

Also, petition of Anna J. Gregg, secretary Fulton Grange, No. 66, Lancaster County, Pa., indicating disapproval of the Mondell land bill; to the Committee on the Public Lands.

By Mr. McLAUGHLIN of Nebraska: Petition of numerous citizens of Ceresco, Davey, Raymond, and Valparaiso, Nebr., urging the immediate repeal of the daylight-saving law; to the Committee on Agriculture.

By Mr. O'CONNELL: Petition of J. F. Callbreath, of Washington, D. C., favoring the enactment of House bills 2929 and 5218; to the Committee on Ways and Means.

By Mr. RAKER: Resolutions adopted by the Railway Clerks, Riverbank Lodge, No. 265, Riverbank, Calif., asking that Government ownership of railroads be continued for five years; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Polish National Alliance of the United States of North America, Chicago, Ill., protesting against the enactment of Senate bill 2099; to the Committee on Printing.

Also, resolutions adopted by the Mission Parlor No. 38, N. S. G. W., San Francisco, Calif., indorsing the Lane plan for homes for soldiers; to the Committee on the Public Lands.

Also, letter and resolutions adopted by the Hamilton S. Hawkins Auxiliary, No. 29, Department of California, Spanish War Veterans, indorsing House bill 1715 and asking that adequate pensions be allowed the veterans of the Spanish War; to the Committee on Pensions.

By Mr. ROWAN: Petition of J. F. Callbreath, of Washington, D. C., favoring the passage of House bills 2929 and 5218; to the Committee on Ways and Means.

Also, petitions of John K. Parcell and the Federal Employees' Union No. 4, of New York City, favoring the enactment of House bill 6577; to the Committee on Ways and Means.

## SENATE.

FRIDAY, August 1, 1919.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we seek mastery over every circumstance by the mastery of ourselves, by lives that are centered in God. We seek wisdom by contemplating the problems of life, by drawing from Thee that divine wisdom and grace that makes us wise in determining the justice of all affairs of life. We pray Thee to guide us this day that we may ever have our thoughts upon Thee, Thy law, Thy will, that this Nation may be a nation whose lord is God and whose laws are written after the divine order. For Christ's sake. Amen.

On request of Mr. CURTIS and by unanimous consent the reading of the Journal of yesterday's proceedings was dispensed with and the Journal was approved.

### PROTOCOL TO TREATY OF PEACE WITH GERMANY (S. DOC. NO. 66).

The VICE PRESIDENT. The Senate having heretofore ordered that the treaty of peace with Germany be considered in open executive session, the Chair lays before the Senate the following message, and refers it, with the accompanying document, to the Committee on Foreign Relations. The message will be read.

The Secretary read the message, as follows:

To the Senate:

I have the honor to transmit to the Senate herewith, accompanied by a letter from the Secretary of State, a brief protocol to the treaty of peace with Germany. The certified copy which I transmit has just been received by the Department of State, and I am transmitting it without delay.

The protocol originated in a written interchange of views between the representatives of the allied and associated powers and the representatives of Germany, as a result of which the representatives of Germany requested that certain explanations of methods and facilities which it was proposed should be accorded the German Government in the execution of the treaty should be reduced to writing and signed by the powers signatory to the treaty, so as to form a definite and binding memorandum.

WOODROW WILSON.

THE WHITE HOUSE,  
31 July, 1919.

Mr. LODGE subsequently said. I understand that the message of the President transmitting to the Senate a protocol relating to the treaty now before the Senate has been read. I move that, as in open executive session, it be printed and referred to the Committee on Foreign Relations and that the injunction of secrecy be removed from it.

The VICE PRESIDENT. The Chair has ruled that that has already been done, but the question is on the motion of the Senator from Massachusetts.

Mr. LODGE. I ought to have made the motion before. The motion was agreed to.

### SENATE OFFICE BUILDING COMMISSION.

The VICE PRESIDENT. The Senate Office Building was erected under the supervision of the Senate Office Building Commission, provided for in the sundry civil bill approved April 28, 1904. That act authorized its construction under the supervision of a commission and placed the actual construction, letting of contracts, and employment of skilled and other services under the control of the Superintendent of the United States Capitol Building and Grounds, who still is acting as such.

The building is not yet wholly completed, the delay having arisen partly from certain privileges granted the Washington Terminal Co. to pass through square 690 by means of a sub-surface railway tunnel, and it was deemed inadvisable to fully complete the building until the settlement of the earth over the tunnel and near the building had finally ceased.

The building has what one of our American humorists described as a Queen Ann front and Mary Ann rear. The wooden approach and steps on Delaware Avenue are not only unsightly but dangerous. The personnel of the commission has disappeared save the Hon. LEE S. OVERMAN, Senator from North Carolina. The Chair renews the commission by the appointment of the Hon. FRANCIS E. WARREN, Senator from Wyoming, and the Hon. PHILANDER C. KNOX, Senator from Pennsylvania, and makes the modest request that the commission take up at least the question of finishing the Delaware Avenue entrance with Mr. Elliott Woods, Superintendent of the Capitol Building and Grounds and superintendent of the construction of said building.

### UNUSED LANDS FOR SOLDIERS (H. DOC. NO. 173).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior submitting evidence that soldiers, sailors, and marines in the war with Germany are interested in the plan of Congress for providing them with farms upon the unused lands of the country, which, with the accompanying paper, was referred to the Committee on Public Lands and ordered to be printed.

### DISPOSITION OF USELESS PAPERS.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of the Interior transmitting a list of useless papers on the files of the Interior Department devoid of historic interest and requesting action looking to their disposition. The communication and accompanying paper will be referred to the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, and the Chair appoints the Senator from Montana [Mr. WALSH] and the Senator from Maryland [Mr. FRANCE] the committee on the part of the Senate. The Secretary will notify the House of Representatives thereof.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the following bills:

S. 2594. An act to extend the time for the construction of the Broadway Street Bridge across the Arkansas River between the cities of Little Rock and Argenta, Ark.; and

S. 2595. An act to extend the time for the construction of the Main Street Bridge across the Arkansas River between the cities of Little Rock and Argenta, Ark.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 6323. An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes;

H. R. 7478. An act to amend sections 5200 and 5202 of the Revised Statutes of the United States as amended by acts of June 22, 1906, and September 24, 1918; and

H. J. Res. 150. Joint resolution to suspend the requirements of annual assessment work on certain mining claims during the year 1919.

### ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 180. An act to incorporate Near East Relief;

S. 1361. An act further extending the time for the commencement and completion of the bridge or bridges authorized by an act entitled "An act to amend an act to authorize the Dauphin

Island Railway & Harbor Co., its successors or assigns, to construct and maintain a bridge or bridges or viaducts across the waters between the mainland at or near Cedar Point and Dauphin Islands, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands," approved June 18, 1912, as extended by an act approved June 30, 1916; and

S. 1378. An act to authorize the Central Railroad Co. of New Jersey to construct a bridge across the navigable waters of the Newark Bay, in the State of New Jersey.

PETITIONS AND MEMORIALS.

Mr. WARREN presented telegrams in the nature of petitions from sundry citizens of Casper, Wyo., praying for the repeal of the so-called amusement tax, which were referred to the Committee on Finance.

Mr. PAGE presented a memorial of sundry citizens of Hardwick, Vt., remonstrating against the ratification of the proposed league of nations treaty, which was referred to the Committee on Foreign Relations.

Mr. PHELAN presented petitions of Plumbers' Local Union No. 262, of Hanford; of Cooks and Waiters' Local Union No. 673, of San Bernardino; of Eola Rebekah Lodge, No. 256, of Igo; and of the Board of Supervisors of Alameda County, all in the State of California, praying for the ratification of the proposed league of nations treaty, which were referred to the Committee on Foreign Relations.

Mr. MYERS presented a petition of sundry citizens of South Bend, Ind., praying for the enactment of legislation to prevent experiments upon living dogs in the District of Columbia, which was referred to the Committee on the Judiciary.

Mr. JOHNSON of South Dakota presented a petition of sundry citizens of Flandreau, S. Dak., praying for the repeal of the tax on ice cream, soda, soft drinks, etc., which was referred to the Committee on Finance.

OCCUPATION OF THE RHINE PROVINCES.

Mr. LODGE. Mr. President, I have here a declaration by the United States of America, Great Britain, and France in regard to the occupation of the Rhine Provinces. It has been presented to Parliament and is for sale in London. It is dated the 16th of June. I dare say it has been printed in the press already, but if so it has escaped me. I am quite sure that it has not been presented to the Senate. I send it to the desk and ask that it may be read, so that it will go into the Record.

The VICE PRESIDENT. The Secretary will read.  
The Secretary read as follows:

DECLARATION BY THE GOVERNMENTS OF THE UNITED STATES OF AMERICA, GREAT BRITAIN, AND FRANCE IN REGARD TO THE OCCUPATION OF THE RHINE PROVINCES.

Presented to Parliament by command of His Majesty.

London: Published by His Majesty's stationery office. To be purchased through any bookseller or directly from His Majesty's stationery office at the following addresses: Imperial House, Kingsway, London, W. C. 2 and 28. Abingdon Street, London, S.W. 1; 37 Peter Street, Manchester; 1 St. Andrew's Crescent, Cardiff; 23 Forth Street, Edinburgh; or from E. Ponsonby (Ltd.), 116 Grafton Street, Dublin. 1919. Price 1d. net.

DECLARATION BY THE GOVERNMENTS OF THE UNITED STATES OF AMERICA, GREAT BRITAIN, AND FRANCE IN REGARD TO THE OCCUPATION OF THE RHINE PROVINCES.

The allied and associated powers did not insist on making the period of occupation last until the reparation clauses were completely executed, because they assumed that Germany would be obliged to give every proof of her good will and every necessary guarantee before the end of the 15 years' time.

As the cost of occupation involves an equivalent reduction of the amount available for reparations, the allied and associated powers stipulated, by article 431 of the treaty, that if before the end of the 15 years' period Germany had fulfilled all her obligations under the treaty the troops of occupation should be immediately withdrawn.

If Germany at an earlier date has given proofs of her good will and satisfactory guarantees to assure the fulfillment of her obligations, the allied and associated powers concerned will be ready to come to an agreement between themselves for the earlier termination of the period of occupation.

Now and henceforward, in order to alleviate the burden of the reparations bill, they agree that as soon as the allied and associated powers concerned are convinced that the conditions of disarmament by Germany are being satisfactorily fulfilled, the annual amount of the sums to be paid by Germany to cover the cost of occupation shall not exceed 240,000,000 marks (gold). This provision can be modified if the allied and associated powers agree as to the necessity of such modification.

(Signed) WOODROW WILSON.  
G. CLEMENCEAU.  
D. LLOYD-GEORGE.

16th June, 1919.

Printed under the authority of His Majesty's stationery office by Eyre & Spottiswoode (Ltd.), East Harding Street, E. C. 4, printers to the King's most Excellent Majesty.

TREATY WITH POLAND (S. DOC. NO. 65).

Mr. LODGE. Mr. President, I also have here a treaty of peace between the United States of America and the British Empire, France, Italy, and Japan on the one part and Poland

on the other, signed at Versailles on the 28th of June. It was presented to Parliament some two weeks ago and is for sale in London. It has therefore been made public. I ask that it be printed in the RECORD and also as a document for the information of the Senate.

The VICE PRESIDENT. Without objection, it is so ordered.  
The treaty is as follows:

TREATY OF PEACE BETWEEN THE UNITED STATES OF AMERICA, THE BRITISH EMPIRE, FRANCE, ITALY, AND JAPAN AND POLAND.

[Treaty Series No. 8 (1919).]

"LETTER ADDRESSED TO M. PADEREWSKI BY THE PRESIDENT OF THE CONFERENCE TRANSMITTING TO HIM THE TREATY TO BE SIGNED BY POLAND UNDER ARTICLE 93 OF THE TREATY OF PEACE WITH GERMANY.

"PARIS, June 24, 1919.

"SIR: On behalf of the Supreme Council of the Principal Allied and Associated Powers, I have the honour to communicate to you herewith in its final form the text of the Treaty which, in accordance with Article 93 of the Treaty of Peace with Germany, Poland will be asked to sign on the occasion of the confirmation of her recognition as an independent State and of the transference to her of the territories included in the former German Empire which are assigned to her by the said Treaty. The principal provisions were communicated to the Polish Delegation in Paris in May last, and were subsequently communicated direct to the Polish Government through the French Minister at Warsaw. The Council have since had the advantage of the suggestions which you were good enough to convey to them in your memorandum of the 16th June, and as the result of a study of these suggestions modifications have been introduced in the text of the Treaty. The Council believe that it will be found that by these modifications the principal points to which attention was drawn in your memorandum have, in so far as they relate to specific provisions of the Treaty, been adequately covered.

"In formally communicating to you the final decision of the Principal Allied and Associated Powers in this matter, I should desire to take this opportunity of explaining in a more formal manner than has hitherto been done the considerations by which the Principal Allied and Associated Powers have been guided in dealing with the question.

"1. In the first place, I would point out that this Treaty does not constitute any fresh departure. It has for long been the established procedure of the public law of Europe that when a State is created, or even when large accessions of territory are made to an established State, the joint and formal recognition by the Great Powers should be accompanied by the requirement that such State should, in the form of a binding international convention, undertake to comply with certain principles of government. This principle, for which there are numerous other precedents, received the most explicit sanction when, at the last great assembly of European Powers—the Congress of Berlin—the sovereignty and independence of Serbia, Montenegro, and Roumania were recognised. It is desirable to recall the words used on this occasion by the British, French, Italian, and German Plenipotentiaries, as recorded in the Protocol of the 28th June, 1878:

"Lord Salisbury recognises the independence of Serbia, but is of opinion that it would be desirable to stipulate in the Principality the great principle of religious liberty.

"Mr. Waddington believes that it is important to take advantage of this solemn opportunity to cause the principles of religious liberty to be affirmed by the representatives of Europe. His Excellency adds that Serbia, who claims to enter the European family on the same basis as other States, must previously recognise the principles which are the basis of social organisation in all States of Europe and accept them as a necessary condition of the favour which she asks for.

"Prince Bismarck, associating himself with the French proposal, declares that the assent of Germany is always assured to any motion favourable to religious liberty.

"Count de Launay says that, in the name of Italy, he desires to adhere to the principle of religious liberty, which forms one of the essential bases of the institutions in his country, and that he associates himself with the declarations made on this subject by Germany, France, and Great Britain.

"Count Andrassy expresses himself to the same effect, and the Ottoman Plenipotentiaries raise no objection.

"Prince Bismarck, after having summed up the results of the vote, declares that Germany admits the independence of Serbia, but on condition that religious liberty will be recognised in the Principality. His Serene Highness adds that the Drafting Committee, when they formulate this decision, will affirm the connection established by the Conference between the proclamation of Serbian independence and the recognition of religious liberty.

"2. The Principal Allied and Associated Powers are of opinion that they would be false to the responsibility which rests upon them if on this occasion they departed from what has become an established tradition. In this connection I must also recall to your consideration the fact that it is to the endeavours and sacrifices of the Powers in whose name I am addressing you that the Polish nation owes the recovery of its independence. It is by their decision that Polish sovereignty is being re-established

over the territories in question and that the inhabitants of these territories are being incorporated in the Polish nation. It is on the support which the resources of these Powers will afford to the League of Nations that for the future Poland will to a large extent depend for the secure possession of these territories. There rests, therefore, upon these Powers an obligation, which they cannot evade, to secure in the most permanent and solemn form guarantees for certain essential rights which will afford to the inhabitants the necessary protection whatever changes may take place in the internal constitution of the Polish State.

"It is in accordance with this obligation that Clause 93 was inserted in the Treaty of Peace with Germany. This clause relates only to Poland, but a similar clause applies the same principles to Czecho-Slovakia, and other clauses have been inserted in the Treaty of Peace with Austria and will be inserted in those with Hungary and with Bulgaria, under which similar obligations will be undertaken by other States, which under those Treaties receive large accessions of territory.

"The consideration of these facts will be sufficient to show that by the requirement addressed to Poland at the time when it receives in the most solemn manner the joint recognition of the re-establishment of its sovereignty and independence and when large accessions of territory are being assigned to it, no doubt is thrown upon the sincerity of the desire of the Polish Government and the Polish nation to maintain the general principles of justice and liberty. Any such doubt would be far from the intention of the Principal Allied and Associated Powers.

"3. It is indeed true that the new Treaty differs in form from earlier Conventions dealing with similar matters. The change of form is a necessary consequence and an essential part of the new system of international relations which is now being built up by the establishment of the League of Nations. Under the older system the guarantee for the execution of similar provisions was vested in the Great Powers. Experience has shown that this was in practice ineffective, and it was also open to the criticism that it might give to the Great Powers, either individually or in combination, a right to interfere in the internal constitution of the States affected which could be used for political purposes. Under the new system the guarantee is entrusted to the League of Nations. The clauses dealing with this guarantee have been carefully drafted so as to make it clear that Poland will not be in any way under the tutelage of those Powers who are signatories to the Treaty.

"I should desire, moreover, to point out to you that provision has been inserted in the Treaty by which disputes arising out of its provisions may be brought before the Court of the League of Nations. In this way differences which might arise will be removed from the political sphere and placed in the hands of a judicial court, and it is hoped that thereby an impartial decision will be facilitated, while at the same time any danger of political interference by the Powers in the internal affairs of Poland will be avoided.

"4. The particular provisions to which Poland and the other States will be asked to adhere differ to some extent from those which were imposed on the new States at the Congress of Berlin. But the obligations imposed upon new States seeking recognition have at all times varied with the particular circumstances. The Kingdom of the United Netherlands in 1814 formally undertook precise obligation with regard to the Belgian provinces at that time annexed to the kingdom which formed an important restriction on the unlimited exercise of its sovereignty. It was determined at the establishment of the Kingdom of Greece that the Government of that State should take a particular form, viz., it should be both monarchical and constitutional; when Thessaly was annexed to Greece, it was stipulated that the lives, property, honour, religion and customs of those of the inhabitants of the localities ceded to Greece, who remained under the Hellenic administration should be scrupulously respected, and that they should enjoy exactly the same civil and political rights as Hellenic subjects of origin. In addition, very precise stipulations were inserted safeguarding the interests of the Mohammedan population of these territories.

"The situation with which the Powers have now to deal is new, and experience has shown that new provisions are necessary. The territories now being transferred both to Poland and to other States inevitably include a large population speaking languages and belonging to races different from that of the people with whom they will be incorporated. Unfortunately, the races have been estranged by long years of bitter hostility. It is believed that these populations will be more easily reconciled to their new position if they know that from the very beginning they have assured protection and adequate guarantees against any danger of unjust treatment or oppression. The very knowledge that these guarantees exist will, it is hoped, mate-

rially help the reconciliation which all desire, and will indeed do much to prevent the necessity of its enforcement.

"5. To turn to the individual clauses of the present Treaty. Article 2 guarantees to all inhabitants those elementary rights, which are, as a matter of fact, secured in every civilised State. Clauses 3 to 6 are designed to insure that all the genuine residents in the territories now transferred to Polish sovereignty shall in fact be assured of the full privileges of citizenship. Articles 7 and 8, which are in accordance with precedent, provide against any discrimination against those Polish citizens who by their religion, their language, or their race, differ from the large mass of the Polish population. It is understood that, far from raising any objection to the matter of these articles, the Polish Government have already, of their own accord, declared their firm intention of basing their institutions on the cardinal principles enunciated therein.

"The following articles are of rather a different nature in that they provide more special privileges to certain groups of these minorities. In the final revision of these latter articles, the Powers have been impressed by the suggestions made in your memorandum of the 16th June, and the articles have in consequence been subjected to some material modifications. In the final text of the Treaty it has been made clear that the special privileges accorded in Article 9 are extended to Polish citizens of German speech only in such parts of Poland as are, by the Treaty with Germany, transferred from Germany to Poland. Germans in other parts of Poland will be unable under this article to claim to avail themselves of these privileges. They will therefore in this matter be dependent solely on the generosity of the Polish Government, and will in fact be in the same position as German citizens of Polish speech in Germany.

"6. Clauses 10 and 12 deal specifically with the Jewish citizens of Poland. The information at the disposal of the Principal Allied and Associated Powers as to the existing relations between the Jews and the other Polish citizens has led them to the conclusion that, in view of the historical development of the Jewish question and the great animosity aroused by it, special protection is necessary for the Jews in Poland. These clauses have been limited to the minimum which seems necessary under the circumstances of the present day, viz., the maintenance of Jewish schools and the protection of the Jews in the religious observance of their Sabbath. It is believed that these stipulations will not create any obstacle to the political unity of Poland. They do not constitute any recognition of the Jews as a separate political community within the Polish State. The educational provisions contain nothing beyond what is in fact provided in the educational institutions of many highly organised modern States. There is nothing inconsistent with the sovereignty of the State in recognising and supporting schools in which children shall be brought up in the religious influences to which they are accustomed in their home. Ample safeguards against any use of non-Polish languages to encourage a spirit of national separation have been provided in the express acknowledgment that the provisions of this Treaty do not prevent the Polish State from making the Polish language obligatory in all its schools and educational institutions.

"7. The economic clauses contained in Chapter II of the Treaty have been drafted with the view of facilitating the establishment of equitable commercial relations between independent Poland and the other Allied and Associated Powers. They include provisions for reciprocal diplomatic and consular representation, for freedom of transit, and for the adhesion of the Polish Government to certain international conventions.

"In these clauses the Principal Allied and Associated Powers have not been actuated by any desire to secure for themselves special commercial advantages. It will be observed that the rights accorded to them by these clauses are extended equally to all States who are members of the League of Nations. Some of the provisions are of a transitional character, and have been introduced only with the necessary object of bridging over the short interval which must elapse before general regulations can be established by Poland herself or my commercial treaties or general conventions approved by the League of Nations.

"In conclusion, I am to express to you on behalf of the Allied and Associated Powers the very sincere satisfaction which they feel at the re-establishment of Poland as an independent State. They cordially welcome the Polish nation on its re-entry into the family of nations. They recall the great services which the ancient Kingdom of Poland rendered to Europe both in public affairs and by its contributions to the progress of mankind which is the common work of all civilised nations. They believe that the voice of Poland will add to the wisdom of their common deliberations in the cause of peace and harmony, that its influence will be used to further the spirit of liberty and justice,

both in internal and external affairs, and that thereby it will help in the work of reconciliation between the nations which, with the conclusion of Peace, will be the common task of humanity.

"The treaty by which Poland solemnly declares before the world her determination to maintain the principles of justice, liberty, and toleration, which were the guiding spirit of the ancient Kingdom of Poland, and also receives in its most explicit and binding form the confirmation of her restoration to the family of independent nations, will be signed by Poland and by the Principal Allied and Associated Powers on the occasion of, and at the same time as, the signature of the Treaty of Peace with Germany.

"I have, &c.

"CLEMENCEAU."

"The United States of America, the British Empire, France, Italy and Japan, the Principal Allied and Associated Powers, on the one hand; and Poland on the other hand;

"Whereas the Allied and Associated Powers have by the success of their arms restored to the Polish nation the independence of which it had been unjustly deprived; and

"Whereas by the proclamation of March 30, 1917, the Government of Russia assented to the re-establishment of an independent Polish State; and

"Whereas the Polish State, which now in fact exercises sovereignty over those portions of the former Russian Empire which are inhabited by a majority of Poles, has already been recognized as a sovereign and independent State by the Principal Allied and Associated Powers; and

"Whereas under the Treaty of Peace concluded with Germany by the Allied and Associated Powers, a Treaty of which Poland is a signatory, certain portions of the former German Empire will be incorporated in the territory of Poland; and

"Whereas under the terms of the said Treaty of Peace, the boundaries of Poland not already laid down are to be subsequently determined by the Principal Allied and Associated Powers;

"The United States of America, the British Empire, France, Italy and Japan, on the one hand, confirming their recognition of the Polish State, constituted within the said limits as a sovereign and independent member of the Family of Nations, and being anxious to ensure the execution of the provisions of Article 93 of the said Treaty of Peace with Germany;

"Poland, on the other hand, desiring to conform her institutions to the principles of liberty and justice, and to give a sure guarantee to the inhabitants of the territory over which she has assumed sovereignty;

"For this purpose the High Contracting Parties represented as follows:

"The President of the United States of America, by:

"The Honourable Woodrow Wilson, President of the United States, acting in his own name and by his own proper authority;

"The Honourable Robert Lansing, Secretary of State;

"The Honourable Henry White, formerly Ambassador Extraordinary and Plenipotentiary of the United States at Rome and Paris;

"The Honourable Edward M. House;

"General Tasker H. Bliss, Military Representative of the United States on the Supreme War Council;

"His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, by:

"The Right Honourable David Lloyd George, M. P., First Lord of His Treasury and Prime Minister;

"The Right Honourable Andrew Bonar Law, M. P., His Lord Privy Seal;

"The Right Honourable Viscount Milner, G.C.B., G.C.M.G., His Secretary of State for the Colonies;

"The Right Honourable Arthur James Balfour, O.M., M.P., His Secretary of State for Foreign Affairs;

"The Right Honourable George Nicoll Barnes, M.P., Minister without portfolio;

"And

"For the Dominion of Canada, by:

"The Honourable Charles Joseph Doherty, Minister of Justice;

"The Honourable Arthur Lewis Sifton, Minister of Customs;

"For the Commonwealth of Australia, by:

"The Right Honourable William Morris Hughes, Attorney General and Prime Minister;

"The Right Honourable Sir Joseph Cook, G.C.M.G., Minister for the Navy;

"For the Union of South Africa, by:

"General the Right Honourable Louis Botha, Minister of Native Affairs and Prime Minister;

"Lieutenant-General the Right Honourable Jan Christiaan Smuts, K.C., Minister of Defence;

"For the Dominion of New Zealand, by:

"The Right Honourable William Ferguson Massey, Minister of Labour and Prime Minister;

"For India, by:

"The Right Honourable Edwin Samuel Montagu, M.P., His Secretary of State for India;

"Major-General His Highness Maharaja Sir Ganga Singh Bahadur, Maharaja of Bikaner, G.C.S.I., G.C.I.E., G.C.V.O., K.C.B., A.D.C.;

"The President of the French Republic, by:

"Mr. Georges Clemenceau, President of the Council, Minister of War;

"Mr. Stéphen Pichon, Minister of Foreign Affairs;

"Mr. Louis Lucien Klotz, Minister of Finance;

"Mr. André Tardieu, Commissary General for Franco-American Military Affairs;

"Mr. Jules Cambon, Ambassador of France;

"His Majesty the King of Italy, by:

"Baron S. Sonnino, Deputy;

"Marquis G. Imperiali, Senator, Ambassador of His Majesty the King of Italy at London;

"Mr. S. Crespi, Deputy;

"His Majesty the Emperor of Japan, by:

"Marquis Saionji, formerly President of the Council of Ministers;

"Baron Makino, formerly Minister of Foreign Affairs, Member of the Diplomatic Council;

"Viscount Chinda, Ambassador Extraordinary and Plenipotentiary of H.M. the Emperor of Japan at London;

"Mr. K. Matsui, Ambassador Extraordinary and Plenipotentiary of H.M. the Emperor of Japan at Paris;

"Mr. H. Ijuin, Ambassador Extraordinary and Plenipotentiary of H.M. the Emperor of Japan at Rome;

"The President of the Polish Republic, by:

"Mr. Ignace J. Paderewski, President of the Council of Ministers, Minister of Foreign Affairs;

"Mr. Roman Dmowski, President of the Polish National Committee;

"After having exchanged their full powers, found in good and due form, have agreed as follows:

#### "CHAPTER I.

##### "ARTICLE 1.

"Poland undertakes that the stipulations contained in Articles 2 to 8 of this Chapter shall be recognised as fundamental laws, and that no law, regulation or official action shall conflict or interfere with the stipulations, nor shall any law, regulation or official action prevail over them.

##### "ARTICLE 2.

"Poland undertakes to assure full and complete protection of life and liberty to all inhabitants of Poland without distinction of birth, nationality, language, race or religion.

"All inhabitants of Poland shall be entitled to the free exercise, whether public or private, of any creed, religion or belief, whose practices are not inconsistent with public order or public morals.

##### "ARTICLE 3.

"Poland admits and declares to be Polish nationals *ipso facto* and without the requirement of any formality German, Austrian, Hungarian or Russian nationals habitually resident at the date of the coming into force of the present Treaty in territory which is or may be recognized as forming part of Poland, but subject to any provisions in the Treaties of Peace with Germany or Austria respectively relating to persons who became resident in such territory after a specified date.

"Nevertheless, the persons referred to above who are over eighteen years of age will be entitled under the conditions contained in the said Treaties to opt for any other nationality which may be open to them. Option by a husband will cover his wife and option by parents will cover their children under eighteen years of age.

"Persons who have exercised the above right to opt must, except where it is otherwise provided in the Treaty of Peace with Germany, transfer within the succeeding twelve months their place of residence to the State for which they have opted. They will be entitled to retain their immovable property in Polish territory. They may carry with them their movable property of every description. No export duties may be imposed upon them in connection with the removal of such property.

## "ARTICLE 4.

"Poland admits and declares to be Polish nationals *ipso facto* and without the requirement of any formality persons of German, Austrian, Hungarian or Russian nationality who were born in the said territory of parents habitually resident there, even if at the date of the coming into force of the present Treaty they are not themselves habitually resident there.

"Nevertheless, within two years after the coming into force of the present Treaty, these persons may make a declaration before the competent Polish authorities in the country in which they are resident, stating that they abandon Polish nationality, and they will then cease to be considered as Polish nationals. In this connection a declaration by a husband will cover his wife, and a declaration by parents will cover their children under eighteen years of age.

## "ARTICLE 5.

"Poland undertakes to put no hindrance in the way of the exercise of the right which the persons concerned have, under the Treaties concluded or to be concluded by the Allied and Associated Powers with Germany, Austria, Hungary or Russia, to choose whether or not they will acquire Polish nationality.

## "ARTICLE 6.

"All persons born in Polish territory who are not born nationals of another State shall *ipso facto* become Polish nationals.

## "ARTICLE 7.

"All Polish nationals shall be equal before the law and shall enjoy the same civil and political rights without distinction as to race, language or religion.

"Differences of religion, creed or confession shall not prejudice any Polish national in matters relating to the enjoyment of civil or political rights, as for instance admission to public employments, functions and honours, or the exercise of professions and industries.

"No restriction shall be imposed on the free use by any Polish national of any language in private intercourse, in commerce, in religion, in the press or in publications of any kind, or at public meetings.

"Notwithstanding any establishment by the Polish Government of an official language, adequate facilities shall be given to Polish nationals of non-Polish speech for the use of their language, either orally or in writing, before the courts.

## "ARTICLE 8.

"Polish nationals who belong to racial, religious or linguistic minorities shall enjoy the same treatment and security in law and in fact as the other Polish nationals. In particular they shall have an equal right to establish, manage and control at their own expense charitable, religious and social institutions, schools and other educational establishments, with the right to use their own language and to exercise their religion freely therein.

## "ARTICLE 9.

"Poland will provide in the public educational system in towns and districts in which a considerable proportion of Polish nationals of other than Polish speech are residents adequate facilities for ensuring that in the primary schools the instruction shall be given to the children of such Polish nationals through the medium of their own language. This provision shall not prevent the Polish Government from making the teaching of the Polish language obligatory in the said schools.

"In towns and districts where there is a considerable proportion of Polish nationals belonging to racial, religious or linguistic minorities, these minorities shall be assured an equitable share in the enjoyment and application of the sums which may be provided out of public funds under the State, municipal or other budget, for educational, religious or charitable purposes.

"The provisions of this Article shall apply to Polish citizens of German speech only in that part of Poland which was German territory on August 1, 1914.

## "ARTICLE 10.

"Educational committees appointed locally by the Jewish communities of Poland will, subject to the general control of the State, provide for the distribution of the proportional share of public funds allocated to Jewish schools in accordance with Article 9, and for the organisation and management of these schools.

"The provisions of Article 9 concerning the use of languages in schools shall apply to these schools.

## "ARTICLE 11.

"Jews shall not be compelled to perform any act which constitutes a violation of their Sabbath, nor shall they be placed under any disability by reason of their refusal to attend courts of law or to perform any legal business on their Sabbath. This

provision however shall not exempt Jews from such obligations as shall be imposed upon all other Polish citizens for the necessary purposes of military service, national defence or the preservation of public order.

"Poland declares her intention to refrain from ordering or permitting elections, whether general or local, to be held on a Saturday, nor will registration for electoral or other purposes be compelled to be performed on a Saturday.

## "ARTICLE 12.

"Poland agrees that the stipulations in the foregoing Articles, so far as they affect persons belonging to racial, religious or linguistic minorities, constitute obligations of international concern and shall be placed under the guarantee of the League of Nations. They shall not be modified without the assent of a majority of the Council of the League of Nations. The United States, the British Empire, France, Italy and Japan hereby agree not to withhold their assent from any modification in these Articles which is in due form assented to by a majority of the Council of the League of Nations.

"Poland agrees that any Member of the Council of the League of Nations shall have the right to bring to the attention of the Council any infraction, or any danger of infraction, of any of these obligations, and that the Council may thereupon take such action and give such direction as it may deem proper and effective in the circumstances.

"Poland further agrees that any difference of opinion as to questions of law or fact arising out of these articles between the Polish Government and any one of the Principal Allied and Associated Powers or any other Power, a Member of the Council of the League of Nations, shall be held to be a dispute of an international character under Article 14 of the Covenant of the League of Nations. The Polish Government hereby consents that any such dispute shall, if the other party thereto demands, be referred to the Permanent Court of International Justice. The decision of the Permanent Court shall be final and shall have the same force and effect as an award under Article 13 of the Covenant.

## "CHAPTER II.

## "ARTICLE 13.

"Each of the Principal Allied and Associated Powers on the one part and Poland on the other shall be at liberty to appoint diplomatic representatives to reside in their respective capitals, as well as Consuls-General, Consuls, Vice-Consuls, and Consular agents to reside in the towns and ports of their respective territories.

"Consuls-General, Consuls, Vice-Consuls and Consular agents, however, shall not enter upon their duties until they have been admitted in the usual manner by the Government in the territory of which they are stationed.

"Consuls-General, Consuls, Vice-Consuls and Consular agents shall enjoy all the facilities, privileges, exemptions and immunities of every kind which are or shall be granted to consular officers of the most favoured nation.

## "ARTICLE 14.

"Pending the establishment of an import tariff by the Polish Government, goods originating in the Allied and Associated States shall not be subject to any higher duties on importation into Poland than the most favourable rates of duty applicable to goods of the same kind under either the German, Austro-Hungarian or Russian Customs Tariffs on July 1, 1914.

## "ARTICLE 15.

"Poland undertakes to make no treaty, convention or arrangement and to take no other action which will prevent her from joining in any general agreement for the equitable treatment of the commerce of other States that may be concluded under the auspices of the League of Nations within five years from the coming into force of the present Treaty.

"Poland also undertakes to extend to all the Allied and Associated States any favours or privileges in customs matters which she may grant during the same period of five years to any State with which since August, 1914, the Allies have been at war, or to any State which may have concluded with Austria special customs arrangements as provided for in the Treaty of Peace to be concluded with Austria.

## "ARTICLE 16.

"Pending the conclusion of the general agreement referred to above, Poland undertakes to treat on the same footing as national vessels or vessels of the most favoured nation the vessels of all the Allied and Associated States which accord similar treatment to Polish vessels.

"By way of exception from this provision, the right of Poland or of any other Allied or Associated State to confine her maritime coasting trade to national vessels is expressly reserved.

## "ARTICLE 17.

"Pending the conclusion under the auspices of the League of Nations of a general Convention to secure and maintain freedom of communications and of transit, Poland undertakes to accord freedom of transit to persons, goods, vessels, carriages, wagons and mails in transit to or from any Allied or Associated State over Polish territory, including territorial waters, and to treat them at least as favourably as the persons, goods, vessels, carriages, wagons and mails respectively of Polish or of any other more favoured nationality, origin, importation or ownership, as regards facilities, charges, restrictions, and all other matters.

"All charges imposed in Poland on such traffic in transit shall be reasonable having regard to the conditions of the traffic. Goods in transit shall be exempt from all customs or other duties. Tariffs for transit traffic across Poland and tariffs between Poland and any Allied or Associated Power involving through tickets or waybills shall be established at the request of that Allied or Associated Power.

"Freedom of transit will extend to postal, telegraphic and telephonic services.

"It is agreed that no Allied or Associated Power can claim the benefit of these provisions on behalf of any part of its territory in which reciprocal treatment is not accorded in respect of the same subject matter.

"If within a period of five years from the coming into force of the present Treaty no general Convention as aforesaid shall have been concluded under the auspices of the League of Nations, Poland shall be at liberty at any time thereafter to give twelve months notice to the Secretary General of the League of Nations to terminate the obligations of this Article.

## "ARTICLE 18.

"Pending the conclusion of a general Convention on the International Régime of waterways, Poland undertakes to apply to the river system of the Vistula (including the Bug and the Narev) the régime applicable to International Waterways set out in Articles 332 to 337 of the Treaty of Peace with Germany.

## "ARTICLE 19.

"Poland undertakes to adhere within twelve months of the coming into force of the present treaty to the International Conventions specified in Annex I.

"Poland undertakes to adhere to any new convention, concluded with the approval of the Council of the League of Nations within five years of the coming into force of the present Treaty, to replace any of the International instruments specified in Annex I.

"The Polish Government undertakes within twelve months to notify the Secretary General of the League of Nations whether or not Poland desires to adhere to either or both of the International Conventions specified in Annex II.

"Until Poland has adhered to the two Conventions last specified in Annex I, she agrees, on condition of reciprocity, to protect by effective measures the industrial, literary and artistic property of nationals of the Allied and Associated States. In the case of any Allied or Associated State not adhering to the said Conventions Poland agrees to continue to afford such effective protection on the same conditions until the conclusion of a special bi-lateral treaty or agreement for that purpose with such Allied or Associated State.

"Pending her adhesion to the other Conventions specified in Annex I, Poland will secure to the nationals of the Allied and Associated Powers the advantages to which they would be entitled under the said Conventions.

"Poland further agrees, on condition of reciprocity, to recognise and protect all rights in any industrial, literary or artistic property belonging to the nationals of the Allied and Associated States in force, or which but for the war would have been in force, in any part of her territories before transfer to Poland. For such purpose she will accord the extensions of time agreed to in Articles 307 and 308 of the Treaty with Germany.

## "ANNEX I.

## "TELEGRAPHIC AND RADIO-TELEGRAPHIC CONVENTIONS.

"International Telegraphic Convention signed at St. Petersburg, July 10/22, 1875.

"Regulations and Tariffs drawn up by the International Telegraph Conference, signed at Lisbon, June 11, 1908.

"International Radio-Telegraphic Convention, July 5, 1912.

## "RAILWAY CONVENTIONS.

"Conventions and arrangements signed at Berne on October 14, 1890, September 20, 1893, July 16, 1895, June 16, 1898, and September 19, 1906, and the current supplementary provisions made under those Conventions.

"Agreement of May 15, 1886, regarding the sealing of railway trucks subject to customs inspection, and Protocol of May 18, 1907.

"Agreement of May 15, 1886, regarding the technical standardisation of railways, as modified on May 18, 1907.

## "SANITARY CONVENTION.

"Convention of December 3, 1903.

## "OTHER CONVENTIONS.

"Convention of September 26, 1906, for the suppression of night work for women.

"Convention of September 26, 1906, for the suppression of the use of white phosphorus in the manufacture of matches.

"Convention of May 18, 1904 and May 4, 1910, regarding the suppression of the White Slave Traffic.

"Convention of May 4, 1910, regarding the suppression of obscene publications.

"International Convention of Paris of March 20, 1883, as revised at Washington in 1911, for the protection of industrial property.

"International Convention of Berne of September 9, 1886, revised at Berlin on November 13, 1908, and completed by the Additional Protocol signed at Berne on March 20, 1914, for the Protection of Literary and Artistic Work.

## "ANNEX II.

"Agreement of Madrid of April 14, 1891, for the Prevention of False Indications of origin on goods, revised at Washington in 1911, and

"Agreement of Madrid of 14 April, 1891, for the international registration of trade marks, revised at Washington in 1911.

## "ARTICLE 20.

"All rights and privileges accorded by the foregoing Articles to the Allied and Associated States shall be accorded equally to all States members of the League of Nations.

## "ARTICLE 21.

"Poland agrees to assume responsibility for such proportion of the Russian public debt and other Russian public liabilities of any kind as may be assigned to her under a special convention between the Principal Allied and Associated Powers on the one hand and Poland on the other, to be prepared by a Commission appointed by the above States. In the event of the Commission not arriving at an agreement the point at issue shall be referred for immediate arbitration to the League of Nations.

"The present Treaty, of which the French and English texts are both authentic, shall be ratified. It shall come into force at the same time as the Treaty of Peace with Germany.

"The deposit of ratifications shall be made at Paris.

"Powers of which the seat of the Government is outside Europe will be entitled merely to inform the Government of the French Republic through their diplomatic representative at Paris that their ratification has been given; in that case they must transmit the instrument of ratification as soon as possible.

"A procès-verbal of the deposit of ratifications will be drawn up.

"The French Government will transmit to all the signatory Powers a certified copy of the procès-verbal of the deposit of ratifications.

"In faith whereof the above-named Plenipotentiaries have signed the present Treaty.

"Done at Versailles, the twenty-eighth day of June, one thousand nine hundred and nineteen, in a single copy which will remain deposited in the archives of the French Republic, and of which authenticated copies will be transmitted to each of the Signatory Powers."

## REPORTS OF COMMITTEES.

Mr. CURTIS, from the Committee on Indian Affairs, to which was referred the joint resolution (S. J. Res. 77) to amend section 18 of the Indian appropriation act approved June 30, 1919, reported it without amendment and submitted a report (No. 130) thereon.

Mr. JONES of New Mexico, from the Committee on Public Lands, to which was referred the bill (S. 667) limiting the creation or extension of forest reserves in New Mexico, reported it with amendments and submitted a report (No. 131) thereon.

Mr. CAPPER, from the Committee on Military Affairs, to which was referred the bill (S. 2446) to amend section 1318, Revised Statutes, reported it with amendments.

Mr. WADSWORTH, from the Committee on Military Affairs, to which were referred the following bills reported them each without amendment and submitted reports thereon:

A bill (S. 2623) to extend the provisions of an act entitled "An act to provide quarters or commutation thereof to commissioned officers in certain cases," approved April 16, 1918 (Rept. No. 133); and

A bill (S. 2624) to provide travel allowances for certain retired enlisted men and Regular Army reservists (Rept. No. 134).

Mr. WADSWORTH, from the Committee on Military Affairs, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

A bill (S. 2676) to amend section 56 of an act entitled "An act for making further and more effectual provisions for the national defense, and for other purposes," approved June 3, 1916 (Rept. No. 135); and

A bill (S. 2677) to provide for further educational facilities by authorizing the Secretary of War to sell at reduced rates certain machine tools not in use for Government purposes to trade and technical schools and universities, other recognized educational institutions, and for other purposes (Rept. No. 136).

#### LOCAL DRAFT BOARDS.

Mr. HARDING. On the 21st ultimo I introduced the joint resolution (S. J. Res. 73) providing for payment of compensation for services of members of local draft boards who served also as clerks of their respective boards, and it was inadvertently referred to the Committee on Claims. I ask that the Committee on Claims be discharged from the further consideration of the joint resolution and that it be referred to the Committee on Military Affairs.

The VICE PRESIDENT. Without objection, that action will be taken.

#### MILITARY JUSTICE.

Mr. MOSES, from the Committee on Printing, reported the following resolution (S. Res. 146), and it was considered by unanimous consent and agreed to:

Resolved, That the manuscript entitled "Military Justice" by Lieut. Col. S. T. Ansell, delivered on June 26, 1919, at Bedford Springs, Pa., before the Pennsylvania Bar Association, be printed in the RECORD.

The manuscript is as follows:

[Delivered by Lieut. Col. S. T. Ansell on June 26, 1919, at Bedford Springs, Pa., before the Pennsylvania Bar Association.]

#### "MILITARY JUSTICE."

"I

"One view:

"The army is the army of the King, to be disciplined by him and his commanders under his ordinances, and at his pleasure. (Recital of the ordinances of Richard II.)

"And another view:

"Congress shall have (the exclusive) power to raise and support armies; Congress shall have (the exclusive) power to make rules for the regulation and government of the land and naval forces. (The Constitution of the United States.)

"Among the nations of the world there are two diametrically opposite theories as to the place that the army shall occupy as an institution of government. Those theories are well illustrated by the two texts quoted at the beginning of this discussion. The one clearly represents the monarchical, reactionary, and personal government view. The other is a necessary part of that larger theory of government which insists that the source of all political power is to be found in the people. Under the one theory the army is an army of a king or emperor or person in authority; under the other it is an institution ordained by the people to do their service. Under the one, the obligation of the soldier is to a military chieftain; under the other, it is to the State. Under the one, the military relationship is governed by considerations of personal loyalty and fealty to those in authority; under the other, the military obligation and all relations *inter sese* are established and governed by law established, not intra-institutionally but by the people themselves. Under the one theory the army has a detached, independent, and self-sufficient existence, finding within itself the source of its own government; under the other it is but an institution of government, drawing, like all other institutions, its power from a common superior source upon which it depends for its government and its very existence. Under the one the common soldier was but a serf, a personal retainer of the King, or a subordinate commander, and under the other he is a citizen serving the State in the highest capacity of citizenship.

"That the army belonged to the King rather than to the people was a doctrine maintained in England from earliest times, and which has only been modified with, and rather less slowly than, the progressive growth of popular government. Even at the time of our separation such was the constitutional theory. The right of control by Parliament was practical rather than legalistic. Such organic relations, once established, do not soon or easily disappear. They still persist in and pervade the military code of England; and, notwithstanding the provisions of our fundamental law, relics of the same organic relation strangely persist in our own military code even more strongly than in England's.

"At the time of our separation the respective spheres of power of Parliament and the King over the army had not been definitely determined, but, on the other hand, were a matter of grave and serious contention; indeed, they have not been determined to this day. A matter of such tremendous import to their liberties as the question of the control of the Army, the fathers of our Government were not disposed to leave unsettled. As they did not intend that our people should inherit this controversy regarding the control of the armed forces, they did not intend that the Chief Executive of this Nation should inherit those military powers which in the motherland had been deemed inherent in the Crown. They resolved to make it certain that the Army of the United States should be called into being only by Congress, should continue to exist only at the will of Congress, and should be governed and disciplined only in accordance with laws enacted by Congress. Thus it was that the Constitution, while conferring upon the Chief Executive the power of command, expressly and exclusively conferred upon Congress the power to raise and support armies and the power to make rules for their regulation and government.

"It is under this latter power that Congress enacts the code for the discipline of the Army, commonly known as the Articles of War. The power to make rules for the regulation and government of the armed forces is the power to prescribe the relations, the powers, and the rules of conduct for all the members of those forces, both officers and men, and provide sufficient sanction. It has power to prescribe the substantive offense, the penalty, the tribunal, and the methods of procedure and trial, all subject, of course, to the limitations upon the legislative power found elsewhere in the Constitution. Accordingly, it has the sole power to enact a penal code for the complete government of all who occupy the military status. A soldier is also a citizen, and his conduct must conform not only to the requirements of the general law of the land but to the special requirements of the Military Establishment. The military code is comprehensive of both relations. It adopts the substantive provisions of general social law, and it denounces and penalizes the myriad manifestations of misconduct prejudicial to the military obligation.

"Such exercise of penal power should be in keeping with the progress of enlightened government and should not be inconsistent with those fundamental principles of law which have ever characterized Anglo-American jurisprudence. The military code, being a penal code, it should see that it can be applied to none except upon probable cause. It should be specific with respect to the definition of the offense denounced and the penalty provided. It should particularize with respect to matters of procedure that the trial may be full, fair, and impartial. It should require recognition of those rules of evidence which our jurisprudence has evolved as necessary to elicit those facts upon which the ultimate conclusion of guilt or innocence may with safety and justice rest. With the utmost care it should guarantee those safeguards and that protection for an accused whose life and liberty are placed in jeopardy, which are the pride of our enlightened civilization.

"None of these things does our code do. Its failure to do justice regulated by law should be patent to all who will but observe, and the reasons therefor should not, even to the meanest intellect, be obscure.

"II.

"One view:

"(a) There was extant, I observed, one system of articles of war which had carried two empires to the head of mankind, the Roman and the British, for the British articles of war are only a literal translation of the Roman. It would be vain for us to seek in our own invention or the records of warlike nations for a more complete system of military discipline. I was, therefore, for reporting the British articles of war *totidem verbis*. \* \* \* So undigested were the notions of liberty prevalent among the majority of the members most zealously attached to the public cause that to this day I scarcely know how it was possible that these articles could have been carried. They were adopted, however, and they have governed our armies with little variation to this day. (History of the adoption of the British articles of 1774 by the Continental Congress: Life and Works of John Adams, vol. 3, pp. 68-82.)

"(b) Our military code, however, stands alone among our public statutes in its retaining many provisions and forms of expression dating back from 200 to 500 years, and while it is desirable that some of the articles should be made more precise or extended in scope and the code itself simplified by dropping a few articles and consolidating others, any radical remodeling which would divest this time-honored body of law of its historical associations and interests would be greatly to be deprecated. (Winthrop's Law, Standard Military Text, vol. 1, p. 15.)

"And another:

"Our military code is the British code of 1774 practically unchanged; it has long since outlived its time and whatever usefulness it may have had; it is archaic and cruel; it is not worthy of the name either of law or justice. (Executive committee of the American Bar Association, February, 1919.)

"Our Articles of War, organically and for the most part in detail, are the British articles of 1774, which themselves are of more ancient origin. That this is true of the articles, cer-

tainly as they existed up to the 'revision of 1916,' all military authorities and military text writers, with the love that such have for ancient legal and literary lineage, have proudly declared. The various English codes since the articles of Richard II in 1385 will be found set out in such texts as Winthrop and Davis. A comparison of the several ancient British codes will show you that up until the middle of the last century the British military law changed none in system and principle and only slightly and slowly toward more liberal provisions. The code of 1774, the one we adopted, is buttressed in the principles of and adopts most of its provisions from its prototypes of centuries before. This was the code which our Continental Congress adopted at the beginning of the Revolution, and in principle and in most of its provisions it is the code which we have to this day, unless in truth it can be said that the so-called 'revision of 1916' wrought therein a substantial and systemic change. Legislative history records, as a moment of comparison will serve to verify, that our Continental Congress did, in 1775, adopt in their entirety the British articles of 1774. This Congress did rather inconsiderately to meet an emergent situation in the discipline of the Continental Army. John Adams, distinguished as a statesman and as a scholar rather than as one endowed with the keenest appreciations of democracy, put the British articles through. He himself, appreciating their rigorous character, did not expect them to pass without serious liberalization. He said:

"It was a very difficult and unpopular subject, and I observed to Jefferson that whatever alteration we should report with the least energy in it or the least tendency to a necessary discipline of the Army would be opposed with as much vehemence as if it were the most perfect; we might as well, therefore, report the complete system at once and let it meet its fate. Something perhaps might be gained.

"Writing in 1805 he expressed surprise that it was possible that these articles could have been carried.

"Of this adopted code, the Judge Advocate General, in his letter to the Secretary of War proposing the 'revision of 1916,' said:

"Passing over the earlier enactments of the American Colonies of the Articles of War for the government of their respective contingents, we come to the first American articles—the code of 1775—enacted by the Second Continental Congress June 30, 1775. Of this code, comprising 69 articles, the original was the existing British code of 1774, from which said articles were largely copied.

"There have been several so-called 'revisions' of this code of 1774—the 'revision' of 1775, the 'revision' of 1776, the 'code' of 1786 (which survived the Constitution and was kept in force by successive statutes until 1806), and the 'code' of 1806. The Judge Advocate General in illustrating the necessity for his revision of 1916 showed what is universally conceded that none of these really revised the old British code of 1774; that they made no change in substance, system, or principle, and but little in terms. Of these 'revisions,' doubtless the code of 1806 was the most important. Of this code, Winthrop, agreeing with the present Judge Advocate General and all the authorities, states, what a comparison will show to be true, that—

"It repeated the provision of 1786 in regard to courts-martial, with some slight modification consisting merely in extending the authority to convene general courts and in substituting the President for Congress in the cases in which the latter had previously been vested with final revisory authority.

"In a statement to the Military Committees the Judge Advocate General, on May 14, 1912, said that our code as it then existed 'was substantially the code of 1806.' He also showed that the code of 1806 was systematically the code of 1774, and, as just seen, he could have given an even more ancient lineage. Of this code of 1806 he said:

"The 1806 code was a reenactment of the articles in force during the Revolutionary War period, with only such modifications as were necessary to adapt them to the Constitution of the United States.

"He also said:

"We are governing the Army to-day under a rather ancient code, one which has many of the defects of a code that has been compiled rather than written.

And, furthermore, he said to the committees:

"It is to be doubted if the Congress has ever been called upon to amend legislation which is as archaic in its character as our present Articles of War.

"Speaking to his so-called 'revision' of 1916, the Judge Advocate General summed up as follows:

"It is thus accurate to say that during the long interval between 1806 and 1912—106 years—our military code has undergone no change except that which has been accomplished by piecemeal amendment. Of the 101 articles which made up the code of 1806, 87 survive in our present code unchanged, and most of the remainder without substantial change. Meanwhile the British code, from which, as we have seen, these articles were largely taken, has been, mainly through the medium of the army annual act, revised almost out of recognition, indicating that the Government with which it originated has recognized its inadaptability to modern service conditions.

"Now, was the Crowder revision of 1916 an organic revision? Did it change the system or the basic principles of the code as it then existed, which was known by all and declared by him to be medieval British code? If the Crowder revision made no such organic change, then we still have an archaic code.

"It made no such change. A comparison will demonstrate that it made no such change. Proponents of the 'revision' themselves stated that the revision requested was a verbal one. It was not intended or designed to make a single fundamental change. So the Secretary of War and the Judge Advocate General both frankly declared. Secretary Stimpson, in his letter of April 19, 1912, to the Committee on Military Affairs, in submitting the proposed revision, described the 'broad features of the project' as follows:

"1. The revision was undertaken in the conservative spirit that legislative reforms should be evolutionary. In other words, that which has successfully withstood the test of experience should be retained and changes and innovations should be limited to the wisdom of experience. As a matter of draftsmanship it has been sought to build upon established lines and to conform in general to settled administrative and judicial construction.

"2. The existing articles are notoriously unsystematic and unscientific. Inevitably this condition hampers their easy and effective enforcement. A careful classification has been made; disassociated legislation in the new Articles of War has been incorporated therein, resulting in an analytical, precise, comprehensive, and easily enforceable code.

"3. There is necessity for a new inferior court.

"The Judge Advocate General, in his letter submitting the project for revision, described the 'more important changes sought to be made' as those of 'arrangement and classification.' The revision of 1916 does nothing but assemble, classify, and render more convenient old articles, dresses them up in rather more modern language, writes into them what hitherto had been legally implied into them by construction, and makes not one single fundamental change. That this is so will become apparent upon a comparison of the 1916 revision with the law as it previously existed. Nobody, neither the Judge Advocate General, the Secretary of War, nor either of the committees of Congress, has ever regarded the project of 1916 as a real, substantial revision; indeed, the Judge Advocate General took occasion to deny that it was anything but a re-statement of existing law for the sake of convenience and clarity. If you are interested in verifying this statement, you may do so by reference to the printed hearings before the Committee on Military Affairs upon the revision of the Articles of War in 1912, 1915, and 1916. You will find there that the author of the project, discussing it before the committees, article by article, was quick to assure them upon every occasion and with respect to every article having to do with military justice that the project made and contemplated no substantial change in the articles, which he truthfully traced to the British articles of 1774 and beyond. He himself said, at page 43 of these hearings:

"If Congress enacts this revision, the service will not be cognizant of any material changes in the procedure, and courts will function much the same as heretofore. \* \* \* The revision will make certain a great deal that has been read into the existing code by construction.

"That was the truth. Nobody has experienced any change for the better.

"III.

"One view:

"(a) Courts-martial are not courts, but are, in fact, simply instrumentalities of the executive power provided by Congress for the President, as Commander in Chief, to aid him in properly commanding the Army and enforcing discipline therein, and utilized under his orders or those of his authorized military representative; they are, indeed, creatures of orders, and, except in so far as an independent discretion may be given them by statute, they are as much subject to the orders of a competent superior as is any military body of persons. (Winthrop's Law, Standard Military Text, vol. 1, p. 54.)

"(b) An army, to be successful in the field, must from the moment it begins to train at home have absolute control of its discipline. The commanding general is everything. He must bear the three keys. He must have final control. He must be the judiciary, the legislative, and the executive. If he were not he would not have an army. (News editorial read into the CONGRESSIONAL RECORD of February 27, 1919, pp. 4507 and 4508, by Representative KAHN, chairman House Committee on Military Affairs, at the request of the Judge Advocate General of the Army.)

"(c) The fittest field for the complete application of military law is to be found in the camp. (Declaration by the Judge Advocate General of the Army in a report to the Secretary of War, resisting the view that judgments of court-martial should be subject to legal revision.)

"Another:

"The whole proceeding (the administration of military justice through courts-martial) from its inception is judicial. The trial, findings, and sentence are the solemn acts of a court organized and conducted under the authority of and according to the prescribed forms of law. It sits to pass upon the most sacred question of human rights that are ever placed on trial in a court of justice; rights which, in the very nature of things, can neither be exposed to danger nor subjected to the uncontrolled will of any man, but which must be adjudged according to law. (Supreme Court of the United States, in *Runkel v. the United States*, 122 U. S., p. 543.)



"It follows from what has been said, and it is true, that there are two diametrically opposed legal theories as to courts-martial. One is that a court-martial is an executive agency belonging to and under the control of the military commander; is, indeed, but a board of officers appointed to investigate the accusation and report their findings to the commander for his approval. Under such a theory a commander exercises an almost unrestrained and unlimited discretion in determining (1) who shall be tried, (2) the prima facie sufficiency of the proof, (3) the sufficiency of the charge, (4) the composition of the court, (5) all questions of law arising during the progress of the trial, (6) the correctness of the proceedings and their sufficiency in law and in fact. Under such a theory all these questions are controlled not by law but by the power of military command.

"The other theory is that a court-martial is inherently judicial, its functions from beginning to end are judicial, and are to be regulated and limited by established principles of jurisprudence which govern the exercise of judicial functions in our system.

"Obviously the first theory would better accord with those Governments which are classed as arbitrary, while the judicial theory is the one best adapted to our own liberal institutions. Yet the arbitrary system is the one that we have, an inheritance of reactionary days. It is a system which, while subjecting every man in the establishment to the direct penalties, even death, proceeds to do so without requiring or contemplating the participation of a single man of legal qualification at any phase of the trial, from the filing of the charges to the moment of execution. It is a system which proclaims itself man-governed rather than law-governed.

"It is not, however, the system which our fundamental law contemplated. Obviously our fathers contemplated one system of military justice and our first Congress enacted another, which we still have with us. This it did to meet an emergency. The emergency over, interest in the subject ceased. In time of war there is no opportunity to reform the system, and in time of peace nobody is interested in reforming it, which suggests a homely illustration. So it is that to this day we have foisted upon us a system of military justice that obtained in England in medieval times.

"That system is un-American. It came to us by inheritance and rather witless adoption out of a system of government, in which the King controlled the army and out of an age noted for its harshness to all alleged or suspected offenders and for the utter disregard of the rights of the common soldier. This system of military justice has in the meantime undergone no change to suit it to our conditions and is as far out of accord with the principles and policies of our Government and the views of our people as were the European systems of government of that day. The system is not only of British origin. It is itself British and the British of several centuries ago. It belongs to a land and an age in which the common soldier was but the personal retainer of the King and not a servant of the State.

"Britain would not recognize that code now. Quite as the Judge Advocate General said in his letter of April 12, transmitting his project for revision:

"Meanwhile the British code, from which, as we have seen, these articles were largely taken, has been, mainly through the medium of the army annual act, revised almost out of recognition, indicating that the Government with which the code originated has recognized its inadaptability to modern service conditions.

"While Great Britain has not done all in the way of liberalizing her military code that a liberty-loving race, though living under a monarchical form of government, might have been expected to do, she has done immeasurably more than we. We have done nothing. We have remained absolutely stagnant. The truth of the matter is that while the English-speaking races are the greatest lovers of civil liberty on earth, for various reasons they have had but little interest in their soldiery and the soldiers' welfare.

"When we separated from England the King was not only the commander of the Army, he was the legislator for the Army. He made the laws for its government; he prescribed the Articles of War, though Parliament contented itself with the view that he did so by reason of parliamentary grant; he prescribed the offenses and the penalty; he prescribed both the substantive and procedural law; he prescribed the courts-martial, their jurisdiction, and their procedure. He controlled the entire system of discipline and the methods of its administration. The army was the King's army, the officers were his officers and from him drew their authority. The men were the King's men, placed by the King under his officers and subjected to the personal authority of the King and officers. Courts-martial were courts-martial of the King and of the officers representing him and his power of command. The courts-martial, therefore, applied the

King's law, the King's penalty, followed the King's procedure, and were subject to the King's command as delegated to an underofficer. Under such a scheme a court-martial was but an agency of command, nowhere in touch with the popular will, nowhere governed by laws established by the people to regulate the relation between sovereign and subject. It was not a judicial body. Its functions were not judicial functions. It was but an agency of the power of command to do its bidding.

"Such is the system we have with us to-day. It does not contemplate that a court-martial shall be a court doing justice according to established principles of jurisprudence and independently of all personal power; quite the contrary. It regards the court-martial simply as the right hand of the commanding officer, to aid him in the maintenance of discipline. It is his agent; he controls it. It is answerable not to the law but to him. Think of what that means. The court-martial is not a court at all; it is but an agency of military command governed and controlled by the will of the commander. Under such a system an officer belongs to a caste—is a thing apart. Any officer can prefer charges against a man and at his will can succeed in getting him tried. The statute requires no preliminary investigation to determine whether or not he may be tried, and such as is required by regulation is also controlled by the military commander and is neither thorough nor effective.

"From then on everything is governed not by law but by the power of military command. The detail of counsel, the membership of the court, the question of the validity of the charge, the sufficiency of the evidence, the correctness of the procedure, the validity of the judgment and sentence, and the thousand and one questions arising in the progress of a criminal trial are all left finally to the judgment of the commanding general. Even the ultimate conclusion of guilt or innocence is subject to his control. There is no right of review; there is no legal supervision. All is to be determined by the commanding general. Whatever he says is right and becomes right as his ipse dixit, regardless of general principles of jurisprudence, and right beyond any power of review. He is the law. No matter how great the departures are from the well-established principles of law and right and justice, these departures become error or not just as the commanding officer may choose to regard them. There is no legal standard to which courts-martial procedure must conform, and therefore there can be no error adjudged according to a legal standard. In other words, military justice is administered not according to a standard of law at all but under the authority of a commanding officer. The results are, as might be expected when one man is left to be judged at the will of another, the penalties and sentence are shockingly harsh; and I think that everybody, if everybody would speak frankly and helpfully, must be heartily ashamed of them.

"The Constitution contemplates that the administration of military justice should be governed in accordance with the laws of Congress and not in accordance with the will of any person; that Congress should define specifically the offense, definitely prescribe the punishment, establish the procedure, and keep all upon the fundamental principles of our jurisprudence. The highest tribunal of the land, whenever it has had occasion to speak, has accentuated the fact that courts-martial are inherently courts dealing with judicial functions of the most sacred character. Congress has utterly failed to legislate in furtherance of the constitutional and judicial theory, and by its failure to legislate and by its adoption and retention of a system emanating out of a different theory has left it so that military command may continue that medieval system of discipline which is governed not by law but by the will of the military commander.

"IV.

"One view:

"The introduction of fundamental principles of civil jurisprudence into the administration of military justice is to be discouraged and resisted. (The departmental view as expressed in the hearing (1912) on the bill to amend the Articles of War.)

"Another:

"A court-martial is a court deriving its authority from the United States. \* \* \* Congress, by express constitutional provisions, has the power to prescribe rules for the government and regulation of the Army, but those rules must be interpreted in connection with the prohibition against a man's being twice put in jeopardy for the same offense. The former provision must not be so interpreted as to nullify the latter. (Supreme Court of the United States, in *Grafton v. The United States*, 206 U. S., 333, 352.)

"This theory of control of courts-martial by the power of military command is, of course, in irreconcilable conflict with the view that trial by court-martial should conform to those fundamental principles of civil jurisprudence that are designed to secure for every accused a full, fair, and impartial trial. The militaristic view insists that trial shall be no more than a

hearing by or for a commanding officer. The opposing view, which accords with our institutions and seems to be required by fundamental law, insists that the trial shall be in accordance with established principles of law, that discipline must be attained through and by law, and that discipline, both in the legal and moral sense of the term, can not exist except with and through justice. According to the former view courts-martial are not courts of law, independently administering the law and governed by the law, but are indeed above the law. They are of an unquestionable rectitude and quality, and their methods and judgments are not to be tested by the simple rules designed for the government of men in all social relations. Officers of the Army—at least unless once entangled in their toils—love to denominate them 'courts of honor,' functioning independently of the ordinary human rules and endowed with a refinement of judgment not recognized in other spheres of society. Being courts of honor and not of law, they need know no law, are presumed to know no law, and, as a rule, do know no law. Thus it is that these principles designed to secure a fair and impartial trial, which, having been evolved by our civilization, are at the basis of our Government and are written into our fundamental law, need not be observed by these courts. That a man shall not be tried except upon probable cause judicially determined; that he is entitled to a fair and impartial judge; that a judge may not sit in his own cause or be a prosecuting witness in the case before him; that the accused shall have the right to a judicial test of the validity of the accusation; that he shall be fully informed of the nature and cause of the accusation against him; that he is entitled to the assistance of counsel; that he is entitled to witnesses in his own behalf and the right to confront the witnesses opposed to him; that he has the right fully to test by proper cross-examination any witness regardless of rank or other earthly circumstance; that he is entitled to a public hearing, and finally shall be accorded an opportunity to appeal for clemency—these matters, found essential to fairness in a court of law, are not recognized as necessary or advisable to be secured to an accused on trial before these 'courts of honor.'

"These distinguishing characteristics of the administration of civil justice must not, say military men, be introduced into the military code. The present Judge Advocate General of the Army in calling attention to these essential differences between military and civil justice quotes from Col. Burkeheimer, author of *Military and Civil Law*, as follows:

"The military code prescribed a rule of conduct to a body of men who consecrate their lives to the profession of arms. The camp is the fittest field of application. It may be very objectionable in some respects contemplated from the purely legal standpoint and yet be admirably adapted to the purposes of uniting, governing, and directing to a single object the armed forces of the United States.

"He further quoted from Judge Advocate General Lieber, who, writing in 1879, said:

"Military law is founded on the idea of a departure from civil law, and it seems to me a grave error to suffer it to become a sacrifice to principles of civil jurisprudence at variance with its object.

"He quotes also from Gen. Sherman, in which he said:

"It is greatly to be desired that the common law for the armies of the United States should be compiled not from the doctrines and experiences of civil lawyers but from the experience of the best ordered and best governed armies of Europe and America.

"And the same authority, pointing out that this essential difficulty between the military and civil criminal code, said that it was so because 'of the necessities of the military state and the especial purposes which any military code is intended to serve.'

"So say they all. The sacrifice of legal principles and of our sense of natural justice in the trial of military offenders is said to be necessary for the maintenance of discipline. It may well be that military punishments should be severe and certain and not long delayed, but such requirements do not serve to distinguish military from civil justice. A man should not be punished unless he is tried and tried fairly. Guilt must be established in accordance with legal principles before the penalty can be legally applied. To do otherwise is to resort to the methods of the mob. It is not necessary to do injustice in order to achieve discipline. Let us not forget the truth, as William Pitt said, that—

"Necessity is the argument of tyrants; it is the creed of slaves.

"Or, as expressed by Milton—

"And with necessity,  
The tyrant's plea, excused his devilish deeds.

"Necessity can never be admitted as a proper basis for normal action.

"Under the military theory that a court-martial is not a court, that its functions are not judicial, and that it does not try crimes but simply mere breaches of the military obligation, it has been the long-standing view of the department, supported

by the decisions of many of the lower Federal courts, that the constitutional prohibition against double jeopardy and such like principles of the Bill of Rights had no application to these trials. Upon this theory an enlisted man tried and acquitted by court-martial in the Philippines of murder was subsequently subjected to trial for the same homicide before a civil court in that Federal jurisdiction. The civil court overruled the plea in bar of trial and its judgment upon conviction was sustained by the supreme court of the Philippines. The Supreme Court of the United States reversed the judgment, discharged the soldier from custody, and in doing so rendered an opinion which is of the greatest significance, though it seems to have fallen on deaf ears, so far as the War Department and Congress are concerned. The court pointed out that a court-martial is a court exercising judicial functions, as much so as any other court of the United States; and after having further pointed out that the civil court had tried the soldier for an offense of which he had been previously acquitted by a court of the United States having competent jurisdiction—the court-martial—the court said:

"It is attempted to meet this view by the suggestion that Grafton committed two distinct offenses—one against military law and discipline, the other against civil law, which may prescribe the punishment for crimes against organized society by whomsoever those crimes are committed—and that a trial for either offense, whatever its result, whether acquittal or conviction, and even if the first trial was in a court of competent jurisdiction, is no bar to a trial in another court of the same government for the same offense. We can not assent to this view.

"The court went on to say:

"Congress by express constitutional provision has the power to prescribe rules for the government and regulation of the Army, but those rules must be interpreted in connection with the prohibition against a man's being twice put in jeopardy for the same offense. The former provision must not be so interpreted as to nullify the latter. If, therefore, a person be tried for an offense in a tribunal deriving its jurisdiction and authority from the United States and is acquitted or convicted, he can not again be tried for the same offense in another tribunal deriving its jurisdiction and authority from the United States.

"And then the court took occasion to state that it based its decision that the soldier was entitled to this protection not on the ground that an article of war provides against second trials nor that the organic act of the Philippines contained a similar provision but on the ground of constitutional requirement, saying:

"But we rest our decision of this question upon the broad ground that the same acts constituting a crime against the United States can not, after the acquittal or conviction of the accused in a court of competent jurisdiction, be made the basis of a second trial of the accused for that crime in the same or any other court, civil or military, of the same Government.

"Surely a court-martial may not perform its fundamental functions as a court of law without recognizing those principles of civil jurisprudence designed to secure a fair trial.

"V.

"One view:

"(a) The President may prescribe the procedure, including modes of proof, in cases before courts-martial. (New Articles of War (38th), which was enacted in 1916 upon the recommendation of the Judge Advocate General and the War Department and which abolished the rule requiring courts-martial to recognize the rules of evidence applied in the criminal courts of the United States.)

"(b) And why should not a soldier commit himself? The business of courts-martial is not to discuss law but to get at the truth by all the means in its power. We soldiers want to get at the fact, no matter how, for the sake of discipline, and I know of no better evidence against a man than himself. (Napier's Notes, *Military Law*, accepted and frequently quoted by officers of the United States Army.)

"Another:

"(a) Our rules of evidence are the safeguards of every subject of your Majesty, high and low, rich and poor, young and old. Were those rules to be disregarded, anybody might at any time be found guilty of anything. They ought, of all others, to be kept inviolate, for the whole administration of justice depends upon them. They are, as I have this day seen observed in full force and eloquence, the result of the collective wisdom of generations and founded on the principles of immutable equity. (Warren's Letter to the Queen on a Late Court-Martial (p. 8), which was instrumental in revolutionizing the British military code.)

"(b) It is one purpose of this bill to require that the question of guilt or innocence shall be determined only upon evidence admitted in accordance with the established rules as applied by the criminal courts of the United States; that is to say, the common-law rules of evidence as modified by Congress. (Statement of principles of the Chamberlain-Johnson bill to establish military justice.)

"The militaristic mind is intolerant of those methods and processes necessary to justice. Justice is not a thing which can be left to nature unurtured by man. Frequently it must be achieved through pain and toil. It is a high object of government, and government is required for its establishment. When resort is had to a trial, justice can not be achieved unless the methods of the trial are themselves just. The procedure leading to the result and the result itself are essentially involved in justice, and if the procedure is wrong so must be the result. The one is no less important than the other. Neither the

President nor any of his military minions should be permitted to prescribe those rules of procedure, including the rules of evidence, which govern the results in criminal prosecutions. To prescribe such procedure is not an executive function.

"But the revision of 1916 so made it. Three new articles affecting military justice were introduced by the revision, all of which were reactionary, still further subjecting judicial functions to military command. One of these (thirty-eighth) authorized the President to prescribe the procedure, including modes of proof, in cases before courts-martial. This was enacted at the request of the military authorities and in deference to the military view, which insists that military command should control the trial. It must also be remembered that while the statute in terms confers the power upon the President as an administrative fact, it is not the President who will exercise it, but the Chief of Staff and the Judge Advocate General of the Army—ultramilitary men.

"While the military mind is intolerant of all protective principles and of all rules governing a trial, it is particularly so of the rules of evidence. The text quoted from Napier is orthodox American military doctrine. With one accord the professional officers of our Army believe with Napier 'that the business of courts-martial is not to discuss law, but to get at the truth by all the means in its power.' Our officers, both in formal and in informal statements in support of our system of military justice, habitually drop into the very language used by that distinguished British officer when he took the British bar to task for its interference in court-martial matters, and boldly declared:

"We soldiers want to get at the fact, no matter how, for the sake of discipline.

"There is no better witness against a man than himself.' That statement is axiomatic among our officers. They will hear of no qualifications, nor can they see any evil consequences of the generous application of what is so good. It is the basis of our third-degree methods. It helps the investigating officer to impose his authority upon the unfortunate suspected man and enmesh him in words and conduct having no origin in fairness and truth. It is an excuse for the reception of incompetent confessions or for holding them to be without prejudicial effect. It justifies in a thousand instances that situation in which an accused, with incompetent counsel or none, is induced to take the stand and make out, for the benefit of the record at least, a case which the Government had failed to prove. I have seen the office of the Judge Advocate General dispose of hundreds of cases with a review like three which I have had occasion to observe this day, one of which was as follows:

"Taking this record as a whole, and considering the testimony of the accused, there is sufficient evidence to support the findings and sentence. This case is similar to C. M. 126171, in which the findings and sentence were sustained, although the prosecution, when it rested, had failed to make out a case by competent evidence but had introduced incompetent testimony tending to show the guilt of the accused. In that case, as in this, the accused took the stand and established a case against himself by his own statements. The board therefore recommends that this case be passed to the files.

"We want to get the fact, no matter how, for the sake of discipline.' What a confession! What a wonderful mixture of arrogance and inconsistency! According to it, fact is something absolute, that can be and should be established without regard to law, logic, or human rights. All is to be done 'for the sake of discipline.' That end is to justify the most lawless means—extortion, oppression, cruelty—whatever those in authority deem necessary to 'get the facts.'

"A professor of the law of evidence of national repute who, after brief military service, is an ardent upholder of the present system of military justice, recently testified before the committee of the American Bar Association that the system was more nearly perfect than most judicial institutions, and then, intending to voice but a mild criticism, and apparently without observing the destructive character of the criticism and of his own inconsistency, said:

"The one fault with our courts-martial is that they give us too few facts.

"All too true! Ignoring the established safeguards, discarding all rules of procedure and evidence, they give us everything but facts. They give us oppression that is approved or condoned; they give us error that goes uncorrected; they give us unfairness that destroys all faith in military procedure; and, in the end, they give us conviction of the innocent and bring sadness in ten thousand American homes. They have proved the truth of Warren's statement, as every lawyer familiar with the facts and uninfluenced by military control surely knows, that—

"Were those rules (of evidence) to be discarded, anybody might at any time be found guilty of anything.

"I wish to say with all the emphasis I can put into the statement that, by reason of our utter disregard of those principles

of our jurisprudence which must govern every just trial, no lawyer who believes in and wants to see established justice regulated by law can have confidence in or respect for the results of our courts-martial during this war.

"VI.

"One view:

"While in many cases the trials of enlisted men are not so elaborate as the trials of officers, and in many cases the rules of evidence are not observed and counsel is obviously inadequate, and while in a considerable percentage of the cases we find the decision is not sustained by the fact, still I do not recall a single case in which, morally, we were not convinced that the accused was guilty. (Testimony of a reviewing judge advocate before committee American Bar Association, Mar. 27-28, 1919, notes, vol. 1; concurred in by the others.)

"Another:

"It concerns the safety of all citizens alike that legal guilt should be made the sole condition for legal punishment; for legal guilt, rightly understood, is nothing but moral guilt ascertained according to those rules of trial which experience and reflection have combined to suggest for the security of the State at large. \* \* \* They (these fundamental principles of our law) have, nevertheless, been lost sight of, and with a disastrous effect, by the military authorities conducting and supporting the validity of the proceedings about to be brought before Your Majesty. (Warren's letter to the Queen, p. 9.)

"The two texts just quoted, the one recently expressed by a few lawyers who after but a brief subjection to military authority have become surprisingly and quickly imbued with the necessity of approving records of trial, however violative of all legal principles, and the other which is the antithesis of the first and which I should have supposed all lawyers would accept as axiomatic, are interesting and pertinent. The first, because it shows among other things to what extent subjection to power of military command deflects legal judgment; it shows how the military relationship as it exists to-day imposes itself upon professional appreciation and obscures those first principles which are normally regarded as tenets of the faith and foundation stones of the temple of justice. The last man in the world to be expected to prefer his impression of moral guilt to guilt duly adjudged, his own judgment to the judgment of a court of law, his personal views upon insufficient investigation for the institutional results of established legal procedure—should be the lawyer. What does it mean for lawyers sitting in a judicial capacity to say: We find the soldier has not been well tried; we find that the rules of evidence were not observed in his case; we find that he had not the substantial right of assistance of counsel; we even find that the decision was not sustained by the facts of record; and yet we are morally convinced that the accused was guilty, so let him be punished? That leads to something worse than injustice to the accused; it leads to anarchy. It is the argument of the mob, and leads to the destruction of our Government. You break faith with your profession and your citizenship when, in the name of justice, you can tolerate such a state of things.

"VIII.

"One view:

"Hagenback, of Hamburg, has shown that there is no beast on earth that can not be made to behave itself in fear of punishment by a higher power. The same rule applies to all men. (Published essay of Lieut. Col. Woodruff, Regular Army, concerning discipline; a prevalent military idea.)

"Another:

"Discipline, in the correct sense of the term, can be preserved in our Army only with justice and the assurance of justice. The spirit, the moral quality of our men, must be appealed to. A military leader worthy of the name must aim to develop the moral quality of the soldier. He must appeal to and depend upon the sense of self-respect and the principles of citizenship upon which our patriotism rests, and develop and rely upon the mutual trust and confidence required for the supreme self-sacrifice. (Speech of Col. S. T. Ansell before the Washington Civic Forum, Mar. 18, 1919.)

"The maintenance of discipline through fear of punishment is too much of a military motto. Discipline there must be in the Army and out of it; punishment also. But threats and examples of punishment are far less effective than the military man appreciates, and when resorted to in terrorism are destructive of all discipline. The apprehensive faculty is not at the basis of social coherence or military morale. Man, even when temporarily a soldier, is not a brute beast. The soldier's best is not brought out through fear of or oppression by his superiors. Punishment must be the last resort, a fact that our Army fails to grasp. Every year in days of peace we ran 6½ per cent of our men before general courts-martial and expelled 5 per cent of them from the service in disgrace with long terms of imprisonment; and every year we ran 70 per cent of our men before the inferior courts. Though our war army did not begin to mobilize until late in 1917 and was not mobilized in large numbers until the spring of 1918, still, in the short time intervening before the armistice, we had some 22,000 general-court cases and 320,000 inferior-court cases, and recent statistics indicate that the general-court cases, including, as they did, some of the most

trivial offenses, averaged sentences of more than seven years' imprisonment, including dishonorable discharge from the service. Surely, discipline of our soldiery in this war was due to qualities that characterize American citizenship—not to the unhappy methods which the Army adopted for maintaining it.

" VIII.

"I have not been made to believe, by a perusal of these complaints, that justice is not done to-day under the military law or has not been done during the war period. (Open letter of the Secretary of War, Mar. 1, 1919.)

"This letter was not written by the Secretary of War, but for him. It expresses the military and departmental view; whether his own or not nobody knows. Out of my experience as Acting Judge Advocate General during this war and my long connection with the Army, I have had to insist that that view was wrong; that, on the other hand, our system is one of organized, spirit-crushing injustice. This insistence, while it has yet led to no reform of the system, has resulted in something of a general fall delivery by way of clemency. I quote from the most recent clemency report (June 6):

Total number of cases finally passed upon during the period Feb. 24 to June 4, inclusive.....	3,976
Number of cases in which clemency was extended.....	3,465
Number of cases in which no clemency was extended.....	511
Percentage of cases in which clemency was extended.....	87.165
Percentage of cases in which no clemency was extended.....	12.835
Average sentence to confinement.....years.....	7.05
Average sentence to confinement remaining after remission, years.....	1.69
Number of unexecuted sentences to confinement remitted.....	1,153
Number of men recommended for or authorized to apply for honorable discharge (instead of dishonorable, as sentenced).....	336
Number of men recommended for restoration to duty.....	182
Aggregate sentences to confinement.....years.....	28,040
Aggregate sentences to confinement remaining after remission, years.....	6,724
Percentage of reduction.....	76.11

"Clemency, however, is not the remedy in case of an unlawful conviction. Clemency proceeds generally upon the predicate of guilt. It is forgiveness of sin. Justice in the case of a man unlawfully convicted requires that the judgment be reversed or set aside.

"An examination of the records will show, to the satisfaction of any lawyer seeking to ascertain facts rather than to support the system, that—

"(a) Sixty per cent of the general courts-martial cases ought never to have been tried.

"(b) That according to a reasonable, common-sense, and untechnical standard 70 per cent of the cases were not well tried.

"(c) That 20 per cent were so poorly tried that the record can not be relied on at all.

"(d) That in 75 per cent of the convictions the punishment awarded was such as to shock the conscience.

"This same state of facts is reflected in the clemency reports. Such facts are inconsistent with any standard of justice.

" IN CONCLUSION.

"The defects of the code, as I see them, have already herein been sufficiently reflected. Discipline through courts-martial is governed by men and not by law. The judicial functions of the Army are subject absolutely to the power of military command, with only the slightest of legal restraints. A court-martial is not a court. It is the agency of a military commander. He creates it and governs it, and to him it is responsible. The system not being one of law, the standard is not a legal standard, but one of conformity to the views of a commanding general. Questions of law as such can not arise, and such questions as do arise are presented to him for determination not as questions of law to which he is bound to defer but as questions to be disposed of by him finally and in accordance with his ideas, first, as to the requirements of discipline, and, secondly, of right and justice. The system, which is one of absolute penal government of every person subjected to military law, and which results in an almost incomprehensible number of courts-martial annually, is most remarkable in that it neither contemplates nor requires the participation of a lawyer at any point. The military commander governs the trial from the moment of accusation to the execution of the sentence, and such law adviser as he may have on his staff is without authority or right to interpose. At every point the decision of the commanding general is final and beyond all review. All the legal machinery designed to 'advise' commanders in the administration of justice is extralegal, is not established by law, much of it was created by me during this war, may be abolished at the pleasure of superior military authority (and doubtless will be). Such legal machinery does not function independently, but in strict subordination to the power of military command. The Judge Advocate General of the Army, as well as his office, his department, and all his functions, are by express provision of the statute made subject to the power of the Chief of Staff, and the 'decisions' of the Judge

Advocate General and of every officer in his department, even upon questions of pure law, are subject to military 'supervision.'

"All these matters of military justice are left to be determined by power of military command. We may be frank without being offensive in dealing with common-sense truths. Any officers, like other men, can judge facts. But who can honestly contend that they are fit judges of law? Their training is, as a matter of fact, away from law. No man, as a rule, has cruder legal appreciations than the professional soldier. I am at a loss to see how Army officers should know any more about pure law than lawyers should know about military tactics and strategy. The courts themselves consist of military men, with nobody sitting with them or over them with a judicial capacity to govern them in matters of law. As was once said by a distinguished British barrister:

"It would indeed seem as reasonable to expect 15 military men capable of conducting satisfactorily a purely judicial investigation, dependent in every stage on the application of principles of a jurisprudence with which they can not have become acquainted, as to imagine the 15 judges of Your Majesty's superior and common-law courts at Westminster competent to form a correct opinion concerning critical military operations dependent upon pure strategical science.

"Errors committed in such trials by men ignorant of law are not likely to be regarded as untenable and idle, according to any system of law. They are likely to be, indeed they are, ridiculous blunders with tragic consequences. Proceedings of courts-martial consisting of unlettered men and having with them no judge of the law, and applying a code that, though penal, is not specific either in defining the offense, penalty, or procedure, must be expected to be, and they are, wrong from beginning to end; wrong in fact; wrong in law; wrong in the conduct of the inquiry; wrong in the finding; wrong in the advice given by compliant and impotent law officers, who recommend the approval of such proceedings; wrong in the ignorant confirmation of such proceedings; wrong in everything. And yet of such errors there can be no review, not even by any military authority superior to the officer who convened and governed the court and finalized its proceedings.

"The code, if such it can be called, does little or nothing more than permit the commander to do as he pleases. It is a 'do-as-you-please' code, out of deference to the power of military command. It prescribes little or no procedure. It contains 42 punitive articles. The offense is defined in none of these, but is left to be taken care of by military custom. Twenty-nine of them prescribe that the offense denounced 'shall be punished as a court-martial may direct.' Under this authority the court-martial may award any punishment whatever except death, and for a minor military offense may, if they choose, sentence an offender to imprisonment for life. Eleven of the articles prescribe that the offenses therein defined 'shall be punished by death or such other punishment as a court-martial may direct.'

"For these offenses the court-martial may, in their discretion, award the sentence of death. And two articles make death mandatory. In time of war a court-martial may award any punishment it pleases other than death for any offense whatever, and for many offenses which in civil life would be regarded as meriting no serious punishment they may award the penalty of death. In time of peace Congress has authorized the President in such cases to fix maximum limits of punishment, but of course not he, but the military men of the department, really fix the penalties. Such an application of penal law-making power has little to commend it from any point of view.

"The defects pointed out, both generic and specific, are, unless I am utterly wrong, such as to require immediate remedy, and the remedy is not difficult to prescribe."

COMMITTEE ON FINANCE.

Mr. CALDER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 144, submitted by Mr. PENROSE on the 31st ultimo, reported it favorably without amendment, and it was considered by unanimous consent and agreed to, as follows:

*Resolved*, That the Committee on Finance, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-sixth Congress to send for persons, books, and papers; to administer oaths, and to employ a stenographer, at a cost not exceeding \$1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recess of the Senate.

BILLS INTRODUCED.

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

By Mr. JONES of New Mexico:

A bill (S. 2701) for the relief of Frank Grygla; to the Committee on Claims.

By Mr. MYERS:

A bill (S. 2702) for the protection of timber on the public lands from forest fires; to the Committee on Appropriations.

By Mr. CALDER:

A bill (S. 2703) for the retirement of certain officers of the Navy; to the Committee on Naval Affairs.

By Mr. HARDING:

A bill (S. 2704) granting a pension to Margaret Schwaner; to the Committee on Pensions.

By Mr. FERNALD:

A bill (S. 2705) granting a pension to William Ingersoll (with accompanying papers); to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 2706) granting a pension to Charles W. Rhodes (with accompanying papers); to the Committee on Pensions.

A bill (S. 2707) for the relief of Ellen M. Willey, widow of Owen S. Willey; to the Committee on Naval Affairs.

A bill (S. 2708) for the relief of Einar Barfod; to the Committee on Claims.

By Mr. WALSH of Montana:

A bill (S. 2709) authorizing the Secretary of the Interior to issue patent to school district No. 8, Sheridan County, Mont., for block 1, in Waken town site, Fort Peck Indian Reservation, Mont., and to set aside one block in each township on said reservation for school purposes; to the Committee on Indian Affairs.

#### AFFAIRS IN ARMENIA.

Mr. KING. I offer the resolution which I send to the desk, and ask that it be read and referred to the Committee on Foreign Relations.

The resolution (S. Res. 147) was read and referred to the Committee on Foreign Relations, as follows:

Whereas it is the purpose of the allied and associated powers to restore Armenia to her ancient territorial boundaries and to liberate the Armenian people from the despotism of the Ottoman Turks; and Whereas, notwithstanding the armistice with Turkey, the purposes of the allied and associated powers are in danger of being thwarted by imminent threats of a general massacre of the Armenian population by armed bands of Turks, Tartars, and Kurds, who are prepared to advance into Armenia from the west, the north, and the east, for the purpose of reducing by murder the Armenian people to such a condition as to give the Turks, Tartars, and Kurds the occupation and control of the country; and

Whereas by the terms of the armistice between Gen. Allenby (commander in chief of the British forces, acting for and on behalf of the allied and associated powers) and the Turks, the right was reserved to occupy the villayets of Armenia and other villayets of Turkey in the event of disorders affecting the life, liberty, or property of the inhabitants; and

Whereas the Armenian people are to a large extent without weapons, armaments, or means of military defense: Now, therefore, be it

*Resolved*, That it is the sense of the Senate of the United States that the peace conference at Paris, by and with the advice of the supreme war council, should demand the immediate evacuation from the villayets of Armenia and from the villayets of Anatolia, in which disorders are threatened, of all Turkish troops and of all Turkish, Tartar, and Kurdish bands bearing arms, and should take effective measures in conformity to the rights reserved in the armistice with Turkey to occupy the villayets of Armenia and the villayets of Anatolia, where disorders are threatened, with military forces of the allied and associated powers, and that further measures be taken to effectively equip the Armenian population with weapons and arms for defense and to supply adequate food, clothing, medical supplies, and other necessities to enable the Armenian people to effectually organize an independent government and control the national territory of Armenia.

#### HIGH COST OF LIVING.

Mr. McKELLAR submitted the following resolution (S. Res. 148), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That a select bipartisan committee of six Senators, three from the majority and three from the minority, be appointed by the President of the Senate, and when so appointed shall be authorized to select its own chairman, to send for persons and papers, to administer oaths, and to employ a stenographer or stenographers to report such hearings as may be had in connection with the subject of the high cost of living; and said committee is also authorized to employ such other expert assistants as may be necessary; that the committee may sit daily during the sessions or recess of the Senate, and it shall report its findings and recommendations to the Senate at the earliest date possible; that the expenses thereof shall be paid out of the contingent fund of the Senate.

#### THE MERCHANT MARINE.

Mr. FLETCHER. I have here a communication from Mr. Wharton Barker, of Philadelphia, on the subject of the use of the merchant ships of the United States built with public money. It is not very long, and I ask to have it printed in the RECORD and referred to the Committee on Commerce.

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

PHILADELPHIA, July 25, 1919.

HON. DUNCAN U. FLETCHER,

United States Senate, Washington, D. C.

DEAR SENATOR: In accordance with previous correspondence over the subject of the use of the merchant ships of the United States built with public money, I have prepared a memorial to the Senate, which I inclose

herewith. I hope you will have it read in the Senate, so that it can be printed in the RECORD of the Senate and later made a public document for distribution among the citizens.

Yours, very truly,

WHARTON BARKER.

#### A memorial.

#### SENATORS OF THE UNITED STATES:

The use of the merchant ships built by the United States for war service, paid for with public money, is an immediate and prime question for the Congress to solve.

For more than 50 years foreign commerce of the United States has been done in ships British, European, and Asiatic, with consequent large tribute to foreign shipowners and often at great disadvantage to farmers, miners, merchants, and manufacturers of the United States, because these foreign shipowners designated the American ports from which shipments must be made, thus causing unnecessary land transportation and congestion of freight at some ports and, for these reasons, waste of time and money.

To meet these burdens subsidies paid by the United States to corporate and private shipowners have been proposed, but as these bounties would have been paid to American shipowners almost always working in accord with foreign shipowners, no advantage could result to American producers, and so the proposals went by the board.

Because of construction of ships for war service now near completion, the United States will have in 1920 between fifteen and sixteen million tons of ocean-going shipping, about 70 per cent public-owned ships (estimates of United States statisticians), and these ships adapted to every kind of overseas trade.

American ownership of this great ocean marine liberates the United States from the bondage to foreign shipowners and from bondage to American shipowners allied, provided American people-owned ships are operated by a department of the Government of the United States or by a corporation created by the Congress, all capital owned by the United States. Such operation of ships would insure shipment of natural and manufactured products from ports most advantageous for the several shipments at stable rates, made as low as maintenance and operation of ships at highest efficiency—of course, at adequate wages for officers, crews, and stevedores—plus interest upon capital and sinking fund of capital within 15 years, plus insurance against loss of ships, would permit.

The capital sinking fund to be expended for building new ships to take the place of worn-out ships.

The capital cost of the ships when taken over by the Department of Commerce or by the corporation spoken of, should be not more than \$70 per ton—perhaps \$50 per ton—and the difference between this per ton charge and actual cost during the war exigency period should be charged to war expenditures, so that the ships would be operated without handicap. The usual profits of private shipowners would be saved, and the public would have the profits—not individuals, firms, or private corporations.

At no time would the interest charge upon capital investment, the United States the borrower, be more than two-thirds what the charge would be if the borrower was an individual, firm, or private corporation.

Under public operation there would be no discrimination in charges and no shipments of one shipper have preference over another shipper. As foreign ships would have to meet the competition of the American public owned and operated ships, a competition they could not meet unless foreign nations adopted and practiced the plan proposed, the American merchant marine would have almost all of the overseas commerce of the United States.

This tonnage, built with public moneys, will constitute the American people's greatest asset in its commercial relations with the world. Operated by the Government at rates that will be stable and low because operated without profit beyond the sinking fund needed for amortization, and directly advantageous to farmer, miner, manufacturers, and merchants because they are stable and low, this tonnage means American independence of all foreign control of ocean transportation.

This plan of operation of the United States owned merchant ships can be and will be opposed only by those citizens who have grown rich and powerful because of the special privileges granted to them by the Congress of the United States and by the legislatures of the several States.

When Senators and Representatives of the Congress of the United States vote—and they must vote soon—upon the question of how the merchant ships built with public money must be met, they will ponder upon the proposal here made and, I believe, will look upon it as the only proposal that will preserve the commonweal and so vote for the plan and reject all plans for sale or lease of the public-owned ships of the United States.

PHILADELPHIA, PA., July 23, 1919.

WHARTON BARKER.

#### TREATY WITH GERMANY.

Mr. FLETCHER. I have also a letter appearing in the Evening Post, of New York, by Mr. Theodore Gilman, dated July 24, on the subject of the treaty, and advocating that all amendments should be made after the treaty is ratified. I ask to have it printed in the RECORD.

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

#### RATIFICATION, THEN AMENDMENT.

"TO THE EDITOR OF THE EVENING POST.

"SIR: The discussions which arose when the Constitution of the United States was transmitted to the several legislatures in 1787 for its adoption or rejection called forth from the friends and enemies of that instrument arguments in its favor and against it which are strikingly similar to the discussions which are now taking place in connection with the adoption of the covenant of the league of nations.

"Among those who opposed the adoption of the Constitution was Patrick Henry, the great orator of the Revolution. He saw dangers for such a government as was proposed in the Constitution which experience has shown to be imaginary. He thought, truly, that the convention was not authorized to draw up such a compact as is contained in the Constitution. He said that the people gave the members of the Constitutional Convention no

power to use their name, and that they exceeded their power is clear. He said the Federal Convention ought to have amended the old system and this was the object of their mission. When he came to examine the features of the new Constitution, they appeared to him horribly frightful—"it squints toward monarchy." The Senate is so imperfectly constructed that our dearest rights may be sacrificed by a small minority. "Where," he asked, "are your checks on this Government? Your strongholds will be in the hands of our enemies." He said, "If you agree to previous amendments, you shall have union, firm and solid. I can not conclude without saying I shall have nothing to do with it, if subsequent amendments be determined upon." He was for the amendment first and ratification afterwards, which is the orderly procedure which any lawyer's clerk would advise. It is the view in which logical and legal minds become involved.

"When Henry saw that the contest was going against him he said, like a true patriot, 'I will be a peaceful citizen. With my head, my hand, and my heart I will endeavor to remove the defects of that system in a constitutional way.'

"These views are examples of those which were originated by the opponents of the Constitution. Similar objections are to be heard now from those who oppose the league of nations.

"On the other hand, those who supported the Constitution were represented, among others, by Randolph of Virginia, who said, 'When I maturely weigh the advantages of the union and the dreadful consequences of its dissolution; when I see safety on my right hand and danger on my left; when I behold respectability and happiness acquired by the one, but annihilation by the other, I can not hesitate to decide in favor of the former.' This was the practical view which appealed to the common sense of the legislatures.

"James Madison, the fourth President of the United States, was the most powerful advocate for the adoption of the Constitution. He said, 'Though vast must be the difficulty of concentrating in one Government the interests and the conciliating of opinions of so many different heterogeneous bodies, when we consider this Government, we ought to make great allowances. We must calculate the impossibility that every State should be gratified in its wishes. It has never been denied by the friends of the Constitution that it has its defects, but they do not think that it contains any real danger. They conceive that they will in all probability be removed where experience will show it to be necessary. Suppose Virginia should propose certain alterations as the previous condition of her accession. If the other States should be disposed to accede to her proposition, the difficulty attending it would be immense. Every one of the eight States which have ratified the Constitution must take up the subject again. When the amendments are brought together in one assembly they must go through and accede to every one of the amendments. No less than 40 amendments and a bill of rights, which contains 20 amendments and 20 other alterations, have been brought forward. Will not every State think herself equally entitled to propose as many amendments? I leave it to this convention whether the States can agree to anything but the Constitution which is now on the table.'

"In the New York convention a proposal for conditional ratification of the Constitution was met by Alexander Hamilton in a brilliant speech, and Melancthon Smith, a member of the legislature, confessed that he was convinced by that speech that conditional ratification was absurd and weak. The legislature added to its ratification these words: 'An invincible reluctance to separating from our sister States has prevailed upon a sufficient number of us to ratify the Constitution without stipulating for previous amendments.'

"The practical method debated by the State conventions affords a guide for the action of the various parliaments and for our Senate in the action that they should take in disposing of this question of the adoption of the league of nations.

"Several States in transmitting in 1788 to Congress their assent and ratification of the Constitution added: 'The convention do, in the name and behalf of the people of this Commonwealth, enjoin it upon their Representatives in Congress at all times until the alterations and provisions aforesaid have been considered agreeably to the fifth article of said Constitution to exert all their influence and use all reasonable and legal methods to obtain ratification of the said alterations and provisions in such manner as is provided in the said article.'

"There have been various amendments, alterations, and reservations suggested by the opponents of the present form of the covenant for the league of nations in the Senate of the United States and in the Parliaments of France and Italy, and probably there will be other such changes suggested by the legislative bodies of other countries.

"Only a few countries will probably accept the draft without suggestions of any alterations. The confusion which would

result from an attempt to consider and act upon and adopt these amendments was well described by James Madison before the convention in Virginia. To avoid this confusion it will be necessary to adopt the covenant for the league of nations just as the Constitution of the United States was adopted by the State legislatures in 1788, without any changes, amendments, or reservations, and then by resolution to enjoin upon the representatives of our country to use their best efforts to have changes made when the league of nations convenes in legislative assembly in accordance with the provisions for amendment which are contained in the covenant.

"When the first Congress convened it found there were 201 proposed amendments to the Constitution. As some of these were similar, the number of proposals requiring consideration by Congress was reduced to about 60. Out of these 12 amendments were submitted by Congress to the States, of which 10 were adopted in less than 3 years.

"The statesmanlike management by the patriots of 1788 of this difficult question affords a good example to be followed by our Senators of to-day, which is to ratify the treaty and covenant for the league of nations without changes, and to instruct our representatives in the league to urge the amendments which the Senate may agree are necessary and desirable.

"THEODORE GILMAN.

"NEW YORK, July 24."

LETTER OF ARTHUR LE SUEUR.

Mr. GRONNA. Mr. President, I have here a letter which I may say is rather an unusual one, and if I may be permitted to say just a word to the Senate I will state why I am asking to have it printed in the RECORD. It is written by one of the ablest lawyers in the West—Mr. Arthur Le Sueur. At one time he was a citizen of the State which I have the honor in part to represent. He was employed as attorney for the Great Northern road. I simply mention this to show that he is a man of recognized ability. He became much interested in economic and social questions and was called socialistic, and while he has had no desire to hold office he has spent his own money and devoted his time to a study of grave economic questions. Whether we agree with Mr. Le Sueur or differ with him as to his position, it must be admitted that he is honest. I therefore wish to have his letter read.

The VICE PRESIDENT. Without objection, the Secretary will read.

The Secretary read as follows:

ST. PAUL, MINN., July 25, 1919.

Hon. ASLE J. GRONNA,  
Chairman Senate Committee on Agriculture, Washington, D. C.

DEAR SENATOR: I do not know whether you will remember me or not, and for the purposes of this letter it will make little difference, as I desire simply to impress upon you as earnestly as I can the necessity of action being taken to curb the monopolistic interests in the food line in this country.

I believe that the Kenyon-Anderson bill is a step in the right direction. It is not too radical, and it allows the packers to be practically the sole determining factor as to whether or not the more stringent features of the law will be put in operation at all. I do not look upon this legislation as a cure-all, but I do look upon it as forward looking and going as far as the country can afford to go in a first step of this kind. It will reduce the high cost of living, which must be reduced, and it will accomplish this by making the reduction out of the profits of middlemen and not out of prices paid to the producers of foodstuffs, which prices now in many instances do not afford a margin over cost production.

I am mingling daily with organized workers in the Northwest, and I wish to assure you that unless something is done to stop the mounting cost of living we are making a bid for the kind of revolution that is tearing Europe to pieces to-day. The common workers of this country can not stand a continued advance in the cost of living. It is not a question of their loyalty or patriotism or their good or ill will to government; it is a question of the possibility of making both ends meet.

Hundreds of thousands of workers throughout the Northwest are to-day drawing upon scanty savings to add to their daily wage in making it possible for them to live. I sincerely hope that this bill will receive your support and approval as a measure calculated to afford a little relief in the right direction.

One more proposition which seems to me of very vital interest to the people of the United States is the question of the ratification of the Versailles treaty and covenant. People are coming more and more—throughout this part of the country at least—to have an opinion on that subject. The spectacle of the President of the United States telegraphing to Cabinet members of the Governments of France and England for permission to disclose to the Senate of the United States the facts under which it is proposed to deal with the destinies of the people of the United States is not one calculated to stir the pride or respect of any real American.

Again, suppose that President Wilson and the Congress in the declaration of war had said to the American public, "Let us take the Shantung Peninsula away from Germany and give it to Japan. Let us declare war on Germany, who is fighting Russia and liberal governments the world over, so that we may have the privilege of fighting popular government in Russia—so that we may send our soldiers there, in company with France and England, to take away from Russia great slices of her territory and compel the Russian people to adopt such a government as looks good to us." Suppose that had been the basis for a declaration of war; suppose that had been stated as in part the purposes for which we should fight; suppose that had been stated as a part of the terms of the treaty to be enacted into international law after the defeat of Germany.

Suppose it had also been stated at that time by President Wilson or Congress that the terms of the treaty, the actual facts upon which it rests, should never be made known to the American people—should be hid by the President even from the United States Senate. Suppose it had been stated specifically among the 14 points that the infamous secret treaties existing between Japan, France, England, Italy, and Russia were to be indorsed and affirmed by a treaty to which the United States should be a party. Suppose all these things had been known when war was declared and made the basis for our participation in the war.

Senator, do you for one moment think that Congress would have dared declare war or that the American people would have supported a war with such aims and purposes? If there be any truth in that, then most assuredly should that treaty be rejected as not being the will of the American people.

And, further, if it is accepted and ratified, it seems to me as clear as the sunlight that it will not even cause an interlude in the wars now proceeding and will furnish the basis for a dozen new wars. It is neither honest with America or with Europe. It is a desperate attempt, if I read it aright and guess aright as to the facts behind it which are not disclosed either to you or to me—it is a last desperate attempt to bolster up a decadent aristocracy and an outworn principle of property.

It ought to be rejected, lock, stock, and barrel, and a treaty arranged for between all the civilized nations of the world, with the negotiations openly carried on by representatives of the people of these countries rather than representatives of their governments. No other method of arriving at a treaty of peace will ever be successful. All of the governments of Europe are at war with their people, and the right of governments to rule people regardless of the consent of those people is a principle that is almost done functioning in this world. The treaty is a last desperate effort to keep it alive.

I hope you will give your most earnest consideration to these problems, and feel that you will do so, and I earnestly hope you will see your way clear to arrive at conclusions that will further the best interests of the people of the world.

Very truly, yours,

ARTHUR LE SUEUR.

Mr. WILLIAMS. I came in a moment late and in the middle of the reading of the letter which has just been read from the desk. Do I understand it to be a plea for Bolshevism?

Mr. KING. Yes; I think that is right.

Mr. WILLIAMS. Has unanimous consent been given for its insertion in the Record?

Mr. GRONNA. The Senator from Mississippi was not here when I offered the letter. I hold no brief for Mr. Le Sueur, but I will say that I believe he is as good a lawyer as there is on the floor of the Senate. He has held responsible positions, and has never been looked upon, so far as I know, as a Bolshevik. It is true, as has been sometimes stated, that he is the brains back of the so-called Nonpartisan League; but, so far as I know, he has never been accused of disloyalty or of being an exponent of Bolshevism.

Mr. WILLIAMS. I caught a few lines only of the letter, but it seemed to me that the writer of the letter was undertaking to defend Russian Bolshevism and to bolster it up as a very democratic proposition, worthy of all men's commendation; and unless unanimous consent has been given for its insertion in the Record, I am not willing for the letter to go in—

Mr. SMOOT. It is in the Record now.

Mr. WILLIAMS. Especially as my good friend the Senator from North Dakota [Mr. GRONNA] states that he does not agree with it, does not father it, and does not want it inserted as a part of his remarks.

Mr. GRONNA. Mr. President, the Senator from Mississippi misunderstood me. I have asked to have the letter read, and I have stated that, whether I agreed with Mr. Le Sueur or disagreed with him, he has been and is now recognized as a student of economics and a man of exceptional ability; and that I, therefore, wanted the letter read and wanted it to appear in the Record. I assure the Senator from Mississippi that the letter will go into the Record at some time if I have to read it on the floor of the Senate myself.

Mr. WILLIAMS. Well, it has already been read now, so that it will go into the Record.

The VICE PRESIDENT. It will appear in the Record unless it shall be ordered to be stricken out.

Mr. WILLIAMS. I merely wanted to enter a protest against Bolshevik propaganda in the Senate of the United States, by whomsoever presented, from whomsoever presented, and by whomsoever written. As I understood the reading of the article, it is regular Bolshevik propaganda.

Mr. GRONNA. Mr. President, since I offered this letter, I think perhaps that statement might refer to me; so I want to assure the Senator from Mississippi that before the pending treaty has been ratified he is likely to find that some of the time of this body will be taken up in calling attention to the matters that are mentioned in this letter; and, whether it may be called Bolshevism or not by the Senator from Mississippi, it will not deter some of us from calling attention to conditions which actually exist in European countries, and which, if we adopt a proposition such as is desired to be adopted by the Senator from Mississippi and others, may exist in this country.

Mr. WILLIAMS. Mr. President, I had not even feared that I would evoke from the Senator from North Dakota a commendation or approbation for this miserable stuff. I had thought that he was merely putting it into the Record out of politeness to somebody; I had no idea that he indorsed it. In fact, I thought from his remarks that he did not, or at any rate that he was not prepared to say that he did; but, Mr. President, there is this to be said: Perhaps in Russia under the Czar, perhaps in Germany under the Kaiser, and perhaps in Turkey under the Sultan men might have been justified in carrying on a propaganda for the overturning of civilized government, for Bolshevism, for anarchy, and for almost anything else out of a blind revolutionary antagonism to autocracy, but that sort of thing does not exist in the United States—

Mr. NELSON. Mr. President—

Mr. WILLIAMS. One moment and I will yield—and there is no justification in this country of free people, where every man can vote, or at any rate presumably can vote, for the idea of the overturning of government and declaring war upon all civilization. Now I yield to the Senator from Minnesota.

Mr. NELSON. Mr. President, I wish simply to say to the Senator from Mississippi for his information that this Mr. Le Sueur, who is one of the moving spirits in the Nonpartisan League, is a rank socialist, and during the war came as near being disloyal as it was possible for any man to be and not step over the line.

Mr. WILLIAMS. Without being arrested and sent to jail, as were a great many others like him. But, Mr. President, that is not the point. The point is this: Under an autocracy or a despotism men are justified in proceeding to revolutionary methods; in America the man who advocates revolutionary methods or so-called "direct" methods or an exercise of violence in order to overthrow either the existing government or all governments ought to be either hanged or put in prison. This is not the forum where he ought to be heard, because we are a part of the lawmaking power of this country, and we believe that laws should be changed by new laws, that wrong majorities should be upset by new majorities, and that we can carry the torch of civilization for ourselves and partially for the world as a democratic torch and not as a mere revolutionary torch. The man who teaches violence in America in order to upset government, instead of teaching the use of the ballot in order to upset government, is a public enemy and deserves to be lynched.

#### THE MOONEY CASE.

Mr. SHERMAN. Mr. President, I send to the desk of the Secretary and ask to have printed in the Record, without reading, the reply of the district attorney of the city and county of San Francisco, Mr. C. M. Fickert, to the findings of the Federal Mediation Commission on the Mooney case.

The VICE PRESIDENT. Without objection, the matter referred to by the Senator from Illinois will be printed in the Record.

The matter referred to is as follows:

REPLY TO THE FINDINGS OF THE FEDERAL MEDIATION COMMISSION ON THE MOONEY CASE.

(By C. M. Fickert, district attorney of the city and county of San Francisco.)

"Introductory to their report to the President, the Mediation Commission state that their investigation was made 'informally and without publicity.' The informality consisted in accepting without question the unsworn statements of the attorneys and sympathizers of the defense without consulting anyone in authority in connection with the prosecution and without giving any consideration to the testimony of the prosecution's witnesses. Be it said, however, to the credit of said commission, that in the introduction to their report they have omitted to suggest that the same was either made impartially, exhaustively, or with any desire to arrive at the truth. Rather, it is suggested in their report that a desire to appease the liberal element in Russia was paramount in the minds of the commissioners. The liberal element in Russia has only heard one side of the Mooney case, viz, that of the defense.

"Beginning, therefore, with an avowed purpose of satisfying what the said commission see fit to term the 'liberal element,' but which, we believe, can more truly and appropriately be termed the 'anarchistic element,' in Russia, the one-sided report of said commission is easily explained. If reports which come to our hands from Russia are authentic, it would appear to us that that country, devastated by a foe from without and torn to pieces by anarchy and revolution within, has sufficient problems to absorb her attention without endeavoring to overturn a judgment legally and justly obtained in a democratic community under democratic institutions.

"But that the line of activities pursued by Mooney and his fellow 'Blasters' was the same as that pursued by the leading anarchists of Russia—with some of whom it is known Mooney was associated—is made patent in the threat published in the Blast, the anarchistic organ published in San Francisco by Mooney and Alexander Berkman, now serving a sentence for obstructing the draft, to assassinate the President of our country, Woodrow Wilson. From Issue VIII of the Blast, of March 4, 1916, at page 4, we quote the following:

"We don't complain; we understand Wilson's position; he must do his master's bidding. This is the 'sane policy'; but we want to warn the weathercock in the White House that it may not prove safe. Suppression of the voice of discontent leads to assassination. Vide Russia.

"Immediately after the arrest of the defendants, and before the case of Thomas J. Mooney was set for trial, he and his sympathizers stated that they could not and would not rely upon a trial in a court of justice for a vindication. And this in a court where every presumption is in favor of the defendant. Mooney asserted that his only hope of escaping a conviction was to rely upon public agitation. From correspondence it is shown that through agitation they expected to secure a one-sided investigation conducted by some partisan body that would only see and hear one side of the case.

"In furtherance of this plan, on September 25, 1916, more than three months before the trial of Mooney was commenced, Alexander Berkman, the notorious, anarchist now serving a term in the Federal prison, wrote to Frank P. Walsh, chairman of the United States Industrial Relations Commission, stating:

"I have to join with the boys in jail in saying that I see no way on earth to save their lives except Frank P. Walsh.

"I hope that I am not exaggerating. You know that I did not call to you upon light consideration, and I rely upon that fact to make you believe that what I now say is not ill-considered.

"Berkman's plans are clearly set forth in a letter written by him to Anton Johannsen (Johannsen was subsequently the chief agitator for Mooney in the Eastern and Middle States). In this letter Berkman says:

"And all my experience has convinced me that in such matters the thing of chief importance is to create favorable public sentiment.

"The moral is obvious \* \* \* public agitation to change the psychology of the people is more important in such matters than big funds.

"For all I know, they may have no cognizance at all of the things they are charged with. But guilty or innocent, a worker in the hands of the enemy is always the victim, and never guilty, in my viewpoint.

"These letters were seized at the office of the Blast, the anarchistic paper edited by Berkman before Mooney's trial.

"It is therefore evident that the anarchists in America as well as the anarchists in Russia had a hand in bringing about the investigation.

"With these facts in mind, therefore, we proceed to a consideration of the findings of said commission.

"After finding upon the undisputed fact that on July 22, 1916, a most heinous murder was committed, the commission takes up the question of the threatening letters written before the parade and arrives at this absolutely untrue and unsupported finding that the 'public authorities, however, did not deem the letters significant, and the identity of their writers has never been established.'

"The unpardonable part of this false finding is the fact that had the commission asked one single question of Capt. Duncan Matheson, who was in charge of the bomb investigation, they would have learned that in this finding there was not one vestige of truth. The fact is, as Capt. Duncan Matheson is ready to substantiate under oath, that said letters were carefully considered; that they were turned over to the United States postal authorities; that an investigation was made which showed that the said letters had been mailed somewhere between the Mooney residence and the office of the San Francisco Bulletin, a distance of about two blocks. More than that, the said letters were compared with resolutions denouncing the preparedness-parade and anticipating violence, which were drawn up by Mooney and published in the Bulletin the day prior to the parade. The same verbiage, phraseology, and sentiment found in both tend to disclose the same authorship. The commission inadvertently find that the said letters were written by an 'avowed pacifist' aimed 'against such manifestations of militarism as a preparedness parade was conceived by them to be.' The commission might further have found that said letters showed on their face that they were written by anarchists and believers in direct action. Who, then, besides Mooney, Berkman, and their followers were the anarchists, the dynamiters, and the believers in direct action in San Francisco? Taking all these circumstances together, therefore, the finding of this commission in favor of the defendants, based upon these letters, should be reversed.

"The next finding of the commission, to the effect that the police and the district attorney turned to a quarter for an explanation of this crime different from that indicated by the threatening letters, falls for the same reasons heretofore stated. In this connection it may be said that the police of San Francisco ran down hundreds of clues before fastening the crime upon Mooney.

"A reasonable analysis of the finding of the commission found in paragraph 4 will show that the same is inconsistent with itself and falls of its own weight. The said commission find that Mooney was an anarchist and a believer in direct action, but make the astounding statement that his direct action proclivities were limited to 'labor controversies.' In other words, the commission would have intelligent citizens believe that Mooney was an avowed anarchist and a believer in direct action; that he would use direct action to bring about a result in a labor dispute, but would fail to use the same course to bring about that which was uppermost in his mind, to wit, anarchy. Had the commission made any endeavor to view Thomas J. Mooney in his true light, not from what people said about him, but from writings over his own signature, all of which were available to said commission, it would have found that Thomas J. Mooney was an anarchist, first, last, and all the time; that he simply engaged in labor disputes in which he had no interest for the purpose of using violence, bringing about discontent, increasing unrest, and thereby bringing his dream of anarchy nearer to realization. Why this desire on the part of this commission to sidestep truth and split hairs, in order to protect not only a foul murderer but a traitor to his country?

"In the second paragraph of finding 4, the commission find that in the spring of 1916 'Mooney and his wife were leaders in a bitter and unsuccessful fight to organize the carmen of the United Railroads.' Compared with other strikes, however, the attempt of Mooney lacked as much the element of bitterness as it did of success. As a matter of fact, the whole thing attempted by Mooney was a fizzle and was never seriously considered by the company or by organized labor, which refused to sanction the same. To say that any of the utilities were resentful toward Mooney for his action in said strike is ludicrous. In other words, in strikes that have cost vast sums of money to fight, and in which the system of the company was tied up for weeks and the service demoralized for months, no attempt was ever made to make the leader or leaders pay the penalty. But in the weak attempt at a strike by Mooney, which died before it began, and cost the company not one cent to fight, the commission find, without a word or scintilla of evidence to justify said finding, that Mooney 'was an especial objective of their (the public utilities) opposition.' Said finding, therefore, is not only lacking in evidence to substantiate it, but is directly opposed to reason and the facts.

"An attempt is also made by the commission to eulogize Mrs. Mooney. No mention is made of her passion for violence as it is disclosed by the evidence. The following incidents will negate the finding of the commission: On July 14, when her husband and several of his followers attempted to induce the platform men of the United Railways to strike and blockade the cars at Third and Market Streets, the refusal of the carmen to leave their platforms was sufficient for Tom Mooney and the other men in the party to acknowledge defeat and they skulked away without further effort. But not so with Rena Mooney. Filled with rage and a desire to commit violence, even though deserted by her male companions, she leaped over the closed gate of a United Railway car and violently attacked the motorman, filling the air with her oaths. On the afternoon of July 22, 1916, as she viewed the civilian marchers coming up Market Street she, in a violent rage, said, 'What a beautiful mess I could make of those marchers with a machine gun!'

"The commission ignore the fact that three books on how to use dynamite were found in Mrs. Mooney's possession; that this gentle music teacher also had in her possession cartridges with steel jackets, of the same make and caliber as those found in the bodies of the victims and contained in the bomb. Neither she nor her husband had any pistol that would fit these cartridges. Her library contained almost all known books on anarchy and revolution.

"Attention is further called to the fact that in the correspondence which passed between the founders of the Blast, resulting in its establishment, Mrs. Rena Mooney was mentioned as one who would be 'on the job as she always is.'

"But the most astounding finding of the commission, based as it is upon no evidence whatever and amounting practically to nothing more than a guess, is found in the fifth paragraph, as follows:

"The utilities against which Mooney had directed his agitation or who suspected him of mischievous activities undoubtedly sought 'to get' Mooney.



"If this commission have in their possession any evidence pointing to the fact that any person or set of persons set about to fasten this crime upon any person except the perpetrator, it is their duty as citizens to divulge said fact in order that the said persons may be prosecuted. On the other hand, if they have no such evidence, the charge contained in said finding should never have been made. The commission apparently base their findings upon the fact that one Martin Swanson was employed as a detective by the district attorney to assist in the investigation of the perpetrators of the crime. Swanson had formerly been employed by a corporation to run down dynamiters who had destroyed some of its property and had accused Mooney of complicity therein, and which Mooney afterwards admitted was true. The fact remains, however, that while the commission were in San Francisco Mr. Swanson was in San Francisco and was available as a witness. He was neither interrogated by the commission nor was any statement obtained from him. This honorable commission, therefore, are such firm believers in democratic government and in democratic institutions that they would convict a man of the charges made by the commission against Swanson without giving him his day in court or an opportunity to answer any inquiry in his own behalf. In other words, as far as Thomas J. Mooney is concerned—being an anarchist, a traitor to his country, and a believer in direct action—his conviction should be set aside even after a fair and impartial trial in which every opportunity was given to make his defense, and Martin Swanson, because he has always been an honest, honorable, and upright citizen, who had served his country in 1898, against whom not one word derogatory to his character has or can be said, should be convicted without the formality of a trial or without even according him the opportunity of offering an explanation, and all this upon unsworn statements of persons interested in the defense.

"The commission proceed further to find that Swanson offered a reward to the codefendants Israel Weinberg and Warren K. Billings to implicate Mooney. No reward was ever offered by Swanson to anybody to implicate any person in any dynamiting. The reward mentioned by the commission was a reward offered by the United Railways to any person who would give information that would lead to the arrest and conviction of the person or persons who had dynamited the towers carrying the high transmission electric wires supplying the power to operate the cars of the United Railways of San Francisco. In light of the letters which were discovered after the crime of July 22, 1916, there can be no doubt in any person's mind but that Swanson, in suspecting Mooney for the tower dynamiting, was on the right track. Mooney, in his dynamiting activities in Contra Costa County, which in a letter to Mother Jones—known in anarchistic circles as an important figure as Emma Goldman, now serving a penitentiary sentence for obstructing the draft—he confesses resulted in the destruction of over \$200,000 worth of property, was assisted by Joe Brown and H. G. Hanlon. Letters will show that prior to the dynamiting of the towers on June 12 Mooney attempted to locate Hanlon and Brown in order that they might be with him in the same activities in San Francisco. Writing to his friend, R. C. Greenley, under date of April 29, 1916, concerning the strike of June 11, 1916, Mooney states:

"There are a great many other things in connection with this work that I don't care to mention in this letter, or in any other for that matter. You know me well enough to know how I think a strike should be fought and conducted in a case of this kind under these circumstances.

Mooney being a staunch believer in direct action and dynamiting to bring about his ends, it can not be doubted but that the things he did not care to mention in the letter were matters having to do with the said subjects.

"Nor can any adverse criticism justly be placed upon the public authorities for the employment of Martin Swanson. In this connection, however, it is important to note that Martin Swanson took absolutely no part in the investigation made by the police under the bomb bureau, but was solely connected with the office of the district attorney. None of the witnesses who appeared in this case were either procured by Martin Swanson or testified at his suggestion, nor did said Swanson either arrest any of the defendants or cause the arrest of said defendants.

"In paragraph 8 the commission wind up with a finding that 'following the trials of Billings and Mooney there was a change in the evidence which not only resulted in the acquittal of Mrs. Mooney and Weinberg, but also cast doubt upon the prior convictions of Billings and Mooney.'

"The details of the changes which the commission claim were made in the testimony of the witnesses for the prosecution between the Thomas J. Mooney trial and the Rena Mooney trial or the names of the witnesses who made any such alleged

changes in their testimony are not stated. The fact is that there has been no change in the testimony of any of the prosecution's witnesses. The acquittal of Mrs. Mooney and Weinberg is absolutely immaterial in determining the guilt of Mooney and Billings. Mooney and Billings were the main actors in this crime; Weinberg and Mrs. Mooney were accomplices. It is a matter of common knowledge among persons who pretend to know anything about our judicial procedure that it is vastly more difficult to establish the guilt of an accomplice by legal evidence than it is that of the principals. But that was not the only obstacle the prosecution had to meet in the Rena Mooney case. The fact that the defendant was a woman was a potent factor in bringing an exhausted and weary jury, after over 50 hours of continuous deliberation, to a verdict in favor of the defendant. Moreover, the campaign of poisoning public opinion against the prosecution begun in Russia, as stated by the commission, reached the court room, and the case was surrounded by an element of doubt, which arose not from the testimony of the witnesses produced in court but by agitation from without. When it is considered, therefore, that the defendant was a woman, that she was admittedly only an accomplice, that the prosecution had the burden of proving her guilt beyond all reasonable doubt, and that agitation in her favor was widely circulated by certain newspapers and among radicals, the verdict in her case is not even determinative of her own guilt and surely casts no discredit upon the verdicts of guilty in the former cases. It is a well-known fact that criminal cases grow weaker with age; witnesses die, witnesses are scattered, witnesses lose their memory concerning details—all these things redound to the favor of the defense.

"In the Weinberg case, the very fact that in the midst of said trial publicity was given to the fact that a commission appointed by the President of the United States was in San Francisco investigating the very charge that was being tried was sufficient to cast an element of doubt in the mind of an ordinary jury, and under our system a verdict of 'not guilty' might logically follow.

"The failure of the commission to comment upon any of the threats to commit the crime of July 22, 1916, found in the Blast is significant because it shows a deliberate intention on the part of said commission to overlook and to minimize anything that might tend to connect Mooney with the crime. The evidence connecting Mooney with the Blast is conclusive, consisting as it does of written documents the authenticity of which can not be questioned. Why so much importance to the threats found contained in the anonymous letters, the writers of which it is necessarily difficult to establish beyond question, and why such an utter disregard for the same threats found in Mooney's newspaper? The answer is obvious—a deliberate effort to protect Mooney and to avoid the truth.

"The commission also find that the testimony of Oxman was discredited and that therefore the verdict against Mooney should be likewise discredited. The commission, however, have failed to take into consideration the following facts:

"In the trial of Thomas J. Mooney practically all the witnesses who testified against Warren K. Billings were called to testify against Mooney. The only witness of any importance testifying in the Billings trial and omitted at the Mooney trial was Estelle Smith. Estelle Smith, however, was not a witness of great importance against Thomas J. Mooney, because she had never testified that she saw Thomas J. Mooney at 721 Market Street, her testimony being limited to Warren K. Billings and Rena Mooney, wife of the defendant. Therefore without the testimony of any new witnesses there was sufficient testimony before the jury in the Mooney case to warrant a verdict of guilty. Frank C. Oxman was called as a witness in the Mooney case, and his testimony is made the basis of the application for a new trial in said case.

"There were 90 witnesses called by the State, and that the jury would have convicted Mooney without Oxman's testimony is shown by the following statement made by William R. MacNevin, the foreman of the jury. This statement, made and published the night of the conviction, and before any attack was made upon Oxman, is as follows:

"The jurors felt that the structure of the evidence produced by the prosecution was so strong that they could not conscientiously follow their oaths as jurors and recommend life imprisonment. You ask me if it was the evidence of Frank C. Oxman, the chief witness of the prosecution, that convinced the jurors of the guilt of Mooney. It was not this alone. It was the whole case that convinced us. We felt that the volume of evidence introduced was overwhelming, and that we had no alternative but to agree on a verdict of guilt.

"John McDonald, the waiter, impressed us by his testimony. So did Mrs. Edeau and her daughter, the Oakland dressmaker. We felt that all these people could not be mistaken in their identification of Mooney, Mrs. Mooney, Warren K. Billings, and the man with the scraggly mustache as the persons they saw in the jitney of Israel Weinberg just before the explosion at Steuart and Market Streets. One of them might be mistaken, but all of them couldn't be.

"The attack made by the defense upon the testimony of Oxman is collateral in this, that no effort is made to show that Oxman did not witness all the matters to which he has testified nor is any attempt made to show that Oxman, in any part of his testimony in the Thomas J. Mooney case, testified falsely; but an attempt is made, by reason of the fact that Oxman wrote certain letters and by placing upon the said writing the construction contended by the defense, to show that Oxman is unworthy of belief.

"The issue as to whether the letters written by Oxman were written with an intent to suborn perjury was tried out in the case of People versus Oxman before Hon. Frank H. Dunne and prosecuted not by the district attorney of the city and county of San Francisco but by the attorney general of the State of California, against whom the defense have never made any accusations of unfriendliness. And this trial resulted in the acquittal of Oxman. In the trial of Oxman the prosecution was permitted by the trial judge to bring out every detail and circumstance which occurred not only in San Francisco but outside the State. In short, the prosecution was permitted to show every act, conversation, statement, and communication that passed between Oxman and Rigall, to whom the letters were written. The entire matter was fully and fairly presented to the jury, and Oxman was promptly acquitted by a unanimous verdict of the jury. In considering the testimony of Oxman it is important to consider that the first time that Oxman was interviewed by a representative of the public authorities he was outside the State of California, and he made a statement at said time identical with the testimony given by him in the trial of Thomas J. Mooney. At the time said statement was made the only witness that had testified concerning the defendants at Steuart and Market Streets was John McDonald, and in his testimony no mention was made of an automobile, and no other witness had ever testified that an automobile turned into Steuart from Market Street. Testimony that an automobile turned from Market into Steuart Street at the time and place mentioned by Oxman was offered in the trial of Thomas J. Mooney for the first time on rebuttal, but Superior Judge Franklin H. Griffin, who presided at the trial of Mooney, refused to permit the same, on the ground that said testimony should have been part of the case in chief.

"That a jitney bearing five people turned from Market Street into Steuart at the time and place testified to by Oxman, was corroborated by eight witnesses.

"These witnesses are: J. Walter Smith, a veteran of the Civil War, an old resident of this city, and a man of unimpeachable character. He testifies that he saw a small machine turned into Steuart Street from Market and in said machine in the rear seat was a lady and that she was motioning to some men who were standing at the corner of Steuart and Market Streets. Henry W. Doscher, a well-known business man, who was marching with the division that formed in Steuart Street, saw the machine going southerly on Steuart toward Mission. Albert Brady, a veteran of the Spanish-American War, also saw the said machine going southerly on Steuart Street toward Mission. Capt. Robert M. Bramlet, of the United States Army, also saw the small machine going southerly on Steuart Street toward Mission. Walter D. Logan, a police officer, stationed at Steuart and Market Streets, saw the said machine come southerly on Steuart and turn westerly at Mission Street. Mrs. A. L. Baldwin, Mrs. Gertrude Ellis, and Mrs. Julia Knapp, seated in the mezzanine floor of the drug store on the north side of Market Street directly opposite Steuart, saw a small machine heavily loaded with passengers swing into Steuart Street from Market.

"At the time Oxman first made his statement, it was impossible for him to have known that the witnesses just mentioned were in existence. Had Oxman been testifying to matters that he did not actually see, it would have been most natural and most probable that he would have followed the testimony of McDonald and would have corroborated the said testimony, if not in every detail, at least in its many points. The testimony of Oxman, however, shows a different phase of the transactions that occurred at Steuart and Market Streets; so much so, that the main argument of the defense in the case of Thomas J. Mooney was that the testimony of Oxman and the testimony of McDonald were irreconcilably in conflict. As a matter of fact, however, the two witnesses saw different phases of the same transactions. But the things seen by McDonald could in no way even suggest the matters testified to by Oxman.

"After the conviction of Billings, the defense produced two witnesses who afterwards admitted that they had committed deliberate perjury in order to save Billings. They were Neil McAuliffe, who afterwards testified that when he made the affidavit for a new trial in the Billings case he had been plied with

liquor by the attorneys for the defense and that everything he had sworn to was absolutely false, and Dan Donaldson, who subsequently testified that he was not in San Francisco during the time that the events set forth in his affidavit were alleged to have taken place. The defense, however, were not discouraged at the failure of their prejuring in the Billings case, and resorted to the same tactics upon the motion for a new trial in the case of Thomas J. Mooney. Of course, Donaldson and McAuliffe were no longer available, but one Charlotte LaPosse was produced, who took their places and swore that she was standing with Oxman on Market Street, about 1 mile from the scene of the explosion, from about half past 1 until after the explosion, and therefore it was impossible for Oxman to witness the transaction at Steuart and Market Streets. A great many details were gone into by the said Charlotte LaPosse, suggested undoubtedly by the attorneys for the defense to throw discredit upon the testimony of said Oxman.

"Notwithstanding, however, the fact that the defense upon the motion for a new trial had relied entirely upon the testimony of the said Charlotte La Posse, the same defense subsequently caused the arrest of the said Oxman upon their representation to the judge who issued the complaint that they would endeavor to show that Oxman was not in San Francisco at the time mentioned in the affidavit of the said Charlotte W. La Posse.

"Any report having for its object the dealing with the truth would have mentioned these matters. The mediation commission, however, discarded these facts in their report, in the same manner as they did every fact which would serve to connect Thomas J. Mooney and his associates with the awful crime of July 22, 1916.

"Considering, therefore, that the testimony of Oxman was not necessary for a conviction in the case of Thomas J. Mooney; that the attack on his testimony is purely collateral; that even the collateral attack is offset by his acquittal; that the direct attack on his testimony was a dismal failure; and that the circumstances are such that it would have been practically impossible for Oxman to have invented the narrative that he told on the stand, we submit that there is absolutely no reason why the verdict of the jury, arrived at after the most fair and impartial trial, should be disturbed.

"Since Frank C. Oxman testified in the Thomas J. Mooney case, the defense, with unlimited means at their disposal, have searched all over the United States and in every place where Oxman has lived for evidence tending to impeach his integrity, but none has been found. The witness is a well-known and successful cattle dealer, living in Oregon, and not interested in any way in matters pertaining to San Francisco. His testimony, corroborated in the manner herein set forth, would be accepted by any jury.

"The commission comment upon the fact that the prosecution failed to call Oxman in the trial of Rena Mooney and in the trial of Israel Weinberg. At the time of the Rena Mooney trial, Oxman had been held to answer on a trumped-up charge, but the trial had not taken place, and in justice to him the prosecution could not ask him to take the stand. The Weinberg case was tried after Oxman had been acquitted, again arrested, and again discharged. The prosecution asked him to be a witness in the Weinberg case, and he offered to come as a witness, asking only that the prosecution assure him that he would not be again subjected to arrest and prosecution on groundless charges as he had been in the past. The influence of the defense was so powerful, however, that the prosecution was unable to offer Oxman any assurance whatsoever, because it had no control over the activities of the defense, and no reasonable man can blame him for not again appearing as a witness.

"The commission in their conclusion moralize upon the duties we all owe to the cause of democracy. We venture to suggest in this regard, however, that democracy has no worse enemy than the man or set of men who, upon the unsworn statements of interested persons and without considering both sides of the case, undertake to set aside the verdict of two juries, which said verdicts have been sustained by the trial and appellate tribunals, in order to satisfy the demands of anarchists on a different continent whose views are entirely out of harmony with democracy as well as any other kind of organized government. Anarchy and murder will never assist the cause of democracy, nor will an effort to overturn the Constitution and laws of our country to save murderers and anarchists increase the regard for democracy entertained by honest and patriotic citizens. Even the knowledge that these things are done in response to the great and world-wide influence which anarchists are able to wield in defense of their kind will add nothing to the strength of faith in democracy.

"Making the world safe for Mooney and his ilk will not make it safer for democracy; neither will it stimulate patriotism nor inspire respect for our institutions.

"C. M. FICKEET,  
"District Attorney of the City and  
"County of San Francisco.

"Dated: April 9, 1918."

PREVENTION AND CURE OF TUBERCULOSIS.

Mr. PHIPPS. I present a letter covering a resolution passed by the National Tuberculosis Association protesting against the repeal of the daylight-saving law. I ask that it be read and referred to the appropriate committee.

There being no objection, the letter was read and ordered to lie on the table, as follows:

NATIONAL TUBERCULOSIS ASSOCIATION,  
New York, July 23, 1919.

Hon. LAWRENCE C. PHIPPS,  
Denver, Colo.

MY DEAR SIR: I beg to inform you that at a meeting of the National Tuberculosis Association held in Atlantic City, June 17, 1919, the following resolution was adopted:

"Whereas the National Tuberculosis Association has always advocated a maximum of sunlight and fresh air as a means of prevention and cure of tuberculosis; and

"Whereas the said association considers the present daylight-saving law an aid in preserving the general health of the country, and in particular a help in the prevention of tuberculosis; Be it

"Resolved That the National Tuberculosis Association views with concern the present effort to abrogate the daylight-saving law, and hereby protests against any effort that shall tend to stop the operation of that law."

Yours, respectfully,

CHARLES J. HATFIELD,  
Managing Director.

GOVERNMENT OPERATION OF RAILROADS.

Mr. CALDER. Mr. President, I have a letter from Mr. A. H. Smith, president of the New York Central Lines, who was regional director of the United States Railroad Administration at New York. The letter is a splendid contribution to the question of Government operation of railroads, and I ask unanimous consent that it be inserted in the RECORD for the information of the Senate.

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

NEW YORK CENTRAL LINES,  
New York, July 17, 1919.

MY DEAR SENATOR: When I resigned as regional director of the United States Railroad Administration certain newspapers asked for a statement of my impressions of Government operation of the railroads and my views of the railroad problem generally. I have refrained from issuing such a statement, believing that it would be best to convey any ideas that I have on the subject to you and the other gentlemen who are working on the problem. Therefore, if your mind is still open with reference to the solution of the railroad situation, perhaps what I have to say may be acceptable to you.

The human element in American railroads represents 90 per cent of its effectiveness. The other small percentage of the whole would be useless without individual vision, effort, and experience. Fixed responsibility really has seemed to be impossible under Government management. It leads into such a maze of interests and interferences that the employees do not get into that state of mind that they do in private operation, and the state of mind is one of the most important parts of railroad operation. Destroy it and the effect is manifest all through the rank and file and every part of the great machine.

I know that you realize fully that it is a business that must have the individual concern of the employee—the engineer at the throttle, the fireman beside him, the conductor, the flagman, the signalman, the section foreman, and on up to the officers of the company—they all must have a fixed responsibility. Most of the work is done beyond the eye of the officers, because it spreads over a vast territory. The man at midnight and in the storm must do his duty absolutely and fully, with no one to see him and no one to direct him. He must have an incentive—not one of mere salary, but one of pride and hope that he may some time be more than he is.

It has been stated, and so far as I know never disputed, that before the war the American railroads for each dollar paid them rendered considerably greater and substantially better service than the railways of England, France, or Germany. The European railways, however, do not in any degree compare with the American railways in extent. They are short railways for the most part, with dense populations, while the American railways are spread over a vast and, in some cases, sparsely settled territory.

If we are to become what we are destined to become if we make no mistakes—a great commercial country, from a foreign as well as a domestic standpoint—we must have sufficient and efficient transportation. Those that produce it by providing the capital and labor should be properly rewarded. The manufacturers and the merchants and the public as a whole owe that to them. Ours is a country of great distances, and with that handicap we will not be able to compete successfully with those countries with shorter distances unless our transportation system is adequate and efficient. The American railways require capital properly and liberally expended to furnish more facilities and modern equipment to offset the labor and other charges which have been placed upon them. To my mind, it is important, therefore, that a fair return be allowed, so that capital will enter and provide those facilities that will give what the country must have.

Looking backward, it is a little over a year ago when the congestion was so acute that the people were willing to pay almost anything for transportation if they could have it, and such conditions should be avoided. These railroads have stood still in their expansion and development, broadly speaking, for a long time. Economy is going to come

in their expansion and refinement, and economy in rates will result, not from radically cutting wage costs, but by giving the railroads and employees a better machine to work with, more facilities, more yards and shops, and other essentials that go to make up a successful transportation instrumentally. Prewar we had approximately \$450,000,000 of equipment standing idle. Since the signing of the armistice we have seen substantially the same condition repeated. This is a situation that is inevitable and the compensation to the railroad companies must provide for the lean years which produce such a condition, for the reason that it is impossible to provide the facilities as fast as the business demands in periods of abnormal traffic.

In the matter of the return of the railroad to the corporation. My opinion is that they should be restored at an early date. It will eliminate uncertainty in the state of mind referred to previously, and the morale will improve. The Government said when the roads were taken over that they would be returned in as good condition as when they were taken. That means not only physically but as nearly as possible mentally, and the Government can not afford to do other than to keep its promise. Perhaps a law can be written that will cover all the involved questions that exist and permit settlement with the restoration. But the situation is very complicated, and it may be that the Government will find it advisable to appoint a commission or board to make the settlement after the return, in the meantime giving the benefit of private operation to the people—the present system of compensation being continued as a guaranty pending settlement—a limited time to be allowed after the return to effect the settlement and avoid protracted delays. This commission might well be made a permanent feature of our system of railroad regulation and should be composed of at least three commissioners and be charged with the responsibility of keeping informed with respect to the transportation necessities of the country generally, and to make representations to the Interstate Commerce Commission with respect to the revenues required to provide the necessary facilities and service and insure proper development of the transportation system.

The cases of the weak and the strong roads, so to speak, should be weighed out by this commission. If the road is so weak that it can not stand, it should have special treatment. If it is absolutely necessary to the needs and comfort of the people they should have some extra allowances locally or otherwise. The entire rate structure should not be thrown out of proper position because of some exceptional case any more than any other business undertaking in our country should be gauged by the exceptions. The question of rates, in which the public are most deeply concerned, because it affects the cost of living and the amount of business we may do, is a matter for study by experts. Much has already been accomplished in this direction by the Interstate Commerce Commission and those drafted into Government service, and they have shaped up a great amount of valuable information which is available to any authority that the Government might designate. Rates established as a war measure and to meet the changed conditions should be continued as presumptively reasonable. Prewar rates should not be the basis of future rate regulation. I believe that it is generally admitted that the interstate commerce law sought to regulate the railways on a basis of reasonableness and justice. The operation of that act, however, has put the burden of proof in all instances on the railroads, and that, it seems to me, is a fundamental violation of justice. As I see it, what is needed is to bring order out of the confusion of unrestrained or biased regulation and out of the confusion of conflict of regulation between the various authorities.

Briefly, the foregoing suggestions contemplate the prompt return of the railroads; the continuance of the present rates until changed and adjusted to meet the largely increased charges; the continuance of the guaranteed standard return until this is accomplished; the creation of a board or commission which will act as an administrative board, charged with the responsibility to represent the public interest in respect to the adequacy of facilities and service, and in addition to exercise the functions and powers of the present Interstate Commerce Commission, except as to accounting, valuation, rates, etc.

It is estimated that 12 per cent of the Nation's wealth is invested in the country's transportation systems. It is safe to say that 100 per cent of the public interest is involved therein. It is one of the great problems that we have before us. It is of prime importance that it be solved properly. Politics or theories have no place in its consideration; it is a business of manufacturing transportation. Good machinery should be used, together with good brains and full effort, to the end that the country and the people will continue to have what they always have had—the best transportation in the world; the greatest in volume and heretofore the least in cost.

With assurances of my high esteem, I remain,  
Very truly, yours,

A. H. SMITH.

Hon. WM. M. CALDER,  
United States Senate, Washington, D. C.

CLAIMS AGAINST MEXICO (S. DOC. NO. 67).

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

To the Senate:

I transmit herewith a report from the Secretary of State in response to the resolution adopted by the Senate on June 19, 1919, in respect to claims against Mexico for the destruction of life and property of American citizens in that country.

WOODROW WILSON.

THE WHITE HOUSE,  
July 31, 1919.

HOUSE BILLS AND JOINT RESOLUTION REFERRED.

H. R. 6323. An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes, was read twice by its title and referred to the Committee on Public Buildings and Grounds.

H. R. 7478. An act to amend sections 5200 and 5202 of the Revised Statutes of the United States as amended by acts of June

22, 1906, and September 24, 1918, was read twice by its title and referred to the Committee on the Judiciary.

H. J. Res. 150. Joint resolution to suspend the requirements of annual assessment work on certain mining claims during the year 1919, was read twice by its title and referred to the Committee on Mines and Mining.

#### AFFAIRS IN ARMENIA.

Mr. KING. Mr. President, the situation in Armenia is so serious that I have felt impelled to offer the resolution which has just been submitted and referred to the Committee on Foreign Relations. I sincerely hope the committee will immediately consider the resolution and report it in some form back to the Senate for approval.

The sufferings of Armenia have appealed to the civilized world for many years. Their history is written in blood and is full of tragedy and sorrow. For centuries the Armenian people have been under the tyrannous yoke of the Ottoman Empire. It seems incredible that a nation which has enjoyed diplomatic relations with civilized nations and which has been regarded as a nation with whom the great Christian peoples of the world could hold commercial and political relations would follow for centuries a policy of cruelty, bloodshed, and oppression with respect to peoples within its own territorial dominion and acknowledging its sovereignty and control. We have been compelled, however, to admit the fact that the Turkish Government deliberately sought the extermination of the Armenian race. This is not the time to enter into a discussion of the reasons which prompted the Ottoman Turks to butcher and destroy several million of brave, industrious, and progressive people who constituted such an important part of the strength of the Turkish Empire. During the recent war, while Turkey was fighting for her existence against the allied nations, she carried on her predetermined policy to destroy the Armenian people. The most savage cruelties were inflicted upon defenseless men, women, and children, and the edge of the sword was turned against these unfortunate people when it might have been used against the allied forces. I do not mean to convey the idea that Turkey did not fight with Germany and Austria and Bulgaria against the allied forces. Indeed, she gave strong support to the nations with which she was associated. It was known, of course, that the sympathies of the Armenian people were with the allied cause, and this doubtless increased the hatred of the Turks for the Armenians and intensified their purpose to destroy the entire race. It was the fervent hope of all civilized nations that with the end of the war freedom and liberty would come to Armenia; that the dark day of her sufferings and sorrows would end and the light of a bright and glorious period shine upon her devastated territory and the survivors of the horrors and persecutions of the past. I believe that each of the allied nations desired that the Armenian people should be restored to their ancient territory and should enjoy a government of their own choosing. As a matter of fact, the Armenians have erected a government of their own, democratic in form and in spirit. Suffering for so many centuries under the iron rule of an imperial and tyrannous government, they have sought the establishment of a Republic under which liberty and justice might be secured. These people, however, have been weakened by reason of the course pursued by Turkey, and as a result of the robberies and exploitation to which they have been subjected many of their cities and towns have been destroyed, extensive areas of Armenia have been laid waste, and property to the extent of millions has been destroyed. Tens of thousands of men have been murdered and hundreds of thousands of men, women, and children have been driven from their homes and have perished either at the hands of the sword or from exposure and starvation to which they have been subjected by their brutal oppressors.

In the circumstances it will be perhaps impossible for Armenia to maintain herself for a number of years to come without aid from friendly powers. She will require material aid and support in order to meet her obligations and to maintain herself as a nation in the struggle for national existence. I believe, however, that the Armenians are capable of self-government, and that their country possesses resources so rich and limitless as that within a reasonable time a government stable and strong will arise, and the support of friendly nations will not longer be required. For the present, however, the needs of Armenia are such as to call for aid from this and other nations. It would be a tragedy and an international crime if Armenia were to perish. The allied nations have not completed their work by freeing Armenia from the Turks. A duty still exists to give succor and support to this unfortunate people.

The Associated Press dispatch of yesterday portrays the dangerous situation in which the Armenians are now placed. The Turks and Tartars are moving upon them from three sides, seeking the overthrow of their Government, the seizing of their property, and the extermination of all classes. Maj. Joseph C. Green, who is directing the American relief work in Tiflis, in the northern part of Armenia, has called the attention of the world to the serious condition there prevailing. The same dispatch states that Mr. Hoover, after learning of the precarious condition of the Armenians, submitted Maj. Green's message to the peace conference, "which had already received similar reports from American and British observers."

I call particular attention to Maj. Green's message, which bears date of July 23. He states:

Had a long conference with the Armenian President to-day. The situation is worse. The Turkish Army, well prepared, and Tartars are advancing from three sides. If military protection is not afforded to Armenia immediately the disaster will be more terrible than the massacres in 1915, and the Armenian nation will be crushed, to the everlasting shame of the Allies.

Relief work is impossible in the present situation unless order is restored. Can not something be done to have the British forces in the Caucasus intervene to save Armenia?

Under date of July 25 Maj. Green also telegraphs:

The Turks and Tartars are advancing in the districts of Karabagh and Alagbez. They now occupy approximately the reopened territory of Russian Armenia. Khalil Bey, a Turkish colonel, is commanding the Azerbaijan Tartars.

Mr. Charles A. Selden, one of the very best journalists and one of the keenest observers in Europe, the correspondent of the New York Times, writes to his paper this article, which appeared in yesterday's issue of the Times:

The situation in Asia Minor, due to hostilities by Turkish troops, is admitted in Paris to be about the gravest menace now confronting the peace conference. Furthermore, it is attributed chiefly in French and American quarters to uncertainty among the Turks themselves as to what they may expect in the future, so far as a mandate government is concerned.

I shall not read the entire article, but shall ask that it be inserted in the RECORD as a part of these informal observations. I desire, however, to call attention to the concluding part of Mr. Selden's statement:

The most effective thing that could happen to put an end to the present menace of disorder which is involving the Kurds and threatening Armenian extinction would be, according to opinion in Paris, a declaration from leaders of the American Congress that they intended when the time came to authorize the American Government to take the mandates for Constantinople and Armenia.

Such a declaration would quell the fighting Turkish troops much more quickly and effectively than the allied forces now in Asia Minor seem able to do. Actual acceptance of the mandate or formal action by Congress at this moment is not essential, but merely some sign of action in the future that would convince the Turks.

If America is not to take the mandate, certain knowledge of that fact would also be far better than the present uncertainty, for with the United States definitely eliminated from the situation the European powers could at least make an attempt to agree among themselves and settle the mandate on one of their own number, thereby removing the present vagueness which gives the Turks their excuse and chief opportunity for starting a new war.

Mr. President, I do not mean to convey the idea that I am advocating that the United States should accept the mandatory of Armenia, but Mr. Selden's article is a very strong argument in favor of that policy.

Of course, until the treaty of peace shall have been ratified, it would be improper to talk of the United States becoming a mandatory of any province or territory. It may be that after such ratification there will be great opposition to our Government assuming such obligation with respect to any of the lands or territory formerly belonging to the Governments with which our Nation has been at war. I believe, however, that the American people have such an abiding interest in Armenia and sympathize so deeply with her because of past and present misfortunes that if the United States should become a mandatory for any country or territory Armenia would most strongly appeal for such protecting care. The views, however, of Mr. Selden indicate that some positive step should be taken immediately by this Government and by the Allies for the purpose of protecting Armenia. It is clear from the article referred to that if our Government should announce its determination to see that justice is done to the Armenian people, it would have a deterring effect upon the Turks and their military forces now menacing the Armenian people. I believe that if the Paris conference should adopt a strong statement demanding the withdrawal of all Turkish military forces from Armenia it would have a most salutary effect upon those forces now moving into Armenian territory.

I believe that a declaration by the Senate of the United States, expressing the hope that steps will be taken to afford protection to the Armenian people, would stay the hand of the enemies of this unhappy people. It would be, as Maj. Green

said, "an everlasting shame" if the allied nations should sit supinely by and permit the extermination of this brave and heroic people.

Mr. President, more than 1,000,000 Armenians perished at the hands of the Turks and the Germans associated with them during this war. There are, approximately, 2,000,000 Armenians still living. They reside in a vast territory extending from the Mediterranean Sea to the Black Sea. These people have no military resources. Much of the man power has been destroyed, and those remaining have been denuded of means for their defense. There are approximately 15,000 Armenians constituting the national military forces, but they are without arms or military supplies. If the Armenian people had guns and munitions and sufficient military supplies, perhaps they might be able to defend themselves against those now invading their land. But because of their impoverished condition it is manifestly impossible for them to resist military forces coming from three different directions and equipped with the modern implements of war.

The situation calls for immediate aid. This Nation and the allied nations will be guilty of a great delinquency if they fail at this juncture to protect Armenia from the peril now impending and which threatens her destruction.

The VICE PRESIDENT. The resolution introduced by the Senator from Utah will be referred to the Committee on Foreign Relations, and, without objection, the article referred to will be printed in the Record.

The article is as follows:

PARIS, July 30.

The situation in Asia Minor, due to hostilities by Turkish troops, is admitted in Paris to be about the gravest menace now confronting the peace conference. Furthermore, it is attributed chiefly in French and American quarters to uncertainty among the Turks themselves as to what they may expect in the future so far as a mandate government is concerned.

The activity of the Turkish troops under Mustafia Kaimil Pasha, who calls himself "Dictator of National Defense," would not have been started if the Turks themselves had had assurances that the United States was to govern Armenia and Constantinople. For a long time it was taken for granted in Asia Minor that such a mandate would be accepted by the United States, and in expectation of such powerful rule the Turks behaved. This certainty was based largely on what President Wilson said concerning Armenia in his Boston speech on his first return to the United States.

That speech was interpreted in Europe as showing conclusively that President Wilson himself was in favor of taking the mandate, and Europe, as well as Asia Minor, was well pleased. Since then there has been increasing uncertainty due to adverse criticism in the United States of the whole question of mandates and to the delay of Congress in indicating its future course in the matter.

That uncertainty concerning America is now supplemented by uncertainty as to what England is going to do. The leaders of the Turkish uprising are making much capital out of the insistence on the part of labor in England that British troops shall be withdrawn from Asia Minor as well as from Russia. The Turks are also fully aware of the present controversy between England and France over the limits of their respective zones in central Asia Minor as provided for in the agreement of 1916.

#### TURKS PROFIT BY EUROPE'S DIFFERENCES.

The net result of all this is that the Turks see a repetition of their traditional opportunity to make capital for themselves while the European Powers fail to agree among themselves on Turkish policy.

The most effective thing that could happen to put an end to the present menace of disorder which is involving the Kurds and threatening Armenian extinction would be, according to opinion in Paris, a declaration from leaders of the American Congress that they intended when the time came to authorize the American Government to take the mandates for Constantinople and Armenia.

Such a declaration would quell the fighting Turkish troops much more quickly and effectively than the allied forces now in Asia Minor seem able to do. Actual acceptance of the mandate or formal action by Congress at this moment is not essential, but merely some sign of action in the future that would convince the Turks.

If America is not to take the mandate, certain knowledge of that fact would also be far better than the present uncertainty, for with the United States definitely eliminated from the situation the European powers could at least make an attempt to agree among themselves and settle the mandate on one of their own number, thereby removing the present vagueness which gives the Turks their excuse and chief opportunity for starting a new war.

#### CIRCULATION OF CURRENCY.

Mr. MYERS. Mr. President, I ask that Senate resolution 142 be laid before the Senate.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from yesterday, which will be read.

The Secretary read Senate resolution 142, submitted by Mr. MYERS on the 29th instant, directing the Committee on Banking and Currency to investigate and report upon the advisability of a gradual reduction of the amount of money in circulation.

Mr. THOMAS. Mr. President, the object sought to be served by the resolution of the Senator from Montana is a very meritorious one, as are all similar resolutions or bills designed for the solution of that problem of problems confronting all classes and conditions of men—the high cost of living.

I sympathize with the purpose as keenly as any man in this Chamber, and I wish I knew of some better solution of the difficulty than that which, in the opinion of the Senator from Montana, may be effectual. There is no question but that whenever the expense involved in securing the necessities of life equals or exceeds the compensation of a large portion of society, the disturbed conditions which ensue not only disturb those immediately affected, but their reflex influence upon the social body is pernicious. They are bound sooner or later to lead to disturbance and, in many instances, to bloodshed and insurrection. We see around us evidences of the unrest and discontent which these conditions engender, and I am as conscious of the fact that extremes in cost have been reached and passed as anyone can be.

But I question very much, Mr. President, whether an inquiry such as is here sought to be secured will prove efficacious, because the amount of currency in circulation is, in some degree, an effect rather than a cause, and there is practically no possibility of a deflation within the next two or three or four years. All wars, Mr. President, result in an increase of prices, in an increase of currency circulation, and in a disturbed economic condition which continues for a long period after the war itself is over. An impetus is given to the overthrow of normal conditions, which carries beyond the cause and can not be arrested until it shall have spent its course.

The expense, for instance, consequent upon a great war not only continues to increase, not for any mathematically definite period of time, but for a considerable time after peace is restored. That is a fact that can be demonstrated by history, and I know of no exception to it.

So that what we are suffering from, in so far as causes are concerned, is an inflated political, social, economic, and financial condition engendered by the war and extending beyond it, and nothing that can be attempted, while it may mitigate existing conditions, can, in my judgment, sensibly affect them.

The Government of the United States was required upon entering this war to go into the market, not as a competitor but as a monopolist, and secure enormous quantities of almost every conceivable material. The insistence of the Government was not for what was in sight, but for everything that could be produced, and, of course, it was necessary to offer extraordinary inducements to secure increased production, and to meet the expense consequent upon Government demands the credit of the Nation had to be mobilized, which is but another method of currency expansion; and it was mobilized, as typified in every bond issue and in every contract which was made on behalf of the public for war materials.

Fortunately we had a banking system, providentially enacted only two or three years before our entrance into this war, under which, by an automatic process of mobilizing credits, the needed currency could be issued and put into the channels of circulation in exchange for these goods. The difference between this inflation and the inflations of the past is that the present one has a substantial basis, and instead of having the ordinary fiat money, such as was used during the Civil War and in other wars between other countries, we have a money based upon all those available foundations for a healthy and substantial currency that the ability and the wisdom of Congress could devise in its enactment of that law. It provides, of course, for an automatic retirement of issues to correspond with the decreased requirements of currency as those conditions inevitably arise from year to year in the transaction of business and the course of commerce. The very fact that we have had up to this time no decrease of currency circulation, and, on the other hand, no abnormal increase, because I think that is impossible under the law, indicates that so far as the currency problem is concerned conditions are as normal as abnormal times will permit.

Of course, there is no question about the fundamental truth announced by the Senator from Montana [Mr. MYERS] that the value of money decreases with its quantity when measured by purchasing power, and that a man's compensation, therefore, depends not upon the number of dollars he gets but upon the amount of material he can obtain in exchange for them; and it is the nonrecognition of that fact which is in some degree the cause of the existing unrest.

We have been raising prices and then raising salaries, then raising prices and then raising salaries, then raising prices and then raising salaries, practicing the operation of a merry-go-round, in the hope that somewhere the cat would catch the end of its tail, and we propose to continue that process—and when I say we I mean the Nation at large, including the Congress—in the vain hope that somewhere there will be a check and the operation will be reversed, when the tail will chase the

head instead of the head chasing the tail. But unfortunately no one is willing to begin that process.

We are to blame, the American Congress is largely to blame for its contributions to this general condition. Ever since the war began the employees of the Government have, with every session of Congress, applied for an increase in their compensation, and we have given it to them. I have made the prediction on every such occasion that it would only result in an increase of prices, with the return to Congress for more money, and I notice this morning, Mr. President, with much satisfaction that the head of one of the organized bodies of trainmen concurs in this statement in an interview that was published yesterday, as follows:

It developed yesterday that demands for more wages were pending before the Railroad Administration from several hundred thousand employees. Perhaps the frankest talk which Government officials have heard in a long time came in this connection, in the statement of W. G. Lee, president of the trainmen, before the Wage Adjustment Board. Mr. Lee told the board that an increase in wages was not the proper solution of the present economic hardships under which workmen are laboring, because they would be followed by new increases in the cost of everything, which would more than absorb the additional pay.

#### MAY PRECIPITATE UPHEAVAL.

Until all classes get together to stop "profiteering," he said, the only thing for everyone to do is to get all the wages he can, a course which he declared would result eventually in precipitating the "upheaval" now feared.

Truer words were never uttered. But can all classes get together? Mr. Gompers has announced that under no circumstances shall wages be reduced. The farmers complain of high prices, but they do not desire to see any reduction in the prices of their products. The salaried man is the man who suffers principally, because, generally speaking, his income is fixed. But the organized bodies, the federations of labor, though anxious, of course, and very properly, to see a reduction in the living scale, will not consent to the consideration of a reduction in the wage scale. As a consequence I do not see that the classes can get together. But they must get together if profiteering is to stop, no matter how we may legislate.

Now, what is profiteering? A man who gets \$10 a day and gives in return for it \$5 worth of work is a profiteer. Any organized body which, for the purpose of enforcing its demands for higher pay, quits work and interferes with the normal operation of public business is a profiteer. A man who adds an unusual and improper profit to the necessities of life is a profiteer. Every man, in other words, whether he works with his hands or with his head, whether he is a laborer or trader, whether he is a farmer or a manufacturer, whether he is a cotton grower or a meat packer, is a profiteer if he insists upon getting more now than he ought to have for his product, whether that product be labor, whether it be the products of the soil, or whether it be a manufactured article, or all of them together.

We are all doing this. I am not speaking of it, Mr. President, in any complaining sense, because it is not unusual. Indeed, anything else than this would, in a time like this, be unusual.

There is another reason for it. We are at present paying into the Treasury of the United States every year \$6,000,000,000, the most enormous revenue that any country ever raised, and more than six times as much as our people were compelled to pay before the war began. It is human nature for every man who pays a tax to pass it on, and the man is not yet born who can devise a plan of taxation that will prevent that practice. I pay my tax, and if there is any way to shove it onto the shoulders of my neighbor I do it, and so does every other taxpayer in the country.

The result is that this \$6,000,000,000 is for the most part added to the cost of consumption, and consequently it is loaded upon the cost of the necessities of life. Just so long as we have high taxes, just so long will we endure, because we must endure, increased cost of living. You may have all the investigating committees on earth and inquire into every conceivable cause of the high cost of living, but so long as we are overtaxed just so long will there be an increased cost of living.

The Senator from Florida [Mr. FLETCHER] suggests the income tax. In the first place, it has been impossible for the Congress to enact a measure which prevents the saddling of the income tax on corporate securities upon the creditor. We have tried it several times. We have brought bills into this body containing that clause, and it has gone out every time in the conference committee. Incidentally there is a disposition to increase costs in order to obtain increased income, which, of course, benefits the Government if there is an increase. The income tax comes more nearly being an exception to the rule that taxes are always passed on than any other tax we have yet been able to devise, but it is far from a complete success.

The Senator speaks of the difficulties encountered by street railway companies. They have encountered a great many. It is a matter of sincere regret that they are financially embarrassed, but, to be perfectly frank, I have very much less sympathy for the municipal transportation companies than I have for many other classes now embarrassed, because during the days when these municipal transportation companies were being organized and consolidated, to use a common expression, they "milked" the public in their watered stock and their vast overissued bond capitalization far beyond their possibility, except under most extraordinary circumstances, to ultimately meet and overcome this fixed burden, and with the war and the increase in the price of materials, the demand for higher wages from all employees, they simply faced the whirlwind, having sown the wind before the war occurred. That is not to say that they should not be relieved, but it is to say that the situation which confronts that class of activities was inevitable from the good days when the spirit of speculation and the eager desire to secure everything possible through their overcapitalization was so manifest.

I do not believe, therefore, Mr. President, that the inquiry which the Senator desires is one which will result in giving us any more information than we can obtain from a consideration of the general history of inflation as an inseparable adjunct to war and the impossibility of reducing it until times become more normal than they are immediately after the war.

That brings me, Mr. President, to another consideration. Is it wise to consider deflation at this time? Are not the evils which inevitably will result from deflation as great as or greater than those which now confront us? Nearly all of the panics of the past in this country, particularly since the Civil War, have been the result of undue deflation.

Mr. FLETCHER. Mr. President—

Mr. THOMAS. In just a moment. The panic of 1873 was the direct result of the retirement of millions of greenbacks, as that of 1893 was due to the unfortunate action of the leading countries of the world in placing their monetary systems upon the basis of a single precious metal.

I now yield to the Senator from Florida.

Mr. FLETCHER. Mr. President, I wish to suggest to the Senator this proposition, because it seems to me very logically to reach the point which he has stated so clearly: Until we arrive at normal conditions we can not expect great depreciation in the high cost of living, and the question then would be how ought we to hasten the arrival of normal conditions? Can we do that? Can the Senator suggest the means of doing it, and will deflation hasten the arrival of that time?

Mr. THOMAS. I think we can hasten it if we will. The Congress of the United States can begin by setting the example and economizing in their expenditure of the public funds, because by that means we will reduce taxation to its minimum. If Members of this Congress, as I hope may be the case, will make a sincere effort, ignoring the pressure of their local constituencies and forgetting for the present their manifold demands upon the Public Treasury, the most of which are not now necessary, I feel very sure that our good example will be imitated by the States and the municipalities and adopted in the administration of many of our public and semipublic utilities. I am very much afraid that is not going to be done.

Mr. MYERS. Mr. President—

Mr. THOMAS. I yield to the Senator from Montana.

Mr. MYERS. I wish to ask the Senator if he has any hope of Congress setting such an example?

Mr. THOMAS. No, I have not. The Republican Party wants the vote of four millions of soldiers. The Democratic Party wants the vote of four millions of soldiers. This want is an overpowering one on both political sides of the country. The public moneys are under our joint control. Consequently we are not only disposed to give the soldiers all they want, but all the Nation possesses. There is a bill now pending to pay every soldier \$360 bonus for his services, which would be a trifle of about \$1,400,000,000. There is another bill pending, I believe, to make it \$500 each, that was introduced by a politician on the other side, in all probability a little higher bid for the soldier vote, which will take only \$2,000,000,000. We propose to give them all the land they want, and I do not object to that a particle. God knows I want to see the public lands of the United States in private ownership just as soon and just as quickly as possible; but we propose practically to give every man who was in the war a very considerable sum of money, and this can be done only by taking it out of the pockets of the people. When you do that you not only extend the tendency to inflation, in a way, by increasing the amount in circulation, but you will add to the national debt, because we need \$6,000,000,000 of taxes, and about \$6,000,000,000 more to meet the

ordinary expenses of the Government for the current fiscal year. But if we are to add these enormous sums, and I repeat with all due respect to the public, for the purpose of propitiating the soldier vote, we will add most horribly to the upward tendency of prices all over; in other words, we will be contributing to instead of discouraging the upward flight of prices for all the necessities of life.

Mr. KING. Mr. President—

The PRESIDING OFFICER (Mr. KIRBY in the chair). Does the Senator from Colorado yield to the Senator from Utah?

Mr. THOMAS. I yield.

Mr. KING. The Senator has invited attention to one of the very great drafts which it is proposed to make upon the Federal Treasury. I invite his attention to another one, namely, the determination upon the part of some men in public life, including some Senators, to have the States abdicate their functions and fail to discharge the duties which devolve upon them, and place the responsibility of State governments upon the Federal Government. Accordingly we have a bill here to appropriate \$100,000,000 for education; we passed a bill the other day appropriating \$200,000,000 for roads; there will be a bill here shortly proposing to appropriate \$50,000,000 for public health, and so on ad infinitum. There will be bills here aggregating more than \$1,000,000,000 a year for direct appropriation to the States to aid the States in the performance of duties and obligations which rest upon them, and which they or some politicians are trying to put upon the shoulders of the Federal Government.

Mr. THOMAS. That is true. Everybody in the country believes in getting while the getting is good, and just now it would seem as though the getting was remarkably good. My constituents want as much money out of the Treasury as possible. I do not blame them. That is the tendency of the times. The Senator's constituents want as much money out of the Treasury as possible. The Senator from Florida [Mr. FLETCHER] is in the same position. My friend the Senator from Georgia [Mr. SMITH], who is sponsor for the \$100,000,000 educational bill, has the wants of the people of Georgia to consider. There we are. What are we to do? The able statesman of the twentieth century is the man who can bring to his constituents the most money from the Public Treasury. That is the current test of ability.

Mr. SMITH of Georgia and Mr. JONES of New Mexico addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Colorado yield; and if so, to whom?

Mr. THOMAS. I yield first to the Senator from Georgia.

Mr. SMITH of Georgia. Mr. President, I wish to make two corrections. I wish to correct the Senator from Utah [Mr. KING] and substitute the word "statesman" for "politician" as he used it.

Mr. KING. I accept the correction.

Mr. SMITH of Georgia. I wish to correct the statement of the Senator from Colorado [Mr. THOMAS] and say in the interest of the children of the entire country and not simply of my own State.

Mr. THOMAS. I did not mean that for a moment. If I said that the Senator was interested only in the children of the State of Georgia, I must make the correction myself. It is all the children in the United States who need the \$100,000,000, Mr. President. There is no question about that. I am getting letters written in propagandist style from very nearly every teacher and association in my State insisting that I must vote for the bill.

I now yield to the Senator from New Mexico.

Mr. JONES of New Mexico. I should like to inquire of the Senator whether he agrees with the Senator from Utah [Mr. KING] and if it makes any difference whether the Federal Government incurs the expenditure with respect to the cost of living or whether the States do it. If the work is to be done by the public, either the Federal Government or the States, it will necessarily be paid for through taxation ultimately. Can it make any possible difference in the cost of living whether the Government does the work or the States do it?

Mr. THOMAS. It will simply make this difference, so far as the subject which I am discussing is concerned: It will double the cost of the education of every child in the country. One half will be paid by the States—the amount they have been paying—and the other half will be paid by Uncle Sam. But what is worse, it will foist another bureaucratic institution upon the Government, with its added swarm of employees protected by civil-service regulations, and, of course, prospective members of the national employees' union. And so we go.

Mr. President, I have spoken longer than I intended on this subject. I am profoundly convinced that we ought to do some-

thing about it if we can. I am profoundly convinced that we should make every effort to ascertain whether we can correct this terribly important condition of affairs, but I am afraid that, after all, we will have to come back to voluntary action, as suggested by Mr. Lee, who has evidently given this subject very careful attention, and see if we can not get all classes together to stop profiteering, to stop eating each other up, to stop this system, this vicious circle of a constant rise of everything to meet a constant rise of everything else.

I am sure, Mr. President, coming back to the purposes of the resolution, that this is not the time to consider the matter of deflation, which would have far more destructive consequences to social institutions and industrial conditions than our present comparatively modest inflation possibly can have.

Mr. SMOOT. Mr. President, will the Senator from Colorado yield for just a moment?

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Utah?

Mr. THOMAS. I yield the floor.

Mr. SMOOT. I merely wish to ask the Senator a question. Would it not be just as well to make a statement of facts as they no doubt exist to-day and no doubt will exist for years to come? The per capita circulation of this country is about \$54.25—the largest that ever was known in this country. If we are going to finance Europe, if we are to build up all of the waste places of Europe and furnish the money for the rehabilitation of Europe, we need not expect this circulation to decrease; that is true beyond a doubt, and I think the Senator from Colorado will admit it.

Mr. THOMAS. I think so, Mr. President, and I think, in addition to that, in view of our coming responsibility, that we ought to enlarge our basis of circulation by the remonetization of silver.

Mr. SMOOT. I will say, Mr. President, that there is no other way to accomplish the task before us than by an increased circulation per capita, based upon the resources of our country. We have not any more gold than we had, and the only way we can get more circulation at all is to increase our paper money. I expect, I will say to the Senator from Montana, to see our circulation not stop at \$54.25 per capita, but if we are going to undertake to finance Europe I expect it to go higher. Some of the countries in Europe now have three times as high a circulation per capita as we; I think Germany has four or five times as much. Nobody really knows the per capita circulation there to-day. It has gone beyond any question of anyone having any interest in it, because it is, beyond all doubt, more than Germany can ever pay. Therefore nobody is taking any interest in the subject. The circulation of every country in the world has not only increased to nearly double ours, but in most of them it has increased more than double our circulation. It will be a long time before we get back to normal conditions of circulation in this country.

Mr. MYERS. Mr. President, I am glad to have had the views of the Senator from Colorado [Mr. THOMAS] and the Senator from Utah [Mr. SMOOT] on this matter. They are always illuminating. However, neither one of them offers any hope of any alleviation of the existing conditions of the day, at which the pending resolution is aimed. The only suggestion the Senator from Colorado makes is that Congress set an example of economy by reducing expenditures and economizing on appropriations, and he admits there is no hope of that. If we have to depend upon economy by Congress in its appropriations to bring down the cost of living, then I have no hope whatever of it; there is simply no hope if that is the only reliance.

We are confronted with the fact to-day that there is about double the amount of money in circulation in this country that there was five years ago, and that the cost of living is quite double what it was five years ago. The two facts are just as closely related as are the condensation of moisture and the precipitation of rain—one is cause, the other is effect. Committees of Congress, the Federal Trade Commission, and other trade bodies and committees of citizens are conducting long and laborious investigations into the causes of the high cost of living. They need not investigate for one minute, because right here in this statement to the Senate by the Secretary of the Treasury can be found the reason. I assert, and it is a fact which I do not think anybody will deny, that if we should at this time double the amount of money in circulation in this country immediately there would be a doubling of all prices in the country.

Mr. GRONNA. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from North Dakota?

Mr. MYERS. I yield with pleasure to the Senator from North Dakota.

Mr. GRONNA. To a certain extent I agree with the Senator from Montana, but we must not forget the fact that we are not trying to take care of the United States alone now, but that we are trying to the extent of our ability to help all the countries of the world. The Senator from Montana has, perhaps, seen the bill which is now pending before the Senate which is called a banking bill, but which in reality is a commercial proposition. The complaint is now that the American dollar is too high; that the American dollar is worth \$1.40 as against the money of the most stable countries in Europe; that the pound sterling has decreased from \$4.86—its intrinsic value—to \$4.26, and below that.

It seems to me that if we should make an effort to reduce the issue of American currency our money would again rise in value and there would be a further burden upon European countries. Has the Senator from Montana taken that into consideration?

Mr. MYERS. I have given it some thought, though I am not particularly informed as to the provisions of the bill to which the Senator refers.

Mr. KING. Mr. President, will the Senator from Montana yield to me?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Utah?

Mr. MYERS. I yield with pleasure.

Mr. KING. Does not the Senator from North Dakota misconceive the cause which leads to the exchange being so favorable to our country and so unfavorable to foreign countries? The Italian lira, which normally sustains the ratio of about 5.26 to the dollar, is now nearly 9 to the dollar. That results from the balance of trade being so disastrously against Italy. Italy has no exports with which she can meet her obligations and her interest charges, and, therefore, of necessity, her money goes down in value when measured by the American dollar, in whose favor the balance of trade runs.

Take, for instance, Spain. The balance of trade being in favor of Spain, the American dollar there was far below Spanish money; indeed, at one time it was only worth about 56 per cent of Spanish money; so that the cause which the Senator alleges, it seems to me, is wrong. It depends entirely upon the balance of trade. Our money in many countries is cheap because the balance of trade is against this country, while in other countries it is high because the balance of trade is so great in our favor.

Mr. GRONNA. Mr. President, will the Senator from Montana yield to me to reply to the Senator from Utah?

The PRESIDING OFFICER. Does the Senator from Montana yield further to the Senator from North Dakota?

Mr. MYERS. With pleasure.

Mr. GRONNA. Mr. President, I assume that the Senator from Utah knows why the Spanish money was taken in exchange at the high prices that it was taken during the war. It was because the American banker and the people of our country "pegged" the money in New York, and when, as a matter of fact, the pound sterling was worth about 54 cents on the dollar we took it at a discount of about 2 per cent.

I say to the Senator from Utah those are facts which can not be contradicted. Spain, instead of sending her own money to New York, bought pounds sterling because she profited by it; she could buy more pounds sterling for her money than she could buy American dollars for her money, and that is why she bought them.

I agree with the Senator that the balance of trade has something to do with the conditions referred to; but during the war, when the balance of trade with Spain was \$50,000,000 in our favor, Spain never paid us a dollar in our own money, but bought foreign drafts and paid us in pounds sterling, because she could buy them cheaper. Every sensible man must know that one of the main reasons why European money is cheap is because their money is inflated. I do not wish to take the time of the Senator from Montana, but if I had the opportunity I could present tables to show the tremendous inflation of money in those countries. It is a simple proposition. If I am worth \$100 and my note is circulating through the country for a million dollars, the people who happen to know me become suspicious and are going to insist upon a liberal discount if they take my note at all.

Mr. KING. Mr. President, just a word further.

The PRESIDING OFFICER. Does the Senator from Montana yield further to the Senator from Utah?

Mr. MYERS. With pleasure.

Mr. KING. Of course the Senator from North Dakota is a sensible man, and knows very much more about some of these problems than do other Senators, and I do not pretend to match my knowledge of financial questions against the superior knowledge of the distinguished Senator from North Dakota; but the

Senator must know that the rule to which I refer is an axiomatic one. Take the South American Republics, for example. Here is our neighbor, Colombia; the American dollar there was selling for 84 cents because the balance of trade was against us. In Argentina, when the balance of trade was against us, the American dollar was selling at from 74 to 90 cents. It is simply a question of the balance of trade. In Spain we were buying millions and tens of millions of dollars of her products for the American Expeditionary Forces; we bought tens of thousands of head of horses and products of which she had a surplus; so the balance of trade ran in her favor; and in order to pay her we bought exchange when our money was worth there, as I have stated, very much less than it was at home. The balance of trade was so great that the American dollar in Spain was only worth about 50 cents.

Mr. MYERS. Mr. President, so far as the money of Germany is concerned, Germany has a greatly inflated currency; there is no doubt about that. Much of its currency is fiat currency, and I do not think we ought to measure the worth of our money against money of that kind.

So far as the United States being obligated to take care of all the world, as has been stated by some Senators, is concerned, I think the United States ought to pay some regard to the welfare of its own people; that they should come first. I am not in favor of taking care of the obligations of the world, to the absolute detriment of millions of people in this country who are suffering because of the abnormally high cost of living.

To my mind this is a simple mathematical proposition. There is, roundly speaking, double the amount of money in circulation in this country that there was five years ago. Our resources are not double what they were then, but the cost of living is. The cost of living will not decline until there is a reduction of the volume of money. If it takes now \$20 to buy a good, substantial, serviceable pair of shoes—and I am told it takes that much to buy some shoes of the better grade—no man can buy that pair of shoes for \$10 so long as there is the present amount of money in circulation. No one will be able to buy that pair of shoes for \$10 until there is only one-half the amount of money in circulation in this country that there is to-day. We may have investigations by Congress, by the Federal Trade Commission, and by associations of citizens; we may hunt for causes and descent upon results until the end of time; but we are not going to have any substantial reduction in the cost of living in this country until there is some contraction in the amount of money in circulation.

That is a law of finance that is as sure as a mathematical calculation. There are more strikes and threatened strikes, there is more unrest, there are more industrial disturbances, in this country to-day than there have been at any time in the last 25 years. Undoubtedly that is true, and nearly all of it comes from the high cost of living.

It has been very plainly indicated in the last few days by one of the high officials of one of the brotherhoods of railway workers that unless, by the 1st of October, there is an increase of the wages of railroad employees or a reduction in the cost of living there will be a nation-wide railroad strike. Is Congress going to do nothing in the face of this? Does Congress want that state of affairs to continue in this country? It was all right to have an extraordinary volume of money in circulation in time of war. It was necessary. We had to have it to win the war, and it was one of the workings of the flexible currency law which we have in existence in this country, but is there any necessity for that state of affairs to continue indefinitely and permanently in time of peace, together with its attendant strikes, industrial and labor troubles, high wages, high cost of living, endless chains of rising prices, eddies by the hundreds of increasing wages and increasing cost of living, and prices of products going up interminably? Are we going to view calmly that state of affairs, without any effort to find or bring about a remedy or a betterment of conditions, simply because we want to discharge the obligations of all the world and carry all the world on our shoulders? It is absolutely inevitable that if the amount of money in circulation in this country to-morrow were half what it is to-day the cost of everything would be half what it is to-day.

I do not know that it would be advisable, for a number of years, to bring the amount of money in circulation down to one-half of what it is now. It may never be advisable, and if any contraction at all is to be had it ought to be had gradually and along natural lines in accordance with sound laws of finance. I do not think there ought to be any sudden contraction. Perhaps there ought not to be any contraction at all for a while, but there is bound to be some before we ever can get a reduction of the cost of living. It is only a question of when.

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

Mr. MYERS. I yield.



Mr. KING. The Senator appreciates, does he not, that the prices of commodities and of labor depend not alone upon the volume of money in circulation in a community or in a country, but depend also in part upon the volume of credit that exists—if I may be permitted to use the word "volume"—in a community?

We have now billions of dollars of governmental securities issued. These consist of short-time obligations and of bonds running over a period of 40 years, as I recall. Does not the Senator think that so long as there is such an enormous base for credit—and that base exists so long as those governmental obligations are in existence—there will be a high volume of credit, and that will tend to the maintenance of high prices, regardless of the volume of currency in circulation?

Mr. MYERS. It has some tendency that way, but I do not think it is as determinative as the amount of money in circulation. The billions of dollars of bonds that have been issued by the Federal Government and by State and municipal governments and by private institutions simply, in effect, add that much to the amount of money in circulation. They are virtually money. They are supposed to be as good as money and pass as money; so the amount of money in circulation is really far greater than the amount of currency in circulation. We are living in an age of extravagance and speculation, in a fictitious age; and the extraordinary amount of money in circulation, the unusual amount of bonds that have been issued, the amount of the country's credits tend to extravagance, speculation, and fictitious values. Negroes in Washington, and some others, enjoying sudden prosperity, are riding in automobiles and wearing fine clothes, while lots of people are unable to afford the necessities of life on account of high prices of labor and products. It is an abnormal condition of affairs, but it is becoming worse and worse. There is a constantly increasing tendency to increase wages and, along with it, to increase the cost of everything that labor has to buy as well as all it produces.

I think the country is confronted with a condition of which Congress should take cognizance. It is confronted, among other things, with a very plain statement that unless there is a reduction of the cost of living or an increase of the wages of railroad workers by the 1st of October there is likely to be a Nation-wide railroad strike, such a strike as would paralyze the business of this country and bring on a panic worse in its nature and effect than any other this country has ever endured.

As to all classes getting together, as has been suggested by the Senator from Colorado [Mr. THOMAS], I do not believe that all classes will get together. It is an impossible thing. It is something that never has been accomplished except in the face of threatened destruction—destruction of one's country and of the security which it gives to the people. When a nation is attacked in war, when its life is at stake, nearly all of the people get together; but nothing short of that dire emergency will cause all of the people to get together. Everyone is too much for himself for that to occur in time of peace.

I do not know what ought to be done in the way of financial legislation, if anything; but we have a committee of this body which is supposed to be authority on those things, and I believe the conditions that have been discussed here to-day ought to be referred to that committee. Certainly no harm could come from it. It would certainly show that the Senate is interested in this all-absorbing and all-threatening subject, which is pressing right now at the doors of the Nation, with impending peril almost as great as that of the war from which we have just emerged.

Mr. JOHNSON of South Dakota. Mr. President—

The PRESIDING OFFICER (Mr. DIAL in the chair). Does the Senator from Montana yield to the Senator from South Dakota?

Mr. MYERS. I yield, with pleasure, to the Senator from South Dakota.

Mr. JOHNSON of South Dakota. I should like to ask the Senator from Montana one question. If decreasing the amount of currency in circulation would tend to lower the cost of all of the necessities we have to buy, would it not also decrease the value of all property? What is the Senator's idea on that subject?

Mr. MYERS. It would, undoubtedly; yes. It would bring down the cost of everything proportionately; but it seems to me that unless we in some way better the condition of which there is universal complaint, we are liable to have a panic brought on in this country by a nation-wide cessation of industry, by nation-wide strikes which would destroy property values; and that, it appears to me, is about the only way in which a panic can be brought about in these days. Our banking and currency law is said to be a flexible law. It certainly is flexible so far as making provision for increasing the amount of money in cir-

ulation is concerned; but its flexibility does not seem to work so well when the emergency is over, when it comes to withdrawing from circulation some of the money issued for emergency purposes. In fact, the ordinary panic from ordinary causes, as we have heretofore known it, I think is beyond the possibility of occurrence under the present banking and currency law. We have provided a banking and currency law by which, whenever there is a shortage of money in any line of industry, it may be supplied if that line of industry has any security to offer. It is the boast of those who framed the present banking and currency law that under it a panic is impossible. Ordinarily when there is an era of inflation, speculation, fictitious values, extravagance, natural laws provide a remedy by bringing on a panic.

Mr. HITCHCOCK. Mr. President, I should like to ask the Senator whether his resolution contemplates that the Committee on Banking and Currency shall take up this matter and have hearings?

Mr. MYERS. Oh, no; not at all.

Mr. HITCHCOCK. It merely seeks an expression of opinion of the Committee on Banking and Currency?

Mr. MYERS. An expression of opinion; yes, sir. I am opposed to hearings, as a rule. Nine-tenths of the hearings that are conducted by Congress, I think, do no good. But it seems to me that the banking and currency law needs some amendment by which the withdrawal of emergency currency may be more easily brought about. It seems to me that the banking and currency law is defective in that respect. Certainly, when in time of war or some other great emergency, great quantities of emergency currency are issued, to tide the country over temporary difficulties, there ought to be some way, after the passing of the emergency, of retiring some of the emergency currency. The country does not need as much money in peace as in war. What is only enough in time of war may be too much in time of peace, and when there is too much money in circulation it breeds extravagance, reckless living, extortionate prices, abnormally high cost of living.

As I was saying, under the present banking and currency law I think such a panic as this country had in 1873 is impossible. The usual and ordinary result of such an era of inflation, extravagance, and speculation as we have been going through is a panic. The laws of finance supply it, just as the laws of nature bring about relief when a superheated condition of the atmosphere arises; the overheated atmosphere goes upward and creates a vacuum, and there is an inrush of cold air, bringing about thunderstorms, lightning, and showers. I think, however, that the present banking and currency law has in a measure committed an abortion on the laws of finance, in that natural laws are unable now to bring a setback to extravagance, speculation, inflation, and fictitious values. We can keep on going in that reckless course, apparently, to the end of time. But there is one way in which a panic can be brought about, and that is if the laboring men of the country in any line of industry or all lines of industry—say the railroad workers, for instance—unanimously resolve on a nation-wide strike on account of the high cost of living. That would bring about a panic, and the worst panic this country has ever had, and it is to-day actually threatened.

I have now no remedy to offer. This resolution does not initiate any legislation. It does not commit the Senate to any legislation. It simply refers the all-absorbing and vital question of the day to one of the committees of this body, not necessarily for hearings, but merely for a report from that committee as to whether or not it thinks any further financial legislation at this time would be advisable, and if the committee makes a report it will be only advisory; it will be in no wise binding upon the Senate. I, for one, would like to have the opinion of that committee on these matters. I think it would have some value, and surely the Senate is not going to put itself on record as not desiring an opinion from one of its committees, the committee which handles these matters, in this day of threatened trouble, when everybody is clamoring for relief of some kind.

I submit that the resolution should be adopted. It can do no harm. It may shed some light on a subject that is agitating the country and we want all the light we can get. The country wants all the light it can get, and I submit that the resolution for that reason should be adopted without objection.

Mr. KING. Mr. President, one observation submitted by the able Senator from Montana [Mr. MYERS] prompts me to say just a word. As I understood the Senator, replying to a suggestion made by the Senator from Colorado [Mr. THOMAS], his position is that the various forces in the United States, the forces of labor and the so-called forces of capital, can not get together and that concord or any harmonious arrangement that might

make for pacific conditions and tend to avert strikes and financial or other difficulties is impossible.

Mr. MYERS. I meant to bring about a reduction of the cost of living more particularly. That is what I had in mind.

Mr. KING. With the qualification which the Senator has just made, I still desire to submit an observation by way of reply thereto.

Mr. President, I do not quite agree with the position taken by the able Senator from Montana, even though the position be as indicated by the qualification just stated by him. During the war, when there was a test of the loyalty and patriotism of the American people, I think every American was gratified at the attitude of all classes of our people.

Mr. MYERS. If the Senator will permit me, I made an exception of war. I said that a time of war was an exception.

Mr. KING. I appreciate what the Senator now says, but my contention is that the attitude of the American people then was only a manifestation of their true sentiments and feelings and that there has been no material change in their position since the termination of the war.

The war through which we have passed merely illustrated the deep devotion of the great mass of the American people to their Government and to our institutional life. It is true it revealed here and there a few festering spots and sordid influences. It also gave evidence of the fact that we had perhaps been too liberal in our immigration laws and there had come to our shores too many who were not in sympathy with our Government and who had no purpose to become identified with the American people. They came as aliens and remained aliens. But, speaking generally, the American people exhibited a love for their country, a devotion to the letter and spirit of our Constitution, that argues well for the perpetuity of the Republic.

I sometimes think we have used the words "laboring man" and "capitalist" rather loosely in this country. Most of the American people are laborers. Substantially all of the so-called capitalists of our country a few years ago touched elbows with men in the field and on the farm and in the shop or mine or in other industrial and manual pursuits. Our institutions—our form of government—permit the poor boy of to-day to become the capitalist of the morrow, and many of the manufacturing institutions and plants of our country have been builded by those who have toiled with their hands and have earned their bread in the "sweat of their brow."

But labor, as the term is usually employed, during the war loyally supported our Nation and the allied cause and contributed materially to the great victory which was won. The farmer and employee in the mine and in the factory—indeed, the American people everywhere—industriously labored to produce the things required on land and on sea by the military and naval forces of the United States as well as by the civilian population everywhere. The man of wealth, the banker and the capitalist, the man of moderate means as well as the poor man, all liberally contributed of their means to meet taxes and to purchase Government bonds and securities in order that the credit of our Nation might be maintained and the sinews of war supplied. No people ever exhibited a greater spirit of fidelity to their country than did the American people. No people were truer to the ideals of a progressive, democratic, Christian nation than were the people of the United States. The spirit exhibited by the people demonstrated that they are one in thought and in spirit. The spirit of patriotism and devotion to the cause of righteousness and justice is not the product of a moment, it is not spontaneously generated. It is in part the inheritance of the past and in part the product of right thinking and right living and of the educational processes past and present.

Devotion and patriotism and love of country, manifested in an hour of peril, are merely the fruits, the symptoms, of conditions that have prevailed for an indefinite period. A patriotic people devoted to their country and its cause give daily evidence of the same. Of course, this patriotic fervor manifests itself more acutely and the spirit of patriotism burns more brightly when the life of the Nation is endangered by a powerful foe. I am merely attempting to convey the idea that there is a spirit of unity and solidarity among the American people; that there is not that class warfare, that irrepressible conflict that rends asunder the social and economic structure, which the enemies of government and orderly progress declare. At bottom the great mass of the American people are united in thought and in purpose. They have the same ideals, the same hopes and aspirations. They are working to the same common end. They believe in this Nation, in its great mission, and in its divinely appointed task to hold aloft the torch of liberty and justice, and to aid in the enlightenment of humanity and in the guidance of the world. They are seeking the establishment of justice and

the orderly and progressive development of this Nation as well as of all nations. In their desire to aid humanity they are not blind to their higher allegiance to this Republic. To them the Stars and Stripes symbolize freedom and justice, and they regard this Nation as the greatest the world has ever seen. In war and in peace this flag is the sacred banner under which the democratic forces of this Republic will work out the mighty problems which a virile and puissant people in a world of conflicting currents will be required to meet.

Post-war periods always have developed problems serious and difficult of solution. Some peoples have been incapable of meeting them, and their struggles have proven abortive and they and their governments have gone down in ruin. But the people of this Republic, nurtured in the principles of self-government, will, in my opinion, prove competent to meet the problems of this hour, serious and menacing though they may be. This is a time for hope, for courage, for faith, and for sanity. This is not an hour for pessimism, for despair, for distrust of the institutions of our Nation and the government of Washington and Jefferson and Lincoln and Wilson. The temple of liberty, the great national superstructure erected by the fathers, will not be destroyed by any iconoclasts abroad in the world to-day. Other nations may be rocked to their foundations. Peoples not schooled in the principles of liberty and not possessed of the ideals of those who read the mission of this great Republic may be unable to meet the advancing tides of revolution and destruction and may be overwhelmed by their destructive force.

And yet, after storms that are beating in many parts of the world to-day, and threatening peoples and nations with ruin and destruction, have passed by, tranquillity and order will come; newer and better forms of government will arise in other lands and a brighter day will dawn for the people, promising liberty and justice to the world. When I behold the disruptive forces and the conflagrations manifesting themselves in various parts of the world I am reminded of the statement of Lowell, which was, in substance, that when he saw the fires and revolutions in the world he took comfort in the thought that the universe was fireproof or Providence would not have permitted us to play with matches.

Mr. President, there are, of course, dangers and problems wherever you find a virile, puissant, and progressive people. A stagnant, decadent people have no problems. The man without ambition or purpose, who lives in a horrible state of monotony and is mentally moribund, has no problems. He ceases to function as a human being and is no longer a vital force in the world. But wherever there is life and energy there will be motion, and motion involves more or less a disturbance of existing and pre-existing conditions. This alone develops problems, produces conditions fraught with greater or less danger, and a situation calling for wisdom and patriotic rational thought.

It is not vanity that prompts us to believe that ours is the greatest nation in the world and that it has more to do with the immediate and future development and progress of the world than any other nation. We sincerely believe it to be the great moral leader among the nations and that it has been the liberalizing force operating against the crystallized principles of medieval oppression. Its great resources have made it the financial bulwark in this period of stress and international bankruptcy. True Americans, therefore, insist that it must be the standard bearer in the movement which seeks the stabilization of the world and the attainment of that position where the progressive and moral forces of the world may operate for the welfare and happiness of humanity.

Our problems are not only domestic, but whether we will or not, we have many that are world-wide in their extent. Our commercial relations with the world create international problems. The bankrupt condition of the peoples with whom we must trade and to whom our surplus products must be sent compel the consideration of questions that go to the heart of our economic system.

Mr. President, the conditions referred to by the Senator from Montana and others who have spoken are only such as are to be expected after the world conflagration through which we have just passed. An era of high prices usually follows wars, particularly where inflation has been as extensive as that which has occurred during the past five years. It would be impossible for billions of dollars of currency to be placed in circulation and billions of dollars of credits mobilized and put into operation without there being an enormous advance in not only the prices of commodities but of all forms of property. Such a situation results in cheap money and higher commodity prices. Inevitably there will follow high wages and high prices of all property, real and personal, and particularly the articles essential for consumption. All statesmen and persons who have familiarized themselves with history and with world conditions

expected as an aftermath of the war very serious industrial and economic conditions, and anticipated that crises, perhaps political and certainly economic, would exist in many countries. We need not expect that our Nation will be free from the influences of the war, and that it will escape dangers and difficulties which are necessary concomitants to the transition period from war to the tranquil days of peace. But the American people will meet the problems and dangers and difficulties with courage, with confidence, and with the knowledge that they will successfully solve them. Our form of government will not be changed nor this Republic destroyed. There is no fertile soil in this country for Bolshevism and communism or the anarchy which may find expression in some other lands. The American people at heart are sound and sane, loyal to the principles underlying this Republic, and are guided by the inspiration that has led the Christian people who gave us this Nation and who have preserved it for us and for those who shall come after us. No radical revolutionary minority will destroy majority rule or convert this Republic into a Bolshevik dictatorship.

Unquestionably the war and the conditions now existing in the world have produced in the world a large number of people who seek the destruction of all organized government, and who would precipitate the entire world into a deadly class conflict.

The Bolsheviks of Russia have established a brutal, oppressive, and bloody dictatorship. The people of Russia do not rule; indeed the Bolshevik creed as expounded by Lenin and Trotsky forbids majority rule. Bolshevism is no democracy; it is not the rule of the people. It is not the expression of liberty or freedom or justice or orderly growth or evolutionary development or true and genuine progress. The class warfare is the most cruel and destructive of all warfare. This is shown in the destructive and barbarous control by the Bolsheviks of certain portions of Russia where Bolshevism is sustained, in part, by alien troops. It is not to be expected that this country would be entirely free from these revolutionary influences which have worked so disastrously in Russia, and which are seeking the overthrow of all governments of Europe. Unfortunately there are in our midst a few communists, Bolsheviks, revolutionists, men who are disloyal to our Government, and who would overthrow it as they would also destroy all government. They are seeking to poison the minds of the American people, to breed discontent and distrust among the laborers of the land, and to light the fires of revolution in this Republic. They are promoting strikes, inciting riots, and availing themselves of every possible means to prevent the restoration of normal conditions and the orderly growth and progress of the economic and political life of the people. These influences speak through a few wicked and disloyal newspapers. It is my opinion, however, that these newspapers will find but few sympathetic readers in the United States. The efforts to spread discontent and sedition and to array class against class and to destroy the faith of the American people in this Republic and in the orderly processes which underlie civilization will prove abortive. The true, the genuine laboring man of this country is not a Bolshevik, he is not an enemy to his country, he sees the sophistry, the lies, and the subtle intrigue of the sinister figures throughout the land. He is able to unmask their hypocrisy and to understand that instead of being the friends of labor and of progress and civilization they are the foes, the deadly and diabolical foes, of everything that is good and noble and just and righteous in this land and throughout the world.

Mr. President, this hour calls for genuine patriotic service upon the part of the American people. I say patriotic service because patriotism manifests itself as much in peace as in war. It calls for devotion to country and to flag in hours of peace as well as when foes seek to pollute our land. We need never fear the military aggressions of any foreign foe. Any dangers that this Nation encounters will be of a domestic character—will be from within, not from without. While it is true nations have been destroyed by superior military powers, I think history proves that more nations have died from self-inflicted wounds. There is national sabotage and national suicide as well as destruction from international foes.

But I firmly believe that the men who toil and the men who own the factories and the great industrial plants of our country—indeed, that all classes, rich and poor, capitalist and laborer—will patriotically join hands for the purpose of solving the industrial and economic problems now before the American people and the world. I believe that labor will bring to the conference of the Nation a spirit of justice and fairness that will make more easy the solution of the problem, and I believe that capital will sit down with labor, and together a course will be mapped out that will make for industrial peace and tranquillity and for the development of the political ideals of the

American people. Labor must not only have a living wage but a fair and generous wage. Its living conditions must not only be tolerable but such as comport with what a free and producing people should enjoy. It must be admitted that in the past there has been too often a disregard of the rights of labor. There has been too much selfishness upon the part of the employer. It must not be forgotten that we are indissolubly bound together and that whatever contributes to the benefit of one proves advantageous to all, and whatever hurts the one injures the many.

This is a time for forbearance and patience. During this period the spirit of justice and fair dealing should dominate all. Of course human nature will manifest itself and there will be among all classes some who try to overreach and seek to profit by the misfortunes and at the expense of others; but I can not help but believe that the spirit evinced by the American people during the war is still the controlling note in their business relations and in all of their activities. Sacrifice was the triumphant note of the war. It will be the controlling note in this period of readjustment. There must be no jealousies and class distinctions and class warfare, but as the war brought all Americans together so that all touched shoulders and rubbed elbows and drank from the same fountain of inspiration, so now, when dangers threaten the Republic, the same spirit must be controlling and dominate the activities of the people. I therefore reply to the distinguished Senator from Montana that, in my opinion, the American people will get together. There will be a concerted effort to solve the questions confronting this Republic. Laborers' rights will be recognized and the rights of property will be protected. There will be, I believe, a larger consecration of the people to the service of humanity. There will be an insistent demand that justice shall be enjoyed by the humblest and that the sacrifices of the war shall result in enriching the lives not only of the peoples of this land but of every land. This is no time for alarm or for hysterical legislation or untried experiments. The lamp of experience sheds its light along our pathway. We need not stumble or fall. Heeding the lessons of the past and following the light that God gives for the guidance of humanity, the future of this Nation will be secure. The mountain before us may be scaled; the people of this great Republic see the heights ahead, and with courage and faith in their destiny, and devotion to the principles of liberty and justice, they will steadfastly march to their goal.

Mr. KIRBY. Mr. President, I have listened to the discussion here with some interest, and I want to say just a few words.

Mr. MYERS. Mr. President, I ask unanimous consent that the pending resolution go over until to-morrow without prejudice; otherwise it will go on the calendar at 2 o'clock. I shall, however, be very glad to hear what the Senator from Arkansas has to say.

The PRESIDING OFFICER. Without objection, it is so ordered, and the resolution will go over without prejudice.

Mr. KIRBY. The time has come, it seems to me, when something besides talking about it should be done to reduce the high cost of living. We talk about the American people rising to this emergency and the problem being satisfactorily solved. Some say we have faith that this will be done, but it is about time this faith should be accompanied by something else. In the Scripture it is said, "Faith, if it hath not works, is dead, being alone." We have had a lot of faith expressed here, but nothing has been done by the Government or Congress in this condition to relieve it, and something ought to be done. This resolution has been suggested, and it is thought by its author that it might result beneficially along that line. I am going to say just one or two things about the matter. First I quote from a message of a President of the long ago. After congratulating our country upon the conditions existing he said:

With all these blessings—

After recounting them—

what more is necessary to make us a happy and a prosperous people? Still one thing more, fellow citizens—a wise and frugal Government which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government, and this is necessary to close the circle of our felicities.

What is the condition to-day? There is unrest and discontent, exorbitant charges and outrageous exactions complained of everywhere in the United States of America.

What is the condition in commerce? The clothiers met the other day in New York City and announced that we would better buy our clothing now, since it would be 100 per cent higher this fall. The shoe manufacturers and dealers met recently and said in effect to the people, "You may as well buy your shoes at the present prices, because shoes are going to advance in price, and may be \$30 a pair in the coming autumn."

Why should not a reduction instead of an advance in the price of both shoes and clothing be realized? The 246,000,000 pounds of wool taken by the Government for Army supplies for 1919 has been released for civilian use and in addition there was the 15,000,000 pounds allocated for commercial purposes. The war is over. There is now no need for the enormous blanket and clothing supply for the Army, nor for the purchase of 20,000,000 pairs of shoes yearly for the men. The people are demanding a reduction in price of the necessities of life. The conditions warrant its being made, and they are entitled to have it done.

The PRESIDING OFFICER. The Senator from Arkansas will suspend. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 3854) for the repeal of the daylight-saving law.

Mr. KIRBY. The Department of Labor in its last bulletin has stated:

The price of food for the United States shows an increase of 4 per cent for April, 1919, as compared with March, 1919.

Food prices are increasing 4 per cent a month with the war over. And further—

\* \* \* In April, 1919, the cost of all articles of food combined was 18 per cent more than in April, 1918.

The cost of food in this country in April this year, six months after the armistice was signed, was 18 per cent higher than it was when war was flagrant, when everybody was drawing to the limit on his means to buy Liberty bonds and we had 4,000,000 men in the Army to maintain. That is the condition which now confronts this country and we must take steps for relief against it.

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

Mr. KIRBY. I yield.

Mr. KING. I ask for information only, not for the purpose of diverting the Senator. I saw in a paper two or three days ago that the farmers were receiving 23 cents a pound for hogs on foot, a very high price for their corn, and that they were charging very high prices for their vegetables and all farm produce. Does the Senator think that the farmers were profiteering and are profiteering in the charges they are making for their products?

Mr. KIRBY. The farmers are only meeting the situation which has been forced upon them and everybody else by the condition existing in the country, the necessities of the case.

I think the Government is largely to blame for this condition, and I am going to tell you where and why. We have vast stores of supplies that we purchased for the Army that have not been used. They have not been sold at a discount, they have not been put on the market at 25 to 40 per cent less than they cost, so the people could have had the benefit of them at the reduced prices. The Government must lose in any event. War is the most wasteful of all human activities, and it might have taken its loss along that line and have remedied living conditions. But what did the Government do? While the war was being waged the Government had to take advantage in its preparations of the best intellect and business ability from all over this country in order to procure and increase the manufacture of munitions and supplies that had to be provided. It called all the best business men in the country and encouraged them to combine and to allow high prices that would stimulate all those activities. That was done while the war was on. From that same practice permitted by the Government in a time of direst need they have still remembered the art of combination to increase prices, and are still keeping up the prices and putting them higher and higher. The Government approved the practice in the first instance, and the Government now is encouraging it, and how?

The Government said, before the war was over, we will fix the price of wheat at \$2.26 a bushel. After the war was over and before more than one-fourth of the wheat crop was planted, what was done? The Congress passed the wheat guaranty price bill, providing that the Government would pay \$2.26 a bushel, the guaranteed price, and an appropriation was made for that purpose. That necessarily keeps the price of wheat at \$2.26. I offered an amendment to that bill at the time—

Mr. GRONNA. Mr. President, I want to inform the Senator that wheat is selling in Minneapolis to-day at \$3.05 a bushel.

Mr. KIRBY. I will state to the Senator that I introduced an amendment at that time which provided that it should be unlawful for the governmental agencies to manipulate the market and cause wheat and wheat products to sell for more than the price would have been if no such regulation had been provided and no such price guaranteed; in other words, if under the usual law of supply and demand wheat would have gone to \$1 or \$1.25 a bushel, then the Government should not

have manipulated the market to make the consumer pay \$2.26 in order to give the producer the other \$1.26. If the Government thought it was necessary under the conditions to pay the fixed price, it ought to have paid the bonus out of the Treasury. That amendment was defeated and the bill passed, and that has been done by the Congress. Those supplies are still stored and have not been sold. There are automobiles all over the country which are not being sold—and why? Because it is feared evidently that the manufacturers would not be able, if they were put on the market at a reduced price, to get the prices they are demanding for the new product. There is no other reason on earth that can be advanced.

Let us go a little further. Let us consider the price of steel. The Government fixed the price of steel during the war emergency. After the war was over and the people had a right to expect a readjustment under new conditions, the governmental agency here in Washington fixed the price of steel and set it so high that the Director General of Railroads refused to pay it, stating it was an outrage and that he would not buy steel for the railroads at such a price, but he finally had to buy at the outrageous and exorbitant price, as he believed, because the governmental agency that was supposed to be here operating for the benefit of the people of these United States had fixed the price. That is another thing. If this price of steel should be reduced to where it ought to be—and, Mr. President, in talking about this matter, I have rather criticized others, because we all talk about saving the country and redeeming the situation and relieving it, without any suggestion as to what should really be done.

We fixed the price of certain things while the war was going on, and if conditions do not improve, in my judgment, the Government of the United States must fix the price of products that are sold. I am going to offer a resolution, when it is in order, but I am going to read it now:

*Resolved*, That the Senate Judiciary Committee be, and it is hereby, instructed to report whether it is practicable, and if so, to report a bill providing adequately for the fixing of maximum sale prices of not less than 25 per cent less than the prevailing market price on all articles, products, and commodities transported in interstate commerce, with a view to a reduction in the high cost of living.

I am going to offer that resolution and have it submitted to the Committee on the Judiciary, composed of lawyers of the Senate, to get the benefit of their combined wisdom upon the legality of the proposition. So far as I am concerned, I am satisfied that it is feasible. I know the Government has the power to do it, and certainly the necessity exists.

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

Mr. KIRBY. Certainly.

Mr. KING. Does not the Senator know that from the days of antiquity very wise men in nearly all governments, in times of crises, have risen up and insisted upon the fixing of prices, either maximum or minimum or both, as a panacea for the evils existing, as a cure for high prices, and does not the Senator know that every publicist of any authority, every economist of any standing in any country—and when I say every one I mean substantially all—has reached the conclusion that an attempt by the Government to fix prices has been and, in the nature of things must be, a failure; that the law of supply and demand coupled with statutes against regrating and forestalling, such as the common law provided in England and such as the Sherman antitrust law provided in the United States, are sufficient to meet existing conditions, and that an attempt by the Government to establish prices fails; that even in Germany, during the war, where they had a repressive autocracy, having a military government stronger than any other in the world, price fixing was a failure, so recognized there and so recognized by political economists everywhere?

Mr. KIRBY. So far as price control by regular law of supply and demand is concerned we all agree that that is the best method, that that is the natural and usual method, but when you undertake to control the law of supply and demand by conspiracy or by agreement or by law, then there ought to be something else done; the restrictions should be removed or the condition relieved by other appropriate suggestion.

As to price fixing being a failure, why did you fix the price of steel during the war? Why did you fix the price of wheat when flour went to \$18 a barrel? You fixed it because it was necessary and you had the power to do it. It can be done now, in my judgment, and I shall ask that this sort of a resolution go to the committee and that something be done along that line to furnish relief.

The trouble in this country is too credulous a disposition, as some have said, to believe that the people ought to get together and they ought to agree on the reduction of prices. There never has been a meeting by manufacturers and producers in this country for reducing the price of their products, and there never

will be. It has always been for the purpose of enhancing and putting up prices and taking all that the traffic would bear. It is the business of the Government, the business of the Congress, to look after these matters and to see that we have as much as possible a wise, frugal Government which shall restrain men from injuring one another and shall leave them otherwise free to regulate their own pursuits of industry and improvement. But we have gotten too far away from that I am afraid. I presume the Senators know that statement is contained in Jefferson's inaugural message. It was the "sum of good government" then and it is the sum of good government now.

#### CALLING OF THE ROLL.

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

The PRESIDING OFFICER. The Secretary will call the roll.

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

Borah	Harris	Moses	Smith, Ariz.
Brandegee	Henderson	Myers	Smith, Ga.
Calder	Hitchcock	Nelson	Smith, S. C.
Capper	Johnson, Calif.	New	Smoot
Chamberlain	Johnson, S. Dak.	Norris	Spencer
Colt	Jones, N. Mex.	Nugent	Sutherland
Curtis	Kenyon	Overman	Thomas
Dial	King	Page	Trammell
Dillingham	Kirby	Penrose	Underwood
Elkins	Knox	Phipp	Wadsworth
Fall	La Follette	Poindeexter	Walsh, Mass.
Fletcher	Lenroot	Pomerene	Walsh, Mont.
Gay	McCumber	Ransdell	Warren
Gronna	McKellar	Sheppard	
Harding	McNary	Simmons	

Mr. McKELLAR. I wish to announce that my colleague, the senior Senator from Tennessee [Mr. SHIELDS], is absent on important business.

I wish also to announce that the Senator from Arizona [Mr. ASHURST], the Senator from Arkansas [Mr. ROBINSON], and the Senator from Rhode Island [Mr. GERRY] are detained on official business.

The PRESIDING OFFICER. Fifty-eight Senators having answered to their names, there is a quorum present.

#### LEAGUE OF NATIONS.

Mr. FALL. Mr. President, I regret having announced yesterday that I should expect to address the Senate this morning after the close of morning business, as undoubtedly it has embarrassed some of the Senators who desired to speak to be hurried through the remarks which they might have to make.

Mr. President, if I were an orator, I presume that, as other orators in the body, I could discuss the league of nations or any other matter from a position in the clouds, but as my ability does not measure up to the point of oratory it is necessary for me, if I propose to discuss any question whatsoever intelligently, to feel that I have some foundation, some firm ground under my feet, upon which to stand. This will be my excuse in approaching the discussion of some of the provisions of the proposed constitution of the league of nations for occupying a portion of the time of the Senate in endeavoring to get back to earth out of the clouds, out of the realm of speculation, to get back to the United States of America, if it is possible for Americans to do so at this time. So I wish to call the attention of the Senate of the United States for a few moments to some occurrences in American history that I may have a standpoint from which to discuss, as I propose to discuss more in detail, the various provisions of the league of nations.

We are listening every day to speeches and addresses referring to the "spirit" of the American people; to the desire of the American people to serve mankind; of the duty of the American people to the Buddhists of Japan and India, the Confucians of China, the Voodoo worshipers of Africa, the fire worshipers of Persia, the Mohammedans of Turkey, the Jews and gentiles of the world—in fact, to all the peoples and races and tribes beyond the bounds of the United States and its insular possessions.

It might appear to some pigmy minds and to those of limited mental horizon that indeed the proponents and supporters of the league had entirely forgotten or overlooked the interests of the people of the United States of America, or that such interests were regarded as merely selfish and unworthy of consideration; that patriotism defined as "love of country," "the passion inspiring one to serve one's own country," had during the last few years become an obsolete word, and certainly that the sentiment formerly expressed by the word was, as in effect declared upon more than one occasion by President Wilson,

merged into or confounded with the "spirit" of America in dealing honorably, fairly, justly, and generously with and by other peoples of the world.

To my mind, such American spirit of just and fair dealing is the outgrowth of enlightened American patriotism of love of our country; of loyalty to its Government, of a common understanding of its Constitution and laws, and of profound conviction that the perpetuity and growth of its institutions should and will ever be the care and pride of its citizens.

Realizing that I am a mental dwarf by comparison with the league proponents and some of its supporters; admitting that, in my insistence upon care for and consideration of the interests of the people of the United States of America first, my political horizon is limited and my action to some extent selfish; admitting that my pride is in being an American and not a follower of Karl Marx, I propose to refer briefly to a few paragraphs in our history.

It occurs to me that enlightened American patriotism spoke on April 6, 1917, through the Congress of the United States, in declaring war upon the Imperial German Government after hearing the President, in pursuance, as he said, of his constitutional duty, solemnly advise on April 2:

With a profound sense of the solemn and even tragical character of the step I am taking and of the grave responsibilities which it involves, but in unhesitating obedience to what I deem my constitutional duty, I advise that the Congress declare the recent course of the Imperial German Government to be in fact nothing less than war against the Government and people of the United States; that it formally accept the status of belligerent which has thus been thrust upon it; and that it take immediate steps not only to put the country in a more thorough state of defense, but also to exert all its power, and employ all its resources to bring the Government of the German Empire to terms, and end the war.

It has always been my conviction that American patriotism spoke through the Declaration of Independence and that it crystallized into the Constitution adopted and the Government formed under it in 1789.

American patriotism spoke in 1798 when the Congress, in resentment of the acts of the French agents in this country; of the French ships and privateers upon the sea; of the French armed forces in Martinique; of the action of the French Government itself in demanding tribute from our commissioners; of French insults and demands, placed this country upon a war footing, sent its ships of war against those of the French fleet and called Washington from his retirement at Mount Vernon to lead American forces, if necessary, in defense of American honor and American rights against the aggressions of the French; and it spoke again when the American Congress of loyal, patriotic Americans denounced the league, or treaty of alliance with France.

American patriotism answered in no uncertain terms to the suggestion of President Jefferson that this country no longer submit to the tribute exacted by the Algerian and Tripolitan pirates, and when he sent Decatur to the coast of Barbary, and in 40 days after the sailing of our vessels, secured that freedom of commerce which England, France, and older nations of the world had never been able to wrest from the outlaws of the African coast.

American patriotism again spoke through the Congress of the United States and through its people when we declared war against Great Britain because of her outrageous oppression of our commerce and the indignities heaped by her upon our sailors and citizens in 1812.

American patriotism was voiced by the Congress of the United States, when by the resolution of January 15, 1811, it provided that:

Taking into view the peculiar situation of Spain and of her American Provinces, and considering the influence which the destiny of the territory adjoining the southern border of the United States may have upon their security, tranquillity, and commerce: Be it

Resolved, That the United States under the peculiar circumstances of the existing crisis can not without serious inquietude see any part of the said territory pass into the hands of any foreign power; and that a due regard for their own safety compels them to provide, under certain contingencies, for the temporary occupation of the said territory; they at the same time declaring that the said territory shall, in their hands, remain subject to future negotiations.

American patriotism enlightened and informed, crystallized in the words of Jefferson and Monroe in 1823, the American doctrine of self-defense suggested by Washington in his papers and in his Farewell Address and the Monroe doctrine, remains, until recently, unchallenged as the declaration of American patriotism and American policy.

American patriotism again was voiced in the resolution annexing Texas, and in the Mexican War at the battles of Buena Vista, Sacramento, and Chapultepec.

American patriotism spoke in the four bloody years of 1860 to 1865, and thus speaking, as those who died and who lived

through the fearful conflict believed, saved the American Union undivided and supreme as the heritage of their children and their children's children through unknown generations.

Again American patriotism spoke in 1898, and through its declaration and by its action with armed forces secured the freedom of the Cubans from hundreds of years of oppression and Weyerism, destroying concentrado camps, feeding the starving, and establishing a nation of free men near our shores.

One of the results of its words and its actions was the wresting of the Philippine Islands from the domination of Spain, and we have seen its further results through the presentation in recent days of the claim for absolute independence of those islands, upon the theory that within 20 years' time American policy and American spirit have done more to civilize and equip these people for self-government than had been done under 400 years of Spanish domination.

The same declaration and the same action attached the people of Porto Rico to this country, to be followed only last year by the bestowal upon the people of that island of the self-governing constitution under which we expect to see them in a very brief period fitted either for independence or for sovereign statehood within the United States of America, under its Constitution and under its laws.

And, finally, in arms American patriotism answered the call of the American President in April, 1917, when he requested of the Congress of the United States that it declare a status of war as thrust upon us by the acts of the Imperial German Empire, and so speaking it gave 4,000,000 of the youth of this country for the service of this country, and that in serving its country it might, as it must, serve civilization, Christianity, and the cause of peace over the civilized world.

No greater evidence of patriotism was ever evinced by any people than those of the remaining 110,000,000 who stayed at home, sacrificing their own comfort, yielding to those in need a portion of their own daily sustenance, paying without regret or hesitation taxes such as here had never been dreamed of before, lending of their wealth at a sacrifice to their own business, comfort, and welfare, such enormous sums of money to the other peoples of the world as prior to 1917 could only be calculated by some mathematical expert in the recesses of some statistical office.

American patriotism and care for American interests, love of country, belief in its institutions and confidence in its great future, prevailed over the objections of the French, our Allies, and against the contentions of the English, our recent opponents, when in 1782 we secured from Great Britain that vast territory extending along parallel 49 and down the Mississippi to the Floridas, more than doubling the area of those 13 States which had but recently won their independence from Great Britain.

Again American patriotism exhibited itself in 1803, when, through the great patriot, Jefferson, we secured from France that vaster territory extending to the Pacific and embracing nearly 900,000 square miles which we have since erected into 14 States with a population of more than 25,000,000.

American spirit of loyalty and patriotism has never achieved a greater diplomatic victory over Great Britain, Spain, France, and of the world than by Jefferson and his agents in securing this the Louisiana Purchase.

Again American patriotism spoke through the vigorous action of Gen. Andrew Jackson and the governor of Georgia and other American patriots when we first declared West Florida and later East Florida our territory and finally cleared our title in 1819 by the treaty with Spain, and from which territory we have since created the State of Florida and a portion of the State of Alabama.

As I have said in referring to the occasions upon which our patriotism has exercised armed force, the spirit of enlightened American patriotism again made itself heard when we added Texas to this Union of States and secured, through the treaties of Guadalupe Hidalgo and Gadsden, the territory now comprising the States of California, Arizona, New Mexico, and a portion of the State of Colorado.

Again was it heard in 1846, when, meeting the contentions of Great Britain, it added to our territory 250,000 square miles which now comprises all or a portion of the States of Idaho, Washington, and Oregon.

In 1867 American patriotism, loyalty, regard for the eventual safety and for the present and future welfare of our country, spoke in opposition to the "little Americans" when we acquired Alaska from Russia and added 600,000 square miles now constituting the only remaining territory within our continental confines.

American patriotism and far-sighted American policy and regard for our country and its people finally made itself heard in the peaceful acquisition of the Hawaiian Islands.

Let us distinguish a moment the American spirit of justice and of fair dealing.

The American spirit of justice and of fair dealing to all nations has evinced itself in all the treaties entered into by this country with foreign countries since that of 1782, with Great Britain, down to and including the recent reratification of the expiring arbitration treaties with Great Britain, France, and other nations.

This American spirit of fair dealing, this American recognition of justice and right in our dealings with other nations and in our dealings with all the peoples of such other nations wherever they may be found; this recognition of the rights of such peoples and such nations to pursue their own lawful course under such form of government as may be pleasing to them; this spirit of equity and fair play and reciprocity inaugurated by the American patriots who first negotiated our treaties with Prussia in 1785, 1798, and 1828, and our treaties with the Netherlands and with all countries of the civilized world.

This desire of our patriots and loyal American citizens to establish their relations with the other peoples and the other nations so firmly upon right and justice that there could be no cavil or question by such other peoples of the declared right of the United States to maintain its own policy and insist upon its claim when it spoke with reference to affairs upon this hemisphere has been in recent years apparently mistaken by some writers, publicists, and public men for that enlightened American patriotism which made this country and which maintained it in its power and in its own self-respect and in the respect of the world to the point where it could make its spirit, as evinced in these treaties and in its ordinary dealings with the other nations of the world, understood and regarded.

This spirit of the American people could not have made itself understood nor respected nor regarded by the other nations and peoples of the world had not they understood, as they now understand, irrespective of the high position of he who may proclaim himself as the custodian of the heart and the mouthpiece of the sentiment of the American people, that supporting this spirit, creating it, sustaining it, is that American patriotism of Washington, of Jefferson, or of the fathers and all our great men down to and including Theodore Roosevelt.

The President of the United States in his recent address to the Senate, when he laid before that body the instrument which is designated as the treaty of peace which we are requested to ratify as the end of the war between this country and Germany, spoke most beautifully and eloquently of our duty to humanity in Europe, Asia, and Africa, and demanded to know of us whether we would "break the heart of the world." But in listening to this most beautiful appeal I was impressed particularly with that portion of the paragraph third to the last in the printed copy of his speech in which he uses the following language:

America may be said to have just reached her majority as a world power. It was almost exactly 21 years ago that the results of the War with Spain put us unexpectedly in possession of rich islands on the other side of the world and brought us into association with other Governments in the control of the West Indies. It was regarded as a sinister and ominous thing by the statesmen of more than one European chancellery that we should have extended our power beyond the confines of our continental dominions. They were accustomed to think of new neighbors as a new menace, of rivals as watchful enemies. There were persons amongst us at home who looked with deep disapproval and avowed anxiety on such extensions of our national authority over distant islands and over peoples whom they feared we might exploit, not serve and assist. But we have not exploited them. And our dominion has been a menace to no other nation. We redeemed our honor to the utmost in our dealings with Cuba. She is weak but absolutely free; and it is her trust in us that makes her free. Weak peoples everywhere stand ready to give us any authority among them that will assure them a like friendly oversight and direction. They know that there is no ground for fear in receiving us as their mentors and guides. Our isolation was ended 20 years ago; and now fear of us is ended also, our counsel and association sought after and desired.

Mr. President, to me it seemed, and subsequent consideration of the entire address has but confirmed the belief, that the President did not realize that this paragraph of his address was an absolute and unqualified answer in the negative to the appeal which he was making to the Senate of the United States, or through it to some of the people of the United States.

I call upon the President himself and upon the Senators in this body to consider that while we had truly gained the respect of all the world and the confidence of all the nations, great and small, through our dealings with them subsequent to the Spanish-American War, in the performance of our pledge to Cuba, in our care of the people of Porto Rico, in our consideration for

and generosity toward the people in the Philippines, in our dealings with the people of Asia, with whom we have been thrown into more close social and commercial contact by virtue of our retention of the Philippines; that this confidence and respect of the other peoples, because of the facts cited by the President, was gained under the American spirit of government; the American spirit of fair dealing with other nations; the American spirit of justice and generosity and of service which has grown with this country as the country itself grew, and which was, is, and shall be the product of the American policy of no entangling political alliances with the peoples of any other nation or nations under the sun.

The President's attention is called to the fact that, as he so well said, the people of other nations were accustomed to look with well-founded suspicion upon closer contact of any kind with other nations because of the general selfish practice of the nations of the world to exploit new people and new countries and selfishly to administer them for their own benefit and selfishly to treat with other nations with whom they were thrown from time to time in close or closer contact.

And then the President appeals to the Senate of the United States to join him in overturning the American policy of 140 years, in undermining every influence with other nations which that policy has created and maintained; in deadening the influence of American patriotism here at home; in rendering obsolete the word patriotism in our vocabulary; in joining this Nation, now possessing the confidence, respect, and admiration of the people of the other nations, won through so many years of travail and toil and struggle and sacrifice, in a bond of alliance, hard and fast, with the very selfish nations who have caused our conduct to stand out in such brilliant contrast, in a council where our freedom of action hereafter will be controlled by the vote of eight of these nations referred to by the President, whose administration of colonies or new countries or more intimate contact with other peoples have led such other people to expect only exploitation and selfish administration.

I have referred to our treaties inaugurating and pursuing our American policy from the days of 1782 down to the present time, but I have not nor shall I attempt to enumerate or discuss these various treaties in detail. I think, however, that the people of the United States who do not understand what has been the trend of our former negotiations and who are now being assured that this present proposed treaty will create the dawn of a new international era of peace should understand once for all that this country has 25 or more arbitration treaties with all the great and small civilized countries; that under the terms of these treaties we submit to arbitration all questions which may arise involving construction of treaties or points of international law, or any other matter or matters of dispute whatsoever, excepting always the Monroe doctrine and purely American questions, such as immigration and the rights of third parties.

Hearing, as they do, that this proposed treaty provides for the settlement of international disputes, the people of the United States who have not given thought or study to the subject might think that the Wilsonian era has indeed inaugurated a new policy in the history of this country.

Arbitration treaties exist now not only between this country and other nations but between practically each of the other nations, one with the other, and a general Hague arbitration agreement was signed and ratified by practically all the civilized countries of the world.

I have heard from the lips of the President of the United States, at least through the reading of one of his addresses, I believe to the Daughters of the American Revolution, that the fathers who founded this country and the captains who steered the ship of state through the shoals and turbulent waters of national and international troubled seas until recent days had no such complicated questions to meet and decide as were now to be considered, even before this country entered the European war as a belligerent.

I might remind the people of the country that during the progress of the war and before we became belligerents a German cruiser ship of war sunk the *William P. Frye*, a vessel owned by American citizens, and that upon the request being made by the President of the United States to the Imperial German Government that reparation for such destruction should be made, the German Government immediately admitted this liability under the treaty of amity and commerce entered into in 1782 between the Emperor of Prussia and the United States of America represented by Pennsylvania's great citizen, the diplomat and patriot, Benjamin Franklin.

I might further remind the President and the people of the United States that upon one point of the controversy, that is, what body or tribunal under the terms of this treaty had juris-

diction to determine the value of the destroyed property, the German Government suggested that this matter should be submitted to The Hague tribunal and that such suggestion was immediately accepted on behalf of the people of the United States by its President, Woodrow Wilson.

American patriotism has been a development growing with the growth of the Nation and developing with the recognition of the fact that this was originally intended to be and is now one great Nation of free people.

During the discussions leading up to and following the adoption of our present Constitution and form of government many sincere and able Americans held to the principle that loyalty and patriotism were first due to the States which formed the Union.

For many years after the formation of this Government, able men, of whom John C. Calhoun was one, if not the most prominent, example, announced and endeavored to fix upon our policy the doctrine that each State of the Union had reserved to itself the right to ignore and refuse to enforce within its own boundaries any act of the Congress of the United States which, in the opinion of such individual State, was not for the best interest of the people of the State or which was not enacted under the direct powers given by the people of such State to the Federal Government.

A great majority of those who held to this doctrine were, in so far as foreign relations were concerned, as patriotic American citizens as those who contended for the absolute supremacy in the United States of the Federal Government in all matters within its sphere, whether enacted, if laws, under direct power delegated or necessarily implied.

This coterie of statesmen, loyal, as I have said, and patriotic in the true sense of the word where patriotism means love of country, in any matter concerning other countries than the United States, were, nevertheless, sincere in their belief that the Constitution of this Union was simply a compact or covenant of sovereign States for their mutual protection and the conservation of their mutual interests and that the Federal Union in itself was not intended to be a great, powerful Government of and within itself.

Those patriots who held to the contrary doctrine were led by John Marshall and Daniel Webster, and to me it would seem that many persons might now with great profit read the debates between Calhoun and Hayne upon the one part and Webster and others during what has been known as the "States Rights" debates extending over a long period of years.

It was pointed out by Calhoun and others of his school of thought that there was no provision in the Constitution itself by which or through which the Federal Government was directly empowered to enforce its laws within the States as against the opposition of the people or of the authorities of such State.

This argument was answered by Webster in most masterly speeches and arguments confuting the contention that the State could remain in the Union at all and defy the enforcement within its boundaries of any law or act of the Federal Government itself.

Webster admitted, as all must admit, that such an inherent right remained if the State chose to resort to an armed overthrow of the Government and could finally succeed in such effort. In other words, it was admitted that the right of the rebellion as set forth in the Declaration of Independence was the inherent right of man. It was denied that any State could nullify or refuse to obey any act of the Federal Government while remaining in the Union.

The rebellion was the natural child of the doctrine of nullification, and despite the fact that various States had reserved the right of withdrawal when they ratified the Federal Constitution, when secession was followed by rebellion and war, the ultimate arbiter in all like disputes decided against the right of withdrawal and secession, and such decision has now the unanimous approval of the men of all countries, and certainly of all of the citizens of this great Federal Union.

And yet the arguments to which the Senate has recently listened, coming from the majority of the supporters of the proposed peace treaty and constitution of the league of nations, has been exactly in line with the arguments used by those who would have destroyed by limitation the powers of the Federal Government prior to 1861.

Word for word, line for line, and sentence for sentence, almost identical arguments have been used by those within this Chamber who would have the constitution of the league of nations adopted as it is written when they have undertaken to meet the arguments of those who insisted that the proposed constitution of the league not only created limitations of the powers of the sovereignty of this Government but constituted in various articles unconstitutional delegations of the power delegated

to the Senate of the United States by the people of the United States.

Several of the Senators, and particularly one of them, within the last 10 days has attempted to class opponents of the league in this Chamber as "reactionaries," because of the fact that they refused to have this country ratify the league articles as they stand, and at least one Senator has referred to them as of the school of those who opposed the adoption of the Constitution.

Such an argument, of course, is unworthy of serious consideration, for upon the face of it it bears its own refutation.

Those who are opposing the delegation of the supreme powers of this great Federal Union to a political body, overwhelming control whereof shall be vested in the other nations joining the league, are of the school of thought of John Marshall and Webster. Those who are favoring the league provisions as they stand are the natural intellectual descendants and members of the same school who, prior to 1860, sought to limit in every way possible the Federal powers and who maintained the right then, as their intellectual descendants are now maintaining it, to nullify the acts of the Government which they themselves established. They claim that we can enter the league and then nullify its orders by declining to enforce them, and that we can do this without reserving such right in the ratifying resolution and having such reservation accepted by the other parties to the proposed league.

As the Federal Government established in 1789 under the constitution of 1787 was not a party to the Constitution under which it was created, neither is the league of nations itself a party to the treaty which seeks to create such league.

Measured by all the definitions of a government, the league, if constituted, is a government. The league articles themselves limit the sovereignty of the various members joining the league, exactly as the constitutional provisions limited directly the rights of the various States forming this Federal Union in the matter of making treaties, of making war or declaring war, of interference with interstate commerce, and so forth.

The Constitution of the United States not only limits the powers of the different States but of itself, under the acts passed in pursuance thereof and of the treaties made under its authority or in pursuance of the Constitution, operates directly upon the people themselves.

Under the constitution of the league of nations and the proposed treaty, of which it is a part, the council and assembly of the league of nations, while dealing more generally through their acts, resolutions, and orders, with the States constituting the league, yet has every element of sovereignty and government in that it also deals directly with peoples.

It deals directly with the people of the Saar Basin. It deals directly with the people of Poland and Germany for an untold or unfixed number of years in the creation of and control over certain districts lying between the boundaries of those two countries yet to be fixed.

It deals directly with the Rhine Provinces and the inhabitants thereof.

It deals directly with the people of the German overseas colonies who are ceded with their respective territories directly to the five "principal allied and associated powers," that is, Great Britain, France, Italy, Japan, and the United States, as will be seen by reference to articles 120 and others of the treaty of peace and will be confirmed by consideration of the decisions of the Supreme Court of the United States, particularly in the insular and other case.

Contrary to the impression in the minds of many people, the German overseas colonies are not turned over directly to the league, or the council, or assembly, or to the members of the league, but to the five powers which I have named.

Under the vague provisions of Article 22 of the proposed league constitution, it will be seen that, while it is the apparent purpose to turn such colonies over to individual powers as mandatories, the rules and regulations for the governing of the people of such colonies, and those hereafter to be placed at the disposition of the same or other individual powers, are under the direct control and supervision of the council of the league of nations itself.

In terms, the treaty and the league articles do not provide for military protection of the colonies. The five powers or the league would have that power and duty.

The league itself shall have general supervision over the trade in arms and munitions of the countries in which control of this traffic is necessary in the common interest; it will have control and general supervision over the execution of agreements with reference to the traffic in women and children and the traffic in opium and other dangerous drugs; it will have control over all international bureaus and commissions.

I desire to say that I am not objecting to such control as is herein provided being vested, as at present it is vested, in bureaus or commissions, nor to such bureaus or commissions being consolidated; but I am simply calling attention to this provision to emphasize the fact that this league constitution forms a government with supreme control beyond that of each or all the other governments of the world with regard to certain matters.

Without attempting to review each of the different articles, I may say shortly that article 2 provides that the action of the league shall be effected through the instrumentality of the assembly and council with a permanent secretariat.

This article, with article 3 and article 4, constitute an assembly and council, the legislative and administrative bodies of a great supergovernment, while other articles, some of which have been fully discussed and others but glanced at, outline directly or by necessary implication the functioning, both in the legislative and administrative way, of the council of the league as the actual governing body of the league, leaving to the council itself its method of organization in so far as the election of a permanent or temporary president and other officers is concerned.

I have in the only speech which I have heretofore made on this subject called attention to the words of article 3, wherein, when the assembly is in session, it may "deal with any matter within the sphere of action of the league," or (and these are the broad terms of its general jurisdiction) "any matter affecting the peace of the world."

The same general jurisdiction is given by article 4 to the council of the league, and there is no limitation whatsoever with reference to either "dealing with" or how they shall "deal with" any matter which, in their judgment, may "effect the peace of the world."

This power is delegated to the council and the assembly by each of the members of the league ratifying its constitution, and if such delegation is constitutional, then, in so far as this country is concerned, either the assembly or council having dealt with such matter, it would become the duty of the executive officer or of the administrative officers of the United States of America to put in force here the action of the council or of the assembly thereupon. Under our Constitution, with its three distinct departments of government, the executive is that department which executes the laws or puts in effect such laws or necessary measures.

This construction, of course, applies with even more force with reference to articles 10, 11, 15, 16, and 17 of the constitution of the proposed league.

In the discussion of the armed-neutrality resolutions and other measures before our declaration of war I cited the action of the constitutional convention and the debates thereupon in the matter of the adoption of the provision that the Congress of the United States should "declare war." I then pointed out the distinction not only as understood generally but as followed in the convention and as since followed in practice in the United States between the congressional power and duty to declare war and the right of the President of the United States, as the Chief Executive, to wage or "make" war.

To illustrate the point which I am now touching upon, if we will examine article 16 of the treaty it will be found that any country making war upon any other country in violation of its league agreements shall be considered to have declared or to be waging war against all the members of the league. If we can delegate that authority, and we clearly attempt to do so, then as clearly must the fact be established that the recommendation to be made by the council to the several Governments as to what effective military, naval, or air forces the members of the league shall severally contribute for the protection of the covenants would be made only to the executive department of this Government. For the sake of argument, granting the right to delegate this power, then the executive department of this Government, and that department alone, could, and in my judgment it would be its duty to, immediately follow such recommendation and use such portion of our land and naval or air forces, or either, as were required by such recommendation.

It must be borne in mind that, generally speaking, that is to say, unless there are clear terms of limitation, the word "may" in international law is understood as meaning "must," and a recommendation under such circumstances would undoubtedly be construed by any international tribunal as an order.

The Government, that is to say, the Congress, as a portion of such Government, under the decisions of our own tribunals, could have, and would have, no voice whatsoever in the control of the executive action in this matter except possibly through legislative control over the funds for moving land, naval, or air forces.



To my mind it is equally as clear that the refusal of Congress under such circumstances to provide the funds, in event the President has not in his control such necessary funds, or the failure or refusal of the President himself to act, would in either event be an act of rebellion against the league government and would justify war upon us.

There is no question in my mind that under article 11, granting for the sake of argument that we can constitutionally vest the league with the power to take any "action" that it may deem "wise and effectual" to safeguard the peace of the nations, that the governing body of the league can declare war or declare a State to be in rebellion or declare that armed protection is necessary for some colony or country under mandate, and direct measures to be taken by each of the members of the league, and that such measures would be not only directed to the executive of each such member government, but that under our form of government it would be the duty of the President of the United States, without calling upon Congress, to make war in enforcing the orders of the league.

I have heard statements made upon the floor that the Supreme Court of the United States had declared the power of Congress to set aside or abrogate or refuse to enforce the provisions of and thus annul any treaty to which the United States was a party.

Of course, the Supreme Court of the United States must in cases arising within the United States, or within the jurisdiction of such court, where arising under our municipal law, be governed by such municipal law, although in conflict with treaty rights. Time and again, however, the court has pointed out the distinction between the international obligation of such treaty and the municipal force of such treaty when in conflict with the subsequent act of Congress.

Never has the Supreme Court of the United States held that, as to the international obligation, an act of Congress could annul it, in so far as the contentions of other parties to it are concerned, or could prevent diplomatic complications or responsibility under international law and the treaty provisions, ensuing to us. In fact, not only have our courts held in every case where considered that such complications might arise and such responsibility be asserted, but the other nations of the earth have invariably declined to recognize the doctrine that a congressional act relieved us from treaty responsibility where the government with which we had the treaty either directly for itself or for one of its nationals chose to insist upon the terms of the treaty or upon the performance of international obligations.

It will be only necessary to cite one or two instances where foreign Governments have asserted this principle to establish the point.

In the letter of the British ambassador to the Secretary of State, under date of February 27, 1913, referring to the claim of our State Department that, even if the tolls-exemption act of itself conflicted with the Hay-Pauncefote treaty, yet at the time of the British protest no injury had arisen of which Great Britain could complain, said:

From this view His Majesty's Government feel bound to express their dissent. They conceive that international law or usage does not support the doctrine; that the passing of the statute in contravention of the treaty right offers no ground of complaint for the infraction of that right; and that the nation which holds that its treaty rights have been so infringed or brought into question by the denial that they exist must, before protesting and seeking a means of determining the point at issue, wait until some further action violating those rights in a concrete instance has been taken. \* \* \*

In their view the act of Congress \* \* \* was in itself, and apart from any action which may be taken under it, inconsistent with the provisions of the Hay-Pauncefote treaty. \* \* \* In their opinion the mere conferring by Congress of power \* \* \* amounts to the denial of the right of British shipping to equality of terms. \* \* \*

His Majesty's Government holds that the difference which exists between the two Governments is clearly one which falls within the meaning of article 1 of the arbitration treaty of 1908.

It will thus be seen that Great Britain at least claims that any act of Congress, whether enforced or not, which act of Congress Great Britain herself may conclude to be a denial of something which she claims to be a treaty right, is a matter for her consideration and, even over our contention to the contrary, a matter for arbitration, or, if the constitution of the league should be ratified, would be a matter for the council to decide in event arbitration was not sought or submitted to.

Followed to its logical conclusion, this would mean that all acts of the Congress of the United States would be subject to an exactly similar claim by any country a member of the league, and it would become a matter for the eventual consideration of the council as to whether such act either operated when enforced as a nullification of the treaty provision or constituted a denial of some treaty right, although not put in operation or effect.

In other words, this Congress can not sit here in its regular session and pass any act hereafter without the understanding that every nation of the world a party to the league of nations document has the right to inspect, pass upon, and drag us into an international court to ascertain the meaning of an act of Congress, although it may be a purely domestic matter; though it may be only for our municipal government.

Again, to cite another instance, concerning the matter of contention during this debate, Japan, in a letter to her ambassador here under date of June 10, 1914, referring to the denial of the right of the Japanese to hold lands in California, said:

Among the more important pending questions that confronted me when I assumed charge of this department was the issue resulting from the enactment last year of the Legislature of California respecting alien property ownership. The measure, as you are aware, undertook in effect to draw a distinction in the matter of such ownership between aliens belonging to different races. The avowed purpose of the law was, on the one hand, to annul the then existing right of ownership so far as Japanese subjects were concerned and, on the other, to continue the right in favor of aliens of the white and black races.

I have given the subject my most serious consideration and am consequently well satisfied that the enactment in question is not only in disregard of the letter and spirit of the existing treaty between Japan and the United States of America, but is essentially unfair and invidiously discriminatory against my countrymen and inconsistent as well with the sentiment of amity and good neighborhood which has always presided over the relations between the two countries. Nor can I escape the conviction that the said enactment which was intended to have international effect is also in excess of the authority of the State of California for the reason that the separate States of the United States are, internationally speaking, wholly unknown and entirely without responsibility. In any case the Imperial Government are confident that such action as complained of stands without historical parallel, and they are happy to believe that the legislation in question forms no part of the general policy of the Federal Government, but is the outcome of unfortunate local conditions. I therefore fully concur in the views which you, in pursuance of instructions from my predecessor, presented to the honorable the Secretary of State on the subject.

The same thing applies to every convention suggested by Mr. Bryan for the settlement of this difficulty, as we submit it to no convention between the two nations. Well might Japan enter the league of nations, although her insistence upon what she calls the racial clause was not agreed to, because under the terms of the league itself every question which Japan has with the United States, both as to immigration and as to racial discrimination, as to the laws in the different States, is distinctly reserved to be decided by the council of the league of nations in event arbitration fails.

The letter continues:

I also cordially appreciate the motives which in the interest of international conciliation and good will induced Baron Makino to give favorable consideration to the idea of concluding a convention regarding the matter. But the project, as it stands at the present time, instead of composing existing misunderstandings, would, I fear, tend to create new difficulties. Accordingly, you are instructed to inform Mr. Bryan that the Imperial Government are disinclined to continue the negotiations looking to the conclusion of a convention on the lines of the project which has been under discussion, but that they prefer to recur to the correspondences which were interrupted by the ineffective negotiations, and that they will now look for an answer to the note which you handed to Mr. Bryan on the 26th of August last, hoping that in a renewal of the study of the case a fundamental solution of the question at issue may happily be found.

Such a question being raised by Japan, it would be futile for the United States to offer before the council or any arbitration commission the defense attempted to be set up that the Federal Government, not being able to control the State of California in this matter, was itself not therefore responsible in event the council or arbitration commission decided that the act of the State of California was, as claimed by Japan, a violation of her treaty provisions, or a violation of international law, or that the question of fact raised by Japan should be considered by the commission or by the council.

In either of the instances cited, the United States being a party to the dispute, would have no vote in the decision of the council upon the subject.

Having delegated, granting for the sake of argument that we can delegate, the authority to the council or to the commission to consider such matters, the orders in the premises as made by the council would be directed to the executive department of this Government and under our obligations as a member of the council, we must obey same immediately or be in rebellion against the league with all the consequences which such an act of rebellion might visit upon us.

I will not dwell longer at this time upon the proposition which I have been discussing.

Mr. President, in view of some correspondence which has recently been published in the newspapers, and in view of various articles emanating from the author of that correspondence, I want to digress here for a moment in closing the discussion as to the political character of the supergovernment which we are proposing to establish, to call attention to the inconsistency of members and supporters of the league to

enforce peace in their attitude now in support of the league, the constitution of which is before us.

The League to Enforce Peace was formed for a purpose; it had a platform; it published it to the world, and proceeded with such a propaganda to secure support for it as has never before been witnessed in this country. That proposition, so earnestly insisted upon by Mr. Taft, its president, was the establishment of an international court of justice, the exact opposite of a political legislative body. Therefore, I could readily understand the situation when I saw in the press a few days since that Mr. Taft criticized the President of the United States for his dislike of courts. It is well understood that the assistance of the President of the United States before he departed for Europe was sought by Mr. Taft and the League to Enforce Peace for their propaganda, and the President failed to give it. The platform of principles of the League to Enforce Peace, of which Mr. Taft is the president, is as follows:

We believe it to be desirable for the United States to join a league of nations binding the signatories to the following:

First. All justiciable questions arising between the signatory powers, not settled by negotiation, shall, subject to the limitations of treaties, be submitted to a judicial tribunal for hearing and judgment, both upon the merits and upon any issue as to its jurisdiction of the question.

Second. All other questions arising between the signatories and not settled by negotiation shall be submitted to a council of conciliation for hearing, consideration, and recommendation.

Mr. President, it is not for me to say that the birthright of the League to Enforce Peace has been traded for a mess of pottage, but it is possibly well enough that I should read the trade which they have made. Article 14 of the constitution of the league of nations provides:

The council shall formulate and submit to the members of the league for adoption plans for the establishment of a permanent court of international justice. The court shall be competent to hear and determine any dispute of an international character which the parties thereto submit to it. The court may also give an advisory opinion upon any dispute or question referred to it by the council or by the assembly.

Mr. President, as to any question which may be raised concerning the league or as to any question in which the league or the council may be interested, there is not even given to the league of nations or to the assembly of the league or to the council of the league the jurisdiction, power, or authority which we have given to the Supreme Court of the United States here over our own Federal Government. This court which it is proposed to establish hereafter may act simply in an advisory capacity.

It is not for me to criticize—for I have no interest in it—the action of those conducting the affairs of the League to Enforce Peace for the use of the money which they have had in their possession. A simple comment is sufficient. Under this platform they sought here in the city of Washington subscriptions for their propaganda, and, as will be seen by reference to the columns of the press of this city, in 1916 in three days they secured \$348,000 in cash or practically in cash, for the use of the League to Enforce Peace in its propaganda. As to what they have done with it or how much they have since collected I have no knowledge. This is a matter published in the press. My point is simply that it was collected for an entirely different purpose—for the establishment of a great international court to which nations should submit questions of international law, exactly as we submit questions to the Supreme Court of the United States here in our own country, and that we should abide by the decisions of that court.

Mr. President, I, for one, stand here now prepared to vote for any such agreement at any time. The United States has never failed, it has never refused to submit to arbitration, and to abide by arbitration, to submit to a court and to abide by its decisions, and it never will. Now, we are dragged into a political combination with the other nations of the world, the "selfish nations of the world" to whom the President of the United States refers.

I have already spoken of the difference of opinion, and of two schools of thought in this country upon the powers of the Federal Union and the powers and rights of the States. Another line of division in thought was clearly marked for a short period only, under the administration of Andrew Jackson.

It was maintained by Gen. Jackson and his friends in asserting the authority of the executive department of this Government that the same should be regarded as a unit; that is, that all the executive officers should be bound to obey the commands and execute the orders of the President and be amenable to him and he responsible for them.

Prior to his administration, it had been contended that such officers were bound to observe and obey the Constitution and laws, subject to the general superintendence of the President "and each responsible by impeachment and to the tribunals of justice for injuries inflicted upon private citizens," as was said by Henry Clay in a speech in Hanover County, Va., on June 27, 1840.

Gen. Jackson even went to the extent of claiming that the Constitution and laws of the United States were to be executed as he understood them; that he, being a sworn officer, must carry the laws into effect according to his sense of their meaning, and so forth.

No other President has, in so far as I know, in similar language suggested such an interpretation of executive duty and executive rights; but in his "Constitutional Government," in the United States, the Hon. Woodrow Wilson has announced without qualifications, simply and plainly, that this Government of ours is a "government of men" and not a "government of laws." He has stated, in effect, in commenting upon this proposition, that Washington, Jefferson and Madison and Jay and Hamilton and the other framers of our Constitution and the founders of our Government, did not understand the character of the Government which they had formed. He claims that they thought that, being familiar with Montesquien's "Spirit of the Laws," they were framing a Government according to what Mr. Wilson pleases to designate as the "Newtonian" theory, while he, then Mr. Wilson, now President Wilson, asserts that the Government which they formed was after the "Darwinian" theory, whatever that may be.

It is following this, Mr. Wilson's discovery of the mistake of of the fathers of our Government that he asserts the doctrine that this is a government of men and not a government of laws; that the Massachusetts Bill of Rights "to the end that this shall be a government of laws and not a government of men," was not adopted into our form of government; that, in fact, there could be no such government as that of men and not of laws.

In this one matter, at least, President Wilson has followed Dr. Wilson most consistently. Bearing in mind this conclusion of President Wilson, one can readily understand some of his acts; some of his statements and at least one of his appeals, which, without such realization of President Wilson's theories, have not been understood by many citizens of the United States.

For instance, in Mr. Wilson's appeal prior to the last election to the voters of the country to elect a Democratic House and a Democratic Senate, or else he would not be so well able to carry out his policies abroad, and so forth, Mr. Wilson was undoubtedly sincere in the belief that this was a government of men, of whom he was the duly chosen leader, and he was equally sincere in the opinion that the people of the United States realized this fact fully, and was undoubtedly astounded when they did not grant his request.

Undoubtedly Mr. Wilson thought there must have been some misunderstanding of his plea to the people which caused them to vote as they did, because he went to Europe insisting upon every occasion that he knew the heart and the spirit and voiced the demands of the American people, and that in their name he insisted upon writing into the treaty the constitution of the league of nations.

Undoubtedly he was again astounded when upon his temporary return from Europe he found that certain Members of the Senate could not agree to approve nor bind themselves to ratify the proposed constitution of the league.

I give the President credit for being entirely sincere in his construction of our form and principle of government, and yet I refuse to believe that the majority of the people of the United States agree in such construction. I believe that they rather adopt the theory of Webster and other great Americans that this is a "government of laws and not a government of men."

I believe that the mass of the people think as Webster thought when he said that "whatever government is not a government of laws is a despotism, let it be called what it may."

I give the President credit for absolute and entire sincerity in his theory, because I have seen that he has impressed such theory upon the representatives of his party, at least in the Congress of the United States, and I know that he has impressed it upon as many newspaper followers throughout the country.

Thus, therefore, we may understand the otherwise somewhat puzzling proposition insisted upon so consistently—and I had almost said vociferously—during the debate in this body, that anyone who disagrees with any word or line or who cares to dot an "i" or cross a "t" in the proposed constitution of the league or in the peace treaty as written must be guided entirely by "political partisanship" and the desire to make political capital through opposition to the President or must be guided by personal enmity to the President himself.

If I could not give credit for sincerity to those Senators who have been pursuing this line of denunciation, I could offer to myself no possible excuse for their supreme egotism in arrogating to themselves the sincerity, patriotism, and statesmanship in their support of the league provisions as they stand and the treaty provisions as they are written.

This line of thought which the President's overwhelming ability and dominating personality has impressed upon his political followers gives them an excuse not only for abandoning but for uttering sentiments diametrically opposed to the arguments they used in 1912 in objecting to the proposed arbitration treaties offered by Mr. Taft because such treaties contained a provision for a commission, which commission, it was insisted, might pass upon questions to be arbitrated and thus deprive the Senate of one of its constitutional functions.

This conviction, so impressed upon his party followers, justifies their contention now that there should be no reservation in or amendments to the present treaty, when in March, 1912, their then leader, Senator Bacon, followed by every Democrat then in the Senate, many of whom are now members, among whom I will only mention Senators Hitchcock of Nebraska, Williams of Mississippi, Smith of Georgia, Smith of South Carolina, Swanson of Virginia, Fletcher of Florida, Pomerene of Ohio, and so forth, voted for the amendment offered by Senator Bacon in words as follows:

*Provided*, That the Senate advises and consents to the ratification of the said treaty with the understanding, to be made a part of such ratification, that the treaty does not authorize the submission to arbitration of any question which affects the admission of aliens into the United States, or the admission of aliens to the educational institutions of the several States, or the territorial integrity of the several States or of the United States, or concerning the question of the alleged indebtedness or monied obligation of any State of the United States, or any question which depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions commonly described as the Monroe doctrine or other purely governmental policy.

Joined at that time by some of the Senators who yet remain upon this side of the Chamber, this amendment to the treaties was then adopted by a vote of 46 to 36.

If it proves a matter of further interest, I may quote from some of the illuminating speeches made during this debate by some of those Senators upon the other side, whose names I have mentioned, who then upheld the honor of the United States and gloried in its isolation and damned he who would either offer this country as a sacrifice in an entangling alliance or who would suggest that the Government of the United States itself and particularly this great Senate body should be deprived in any respect of its powers under the Constitution of the United States.

We have seen and heard evidence not only of propaganda throughout the United States in favor of the league for universal peace, but there is no questioning the fact that aside from the well-organized propaganda in that direction there does exist in the minds of a great majority of the people of the United States and of the world the keenest desire that some means should be discovered and worked out by which such wars as that supposed to have been ended when Germany affixed her signature to this treaty should be rendered impossible of repetition in the future.

Such desire has been expressed from time to time by the people of the earth since the days of Confucius. Such an overwhelming desire of the people of the world is accounted responsible for the faith of the primitive Christians in the doctrine that there will be a kingdom of God on earth which would last for a period of from 400 to 1,000 years. This idea or doctrine, known as that of the millennium, has come down to us, to be revived from time to time, and is really responsible to a great extent for the sincere belief of hundreds of thousands, aye, of millions possibly, of human beings now on earth that it is possible to legislate good into man; that it is possible by covenants and agreements made between nations from time to time to prevent wars in the future and to compel all men to live together in brotherly love and in harmony, without regard to the fact that some of these men are of one color and some of another; that some are of one religion and some are of another; that some speak one language which four-fifths of the other inhabitants of the world are not able to understand.

Many most excellent people do not understand fully the fundamental psychological and not-to-be-disputed fact, lost sight of by the chiliasts of every age, that the mere form of government under which the people may temporarily live and do business does not necessarily mean that such people entertain the same idea of the spirit of government or the duty of the government to its citizens and of the duty of citizens to their government which people of another race or another country or of other training entertain who live under a similar constitution or form of government.

The people of Germany were confederated together under a constitution and with two legislative and one executive department of their Government. Some of the constituent elements of the German confederation were the old Hanse free towns which

in the fourteenth century practically controlled the commerce of the earth.

The President of the United States fell into the common error when he insisted time after time that the German people were not responsible for the late war, that it was merely their rulers who were responsible, and when he insisted in effect that we would only deal with them when they had overthrown their rulers.

And now he has dealt with them possibly more harshly than any other conquered people were ever dealt with by a civilized conqueror.

The President of the United States has seemed to think that because Mexico has the form of a republican representative government based upon that of the United States that necessarily if the people of Mexico had an opportunity, or the great submerged 80 per cent had an opportunity in that country, they would consider their Government from the same standpoint occupied by the citizens of the United States in considering ours.

He has made no allowance for thousands of years of heredity as affecting the thought, the ideas, and the principles of the various people of the earth. He has fallen into the error so common to idealists and theorists and reformers of overlooking precedent in dealing with people and with facts and has vainly imagined, as his followers now vainly imagine, that by simply entering into a covenant to keep the peace and adopting a constitution for the government of the world, that this one country of ours can by such agreement bring about the millennium on earth.

I know that to the minds of many in this Senate the suggestion that precedent be considered meets with no favorable response, but merely with the cry that one making such a suggestion is a reactionary, and yet I desire to call attention for a moment to the only precedent in modern times which we have in full historical, definite form, and that is to the constitution of the Holy Alliance adopted in 1815 and referred to some time since in the Senate by Senator JOHNSON of California.

Remember that not only Europe but the world had been at war for approximately 20 years when the quadruple alliance of Russia, Prussia, Austria, Great Britain, later to become the quintuple alliance by the adhesion of France, was formed in Vienna, to be followed later by, and not to be confounded with, the Holy Alliance formed by Russia, Prussia, and Austria under the leadership of Alexander the First of Russia.

Remember that not only all the countries of Europe which have been engaged in the recent war were parties to the wars ending in 1815, but that Holland, not a party to the war which we hope has now just closed, Denmark, at times Norway and Sweden, and Spain had been involved, and even Switzerland disturbed, and that the United States itself had been at war with Great Britain while the Latin American countries on this continent had also been in revolution against the parent Government of Spain, and then prior to the exile of Napoleon, as now after the armistice of 1918, the peoples of the earth demanded, as now they pray, that wars should cease and that peace should reign forevermore.

Just stop and think of this for a moment, Senators. We have heard here time and time and time again that the present war is a world war; that the world has never before witnessed such a war. In points of numbers of men engaged in the different armies that may be true. In point of money expended in carrying on the war that may be true. In point of numbers of States engaged it is not true. In the Napoleonic wars of 1797 up to 1813 every country of the world was in one way or another directly involved in the entente, and none stood out. As I pointed out, even the countries of Latin America and this country itself were then, as now, at war. The same demand always goes up that war shall cease. Just as sincere and honest men attempted to provide methods by which war should be prevented then, as any man is honest or sincere who is engaged in the present effort.

The conception of the creation of the Holy Alliance by the great chiliast of that age, Alexander the First, was not his conception. He was as fanatically sincere in demanding peace as was any man who ever lived. He became convinced that Napoleon was anti-Christ; that the time had come for the establishment of the millennium; and under the influence of the good Moravians, of Madam von Krudener, and others, he invited his brothers of Prussia and Austria to join him in establishing the reign of Christ on earth, to continue for a thousand years, to bring about the millennium; and to that end to join in extending an invitation to all nations of Europe to adopt and enforce the provisions of the constitution of the Holy Alliance.

Under the influence of the struggle of free men for freedom in France, then temporarily crushed, the patriots of other nations

and of kingdoms rose against their oppressors and sought to overthrow them or to extort from them a greater measure of self-government for the peoples, and being sincerely convinced that such internal conditions would threaten the peace of the world, a meeting of the members of the Holy Alliance was called for Troppau, and on the 19th of November, 1822, a protocol to the constitution of the Holy Alliance was adopted which was, in words, as follows:

States which have undergone a change of government due to revolution, the result of which threatens other States, ipso facto cease to be members of the European alliance and remain excluded from it until their situation gives guaranties for legal order and stability.

If, owing to such alterations, immediate danger threatens other States, the powers bind themselves, by peaceful means, or, if need be, by arms, to bring back the guilty State into the bosom of the great alliance.

I pause for a moment to read you the provisions of article 11 of the proposed constitution of the league of nations:

ARTICLE 2.

Any war or threat of war, whether immediately affecting any of the members of the league or not, is hereby declared a matter of concern to the whole league, and the league shall take any action that may be deemed wise and effectual to safeguard the peace of nations. In case any such emergency should arise the secretary general shall, on the request of any member of the league, forthwith summon a meeting of the council.

It is also declared to be the friendly right of each member of the league to bring to the attention of the assembly or of the council any circumstance whatever affecting international relations which threatens to disturb international peace or the good understanding between nations upon which peace depends.

Almost word for word the language of the Troppau protocol of 1822.

Under the provisions of the Troppau protocol, within a short time after its adoption, Austria, as mandatory for the alliance, overturned the liberal government in the two Sicilies, and France, as a mandatory for the alliance, overthrew the government of the Cortez and subverted the liberal constitution of 1812 in the Kingdom of Spain.

Russia had always been a friend of the United States, and during the period from 1815 until subsequent to the Spanish treaty of 1819 had acted upon more than one occasion as arbitrator of disputes between ourselves and other countries, or as our friend in diplomatically settling threatening disputes. Although she did not officially approach us with an invitation that we should join the alliance, it is well understood that certain officials of our Government or prominent Americans here were "sounded" by representatives of the Russian Emperor, only to discover that membership in such an alliance was not looked upon with favor here.

Castlereagh, prime minister of Great Britain, had refused to sign the constitution of the alliance or attend the meeting at Troppau, and thus England had not become a member, although the Prince Regent had expressed his adhesion to the principles announced. Yet Great Britain, wearied and worn by the years of war when she was engaged in breaking down Napoleon, felt that she could not defy the powers of the earth as she had defied Napoleon himself in the days of his supremacy, and hence was compelled to leave the Kingdom of Naples, the Kingdom of the two Sicilies, and the Cortez and the Government of Spain to their own resources, and stand by and see efforts for freedom in Europe crushed without daring to lift her voice or her hand in protest.

Finally, it remained for this young giant, this Nation, of all the others of the earth, to throw herself across the path of all of the conquering nations of Europe; and, through the voice of Jefferson and Monroe, to say to Russia, Prussia, Austria, Spain, and all the allied nations of the earth "thus far canst thou go and no farther," and "now and henceforth no nation of the Old World, or of any other hemisphere, can interfere with the Government or seize the territory of any country upon this hemisphere without dealing with the country of Washington, the United States of America."

And now, by another great chiasm, after a similar period to that preceding the formation of the Holy Alliance, we are requested—nay, we are commanded—to surrender our freedom, to yield our sovereignty, to subvert our Government, to become one of a league of nations, many worshipping no gods, or other gods, few among the peoples of the nations speaking our language, not one understanding the true patriotism of the United States nor the true spirit of our people nor the true form of our government.

We are asked to surrender that political freedom which of itself constitutes, out of all the forces known to man, the great force for freedom, for right, for justice—the unhampered, unswathed, untrammelled power of this great Nation of 110,000,000 people, governed under one law or form of government, breath-

ing the same air of freedom, speaking with the same tongue, and worshipping the one God. Untrammelled, free to act, to strike as we have just struck in defense of ourselves and what our own Government stands for, and to aid in striking down the military power which threatened the people of all the earth, we, and we alone, except for the sympathy existing between us and those other nations who desire right and justice, can and will command the peace of the world.

Joined with the other people of the world in this so-called peace treaty, joined with those nations every one of whom we are told, even by the President, sat at the peace table insisting and insistent upon selfish rights or claims or readjustment of rights or claims, of international boundaries and of new boundaries; constituting only a fraction of the governing body of the league, unable within the league to impress ourselves and our ideas and to make our demands as we could out of it, because of the fact that we delegate to others the right to vote, eight votes to one against us in any matter of selfish interest in which they can unite; we have not only destroyed the Government of our fathers but, in my mind, we have committed a crime against the nations of the earth, against civilization itself, and retarded for more than a thousand years that reign of Christ which we all hope will eventually bring the people of the earth together.

And yet, entertaining these convictions as sincerely as some of us do, we are criticized for uttering a word in defense of them by imitators or followers of one who dreams and has not yet learned with Kipling that he must not make dreams his master and that, thinking, he must not make thoughts his aim.

To such Senators as have criticized the opponents of the proposed league as being merely captious critics or political opponents, rather than in my feeble words I would answer in the words of the great expounder of the Constitution, Daniel Webster:

Sir, I love liberty no less ardently than the gentleman, in whatever form she may have appeared in the progress of human history. As exhibited in the master states of antiquity, as breaking out again from amidst the darkness of the Middle Ages, and beaming on the formation of new communities in modern Europe, she has, always and everywhere, charms for me. Yet, sir, it is our own liberty, guarded by constitutions and secured by union; it is that liberty which is our paternal inheritance, it is our established, dear-bought, peculiar American liberty, to which I am chiefly devoted, and the cause of which I now mean, to the utmost of my power, to maintain and defend.

ADDITIONAL PAY FOR DISCHARGED SOLDIERS.

Mr. CALDER. Mr. President, I have filed with the Secretary of the Senate this afternoon a gigantic petition collected by the Hearst newspapers of the United States, containing 6,100,000 names, urging the Congress to pay to every honorably discharged soldier, sailor, and marine of the European war a sum equal to six months' pay. This petition, addressed to the Members of the Senate and the House, is as follows:

To Congressmen and Senators:

The National Legislature, of which you are an honored Member, voted to take young men away from their homes, from their work, asking them to sacrifice their immediate future if necessary, their lives.

That was necessary legislation. The Nation approved it and thanks you for it.

I ask you to use your influence now and see to it that these young men returning from war are justly treated. Give them the same consideration that is given to the bigger man who is dealing with the Government financially, while the little man was simply offering his life.

I urge you to vote for a bill that will guarantee to every soldier at least six months' full pay after he leaves the Army—little enough and far too little to do for men to whom the country owes so much.

Mr. President, I ask that the petition be referred to the Committee on Military Affairs.

The PRESIDING OFFICER (Mr. MYERS in the chair). The petition will be referred to the Committee on Military Affairs.

INVESTIGATION OF HIGH COST OF LIVING.

Mr. SHERMAN. Mr. President, I offer a resolution and ask that it be read. Before the reading, I wish to state that it is merely to cover probably an oversight in another resolution authorizing the District of Columbia Committee of the Senate to conduct an investigation into the high cost of living. They are now engaged in that investigation by virtue of a resolution reported out from the Committee to Audit and Control the Contingent Expenses of the Senate, and passed, but some question has been raised by the proper officers of the Senate as to the sufficiency of that resolution. The chairman of the Committee to Audit and Control the Contingent Expenses is here, and I believe he will make no objection to the immediate adoption of the resolution. I ask that the resolution be read and referred to that committee.

The resolution (S. Res. 150) was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

*Resolved*, That the Committee on the District of Columbia, or any subcommittee thereof, be directed to inquire into the question of prices, rents, or related subjects in the District of Columbia and report to the Senate thereon, together with their recommendation of any steps which they may deem it necessary to take with a view to remedying the conditions.

Mr. CALDER. Mr. President, I had assumed that the report submitted several days ago covered this very subject, but some of the officials of the Senate have believed it does not, and with that in mind I report back the resolution favorably and ask for its present consideration.

The resolution was considered by unanimous consent and agreed to.

#### PRICE FIXING OF FOOD PRODUCTS.

Mr. KIRBY. I offer a resolution, which I ask may be read and lie on the table.

The resolution (S. Res. 149) was read, as follows:

*Resolution*, That the Senate Judiciary Committee be, and it is hereby, instructed to report whether it is feasible, and if so, to report a bill providing adequately for the fixing of a maximum sale price of not less than 25 per cent less than the prevailing market price on all articles, products, and commodities, transported in interstate commerce, with a view to the reduction of the high cost of living.

The PRESIDING OFFICER. The resolution will be printed and lie on the table.

#### ADDITIONAL PAY FOR DISCHARGED SOLDIERS.

Mr. THOMAS. Mr. President, a moment ago the Senator from New York offered a petition, if I understood it correctly, signed by 100,000 people—

Mr. CALDER. Six million one hundred thousand.

Mr. THOMAS. Signed by 6,100,000 people?

Mr. CALDER. Yes.

Mr. THOMAS. A petition asking for appropriate legislation giving to each soldier who served in the late war six months' pay. I will ask the Senator if he has made any estimate of what the aggregate sum would amount to which would be required if we should comply with the petition?

Mr. CALDER. I have not, but I will say, offhand, it would be somewhere in the neighborhood of \$500,000,000.

Mr. THOMAS. The Senator is \$220,000,000 shy. It would require \$720,000,000. It occurred to me that perhaps the 6,000,000 people who signed the petition were unaware of the fact that we would have to increase our present burden of taxation at least that sum of money, and they would have to pay a great part of it.

Mr. President, it seems that we are beginning a course here which, if continued, will not only bankrupt the United States but will smear all over the record of patriotism and valor made by this Army with the sign of the dollar mark.

#### ADDITIONAL PAY FOR PRINTING OFFICE EMPLOYEES.

Mr. SMOOT. Mr. President, from the Committee on Printing I report back favorably without amendment the bill (H. R. 5418) increasing the pay of printers and pressmen employed in the Government Printing Office, and for other purposes, and ask unanimous consent for its consideration.

I wish to take just a moment to state the reason why I make the request. Perhaps I had better talk plainly to the Senate, so that Senators may know the situation. The printers, linotype operators, monotype keyboard operators, makers-up, copy editors, proof readers, bookbinders, and bookbinder machine operators in the Government Printing Office to-day are receiving 65 cents an hour. Such employees are paid outside, at the lowest, a dollar an hour, and some of them \$1.25 an hour. The outside trade is taking them away from the Government Printing Office so fast that we can not keep up the printing required.

The requirements of the departments are such that we have got to secure more printers for the Government Printing Office or we shall be compelled to have a part of the printing done outside the Government Printing Office.

These employees are asking for \$1 an hour. The bill proposes to pay 75 cents an hour, an increase from 65 to 75 cents.

Mr. THOMAS. May I ask the Senator a question?

Mr. SMOOT. Certainly.

Mr. THOMAS. If I understood the Senator correctly, he stated that these printers are getting 65 cents an hour and are paying at the present time something over a dollar for sustenance for each 65 cents received. Is that correct?

Mr. SMOOT. No; I did not say that. I said printers outside doing the same work are paid from \$1 to \$1.25 per hour.

Mr. THOMAS. I misunderstood the Senator.

Mr. SMOOT. The outside trade is taking men away from the Government Printing Office so fast that it is impossible for

us to keep printers in the Government Printing Office to do the required work.

Mr. SMITH of Arizona. If the Senator will permit me, I think it has been demonstrated to us that whenever we do any outside work it costs largely more than when done by the Public Printer. It is for that reason, and that alone, and on account of the exigencies of the situation, that I am convinced, as I think is also the Senator from Utah, of the necessity for this increase.

Mr. SMOOT. I feel quite sure if we grant this 75 cents an hour, taking all the other questions into consideration, namely, the \$240 bonus that will go to each one, whether the pay is or is not increased, together with 30 days' leave of absence and 20 per cent increase for overtime, we can maintain the number of employees at the Government Printing Office that will be necessary.

I believe that Senators know me well enough to conclude that I would not be here pleading for this increase unless it were absolutely necessary. It is for that reason, and that only, that I ask unanimous consent for the present consideration of the bill. If it is not passed to-day, it can not go over to the House before their recess, as the House takes a recess tomorrow, and I should like to have it passed and signed before to-morrow afternoon.

The VICE PRESIDENT. Is there any objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

*Be it enacted, etc.*, That on and after the passage of this act the pay of all printers, printer linotype operators, printer monotype keyboard operators, makers-up, copy editors, proof readers, bookbinders, bookbinder-machine operators, and pressmen employed in the Government Printing Office shall be at the rate of 75 cents per hour for the time actually employed.

Mr. THOMAS. Mr. President, I do not oppose the passage of this measure. I could not do so successfully if I made the attempt. I merely wish, however, to reiterate the assertion that I have made on every similar occasion since the war began. It is that immediately after legislation increasing the compensation of Government employees the price of all necessities of life will rise in a similar ratio, with the result that instead of giving relief, however greatly it may be needed, we have simply used the employees of the Government as a conduit to take money from the Treasury of the United States and put it into the pockets of the purveyors. This bill may result in keeping printers in Washington in the Government service who otherwise would go elsewhere, but that it will cure the difficulty as is claimed I absolutely deny.

Mr. SMOOT. I agree with the Senator entirely upon that last proposition.

Mr. THOMAS. We are feeding an appetite for increased compensation in the vain hope that we can satisfy it. The appetite is a natural one, an unavoidable one, in view of existing conditions, but it is stimulated as the appetite of the inebriate is stimulated by the constant and increasing use of stimulants. We can no more overcome this problem of the high cost of living by an increase of compensation to employees of the Government than we can overcome the law of gravitation, and we might just as well try to repeal that natural law by a Federal statute as to attempt even to retard the progress of that inevitably recurring system of conduct by which prices adapt themselves to the means of the consumer.

The Senator from Utah, in his capacity as chairman of the Joint Committee on Printing, within six months from now in all probability will be here with a similar bill designed to keep the printers for the Government in Washington, because, in view of the added cost of living and the rise in wages elsewhere, they will be attracted from Washington.

Let me say, Mr. President, I would not regard the diminution of employees in the Public Printing Office as an unmixed evil. I think it is safe to say that 50 per cent of the printing done by the Government of the United States consists of time, printers' ink, and paper wasted. I think it is safe to say that less than 50 per cent of the material turned out by the Government Printing Office, which is the greatest in the world, is ever read by anybody, and it is certain that 95 per cent of it is forgotten before it is three months old.

The Senator from Utah remembers that some months ago he and I unsuccessfully resisted an application to print a report on the electric power in the United States, the object being to show that it was a monopoly. We said everybody knew it was a monopoly, that it did not require a printer's bill costing the Government \$91,000 to establish that proposition. We also said that nobody would read it after it was published, and that everybody would forget it within three months thereafter. I venture the assertion that not a single Member of the Senate

has ever read that ponderous document. I venture the assertion that not 10 per cent of those who now listen to me remember a thing about it or even the incident of its publication. So far as the public getting benefit from that money is concerned, we might just as well have taken it out to the incinerating furnace and destroyed it.

Let the bill pass. I shall not oppose it, as I said; but it will not affect anything except to minister to the tendency to increase prices and to diminish to that extent the money in the Treasury.

Mr. SMOOT. Mr. President, I simply want to say to the Senator from Colorado that the Joint Committee on Printing are now undertaking, with every power at their command under the law that was passed as an amendment to the legislative, executive, and judicial appropriation bill, to cut out needless publications, and the statement made by the Senator from Colorado is absolutely correct. There is at least one-half of the printing of the departments of the Government that never ought to be allowed. We are trying to cut it down, but, notwithstanding we have already cut it down at least \$100,000, we are short in the number of men required, and if we are going to do the printing that is required we must increase the pay. That is why I plead for this legislation at this time.

Mr. McCUMBER. Mr. President, I should like to ask the Senator what under the bill a printer will receive for ordinary work?

Mr. SMOOT. Each printer under the bill, counting in the \$240 bonus which began on the 1st day of July, will receive 85 cents per hour, and if they work eight hours a day it will be \$6.80 a day.

Mr. McCUMBER. What does a policeman receive?

Mr. SMOOT. Do you mean in the District?

Mr. McCUMBER. Yes; policemen in the District and policemen around the Capitol.

Mr. SMOOT. The policemen around the Capitol receive \$1,050 and \$240 bonus; that is \$1,290 a year.

Mr. McCUMBER. That is how much a day?

Mr. SMOOT. It is about \$4.30 a day, counting 300 working days in a year.

Mr. McCUMBER. Can the Senator give me a very good reason for paying a policeman, considering the intelligence there ought to be in the matter of police service, \$4.30 a day and paying our printers \$6.80?

Mr. SMOOT. I am not saying anything as to whether the policemen around the Capitol are receiving sufficient pay or not, but I do know that there is quite a difference between the service rendered by the police around the Capitol and the service rendered by a competent linotype operator or a first-class printer or proof reader, and that is the type of work we are trying to take care of and retain at this time.

I will admit to the Senator frankly that \$1,050 for policemen around the Capitol, under conditions existing to-day, is not sufficient. But I know we can get 10 policemen around the Capitol where we can not get one of this class of labor in the Government Printing Office.

Mr. McCUMBER. I think it shows, Mr. President, the bad system of selecting one class and raising wages without having a general bill to cover all classes of Government employees. There is no question that there are great inconsistencies and injustices under the present system which we have adopted.

Mr. SMOOT. There is no doubt that is true. Every printer, every linotype operator, who is in the Government Printing Office can leave there to-day and get at least \$1 an hour, and many of them are paid \$1.25 an hour in different shops throughout the United States. I will admit that if it were possible to regulate these things in a comprehensive, businesslike way that should be done, but we are up against a situation to-day that we must act upon or we can not do the work. I do not stand upon the floor of the Senate and talk this way unless I know what the true situation is.

Mr. TRAMMELL. Mr. President, I feel confident that the Senator reporting the bill has given us the true situation, and therefore I do not feel disposed to offer an objection to this bill, but shall support the same.

While we are discussing the subject of adjusting salaries and doing justice by those who are serving and those who have served their country I wish as one Senator to add my hearty indorsement to the sentiment of the 6,000,000 loyal and patriotic American citizens who have petitioned the United States Senate and the House of Representatives to do justice by the soldiers who went to the battle front and won the victory for our beloved country. I think, Mr. President, we have been a little tardy in doing justice by the men who responded to the call of their country, who endured the heat of summer, the chill of win-

ter, and bore the brunt of battle and carried the great sacrifices which brought victory to our Republic in the greatest of all wars.

Feeling that, as a grateful Nation, as an appreciative people, we should give a token to our soldiers who had so loyally served their country for a pittance of \$30 per month, the next day after the armistice was signed I introduced a bill providing that each soldier should be given a bonus of one month's salary. I did not restrict it to this sum because I thought that was all he merited. I restricted it to that amount, however, because at that time the War Department, so the papers stated, was willing to give approval to a measure paying them only such sum. The step was taken as an entering wedge. I tried to get the amount increased to three months. As an outcome of that the conferees adopted the \$60-bonus amendment.

Our soldiers who have been discharged and those who will be discharged have received \$60; but, Mr. President, I do not think that amount is sufficient reward, is sufficient recognition and token of the Nation's gratitude to these men who made the sacrifice and endured the hardship of the battle. I am heartily in sympathy with the sentiments expressed by these 6,000,000 people. From my observation and from the expressions that I have heard from the people throughout the country, I do not believe that it is the desire of the American people that the American Congress shall deal with the soldiers in a penurious way; that we shall withhold from them a just recognition of the Nation's gratitude. I do not know of anyone who objects to paying the bonus. So I arose, Mr. President, for the purpose of suggesting that the United States Senate and the House of Representatives should consider seriously the matter of enacting appropriate legislation to give a reasonable bonus to our soldiers who endured great hardships and won the victory for their Nation in the battles of the recent war.

Of course \$300,000,000 or \$400,000,000 looks like a tremendous sum, but when it comes to a question of making adjustments of other claims I have noticed running all through the governmental departments and all through the action of the Senate a disposition to repair any losses or any injuries that individual citizens or companies or corporations may have suffered, though they did not shoulder a gun and go to the battle front.

Who is there who can say that the soldier serving for \$30 a month did not make a sacrifice for his country that a grateful nation should reward when it is amply able to do so? I had a letter a few days ago from a friend of mine in Florida, who stated to me that he did not know what his son would have done in order to purchase a suit of civilian clothes and a few other articles of wearing apparel if it had not been for the \$60 bonus. By the time he paid his insurance and made certain contributions in the way of allotments to his parents he had the pitiable sum of five or six dollars left out of his salary. Many soldiers are left penniless when they quit the service, and I contend, Mr. President, that \$60 is not sufficient.

I believe the more equitable and just plan would be to place it upon the basis of a graduated scale—that is, those who have served from 90 to 120 days, allowing credit for the present bonus of \$60, should receive, say, \$90; those who have served from four to five months should receive \$120; those who have served from five to six months should receive \$150; and all who have served seven months or more, \$150. I believe, according to the scale which I have suggested in my amendment, those who have served from six to seven months should receive \$150. That would make the lower class, who had served less than three months, receive \$90, the next class \$120, the next class \$150, the highest class being \$150; with the \$60 already received, making a total of \$210.

I am not sure just what that would amount to, though I have asked both the Secretary of War and the Secretary of the Navy, respectively, to give me a report as to the number that would be in each class. I believe, however, that would be the more equitable plan.

I feel that we will be just a little tardy, just a little neglectful, if we delay much longer giving a substantial recognition to our soldiers. For that reason, Mr. President, I hope that the Military Affairs Committee of the Senate will deem it proper soon to give serious consideration to this subject.

Mr. WILLIAMS. Mr. President, I do not much believe in mixing up patriotism and money. I remember that after the Confederate soldiers came back home they not only did not have any bonuses but they did not have anything else except now and then a horse that Grant let them bring home to put in their crops.

Mr. TRAMMELL. Mr. President, will the Senator from Mississippi permit a question?

Mr. WILLIAMS. Yes.

Mr. TRAMMELL. Is it not a fact that all of the Confederate States have for years pensioned their soldiers in recognition of the service which they rendered for their country and that those States are doing so to-day?

Mr. WILLIAMS. Yes. Mr. President, the Southern States have pensioned such of their soldiers as have needed help.

I never have had much sympathy with mixing up money and patriotism; I never have had much sympathy with what is called the "roll of honor," giving a man money, whether he needed it or not, just because he had served his country in time of war. I do believe that every community, no matter how poor, ought to take care of those who in the service of their country have become crippled or otherwise disabled; but I can not find it in my heart to approve of any system that calls upon the citizens of a country to come pretty near bankrupting themselves because you or I or somebody else had been called into the service and did his duty in the service. I do not believe my boys want it; I do not believe the other boys want it; I do not believe any of them want to profiteer at the expense of their country. I do not believe that they want to capitalize their patriotism. We passed an act of insurance and indemnity and reparation, and Heaven knows what else, with the hope that it would take the place of pensions and bonuses.

I can not speak for all the soldiers coming back, but I do hope that our boys, having made a magnificent record in Europe for courage, fortitude, good nature, and enthusiasm, charging, as somebody has said, as if there was a bet as to which should reach the German trenches first, are not coming back with the idea of bankrupting the United States Treasury. Of course, if they wish to do that, they can do it; they have the votes; they can effect the necessary organization; they can influence politicians; they can make every Member of the Senate and of the House come up to the lick log, and, if they want to, they can literally bankrupt the Government; but I do not believe they want to do it; I know mine do not.

Mr. President, I have a reminiscence in my mind. I remember when old Maj. Pickett came to my grandmother and said, "Mrs. Sharp, you are entitled to a service pension because Capt. Sharp was an officer in the Mexican War." He was wounded at Buena Vista, but not seriously in the long run. My old grandmother, Scotch-Irish as she was, turned around and said, "Major, I will have you know that Capt. Sharp did not fight for money." I want the boys who wore the uniform of this country and who upheld its honor to be able to say that they did not fight for money.

Why, Mr. President, if we were going to pay a soldier what his service was worth, risking his life, risking his property, and risking the dependence of his family, it would be cheap at \$40,000 a year apiece, and if he demanded what it was worth he would bankrupt this country. You not only could not help yourself, you not only could not pay the war debt, but you could not help the other nations of the world that need help. I do not believe that they want to enter into that sort of a conspiracy, although I have received letters from several of them that indicate the very utmost degree of selfishness and the utmost disposition to subject this Government to all sorts of demands that they can obtain from it in the way of money, but I believe they are a mere minority.

Mr. President, I rose, however, for the purpose of presenting an amendment to the pending bill. If we have reached the proper place for its consideration, I want it considered, but if not I want it pending. I move to strike out the period in line 8, after the word "employed," insert a comma, and add the words "the compensation for the foreman of printing, the foreman of binding, and the foreman of press work is increased from \$2,500 to \$3,000."

A friend of mine brought this amendment to me and told me that it ought to be adopted. I promised to offer it and I promised to make the best argument in favor of it that I could. Meanwhile I have had a talk with the Senator from Utah [Mr. SMOOT], who tells me that for certain reasons it ought not to be adopted. Notwithstanding his argument I think it ought to be adopted, because I believe that if the other members of the force are to have their salaries increased these men ought to have theirs increased proportionately. I shall leave it for the consideration of the Senate.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Mississippi.

Mr. SMOOT. Mr. President, I simply wish to say a word. I sincerely hope the Senate will not approve this amendment. The object of asking for the consideration of the bill at this time is so that it may be returned to the House of Representatives to-morrow and be signed before that body adjourns.

Mr. LODGE. Mr. President, I will say to the Senator that I have just heard from the House that they are not going to adjourn

Mr. SMOOT. I heard a few moments ago that there was such a suggestion.

Mr. LODGE. They have received a message from the President of the United States asking them to remain in session.

Mr. SMOOT. So I have heard.

Mr. President, the three men who are involved in the amendment of the Senator from Mississippi are receiving to-day \$2,500 a year, and they will also receive the \$240 bonus, making \$2,740. What the committee had in view was to take care of the men who are to-day only receiving 65 cents an hour, and we are in hopes that nothing more will be added to this bill. Therefore, Mr. President, I trust the Senate will not adopt the amendment offered by the Senator from Mississippi.

Mr. WILLIAMS. Mr. President, it seems to me that we ought to treat the public employees fairly relatively to one another, and if you are going to increase the salaries of these other people the salaries of the foremen ought to be increased also. I do not wish to express an opinion as to how much they should be increased, although I have offered an amendment stating how much; but I do think it is very unfair to increase one and not increase another, although you carry one under the description of a bonus and the other under the description of a salary.

Mr. SMITH of Arizona. Mr. President—

Mr. SMOOT. No; the Senator is mistaken about that. They all get the bonus of \$240. The only reason why I referred to that was because the Senator's amendment proposes to increase them from \$2,500 to \$3,000, whereas they get to-day \$2,500 and a bonus since the 1st of July of \$240, making \$2,750.

Mr. WILLIAMS. Do they all get \$2,500? Some of them get only \$2,300, as I understand.

Mr. SMOOT. No; I will say to the Senator that the foremen get \$2,500.

Mr. WILLIAMS. Well, I will leave it to the good sense of the Senate. I think the amendment ought to be adopted.

Mr. FLETCHER. Mr. President, may I ask what the amendment is?

Mr. SMOOT. It is to increase the salary of the foremen of printing and binding from \$2,500 to \$3,000.

Mr. FLETCHER. It is offered as an amendment to the House bill?

Mr. SMOOT. It is offered as an amendment to the House bill by the Senator from Mississippi [Mr. WILLIAMS].

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Mississippi.

The amendment was rejected.

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

#### INTERNATIONAL LABOR CONFERENCE.

Mr. LODGE. From the Committee on Foreign Relations I report back favorably, with amendments, the joint resolution (S. J. Res. 80) to authorize the President to convene the first meeting of the international labor conference in Washington and to appoint delegates thereto, and I ask for its present consideration.

The VICE PRESIDENT. Is there any objection to the present consideration of the joint resolution?

Mr. THOMAS. Mr. President, reserving the right to object, I ask to have the joint resolution read.

The VICE PRESIDENT. The Secretary will read the joint resolution.

The SECRETARY. The committee proposes to strike out the preamble, and the joint resolution reads:

*Resolved, etc.,* That the President of the United States be, and he hereby is, authorized to convene and to make arrangements for the organization of such first meeting of the said conference and to appoint delegates thereto: *Provided, however,* That nothing herein shall be held to authorize the President to appoint any delegates to represent the United States of America at the said meeting of such conference or to authorize the United States of America to participate therein unless and until the Senate shall have ratified the provisions of the said proposed treaty of peace with reference to such general international labor conference.

Mr. LODGE. There are some amendments proposed by the committee.

The VICE PRESIDENT. Is there any objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The amendments were, on page 2, lines 2 and 3, strike out the words "such first meeting of the said conference and to appoint delegates thereto" and insert "a general international labor conference to be held in Washington, D. C."; in line 6 strike out the words "the said meeting of"; in line 9, after the words "treaty of peace," insert the words "with Germany"; in line 9 strike out the word "such" and insert the article "a." The amendments were agreed to.

Mr. WADSWORTH. May I ask the Senator from Massachusetts just exactly what the effect of this will be? It is impossible for a Senator hearing the joint resolution read in this way to know what it proposes.

Mr. LODGE. I ask that the joint resolution be read as amended.

The VICE PRESIDENT. The Secretary will read the joint resolution as amended.

The Secretary read as follows:

*Resolved, etc.,* That the President of the United States be, and he hereby is, authorized to convene and to make arrangements for the organization of a general international labor conference to be held in Washington, D. C.: *Provided, however,* That nothing herein shall be held to authorize the President to appoint any delegates to represent the United States of America at such conference or to authorize the United States of America to participate therein unless and until the Senate shall have ratified the provisions of the proposed treaty of peace with Germany with reference to a general international labor conference.

Mr. THOMAS. I assume that the purpose of this joint resolution is to provide for a meeting of an international labor conference such as is provided for in part 13 of the treaty. Is that correct?

Mr. LODGE. That is the labor conference that is covered by it, undoubtedly.

Mr. THOMAS. The treaty, among other things, requires the league of nations to pay the expenses of these conferences. Do I understand that this meeting, if held, and if the treaty in the meantime should be ratified, would be subject to that requirement?

Mr. LODGE. Mr. President, as I understand the treaty, certain expenses are paid by the powers appointing delegates. Other expenses are paid from the general fund of the league. There is no provision in the treaty that I have been able to find for that general fund.

Mr. THOMAS. I know there is not.

Mr. LODGE. I do not know where it is coming from, and I do not know anything about it; but it is mentioned in that article; so I suppose there will be a general fund.

Mr. THOMAS. The contingency I have in mind is that if such a fund is not provided by that time, Congress will be requested to make an appropriation for the payment of these expenses.

Mr. LODGE. I think it highly probable.

Mr. THOMAS. The provision to which I refer is article 424:

The first meeting of the conference shall take place in October, 1919. The place and agenda for this meeting shall be as specified in the annex hereto.

Arrangements for the convening and the organization of the first meeting of the conference will be made by the Government designated for the purpose in the said annex.

That is the United States.

That Government shall be assisted in the preparation of the documents for submission to the conference by an international committee constituted as provided in the said annex.

The expenses of the first meeting and of all subsequent meetings held before the league of nations has been able to establish a general fund, other than the expenses of delegates and their advisers, will be borne by the members in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union.

Of course I am unable to say when the Senate will finally vote upon the treaty. It may be that the treaty will be disposed of in some fashion before this meeting is held in October, and it may not; but I think the Congress should bear in mind the possible contingency of a request made to it to meet these expenses, or some of them, out of the Public Treasury.

Mr. LODGE. Mr. President, this joint resolution, introduced by the Senator from Iowa, came before the Committee on Foreign Relations, and we heard the Secretary of Labor in regard to it this morning. It is desired simply that the President should be relieved from the inhibition placed upon him by a clause in the general deficiency act approved March 4, 1913. That clause prohibits the President from calling conventions of any kind. This was to give him the opportunity to call this convention, but there is no authority given—in fact, the authority is expressly withheld—to appoint delegates or to have the United States participate. This merely gives authority to the President to issue invitations to the labor delegates of other nations. The committee amended the joint resolution and presented it to the Senate and asked for immediate action, because it seems important—it seemed more important this morning—that there should be immediate action this afternoon.

Mr. KENYON. Mr. President, will the Senator from Massachusetts yield to me?

Mr. LODGE. I yield.

Mr. KENYON. As the joint resolution now reads, the expenses of the different delegates of these various countries will be borne by the nations themselves.

Mr. LODGE. That is in the treaty.

Mr. KENYON. No; but as the matter now stands, if we pass this joint resolution, there is nothing in it about the expense.

Mr. LODGE. No; there is nothing in it about expense.

Mr. KENYON. Each nation would have to bear the expenses of its own delegates.

Mr. LODGE. That is provided in the treaty.

Mr. WILLIAMS. But even if there were no treaty and if we made no appropriation they would have to do it anyhow.

Mr. LODGE. We shall have to make an appropriation probably to care for them when they are here. I fancy nothing very large.

Mr. KENYON. That is a question that may arise later.

Mr. WILLIAMS. And there will be no American delegates unless, in the meantime, the treaty shall have been ratified.

Mr. SMOOT. Mr. President, I should like to ask the Senator from Massachusetts if it would not be wise to put in this joint resolution the usual provision in the case of joint resolutions of this kind, that no future appropriation shall be made for the expenses of the delegates or the conference?

Mr. LODGE. Why, Mr. President, that is all provided for in the treaty. If the meeting is ever held, it is provided for in the treaty. The joint resolution did not go beyond that point, and the committee thought it wise not to go any further.

Mr. WADSWORTH. Will the Senator from Massachusetts yield to me?

Mr. LODGE. I yield.

Mr. WADSWORTH. If the Senator has said so before, I did not happen to hear it; but will the Senator now say upon what date it is planned that this conference shall be held?

Mr. LODGE. In the treaty it is fixed for October, 1919. The joint resolution fixes no date. It leaves it to the President to convene it when he chooses.

Mr. WADSWORTH. Then the best answer to the inquiry is that the treaty fixes the date?

Mr. LODGE. The treaty fixes a date.

Mr. WADSWORTH. A date. Then this really means the meeting to be held under the treaty, or is it quite uncertain as to when it is to be?

Mr. LODGE. No; it leaves it to the President to select any date that he may desire. The date was left out purposely.

Mr. WADSWORTH. I was wondering what is the cause for haste in consideration.

Mr. LODGE. The cause for haste is that the House wants to adjourn for five weeks to-morrow. There seems to be a cloud of uncertainty over that adjournment, but that was the basis of the haste and demand for immediate action; and the Senate committee complied with the wishes of the Secretary by bringing it in at once this afternoon.

Mr. WADSWORTH. Is the Senator from Massachusetts quite confident that the passage of this joint resolution by the Senate will have no bearing whatsoever upon the Senate's consideration of the peace treaty and the covenant of the league of nations?

Mr. LODGE. I can not see how it has any. The peace treaty is alluded to where we prohibit the appointment of delegates, which was in the original joint resolution. I do not think the allusion there made will have any effect on ratifying the treaty.

Mr. WADSWORTH. The Senator from New York is glad to be assured of that.

Mr. KNOX. Mr. President, I should like to say why I was willing to vote for this joint resolution. The Secretary of Labor, representing, of course, the administration, appeared before the Committee on Foreign Relations this morning and asked to have this, or practically this, joint resolution passed.

I understood from his statement—and if I am not correct about that the Secretary is present and somebody can answer for him—that if this joint resolution were passed it would have no relation whatever to the treaty. The resolution as presented by the Secretary of Labor contains a distinct provision that the United States is not to be represented at this conference unless and until the proposed treaty of peace with Germany is ratified. Speaking for myself, I do not propose to be put in the position that I am estopped in any way, by voting for the joint resolution, from opposing the treaty in any or all its provisions as I see fit, and if it is not so generally understood by the Senate I shall oppose the consideration of it and vote against it.

Mr. WILLIAMS. How could it be otherwise understood?

Mr. KNOX. I do not think it is otherwise understood.

Mr. KENYON. Mr. President, I introduced the joint resolution at the request of the Secretary of Labor, because a very embarrassing situation had arisen—embarrassing to the administration and to him. The position stated by the Senator from Pennsylvania is exactly the position of the Secretary of Labor.



If the treaty shall be ratified in the meantime, then possibly other questions will arise. But this measure has in its present form nothing at all to do with the treaty; nobody is estopped by any action he may take here, and that is thoroughly understood.

Mr. LODGE. Of course, Mr. President, if there had been any thought that this measure had anything to do with the ratification of the treaty or affected it in any way it certainly would not have been reported, as it has been, with the unanimous favorable vote of the committee. It has, in my judgment, no effect whatever upon the treaty, its ratification, or its amendment.

Mr. POMERENE. Mr. President, if I may add a word, it was especially called to the attention of the committee by the Secretary of Labor this morning that the treaty itself provided that it should take effect, as between the parties ratifying it, so soon as it was ratified by three of the nations. The treaty itself provides that the President shall call this first international convention, so it follows that as soon as the treaty is ratified by three or more of the signatory powers there is a request in the treaty itself to the President to call this convention together.

It is simply a courtesy, as it seems to me, to the other nations that may ratify the treaty, and every one understands, of course, that it will have no influence whatever upon the individual judgment of any Senator who may be called upon to act in regard to the treaty later on.

The joint resolution was reported to the Senate as amended and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The VICE PRESIDENT. The committee recommends the striking out of the preamble, and it will be stricken out without objection.

The title was amended so as to read: "A joint resolution to authorize the President to convene a meeting of an international labor conference in Washington, D. C."

#### EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 30 minutes spent in executive session the doors were reopened.

#### REPEAL OF DAYLIGHT-SAVING LAW.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3854) for the repeal of the daylight-saving law.

Mr. CUMMINS. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

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

Brandegge	Harris	Nelson	Smith, S. C.
Calder	Johnson, Calif.	Nugent	Spencer
Capper	Johnson, S. Dak.	Overman	Sutherland
Colt	Jones, N. Mex.	Penrose	Swanson
Cummins	Kirby	Phipps	Thomas
Dial	Knox	Pittman	Underwood
Elkins	La Follette	Pomerene	Wadsworth
Fall	McKellar	Sheppard	Walsh, Mass.
Fletcher	McNary	Sherman	Warren
Gay	Moses	Smith, Ariz.	Watson
Gerry	Myers	Smith, Ga.	

The VICE PRESIDENT. Forty-three Senators have answered to the roll call. There is not a quorum present. The Secretary will call the names of the absent Senators.

The Secretary called the names of the absent Senators, and Mr. KING, Mr. POMERENE, and Mr. TRAMMELL answered to their names when called.

Mr. CHAMBERLAIN and Mr. NEW entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-eight Senators have answered to the roll call. There is not a quorum present.

Mr. CUMMINS. I move that the Sergeant at Arms be instructed to request the attendance of absent Senators.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will carry out the order of the Senate.

Mr. GRONNA entered the Chamber and answered to his name.

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present.

Mr. CUMMINS. Mr. President, I intend to keep my promise in regard to this bill. All that I desire to say is that a vote in the affirmative means the repeal of the daylight-saving part of the act of 1918. A vote in the negative means the retention of the so-called daylight-saving law. I believe that every Senator knows precisely how he wants to vote upon the question, and I have no intention of further taking up the time of the Senate.

Mr. WARREN. Mr. President, may I ask the Senator what is done about the matter of standard time?

Mr. CUMMINS. That is not disturbed.

Mr. WARREN. I remember that that was the occasion of the veto.

Mr. CUMMINS. No; it was not.

Mr. WARREN. I mean, as it appeared in the papers.

Mr. CUMMINS. The veto was lodged against the proposal in the bill to advance the clock one hour at a certain time of the year and to retard it one hour at another time of the year. That is the provision as contained in section 3 of the act to which I have referred. The other two sections of the bill remain as they were originally.

Mr. PITTMAN. Mr. President, I should like to ask the Senator from Iowa if this bill attempts to accomplish the same purpose as the amendment that was in the bill that was vetoed by reason of the amendment?

Mr. CUMMINS. I think this is identical with that.

Mr. PITTMAN. Then, Mr. President, I make the point of order against the bill on the ground that it is identical legislation with legislation that at this session of Congress was defeated by a veto of the President, and a failure of the Congress to pass it over the veto by a two-thirds vote.

Mr. GRONNA. Mr. President—

Mr. CUMMINS. Mr. President, may I correct myself? The bill, of course, accomplishes the same general result with regard to the daylight-saving portion of the law as it now is; but it is not identical with the amendment that was attached to the Agricultural appropriation bill in that the first two sections of the act of 1918 are retained in the present bill, and no mention was made of them in the amendment that was attached to the appropriation act. So there is no identity of bills or measures. There is a certain identity in the objects to be accomplished.

Mr. PITTMAN. Mr. President, I take it that the substance of the legislation is the same, and that merely stating it in different language would be an evasion of the rule of the Senate. If it were not so, this body could be compelled to vote time and time again upon, in substance, exactly the same legislation after it had been defeated.

The VICE PRESIDENT. The Chair is not in possession of the language of the original bill, so as to make a comparison. The Chair is clearly of the opinion that when a measure has once been defeated in this body it can not be again introduced and voted upon at the same session of the Senate; but this was not defeated, even if it was in the same terms. This was passed by the Senate.

Mr. CUMMINS. Mr. President, I assumed that all Senators were familiar with the general course of this legislation.

This is a House bill. It has come to the Senate in the regular way. It has been reported by the Committee on Interstate Commerce by a large majority of that committee. The act of 1918 provides, in its first section:

That for the purpose of establishing the standard time of the United States the territory of continental United States shall be divided into five zones in the manner hereinafter provided. The standard time of the first zone shall be based on the mean astronomical time of the seventy-fifth degree of longitude west from Greenwich; that of the second zone on the ninetieth degree; that of the third zone on the one hundred and fifth degree; that of the fourth zone on the one hundred and twentieth degree; and that of the fifth zone, which shall include only Alaska, on the one hundred and fiftieth degree. That the limits of each zone shall be defined by an order of the Interstate Commerce Commission, having regard for the convenience of commerce and the existing junction points and division points of common carriers engaged in commerce between the several States and with foreign nations, and such order may be modified from time to time.

The section I have just read remains unaffected by the bill now before the Senate.

Section 2 provides:

That within the respective zones created under the authority hereof the standard time of the zone shall govern the movement of all common carriers engaged in commerce between the several States or between a State and any of the Territories of the United States, or between a State or the Territory of Alaska and any of the insular possessions of the United States or any foreign country. In all statutes, orders, rules, and regulations relating to the time of performance of any act by any officer or department of the United States, whether in the legislative, executive, or judicial branches of the Government, or relating to the time within which any rights shall accrue or determine, or within which any act shall or shall not be performed by any person subject to the jurisdiction of the United States, it shall be understood and intended that the time shall be the United States standard time of the zone within which the act is to be performed.

That section of the act of 1918 remains unimpaired, untouched, by the bill that is now before the Senate.

Section 3 of the act to which I am referring, the act of 1918, reads as follows:

That at 2 o'clock a. m. of the last Sunday in March of each year the standard time of each zone shall be advanced one hour, and at 2 o'clock a. m. of the last Sunday in October in each year the standard time of each zone shall, by the retarding of one hour, be returned to the mean astronomical time of the degree of longitude governing said zone, so that between the last Sunday in March at 2 o'clock a. m. and the

last Sunday in October at 2 o'clock a. m. in each year the standard time in each zone shall be one hour in advance of the mean astronomical time of the degree of longitude governing each zone, respectively.

The bill before the Senate repeals that section of the act of 1918. The amendment attached to the Agricultural appropriation bill repeals the entire act of March, 1918; so it can not be said that there is any complete identity between the amendment put upon the appropriation bill and the bill now before the Senate.

The VICE PRESIDENT. This is the repealing clause of the Agricultural appropriation bill:

That at and after 2 o'clock a. m. on Sunday, October 26, 1919, next, the act entitled "An act to save daylight and to provide standard time for the United States," approved March 19, 1918, be, and the same is hereby, repealed.

That was a repeal of the entire statute, while this is only a repeal of one section. The point of order is overruled.

Mr. FLETCHER. Mr. President, I do not care to take up any time in discussing the bill. I will simply mention the fact that the effect of the law as it stands is to cause the people in Florida to advance their clocks and watches two hours, and it is rather inconvenient; so the present condition is that at 7 o'clock in the morning it is scarcely daylight and at 8 o'clock in the evening it is full daylight.

I ask to have inserted in the RECORD a communication signed "Nina H. Weaver, lecturer, Grange No. 957, Clintondale, N. Y., July 16, 1919," which a constituent sends to me with his approval and which seems to me to furnish all the argument that need be offered.

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

CHILDREN AS WELL AS COWS.

To the Editor of The Tribune.

SIR: In your editorial of yesterday, "Daylight saving to continue," you speak as though the only possible objection to the thoroughly childish setting of the clock one hour ahead was that the dairymen have to catch earlier trains. I have no doubt that you will class the objections I cite here as "avoidable inconveniences," and in that I will agree; but the only method of avoidance is repeal.

Our children have to go 4 miles to school, and when rising at 7 o'clock used to be early enough now it is 6, and they can't get the needed sleep in the evening, for it is daylight. I haven't heard one mother of small children speak in favor of daylight saving.

Not only is it difficult for farmers to harvest their hay and grain with the dew heavy on their crops in the morning and the help quitting work at 4 o'clock (sun time), just as the grain is in the best condition, but the fruit growers also have to leave their currants and berries, their grapes and pears, their peaches and apples, until the morning is half gone, and then when the picking is good the pickers are gone.

But you will say this matter could be arranged between the farmer and his employees, so that they will stay later. Why could not the matter be arranged between the city employer and employees so that they go to work an hour earlier? Then they will have their coveted hour extra for recreation without upsetting the whole country and causing such great discomfort, inconvenience, and pecuniary loss to a good half the population.

The newspapers, politicians, and the President himself, with the other devotees of the labor unions, make the mistake of thinking the farmers are in a little world of their own, which they need not so much as notice, not to mention giving their rights any consideration. But your newspaper advertises "First to last—the truth," but on the questions which concern agriculture you have very distorted views, and I would advise that you search out the truth. It is not enough for any paper to portray the public sentiment just around it; it should seek to portray the best public sentiment and lead up to the best American ideals, which include some regard for the rights of others.

NINA H. WEAVER,  
Lecturer, Grange No. 957.

CLINTONDALE, N. Y., July 16, 1919.

P. S.—As an item of information I might add that the grange, the Dairymen's League, the farm bureau, the horticultural societies and all farmers' organizations are opposed to the daylight-saving law.

Mr. LODGE. Mr. President, the House will probably rescind the concurrent resolution to-night, and certainly to-morrow, I think. In any event, it will be necessary for the Senate to be in session, because the concurrent resolution can not be rescinded without our joining them in the act. Therefore, unless the Senator from Iowa desires to go on at this hour—

SEVERAL SENATORS. Let us vote.

Mr. LODGE. Very well.

Mr. CALDER. Mr. President, I shall occupy the time of the Senate for only a moment or two.

This matter has been voted upon by the House four separate and distinct times during the present session: First, when the bill we are considering passed the House; second, when the Senate amendment to the agricultural bill, referred to a moment ago, was agreed to by the House; third, when the effort was made, which failed, to override the President's veto; fourth, when an amendment was offered to the agricultural bill containing the same language as the bill now under consideration. At that time it was defeated by a very large majority. We are now really attempting to pass a bill which will cover the same ground as the amendment in the agricultural appropriation bill which the President vetoed and upon which the Senate has already acted.

I do not think it is necessary for me to go into the details of this measure. The Senator from Colorado [Mr. PHIPPS] this morning had read into the RECORD a letter from the anti-tuberculosis league of the United States, in which it was contended that this law was helpful to the health of the country. Every one of us, I am sure, has received letters, telegrams, and petitions on this subject from all over the country. My own judgment is that at least 80 per cent of the people of the United States desire this law to continue.

No measure that has been passed in recent years has been more appreciated by the teeming millions of our citizens who are employed in the factories, workshops, and offices of the country.

It has afforded these people an additional hour of recreation at the close of the day. It has given men who labor, an opportunity of enjoying an additional hour with their families while there is still daylight, tending to their gardens, and working around their homes. It has exchanged, for a vast majority of our people, an hour of daylight for an hour of darkness.

Undoubtedly the President will veto this bill again, and the Senate will have wasted its time in the discussion of it. I received a letter this morning from a citizen of my State who said that he thought the Senate, rather than engaging in passing legislation attempting to repeal this law, or discussing the league of nations or prohibition legislation, might better be engaged in doing something to reduce the high cost of living. I say so, too.

This measure, in its operation last year, undoubtedly saved at least 1,500,000 tons of coal which otherwise would have been used, and reduced the bills for artificial illumination at least 10 per cent in the seven months of its operation, and I think it fairly can be said by those who have studied the question that the vast majority of our people wish to have it continued.

I hope, Mr. President, that the bill will be voted down.

Mr. GRONNA. Mr. President, I had not intended to say a word on this bill because I did not deem it necessary, but after listening to the statement of the Senator from New York [Mr. CALDER] that it would be a saving of untold millions to the people of this country to continue to keep on our statute books this so-called daylight-saving law, I believe that I should say a word. I think that it can be demonstrated that the law has been a detriment to the producers of this country, and I do not believe that the claims made by the friends of this bill to the effect that it has saved our country many millions of dollars can be substantiated by facts.

Mr. President, let us look at this question for just a moment. Labor is scarce and difficult to obtain on the farm at the present time. Those who are familiar with farm work know that when 6 o'clock comes the farm laborer is ready and will quit his work. Every one of us ought to know that, during the summer time at least, when the farmer goes to work in the morning his work must be postponed for an hour or two because of the heavy dew which he finds in the field. With this law in effect he loses an additional hour. It has been estimated, I do not know with what accuracy, that by reason of the present law there has been an actual loss to the farmers of the United States of from ten to fifteen million dollars a day.

If this be true, may I ask the Senator from New York, or some other Senator, how it can be argued that this law has been the means of saving the people of this country any money whatsoever? It has been stated that this law has saved the people of this country a million five hundred thousand tons of coal by reducing the use of artificial light. This can not possibly be true, because the present law provides that at 2 o'clock antemeridian on the last Sunday of March the standard time of each zone shall be advanced one hour, and that on the last Sunday in October the clock is moved back one hour, so that this law operates between the last Sunday in March and the last Sunday in October. How can it be argued that there is a saving in fuel and light by advancing the clock one hour during the summer months? I think it must be conceded by everyone that during the summer and fall months it is daylight at 6 o'clock in the evening sun time, but let me remind you that at 6 o'clock new time in the morning, which would be 5 o'clock sun time, it is not daylight, and the farmer who has chores to do will have to use a lantern in the barn for an extra hour for at least two months during this period of time, and the housewife is compelled to burn electricity, kerosene oil, the tallow candle, or whatever she may have to burn at least one hour longer. This statement can not be contradicted, so where is your saving in coal or oil?

Mr. President, I simply want to say that every farm organization in this country is opposed to the legislation which was enacted on this subject. I want to state further that several labor organizations in the cities have sent memorials to me as chairman

of the Committee on Agriculture and Forestry protesting against the law and asking for its repeal. I can not state with accuracy that a majority of the laboring men are against the law, but I believe that a large majority of those who really perform labor are against it, and, as suggested by the Senator from Wisconsin [Mr. LA FOLLETTE], the American Federation of Labor voted by an overwhelming majority in favor of the repeal of the law.

Mr. President, the hour is late and I can not possibly take up the time of the Senate to intelligently discuss this subject. I simply want to say that this is a law in the interest of no one; that it is only for the convenience of a few who wish to play golf or some other game of recreation and amusement, to which, of course, I have no objection; but I repeat that the farmer is the only one who actually sustains a financial loss, and I challenge contradiction of that statement by anyone.

Mr. President, I have a great many letters and memorials from people throughout the country asking for the repeal of this law. I ask unanimous consent to have a few of these letters and resolutions printed in connection with my remarks.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and leave is granted.

Article from Stockman and Farmer:

DAYLIGHT SAVING.

Agriculture, the greatest industry in America, was responsible for the repeal of daylight saving, which it has found after fair trial to be a costly nuisance. Agriculture is consequently disappointed by the President's veto. No one who is familiar with the operation and effect of daylight saving outside of cities can possibly agree with the President's statement that it "gave all but universal satisfaction." Outside of the city, and in some cities also, it gave all but universal dissatisfaction, or farmers would never have insisted on its repeal. Dairy farmers, who normally work all hours of daylight, can't see why they should work in the dark for the sake of industrial classes, who work only eight hours at any time. Other farmers are too dense to understand why they should pay men to work when it is impossible to do anything so that other men can quit in the middle of the afternoon. The end of this matter is not yet in sight. The present plan is intolerable to agriculture and the law must either be repealed or some adjustment made whereby farmers are relieved of its resulting waste of time and labor, already inadequate to save the crops. The President's veto will probably stand, and unless farmers can show him some things he apparently doesn't know they have a slim chance of getting rid of daylight saving.

Letters from "A Farmer and Dairyman," urging repeal of daylight-saving law:

WEST NEWTON, PA., July 21, 1919.

Senator GRONNA, Washington, D. C.

DEAR SENATOR: We see by the daily paper that you are taking a noble stand in the interest of agriculture and justice to the American farmer and dairyman, and you can surely count on the farmer and dairyman as your friends, and we hope you will continue the fight until you win.

We have written a letter to the President, which we send to you for inspection. If you think it would do our cause any good, would like for you to take a copy and have it published, particularly an article which we have inclosed from the Stockman and Farmer, the greatest farm paper in the United States. If you think it would be any offense to the President to publish a letter that was addressed to him, we would not want it published or for him to know that you had inspected it, without you could arrange in such a way that he would not know how you received a copy. Please inclose the article and letter as soon as possible.

With best of wishes, I remain,  
Your friend,

A FARMER AND DAIRYMAN.

WEST NEWTON, PA., July 21, 1919.

Mr. WOODROW WILSON, Washington, D. C.

DEAR PRESIDENT: We notice by the Pittsburgh paper that Congress is going to attempt to attach a rider to the new Agricultural bill and that you were likely to veto it again. We thought if you knew the hardships it caused the farmer and dairyman you would not do so.

While you were absent from this country during the last session, the Chamber of Commerce of Pittsburgh took a very active part in trying to prevent the law from being repealed. We have never understood why they are so active, as they have no interest in it, particularly no vital interest, as they are business men and men of wealth, and that they sleep until 9 or 10 o'clock, and some, perhaps, later, and many of them spend the balance of the day motoring. I spent 20 years of my life in town, and I know whereof I speak. The dairyman and farmer are the ones that have a vital interest, and their wishes certainly should have the preference.

We farm and dairy, and we get up a little after 4 o'clock, making it just a little after 3 by the correct time, and other dairymen who have more cows and five or six miles to go to the train have to get up about half past 3, making it half past 2 by sun time. A farmer who has men to help him through harvest loses an hour a day on each man he has employed in the harvest field. The men come at 7 o'clock and quit at 4, and most of the mornings there is such a heavy dew that it is almost noontime before you can commence work in the harvest field, and you have to find the men something else to do until that time. If it was not for the new time, we could get an hour's more work during the day in the harvest field. The law was passed as a war measure. The farmer and dairyman stood it without any complaint. No one cares to go to bed before dark, which is about 10 o'clock, new time, and getting up at 3 or 4 o'clock, which gives them only five or six hours sleep, which, of course, you know is not enough. We see in an article from Washington that Congressmen who are against the repeal are enjoying the sport of the fight, and the farmer and dairyman have to stand the blunt. According to the papers, when you wrote the veto you made the statement that the law had given almost universal satisfaction, which was not justified by facts.

As Congress represents all parts of the country, if you would consider their vote, which was 223 to 122 in favor of the repeal, and the Senate 50 to 6, ought to be evidence that people are universally dissatisfied. There was quite a number of towns that refused to turn the clock forward. Because of a few business men who have no vital interest at all, and who think their opinion represents every person's opinion, has led you to believe that the law has given satisfaction. The paper states that some of the Congressmen who are in favor of the law, and some of the business men, want to see more sunshine.

If they would get up in the morning and go to work at 7 o'clock like other people they would see more sunshine, or come to the country and help the farmers to dairy they would get all the sunshine that is coming to them. There is not any evidence of any particular benefit being derived from getting to work an hour earlier by people of the cities, but even if there had been the same thing could be accomplished without changing the clock. You have been a strong advocate of justice and humanity and the farmers are not asking anything but that which is just and right, the correct time—sun time. Now, for the sake of humanity for the farmer and dairyman, whose family has to get out at 3 o'clock in the morning, we hope that you will recommend to Congress the repeal of this obnoxious law.

Many of the soldiers who were formerly on the farm are not going back to the farm, and there are many boys leaving the farm every year and going to town, where they can go to work at 7 and quit at 4 or 5. They do not care for the farm and dairy, where they have to get up at 3 o'clock and work until dark. If the exodus of the young men continues to increase from the farms the food problem may become serious in the future, and any legislation by Congress, or any action by the President which makes farm life more unpopular to the young men on the farm, it is certainly not wise.

Some of the Congressmen claim there was a saving of fuel. The report made to Congress last fall that there was no saving at all in the Pittsburgh district and there was only a few cities in the United States that reported any saving, and no doubt that was because fuel was high and hard to obtain and for patriotic reasons.

We know that in this section that the time the law went into effect, the 1st of March, and it will be the same this fall, commencing about September, that men who go to work at 7 o'clock were going just about daylight, and by changing the time they were pushed back into the dark an hour. Now if it should take one quart of oil for each family in the morning and if people would go to bed an hour earlier in the evening and save a quart where would be the gain? If the clock had been moved back, then all men who go to work at 7 a. m. and their families could have gotten up at daylight or after, and had gone to bed an hour earlier in the evening, then there would have been some sense in the fuel-saving claim.

Now, taking all these things into consideration we believe you will come to the conclusion there is nothing in the law, not even good common sense.

In the Canadian Parliament the same kind of bill was proposed but did not pass. One of the reasons given was that it would cause an ill feeling between the city and country people, but our "sunshine" Congressmen do not take that into consideration. Please find inclosed an article from the Stockman and Farmer, the greatest farm paper in the United States, which we hope you will consider carefully.

Hoping you will consider this letter kindly, with the greatest respect and good will for our President, we remain,

Yours, truly,

A FARMER AND DAIRYMAN.

A letter from Bloomfield, Conn., requesting repeal of the law:

TUNXIS GRANGE, No. 13, P. of H.,  
Bloomfield, Conn., May 6, 1919.

To the Members of the Senate and the House of Representatives, Washington, D. C.:

We, members of Tunxis Grange, No. 13, P. of H., Bloomfield, Conn., have passed the following resolution requesting the next Congress to repeal the so-called "daylight-saving law."

We consider it detrimental, unnecessary, and actual injustice to the farmer.

Very cordially, yours,

F. M. MAUSUR, Master.  
ANNIE M. CHRISTENSEN, Secretary.

A telegram from Riverside Grange, No. 125, of New Jersey, comprising 300 members, requesting repeal of the law:

THREE BRIDGES, N. J., June 13, 1919.

THOS. C. ATKINSON,

303 Seventh Street NW., Washington, D. C.:

Riverside Grange, 125, of Three Bridges, N. J., comprising 300 members, requests your support in the repeal of the daylight-saving bill now pending in Congress.

VAN WALDRON, Secretary.

A memorial from the Marion County Farm Bureau urging the repeal of the law:

SALEM, ILL., July 18, 1919.

AGRICULTURAL COMMITTEE,

Washington, D. C.

GENTLEMEN: Every farmer and his family on the 3,425 farms in Marion County, Ill., are looking to you to pass the repeal of the daylight-saving law over the President's veto. It works a great disadvantage on the farm and causes millions of dollars loss to the farmers in Illinois every year. There is absolutely no benefit in this daylight-saving law for the farmer. When the farmer makes up the greater part of the population of the United States, we petition you as a farm bureau and I as a county agent to do all in your power to see that this daylight-saving law is repealed.

Yours, very truly,

MARION COUNTY FARM BUREAU,  
FRED J. BLACKBURN, County Agent.

Letter from National Grange, with inclosures against the law:

WASHINGTON, D. C., July 14, 1919.

HON. A. J. GRONNA,

Senate Committee on Agriculture,

Senate Office Building, Washington, D. C.

DEAR SIR: We wish to express our appreciation of your efforts and those of your colleagues in reporting the daylight-saving repeal measure as an amendment to the appropriation bill. In view of the favorable report from the House Committee on Agriculture and later from

Interstate Commerce, and the general turn of public sentiment as evidenced in the recent action at Atlantic City, as well as the continued flood of petitions from farm organizations, it seems as if this amendment might be kept in the appropriation bill and make an end to this situation which is obnoxious to every working farmer.

I am inclosing communications recently received on this subject. If it is of value to have them in the Senate RECORD, we trust you will have this done.

Yours, sincerely,

THE NATIONAL GRANGE,  
THOS. C. ATKESON, *Representative.*

DAYLIGHT-SAVING BILL.

The farmers have been consistent as well as persistent in their fight for the repeal of the daylight-saving bill, which has worked to such a disadvantage to them. Regarding it as a war-time measure, they meekly bore it, but when it was proposed to make it perpetual they began a big fight against it.

The bill repealing it was vetoed by President Wilson recently, and the attempt to pass it over his veto failed on Monday of last week, the vote being 247 to 135. The total necessary to pass it over the veto was 255. The vote showed a large majority in favor of the repeal, but a two-thirds vote was required.

We believe the farmers have the right of it, and it is only perpetuated in the interests of the golfers and sporting element. It is a nuisance to the farmer and seriously interferes with religious work during the summer.

The following 15 arguments against the daylight-saving law are offered by the farmers:

1. Farmers waste time instead of saving.
2. Lose one hour in the morning on account of dew.
3. Hired help want to quit at 6 o'clock.
4. Forced to carry new and old time.
5. Teams and men must work in hottest part of day.
6. Can't change habits of farm animals—come up at usual time.
7. Entertainments scheduled on new time are too early for farmer's family.
8. School children have to start one hour earlier.
9. Stores and shops in country towns close too early for farmer.
10. Small town merchant must work extra hour.
11. Farmers work by sun, not by clock.
12. Must start one hour earlier to catch trains.
13. Cows must be milked one hour earlier where milk is shipped.
14. Chickens won't go to roost until usual time.
15. Increases convenience and efficiency of city folks at farmer's expense.

We trust the farmers may keep up their protests and agitation and never let up on the subject until the change is made.

Letter from Boston, Mass., showing defects of daylight saving:

333 STATE HOUSE,  
Boston, Mass., July 24, 1919.

To the Hon. Mr. GRONNA,  
Chairman Senate Agricultural Committee,  
Washington, D. C.

MY DEAR SIR: May I ask you to kindly pardon the liberty I am taking, but in a few brief remarks I should like to refer to the repeal of the "daylight-saving" law.

From a standpoint of humanity to mothers and children the following-mentioned reasons would seem to favor a repeal:

One has only to walk through the crowded quarters of the north and west ends of our city and see the hundreds of children who suffer, as they do, from living in close and hot tenements. This same condition presumably exists in all of our large cities.

It is 9 o'clock according to this law, but it is 8 o'clock according to the true sun time.

Tired children should be in their beds, that weary mothers may have a few moments to relax before they themselves must retire.

It is still daylight; quiet does not prevail, and children can not sleep. Neither is sleep prolonged for them in the morning, for again at dawn begins the noise and din caused by cars and vehicles in our city streets.

What of these children when grown to men and women. The loss of many hours of sleep, together with a lack of proper nourishment in their childhood, is a serious matter and ought to be given much consideration.

The question of a repeal, as viewed from the standpoint of our domestic animals, namely, the horse and the cow, those faithful creatures on whom we are so dependent, also needs to be considered.

Many are the extra hours which the weary horses of hucksters and junk collectors must work at this season owing to this extended evening daylight.

Let us hesitate to be longer responsible for a cruel injustice deliberately imposed upon the helpless and those who can not speak for themselves.

With a hope eternal that the Members of Congress who are opposed to this repeal may be urged to favor it and thereby bestow a blessing and a benefit upon many of God's creatures.

Again asking you to kindly pardon the liberty I have taken in writing to you,

With much appreciation,  
Most respectfully, yours,

(Miss) MARY E. HANNAN.

Letter from Providence, Ky., opposed to daylight saving:

PROVIDENCE, KY., July 22, 1919.

AGRICULTURE COMMITTEE,  
Washington, D. C.

SIRS: I send this letter to you not only in my own name but in the name of many others. There are multiplied thousands who never write to a Senator or Congressman or President or a committee in Congress, yet they feel the injustice done them when President Wilson vetoed the repeal of the daylight bill, briefly so called.

Can not something be done to relieve the situation? Can not a law be made, if it is necessary to have a law, that on Monday after the last Sunday in March all manufacturing plants, corporations, or any company employing so many hundred men, in cities or elsewhere, shall begin work one hour earlier and quit one hour in afternoons until Saturday before the last Sunday in October?

Of course, give us back our standard time first. Why is not the same result reached—an hour gained by going to work an hour earlier? As the law now stands, much confusion and dissatisfaction prevail. Thousands of country people do not observe the advanced hour. Men tell me they could have nearly an hour in the cool of the morning under standard time to work their gardens, but can not come out of mines or shops, where they have been for 8 or 10 hours, and go right out in hot sun to work, but must wait till the sun is going down and its cooler. Many get a crowd together after working hours and auto to some park, and many gamble or loaf. It also puts extra work on the housekeeper or wife. In the name of multiplied thousands, keep on until we have our standard time again.

Yours,

C. R. CROWE,  
Pastor Methodist Church.

A letter from a business man, of Liverpool, N. Y.:

LIVERPOOL, N. Y., July 31, 1919.

HON. GRONNA,  
Washington, D. C.

DEAR SIR: We are pleased to note inclosed clipping from Syracuse daily paper that you are fighting against this miserable, fake daylight, and if it was put to a vote for the people to vote on we will bet \$500 to \$50 that it would be defeated by 250,000. Find what we cut out of a church paper, inclosed.

Trusting you will fight on to victory, we remain,  
Respectfully,  
LEHNE-MILLER CO.

DAYLIGHT SAVING.

CALDER—FOR.

1. Ninety per cent of the people want daylight saving.
2. Saved 1,500,000 tons coal last year by reducing use of artificial light.
3. Conserved health of people by giving an extra hour for recreation.
4. Reduces cost of living by affording daylight in evenings for cultivation of home gardens.
5. Enables people to get up in daylight and go to bed at dark.

GRONNA—AGAINST.

1. Majority of the people are against daylight saving.
2. Means additional artificial light.
3. Prevents children from going to bed early and getting sufficient sleep.
4. Loses millions of dollars to farmers, who lose an hour a day because unable to start work early in morning.
5. Forces farmers to get up in dark to catch milk trains.

Mr. UNDERWOOD. Mr. President, I shall detain the Senate for only a moment, but I want the RECORD to show my reason for voting in favor of a bill repealing the law.

When it was proposed as a war measure I supported it, because I thought it might be helpful, and I did not see where it would be seriously hurtful as far as war conditions were concerned. When the war was over and the question came before the Senate for its repeal, I voted for its repeal; and I intend to vote for its repeal again. My reason for doing so is not a consideration of the particular interest that has been represented here on one side or the other; but time has been fixed for ages by the movement of the sun, and I assume that it will continue to be fixed for ages to come by the movement of the sun.

As to the question of labor of all kinds adjusting itself to time, that has grown up through centuries. It is not a question of the moment. Workmen go to their bench at a certain hour because communities through generations have adjusted themselves to going to work at that hour. A lawyer goes to his desk at a certain hour because through many generations it has become the custom of lawyers to go to their desks at that hour. It is a plain custom of the people of all branches of society. They respond because sentiment and custom and their own convenience have adjusted themselves to that particular hour. We readjusted that hour for war purposes. We changed the conditions of men, their moments of going to work; but the emergency is past, and I am one of those old-fashioned Democrats who believe that except in emergencies and where questions come clearly and distinctly for the public good of all the people, it is wise to allow the people of the country to pursue the even tenor of their way and stand by the custom that generation after generation has adopted.

Mr. THOMAS. The Senator said that from time immemorial men have measured time by the movement of the sun. Did the Senator mean that?

Mr. UNDERWOOD. I will say from the time we adjusted the clock to the sun.

Mr. THOMAS. That is better.

Mr. UNDERWOOD. The Senator can interpret it in his own way.

That is my only reason, Mr. President, for voting for the repeal of the law. I think the American people have adopted the hour of going to work by custom satisfactory to them, and now that the war is over I do not see any reason why by law we should attempt to change the custom of the people.

Mr. CURTIS. Mr. President, it was my purpose to submit some remarks on the bill. I am in favor of repealing the law. However, I will merely submit a letter written to me by one of my constituents. As it is late, I will simply ask permission to have the letter printed in the RECORD without reading it. It is on the subject under discussion.

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

SCIENTIFIC TIME VERSUS FAD TIME.

"We have heard a great deal in the newspapers for several years about daylight saving; that by setting the hands of our clocks back one hour we would save one hour of daylight and save one hour in the cost of heat and light in our homes, which would amount to many millions of dollars to the people of the country from April 1 to October 1.

"Those who have been foremost in advocating this fad time and who prevailed upon Congress to pass a law making it the legal time of the country from April 1 to October 1 do not seem to comprehend fully the meaning of the proposition they are advocating, for one day they talk about setting the hand of the clock back an hour and the next day they talk about setting the hand of the clock an hour ahead, as if it made no difference whether the hand of the clock was set back an hour or ahead an hour, whereas it makes a difference of two hours.

"We will try to make the matter so plain that there need be no confusion in the mind of anyone. The whistle of Armour's plant is heard over a large part of the city at 5 o'clock every morning. If the hand of the clock is set back one hour, it will be set at what is now 4 o'clock, but called 5 o'clock, using fad time, requiring everyone who has been awakened by the 5 o'clock whistle and getting up by it to rise an hour earlier, with the hour hand pointing to 5 o'clock, and hearing the whistle as usual.

"If we set the hand of the clock an hour ahead of natural time, we should hear the 5 o'clock whistle at what is now 6 o'clock, and be preparing to get up, and would not require any light and very little heat during the six months' change of time, whereas by the fad time legalized by act of Congress we are obliged to use two hours' lighting on the 1st of April, which gradually decreases until the summer solstice, when not more than half an hour's lighting would be necessary, but which would gradually increase from that date to the 1st of October, when we would be using two hours' lighting again, with perhaps some heat.

"What do we want to save daylight for, when under modern conditions an eight-hour day prevails in nearly every business throughout the country, and during the shortest day of the year, when the sun at the winter solstice in December, the days are not much more than nine hours' long, and it is not necessary for any man to work by artificial light, or by any other light than the light of the sun, except when he works in a shift.

"It is to be regretted that Congress, the law-making power of the country, has allowed itself to be imposed upon by faddists and led to pass a law the syllabus of which, daylight saving, is inaccurate and misleading, whereas if scientific and expert advice had been called before the committee having the matter in charge it could have been correctly advised and given an honest title to the law.

"We all know that when the sun is on the meridian, the highest point in the heavens, it is noon, the middle of the day, and the clock strikes 12; the number of hours back to sunrise is equal to the number of hours to sunset, and that when the sun is at the nadir, the lowest point beneath us, it is midnight, and that the number of hours back to sunset is equal to the number of hours to sunrise, and this is what we call sun time, or natural time. There is sidereal time, with which we need not deal here.

"Who is it really wants fad time? It surely can not be the unskilled worker, for under present conditions he is not likely to work more than nine hours, very nearly the shortest day of the year, and it is not reasonable to suppose that he is anxious to stand the cost of from two hours to half an hour for light and heat during each day of the six months, which he would not have to pay for under the natural system.

"We are not ready to believe that it would be the skilled worker—the mechanic, the machinist, who work in the factories and shops—for they work only eight hours a day, and there is no necessity for them to get up at 4 o'clock, natural time, and use two hours of heat and light, when under the natural system they would not be required to use any heat and light, except heat for cooking.

"The general business man and banker could hardly feel interested in the early rising at 4 o'clock, natural time, for they do not get to their offices and places of business before 8, 9, or 10 o'clock, nor are their places of business open to the public before 8 or 9 o'clock.

"The miners—the coal miners of the country—are opposed to the misnamed daylight-saving law, and have taken collective action to ignore it when it goes into effect April 1, and have

petitioned the railroad companies operating miners' trains to leave one hour late after April 1, which would conform to natural time.

"The farmers of the country are almost as one opposed to this misnamed and misleading daylight-saving law, and have sent a protest to Congress against extending its operation, giving many reasons why its further extension would be injurious to their interests.

"Renewing the question, who is it who really wants the fad time? After a very thorough search we are unable to find anyone who is willing to strictly abide by it who wants it; but we are able to find several classes of people who certainly would not abide by its operation, yet to whom it would be a convenience in lengthening the evening end of the day; we mean the sporting fraternities.

"Golfers and baseball players almost invariably get to their fields and grounds toward the middle of the afternoon and generally play late, as long as the light is good, and who has not repeatedly heard the expression from a golf enthusiast or baseball fan, 'Oh, if we could only have had another hour of daylight to complete the game.'

"Sporting people and amusement people and their patrons, we all know, are not early risers, and we believe that they have too keen a sense of justice to want a law which they are unwilling to abide by; a law that requires the toilers of the country to rise at an unseasonable hour during six months of the year to gratify the whims of a few faddists who would not observe the letter of the law, at a cost, too, of the millions of dollars to the toilers who are expected to observe it.

"The syllabus to the law does violence to nature, for it does not represent the facts, and daylight saving should not be placed as a syllabus over the act of Congress unless the act expresses a truth, unless those who conform to the law really save daylight, which we have shown to be an impossibility.

"There has been no general discussion of the proposition of daylight saving, of the necessity for it, and, if a necessity was found, how it could be accomplished, who it would benefit most, and whether its operation would work a hardship upon any class of our people, and what advice expert scientists who are familiar with propositions relating to the divisions of time would say about the matter.

"Admitting, for argument's sake, that the law, as it stands will benefit any considerable class, which is emphatically denied, without an injury to another considerable class, let us ask, Would it not have been more just to all to have had a full discussion as to the merits of the proposition, and ascertained the wishes of all whom the changes would affect, before having Congress take action upon a proposition which, if enacted into a law, would entail unnecessary cost of millions of dollars upon the toilers of the country?

"There has been some mystery as to who was back of this misnamed daylight-saving proposition, and who was urging Congress to enact it into law, for we have seen no accounts in the newspapers of petitions from the workers and business interests of the country being forwarded to Congress asking its enactment into law.

"We first heard about this misnamed daylight-saving scheme early in the World War in connection with German efficiency, which was dinned into our ears ad nauseam, and as Germany had adopted the daylight-saving plan and set the hands of her clocks back one hour, and was saving millions of dollars by the scheme, and as she had a monopoly on 'efficiency,' the faddists seemed to have been impressed that the world should follow in her steps in daylight saving.

"It is a singular fact that the proponents of the daylight-saving plan do not quote the indorsement of a single expert scientist, whose field of science should make him familiar with every phase of the division of time, in support of the proposition, which of itself should be sufficient to cast suspicion upon it.

"It is admitted by the proponents of the daylight-saving proposition that its purpose is to require everybody to rise an hour earlier every morning for six months, from April 1 to October 1; we therefore propose to point out wherein the enforcement of such a law does violence to the rights and needed rest of men and domestic animals.

"We appeal to all persons who have been brought up on a farm, and who have had much to do in the care and management of domestic animals, particularly horses and cattle, if it is not a fact that a horse gets his main rest and sleep just before daybreak, and that cows and oxen feed the early part of the night, where they have feed, and lie down and rest and chew their cuds the latter part of the night and up to daylight.

"When a boy my father used oxen on the farm as much as horses; there was an abundance of wild grass all around us during the spring and summer that made good grazing; after using the oxen all day plowing, we unyoked the pair and turned them out to graze during the night, putting a bell on one of them, for they usually stayed together.

"My father, who was sometimes wakeful and got up several times during the night, told us the next morning before starting out to hunt up and bring in the oxen, that he had heard the jingle of the bell on the belled one until the latter part of the night, when all became still.

"We started out to look them up and bring them in any time from daylight until the dew was off the grass, and always found them in some secluded spot, lying down chewing their cud, showing that the latter part of the night is the time for rest and recuperation of the bovine species.

"But we have further evidence of this fact. Our cows, whether they grazed during the night on the range or stayed on the premises, waiting for their meal and bran at milking time, could always be seen at daylight lying down resting and chewing their cud, and we take it that anyone who has had the handling and care of domestic animals, particularly horses and cattle, knows that the latter part of the night, extending up to daylight, is the time they have for sleep and rest and the supplying of the nerve centers with nervous energy for the requirements of the coming day.

"We may give another concrete illustration of the necessity that exists for cattle to have sleep and rest the latter part of the night. In 1858, when a boy of 15, I drove an ox team for the Government freight contractors hauling freight from Fort Leavenworth to Forts Kearney and Laramie for the Utah expedition, under Gen. Andrew Sidney Johnston; there were 8 to 10 oxen in a team, and a train was made up of 25 to 30 teams; this teaming was mainly during the summer months, and we herded our stock of nights to let them graze. There were two details, the first up to midnight, and the second from midnight to daylight, when the stock was driven in.

"Now, by 1 and 2 o'clock the animals were generally filled up with grass, and their activities commenced to flag, and in a short time they were lying down to rest, and soon were chewing their cud, and continued in this state of relaxation until they were aroused the next morning and driven into camp.

"Every veteran of the Civil War who belonged to the Cavalry and did much night marching will easily recall that just before daybreak the flagging energy of his horse and inclination to stumble, as if half asleep was noticeable, and as it is generally known that that is the time when the horse gets his sleep and rest, he should not be disturbed, unless an emergency exists for it.

"Kind treatment of our domestic animals should be encouraged everywhere, and that this fact is generally recognized is shown by the enactment in nearly all the States of laws for the prevention of cruelty to animals.

"The lives of men and animals through countless ages have been adjusted to sun time and to daylight conditions, except some species, whose eyes and life-serving functions have been adjusted to night conditions and sleep and rest during the day.

"We have said that the farmers were opposed to the so-called daylight-saving law; let us see why: They rise at daylight, and work and do their chores until the dusk of evening, which they consider affords hours enough for any man to work; and requiring them to rise an hour or so before daylight adds that much time to the cost of heat and light, besides the many inconveniences it entails stumbling around in the dark or carrying a lantern about their barns and stables to wake up and feed their resting stock, and that it also unduly increases their tired feeling when night comes.

"The good farmer, like the good housewife, finds something to do from daylight to dark, and to disturb this adjustment brings an increased burden upon him to satisfy the whims of a few faddists whose useful employment can not be said would add very much to the sum of human happiness.

"There are doubtless a good many farmers who do not keep hired help and who may continue to use natural time; but there are also a good many who will be obliged to adjust themselves to the new time in order to save themselves from losses in the sale and disposal of their products.

"A farmer who sells milk or any products that he ships to any dealer in the city must rise an hour earlier than usual to have his milk or produce at the station to meet the new schedules of the railroads or interurban lines, and is thus placed at a disadvantage, inconvenience, and put to an unnecessary cost in managing his business to meet a change of time, the syllabus of which states an untruth, a change, too, for which there was no demand except from a few faddists.

"WILEY BRITTON."

Mr. POMERENE. Mr. President, I voted for the bill originally and I voted for the repeal of the legislation, and I am going to vote for it now. I will state my principal reason for doing so.

The dividing line between eastern time and central time for years had been at Pittsburgh. The clock was advanced one hour under the daylight-saving law. Later on the line between central time and eastern time was moved westwardly from Pittsburgh to Mansfield, Ohio, a distance of about 200 miles or more. The result is that in the eastern half of Ohio, as well as in the western part of Pennsylvania, it makes a difference of two hours in time, and I see no reason why that condition should prevail any longer.

Mr. LODGE. Mr. President, only a word. I shall vote against the bill. It has been really a very valuable change for the urban and industrial populations of a State like mine, and I have thought that the experiment was a good one.

But, Mr. President, it seems to me that those who oppose it, and who refer, as the Senator from Alabama [Mr. UNDERWOOD] did, to the sun time, forget that a new day has dawned. It was a good old sun in its day. The world liked the sun's time for a long time, but we have outgrown it, as you know. Human nature has changed, and the time has come to go to something better than the sun. The sun occupies very much the position of George Washington. He was an excellent man in his day, but he has been outgrown, and the principles he laid down are no longer to be considered. The time of the sun has become old-fashioned. I think we should cling to it, and I have a strong suspicion that we shall end by clinging to the principles of George Washington.

Mr. PITTMAN. Mr. President, I raised the point of order that this is the same legislation that was defeated on another bill during the present session of Congress. It is true that the legislation which attempted to repeal the law embraced two other sections. Therefore I have no complaint to make with the ruling of the Chair on the point of order. I call the attention of the Senate, nevertheless, to the ground upon which the former legislation was repealed. It was on the ground that they were changing time back to the normal time. This attempts to accomplish exactly the same purpose. The President vetoed the Agricultural appropriation bill for that very reason. If he is consistent he will veto this bill for exactly that reason. He vetoed the Agricultural appropriation bill because it attempted to repeal section 3 of the daylight-saving act. This bill attempts to repeal section 3 of the daylight-saving act, just the same as it was done in the Agricultural appropriation bill.

The purpose of this act is identical with the purpose of the amendment to the Agricultural appropriation bill. The other two sections that were added to the Agricultural appropriation bill have nothing to do with daylight saving. They simply reaffirm or establish astronomical time in five zones of the United States. That was not objectionable to the President, but section 3, which advanced the clock one hour under the former act, was attempted to be repealed on the Agricultural appropriation bill, and that he objected to. As I said, this act is intended to accomplish exactly the same purpose.

I take it that the wishes of Congress have been ascertained on this matter by a veto of the President and the failure of Congress by a two-thirds vote to carry it over the veto. In spite of having that question absolutely settled during the present session of Congress, we are now attempting to accomplish the same thing that has been determined at this session according to the laws of the country.

We all know well enough that you might attempt to reach the same subject in another bill after this bill is vetoed, and in still another bill, by changing it to some extent; but the substance of the act is the same, and there is not a Senator here who does not believe that the President will act in exactly the same manner that he did act, and that the same question will come back to the Senate on overruling or sustaining the veto that arose on the Agricultural appropriation bill.

I wish to place in my remarks, without reading it, the veto message of the President when this same matter came up before.

The message referred to is as follows:

*To the House of Representatives:*

I take the liberty of returning H. R. 3157, "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1920," without my signature.

I realize, of course, the grave inconvenience which may arise from the postponement of this legislation at this time, but feel obliged to withhold my signature because of the clause which provides that "at and after 2 o'clock antemeridian on Sunday, October 26, 1919, next, the act entitled 'An act to save daylight and to provide standard time for the United States,' approved March 19, 1918, be, and the same is hereby, repealed."

I believe that the repeal of the act referred to would be a very grave inconvenience to the country, and I think that I am justified in saying that it would constitute something more than an inconvenience. It would involve a serious economic loss. The act of March 19, 1918, to "save daylight" resulted not only from a careful study of industrial conditions by competent men familiar with the business operations of the country, but also from observation of the happy and beneficial consequences of similar legislation in other countries where legislation of this character has been for some time in operation, and where it has resulted, as the act of March 19, 1918, has resulted in the United States, in substantial economies. That act was intended to place the chief business activities of the country as nearly as might be within the limits of daylight throughout the year. It resulted in very great economies of fuel and in substantial economies of energy, because of the very different effect of work done in the daylight and work done by artificial light. It, moreover, served the daily convenience of the many communities of the country in a way which gave all but universal satisfaction, and the overwhelming testimony of its value which has come to me convinces me that I should not be justified in acquiescing in its repeal.

WOODROW WILSON.

THE WHITE HOUSE,  
11 July, 1919.

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

The VICE PRESIDENT. Shall the bill pass?

Mr. CUMMINS. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BRANDEGEE (when his name was called). I am paired with the senior Senator from Tennessee [Mr. SHIELDS]. I transfer that pair to the junior Senator from Maryland [Mr. FRANCE] and vote "yea."

Mr. FALL (when his name was called). I have a general pair with the Senator from Wyoming [Mr. KENDRICK], who is absent, but on this question I am at liberty to vote. I vote "yea."

Mr. FLETCHER (when his name was called). I have a general pair with the Senator from Delaware [Mr. BALL], who is not present. I transfer that pair to the Senator from Arizona [Mr. ASHURST] and vote "yea."

Mr. JOHNSON of South Dakota (when his name was called). I am paired with the Senator from Maine [Mr. FERNALD]. I transfer that pair to the senior Senator from Texas [Mr. CULBERSON] and vote "yea."

Mr. PENROSE (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. WILLIAMS], and being informed that he is absent I will refrain from voting.

Mr. GAY (when Mr. RANSELL's name was called). I desire to state that the senior Senator from Louisiana [Mr. RANSELL] is detained on official business.

Mr. MCKELLAR (when Mr. SHIELDS's name was called). I wish to announce that the senior Senator from Tennessee [Mr. SHIELDS] is absent on important business.

Mr. SIMMONS (when his name was called). I inquire whether the junior Senator from Minnesota [Mr. KELLOGG] has voted?

The VICE PRESIDENT. He has not.

Mr. SIMMONS. I transfer my pair with that Senator to the Senator from California [Mr. PHELAN] and vote "yea."

Mr. SUTHERLAND (when his name was called). I have a general pair with the Senator from Kentucky [Mr. BECKHAM]. In his absence I transfer that pair to the Senator from Maine [Mr. HALE] and vote "nay." I understand the junior Senator from Maine would also vote "nay."

Mr. SWANSON (when his name was called). I have a pair with the senior Senator from Washington [Mr. POINDEXTER]. Not knowing how he would vote, I transfer my pair to the junior Senator from Kentucky [Mr. STANLEY] and vote "yea."

Mr. THOMAS (when his name was called). I transfer my general pair with the senior Senator from North Dakota [Mr. McCUMBER] to the senior Senator from Missouri [Mr. REED] and vote "nay."

Mr. UNDERWOOD (when his name was called). I am in favor of the bill, and if I were allowed to vote I would vote "yea." I have a general pair with the junior Senator from Ohio [Mr. HARDING] and, unless I can secure a transfer of my pair, I shall refrain from voting.

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from Delaware [Mr. WOLCOTT]. In his absence I transfer my pair to the junior Senator from New Hampshire [Mr. KEYES] and vote "yea."

The roll call was concluded.

Mr. CHAMBERLAIN (after having voted in the affirmative). I note that my pair, the junior Senator from Pennsylvania [Mr. KNOX] has now voted. I transfer my pair to the Senator from Nebraska [Mr. HITCHCOCK] and let my vote stand.

Mr. SMITH of South Carolina. I understand that the Senator from South Dakota [Mr. STERLING], with whom I have a pair, would vote as I would. Therefore I will vote. I vote "yea."

Mr. KIRBY. I announce the unavoidable absence of my colleague [Mr. ROBINSON] on official business. He has a general pair with the Senator from Michigan [Mr. TOWNSEND]. I am informed that if my colleague were present he would vote "nay" on this question.

Mr. GERRY. I desire to announce the necessary absence of the Senator from Kentucky [Mr. BECKHAM] and the Senator from Wyoming [Mr. KENDRICK] on official business.

Mr. SIMMONS (after having voted in the affirmative). The Senator from California [Mr. PHELAN] has entered the Chamber and voted, but I am advised that the Senator from Minnesota [Mr. KELLOGG], if present, would vote as I have voted. Therefore I will let my vote stand.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Illinois [Mr. MCCORMICK] with the Senator from Nevada [Mr. HENDERSON];

The Senator from Michigan [Mr. NEWBERRY] with the Senator from Virginia [Mr. MARTIN];

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from New Jersey [Mr. FRELINGHUYSEN] with the Senator from Montana [Mr. WALSH]; and

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH].

The result was announced—yeas 41, nays 12, as follows:

YEAS—41.

Bankhead	Harris	Nelson	Smith, Ga.
Brandegge	Harrison	New	Smith, S. C.
Capper	Johnson, S. Dak.	Norris	Spencer
Chamberlain	Jones, N. Mex.	Nugent	Swanson
Cummins	Kenyon	Overman	Trammell
Curtis	King	Poindexter	Wadsworth
Dial	Kirby	Pomerene	Warren
Fall	La Follette	Sheppard	Watson
Fletcher	Lenroot	Sherman	
Gay	McKellar	Simmons	
Gronna	Moses	Smith, Ariz.	

NAYS—12.

Calder	Gerry	Phelan	Sutherland
Colt	Lodge	Phipps	Thomas
Elkins	McNary	Pittman	Walsh, Mass.

NOT VOTING—43.

Ashurst	Hale	McCumber	Shields
Ball	Harding	McLean	Smith, Md.
Beckham	Henderson	Martin	Smoot
Borah	Hitchcock	Myers	Stanley
Culbertson	Johnson, Cal.	Newberry	Sterling
Dillingham	Jones, Wash.	Owen	Townsend
Edge	Kellogg	Page	Underwood
Fernald	Kendrick	Penrose	Walsh, Mont.
France	Keyes	Ransdell	Williams
Frelinghuysen	Knox	Reed	Wolcott
Gore	McCormick	Robinson	

So the bill was passed.

ADJOURNMENT.

Mr. LODGE. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Saturday, August 2, 1919, at 12 o'clock meridian.

NOMINATIONS.

*Executive nominations received by the Senate August 1, 1919.*

UNITED STATES DISTRICT JUDGE.

Samuel H. Sibley, of Union Point, Ga., to be United States district judge, northern district of Georgia. An additional appointment, under provisions of the act approved February 25, 1919 (Public, No. 265).

COLLECTORS OF INTERNAL REVENUE.

Henry T. Graham, of Wilmington, Del., to be collector of internal revenue for the district of Delaware. New office.

William E. Byerly, of Velva, N. Dak., to be collector of internal revenue for the district of North Dakota. New office.

James E. Kennedy, of Essex, Vt., to be collector of internal revenue for the district of Vermont. New office.

## PROMOTIONS IN THE ARMY.

## CAVALRY ARM.

*To be captains.*

First Lieut. Leslie B. C. Jones, Cavalry (subject to examination required by law), from February 13, 1919.  
 First Lieut. Kramer Thomas, Cavalry, from March 22, 1919.  
 First Lieut. James R. Finley, Cavalry, from April 4, 1919.  
 First Lieut. Willard S. Wadleton, Cavalry, from June 6, 1919.

## FIELD ARTILLERY ARM.

*To be captains.*

First Lieut. Clifford H. Tate, Field Artillery, from February 16, 1919.  
 First Lieut. Ottomar O'Donnell, Field Artillery, from March 11, 1919.  
 First Lieut. Oliver P. Echols, Field Artillery, from April 19, 1919.  
 First Lieut. Clement Ripley, Field Artillery, from April 22, 1919.  
 First Lieut. Edward M. Smith, Field Artillery, from June 19, 1919.

## COAST ARTILLERY CORPS.

*To be captains.*

First Lieut. Edward A. Murphy, Coast Artillery Corps (Signal Corps), from June 19, 1919.  
 First Lieut. Jep C. Hardigg, Coast Artillery Corps, from June 19, 1919.  
 First Lieut. Dale D. Hinman, Coast Artillery Corps, from June 19, 1919.  
 First Lieut. George D. Davidson, Coast Artillery Corps, from June 19, 1919.  
 First Lieut. Robert E. Turley, jr., Coast Artillery Corps, from June 19, 1919.  
 First Lieut. Richard B. Webb, Coast Artillery Corps, from June 19, 1919.  
 First Lieut. Moses Goodman, Coast Artillery Corps, from June 19, 1919.  
 First Lieut. Kenneth S. Purdie, Coast Artillery Corps, from June 19, 1919.  
 First Lieut. Robert E. Phillips, Coast Artillery Corps, from July 11, 1919.

## APPOINTMENT IN THE NAVY.

Rear Admiral Thomas Washington to be Chief of the Bureau of Navigation, in the Department of the Navy, with the rank of rear admiral, for a term of four years.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate August 1, 1919.*

## ASSISTANT DIRECTOR OF THE CENSUS.

William M. Steuart to be Assistant Director of the Census.

## COLLECTORS OF INTERNAL REVENUE.

Lewis Williams to be collector of internal revenue for the district of Idaho.  
 George L. Donald to be collector of internal revenue for the district of Mississippi.

## POSTMASTERS.

## CONNECTICUT.

John W. Cook, Beacon Falls.  
 J. P. Callahan, Branford.  
 Edward R. Wooster, Bridgewater.  
 Frank La Favre, Central Village.  
 Everett I. Pardee, Cheshire.  
 Willys R. Monroe, Coscob.  
 Thomas H. Collins, Farmington.  
 David A. Wilson, Hartford.  
 Thomas F. Ryan, Litchfield.  
 Frederick H. Wall, Manchester.  
 John F. Penders, Meriden.  
 George H. Foley, Mystic.  
 John Mulville, Norfolk.  
 Michael J. Howard, Norwalk.  
 Walter H. Bishop, North Haven.  
 Timothy J. Kelly, Oakville.  
 Emery W. Doolittle, Plantsville.  
 Alexander Gilman, Putnam.  
 William P. Stone, Salisbury.  
 John J. Moran, Southington.  
 William A. Russell, Southport.  
 Joseph F. Leahy, Stonington.  
 Daniel P. Hurley, Terryville.  
 William L. Hanley, Thomaston.

Thomas S. Rourke, Unionville.  
 William C. Saunders, Waterford.  
 Edward L. Reidy, Winsted.

## MAINE.

Austin W. Keating, Belfast.  
 Linza A. Burns, Clinton.  
 Fred A. Pitts, Damariscotta.  
 Samuel G. Wing, Fairfield.  
 Harry B. Brown, Farmington.  
 John W. Hutchins, Fryeburg.  
 George D. Vose, Kingsfield.  
 Stanley Renier, Madison.  
 Alvin E. Dresser, Millbridge.  
 Edith G. Stuart, National Soldiers Home.  
 Dwight P. Macartney, Oakland.  
 James W. Sewall, Oldtown.  
 Ferdinand H. Parady, Orono.  
 John P. Coughlin, Saco.  
 Alice C. Haveney, Searsport.  
 Joseph A. Kenney, South Paris.  
 Rufus L. Mudgett, Stockton Springs.  
 Elmer E. Crockett, Stonington.  
 Frank B. Hills, Thomaston.  
 Louis P. Gagnon, Van Buren.  
 Mary P. Ross, Vanceboro.  
 Allen H. Stinchfield, Wayne.

## NEW HAMPSHIRE.

Henry A. Browne, Farmington.  
 Otis F. Sumner, Goffstown.  
 Jesse C. Parker, Hillsboro.  
 William H. Drew, Intervale.  
 Harriet O. Harriman, Jackson.  
 Charles L. Bemis, Marlboro.  
 Nellie A. Card, New Castle.  
 Andrew D. Davis, North Conway.  
 Enoch F. Stevens, Raymond.  
 John N. Grimes, Troy.

## SOUTH CAROLINA.

Andrew P. Burgess, Summerton.  
 John W. Geraty, Yonkes Island.  
 Loka W. Rigby, Moncks Corner.  
 Charles R. Calhoun, Greenwood.  
 Stella R. Nelson, Ridgeway.  
 M. Zella D. Abercrombie, McCormick.  
 Josephine B. Pelzer, Pelzer.  
 Estella S. Herndon, Eutawville.

## HOUSE OF REPRESENTATIVES.

FRIDAY, August 1, 1919.

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, confronted with a feeling of unrest throughout the world, which has reached the people of our own beloved country, we pray that the authorities in this Capital City, in all branches of our Republic may strive earnestly to adjust every difficulty in accordance with the traditions and genius of our Nation.

With the largest crops in the history of our country, prices are beyond reason and common sense and the people look for speedy relief; and we pray most fervently that a league of nations, not the league before the Senate and the people of the United States, but a peace league founded upon the highest moral conceptions and religious truths, may spring spontaneously from the hearts of all peoples of all the world; that war may be assigned to the limbo of the past, where it belongs. In God's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

## PROTECTION OF COASTWISE TRADE.

MR. SNELL. Mr. Speaker, I offer a privileged report from the Committee on Rules.

THE SPEAKER. The gentleman from New York offers a privileged report from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

## House resolution 216.

*Resolved*, That immediately upon the adoption of this resolution it shall be in order for the House to consider H. R. 7500, a bill "To protect the coastwise trade of the United States, and for other purposes." That debate on said bill shall be limited to 1 hour and 30 minutes.



one-half to be controlled by those in favor of the bill, one-half by those opposed to the bill. That during said debate amendments may be offered, to be voted upon in the order in which they are offered at the conclusion of such debate. That at the conclusion of the debate the previous question shall be considered as ordered on all amendments and the bill to final passage without intervening motion except one motion to recommitt.

The committee amendment was read, as follows:

In line 5, strike out the words "and 30 minutes," so that the line will read: "Debate on said bill shall be limited to one hour, to be controlled," etc.

Mr. SNELL. Mr. Speaker—

Mr. HARDY of Texas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HARDY of Texas. If the previous question shall be ordered and agreed to, there will then be 20 minutes on a side on the rule?

Mr. SNELL. Well, it was not the intention to have any debate on the rule itself proper, unless there is some demand from the gentleman from North Carolina [Mr. POU].

Mr. HARDY of Texas. That is a right under the parliamentary situation.

Mr. SNELL. I was just going to ask the gentleman from North Carolina [Mr. POU].

Mr. POU. As far as I know, there is no desire to debate the rule on this side.

Mr. HARDY of Texas. Well, the gentleman has not consulted with me at all. I do desire to debate it during the 20 minutes.

Mr. POU. Neither has the gentleman consulted with me at all.

Mr. HARDY of Texas. Surely, I did not know the Rules Committee was acting on the matter.

Mr. POU. All right.

Mr. KAHN. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from California rise?

Mr. KAHN. To ask a question. This is a very important bill. I do not oppose the repealing of the coastwise law, but there is a situation in the West on the Pacific coast with respect to Hawaii that I think the House should thoroughly understand, and I will ask those in charge of the bill whether I can have 15 minutes of the hour's time to explain the thing to the House.

Mr. JOHNSON of Kentucky. Mr. Speaker, I believe we ought to have a quorum here on this matter, and I make the point of order that there is no quorum present.

Mr. CLARK of Missouri. Will the gentleman withhold that a minute?

Mr. JOHNSON of Kentucky. I withhold it for the present.

Mr. CLARK of Missouri. I will ask the gentleman from New York if he would not be willing to take the 40 minutes that usually goes with the so-called debate on the rule, and never is, and add it to the time provided in the rule?

Mr. HARDY of Texas. Making it an hour and 40 minutes to be equally divided.

Mr. SNELL. We will agree to that.

Mr. POU. I have no objection.

Mr. SNELL. Mr. Speaker, I ask unanimous consent that that amendment be included in the resolution.

The SPEAKER. The gentleman asks unanimous consent that the rule be amended by adding 40 minutes to the general debate. Is there objection? [After a pause.] The Chair hears none.

Mr. HARDY of Texas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HARDY of Texas. I suppose that the rule provides that the time be equally divided?

The SPEAKER. Yes; and it is understood that debate on the rule is to be omitted.

Mr. HARDY of Texas. That is all right. The rule provides the time shall be equally divided between those in favor and those opposed to the bill?

Mr. SNELL. Yes, sir.

The SPEAKER. The question is on adopting the resolution. The question was taken, and the resolution was agreed to.

Mr. JOHNSON of Kentucky. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Kentucky makes the point of order there is no quorum present, and obviously there is not.

Mr. SNELL. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Andrews, Md.	Fitzgerald	Longworth	Sanders, N. Y.
Bakka	Frear	Lufkin	Sanford
Baer	Freeman	McAndrews	Saunders, Va.
Bee	Fuller, Ill.	McClintic	Scully
Benson	Fuller, Mass.	McCulloch	Scars
Bland, Va.	Gallagher	McKeown	Sherwood
Booher	Gallivan	McKiniry	Shreve
Brand	Ganly	McKinley	Sims
Britten	Gard	McLane	Slemp
Brooks, Ill.	Godwin, N. C.	MacGregor	Smith, Ill.
Brooks, Pa.	Goldfogle	Magee	Smith, N. Y.
Browne	Good	Maher	Snyder
Burdick	Goodall	Mansfield	Stegall
Butler	Gould	Mason	Steele
Byrnes, S. C.	Graham, Pa.	Mead	Stephens, Miss.
Caldwell	Graham, Ill.	Merritt	Stevenson
Campbell, Pa.	Green, Iowa	Michener	Stiness
Cantrill	Griffin	Miller	Sullivan
Carew	Hamill	Moon	Summers, Wash.
Carss	Hamilton	Mooney	Summers, Tex.
Christopherson	Hardy, Colo.	Morgan	Taylor, Ark.
Classon	Haugen	Mudd	Taylor, Tenn.
Cooper	Hickey	Neely	Temple
Costello	Hicks	Nicholls, S. C.	Thompson, Okla.
Cramton	Hill	O'Connor	Tinkham
Currie, Mich.	Houghton	Olney	Upshaw
Davey	Howard	Osborne	Vare
Davis, Minn.	Hulings	Paige	Venable
Dempsey	Husted	Parker	Voigt
Denison	Jefferis	Pell	Ward
Dewalt	Johnston, N. Y.	Phelan	Watkins
Dickinson, Mo.	Jones, Pa.	Ramsey	Watson, Pa.
Dooling	Juul	Reed, N. Y.	Weaver
Dupré	Kennedy, R. I.	Riordan	Webb
Dyer	Kettner	Rouse	Webster
Echols	Kiess	Rowan	Wilson, Ill.
Emerson	Kraus	Rucker	Wilson, Pa.
Esch	Lea, Calif.	Sabath	Woodyard
Fairfield	Lee, Ga.	Sanders, Ind.	Young, Tex.
Ferris	Lever	Sanders, La.	Zihlman

The SPEAKER. A quorum is present.

Mr. SNELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

Mr. BYRNS of Tennessee. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BYRNS of Tennessee. A day or two ago I was granted unanimous consent to address the House for 35 minutes this morning. I want to ask if I may be recognized now?

The SPEAKER. The Chair has forgotten the wording of the unanimous consent. The Chair recollects that unanimous consent was given subject to business on the Speaker's table and privileged business. Was not that the fact?

Mr. BYRNS of Tennessee. My request was worded so as to provide that consent should be given to me after the reading of the Journal and disposal of such business as was on the Speaker's desk. I assume the RECORD so shows.

The SPEAKER. The gentleman was not here when the reading of the Journal was completed.

Mr. BYRNS of Tennessee. That is true, Mr. Speaker, but I call the attention of the Speaker and the House to the fact that the House met at an unusual hour this morning, and I temporarily had forgotten that the House met at 11 o'clock. I came in here very shortly after the roll began, and there has really been no time lost.

The SPEAKER. The Chair is disposed to think that technically, inasmuch as this rule has been adopted in the absence of the gentleman, the gentleman's right would be superseded by the rule. But the gentleman might now ask unanimous consent. Of course, the Chair does not know whether or not it would be granted.

Mr. BYRNS of Tennessee. Mr. Speaker, as I stated the other day, it has always been the uniform practice that a statement on the subject of appropriations be made by the ranking minority member of the Committee on Appropriations, and since I was granted this leave the other day I wish to ask unanimous consent that I may be permitted to proceed now for 35 minutes.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that he may be permitted to proceed 35 minutes on the subject of appropriations. Is there objection?

Mr. SNELL. Mr. Speaker, reserving the right to object, could not the gentleman get in on the debate on this bill? We have increased the limit of time to 1 hour and 40 minutes.

Mr. BYRNS of Tennessee. I understood the debate was confined to the bill. I do not know whether the gentlemen will have time to yield me or not. I hope the gentleman will not object to this request.

Mr. SNELL. I do not want to do so, but I had hoped that the gentleman could get in under general debate.

Mr. HARDY of Texas. We have not the time to yield in general debate.

Mr. BYRNS of Tennessee. The gentleman from Texas states he has not the time. I hope there will be no objection to my request.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee to proceed now for 35 minutes? [After a pause.] The Chair hears none. [Applause.]

## EXTENSION OF REMARKS.

Mr. RAMSEYER. Will the gentleman from Tennessee yield? Mr. BYRNS of Tennessee. I yield, not to be taken out of my time.

Mr. RAMSEYER. Mr. Speaker, I wish to ask unanimous consent to extend my remarks in the RECORD on the subject of the jurisdiction of the Committee on the Post Office and Post Roads over telegraph and telephone legislation. It is a brief argument prepared by myself for the guidance of the House, if the subject ever comes up again.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks in the RECORD by printing the argument referred to. Is there objection? [After a pause.] The Chair hears none.

Mr. WHITE of Maine. Mr. Speaker, will the gentleman from Tennessee yield to me to submit a request?

Mr. BYRNS of Tennessee. Yes.

Mr. WHITE of Maine. Mr. Speaker, I ask unanimous consent to extend my remarks upon the pending bill.

The SPEAKER. The gentleman from Maine asks unanimous consent to extend his remarks in the RECORD on the bill before the House. Is there objection? [After a pause.] The Chair hears none.

## RESIGNATION OF A MEMBER.

The SPEAKER. The Chair lays before the House the following resignation, which the Clerk will read.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES, UNITED STATES,  
Washington, D. C.

HON. FREDERICK GILLETT,  
Speaker of the House of Representatives,  
Washington, D. C.

MY DEAR MR. SPEAKER: I have this day tendered my resignation as a Representative in Congress from the seventh congressional district of the State of South Carolina to the governor of said State, the same to take effect August 1, 1919.

Cordially, yours,

A. F. LEVER.

## APPROPRIATIONS.

Mr. BYRNS of Tennessee. Mr. Speaker, it has always been the custom for the ranking minority member of the Committee on Appropriations to submit some remarks with reference to appropriations during the session. By way of explanation I wish to say that I would have submitted these remarks at an earlier date had it not been for the fact that for a week or more the House has been engaged in the consideration of the prohibition-enforcement legislation and other important matters.

I wish to make a connected statement, and shall therefore ask the indulgence of the House that I be not interrupted until after I have concluded, at which time, if I have the time, I will be very glad to yield to any Member.

At the close of the Sixty-fifth Congress, on March 4, 1919, six of the supply bills carrying appropriations for governmental activities for the fiscal year beginning July 1, 1919, had not been enacted into law. These were the bills making appropriation for the sundry civil expenses, the Agricultural and the Indian Service, the District of Columbia, and the Army and the Navy. In addition to this, the deficiency bill and the appropriation for the Railroad Administration also failed to become law. The country is familiar with the reasons why these bills were not enacted before the expiration of that term of Congress. All of them were passed by a Democratic House in ample time to have become law, but they were killed in the Senate by the filibuster of Republican minority Senators, who deliberately planned and carried on the filibuster for political purposes, and with the avowed purpose of compelling the President to call an early extra session in order to provide funds for the fiscal year 1919-20. It was stated that the desire for an early extra session was in order that reconstruction legislation might be quickly undertaken, but everyone knows that the real reason underlying the filibuster was to force, if possible, the President's return from Paris before he had completed framing the peace treaty which was to insure the peace of the world and to enable our boys to quickly return home. If the desire for reconstruction legislation was its real purpose, why is it that now, after a session of only two months, the Republican majority in Congress has decided to take a five-week recess with this legislation not enacted? If it was considered so important last spring as to demand an immediate extra session, why take a long recess now

before it is enacted? They have passed the appropriation bills which were defeated at the last session by the filibuster, and having started certain fishing political investigations, with the hope that something may turn up which will be of advantage to their party, they are now anxious to take a long recess and permit this important legislation to await their own good pleasure.

Ours is a government by majority, and a deliberate filibuster by a minority can seldom be justified, but certainly no filibuster was ever more unjustifiable and more deserving of rebuke by the people than the one which resulted in the defeat of these appropriation bills. [Applause on the Democratic side.] It was not actuated by opposition to the pending bills, but by a purpose wholly foreign to them. For my part I believe that the President should have gone to Paris, but, waiving that question, the fact remains that he had the right to go, and that he was actually there as the head of our Nation and in the midst of the negotiations and could not leave without sacrificing many of those things for which our country stands and for which our brave boys sacrificed their lives. And this filibuster on the part of members of the opposite party, and consequent defeat of these bills, was only one of many things which were done to hamper and embarrass him while he was engaged in formulating peace terms which were to bring to a close the greatest war of all the ages.

As a result the President called the new Congress into extra session on May 19 in order that these bills might be enacted into law before the beginning of the fiscal year and the necessary funds provided to carry on the Government. All of these bills have now been enacted into law. It will be illuminating to compare the amounts carried in these bills as passed by a Republican Congress with the amounts proposed by a Democratic House in the last Congress for exactly similar services and for the same fiscal year.

A few days ago the gentleman from Iowa [Mr. Good], as chairman of the Committee on Appropriations, presented to the House a carefully prepared statement in which he undertook to analyze the appropriations which have been made and to compare them with those proposed at the last session of the Sixty-fifth Congress. Had he followed the usual custom and presented an impartial comparison of the amounts appropriated by this Congress with those passed by a Democratic House at the last session, I would have nothing to say. Personally I have a very warm and high regard for the gentleman from Iowa. We are personal friends, and I know that he would not intentionally misrepresent any fact or do anyone an injustice, but he sometimes permits his intense eagerness to serve his party to warp his judgment. And I regret that in this instance he forgot that he was speaking to the Congress and to the country as the chairman of the great Committee on Appropriations but permitted himself to be drawn off in an effort to secure a partisan advantage for his party rather than present a fair comparison of the appropriations made at this and the last session. In reply to the gentleman I shall show by a brief analysis of the various bills that this session has increased the charges on the Treasury by a number of millions of dollars for the ordinary running expenses of the Government over the amount proposed by a Democratic House at the last session.

The gentleman from Iowa asserted that—

The net result of the work of this Congress, so far as it has acted on appropriations, notwithstanding the necessarily large increases for war-risk insurance, shows a net decrease of \$939,629,541.97 in the appropriations made by this Congress as compared with the last action of the Sixty-fifth Congress on the same bills. But if the saving made by this Congress in the matter of appropriations is measured by the amounts asked for by the executive departments and considered by this Congress the aggregate is \$1,685,897,893.64, a magnificent record of achievement in 37 legislative days.

The gentleman failed to state that the speed with which these bills were put through was made possible only by the fact that extensive hearings were conducted on all of these bills at the last session and that these hearings and the bills then prepared were made the basis for the bills introduced at this session, and that, as a matter of fact, the greater portion of the items of appropriation then proposed were accepted without question. He knows full well that if it had not been for that fact it would have been impossible to have prepared and passed these bills within the time stated.

He also, by his comparison, seeks to show that the combined amounts proposed in these bills at the last session greatly exceeded the amounts appropriated at this session. He forgets that every Member of his party in the House voted for these bills at the last session, and that he, as a member of the Committee on Appropriations, helped to frame a number of them, and his claim, by inference, that they were unduly large is a severe indictment of himself and his party in not having opposed them

and called the attention of the country to them at the time. [Applause on the Democratic side.] No, Mr. Speaker, the gentleman knows that the reductions to which he refers were made in three appropriations alone, that of the Army, the Navy, and the Shipping Board or Emergency Fleet Corporation, which I shall presently show should not be considered on account of a change in conditions since the last session of Congress, and that, eliminating these, the Republican majority in the present session has actually increased by millions of dollars the appropriations made by a Democratic majority in the House at the last session of the Sixty-fifth Congress for exactly similar services for the fiscal year 1920. And this despite the widely heralded program of economy which the Republican Party announced that it proposed to institute in behalf of the burdened taxpayers. Why, Mr. Speaker, the Republican Party can no more change its old habit of extravagance in spending the public revenues than a leopard can change its spots.

The gentleman from Iowa realized this, and he, therefore, resorted to the unheard of argument of claiming a saving of more than a billion and one-half dollars, because the appropriations are that much less than the estimates submitted. He knows that many of these estimates were war-time estimates, and he also knows that there has never been a session of Congress under either Republican or Democratic administrations that the appropriations actually made were not far less than the estimates submitted. If I had the time, I could cite instances of this in every session of Congress, and numerous instances where Democratic Congresses have made equally as great reductions in the estimates submitted. But this would get us nowhere, for it would neither be illuminating or conclusive as to whether Congress had shown proper economy, and I am sure that not even the gentleman from Iowa will seriously insist that it is a just or fair claim.

As another evidence of the unfairness of the gentleman's statement, let me call attention to the fact that in referring to appropriations proposed by the last session of the Sixty-fifth Congress, he did not take the appropriations as actually passed by the House, but he chose rather to use the figures as reported by a committee of the Senate, after the bills had passed the House and been messaged to the Senate. Everyone knows that the report of the committee, consisting of both Democrats and Republicans, was by no means binding on the Senate, to say nothing of the House. It so happened that the amounts reported by the Senate committee were largely in excess of the amounts provided by the House and hence the committee figures were used. I do not recall but one instance since I have been in Congress that the House did not largely reduce the appropriations passed by the Senate, and the gentleman can not hold a Democratic majority in the Sixty-fifth Congress responsible for what some Senate committee may have reported. The only fair and just comparison is to take the bills as they actually passed this body and not as reported by the committee.

The gentleman from Iowa, using the figures as reported by the Senate committee instead of those contained in the bill as it actually passed the House, states that this Congress has appropriated over \$400,000,000 less for Army purposes than was proposed at the last session. Now, what are the real facts? The Army bill of the last session was prepared in January and February of this year, but a little over two short months after the signing of the armistice. At that time it was expected that there would be sufficient troops in France and this country after July 1 and for several months thereafter to make it necessary to provide for an average Army of 509,000 men during the fiscal year 1920. I do not mean that it was contemplated retaining an Army of that size, but this was the average number of soldiers which it was believed would have to be provided for. The number would be larger during the first of the fiscal year and decrease as demobilization proceeded. Hence the bill prepared and passed by the House at the last session provided sufficient funds to maintain an average Army of 509,000 men. But when Congress met in extra session in May it was found that the rapidity with which our men were being returned and discharged had exceeded former expectations and that it would be necessary to provide for an average Army of only 325,000 men. This explains the large difference in the two appropriations, and I submit, Mr. Speaker, if there was any saving it was due to a Democratic administration's efficiency in bringing our soldiers back and not to any action of economy of a Republican Congress. [Applause on the Democratic side.] Ah, Mr. Speaker, why did not my friend, in the interest of fairness, state these facts when he made claim that this Congress had reduced the Army appropriations for next year by over \$400,000,000 from the sum which was proposed at the last session? The gentleman from California [Mr. KAHN], who was ranking Republican on the Military Affairs Committee

last session, and who as such gave the former bill his support, and who is now chairman of the committee, frankly admitted this to be true, and said in justification of the former bill that:

The committee was justified at that time in appropriating for that number (509,000 men) because it seemed to the committee that it would not be possible to demobilize our forces as rapidly as they have been demobilized.

A splendid tribute from a high Republican source to the efficiency of a Democratic administration. [Applause on the Democratic side.] As a matter of fact, even had the larger sum been appropriated, it would not have been spent, because it could have been used only for the support of the soldiers, and since they have been so rapidly demobilized that there will not be an average of 509,000 men next year, the balance would have remained in the Treasury.

The same is true of the naval bill. The gentleman from Iowa compares the amount appropriated at this session of Congress for naval purposes with the amount recommended to the Senate at the last session by a Senate committee, composed of both Democrats and Republicans, and who unanimously agreed on the report. Everyone knows that the House would never have agreed to that report. Why did he not, therefore, use the amount as passed by the House? It would have been fairer and represented the judgment of 435 Members, rather than the judgment of a very few Senators on the Senate committee. The reason is obvious.

Mr. TOWNER. Mr. Speaker, will the gentleman yield?

Mr. BYRNS of Tennessee. I regret that I can not yield.

Mr. TOWNER. This is a question that I think the gentleman ought to answer.

Mr. BYRNS of Tennessee. I will yield to the gentleman after I get through. I can not yield unless the gentleman can assure me more time. I will yield later to the gentleman.

The SPEAKER. The gentleman declines to yield.

Mr. BYRNS of Tennessee. The bill as it passed the House at the last session carried \$720,693,000.33, while the Senate committee reported \$824,708,521.88, or over \$104,000,000 more. But take his own figures. Is there any real saving? Not at all. The reduction in the bill passed at this session was made possible solely by a change of conditions and events occurring since the adjournment of the last Congress. I quote as authority for the statement no less a person than the able chairman of the Committee on Naval Affairs, the gentleman from Pennsylvania [Mr. BUTLER], who is one of the most beloved and respected men in this House. The bill which previously passed the House carried appropriations for the construction of new vessels and an enlisted strength of 225,000 men.

In the bill which passed at this session the new construction of vessels was eliminated on the advice and suggestion of a Democratic Secretary of the Navy, and it provides for an average enlisted strength of 193,000 men. But let me say just here that the reductions carried in the bill passed at the present session, and which were made possible by the elimination of new construction and for arms and armament, are temporary, and additional appropriations for those purposes will have to be made later on by this Congress. So, again, we find that if there is any saving in this bill, it is due to a change of condition since the adjournment of Congress in March and to a Democratic administration, and not, as the gentleman from Iowa would have the country understand, to the economy of a Republican Congress.

The Agricultural bill as it passed the House at the last session carried \$31,691,562 for the next fiscal year. The bill as it passed this session for the same year and for exactly the same services carries \$33,869,761, or an increase of \$2,178,199 over the sum proposed by a Democratic House at the last session. And yet the gentleman from Iowa in his speech refrained from even mentioning the appropriations made by the House at the last session, but chose rather to make his comparison with the figures reported by a committee to the Senate, and which was not even binding on the Senate, to say nothing of the House.

The bill making appropriations for the District of Columbia as passed at this session carries \$15,364,421. The gentleman refers to the fact that it passed the Senate at the last session carrying \$14,446,364, but he forgot to mention that this same bill also passed the House at the last session, and that it only carried the sum of \$14,093,701. Since it was thrown into conference and never became a law, it would certainly have been as fair to refer to the figures of the House as it was to the figures of the Senate. He chooses, however, the larger figures, but even then he is bound to concede that the bill passed by this Congress carries \$918,057 more for the next fiscal year for the same services than the amount fixed by the Senate at the last session. And if you compare it with the amount appropriated by the House at the last session, it represents an increase of \$1,270,720. He takes some solace in the fact that the bill as it passed this

session is \$271,280 less than the estimates. Since he saw fit to refer to estimates, why not tell the whole story and show that the bill as it passed the House at the last session reduced the estimates in the sum of \$1,835,018? [Applause on the Democratic side.]

There was appropriated by this Congress for sundry civil expenses the sum of \$605,160,207.95. Of this amount the sum of \$356,000,000 was for the Shipping Board or Emergency Fleet Corporation, leaving \$249,160,207.25 for all other expenses. This bill was passed by the House at the last session of the Sixty-fifth Congress, carrying \$851,171,859.25. Of this amount \$660,903,254 was for the Shipping Board, leaving \$190,268,605.25 for all other services. Leaving out, therefore, the appropriations for the Shipping Board, which I will presently show should be done, it will be found that the Republican majority in this Congress actually appropriated for sundry civil expenses for the fiscal year 1920 the sum of \$58,891,602 more than was appropriated by a Democratic House in the last session of the Sixty-fifth Congress for the same services and for the same fiscal year. The gentleman from Iowa refers to the fact that the bill passed at this session carries a greater sum for the War Risk Bureau. That is true, but even if you omit the appropriation carried for this service in both bills you will still find that the bill as it passed this session has increased the amount carried in the bill which was passed by the House at the last session by the sum of \$13,891,602. This is a striking contradiction of the claim made by the Republican Party that it has entered on an era of close economy.

In this statement I have not charged the majority party with the sum of \$8,000,000 which was added to the bill after the veto of the President, in order to provide proper subsistence and training for those of our soldiers who were wounded and disabled in their service for our country during the war. I thought it unfair to do so, because they denied this sum in the bill as it first passed, and it was only through the veto of the President and the efforts of the Democratic minority that it was made possible to do this act of justice to those who fought so bravely in behalf of our flag and who suffered disabilities resulting in a decrease of their earning capacity.

I have said that for the purpose of this comparison the appropriations made for the Shipping Board should not be considered. There was appropriated by the House at the last session the sum of \$660,903,254 for this service, while the present Congress appropriated the sum of \$356,000,000, or a difference of over \$304,000,000. But this represents no real decrease. It is simply a saving on paper and will not save one cent of the public revenues. In order to make this showing on paper, the bill passed at this session makes available certain sums which otherwise would have gone into the Treasury. For instance, since the last session of Congress a large number of wooden ships and ships of slow-going type have been sold, and it is contemplated selling more in the future, and the sum so derived will amount to many millions of dollars. Then it has been found that the operation of ships is proving profitable. Sixty millions of dollars will probably be received from this source during this fiscal year. Then there has been heretofore appropriated many millions of dollars for working capital in the operation of ships, and it was found that there was \$118,000,000 of a former appropriation for the purchase of ships which has not been and will not be used. The bill as it passed at the last session contemplated that these sums would be covered into the Treasury and made a direct appropriation out of the Treasury of the amount which was believed would be needed for this service. But not so with this Congress. It had to make a record for economy by a seeming reduction of the former appropriation. Hence it made these sums available for ship construction, and thereby reduced the appropriation carried in the bill to that extent. I repeat there was no saving to the people, for every dollar belongs to the people, and it makes no difference, in so far as the Treasury is concerned, whether the money is appropriated directly out of the Treasury or whether it is taken from a fund which would otherwise be paid into the Treasury. Such a practice, however, can not be too severely criticized, for it has a tendency to mislead the people and conceal from them the amount that is actually being appropriated, something a Democratic House sought to avoid by permitting these sums to be paid into the Treasury and then making a direct appropriation of the sum which was needed.

The gentleman from Iowa [Mr. Good] further stated that there had been a reduction made in the appropriation for the Indian Service of \$326,400, comparing the amount as passed at this session with the amount of the bill as it passed the Senate. The gentleman overlooked the fact that the Indian bill passed

the House and was messaged to the Senate and passed the Senate and went to conference, and the conferees actually agreed upon a report, and that report of the conference committee was adopted by the House, carrying \$43,509.78 less than the amount appropriated at this session for the Indian Service. [Applause on the Democratic side.] In other words, the total appropriation made by the last session of the Sixty-fifth Congress, as agreed to in conference and adopted by the House, was \$10,941,587.25, whereas the total appropriation made at this session for the Indian Service, and standing as a charge upon the Treasury, is \$10,985,097.03, or a difference, as I stated, of \$43,509.78.

An analysis of all these bills shows that the filibuster in the Senate last March cost the Treasury of the United States more than \$62,000,000 in appropriations alone, for this Congress has increased to that extent the amounts carried for ordinary expenses of the Government for the fiscal year 1920, in the sundry civil, Agricultural, District of Columbia, and Indian appropriation bills, and if you deduct the total amount provided for the war risk, it will still be found that the appropriations in these four bills for ordinary services of the Government have been increased more than \$16,000,000. These bills would have been enacted into law had it not been for that filibuster, and an extra session would not have been necessary to pass them, and this Congress would not have had the opportunity to increase them.

Let me say, further, that in order to make a record before the people at this particular time for economy, appropriations which were manifestly and clearly necessary to carry on certain governmental activities during the present fiscal year have been cut below the amount necessary, with the idea that they can be taken care of in deficiency bills to be passed later on. [Applause on the Democratic side.] Everyone recognizes that it is poor policy and wasteful extravagance to invite deficiencies, but I charge that this has been done, and I could cite a number of instances to prove it. The deficiency bills to be passed later on at this session and the next session will prove it, and I shall take occasion at that time to call them to the attention of Congress and the country.

The gentleman from Iowa called attention to the fact that there was a failure to enact many of the appropriation laws before the beginning of the fiscal year for which the appropriations were made and that it was therefore necessary to pass continuing resolutions in certain sessions of the Forty-fourth, Forty-seventh, Forty-eighth, Forty-ninth, Fiftieth, Fifty-first, Fifty-third, Sixty-second, Sixty-third, Sixty-fourth, and Sixty-fifth Congresses. I have examined the records and I find that both branches of Congress were Republican in the Forty-seventh and Fifty-first Congresses and Democratic in the Fifty-third, Sixty-third, Sixty-fourth, and Sixty-fifth Congresses.

The country is entirely familiar with the fact that it was the filibuster which was carried on in the Senate last March which prevented the enactment of certain appropriation bills in the last session of the Sixty-fifth Congress. In the Sixty-third and Sixty-fourth Congresses the Democratic Party was in control of the Government for the first time after a long period and both the House and the Senate were engaged in the consideration of a number of most important and progressive measures, the need of which had long been apparent, and this fact delayed the passage of certain appropriation bills for a short period. But in the Forty-fourth, Forty-eighth, Forty-ninth, Fiftieth, Fifty-second, and Sixty-second Congresses, the House was Democratic and the Senate Republican. With the exception of the fortifications bill in the Forty-eighth Congress, the fortifications and sundry civil bills in the Forty-ninth, and the fortifications bill in the Fiftieth Congress, all of the appropriation bills in these Congresses were passed by a Democratic House before the beginning of the fiscal year and in ample time to have been passed upon by the Republican Senate. [Applause on the Democratic side.] Some of these bills were passed by the House from three to five months before the beginning of the fiscal year and their failure to become a law at the proper time must rest with the Republican Senate and not the Democratic House. [Applause on the Democratic side.] I shall append to my remarks a table showing when these bills passed the House, and leave it to an impartial and fair public to pass judgment on the efficiency of the Democratic House and the Republican Senate in those Congresses.

Let me remind the gentleman and his party colleagues that they can no longer make use of the old threadbare and false arguments as to the inefficiency of the Democratic Party, which we were accustomed to hear in the years gone by. They can not fool the people as to the record of the party. For six years it had control of both the administrative and legislative branches of our Government. [Applause on the Democratic side.] It stayed on

the job and made a record for efficiency which the Republican Party has never equaled. I lay it down as a fact which can not be contradicted that during those years more wise and progressive measures of real value to the people were placed on the statute books than during the whole time the Republican Party was in control of the Government. Among the measures passed were the Federal reserve banking act, which took the control of our finances from Wall Street and gave it to the people to whom it belongs. It passed the Federal farm-loan act for the benefit of the farmers, the only measure ever passed for the primary benefit of the farming classes with the exception of the law providing for rural free delivery of the mails. It passed the income-tax law, which has equalized the burdens of taxation and made wealth bear its just proportion of the expenses of government. It has created a merchant marine in the interest of our commerce.

It has passed legislation in behalf of good roads, and for the first time in more than half a century the Federal Government is now extending substantial aid to the States in the building of highways. It created the parcel post for the benefit of the consumers. It provided a system of cheap insurance for our soldiers and sailors in the Great War and made provision for the support of their dependents while they were engaged in the service of their country, and has made it possible for those who were wounded or disabled in the service to receive a vocational training in some useful occupation or calling. It entered upon a constructive naval program, and has made it possible to provide adequate naval protection to our Pacific as well as our Atlantic coast. These but constitute a part of the constructive measures enacted by a Democratic Congress and under a Democratic administration.

But above all and beyond all, Mr. Speaker, this Great War was fought to a successful conclusion under a Democratic administration. The speed and thoroughness with which our country made ready to meet the issues of the war, and the efficiency with which its vast problems were handled, were equaled only by the splendid courage of our soldiers and the sacrifices made by our citizenship. The world recognizes the great and glorious part which our country took in bringing the war to a successful conclusion, and the petty faultfinding and criticism which is heard in our midst and nowhere else will be forgotten in the glorious record of the achievement of our country, which is acclaimed in every land. [Loud applause on the Democratic side.]

Mr. Speaker, I ask unanimous consent to include the statement to which I have referred.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to insert a statement to which he has referred. Is there objection?

There was no objection.

Following is the statement referred to:

ANNUAL APPROPRIATION LAWS (WITH DATES OF APPROVAL AND DATES OF PASSAGE BY THE HOUSE) WHICH WERE NOT ENACTED IN TIME TO BE EFFECTIVE FROM THE FIRST DAY OF THE FISCAL YEAR.

FORTY-FOURTH CONGRESS (FISCAL YEAR 1877).

(House, Democratic; Senate, Republican.)

Army, July 24, 1876. Passed House June 19, 1876.  
Consular and Diplomatic, August 15, 1876. Passed House February 1, 1876.

Indian, August 15, 1876. Passed House June 6, 1876.  
Legislative, etc., August 15, 1876. Passed House April 28, 1876.  
Military Academy, August 7, 1876. Passed House January 31, 1876.  
Post Office, July 12, 1876. Passed House May 7, 1876.  
Sundry civil, July 31, 1876. Passed House June 23, 1876.  
(Seven in all.)

FORTY-EIGHTH CONGRESS (FISCAL YEAR 1885).

(House, Democratic; Senate, Republican.)

Army, July 5, 1884. Passed House May 19, 1884.  
Consular and Diplomatic, July 7, 1884. Passed House May 19, 1884.  
District of Columbia, July 5, 1884. Passed House May 19, 1884.  
Fortifications, July 5, 1884. Passed House July 2, 1884.

Indian, July 4, 1884. Passed House April 4, 1884.  
Legislative, etc., July 7, 1884. Passed House June 12, 1884.  
Pensions, July 4, 1884. Passed House April 22, 1884.  
Post Office, July 5, 1884. Passed House March 18, 1884.  
Navy, July 7, 1884. Passed House March 6, 1884.  
Sundry civil, July 7, 1884. Passed House June 23, 1884.  
(Ten in all.)

FORTY-NINTH CONGRESS (FISCAL YEAR 1887).

(House, Democratic; Senate, Republican.)

District of Columbia, July 9, 1886. Passed House April 12, 1886.  
Fortifications (failed of enactment). Passed House July 19, 1886.  
Legislative, etc., July 31, 1886. Passed House June 16, 1886.  
Navy, July 26, 1886. Passed House June 21, 1886.  
Pensions, July 2, 1886. Passed House March 4, 1886.  
Sundry civil, August 4, 1886. Passed House July 1, 1886.  
(Six in all.)

FIFTIETH CONGRESS (FISCAL YEAR 1889).

(House, Democratic; Senate, Republican.)

Agriculture, July 18, 1888. Passed House June 2, 1888.  
Army, September 22, 1888. Passed House June 16, 1888.  
Diplomatic and Consular, July 11, 1888. Passed House May 21, 1888.

District of Columbia, July 18, 1888. Passed House May 21, 1888.  
Fortifications, September 22, 1888. Passed House August 16, 1888.

Legislative, etc., July 11, 1888. Passed House June 1, 1888.  
Navy, September 7, 1888. Passed House June 22, 1888.  
Post Office, July 24, 1888. Passed House May 24, 1888.  
Sundry civil, October 2, 1888. Passed House June 22, 1888.  
(Nine in all.)

FIFTY-SECOND CONGRESS (FISCAL YEAR 1893).

(House, Democratic; Senate, Republican.)

Agriculture, July 5, 1892. Passed House June 8, 1892.  
Army, July 16, 1892. Passed House May 3, 1892.  
Diplomatic and Consular, July 16, 1892. Passed House May 3, 1892.  
District of Columbia, July 14, 1892. Passed House March 3, 1892.  
Fortifications, July 25, 1892. Passed House June 15, 1892.  
Indian, July 13, 1892. Passed House March 1, 1892.  
Legislative, etc., July 16, 1892. Passed House June 6, 1892.  
Military Academy, July 14, 1892. Passed House February 12, 1892.  
Navy, July 19, 1892. Passed House April 18, 1892.  
Pension, July 13, 1892. Passed House March 7, 1892.  
Sundry civil, August 5, 1892. Passed House March 27, 1892.  
(Eleven in all.)

SIXTY-SECOND CONGRESS (FISCAL YEAR 1913).

(House, Democratic; Senate, Republican.)

Agriculture, August 10, 1912. Passed House March 12, 1912.  
Army, August 24, 1912. Passed House July 2, 1912.  
Indian, August 24, 1912. Passed House April 9, 1912.  
Legislative, etc., August 23, 1912. First passed House May 10, 1912.  
Military Academy, August 9, 1912. Passed House May 31, 1912.  
Navy, August 22, 1912. Passed House May 28, 1912.  
Pension, August 17, 1912. Passed House February 21, 1912.  
Post Office, August 24, 1912. Passed House May 21, 1912.  
Sundry civil, August 24, 1912. Passed House June 21, 1912.  
(Nine in all.)

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Dudley, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 662. An act to amend section 107 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as heretofore amended;

S. 687. An act to reimburse Horace A. Choumard, chaplain in Twenty-third Infantry, for loss of certain personal property;

S. 767. An act for the relief of the heirs of W. H. Sneed, deceased;

S. 257. An act for the relief of certain officers in the Army of the United States, and for other purposes;

S. 219. An act for the relief of Kate Canniff;

S. 2250. An act providing for the exchange of certain legation buildings and grounds owned by the Government of the United States in Bangkok, Siam; and

S. 1375. An act for the relief of Catherine Grace.

The message also announced that the Vice President had appointed Mr. WALSH of Montana and Mr. FRANCE members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Interior Department.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 767. An act for the relief of the heirs of W. H. Sneed, deceased; to the Committee on Claims.

S. 687. An act to reimburse Horace A. Choumard, chaplain in Twenty-third Infantry, for loss of certain personal property; to the Committee on Claims.

S. 662. An act to amend section 107 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as heretofore amended; to the Committee on the Judiciary.

S. 219. An act for the relief of Kate Canniff; to the Committee on Claims.

S. 257. An act for the relief of certain officers of the Army of the United States, and for other purposes; to the Committee on Claims.

S. 1375. An act for the relief of Catherine Grace; to the Committee on Claims.

S. 2250. An act providing for the exchange of certain legation buildings and grounds owned by the Government of the United States in Bangkok, Siam; to the Committee on Foreign Affairs.

PROTECTION OF COASTWISE TRADE.

The SPEAKER. Under the rule which has been adopted, the bill before the House is H. R. 7500, to protect the coastwise trade of the United States, and for other purposes; and the gentleman from Massachusetts [Mr. GREENE] is recognized for 50 minutes.

Mr. HARDY of Texas. Mr. Speaker, is it understood that the time is awarded to the gentleman from Massachusetts in favor of the bill and to myself to control the time in opposition?

Mr. GREENE of Massachusetts. Yes; to control the time in opposition.

The SPEAKER. The Clerk will report the bill.  
The Clerk read as follows:

A bill (H. R. 7500) to protect the coastwise trade of the United States, and for other purposes.

*Be it enacted, etc.,* That the act entitled "An act giving the United States Shipping Board power to suspend present provisions of law and permit vessels of foreign registry and foreign-built vessels admitted to American registry under the act of August 18, 1914, to engage in the coastwise trade during the present war and for a period of 120 days thereafter, except the coastwise trade with Alaska," approved October 6, 1917, is repealed.

Sec. 2. That vessels of foreign registry and foreign-built vessels admitted to American registry under the act entitled "An act to provide for the admission of foreign-built ships to American registry for the foreign trade, and for other purposes," approved August 18, 1914, may carry passengers from or to ports in the Territory of Hawaii to or from ports in the United States, except ports in Alaska, upon special permits issued by the collector of customs for the district in which is situated the port of embarkation. Such permits shall be granted only upon payment to the collector of a fee of \$40 for each passenger so carried. Such fees shall be paid into the Treasury as miscellaneous receipts. The Secretary of the Treasury and the Secretary of Commerce shall jointly make regulations necessary for the issuance of such permits.

Whenever the President is satisfied that vessels of the United States, other than those admitted to American registry under such act of August 18, 1914, are engaged in trade between such ports in sufficient numbers to accommodate the passenger trade between such ports he shall so declare by proclamation, and thereafter this section shall cease to be in effect.

With a committee amendment, as follows:

Page 1, line 5, after the word "registry," insert a comma, and in line 9 of page 2 strike out the word "Such" and insert the words "After July 1, 1920, such."

Mr. GREENE of Massachusetts. Mr. Speaker, this bill was referred to a subcommittee of the Committee on the Merchant Marine and Fisheries, who held hearings on the bill. That subcommittee consisted of four Republicans and three Democrats. There was no opposition shown in the hearings, and no opposition came from the committee. The subcommittee unanimously reported the bill to the committee, and upon consideration in the committee, after a debate of considerable length, most of the time being occupied by the gentleman from Texas [Mr. HARDY], who opposed the bill, the bill was finally reported to the House, with but one opposition vote. The rest of the committee of both parties were in favor of reporting the bill as presented to the House. The gentleman from Texas [Mr. HARDY] was authorized to file minority views.

I do not wish to occupy further time, but I will yield the balance of my time to the gentleman from Michigan [Mr. SCOTT], the chairman of the subcommittee.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. GREENE of Massachusetts. Yes.

Mr. MOORE of Pennsylvania. Is the act of August 18, 1914, referred to in this bill the Panama Canal act?

Mr. GREENE of Massachusetts. It is not.

Mr. MOORE of Pennsylvania. The gentleman says it is not?

Mr. GREENE of Massachusetts. Yes.

Mr. MOORE of Pennsylvania. Is that the act that was brought into the House when the gentleman from Missouri [Mr. ALEXANDER] was chairman of the Committee on the Merchant Marine and Fisheries, to give foreign vessels the right to enter the coastwise trade?

Mr. GREENE of Massachusetts. Yes. This bill repeals that act and also grants relief to the citizens of the Hawaiian Islands.

Mr. MOORE of Pennsylvania. That is what I wanted to get at.

Mr. SCOTT. Mr. Speaker, at the outset I ask unanimous consent to revise and extend my remarks.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

Mr. SCOTT. Mr. Speaker and gentlemen of the House, the bill H. R. 7500, which the Committee on the Merchant Marine have reported to you gentlemen, repeals the so-called war-time coastwise-trade law, making an exception in the instance of the Hawaiian Islands, extending the war-time provisions of the law to the islands until July 1, 1920, prescribing a penalty for its extension after that time in order to take care of a situation which the committee unanimously felt was entitled to the consideration of this House.

The war-time coastwise-trade law was put on the statute books in order that the United States might utilize to its utmost capacity all of the shipping facilities of the world, including our coastwise trade. The first coastwise law was passed in 1789, 14 years after we became an independent Nation. Since that time it has been the policy of this country to protect our coastwise trade. The result of that has been that when we

entered this war we had nearly 7,000,000 dead-weight tons of shipping in our coastwise trade.

After we entered the war it was discovered that other countries were not allowing their shipping to go into the danger zone, and we realized the necessity of utilizing every pound of tonnage anywhere in the world. Therefore we passed the war-time coastwise-trade law, that foreign ships which were not being used might be lured into our coastwise trade which was safe. As a result of that legislation approximately 2,000,000 tons of foreign ships came into this trade. Four hundred and forty-one foreign ships came into our coastwise trade with their foreign crews and took advantage of the opportunity which theretofore the United States had reserved to its own citizens. The following foreign ships engaged in this trade:

List of vessels by countries granted permits to operate in coastwise service during the war and after Nov. 11, 1918.

DURING THE WAR.		Number of ships.
Atlantic and Gulf coastwise service:		
British	.....	39
French	.....	1
American	.....	42
Norwegian	.....	45
Canadian	.....	67
Danish	.....	29
Swedish	.....	16
Chilean	.....	2
Dutch	.....	18
Mexican	.....	2
Russian	.....	4
Peruvian	.....	1
Total	.....	266
Intercoastal:		
British	.....	1
French	.....	7
American	.....	1
Norwegian	.....	2
Japanese	.....	1
Chinese	.....	1
Total	.....	13
Great Lakes:		
British	.....	0
Canadian	.....	73
Cuban	.....	1
Total	.....	83
Pacific:		
British	.....	1
French	.....	2
American	.....	2
Canadian	.....	1
Mexican	.....	2
Total	.....	8
Grand total	.....	370
AFTER NOVEMBER 11.		
Atlantic and Gulf coastwise service:		
British	.....	5
Dutch	.....	2
American	.....	38
Norwegian	.....	4
Canadian	.....	14
Danish	.....	2
Total	.....	65
Pacific:		
American	.....	3
Norwegian	.....	3
Total	.....	6
Grand total	.....	71

A large portion of these ships were not operating prior to the time we opened to them our safe coastwise trade; they came and supplanted American-owned ships which went into the overseas trade; many of them were sunk.

Now the necessity for a continuation of this privilege to foreign ships is over. There is no reason why foreign ships should come in and use the trade which the United States and its citizens have built up. Therefore your committee asks that the war-time extension of the coastwise law be repealed and that we resume our prewar condition.

The Shipping Board has canceled all permits and licenses on foreign ships, so Congress is not hampered in this respect by continuing permits which would preclude the immediate purpose of this legislation.

I do not anticipate that this House will oppose the resumption of prewar conditions. The record of our coastwise ships is a glorious page in our national history. I do not anticipate that there will be any opposition on either side of the House to a resumption of that very healthy trade condition which resulted in the magnificent coastwise and Great Lakes trade

that contributed so largely to the winning of this war. The only opposition I anticipate will be to the provision excluding the Hawaiian Islands from the provisions of this act. The situation there is this: At no time have the Hawaiian Islands had sufficient tonnage to accommodate their passenger trade. They have had sufficient freight tonnage, but never sufficient passenger tonnage.

Mr. KAHN. Will the gentleman yield?

Mr. SCOTT. Yes.

Mr. KAHN. The gentleman does not mean to say that prior to the war they did not have sufficient passenger tonnage?

Mr. SCOTT. I do.

Mr. KAHN. Of course, during the war they have not had, but prior to the war they did have sufficient passenger tonnage.

Mr. SCOTT. The Hawaiian Islands at no time have had sufficient tonnage to accommodate their passenger trade. Of course we can not lose sight of the fact that the Hawaiian Islands are so situated that it might be impossible for us to give them sufficient tonnage to accommodate them for many years to come. The Hawaiian Islands are 2,000 miles from the mainland. On several occasions in the past even members of the Cabinet have found themselves stranded on the Hawaiian Islands, unable to get transportation on American ships, and have been obliged to violate the laws of the United States by taking passage on foreign ships, paying a penalty of \$200 and then spending several months in an effort to get themselves exonerated and securing a refund of the penalty. That situation has prevailed for years. The records show that at the present time the Hawaiian Islands have approximately 300 people every week who wish to come from the Islands to the mainland. There is no dispute that at the present time and during the war there has been accommodations on all the lines, American and foreign, for only 50 passengers each week. In other words, 250 passengers per week have been obliged to remain on the Hawaiian Islands in consequence of this lack of accommodation. What we propose to do in this bill is to allow American citizens in the Hawaiian Islands the opportunity to travel on foreign ships without becoming criminals; and in order to protect the coastwise trade after July 1 of next year, which, from the testimony, we considered to be the time when American tonnage ought to get back to take care of that trade, we penalize them 50 per cent of the uniform purchase price of tickets. Certainly no Democrat ought to object to that penalty of 50 per cent which is a reduction of 75 per cent and no Republican ought to object to it, because it is the highest protective tariff we have ever insisted upon.

Mr. KRAUS. Will the gentleman yield?

Mr. SCOTT. Very gladly.

Mr. KRAUS. Is it not anticipated that by the enactment of this legislation the Shipping Board will have a better market for the tonnage which it desires to sell?

Mr. SCOTT. The gentleman is correct, but I did not intend to discuss that proposition. I felt that the Members of the House were fully informed. I think Members on both sides of the House know that the United States Government is in the shipping business—losing money—and we are trying to get out as rapidly as we can. [Applause.]

Mr. KAHN rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. KAHN. Mr. Speaker, it was understood when the question of discussing the rule came up that I was to have 15 minutes. I find the gentleman from Texas [Mr. HARDY] thinks that he should have all the time on his side. I do not know how the gentleman from Michigan feels, but I want to know where I come in.

Mr. SCOTT. Mr. Speaker, I will say that when the time was allotted we assumed that in view of the fact that the gentleman from Texas [Mr. HARDY] and Mr. KAHN were the only opponents—and I do not consider Mr. KAHN as an opponent, but he has an amendment—the two gentlemen were the only two opposed to the bill, I thought that 50 minutes could fairly be distributed between those two when I had four or five men to distribute my time to. I have no objection to the House granting the gentleman from California as much time as he may desire.

Mr. HARDY of Texas. Mr. Speaker, I want to agree with what the gentleman from Michigan says, because it is an apparent misunderstanding. Certainly it was not my thought to diminish the time I would have in the discussion of the bill by any agreement to devote the time usually accorded to the rule to the time on the discussion of the bill. I had no idea that the gentleman from California expected to get any time from me. On the contrary, the gentleman's position is rather adverse to mine.

Mr. SCOTT. Mr. Speaker, I ask unanimous consent that the gentleman from California may have 15 minutes not to be charged to the time already allotted.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the time may be extended 15 minutes, and that time be given to the gentleman from California. Is there objection?

There was no objection.

Mr. SCOTT. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. EDMONDS].

Mr. EDMONDS. Mr. Speaker and gentlemen, in five minutes I shall not have time to answer the arguments of the gentleman from Texas [Mr. HARDY]. I have been doing it about six years in committee. But I just want to call the attention of the committee to a few facts. In the first place, the gentleman spoke to you about freight rates. In the shipping act, passed about four years ago, full authority and power were given to the Shipping Board to prevent, in the shipping business, both coastwise trade and otherwise, and particularly in the coastwise trade, any extortionate rates. That you will find in the shipping act. In the next place, the gentleman speaks of the reservation of the coastwise trade. I will read now from the Department of Commerce Document 119, "Government Aid to Merchant Shipping," published in 1916. It says here:

The United States, France, Italy, Austro-Hungary, Spain, and Belgium reserve their coasting trade for their own ships. Russia reserves her entire coasting trade, both her Pacific and Atlantic, to her own ships. Portugal reserves her coastal trade to her own ships, and not only that, reserves her African trade to Portuguese vessels.

England does open her coasting trade to foreign vessels, but she accomplishes the same purposes by means of what they call "conference agreements." To show you that they have not, on account of league of nations nor the agreement of amity and equal treatment which is contained in the league of nations, given up this practice, on May 15 Charles J. Pisar, consul at Cape Town, South Africa, sent to the Department of Commerce—and it is published in the Commerce Reports—the following:

NEW SHIPPING AGREEMENT PENDING WITH CONFERENCE LINES.

(Vice Consul Charles J. Pisar, Cape Town, South Africa, May 15, 1919.)

The Cape Town Chamber of Commerce recently received a communication from its representative in the South African Trade Association (London) announcing that the revival of the shipping agreement between conference lines and merchants is under consideration. A statement has been issued jointly by a number of steamship companies in the South African trade, describing the new proposed agreement. Some interesting points are to be noted in the summary of this statement as published in the Cape Argus of May 10, 1919:

The former agreement bound the signatory merchants to use the ships of the lines signatory to the agreement in making shipments from the Continent to South African ports. The new proposed agreement leaves them free to use whatever steamship service they choose in shipments from Italy, Portugal, and the Scandinavian countries, and binds them to give their entire support to the British shipping interests for all shipments from ports of the United Kingdom and of the continental coast from Bordeaux to Hamburg, inclusive.

Provision is made that in case of competition of other lines, resulting in a disturbance of the stability of freight rates, the shipowners will take effective measures in consultation with the South African Trade Association to protect the interests of the signatory shippers. If adjustment is not effected within 14 days to the satisfaction of both parties, any signatory may withdraw from the agreement after 30 days' notice.

A schedule of rates is drawn up, and the shipowners reserve the right to revise these as conditions may require, but agree not to make any general changes without consultation with the South African Trade Association. In the event of a failure to agree in the matter of alteration of rates, the question in dispute is to be referred to arbitration.

Now, whether England reserves her entire coastwise trade or not, as long as those agreements are in existence—and the examination made of the shipping agreements by the Committee on the Merchant Marine and Fisheries for years showed that they were in existence all over the world—they protect just as effectively the coastwise trade of England to English ships as our passing this act and protecting our coastwise trade will protect American ships.

The only other argument the gentleman from Texas makes is in regard to shipbuilders. To-day we have 400,000 men engaged in that work, and I think I am fair in saying that they are 98 per cent family men, with possibly families of five or six people dependent on them, engaged in building ships in this country. Back of those are probably 400,000 or 500,000 other men making material for use in shipyards. If it is a vice to protect these men in their labor and their occupation, then I am perfectly willing to vote for the vice. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. SCOTT. Mr. Speaker, I yield 15 minutes to the gentleman from California [Mr. KAHN].

The SPEAKER. The gentleman from California is recognized for 15 minutes.

Mr. KAHN. Mr. Speaker, this is a very important question. It is not the first time that it has been up in Congress. For 5 or 6 years up to about 10 years ago efforts were constantly being made to break down the coastwise-trade laws between Hawaii and the mainland. It was always contended that they did not have enough ships to carry the passengers. I always opposed the proposed change, and am happy to say that we successfully defeated it. And what happened? As the result of the defeat of the proposed changes, there were no less than 8 or 10 American ships built, flying the American flag, giving employment to American shipbuilders, American seamen, and American officers, instead of building up the Japanese line. [Applause on the Republican side.]

That is the milk in the coconut of this legislation. The Japanese line pays probably \$20 a month to its sailors. They used to pay about \$12. Probably wages in Japan have also gone up. But the American ship pays the wages of the home port of the ship, which in this case happens to be San Francisco. The wages of the American sailors on those ships is \$65 a month. The officers are paid in proportion. The American officers get a much larger wage than the Japanese officers.

As a result of the continuation of the coastwise law as we had it prior to the war, several companies had built the finest vessels that were afloat on the Pacific. The *Matsonia* and the *Mau* have no competitors in the matter of comfort for passengers on the Pacific. When we got into this war, having these American ships, our Government was able to take them over immediately and put them into the transport service in carrying troops across the Atlantic Ocean to France. These ships carried between 3,000 and 4,000 men each on every trip. Outside of the very largest of the German vessels which we took over, they were the best and largest ships we had in our transport service. I rang up the director of transportation of the American Army this morning, Gen. Hines, to find out when those three ships which were taken over will be back in the passenger service between the mainland and Hawaii. The *Wilhelmina* will arrive in this country in a few days. She is on her last trans-Atlantic trip. She will immediately be returned to her owners, to go into the passenger traffic on the Pacific, and I am assured by the chief of transportation of the Army that the two other ships—the *Matsonia* and the *Mau*—will be back in the hands of their owners by the end of this month. They will go back into this business between the mainland and Hawaii. The Matson Co. contemplated building additional American ships when this war broke out. They were stopped in their efforts on account of the war, but I have no doubt that as soon as conditions are again normal this line will put additional American ships into the service between the mainland and the Hawaiian Islands.

Mr. CAMPBELL of Kansas. Will the gentleman yield for a question?

Mr. KAHN. Yes.

Mr. CAMPBELL of Kansas. Long prior to the war the passenger service between Hawaii and ports on the mainland was wholly inadequate, was it not?

Mr. KAHN. No, it was not. Let me make a statement in answer to that. There were probably two months in the year when that service was inadequate, but not greatly inadequate; but during the rest of the year every ship that carried passengers had staterooms that were unoccupied, and when I discussed this matter on the floor of the House some 10 years ago I put into the Record, as I recall, lists of the ships that had made the run, showing that they did not have enough passengers to fill their space. The same condition prevails to-day with respect to the railroads. We come from the Pacific coast. There are certain seasons of the year when a passenger, in order to get accommodations for Washington, will have to book two or three weeks in advance. Everything is taken up in the meantime.

Mr. CAMPBELL of Kansas. Will the gentleman state what is the busy season to Hawaii?

Mr. KAHN. During the summer, when the tourist season is on. We have to wait for our railroad accommodations, and there was a time here in Washington during the war when nobody could get out of Washington just at the time he wanted to leave. He would have to book days and probably weeks in advance in order to get accommodations.

Now, my plea is to build up American ships, build up American lines, employing American seamen, flying the American flag. [Applause.] I ask you to do that instead of building up the Japanese line or any other foreign line of steamships. By having done that in the past, by having defeated this very kind of legislation, we had those American ships, which were immediately taken over by this Government for the transport service the moment we got into the war. If we had passed legislation of this kind prior to the time that the American ships were built, I apprehend no capitalist in this country would have been

willing to invest \$1,000,000 or \$2,000,000 in building American ships in American shipyards for that trade. It costs several million dollars to build one of these ships.

Mr. KALANIANA'OLE. Will the gentleman yield for a question?

Mr. KAHN. Yes.

Mr. KALANIANA'OLE. Was it Hawaiian capital or was it mainland capital that made it possible for the American flag to be flying on the Pacific Ocean to-day?

Mr. KAHN. Oh, frankly, there was some Hawaiian capital and there was mainland capital.

Mr. KALANIANA'OLE. Does not the gentleman know that we control the Matson Co. to-day?

Mr. KAHN. I do not know who owns the stock. I do not know who controls the stock of the Matson Co. But, gentlemen, I went to Honolulu 10 years ago. This agitation was on at that time. The Chamber of Commerce of Honolulu were then agitating for this legislation. They invited me to a dinner. I appeared before the Chamber of Commerce of Honolulu and told them to their faces that they ought to be willing to build up the American steamship lines, ships flying the American flag; that they ought to be willing to pay something for being under the American flag. And the agitation stopped immediately and the American ships were built after that period.

Mr. MONTAGUE. Will the gentleman yield for a question?

Mr. KAHN. Yes.

Mr. MONTAGUE. What is the gentleman's specific objection to this bill?

Mr. KAHN. I simply say, let us continue the present conditions until July 1, 1920, and then repeal the law; put a provision in this bill that the law shall be repealed, as to Hawaii, on the 1st of July, 1920; and I guarantee that before the 1st of July, 1920, you will have all the Matson Line ships back again, and you will probably have two or three other ships back again. I am in favor of keeping the American flag on the seas. I do not care about the flag of any other country. [Applause.]

At the proper time I shall offer an amendment to strike out all of section 2, and to allow the present law to continue until the 1st of July, 1920.

Mr. HUMPHREYS. Would not the last paragraph on page 2 satisfy the gentleman?

Mr. KAHN. No; it will not.

Mr. HUMPHREYS. The gentleman does not want the law repealed unless there is sufficient accommodation.

Mr. KAHN. The question of what is sufficient accommodation is all a matter of opinion. I may probably think that they have all the ships that are necessary if they have 10 or 12 ships. The President, who believes that Americans should match their wits with the people of foreign countries in the matter of the upbuilding of our commerce without governmental aid of any kind, may not believe that we have sufficient ships if we have 20. I think if we put a provision into the bill stating positively that on July 1, 1920, the existing situation may be changed, we will be serving the interests of Hawaii and the welfare of the American people. [Applause.]

Mr. ALEXANDER. Will the gentleman yield?

Mr. KAHN. Yes.

Mr. ALEXANDER. Under the provisions of this bill, if a Hawaiian citizen wishes to travel on a foreign ship after 1920 he is penalized.

Mr. KAHN. Yes. Let me tell you that this is rather a peculiar situation in this bill.

The SPEAKER. The time of the gentleman from California has expired.

Mr. KAHN. Mr. Speaker, can I have five minutes to explain the situation alluded to by the gentleman from Missouri [Mr. ALEXANDER]?

Mr. ALEXANDER. I do not want to object; I do not know how much time I am going to have.

Mr. KAHN. If there is to be any objection, I do not want to trespass on the time of the House.

Mr. SCOTT. Mr. Speaker, I yield 10 minutes to the Delegate from the Hawaiian Islands [Mr. KALANIANA'OLE].

Mr. KALANIANA'OLE. Mr. Speaker, the statement made by the gentleman from California [Mr. KAHN] that this bill was presented to Congress and defeated should be corrected. It never has been defeated by Congress. In fact, it passed the House, and the people of Hawaii, after being assured by the Matson Steamship Co. that they were to have another steamer running in a few months, withheld the bill, and it was never presented to the Senate.

So far as the talk about the American flag is concerned, we all believe in it. It is the trade that was created by Hawaii which is the cause of the American flag flying to-day on the Pacific Ocean. [Applause.] You had the American flag on



the Pacific Mail Steamship Co., which had the finest and largest steamers afloat on the Pacific Ocean. Where are they to-day? Three of them were sold to the Japanese. Why? I presume you all know the reason.

Mr. KAHN. Will the gentleman yield?

Mr. KALANIANA'OLE. Yes.

Mr. KAHN. The gentleman knows that the Pacific Mail Steamship Co. did not have the benefit of the coastwise trade law. They were foreign ships running on the Pacific Ocean.

Mr. SCOTT. If the gentleman from Hawaii will yield, that is not a correct statement. Every foreign ship has had the benefit of the coastwise trade law.

Mr. KAHN. That was only during the war.

Mr. SCOTT. And 120 days after, which will not expire until 120 days after the declaration of peace.

Mr. KALANIANA'OLE. In reply to the gentleman from California [Mr. KAHN], permit me to say that the Pacific Mail Steamship Co. did operate in the Pacific five large vessels, all flying the American flag, which were entitled to engage in the coastwise trade and did so engage prior to the suspension brought about by the war legislation referred to by the gentleman from Michigan [Mr. SCOTT].

Mr. Speaker, in view of the fact that the United States has commandeered and still retains the passenger ships formerly serving the Hawaiian Islands, we ask that Hawaii be exempted from the repeal of the coastwise suspension law, in so far as passenger traffic is concerned, as provided in this bill, until July 1, 1920. I desire to make it clear to the Members of this House that Hawaii is a thorough and consistent believer in the protection policy and principle. Therefore this bill further provides that after July 1, 1920, a charge be made of \$40 per ticket, which will be in the nature of a protective tariff against travel on all foreign ships in favor of American ships, this to continue until the President of the United States is satisfied that sufficient American steamers have been provided to accommodate the passenger trade between the Territory of Hawaii and the mainland of the United States.

In recent years, and during the course of the war, five of the largest steamers formerly serving the passenger traffic between Hawaii and the Pacific coast, belonging to the Pacific Mail Steamship Co., have been transferred, two to the Atlantic trade and three to foreign registry. I am convinced that sufficient American tonnage can not be provided to take care of the normal and increasing volume of passenger travel between Hawaii and the mainland for several years to come. Hawaii therefore asks that permits be issued for travel on boats of foreign registry upon the payment of a fee of \$40 to secure to us the physical possibilities of travel when urgent business or personal reasons demand it.

Mr. Speaker, for the information of the Members of the House, let me call attention to the status of the passenger-carrying capacity to and from Hawaii of the then American ships serving that traffic before the war and the conditions that exist to-day. Before the war the Pacific Mail Steamship Co. was operating under the American flag the *Manchuria*, the *Mongolia*, the *Korea*, the *Siberia*, and the *China*. While these were through boats, still there was available limited accommodations to and from Hawaii. Two of the largest of these boats—the *Manchuria* and the *Mongolia*—will no longer be available in giving service to the Hawaiian Islands, as they are permanently in the Atlantic trade. The accommodations which may be available on the three boats left, now under foreign flag, will be denied us if Congress fails to exempt Hawaii in the repeal of this coastwise suspension law.

The *Maui*, the *Matsonia*, the *Wilhelmina*, of the Matson Co., the *Sierra*, of the Oceanic Co., and the *Great Northern*, our fastest and greatest prewar passenger carrier, with a combined passenger capacity of 1,450, all under the American flag, and our main travel lines between the coast and the island Territory are now under Government control in the Atlantic transport service.

Mr. Speaker and gentlemen of this House, we people of Hawaii are to-day left with four small steamers, flying the American flag, with only a total passenger capacity of 231. We are virtually marooned. The relief given us by the suspension of the coastwise shipping law during the war made it possible for us to travel on vessels operating under foreign flags. Passenger accommodations were so limited, due to these vessels catering to the through trade, that Hawaii has had little benefit from the privilege. In 1918, with 10 vessels plying under foreign flags, made average total weekly carrying from San Francisco to Hawaii of only 46 passengers and from Hawaii to San Francisco of only 36 passengers.

Reliable advices from the best informed shipping men in San Francisco are to the effect that 700 persons have been unable to

secure bookings in the past six months. These 700 desired to go to Hawaii for important business or personal reasons. Their number does not include some 3,000 or more who, making inquiry for transportation, were informed that if they were successful in securing transportation to Hawaii they could not expect to return during this year, as there would not be available passenger accommodations. The four steamers of the Matson Co., flying the American flag, are booked to capacity until next winter.

#### WHAT ABOUT SHIPS?

Unless Hawaii wakes up and takes immediate steps to provide for shipping facilities, we are going to be virtually marooned here on our islands with almost negligible steamship connection with the mainland and the Orient.

The report that the Toyo Kisen Kaisha plans to take not only the *Siberia*, as heretofore announced, but also the *Tenyo*, *Shinyo*, and *Korea* off the Honolulu run, leaving of the Japanese boats only the almost obsolete *Nippon* and *Persia*, need occasion little surprise, but it gives cause for real apprehension.

Of course, the T. K. K. feels under no obligation to Hawaii. The company evidently thinks that it can make more money by cutting out Honolulu and running its principal vessels directly between San Francisco and the Orient. If it can, it assuredly is not going out of its way to oblige Hawaii.

That throws us upon our own resources, and it must be admitted that at present they are not great. True, we hope to have all the Matson steamers back before many months, but they are not enough to take care of the volume of freight and passenger trade, which, it should be remembered, appears liable greatly to increase before long.

Mr. KAHN. Will the gentleman yield?

Mr. KALANIANA'OLE. Yes.

Mr. KAHN. I am advised that the three Matson boats will be ready to be returned by the 1st of September at the very latest.

Mr. KALANIANA'OLE. We have been asking for relief, and were told that we would get them back in July, and later extended to August, and now I understand that we will not get them until January.

Mr. KAHN. The boats will be turned over to the Matson Line this month.

Mr. KALANIANA'OLE. We were told that the *Matsonia* and the *Maui*, being the cheapest transports to operate in the Atlantic Ocean, will be the last boats to be returned; when that will be is a matter of conjecture.

Mr. KAHN. I can assure the gentleman that I was informed by the chief of transportation that they will be returned this month.

Mr. KALANIANA'OLE. I hope so; but it will take some time to reconstruct and refit them before they can be put into actual running. I will now continue the reading of the newspaper article:

What are we going to do for ships?

That is a question that can no longer be ignored. We can't go on leaving everything to chance. There are no increased shipping facilities in sight, except the Matson boats, which, as stated above, are insufficient to care for our business.

Hawaii simply must have more steamers. If we don't take steps pretty soon to get them we might as well give up our dreams of becoming an important trade and shipping center and lapse back into a dreary island refuge for such occasional tourists as can manage to get here.

Let me call your attention to a statement made by Director Mather, of the National Park Service, who had a most strenuous time in his recent journey to Hawaii and return. None of the American steamship companies could assure him of an early return, so after overstaying his leave he finally succeeded in purchasing the quarters of a Japanese officer on the *Korea Maru* for the sum of \$150 over and above the regular fare. My own recent experience in trying to leave Honolulu to come here for this session is also illustrative of our situation. Anticipating an extra session, I began to apply for bookings in April. There was no space available. Eventually, on June 9, the captain of the *Lurline* brought me across. My bunk was the lounge in the chart room. A concession for which I was truly grateful.

The business and professional men and Government officials have not only suffered by this woeful lack of transportation, but the women marooned in Hawaii and Hawaiian women marooned on the mainland have had a more trying situation. Let me impress you with the fact that within the last six months several women have been found on boats leaving Honolulu as stowaways. One young lady, now in San Francisco, arrived on July 16. She left her mother in Honolulu and stowed away on one of the Matson Co. steamers in order that she might meet and marry her soldier boy arriving from France and marooned on the mainland. The other lady, after trying various ways to reach San Francisco and join her family, not being able to secure legitimate passage, took a chance as a stowaway, paying the captain for her passage after they found her at sea.

During this month I received a cable urging that I ask the Shipping Board to permit two ladies who have been marooned

in Honolulu to sail by the S. S. *Chipchung* to New York, either as passengers or as members of the crew. The *Chipchung* is a freight boat loading sugar at Honolulu for New York. She has no passenger license. So that if the ladies were granted the permission they had to sign on as members of the crew of a freighter. This only further shows our travel conditions:

TWO WOMEN TRY TO STOW AWAY ON "SACHEM."

Desperate because they could not obtain passage on any steamer bound for San Francisco, two women attempted recently to stow away on a Matson boat bound for the coast.

They had been unable to secure accommodations on account of the great passenger congestion which has prevailed for the last several months, so, determined to get away, they hid on board the steamer. They were found and put ashore before the boat sailed.

Now, let me make this clear to the Members of the House. We in Hawaii have never had ample travel facilities. Remember, the Pacific every day comes more to the fore in our national affairs. Hawaii must be made easy of access from the mainland. With the granting to us of the two exceptions in this repeal of the coastwise suspension law our needs will not then be met. Hawaii is to have a permanent Army garrison of some 30,000 soldiers; our naval base at Pearl Harbor will grow in national importance year by year. This means an influx of people to Hawaii. The prewar conditions will not measure up to our needs when we are again on a peace basis. We must be given this opportunity to provide travel facilities now. This can be done in two ways. Exempt Hawaii until July 1, 1920, from the repeal of this suspension. I truly trust that by that time our best boats, now bringing soldiers from France, will be rebuilt and restored to Hawaii. With their return the insufficiency in travel accommodations will not even then be met. And it will not be met by allowing us after that date to take advantage of travel in vessels of foreign registry on the payment of a customs duty of \$40 per passenger per trip. We ask this to relieve a congestion that is bound to exist and to make it possible to voyage from Hawaii to the mainland in case of necessity. Remember that we do not ask this last provision be made operative for Hawaii without end. A limit is placed upon it, and that limit is to be determined by the President of the United States when he feels convinced that adequate shipping flying the American flag is operating between Hawaii and the mainland, and that we Hawaiian people have equal advantages of travel with the people of the various States.

Mr. Speaker, many of the Members of Congress, I am pleased to state, have been to Hawaii and are familiar to a degree with our conditions. These Members know that what I now ask is not unreasonable, but just and equitable. They know the value of Hawaii to the United States, and they know that Hawaii never asks for favors from the Federal Government through the National Congress unless the request is based on right and justice.

Let there be no mistake or misunderstanding on this subject. Hawaii is not asking this privilege of travel in order to secure lower rates. Certainly we are not asking it for the benefit of foreign ships. Neither are we asking it as a matter of choice or preference. We ask it only as a matter of necessity, in order to secure the physical possibility of travel and reasonable freedom and facility for going to and coming from the mainland of the United States.

Therefore, Mr. Speaker, if the House feels that the war-time suspension of the coastwise law should be repealed now, then I ask that Hawaii be exempted as provided for in the bill.

Mr. HARDY of Texas. Mr. Speaker, I yield 10 minutes to the gentleman from Alabama [Mr. BANKHEAD].

Mr. BANKHEAD. Mr. Speaker and gentlemen of the House, in order that you may have a comprehensive understanding of the chronology of the legislation affecting the bill directly pending before us, it might be well to advert a moment to the original status of this legislation, because, as you have found out from the arguments this morning, one of the great propositions that will come up for consideration in this Congress is from the Merchant Marine Committee, namely, the disposition and operation of our shipping facilities. As you have no doubt learned from the remarks of the gentleman from Texas, Judge HARDY, who represents that school of thought favoring the repeal of our coastwise law, a large part of the controversy will be as to what shall be the permanent policy of the Government of the United States with reference to the coastwise trade.

The particular bill which we are considering was primarily originated for the relief of the inadequate passenger service between Hawaii and the mainland of the United States, but after the committee had given some consideration to that primary proposition, it developed on the recommendation of the Shipping Board that, in their judgment, the time had now arrived when we could safely repeal the provisions of the emergency act which we passed and which was approved on

October 6, 1917. So that a repeal of that emergency act approved on that day was incorporated and is now section 1 of the pending bill.

What was the status of this legislation affecting the coastwise trade at the time that the United States went into the war? It was based on an amendment to the original Panama Canal act, and was approved on August 24, 1914. That act, which covered the situation at the time of our entering into the war, provided that no foreign-built vessels registered pursuant to the act should engage in the coastwise trade of the United States. So that at the time we went into the war the coastwise trade was only open to American-built or American-owned vessels under the American flag; and, as has been suggested, in order that we might meet the emergency in our overseas trade and the great demand for tonnage, it was thought advisable temporarily to suspend the provisions of that law. Therefore we passed the act of October 6, 1917.

The first section of the pending bill is to repeal the emergency act of October 6, 1917, so that we shall revert to the original status affecting the coastwise trade as provided in the permanent law of 1914.

I must frankly confess that I have not as yet formed any fixed opinion as to the wisdom or unwisdom of in anywise changing the existing policy with reference to the coastwise trade, and I want to suggest particularly to the new Members of this Congress that they should endeavor to secure the extensive hearings that are now being and have been conducted by the Merchant Marine Committee, and that will be conducted hereafter, in order that they might form an intelligent and sound judgment one way or the other upon that great proposition. I must confess that I was very deeply impressed by some of the arguments made by my distinguished friend from Texas, Judge HARDY, and it is a problem that is going to require the conservative thought and solution of this Congress.

The statement has been made here that this merchant marine question is one of the biggest questions before the country. I know of none of more paramount importance. There is not a district in the United States that is the producer of any raw material or any manufactured article that is not vitally interested in this question of transportation. Primarily, those who are interested in foreign markets are interested in railroad transportation; and if they are seeking the development of foreign markets for their goods, the proposition of overseas carrying vessels for that trade is most important. I know that in our section of the country, where we are producers of such a large amount of raw material and manufactured products, we are deeply interested in it.

The situation is this: When the Shipping Board has completed its present program they will have available for disposition approximately 14,000,000 tons of shipping. That has largely been built out of the Treasury of the United States. We have appropriated staggering sums of money, and we acted wisely in doing that. We will be confronted with the situation of having a great merchant marine; and then the problem is, how are we going to wisely and safely and economically operate it in order to develop our foreign trade in competition with our foreign neighbors? So that you will see that this question that has been opened up here this morning, although not directly pertinent to the bill pending before the House, is fraught with grave and extreme importance with reference to the future and with reference to drawing proper deductions from the state of facts now existing. The problem that we are going to confront first is the question of the cost of production of American-built ships. Mr. Hurley stated before the committee a few days ago that in his opinion we have now reached a situation where we can build ships approximately as cheaply as foreign countries. That is going to be of primary consideration. If we can not do that, we are handicapped at the very beginning of our overseas trade. I believe that with American ingenuity, American genius for organization and efficiency, this can be done.

Aside from that vital question of cost of construction, the next element will necessarily be the cost of operation. Under the provisions of the American seamen's act now existing, and which I am not in favor of repealing, because I believe in preserving the high standard of wages and living conditions for American seaman, the next element is the question, Can we, under the provisions of that act, compete with the labor employed on foreign vessels in this overseas trade? If we can not meet those two elements of competition, then, in order to compete and carry on and operate our great merchant marine, we will have to devise some measure of meeting that deficiency. We must look the question squarely in the face. If an investigation of those two preliminary propositions develops without controversy that we can not meet the character of that

opposition, then some plan, either of subvention, or subsidy, or something of that kind, must be devised, otherwise we can not operate them. I am expressing no opinion upon that proposition. I am inherently opposed, as is nearly everyone in this House, to the principle of Government subsidy; that is, the payment out of the Treasury of the United States to one class of business enterprise of the money which is taxed out of the pockets of all the people of the United States. We may just as well realize now as hereafter, because we are coming to it, that we have to meet the issue that that is the situation with which we are going to be confronted. I prefer to be optimistic in respect to the situation. I believe that this great reawakened American people, with the genius of its citizenship, will be able to meet this problem on terms of equality in competition with the whole world. I believe that this Republic of ours, which sent abroad 2,000,000 glittering bayonets, carried by 2,000,000 brave and stalwart sons, can by the same character of aggressive competition carry the flag of the American merchant marine, manned by American sailors, in competition to every part of the seven seas. [Applause.]

Mr. DOUGHTON. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from North Carolina makes the point of order that there is no quorum present.

Mr. SCOTT. Mr. Speaker, will the gentleman withhold that for a moment?

Mr. DOUGHTON. I withhold it for the present.

Mr. SCOTT. Mr. Speaker, I yield 10 minutes to the gentleman from Missouri [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Speaker, within 10 minutes I shall not undertake to travel the path that has been traveled by other gentlemen as regards this legislation. An experience of many years as a lawyer before a jury has taught me that we ought to understand what the issue is in order to decide the question involved. This is a bill to extend additional passenger facilities to the people of Hawaii. The Hawaiian Islands are under the American flag. Their citizens are American citizens. Those islands are the paradise of the Pacific. They are among our greatest possessions, and the wishes of the people of those islands should have some sort of consideration by this Congress rather than the interests of some steamship company. [Applause.] The gentleman from California speaks for the Matson Steamship Co. I speak for the American citizens, also under the American flag, marooned in the Pacific Ocean. Now, the first section of this bill (H. R. 7500) simply repeals the act of October 6, 1917. The provisions of that act are as follows:

An act giving the United States Shipping Board power to suspend present provisions of law and permit vessels of foreign registry and foreign-built vessels admitted to American registry under the act of August 18, 1914, to engage in the coastwise trade during the present war and for a period of 120 days thereafter, except the coastwise trade with Alaska.

*Be it enacted, etc.,* That during the present war with Germany and for a period of 120 days thereafter the United States Shipping Board may, in its judgment the interests of the United States require, suspend the present provisions of law and permit vessels of foreign registry, and foreign-built vessels admitted to American registry under the act of August 18, 1914, to engage in the coastwise trade of the United States: *Provided,* That no such vessel shall engage in the coastwise trade except upon a permit issued by the United States Shipping Board, which permit shall limit or define the scope of the trade and the time of such employment: *Provided further,* That in issuing permits the board shall give preference to vessels of foreign registry owned, leased, or chartered by citizens of the United States or corporations thereof: *And provided further,* That the provisions of this act shall not apply to the coastwise trade with Alaska or between Alaskan ports.

Approved, October 6, 1917.

You will note that under the provisions of that act that vessels of foreign registry and foreign-built vessels admitted to register under the American flag under the act of August 18, 1914, can engage in our coastwise trade under certain limitations. It is a matter of no concern to me whether that act is repealed or not at this time, because it expires by limitation of law in 120 days after the ratification of the peace treaty. The gentleman from Michigan [Mr. SCOTT] has stated that the Shipping Board has already canceled all permits granted under that so that in effect that law is already repealed. So that dispenses of that question. The repeal of the act of October 6, 1917, is of no other concern under the circumstances, as it is no longer in operation.

My esteemed friend, for I regard him as such as well as one of the finest characters in this House, the gentleman from Texas [Mr. HARDY], has always been in favor of free ships. He has always opposed the limitation that no other than American ships should be admitted to the coastwise laws. I am frank to say that if we had adopted that policy following the Civil War and for a definite period of years, it would have done much to uphold our merchant marine in the foreign trade, but we did not build any ships for 40 years of any consequence for the foreign trade.

So that I am in accord with much Judge HARDY says, if applied to prewar conditions. In 1912, when the Senate was Republican and the House Democratic and William H. Taft was President of the United States, I caused to have incorporated in section 5 of the Panama Canal Act the provision permitting foreign-built ships to be brought in under the American flag to engage in the foreign trade. And after the war in Europe began in August, 1914, I introduced the bill to repeal so much of section 5 of the Panama Canal Act as provides that vessels not more than five years old might be admitted to registry under the act. The bill passed the House under suspension of the rules and was unopposed in the Senate. It was an emergency measure, and under the provisions of the act foreign-built ships American owned have been admitted to American registry. Under its provisions more than 1,000,000 tons of vessels have come under the American flag. But those were ships for the most part built for and employed in the foreign trade. Some were vessels owned by the United States Steel Corporation, others by the Standard Oil Co., and a large number by the United Fruit Co. They are not engaged in the trade between the Hawaiian Islands and the mainland, and they would not meet the present emergency to serve the trade at this time. Now, section 2 of this bill simply provides:

SEC. 2. That vessels of foreign registry and foreign-built vessels admitted to American registry under the act entitled "An act to provide for the admission of foreign-built ships to American registry for the foreign trade, and for other purposes," approved August 18, 1914, may carry passengers from or to ports in the Territory of Hawaii to or from ports in the United States, except ports in Alaska, upon special permits issued by the collector of customs for the district in which is situated the port of embarkation. After July 1, 1920, such permits shall be granted only upon payment to the collector of a fee of \$40 for each passenger so carried. Such fees shall be paid into the Treasury as miscellaneous receipts. The Secretary of the Treasury and the Secretary of Commerce shall jointly make regulations necessary for the issuance of such permits.

Whenever the President is satisfied that vessels of the United States, other than those admitted to American registry under such act of August 18, 1914, are engaged in trade between such ports in sufficient numbers to accommodate the passenger trade between such ports he shall so declare by proclamation, and thereafter this section shall cease to be in effect.

This bill extends to the people of the Hawaiian Islands very meager relief. I seriously question whether they will, even if this bill becomes a law, have sufficient passenger accommodations. In order to have such accommodations they must have a very large increase in the number of ships plying between the Pacific coast and the Hawaiian Islands. Unless they can utilize the passenger accommodations on foreign ships their needs will not be met in any reasonable measure. We are just beginning to develop the trans-Pacific trade, and it will take time to do so, and for that reason I can not imagine any good reason why this condition should not be relieved temporarily in the very reasonable and conservative manner proposed by this bill.

Now, Mr. Dillingham, president of the Chamber of Commerce of Honolulu, made this statement before the committee:

The situation that is presented to Hawaii at this time is that under the suspension of the coastwise act, within 120 days after the signing of peace, the privilege to travel on boats of foreign registry is denied to travelers between San Francisco and Hawaii. We have lost practically all of our passenger boats since the entry of the United States into the war, as our best boats were taken to the Atlantic and used in the transport of troops overseas.

That is true, and while these ships may come back in the next month or two months or three months they have to be overhauled before being available for that trade, and no three ships will be sufficient for the trade. And, mind you, the provisions of this bill do not extend to the freight business, but to the passenger business alone. In further answer to questions propounded to him by me he said:

Mr. DILLINGHAM. The suspension of the coastwise shipping law during the war has made it possible for us to travel on any of these boats when there was accommodation. Accommodations, however, have been so limited, due to the business in the Far East, that Hawaii has had little benefit from the privilege. The average in 1918 was 46 a week one way and 36 a week the other way. In other words, that is the relief we had out of the Toyo Kishen Kaisha Line, and this line operates the *Korea* and *Siberia*, American steamers which were bought by the Pacific mail in 1916.

Mr. DILLINGHAM. I was coming to that, but I wanted to give you a picture, first, of what the situation has been during the past two years. Hawaii has been very glad to contribute everything we had and to put up with all kinds of inconvenience and loss as our contribution to winning the war. Now we are trying to get back to a peace basis, as are the other sections of the United States. We do not mean to be unreasonable, but only partial relief will come through turning back our boats now in the transport service. Within the next year, the *Maui*, a 10,000-ton boat, the *Matsonia*, a 10,000-ton boat, the *Wilhelmina*, a 7,000-ton boat, and the *Sierra*, of the Oceanic Steamship Line, a 6,000-ton boat, will be returned to us. With these boats back on the run we will, of course, be in very much better shape than we are to-day; but if the business with the Far East continues we will not be able to use the through foreign boats any more than we have been able to use them during the war.

The growing business of Hawaii can not be taken care of by the whole Matson fleet. While these will be a tremendous help to us, they

will not be sufficient to take care of all the business, and it will take, we feel, a year or two for American shipping to reach the point where other American boats can be put on the run between San Francisco and Hawaii. What we are asking is that instead of closing the door absolutely to travel on these boats, that the right to use boats of foreign registry be extended to Hawaii until such time as American boats sufficient to handle our business are available.

Instead of having accommodations for 300 a week on an average, we have been reduced to an average capacity of about 50 a week. The tourist business of the islands has been steadily increasing until, in 1916, there were 12,000 passenger fares sold between Honolulu and San Francisco. In 1917 it was cut down to 10,000; in 1918 to about 4,500, and for the first half of this year there have only been 1,700 passengers between those two points. The tourist business of necessity, of course, has been entirely cut out. We have been depending on foreign boats for some relief, but when I tell you that in June of this year a boat came through Honolulu and only 10 of the 250 people awaiting passage from Honolulu to San Francisco could secure passage you will appreciate that even with the privilege of traveling on foreign boats we are up against a serious situation. The proposition of cutting off all travel on these through foreign boats within the next 120 days, if no action is taken as now suggested by bill 7500, means that we are going to be practically marooned in the Pacific. We will be thrown back on the five small local boats now operating.

The SPEAKER. The time of the gentleman has expired.

Mr. ALEXANDER. Can the gentleman give me five minutes more?

Mr. SCOTT. I have only five or six minutes remaining.

Mr. ALEXANDER. I want to say, gentlemen, this bill should pass in the form in which it was reported by the committee, and even then it will only give partial relief to the citizens of the Hawaiian Islands. [Applause.]

Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. SCOTT. I would ask the gentleman from Texas to use the balance of his time as there is only to be one other speech on this side.

Mr. HARDY of Texas. Mr. Speaker, I shall at the proper time offer an amendment to this bill striking out all after the enacting clause, and when read and understood it simply means to retain the—

The SPEAKER. The Chair will suggest that all amendments have to be offered during the time of debate.

Mr. HARDY of Texas. Then I offer it now.

The SPEAKER. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HARDY of Texas: Strike out all after the enacting clause and insert the following:

"That the act entitled 'An act giving the United States Shipping Board power to suspend present provisions of law and permit vessels of foreign registry and foreign-built vessels admitted to American registry under the act of August 18, 1914, to engage in the coastwise trade during the present war and for a period of 120 days thereafter, except the coastwise trade with Alaska,' approved October 6, 1917, is repealed in so far as said act permits vessels of foreign registry to engage in the coastwise trade of the United States, and all provisions in said act limiting the period of its operation are repealed.

"Sec. 2. That vessels of foreign registry may carry passengers from or to ports in the Territory of Hawaii to or from ports in the United States upon special permits issued by the collector of customs for the district in which is situated the port of embarkation. Such permits shall be granted only upon payment to the collector of a fee of \$40 for each passenger so carried. Such fees shall be paid into the Treasury as miscellaneous receipts. The Secretary of the Treasury and the Secretary of Commerce shall jointly make regulations necessary for the issuance of such permits."

Mr. SCOTT. Mr. Speaker and gentlemen of the House, as was very aptly said by the gentleman from Alabama [Mr. BANKHEAD], there is really only one proposition before the House at the present time, and I wish at this time to pay my respects to the ability of the gentleman from Alabama, who is a valuable member of our committee. The only proposition that is before this House is to repeal the war-time coastwise trade law, which allowed all foreign ships to come in to our coastwise trade and take the benefit of 100 years of American activities in building up that trade. No man on the Democratic side ought to object to the exception of the Hawaiian Islands, because the bill allows the President of the United States to terminate the law when in his judgment there is sufficient American tonnage to accommodate the people of the Hawaiian Islands.

Mr. BLACK. Will the gentleman yield?

Mr. SCOTT. Yes.

Mr. BLACK. I would like to know the reason why a tax of \$40 per passenger should be imposed.

Mr. SCOTT. It is a protection to our American-owned ships against foreign ships, with their cheap labor.

Mr. BLACK. I wish to say I am not in favor of a tax of that sort.

Mr. ALEXANDER. I may suggest that it is \$200 now.

Mr. SCOTT. I endeavored to explain that this bill reduces the penalty 75 per cent.

Now, my good friend from Texas [Mr. HARDY] insists that he wants to get all the ships possible to come under the American flag.

No man in this House, on either side of the aisle, is opposed to that proposition. It is not a question of politics. It is a question of policy in which we are all united. But as was aptly said by the gentleman from Alabama [Mr. BANKHEAD], this bill relates only to the coastwise trade. It does not relate to the transoceanic trade. The two are as different as daylight and darkness. The fact that we had only 8 per cent of the trans-Atlantic trade prior to the war is not any reflection on the policy which made possible our enormous coastwise trade, because before the war we had a coastwise trade greater than the combined trade of any five other countries.

Mr. HARDY of Texas. Mr. Speaker, will the gentleman yield?

Mr. SCOTT. Just in a moment. Let me call the attention of the House to this fact: Although the United States is a comparatively young Nation, yet as soon as we in 1789 inaugurated a protective policy, in so far as our coastwise trade was concerned, every other nation engaged in coastwise trade has followed our example, and to-day and before the war England, Norway, Germany, France, Italy, and every other nation has protected its coastwise trade, the same as we protect ours and have protected ours for the last one hundred and thirty-odd years. We are not retrogressing. We set the precedent and they all followed it.

Now, the gentlemen, in speaking to the other side of the House, said that the policy of the administration is to encourage ships to come under the American flag, and he quoted Mr. Hurley on the proposition. Before presenting this bill we realized that the Government was vitally interested in any bill that was presented touching this subject.

The SPEAKER. The time of the gentleman has expired.

Mr. SCOTT. I ask unanimous consent for one minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. SCOTT. The committee wrote Mr. Hurley, chairman of the United States Shipping Board, and sent him a copy of this bill, and asked him to give us the opinion of the board touching the proposed legislation. Here is his reply:

We see no objection to the withdrawing of the coastwise trade privilege. The only exception we submit to your committee is in the instance of Honolulu and the Hawaiian Islands.

We have entirely complied with the suggestion of the Shipping Board which is charged with this particular subject. In so far as the Hawaiian Islands are concerned, we have endeavored to relieve their situation in accordance with the suggestion of Mr. KALANIANA'OLE, the Delegate from the Hawaiian Islands, who has in a most capable manner presented a case which entitles his countrymen and visitors to the islands to every relief the Congress can give.

The SPEAKER. The gentleman has one minute left.

Mr. SCOTT. Mr. Speaker, I yield that minute to the gentleman from California [Mr. KAHN].

Mr. KAHN. I thank the gentleman. Mr. Speaker, I desire to offer an amendment.

The SPEAKER. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. KAHN: Page 2, strike out all of section 2 and insert in lieu thereof the following:  
"Provided, That the said repeal shall not take effect as to the Territory of Hawaii until July 1, 1920."

Mr. BANKHEAD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BANKHEAD. Is the bill now being read for amendment?

The SPEAKER. No. The bill has already been read for amendment. The rule provides that amendments can only be offered during the time allowed for general debate. The time has expired and, according to the rule, the first amendments in order are the committee amendments. The Clerk will report the committee amendments.

The Clerk read as follows:

On page 1, line 5, insert a comma after the word "registry."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, line 9, strike out the word "Such" at the end of the line and insert "after July 1, 1920, such."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SCOTT. Mr. Speaker, I wish to call the attention of the House to a typographical error in line 2 of page 2. The printer has placed a comma after the word "registry," and the comma should be placed after the word "registry" in line 1. I ask that the correction be made.

The SPEAKER. Without objection, the correction will be made.

There was no objection.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Texas [Mr. HARDY].

Mr. HARDY of Texas. Mr. Speaker, I think I may want to alter my amendment. I would like to ask unanimous consent to strike out section 2 of the amendment that I offered, so that it will contain only section 1.

The SPEAKER. The gentleman from Texas asks unanimous consent to modify his amendment by striking out section 2. Is there objection?

There was no objection.

Mr. SCOTT. Mr. Speaker, I think the amendment ought to be read.

The SPEAKER. Without objection, the amendment will again be read.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. HARDY of Texas: Strike out all after the enacting clause and insert the following:

"That the act entitled 'An act giving the United States Shipping Board power to suspend present provisions of law and permit vessels of foreign registry and foreign-built vessels admitted to American registry under the act of August 18, 1914, to engage in the coastwise trade during the present war and for a period of 120 days thereafter, except the coastwise trade with Alaska,' approved October 6, 1917, is repealed in so far as said act permits vessels of foreign registry to engage in the coastwise trade of the United States, and all provisions in said act limiting the period of its operation are repealed."

Mr. SCOTT. Mr. Speaker, I reserved a point of order on that amendment. I do not think there is any question but that the point of order would be sustained in connection with it, but I realize that the House should vote on the matter if it wanted to, and therefore I withdraw the point of order.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Texas.

The question was taken, and the Chair announced that the yeas seemed to have it.

Mr. HARDY of Texas. Mr. Speaker, a division.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 8, noes 82.

So the amendment was rejected.

The SPEAKER. The question recurs on the amendment offered by the gentleman from California [Mr. KAHN], which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. KAHN: Page 2, strike out all of section 2 and insert in lieu thereof the following:

"Provided, That said repeal shall not take effect as to the Territory of Hawaii until July 1, 1920."

The SPEAKER. The question is on agreeing to the amendment.

Mr. SCOTT. I understood the amendment to provide only for the passenger trade.

Mr. KAHN. No; it is just as I have offered it.

The SPEAKER. The question is on agreeing to the amendment.

The question being taken, the amendment was rejected.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time.

Mr. KAHN. Mr. Speaker, I desire to offer a motion to recommit.

The SPEAKER. The gentleman will offer it.

Mr. KAHN. I move to recommit the bill with instructions to report the same back forthwith, with the amendment which I offered.

The SPEAKER. The gentleman from California offers a motion to recommit, which the Clerk will report.

The Clerk read as follows:

Mr. KAHN moves to recommit the bill to the Committee on the Merchant Marine and Fisheries with instructions to that committee to report the same back forthwith with the following amendment: Page 2, strike out all of section 2 and insert in lieu thereof the following:

"Provided, That said repeal shall not take effect as to the Territory of Hawaii until July 1, 1920."

Mr. SCOTT. Mr. Speaker, I make the point of order against the motion to recommit, that, in view of the fact that the House considered and passed upon this precise amendment, the same subject matter can not be contained in a motion to recommit, the House having passed on the amendment adversely.

Mr. MANN. Mr. Speaker, Speaker CLARK held repeatedly, and it became the rule of the House, that where an amendment had been agreed to by the House it was not then in order to offer a motion to recommit striking out that amendment. That had not been the rule of the House prior to the occupancy of the Speaker's chair by the very distinguished gentleman from Missouri [Mr. CLARK]. But I do not recollect that he ever went so far—I am quite sure my recollection is correct upon the subject—as to hold that where the House had rejected an amendment it could not be included in a motion to recommit. It does not come within the reasoning which Speaker CLARK used—a line of reasoning which I always doubted—that the House having just agreed to an amendment, it was not in order to offer a motion to recommit to strike out the amendment. Of course, it is perfectly patent that the rejection of an amendment by the Committee of the Whole would not prevent the offering of a motion to recommit. I see that the Chair is prepared to rule.

The SPEAKER. A citation has been put before the Chair in accordance with the argument just made by the gentleman from Illinois [Mr. MANN], and the Chair overrules the point of order.

Mr. SCOTT. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question being taken, on a division (demanded by Mr. KAHN) there were—ayes 6, noes 88.

Accordingly the motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

On motion of Mr. SCOTT, a motion to reconsider the vote by which the bill was passed was laid on the table.

THOMAS J. MOONEY.

Mr. BLANTON. Mr. Speaker, I move to discharge the Committee on Labor from further consideration of House resolution No. 185, and upon that I demand the previous question.

Mr. MANN. I ask for the regular order, and make the point of order that the gentleman's motion is not in order.

The SPEAKER. The Chair will be glad to hear the gentleman.

Mr. BLANTON. This is a privileged resolution.

Mr. MANN. The resolution has not been reported.

Mr. BLANTON. I ask that the resolution be reported.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 185.

Resolved, That the Secretary of Labor be, and he is hereby, directed to report forthwith to the House of Representatives of the United States of America the following facts:

(1) What fact or facts, if any there are, have caused him to fail to comply with the request of the House of Representatives made upon him by H. Res. 128 passed by the House of Representatives on June 27, 1919, of the following tenor:

"Resolved, That the Secretary of Labor be, and he is hereby, requested to promptly report to the House of Representatives at the earliest date practicable the following facts:

"(1) What connection in behalf of the Department of Labor, if any, has John B. Densmore, now Director of the United States Employment Service, had with the case of Thomas J. Mooney, convicted in California of crime, stating in detail the activities of said Densmore concerning said case, and the expenses of same itemized that were paid by the Government, and upon what authority of law, attaching copies of all reports concerning same made to the Department of Labor by said John B. Densmore.

"(2) What connection in behalf of the Department of Labor, if any, since the punishment of said Thomas J. Mooney was commuted to life imprisonment, has any employee of said Department of Labor had with the said case of Thomas J. Mooney, stating such activities in detail, the purposes thereof, the expense itemized in connection therewith that has been paid or is to be paid by the Government, and upon what authority of law, attaching copies of all reports made to the Department of Labor concerning said case.

"(3) What requests on the Department of Labor, if any, have been made by a grand jury or a court in California for said John B. Densmore to appear in California to give evidence, and what action concerning same was taken by the Department of Labor."

(2) Resolved further, That said Secretary of Labor be, and he is hereby, directed to furnish forthwith to the House of Representatives the facts called for in the said H. Res. 128, set forth above, as passed June 27, 1919.

Mr. GARRETT. Mr. Speaker, I make the point of order that the resolution is not privileged.

Mr. MONDELL. I move to lay the motion of the gentleman from Texas on the table.

The SPEAKER. The gentleman from Tennessee will state his point of order.

Mr. GARRETT. It calls for reasons, not for facts. I have not the resolution before me, but in the first part of it he is asked for facts that have caused certain actions.

Mr. MANN. It is purely a matter of opinion.

Mr. GARRETT. Why, certainly; it is necessarily a matter of opinion.

Mr. MANN. While it nominally purports to call for facts, it asks for facts which caused certain opinions to be formed.

Mr. BLANTON. I should like to be heard on the point of order before the Chair rules.

The SPEAKER. The Chair will hear the gentleman from Texas.

Mr. BLANTON. Mr. Speaker, on June 27 this House passed House resolution 128, which called upon the Secretary of Labor to furnish to this House at the earliest date practicable certain information specified therein. There are various things which could have intervened that might have prevented the Secretary of Labor from complying with the request of the House. For instance, the data called for might have been misplaced in his office, so that it could not be found. The person in charge of the data might have been sick, so that he could not have prepared it. Various facts might have intervened which would have necessarily prevented the Secretary of Labor from complying with the request of the House. The fact remains that at the time the resolution now under consideration, House resolution 185, was introduced in the House the Secretary of Labor had not complied with any portion of the request contained in resolution No. 128.

This resolution, House resolution 185, does not call for any opinion. It calls for nothing but a fact. It is a fact whether or not the Secretary of Labor has complied with the request. It is a fact whether or not the Secretary of Labor can comply with the request. Whether he will comply with it might depend upon an opinion, but whether he has been prevented from complying with the request of the House is dependent absolutely upon some fact which may or may not exist in that department. It might be a fact of negligence; it might be a fact of simple refusal; it might be a fact of some particular action of some person in his department. I submit to the Chair that there is nothing called for in the resolution except facts, and no opinion is asked of the Secretary of Labor.

In response to the resolution he could not state opinions, only state what is called for, and those are facts. The resolution has laid over for a week, has been unreported by the Committee on Labor, and therefore, under Rule XXIII, becomes privileged.

The SPEAKER. The Chair will be glad to hear from the gentleman from Tennessee or the gentleman from Illinois.

Mr. GARRETT. Mr. Speaker, I have nothing further to add. I now have the resolution before me. The first paragraph says what fact or facts, if any there are, have caused him to fail to comply with the request of the House of Representatives made upon him by House resolution, and so forth.

I think unquestionably that calls for an opinion from the Secretary of Labor. It is in fact asking him to give his reasons for not complying.

Mr. MANN. Mr. Speaker, I fully agree with the gentleman from Tennessee. While nominally the resolution calls for facts, it does not call for facts outlined by the resolution. It is a fishing excursion, and it has always been held that these privileged resolutions were not fishing excursions. This calls for the opinion of the Secretary of Labor as to why he did not do something under the guise of facts which caused him to do so and so.

Facts may not be information. Facts may be information purely, but under that the Secretary would have the power to give all sorts of opinions. That is what they ask for. It never was the design of the rule to give the privilege to anything except that which asked for information in the possession of the department, and the rulings have been frequent and consistent against enlarging the privilege by calling for opinions. It is a matter of opinion, if they have not done something, why they have not done it.

Mr. MAPES. Mr. Speaker, I call attention to the language in line 11, page 2, where the department is asked to "state such activities in detail and the purposes thereof." It seems to me that "purposes thereof" is clearly subject to a point of order.

Mr. BLANTON. Mr. Speaker, that is a portion of the original resolution already passed by the House.

The SPEAKER. The Chair is in some doubt about this question. It is obviously an ingeniously worded attempt to inquire of the Secretary of Labor why he has not complied with the request of the House.

Mr. WALSH. Mr. Speaker, may I direct the Speaker's attention to the language, which says "if any there be," which clearly would give the Secretary of Labor an opportunity to express opinions as to whether there were facts or not. The resolution calls for facts if any there be. That leaves the Secretary of Labor to say whether there are facts or not, clearly expressing an opinion on the question.

The SPEAKER. The Chair thinks it is a close question whether by verbally asking for only facts one does comply with the rule of the House, which says that the House can always ask for facts and nothing but facts. The Chair is disposed to think that, while in language a strict compliance with the rule, it really does ask for the reasons and opinion of the Secretary of Labor, and the Chair sustains the point of order.

#### EXTENSION OF REMARKS.

Mr. HUDDLESTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of price-fixing commission.

The SPEAKER. The gentleman from Alabama asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BARBOUR. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill just passed in relation to the laws of coastwise shipping.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

#### AVIATION INVENTORY.

Mr. LAGUARDIA. Mr. Speaker, I ask for the present consideration of House resolution 190, a privileged resolution.

The Clerk read as follows:

#### House resolution 190.

*Resolved*, That the Secretary of War be, and he hereby is, directed to send forthwith to the House of Representatives, for the information of the House, a commercial inventory showing:

1. Number and type of aviation motors, with the number of each motor, where it is located, its condition, hours of use, and purchase price or cost of manufacture.

2. The number and type of planes, number of each plane, its location, hours of use, condition, and purchase price or cost of manufacture.

3. The number of spare parts for motor and plane of the respective types of motors and planes, where located, and cost.

4. Quantity and description of raw material, such as lumber, including spruce, ash, soft and hard woods; metals, such as steel, copper, aluminum, iron, brass, etc.; cloth, such as linen, silk, tape, cotton, and all raw material now the property or in the possession of the Air Service, and a statement showing the quantity of said motors, planes, and material now surplus and for sale.

Mr. LAGUARDIA. Mr. Speaker, this resolution was presented to the Committee on Military Affairs and reported with the recommendation that it pass. The purpose of my resolution, among other things, is to try to help the Air Service help itself.

In order to ascertain just what the Air Service has on hand and how much of its supplies and matériels are surplus, it is necessary to have a commercial inventory giving the information set forth in the resolution. The vital importance of having complete adequate information of Air Service matériel at this time is being emphasized every day. Recent sales in the Air Service would indicate that large amounts of equipment and matériel were sold without exact information of the condition of such matériel and equipment at the time the sale was made.

The two great items to be considered are parts in production, and planes and motors and parts in operation. A part or plane or motor which is listed as in production should be clearly defined as to what stage of completion it has progressed. If in operation how much of serviceable life has been consumed. The value of an aviation motor can only be determined by the number of hours it has flown; therefore it is necessary to know not only how many motors are available and surplus, but the record and life of each motor. Such records are kept of each motor, and this information is available if a proper inventory is taken. It will then develop whether it will pay to sell such as raw material or scrap, or to spend additional money on it, and to finish or repair the same and sell it or turn it over to the operating side of the Air Service at full value.

The relationship between the matériel that is required for the operation of the Air Service and the matériel now on hand, should be clearly established, and until such is accomplished it will never be known what is surplus. The so-called surplus which has been declared by the operating section of the Air Service up to the present time has not shown that this relationship has been established.

The Air Service at this moment does not have a commercial inventory of its assets in the shape of planes, motors, parts, and machinery. It is vital that this be determined, thoroughly classified, locations noted, and full information obtained. When this is done any group of intelligent business men or Air Service officers could determine what should be held for training and active use in the Air Service and what would be surplus to be sold to reimburse the Treasury of the United States.

With this inventory on hand, the sales department, or such agency intrusted with the sales of this matériel and equipment, will be enabled to dispose of such matériel and equipment and obtain its reasonable market value. Responsibility for failure to obtain reasonable market value will then be easily fixed. Also with such inventory on hand it can for once be determined just what new equipment the Air Service should acquire during the present fiscal year.

They have something like \$250,000,000 worth of property. I have said so much about the sale of the Curtiss motors and the Curtiss planes, \$22,000,000 worth being sold for \$2,000,000, that I need not repeat the history of that sale at this time.

Mr. WINGO. Mr. Speaker, will the gentleman yield?

Mr. LaGUARDIA. In just a moment. The reason that sale was made was due to the fact that the Air Service apparently did not know the condition of those motors and planes at the time the sale was made. At least that is the charitable thing to say for the present. They, it appears, were under the impression that most of them were junk or used matériel. They must realize now that the matériel was in first-class condition, because 90 per cent of the planes are being flown from the fields and are far from junk. I yield to the gentleman.

Mr. WINGO. Suppose we should go to the expense of this, spend thousands of dollars to get this information, and it is brought here to the House. What will it be worth to the House and to the department after it is obtained?

Mr. LaGUARDIA. If we get this inventory—and this seems to be the only method by which we can compel the Air Service to find out for themselves what they have—the department of sales will know how to fix prices for what is surplus. To give a concrete example: They sold the Curtiss planes and the OX-5 motors when they should have kept some of those motors and planes for training purposes. The only way that the value of a plane can be ascertained, or of an aviation motor, is by determining the number of hours that either has been used. An aviation motor has so many hours of life. If we know that we have a certain number of motors that have had a certain number of hours of use, we can immediately establish the value of the motors, if they are surplus, and dispose of them intelligently and to the best interest of the Government.

Mr. WINGO. Evidently the gentleman did not get the point I want to get at. It is a practical point, and not asked in the spirit of controversy. For the life of me I can not understand how the spending of this money to get this information—and it is technical in its nature—will be of value, how it will be worth anything to us, except to the committees. How will that give this information to those gentlemen down there who the gentleman says have not got it?

Mr. LaGUARDIA. In the first place it will not cost thousands of dollars to obtain this information, because they have the personnel and the officers. If the Air Service is not able to tell us what they have, it surely is in a sad state of affairs. Each motor has its history with it, and all that is required is to check up what they have, and it will not cost anything. Second, they have no commercial inventory at this time. We do not know exactly how much spruce, how much ash, how many motors of one kind, how many motors of another kind, they have, so that they are selling supplies without knowing whether such supplies are surplus or not. The sales department, which I have criticized a great deal on the floor of this House, in this instance is not to blame. They can not get it, and I want to cooperate with the sales department in this, to help ascertain the true condition of declared surplus. When we get this inventory the sales department can use it and the Air Service itself may use it. If the department can not help itself, we can at least try to help it while we are getting information which will prove very valuable.

Mr. GARRETT. Mr. Speaker, will the gentleman yield?

Mr. LaGUARDIA. Yes.

Mr. GARRETT. The Committee on Expenditures in the War Department, or a subcommittee thereof, has been appointed expressly to go into this particular question, along with all other questions connected with aviation. Let me submit to the gentleman from New York—I am not a member of that subcommittee—in all good reason that he is about to require a duplication of work upon the part of the War Department. It seems to me that the gentleman should be willing to leave to the committee appointed for the purpose the question of investigating that and the development of these facts.

Mr. LaGUARDIA. In reply to the gentleman I will state that I have been cooperating and have constantly conferred with the chairman of the subcommittee on aviation, and the information asked by this resolution will be a valuable index for their work.

Mr. GARRETT. They surely can obtain the matter without this. From how many different angles are you going to approach this proposition? I thought that committee was appointed to find about this particular thing. You are now calling upon the War Department to furnish it independent of the committee. Is it a lack of confidence in your committee?

Mr. LaGUARDIA. Not at all, and the gentleman knows it. It is simply to obtain information in the most expeditious manner. I have had this resolution in for some time. I could hardly believe that the Air Service could not give me this information by simply writing for it. But that is the fact. Remember, we have a right to know what is on hand. The information is necessary, and it will be saving time.

Mr. GARRETT. Mr. Speaker, will the gentleman yield further?

Mr. LaGUARDIA. Certainly.

Mr. GARRETT. It seems to me that the gentleman surely does not desire to seriously press this resolution. Some time ago the committee was organized for the express purpose of obtaining the precise information for which the gentleman asks. That committee has been empowered to summon and swear witnesses. As a matter of fact that committee is proceeding, and that very subcommittee is sitting at this very hour. Is it possible that the gentleman and his side of the House have lost confidence in the committee they have appointed for this particular purpose?

Mr. LaGUARDIA. The gentleman knows that is not the intention. It is simply to assist that committee and get this information before it. The resolution was pending. We are saving time by doing this.

Mr. GARRETT. In what way can this assist the committee? The committee has full power to send for these people and swear them.

Mr. LaGUARDIA. But there is not one man in the department, from the Secretary down, who is able to testify what the Air Service owns and has now after spending a billion dollars.

Mr. GARRETT. How are they going to give you the information?

Mr. LaGUARDIA. By taking an inventory—something that should have been done months ago. I can appreciate the gentleman's anxiety. Mr. Speaker, I move the previous question on the resolution.

Mr. BANKHEAD. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore (Mr. KELLEY of Michigan). The question is on ordering the previous question.

The question was taken; and on a division (demanded by Mr. BANKHEAD) there were—ayes 66, noes 40.

Mr. BANKHEAD. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. Evidently there is no quorum present. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—ayes 156, noes 108, answered "present" 2, not voting 163, as follows:

## YEAS—156.

Ackerman	Goodykoontz	McArthur	Rowe
Anderson	Gould	McCulloch	Schall
Andrews, Nebr.	Graham, Ill.	McFadden	Scott
Anthony	Green, Iowa	McLaughlin, Mich.	Sells
Bacharach	Greene, Mass.	McLaughlin, Nebr.	Shreve
Baer	Griest	McPherson	Siegel
Barbour	Hadley	MacCrate	Sinclair
Begg	Haskell	Magee	Smith, Idaho
Benham	Haugen	Mann	Smith, Mich.
Bland, Ind.	Hernandez	Mapes	Snell
Boles	Hersey	Merritt	Steenerson
Bowers	Hickey	Michener	Stiness
Brooks, Ill.	Hoch	Miller	Strong, Kans.
Browning	Hull, Iowa	Monahan, Wis.	Strong, Pa.
Burke	Hutchinson	Mondell	Sweet
Burrroughs	Ireland	Moore, Ohio	Taylor, Tenn.
Campbell, Kans.	James	Moore, Pa.	Temple
Cannon	Johnson, S. Dak.	Moore, Ind.	Thompson, Ohio
Chindilom	Johnson, Wash.	Morin	Tilson
Cole	Kahn	Mott	Timberlake
Copley	Kearns	Newton, Minn.	Tincher
Costello	Kelley, Mich.	Newton, Mo.	Towner
Crowther	Kelly, Pa.	Nichols, Mich.	Treadway
Curry, Calif.	Kendall	Nolan	Yalle
Dale	Kennedy, Iowa	Ogden	Vestal
Dallinger	King	Platt	Volstead
Darrow	Klecza	Purnell	Walsh
Dickinson, Iowa	Knutson	Radcliffe	Walters
Dowell	Kraus	Ramseyer	Wason
Dunbar	Kreider	Randall, Wis.	Watson, Pa.
Dunn	LaGuardia	Reed, W. Va.	Webster
Edmonds	Lampert	Rhodes	Wheeler
Elston	Langley	Ricketts	Williams
Evans, Nebr.	Layton	Riddick	Wilson, Ill.
Fess	Leibach	Robison, Ky.	Winslow
Fordney	Little	Rosenberg	Wood, Ind.
Foster	Longworth	Rogers	Woodyard
French	Luce	Rose	Yates
Garland	Luhning	Rose	Young, N. Dak.

## NAYS—108.

Alexander	Collier	Hudspeth	Oldfield
Almon	Connally	Hull, Tenn.	Oliver
Ashbrook	Cullen	Igoe	Overstreet
Ayres	Davey	Jacoway	Padgett
Bankhead	Davis, Tenn.	Johnson, Ky.	Parrish
Barkley	Dent	Johnson, Miss.	Phelan
Bell	Doremus	Keller	Quin
Black	Doughton	Kincheloe	Rainey, H. T.
Blackmon	Drane	Kitchin	Rainey, J. W.
Bland, Mo.	Dupré	Lanham	Raker
Bland, Va.	Eagan	Lankford	Rayburn
Blanton	Eagle	Larsen	Romjue
Booher	Evans, Mont.	Lea, Calif.	Rubey
Box	Evans, Nev.	Leshner	Smithwick
Brand	Fisher	Loneragan	Steagall
Briggs	Garner	McAndrews	Stedman
Buchanan	Garrett	McDuffie	Taylor, Colo.
Byrns, Tenn.	Godwin, N. C.	McGlennon	Tillman
Campbell, Pa.	Goodwin, Ark.	Major	Watkins
Candler	Griffin	Mansfield	Watson, Va.
Caraway	Hardy, Tex.	Martin	Welty
Carss	Harrison	Mays	Whaley
Carter	Hayden	Minahan, N. J.	Wilson, La.
Clark, Fla.	Heflin	Montague	Wingo
Clark, Mo.	Hersman	Nelson, Mo.	Woods, Va.
Clary	Howard	O'Connell	Wright
Coady	Huddleston	O'Connor	Young, Tex.

## ANSWERED "PRESENT"—2.

Benson Hawley

## NOT VOTING—163.

Andrews, Md.	Flood	Lufkin	Sanders, La.
Aswell	Focht	McClintic	Sanders, N. Y.
Babka	Frear	McKenzie	Sanford
Bee	Freeman	McKeown	Saunders, Va.
Brinson	Fuller, Ill.	McKiniry	Scully
Britten	Fuller, Mass.	McKinley	Sears
Brooks, Pa.	Gallagher	McLane	Sherwood
Browne	Gallivan	MacGregor	Sims
Brumbaugh	Gandy	Madden	Sinnot
Burdick	Ganly	Maher	Sisson
Butler	Gard	Mason	Siemp
Byrnes, S. C.	Glynn	Mead	Small
Caldwell	Goldfogle	Moon	Smith, Ill.
Cantrill	Good	Mooney	Smith, N. Y.
Carew	Goodall	Moore, Va.	Snyder
Casey	Graham, Pa.	Morgan	Steele
Christopherson	Greene, Vt.	Mudd	Stephens, Miss.
Classon	Hamill	Murphy	Stephens, Ohio
Cooper	Hamilton	Neely	Stevenson
Crago	Hardy, Colo.	Nelson, Wis.	Sullivan
Cramton	Hastings	Nicholls, S. C.	Summers, Wash.
Crisp	Hays	Olney	Summers, Tex.
Currie, Mich.	Hicks	Osborne	Taylor, Ark.
Davis, Minn.	Hill	Paige	Thomas
Dempsey	Holland	Park	Thompson, Okla.
Denison	Houghton	Parker	Tinkham
Dewalt	Hulings	Pell	Ushaw
Dickinson, Mo.	Humphreys	Peters	Vare
Dominick	Husted	Porter	Venable
Donovan	Jefferis	Pou	Vinson
Doelling	Johnston, N. Y.	Randall, Calif.	Voigt
Dyer	Jones, Pa.	Reavis	Ward
Echols	Jones, Tex.	Reber	Weaver
Elliott	Juul	Reed, N. Y.	Webb
Ellsworth	Kennedy, R. I.	Riordan	Welling
Emerson	Kettner	Robinson, N. C.	White, Kans.
Esch	Kiess	Rouse	White, Me.
Fairfield	Kinkald	Rowan	Wilson, Pa.
Ferris	Lazaro	Rucker	Wise
Fields	Lee, Ga.	Sabath	Zihlman
Fitzgerald	Linthicum	Sanders, Ind.	

So the previous question was ordered.  
The Clerk announced the following pairs:  
Until further notice:

Mr. KIESS with Mr. SUMNERS of TEXAS.  
Mr. ANDREWS of Maryland with Mr. UPSHAW.  
Mr. HOUGHTON with Mr. BABKA.  
Mr. MASON with Mr. CANDLER.  
Mr. EMERSON with Mr. MOONEY.  
Mr. BUTLER with Mr. STEELE.  
Mr. GOODALL with Mr. MCCLINTIC.  
Mr. HARDY of Colorado with Mr. MAHER.  
Mr. OSBORNE with Mr. BENSON.  
Mr. DYER with Mr. SANDERS of Louisiana.  
Mr. FAIRFIELD with Mr. SCULLY.  
Mr. BROWN with Mr. OLNEY.  
Mr. SNYDER with Mr. SMITH of New York.  
Mr. COOPER with Mr. THOMPSON of Oklahoma.  
Mr. CHRISTOPHERSON with Mr. SULLIVAN.  
Mr. MCKINLEY with Mr. GALLIVAN.  
Mr. PAIGE with Mr. GOLDFOGLE.  
Mr. MACGREGOR with Mr. LEE of Georgia.  
Mr. SUMMERS of Washington with Mr. HAMILL.  
Mr. JEFFERIS with Mr. MOORE of Virginia.  
Mr. HUSTED with Mr. NICHOLLS of South Carolina.  
Mr. HULINGS with Mr. PARK.  
Mr. HAYS with Mr. PELL.  
Mr. STEPHENS of Ohio with Mr. BEE.  
Mr. HAMILTON with Mr. POU.  
Mr. SMITH of Illinois with Mr. BRINSON.

Mr. GREENE of Vermont with Mr. RIORDAN.  
Mr. SLEMP with Mr. BRUMBAUGH.  
Mr. GRAHAM of Pennsylvania with Mr. ROBINSON of North Carolina.

Mr. HILL with Mr. BYRNES of South Carolina.  
Mr. GOOD with Mr. ROWAN.  
Mr. HICKS with Mr. CANTRILL.  
Mr. GLYNN with Mr. RUCKER.  
Mr. HAWLEY with Mr. CAREW.  
Mr. FULLER of Illinois with Mr. SARATH.  
Mr. ZIEHLMAN with Mr. CASEY.  
Mr. FULLER of Massachusetts with Mr. SAUNDERS of Virginia.  
Mr. WHITE of Maine with Mr. CRISP.  
Mr. WHITE of Kansas with Mr. DEWALT.  
Mr. FREEMAN with Mr. SEARS.  
Mr. FREAR with Mr. SHERWOOD.  
Mr. WARD with Mr. DICKINSON of Missouri.  
Mr. FOCHT with Mr. SIMS.  
Mr. VOIGT with Mr. DOMINICK.  
Mr. ESCH with Mr. SISSON.  
Mr. VARE with Mr. DONOVAN.  
Mr. MADDEN with Mr. LEE of Georgia.  
Mr. MORGAN with Mr. LAZARO.  
Mr. MCKENZIE with Mr. LINTHICUM.  
Mr. KINKAID with Mr. MCKINIRY.  
Mr. LUFKIN with Mr. MCKEOWN.  
Mr. KENNEDY of Rhode Island with Mr. McLANE.  
Mr. ELLSWORTH with Mr. SMALL.  
Mr. TINKHAM with Mr. DOOLING.  
Mr. ELLIOTT with Mr. ASWELL.  
Mr. SINNOTT with Mr. FERRIS.  
Mr. ECHOLS with Mr. STEPHENS of Mississippi.  
Mr. SANFORD with Mr. FIELDS.  
Mr. DENISON with Mr. STEVENSON.  
Mr. SANDERS of New York with Mr. FLOOD.  
Mr. DEMPSEY with Mr. TAYLOR of Arkansas.  
Mr. SANDERS of Indiana with Mr. GALLAGHER.  
Mr. DAVIS of Minnesota with Mr. THOMAS.  
Mr. REED of New York with Mr. GANDY.  
Mr. CURRIE of Michigan with Mr. TILLMAN.  
Mr. REBER with Mr. GANLY.  
Mr. REAVIS with Mr. GARD.  
Mr. BROOKS of Pennsylvania with Mr. WILSON of Pennsylvania.

Mr. PORTER with Mr. HASTINGS.  
Mr. BURDICK with Mr. WELLING.  
Mr. PETERS with Mr. HOLLAND.  
Mr. CRAMTON with Mr. VENABLE.  
Mr. PARKER with Mr. HUMPHREYS.  
Mr. CRAGO with Mr. VINSON.  
Mr. JONES of Pennsylvania with Mr. MOON.  
Mr. JUUL with Mr. MEAD.  
Mr. MURPHY with Mr. JONES of Texas.  
Mr. CLASSON with Mr. WEBB.  
Mr. BRITTEN with Mr. WISE.  
Mr. MUDD with Mr. KETTNER.  
The result of the vote was announced as above recorded.  
The SPEAKER. A quorum is present, and the Doorkeeper will open the doors.

Mr. GARRETT. Mr. Speaker, I ask unanimous consent that I may address the House for five minutes on this proposition.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that he may address the House for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GARRETT. Mr. Speaker, I am very anxious to keep my friends on the Republican side from making a very serious mistake.

Along about the 1st of June a special committee was created to investigate expenditures in the War Department. That committee was subsequently divided into five subcommittees. One of those subcommittees was expressly charged with the duty of investigating every phase and character of the Aviation Service. That subcommittee has been authorized by the full committee under resolution of the House to employ a lawyer to review the report that was made upon this matter some time ago and the decision upon same of that former Justice of the Supreme Court of the United States, the Hon. Charles Evans Hughes. It seems that, not content with appointing a committee with full power to investigate and to call before it these people and put them upon their oaths, not content to hire a lawyer to review the decision of a former Justice of the Supreme Court of the United States and your party's nominee for President in 1916, you now propose to go still further, and pass another resolution calling upon the Secretary of War to give, but not under oath, the very thing that that subcommittee is charged with the duty of finding.



What sort of a reflection is that upon the committee that you have appointed? It certainly does seem to me that you ought to have confidence in that committee of your selection which is now at work day and night in the effort to obtain this evidence in the way that the House has instructed that it be obtained. And for that reason, Mr. Speaker, and in order to save these Republican gentlemen from making that tremendous mistake, I move to recommit this resolution to the Committee on Military Affairs, and on that I move the previous question.

The SPEAKER. The gentleman from Tennessee moves to recommit the resolution to the Committee on Military Affairs.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that I may have two minutes in which to address the House.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. Mr. Speaker, it is true that there is a committee investigating the Air Service. It is true also that that committee discovered the very amazing fact that, having spent nearly \$700,000,000 for airships, the War Department did not know how many they had or where they were. That committee so investigating might have asked for this information. It so happens that it is asked for by a member of another committee of the House, but the gentleman in charge of that committee will be delighted to secure this information in any way, and this is the way to secure it. Do the gentlemen on the other side object to having it secured or do they fear the War Department will not be able to furnish it? [Applause on the Republican side.]

The SPEAKER. The gentleman from Tennessee [Mr. GARRETT] moves to recommit the resolution to the Committee on Military Affairs.

Mr. LAGUARDIA. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LAGUARDIA. The House has just voted on the previous question. Is it not the proper thing to move the passage of the resolution before the motion of the gentleman from Tennessee?

The SPEAKER. The Chair does not quite understand the gentleman's question.

Mr. LAGUARDIA. We have only arrived at the stage where we have voted on the previous question. Therefore is not the motion of the gentleman from Tennessee rather premature? Is it not proper to first move the passage of the resolution?

The SPEAKER. This is a resolution, not a bill, and there is only one vote. The question is on the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Tennessee to recommit the bill to the Committee on Military Affairs.

The question was taken, and the Speaker announced that the yeas seemed to have it.

Mr. GARRETT. Division, Mr. Speaker.

The House divided; and there were—yeas 62, noes 119.

Mr. GARRETT. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The question is on the motion to recommit. Those in favor will, as their names are called, answer "yea," those opposed will answer "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 105, nays 145, answered "present" 2, not voting 177, as follows:

YEAS—105.

Almon	Cullen	Johnson, Miss.	Padgett
Ashbrook	Davey	Jones, Tex.	Parrish
Aswell	Davis, Tenn.	Keller	Phelan
Ayres	Dent	Kincheloe	Quin
Bankhead	Doremus	Kitchin	Rainey, H. T.
Barkley	Doughton	Lanham	Rainey, J. W.
Bell	Drane	Lankford	Raker
Black	Eagan	Larsen	Rayburn
Blackmon	Eagle	Lazaro	Romjue
Bland, Mo.	Evans, Nev.	Linthicum	Rubey
Bland, Va.	Fisher	Loneragan	Smithwick
Blanton	Fitzgerald	McAndrews	Steagall
Booher	Garrett	McDuffie	Stedman
Box	Goodwin, Ark.	McGlennon	Tillman
Briggs	Griffin	McKewon	Watkins
Brinson	Hardy, Tex.	Major	Watson, Va.
Buchanan	Harrison	Mansfield	Welling
Byrns, Tenn.	Hastings	Martin	Welty
Campbell, Pa.	Hayden	Mays	Whaley
Candler	Holland	Minahan, N. J.	Wilson, La.
Caraway	Howard	Moon	Wingo
Carss	Huddleston	Moore, Va.	Woods, Va.
Clark, Fla.	Hudspeth	Nelson, Mo.	Wright
Clark, Mo.	Hull, Tenn.	O'Connell	Young, Tex.
Coady	Igoe	Oldfield	
Collier	Jacoway	Oliver	
Connally	Johnson, Ky.	Overstreet	

NAYS—145.

Ackerman	Goodykoontz	McArthur	Scott
Anderson	Gould	McFadden	Sells
Andrews, Nebr.	Green, Iowa	McKenzie	Shreve
Anthony	Greene, Mass.	McLaughlin, Mich.	Shigel
Bacharach	Griest	McLaughlin, Nebr.	Sinnott
Baer	Hadley	McPherson	Smith, Idaho
Barbour	Haskell	MacCrate	Smith, Mich.
Begg	Hernandez	Madden	Snell
Benham	Hersey	Magee	Steenerson
Bland, Ind.	Hickey	Mapes	Stephens, Ohio
Bowers	Hoch	Michener	Stiness
Britten	Hull, Iowa	Miller	Strong, Kans.
Brooks, Ill.	Hutchinson	Monahan, Wis.	Strong, Pa.
Browning	Ireland	Mondell	Sweet
Burke	James	Moore, Ohio	Taylor, Tenn.
Burrighs	Johnson, Wash.	Moore, Pa.	Temple
Cannon	Kahn	Moore, Ind.	Thompson, Ohio
Chindblom	Kearns	Newton, Minn.	Tilson
Cole	Kelley, Mich.	Newton, Mo.	Timberlake
Copley	Kelly, Pa.	Nichols, Mich.	Tincher
Crago	Kendall	Ogden	Treadway
Crowther	Kennedy, Iowa	Platt	Valle
Curry, Calif.	King	Purnell	Vestal
Dale	Kinkaid	Radcliffe	Volstead
Dallinger	Klecza	Ramsey	Walters
Denison	Knutson	Ramseyer	Wason
Dickinson, Iowa	Kraus	Randall, Wis.	Watson, Pa.
Dowell	Kreider	Reavis	Webster
Dunbar	LaGuardia	Rhodes	Wheeler
Edmonds	Lampert	Ricketts	Williams
Elston	Langley	Riddick	Winslow
Esch	Layton	Robison, Ky.	Wood, Ind.
Evans, Nebr.	Lehbach	Rodenberg	Woodyard
Fess	Little	Rogers	Young, N. Dak.
Fordney	Longworth	Rose	
Foster	Luce	Rowe	
French	Lubring	Schall	

ANSWERED "PRESENT"—2.

Benson	Hawley
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NOT VOTING—177.

Alexander	Flood	Lufkin	Sanders, N. Y.
Andrews, Md.	Focht	McClintic	Sanford
Babka	Frear	McCulloch	Saunders, Va.
Bee	Freeman	McKinley	Scully
Boies	Fuller, Ill.	McKinley	Sears
Brand	Fuller, Mass.	McLane	Sherwood
Brooks, Pa.	Gallagher	MacGregor	Sims
Browne	Gallivan	Maher	Sinclair
Brumbaugh	Gandy	Mann	Sisson
Burdick	Ganly	Mason	Slemp
Butler	Gard	Mead	Small
Byrnes, S. C.	Garland	Merritt	Smith, Ill.
Caldwell	Garner	Montague	Smith, N. Y.
Campbell, Kans.	Glynn	Mooney	Snyder
Cantrill	Godwin, N. C.	Morgan	Steele
Carew	Goldfogle	Morin	Stephens, Miss.
Carter	Good	Mott	Stevenson
Casey	Goodall	Mudd	Sullivan
Christopherson	Graham, Pa.	Murphy	Summers, Wash.
Classon	Graham, Ill.	Neely	Sumners, Tex.
Cleary	Greene, Vt.	Nelson, Wis.	Taylor, Ark.
Cooper	Hamill	Nicholls, S. C.	Taylor, Colo.
Costello	Hamilton	Nolan	Thomas
Cramton	Hardy, Colo.	O'Connor	Thompson, Okla.
Crisp	Haugen	Olney	Tinkham
Currie, Mich.	Hays	Osborne	Towner
Darrow	Heflin	Paige	Upshaw
Davis, Minn.	Hersman	Park	Vare
Dempsey	Hicks	Parker	Venable
Dewalt	Hill	Pell	Vinson
Dickinson, Mo.	Houghton	Peters	Voigt
Dominick	Hulings	Porter	Walsh
Donovan	Humphreys	Pou	Ward
Dooning	Husted	Randall, Calif.	Weaver
Dunn	Jefferis	Reber	Webb
Dupré	Johnson, S. Dak.	Reed, N. Y.	White, Kans.
Dyer	Johnston, N. Y.	Reed, W. Va.	White, Me.
Echols	Jones, Pa.	Riordan	Wilson, Ill.
Elliott	Juul	Robinson, N. C.	Wilson, Pa.
Ellsworth	Kennedy, R. I.	Rouse	Wise
Emerson	Kettner	Rowan	Yates
Evans, Mont.	Kiess	Rucker	Zihlman
Fairfield	Lea, Calif.	Sabath	
Ferris	Lee, Ga.	Sanders, Ind.	
Fields	Leshner	Sanders, La.	

So the motion to recommit was rejected.

The Clerk announced the following additional pairs:

Until further notice:

Mr. DARROW with Mr. CARTER.

Mr. JOHNSON of South Dakota with Mr. HERSMAN.

Mr. ELLIOTT with Mr. DUPRÉ.

Mr. BURDICK with Mr. ALEXANDER.

Mr. JONES of Pennsylvania with Mr. JOHNSTON of New York.

Mr. PORTER with Mr. HEFLIN.

Mr. GARLAND with Mr. EVANS of Montana.

Mr. McCULLOCH with Mr. LEE of Georgia.

Mr. HAUGEN with Mr. GARNER.

Mr. COSTELLO with Mr. BRAND.

Mr. CURRIE of Michigan with Mr. CALDWELL.

Mr. MORIN with Mr. NEELY.

Mr. MERRITT with Mr. MCKINIRY.

Mr. YATES with Mr. WEAVER.

Mr. TOWNER with Mr. TAYLOR of Colorado.  
 Mr. WILSON of Illinois with Mr. VINSON.  
 Mr. MANN with Mr. LESHER.  
 Mr. SMITH of Illinois with Mr. WISE.  
 Mr. REED of West Virginia with Mr. STEVENSON.  
 Mr. NOLAN with Mr. SISSON.  
 Mr. PETERS with Mr. GODWIN of North Carolina.  
 Mr. LUFKIN with Mr. LEA of California.  
 Mr. GRAHAM of Illinois with Mr. FERRIS.  
 Mr. DUNN with Mr. CLEARY.  
 Mr. CAMPBELL of Kansas with Mr. BEE.  
 Mr. NELSON of Wisconsin with Mr. RANDALL of California.  
 Mr. MOTT with Mr. O'CONNOR.  
 Mr. MORGAN with Mr. MONTAGUE.  
 Mr. LEA of California. Mr. Speaker, I desire to be recorded.  
 The SPEAKER. Was the gentleman present in the Hall,  
 listening?

Mr. LEA of California. I was present, but I did not hear.  
 The SPEAKER. Was the gentleman in the Hall, listening?  
 Mr. LEA of California. I was present, but I did not vote.  
 The SPEAKER. The gentleman does not qualify.  
 The result of the vote was announced as above recorded.  
 Mr. CLARK of Missouri. Mr. Speaker, I ask for the yeas  
 and nays on the passage of this resolution.  
 The SPEAKER. The gentleman from Missouri demands the  
 yeas and nays.

The yeas and nays were ordered.  
 The SPEAKER. The question is on agreeing to the resolu-  
 tion. Those in favor of the resolution will answer "yea"  
 when their names are called; those opposed will answer "nay."  
 The question was taken; and there were—yeas 151, nays 106,  
 answered "present" 1, not voting 171, as follows:

YEAS—151.

Ackerman	Goodykoontz	McFadden	Sanders, Ind.
Anderson	Green, Iowa	McKenzie	Schall
Andrews, Nebr.	Greene, Mass.	McLaughlin, Mich.	Scott
Anthony	Griest	McLaughlin, Nebr.	Sells
Bacharach	Hadley	McPherson	Shreve
Baer	Haskell	MacCrate	Siegel
Barbour	Hawley	Madden	Sinnott
Begg	Hernandez	Magee	Smith, Idaho
Benham	Hersey	Mapes	Smith, Mich.
Bland, Ind.	Hickey	Michener	Snell
Bowers	Hull, Iowa	Miller	Steenerson
Brooks, Ill.	Hutchinson	Mondell	Stephens, Ohio
Browning	Ireland	Moore, Ohio	Stiness
Burke	James	Moore, Pa.	Strong, Kans.
Burroughs	Johnson, S. Dak.	Moores, Ind.	Strong, Pa.
Campbell, Kans.	Johnson, Wash.	Morin	Sweet
Cannon	Kahn	Mott	Taylor, Tenn.
Chindblom	Kenans	Newton, Minn.	Temple
Copley	Kelley, Mich.	Nichols, Mich.	Thompson, Ohio
Crago	Kelly, Pa.	Nolan	Tilson
Crowther	Kendall	Ogden	Timberlake
Curry, Calif.	Kennedy, Iowa	Platt	Tincher
Dale	King	Porter	Trendway
Dallinger	Kinkaid	Purnell	Valle
Darrow	Kleczka	Quin	Vestal
Denison	Knutson	Radeliffe	Volstead
Dickinson, Iowa	Kraus	Ramsey	Walters
Dowell	Kreider	Ramseyer	Wason
Dunbar	LaGuardia	Randall, Calif.	Watson, Pa.
Dunn	Lampert	Randall, Wis.	Webster
Edmonds	Langley	Rhodes	Wheeler
Elliott	Lehbach	Ricketts	Williams
Elston	Little	Riddick	Wilson, Ill.
Esch	Longworth	Robson, Ky.	Winslow
Evans, Nebr.	Luce	Rodenberg	Wood, Ind.
Fess	Lufkin	Rogers	Woodyard
Fordney	Labring	Rose	Young, N. Dak.
Foster	McArthur	Rowe	

NAYS—106.

Alexander	Collier	Hull, Tenn.	Oliver
Almon	Cullen	Igoe	Overstreet
Ashbrook	Davey	Jacoway	Padgett
Aswell	Davis, Tenn.	Johnson, Ky.	Parrish
Ayres	Dent	Jones, Tex.	Phelan
Bankhead	Doremus	Keller	Rainey, J. W.
Barkley	Doughton	Kincheloe	Raker
Bell	Drane	Kitchin	Rayburn
Black	Eagan	Lanham	Romjue
Blackmon	Eagle	Lankford	Ruby
Bland, Mo.	Evans, Nev.	Larsen	Smithwick
Bland, Va.	Fisher	Lea, Calif.	Steagall
Blanton	Fitzgerald	Leshner	Stedman
Booher	Garrett	Loneragan	Tillman
Box	Goodwin, N. C.	McAndrews	Vinson
Brand	Goodwin, Ark.	McDuffie	Watkins
Briggs	Griffin	McKeown	Watson, Va.
Brinson	Hardy, Tex.	Major	Welling
Buchanan	Harrison	Mansfield	Welly
Byrns, Tenn.	Hastings	Martin	Whaley
Campbell, Pa.	Hayden	Mays	Wilson, La.
Candler	Heflin	Minahan, N. J.	Wingo
Carss	Hersman	Moon	Woods, Va.
Clark, Fla.	Holland	Moore, Va.	Wright
Clark, Mo.	Howard	Nelson, Mo.	Young, Tex.
Cleary	Huddleston	O'Connell	
Coady	Hudspeth	Oldfield	

ANSWERED "PRESENT"—1.

Benson

NOT VOTING—171.

Andrews, Md.	Focht	Lee, Ga.	Sabath
Babka	Frear	Linthicum	Sanders, La.
Bee	Freeman	McClintic	Sanders, N. Y.
Boies	French	McCulloch	Sanford
Britten	Fuller, Ill.	McGlennon	Saunders, Va.
Brooks, Pa.	Fuller, Mass.	McKinley	Scully
Brown	Gallagher	McKinley	Sears
Brumbaugh	Gallivan	McLane	Sherwood
Burdick	Gandy	MacGregor	Sims
Butler	Ganly	Maher	Sinclair
Byrnes, S. C.	Gard	Mann	Sisson
Caldwell	Garland	Mason	Slemo
Cantrill	Garner	Mead	Small
Caraway	Glynn	Merritt	Smith, Ill.
Carew	Goldfogle	Monahan, Wis.	Smith, N. Y.
Carter	Good	Montague	Snyder
Casey	Goodall	Mooney	Steele
Christopherson	Gould	Morgan	Stephens, Miss.
Classon	Graham, Pa.	Mudd	Stevenson
Cole	Graham, Ill.	Murphy	Sullivan
Connally	Greene, Vt.	Neely	Summers, Wash.
Cooper	Hamill	Nelson, Wis.	Sumners, Tex.
Costello	Hamilton	Newton, Mo.	Taylor, Ark.
Cramton	Hardy, Colo.	Nicholls, S. C.	Taylor, Colo.
Crisp	Haugen	O'Connor	Thomas
Currie, Mich.	Hays	Olney	Thompson, Okla.
Davis, Minn.	Hicks	Osborne	Tinkham
Dempey	Hill	Paige	Towner
Dewalt	Hoch	Park	Upshaw
Dickinson, Mo.	Houghton	Parker	Vare
Dominick	Hulings	Pell	Venable
Donovan	Humphreys	Peters	Voigt
Doolling	Husted	Pou	Walsh
Dupré	Jefferis	Rainey, H. T.	Ward
Dyer	Johnson, Miss.	Reavis	Weaver
Echols	Johnston, N. Y.	Reber	Webb
Ellsworth	Jones, Pa.	Reed, N. Y.	White, Kans.
Emerson	Juul	Reed, W. Va.	White, Me.
Evans, Mont.	Kennedy, R. I.	Riordan	Wilson, Pa.
Fairfield	Kettner	Robinson, N. C.	Wise
Ferris	Kiess	Rouse	Yates
Fields	Layton	Rowan	Zihman
Flood	Lazarof	Rucker	

So the resolution was agreed to.  
 The Clerk announced the following additional pairs:  
 Until further notice:  
 Mr. MANN with Mr. LINTHICUM.  
 Mr. TINCHER with Mr. SISSON.  
 Mr. GOULD with Mr. JOHNSON of Mississippi.  
 Mr. FRENCH with Mr. CONNALLY.  
 Mr. SINCLAIR with Mr. H. T. RAINEY.  
 Mr. NEWTON of Missouri with Mr. O'CONNOR.  
 Mr. COLE with Mr. BEE.  
 Mr. COSTELLO with Mr. CARAWAY.  
 The result of the vote was announced as above recorded.  
 On motion of Mr. LA GUARDIA, a motion to reconsider the vote  
 by which the resolution was agreed to was laid on the table.

IMPORTATION OF COAL-TAR PRODUCTS.

Mr. LONGWORTH. Mr. Speaker, by direction of the Com-  
 mittee on Ways and Means, I present a report to accompany  
 H. R. 8078, and I ask unanimous consent to extend my remarks  
 in the RECORD by printing the report.

The SPEAKER. The gentleman asks unanimous consent to  
 extend his remarks in the RECORD by printing the report. Is  
 there objection?

There was no objection.

The SPEAKER. The bill, with the accompanying report, will  
 be printed and referred to the Committee of the Whole House  
 on the state of the Union.

Mr. BLACK. Mr. Speaker, I reserve all points of order on  
 the bill.

The report is as follows:

The Committee on Ways and Means, to whom was referred H. R.  
 8078, "A bill to regulate the importation of coal-tar products, to  
 promote the establishment of the manufacture thereof in the United  
 States, and as incident thereto to amend the act of September 8,  
 1916, entitled 'An act to increase the revenue, and for other pur-  
 poses,' having had the same under consideration, report it back  
 to the House without amendment and recommend that the bill be  
 passed.

This bill amends the present law in four important particulars.  
 In its technical details it follows substantially the recommendations  
 of the Tariff Commission in bringing the phraseology of the law up  
 to date so as to prevent evasions of its provisions through under-  
 valuation or false designation of articles sought to be imported.  
 Experience in the administration of the existing law has made it  
 clear that it is not so worded as to completely give effect to the  
 intent of Congress, and it is believed that these technical changes  
 will fulfill that purpose. In the second place it repeals that pro-  
 vision under which the specific duties shall be reduced at the rate of  
 20 per cent a year for five years. It increases the rates of duty  
 from 15 per cent ad valorem and 2½ cents a pound on the inter-  
 mediates to 40 per cent ad valorem and 6 cents a pound, and upon  
 the finished product from 30 per cent ad valorem and 5 cents a  
 pound to 45 per cent ad valorem and 7 cents a pound. Expert  
 chemical opinion was unanimous that the rates of duty on the inter-  
 mediates should be substantially the same as those upon the finished

product. In the fourth place, the bill provides that for two years no foreign dyes can be imported except under a license granted by a board created in the bill.

The bill subdivides, as does the present law, the materials used in the dye industry into three classes, the crudes, the intermediates, and the finished product. The process of producing the crudes is comparatively simple, they being actually present in coal tar and only an isolation. Any country which, like this, has an abundant supply of cheap coal and a great steel industry requiring much coke has an unlimited supply of the raw material, and the rules therefore require no protection. But with regard to the intermediates the situation is entirely different. Their production requires the most elaborate chemical processes, which can be carried out without the waste of a large proportion of the raw materials used only by men of the most profound chemical knowledge and long experience, and such men are not yet available in sufficient numbers in this country. Under these circumstances therefore it is apparent that this industry requires for the present at least a very high degree of protection.

All this is still more true of the finished product, which may take one of six different forms. By further chemical processes, in some cases very simple, these intermediates may be converted into dyes, perfumes, pharmaceuticals, tanning materials, high explosives like T. N. T. and picric acid, or into poison gas. As a class these finished products, requiring, as they do, further labor and skill of a class plentiful in Germany, but still very scarce in this country, need a greater, though not much greater, measure of protection than do the so-called intermediates.

The remarkable interdependence of the dye and the explosive industry is well illustrated by the fact that once having obtained by a long series of elaborate chemical operations a certain intermediate, that intermediate may be converted by one very simple chemical change into sulphur black, one of the most widely used dyes, or into picric acid, one of the most important of high explosives. The technical knowledge and skill, the materials, and the apparatus necessary to make high explosives as well as poison gases and their antidotes are precisely what are to be found in any well-equipped dye works and nowhere else. A nation, therefore, which has a thoroughly complete dye industry capable of supplying its dye needs is always ready for a defensive or offensive war so far as the production of explosives and chemical gases are concerned. If, as seems likely, we are entering upon a period of international disarmament, the possession of such an industry becomes of infinite importance. In a world disarmed a nation possessing such a potential arsenal would be in a position to overwhelm any nation which had none and would be practically immune from attack.

An important, if not the most important, phase of this industry is its bearing upon the advancement of medical and industrial chemistry. It is the one industry which deals on a colossal scale with organic chemistry, and it is upon organic chemistry that the progress of modern medicine rests. Salvarsan, for instance, was developed in a dye-works laboratory, and is the first known certain cure for one of the most terrible scourges of humanity. It is confidently predicted that upon the further development of organic chemistry will rest the discovery of other cures for such devastating diseases as tuberculosis and even cancer.

This development rests upon the further development in this country of skilled research chemists, and it is only in a dye laboratory that large numbers of such chemists can find a livelihood. Accordingly a well-developed dye industry in this country will furnish a tremendous reservoir of technically trained men and of scientific knowledge upon which the most important industries of the country may draw in time of peace and the Nation itself in time of war or of threatened war.

The economic importance of the industrial side of this question is illustrated by the fact that industries in this country producing nearly \$3,000,000,000 worth of goods each year are absolutely dependent upon coal-tar dyes, and industries producing as much more annually are indirectly dependent upon coal-tar dyes and kindred materials.

For many years before the war we had practically no dye industry in this country. Such dye works as we had were merely assembling plants for German materials and supplied only about one-tenth of the American market. Accordingly all the huge industries requiring dyestuffs were absolutely at the mercy of Germany and could have been dealt a crushing blow by Germany at any time the German trust saw fit. That Germany realized this is illustrated by a dispatch sent on March 13, 1915, by Count von Bernstorff to his own Government, as follows:

"Serial No. 432 of March 13, 1915. It is reported to me by Hossensfelder (telegram No. 4) that the stock of dyes in this country is so small that by a German embargo about 4,000,000 American workmen might be thrown out of employment."

As a matter of fact, Germany early in 1915, by the withdrawal of her supplies of dyes, attempted to force this Government into hostile action against Great Britain, and if she had had the power to send her own textiles into this country she would have inflicted a blow upon our textile industry from which probably it would have never recovered.

The war forced upon America the building up of the dye industry, for a situation arose under which many industries came to a practical standstill, and even the Government itself was in danger of having to cease to function in many important branches. For instance, the difficulty of securing printer's ink, which was entirely dependent upon dyes, brought about a situation under which the closing of the Government Printing Office seemed imminent and the Bureau of Engraving and Printing was in most serious embarrassment. The dyes necessary for even cheap and necessary clothing jumped in price, in some cases 5,000 per cent and in other cases were not procurable at all. Fortunately we had in this country an unlimited supply of the raw materials, and patriotic Americans in all branches of industry set to work to remedy the situation by making their own dyes.

Vast amounts of capital were risked without any assurance that it would not in the end be a total loss, as no one could guess how long the war would last, and as a result to-day we have in this country a dye industry which, although it is a mere baby, is able to supply the country's needs in most essentials, and will undoubtedly be able to supply the missing colors if given a reasonable time to get surely on its feet.

Under such conditions it would seem impossible that any loyal American would not realize the absolute necessity of saving and fostering such an industry as this. Only three methods of legislative assistance have been suggested—a tariff—a tariff supplemented by an antidumping provision and a tariff supplemented by a licensing system. Your committee believes that only the last of these methods would be effective, and has accordingly recommended its adoption.

The plan as provided in this bill is to form a licensing commission, its members to be designated by associations engaged in and representative of both the producing and consuming industries. This commission will have power to grant licenses for the importation of for-

eign dyes under certain conditions. It is positively commanded to grant licenses to any applicant to import any foreign dye which is not obtainable in this country from domestic sources, and any dye which, while made in this country, is not obtainable at a reasonable price, of good quality, and within a reasonable time. Thus absolute assurance is given any American consumer of dyes that he can at any time obtain the foreign product where the American industry is unable to supply on favorable terms. Conversely it will absolutely exclude transportation of dyes which are made in this country of satisfactory quality and at fair prices and insure the development and extension of the manufacture of those dyes. Furthermore, the applications for the importation of such dyes as are not made here will promptly stimulate our manufacturers to make the same dyes by showing that a strong demand exists for them and will thus guide the industry into the development which is really required.

During the life of this system a substantial number of dyes not made in this country will no doubt be imported, and as they will be subject to the rates of duty provided in this bill will produce a very substantial revenue for the Government.

Your committee does not suggest a license system as a permanent governmental policy, but feels that nothing else can meet the present emergency. Accordingly your committee recommends the license plan, together with an increased tariff, because as soon as the peace treaty is ratified the new American dye industry will be exposed to competition from an adversary so powerful and so desperate that no practical rate of duty can offer any real defense. The whole huge German dye industry, capable at the time of supplying the entire demand of the world, was combined in 1916 into a single immense trust, organized on purpose to fight its way back to the former German world monopoly. The combination is even now enormously prosperous. Starting with assets of nearly half a billion dollars, invested in the empire's most remunerative industry, plants of the trust have been busy throughout the war making all Germany's poison gases, many of her munitions, and at the same time enough dyes to accumulate a reserve capable of flooding the market of this or any other country. Recent observers report that the working forces have been held together complete and intact throughout the war and since its cessation, and that one at least of the component companies has made large additions to plants since the armistice.

The resources of the trust are therefore colossal. Its plants are so huge and organized for such vast production that unless it can regain most of its former world market half its equipment must lie idle and the other half run at low efficiency. It must then recover its world market or cease to exist as a profitable business. Even before the war when its supremacy was uncontested, the German industry's competition was utterly unscrupulous. It practiced ruthlessly every form of corrupt and unfair competition known to commerce. What can be more certain, then, than that in the almost immediate future, when instead of a comfortable and safe supremacy it faces possible destruction, it will attack all competitors with reckless disregard of all considerations of business decency.

This attack, unless Congress acts very speedily, will be concentrated upon us. Great Britain, France, and Japan have protected their own Government-aided dye industries by license laws essentially similar to the one herein recommended. The market of the United States is therefore, except that of China, Germany's last opening. To penetrate it and destroy our domestic producers the trust will surely be glad to spend millions of its surplus. Not many millions would be needed. A very few, adroitly used in practically giving away selected dyes, would kill the business of even the strongest of our companies and leave us once more at the trust's mercy. Such an onslaught would be dangerous, even if German costs of production were as high as ours; but they are not. Even if the prices of labor and material are equal, an old dye industry can always undersell a new one. In making textiles or typewriters or paper or almost any other article that could be mentioned the maker gets practically all of his raw material back in finished product. In making dyes, however, some is lost in each of the many steps in the manufacture. How great each of these successive losses is depends on the experience of the manufacturer. The total of his successive losses when the work is done by an inexperienced man is enormous. We, new at the job, lose half our raw material as the work goes on. The Germans, who have been at it for 40 years, lose but a trifling proportion. Their costs are thus far below ours and are likely to remain so, though in a decreasing degree, for a long time. An attempt to meet under such conditions such an assault from such an adversary would require unheard-of tariff rates, and it is highly probable that by undervaluation, rebates, and concessions, coupled with the old German method of full-line forcing and bribery, the German trust could nullify their effect.

No antidumping law yet suggested seems at all likely to meet the conditions in this particular industry, on account of its immense complexity and the ease with which imports can be camouflaged by the skilled and unscrupulous German chemist. It is apparent, then, that any tariff bill which could possibly become law might and indeed probably would fail to insure the development of this industry which is so essential to our national defense and well-being. It is equally clear that the proposed license plan, faithfully administered, will certainly furnish the necessary protection, and that, too, without sacrificing revenue. Your committee believes that the industry is too important to be risked, and therefore recommends the adoption of this certain though unusual means of defense. Your committee makes this recommendation also as the only suitable answer to the similar British, French, and Japanese license laws. Those laws keep the competition of our dyes out of Great Britain, France, and Japan. Your committee does not believe that we should aid in building up their new subsidized industries by giving them at the expense of our producers unlimited access to our market. When by this simple expedient we can at the same time make sure of obtaining every foreign product we need and of building up our own vitally important industry, we feel that Congress ought not to hesitate or rest content with any doubtful remedy.

Mr. MOORE of Pennsylvania. Mr. Speaker, the bill (H. R. 8078) introduced by the gentleman from Ohio [Mr. LONGWORTH] to regulate the importation of coal-tar products makes provision for a dye licensing commission, which I can not approve. The purpose of the bill is to protect the manufacture of dyestuffs in the United States, and with the tariff rates enumerated I find no fault, since they seem to be satisfactory to all parties in interest and are admitted to be sufficiently high for protective purposes. But the addition to these high tariff rates of a dye-

licensing commission to keep out of the United States dyestuffs that are not manufactured here, and upon which many of our textile industries in the United States are dependent, is, as I see it, carrying the protective policy a step too far, in that the effect of it will be to foster monopoly in dye production, compel the users of dyes in the hundreds of allied industries to pay such prices for their working materials as the dye producers may see fit to impose, and put the business men concerned to unnecessary inconvenience.

Although the hearings upon the dyestuffs bill disclosed that the purpose on the part of the big American dyestuffs manufacturers and the Chemical Foundation (Inc.), to whom the Alien Property Custodian, at private sale, sold 4,500 German patents for \$250,000, was to secure absolute protection against the importation of German dyes by creating a dye-licensing commission, it was manifest that the users of dyes, including manufacturers of leather, textiles—woolens and worsteds, cottons and silks—although believing in the protective principle and in favor of high tariff rates, are very much disturbed over the continuance in peace times of boards and war bureaus to whom they must go for the right to do business in their own way in conformity with law and the usual conditions that hold in the trade.

#### TYING UP THE DYE USER.

And that the proponents of the bill are aware of this feeling of unrest and dissatisfaction on the part of business men who desire to be relieved from the delays and annoyances of bureaucratic oversight is shown in the changes of front that have been made since the original bill, H. R. 2706, was presented, May 23, 1919. In that original bill high protective tariff rates were included, and many manufacturers, both dyers and consumers, heartily indorsed the program. Petitions were signed up by manufacturers of wools and woolens, cottons and silks, hosiery and underwear, in sympathy with the general proposition to keep German dyestuffs from undermining the dyemakers who had established themselves in the United States during the war.

They all realized that Germany had a strangle hold on the dyestuffs situation before the war and wished this country to be free as England has become free of that economic control. But when, on June 23, H. R. 6495, the forerunner of the present bill, H. R. 80783, was introduced, carrying the protective tariff rates of H. R. 2706, it was found to contain provision for a dye licensing commission which was to be appointed by the President, who had entrusted all of the German dye business to the Alien Property Custodian, which commission, notwithstanding the high tariff rates already proposed, was to have power to prevent imports except by license, which license was to involve such disclosures of the American applicant's business as might be deemed necessary "in the judgment of the commission having respect to reasonable terms as to price, quality, and delivery."

#### PLAN OF ALIEN PROPERTY CUSTODIAN.

The commission was to be given the power to limit licenses in such manner as it saw fit, so that the average business man, desiring to obtain dyes not procurable in the United States in order to prepare for the manufactured colored goods to be gotten ready for the spring trade, would be obliged to submit to "the judgment of the commission" before he could have authority to start the wheels of his mill running. This new bill, H. R. 6495, provoked considerable discussion, and those who appeared in support of it were chiefly the Alien Property Custodian, Mr. Garvan, and the general counsel for the Chemical Foundation (Inc.), Mr. Joseph H. Choate, jr., of New York, who had been associated with the Alien Property Custodian's Office.

Although representatives of the National Aniline & Chemical Co., which consolidated many of the American dyestuffs industries, were in attendance upon the hearings, neither they nor the Du Ponts, who manufacture dyestuffs, nor any other large dyestuffs manufacturers, appeared before the committee to justify the bill. The argument made by Mr. Choate, Alien Property Custodian Garvan, and others who appeared on behalf of the Chemical Foundation (Inc.), was that the protective tariff rates in the bill, although much higher than in existing law, would not be sufficient to keep out German imports. On the other hand, while not opposing all reasonable restrictions upon German imports, textile manufacturers, and others protesting against the dye license commission, contended that American manufacturers should be free from the bureaucratic limitations the bill imposed. They said there were certain dyestuffs not manufactured in the United States, but for which the Chemical Foundation (Inc.) and others in the United States held the patents, the exclusion of which would not only deprive this country of its customs revenues but would prevent

the consumers of dyestuffs here from obtaining materials they had been accustomed to use, which materials and dyestuffs in the hands of their competitors in England and elsewhere would permit those competitors to obtain a great lead over American manufacturers by shipping finished products into the United States, against which finished products, including hosiery, underwear, woolens, and silk goods, they would not be able to produce because the raw materials were not available.

#### PROTESTS CAUSE MODIFICATIONS.

The storm of protest against the licensing commission delayed the Ways and Means Committee in coming to a conclusion upon the bill, consideration of which was held up until July 24, when certain amendments modifying the licensing commission provisions were presented in committee to be printed. These modified suggestions, still including the obnoxious new bureau, somewhat sugar-coated, but still operating under the title "dye licensing commission," was preserved, and, with some additional modifications, is carried on into the present bill—H. R. 8078.

It is not my purpose to dwell extensively upon the long and somewhat sensational hearings in which Mr. Garvan, the Alien Property Custodian, and Mr. Choate took part. They are well worth reading, though they merely skim the surface of the vast field of activity covered by the Alien Property Custodian in his search for German holdings in the United States and his efforts to "Americanize" them. That is a chapter which may well stand for further elaboration.

But pertinent to the dyestuffs bill is a brief summary of what transpired up to the point of the organization of the Chemical Foundation (Inc.). In the "trading-with-the-enemy act," authorizing the creation by the President of the Alien Property Custodian, the presumption as well as the letter of the law was that the Alien Property Custodian should be "trustee" for German property taken and that the disposal of that property should ultimately be determined by Congress. And it is interesting here to observe that Americans whose property was taken in Germany are expecting to get that property back. Let that statement stand for the present.

#### CUSTODIAN OBTAINS GREAT POWERS.

By Executive order, by virtue of the "trading-with-the-enemy act," the President conferred great powers upon the Alien Property Custodian; Congress did also, by riders to appropriation bills passed while the war was on, and ultimately the Alien Property Custodian was permitted to sell German property, which he had seized, first at public sale and then at private sale. When it came to the disposal of 4,500 dyestuff patents, enemy owned, which the Alien Property Custodian seized, a plan was evolved in the office of the Alien Property Custodian to protect the dyestuff industry in the United States and to keep out German importations by utilizing these seized German patents and leasing them through the medium of the Chemical Foundation (Inc.), an organization headed by some responsible gentlemen who obtained a charter under the laws of the State of Delaware, with a capital of \$500,000. The trustees and officers and attorneys of this corporation, including the Alien Property Custodian, Francis P. Garvan, who is president, were all associated with the Alien Property Custodian's office in one capacity or another.

It is now largely through the agitation of those in control of the Chemical Foundation (Inc.) that the support comes for the creation of the dye license commission. The Chemical Foundation thus created by Government officials has been recognized to a certain extent by the War Trade Board, now attached to the State Department, and by the Federal Trade Commission, whose chairman recently circularized those who hold licenses from the Federal Trade Commission, as to the advisability of their taking licenses from the Chemical Foundation (Inc.). It is a long story and one which is not fully told, even in the lengthy hearings of the Ways and Means Committee, hearings which so far as they have been printed should be carefully perused by Members of the House.

#### PROTECTION UPON PROTECTION.

Now, as to the bill before us: There is little or no serious objection to the protective-tariff rates on dyestuffs, as proposed in the bill. There is objection, however, to placing our extensive and widely diversified manufactories that are obliged to use dyestuffs under the control of a dye licensing commission which is admittedly in the interest of the dye manufacturers who have sprung up, and some of them consolidated, in the United States during the war. The protective tariff provided in the existing dyestuffs law was admitted to be sufficient prior to our entering the war in Europe. The rates proposed in this bill are so much higher than existing rates as to be almost

prohibitive. They apply to dyes which come out of England, France, and Switzerland as well as to those which might come out of Germany. But, even if these barriers were not sufficient, there are other reasons why a new bureau, to be under the control of special interests at the expense and to the annoyance of legitimate business interests, should not be established.

First. The War Trade Board, which the President has covered over into the State Department by Executive order, is still in existence and has only recently issued an order opening up trade with Germany except as to dyes, dyestuffs, potash, drugs, or chemicals. How can unfair dyes or dyestuffs come into the United States under that order unless they are smuggled through England or some other country, which, if it can obtain dyestuffs from Germany, would have an advantage over the manufacturers of the United States, who can not obtain such dyestuffs?

Second. Under the terms of the peace treaty an Allies' reparation committee has taken control of the dyestuff situation, so far as Germany is concerned, and as to \$20,000,000 worth of dyes, which the Chemical Foundation agents feared might be dumped upon this country, has agreed upon an apportionment amongst themselves. That constitutes a second barrier, evidently, as strong as British warships supported by the Allies can make it, against the admission into this country of materials that might permit the Germans to get an undue foothold here. If this country is to be treated as other countries expect to be treated, the allied supreme economic council will certainly afford protection against unfair German practices, i. e., if the United States is to be treated fairly with the other nations.

Third. All the war powers of the President are preserved, and most of his war boards in one form or another hold on until he proclaims peace, or until Congress abolishes them.

Fourth. The Chemical Foundation (Inc.), backed by the Federal Trade Commission and the Alien Property Custodian, controls the German patents, the use of which in the United States will enable it or its licensees to manufacture anything the Germans can manufacture, which patents, although taken over at private sale under an Executive order, are also protected by a clause in the treaty of peace, barring German nationals from ever making claim against the Alien Property Custodian or any other authority authorizing such private sale.

Why, then, with all these safeguards and the highest protective tariff rates conceded, should this new Government bureau—this dye licensing commission—be set up at the Government expense, to harass and delay those American business men who have already been overburdened with legislative restrictions and departmental functionaries during the war and whose normal activities represent an expenditure of \$3,000,000,000?

#### TARIFF COMMISSION DOUBTFUL.

The Tariff Commission, which has gone extensively into the dyestuffs problem, does not seem to be enamored of the licensing commission idea, some of its members having been outspoken against it. At a meeting of the American Chemical Society at Buffalo, April 8, 1919, Mr. Culbertson, a member of the commission, having made a special study of the entire question, said:

Among the most—perhaps the most—urgent tariff problems which Congress will be called upon to consider fall within the chemical schedule. The reasons for this is obvious. The war's effect was, as I have suggested, more revolutionary among the chemical industries than elsewhere. I wish it were possible for me to discuss a number of chemical products worthy of consideration, but this can not be done within the limits of this address. Not all the items in the chemical schedule have an equal claim to legislative assistance. A few have none. Each should be considered on its own merits, keeping in mind the advantages of production, the availability of foreign supply, the needs of the American consumer, and the diversification and development of the structure of our industrial life. I shall speak specifically of the industry producing coal-tar products, for I regard it as a clear case deserving of legislative help.

Before hostilities ceased, Great Britain had declared the industry producing synthetic dyes essential to her national well-being. For its protection she has made a radical departure from her traditional policy of laissez faire in trade. She has provided State aid for the dye industry in the form of loans and grants for buildings and research. The importation of all dyes is prohibited except under license granted by a licensing committee. No dye is to be imported which the domestic industry is able to supply or for which an adequate substitute is made in the country. I believe that such a plan has been suggested as desirable for this country. For my part, I can not regard it with favor. In Great Britain the plan is in the early stages of experimentation. There the firms are comparatively few, and the Government is closely associated with them in the enterprise. In the United States our industry is too diversified and varied, the problems of administration too vast, the political consideration too uncertain to warrant meeting the dye problem with prohibition, importation licenses, and direct Federal supervision.

The alternative is a tariff which will equalize, with a fair margin, the conditions of competition between this country and abroad.

#### AN INNOVATION IN A TARIFF BILL.

Mr. Chairman, the licensing system is an innovation which is not contemplated in a protective tariff system as Republicans understand it. It is a war-born product, first tried out in Eng-

land, where the country is small and the population dense. It should not be applied to a country like the United States, whose manufacturers and business men are far removed from headquarters at the Capital.

If licenses must be secured from Washington to obtain raw materials used by manufacturers, then the manufacturer in Philadelphia, or New York, or Boston who can get to Washington in a few hours has a decided advantage over his competitor in Chicago or St. Louis, in New Orleans, or Detroit, or San Francisco, who would have to wait days, and sometimes weeks, before he would know whether he could proceed with his business. The licensing system during the war was distressful enough to all those who had to deal with it. It is calculated to operate against anyone whose competitor happens to be close to the commission or who has superior facilities for dawdling around Washington, from office to office and commission to clerk, until his business is attended to.

The continuance of the system for normal business is proposed first in what is presumed to be the strongest case, that of dyestuffs, which involve German competition; but it is to be tried out on potash, the farmers' commodity, and if successful in these two instances, may become a fixture before the business men of the country are fully aware of the influences that are seeking to bind them up to it.

#### AMERICAN PRODUCERS READY TO COMPETE.

When the American producers of dyestuffs were consolidating their interests during the war and were announcing with evident satisfaction the growth of the industry in the United States, there was little or no complaint about the adequacy of governmental protection. In an announcement to the trade July, 1917, the E. I. Du Pont de Nemours & Co., which had added the manufacture of coal-tar dyes and intermediates to its vast business in explosives, advised the trade that it did not fear its ability to stand against its competitors. I quote from the announcement of the company that it had decided to enter the coal-tar dye industry:

The explosive and coal-tar dye industries are closely allied. Both require intermediates, which we manufacture in a large way; both are highly scientific and thoroughly developed; and both require large technical and commercial organizations.

We start with (1) the necessary raw materials, products of this country, therefore not dependent upon Europe; (2) a chemical and engineering organization second to none in magnitude and scientific attainment; (3) unequaled plant and laboratory facilities; and (4) an adequate commercial organization.

Another concern which has taken a deep interest in the passage of the Longworth bill is the National Aniline & Chemical Co. (Inc.), a war-created consolidation, which includes the Schoellkopf Aniline & Chemical Works, Buffalo, N. Y.; W. Beckers Aniline & Chemical Works (Inc.); Benzol Products Co.; Marcus Hook, Del.; Standard Aniline Products Co., Wappingers Falls, N. Y.; Century Colors Corporation, including plant at Nutley, N. J., and sales organization in New York City; National Aniline & Chemical Co., sales organization in New York City, and miscellaneous products plants acquired from the Barrett Co.; General Chemical Co.; and Semet-Solvay Co. in New York and Pennsylvania.

This concern, which with its subsidiaries reported good business in the manufacture of American dyes during the war, announced in a circular dealing with its stock transactions that the plan of the Chemical Foundation (Inc.) would have "the effect of totally excluding from the United States" the importation of such dyes or chemicals as were made in any country under patents now held by the Chemical Foundation (Inc.). I quote from this circular the following statement intended to support its prospectus for a disposal of stock:

The manufacture of coal-tar dyes is firmly established in the United States, approximately two-thirds of the total number of different dyes and shades which were formerly imported into the United States from Germany now being made by one or more American manufacturers. During 1917 American manufacturers of dyestuffs produced 180 different dyes, of which the National Aniline & Chemical Co. (Inc.) produced 106 dyes, including 38 dyes not made by any other American producer. The total production of finished coal-tar dyes and chemicals from 81 establishments in the United States during 1917, exclusive of explosives and synthetic phenolic resins, represented a value of approximately \$69,000,000.

#### AIDED BY ALIEN PROPERTY CUSTODIAN.

The Alien Property Custodian, acting under the authority of the amended trading-with-the-enemy act of November 4, 1918, has organized a corporation known as the Chemical Foundation (Inc.), all of whose \$500,000 capital stock has been subscribed for at par in cash by a large number of American manufacturers of chemicals and dyestuffs. The Chemical Foundation (Inc.) has purchased from the Alien Property Custodian for \$250,000 about 4,500 patents covering chemical processes and products registered in the United States by German and other enemy alien owners. The Chemical Foundation (Inc.) will issue without discrimination nonexclusive license to any American manufacturer who may make application therefor, under the terms of which the American manufacturer may use or make the patented processes and products on a moderate royalty basis. The effect of this plan will be to totally exclude from the United States the importation of any dyes or chemicals made in any country in the world under any of the patents

held by the Chemical Foundation (Inc.). Of the subscribed capital of the Chemical Foundation (Inc.), \$250,000 is available as a working fund for the prosecution of actions involving the importation or manufacture of products infringing on the patents to which the Chemical Foundation (Inc.) has acquired title.

The patents now held by the Chemical Foundation (Inc.) cover most of the processes and products used in the dye industry; and in addition to this protection afforded under the patent laws, there is now in effect the tariff act of September 8, 1916, which imposes a heavy ad valorem duty on finished dyestuffs made from coal tar and smaller ad valorem duties on intermediates, together with specific duties on both finished products and intermediates. These customs duties apply to all synthetic dyestuffs imported, wherever made and by whatever process.

The officers of the National Aniline & Chemical Co. (Inc.) are men who were interested in importing German dyes prior to the war and manufactured them in the United States during the war, when they had no foreign competition and should therefore be competent to testify as to their ability to cope with foreign trade now. Circulars issued by agents of this company throw a little more light on this subject and justify the setting up of an interrogation point as to why, having all the protection above described, they still want a license commission to govern the distribution of dyes needed by manufacturers to carry on their business. I quote a few sample expressions of confidence with regard to the American dye industry's ability to take care of itself. These extracts are from trade circulars issued by the National Aniline & Chemical Co.:

CAN COMPETE WITH GERMANS.

The Germans will enjoy no supply of raw materials or intermediates which the National Co. does not now possess. With the depreciated currency and the labor unrest in Germany, it is not to be expected that the labor costs of the German manufacturers in the future will be proportionately as low as in the past. With the protective tariff on dyestuffs and the exclusions steps taken by the Allen Property Custodian, the National Co. certainly has no cause to fear German competition for some time to come.

Under the tariff act of September 8, 1916, all finished dyes are taxed 30 per cent ad valorem and 5 cents a pound specific duty, with a reduction each year after 1921 in the specific duty of 1 cent a pound. Intermediates are taxed under that law 15 per cent ad valorem and 2½ cents a pound specific duty, with a reduction of one-half cent a pound per year after 1921. Raw materials are admitted free of duty. On dyes worth \$1 a pound, this duty would amount to 35 cents a pound.

The Chemical Foundation (Inc.) has been organized by the Allen Property Custodian with a capital stock of \$500,000, and has acquired title to about 4,500 patents on processes and products covering all kinds of dyes and other chemicals which were registered in the United States by Germans or other alien enemies. The Chemical Foundation (Inc.) will issue nonexclusive licenses to American manufacturers to use these patents on a moderate royalty basis, and will protect all holders of licenses under these patents from the manufacture in the United States or the importation into the United States of all dyes or other chemicals made in any other country in the world under processes which infringe on the patents to which the Chemical Foundation holds title.

And here follow a few sidelights on the dyestuffs situation:

Because of its large earnings the company will be subject to heavy Federal taxes in 1918. It is pursuing a conservative policy of charging off out of earnings all normal depreciation and obsolescence of its plant, and is also setting aside extraordinary depreciation reserved to mark off a part of the excessive war costs involved in the construction of its plants built since 1914.

There has been a temporary slowing up of purchases of dyestuffs by the textile industry since the signing of the armistice, but the National Co. has not made any general reductions in the prices of its products, the last cut in prices having taken place in the spring of 1918. The gross sales for 1919 may not be as large as for 1918; but, on the other hand, the cost of raw materials shows a declining tendency. The appropriations for depreciation and tax reserves in 1919 probably will not be as large as in 1918.

The stock which the syndicate is offering was not bought from the company, but was acquired from various minority stockholders in the company who received the stock originally in 1917 in part payment for their interests in certain of the merged companies.

BRIDGES ACROSS ARKANSAS RIVER, LITTLE ROCK, ARK.

Mr. JACOWAY. Mr. Speaker, I ask the Speaker to lay before the House S. 2594, to extend the time for the construction of the Broadway Street Bridge across the Arkansas River between the cities of Little Rock and Argenta, Ark., a similar House bill having been favorably reported and being on the House Calendar.

The SPEAKER. The Chair lays before the House S. 2594, a similar House bill having been favorably reported.

The bill was read, as follows:

*Be it enacted, etc.,* That the times for commencing and completing the construction of a bridge and approaches thereto, authorized by act of Congress approved August 7, 1914, to be built from Broadway Street, in the city of Little Rock, Ark., to a point on the north bank of said river, in the city of Argenta, county of Pulaski, Ark., are hereby extended one year and three years, respectively, from the date of approval hereof.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. JACOWAY, a motion to reconsider the vote by which the bill was passed was laid on the table.

By unanimous consent, the corresponding House bill was ordered to lie on the table.

Mr. JACOWAY. I ask the Speaker to lay before the House S. 2595, another bill for a similar purpose. A corresponding House bill has been favorably reported by the committee and is on the calendar.

The Speaker laid before the House the bill (S. 2595) to extend the time for the construction of the Main Street Bridge across the Arkansas River between the cities of Little Rock and Argenta, Ark.

The bill was read, as follows:

*Be it enacted, etc.,* That the times for commencing and completing the construction of a bridge and approaches thereto, authorized by act of Congress approved October 6, 1917, to be built across the Arkansas River at the city of Little Rock on the site now occupied by the free highway bridge constructed by said county in the years 1896 and 1897, are hereby extended one year and three years, respectively, from the date of approval hereof.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. JACOWAY, a motion to reconsider the vote by which the bill was passed was laid on the table.

By unanimous consent, the corresponding House bill was ordered to lie on the table.

COMMITTEE ON EXPENDITURES IN THE TREASURY DEPARTMENT.

Mr. IRELAND. Mr. Speaker, I desire to present for consideration a privileged resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Illinois calls up a privileged resolution from the Committee on Accounts, which the Clerk will report.

The Clerk read as follows:

House resolution 211.

*Resolved,* That the Committee on Expenditures in the Treasury Department be, and is hereby, authorized and empowered to employ such stenographic, clerical, and legal assistance, and such accountants, and to have such printing and binding done, as it may deem necessary. All expenses that may be incurred by said committee, including the expenses of any subcommittee thereof, shall be paid out of the contingent fund of the House on vouchers signed by the chairman of said committee and approved by the Committee on Accounts.

With the following committee amendments:

In line 3, after the word "empower," insert the words "during the first session of the Sixty-sixth Congress."

In the same line, after the word "stenographic," insert the word "and."

In the same line, after the word "clerical," strike out the words "and legal assistance."

The SPEAKER. The question is on the committee amendments.

The committee amendments were agreed to.

The resolution as amended was agreed to.

COMMITTEE ON EXPENDITURES IN THE NAVY DEPARTMENT.

Mr. IRELAND. Mr. Speaker, I present the following privileged resolution.

The Clerk read as follows:

House resolution 184.

*Resolved,* That the Committee on Expenditures in the Navy Department of the House of Representatives be, and is hereby, authorized and empowered to employ such stenographic, clerical, and legal assistance and such accountants, and to have such printing and binding done as it may deem necessary.

All expenses that may be incurred by said committee, including the expenses of said committee or any subcommittee thereof, when sitting outside of the District of Columbia, shall be paid out of the contingent fund of the House of Representatives on vouchers signed by the chairman of said committee, or by the chairman of a subcommittee, where such expenses are incurred by such subcommittee.

With the following committee amendment:

Strike out all after the enacting clause and insert the following: *Resolved,* That the Committee on Expenditures in the Navy Department be, and is hereby, authorized and empowered during the first session of the Sixty-sixth Congress to employ such stenographic and clerical assistance and such accountants, and to have such printing and binding done as it may deem necessary. All expenses that may be incurred by the said committee, including the expenses of any subcommittee thereof, shall be paid out of the contingent fund of the House on vouchers signed by the chairman of said committee and approved by the Committee on Accounts.

Mr. IRELAND. Mr. Speaker, I desire to yield 10 minutes to the gentleman from Oklahoma [Mr. HASTINGS].

Mr. HASTINGS. Mr. Speaker and gentlemen of the House, I have not taken up much time of the House in opposing clerical assistance for committees. I have not done it when

any other resolution has been before the House. I think this is a piece of pure extravagance. I can not give my consent to vote for it.

Let me tell you what this resolution is about, so that you who vote for it can vote with your eyes open. This resolution provides for clerical assistance and accountants without any limit, with bars down for this Expenditure Committee of the Navy Department. I assert that this is pure extravagance. I want to say to the Members of the House that the committee has already allowed them a clerk. Members will remember that many of these expenditure committees were not allowed a clerk during the first session of the last Congress, a number during the second session of the last Congress, and none of them, so far as I recall, has been allowed in the last session of the last Congress. I think that most of them were allowed a clerk during the second or long session.

Now, I want to call attention to this: Remember we have allowed them a clerk, and this is in addition to that clerk—that they be allowed additional clerical assistance and accountants, and have printing and binding done. You know the Committee on Expenditures in the Navy Department has never had any experience in investigating the Navy. Here is the Member of Congress from Pennsylvania, Mr. BUTLER, chairman of the Naval Committee; the gentleman from Michigan, Mr. KELLEY; the gentleman from Tennessee, Mr. PADGETT; and a great many able men, men of long experience on this committee. I insist that they have to investigate everything connected with the Navy Department in making appropriations. When the chairman on Expenditures in the Navy Department was before the committee in support of this resolution, we allowed him a clerk, but he did not put his finger on any single specific thing that he wanted to investigate. They have only had one meeting, as suggested by my colleague, who is on the committee. I call attention to the Members of the House who are in favor of economy that there is no limit to the expense that might be incurred.

Mr. KING. Will the gentleman yield?

Mr. HASTINGS. Yes.

Mr. KING. Does not the gentleman think it is rather late in the day for him to criticize us about extravagance?

Mr. HASTINGS. I have always been in favor of economy, always voted for economy, and it is never too late to talk about it. You voted last year against allowing this side of the House to have a clerk for this committee. And yet, no sooner do you have the power, than you come every morning, and the Committee on Accounts is besieged by people asking for clerical assistance. We have just passed a resolution allowing the Committee on Expenditures in the Treasury Department to make an investigation. They claim that they want to investigate the War Risk, and we, thinking they had made out a fair case before the Committee on Accounts—showing that it is not a partisan question—we did not oppose it. We said if there is anything to investigate, why, investigate it. But we said to the Committee on Expenditures in the Navy Department, if you have anything you want to investigate we will give you a clerk, and if you find there is really something you want to investigate and really want some assistance then come before the Committee on Accounts and make a proper showing, and we will allow it.

But let me tell that side of the House, as well as our own side, that it will not be 30 days until every single solitary one of the little expenditure committees will be down before the Committee on Accounts with similar resolutions, and they will want clerical assistance unlimited, as this is unlimited; they will want accountants unlimited, and it is simply pure political bunk. That is all there is to it. [Applause on the Democratic side.] That is all there is to it; there is no need of our concealing it.

Mr. LAYTON. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS. Yes.

Mr. LAYTON. I have noticed a great deal of solicitude on the part of gentlemen on the Democratic side of the House over the Republicans executing a *facilis descensus in Averno*. Why is the gentleman so disturbed over our committing mistakes?

Mr. HASTINGS. Oh, I have never been disturbed over your committing mistakes. I never saw the Republican Party do anything but make blunders all of my life, and I have gotten used to their doing that, but I want to call attention to this resolution so that the Members of the House may understand it, so that they will vote for it with their eyes open, so that they will understand that they have already been allotted a clerk, and that we are not denying them proper clerical assistance, and that this is in addition to the clerk already allowed by the committee.

Mr. BLACK. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS. Yes.

Mr. BLACK. I would like to ask the gentleman if any showing was made that this Committee on Expenditures in the Navy Department would need other clerical assistance than that of the clerks to their own committees?

Mr. HASTINGS. I assert positively none whatever, and as I remember the statement before the committee that that committee had but one meeting. Of course everybody knows that the committee presided over by the gentleman from Pennsylvania [Mr. BUTLER], the Committee on Naval Affairs, investigates every phase of this question. It has the Secretary of the Navy and other naval officials before it, and it is for that reason that we oppose the passage of this resolution. We do not believe that the resolution ought to be favorably acted upon, and we are opposed to it.

Mr. DENISON. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS. Yes.

Mr. DENISON. Was there any showing made at all before the committee that they intended to investigate the Navy Department?

Mr. HASTINGS. Oh, the chairman came in and generally said that he wanted to investigate it, but there was no showing of anything in particular he wanted to investigate; none whatever.

The SPEAKER. The time of the gentleman from Oklahoma has expired.

Mr. IRELAND. Mr. Speaker, I yield 10 minutes to the gentleman from New York [Mr. HASKELL].

Mr. HASKELL. Mr. Speaker and gentlemen of the House, this is the usual resolution providing ways and means so that the Committee on Expenditures in the Navy Department can proceed with its important work. This resolution is substantially the language of the resolution which you passed authorizing the select committee to investigate the War Department. The Democrats right along have been in favor of these investigations. They have courted them, claiming there was no fear of the outcome, when, lo and behold, our friend from Oklahoma [Mr. HASTINGS] who, gentlemen will remember, in the last Congress was willing to pass a resolution here providing for the payment of two salaries to a clerk holding two positions, to-day camouflages his opposition against this resolution which, if defeated, defeats the investigation of the Navy Department. It is true that the Committee on Expenditures in the Navy Department has had but one meeting in this session of Congress, but gentlemen know the committee has been completed in its membership only during the last week or 10 days. We want to start during the recess, if we are to have one, and make up for lost time. We want to conduct a thorough investigation into the affairs of the Navy Department, and gentlemen of the minority in the past have said that they were in favor of just that kind of a proposition. Why put obstacles and impediments in our way in accomplishing the very things which you have said and proclaimed from the housetops you wanted us to do? You can join hands with us in passing this resolution and provide us the ways and means to conduct the investigation. My friend has made several misstatements. One of them is that this Committee on Expenditures in the Navy Department has a clerk. We have none.

Mr. HASTINGS. Mr. Speaker, will the gentleman yield?

Mr. HASKELL. Yes.

Mr. HASTINGS. I know the gentleman perhaps does not know it, but we did authorize a favorable report upon the other resolution unanimously the day before. I do not know whether the chairman has presented it or not, but I submit to the chairman whether we have not done that.

Mr. HASKELL. I decline to yield for a speech. My friend from Oklahoma has also opposed giving us counsel for this committee. The minority have opposed giving us counsel. I think as practical men we all recognize the necessity in a great investigation of having counsel to assist the committee. The resolution as now reported denies us counsel, and so the members of the committee must act as counsel and perform the other work as well. The minority already have gone back upon their previous statement that they were willing to cooperate with the majority to have the light of publicity turned on the affairs of the administration, and they are restricting and limiting us. They have taken away our counsel, and now my friend from Oklahoma, who, as I say, in the last Congress was willing to vote for a resolution to pay a clerk in two separate positions, to give him a double salary, to-day has the temerity to oppose a resolution which is in the interest of turning the light of publicity upon the affairs in the Navy Department, vindicating that department if nothing improper exists, and if it does exist, then calling it to the attention of the people of the country.

I respectfully submit that it requires no lengthy argument to the Members of this House, but that you will all recognize the fairness of this resolution, the necessity for it, the expediency,

and the purpose of it, so if we are to recess we can start in this work and keep after it until we have concluded it to your satisfaction and bring our report in here of the work done. No abuse will be taken by the committee of the authority conferred upon us, not one penny will be spent except as necessary, and my friend need have no fear that there will be any unnecessary expenditure of money by the Committee on Expenditures in the Navy Department. [Applause.]

Mr. IRELAND. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. PARRISH].

Mr. PARRISH. Mr. Speaker and gentlemen of the House, as a member of the Committee on Accounts I want to go on record in opposition to this resolution. I do not believe that the best interest of this country—I am trying to view it from the standpoint of one who looks above partisanship—is going to be served by turning loose every committee of this House with unlimited authority to employ all the clerks, stenographers, or assistants that they may wish, and then place their hands in the Public Treasury and make the American people stand for the bills. [Applause.] The time has come in the history of legislation that it is necessary to stop somewhere, and in the name of reason, men, why shall we not stop when we have already provided this committee with one clerk, which will take care of any or all the investigations that it cares to make. [Applause.] The committee calling for these broad powers has met but one time since Congress has been in session. The chairman himself did not say to this House that they expected to work during the vacation, if there was one. He said they expected they might work or something of that kind. Gentlemen, I emphasize we must call a halt, and now is the time to do it. [Applause.] This committee has already been given one clerk, and the Naval Committee of the House has authority to investigate everything pertaining to the Navy Department, and to pass this legislation will amount to taking off all restrictions and giving the Committee on Expenditures in the Navy Department authority to incur every character of expense, some of which, at least, we ought not to pay. Another thing, this is but the beginning of the end. If we pass this legislation, we are going to be flooded with other similar resolutions. Did you hear the argument of the gentleman, the distinguished chairman of this committee, who has just preceded me—he said they wanted legal assistance. The select Committee on Expenditures in the War Department has legal assistance.

They are modeling their resolution after the one creating the special committee. As a Member of this House and of the Democratic Party, I am not opposed to investigations. I am willing that the light of the truth may shine through from beginning to end of every governmental agency, and if there are those who can not stand the sunshine of truth I, for one, say let him stand out and let the American people see him. [Applause.] There is absolutely no reason why we should pour the public money out recklessly and needlessly. I warn you we have no control over these expenditures when this resolution is finally passed. I repeat, gentlemen of the House, it is time to call a halt. Let your vote be against this resolution. If the gentlemen of the committee, in fact, want to investigate and will come back to our committee and tell us that one clerk is not sufficient and point out to us the further assistance necessary, I am sure that the Committee on Accounts will give them such assistance as is really necessary, but to give them blanket authority is a dangerous precedent. This resolution should be voted down. [Applause.]

Mr. IRELAND. Mr. Speaker, I move the adoption of the resolution.

The SPEAKER. The question is on agreeing to the amendment. The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on agreeing to the resolution as amended.

The question was taken, and the Speaker announced the ayes appeared to have it.

On a division (demanded by Mr. PARRISH) there were—ayes 62, noes 52.

Mr. CONNALLY. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Texas demands the yeas and nays. The Chair will count. [After counting.] Twenty-six gentlemen have risen, not a sufficient number, and the yeas and nays are refused.

Mr. PARRISH. Mr. Speaker, I make the point of no quorum.

Mr. IRELAND. Mr. Speaker, I move a call of the House.

The SPEAKER. That is not necessary. It is an automatic call. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absent Members, and the Clerk will call the roll. Those in favor of the resolution will, as their names are called, answer "yea," those opposed will answer "nay."

The question was taken; and there were—yeas 148, nays 110, answered "present" 1, not voting 169, as follows:

## YEAS—148.

Ackerman	Frear	Longworth	Rogers
Anderson	French	Luce	Rose
Andrews, Nebr.	Garland	Lufkin	Rowe
Bacharach	Giynn	Luhling	Sanders, Ind.
Baer	Goodykoontz	McArthur	Schall
Barbour	Gould	McFadden	Scott
Begg	Green, Iowa	McKenzie	Shreve
Bland, Ind.	Greene, Mass.	McLaughlin, Nebr.	Siegel
Boies	Greene, Vt.	McPherson	Sinclair
Bowers	Griest	MacCrate	Sinnott
Brooks, Ill.	Hadley	Magee	Smith, Idaho
Browning	Haskell	Mapes	Smith, Mich.
Burke	Hawley	Michener	Snell
Burroughs	Hays	Miller	Steenerson
Campbell, Kans.	Hernandez	Monahan, Wis.	Stephens, Ohio
Cannon	Hickey	Moore, Ohio	Stiness
Chindblom	Hoch	Moore, Pa.	Strong, Pa.
Cole	Hull, Iowa	Moore, Ind.	Sweet
Copley	Ireland	Mott	Taylor, Tenn.
Crago	James	Nelson, Wis.	Temple
Crowther	Johnson, Wash.	Newton, Minn.	Thompson, Ohio
Curry, Calif.	Kahn	Nichols, Mich.	Tilson
Dale	Keller	Nolan	Timberlake
Dallinger	Kelley, Mich.	Ogden	Tincher
Darrow	Kelly, Pa.	Platt	Towner
Denison	Kendall	Porter	Treadway
Dickinson, Iowa	Kennedy, Iowa	Radcliffe	Vaile
Dowell	King	Ramsey	Volstead
Dunbar	Kinkaid	Ramseyer	Walters
Dupré	Kleczka	Randall, Calif.	Wason
Eagle	Knutson	Randall, Wis.	Watson, Pa.
Edmonds	Kraus	Reed, W. Va.	Webster
Elliott	Kreider	Rhodes	Wheeler
Elston	LaGuardia	Ricketts	Williams
Evans, Nebr.	Lampert	Riddick	Wood, Ind.
Fordney	Lehbach	Robison, Ky.	Woodyard
Foster	Little	Rodenberg	Young, N. Dak.

## NAYS—110.

Almon	Davey	Johnson, Miss.	Phelan
Ashbrook	Davis, Tenn.	Kincheloe	Quin
Aswell	Dent	Kitchin	Rainey, H. T.
Ayres	Doughton	Lanham	Rainey, J. W.
Bankhead	Drane	Lankford	Raker
Barkley	Eagan	Larsen	Rayburn
Bell	Fisher	Leshner	Romjue
Black	Fitzgerald	Loneragan	Rubey
Blackmon	Flood	McAndrews	Sims
Bland, Mo.	Garrett	McDuffie	Sisson
Bland, Va.	Godwin, N. C.	McGlennon	Smithwick
Blanton	Goodwin, Ark.	Major	Stagall
Booher	Griffin	Mansfield	Sumners, Tex.
Box	Hardy, Tex.	Martin	Taylor, Colo.
Briggs	Harrison	Mays	Thomas
Brinson	Hastings	Mead	Tillman
Buchanan	Hayden	Minahan, N. J.	Vinson
Byrnes, Tenn.	Helsin	Montague	Watkins
Campbell, Pa.	Hersman	Moon	Watson, Va.
Candler	Holland	Moore, Va.	Wetly
Caraway	Howard	Nelson, Mo.	Whaley
Carss	Huddleston	O'Connell	Wilson, La.
Clark, Mo.	Hudspeth	O'Connor	Wingo
Cleary	Hull, Tenn.	Oliver	Woods, Va.
Coady	Humphreys	Overstreet	Wright
Coilier	Igoe	Padgett	Young, Tex.
Connally	Jacoway	Park	
Cullen	Johnson, Ky.	Parrish	

## ANSWERED "PRESENT"—1.

Benson

## NOT VOTING—169.

Alexander	Dyer	Hutchinson	Neely
Andrews, Md.	Echols	Jefferis	Newton, Mo.
Anthony	Ellsworth	Johnson, S. Dak.	Nicholls, S. C.
Babka	Emerson	Johnston, N. Y.	Oldfield
Bee	Esch	Jones, Pa.	Olney
Benham	Evans, Mont.	Jones, Tex.	Osborne
Brand	Evans, Nev.	Juul	Paige
Britten	Fairfield	Kearns	Parker
Brooks, Pa.	Ferris	Kennedy, R. I.	Pell
Browne	Fess	Kettner	Peters
Brumbaugh	Fields	Kless	Pon
Burdick	Focht	Langley	Purnell
Butler	Freeman	Layton	Reavis
Byrnes, S. C.	Fuller, Ill.	Lazaro	Reber
Caldwell	Fuller, Mass.	Lee, Calif.	Reed, N. Y.
Cantrill	Gallagher	Lee, Ga.	Ricorlan
Carew	Gallivan	Linthicum	Robinson, N. C.
Carter	Gandy	McClinton	Rouse
Casey	Gard	McCulloch	Rowan
Christopherson	Garner	McKeown	Rucker
Clark, Fla.	Goldfogle	McKiniry	Sabath
Clark	Good	McKinley	Sanders, La.
Cooper	Goodall	McLane	Sanders, N. Y.
Costello	Graham, Pa.	McLaughlin, Mich.	Sanford
Cramton	Graham, Ill.	MacGregor	Saunders, Va.
Crisp	Hamill	Maber	Scully
Currie, Mich.	Hamilton	Mann	Sears
Davis, Minn.	Hardy, Colo.	Mason	Sells
Dempsey	Haugen	Merritt	Sherwood
Dewalt	Hershey	Mondell	Slemp
Dickinson, Mo.	Hicks	Mooney	Small
Dominick	Hill	Morgan	Smith, Ill.
Donovan	Houghton	Morin	Smith, N. Y.
Dooley	Hulings	Mudd	Snyder
Doremus	Husted	Murphy	Stedman
Dunn			Steele



Stephens, Miss.	Tinkham	Ward	Wilson, Pa.
Stevenson	Upshaw	Weaver	Winslow
Strong, Kans.	Vare	Webb	Wise
Sullivan	Venable	Welling	Yates
Summers, Wash.	Vestal	White, Kans.	Zihlman
Taylor, Ark.	Voigt	White, Me.	
Thompson, Okla.	Walsh	Wilson, Ill.	

So the amendment was agreed to.

The Clerk announced the following additional pairs:

On this vote:

Mr. LANGLEY (for resolution) with Mr. CANTRILL (against),  
Until further notice:

Mr. WINSLOW with Mr. STEDMAN,

Mr. MONDELL with Mr. RUCKER.

Mr. ANTHONY with Mr. BRAND.

Mr. PURNELL with Mr. RIORDAN.

Mr. HUTCHINSON with Mr. DOREMUS.

Mr. JOHNSON of South Dakota with Mr. CLARK of Florida.

Mr. LAYTON with Mr. EVANS of Montana.

Mr. KEARNS with Mr. EVANS of Nebraska.

Mr. VESTAL with Mr. OLDFIELD.

Mr. NEWTON of Missouri with Mr. JONES of Texas.

Mr. STRONG of Kansas with Mr. MCKEOWN.

Mr. SELLS with Mr. LARSEN.

Mr. McLAUGHLIN of Michigan with Mr. GARNER.

Mr. ESCH with Mr. CARTER.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. A quorum is present. The Doorkeeper will open the doors.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Dudley, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 5418. An act increasing the pay of printers and pressmen employed in the Government Printing Office, and for other purposes.

#### SPECIAL EMPLOYEES UNDER THE DOORKEEPER.

Mr. IRELAND. Mr. Speaker, I ask consideration of the privileged resolution which I send to the Clerk's desk.

The SPEAKER pro tempore. The gentleman from Illinois submits a privileged resolution, which the Clerk will report.

The Clerk read as follows:

#### House resolution 154.

*Resolved*, That the salaries of the two special employees of the House be \$1,800 per annum: *Provided*, That the said salaries be paid out of the contingent fund of the House of Representatives until otherwise provided by law.

With a committee amendment as follows:

Strike out all after the word "*Resolved*" and insert in lieu thereof the following: "That there be paid from the contingent fund of the House of Representatives additional compensation at the rate of \$300 per annum, payable monthly, to the special employee of the office of the Doorkeeper of the House of Representatives."

The SPEAKER. The question is on agreeing to the amendment.

Mr. CLARK of Missouri. Mr. Speaker, what is this?

Mr. IRELAND. A resolution granting \$300 additional compensation to the special employee of the Doorkeeper, which makes that office conform with the corresponding office on the minority side. It is the same as we did a short time ago with respect to the special employee of the minority. This is to grant the same additional compensation to the corresponding employee on the majority side.

Mr. CLARK of Missouri. I just want to ask the gentleman one question.

Mr. IRELAND. Very well.

Mr. CLARK of Missouri. Are we going to raise all salaries before we quit? [Laughter.]

Mr. IRELAND. I can not say that we will follow the Democratic precedent by doing that. [Laughter.]

Mr. CLARK of Missouri. You are not going to raise the salaries of Congressmen? [Laughter.]

Mr. IRELAND. I could not say as to that.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

#### JOEL GRAYSON.

Mr. IRELAND. Mr. Speaker, I submit another privileged resolution.

The SPEAKER pro tempore. The gentleman from Illinois submits another privileged resolution, which the Clerk will report.

The Clerk read as follows:

#### House resolution 141.

*Resolved*, That there shall be paid out of the contingent fund of the House, until otherwise provided by law, compensation at the rate of \$2,500 per annum for the services of Joel Grayson in the House document room in lieu of the compensation now being paid to him.

With committee amendments, as follows:

After the word "law" in line 2, insert the word "additional." Strike out on line 3 "\$2,500" and insert in lieu thereof "\$350, payable monthly," and after the word "annum" insert the words "payable monthly," and after the word "room," in line 4, strike out the words "in lieu of the compensation now being paid to him," so that as amended the resolution will read

*Resolved*, That there shall be paid out of the contingent fund of the House, until otherwise provided by law, additional compensation at the rate of \$350 per annum, payable monthly, for the services of Joel Grayson in the House Document Room."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

Mr. BLANTON. Mr. Speaker, may I ask the gentleman from Illinois a question?

Mr. IRELAND. Yes.

Mr. BLANTON. What salary will this gentleman receive under the committee amendment? Will it be less than \$2,500, or equal to it, as provided in the original resolution?

Mr. IRELAND. I believe it will be a little bit less. I can not be positive as to that. We passed on several resolutions.

Mr. BLANTON. Can not the gentleman tell? It is the gentleman's resolution.

Mr. HASTINGS. He will get exactly \$2,500, as I recall, under this amendment.

Mr. BLANTON. What was the purpose of the committee amendment—to leave the compensation exactly where it was before it was amended?

Mr. IRELAND. No; it does not do anything of the kind.

Mr. HASTINGS. I think I can explain it, if the gentleman will yield to me.

The SPEAKER pro tempore. Does the gentleman from Illinois yield to the gentleman from Oklahoma?

Mr. IRELAND. Yes.

Mr. HASTINGS. Three hundred and fifty dollars will come out of the contingent fund.

Mr. CLARK of Missouri. What is his salary now?

Mr. HASTINGS. Two thousand one hundred and fifty dollars. Three hundred and fifty dollars comes out of the contingent fund of the House, and \$2,150 comes out of the regular appropriation, so that he gets only \$2,500 from both of them together.

Mr. IRELAND. The \$2,150 is paid out of the appropriation so as not to beggar the contingent fund of the House.

Mr. HASTINGS. And adding the two amounts together it makes \$2,500.

The SPEAKER pro tempore (Mr. TILSON). The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the passage of the resolution as amended.

The resolution as amended was agreed to.

#### W. RAY LOOMIS.

Mr. IRELAND. Mr. Speaker, I beg the further indulgence of the House for a moment.

The SPEAKER pro tempore. The gentleman from Illinois submits a privileged resolution, which the Clerk will report.

The Clerk read as follows:

#### House resolution 182.

*Resolved*, That there shall be paid, out of the contingent fund of the House until otherwise provided for by law, compensation at the rate of \$3,000 per annum, payable monthly, to W. Ray Loomis for his services as editor and compiler of the Weekly Compendium and Monthly Compendium and as assistant in the document room.

With the following committee amendment:

In line 3 strike out "\$3,000" and insert in lieu thereof "\$2,500."

Mr. IRELAND. Mr. Speaker, this resolution is reported by the Committee on Accounts without recommendation, because while we are well aware of the ability and value of the services of the man named in the resolution it is impossible for us to determine whether a majority of the membership of the House think the Weekly and Monthly Compendium of sufficient value to be continued. About the only way we can arrive at a conclusion is to present the resolution to the House for their action. You have all received the compendium. Some of you are very strong in its praises and others have not used it to any great extent. The views of the House on the merits of this publication should control the action of the House on this resolution. So it was with that thought that the committee reported it to the House for its action without recommendation.

Mr. HASTINGS. Mr. Loomis does regular work in the document room at present in addition to getting out this compendium?

Mr. IRELAND. Yes; that is the understanding—that he is to continue to do that.

Mr. HASTINGS. The resolution so provides?

Mr. IRELAND. Yes.

Mr. BLANTON. Does this gentleman draw any other salary?

Mr. IRELAND. No; he does not, and he has not been on the pay roll at all since July 17, I believe, though he is serving at present in the document room in place of an appointee who has not yet arrived. His services are in demand there.

Mr. WINGO. Will the gentleman yield for a question?

Mr. IRELAND. Certainly.

Mr. WINGO. If he is the man whom I have in mind, he and Mr. Grayson are the two most experienced men in the document room.

Mr. IRELAND. I understand they are.

Mr. WINGO. And their services are really very valuable, aside from this special work that Mr. Loomis does?

Mr. IRELAND. Yes.

Mr. WINGO. There is no question about the man's efficiency?

Mr. IRELAND. I think not. I desire to yield to the gentleman from Tennessee [Mr. DAVIS] on this question such time as he may desire.

Mr. DAVIS of Tennessee. Mr. Speaker and gentlemen, I want to supplement the statement made by the chairman of the committee [Mr. IRELAND] by saying that heretofore Mr. Loomis has received \$3,600 per annum, \$2,100 as an assistant in the document room and \$1,500 for this special work of editing and compiling the Weekly and Monthly Compendium. The only salary he will receive hereafter, as provided in this resolution, is \$2,500, which is \$1,100 less than he has received heretofore, not taking into account the bonus. This resolution expressly provides that he shall not only render these services but that he shall also act as assistant in the document room, as he has heretofore done. As was suggested by a question awhile ago, Mr. Grayson has been retained through all the different administrations of the House on both sides, because of his efficiency and knowledge, and he and Mr. Loomis are the two most experienced men in the document room. I think it is highly important that both of them be retained. In addition to rendering these special services, Mr. Loomis is always well informed, and those of you who desire to do so can find out from him the status of legislation, and the whereabouts of riders and other provisions about which you receive inquiries. He has consented to a reduction of his salary to \$2,500, which is \$1,100 less than he has heretofore received, and I believe that his services will be well worth the price.

Mr. IRELAND. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania.

Mr. GARLAND. Mr. Speaker, I want to ask whether the gentleman does not think that the Weekly and Monthly Compendium is a great assistance to the House, and to the new Members especially?

Mr. IRELAND. Yes; I think it is to anyone active on the floor of the House in following the bills. It must be a great help.

Mr. GARLAND. From the fact that we want to have the compendium I think it is worth while to keep this employee, and, Mr. Speaker, I move to amend the committee amendment by striking out \$2,500 and inserting \$3,600.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amend the committee amendment by striking out \$2,500 and inserting \$3,600.

Mr. CANNON. Mr. Speaker, I hope that will not be done. I know Mr. Grayson, who has been continually in the document room for many years. I think \$2,500 is proper pay for him, and if that resolution had not passed the House, if this man's pay is to be increased to \$3,600, certainly Joel Grayson should have his increased to that amount, because he can give this man cards and spades and then be more competent. I hope the amendment will not be agreed to.

Mr. IRELAND. Mr. Speaker, this question was very thoroughly considered by the committee. I hope the committee amendment will be adopted and that the amendment offered by the gentleman from Pennsylvania will be voted down.

The SPEAKER pro tempore. The question is on the amendment offered to the committee amendment by the gentleman from Pennsylvania.

The question was taken, and the amendment to the amendment was rejected.

The committee amendment was agreed to.

The resolution as amended was agreed to.

GEORGE W. SABINE.

Mr. IRELAND. Mr. Speaker, I offer the following privileged resolution.

The Clerk read as follows:

House resolution 219.

*Resolved*, That there shall be paid out of the contingent fund of the House, until otherwise provided by law, increased compensation at the rate of \$700 per annum for the services of George W. Sabine, Librarian on the floor of the House of Representatives, in lieu of the compensation now being paid to him.

With the following committee amendment:

Line 3, page 1, strike out "\$700" and insert "\$300."

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

The resolution as amended was agreed to.

AUGUST BUEHNE.

Mr. GARLAND. Mr. Speaker, I offer the following privileged resolution.

The Clerk read as follows:

House resolution 162.

*Resolved*, That there shall be paid out of the contingent fund of the House \$500 to August Buehne for extra services rendered the Members of the House of Representatives during the third session of the Sixty-fifth Congress and first session of the Sixty-sixth Congress as employee detailed from the Government Printing Office.

Mr. GARRETT. Can the gentleman tell the House what the condition of the contingent fund of the House is?

Mr. IRELAND. I can, approximately. I should say \$65,000 or \$68,000.

Mr. GARRETT. That much is on hand now?

Mr. IRELAND. Yes; but by the time the war-expenditure committee gets through with it I think there will be little left.

Mr. SISSON. Is this the usual amount paid to this employee?

Mr. IRELAND. This man from the document room draws a salary of \$950 a year, and it has been the custom in the past to award him \$500 every second session.

Mr. SISSON. Was anything paid him for the last session?

Mr. IRELAND. Not for the third session of the Sixty-fifth or the first session of the Sixty-sixth. The gentleman from Illinois, Dr. FOSTER, usually attended to the resolution.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

LABORATORY GLASSWARE, PORCELAIN WARE, AND OPTICAL GLASS.

Mr. FORDNEY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 7785, and pending that, as I do not see the gentleman from North Carolina here, I want to see if I can arrange for some time. The gentleman from North Carolina said he wanted one hour on that side.

Mr. HENRY T. RAINEY. Will the gentleman hold up that matter until to-morrow?

Mr. FORDNEY. What I would like to do is to get the bill under way and then adjourn until 11 o'clock to-morrow.

Mr. HENRY T. RAINEY. We can fix the time when the gentleman from North Carolina comes into the House. We can fix it in the morning before we go into Committee of the Whole.

Mr. FORDNEY. It was suggested by the gentleman from North Carolina [Mr. KITCHIN] that we have two hours, one hour on each side. If that is agreeable to the gentleman from Illinois, I will ask that two hours be allowed for general debate, one-half of that time to be controlled by the gentleman from North Carolina [Mr. KITCHIN] and one-half by myself.

Mr. HENRY T. RAINEY. That may be ample; I do not know whether it is or not. I wish the gentleman would wait and he can make his request in the morning.

Mr. CANNON. Mr. Speaker, I would like to have the title of the bill read.

Mr. FORDNEY. I will explain that to the gentleman.

Mr. CANNON. But the title will show it.

The SPEAKER. Without objection, the Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 7785) to provide revenue for the Government, to establish and maintain in the United States the manufacture of laboratory glassware, laboratory porcelain ware, scientific and surgical instruments.

Mr. FORDNEY. Mr. Speaker, some gentlemen do not wish to adjourn. I suggest to the gentleman from Illinois we would better agree on time for general debate now.

Mr. HENRY T. RAINEY. Mr. Speaker, I do not know anything about it.

Mr. FORDNEY. I will say to the gentleman that that was the request of the gentleman from North Carolina [Mr. KITCHIN] this afternoon.

Mr. HENRY T. RAINEY. If the gentleman has that arrangement with Mr. KITCHIN, it is entirely satisfactory to me.

Mr. FORDNEY. Mr. Speaker, I ask unanimous consent that there be two hours of general debate, one-half of that time to be controlled by myself and one-half by the gentleman from North Carolina [Mr. KITCHIN].

The SPEAKER. The gentleman from Michigan [Mr. FORDNEY] moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 7785, and pending that asks unanimous consent that general debate on this bill be limited to two hours, one-half to be controlled by himself and one-half to be controlled by the gentleman from North Carolina [Mr. KITCHIN]. Is there objection?

There was no objection.

Mr. CANNON. Mr. Speaker, does the gentleman propose to have anything but general debate to-day?

Mr. FORDNEY. No; I believe not. At least I would rather not, if that is the wish of the House.

Mr. CANNON. I think we ought to have some understanding about that. If it is to be considered under the five-minute rule, notice of that fact ought to be given now.

Mr. FORDNEY. I would say to the gentleman from Illinois [Mr. CANNON] that the floor leader does not want us to adjourn now. I do not know how long he wants us to remain in session to-night. I am willing to stay here until we finish the bill, if necessary. It is a very important bill.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. BLANTON. If that side of the House is to comply with the suggestion made by the President to do away with the recess, what is the use of working on to-night?

Mr. FORDNEY. If this side of the House was of the same frame of mind as I am they would tell the President that we are going home. [Applause.]

Mr. BLANTON. I would tell him the same thing.

Mr. McARTHUR. Mr. Speaker, I demand the regular order.

The SPEAKER. The question is on the motion of the gentleman from Michigan, that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 7785.

Mr. BLANTON. Mr. Speaker, I move that the House do now adjourn.

The question was taken, and the motion was rejected.

The SPEAKER. The question is on the motion of the gentleman from Michigan that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 7785.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 7785, with Mr. TILSON in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read the bill, as follows:

A bill (H. R. 7785) to provide revenue for the Government, to establish and maintain in the United States the manufacture of laboratory glassware, laboratory porcelain ware, optical glass, scientific and surgical instruments.

*Be it enacted, etc.*, That on and after the day following the passage of this act there shall be levied, collected, and paid upon articles named herein, when imported from any foreign country into the United States or any of its possessions (except the Philippine Islands, the Virgin Islands, and the islands of Guam and Tutuila), the rates of duties herein prescribed, namely:

Glasswares and porcelain wares, laboratory apparatus, and other apparatus and appliances wholly or in part of glass or porcelain, for use in the sciences or in analyzing or testing or for use in education, 60 per cent ad valorem.

Optical glass in any and all forms or glass for use in optical instruments or for any optical purposes, and all instruments and appliances of any and all kinds containing parts of optical glass or used for optical purposes, finished or unfinished, 45 per cent ad valorem.

Philosophical, scientific, and laboratory apparatus, utensils, instruments, and appliances and parts thereof, finished or unfinished, and preparations, including bottles and boxes containing the same, not otherwise provided for, 45 per cent ad valorem.

Surgical and dental instruments, or parts thereof, made wholly or in part of iron, steel, copper, brass, nickel, aluminum, or other metal, finished or unfinished, 60 per cent ad valorem.

That all articles provided for in this act shall not be entitled to free entry under paragraph 573 of the tariff act of October 3, 1913.

Sec. 2. That all provisions of any act or acts inconsistent with the provisions of this act are hereby repealed.

Mr. FORDNEY. Mr. Chairman, I yield two minutes to the gentleman from Pennsylvania [Mr. MOORE.]

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the bill H. R. 8076, a bill to regulate the importation of coal-tar products, and so forth.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. I also ask leave to file the minority views on that bill sometime during the day or to-morrow.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to file minority views sometime during the day or to-morrow. Is there objection?

There was no objection.

Mr. FORDNEY. Mr. Chairman, I yield 30 minutes to the gentleman from New Jersey [Mr. BACHARACH].

Mr. BACHARACH. Mr. Chairman, I ask the privilege of revising and extending my remarks.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. BACHARACH. Mr. Chairman, the bill before the House is designed chiefly to protect and foster, so far as it is practicable to do so by reasonable legislation, the manufacture of chemical glassware and chemical porcelain ware, optical glass, scientific instruments and apparatus, and surgical and dental instruments; industries which, I might say, were forced into existence in this country because of our needs due to our activities in the World War.

The bill provides an increase of 15 per cent in the rate of duty on chemical glassware, 10 per cent on porcelain ware, 25 per cent on scientific instruments, 40 per cent on surgical and dental instruments, and it removes optical glass from the free list and places thereon a duty of 45 per cent. In addition to these specific rates, the bill also repeals the duty-free provisions of paragraph 573 of the present tariff act, in so far as it applies to the products of these industries.

With these increased rates it is felt that our revenues will be materially increased if American consumers still insist upon buying these supplies in foreign markets.

While these industries are each separate and distinct, they are so closely allied and the history of the development of each industry so closely parallels the other, that, for the sake of brevity, I shall refer to them collectively, more or less, in my remarks.

What we seek to accomplish under this bill is to build up a wall of protection around these essential "infant industries," such as will enable them to continue in operation and not force them out of business by compelling them to compete with the low-labor conditions of Europe, and especially of the Orient; the latter will be the inevitable result, and that very soon, if the industries are not given this protection.

We feel that now, immediately, national encouragement should be given to these industries, because they are the "key" industries of the country, without the existence of which America can not hope to remain economically free and commercially independent, as we are at this moment.

By "key" industries, I mean that the products of these industries are used not only for scientific instruction in our schools and colleges, but in all of the commercial industries of any importance to the welfare of the country and in our governmental activities, and without them our national safety is jeopardized.

Chemical apparatus and scientific instruments are indispensable in the laboratories which control the manufacture of steel, iron, paper, rubber, dyes, chemicals, sugar, cotton, munitions, and explosives.

They are necessary adjuncts in the laboratories of every important industry in every part of our country for testing and analyzing the things which go into the make-up of the product of these various industries, as well as for testing and analyzing the product itself. There is no industry of any importance that does not now possess a well-equipped laboratory and retain a corps of expert chemists.

Prior to the outbreak of the war, in 1914, there was but a very limited quantity of the lower grades of chemical glassware manufactured in the United States; there was practically no optical glass made in this country, and our production of other scientific instruments was not sufficient to take care of our peaceful domestic needs. Most of these supplies were imported from Germany and Austria.

Following the outbreak of the war and up until the time England had established a strict blockade against the Central Powers a sufficient quantity of these materials and supplies had been imported to take care of our needs for a year or two.

But when the United States entered the war and the demands of our Government for these supplies increased to an enormous extent it was found that the country was absolutely bare of chemical glass of the higher kinds and of optical glass. It was further found that none of our factories knew the manufacturing processes and that it was impossible to find skilled mechanics to perform the work.

For instance, there was no glass in the country that could be used for gun sights, periscopes, field glasses, or for any of the

innumerable uses that the Army and Navy must make of glass of this sort.

We all have fresh in our minds the appeal of our Navy Department, through the columns of the press and by every other means, to attract the attention of American people, to "Lend the Navy your eyes." Binoculars, telescopes, field glasses, and other cast-off articles of the like were eagerly sought from whomsoever could lend them for use of our men on the ships patrolling the seas.

And it is a fact that the gun sights and range finders on our ships and on the battle fields, through the aid of which our gallant lads in the Navy were able to shoot down the destructive U-boats and by the use of which our brave boys in the Artillery were able to get a bead on the enemy and mow them down with the withering and accurate gunfire for which they soon became noted, were instruments many of which were manufactured in Germany and imported into this country.

It is obvious to all that without field glasses, without range finders, without gun sights, and the like, an Army or Navy is comparatively blind. It is equally obvious that without chemical apparatus and instruments the production of high explosives is almost impossible, and an element of danger is necessarily introduced wherever poor materials must be substituted for proper materials in the manufacture of these high explosives.

It was found that there was not an adequate supply of chemical glassware to give efficient service to our scientific and manufacturing industries or to the various scientific departments of the Government; the same may be said of scientific instruments which were so imperatively needed, and, as a result, on entering the war the United States found itself without these vitally essential necessities.

Frantic appeals were made to the American manufacturers to come to the aid of their country by equipping their plants for the manufacture of these apparatus and instruments.

Thanks to the patriotism and genius of the men appealed to, they were able to meet the demands of their Government in increasing quantities, for both the employer and the employee put their shoulders to the wheel when they realized that so much was needed from them to support and back up the boys who had gone "over there" to do the fighting.

There were numerous obstacles to surmount in developing these industries to a state of efficiency. Although there were many skilled mechanics of years of training along other lines of glasswork, the development of the chemical line was at first a slow proposition and it took months before these highly trained mechanics became proficient in turning out this chemical ware. This period of training and development naturally resulted in heavy financial loss to the manufacturers.

Estimates of the value of imported chemical glassware before the war by two of the principal importers for the year 1913, as compiled by the United States Tariff Commission, place it from \$1,200,000 to \$1,500,000; of these totals the value of the merchandise imported free of duty for educational institutions the same year was \$500,000 to \$800,000, or from 42 per cent to about 53 per cent.

In 1915 American factories and shops produced chemical glassware to the value of \$950,319, according to the report of the Tariff Commission, and in 1918 it was valued at \$2,865,774.

With the lifting of the blockade against Germany, we may expect an immediate renewal of competition from that country. But a more serious competition, and one that is giving greater anxiety to the American manufacturer, is the competition of Japan. Japan, like America, has been developing these industries only since the outbreak of the war.

Lately Japanese goods have flooded the American markets, and it must be obvious to everyone that with the present-day price of American labor, our manufacturers can not compete with the products of the cheap labor of Japan.

I am advised by the Secretary of Commerce, in response to an inquiry addressed to him asking for information as to the wages paid to skilled workmen engaged in the glass industry in Japan, that the wages are as follows:

The average daily wages in 1917 for males over 15 years of age was 37½ cents; for females 16½ cents. For males under 15 years of age 14 cents and for females 11 cents. The number of working days in a year is given as 283, and the hours per day as 11½.

The Secretary further advised me, under date of June 26 of this year that the—

probable wages for 1918 are: For males over 15 years of age, 53 cents; for females, 24 cents; males under 15 years of age, 20 cents, and females 15 cents.

The average daily wages for skilled glass workers in the United States is \$6.60. Child labor is not employed, and there are but few females employed in the industry.

England, soon after the outbreak of the war, found herself in much the same predicament as did America later on. Prac-

tically all of these essential supplies used by England was imported from Germany and Austria. Like America, too, England has made much progress in the development of these industries, and efforts are now being made to not only keep the industry in existence but to have it compete in foreign markets.

I am advised that England is now contemplating the absolute barring out of imports of chemical glassware and optical glass in order that the development of these industries in her own country may continue, because she considers that these industries are vital for the national protection.

The New York Sun of June 22, 1919, reprints an article taken from the London Times with reference to the support being given to the chemical-glassware industry in England, by the British Government, in which it is stated that a department of glass technology was opened at Sheffield University with the support of the Government, and that the Government has been asked to provide \$364,987 over a period of five years, and the manufacturers will contribute a further sum of \$121,662.

The American manufacturers neither ask for nor do they want a subsidy of any kind; they merely want the adoption of legislation which will give them a fair chance to compete in the open markets with foreign countries.

#### ELIMINATION OF THE DUTY-FREE CLAUSE.

The last section of this bill provides for the elimination of paragraph 573 of the tariff act of October 3, 1913, and prior acts, known as the "duty-free" clause, under which educational institutions and the like were permitted to import these scientific instruments and apparatus free of duty when they were to be used solely for educational purposes.

It is estimated that about one-half of the imports of scientific instruments and apparatus into this country comes in under this duty-free clause. This actually means that the American manufacturer is shut off from bidding or competing for one-half of the demands of this country.

This paragraph was first incorporated in the tariff act of 1790. It was ostensibly for the purpose of encouraging higher education in this country, and in the early history of our country's development it unquestionably was a wise and proper thing to do.

But the perpetuation of this duty free clause in our later tariff laws has done more to retard the manufacture of these chemical essentials in this country than any other one thing.

Not only did it deprive our manufacturers of one-half of the market for these supplies, but under the cloak of this paragraph there was inaugurated in our schools and colleges a propaganda of the most vicious character, which filled the minds of the youth of our country with the idea that America could not make the instruments and apparatus which they needed in their education. From the time our young men entered our institutions of higher education they were confronted with instruments and apparatus which bore the stamp, "Made in Germany."

They were told that American workmen could not make satisfactorily the things which they saw there in the laboratories and that it was necessary to import these things from Germany. This was so thoroughly drilled into them that they came out of school with their minds educated to that belief and they unconsciously carried on this propaganda, either in commercial industries or in colleges where they took up the vocation of teaching.

Heretofore this was all German propaganda, but with the advent of the Japanese into these industries we can expect the same tactics from them, unless we stop it here and now before Japan has an opportunity to get a foothold.

I am happy to say that most of our celebrated chemists and college professors are now awake to the use that has been made of our institutions of learning in carrying on this foreign propaganda, and they are now carrying on a campaign of education with the idea of substituting the trade-mark "Made in America" for "Made in Germany," or "Made in Japan," or made in any other country.

To that end they are almost universally of the opinion that the "duty-free" privilege to educational institutions should be withdrawn and that our universities should be the first to take up and teach the slogan of "America for American-made goods first, last, and all the time."

Let me quote briefly from the testimony of some of the witnesses who appeared at the hearings before the Committee on Ways and Means.

These men were all of the opinion that the tariff rates as carried in this bill should be enacted into law. They represented the manufacturers of these goods, the workmen who are engaged in the industries, and the American Chemical Society, representing practically all of the chemists of the country. They were likewise of the opinion that the duty-free clause should be eliminated.

In this connection I desire to say that I have not received a single protest against the passage of the bill, either from people engaged in manufacturing or importing this ware or from any school, college, or university.

I want to quote very briefly from the testimony of the various people who testified before the Committee on Ways and Means in reference to this matter. We held our hearings on June 11, 12, and 13 of this year, and I want to call attention to the various witnesses who testified before the committee, and I say in this connection that up to the present time there has not been a complaint by either a manufacturer or a college regarding the new duties which we propose to impose. I quote very briefly from the statement of Mr. E. C. Sullivan, Corning Glassware Works, manufacturers of Pyrex flasks and beakers, of Corning, N. Y.:

About the first of this year, after producing chemical wares some three or four years, we found our cost had practically doubled, and prices were raised about 25 per cent. Now we have to face Japanese competition. American universities are buying Japanese ware. The result will be to create in the generation of chemists now in school the same prejudice in favor of Japanese ware which has existed in the past in favor of German ware. We have reason to believe that Japan to-day, undisturbed by war as that country has been, can produce at a cost far below ours. We believe that Japan should not be allowed to obtain a foothold in this line. We can not cut prices to meet Japanese competition at this time, and we believe that a duty of 60 per cent ought to be imposed for the protection of this industry. It is not our intention to raise the price when such a duty is established. The desirability of having at home ample sources for chemical glassware in case of future wars is to-day obvious. England is understood to have been seriously embarrassed by lack of chemical glass supplies at the outbreak of the recent war.

I want to call attention to the statement by Dr. W. F. Hillebrand, chief chemist, Bureau of Standards. Dr. Hillebrand testified as follows:

DR. HILLEBRAND. I think I can say that the director feels that the glass industry—and the porcelain industry, undoubtedly—has suffered by lack of protection. I do feel—and in fact I know that the Bureau of Standards feels—that the glass industry and the porcelain industry, which did not exist before the war, practically had suffered from lack of protection against foreign importation, and undoubtedly the imposition of a duty is going to help the domestic glass industry. That is beyond question.

I want to quote from the statement of Mr. Frank J. Sheridan, of the Tariff Commission, in response to a question asked by the Tariff Commission of the various colleges whether there would be any objection to a withdrawal of the duty-free clause. He stated as follows:

In response to question No. 1—would the withdrawal of the duty-free privilege heretofore enjoyed by educational institutions and the continuance of the present rate of duty on apparatus and chemicals increase the development and manufacture of such merchandise in the United States—elicited the following: The heads of the chemical departments of 20 universities and scientific institutions replied to this question. The institutions included Yale, Cornell, Pennsylvania, Leland Stanford, Illinois, Pittsburgh, Chicago, Washington and Lee, Ann Arbor, Washington, the Carnegie Institute, Rockefeller Institution, Bureau of Chemistry, Bureau of Standards, Washington Hygiene Laboratory, Geophysical Laboratory, and Pratt Institute. Of these, 17 stated that the withdrawal of the duty-free privilege would increase the development and manufacture of chemical articles, 1 said it would have little effect, 1 answered in the negative, and 1 was noncommittal.

I want to call attention to the fact that with this duty-free advantage which educational institutions have had they have not sold to their students their supplies at cost. Mr. Sheridan, of the Tariff Commission, in quoting from the manufacturer, states:

Some schools charge net prices, but the majority add from 100 to 200 per cent to the cost, which was not intended by the Government when the law was passed. In other words, a great many schools compel the students to pay the entire operating expenses of the laboratory supply department by adding a profit to the duty-free prices. One large western university pays interest on the equipment of the storeroom and the running expenses of same, including the salary of the purchasing agent, and shows a profit. We do not know of any that charge the actual cost price. The spirit and literal interpretation of the duty-free law has been broken by a great many schools in checking up the apparatus used by instructors and students in allowing the same to be carried away from the institution. Some of the duty-free goods have been disposed of by the laboratories.

I want to quote now from the testimony as given by Mr. William P. Clark, president American Flint Glass Workers' Union of North America. Mr. Clark in his statement states that there are 85,000 glass workers in the United States and about \$250,000,000 invested in the enterprise and he goes on to state in reference to the 60 per cent ad valorem:

MR. CLARK. This Japanese competition warrants us in asking for 60 and not 45 per cent ad valorem—and that will not meet the situation, although it will lessen the evil. That 45 per cent clause, which Mr. Sheridan spoke about, was suggested at a time when we did not have this Japanese competition in reality, and we felt that if the 45 per cent were placed on this ware, and you did not let it go to these laboratories and hospitals free, when from 42 to 53 per cent of it is used there—if that was to bear the tariff, in place of coming duty free, that would have relieved the situation, in so far as Germany, Austria, and Belgium were concerned; but we were reckoning then, in January, 1918, with Japan, with which we must reckon now. For that reason, we are anxious to have a clause in paragraph 573, in its application to this

chemical glassware, annulled, and to make this ware subject to the regular tariff; and that tariff, we think, should be 60 per cent in place of 45 per cent.

I also desire to quote from the testimony of Mr. Charles L. Parsons, Washington, D. C., secretary of the American Chemical Society. And I want to call Members' attention particularly to the testimony of Mr. Parsons:

MR. PARSONS. I am secretary of the American Chemical Society, sir, which has a membership of 13,500 of the chemists of our country.

MR. COPLEY. Do you believe the chemical industry was exceedingly important in the successful prosecution of this war by the American people?

MR. PARSONS. I am naturally prejudiced, but I think there was none more important.

MR. COPLEY. And you think we successfully disproved the claim of Germany of the superiority of her chemical glassware in her prewar propaganda?

MR. PARSONS. I know we did.

MR. COPLEY. And you regard this industry as absolutely essential to the chemical independence of this country in the event of future wars?

MR. PARSONS. I think there is no question about that. We have to have our gas warfare and all those things.

Now, here is something I think of vital interest to the Members of the House who are interested in this particular bill. Referring to the statement made by him, I asked him this question:

MR. BACHARACH. In addition to the fact you want American-made goods for the reason they should be American-made goods; you want to prevent any further propaganda such as we had prior to the war?

MR. PARSONS. Yes, sir.

MR. HULL. Does your organization represent chemists of the universities?

MR. PARSONS. Probably every chemical professor and most all of the chemical instructors in all the universities of America. I say probably; I know it; there is no question but that they are all members of the American Chemical Society. And in this organization large numbers of those were present and there was very little dissent among those present as to the desirability of this action.

MR. COLLIER. You say those connected with these universities and colleges were there and approved of this proposition?

MR. PARSONS. They were there and favored it; yes, sir. There were representatives from Cornell, Yale, the University of California, the University of Pennsylvania, Columbia University—I can get a list if it would be of any interest. But it is practically the most representative chemical organization that can be gotten together in America, composed of representatives elected by the local sections. We have 55 local sections in America, which are very largely controlled by the colleges and universities.

MR. COLLIER. And I understood you to say, in answer to a question from Mr. Oldfield, this association is in no way, directly or indirectly, connected with the manufacture?

MR. PARSONS. It is a scientific association which does not make a cent of money from any person, individual, firm, or corporation. It is only a scientific association, the same as the Association of Mechanical Engineers, the Association of Civil Engineers, etc. It is an association gotten together for the development of the chemical science and industry.

MR. YOUNG. If I understood you correctly, your main purpose is to secure a dependable supply for all time to come in this country?

MR. PARSONS. That is it, exactly.

We also have the testimony of quite a number of manufacturers. We have the testimony of Dr. Herty, who has charge of chemistry of the University of North Carolina, and Dr. Herty in his statement said that it did not make any difference, in his judgment, what the rate of duty should be, just so it would be high enough that the youth of this country were not compelled to use chemical and laboratory glassware made either in Germany or Japan. It was proven, so far as America is concerned, that her glassware is the equal of the German glassware and far superior to the Japanese glassware. I want to call attention to the fact that America can not compete with Japan.

Among all the witnesses who appeared before the committee there was evidenced a great feeling of pride in the accomplishments of American genius and American labor in these scientific industries.

The chemists, both those engaged in commercial lines and the professors in our universities, are proud of the fact that through the energies of American capital and labor their needs were supplied at a time when their country demanded the best of their genius; the manufacturers are proud in their realization that when war menaced our very existence their organizations were able to meet the most critical and trying demands of the Government; and the skilled workmen are deservedly proud of the fact that, like the skilled artisans in all other lines, when their country called upon them for its most essential needs, they were able to produce in kind and quantity scientific apparatus, utensils, and appliances which the scientists of America, by a most invidious propaganda, had been educated to believe could not be satisfactorily produced in the United States.

The accomplishments and achievements of the American manufacturer and the American skilled mechanic in these scientific industries are most remarkable and are deserving of the highest commendation. They have demonstrated to the world since the outbreak of the World War that we have once and for all acquired our independence of foreign countries in these industries.

National defense and our industrial independence require and demand that the manufacturing of chemical glassware and

porcelain ware, optical glass, and other scientific instruments and apparatus, developed in America since the outbreak of war, shall be continued, and that the United States shall never again find itself, with respect to these industries, in the very humiliating and alarming situation in which we found ourselves, for want of these industries, in the early part of 1915.

With this end in view, those who are most vitally interested in the perpetuity of these industries come to you and ask for a reasonable protection against foreign competition which will enable these industries to continue in existence.

Are you going to reward the skilled mechanics of America, thousands of whom are engaged in these industries, for their devotion to their country and for their wonderful achievement in bringing about the industrial independence of America in these industries by affording to them that protection which will permit them to continue their employment at a fair wage?

Or are you going to force them out of employment and once again place America under the yoke of foreign domination in these essential and important industries by compelling American manufacturers to go out of business by forcing them to compete against the low paid and wily Jap and recently despised Hun?

I am showing here a nest of 13 beakers, made by the White-tall Tatum Co., and its price to the trade of this Nation is \$1.27½. Of course these beakers are all heat resisting. The chemical side is something I can not explain as it should be explained, except all of this glass has heat resistance and very great resistance, and after being placed to an exceedingly high temperature of heat these are placed in cold water, and they have to withstand that change. Here are the Japanese goods, which can be delivered inland, in a small town of New Jersey, for \$1.01, with a duty of 45 per cent ad valorem on them. The glass people are only asking that that duty shall be increased from 45 to 60 per cent. The manufacturers have already stated if the duty is increased 45 to 60 per cent they are perfectly willing to go ahead and continue the manufacture of this chemical glassware. Not only are they interested from the fact that it was a patriotic movement during the war, but it has done more, probably, to help the laboring classes that are interested in the glass industry than any one thing that has occurred during the war.

I want to revert to the testimony before the committee given by Mr. Ralph Barber. Until the needs of our country for chemical glassware demanded that new factories be brought into being for the manufacture of this line of merchandise Mr. Barber was employed as a skilled mechanic.

In speaking of the efforts that had been made to develop the chemical glass industry in this country before the war, and of the concessions that had been made by the American Flint Glass Blowers Association in their desire to help the manufacturers to build up this industry by accepting longer hours of service at no increase in wages, in the hope that the industry could be maintained in this country, but without success, Mr. Barber made this very significant statement:

All efforts, however, proved futile, so far as results were concerned; but the coming of the war gave us the opening that we had long sought for. The resultant difficulty in securing goods made it necessary to look to the American workmen of their goods. I might say that I was possibly one of the few workmen who at that time felt that I had gotten the opportunity that I had long looked for—a chance to demonstrate to the American people that the American manufacturer and the American workingman could make glassware just as good and just as cheaply as could be made by anybody anywhere under the same rate of wages."

The point I wish to make in connection with Mr. Barber's statement is this, that to give encouragement to the American workmen when they deserve it is the surest remedy for the eradication of Bolshevism, I. W. W.'ism, and all other manner of social unrest.

We should encourage the youth of our country in doing things well, whether it be the product of hands or brains, pay them for their efforts and energies, supply a practical worthy ideal, and the spirit of discontent is gone.

By doing this, in place of discontent you have awakened the man to his responsibilities—a life of usefulness; you have made him a thing of worth to his fellow man. The world looks brighter to him; he is doing something useful, doing something worth while, making something his country needs.

All success consists in doing something for somebody, benefiting humanity; and the feeling of success comes from a consciousness of this. Interest the American youth in useful employment and you have sounded the death knell of anarchy.

This is one of the big things which the bill now before the House will help to accomplish, and for this and the other essential needs of the country, as I have endeavored to show them to you, I ask your support of the bill.

Mr. SMITH of Michigan. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from New Jersey yield to the gentleman from Michigan?

Mr. BACHARACH. I yield.

Mr. SMITH of Michigan. As I understand, the Japanese wages are about 51 cents a day?

Mr. BACHARACH. The Japanese male wages are about 53 cents a day.

Mr. SMITH of Michigan. What are the wages in America?

Mr. BACHARACH. A first-class skilled mechanic gets \$6.60 a day.

Mr. SMITH of Michigan. The Japanese wages are one-twelfth of what our workmen get here?

Mr. BACHARACH. Yes. And the Japanese workmen labor 12 hours a day and our workmen 8 hours a day.

Mr. SMITH of Michigan. And the idea is to meet the difference in the wages?

Mr. BACHARACH. And if the Japanese workmen would do as much work as our workmen we would have to have our duty way up in the hundred per cents.

Mr. ACKERMAN. Will the gentleman tell us whether the glassware in Japan is made by hand labor or whether the glass made in America is made by hand labor, or is it made by machine?

Mr. BACHARACH. I will say that most of the labor in Japan is by hand. A great deal of the glassware is manufactured not in large shops the same as we have in this country, but manufactured in small shops and in the homes. In this country we are manufacturing a great deal of this work not alone by hand, but a great deal of it also is manufactured by machine.

Mr. ACKERMAN. I wanted to know whether the difference between what can be laid down here for \$1.01 by the Japanese compared with \$1.27½ for that made in America is precisely in the same ratio as Japanese efficiency compared with American efficiency?

Mr. BACHARACH. With the beakers exactly the same.

Mr. TREADWAY. Is not the gentleman's colleague from New Jersey also referring to the comparison of quality as between the manufactures?

Mr. BACHARACH. He did not ask me anything about the quality.

Mr. TREADWAY. I think that is what he had in mind.

Mr. BACHARACH. So far as we can ascertain, the American goods are superior in quality to the Japanese goods.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BACHARACH. Can I have two more minutes?

Mr. FORDNEY. I yield two more minutes to the gentleman.

Mr. BACHARACH. I want to call attention of the committee to some of the glassware made in this country. Of course, none of it was made here prior to the war. I want to quote the prices. This [illustrating] is a sulphur apparatus, and the price of it in Vineland is 90 cents, and the Japanese cost to the college would be 58, and including the ad valorem duty is 85 cents on the Japanese article. This is a construction apparatus used principally in making food analyses. This is made by the Kimball Glass Co. The price of it in this country is \$4.50, the selling price. It cost from \$3.50 to \$3.75 to manufacture it, and \$2 of that amount goes to the man that manufactures it. [Applause.]

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. FORDNEY. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. LaGuardia].

The CHAIRMAN. The gentleman from New York is recognized for five minutes.

Mr. LaGuardia. Mr. Chairman, I desire to call the attention of the House to the fact that I have this day filed a petition, signed by 6,500,000 citizens of the United States, indorsing the proposition of six months' pay for soldiers. This petition was circulated by the Hearst newspapers throughout the United States, and these signatures were acquired in a few days. Several carloads of these petitions arrived in the Capitol to-day and were delivered to the Clerk of the House.

Mr. McARTHUR. Mr. Chairman, will the gentleman yield?

Mr. LaGuardia. Not now. This is substantial evidence that the people of the United States are in favor of giving the soldiers, besides the button we have given them, something more substantial for their services during the great world war.

Mr. McARTHUR. Mr. Chairman, will the gentleman yield now?

Mr. FORDNEY. The gentleman has no time to yield.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FORDNEY. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. Moore].

The CHAIRMAN. The gentleman from Ohio is recognized for five minutes.

Mr. MOORE of Ohio. Mr. Chairman, it is my purpose to speak a few words in favor of this bill, chiefly because there

are a number of manufacturing industries and workmen in the fifteenth Ohio district that are greatly interested in its passage.

The author of the bill has very well explained the necessity for the legislation, and I am sure that the Committee on Ways and Means has carefully conducted investigations which have led to this legislation, although some of the manufacturers express a well-founded fear that the proposed protection will not be sufficient.

As I recall the history of it, as far back as 1790 a great many of our institutions of learning began receiving their laboratory porcelain and laboratory glassware from Germany and Austria free of duty, and have been since so receiving it. This has resulted in the fact that practically all of our laboratory glassware and porcelain came from these countries, which made our institutions of learning and those who studied therein feel that these could not be produced in this country. I am sure now that our splendid and heroic young men who come back from the great World War and again enter our institutions of learning and our industrial plants will not care to have before them an equipment manufactured in some foreign land, but they will be glad to know that the equipment with which they work was made in our own country [applause] by our own skilled and efficient workmen.

For years we bought these products from Germany, and when the time came that we needed them in our industries and educational institutions, and there was a blockade on account of the war, we did not have them in America. But American initiative, American ingenuity, American constructive skill, American wealth, and American labor were all joined together by the employee and the employer to see that we produced the things that we needed in this country in a time when we were called upon to participate in the great World War.

We have learned many lessons from the war. I think we should observe this, that Germany tried to be independent, so that when the war broke out she had many things that she needed, and did not depend on other countries. But we had this lesson, that these things that we needed in our munition plants to make investigations and to carry on our work in our laboratories we did not possess. If this bill should be passed we shall encourage these industries and provide against an embarrassing situation. In fact, if the bill does not pass these industries must suffer, indeed likely cease to exist, because, as the gentleman from New Jersey [Mr. BACHARACH] has suggested, our workmen can not compete economically with foreign laborers who receive only about one-tenth or one-twelfth as much as our workmen receive.

Three splendid industries, at least, and there may be others, in the district which I have the honor to represent, are interested in this bill. The Cambridge Glass Co., of Cambridge, has been producing laboratory glassware. The Ohio Pottery Co., at Zanesville, and the Guernsey Earthenware Co., at Cambridge, have been manufacturing laboratory porcelain. The men behind these industries have put their funds into the work, and the men in the factories have learned the trade and applied their skill. These men, both the manufacturers and the workmen, came to the aid of the Government when the Government needed these products. It is now the duty of those of us who represent the Government to protect them when they need the protection.

There is a real danger of destroying these industries if we do not immediately provide adequate protection, for both Japan and Germany have these products ready to place in our markets. I think that unquestionably this bill should pass. The institutions of learning that have been receiving these goods duty free, as has been stated here, will be very glad to see that we make that which the youth of our land use in our institutions of learning and in our great industrial plants and to observe that these things are made in America; not made by cheap foreign labor and child labor, but made in our own industries, with our own money and with our own hands. [Applause.]

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. MOORE of Ohio. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. FORDNEY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 7785)

to provide revenue for the Government, to establish and maintain in the United States manufacture of laboratory glassware, laboratory porcelain ware, optical glass, scientific and surgical instruments, and laboratory apparatus, had come to no resolution thereon.

ZINC.

Mr. FORDNEY, from the Committee on Ways and Means, reported a bill (H. R. 6238) to provide revenue for the Government and to encourage the production of zinc ores and manufactures thereof in the United States, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

RECESS RESCINDED.

Mr. MONDELL. Mr. Speaker, I present a concurrent resolution and ask unanimous consent for its immediate consideration.

The SPEAKER. The gentleman from Wyoming asks unanimous consent for the present consideration of a concurrent resolution, which the Clerk will report.

The Clerk read as follows:

House concurrent resolution 26.

*Resolved by the House of Representatives (the Senate concurring), That the action taken under concurrent resolution of July 28, 1919, providing for an adjournment of the House from Saturday, the 2d day of August, until 12 o'clock meridian, Tuesday, the 9th day of September, 1919, be, and the same is hereby, rescinded.*

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. BLANTON. Mr. Speaker, reserving the right to object—

Mr. McARTHUR. Regular order!

Mr. BLANTON. Mr. Speaker, I ask unanimous consent to proceed for five minutes on this resolution.

Mr. McARTHUR. I object.

Mr. BLANTON. Then I object to the consideration of the resolution.

The SPEAKER. The gentleman from Texas objects.

Mr. CAMPBELL of Kansas. Mr. Speaker, I present a privileged report from the Committee on Rules.

The SPEAKER. The gentleman from Kansas presents a privileged report from the Committee on Rules. The Clerk will report it.

The Clerk read as follows:

*Resolved, That immediately upon the adoption of this resolution it shall be in order to consider House concurrent resolution No. 26, a resolution rescinding the action of the House heretofore taken providing for an adjournment from August 2, 1919, until September 9, 1919. Said resolution shall be considered under the general rules of the House.*

Mr. BLANTON. Mr. Speaker, I make a point of order.

The SPEAKER. The gentleman will state it.

Mr. BLANTON. My point of order against this resolution is that it is out of order, for the reason that this House last Monday, by an almost unanimous vote, at least without a call for a division—and I take it that that means it was practically unanimous—passed a resolution providing that when this House adjourns to-morrow it adjourn to meet on the 9th day of September. A motion was made to reconsider the vote by which that motion was passed and to lay that on the table, and the latter motion was agreed to, which made such action of the House final. The membership of the House, acting upon the record made then, took it for granted that the House meant what it said when it agreed that it would adjourn to-morrow to meet on the 9th day of September, and at least 100 Members have gone to their homes, scattered over the United States. At least 200 other Members have bought their transportation home. It is not fair to them. What is the emergency? Another threat from the four great railroad brotherhoods of a nationwide strike on September 1. Another holdup, if you please. And the people are paying the bills.

Mr. McARTHUR. Mr. Speaker—

Mr. BLANTON. I take it it is beyond the province of the Rules Committee to go behind the action of the House thus taken. We have become regular jumping jacks for demands for increase of salaries. If we want to decrease the high cost of living, we must begin by using some reasonable economy in running the affairs of our Government.

The SPEAKER. The Chair thinks it has been well settled by precedent that the Committee on Rules have authority to bring in this resolution. In fact, if the Chair is not mistaken, it has been done in a case exactly similar to this. The Chair overrules the point of order.

Mr. CAMPBELL of Kansas. Mr. Speaker, this resolution is in accordance with the precedents of the House, and brings before the House a resolution to enable the House to express its will in a resolution rescinding the action heretofore taken by the House providing for a recess. It is a matter that the House

has a perfect right to do under the precedents. The resolution presented by the Committee on Rules makes the rescinding resolution in order under the rules of the House.

Mr. WALSH. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I yield for a question.

Mr. WALSH. Does the gentleman intend, before moving the previous question, to present an explanation as to why this rule is necessary?

Mr. CAMPBELL of Kansas. It is necessary because of the objection of the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. And I objected because this is based upon a move by railroad employees to again raid the Treasury, and made because of the railroad brotherhoods in this country trying to hold up the people of the country again for about the seventh time. There is the real reason. First the Adamson law, forced by threats, then an annual increase in wages from Director McAdoo of \$760,000,000, then an additional annual increase from Director Hines of \$67,500,000, and now upon threats to tie up all railroads in a nation-wide strike September 1 Congress must either truckle or fight. For one I am in favor of a show-down.

The SPEAKER. The gentleman must not break in upon the debate without addressing the Chair and being recognized either by the Chair or by the gentleman who has control of the time.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. I yield for a question.

Mr. WALSH. Is it the gentleman's intention to state to the House why it is necessary to consider the proposition to rescind the resolution providing for a recess?

Mr. CAMPBELL of Kansas. That is a matter that will be discussed, no doubt, by the gentleman who presented the rescinding resolution. The resolution that I have presented from the Committee on Rules merely makes the rescinding resolution in order at this time.

Mr. GARRETT. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. I yield to the gentleman from Tennessee.

Mr. GARRETT. Does not the gentleman think that in order to enable the Members of the House to vote intelligently even upon the rule, which is a very extraordinary rule, there should be read in the gentleman's time and before he moves the previous question the letters that are the occasion for this extraordinary procedure?

Mr. CAMPBELL of Kansas. The letter from the President is a short letter, but the letter to which the President refers would consume 20 minutes in the reading.

Mr. RAMSEYER. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. I had already yielded to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT. It seems to me, if I may suggest it to the gentleman from Kansas [Mr. CAMPBELL]—and of course the gentleman understands that I am in favor of the rule—that it might be just as well to present the matter now as to reserve it and present it on the concurrent resolution. If we had obtained unanimous consent that would have been different.

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield to the gentleman from Wyoming—how much time?

Mr. MONDELL. Five minutes.

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, the resolution which I presented is predicated on certain communications received by the Speaker and Members of the House from the President of the United States. The letter to the Speaker of the House I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

THE WHITE HOUSE,  
Washington, 1 August, 1919.

MY DEAR MR. SPEAKER: The Director General of Railroads informs me that the situation with reference to the railroads is growing so critical every hour that I hope it will be possible for the House to postpone its recess until some definite action is taken upon the recommendations contained in my letter to Mr. Esch. Officials of the Government have been in consultation with reference to the problems growing out of the high cost of living, upon which I expect recommendations to be made within a fortnight. I sincerely trust that the proposed recess of Congress may be postponed at least until such time as we may know definitely the problems which confront us, growing out of this intricate situation.

Cordially and sincerely yours,

(Signed) WOODROW WILSON.

HON. FREDERICK H. GILLET,  
Speaker, House of Representatives.

Mr. MONDELL. Mr. Speaker, I had the honor to receive a letter identical with that addressed to the Speaker and just read. The letter addressed to the gentleman from Wisconsin [Mr. Esch] I send to the desk and ask to have read.

The Clerk read as follows:

THE WHITE HOUSE,  
Washington, 1 August, 1919.

MY DEAR MR. ESCH: I take the liberty of inclosing a copy of a letter which I have just received from Mr. Walker D. Hines, the Director General of Railroads, and which I am sure you will agree with me in thinking contains matter for very serious thought and for action also.

May I not say that I concur in the suggestions which Mr. Hines makes in the two concluding paragraphs of his letter? I hope that it will be possible for your committee to consider and recommend legislation which will provide a body of the proper constitution, authorized to investigate and determine all questions concerning the wages of railway employees, and which will also make the decisions of that body mandatory upon the rate-making body and provide, when necessary, increased rates to cover any recommended increases in wages and, therefore, in the cost of operating the railroads. In view also of the indisputable facts with regard to the increased cost of living, I concur in Mr. Hines's suggestion that the legislation undertaken should authorize the body thus set up to make its findings with regard to wage increases retroactive to the 1st of August, 1919, at any rate to the extent that that tribunal may regard reasonable and proper, in order to give real relief to the employees concerned.

I need not, I am sure, urge upon you the importance of this matter, which seems vital from more than one point of view, and I hope that you will think this form of action the proper and necessary one.

Cordially and sincerely yours,  
(Signed) WOODROW WILSON.

HON. JOHN J. ESCH,  
Chairman Committee on Interstate and  
Foreign Commerce, House of Representatives.

Mr. MONDELL. Mr. Speaker, when the House, after careful consideration of all matters involved, agreed upon the recess of five weeks it was with the view and expectation that all pending matters of legislation of importance would be advanced by the recess, because of the fact that the recess would afford an opportunity for the committees to continue uninterruptedly in the consideration of matters before them.

This was particularly true with regard to the Committee on Interstate and Foreign Commerce, which is now considering and proposed to continue to consider during the recess all of the questions involved in and related to the railway problems of the country, and including, of course, the very questions now suggested and presented by the President.

These and other matters of reconstruction would have been carefully and thoroughly considered by this committee and the other committees, and I am still of the opinion that their careful and wise consideration and settlement by the committees would have been advanced by the recess.

The President, however, presents an added reason for the continuation of the House in session; that is, the consideration of the problems growing out of the high cost of living. These are tremendously important questions. They would have received consideration and attention by the committees which remained in session during the recess, but the President suggests that he may be able to make recommendations to the Congress on this all-important subject within a fortnight. We certainly can not afford to miss any possible opportunity to consider and pass upon any suggestions or recommendations that shall promise relief from the present intolerable conditions.

In view of these facts, and in the hope that the President may be able to make recommendations to the Congress containing practical suggestions of means for the reduction of the high cost of living, I feel it is the duty of the House to remain in session. [Applause.]

Mr. CAMPBELL of Kansas. Mr. Speaker, I move the previous question on the resolution.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 135, noes 1.

Mr. BLANTON. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from Texas makes the point of order that no quorum is present. Evidently there is no quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.



The question was taken; and there were—yeas 235, nays 4, answered "present" 6, not voting 184, as follows:

YEAS—235.

Ackerman	Edmonds	Lampert	Ricketts
Almon	Elliott	Lanham	Robson, Ky.
Anderson	Esch	Lankford	Rodenberg
Andrews, Nebr.	Evans, Nebr.	Larsen	Rogers
Ashbrook	Fisher	Lea, Calif.	Romjue
Aswell	Fitzgerald	Lehbach	Rose
Ayres	Flood	Leshner	Rowe
Bacharach	Fordney	Lonerger	Rubey
Baer	Foster	Longworth	Sanders, Ind.
Bankhead	French	Luce	Schall
Barbour	Gandy	Lufkin	Scott
Barkley	Garland	Luhning	Sells
Begg	Garrett	McAndrews	Shreve
Benham	Glynn	McArthur	Siegel
Black	Godwin, N. C.	McDuffie	Sinnott
Blackmon	Goodwin, Ark.	McFadden	Sisson
Bland, Ind.	Gould	McGlennon	Smith, Idaho
Bland, Mo.	Graham, Ill.	McKeown	Smith, Mich.
Bland, Va.	Green, Iowa	McLaughlin, Mich.	Smithwick
Bowers	Greene, Mass.	McLaughlin, Nebr.	Snell
Box	Greene, Vt.	McPherson	Steagall
Briggs	Griest	MacCrate	Stiness
Brooks, Ill.	Griffin	Madden	Strong, Kans.
Burke	Hadley	Magee	Strong, Pa.
Burrighs	Hardy, Tex.	Major	Sweet
Byrns, Tenn.	Haskell	Mansfield	Taylor, Tenn.
Campbell, Kans.	Hastings	Mapes	Temple
Campbell, Pa.	Haugen	Martin	Thomas
Candler	Hawley	Mays	Thompson, Ohio
Cannon	Hayden	Michener	Tillman
Caraway	Hays	Minahan, N. J.	Tilson
Carss	Heflin	Monahan, Wis.	Timberlake
Casey	Hernandez	Mondell	Tincher
Chindblom	Hickey	Moore, Ohio	Treadway
Clark, Mo.	Hoch	Moore, Ind.	Vaile
Cleary	Holland	Morin	Vestal
Coady	Howard	Mott	Vinson
Cole	Huddleston	Nelson, Mo.	Voigt
Collier	Hudspeth	Newton, Minn.	Volstead
Connally	Hull, Iowa	Newton, Mo.	Walsh
Crago	Igoe	Nichols, Mich.	Walters
Crowther	Ireland	Nolan	Wason
Cullen	Jacoway	O'Connell	Watkins
Dale	James	Ogden	Watson, Pa.
Dallinger	Jefferis	Padgett	Webster
Darrow	Johnson, Wash.	Park	Welling
Davis, Tenn.	Jones, Tex.	Parrish	Welty
Denison	Keller	Porter	Whaley
Dent	Kelley, Mich.	Quin	Wheeler
Dickinson, Iowa	Kelly, Pa.	Radcliffe	Williams
Dominick	Kendall	Rainey, H. T.	Wilson, La.
Doughton	Kincheloe	Rainey, J. W.	Wingo
Dowell	King	Raker	Winslow
Drane	Kinkaid	Ramsey	Wood, Ind.
Dunbar	Kitchin	Ramseyer	Woods, Va.
Dunn	Kleczka	Randall, Calif.	Wright
Dupré	Knutson	Randall, Wis.	Young, N. Dak.
Eagan	Kraus	Rayburn	Young, Tex.
Eagle	LaGuardia	Reed, W. Va.	

NAYS—4.

Blanton	Curry, Calif.	Moon	Platt
Boies	Kreider	Stephens, Ohio	Summers, Tex.
Kearns	Layton		

NOT VOTING—184.

Alexander	Dyer	Johnson, Miss.	Oliver
Andrews, Md.	Echols	Johnson, S. Dak.	Olney
Anthony	Ellsworth	Johnston, N. Y.	Osborne
Babka	Elston	Jones, Pa.	Overstreet
Bee	Emerson	Juul	Paige
Bell	Evans, Mont.	Kahn	Parker
Benson	Evans, Nev.	Kennedy, Iowa	Pell
Booher	Fairfield	Kennedy, R. I.	Peters
Brand	Ferris	Kettner	Phelan
Brinson	Fess	Kless	Pou
Britten	Fields	Langley	Purnell
Brooks, Pa.	Focht	Lazaro	Reavis
Browne	Frear	Lee, Ga.	Reber
Browning	Freeman	Lever	Reed, N. Y.
Brumbaugh	Fuller, Ill.	Linthicum	Rhodes
Buchanan	Fuller, Mass.	Little	Riddick
Burdick	Gallagher	McClintic	Riordan
Butler	Gallivan	McCulloch	Robinson, N. C.
Byrnes, S. C.	Ganly	McKenzie	Rouse
Caldwell	Gard	McKiniry	Rowan
Cantrill	Garner	McKinley	Rucker
Carew	Goldfogle	McLane	Sabath
Carter	Good	MacGregor	Sanders, La.
Christopherson	Goodall	Maher	Sanders, N. Y.
Clark, Fla.	Goodykoontz	Mann	Sanford
Classon	Graham, Pa.	Mason	Saunders, Va.
Cooper	Hamill	Mead	Scully
Copley	Hamilton	Merritt	Sears
Costello	Hardy, Colo.	Miller	Sherwood
Cramton	Harrison	Montague	Sims
Crisp	Herseman	Mooney	Sinclair
Currie, Mich.	Hicks	Moore, Pa.	Slemp
Davey	Hill	Moore, Va.	Small
Davis, Minn.	Houghton	Morgan	Smith, Ill.
Dempsey	Huilings	Mudd	Smith, N. Y.
Dewalt	Hull, Tenn.	Murphy	Snyder
Dickinson, Mo.	Humphreys	Neely	Stedman
Donovan	Husted	Nelson, Wis.	Steele
Dooling	Hutchinson	Nicholls, S. C.	Steenerson
Doremus	Johnson, Ky.	O'Connor	Stephens, Miss.
		Oldfield	Stevenson

Sullivan	Towner	Weaver	Wise
Summers, Wash.	Upshaw	Webb	Woodyard
Taylor, Ark.	Vare	White Kans.	Yates
Taylor, Colo.	Venable	White, Me.	Zihlman
Thompson, Okla.	Ward	Wilson, Ill.	
Tinkham	Watson, Va.	Wilson, Pa.	

So the previous question was ordered. The Clerk announced the following additional pairs:

- Mr. FESS with Mr. HUMPHREYS.
- Mr. WOODYARD with Mr. FERRIS.
- Mr. BOIES with Mr. DAVEY.
- Mr. COPLEY with Mr. BELL.
- Mr. BROWNING with Mr. HARRISON.
- Mr. KAHN with Mr. BOOHER.
- Mr. KENNEDY of Iowa with Mr. BUCHANAN.
- Mr. LITTLE with Mr. OVERSTREET.
- Mr. RHODES with Mr. PHELAN.
- Mr. RIDDICK with Mr. SIMS.
- Mr. SINCLAIR with Mr. STEDMAN.
- Mr. STEENERSON with Mr. MOORE of Virginia.
- Mr. TOWNER with Mr. OLIVER.

The result of the vote was announced as above recorded. The SPEAKER. A quorum is present, the Doorkeeper will unlock the doors. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to. Mr. MONDELL. Mr. Speaker, I think the resolution speaks for itself. The President's letters and the brief statement I have made presents the matter fully to the House. I ask for the reading of the resolution.

The SPEAKER. The clerk will report the resolution. The Clerk read as follows:

House concurrent resolution 26.

*Resolved by the House of Representatives (the Senate concurring), That the action taken under concurrent resolution of July 28, 1919, providing for an adjournment of the House from Saturday, the 2d day of August, until 12 o'clock meridian, the 9th day of September, 1919, be, and the same is hereby, rescinded.*

Mr. MONDELL. Mr. Speaker, I do not think any further debate or discussion is necessary, and therefore I move the previous question.

Mr. WINGO. The gentleman is not going to give an opportunity for any debate?

The question was taken, and the previous question was ordered. Mr. CLARK of Missouri. Mr. Speaker, is this a concurrent resolution?

Mr. CAMPBELL of Kansas. It is a concurrent resolution. Mr. CLARK of Missouri. I did not know whether it was a joint or concurrent resolution.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to. On motion of Mr. MONDELL, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

Mr. HEFLIN. Mr. Speaker, I think we ought to have the yeas and nays.

The SPEAKER. The gentleman is too late.

LEAVE OF ABSENCE.

- By unanimous consent,
- Mr. ROBERT E. EVANS was granted leave of absence for an indefinite term on account of sickness in his family.
- Mr. MOON was granted leave of absence indefinitely on account of important business.
- Mr. DRANE was granted leave of absence indefinitely on account of important business.
- Mr. HULINGS was granted extended leave of absence for two days on account of illness in family.

EXTENSION OF REMARKS.

Mr. PARRISH. Mr. Speaker, I ask unanimous consent to extend and revise my remarks on the resolution offered awhile ago.

The SPEAKER. Is there objection [After a pause.] The Chair hears none.

Mr. BLANTON. Mr. Speaker, I make the same request on the resolution just passed.

Mr. WALSH. Mr. Speaker, gentlemen do not have to get consent to revise their remarks. If they want to extend them, they have to get consent to do it. They have the privilege of revising and correcting errors.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks. Is there objection?

Mr. NOLAN. Mr. Speaker, I object.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent for the printing in the RECORD of the letter from Walker D. Hines, Director General of the Railway Administration, to the Presi-

dent of the United States, referred to in the President's letter to the gentleman from Wisconsin [Mr. Esch].

The SPEAKER. The gentleman from Wyoming asks unanimous consent for the printing in the Record of a letter from Mr. Hines to the President, referred to in the letter to Mr. Esch. Is there objection? [After a pause.] The Chair hears none.

The letter is as follows:

JULY 31, 1919.

THE PRESIDENT,  
The White House.

DEAR MR. PRESIDENT: Several months ago the railroad shop employees asked for an increase in wages. The matter was considered by the Railroad Administration's Board of Wages and Working Conditions, which is composed of three representatives of labor and three representatives of the railroad managements. This board was unable to agree and therefore took no action as a board, but on July 16 I received two reports from members of the board, one from the three labor members recommending a general increase in wages (for example increasing the wages of machinists from 68 cents per hour to 80 cents per hour and proportionately increasing the wages of other classes of shop employees), and another report from the three management members recommending against any general increase in wages, although recommending certain readjustments of the wages of some classes of the employees.

The position of the labor members of the board is that the wages of railroad shopmen are substantially below the wages paid similar classes of employees in the navy yards, arsenals, and shipyards, and in many industrial enterprises in the principal cities of the country, and that substantial increases in the wages in the shipyards and outside industrial enterprises have taken place since the wages of the shop employees were established in the summer of 1918, and that the cost of living has been, and is, steadily rising. The position of the management members on the board is that the wages of shop employees are not properly comparable with the wages of nonrailroad employees cited by the employees and their representatives and that these latter industries have differentiating conditions which account for the high wages paid by them, and that a further wage increase at this time would simply begin a new cycle in the increased cost of living which would not benefit the employees. They urge instead, the adoption of effective methods of reducing the cost of living; but they add that unless some action can be taken within a reasonable time to accomplish this result they see no alternative but to continue the wage cycle increases with corresponding increased cycles of living costs.

On July 28 a conference was begun in accordance with an arrangement made on July 8 between the representatives of the Railroad Administration and representatives of the shop employees. At this conference the representatives of the employees made it plain to my associates that their members expected, and believed that they were entitled to, a substantial increase in wages retroactive to January 1, 1919, and that the state of unrest was so great that it was of the highest importance that a definite answer be given on the wage matter without delay. These representatives expressed the same views to me yesterday.

On July 17 the Shop Crafts Convention, meeting at Atlanta, Ga., and representing employees from 16 railroads in the Southeast, strongly urged the necessity for substantial increases in wages by August 1, retroactive to January 1, 1919.

The earnest insistence that immediate action be taken to equalize wages with the rapid increase in the cost of living is not confined to the shop employees.

The triennial convention of the Brotherhood of Railroad Trainmen, representing about 160,000 railroad employees, meeting at Columbus, Ohio, adopted on May 31 a resolution strongly urging substantial additional increases in wages, to meet the cost of living.

The triennial convention of the Brotherhood of Locomotive Firemen, meeting at Denver from June 9 to July 15, and representing about 116,000 employees, likewise adopted resolutions insisting upon the necessity for substantial increases in wages, to meet the increased cost of living.

The thirteenth annual convention of Railway Signalmen of America, in session at Kansas City on July 15, strongly urged a further increase in wages, and similar action was taken at Boston on July 27 by 150 delegates to the convention of the United Brotherhood of Maintenance of Way Employees and Railroad Shop Employees of the railroad systems of New England and New York. The international convention of the Brotherhood of Railway Clerks, which was held in Cincinnati from May 12 to 24, indorsed proposals to the Railroad Administration, which also urged an increase and readjustment of the wages of the employees represented by that organization.

The representatives of the Railroad Administration have had assurances from representatives of practically all classes of employees that the continuance in the increase in the cost of living would necessarily involve very substantial increases in wages, and that increases in wages given to any one class of railroad employees would necessitate corresponding increases to all other classes of railroad employees.

The situation thus presented involves the following considerations: We have received the most positive assurances that any general increases to shop employees will result in demands for corresponding increases to every other class of railroad employees. The situation therefore can not be viewed except as a whole for the entire 2,000,000 railroad employees. Viewing it as a whole, every increase of 1 cent per hour means an increase of \$50,000,000 per year in operating expenses for straight time, with a substantial addition for necessary overtime. An increase of 12 cents per hour, as asked for by the shop employees, would, if applied to all employees, mean (including necessary overtime)—an increase of probably \$800,000,000 per year in operating expenses.

The Government is already incurring a deficit at the rate of several hundred million dollars per year in operating the railroads, because the increase in transportation rates has been proportionately less than the increases in wages already granted and the increases in prices which have taken place. Therefore there is no fund whatever out of which additional wages can be paid, so that additional wages can not be paid unless new revenues are produced through an increase in transportation rates, and immediate payment of additional wages would necessitate for several months an appropriation by Congress out of the Treasury, because substantial increases in rates could not be made immediately effective.

While you may find it expedient to use the temporary rate-making power which was conferred upon you as a war emergency during Fed-

eral control to prevent the continuance of the deficit now being incurred which grows out of increases in wages and prices due to the war, you would not, in my opinion, be justified in regarding that rate-making power as a sufficient warrant for making still additional increases in rates for the purpose of paying still additional increases in wages to be established under existing peace conditions and to be controlling as the wage basis in the future.

The question presented for an additional increase in wages, whether the total amount be \$800,000,000 or any proportion of that sum, is a peace-time question between the entire American public on the one hand and the 2,000,000 railroad employees and the members of their families on the other hand. It is a question which I do not believe the Executive ought to undertake to decide unless specific authority is conferred upon him for the express purpose of deciding it.

The fact that these demands are made and are so urgently pressed emphasizes the great necessity of having for their decision legislation which will provide adequate machinery representing both the public and the employees. Obviously, any such machinery should include a method whereby revenues will be provided to the extent required to pay the increased wages awarded.

While the general powers implied in the Federal-control act were sufficient to admit of taking as war measures the necessary steps to deal with the wage problems that arose during the war, they are not sufficient to satisfy the requirements arising in connection with any present proposals for general wage increases. Under the existing machinery the ultimate public interest is exclusively represented by the Railroad Administration in the making of wages but by the Interstate Commerce Commission in the final decision upon rates. Moreover, the Railroad Administration, while thus charged with the final decision as to what wages are proper as between the American public and railroad labor, is also charged with the responsibilities incident to the day-to-day operation of the railroads. On the one hand, a decision by the Railroad Administration against an increase in wages will be regarded by the employees as a decision dictated more by the immediate difficulties of railroad management than by the broad interests of the public as a whole. On the other hand, a decision by the Railroad Administration in favor of an increase in wages will not necessarily be binding on the Interstate Commerce Commission, which is now the final representative of the public as to transportation rates. To deal with these problems under peace-time conditions there ought to be a final and authoritative representation of the public, whose decision when in favor of a wage increase would carry with it the obligation on the part of the final rate-making power to prescribe rates which would furnish the necessary funds with which to pay the increased wages. It is obvious that no wage increases could be put into effect at the moment except on the theory that for several months they would be paid by an appropriation of Congress, because even under the existing machinery rate increases could not actually be put into effect for a substantial period. Undoubtedly any rate increases of a general character ought at the present time to be considered by the Interstate Commerce Commission before they shall be put into effect.

The conclusion to which I have come has been forced upon me by the recent developments above referred to.

When I announced last March the increases in wages for the employees in train and engine service, I stated that they completed the war cycle of wage increases.

When it developed in May and June that the continued pressure of the increase in the cost of living was causing railroad employees generally to urge that they be given substantial protection through further important increases in wages if the cost of living was not reduced, I realized that the question was assuming such wide and deep significance to the American public as well as to railroad employees that the question ought not to be dealt with in the same way in which the railroad wages had been increased in connection with the war emergency. I therefore advised the board of railroad wages and working conditions on July 3 that they could not regard themselves as vested with jurisdiction to formulate and recommend further general wage increases to be made by me, but that in all cases thereafter arising they should report the facts to me, that I might decide, in the light of the facts upon a fair and just procedure.

The receipt of the observations of the members of the board with reference to the shop employees, the hearings now in progress before the board with reference to the Brotherhood of Railroad Trainmen, the conferences I have had in the last three days with the representatives of the shop employees and the conferences which my associates and I have been having recently with the representatives of practically all classes of railroad labor with reference to the menace in the continued increase in the cost of living, force me to the definite conclusion that the problem is too great and has too much permanent significance to the American public as well as to railroad labor to admit of its being decided through the exercise of the war emergency powers of the Federal control act and which are subject to the limitations and embarrassments above pointed out. I feel that the developments have now reached the point where the situation has taken a sufficiently concrete form to serve as the basis for a positive recommendation.

I therefore respectfully recommend that Congress be asked promptly to adopt legislation providing a properly constituted body on which the public and labor will be adequately represented and which will be empowered to pass on these and all railroad wage problems, but not on rules and working conditions (because the latter can not be satisfactorily separated from the current handling of railroad operations and therefore should continue to be dealt with by the Railroad Administration). Such legislation should also provide that if wage increases shall be decided upon it shall be mandatory upon the rate-making body to provide where necessary increased rates to take care of the resulting increases in the cost of operating the railroads.

I do not think that we can properly deal with this great problem without a full recognition of the fact that the cost of living is rapidly rising and that every month that passes promises to impair still further the purchasing power of the existing wages of railroad employees unless the rise in the cost of living can be successfully restrained (as I earnestly hope in the general public interest it can speedily be). I therefore further recommend that Congress be asked to provide in any such legislation that any increases in railroad wages which may be made by the tribunal constituted for that purpose shall be made effective as of August 1, 1919, to such an extent as that tribunal may regard reasonable and proper in order to give railroad employees from that date the benefit which the tribunal may think they were then entitled to. In this way the delay necessarily incident to the creation of such tribunal and its action will not be prejudicial to the fair interests of the railroad employees.

Cordially, yours,

WALKER D. HINES.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to address the House for one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. Mr. Speaker, I hope that to-morrow it may be possible to have some arrangement made whereby the Members of the House can be absent from the city for perhaps the next two weeks through adjournments for three days at a time.

Mr. CANNON. Oh, I hope not.

Mr. MONDELL. Well, I have been requested by a great many Members to make that suggestion as a matter that would be taken up to-morrow morning.

Mr. CLARK of Missouri. Mr. Speaker, I would like to have a minute.

The SPEAKER. The gentleman from Missouri asks unanimous consent to address the House for a minute. Is there objection?

There was no objection.

Mr. CLARK of Missouri. I think the gentleman from Wyoming ought to make that request now. [Applause.] I will give the reason for it. More than two-thirds of the Members in the House have made their arrangements to leave here to-morrow night and have bought their tickets. Now, there are about half of them that are close enough to use tickets and go home and be back here, and if the gentleman would make the request for this three-day adjournment scheme, with the addendum that if they are needed here sooner than the end of the two weeks, the Clerk of the House or the Sergeant at Arms, or the majority and minority leaders, will telegraph them to come back, it would be a great accommodation to a large number of Members. I have all my tickets, but I am not going to try to use them. I am going to stay here and help out.

Mr. MONDELL. Mr. Speaker, I did not make the request, because I did not expect it would be acceded to. I knew that there are several gentlemen who would be pretty likely to object. I think that the gentlemen who have their tickets bought and feel they ought to go home for a few days and must go, could go with a reasonable assurance that by to-morrow we could have the matter of short recesses for a time more fully discussed and arrive at a unanimous agreement relative to it.

Mr. CLARK of Missouri. I will give the gentleman from Wyoming this piece of information, that the "great objector" in the House wants to go home to-night himself. [Laughter.]

Mr. DUPRÉ. Mr. Speaker, a parliamentary inquiry.

Mr. HEFLIN. Mr. Speaker—

Mr. DUPRÉ. Mr. Speaker, I would like to ask who is the "great objector" that the gentleman from Missouri refers to?

The SPEAKER. That is not a parliamentary inquiry.

Mr. DUPRÉ. I thought possibly the gentleman from Missouri would disclose it if asked to do so.

Mr. MONDELL. Mr. Speaker, I feel very confident that we can secure an agreement to-morrow under which gentlemen that feel they must go home for a few days will be perfectly safe in doing so, even in leaving to-night, but from statements that gentlemen have made to me I do not feel disposed to make a request for a brief period of recesses this evening. And, further, I think it would be better to wait until to-morrow and have time to consider the matter before determining what we should do.

#### ENROLLED BILLS SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 6805. An act to authorize the county of Dougherty, State of Georgia, to construct a bridge across the Flint River, connecting Broad Street, in the city of Albany, said State and county, with the Isabella Road, said county and State;

H. R. 5228. An act granting the consent of Congress to the city of Minneapolis, a municipal corporation, to construct, maintain, and operate a bridge across the Mississippi River;

H. R. 2847. An act providing additional aid for the American Printing House for the Blind;

H. R. 5418. An act increasing the pay of printers and pressmen employed in the Government Printing Office, and for other purposes;

H. R. 6434. An act authorizing the construction of a bridge and approaches thereto across Red River, about 2 miles above its confluence with the Washita River, near Preston, Grayson County, Tex.;

H. R. 6450. An act to amend an act entitled "An act to amend an act entitled 'An act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department, approved September 2, 1914,' as amended";

H. R. 6342. An act to authorize the construction of a bridge across the Pend Oreille River, at the town of Usk, in the State of Washington;

H. R. 5648. An act for the construction of a bridge across the Rainy River, between Spooner, Minn., and Rainy River, Province of Ontario, Canada;

H. R. 6438. An act authorizing the counties of Aiken, S. C., and Richmond, Ga., to construct a bridge across the Savannah River, at or near Augusta, Ga.; and

H. R. 6692. An act to extend the time for the construction of a bridge across the White River, at or near Forsyth, Mo.

#### ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 10 minutes p. m.) the House adjourned until Saturday, August 2, 1919, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury transmitting communication from the Secretary of Agriculture submitting a supplemental estimate of appropriation required by the Department of Agriculture for preventing the spread of the European corn borer, fiscal year 1920 (H. Doc. No. 171); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Interior transmitting list of useless documents and papers and recommending that authority be granted to dispose of them (H. Doc. No. 172); to the Committee on the Disposition of Useless Executive Papers and ordered to be printed.

3. A letter from the Secretary of the Interior transmitting reports from Army officials showing the interest of the soldiers in the plan now before Congress to provide them with farms on the unused lands of the country (H. Doc. No. 173); to the Committee on the Public Lands and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (H. R. 2396) for the relief of John A. Gauley, reported the same without amendment, accompanied by a report (No. 199); which said bill and report were referred to the Private Calendar.

Mr. ROSE, from the Committee on Claims, to which was referred the bill (H. R. 5346) for the relief of the Eastern Transportation Co., reported the same without amendment, accompanied by a report (No. 200), which said bill and report were referred to the Private Calendar.

Mr. O'CONNOR, from the Committee on Claims, to which was referred the bill (H. R. 5807) for the relief of John T. Adams, reported the same without amendment, accompanied by a report (No. 201), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 3211) for the relief of Emma J. Spear, reported the same without amendment, accompanied by a report (No. 202), which said bill and report were referred to the Private Calendar.

Mr. FORDNEY, from the Committee on Ways and Means, to which was referred the bill (H. R. 6238) to provide a tariff and to obtain revenue in connection with the metal contents of zinc ores and products thereof and repealing existing laws fixing the rates of duty on such commodities, reported the same with amendment, accompanied by a report (No. 203), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ROMJUE, from the Committee on Claims, to which was referred the bill (H. R. 1266) for the relief of Mrs. Mamie Duffer, of Shannon, Miss., reported the same without amendment, accompanied by a report (No. 205), which said bill and report were referred to the Private Calendar.

Mr. RAKER, from the Committee on the Public Lands, to which was referred the joint resolution (H. J. Res. 167) making the provisions of section 2296 of the United States Revised Statutes applicable to all entries made under the homestead laws and laws supplemental and amendatory thereof, reported the same without amendment, accompanied by a report (No. 206), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (H. R. 1125) to authorize the Secretary having jurisdiction of the same, to set aside certain public lands to be used as national sanitariums by fraternal or benevolent organizations, and for other purposes, reported the same with amendment, accompanied by a report (No. 208), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LONGWORTH, from the Committee on Ways and Means, to which was referred the bill (H. R. 8078) to regulate the importation of coal-tar products, to promote the establishment of the manufacture thereof in the United States, and, as incident thereto, to amend the act of September 8, 1916, entitled "An act to increase the revenue, and for other purposes," reported the same without amendment, accompanied by a report (No. 209), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SINNOTT, from the Committee on the Public Lands, to which was referred the bill (H. R. 487) to provide employment and rural homes for those who have served with the military and naval forces through the reclamation of lands, to be known as the national soldiers' settlement act, reported the same with amendment, accompanied by a report (No. 216), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DENISON, from the Committee on Interstate and Foreign Commerce, to which was referred the resolution (H. Res. 217) directing the Federal Trade Commission to inquire into the proposed increase in the price of shoes and the increased price of sugar, clothing, and coffee, reported the same with amendment, accompanied by a report (No. 217), which said bill and report were referred to the House Calendar.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

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

By Mr. CARAWAY: A bill (H. R. 8112) directing all common carriers of passengers operating in the District of Columbia to furnish separate vehicles or cars or compartments for the transportation of members of the Caucasian and Negro races, and for other purposes; to the Committee on the District of Columbia.

Also, a bill (H. R. 8113) authorizing and directing the Commissioners of the District of Columbia to set apart certain sections, blocks, and parts of blocks of the District in which shall reside members of the Negro race only, and other sections, streets, blocks, and parts of blocks in which members of the Negro race shall not reside, and for other purposes; to the Committee on the District of Columbia.

By Mr. TINKHAM: A bill (H. R. 8114) governing the rate of pay and allowances of retired enlisted men of the Army and Marine Corps; to the Committee on Military Affairs.

By Mr. HUDDLESTON: A bill (H. R. 8115) to provide further for the national security and defense by encouraging the distribution of necessities, preventing the sale thereof at excessive prices, punishing conspiracies relating thereto, and otherwise regulating the distribution and sale thereof, and to create a national trade commission; to the Committee on the Judiciary.

By Mr. STEENERSON: A bill (H. R. 8116) to prohibit mail being carried by aeroplane when marked "Not by aeroplane"; to the Committee on the Post Office and Post Roads.

By Mr. McFADDEN: A bill (H. R. 8117) for the construction of a bridge across the Susquehanna River at Falls, Wyoming County, Pa.; to the Committee on Interstate and Foreign Commerce.

By Mr. PHELAN: A bill (H. R. 8118) to amend sections 5208 and 5209 of the Revised Statutes; to the Committee on Banking and Currency.

By Mr. DENT: A bill (H. R. 8119) increasing the limit of cost of a Federal building at Andalusia, Ala.; to the Committee on Public Buildings and Grounds.

By Mr. JAMES: A bill (H. R. 8120) to authorize the President to requisition food, fuel, and other necessities, and to sell the same at reasonable prices, and for other purposes; to the Committee on Appropriations.

By Mr. KLECZKA: A bill (H. R. 8121) to enlarge and extend the post-office building in Milwaukee, Wis.; to the Committee on Public Buildings and Grounds.

By Mr. HAYDEN: A bill (H. R. 8122) granting pensions to certain soldiers who served in the Indian wars and their widows; to the Committee on Pensions.

By Mr. WASON: A bill (H. R. 8123) to amend paragraph (a), section 628 of the revenue act of 1918, approved February 24, 1919; to the Committee on Ways and Means.

By Mr. GRIGSBY: A bill (H. R. 8124) to increase the cost of the public building at Cordova, Alaska; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 8125) to increase the cost of the public building at Juneau, Alaska; to the Committee on Public Buildings and Grounds.

By Mr. VAILE: A bill (H. R. 8126) to amend section 1001 of the act entitled "An act to provide revenue, and for other purposes," approved February 24, 1919; to the Committee on Ways and Means.

By Mr. KELLY of Pennsylvania: A bill (H. R. 8127) providing for condemnation of excess food supplies held in storage and sale of same to the public at reasonable prices; to the Committee on Agriculture.

By Mr. IRELAND: Resolution (H. Res. 224) authorizing session clerks to certain committees; to the Committee on Accounts.

By Mr. BLANTON: Resolution (H. Res. 225) directing the Secretary of Labor to report certain facts in connection with the investigation of Thomas J. Mooney and others to the House of Representatives; to the Committee on Labor.

By Mr. RAMSEYER: Resolution (H. Res. 226) directing the Secretary of State of the United States to communicate certain information to the House; to the Committee on Foreign Affairs.

By Mr. HASTINGS (by request): Resolution (H. Res. 227) for the relief of D. W. Aiken and W. D. Aiken, jr.; to the Committee on Accounts.

By Mr. GARLAND: Joint resolution (H. J. Res. 170) to insure the equitable administration of section 5 of the act of March 2, 1919, providing relief for war minerals producers as intended by Congress and to limit the liability of the Government thereunder to the appropriation already made therefor; to the Committee on Mines and Mining.

By Mr. GOULD: Joint resolution (H. J. Res. 171) to authorize the President to convene a first international meeting of business men and employers in Washington and to invite and appoint delegates thereto; to the Committee on Foreign Affairs.

By Mr. TINKHAM: Memorial of the Legislature of Massachusetts, opposing increases of suburban fares on the part of the United States Railroad Administration; to the Committee on Interstate and Foreign Commerce.

#### PRIVATE BILLS AND RESOLUTIONS.

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

By Mr. ASHBROOK: A bill (H. R. 8128) granting an increase of pension to Eduard L. Schauck; to the Committee on Invalid Pensions.

By Mr. BLAND of Missouri: A bill (H. R. 8129) granting an increase of pension to Sarah E. Walker; to the Committee on Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 8130) granting a pension to Roger I. Wershing; to the Committee on Pensions.

By Mr. FITZGERALD: A bill (H. R. 8131) granting an increase of pension to Ellen M. Brennan; to the Committee on Pensions.

By Mr. GOODYKOONTZ: A bill (H. R. 8132) for the relief of J. B. Slater; to the Committee on Claims.

By Mr. KIESS: A bill (H. R. 8133) for the relief of Leonore M. Sorsby; to the Committee on Foreign Affairs.

By Mr. KINCHELOE: A bill (H. R. 8134) granting an increase of pension to Samuel T. Pate; to the Committee on Pensions.

By Mr. KLECZKA: A bill (H. R. 8135) granting a pension to John Kerns; to the Committee on Pensions.

Also, a bill (H. R. 8136) granting a pension to Albert Schaffer; to the Committee on Pensions.

Also, a bill (H. R. 8137) granting an increase of pension to Edward R. Buckley; to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 8138) granting a pension to Wallis Bailey; to the Committee on Pensions.

By Mr. McPHERSON: A bill (H. R. 8139) granting a pension to Anna L. Yapple; to the Committee on Invalid Pensions.

By Mr. MONAHAN of Wisconsin: A bill (H. R. 8140) granting a pension to Georgia Rodman Hough; to the Committee on Invalid Pensions.

By Mr. MOORE of Virginia: A bill (H. R. 8141) to provide for the payment to Alice E. Wells, formerly Alice E. Davis, only heir at law of John C. Davis, deceased, of the amount stated in the findings of the Court of Claims in Congressional case No. 9264; to the Committee on Claims.

By Mr. NICHOLS of Michigan: A bill (H. R. 8142) for the relief of Anna Blumenthal; to the Committee on Claims.

By Mr. PARKER: A bill (H. R. 8143) granting an increase of pension to George Henry; to the Committee on Invalid Pensions.

By Mr. PHELAN: A bill (H. R. 8144) granting a pension to Wesley Reed; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 8145) granting an increase of pension to Alfred O. Bragg; to the Committee on Invalid Pensions.

By Mr. REAVIS: A bill (H. R. 8146) granting a pension to Sarah E. McVay; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8147) granting an increase of pension to Charlotte Wolfe; to the Committee on Invalid Pensions.

By Mr. REED of New York: A bill (H. R. 8148) granting an increase of pension to Hadley S. Horth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8149) granting a pension to Anna E. Hudson; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 8150) granting an increase of pension to Daniel P. Myers; to the Committee on Pensions.

By Mr. TREADWAY: A bill (H. R. 8151) for the relief of Emma Beaudry; to the Committee on Claims.

By Mr. UPSHAW: A bill (H. R. 8152) for the relief of the parents of Jeanette Smith; to the Committee on Claims.

Also, a bill (H. R. 8153) for the relief of the widow of Walter D. McDonald; to the Committee on Claims.

Also, a bill (H. R. 8154) granting a pension to Thomas A. Long; to the Committee on Invalid Pensions.

By Mr. WELTY: A bill (H. R. 8155) granting an increase of pension to Samuel Davis; to the Committee on Invalid Pensions.

By Mr. WOOD of Indiana: A bill (H. R. 8156) granting a pension to Mary L. Ford; to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

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

By Mr. BURROUGHS: Petition of 56 residents of Manchester, N. H., advocating the repeal of the tax on sodas, soft drinks, and ice cream; to the Committee on Ways and Means.

By Mr. CURRY of California: Petition of Federal Employees' Union of Vallejo, Calif., in favor of a 40-hour week in the navy yards of the United States; to the Committee on Naval Affairs.

By Mr. DYER: Petition of National Tuberculosis Association against repeal of the daylight-saving law; to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: Petition of American Federation of Labor, opposing legislation abridging or restricting the constitutional rights of American citizens; to the Committee on the Judiciary.

Also, petition of common council of the city of Milwaukee urging legislation to reduce the high cost of living, especially fuel, clothing, and foodstuffs; to the Committee on the Judiciary.

Also, petition of Wisconsin State Federation of Labor, of Appleton, Wis., favoring immediate action to reduce high cost of living; to the Committee on Agriculture.

By Mr. GOODYKOONTZ: Papers to accompany House bill 6966, granting a pension to Sarah J. Holley; to the Committee on Pensions.

Also, papers to accompany House bill 7136, granting increase of pension to I. M. Conley; to the Committee on Pensions.

By Mr. GOODWIN of Arkansas: Petition of Business Men's League of Clarksville, Ark., protesting against the repeal of the zone postal rates on second-class periodicals; to the Committee on Ways and Means.

By Mr. KIESS: Papers to accompany House bill 7679; to the Committee on Invalid Pensions.

By Mr. KINKAID: Petition of members of St. Josephat's Congregation, of Loup City, Nebr., against the bill introduced by Senator MYERS to prohibit admission to the mails of the United States of newspapers, magazines, or publications printed in foreign languages; to the Committee on Foreign Affairs.

By Mr. KLECZKA: Petition of sundry citizens of Milwaukee, Wis., of Jugo-Slav nativity or descent, requesting a just settlement of all territorial disputes between Italy and Jugo-Slavia by application of the principle of self-determination; to the Committee on Foreign Affairs.

By Mr. McLAUGHLIN of Nebraska: Petition of 148 citizens of York County, Nebr., urging Congress not to adopt any form of universal military training; to the Committee on Military Affairs.

By Mr. MORIN: Petition of Local Union No. 131, Journeymen Tailors' Union of America, Pittsburgh, Pa., expressing its disapproval of war-time prohibition and urging that the present mild beer of 2½ per cent alcohol should be exempt from the provisions of the eighteenth amendment, and also from the war-time prohibition measure; to the Committee on the Judiciary.

By Mr. NELSON of Wisconsin: Petition of common council of Milwaukee, Wis., relative to high cost of living; to the Committee on Ways and Means.

By Mr. NEELY: Petition of Civil War veterans, of Cameron, W. Va., requesting increase in pensions; to the Committee on Invalid Pensions.

By Mr. NOLAN: Petition of United States League of Local Building and Loan Associations at their convention, at Detroit, Mich., July 24, 1919, favoring the passage of House bill 6371; to the Committee on Banking and Currency.

By Mr. O'CONNELL: Petition of Chicago Clearing House Association opposing the Kenyon bill; to the Committee on Agriculture.

Also, petition of Farmers' National Congress favoring passage of House bill 7348; to the Committee on Interstate and Foreign Commerce.

Also, petition of Refractories Traffic Association of the St. Louis district urging support of the Poindexter bill; to the Committee on Interstate and Foreign Commerce.

By Mr. ROWAN: Petition of Refractories Traffic Association, of St. Louis district, urging support of the Poindexter bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Chicago Clearing House Association, opposing the Kenyon bill; to the Committee on Agriculture.

By Mr. TINKHAM: Petition of delegates of the Brotherhood of Painters, Decorators, and Paperhangers of America, urging legislation to better working conditions for employees at the navy yards of the United States; to the Committee on Naval Affairs.

Also, petition of District Grand Lodge of New England, Knights of Pythias, of the Eastern and Western Hemispheres, colored, urging legislation to protect and guarantee fair play to the colored race; to the Committee on the Judiciary.

By Mr. YATES: Petition of National Civil Liberties Bureau, by Albert De Silver, director, New York, urging consideration of resolutions adopted by the American Federation of Labor; the National Woman's Trade Union League; and the Workers' Defense Union, protesting against Senate bill 1686 and House bill 6545, or any other peace-time legislation punishing sedition; to the Committee on the Judiciary.

Also, petition of Hon. Frank O. Lowden, Governor of Illinois, calling attention to communication received by him from Dr. S. A. Forbes, State entomologist, concerning the enormous damages by the insect known as the European corn borer; to the Committee on Foreign Affairs.

Also, petition of National Foreign Trade Council, by O. K. Davis, secretary, urging negotiation of a parcel post to Cuba and to that end in removal of Treasury regulation now preventing the importation of cigars in certain lots; to the Committee on the Judiciary.

Also, petition of A. J. Baldwin, care McGraw-Hill Co., New York, urging retention of zone postal rates; to the Committee on the Post Office and Post Roads.

Also, petition of Committee on Uniform Judicial Procedure of the American Bar Association, by Eugene L. Garey, lawyer, Chicago, urging passage of Senate bill 1214 authorizing the Supreme Court of the United States to make rules governing the procedure in cases at law to the same extent that it already has power to regulate the procedure of equity, admiralty, and bankruptcy; to the Committee on the Judiciary.

Also, petition of Louisville & Nashville Railroad Co., by Milton H. Smith, president, Louisville, Ky., protesting against any such legislation as Senate bill 5679 introduced March 3, 1919, because such bill empowers wire companies to encumber in perpetuity the properties of railroads by appropriating rights of way; to the Committee on Interstate and Foreign Commerce.

#### SENATE.

SATURDAY, August 2, 1919.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, Thou hast given to us our life. In this brief span of human experience Thou dost call us with the stern and solemn demands of stewardship to answer to Thee for the acts of our lives. It is but a step between time and eternity. We are moving on to the unfolding of the divine plan that reaches out into the never-ending world. All the solemn responsibilities of life together press upon us. Grant us this day to live in the light of the eternal issues. By the grace of God may we measure up to the duties of the day. For Christ's sake. Amen.