground without any physical occupation of the Latin American countries that we would defend them by force against occupation by any European power. I fancy that we should not have supposed our claim of protection and defense to be weakened if we had induced some other power to share the burden with us, or if we ourselves had actually assumed control of them.

You will understand the pertinency of the foregoing observations if you will read my earlier correspondence with Mr. Hackworth in relation to these islands.

With kindest regards, I remain,
Sincerely yours,

GEORGE HOLDEN TINKHAM.

DEPARTMENT OF STATE,
Washington, December 2, 1939.

The Honorable GEORGE HOLDEN TINKHAM,
House of Representatives.

MY DEAR MR. TINKHAM: I have read with interest your letter of November 24, 1939, addressed to Mr. Joseph R. Baker in further relation to Canton and Enderbury Islands.

As you of course are aware, sovereignty and ownership are not synonymous terms. A State may have sovereignty over territory privately owned and even over territory owned by aliens. There has been no discussion regarding the actual ownership of the land comprising the islands in question. As heretofore indicated these islands are not owned in common by the United States and Great Britain, but are merely under the joint control or administration of the Governments of the two countries. The present situation is due to the fact that the two Governments having conflicting claims to sovereignty over Canton and Enderbury Islands, as a practical expedient and without prejudice to their respective claims, entered into the arrangement for joint control embodied in the exchange of notes of April 6, 1939, of which you have copies.

Sincerely yours,

GREEN H. HACKWORTH,
Legal Adviser.

DECEMBER 1, 1939.

The Honorable GREEN H. HACKWORTH,
Legal Adviser, Department of State, Washington, D. C.

MY DEAR MR. HACKWORTH: In your letter of July 25, 1939 (your reference Le 811.0141 Phoenix Group/144), you stated:

"In response to your letter of July 10, 1939, I regret to inform you that exchange of communications with Great Britain with respect to Canton and Enderbury Islands could not be made available for your inspection without the consent of the British Government."

After carefully investigating the matter it is my understanding that prior to 1913 the publication of our diplomatic correspondence was kept up to date; that in our earliest days as a government, even when wars pervaded the entire globe, we published everything, and that we were in a position to do this freely because we had no secret commitments; that the annual publication of our diplomatic correspondence began during our Civil War, and that while that great conflict was going on, as many as four volumes were published in 1 year, and that their contents candidly and comprehensively covered the entire field of our foreign relations.

It would seem that since the era of "open covenants openly arrived at," proclaimed as an American policy in 1918-19, there have been secret commitments which cannot be disclosed to the people or to officials of the Government. The significance of this situation does not appear to have been grasped either by our people or by those who, as Senators and Representatives, act for them in the Congress. We read and hear the daily prattle about "dictatorships," but a dictatorship is nothing but a system under which an individual in an executive office disposes of the fate of a country and its people as he likes. Consequently, a country in which secret engagements are made, which are not to be disclosed to the legislature or the people without the consent of the other party, is necessarily

living under a dictatorial regime. In my opinion, the acceptance of such a situation by the legislature does not mitigate the situation; on the contrary, it seems to me that the submission demonstrates that the legislature has abdicated its functions.

It would appear from the facts that the transaction between Great Britain and the United States with regard to Canton and Enderbury Islands constitutes an alliance; that arbitration, the classic method of settling disputed territorial ownership, has been carefully avoided in this case, just as it would be avoided in the case of a collusive transaction so that the true facts in the situation would not come to light. The apparent desire to conceal the true facts in this matter would seem clearly to support a charge of secret diplomacy. In the circumstances, it seems to me that there should be an independent and thorough examination of the transaction in question by the Congress.

Sincerely yours,

GEORGE HOLDEN TINKHAM.

No. 129

DEPARTMENT OF STATE,
April 6, 1939.

Confidential release for publication at 3 p. m., Eastern standard time, Thursday, April 6, 1939. Not to be previously published, quoted from, or used in any way

On August 11, 1938, the following joint communiqué was issued simultaneously in London and in Washington:

"The Governments of the United States and of the United Kingdom have agreed to set up a regime for the use in common of the islands of Canton and Enderbury in the Phoenix group and for the employment of these islands for purposes connected with international aviation and communication, with equal facilities for each party. The details of the regime will be determined in notes to be exchanged between the two governments."

The Secretary of State made public today the texts of notes exchanged on Thursday, April 6, 1939, between the Government of the United States and the Government of the United Kingdom defining the future administration of the islands. The texts of the notes are as follows:

NOTE FROM THE SECRETARY OF STATE TO THE BRITISH AMBASSADOR IN WASHINGTON

April 6, 1939.

EXCELLENCY: With reference to recent correspondence between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland concerning Canton and Enderbury Islands in the south Pacific Ocean, I have the honor to propose an agreement concerning these islands in the following terms:

1. "The Government of the United States and the Government of the United Kingdom, without prejudice to their respective claims to Canton and Enderbury Islands, agree to a joint control over these islands.

2. "The islands shall, during the period of joint control, be administered by a United States and a British official appointed by their respective Governments. The manner in which these two officials shall exercise the powers of administration reserved to them under this paragraph shall be determined by the two Governments in consultation as occasion may require.

3. "The islands shall, during the period of joint control, be subject to a special joint ad hoc regime the details of which shall be determined by the two Governments in consultation from time to time.

4. "The islands shall be available for communications and for use as airports for international aviation, but only civil aviation companies incorporated in the United States of America or in any part of the British Commonwealth of Nations shall be permitted to use them for the purpose of scheduled air services.

5. "The use of any part of either of the islands or their territorial waters for aviation purposes, except as herein agreed upon, or for any other purpose, shall be the subject of agreement between the two Governments.

6. "An airport may be constructed and operated on Canton Island by an American company or companies, satisfactory to the United States Government, which, in return for an agreed fee, shall provide facilities for British aircraft and British civil aviation companies equal to those enjoyed by United States aircraft and by such American company or companies. In case of dispute as to fees, or the conditions of use by British aircraft or by British civil aviation companies, the matter shall be settled by arbitration.

7. "The joint control hereby set up shall have a duration of 50 years from this day's date. If no agreement to the contrary is reached before the expiration of that period, the joint control shall continue thereafter until such time as it may be modified or terminated by the mutual consent of the two Governments."

I have the honor to suggest that if an agreement in the sense of the foregoing paragraphs is acceptable to the Government of the United Kingdom this note and Your Excellency's reply thereto in similar terms shall be regarded as placing on record the understanding arrived at between the two Governments concerning this matter.

Accept, Excellency, the renewed assurances of my highest consideration.

CORDELL HULL.

NOTE FROM THE BRITISH AMBASSADOR TO THE SECRETARY OF STATE
APRIL 6, 1939.

SIR: I have the honor to refer to your note of this day's date proposing an agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America on the subject of Canton and Enderbury Islands in the following terms:

"1. The Government of the United States and the Government of the United Kingdom, without prejudice to their respective claims to Canton and Enderbury Islands, agree to a joint control over these islands.

"2. The islands shall, during the period of joint control, be administered by a United States and a British official appointed by their respective Governments. The manner in which these two officials shall exercise the powers of administration reserved to them under this paragraph shall be determined by the two Governments in consultation as occasion may require.

"3. The islands shall, during the period of joint control, be subject to a special joint ad hoc regime, the details of which shall be determined by the two Governments in consultation from time to time.

"4. The islands shall be available for communications and for use as airports for international aviation, but only civil aviation companies incorporated in the United States of America or in any part of the British Commonwealth of Nations shall be permitted to use them for the purpose of scheduled air services.

"5. The use of any part of either of the islands or their territorial waters for aviation purposes, except as herein agreed upon, or for any other purpose, shall be the subject of agreement between the two Governments.

"6. An airport may be constructed and operated on Canton Island by an American company, or companies, satisfactory to the United States Government, which, in return for an agreed fee, shall provide facilities for British aircraft and British civil aviation companies equal to those enjoyed by United States aircraft and by such American company or companies. In case of dispute as to fees, or the conditions of use by British aircraft or by British civil aviation companies, the matter shall be settled by arbitration.

"7. The joint control hereby set up shall have a duration of 50 years from this day's date. If no agreement to the contrary is reached before the expiration of that period, the joint control shall continue thereafter until such time as it may be modified or terminated by the mutual consent of the two Governments."

I have the honor to inform you that an agreement in the terms of the foregoing paragraphs is acceptable to the Government of the United Kingdom, and that this note, and your note under reference, will be regarded as placing on record the understanding arrived at between the two Governments concerning this matter.

I have the honor to be, with the highest consideration, sir,
Your most obedient, humble servant,

R. C. LINDSAY.

Mr. SHEPPARD. Mr. Chairman, I yield 10 minutes to the gentleman from New Mexico [Mr. DEMPSEY].

(By unanimous consent, Mr. DEMPSEY was granted leave to extend his remarks in the RECORD.)

Mr. DEMPSEY. Mr. Chairman, I desire at this time to call the attention of the Members of the House to Senate bill 3046, the bill introduced by the distinguished senior Senator from New Mexico, the Honorable CARL A. HATCH, extending the provisions of the original Hatch Act to employees of State agencies which are financed, in whole or in part, from Federal funds.

There is no other measure before the Congress which so holds the interest of the American people, and has their universal commendation—rightfully so—as does this particular legislation.

The amendments proposed in this bill have been adopted by the other body of this Congress by a more than two-to-one vote. The Senate-approved measure is now before the Judiciary Committee of this House for consideration, and, I sincerely trust, its approval.

Mr. Chairman, I particularly direct this legislation to your attention because of rumors, I might say whispers, which, in the past few days, have continually grown in volume until they are reverberating through the Capitol, indicating an effort will be made to pigeonhole this bill in committee. I feel confident that the leadership and members of this House, recognizing the wishes of the people of the country whom they represent, will not tolerate or sanction any such action. The Members of this body are entitled to an opportunity to consider and approve, or disapprove, the bill and make known to the public their position, either for or against the measure.