

By Mr. SNYDER: Petition of New York Federation of Labor and Utica (N. Y.) Trades Assembly, favoring eight-hour law for railroads and against arbitration; to the Committee on Interstate and Foreign Commerce.

Also, petition of Chamber of Commerce of New York City and Rome, N. Y., against enactment of eight-hour legislation for railroads at the present time; to the Committee on Interstate and Foreign Commerce.

By Mr. TEMPLE: Petition presented by Mr. N. W. Young, adopted at a public meeting on August 27, 1916, at East Brook, Pa., favoring antipolygamy amendment to the United States Constitution; to the Committee on the Judiciary.

Also, petition presented by Mr. L. S. Clark, adopted at a public meeting on August 27, 1916, at Neshannock, favoring antipolygamy amendment to the United States Constitution; to the Committee on the Judiciary.

Also, 16 memorials signed by Messrs. W. A. Hoffman, A. S. Stauffer, A. D. Campbell, George W. Wickenhouse, John P. Paff, G. Salomon, V. Sakraida, John C. C. Sheer, A. Hanauer, Fred Michel, E. J. Groslyass, H. Harp, William F. Renner, M. M. Allbeck, and William Pfeifke, all residents of Beaver Falls, Pa., protesting against submission by the United States to any violation of American neutral rights; to the Committee on Foreign Affairs.

By Mr. WILLIAMS of Ohio: Petition of Lake Shore Electric Railway Co., Sandusky, Ohio, relative to exempting electric railways in eight-hour-day bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Akron (Ohio) Chamber of Commerce, relative to postponement of railroad strike; to the Committee on Interstate and Foreign Commerce.

Also, petition of Northern Ohio Traction & Light Co., Akron, Ohio, to exclude electric railways from any eight-hour law; to the Committee on Interstate and Foreign Commerce.

Also, petition of Columbus Chamber of Commerce, Columbus, Ohio, in re postponement of railroad strike; to the Committee on Interstate and Foreign Commerce.

SENATE.

SATURDAY, September 2, 1916.

(Legislative day of Friday, September 1, 1916.)

The Senate reassembled at 10 o'clock a. m., on the expiration of the recess.

PROPOSED RAILROAD LEGISLATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 17700) to establish an eight-hour day for employees of carriers engaged in interstate and foreign commerce, and for other purposes.

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

The PRESIDENT pro tempore. The Senator from Utah suggests the absence of a quorum. Let the Secretary call the roll.

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

Bryan	Kenyon	Oliver	Sheppard
Clarke, Ark.	Kern	Overman	Sherman
Culberson	Lane	Owen	Simmons
Cummins	Lea, Tenn.	Penrose	Smith, Ga.
Gallinger	McCumber	Pittman	Smith, S. C.
Gronna	Martin, Va.	Reed	Smoot
Hardwick	Myers	Robinson	Sterling
Husting	Nelson	Ransdell	Taggart
Jones	Newlands	Shafroth	Wadsworth

Mr. JONES. I desire to announce that the junior Senator from Michigan [Mr. TOWNSEND] is necessarily absent on account of illness in his family. I will let this announcement stand for the day.

Mr. KERN. The Senator from Mississippi [Mr. WILLIAMS] is unavoidably detained this morning. I desire to make an additional statement. Yesterday evening the Senator from Mississippi was called to the station on account of his family going away, and I promised to make the announcement when the roll was called. I neglected to do it. I desire to say now that he was unavoidably detained for that reason on the first roll call at the evening session.

The PRESIDENT pro tempore. Thirty-six Senators have responded to the call, and the Chair will direct the Secretary to call the roll the second time.

The Secretary called the names of the absent Senators, and Mr. CHAMBERLAIN, Mr. CLAPP, Mr. CURTIS, Mr. DILLINGHAM, Mr. FLETCHER, Mr. HITCHCOCK, Mr. LA FOLLETTE, Mr. SWANSON, and Mr. WALSH answered to their names when called.

Mr. COLT, Mr. BRANDEGEE, Mr. BRADY, Mr. THOMAS, and Mr. VARDMAN entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Fifty Senators have answered to their names. There is a quorum present.

Mr. SHAFROTH obtained the floor.

Mr. GALLINGER. Will the Senator permit me to offer an amendment?

Mr. SHAFROTH. I am offering an amendment myself.

Mr. GALLINGER. All right.

Mr. SHAFROTH. I wish to say just a few words in relation to this proposed amendment.

The PRESIDENT pro tempore. Will the Senator from Colorado permit the Chair to make a statement before he proceeds?

Mr. SHAFROTH. Certainly.

The PRESIDENT pro tempore. Last evening, before the unanimous consent was entered into pursuant to a practice here for a long time, certain Senators notified the Chair that they desired to address the Senate, and the Chair made a note of the names in the order in which the applications were made. The Senator from Colorado [Mr. SHAFROTH] made the first application, and his name appears first on the list, and also the Senator from Wisconsin [Mr. LA FOLLETTE], the Senator from Illinois [Mr. LEWIS], and the Senator from Illinois [Mr. SHERMAN]. The Chair thought it proper to say that unless the Senate should indicate a different opinion he would divide the period of 30 minutes until 12 o'clock between the four names mentioned—that is to say, the Chair recognizes first the Senator from Colorado, in accordance with his request, next the Senator from Wisconsin [Mr. LA FOLLETTE], then the junior Senator from Illinois [Mr. LEWIS], and then the senior Senator from Illinois [Mr. SHERMAN], if that arrangement will be satisfactory.

The 15-minute period has not yet been disposed of, and the Chair will not undertake to do that, hoping that the representatives on either side of the Chamber will make a division of that time.

Mr. SMOOT. I understood that the 15-minute period began at 10 o'clock.

The PRESIDENT pro tempore. The 30-minute period.

Mr. SMOOT. I understood that it was changed. The first unanimous-consent agreement presented was that beginning with 10 o'clock there should be no speech longer than 30 minutes, but it was finally decided—

The PRESIDENT pro tempore. The unanimous-consent agreement is recorded, and it is correct.

Mr. NEWLANDS. It is 30 minutes during the first 2 hours.

The PRESIDENT pro tempore. Thirty minutes the first two hours.

Mr. NEWLANDS. May I ask whether the Senator from Wisconsin [Mr. LA FOLLETTE] is included among those mentioned by the Chair?

The PRESIDENT pro tempore. He is. The order will be, unless the Senate changes it or express a desire to change it, the Senator from Colorado [Mr. SHAFROTH] for 30 minutes, the Senator from Wisconsin [Mr. LA FOLLETTE] 30 minutes, the junior Senator from Illinois [Mr. LEWIS] 30 minutes, and the senior Senator from Illinois [Mr. SHERMAN] 30 minutes. The Senator from Colorado.

Mr. GALLINGER. Mr. President, I rise to a personal matter.

The PRESIDENT pro tempore. The Senator from New Hampshire will state it.

Mr. GALLINGER. It was an inadvertence beyond a doubt on the part of the Chair, but the rule is very explicit that a unanimous-consent agreement can not be entered into until after the roll has been called. Last evening the Chair declared the unanimous-consent agreement agreed to before the roll was called. Of course, the calling of the roll would be an empty formality if the agreement had been entered into before that time.

The PRESIDENT pro tempore. If the Senator from New Hampshire will read the last paragraph, page 15849 of the Record, he will find that the Chair made this statement. It is a fact that no Senators came in and the roll call disclosed that they were present at the time the unanimous consent was agreed to after a long negotiation. No additional attendance was shown by the roll call and the Chair made this announcement:

The PRESIDENT pro tempore. Sixty-four Senators have answered to their names. There is a quorum present. The unanimous-consent agreement will stand, a quorum being disclosed.

That was rather an informal way of doing it, but it drew the matter to the attention of the Senate.

Mr. GALLINGER. But the roll was called after that.

The PRESIDENT pro tempore. The Senator is mistaken about that.

Mr. BRANDEGEE. I wish to state to the Chair that my recollection of the rule is that a proposed unanimous-consent

agreement can not even be submitted to the Senate for approval until after the roll has been called.

The PRESIDENT pro tempore. The common sense of it is that it is the judgment of the Senators who are present.

Mr. McCUMBER. Mr. President, I rise to a point of order. Under the unanimous-consent agreement we were to commence arguments at 10 o'clock.

The PRESIDENT pro tempore. The point of order is sustained. The Senator from Colorado will proceed.

Mr. SMITH of Georgia. Mr. President—

The PRESIDENT pro tempore. The Senator from Colorado has the floor.

Mr. SHAFROTH. I yield to the Senator from Georgia.

Mr. SMITH of Georgia. The House amended the employers' compensation act—

The PRESIDENT pro tempore. Under the unanimous-consent agreement no business of that kind can be entertained. The Senator from Colorado will proceed.

Mr. SMITH of Georgia. I ask unanimous consent for the appointment of a conference committee on the part of the Senate upon the workmen's compensation act. The Senator from Colorado yields it out of his time.

Mr. SHAFROTH. I shall not occupy three minutes.

Mr. SMITH of Georgia. It is very important that we should get together to-day in conference. The House amended our bill, and I think we can modify a little the House amendment and save a great deal of trouble in the operation of the act.

The PRESIDENT pro tempore. The motion of the Senator from Georgia is out of order.

Mr. SMITH of Georgia. I ask unanimous consent.

The PRESIDENT pro tempore. We are working under a unanimous consent at this time. The Senator from Colorado will proceed.

Mr. SHAFROTH. Mr. President, in the discussion of the bill on yesterday various Senators construed section 6 of the Senate bill, or the amendment which has been offered by the Senator from Alabama [Mr. UNDERWOOD] to the House bill, as being in the nature of a compulsory arbitration provision. They contended that the language used in that section was of a mandatory nature and provided no exception, and while it did not provide for penalties for a violation of it, notwithstanding some thought that it might be enforced, perhaps, by some order or by an injunctive process.

The Senator from Alabama contended that it was not a compulsory provision, that it did not bind labor to accept the wage and to work, that it was an advisory matter, that it was intended for the purpose of creating a public sentiment in favor of a just rate, and for that reason he contended that it was not a compulsory arbitration provision, but would have a great influence in determining a fair wage.

Inasmuch as the Senators who are questioning the amendment of the Senator from Alabama agree that it was not intended as a provision of a compulsory nature, it seems to me that just a few words expressing that in direct terms should be added to the amendment, so that there could be no misunderstanding with relation to it.

Mr. President, the language of section 6, it seems to me, is very imperative. It reads as follows:

Sec. 6. That the Interstate Commerce Commission shall have the power to fix the hours of labor and prescribe just and reasonable wages for all employees of the railroads named in section 1 of this act. The rate of wages and the hours of labor provided for in this act shall remain fixed for service and pay until changed by the decision of the Interstate Commerce Commission, which, within a period of not less than 6 nor more than 12 months from the passage of this act, shall determine what are just and reasonable wages and what shall be the hours of labor for all employees of the railroads above mentioned.

The Interstate Commerce Commission shall have the power from time to time to change the hours of labor and the rate of wages for all employees of the railroads named in section 1 of this act, either in whole or in part, prescribed by it on its own initiative, on the petition of the employees, the managers of the railroads, or the public.

It does seem to me that that language is very imperative. Yet the Senator from Alabama contended that it was not compulsory; that there was no provision there of that nature.

So, Mr. President, in order to remove any doubt upon that subject, I want to offer an amendment to be added to the amendment presented by the Senator from Alabama, which reads as follows:

Provided, however, That nothing herein contained shall be construed as compelling the employees to work at the wages prescribed.

That, it seems to me, carries out the view of the Senator from Alabama and the Senators who interrogated him on yesterday, and consequently its adoption would clear very materially section 6 of the Senate bill or the amendment offered by the Senator from Alabama.

Mr. PITTMAN. Taking the time of the Senator from Colorado, I think there is a wrong impression on the part of the

Senator from Colorado in regard to the position taken by the Senator from Nevada yesterday in a colloquy with the Senator from Alabama. I never admitted that it was the intention of section 6.

The PRESIDENT pro tempore. The Chair does not quite understand for what purpose the Senator from Nevada rose, whether for the purpose of an explanation or a correction of the record or what.

Mr. PITTMAN. It was to correct a misstatement of my position by the Senator from Colorado.

The PRESIDENT pro tempore. We are working under a unanimous consent agreement, and the time is parceled out until 12 o'clock.

Mr. PITTMAN. I was not trying to take the floor from any Senator, but I did not see the Senator from Wisconsin [Mr. LA FOLLETTE] who I understand is next to take the floor.

The PRESIDENT pro tempore. Does the Senator from Colorado desire to address the Senate further?

Mr. SHAFROTH. I do not, except to say that there were several Senators who interrogated the Senator from Alabama, and the general drift was that way. So I have presented this amendment in order to remove any doubt concerning it.

The PRESIDENT pro tempore. The Secretary will read the amendment offered by the Senator from Colorado to the amendment.

The SECRETARY. Add at the end of the amendment proposed by the Senator from Alabama the following proviso:

Provided, however, That nothing herein contained shall be construed as compelling the employees to work at the wages prescribed.

The PRESIDENT pro tempore. The Senator from Colorado [Mr. SHAFROTH] has 15 minutes of his time left, and the Senator from Nevada [Mr. PITTMAN] will be recognized for that 15 minutes.

Mr. SMOOTH. Mr. President, are we to have the time farmed out to Senators?

The PRESIDENT pro tempore. The four Senators the Chair has named have preempted the time up to the period when the 15-minute rule operates. As to the distribution of the 15-minute periods, the Chair hopes the representatives of the two sides of the Chamber will make a division of the time. Otherwise the Chair must recognize the Senators in the order in which they make application. The matter ought to be arranged by an adjustment, and it can be done in a very few minutes.

Mr. SMOOTH. Mr. President, I myself think that ought to be agreed to, but I do not believe that the time ought to be farmed out.

The PRESIDENT pro tempore. The time is not being farmed out any further than that the Senator from Colorado on last evening indicated to the Chair that he desired to address the Senate and asked that his name be entered on the list, which is in accordance with the custom which has prevailed here immemorially. Now the Senator from Colorado says he does not desire to occupy the entire 30 minutes.

Mr. SMOOTH. Then the next Senator on the list ought to be recognized and be given 30 minutes.

The PRESIDENT pro tempore. The Senator from Colorado did not desire to occupy 30 minutes, so the Chair thought, under the circumstances, it would not be inequitable to recognize the Senator from Nevada.

Mr. BRANDEGEE. Mr. President, I rise to a parliamentary inquiry merely for my own information. Will the Chair be kind enough to state whether, as to the disposition of the 15 minutes allowed to each Senator after 12 o'clock, the order will prevail that Senators will have to send their names to the desk in order to be recognized?

The PRESIDENT pro tempore. The Chair has not so stated. The Chair hopes that the representatives of the two sides of the Chamber will adjust that matter.

Mr. BRANDEGEE. I simply desired to express the hope that the Chair will not take the names of Senators without the knowledge of other Senators and recognize them accordingly.

The PRESIDENT pro tempore. The Chair is not going to do that for the present. When the hour of 12 o'clock has arrived, he must do something, and he will recognize the first Senator who rises.

Mr. BRANDEGEE. If Senators be recognized in that order by the Chair that will be satisfactory to me.

Mr. PITTMAN. Mr. President, I had no intention of interfering with the order established by the Chair, and in which, I think, the Senate has concurred, but not seeing the Senator present who desired to follow the Senator from Colorado I simply took this opportunity of correcting a false impression which the Senator from Colorado evidently had.

On yesterday the Senator from Alabama [Mr. UNDERWOOD] was contending that this bill was formed by the committee largely in accord with the wishes of the President of the United States. He stated that this bill was even more moderate than that desired by the President of the United States, in that the President desired a bill providing for compulsory arbitration. On that statement the Senator from Nevada took issue with the Senator from Alabama, and in support of his contention the Senator from Nevada read from the message of the President of the United States to show that, while the President favored an investigation of this question, nowhere through all of his messages had he ever indicated a desire for compulsory arbitration. The President did express in his message a belief in the principle of arbitration, but not in the principle of compulsory arbitration. He did favor making the arbitration effective and binding on both sides by making it a court judgment, but he did not favor the compelling of arbitration by either side.

All of us favor arbitration; we all should like to see opposing sides get together and submit their differences to arbitration, and we want to see them bound by the judgment of that arbitration; but nowhere, I repeat, has the President of the United States indicated a belief in compulsory arbitration.

The Senator from Alabama then stated that he was not referring to the President's message; that he was referring to the bills that were submitted by a Deputy Attorney General to the committee on behalf of the President as a sample of the character of legislation desired.

Mr. SHAFROTH. Mr. President—

Mr. PITTMAN. Just a moment, and then I will yield to the Senator from Colorado.

I have had an opportunity to examine those bills, and I find that there is nothing in any one of them as submitted by the Deputy Attorney General to the committee that anywhere indicates a desire or intention for compulsory arbitration.

Mr. SHAFROTH. Mr. President, does not the Senator from Nevada recognize the fact that compulsory arbitration compelling the employees to work is absolutely impracticable?

Mr. PITTMAN. Undoubtedly.

Mr. SHAFROTH. Unquestionably, whenever a person is employed he can render his services inefficient, and thereby make them of no value whatever. Therefore he has always the upper hand in a contest of that kind. For that reason I do not believe that any compulsory arbitration law could ever be made effective. However, does not the Senator from Nevada think that the amendment which I have proposed throws a light upon, or at least makes clear, the intent and purpose of the amendment proposed by the Senator from Alabama?

Mr. PITTMAN. Mr. President, I hold in my hand a copy of the hearings before the Committee on Interstate Commerce, which includes the bills submitted by the Deputy Attorney General to the committee as a matter for consideration. I ask unanimous consent that, without reading, there be included in my remarks the bill found on page 1, known as the "Senate committee print No. 1."

The PRESIDENT pro tempore. Such will be the order, unless there is objection.

The matter referred to is as follows:

[Tentative committee print No. 1.]

IN THE SENATE COMMITTEE ON INTERSTATE COMMERCE.

A bill to establish the eight-hour standard workday in interstate transportation and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Beginning January 1, 1917, eight hours, in contracts for labor, shall be deemed a day's work and the measure or standard for the purpose of reckoning the compensation of all persons who are now or may hereafter be employed by any common carrier by railroad subject to the provisions of the act of February 4, 1887, entitled "An act to regulate commerce," as amended, and who are now or may hereafter be actually engaged in the operation of trains used for the transportation of persons or property on railroads, from any State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, or from one place in a Territory to another place in the same Territory, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States.

Sec. 2. The President shall appoint a commission of three to be known as the eight-hour day commission, which shall observe the administrative and financial effects of the institution of the eight-hour standard workday as above defined during a period of not less than six nor more than eight months, in the discretion of the commission, and within 30 days thereafter shall report its findings to the President and to Congress.

The President shall transmit the report of the eight-hour day commission to the Interstate Commerce Commission, which shall consider an increase of freight rates to meet such additional expenditures by the railroads affected as may have been rendered necessary by the adoption of the eight-hour day and which have not been offset by administrative readjustment and economies, should the facts disclosed justify the increase.

Sec. 3. Pending the report of the eight-hour day commission and the decision of the Interstate Commerce Commission, as above provided, and for a period of — days thereafter, the compensation of railway employees subject to this act for a standard eight-hour workday shall not be reduced below the present standard day's wage, and for all services in excess of eight hours such employees shall receive not less than the pro rata proportion of the compensation received for the standard eight-hour workday.

Any carrier violating this provision shall be liable to a penalty of not less than \$100 and not exceeding \$1,000 in respect to each employee whose compensation is affected by such violation, which penalty shall accrue to the United States, and may be recovered in a civil action brought by the United States.

Sec. 4. The eight-hour day commission shall organize and select its own chairman and make all necessary rules for conducting its work. It shall have authority to employ and fix the compensation of such employees to rent such offices, and to purchase such books, stationery, and other supplies as shall be necessary to carry out the purposes for which the commission was created. It shall, whenever practicable, be supplied with suitable quarters in any Federal building located at its place of meeting or at any place where the commission may adjourn for its deliberations.

The commission is authorized, as a whole or by subcommittees duly appointed, to hold sittings and public hearings anywhere in the United States; and all testimony before the commission shall be on oath or affirmation. Witnesses shall be paid the same witness fees and mileage as witnesses in courts of the United States.

For the purposes of this act the eight-hour day commission, or any member thereof, shall have power to administer oaths, sign subpoenas, require the attendance and testimony of witnesses, and the production of such books, papers, contracts, agreements, and documents as may be material to a just determination of the matters under investigation by it; and may invoke the aid of the United States courts to compel witnesses to attend and testify and to produce such books, papers, contracts, agreements, and documents to the same extent and under the same conditions and penalties as is provided for in the act to regulate commerce, approved February 4, 1887, and the amendments thereto. A majority of the commission shall constitute a quorum for the transaction of business, and if the commission shall be divided in opinion, the findings of the majority upon any point shall be deemed the findings of the commission.

Sec. 5. The members of the eight-hour day commission shall be paid actual traveling and other necessary expenses, and in addition a compensation of — per diem, payable monthly, while actually engaged in the work of the commission and while going to and returning from such work. The sum of —, or so much thereof as may be necessary, is hereby appropriated, to be immediately available on the requisition of the President and to continue available until the commission shall have completed its work, for the payment of the necessary and proper expenses incurred as hereinbefore authorized, including per diem of the commissioners, witness fees and mileage, rent, furniture, office fixtures and supplies, books, salaries of employees, and traveling and other necessary expenses of members or employees of the eight-hour day commission to be approved by the chairman of said commission and audited by the proper accounting officers of the Treasury.

Mr. PITTMAN. By an examination of that bill, it will be found that it did not contain section 6 of the Senate bill, which provides for the fixing of these rates by the Interstate Commerce Commission. It will also be found that the bills submitted by the Deputy Attorney General did not contain this provision now found in the Senate bill:

Any person who shall willfully delay, obstruct, or hinder the operation of trains mentioned in section 1 of this act shall be guilty of a misdemeanor and be punished by a fine not exceeding \$5,000 and imprisonment not exceeding one year, or both.

It will be found, upon examination of that bill, that there is no indication of compulsory arbitration. Consequently the Senator from Alabama had yesterday nothing upon which to base his assertion that the President favored compulsory arbitration.

As the Senator from Colorado says, however, compulsory arbitration is not only absurd, but, in my opinion, it is such an apparent violation of the Constitution that no one for a moment would attempt to consider it in that relation.

The objection that I have to the Senator's [Mr. SHAFROTH] amendment is that, in my opinion, it means nothing. The amendment states that the Interstate Commerce Commission shall have power to fix wages and to establish the hours of labor, but that it shall not compel a man to work; in other words, it shall not compel a man to be a railroad employee. Well, there is nothing on God's earth that could compel a man to be a railroad employee. The amendment is absolutely meaningless. What we should say is that a man may be a railroad employee without having to submit to the determination of the question of wage and hours by this particular body. The Senator's amendment to the amendment does not cure that at all.

So far as the amendment of the Senator from Alabama is concerned, it involves a question which should be discussed at great length. The distinguished Senator from Iowa [Mr. CUMMINS], who is on the Interstate Commerce Committee, entirely disagrees with the Senator from Alabama. He stated that it would be impracticable. He objects to that particular body attempting to fix the wage. When there is such a difference of opinion amongst great lawyers of this body who have for years given this matter study, I say it is not right for us to attempt to decide that question now; but there is one question that we ought to be prepared to decide now, and that is the proposition which was made by the President to the contending forces—

the proposition which is involved in the House bill. That proposition we are ready to decide.

If we are ready to decide that question, why involve it with a hundred other questions which we do not understand and which we are not ready to decide? We can take up those questions in December. At the present time we have before us in concrete form a proposal made by the President of the United States to the opposing forces, which one of them accepted and which the other refused. By reason of the refusal of one of those parties this action of Congress has become necessary. We are here now simply to enforce the proposition that one side accepted and which the other side did not accept, without committing Congress or any Member of this body on any other question involved in this great controversy. It was for such reasons that upon the report of the House bill to the Senate last evening I asked unanimous consent that it displace the Senate bill. The House bill should pass without amendment.

The PRESIDENT pro tempore. Five minutes of the first 30-minute period are left.

Mr. HARDWICK. Mr. President—

The PRESIDENT pro tempore. The Senator from Georgia.

Mr. HARDWICK. Mr. President, I do not care to make any extended observations about this bill, and yet there are some things to which I wish to direct the attention of the Senate and the country at this time. At the beginning of this debate, almost immediately following the remarks of the Senator from Iowa [Mr. CUMMINS], I undertook to make some observations relative to this question and to this situation. On Wednesday of this week I laid down the proposition that, in my judgment, the correct way to handle this situation was to permanently refer all questions relating to wages and hours, the terms and conditions of railroad employment to the Interstate Commerce Commission, for regulation by that body, insisting then, as I insist now, that the Interstate Commerce Commission is fully equipped for that work; that constitutionally the question is not in any way different from the question of delegating to the Interstate Commerce Commission the power to establish just and reasonable freight and passenger rates. In the course of my remarks on that occasion the Senator from Iowa said that the questions were radically different; that while it was possible to set up a just and reasonable standard for rates it was utterly impossible to set up a just and reasonable standard for wages.

Mr. BRANDEGEE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Connecticut?

Mr. BRANDEGEE. If the Senator does not care to be interrupted, I will not interrupt him.

Mr. HARDWICK. If the Senator will allow me to finish this observation, I will yield to him in just a moment.

The PRESIDENT pro tempore. Before the Senator from Georgia resumes, let the Chair make an announcement. As Senators are talking against a time limit, the Chair will not undertake to intervene and break in on the momentum of a Senator who has a given time for the delivery of his speech, because the Chair realizes that to do so would interfere with the entertainment of those who come to listen to the Senator.

Mr. HARDWICK. Mr. President, I understood the Senator from Illinois was entitled to recognition by the Chair, but as he was not present I addressed the Chair.

The PRESIDENT pro tempore. In five minutes the Senator from Illinois will be entitled to recognition, and if he is then not present the Senator from Georgia is entitled to go on for 25 minutes.

Mr. HARDWICK. If he comes in, I will be glad to yield the floor; but if he does not, then I shall desire to proceed at some length.

The PRESIDENT pro tempore. Unless the Senator from Illinois is here in five minutes, he will forfeit his time.

Mr. HARDWICK. Mr. President, as I was remarking, the Senator from Iowa contended on Wednesday that the two questions of rates and wages were utterly dissimilar from a legal standpoint, from a constitutional standpoint. While it was possible, the Senator said, to set up a just and reasonable standard for railroad rates, it was utterly impossible, he said, to set up a just and reasonable standard for wages. The distinguished Senator called attention to the different character of work that men do, and he inquired why it was that a lawyer was paid \$50 for a certain piece of work, while the carpenter on a given piece of work, involving a great deal more physical labor, only got \$5. Mr. President, I undertook to answer the Senator then by saying to him that while it might be difficult to ascertain what were just and reasonable wages, yet it was no new proposition to attempt to determine what were just and reasonable wages for a given piece of service. The law of quantum meruit is as old as civilization itself; and, if men do

not agree on wages, any court in the land, in proper proceedings, would undertake to fix what are just and reasonable wages for a certain service that is performed in the absence of an express contract between the parties. So I say that legally and constitutionally there is no difficulty in section 6 of the proposition submitted by the Senate committee.

We have the same power to delegate this question to the Interstate Commerce Commission and to say to that body, "You shall determine what are just and reasonable wages and what are just and reasonable conditions of labor," that we have to say to that body, "You shall determine what are just and reasonable freight or passenger rates, as the case may be, and what are just and reasonable regulations of railway traffic and the service incident thereto." It seems to me that the two things complement and supplement each other; that it is utter nonsense and inefficient and incomplete regulation to say that the Interstate Commerce Commission may fix the railroad rates throughout this country, may prescribe what are just and reasonable rates for the service that the railroads perform for the public, and yet to say that that same body ought not also have the power and ought not also to be charged with the duty of determining how much the railroads shall pay as compensation to the men who work thereon. The same body that regulates income ought to regulate outgo. There is no constitutional objection to it, and every reason of common sense argues most powerfully for it. As I said the other day on this floor, unless we are to have complete, efficient, well-rounded regulation of these great public-service corporations, then no thoughtful men can dispute the proposition that the day of Government ownership is at hand.

It seems to me, Mr. President, to be absolutely certain that the people of the United States are not going to submit to the proposition that the great public-service corporations of this country shall be operated as if they were private businesses. They have declined to submit to that proposition. When the question at issue was how much shall the railroads be allowed to charge for the service that they render, Congress stepped in, on that question, and said: "You are not engaged in a private business; you who are operating the railroads will not be allowed to charge the public whatever you please; you are engaged in a great public business, and we have a right, representing the people of this country, to say how much you shall charge the public for the service that you render to them." Now, I want to ask, in the name of reason, in the name of justice, in the name of common sense, why the Congress of the United States, representing the public, representing all the people, has not an equal right to say to these men: "You shall not be permitted literally to hold up this country whenever you want to do so in order to have the standard of wages set as high as you please on the threat that ruin will overtake the land unless your demands are granted."

Some of these men are the best friends I have ever had in my life, both personally and politically; and, as I know them, I do not believe that they, individually and personally, would sympathize with any such demand or would care to occupy any such position. But, Mr. President, representing 100,000,000 people, discharging a great public trust, it is the duty of this body, of every Senator of the United States, to say to these men just what he has said already to the railroads, and to be just as fair to capital as he is to labor; to be as just and as fair to labor, and no more so, than he has been to capital.

You have already said, each one of you, to capital: "We will not permit you to levy your charges unregulated and uncontrolled upon the public. We submit your charges to public regulation." We ought to say to labor: "We treat you just exactly like we treated capital—no differently. You shall not be permitted to levy your demands without control, without regulation, without any man to say you nay, upon the industries and business of this country and upon its teeming millions. You are not engaged in private service. You are not engaged in private business. You, just like the men who own the railroads, are engaged in a great public business. You are performing a great public service. If it is justice to require that the capitalist shall have his demands controlled by the strong arm of the law, it is also justice to say that the laboring man's demands shall also be controlled by the strong arm of the law."

The people of the American Republic are not willing, either now or later, to submit themselves, their businesses, their industries, their commerce, their interests—nay, their very life, financially and commercially speaking, at least, and maybe literally speaking—to the mercy of either side, in a great controversy of this kind.

Senators, there is not one of you on either side of this body, animated as I know each one of you is by a lofty conception of

public service, who would be willing to say to either side in a great controversy like this: "You have the right to work your uncontrolled will upon 100,000,000 helpless people."

What then? What situation confronts us to-day? We are notified that a great strike, nation-wide, is impending; that four great organizations, with 400,000 of the most highly paid, the most highly efficient and the most highly organized workingmen in America in their ranks, have decreed that on Monday morning next at 7 o'clock the great interstate agencies of commerce and of transportation are to stop, stilled and useless, unable to operate, unable to perform their great functions, unless certain demands of these employees as to wages be met, and met before that time arrives.

So that it seems to me the Congress of the United States is almost literally held up. We are notified that we must pass certain legislation or commerce and industry and business in this country will halt. We are notified that we must require these railroads to make certain concessions or the very life of the Republic will be imperiled. So that we are shaping our law, not so much to meet the presidential approval in this case, not so much to invite the smile at the other end of the Avenue, as we are shaping our law, literally under force, under duress, under compulsion, in order to keep these highly organized workingmen from absolutely tying up the business and commerce and industry of the Republic.

Senators, it is not a situation that appeals to me. We are not meeting it in a manner or a method in which we ought to meet it, according to my humble judgment. If the railroads of this country had assumed any such position as that, we would not have listened to them one single minute. We would have acted so swiftly, so drastically, so thoroughly, that before 24 hours we would have wiped them off the map, as far as it could be done by legislation. And yet it seems that in the face of this situation, confronted by this dilemma, we are utterly helpless. We must enact, not the legislation that our judgment approves, not the legislation that our wills, our consciences, our minds as legislators and our self-respect as representatives of 100,000,000 people tell us is wise and necessary to meet the situation now and permanently, but we must enact such legislation, forsooth, as is necessary in order to avert the strike, and to avert it right away! In other words, we must pay the price, not out of the Public Treasury, nor yet out of the railroad treasures, but out of the pockets of the people whose representatives we are, and without their consent, certainly without consulting them.

It may be, Mr. President, that a failure to enact proper legislation along these lines before this has rendered us for the moment helpless. It may be that we are forced to bow in sullen submission to demands of this character. If so, I submit to this body and to the American people that it is our bounden duty to provide a permanent system of laws by which neither the railroads, on the one hand, nor the workingmen, on the other, can literally hold up the people of the United States for as many advances in wages or for as many increases in dividends as greed on either side may suggest, now and as often afterwards as either may desire. If we fail to do that, in my judgment we will have fallen far short of our duty as public servants and far short of our duty as the representatives of the people who sent us here.

I want to insist that one proposition embodied in the report of the Senate committee shall be adopted by this body; namely, that the Interstate Commerce Commission shall be given full and complete power to fix and determine what are just and reasonable wages and conditions and hours of labor for these employees, just as that body already fixes and determines what are just and reasonable rates for the railroads to charge to the public. I want to say in this connection, Mr. President, that while I am pleased with that part of the committee's report, I am not pleased that it does not go much further. I do not believe that without going further this body or the other House of Congress will meet the obligations that it owes to all the American people, to our constituents back home. Senators, only a small part of whom are directly interested in this controversy, but all of whom are indirectly, yea, are vitally interested in its outcome, and in what the future may hold for them in reference to this matter. Once we have submitted to an impartial, a well-organized, a well-equipped public-service commission the ascertainment of the facts as to what are just and reasonable wages, what are just and reasonable and humane labor conditions and hours of employment, I tell you we ought to go even further than anything in this bill has yet suggested.

We can not and ought not to undertake to deprive any individual in this Republic of his personal freedom and his individual liberty. Nay, we can not do it, even if we so desire; and no Senator on either side of this Chamber so desires, I know. But while we may not make it unlawful for any man to quit

his employment if he is not satisfied with the wages that are allowed or with the terms and conditions of employment that are set up by the Interstate Commerce Commission, if power be conferred on that body, yet I contend we have the right, the undisputed legal right, the undoubted constitutional right, and that it is our solemn, bounden duty to all the people of this Republic, to every business and to every industry within its limits, once this impartial public board is given full legal authority to fix just and reasonable wages and humane and just hours and conditions of employment, to prescribe that thereafter it shall be unlawful for two or more men to combine or conspire to destroy or impair the efficiency of the great interstate agencies of commerce.

We can do it, just as we make it unlawful for men to interfere with the postal facilities of this Government. We can do it in the exercise of the highest sovereign rights. We can do it under that oft-cited and oft-stretched section of the Constitution which confers upon this body power to regulate commerce between the several States. Of what value is regulation that halts at that, regulation that stops short of that, regulation that hesitates first to provide a fair and reasonable way of determining justice toward these men, and, second, having provided that way, then fails to say that men shall not conspire to destroy great agencies of interstate commerce or to impair their efficiency?

It is our duty to do that. We will not discharge it if we do not adopt both propositions. We will not measure up to what is required of us unless we not only bridge over the emergency that now confronts us, but unless we provide a permanent plan by which and under which it will hereafter be impossible, through all time, as long as this Government shall last, for anybody, be he railroad magnate or railroad man, to seize this great Government of ours by the throat and to hold up its people for whatever legislation they want, whether our judgments approve it or not.

For one, Mr. President, I do not feel that we have gained anything if we merely averted for the moment, by some temporary makeshift of a plan, the passing crisis of this hour, dire though that crisis be. For one, I should feel that we had made a sorry trade, as well as a sorry spectacle of ourselves, if, in order to avert hundreds of millions, or possibly thousands of millions, of loss to our people, we gave, without investigation and without knowledge of whether it was just to do it or not, a \$60,000,000 increase in wages to these men, unless at the same time and in connection with the same legislation we provided a permanent plan that insured justice to these men and protection to the public for all time. If we did that, I think we could afford to bridge over the necessities of this hour. If we did that, I think we might afford to go along and grant whatever demands are absolutely necessary to be met in order to avoid a great commercial and industrial cataclysm in this country, although I admit that in doing it, if I shall so vote, my head will be bowed in impotent shame to think that there are any interests in this country outside of the public interests, outside of all the people, outside of the will and interest and wishes of a majority of the American people, that can force the American Congress to legislate on any subject or on any line.

Mr. President, I promised to yield to the Senator from Connecticut if he desired to interrupt me.

Mr. BRANDEGEE. I did not insist, because I realized that the Senator was speaking in limited time, and I do not insist now if he prefers to go on.

Mr. HARDWICK. No; I yield to the Senator.

Mr. BRANDEGEE. I simply wanted to suggest to the Senator that in relation to the constitutional power of Congress to clothe the Interstate Commerce Commission with authority to fix wages upon interstate carriers by railroad, as well as to fix rates upon passenger and freight carriage, I think there is some question. The Senator seems to be satisfied that there is no difference in principle between the authority of Congress, under the clause of the Constitution which gives it the right to regulate commerce among the States, to delegate to the Interstate Commerce Commission the power to fix or to regulate rates, and the power to fix or to regulate wages. I want simply to suggest as a matter for thought—for I think there are no decisions on the question, and it is an entirely new proposition, so far as I am aware—that the railroads are owned by private capital, but they are charged with a public use on account of the business that they have entered into. When we delegate to the Interstate Commerce Commission the right to regulate rates it is not to regulate a matter between master and servant—

Mr. HARDWICK. Ah, but let me interrupt the Senator there. When we passed the employers' liability act we did regulate, did we not, the relation of master and servant?

Mr. BRANDEGEE. I am coming to that.

Mr. HARDWICK. I shall come to that right now.

The PRESIDENT pro tempore. The Chair thinks he ought to observe that the Senator from Georgia has but three minutes remaining.

Mr. BRANDEGEE. If I may be allowed to suggest to the Chair, inasmuch as this matter has not been even stated, and I am in the midst of my question—

Mr. HARDWICK. I decline to yield to the Senator further right now, then. I have his thought already, I think.

Mr. BRANDEGEE. I was going to suggest that when the Senator has finished perhaps I might be recognized to state the question that I am now stating.

Mr. HARDWICK. I hope the Senator will, but I want to finish what I am going to say.

Mr. President, the suggestion of the Senator answers itself almost. Under the power to regulate commerce between the States, Congress has established a 16-hour law. It has been upheld by the courts. Yet that is a regulation of the terms and conditions of employment. Congress has established the employers' liability act, which has finally been upheld by the courts as a valid exercise of their power. Yet that is a regulation of the law of master and servant, just as the Senator suggests this is.

I tell you in principle there is not the slightest difference between the powers. The application may be somewhat more difficult in the one case than in the other, as suggested by my friend from Iowa, but every court in this land, under the doctrine of quantum meruit, as old as the law itself, undertakes to say what services are worth, in the absence of an express contract between the parties. It may be difficult, it may be a matter of opinion, it may be hard to determine justly what the facts are on all occasions, but in principle as a matter of law, and in principle as a matter of morality, there is not the slightest difference between the two propositions. The proposition is to provide for pay for service in both cases.

Mr. STERLING. Mr. President—

Mr. HARDWICK. Pardon me, I have not any time to yield. Pay for service rendered by railroads in one case, and pay for the service rendered by the railroad employees to the railroads in the other case, and the principle is identical. The power exists in one case and it exists in the other. In my judgment the permanent, adequate solution of this question will never be arrived at until Congress exercises that power fully from both angles, from both viewpoints.

The PRESIDENT pro tempore. The Senator's time has expired.

Mr. BRANDEGEE. Mr. President—

The PRESIDENT pro tempore. The minority side of the Chamber is entitled to the next hour, and the Chair recognizes the Senator from Illinois [Mr. SHERMAN] or the Senator from Connecticut [Mr. BRANDEGEE] just as they may prefer between themselves.

Mr. BRANDEGEE. I will agree that the Senator from Illinois may proceed.

Mr. SHERMAN obtained the floor.

Mr. THOMAS. Will the Senator from Illinois permit me to offer an amendment?

Mr. SHERMAN. Yes, sir.

Mr. THOMAS. With the consent of the Senator having charge of the bill, I offer the following amendment:

The PRESIDENT pro tempore. The amendment will lie on the table subject to be dealt with when reached in regular order.

Mr. THOMAS. I ask to have the amendment read.

The PRESIDENT pro tempore. The Secretary will read the amendment.

The Secretary read as follows:

SEC. 5. Any person who shall willfully delay, obstruct, or hinder the operation of trains upon any of the railroads mentioned in section 1 of this act shall be guilty of a misdemeanor and be punished by a fine not exceeding \$500 or imprisonment not exceeding one year or both.

Mr. SHERMAN. Mr. President, Congress is approaching an era in legislation which ought to be preceded by deliberation. I have always looked upon Congress and especially the Senate as a deliberative assembly. If the proposed program is executed in legislation pending it will abandon the deliberative exercise of that power which has heretofore distinguished it. It is proposed here within a few hours after the railway crisis is presented to formulate legislation, consider it in the committee, report it to the Senate, and have the bill enacted into law.

There has been in this country a considerable discussion, and much of it is with cogent reason and manifest justice in favor of arbitration. I believe in it. It is akin to the administration of justice which has made the judiciary the great fortress

of human right in the English-speaking race. Arbitration is the highway of peace and justice. It begins with the courts, includes disputes between employers and employees and logically in the fullness of time is a substitute for war among nations. Arbitration is the remedy for violence, injustice, abuse of power, and a reign of industrial terror and resulting chaos. The principle is repudiated and law enacted in panic given instead. I believe that the employees and the employers, however numerous they may be, have no more right in the aggregate than the individual. My fellow Senators, I am compelled to arbitrate; others in their individual private relations are compelled to arbitrate. If I did not agree with my employer in the time when I rendered personal service in years past, I was compelled to arbitrate. If I do not agree with my grocer in the payment of my account I must submit to arbitration. Call it by any name you will, it is arbitration still.

There is no difference between a judicial tribunal evolved by the experience of the ages for the settlement of disputes and any other arbitral tribunal. Originally it came from the necessities of men to avoid violence, to prevent bloodshed, to establish civil society, to make it possible for men to live together in a peaceable condition, and that there might be a rule of law under which all might be secure and all might have justice.

We remember in the days of our ancestors when trial by wager of battle gave the verdict to the man with the strong arm. What is the difference between trial by wager of battle in the days of William the Conqueror and trial by wager of battle presented on the floor of the Senate in August, 1916, when Congress is asked to legislate not upon the justice of a pending measure but upon the threat involved? In centuries gone two men fought with arm and cudgel. Now 400,000 men threaten to suspend transportation on 250,000 miles of railway.

But it is said that there has been no overt threat. I reply my desk is covered with express or implied threats of all kinds from the small union to the larger one, from the allied workers of Chicago and St. Paul and of the Mississippi Valley to all who have seen fit to communicate with me by message or otherwise. Here, for instance, is the language of one from the Aurora Trades and Labor Assembly by its president:

AURORA, ILL., August 31, 1916.

Hon. L. Y. SHERMAN,
Senate, Washington, D. C.:

Organized labor has its eyes on Washington; it demands settlement of railroad situation fair to all parties; it will not stand for compulsory arbitration or involuntary servitude in any form, either during or after investigation; legislation giving eight-hour day without such conditions should be positive.

AURORA TRADES AND LABOR ASSEMBLY,
Geo. B. STAFFORD, President.
W. A. SEARL, Secretary.

Neither will I tolerate in this country servitude by all under the yoke of a part. I will serve as a Senator for all the people or I will not serve at all.

Within 30 days, Mr. President, in 1913, from the time I took my seat in this body, the same question was presented to me and my files are replete with telegrams of the same threatening character. I passed through an election in 1914. To the credit of the union workman he was not delivered by those who threatened. I will not serve as a Senator in dictatorial servitude from a portion of the American people. I will serve for all of them, or I will never serve another term in this or any other public body requiring my submission to a vote of the people. If I can not be such a Senator I would rather "be a dog and bay the moon than such a Roman."

There are too many in this body and elsewhere to-day, Mr. President, baying at the moon. They see a face in the moon and it looks to them like Gompers, gibbous and full.

I shall, Mr. President, for myself take the course I have indicated. I shall legislate for all of the American people or none. I recognize the exclusive right of no single class, of no occupation, to demand special laws. I detest the attempt made in this bill to create classes to legislate for some and against others. If I can not legislate free from such influences, I prefer by my influence or vote never to contribute to legislation at all.

Arbitration is abandoned, it is thrown to the four quarters of the earth at a time when a crisis presents itself. At a time when a deliberate solution ought to be choice of all men, it presents itself as the imperative remedy. This Senate and Congress deliberately abandon arbitration at a time when it is of value. It could be of the greatest service, but this bill deliberately spurns it as a remedy. After years of agitation, after many earnest discussions that will be rendered fruitless by the passage of this bill, we propose to turn Congress itself into an arbitral tribunal.

Mr. President, if this measure be enacted, by it the Senate instantly converts itself into an arbitration court. It undertakes to write an award in a statute on an ex parte hearing in

this body, where time ordinarily is permitted to consider and weigh. It undertakes to conclude in that *ex parte* hearing the rights of the parties to the controversy by the solemnity of law. It undertakes deliberately to substitute, for the arbitral tribunal that has heretofore settled such questions, its own will and to abandon the field of legislation for that of administrative detail. It creates a precedent which will return to annoy and to plague us in the years to come.

Congress becomes no longer a legislative body. It ceases to be a parliamentary organization and becomes a commission for the purpose of hearing every dispute and passing upon every controversy in the industrial world. It undertakes to substitute for the calm deliberate action of the Interstate Commission its own rule written not as an award, but as a statute when presented in the several controversies as they arise. It proposes to cast the multitudinous and fluctuating stream of industrial controversy into the inflexible mold of statutory law.

Mr. President, if this course is to be pursued, should the Interstate Commerce Commission longer exist?

Why have a Federal Trade Commission? What becomes of the Board of Conciliation and Mediation? What becomes of mediation before the controversy reaches the point where action must be final? All the delegated powers of Congress ought to be resumed. The last argument is presented that they have ceased in their mission, that they have failed in their ultimate purpose, and that Congress has been substituted once for all, a precedent here to settle all future controversies, here to examine all details, and here become the great administrative, as well as legislative, authority of this Republic.

How many are involved? Everybody who renders service, and I know of no one, Mr. President, who does not render service of some kind, whatever it may be. We are all workingmen. Of all who toil our country is builded. I shall not make laws for a few that must burden all.

I have here not only the telegram I have read, but another from Danville, Ill., who says what I shall read, and his thoughts are working correctly along his line of thought. The direction in which he is traveling is known to him and all who have similar purposes in view:

Work for Government ownership of railways. Oppose compulsory arbitration or any form of involuntary servitude.

The Senate is sought to be put under involuntary servitude. I have been sought to be placed under involuntary servitude. I know the implied menace in such communications. In years past at no time nor place, under no occasion, and with no issue presented, has any particular occupation or class induced me to desert my duty in this Senate Chamber and vote for a few and abandon all the rest of the American people to their fate.

If legislation has fallen to that low degree, if we can servilely abandon our duty, if American politics has reached the stage where a few govern and not the many, then we are hastening to that deplorable state of decay portrayed for our future years by Macaulay when he wrote his matchless history of England.

I can not think of it. And however many mistake the commanding duty of this hour, however many are here to catch the accents of the vociferous multitude now shouting beyond the confines of this Capital, and however much we may mistake the signs of this age, we are building on an unstable base for the ages to come if this bill be our precedent and our guide.

If we can not rise to a higher level, if we can not forget our politics, if we can not seek to prevent the Chief Executive of this Republic from bending to petty politics to serve ephemeral purposes on the eve of a presidential election, then we are unworthy of our great trust and the American people cease to be a Republic, for it ceases to be a government of the whole people.

There are many other telegrams of a like kind. Here, even, are gentlemen who play Hamlet. Here are the ones who portray the mighty passions of King Lear. They come with the crippled foot of Richard the Third on the stage, who becomes himself again—the mighty drama of Faust, all of the great men whose talent have been turned to the portrayal of human nature and the teaching of the mighty lessons of humanity through the agency of the legitimate player.

Are they laborers? They are; and I have from them the same request claiming brotherhood with the railroad conductors. If actors, Mr. President, have an interest in having a wage scale fixed and hours of labor limited, then we in the Senate are the same kind of laborers in the great department of human affairs. Ours is no mimic stage. Our drama is real. Their work is largely mental, the better the actor the greater his mentality. Those who rise to the dignity of the masters of their art are toilers. I do not now speak of those who rant and saw the air, who libel the name of dramatic art, and whose activities and talents are the muscular rather than the mental kind. Of them I do not speak.

I now speak in the language of a telegram sent me which I incorporate in the RECORD, dated at Chicago:

In the name of our organization we beg that you urge the eight-hour day at present rate of compensation in the railway brotherhood controversy and oppose enactment of compulsory arbitration.

John BIRNES,
Chief Deputy Organizer District of Illinois and Middle
West of the White Rats Actors' Union of America.

The White Rats are a well-known organization, having offices in the city of Chicago and many other cities. So the White Rats in due time are to be legislated for before many moons shall have shed their effulgent rays upon the Goddess of Liberty smiling benignantly over the scene of our earthly toil.

Mr. President, the White Rats by the next session will have appeared and demanded an eight-hour day for the drama all the way from the novice to the accomplished genius who portrays human passion for us all.

Where will it end? Nowhere. If we legislate for conductors and firemen and engineers and trainmen, we must legislate for all of them. We cease to be a legislative body and become the receptacle of the grievances of all the employers and employees in this country.

I am in favor in certain occupations, Mr. President, of an eight-hour-a-day law. I have told many men who look out of the cab of an engine that I believe in an eight-hour day. I believe in the limitation in mines. I believe in it in many forms of industrial life. I would not undertake by legislation in the Senate to fix the hours in each individual case or occupation presented. Such occupations in this country are multitudinous. We can not now by arbitral legislative decree here undertake to fix wages, hours, and kinds of service. We can not undertake, Mr. President, by fixed law, general in its application in this case, to settle this dispute, for it is a precedent for others to ask that we begin to administer in detail all the equities and rights growing out of the relations of master and servant.

I agree largely with the Senator from Georgia on that relation.

I am talking upon the broader aspect of surrendering at this crisis in these circumstances, at the demand of 350,000 men, assuming that they are a unit, standing, as Clifford Berryman, in the Washington Star an evening or two ago, portrayed, as graphically as any editorial writer, a figure representing the railway brotherhood, erect with a time watch looking at the Capitol and demanding action within the period named.

Mr. President, no man will get legislation by my vote with a stop watch held on my effort; I do not care who he is. He may be the combination of executives of the railways. I have stood up and talked to them face to face; I have talked to the unions, and I am talking to all of them combined now.

If Congress enters upon this adventure, if perchance at some time in the years to come an effort is made to double the hours of service, to diminish the wages, the power having been once conceded, as the Senator from Colorado [Mr. THOMAS] so ably argued and logically concluded yesterday, it opens up the question, and it will either be a government of the employer or it will be at last a government of the employee.

Neither would be right; neither would be republican; neither would be democratic; neither would be the chief end for which human society is organized and for which public legislation is had.

Here is a humble bookkeeper in the city of Chicago, I read his name into this RECORD because out of the even tenor of his unobtrusive life, from the inconspicuous character of his occupation he manages to know enough to get the point at issue and how it affects him now and will affect him in the future. He says:

CHICAGO, ILL., September 1, 1916.

Senator L. Y. SHERMAN,
United States Senate, Washington, D. C.

I am a bookkeeper; if one labor union can compel Congress under threat of strike to raise wages of the highest-paid labor 25 per cent, of which I will have to pay my share, where will it end? Can't you prevent this law being passed until everybody is heard?

A. BEHREND.

I have possibly a dozen telegrams from men in the humbler walks of life; from the men who are pounding iron in the shops to the men who are directing the operation of the large railway systems in this country, and of the great industrial pursuits of our country.

Who are the railroads? On the 31st of August, 1916, 90,000 shareholders and over represented the Pennsylvania Railroad; more than 22,000 represented the New Haven road. The great railway systems, the Northern Pacific; the Great Northern; the Chicago, Burlington & Quincy; the Chicago, Milwaukee & St. Paul, including the Puget Sound extension; the Northwestern; the New York Central—all of the great systems have issued their securities, and they have passed beyond the stage of specu-

lation and stock jobbing and stock watering. Their stocks are investments.

So it is a question here of doing justice to the investing public as well as the general public, and how shall it be done? It will not be, Mr. President, by merely, on this *ex parte* hearing, passing into statutes enforced action, but it will be upon a hearing—before whom? Before an arbitration board.

I believe in arbitration; you believe in arbitration. Still the stop clock is put upon us, arbitration is cast aside and immediate legislative action is demanded settling this question, and settling it how? I shall not criticize anybody. This question has long passed the point of partisan criticism. It is no longer, Mr. President, a question of criticizing the President, the Cabinet, Mr. Gompers, or anybody else. It is a question of whether we shall meet our duty, rise to the high standard of a parliamentary body enacting legislation after due deliberation, or whether we will ignominiously abandon that high function and refuse to create a tribunal that may in decency and in order decide upon the merits of the controversy by an award.

In its essential analysis, Mr. President, this is not an eight-hour-day question; no matter however much we may seek to confuse the issue or to deceive ourselves, I am not deluded; it is not an eight-hour-day law. That is not the issue. It is a question of the increase of wages by paying 10 hours' wage for 8 hours' service; and beyond and above that is the effort by a certain occupation, organized in this way, to enforce upon Congress its legislation in total disregard of the rights of all other people. It is not merely the rights of the railway brotherhoods. It is the sovereign rights of the whole American people.

So, Mr. President, I am looking at the larger question.

I forget my partisan affiliations, I forget there is an election coming on this November or any time hereafter; I forget that in the larger duty of this Senate committing itself to arbitration, creating an arbitral tribunal, so that, as under the Interstate Commerce Commission, justice may be done in peace and in order.

Suppose we had undertaken, when the 5 per cent rate increase controversy was on, to settle by an act of Congress what the Interstate Commerce Commission settled, and settled justly. We would have been in the same condition. Every time that a wage increase is asked for by the roads or a reduction by the shippers or the general public we have opened the door, made the precedent for all these disputants to come into the House of Representatives and into the Senate and demand that we do what the Interstate Commerce Commission has been doing, and doing successfully.

If we are going to settle this question, why not include other forms of transportation? All the inland waterways, all the Great Lakes traffic, all of the coastwise traffic is affected, because their hours and their rates are equally important. Why not, in some way, when we talk of involuntary servitude, invent a method by which, when an agreement is made after due deliberation and an award has been entered, both sides shall be compelled to keep their agreement?

I will not stop to read the statement, but I will only refer to two violations that have been made of an award for increase of wages and compliance with the terms of service by the Seamen's Union, members of the Lake navigation service, within the last few months.

When we do so, we are only opening the way and putting up the signboard along the highway of human trouble to invite others to come in and ask us to render them the same service we have rendered the brotherhood of railway trainmen. They represent 18 per cent of the railway employees and draw 28 per cent of all the wages paid. What of others of longer hours and lower pay? We forget the lowly and help the stronger.

So upon all these grounds, Mr. President, this is an error, an error that transcends the mere petty advantage of obtaining votes. It is not a question of the election of some candidate; it is a question, finally, of basing legislation upon such a sound, equitable foundation that it can survive the test of time and the shocks of human experience. That we are not doing. Instead, Mr. President, of laying it upon that stable foundation, we are putting it upon a foundation of sand, and, like the foolish one of old, when the storms come and the winds blow, the foundation will melt away.

The PRESIDENT pro tempore rapped with his gavel.

Mr. SHERMAN. I ask leave, Mr. President, to incorporate in the Record some of the documents and telegrams to which I have referred in the course of my remarks.

The PRESIDENT pro tempore. Such will be the order in the absence of objection.

The matter referred to is as follows:

CHICAGO, ILL., August 30, 1916.

Hon. LAWRENCE Y. SHERMAN,

Senate Office Building, Washington, D. C.

Great Lakes steamboat lines engaged in interstate commerce ask to be included in any legislation enforcing arbitration before the calling of a strike. Twice since May 1 without notice men have been called out at Chicago by seamen's and firemen's unions, hours of labor or working conditions not being involved; matter of wages only. Seamen's bill compelled marine interests to submit each time, as water carriers must employ in certain capacities only men on which Government has placed stamp of approval. These men since seamen's bill went into effect, as a rule, have become members of labor organizations.

GOODRICH TRANSIT CO.,

H. W. THORP,

Vice President and General Manager.

GOODRICH TRANSIT CO.,
Chicago, August 17, 1916.

Hon. LAWRENCE Y. SHERMAN,

Senate Office Building, Washington, D. C.

SIR: We desire to call your attention to the situation that confronts steamship owners, especially passenger steamship owners, on the Great Lakes.

On Saturday, May 20, at 8.30 in the morning, without a moment's warning, every wheelsman, lookout, watchman, oiler, fireman, and coal passer employed on the passenger steamers at this port walked out. Two steamers of this line were held up until late at night, and one from about 3 p. m. until late at night. Only in a roundabout way were we able to learn the reason for their action. Every effort was made to get in communication with the officials of the labor organizations, but it was after 12 noon before we could reach them. An appointment was made for a conference at 2.45 p. m., but it was a little after 3 p. m. before the parties reached his office. Conference lasted until about 5 p. m., when the unions' representatives left with our proposition (copy herewith, marked "Exhibit A"). This was to be considered without delay and an answer given as promptly, but we did not hear from them until almost 9 o'clock.

This company had three steamers in port, two loaded and ready to leave; one within the neighborhood of 100 passengers aboard. The leaving time of this steamer is 7.45 p. m.; she finally got away at 9.59. The other steamer that was loaded was due to leave at 7 p. m.; got away at 10.44 p. m. The unions turned down our proposition (Exhibit A), and it was not until we signed the agreement presented by them (copy, Exhibit B, herewith) that we could move a steamer.

You will note from our proposition (Exhibit A) that we were ready to pay the wage scale, take back the men that had walked out, and make no discrimination against the members of their organizations in filling positions on steamers that were yet to go into commission. This, however, did not satisfy them. They insisted that the able seamen necessary under the seamen's act must be members of their organization.

The men that we have engaged as able seamen, outside of the petty men were perfectly satisfied, and not one of them walked out.

Our objection was to including men that were not members of their organizations and who were not involved in the walkout.

The original of Exhibit B was dictated by Mr. Victor Olander, international secretary of the Seamen's Union, and in typewritten form submitted to us for our signature, and this agreement we were forced to sign before we could move any one of our steamers at Chicago. We signed this in good faith and have kept faith since, never once having had a complaint, nor have we ever been once asked to meet a committee from any organization interested.

We went along feeling that we were protected for the season of 1916, as stated, and at least until the matter of fall wages would be up for consideration. Much to our surprise, however, on Tuesday, August 8, we were informed that delegates from the Seamen's Union and the Marine Oilers', Water Tenders', and Firemen's Unions had notified the members of their organizations employed by this company that their wages from August 7, the day previous, would be \$10 more per month than in the past. This affected 221 men, or an increase of \$2,210 per month to our operating expenses, without any possibility of our being able to do anything in the way of increasing our earnings to offset this unlooked-for increase.

As soon as we became aware that the men had been notified by the unions of the increase, we called up the officials of the unions and asked what it meant, as we considered we had an agreement covering the season, which was not yet over. We were then told that the committee would meet with us for a discussion of the matter, and a meeting was finally arranged for the following day.

Understand, the delegates of the unions had already notified the men that they would receive the increase. The unions' officials, however, did not come near the officials of this company.

During the conversation after we had gotten together, Mr. Olander was taken to task for not keeping his word in connection with the agreement of May 20. He became incensed and, although we agreed to the increase, called out all quartermasters, lookout men, watchmen, oilers, water tenders, firemen, and coal passers on our steamship *Alabama* and our steamship *Indiana*, the two steamers we had in port at the time. Mr. Olander and the other union representatives were finally prevailed upon to come back to our office, and after a lengthy conversation the men called out were allowed to return to work.

The fight between the unions and the organization known as the Lake Carriers' Association—the passenger lines do not belong to this association—should not be used as a club over the passenger lines. We are subject to the Interstate Commerce Commission's jurisdiction, making it impossible to increase our rates at any time without giving 30 days' notice. Then, too, we are in close competition with the railroads in our territory and can not raise our rates unless the railroads do. So we have no means of offsetting the increased operating expenses brought about by the seamen's act, which is giving the labor unions power to force the payment of a wage scale all out of proportion to earnings. The bulk or coarse freighters are able to secure carrying rates based upon the supply and demand. They have no tariffs. Their business this year has been so good that they can afford to pay high wages.

It is said that the unions are now voting on a still greater increase for fall. Just why the wages should be further raised, or why fall wages should be higher than in any other season we fail to see. If anything, the work is easier to perform at this season of the year.

The unions are taking full advantage of the power given them by the seamen's act to kill off the commerce of the Great Lakes. This is being done as fast as possible. We no longer control our properties. The class of help never was so poor as this year. The Government tells us how many men we shall employ and what their supposed qualifications shall be. This has given the unions the opportunity they have been longing for. The men are not better off, as a matter of fact—just have more to spend for drink. The increased crews make increased troubles for the licensed officers. There are that many more irresponsible men to deal with. The percentage of troubles has increased more than the number of employees are increased, for under present conditions the licensed officers have to deal with a general demoralization of their crews. The whole matter has gone from bad to worse, and the end not yet in sight.

It is earnestly hoped that if any Government official has any influence with the labor organizations that they will point out to the organizations the great difference there is between the bulk carrier and the package-freight and passenger carrier, in so far as earnings are concerned, and that such officials will use their influence in attempting to place the wages on a more equitable basis.

Respectfully,

H. W. THORP,
Vice President.

EXHIBIT A.

GOODRICH TRANSIT CO.,
Chicago, May 20, 1916.

Mr. VICTOR OLANDER,
Lake Seamen's Union, Chicago, Ill.

DEAR Sir: Confirming conversation at this office this Saturday afternoon, May 20, this company agrees that it will pay the following employees:

Wheelmen, lookout men, watchmen, water tenders, oilers, and firemen at the rate of \$60 per month.

That this rate will be paid to men occupying these positions on the steamers that go into commission after this date, and that there will be no discrimination against members of your organization in filling the positions on these steamers that are yet to go into commission.

Not being advised or aware that employees carried in other than the before-mentioned positions were to be considered at this conference, I am not in a position to take this matter up for settlement, but will be pleased to take the matter up Monday, May 22, at any hour that will suit your convenience.

Yours, very truly,

H. W. THORP, V. P. & G. M.

EXHIBIT B.

Chicago, May 20, 1916.

LAKE SEAMEN'S UNION:

MARINE FIREMEN, OILERS, AND WATER-TENDERS' UNION:

We hereby agree to pay a minimum scale of \$60 per month to all men employed on our vessels in the following capacities: Quarter-masters, lookout men, watchmen, able seamen, firemen, oilers, water tenders. To coal passers \$35 per month. We further agree to employ members of your organizations in the above-mentioned capacities. This agreement to cover the season of 1916, with the further understanding that we are to meet with committees representing your organizations to consider the matter of a fall wage scale and such other questions as you desire to bring before us.

Yours, truly,

GOODRICH TRANSIT CO.,
Per H. W. THORP, V. P. & G. M.

THE CHICAGO DAILY NEWS,
WASHINGTON OFFICE,
Washington, D. C., September 1, 1916.

To Members of Congress:

By direction of the Chicago Daily News, I hereby call your attention to an editorial appearing in that newspaper to-day, Friday, September 1, 1916.

Very truly, yours,

LERoy T. VERNON.

LEGISLATION BY STRIKE THREATS.

Americans should cherish no illusions in regard to the nature of the proceedings that are now under way in the National Congress. That body, acting at the urgent request of the President, is considering the proposed enactment of legislation for the special purpose of inducing the leaders of the railroad brotherhoods to rescind their strike order issued to go into effect at 7 o'clock next Monday morning. The supporters of the President's program know the price that the brotherhood leaders intend to exact, and they are planning to legislate under duress and time limit in order to pay the price. Questions of reason and justice do not enter into the matter.

One of the three bills that have been submitted to Congress on the initiative of the President—the bill establishing a basic eight-hour day for railroad employees engaged in interstate commerce—embraces the minimum demand of the brotherhood leaders. Enactment of that bill is declared by them to be the price of peace—that is to say, temporary peace, for they make no promises except as to the immediate future. The passage of the eight-hour bill in both Houses by midnight tomorrow, the brotherhood leaders say, will secure the recall of their strike order. Meanwhile they take a bored interest in the President's bill dealing with mediation, arbitration, and investigation of labor disputes, and the President's other measure, giving the National Government authority to operate the railroads in case of military necessity. They and their sympathizers in and out of Congress do not want either of the latter bills to pass as drafted, and there are plenty of congressional "old grannies" to help them fight the desirable features of those bills when the moment arrives to fight them in the interest of coercion by unrestricted strikes and strike threats.

There is, in short, good reason to suspect that of the President's three bills one is for passage and the other two are for show. The brotherhoods, with the able assistance of the President of the United States, have set out to secure an eight-hour basic day for all their members. If they get what they are seeking, the brotherhood leaders, Mr. Gompers, and the rest, will promptly turn their guns on the remaining measures. Thereupon, Congress, no longer responding to the President's prod, is likely to discover with startling suddenness that after all it is in no hurry permanently to protect the public from strikes and strike violence. In that case the beauties of careful inves-

tigation and statesmanly deliberation will receive belated recognition at the Capitol, Congress will make a plausible gesture, and hasten to adjourn.

The basic eight-hour day for railroad workers is to be legislated into existence at this time, if at all, practically by the railroad brotherhoods themselves through the persuasive power of their threats of force, confusion, and widespread property loss. Can the 100,000,000 people of this Nation afford to suffer this extraordinary outrage in order to purchase a craven peace? A peace so purchased, a peace of this contemptible quality, must necessarily be temporary, fear ridden, futile.

The American people should demand at this crisis that Congress refuse to pass laws under duress, working breathlessly against time, because it has been stamped by threats and political nightmares. The attempt of the four railroad brotherhoods to hold a stop watch on Congress and the Nation should meet the rebuke that its audacious impertinence demands.

CHICAGO, ILL., August 30, 1916.

LAWRENCE Y. SHERMAN,
United States Senate, Washington, D. C.:

The Chicago Association of Commerce urges upon the President and upon the Congress that it is inconsistent with the ideals of our Government and subversive of its principles that legislation should be had in the pending railroad crisis without time and opportunity for due consideration. The questions involved are complex and intricate, and while the Congress has the final responsibility it has not hitherto had either the time or opportunity to consider them. When the legislation occurs it should be well considered and fair to all interests. It is impossible and inconsistent with the dignity of the Congress and of the American people that this should be accomplished under the shadow of the impending strike. We therefore insist that the President and the Congress, jointly or acting separately as may be determined, demand that the date for the pending strike be postponed for such reasonable time as may permit Congress to act freely and intelligently and call upon the patriotism of the trainmen to accede to such demand.

THE CHICAGO ASSOCIATION OF COMMERCE,
By JOHN W. O'LEARY, President.

UNION STOCK YARDS, ILL., August 30, 1916.

Senator LAWRENCE Y. SHERMAN,
Washington, D. C.:

The Chicago Live Stock Exchange, representing the live-stock producers and shippers, protest the enactment of the bill increasing the membership of the Interstate Commerce Commission. So far as it relates to the divisional method of disposing of cases, we realize the necessity of additional members, but under present conditions shippers have no appeal from commission orders, and this situation would be further aggravated by dividing the commission and clothing each division with full power. We and all other shippers should be heard as to specific and vital objections to this bill.

We further protest any bill pending or proposed that will result in increased live-stock freight rates, all of which must be paid by the producers and shippers of live stock and not by the public. The live-stock industry is already the subject of a special investigation for the readjustment of rates, rules, and regulations, which is now pending before the commission, and additional burdens upon this industry we consider wholly unjustifiable in behalf of the live-stock shippers and producers tributary to this market.

We ask your aid in the adjustment of the proposed legislation in such manner as to be beneficial and not disastrous to the live-stock industry.

CHICAGO LIVE STOCK EXCHANGE,
T. W. JERREMS, Jr., President.

MOLINE, ILL., August 31, 1916.

Senator LAWRENCE Y. SHERMAN,
Washington, D. C.:

The Tricity Manufacturers' Association, representing the manufacturers of Moline, East Moline, Rock Island, Ill., Davenport and Bettendorf, Iowa, expresses its objection to the enforcement on the railroads of this country of an 8-hour day with 10 hours' pay. The passage of such a law, in our judgment, will have a most disastrous effect on the industrial conditions of this country, and the burden of the increase necessary to meet these demands must ultimately fall on the consumers of the United States. Such an action on the part of Congress to burden the entire community because of an organized demand of railroad employees will be unjust. As manufacturers we believe absolutely in the principle of arbitration, and, while we realize that in the event of a strike of the railroads our industries would be affected, we would prefer to suffer the losses we should be compelled to accept rather than see the principle of arbitration swept aside in a controversy of a character so important to the country's welfare. We sincerely hope that you will be guided by the principle of right and justice in giving thought and action to the question now before Congress.

WM. BUTTERWORTH,
President.

CHICAGO, ILL., August 31, 1916.

Hon. LAWRENCE Y. SHERMAN,
Washington, D. C.:

Can it be possible that Congress will pass laws exactly as dictated by any organized body of men under an ultimatum and a threat, and without usual and proper consideration of after effects on all their constituents, which means the public?

JOHN V. FARWELL.

CHICAGO, ILL., August 31, 1916.

Hon. L. Y. SHERMAN,
Senate Chamber, Washington, D. C.:

Subjoined is a copy of a telegram sent this date to Speaker CLARK, Representative ADAMSON, and Senator NEWLANDS. Attention of Congress is called to statement in morning press dispatches by W. G. Lee, president of Trainmen's Brotherhood. We respectfully request that Congress investigate, and, if Mr. Lee is quoted correctly, that he be summarily called to account. The Illinois Manufacturers' Association and its allied organizations employ in Illinois some 600,000 people, and our investment is enormous. We respectfully demand the protec-

tion of the Government, and protest against Congress being cajoled into any rush legislation. Is Congress running the country or has it been delegated to the four brotherhood chiefs?

SAMUEL M. HASTINGS, President.
JOHN M. GLENN, Secretary.

Senator L. Y. SHERMAN,
United States Senate, Washington, D. C.:

When Congress fixes a wage scale in any industry without due deliberation or inquiry into the facts because of the threatening pressure of a labor union it subordinates the rights of a hundred million to the selfish advantage of a comparative few and places the governing body of this country in the position of being forced under threat of strike into special and class legislation, which would probably be resisted and prove ineffectual in the end.

C. G. LITTELL.

CHICAGO, ILL., September 1, 1916.

Senator L. Y. SHERMAN,
United States Senate, Washington, D. C.:

Newspapers report this morning that President Wilson has withdrawn all railroad laws except eight-hour law, which both Houses will probably pass. I believe there is a great principle at stake. Urge you to fight for it. The railroad unions have refused to submit their case to arbitration and by threat of a strike are attempting to coerce Congress into passing class legislation without hearing or investigation. Serious as strike would be, everybody I have talked with are unanimous that it would be better to have strike than to revolutionize principle of our Government.

THOMAS E. DONNELLEY.

NEW YORK, September 1, 1916.

Hon. L. Y. SHERMAN,
United States Senate, Washington, D. C.:

The New York Produce Exchange for more than half a century has been most thoroughly committed to the broad principle of arbitration of all questions that can not be otherwise amicably adjusted. Realizing fully the dire consequences that are likely to follow any impairment at this time through action by legislation or otherwise of this universally approved method of settling all industrial disputes, the board of managers of the New York Produce Exchange most earnestly urge upon the President of the United States and the Members of Congress to take no action in regard to the pending differences between the railroads and some of their employees that will in the slightest degree undermine this broad principle of voluntary arbitration for all disputes.

W. H. KEMP,
President New York Produce Exchange.

UNION STOCKYARDS, ILL., September 1, 1916.

Hon. LAWRENCE Y. SHERMAN,
United States Senate, Washington, D. C.:

All right-minded citizens are denouncing the control of Congress by four labor leaders and we emphatically protest against the adoption of the so-called eight-hour law, particularly in any such summary manner as proposed.

CHICAGO RAILWAY EQUIPMENT CO.

CHICAGO, ILL., September 1, 1916.

Hon. L. Y. SHERMAN,
Senate, Washington, D. C.:

This company, as employers of labor, protest against enactment of any eight-hour law for railroads, as such a law would necessarily cover all wage earners, which neither we nor our country could exist under in competition with balance of the world.

MORDEN FROG & CROSSING WORKS.

CHICAGO, ILL., September 1, 1916.

Hon. L. Y. SHERMAN,
Congressional Building, Washington, D. C.:

As employers of 4,000 people we earnestly protest against the passage of the proposed eight-hour measure as a menace to American industry and manufacture and un-American in spirit.

B. KUPPENHEIMER & CO.

CHICAGO, ILL., September 1, 1916.

Hon. LAWRENCE Y. SHERMAN,
Washington, D. C.:

We beg of you to work and vote against the proposed eight-hour bill for 10 hours' pay. In our judgment it is revolutionary.

THE COLUMBIA MALTING CO.,
E. A. GRAFF, President.

EAST ST. LOUIS, ILL., September 1, 1916.

Hon. LAWRENCE Y. SHERMAN,
Washington, D. C.:

We respectfully request you to oppose the eight-hour bill in the interest of the public.

MISSOURI MALLEABLE IRON CO.

DECATUR, ILL., September 1, 1916.

Hon. L. Y. SHERMAN,
Washington, D. C.:

The passage of the proposed eight-hour law would be a serious blow to the progress of this country, and we earnestly protest against same.

DECATUR BRIDGE CO.

MOLINE, ILL., September 1, 1916.

L. Y. SHERMAN,
Washington, D. C.:

Better a hundred strikes than the proposed program. B. F. PEEK.

CHICAGO, ILL., August 31, 1916.
Senator LAWRENCE Y. SHERMAN,
Washington, D. C.:

If the members of the railway brotherhoods now attempting to dictate legislation were underpaid or overworked, there might be justification for an arbitrary demand for an immediate action; however, they are among the best paid and the best cared-for employees of the country. In their principal demand they are admittedly not asking better conditions or shorter hours, but solely more pay for present work and hours. There is no justification for instant acquiescence on this score. The principle of arbitration offers the sole apparent hope for the preservation of continued industrial peace. The public is entitled to the protection of arbitration, and I hope you will stand for it without compromise. That principle can be more easily established now than it ever can be again.

P. L. COONLEY.

ST. LOUIS, Mo., August 31, 1916.

LAWRENCE Y. SHERMAN,
Senator, Washington, D. C.:

We urgently request that you use your best influence to defeat any proposed legislation toward enactment of an eight-hour law for railway employees at this time; such a law will have a demoralizing effect on every industry operating 9 or 10 hours daily.

EXCELSIOR TOOL & MACHINE CO.,
East St. Louis.

JOLIET, ILL., August 30, 1916.

Senator L. Y. SHERMAN,
Washington, D. C.:

The Joliet Association of Commerce urges upon the President and upon the Congress that it is inconsistent with the ideas of our Government and subversive of its principles that anything should be had in the pending railroad crisis without time and opportunity for due consideration. The questions involved are complex and intricate, and while the Congress has the final responsibility, it has not hitherto had either the time or opportunity to consider them. When the legislation occurs it should be well considered and fair to all interests. It is impossible and inconsistent with the dignity of the Congress and of the American people that this should be accomplished under the shadow of the impending strike, we therefore insist that the President and the Congress, jointly or acting separately, as may be determined, demand that the date for the pending strike be postponed for such reasonable time as may permit Congress to act freely and intelligently, and call upon the patriotism of the trainmen to accede to such a demand.

THE JOLIET ASSOCIATION OF COMMERCE.

BLOOMINGTON, ILL., August 30, 1916.

Hon. L. Y. SHERMAN,
Washington, D. C.:

HONORED SIR: The Commercial Club of Bloomington, Ill., urges upon you and upon Congress the necessity of proper time for the consideration of the questions involved in the railway controversy, demand the date for pending strike be postponed for reasonable time for proper consideration by Congress to act intelligently in this matter and for the best interests of all.

COMMERCIAL CLUB OF BLOOMINGTON,
By GEO. C. HEBERLING, President.

KANKAKEE, ILL., August 30, 1916.

Hon. L. Y. SHERMAN,
Washington, D. C.:

In behalf of 54 employees of labor members of the Kankakee Builders & Trades Exchange we respectfully bring to your attention the feeling of our membership with reference to the present railroad controversy. We are opposed to any hasty legislation fixing the hours of labor nor the increase of present freight rates without a thorough investigation. Respectfully,

KANKAKEE BUILDERS & TRADES EXCHANGE,
MEMBERS OF ASSOCIATION EMPLOYERS OF
ILLINOIS LEGISLATIVE COMMITTEE,
C. C. RUELY, Chairman.

WAUKEGAN, ILL., August 30, 1916.

Senator LAWRENCE Y. SHERMAN,
Washington, D. C.:

The Waukegan Commercial Association urges upon the President and upon the Congress that no legislation be had in the pending railroad crisis without time and opportunity for due consideration. We do not believe that Congress has had either the time or opportunity to consider the questions involved. We urge that whatever is done that demands be made for postponement of pending strike for such reasonable time as may permit Congress to act freely and intelligently and call upon the patriotism of the trainmen to accede to such demands.

THE WAUKEGAN COMMERCIAL ASS'N.

CHICAGO, ILL., August 30, 1916.

Mr. LAWRENCE Y. SHERMAN,
United States Senate, Washington, D. C.:

In our judgment no legislation establishing an eight-hour day should be passed unless preceded by exhaustive investigation. Congress should not be coerced into hasty action in a matter of such vital importance to our domestic and foreign commerce.

ROSENWALD & WEIL.

STERLING, ILL., August 30, 1916.

Hon. LAWRENCE Y. SHERMAN,
United States Senate, Washington, D. C.:

We deem it a matter of vital importance that no legislation which would bring about an eight-hour day for railway employees in train service be made until after a thorough and careful investigation. Further, that the railroads should be supported in their stand for arbitration of the differences existing between themselves and their employees, as the welfare of the people, laborers as well as employees, rest largely upon this great principle.

MANUFACTURERS' ASSOCIATION.

CHESTER, ILL., August 30, 1916.

Hon. L. Y. SHERMAN,
United States Senate, Washington, D. C.:

We are most strongly opposed to having Congress forced into hasty action because of arbitrary position of railroad brotherhoods and sincerely hope you will do all in your power to prevent or defeat any legislation fixing hours of labor without first having thorough investigation.

H. C. COLE MILLING CO.

DECATUR, ILL., August 31, 1916.

LAWRENCE Y. SHERMAN,
Washington, D. C.:

We oppose the passage of any legislation fixing the hours of labor or in any way increasing freight rates to the ultimate cost of the customer without a thorough investigation. We will appreciate your using your influence in Congress with the end to sustain arbitration principles.

DECATUR GARMENT CO.,
W. B. GRAGG, President.

COLUMBIA, ILL., August 31, 1916.

Hon. LAWRENCE Y. SHERMAN,
United States Senate, Washington:

For the good of the whole nation, brotherhood membership included, stand firmly for the principle of arbitration.

COLUMBIA STAR MILLING CO.

MOLINE, ILL., August 31, 1916.

Hon. LAWRENCE Y. SHERMAN,
United States Senate, Washington:

We sincerely trust that no precipitate action will be taken in the proposed labor legislation.

DEERE & CO.

ROCKFORD, ILL., August 31, 1916.

Hon. LAWRENCE Y. SHERMAN,
Washington, D. C.:

We urge that you do all in your power to delay action which will bring about railroad strike. We believe all concerned should have sufficient time to carefully consider questions and principles at stake. Legislation should be fair and impartial. Hasty action may prove inimical to best interests of country. Urge President and Congress to demand that strike be postponed to permit judicious and intelligent final action. Call upon trainmen to consider request for sake of humanity.

ROCKFORD CHAMBER OF COMMERCE,
JUDSON S. JOSLYN, President.

EAST MOLINE, ILL., August 31, 1916.

Hon. LAWRENCE Y. SHERMAN,
Washington, D. C.:

We deplore the effort that is being now made to force the transportation companies to an eight-hour day and the effort that is being made to discredit arbitration as the method of adjusting disputes between the employer and employee. We most earnestly request that you do not support these measures.

W. H. VANDERVOORT,
President National Metal Trades Association.

PEORIA, ILL., August 31, 1916.

Hon. LAWRENCE Y. SHERMAN,
Washington, D. C.:

We would like to have you use your influence in favor of arbitrating the question involved in the proposed railroad strike. We are also opposed to any legislation fixing the hours of labor or increasing railroad rates.

A. LUCAS.

CAIRO, ILL., August 31, 1916.

Hon. LAWRENCE Y. SHERMAN,
Washington, D. C.:

All men are equal. Eliminate class legislation eight-hour bill.

FRANK SPENCER, Bookkeeper.

CHICAGO, August 30, 1916.

Hon. LAWRENCE Y. SHERMAN,
Washington, D. C.:

Hasty action at the demand of the labor union surely invites future trouble for all industry. We have employed union labor consistently for many years and have never had a strike.

MANZ ENGRAVING CO.

CHICAGO, ILL., August 31, 1916.

Senator L. Y. SHERMAN,
United States Senate, Washington, D. C.:

The surrender of the principle of investigation and arbitration at the demand of the brotherhoods was a serious mistake, and this country can better afford to undergo the loss and suffering of a railroad strike than perpetuate it. I hope the Illinois Members of Congress will demand sufficient time for a proper consideration of the vital questions involved in the proposed bills and that they will not permit the brotherhoods to drive Congress into hasty action by such a threat as Mr. W. G. Lee, president of the trainmen's brotherhood, is reported to have made in this morning's paper.

CHARLES PIEZ.

CHICAGO, ILL., September 2, 1916.

Senator LAWRENCE SHERMAN,
The Senate, Washington, D. C.:

Sincerely hope Senate will not take final action without necessary deliberation in a matter involving this country's future welfare, including ability to compete with foreign producers after termination of war.

JOHN A. CHAPMAN.

MOLINE, ILL., August 31, 1916.
Washington, D. C.:

The Tricity Branch of the National Metal Trades Association earnestly urges your influence against the passage of any law enforcing an eight-hour day on the railroads. If this matter has any merit it can be settled by arbitration, and the Congress of the United States ought not to be influenced by the unjust demands from the employees of railroads who are willing to sacrifice the general good of the community for their individual interests. We believe in the principle of arbitration and believe that a strenuous fight should be made to enforce that principle. We would welcome the passage of any law that would have a tendency to prevent industrial couleets; that will not place a burden on the people of the entire country to satisfy the selfish interest of the few.

H. A. JANSEN, Secretary.

CHICAGO, ILL., August 30, 1916.

Hon. LAWRENCE Y. SHERMAN,
Washington, D. C.:

The Franklin Typothete of Chicago, representing 240 employing printers, employing over 25,000 printers and operatives, with an investment of over \$17,000,000, and a pay roll of over \$10,000,000, desire to enter a most emphatic protest against Congress being forced into hasty action in fixing the hours of labor for railroad or other employees without a thorough investigation. We are also of the opinion that the principle of arbitration should be maintained at all hazards. We earnestly urge you to do all in your power to prevent the strike of railroad employees. The best-paid men in the world, in their line, can afford to arbitrate, or else there is no merit in their contention.

THE FRANKLIN TYPOTHETE OF CHICAGO,
W. T. LEYDEN, Secretary.

BATTLE CREEK, MICH., September 1, 1916.

Hon. LAWRENCE Y. SHERMAN,
United States Senate, Washington, D. C.:

We protest against the coercion of the Congress into hasty legislation under political stress exercised by a small proportion of our people. We deplore their attempt to require the Nation and its industries to stand and deliver to their selfish demands. If arbitration would allow the eight-hour day, as claimed, the American people would be satisfied and feel that their rights had been considered. The unwillingness of claimants to permit arbitration must be considered evidence of their disbelief in the fairness of their demands.

Political expedience can not excuse the sacrifice of the principle of arbitration, which is basic in American affairs. Arbitrary demands, whether of capital or labor, made without opportunity for full consideration, should be resented by every true American.

POSTUM CEREAL CO.

CHICAGO, ILL., September 1, 1916.

Hon. LAWRENCE Y. SHERMAN,
United States Senator, Washington, D. C.:

I hope you will protest to the end against ward politics now being practiced by President and his party in proposing to legislate union demand into a law, regardless of merits and without proper deliberation. No ward healer would dare do so raw a piece of work. Every self-respecting American citizen will hang his head in shame if the proposed legislation is rushed through simply to avoid railroad strike. If advocates of this bill are successful every citizen in our country will suffer from this endorsement of high-handed methods of the four men taking advantage of the fact that a President is to be elected. Gompers and his methods are nothing compared to strong-armed work being attempted at this time.

E. TYNER.

CHICAGO, ILL., September 1, 1916.

Hon. L. Y. SHERMAN,
United States Senate, Washington, D. C.:

We protest against passage of any bill fixing eight-hour day with minimum wage before matter is submitted to arbitration.

DURAND STEEL LOCKER CO.

CHICAGO, ILL., September 1, 1916.

Hon. LAWRENCE Y. SHERMAN,
United States Senator, Washington, D. C.:

The principle of arbitration is equally beneficial to capital and labor, and the corner stone of democratic government. If this principle is ignored in the present railway crisis and by act of Congress a law is passed arbitrarily accepting the demands of union labor, the price will eventually be more than a monetary consideration. You are urged to stand for equal rights with arbitration and special privileges to none.

BYRON A. BOLT.

LAKE FOREST, ILL., August 31, 1916.

Hon. LAWRENCE Y. SHERMAN,
United States Senate, Washington, D. C.:

Many friends agree that it is of utmost importance for Congress to resist present attempted dictation by threats of strike. Passage of eight-hour law must be delayed until it receives proper consideration.

LEVERETT THOMPSON.

STERLING, ILL., August 31, 1916.

Hon. L. Y. SHERMAN,
United States Senate, Washington, D. C.:

We strongly oppose the passing of any law granting an eight-hour day with 10 hours pay to railway employees without a thorough and satisfactory investigation, and we firmly believe that the welfare of this entire country rests upon the upholding of the principles of arbitration.

NOVELTY IRON WORKS.

CHICAGO, ILL., August 30, 1916.

Senator SHERMAN, of Illinois,
Washington, D. C.:

Please be informed that we most strenuously oppose forcing Congress into hasty action because of the arbitrary stand of the railroad unions in striking instead of submitting their agreement to arbitration, and

just as strenuously oppose legislation fixing the hours of labor; also the increasing of freight rate to the consumer until a thorough investigation has been made. We ask your consideration.

HYMAN & HIRCH.

CHICAGO, ILL., August 30, 1916.

Hon. L. Y. SHERMAN,
Senator, Washington, D. C.:

Wish to go on record as strenuously opposing Congress being forced into hasty action on account of the arbitrary position of the railroad unions striking instead of submitting to arbitration, and that we also strenuously oppose the passing of any legislation fixing hours of labor or increasing freight rates without an exhaustive, thorough investigation.

MARKS & BROWN.

CHICAGO, ILL., August 30, 1916.

Senator LAWRENCE Y. SHERMAN,
National Capitol, Washington, D. C.:

We protect most emphatically any attempt to force Congress into hasty action because of arbitrary position of the railroad unions in striking rather than submitting their demands to arbitration. A preliminary exhaustive investigation should be held before any legislative commitments are made. We are confident that public opinion is not with the union in their present stand.

W. H. WINSLOW,
President Winslow Bros. Co.

CHICAGO, ILL., August 30, 1916.

Hon. LAWRENCE Y. SHERMAN,
United States Senate, Washington, D. C.:

We strongly urge you to strenuously and constantly oppose the passing of any legislation fixing the hours of labor. To establish the railway eight-hour day by legislation without a thorough investigation would be disastrous to the country. We will stand for a strike, but are opposed to any changes in the present railroad situation until after all questions are decided by arbitration.

PETTIBONE, MULLIKEN CO.,
By A. H. MULLIKEN, President.

CHICAGO HEIGHTS, ILL., August 30, 1916.

Hon. LAWRENCE Y. SHERMAN,
Washington, D. C.:

I sincerely hope that you will use your best endeavors not to allow any hasty legislation being rushed through the Senate pertaining to the eight-hour day. This is a matter which has a bearing much greater than merely on the railroads, and irregardless of the merits of such working hours it undoubtedly is worthy of much more earnest consideration than it is evident President Wilson intends giving it.

T. S. CHALMERS,
President Chalmers & Williams.

CHICAGO, ILL., August 30, 1916.

Hon. LAWRENCE Y. SHERMAN,
United States Senate, Washington, D. C.:

We respectfully request you to carefully consider the question of fixing the hours of labor or increasing freight rates to the ultimate consumer. Before passing legislation on these subjects an exhaustive and thorough investigation rather than hasty action is needed, to the end that justice shall be done to all parties.

THE ROYAL TAILORS.

ROCKFORD, ILL., August 30, 1916.

Hon. L. Y. SHERMAN,
Care United States Senate, Washington, D. C.:

We believe ample time should be taken for careful consideration of our President's railroad measures. No threatened strike should prevent this. Strike effects are temporary, whereas proposed legislation is radical and far-reaching.

BURSON KNITTING CO.

CHICAGO, ILL., August 31, 1916.

Senator L. Y. SHERMAN,
Senate Chamber, Washington, D. C.:

Stand unflinchingly for deliberation, investigation, arbitration. Fore stall blindfold taxation of public.

T. C. CHAMBERLIN.

CHICAGO, ILL., September 1, 1916.

Hon. LAWRENCE Y. SHERMAN,
United States Senate, Washington, D. C.:

Of the United States, it would be better to suffer a strike than to surrender the Government to a minority who threaten widespread disaster if Congress does not enact laws to enforce their demands without granting a preliminary hearing to all classes.

FELT & TARRANT MANUFACTURING CO.
D. E. FELT, President.

CHICAGO, ILL., September 1, 1916.

Hon. LAWRENCE Y. SHERMAN,
United States Senate, Washington, D. C.:

Proposed legislation on eight-hour day I regard as decidedly inimical to business interests of country. Can frankly say every business man with whom I have talked in the last few days—and have talked with a good many—is utterly and uncompromisingly opposed to it. Unanimity of sentiment in this respect in all lines of business here is remarkable and seems inconceivable that Congress, and especially Senate, should consider passing such legislation without proper time for debate and thorough consideration of it in every detail, and its probable bearing and effect not only on railroad interests of country but entire industrial community. The forcing of legislation by such a small percentage of labor involved will undoubtedly cause further demands by labor organizations all over country.

JOSEPH A. RUSHTON.

CHICAGO, ILL., September 1, 1916.

Hon. L. Y. SHERMAN,
Senate Chamber, Washington, D. C.:

We protest against the passage of any eight-hour measure without a thorough and careful examination of the entire subject, and respectfully ask your assistance in preventing any rush measures of this nature.

OXWELD ACETYLENE CO.

CHICAGO, ILL., September 1, 1916.

Hon. LAWRENCE Y. SHERMAN,
Care the Senate, Washington, D. C.:

Great loss preferable to destruction of democracy by threats of minority representing railroad brotherhoods. We look to you to safeguard the ultimate good of the general public.

ADAMS & ELLING CO.

CHICAGO, ILL., September 1, 1916.

Senator L. Y. SHERMAN,
United States Senate, Washington, D. C.:

Will you not help us and try to stop the passing of the eight-hour railroad law? It means higher cost of living, and the railroad men are getting more than any other men now. Why can men who refuse to be fair compel Congress to give them this? I would rather suffer a railroad strike now than stand for this injustice.

C. J. THIEBEAULT.

JOLIET, ILL., September 1, 1916.

Hon. L. Y. SHERMAN,
Washington, D. C.:

We the members of Phoenix Lodge, Iron and Steel Workers, request you to vote for the eight-hour day at present compensation for railroad employees and emphatically protest against any law being enacted, even for a day, that imposes involuntary servitude on American workingmen, only in case of war.

J. D. SHEAREN,
Corresponding Representative.

GRANITE CITY, ILL., September 1, 1916.

Hon. L. Y. SHERMAN,
United States Senate, Washington, D. C.:

Granite City Lodge No. 11, Amalgamated Association of Iron, Tin, and Steel Workers petitions your support of bill providing 8-hour day at present 10-hour compensation for railroad employees, and protests against enactment of any law imposing involuntary servitude.

W. E. BREWSTER,
Corresponding Representative.

CHICAGO, ILL., August 31, 1916.

Hon. L. Y. SHERMAN,
Senate, Washington, D. C.:

On behalf of organized labor of Illinois we respectfully insist upon eight-hour workday for railroad brotherhoods at present compensation, and we emphatically protest against the enactment of any legislation imposing involuntary servitude upon the working people, either by compulsory arbitration laws or by any other method. There can be no justice without freedom.

ILLINOIS STATE FEDERATION OF LABOR,
V. A. OLANDER, Secretary.

CENTRALIA, ILL., September 1, 1916.

Hon. LAWRENCE Y. SHERMAN,
United States Senate, Washington, D. C.:

We hope that you will stand for 8-hour workday with 10 hours' pay. We are unalterably opposed to compulsory arbitration.

CHRIS KOELING, Jr.,
Receiving Secretary Local 52, N. M. W. of A.

CHICAGO, ILL., September 1, 1916.

LAWRENCE Y. SHERMAN,
Congressman, Washington, D. C.:

I would respectfully urge that in your official capacity you cooperate in the cause of humanity by attempting to halt the threatened strike by passing the eight-hour day law, making it applicable to all railroad employees engaged in the operation of trains, without involuntary servitude.

C. H. MEADOR,
Chairman Telegraphers.

SPRINGFIELD, ILL., September 1, 1916.

Hon. LAWRENCE Y. SHERMAN,
United States Senate, Washington, D. C.:

We respectfully urge your support of the bill pending which provides for eight-hour workday for railroad employees, and sincerely ask you to oppose any law which contemplates taking from the workmen the right of strike.

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS,
CHAS. P. FORD, Secretary.

GRANITE CITY, ILL., September 1, 1916.

Hon. L. Y. SHERMAN,
United States Senate, Washington, D. C.:

Good Friday Lodge, No. 8, Amalgamated Association of Iron, Tin, and Steel Workers, petitions your support for bill granting 8-hour workday at present compensation for 10-hour day, and protest against enactment of any law imposing involuntary servitude on American workingmen.

H. H. PHETZING.

FOREST CITY, ILL., September 1, 1916.

LAWRENCE Y. SHERMAN,
Washington, D. C.:

On behalf of the telegraphers, wish to insist upon aversion of national catastrophe by enactment of an eight-hour day for railway employees engaged in or connected with train operation; and, so far as

telegraphers are concerned, that the hours of service be consecutive. We especially disapprove any action tending toward involuntary servitude, even for a day.

C. A. PATTERSON.

Hon. L. Y. SHERMAN,
Washington, D. C.:
GRANITE CITY, ILL., September 1, 1916.

Madison Lodge, No. 1, Amalgamated Association of Iron, Tin, and Steel Workers, petitions your support of bill providing eight-hour workday at present compensation for railroad employees, and protests against enactment of any law imposing involuntary servitude.

GREGORY HAWKINS, Secretary.

Hon. L. Y. SHERMAN,
United States Senate, Washington, D. C.:
OGLESBY, ILL., September 1, 1916.

We insist upon eight-hour workday at present compensation for railroad men. We protest against enactment of any law imposing upon American workers involuntary servitude.

CHAS. PARKER,
Secretary Trades and Labor Council.
JOHN FOLLYNEWIC,
President Miners' Local Union 929.
JOHN HAMILTON,
President Miners' Local Union 1722.

Hon. L. Y. SHERMAN,
Washington, D. C.:
CARLINVILLE, ILL., August 31, 1916.

In the name of organized labor in Carlinville and vicinity we urge you to vote for the eight-hour day at present compensation for railroad employees, and we also protest against the enactment of any law imposing involuntary servitude on the American workman even for a day.

L. E. FOERSTER,
Secretary Carlinville Trades Labor Assembly.

LA SALLE, ILL., August 31, 1916.
Senator L. Y. SHERMAN,
Washington, D. C.:

In behalf of the United Mine Workers of America, Local No. 620, of the city of La Salle, we earnestly request you as our Senator to support the bill now before Congress granting railroad employees eight-hour day.

PETER KOWALSKI, President.
PETER GUVICH, Secretary.

Hon. LAWRENCE SHERMAN,
Washington, D. C.:
MURPHYSBORO, ILL., August 31, 1916.

Murphysboro Trades Council, representing 2,000 union men, insist on your support of eight-hour workday at present compensation. We also emphatically protest against any law imposing involuntary servitude upon American workmen.

A. L. PELLETT,
Secretary Trades Council.

Hon. L. Y. SHERMAN,
Senate, Washington, D. C.:
KANKAKEE, ILL., August 31, 1916.

SIR: I am informed a vote is to be taken upon the question bearing upon the railroad situation. A vote in favor of the eight-hour bill will be appreciated. Also, I am instructed by our organization to request that you use your best efforts to defeat any compulsory-arbitration plan. Trusting you may see fit to favor us in this matter, I beg to remain,

Yours,

D. M. RAICHE.

Hon. LAWRENCE Y. SHERMAN,
United States Senate, Washington, D. C.:
EAST ST. LOUIS, ILL., August 31, 1916.

DEAR SIR: Central Trades insist on your supporting legislation making eight-hour workday with present compensation for railroad and shop men. Also emphatically protest against enactment of laws imposing involuntary servitude even for one day.

Respectfully yours,

EDWARD F. MASON,
Secretary Central Trades and Labor Unions.

Hon. L. Y. SHERMAN,
Washington, D. C.:
CHICAGO, August 31, 1916.

The members of our organization whose physical and social welfare will be affected by the action of Congress in regard to the railroad employees' demand for an 8-hour day with their present compensation for 10-hour day insist that the 8-hour day be granted, and we most emphatically protest against the enactment of any law that will impose involuntary servitude upon these members.

E. M. FOLEY,
General Secretary-Treasurer International
Brotherhood of Steam Shovel & Dredge Men.

LAWRENCE Y. SHERMAN,
United States Senate, Washington, D. C.:
DANVILLE, ILL., August 31, 1916.

After a careful canvass of the existing conditions with reference to the controversy between organized labor and the railroads, we believe that it would be for the best interests of the people of this State and especially of this vicinity to pass the eight-hour law and to provide a competent tribunal to arbitrate the other questions involved. Danville and Vermilion County have over 7,000 members of organized labor, and this law will be helpful in many ways. We therefore urge that you support these measures and vote in favor of them.

DANVILLE RETAIL LIQUOR DEALERS ASSOCIATION,
ED PUZEY, President.
FRANK OTT, Secretary.

LA SALLE, August 31, 1916.

L. Y. SHERMAN,
United States Senate, Washington, D. C.:

In behalf of the Hod Carriers Local 148, of the city of La Salle, we earnestly request you, as our Senator, to support the bill before Congress granting railroad employees eight-hour day.

PETER DONOLEY, President.
JAMES P. TRENCH, Secretary.

LA SALLE, ILL., August 31, 1916.

L. Y. SHERMAN,
United States Senate, Washington, D. C.:

In behalf of the Retail Clerks Union No. 254, of the city of La Salle, we earnestly request you, as our Senator, to support the bill before Congress granting railroad employees eight-hour day.

JOHN VOGRICH, Vice President.
JAMES FOLEY, Secretary.

OTTAWA, ILL., August 31, 1916.

Senator LAWRENCE Y. SHERMAN,
Washington, D. C.:

Ottawa Typographical Union, No. 265, request you to support the eight-hour workday at present compensation, and also request that you do not support any bill enacting a law to compel American workers to do involuntary servitude. Will appreciate any service rendered regarding railroad strike.

OTTAWA TYPOGRAPHICAL UNION,
JOHN I. LINK, Secretary.

MONMOUTH, ILL., August 31, 1916.

Hon. L. Y. SHERMAN,
Senate, Washington, D. C.:

In view of the present railway labor war being brought before Congress, we earnestly desire your help and cooperation in the passage of the proposed eight-hour law, and we emphatically protest against enactment of any law imposing upon American workers involuntary servitude even for a day.

CIGAR MAKERS' LOCAL UNION NO. 305,
J. B. EDENS, President.
S. O. MATHON, Secretary.

CHAMPAIGN, ILL., August 31, 1916.

Hon. L. Y. SHERMAN,
United States Senate, Washington, D. C.:

In the name of the 1,600 union wage earners of Champaign and Urbana, Ill., I strongly insist the Congress grant to the railroad employees an eight-hour day with present compensation, and register a most vigorous protest against involuntary servitude under any condition, even if only for one day.

GEO. HAWKINS, Secretary.

STREATOR, ILL., August 31, 1916.

Senator L. Y. SHERMAN,
Washington, D. C.:

Organized labor in Streator appeals to you to support the eight-hour day at present compensation and protest the enactment of any law imposing involuntary servitude upon American workingmen.

STREATOR TRADES AND LABOR COUNCIL,
ED SMITH, President.
T. L. BROOKS, Secretary.

GRANITE CITY, ILL., August 31, 1916.

Hon. L. Y. SHERMAN,
United States Senate, Washington, D. C.:

Tricity Central Trades Council petitions your support of bill on eight-hour workday at present compensation for railroad employees and your assistance in opposing any law imposing involuntary servitude.

T. M. CAVANAUGH, Secretary.

CHICAGO, ILL.

Hon. LAWRENCE Y. SHERMAN,
Washington, D. C.:

The Calumet Joint Labor Council, representing 42 labor organizations and some 25,000 toilers, heartily indorse the efforts of the railway brotherhoods to establish the eight-hour day with present compensation. Any legislation that could make for involuntary servitude we most vigorously oppose in any degree or for any reason.

J. J. H. DE YOUNG, Secretary.

CHICAGO, ILL., August 31, 1916.

Hon. LAWRENCE Y. SHERMAN,
United States Senate, Washington, D. C.:

On behalf of twenty-five hundred station agents, telegraphers, telephoners, levermen, and staffmen employed upon the Chicago, Milwaukee & St. Paul Railway and subsidiary lines, you are earnestly urged to use your best efforts to prevent a national catastrophe by supporting immediate legislation providing for eight-hour day for all engaged in operating trains or connected with their operation. Also strongly protest against enactment of any legislation which will bring about involuntary servitude in this country even for one day.

G. E. SOTTER,
General Chairman Division 23, Order of Railroad Telegraphers.

ROCKFORD, ILL., August 31, 1916.

Hon. L. Y. SHERMAN,
Washington, D. C.:

The Building Trades' Council of Rockford, Ill., insist upon you voting for the eight-hour day for railroad men at present compensation and insist on you voting against any law imposing on the workers an involuntary servitude for even one day. Reply at our expense.

J. L. ANDERSON, Secretary.

LAWRENCE Y. SHERMAN,
Senator, Washington, D. C.:

Would appreciate any move on your part to secure an eight-hour day at present compensation for railroad men. Vote against any measure that will impose involuntary servitude upon any of America's workers.

WALTER OSTER,
Secretary American Federation of Labor.

PEORIA, ILL., August 31, 1916.

Senator L. Y. SHERMAN,
Washington, D. C.:

Insist upon an eight-hour day for all railroad men and use your best influence and do nothing but stand pat for an eight-hour day.

L. J. HOPPER,

Recording Secretary of the Building Trades' Council.

CHICAGO, ILL., August 31, 1916.

HON. LAWRENCE Y. SHERMAN,
United States Senator, Washington, D. C.:

The Bakery Workers' International Union of America, in behalf of its 22,000 members throughout the country, urges you to use your good offices in the effort of securing for the railway employees the eight-hour workday. We also emphatically protest against the enactment of any law imposing upon America's workers involuntary servitude, even for a single day.

CHAS. IFFLAND.

CHICAGO, ILL., August 31, 1916.

HON. LAWRENCE Y. SHERMAN,
Senate Office Building, Washington, D. C.:

We favor eight-hour workday for railway employees, but protest against any contemplated or proposed bill which will impose involuntary servitude, even temporarily, upon American workmen.

A. E. ADELOFF,

President Cigarmakers Local Union, Chicago.

CHICAGO, ILL., August 31, 1916.

HON. LAWRENCE Y. SHERMAN,
Washington, D. C.:

Involuntary servitude means slavery; the man who favors it is an enemy of the working class.

THOMAS SWEENEY,

General Secretary Journeymen Tailors' Union of America.

DANVILLE, ILL., August 31, 1916.

HON. LAWRENCE Y. SHERMAN,
Washington, D. C.:

The undersigned representatives of Chicago and eastern Illinois shop crafts are demanding the eight-hour day and protests against the enactment of any law imposing upon the employees involuntary servitude and compulsory arbitration.

THOS. J. SHORT,

Chairman Sheet-Metal Workers.

MERCY MOLYNEAUX,

Chairman Machinists.

JOHN BERRY,

Chairman Boilermakers.

M. J. BERRY,

Chairman Blacksmiths.

H. R. BONHAM,

Chairman Charmen.

FRANK McCARTY,

Chairman Electrical Workers.

JOHNSON CITY, ILL., August 31, 1916.

HON. L. Y. SHERMAN,
United States Senator, Washington, D. C.:

All labor unions here appeal to you in behalf of the railroad men for an eight-hour working day, with a reasonable increase in salary; and we protest against enactment of any law imposing upon the American workers involuntary servitude, even for a day.

W. F. PITTMAN,

Secretary Central Body.

CHICAGO, ILL., August 31, 1916.

HON. LAWRENCE Y. SHERMAN,
United States Senator, Washington, D. C.:

Forty-six thousand metal workers endorse eight-hour workday of railroad brotherhoods at present wage, but unanimously protest against any kind of a law being passed that will put free men in involuntary servitude.

J. F. SCHILT,

Secretary Metal Trades Council of Chicago.

CARBONDALE, ILL., August 31, 1916.

HON. L. Y. SHERMAN,
Washington, D. C.:

We consider it your duty to insist on eight-hour workday. You must not tie laborers' hands, forcing involuntary servitude. This is the unanimous insistence of 300 men I represent.

JOHN FREY,

President Trades Council and President Carpenters' Union.

CHICAGO, ILL., August 31, 1916.

HON. LAWRENCE Y. SHERMAN,
United States Senator, Washington, D. C.:

The membership of the International Brotherhood of Blacksmiths and Helpers request of you to lend your support and influence for an eight-hour workday at present compensation, also emphatically protest against any enacting of any law that will impose upon the great army of workers of this country involuntary servitude even for a day.

W. M. F. KRAMER,

General Secretary-Treasurer.

The PRESIDENT pro tempore. Senators on the left side of the Chair have 30 minutes and can divide it to suit themselves.

MR. McCUMBER. Mr. President, if no Senator is present who wishes to take advantage of the 30 minutes' limitation, I will take 5 minutes to sandwich in a few remarks at this time.

The PRESIDENT pro tempore. The Senator can take 5 minutes or he can take 30 minutes, or as much of it as he sees proper.

MR. McCUMBER. Mr. President, I wish this bill could be so shaped that I could vote my views on the more important questions involved in legislation of this character. I realize, however, the futility of any endeavor to shape it toward that end. It has been predetermined by the majority party that it shall go through substantially as it was received from the House.

I believe, Mr. President, that the growing economy in all lines of production and transportation through mechanical invention has brought us to a point where we can and ought to adjust our great industries, and especially transportation, to an eight-hour-day labor system. In expressing this view I am not passing judgment on what compensation should be in such case. I have not the information before me that would justify a conclusion on that feature. I should like to vote this hours-of-labor view into this legislation. But, Mr. President, that is left wholly as it has been in the past—to rules adopted by the several companies. The bill simply says that wages which are now paid for 10 hours of service shall be paid for 8 hours. It would be much simpler in form and yet mean exactly the same thing if it merely said that on and after January 1, 1917, employees engaged in operating trains shall have an advance of 25 per cent over their present compensation.

So, too, Mr. President, I should be opposed to any attempt to compel involuntary service. We have no power to do so, and we ought not to do so even if we had the power. The right to terminate his personal service with another—to quit work—is one of the inherent rights of each and every individual and a liberty which ought to be safeguarded by every free people. As we have no power to compel the individual to arbitrate whether or not he will continue service, neither have we the power to compel a collection of individuals to do so.

The thing, however, which I can not support in this bill is the fixing of compensation of employees by Congress without the slightest investigation of the subject. There is not a Senator here who will have the audacity to declare that he has any knowledge whatever of what would be a compensation that would be just to the particular employees affected and also just to the many hundreds of thousands of other employees of the companies, just to the many thousands of stockholders, just to the companies, and, above all, just to the millions of American people who pay the freight.

Mr. President, I heartily favor a high standard of wages for all labor. I believe that the character of labor which involves greater dangers, greater responsibilities, and greater strain upon the constitution, calls for a higher standard of wage than that earned by other equally intelligent but less arduous or responsible labor. But, Mr. President, I can not blind my eyes to the rights of other employees of these railway systems. I can not forget their need of an increase of wages. I can not eliminate from my mind the right of the farmers of my State who, with only a quarter of a crop, and not one dollar of net earnings this year, who, in fact, with an actual loss, will admittedly be compelled out of their meager earnings to pay higher freights for the increase proposed in this measure. And before I pass judgment on all these interests I want some information upon which to found that judgment.

So far as this particular bill is concerned, I might properly stop right here, but I feel I should express what I believe to be the proper course to be pursued hereafter. I believe the Interstate Commerce Commission should be vested with powers of conciliation; that whenever serious disputes arise between the railway companies and their employees concerning wages or other matters connected with the service, this Interstate Commerce Commission should attempt to secure a settlement of these differences. Failing in that, it should investigate the matter, taking into consideration the interest of the companies and their stockholders, the interest of all the employees of the companies, as well as the interest of the shippers and of the public, and report what, in its judgment, would be a just and fair basis of settlement for all parties affected.

I believe that public opinion, when fortified by a full understanding of the subject in dispute, would in most cases be a sufficient force to bring about an arbitration of differences. In matters of this kind the interest of the public should enter into the equation. The people should have their day in court. And how can they have their day except either through vesting of the power of inquiry in the Interstate Commerce Commission

or through the creation of an independent tribunal to exercise such power.

Mr. President, if we have so far progressed in our social and industrial evolution that the law of supply and demand, the law of competition in the labor market, can no longer be properly applied in the field of transportation, in which all the people are vitally interested, the great principle of arbitration should be retained to assure that equality of rights which justice to all demands; and that a tribunal which will present to the public the real causes of difference and be a potent power in inducing the opposing parties to compose their differences, ought to be provided for by proper legislation.

Mr. BRANDEGEE. Mr. President, I feel that the pending bill and our action upon it constitute a very grave epoch in the legislative and economic history of this country. Let us for a minute consider how the bill comes before us.

Day before yesterday the Senate Committee on Interstate Commerce, having had under consideration the recommendations contained in the President's address to Congress upon this subject, was called into session for the purpose of seeing if it were possible to frame any legislation which could adequately deal with the crisis that seemed to confront the country. The determination to hold any sort of a hearing upon the bill had been arrived at by the committee the day before the hearing was had, at about noon. The intention of the committee to hold hearings the next day was announced in the press of the afternoon before the committee was to hold hearings on this bill. So that upon a bill affecting the affairs of the entire country, the conduct of its entire transportation system, and the interests of all the varied businesses and vocations into which the activities of 100,000,000 people are divided, a few people in the country who had, I assume, telegraphic knowledge through the Associated Press and other news-distributing information bureaus, had a chance to catch the evening train from Chicago, Toledo, Cleveland, and a few of the nearer large cities of the country, and appear before us. Very few people of the general public, who are greatly affected by this bill, had any opportunity to appear and be heard at all. The representatives of the railway managers and the executives of the four brotherhoods of railway operatives, who happened to be present in the city, were allowed to appear.

By a vote of the committee nine hours in all were given to the taking of testimony upon this bill. Three hours were allowed to the railroad side of the issue, three hours to the railroad operatives, the brotherhoods, and three hours to the general public and the shippers of the country. The results of that hearing are here upon the desks of Senators, consisting of a pamphlet which I think ought to be printed as a public document for general distribution among those interested in it, entitled "Hearing before the Committee on Interstate Commerce, United States Senate, Sixty-fourth Congress, first session, on proposed bills in connection with legislation relative to the threatened strike of railway employees." The hearings were held on Thursday, August 31, 1916. The pamphlet consists of 157 pages.

Mr. President, I heard every word of that testimony; but I doubt if very many Senators have had the opportunity, in the pressure of business in the closing days of this session, to acquire any adequate knowledge of what it contains. The haste in which this matter has been conducted may well merit the opinion that the product of our activities in the preparation of this bill will not meet with the approval of the American people and will not adequately protect their interests.

Yesterday the distinguished junior Senator from Alabama [Mr. UNDERWOOD], who was a member of this committee on the majority side, addressed the Senate, and, on page 13556 of the RECORD, he stated as follows:

But the President of the United States made certain proposals through his Attorney General's office to the Congress to relieve the situation. He proposed that a bill called an eight-hour bill, but, in fact, a bill fixing the wages on an eight-hour basis, should be passed. Why? Because the representatives of the great labor organizations of this country had stated to him that if that bill was passed they would call off the strike. That was the terms that they would not strike on—if you pass this bill recognizing eight hours as the basis of wage to be paid for a 10-hour day—nothing more and nothing less.

He further stated—and I read from the RECORD, on page 13558:

I wish to say to Senators that this eight-hour-day law does not cover the case; it does not cover the request of the President of the United States. He wanted something in this legislation that would control in the interest of the American people; and if you stop with this eight-hour-day bill, without section 6, you will have a piece of legislation that is merely the purchase price of peace. That is all you will have done. You will have done nothing for the American people, but you will have paid the price of peace. Having that contingency to face, was it not the duty of the committee to put something into the bill to protect the American shipper and the American public?

Mr. BRANDEGEE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Connecticut?

Mr. UNDERWOOD. I do.

Mr. BRANDEGEE. Mr. President, if the Government is purchasing its peace for \$60,000,000 a year, does not the Senator from Alabama think it would be honest for the Government to pay it out of its own Treasury instead of reaching into the treasury of some other persons and having them pay it?

Mr. UNDERWOOD. That is a very grave ethical question, but I do not care to now stop to discuss it.

I am going to vote for this bill because I think it is in the interest of my constituency, and I shall vote for it to stop this calamity; but when I do it I want to do something toward the permanent settlement of these questions that will be in the interest of the great constituency that I represent and in the interest of the country.

We felt we could not proceed along the lines of the President's suggestions. The President asked for a compulsory-arbitration act; but the members of the committee—at least, many of them—felt that a compulsory-arbitration act such as had been set before us was in violation of the Constitution of the United States; that it would probably be construed by the court to involve involuntary servitude, and would be declared to be unconstitutional.

Mr. President, the distinguished Senator from Alabama [Mr. UNDERWOOD], formerly the leader of the House of Representatives, a member of this committee, who heard all the testimony that we had opportunity to take, states that without an amendment which he proposed to the Senate bill and which is pending to the present bill, providing that the Interstate Commerce Commission shall fix wages, and so forth, this bill will not be in the interest of the American people, but he states that he will vote for it to please his constituency. Mr. President, I can not understand how a great Senator who has had a distinguished public career, extending over a period of more than 20 years in the service of his State in the Congress of the United States, can, on this great, broad, far-reaching and fundamental question, take so narrow a view of his duty as that.

I do not believe that this bill is in the interest of the American people, and therefore I can not vote for it. This bill, as has been stated by the Senator from Alabama and by other Senators, in no way purports to be the establishment of a limitation upon the hours of labor of anybody anywhere. Those who in a panic have advocated it and reported it and who will support it, it seems to me, are seeking to conjure for popularity under the popular phraseology of what is known as an eight-hour day limitation of labor for support to this bill, which, by skillful use of the phrase "eight hours as a standard for compensation for service," does not in any way prevent anybody from working more than eight hours a day, but does operate, as the language of the bill is framed and in view of the contracts that the men already have with the railroad companies, arbitrarily and by the ipse dixit of this Congress, upon such scant information as we all know we have had, to decree that the wages of every man actually engaged in the operation of railroad trains in interstate commerce shall be increased overnight by 20 per cent, and, in terms, declares that every one of these gentlemen, amounting to over 350,000 in number, and nobody knows how many more, shall overnight have written into the contract which he has made and which are now existing a provision that he shall receive 10 hours' pay for 8 hours' work. The construction I have placed upon this bill is admitted by everybody and can not be gainsaid.

Mr. REED. Mr. President—

Mr. BRANDEGEE. I yield to the Senator from Missouri for a question.

Mr. REED. The Senator has just stated that it is proposed to write into the contracts which these men already have with the companies an increase of 20 per cent. Is it not true that those contracts have expired, or are about to expire, and that the time for making new arrangements has arrived; or, to state it differently, is not the Senator mistaken when he says that this bill is an amendment to an existing contract? Are there any contracts in existence that cover a period of time in the future wherein the men have agreed to work at a certain wage and for a certain number of hours?

Mr. BRANDEGEE. Mr. President, I am not an authority upon this question, and nobody in the Senate is. There are two or three Senators here who for many years have given great attention to these infinitely intricate and complicated questions of railroad operation and the compensation of their employees, but the great majority of the Senators are not familiar with the question. To answer the Senator directly, however, as far as I have knowledge, I would say to him that the committee has on its desk in the Office Building, in the committee room, perhaps 50 of these agreements which have been entered into between the railroad authorities and their operatives. They are all different. As will appear from the hearing, I asked one of the witnesses—I think it was Mr. Lee, the chairman of the railroad managers—if he could not present for the information of the committee a typical agreement between the railroads and their

employees, so that we could get some idea of how their compensation was at present established and what it was. There were placed there, and are there now, little books about the size of a bank-deposit book, the agreements between, I should think, 50 of the roads and their men. I have not looked at the dates of those agreements to see when they expire, and I do not know whether they all expire on the same day or not. I was not going to make the point that this law might be invalid, because it might impair an existing contract. Irrespective of that, they will all soon be running out, and whether the provisions of this act would conflict with any of them or not I do not know. I understand they are generally made for a year's time, and when they do run out they must all be renewed by striking out the term "10 hours," if it does appear in these agreements, and inserting the term "eight hours" as the standard of one of the elements which will determine the compensation of the operatives; and when they do that, all I say is that it will result in an increase in pay of 20 per cent.

Mr. REED. I take no exception to that statement, but the Senator's original statement was broader than that. I have no doubt it was unintentionally made; but the language was such that it would ordinarily be construed as conveying the idea that the railway employees have existing contracts, and that they are by those contracts obliged in good faith to serve at a specific wage a certain number of hours for some time in the future, and that it is now proposed by this statute to amend that contract and change it during its existence, thus putting the men in the position of asking to repudiate their solemn obligations, and at the same time putting Congress in the position of aiding and abetting in that violation of a contract. But as I understand the Senator's later statement, he does not mean to imply any such thing; and with his last statement I have no quarrel.

Mr. BRANDEGEE. Mr. President, just a minute, and then I will not interrupt the Senator. As a member of the committee and one of the two Republican members of it who are in the city and the only two Republicans who attended the session of the committee while there were nine Democrats there, in view of the length of time it takes Senators to say what they thought I said and then explain it to their own satisfaction and so forth, I must ask the Chair to state that I be not interrupted during the rest of my time. How much time have I left?

The PRESIDENT pro tempore. About two minutes.

Mr. BRANDEGEE. I shall have to take further time.

The PRESIDENT pro tempore. A new rule will become operative at 12 o'clock. That hour has arrived. The Senator has spoken 22 minutes, and of course he would not be cut off.

Mr. BRANDEGEE. Of course, I can ask no favors and I realize the binding authority of a unanimous-consent agreement. I shall have to say what I have to present upon the bill in the discussion further of the amendment. Has my time now expired?

The PRESIDENT pro tempore. The Senator's time has expired. The 30-minute period has been exhausted. From this time forward no Senator will be allowed to speak more than once nor for a longer period than 15 minutes. The Chair suggested to the representatives of the two sides of the Chamber that some sort of an agreement be entered into by which the time should be apportioned that they are to occupy. If that has been done it will be the pleasure to the Chair to conform to it.

Mr. GALLINGER. I suggest to the Chair to recognize one on the other side and then one on this side.

The PRESIDENT pro tempore. Is there anyone on the majority side ready to speak?

Mr. HUSTING. Mr. President—

Mr. GALLINGER. I will be glad to occupy 15 minutes when the opportunity is given.

Mr. BRANDEGEE. I do not think any agreement on our part can change the unanimous-consent agreement to speak not more than 15 minutes after 12.

Mr. HUSTING. Mr. President, in the few minutes of time that I have I can only in the plainest way express my views upon the bill, and I want to do so with a view of offering an amendment to it.

We are facing a situation here in the country to-day that is without parallel in the history of the country. We are attempting now, by legislation, to forestall or prevent something that otherwise would be bound to happen, and so a bill has been prepared, how hurriedly has been expressed by Senators on the other side as well as this, for the purpose of preventing what would be a calamity. What is this thing that we are confronted with? Not a threat to strike but a strike itself which has already been called. This is not to prevent or satisfy

a threatened strike. That strike has been called, and unless this bill is passed the strike order will go into effect next Monday. So there has been a general demand all over the country, and that demand is recognized in this Chamber, that that strike shall be stopped.

The first thing to be attended to, in my judgment, in dealing with this matter is to stop that strike. Who wants the strike stopped? I presume the railroads want it stopped. I presume the railroad men or railroad employers would like to see it stopped. The Senators in this Chamber, without regard to party, want it stopped. But above all I believe the people of the United States want it stopped. They are not so much concerned how you are going to stop it, so that it be stopped. The other considerations can be attended to later. The first requisite in the bill to be passed by Congress is something that will bring that result. So I presume these hearings that have been cut so short have been cut short because of the urgency of the matter. Senators on the other side could have demanded a week or two if they thought it advisable, but it seems it is agreed by all Senators and all Members of the House of Representatives that something must and shall be done.

Now, what shall we do? Senators on the other side who criticize and point out the defects of this measure say that this is a surrender to labor. But what do they suggest in place of it? They agree that the strike should be stopped. Why do you not stop it in your own way? Why do you not propose something better than this? It is because you have nothing better to propose than this. Yet you want the result just as badly as Senators on this side and the people of the United States.

So this bill was drawn. It was drawn for what purpose? For the purpose of stopping the strike by recognizing the eight-hour day and doing the only thing that will stop it, and, further, by providing for a commission which shall investigate this subject fully, beginning the 1st day of January and continuing six months as a minimum and eight months as a maximum, and to make their report within 30 days thereafter. So there is not only the eight-hour day provided by the bill, but a commission to be appointed. For what purpose? For the purpose of passing the necessary legislation which ultimately must be passed to settle these questions forever.

Now, why do Senators on the other side recognize the necessity of haste? Why have they not something to propose? Why do they complain that no one has knowledge on this subject in the Senate? Because this has come like a bolt from a clear sky, and they are not prepared to recommend legislation upon this subject other than the stopping of this strike.

The very fact that Senators on the other side admit that they are not informed and have nothing to recommend shows the necessity for investigation and for study not only of the strike problem but of the entire labor problem so far as it concerns the railways and employees before we can intelligently and permanently legislate on this great question. Everyone will agree that while it may be within the right of railroad employees to strike, and while it may be within the right of the railroads to lock out their employees at their own sweet will, the public, the people of this great country, and this Government have a right to insist upon being served; and if it can not be served either by railroads or employees because they can not agree, some way must be found whereby the Government can run itself, whereby the Government, in case parties to this business can not agree, may step in and run it ourselves and for ourselves. If it shall appear that within our constitutional rights we can not regulate this matter, some other way will be found whereby the United States will take over and run these great transportation companies itself.

This is a matter that does not only affect railroad companies or individuals; it affects the Government itself. The Government has a right to insist, and not only a right to insist but to enforce, its rights in the operation of these railways and the transportation of its mail, and some way must be devised and some way must be found. Under no circumstances can these be interrupted or obstructed either by the railroads on the one hand or by somebody on the other hand. If we can not do it, I say, within these constitutional limitations, there is only one recourse for the Government, and that is to get legal control of the railroads either through ownership or in some other manner. So I say a commission is necessary to investigate that subject.

I listened to the argument of the Senator from Alabama [Mr. UNDERWOOD], and I see the full force of his criticism of the bill as it has come from the House, that when this commission gets ready to report there will be no Congress in session and no one to deal with it. Everyone knows, we must admit, that in a short session of Congress a matter of this great importance can not be properly considered or handled or determined, because

the program is already laid out for the next session of Congress in the way of conservation legislation and other legislation that has gone over. So at the Congress succeeding or the next session of Congress, either a special or extraordinary session or the regular session, this report comes in here. At the earliest moment it will be six months, or the 1st of July, and the latest will be the 1st of September, and a 30 days' time to bring in the report will bring it in here about the 1st of October, when no Congress is in session.

But, as the Senator from Alabama pointed out, this understanding or this law in regard to the eight-hour wage will cease and terminate, and on that day we will find ourselves in the same situation as we are to-day.

Now, that is the part of the bill which should be remedied, in my opinion, and at the proper time I am going to move to amend the bill by providing that this wage shall remain in force 90 days after the convening of the Congress next succeeding the filing of said report.

If that amendment is adopted, I believe that that answers every purpose, every proper demand that can be made upon Congress at this time. Do you want to settle it now? Do you want to permit the strike to come on, or do you want to stop that strike now? Do you want to take it upon yourselves, Senators upon the other side, to precipitate this strike? No; you do not; because if you did not in truth want to see this strike stopped every one of you could object to the consideration of this bill until after next Monday. You want this strike to be prevented, and then you want to follow it up by some legislation that will take hold of this whole subject and dispose of it and determine it once and for all.

If this amendment is adopted, the people will understand that the succeeding Congress, the opening session of the Sixty-fifth Congress, will deal with this whole labor problem in a way that will take it out of the realm of controversy and will commit the country to some sort of policy whereby such things as this can not occur again. We will be able to put it in shape by that time, and the facts will be presented to us so that we may legislate intelligently upon this whole subject and take hold of it and solve it as the banking problem and other great problems have been solved by the preceding Congress and by this Congress. If the bill is not amended, when the 1st of September comes along or the 1st of October comes along, when this wage scale or wage standard expires by limitation of law, who is going to guarantee that there will not be a strike or another threat of a strike? With my amendment we gain enough time to take care of this proposition.

It seems to me wise to provide that this wage scale shall stand at least until 90 days after the convening of the Sixty-fifth Congress, and that the Congress shall then address itself to the subject as one of the main subjects of that session, that they take the facts that will be presented by this commission which will investigate the subject and apply it to the solution of this great problem, and that then this Congress will be in a position to proceed to legislate intelligently and adequately, and will have proceeded, because of the expiration of the limitation, to legislate in a comprehensive, intelligent, and effective way upon this great subject, for if it is not met and solved it will come up again and again until it is solved. It will not down, because the time will never come when men can exactly measure what is right and fair when their own interests are enlisted and are at stake.

The Government of the United States in the management and control of its railroads must necessarily be supreme in the premises. It must have some authority, somehow, somewhere, and all the time, to see that the instruments of communication, the mail, and the transportation of the country is not interrupted or interfered with. They must take measures so that we will have tranquillity at least at home, and so that we will not suffer the consequences of our negligence and of our own indifference in permitting this condition to exist or to be possible.

I hope the amendment will be adopted. If it is the country will approve our course and will understand that while this bill is only a temporary expedient, that after a free, full, and fair investigation we will grapple with the great problems here involved and solve them as our great party has solved so many other great and perplexing questions in the past few years.

The PRESIDING OFFICER (Mr. REED in the chair). The Senator's time has expired. There seems to be a sort of implied understanding that the time is to be divided between the different sides of the Chamber, and a list of names was made of those who desire to speak. The President pro tempore has turned that list over to me. I do not know what the sense of the Senate is with reference to following in order the names as recorded. The first name recorded on the Republican side, as

the Chair presumes we are to alternate, is that of the Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. MYERS. Mr. President—

The PRESIDING OFFICER. No other Senator has asked for the floor, and the Chair recognizes the Senator from Montana.

Mr. MYERS. Mr. President, there are so many who desire to speak that I shall occupy only a very few minutes.

I rise solely for the purpose of making an explanation of my attitude as a member of the Senate Committee on Interstate Commerce in regard to one phase of the Senate bill on the pending subject of legislation, which was introduced yesterday, Senate bill 6981. It is true that that is not now before the Senate; the bill of the House on the same subject is before the Senate, and the pending question is an amendment offered to the House bill by the Senator from Alabama [Mr. UNDERWOOD] to delegate to the Interstate Commerce Commission power and authority to fix wages for the railway employees on railroads engaged in interstate-commerce business. That provision is found in the Senate bill as section 6 of the Senate bill, and my object in rising is to say that as a member of the Senate committee which considered the bill, I did not in the committee and do not now concur in that feature of the Senate bill, section 6, which has been offered as an amendment to the House bill.

I made no minority report because the time is short and the procedure is very hurried and it was not necessary. I intended by my vote to show my dissent from that section of the Senate bill. I differed from the majority of the committee on a number of features which were incorporated in the bill but found myself in a minority and outvoted; but I made no minority report because, as I said, the time is so short that I determined to content myself with expressing my dissent by my vote.

But as this amendment which has been offered to the House bill and which has been incorporated in the Senate bill has been very extensively debated and is the subject of prolonged consideration by the Senate I want it known that I am not in accord with the committee, and I take this method of expressing my emphatic dissent from section 6 of the Senate bill, as well as the pending amendment to the House bill, being the same thing. I believe it would be a dangerous and unwise departure from the beaten pathways of legislation. I believe it would be fraught with entirely too much danger to incorporate it into law. I think it would be empowering the Interstate Commerce Commission with entirely too much power and with authority which it was not contemplated the commission should have when the body was created. Besides, it would be a futile act. Manifestly there would be no way of enforcing it. It would be impotent and ineffective; and, even if it were effective and enforceable, then I would be all the more opposed to it, because if free men may not have the right to freedom of contract for their services, at mutually agreed wages, then there is no freedom in this country. None of us would be free. It would be involuntary servitude and I would be utterly opposed to anything of that kind of any form, shape, or character. It would be repugnant and detestable. It would be contrary to our Constitution and utterly repugnant to the spirit of our institutions. Manifestly, however, it would have no effectiveness and would not be enforceable.

Therefore, I regard it as an utterly useless, futile, and vain act and on that ground I am opposed to it. I opposed it in committee; I voted against it in committee; I there voiced my opposition to it; and I take this method in the Senate of dissenting from it; and now announce that I shall vote against the pending amendment offered by the Senator from Alabama [Mr. UNDERWOOD]. I did not agree to it in committee and am against it here.

Mr. STERLING. Mr. President—

The PRESIDING OFFICER. Just a moment, if we are to adhere in any way to this program. We seem to be proceeding by a species of common consent which was outlined by the President pro tempore. The Chair thinks he will assume the responsibility, unless it is distasteful to the Senate, of calling the names as they come in order, to the end that we may dispose of the list of the gentlemen either by having them occupy the time or by having a default entered against them.

Mr. BRANDEGEE. Before that is done, may I suggest that the Senator from Iowa [Mr. CUMMINS] took the names of certain Senators on this side who desire to address the Senate sometime during the day and handed them to the Presiding Officer at that time, but it was done with no thought that that was the order in which they should speak.

Mr. CUMMINS. The Senator from Connecticut is correct. The understanding with the Senator from Nevada is that the

four hours shall be evenly divided between the two sides of the Chamber, and I presented to the Senator from Nevada a list of names as it had been given to me representing those who on this side desired to speak at some time during the afternoon.

The PRESIDING OFFICER. But not in any special order.

Mr. CUMMINS. I do not think it was understood that they would come in the order in which they appear on the paper.

The PRESIDING OFFICER. With that understanding the Chair will recognize the Senator from South Dakota [Mr. STERLING].

Mr. STERLING. I was about to say that if anyone whose name precedes mine on the list is ready to go on at the present time, I will not seek the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from South Dakota, and he will proceed.

Mr. STERLING. Mr. President, we are confronted with a very grave situation, grave from two standpoints, according to my view. The first is the impending strike itself and the consequences that may flow from that strike when once put into effect and operation. That is one evil; but there is another evil which should give as much concern, if not more, than any inconvenience, any distress, or any loss that may result from this imminent and threatened strike; that evil is the one immediately confronting us here in the United States Senate to-day.

The question now—and, as I said, I think it is the graver of the two—is as to whether the United States Congress is, without time taken for deliberation upon this most important and far-reaching measure, to be dragged into enacting it into a law now before 6 o'clock on this 2d day of September, 1916. That is the grave question. It is more far-reaching in its importance and in its significance than the other question, the one relating to the material loss that may be sustained by reason of the trainmen going on a strike.

Mr. President, for one I refuse to be stampeded. In conscience, believing in our system of free institutions, believing, as I do, in representative government and the right of Congress to deliberate before it legislates, I refuse to be brought through duress into a support of this measure, however general or however threatening this strike may be.

Mr. President, I am satisfied that in enacting this measure into law in this forced and predetermined manner we are not acting in accord with the sense, the conscience, the judgment, and the love of liberty of the American people.

The Senator from Illinois [Mr. SHERMAN] a while ago read some threatening telegrams coming from certain limited sources within his State. I have some telegrams from my own State. The telegrams that he read do not reflect the sentiment of the great body of the people of the State of Illinois, for I know them, not perhaps so well as the Senator from Illinois does, but I was raised in Illinois, and I know something of the sturdy common sense and patriotism of the people of that State. The telegrams that I have more nearly reflect the sentiment of the average citizen of Illinois and of the people of the United States, the great body of conservative, sober-minded American citizens, than do the threatening telegrams read by the Senator from Illinois. I read a few of them. One from Sioux Falls says, addressing me:

It occurs to me that you would be doing a public service in lending your support to any movement that might result in submission to a board of arbitration of all the matters in difference between the employees and the railroads. It looks as though there is merit on both sides of the controversy, and that it should not be decided until those who decide are put into possession of all of the facts.

"Of all of the facts," "merit on both sides of the controversy," and yet we here, in the enactment of this legislation, are absolutely precluded from inquiry into the merits of either side of the controversy, nor do we know the facts.

In our haste, with no time to weigh and consider, the peace which it is believed this legislation will secure will be an ignoble peace, and our action will come back to plague us. Moreover, in the revulsion of feeling which I believe will follow, the cause of organized labor will suffer great injury. Another telegram from Sioux Falls reads:

This organization is strongly opposed to any hasty legislation in the pending railroad crisis. We believe it is inconsistent that this legislation should be accomplished under the shadow of an impending strike. We therefore urge that a demand be made that the strike be postponed for such reasonable time as may permit intelligent action by Congress.

SIOUX FALLS COMMERCIAL CLUB,
L. D. MANCHESTER, President.

Another telegram from a business man, who keeps a retail store in a small town in the southern part of my State, reads:

Strongly favor settling wage difference railroad employees by arbitration. Use your influence with President to that end.

The only mistake is in the last injunction to use my "influence with the President to that end." Here is another telegram, not from my own State, but from the State of Illinois. It reads:

The National Metal Trade Association urges your most thorough and impartial investigation of the merits and effect of proposed eight-hour legislation, not only upon the railroads but upon all manufacturing interests of the country, before permitting it to become a law. We also urge that you uphold the principle of arbitration as the only logical method of adjusting disputes.

W. H. VANDEROORT,
President National Metal Trade Association.

But we have not time to go into the merits of this proposed eight-hour legislation. No time for any investigation, let alone the "most thorough and impartial" enjoined by the telegram. It is as though a highwayman said to us, "Stand and deliver." That is the humiliating position in which the Congress of the United States finds itself to-day. Another telegram from Milbank, S. Dak., reads:

Legislation that would include transportation men only would be discriminatory, unpopular, and I earnestly urge that the scope of the proposed eight-hour day law be extended to include all railway employees.

A. MITTET,
General Chairman of the Maintenance and Way
Employees of Chicago, Milwaukee & St. Paul Railway Co.

But this bill includes the small minority only; the great majority, the 80 per cent, embracing the other railroad employees, who are paid the lower wages and work longer hours, many of them, than these more favored employees, are not to share in the benefits of this bill. Their condition is not to be compared with the men who are making these extraordinary and, we may say, inordinate demands—inordinate not from the standpoint of the eight hours, not from the standpoint of higher wages, which is the real issue, but inordinate from the standpoint of demanding of Congress that they do this now, and this alone, and that without any investigation or deliberation at all!

To what may this discriminatory legislation lead? So far as I now know, Mr. President, there is harmony, there is union, there is good feeling between all classes of railway employees. The switchmen, the section man, is not envious or jealous in any degree of the brotherhoods for whom this legislation is to be enacted—not at all; but enact this legislation, and as a natural result there will be bitterness and resentment. Good feeling between men engaged in a common service will be broken down to the detriment of the spirit and efficiency of this great force in our country, upon which our commerce and the safety of the passenger traffic of the country depends. It will tend to inefficiency in railroad service; that service which, of all others, we want for the public welfare to be safe and efficient.

Mr. President I will read here a part of an editorial in yesterday's New York Times, which is a Wilson paper, and which is doing all it can in the cause of the candidacy of Mr. Wilson for President of the United States; and yet this, among other things, is what the editorial has to say in regard to this strike and the demands of the railroad brotherhoods at this time. The editorial is properly headed "A national humiliation."

The PRESIDING OFFICER. The Chair calls the attention of the Senator from South Dakota to the fact that his time will expire in less than a minute.

Mr. STERLING. Very well, Mr. President, then I ask leave to insert the entire editorial in the RECORD as a part of my remarks.

The PRESIDING OFFICER. If there is no objection, that may be done.

The editorial referred to is as follows:

[From the New York Times of Sept. 1, 1916.]

NATIONAL HUMILIATION.

The strike is over before it had begun. The project of law compelling the railroads to increase the wages of their employees who are members of the brotherhoods, falsely called the eight-hour bill, will be at once enacted by Congress. The chiefs of the brotherhoods will then revoke the strike order. It is altogether probable that they would revoke it anyway, or at least postpone its beginning. They have had time to measure the magnitude of the crime they were about to commit and the depth of public indignation it would arouse, and to weigh the consequences to themselves and the brotherhoods.

But what will the President do to make good his declaration in the letter to Col. Pope, that "this situation must never be allowed to arise again"? What will Congress do to empower him to prevent its recurrence? Apparently, while Congress is to enact the demands of the brotherhoods, it closes its ears and its mind to the demands of "society," the word which the President employed in his quite mistaken statement that society, meaning the public, favors the adoption of the eight-hour principle. Society has an interest immensely greater than any other in the right and permanent settlement of the present controversy, in the taking of such measures that no controversy of this nature shall ever again arise in this form.

Interruption of railroad service by a strike would be a great but transitory inconvenience. The blackmailing of the whole Nation under the threat of a strike, the extortion from a Nation's legislature of a special act granting the demands of the brotherhoods without time to inquire into its justice or its practicability, puts upon the country an

intolerable humiliation, it reduces 100,000,000 people to a condition of vassalage, no longer permitted to make laws that freely express their will, but held up, as the highwayman's victim is held up, and forced to instant compliance with the terms imposed upon them by the leaders of organizations comprising only 400,000 of their number. Contributions in money may be, have been, extorted from conquered cities by armed force. Unjust laws may be put upon the statute books through the agitation of factions or groups strong enough to make their political influence felt. But there is no other instance where a Congress of the United States has been forced to make laws under threat of a small part of the people to do immeasurable and irreparable injury to the others. If such an outrage can be put upon us unresisted, we have lost our republican form of government.

What will the President do, we ask again, and what will Congress do? The greater evil, the greater menace to "society," is this act of extorting legislation by threats. To put up with it would be a disaster to the Nation incomparably greater than any the strike could inflict. Yet already there is a feeling in Washington that the compulsory arbitration bill, being controversial, and therefore likely to be a cause of delay, must be laid aside, while Congress makes all haste to meet the arrogant demands of the brotherhoods. That may satisfy public opinion for the moment, but certainly Congress should not adjourn until it has put it into the power of the President to make good his declaration that such a situation must not arise again.

The minds of the people are pretty well cleared of the humbug that the brotherhoods have demanded an eight-hour day, that there is any quality of mercy or humanity in the terms they exact. The very language of the bill makes it clear that not shorter hours but higher pay is what they demand. "Eight hours shall be deemed the measure or standard of a day's work for the purpose of reckoning the compensation for services"—these are the words of the bill under consideration. Moreover, it provides for the appointment of a "wage commission" to observe the "financial effects of the institution of the eight-hour standard workday." Ten hours' pay for eight hours' work, with added pay for all overtime, that is what the men ask for, that is what the bill will grant. The brotherhoods deceived the public for a time; they appear to have deceived the President. They insisted that their demand for eight hours was not arbitrable. It is the general opinion that the President erred grievously in not insisting, with equal firmness, that they consent to arbitration. Instead he appears to have yielded to their demand at once, and then to have employed his time in seeking to compel the railroads to yield. An increase in wages is eminently a fit matter for arbitration, certainly for deliberate examination and inquiry, to the end that justice shall be done. That the President should have insisted on. The railroad presidents proposed arbitration, were willing to arbitrate, the brotherhoods refused. That is the net situation, and the public understands it perfectly.

Meanwhile, since it is conceivable that there may be a slip, we commend to Mr. Wilson and his law advisers a pretty careful study of the decision of the Supreme Court in the Debs case. In that opinion, written by Justice Brewer, the court said:

"The entire strength of the Nation may be used to enforce in any part of the land the full and free exercise of all national powers and the security of all rights intrusted by the Constitution to its care. The strong arm of the National Government may be put forth to brush away obstructions to the freedom of interstate commerce or of the transportation of the mails. If the emergency arises, the Army of the Nation and all its militia are at the service of the Nation to compel obedience to its laws. * * * It is competent for the Nation to remove all obstructions upon the highways, natural or artificial, to the passage of interstate commerce or the carrying of the mails; that while it may be competent for the Government (through the Executive branch and in the use of the entire Executive power of the Nation) to forcibly remove all such obstructions, it is equally within its competency to appeal to the civil courts for an inquiry and determination as to the existence and character of any alleged obstructions, and if such are found to exist or threaten to occur, to invoke the powers of those courts to remove or restrain such obstructions."

Grover Cleveland, in that memorable emergency, did not shrink from exercising the full power of the Executive to enforce the law and to remove obstructions impeding the transaction of the Nation's business.

Mr. STERLING. Mr. President, I merely wish to say, in conclusion, that should this strike come as a result of our refusal to enact this legislation under duress it might cause great inconvenience; there might be some distress; there might be some loss of property; but the American people would be brave, they would be patient, they would endure, and the price they paid, though it might be a grievous one and hard to be borne for the time, yet the liberty that would ensue would be worth all the cost.

The PRESIDING OFFICER. The time of the Senator from South Dakota has expired.

Mr. WEEKS. Mr. President—

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. WEEKS. Mr. President, this is the most important legislative crisis I have faced during my 12 years in Congress, and while I am well aware that what I say is not going to influence the action which the Senate will take to-day, I can not let the occasion pass without a brief presentation of my views. The legislation we are considering is of a most unusual character and results from a most difficult but not unusual situation. Information in the press during the past year has given the general public an inkling of the differences which were said to exist between the managers of railroads and the trainmen; but there was no definite information on this subject, either known to the public or in the hands of Congress, until a few days ago when the President summoned the trainmen to Washington to consult with them in regard to their contentions. The result of this consultation was a definite proposition made by the President approving the eight-hour day, compulsory arbitration, and the power to compel the operation of railroads, which, with the

exception of the eight-hour feature, are not included in the bill which the Senate is now considering.

In his address to Congress this week the President stated that the controversy had been existing for more than a year. The natural inquiry one is led to make is: If the situation had been brought to the attention of the President and he had information that there were likely to be serious results, why has he neglected to bring it to the attention of Congress, which has been in session nine months, and in that way give Congress an opportunity to calmly and deliberately consider every phase of the question and to determine a course of action which might satisfy not only the parties in interest but more particularly the interests of the general public, which are involved in any legislation of this character. It must be apparent to the President, as it is to every one else, that no fair and sane consideration can be given to such questions as these in the midst of a political campaign, not to mention the fact that no time has been given to Congress to give the subject any real study. It is true that hearings were held day before yesterday and that they are now in print, but they covered a period of nine hours, and there is not a Member of this body not connected with the committee who has had an opportunity to read and digest them.

Neither the public nor any representative in Congress wishes to have labor employed under terms which are unreasonable and which do not furnish suitable compensation for the labor performed; but it is a most hazardous step to take, from the standpoint of labor, to give up the individual and collective right it has heretofore had to make bargains with its employers and turn the question of the wage which it shall receive over to a commission or to Congress, influenced as it must be by many extraneous conditions. We do not know whether railway trainmen are receiving a suitable remuneration, and we can not know it without being informed of the pay received in similar employments, and especially the pay received by the other employees of the railroads. Even if it were desirable that Congress should fix wages, which I do not believe, to fix them without any knowledge of the facts, is a revolutionary step and one which should not receive the approval of a single Member of this body. It may be that these men should receive additional pay, but it is almost a certainty that if they are entitled to it every other employee of the railroads is entitled to an increase and it is as much our duty to guard and protect the million and a quarter who are not represented in this controversy as it is the less than half million men who are making this appeal.

Moreover, Congress must be familiar with the difficulties of financing railroads and operating them at this time. With the general increased cost of operation and the relative lessening of the difference between gross and net earnings, even under present conditions, it is practically impossible to get new money to make improvements and developments which are essential if the public is to receive the best possible service. If this legislation is passed without in some way giving an opportunity to increase the rates to be charged, the result must be that the efficiency of the service, which is all important to the public, will be greatly lessened. But of far more importance than the immediate monetary cost is the fact that the public would be paying it, and the public, therefore, should have a right to intervene and ask whether the payments to be made in this case under these conditions are justified.

In affairs of this kind the public is invariably the loser, for if the strike actually takes place and succeeds, either the public pays more for every person carried and every pound of freight hauled or received from the railroads a less efficient service. In this instance, the increase in wages will cost the public \$60,000,000 annually more than the same service would cost if performed under present conditions. As the total earnings of the railroads of the United States last year were about \$3,000,000,000, it follows that whenever a passenger travels he must remember that his fare will cost an appreciable per cent more than it does to-day, and that each pound of his freight will be transported at a greater cost than heretofore. In reply to this it may be said that the railroads are earning enough so that they need not increase rates or reduce the service; but if this is true then the railroads could well afford to reduce present rates or increase the value of the service they are furnishing if this increase in pay were not made.

It need not surprise anyone that we are receiving great numbers of communications in favor of or in opposition to this legislation. Of course, labor wants the increase and the railroads oppose it; but it is not surprising, for instance, that the farmer whose granary is filled and ready for market deprecates a strike, or that the merchant who sees the possibility of not getting goods for his customers takes the same view and that they, like many others directly involved, make appeals in favor of this legislation. In doing so, however, they are in the same class

with a person who takes a drug to relieve a temporary pain. It may answer their purpose for the time being but it furnishes a basis for a habit which in the end will prove destructive, and it is our duty to not only protect all of the 97,000,000 of American citizens who are not connected, either directly or indirectly, with railroads, but to even protect them against themselves if necessary, for in time they will learn that they are not only paying additional compensation for the service they receive this year but it will apply in all future years, for no one need assume for a moment that Congress will ever lessen an established rate.

This whole question has finally reached the stage where it puts the railway trainmen in the position of demanding that Congress shall stand and deliver. I do not mean to imply that they have willingly put themselves in this position. I have no doubt they would prefer to settle their own differences with their own employers and in their own way, but the President by inviting the managers and trainmen to Washington has not only involved himself and the administration in this controversy but by his recommendations to Congress has involved it as well. The employees, standing on their own rights, insist that unless their contentions are granted before Monday, the 4th, they will carry out their purpose of striking. We need not analyze the probability of this threat being carried out, because we are going to pass legislation; but I for one do not believe that a majority of the trainmen wish to strike. I am confident and have proof that many of them are satisfied with present conditions.

Practically speaking, there is no complaint on the part of those employed on passenger trains; and I am convinced that with public sentiment almost completely against this strike, as it would be, that even if it were ordered it would be of short duration and would result in the humiliation of those conducting it; but, by the course which has been followed in this matter, the delay in bringing it to the attention of Congress, we are put in the position of either assuming the responsibility of precipitating a strike or enacting legislation which undoubtedly could not be passed under other conditions.

It is this latter phase which appalls every thinking man, and especially one on whom the responsibility of coming to a decision rests. The effect of this action on the trainmen is that a large body of citizens are demanding legislation, and insisting that unless such legislation is passed in the form they demand, and within a limited time, they will throw the country into turmoil and practically starve the people into submission. No responsible man can view this situation without serious apprehension. It is appalling to think of the suffering which might result and the destruction of values which might come if the strike were called and maintained for any considerable time; but, on the other hand, if Congress accedes to this demand, it is in effect, temporarily, at least, an end of representative government, and the substitution for it of government by coercion, with Congress lending a frightened ear to the contender which it thinks has the most votes.

If we take this action in this case, what is to prevent, and why would it not be reasonable, to take the same action in other cases? Why is it not logical for other large bodies of organized labor or organized capital to appeal to Congress and make similar demands? Is it the duty of Congress to accede to the demands of organized labor, represented by the trainmen, whom we know are the best paid railroad employees, and refuse to respond to an appeal made by other railroad employees receiving much lower and frequently, in my judgment, insufficient wages? Are we not going to establish a far-reaching precedent, which will come back to plague us whenever a suitable occasion arises?

Moreover, what is going to happen to the industries of the country if we establish an eight-hour day, as is proposed by this legislation? Personally I am in entire sympathy with the proposition that eight hours of labor is a goal which employees may look forward with confidence will be reached in time; but our whole industrial structure is founded on different conditions, and the establishment at this time of this policy by act of Congress is going to not only disturb every industrial relation which exists, producing strikes in other occupations, but demands which if acceded to are almost certain to put us in such a position that at the end of the war we will be unable to compete with any degree of success with European and Asiatic countries, resulting in a degree of depression and distress in this country unparalleled in our history. The employee who is receiving a weekly wage may not be able to see this, and it is, therefore, all the more our duty to prevent action which will involve him and everyone else in the serious troubles which are sure to ensue.

Undoubtedly, if passenger trainmen are generally satisfied, this contention reduces itself to freight trainmen. I am confident

that in many cases they work hours overtime. It is impossible, however, to arrange schedules which will not require to some degree such a result, and it is especially so in times like these, when the railroads are crowded to their utmost capacity with freight—so greatly crowded that frequently trains lie on side-tracks for hours waiting an opportunity to proceed—and there is certainly reason in asking that under such conditions overtime pay should be given them and perhaps some bonus should be included in it. But even that phase of the question has two sides, and should be explained by those competent to do so.

Taking all of these matters into consideration, I wish to enter my most vigorous protest against this method of procedure, against the character of the bill we are now considering, and against the time and conditions which have brought about this legislation. It is idle to assume that it has no political force or political effect. We are in the midst of a great campaign, and the action which Congress takes is going to be influenced by the political ambitions of those who are to pass on this legislation. I am not the judge to pass on the conduct of others, but I can not help believing that the railway trainmen in taking this step are doing an unpatriotic act, and one which they themselves will regret when they have had an opportunity to consider it from their own individual standpoint. I firmly believe that it will react on them and that they will in the end not benefit materially by such drastic demands.

Neither do I believe that they or any other body of men can successfully maintain opposition to suitable arbitration. I am well aware that they have objected to arbitrations which have taken place in the past, and quite likely with some reason. The method of selecting the arbitrators has been in itself unwise, for the employers have selected one who is necessarily a partisan, the employees another, who is also biased, and these two have then commenced maneuvering to find some one inclined to favor his side. No judicial decision based on a controverted question could be obtained by such a method of procedure or through such a board. But if a board of arbitration is appointed, all of the members of which are experts and who have no possible relation with either side, it furnishes to my mind a suitable means for arbitration and one on which we must stand if we are to avoid unlimited industrial troubles in this country. Therefore, in opposing any form of arbitration, if they do, the trainmen are on untenable ground, a position which will take from them the sympathy and support of the public, without which no cause can permanently succeed.

I should be glad to provide the means to make a careful investigation of this whole question, and when a report has been made to vote for legislation which is justified or is based on the facts; but I will not take any part in putting Congress in the position of standing and delivering. If it has the result which I believe it is going to have, it is a step which everyone who is instrumental in bringing it about is going to live to regret, and therefore without attempting to pass on the merits of this controversy, and even if I approved of every phase of this bill, I would be forced to oppose it for the reasons stated.

Mr. OLIVER. Mr. President, in this morning's issue of the New York Times, which is perhaps the leading Democratic newspaper of the country, there is an editorial which so exactly expresses my opinion upon this legislation that I will ask to have it read and inserted in the RECORD as part of my remarks.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary proceeded to read the editorial.

The PRESIDING OFFICER. Just a moment. The Chair thinks he ought to say to the Senator from Pennsylvania that he believes the same editorial was inserted in the RECORD by the Senator from South Dakota [Mr. STERLING].

Mr. OLIVER. No, Mr. President, this is a different editorial. This is from to-day's issue of the New York Times, while the editorial read by the Senator from South Dakota was in yesterday's issue of that paper.

The PRESIDING OFFICER. Very well. The Chair merely made the suggestion in the interest of saving time.

The Secretary resumed and concluded the reading of the editorial, which is as follows:

[From the New York Times of Saturday, Sept. 2, 1916.]

WHERE IT LEADS.

Upon the merits of the brotherhood demand for an eight-hour "basic day" as the measure for fixing wages the public has pronounced no judgment. It could form no judgment, for it was without definite knowledge. No inquiry was permitted, no investigation was had. While it is beyond dispute that the demand was for higher wages, certainly an arbitrable matter, the brotherhoods would consent to no arbitration. In their statement published yesterday they say: "We have steadily refused to arbitrate the establishment of an eight-hour workday, supported in this by the President of the United States."

It is upon the method used in enforcing the demand, not upon its merits, that the public has spoken. There its condemnation is universal, stern, and severe without qualification. It could not be otherwise. In this Republic laws express the people's will, but in the making of this law to increase the pay of one-quarter of the railroad employees the people have not had the slightest chance to make known their desire. Their Congress was coerced by the threat of an immeasurable injury to themselves. What lynch law is to orderly judicial process the method adopted by the brotherhoods, and we have very great regret in saying with quite too much assistance from the President, is to the constitutional method of lawmaking. With one voice and unsparingly the people must and do denounce the means by which this legislation was forced upon Congress.

For the brotherhoods and for the interests of labor it was a dreadful blunder. Progress is not made, it is impeded, by such an abuse of the power to do harm. The French Revolution violently ended the reign of a Bourbon King, but to the Revolution succeeded the Consulate and then the Empire. Excesses committed in the name of liberal progress are too apt to be followed by reaction in the name of conservatism. The gains of orderly progress are secure. It is not so with those got by revolutionary excess and violence.

The brotherhoods look upon Mr. Wilson as their friend. They may have harmed him vastly more than it has them. Such a spirit as has been roused in the country at this time, in the midst of a presidential campaign, is not of good political augury for a party in power.

Mr. OLIVER. Mr. President, if the bill now presented to the Senate provided some way of settling labor disputes in the future I would hesitate long before I would refuse to support it.

Mr. BRANDEGEE. Mr. President, I ask that there may be order, especially in the galleries.

The PRESIDING OFFICER. Let there be order in the Chamber. The galleries are admonished that audible conversation can not be permitted.

Mr. OLIVER. But this bill offers no such inducement. In his address to Congress a few days ago, the President outlined a series of legislative measures which had that aim in view, but Congress has seen fit to ignore all of the other recommendations he made and, apparently with his full approval, to rest content with constituting itself as an arbitrator upon the main point in controversy, and deciding that point without the shadow of hearing upon the merits of the questions involved. This measure simply proposes to yield to the demand for enormous increase in wages and a consequent increase in the expense of running our great railroad systems, and in express terms, while assuming to establish an eight-hour basis, it abandons that basis with regard to three-fourths of the men actually employed by the railroads.

Within the last two days I have received over 300 telegrams protesting against this legislation, whilst I have received but 29 telegrams expressing the opinion of the senders in its favor. Of those 29, quite a number insist that if the legislation is to be adopted it should extend to all railroad employees, and particularly to shop carpenters and shop mechanics, who are absolutely ignored in the framing of this legislation.

I do not want to spend much time in talking against this measure, but I can not conceive why, when the committee was framing the bill before the Senate, it chose to ignore the recommendations of the President with regard to establishing some system by which disputes of this kind could be avoided in the future.

In my opinion the bill is revolutionary in its nature. It is wrong in its fundamental principles. I know that it is bound to pass, but I can not refrain from expressing my dissent from its provisions.

Mr. MCLEAN. Mr. President, I simply desire to call the attention of all the wage earners of the country to the results that will certainly follow the legislation now demanded by the railroad trainmen. If Congress by laws once begins to raise the wages of those in private employment at the request of the employees, it must follow that it will be the duty of Congress to lower wages by law whenever economic necessities require it. When the laboring men ask the Government to raise their wages they concede to the Government the right to reduce their wages. This step once taken ends forever the right of the wage earner to fix his own wages by free and individual contract with his employer. Call it what you please, this bill is in fact compulsory arbitration by the Government of the pending dispute. It is precisely what Mr. Gompers and the leaders of the labor unions throughout the country have at all times and in all places insistently proclaimed should never be done. In the hearing night before last before the Committee on Interstate Commerce, Mr. Gompers said:

We talk of preparedness, and God knows we are cooperating with all those who are undertaking real preparedness for our country from every enemy, no matter from whence he may come. But we say to you, gentlemen, that if you undertake in the beginning of this movement to take away the rights of the masses of our people and to tie them to their work in principle and fact for any time, you are laying the foundation for future legislation of a compulsory character; the measures of this character, legislation of this character, are the thin entering wedges in the beginning, and they widen and widen and broaden as time goes on. Go the wrong way once and it is almost irretrievable to begin over again and to begin right.

This principle was reiterated by Mr. Garretson, president of the Brotherhood of Railway Conductors, in the following emphatic language:

Generally speaking, it is a principle of union labor that many questions should not be dealt with legislatively; that it is infinitely better that the settlement of those questions which arise between themselves and their employers should be settled by direct negotiations between the two parties at interest. That this has been with these brotherhoods an intense conviction is demonstrated by the record of the organizations during the years of what might be described as their militancy.

I repeat, Mr. President, when the trainmen consent that Congress as arbitrator shall compel a private employer to raise the wages of a private employee, the labor unions of this country by their representatives are conceding and sustaining compulsory arbitration by Congress as the best and only way to settle disputes between capital and labor. And let it be borne in mind, that when the Government acts as arbitrator its awards will be enforced. It must and will punish as criminals those who by attempting to delay the execution of its decree endanger the public peace and safety. This law once passed, the wage earners of this country will be estopped from ever again asserting the right of labor to collectively bargain with an employer, or, as Mr. Gompers put it, "from the rightful ownership of themselves."

I am and have been for many years in favor of the eight-hour day where the character of the employment will permit it. It is admitted in this controversy that the eight-hour day is impossible owing to the conditions which always surround the railway service. It is admitted that the demand is not for regulation of the hours of service but for a raise of 25 per cent in the compensation.

For the Government to step in and sacrifice a most sacred principle to meet an emergency is, in my opinion, a grave mistake. It is just this sort of thing that in history has always destroyed the civil liberty of the citizen. You may call it paternalism, but it is the key that unlocks the door to socialism, pure and simple. It is admitted that it means the Government ownership of the railroads in the near future. Private capital can not survive Government management. Private capital will be glad to retire and look to the Government for its dividends.

But once the Government owns the means of transportation the means of production will soon follow. Economically speaking, food and clothing and shelter are as useful and necessary to the public as transportation. Politically and morally speaking, it is as much the duty of the Government to regulate the price of food and clothing as it is the price of transportation.

When the Government owns the means of transportation and production, every man will be told by the Government what his work and his wages will be, and if society is to exist at all the man who demurs must be sent to jail. I want the wage earners to realize what this step means. It is a time for them to keep cool and count the cost. The future of this great Nation is in their hands. They can make it a glory or a disgrace. Every laboring man should receive his just share of the fruits of his labor. He has to-day and will have the entire sympathy of the public; and when I say the public I mean his colabors, which includes 98 per cent of the entire population. The American people will be wise if they insist that their lawmakers continue to legislate for all alike, preferring no class, penalizing no class. They will be wise if they insist that the Executive confine his activities to the execution of the laws, and they will be very wise if they voluntarily submit disputes like the one now pending to the adjudication of impartial tribunals of high character and understanding, rather than cause untold suffering and irreparable loss to their fellow men.

Mr. OWEN. Mr. President, I shall support the House bill because it appears to be the most convenient means by which we may avoid the strike on Monday. It does not meet the true legislative requirements of the people of the United States, as I understand it. It is but a poor temporary expedient. There are many more factors in this controversy deserving consideration and constructive action than the quarrel between the railway employees and the owners of the railway properties. The interest of the general public in this very controversy is far more important than the interest of the railways or of the employees.

Some of our people own the railways, through stocks and bonds, estimated in value at somewhere between nine and twelve billions of dollars. The whole people of this country own properties estimated in value at two hundred and fifty billions, a value twenty or thirty times as great as that of the stocks and bonds of the transportation lines. The employees who are engaged in this controversy are estimated to number 400,000, and, with the people that they may be regarded as rightfully representing, they probably represent from 2 to 5 per cent of the total population of the United States. The people of the United

States must depend upon these transportation lines for food and clothing and raw materials and all the things that go to make up the conveniences and the comforts and the necessities of life.

The question is, Shall 2 per cent or 5 per cent control the 100 per cent, or shall the whole people, in their organized capacity, deal with this question with a masterful hand for the protection of the whole and of all of its parts? I favor dealing with this whole question with firmness, with broad intelligence, and with absolute justice and mercy, always remembering the humane point of view.

The transportation lines are vital in their relation to the general public, and the eight-hour day and the compensation of employees is only one factor which enters into the costs imposed upon the living of the people of the United States. It is only one small factor. There must be considered, besides the question of the compensation of the employees, the amount which is permitted to be charged and paid upon stocks and bonds, and the payment of salaries to employers or their immediate representatives, as well as the rates for transportation services, as all are intimately correlated and interdependent.

We hear a good deal about the amount paid to these employees, who probably earn from three to six or seven dollars a day. We hear nothing about salaries of \$100,000 charged on the people of this country by capitalists who employ men at large salaries, who are their friends or their favorites. Why not cut down some of the very big salaries and supplement some of the very small wages? Big service deserves big pay, but big pay ought to go out only for big service. The people quietly pay the freight, and nothing is adequately said or constructively done as to the rights of the public in this matter.

I venture to say that of this so-called value of capital invested in the stocks and bonds of the railways, nearly half is fictitious. The stock is often pure water, and even the bonds which have been issued are often sold to their own creditors at excessive interest rates, and the bonds are sold to those who issue them at 80 cents on the dollar or at a substantial discount. These interest and dividend charges then reappear as a charge on the people of the United States in excessive freight rates and unjust passenger rates when they come to pay for the transportation of freight and passengers. The people of the United States are deeply and profoundly interested in economical methods of administration of these lines, in order that the freight and passenger charges on them may not be excessive.

We have undertaken in a weak and feeble way, through the Interstate Commerce Commission, to regulate these roads; and years ago, after a long struggle of more than a decade, we passed an act authorizing the valuation of these properties, with a view to ascertaining from the valuation of these properties what was a fair freight charge and a fair passenger charge. That work has not been done. It is not being done as it ought to be done. It ought to be done with great speed, in order that the people of the United States may have an immediate basis upon which to determine what these freight rates and passenger rates shall be, or at what price they shall be taken over by the people of the United States, if that policy affords the only adequate remedy for extortion in freight and passenger services.

The public has no adequate information. The freight rates and passenger rates are now fixed merely by the comparison of one line with another line, without any adequate basis of knowledge of either one upon which to determine whether capital is receiving a fair return or not. So I say that this great question of the right of the people of the United States to fair freight rates is profoundly affected by these various conditions, and that this controversy between the railways and their employees is only a part of a tremendous problem which has to be solved in this country; and let no man doubt that the people of the United States have both the constitutional right and the moral right to impose such conditions as shall result in fair freight rates and fair rates for passenger service, whether those conditions are fixing the freight rates or hours of labor and compensation therefor.

I do not wonder that labor is unwilling to agree to arbitration where it believes that the arbiters who will have the final determining word have preconceived notions and fixed prejudices unfavorable to fair compensation to labor. It is equivalent to agreeing to a certain adverse judgment. If there be arbitration, the arbiters must be so safeguarded that there can be no possibility of doubt as to the wisdom and justice of their award or the faithful execution of their award.

The PRESIDING OFFICER (Mr. Lewis in the chair). The Chair is compelled to inform the Senator from Oklahoma that he has but one minute left, according to the calculation left to the present occupant of the Chair by his predecessor.

Mr. OWEN. Mr. President, it is as impossible within 15 minutes to discuss this question in a proper way as it is in 1 minute; and I say, in the 1 minute remaining, that I favor this temporary expedient because it does, at least, abate the immediate evil consequences of a strike and will permit the Congress of the United States to discuss and consider this matter in a broader aspect next winter.

The PRESIDING OFFICER. If the Senator will pardon the Chair, the Senator has more time than has been stated. The calculation left on the memorandum as the Chair observed it is unfair and misleading. The Senator has four minutes of time.

Mr. OWEN. As I say, this will leave to the Congress of the United States an opportunity to consider this matter in its broader aspect. I much prefer to see this matter adjusted on broader lines than those of the present controversy. Here we have an inevitable human conflict. The only means in the world which these men have, as employees, of making effective their protest and bringing to the attention of the people of the United States their complaint is by a concerted strike. The evil consequences of such a course, however, are so gigantic that the heads of these employees trembled at the avalanche they were about to precipitate. They may well fear the anger of the people of the United States, and the railway men may well fear the anger of the people of the United States if this gigantic cataclysm in our commerce and industry should be precipitated by either one or both. I should be in favor of using the full powers of the people of the United States upon both these groups if they dared to bring about such a condition of affairs in this Republic. But they are entitled to a hearing, to fair treatment, and as promptly as humanly possible; but the people pay the bills of both the owners of railroad stocks and bonds, of railroad managers, and of railroad employees, and Congress must settle the whole question on a basis of justice to all, not forgetting the people who at last pay all the bills of capital and labor.

I believe in the eight-hour day. I object to any exception whatever in this bill. I object to excluding any of these short lines or any other lines. Eight hours of labor is enough under modern conditions. Eight hours of labor with modern machinery, with the use of the powers of nature in this country, will be abundant to furnish the people of this country with every comfort, with every convenience, and with every luxury that civilized man requires. I should not like to be compelled to work more than eight hours myself, although as a rule I do work more than eight hours. I have surely worked an average of more than 10 hours my life long, and I have worked for days and weeks and months 14 hours a day; but I have done that because I wished to, but not on compulsion. I would rather be busy than not—except on compulsion. I have worked at the things that entertain me, and I am glad to have had the opportunity. Compulsory hard physical labor driven by necessity is a very different thing.

Mr. LANE. Mr. President, if the Senator will pardon me, we will make a specific exception of him in this bill.

Mr. OWEN. For the man who labors with his hands and labors with his body and performs the severe duties that are imposed upon the workingmen of this country ought not to be required to work over eight hours. An eight-hour day, in my opinion, will be a more efficient day, will be more productive, will be more valuable both to the man who gives it to himself, his employer, and to society, than if the day were prolonged to 10, 12, or 16 hours. This bill will help to promote the eight-hour day not only for the 400,000 members of the railroad brotherhoods but of other railroad employees and in other industrial occupations.

I am glad to see progress made, but I hope the whole question of honest freight and passenger rates will be taken up next Congress with a determined purpose of protecting the people of the United States, invested capital, and labor on a basis of justice to each and all of those concerned in this vital problem.

Mr. BRANDEGEE. Mr. President, as I stated earlier in the day, the question of the establishment of an eight-hour day is not the question involved in this bill at all. There is not a line or a syllable of the bill that attempts to prevent anybody from working more than eight hours a day. That impression may be sought to be conveyed to the country for the purpose of enlisting sympathy for the provisions of this bill. It is utterly unwarranted. The brotherhoods do not claim that it is an eight-hour bill. Everybody admits that it is a bill which will simply add 20 per cent to the wages of the men. The railway operatives would be the first to protest against any legislation by Congress which would prevent their working more than eight hours a day.

Mr. President, this situation which has hung over the country like a pall for the last three or four months or six months, gradually darkening and increasing in its threatening fury as

It proceeded, is rapidly drawing to its close. It has drawn the attention of the country, in a way which otherwise might not have been done, to the fact that in the near future some provision must be made by Congress which will be of a general and a permanent character, not only for the purpose of terminating disputes and violence, but for the purpose, so far as may be, of preventing their occurrence and, if they do occur, of having some sort of a peaceful, orderly adjustment of them which will not revert to the era of barbarism, where the man with the biggest club obtained the most of the proceeds of the earth. It is utterly subversive of any theory of a self-governing and a self-respecting country that any set of men or any man should be allowed to assert an arbitrary claim, pronounce judgment in his own suit, and then proceed to execute his own judgment irrespective of the peace and good order of society. No government can stand which permits such a state of facts to exist, and no government ought to stand which permitted such a state of facts to exist.

Mr. President, the question of the regulation of commerce among the States is an exceedingly broad and intricate question. The Senator from Alabama [Mr. UNDERWOOD] has proposed an amendment to this bill which I will ask to have printed in full as a part of my remarks and simply the substance of which I will briefly state here. The effect of it is that the Interstate Commerce Commission shall have the power to fix the hours of labor and determine just and reasonable wages for all employees of the railroads named in section 1 of the act. They are the interstate railroads that are subject to the jurisdiction of the act to regulate commerce.

Mr. UNDERWOOD's amendment in full is as follows:

Add at the end of the bill a new section, as follows:

"SEC. 5. That the Interstate Commerce Commission shall have the power to fix the hours of labor and determine just and reasonable wages for all employees of the railroads named in section 1 of this act. The rate of wages and the hours of labor provided for in this act shall remain fixed for service and pay until changed by the decision of the Interstate Commerce Commission, which, within a period of not less than 6 nor more than 12 months from the passage of this act, shall determine what are just and reasonable wages and what shall be the hours of labor for all employees of the railroads above mentioned.

"The Interstate Commerce Commission shall have the power from time to time to change the hours of labor and the rate of wages for all employees of the railroads named in section 1 of this act, either in whole or in part, upon its own initiative, on the petition of the employees, the managers of the railroads, or the public."

Mr. BRANDEGEE. Mr. President, that takes up another feature of this great and multifaceted question to which Congress has given no consideration whatever. Neither branch of Congress has considered it. Such consideration as any individual may have given to it has been of the most casual and fleeting character.

It is asserted by the junior Senator from Georgia [Mr. HARDWICK] that there is no question about the authority of Congress to confer upon the Interstate Commerce Commission the right to fix wages, because we have conferred upon it the right to fix rates. I have been rather inclined to accept that statement in the past; but as I have thought of it more in detail, I am inclined to think there is considerable question whether that be true.

We must bear in mind that the railroad companies are owned by private stockholders. They are not a part of the Government of the United States. The securities of the railroad companies are property. They are owned by the insurance companies and the savings banks and the great trust funds of this country dedicated to charitable and benevolent uses, and form the basis of every stable fund. Their dividends are not entirely drawn into the pockets of "malefactors of great wealth" or of the presidents or officials of the roads, nor are they so in large part. As I say, they form the basis of all the stable investment and endowment and charitable funds of the country.

When we deal with a railroad question we ought to realize that we are dealing with the investments of a Nation to a large extent and that the visible authorities of the railroad are very frequently least financially concerned in the securities of those companies.

But to return, the fact that we could regulate rates constitutionally or authorize the Interstate Commerce Commission to do it does not necessarily prove to my mind that we can confer upon a commission the right to regulate wages, because the rate charged by the common carrier railroad corporations was a rate charged to the public for carrying the goods of the public. It was the legitimate regulation of commerce as everybody agrees. The fixing of the price which the private owner of a railroad shall pay to the private parties whom he employs may possibly be construed by the court to be a matter between master and servant not sufficiently connected with and related to commerce among the States to bring it within the regulatory power of Congress.

But, it is said, inasmuch as we have regulated the hours during which certain railway employees may work upon trains we may therefore regulate their wages. Mr. President, we regulated the hours because that was necessary for the safety of interstate transportation. To what extent a court will go in saying that the regulation of the wages is necessary for the safety of interstate transportation remains to be seen; it is an entirely unadjudicated question.

Whether that is perfectly plain or not, it is perfectly evident that the amendment of the Senator from Alabama conferring this great power as to wages and hours upon the Interstate Commerce Commission should not be put upon a bill with this limited consideration. It is open to exactly the same objections that the bill itself is open to, for nobody understands or pretends to understand the relations of the exceedingly intricate subjects with which the bill proceeds offhand to deal.

Mr. President, I wish to state another reason why I could not give my vote for this amendment or for the bill. Congress has passed a resolution, known as joint resolution No. 60, by which a commission, composed of the members of the Committee on Interstate Commerce of the Senate and the Committee on Interstate and Foreign Commerce of the House, is instructed to proceed to the consideration and investigation of the subject of the Government control and regulation of interstate and foreign transportation, the efficiency of the existing system in protecting the rights of shippers and carriers and in promoting the public interest, the incorporation or control of the incorporation of carriers, and all proposed changes in the organization of the Interstate Commerce Commission and the act to regulate commerce, also the subject of the Government ownership of all public utilities such as telegraphs, wireless, cables, telephone, and so forth. I ask that the joint resolution may be incorporated as a part of my remarks.

Mr. FLETCHER. What is the date of it, may I ask the Senator?

Mr. BRANDEGEE. It is known as Senate joint resolution No. 60, passed by the Sixty-fourth Congress, and approved July 20, 1916.

The joint resolution referred to is as follows:

[Public resolution No. 25, 64th Cong.]

Joint resolution (S. J. Res. 60) creating a joint subcommittee from the membership of the Senate Committee on Interstate Commerce and the House Committee on Interstate and Foreign Commerce to investigate the conditions relating to interstate and foreign commerce, and the necessity of further legislation relating thereto, and defining the powers and duties of such subcommittee.

Resolved, etc., That the Interstate Commerce Committee of the Senate and the Committee of the House of Representatives on Interstate and Foreign Commerce, through a joint subcommittee to consist of five Senators and five Representatives, who shall be selected by said committees, respectively, be, and they hereby are, appointed to investigate the subject of the Government control and regulation of interstate and foreign transportation, the efficiency of the existing system in protecting the rights of shippers and carriers and in promoting the public interest, the incorporation or control of the incorporation of carriers, and all proposed changes in the organization of the Interstate Commerce Commission and the act to regulate commerce, also the subject of Government ownership of all public utilities, such as telegraph, wireless, cable, telephone, express companies, and railroads engaged in interstate and foreign commerce and report as to the wisdom or feasibility of Government ownership of such utilities and as to the comparative worth and efficiency of Government regulation and control as compared with Government ownership and operation, with authority to sit during the recess of Congress and with power to summon witnesses, to administer oaths, and to require the various departments, commissions, and other Government agencies of the United States to furnish such information and render such assistance as may, in the judgment of the joint subcommittee, be deemed desirable, to appoint necessary experts, clerks, and stenographers, and to do whatever is necessary for a full and comprehensive examination and study of the subject and report to Congress on or before the second Monday in January, 1917; that the sum of \$24,000, or so much thereof as is necessary to carry out the purposes of this resolution and to pay the necessary expenses of the subcommittee and its members is hereby appropriated out of any money in the Treasury not otherwise appropriated. Said appropriation shall be immediately available and shall be paid out on the audit and order of the chairman or acting chairman of said subcommittee, which audit and order shall be conclusive and binding upon all departments as to the correctness of the accounts of such subcommittee.

Approved July 20, 1916.

Mr. BRANDEGEE. That commission has been appointed; it is in existence, and has appointed a subcommittee to carry out its program of investigation; and it is ordered to report to Congress on the reconvening of Congress. The amendment of the Senator from Alabama, if adopted, would be a permanent policy in the Government. Surely we can not enter upon that in this light and frivolous way.

Mr. President, this particular situation ought not to be dealt with by a permanent and general law. The provision of the bill constituting eight hours as a basic day in determining the compensation of men goes on forever. To be sure it is only a tub to the whale in the way of a remedy, because, although the compensation of the employees can not be reduced under the terms of the bill for the next 10 or 11 months, as soon as that

has expired the employees and the employers are relegated again to their private contracts and their arrangements for compensation, and if the railroads, as the experience of the operation of this measure, say that it is so expensive—they claim \$60,000,000 a year is the additional cost because of its operation—they can not pay that rate of wage, although they can not change the eight-hour basis, and they simply say, "We can not pay so much per hour," the same situation arises. The men protest and the railroads protest. It may be that the railroads would propose to arbitrate, and as the representatives of the trainmen stated in the hearing, it is their policy to refuse arbitration; they have tried it and it has failed. Then we are up against the very same situation six months hence.

This controversy is not one to be temporized or played with. It is sufficiently plain to the Congress that, whether the strike comes or not, the first duty of this Nation upon the reconvening of Congress is to take up this great problem and consider it in all its phases, because, as I say, we want to be just to labor, we want to be just to capital, and we must preserve the great transportation of this country free and uninterrupted; and whether the remedy be by the creation of a special tribunal, so constituted as that the laboring men and the general public can have confidence in it and compel the submission of contests of this kind to such a tribunal and compel the abiding of its judgment, we are forever engaged in an industrial war that may paralyze the resources of the Nation.

Mr. JOHNSON of South Dakota. Mr. President, I have just returned from a trip of more than 3,000 miles, coming direct to the Senate Chamber from the station, and believe I am in a position to briefly state the feelings of the people generally with regard to the pending bill before us this morning, House bill 17700, "for the establishment of an eight-hour day for the employees of carriers engaged in interstate and foreign commerce."

I do not know what line of discussion upon this subject has been advanced by Members of the Senate at yesterday's lengthy session, and hence I may touch upon the same thoughts in my remarks that have already been given you for consideration.

Personally I consider the passage of this bill to be the most important matter of real benefit to the people that has come before this body during this session. The failure to pass this or some similar measure before next Monday morning will probably plunge this country into the greatest commercial calamity that has ever befallen it, and for that reason I feel that no time should be lost.

I understand President Wilson has urged us to enact some legislation of this kind which will give immediate relief to the people upon a question that must be met at once. He has not asked this legislation for himself, but has asked it for the benefit of 100,000,000 people of this great Republic, and they will indorse his demand and the action of this body in enacting this bill into law.

The question has been raised by newspapers regarding the constitutionality of this measure now before the Senate. That is a question, as it appears to me, which is not an issue at this time. It is a question that must be left entirely to the courts. We may not be able to pass a bill that will meet the requirements of the whole country, because we have not the time; but we must, if we do our duty, enact some law that will at least give us temporary relief from the great danger that confronts us as a people.

Mr. President, it is a big question, and it should be handled in a big way, and I believe this body is competent to do it and will do it at once.

The question of travel and inconvenience to the public is the smallest possible question that we should consider in relation to this subject. Should a strike come upon the country, it will paralyze every industry; it will stop all manufacturing; it will stop mining; it will stop the mills, and it will put an end, at least for the time being, to all commerce; and it will do more than this, it will be followed by want, by distress, by riots and bloodshed.

Poverty and death will exist where we now have prosperity and contentment in the land. Every person in the United States is equally interested—every man, every woman, and every child—because it is something which will affect all alike should it come about.

Certainly we all know what suffering, misery, and distress follow strikes of this kind, and we can not help but feel that it is our sacred duty, as Members of this body, to endeavor to prevent in every possible way such conditions being forced upon the country at this time.

I do not know—I am not in a position to know—whether the demands of the labor leaders are just on this question or whether the contentions of the railroads are right; but I do

know that there is a third party, the great common people of the United States, and I do know that they should be protected now and at all times and that their needs should be looked after, regardless of the question of right or wrong as concerns the demands of the railroads or their employees. Each have their own needs to look after and we have our duty to perform.

I have observed in the press that some of these labor leaders fear that if this bill should be passed and they should recall their orders for the strike next Monday they will be criticized and possibly branded as traitors to the cause which they represent.

I do not believe that, because they are representing the people for whom they are responsible in the same way that we are representing the people of the entire country. I think that the men they represent are confident that they will work for their best interests, just as I hope the people of the United States may have confidence in us and believe that we will do our duty.

I have the honor to have been a lifetime friend of one of these labor leaders. I have known him since we were children together. I have never known him other than an honest, capable, and fearless man, who would never forsake a cause or betray a trust. That man is Mr. A. B. Garretson, of Cedar Rapids, Iowa.

Mr. President, we do not represent our individual ideas in this matter. We can not vote, perhaps, as we would like to vote if we only considered our own views; but we are representing our constituency; we are representing all the people of the United States. Our constituency demands of us and the people in general demand of us that we consider in a businesslike way the great and grave problem that now confronts the country, and when we pass this bill to-day we will lift the pall that has been hanging over the country like a dark cloud for the past few days.

Mr. President, I have no intention in these few remarks to defend the labor unions in their contentions in this particular demand, because, as I have before stated, I am not in a position to know whether it is just or not. I am a friend of labor when labor is right, but I believe that its friends may at times be unjust in their demands. None of us is free from mistakes and abuse of power. Neither do I undertake, in my feeble way, to uphold the railroads, for the reasons before set out, but my observations have been that they have at all times been able to get three meals a day and a resting place at night from their profits from the people, and I have no fear that they will not be able to do so in the future.

Mr. President, I am unable to understand the position of the Republican Members of this body. I am unable to understand how they will be able to go before the country with a record of having resisted the enactment of this necessarily important bill into law, which will relieve, for the present at least, every citizen of our great country from a condition that would be appalling were it brought about. I can only believe that the position assumed by the minority has been taken for political reasons, antagonistic to the Democratic Party, because this bill will be recognized as a Democratic measure. Certainly they can not have the interests of the people of the country at heart in taking such a course, and I regret more than I can express that such a condition should exist in this splendid body. Surely, if this is not true, they prefer stagnation and want to reign within the country, where now dwells peace and plenty.

I thought, Mr. President, that the day of political secrets had passed, and yet what puzzles me is the attitude of the minority. What explanation will its Members give their constituents for their opposition to this bill? What are they going to say to the manufacturers and producers of all that keeps the great pulse of our commerce in motion? What reason are they going to give the farmers and stock raisers of the great Northwest and the cotton growers of the South, all of whom depend upon the transportation systems of the country to furnish markets for their produce?

It will not be easy for them to make these explanations. These manufacturers and farmers know better than anyone else the vast amount of money they will lose should this bill fail to pass by next Monday morning, when the wheels of all the railways in the United States stop turning.

Fellow Senators, the price of grain, of cattle and horses, of sheep and hogs, and the commodities of all producers and farmers would decline so rapidly and so suddenly that they could not realize 50 cents on the dollar for what these same commodities bring in to-day's open market.

Failure and bankruptcy would fall to the lot of men who are now prosperous and contented, who are making a good living for themselves and families, and who are, perhaps, laying up a little money for old age. They know these things will come

about just as well as any Senator who sits here to-day, and you can not fool them by excuses. You can not tell them there will be no strike, because they will not believe it, and you yourselves do not believe it. You will probably tell them that freight rates may increase slightly for a short time; but that will not satisfy them, because they know that where they would lose cents in increased freight rates, should they be imposed they would lose dollars in the decline of prices, should this threatened strike occur, by our failure to pass this bill before the time set for the calling of it.

No, my Republican friends, you have got yourselves in a hole by your own acts, and you can never get out and look the same again. Next November you will be left holding the sack, asking one another "Why?"

It seems to me that the criticism of our great President in asking Congress to enact this law is one which will not have any weight with the people. He has been criticized in this matter by the press, by Members of the Senate, and by politicians everywhere; the same as he has been criticized for his Mexican policy, for the child-labor law, and for many other matters of great and vital interest to this Republic. I believe the President has done his duty as he sees it, and I believe he has done his duty well in connection with all these great absorbing questions. I also believe that the people know it; and knowing it, they approve the stand taken by the President on each of these matters, and I feel that these criticisms to which he has been subjected will have no weight with them, but they will only tend to discredit those who indulge in them, and to condemn the Republican Party for all time to come.

Mr. President, in my observations through life, one of the things that I have always noticed is, that when any measure of real benefit to the people is asked for in Congress or in State legislatures, those opposing such legislation always raise the question of the constitutionality of the law proposed. If we should stop to consider and determine, at all times, whether a law is constitutional or not, I fear that we would not pass many laws that would be of real benefit to the people, and for that reason I am willing to go on record as a supporter of this bill and leave the question of its constitutionality to the proper tribunals—the courts of the country—to determine afterwards, because this question demands immediate action.

The great cry of the people of the country coming to President Wilson from thousands, and hundreds of thousands in the past few weeks and months has been: "Mr. President, keep us out of war; keep us from this impending strike." He has withstood the severe strain of these responsibilities, which are greater by far than any President since the days of Lincoln has been called upon to shoulder, with sublime courage and fortitude, bearing the burdens of the people in his splendid effort to keep the Republic from being undermined by the selfish demands of those who represent personal interests. I thank God that he has so far succeeded. I believe that, with the help of Congress, he will to-day be master of the situation in this country in these trying hours now confronting us.

Our duty as men is so plain that it can not be misunderstood, and we will do that duty.

Mr. President, I believe that at the next session of Congress we should go farther—much farther than this bill provides—as we do not have the time to do it now. I believe Congress should enact and place on the statute books a law which will make it impossible for any labor union, or for any set or class of men, to bring a great crisis upon the United States, which would affect every man, woman, and child living therein; and when that question is raised at the coming short session of Congress in December, I, for one, will vote for it.

If it becomes necessary for us to change the Constitution to enact such a law, then let us change it; and if it becomes necessary for this Government to acquire supervision of the railroads of the United States for the protection of its commerce and its people, I will vote for that also. I will vote for any measure that will prevent the recurrence in the future of anything of the kind which now confronts us. The great administration of President Wilson can not be criticized with any degree of justice. No man can help but point with pride to the splendid accomplishments of the Democratic Party during the present administration. No political party in the history of the country ever accomplished half so much in the same time.

Consider, if you will, a few of the great laws that have been enacted since Woodrow Wilson was inaugurated President. There is the income-tax law, which has come to stay; during this administration an amendment to the Federal Constitution providing for the election of Senators by a direct vote of the people was ratified by three-fourths of the States and proclaimed as the seventeenth amendment by a Democratic Secretary of State;

a Federal Trade Commission law, with power to weed out corrupt business and encourage, help, and strengthen good business, was passed; the wholesome and useful piece of legislation known as the Clayton antitrust law, which carries a provision for checking and controlling monopoly in various forms, was enacted during this administration.

A good-roads law was passed at this session. I admit this question had been agitated in previous Republican administrations, but it remained for a Democratic Congress to write this law on the statute books, which is of untold benefit to every resident of every State in the Union. A child-labor law was enacted and approved by the President only last Friday. I do not wish to overlook the preparedness legislation, which passed at this session and which has already received the signature of President Wilson by which our Army and Navy has been materially strengthened in every branch of the service.

The ship-purchase bill should also be included in the big achievements of this administration. It has passed both Houses, and, as I am informed, only awaits the signature of the President to become a law. When this is done and this measure goes into effect, the outrageous ocean-freight rates now charged in this country will be greatly reduced. I would not be just to myself or this administration were I to omit the rural-credits law from this list, in which provision is made whereby the farmers of the United States can secure loans on their farms at longer time and more reasonable rates than heretofore. This law will be in complete operation as soon as the proper machinery can be set in motion.

Mr. President, I realize that I have digressed somewhat from the subject under consideration. In conclusion, permit me to say that I do not know whether this eight-hour law will be of real benefit to these workingmen or not. I am not in a position to determine. If it satisfies them at this time, and if it is a means of preventing the pending great strike, then, I say, let them be the judge. There is a serious question in my mind as to whether or not this proposed legislation will be of any benefit to them in the end; but, as one Member of the Senate, I am willing to leave the determination of this question entirely with their organizations.

It must be apparent to each Senator that there is something fundamentally wrong with the laws of a country which will permit strikes of the magnitude threatened to occur; and if that is true each of us should be interested in trying to relieve the situation.

All of us some time in life have felt the heartbeats of those in sorrow, in poverty or want; and each of us, I trust, in his feeble way has endeavored to relieve those in distress. What we are doing to-day in our endeavor to pass this law is to prevent in a wholesale way the recurrence of this very thing in every section of the country.

I hope and believe that this bill will become a law, and I hope and believe that it will not only become a law but that its enactment will prevent the greatest calamity to the American people, as I look at it, which has ever threatened us during our lifetime.

Mr. NORRIS. Mr. President, I rise now principally to explain an amendment which I expect in due time to offer in the way of a substitute for this bill, because, under the parliamentary situation and the unanimous consent agreement under which the Senate is now operating, I shall not have time to make any explanation when it is offered.

Mr. President, I do not desire to underestimate the condition that is presented to the country and which we are trying to avoid by legislation. I realize with all other American citizens that we ought to obviate the present difficulty if we can do so honorably. The pending measure does not, in my judgment, meet the situation. To a very great extent it is temporary. The provision in regard to the recognition of the eight-hour day, or rather that part of the bill which provides how the roads shall be operated as far as the eight-hour day is concerned, will not even temporarily in my judgment bring any relief.

Section 3 of the bill provides:

That pending the report of the commission herein provided for and for a period of 30 days thereafter the compensation of railway employees subject to this act for a standard eight-hour workday shall not be reduced below the present standard day's wage, and for all necessary time in excess of eight hours such employees shall be paid at a rate not less than the *pro rata* rate for such standard eight-hour workday.

Mr. President, if we provide that eight hours shall be the workday and then provide that you can work as much over eight hours as you and your employer may agree upon, and that for the overtime you will not be paid an excess you will have virtually accomplished nothing as far as an eight-hour day is concerned.

If we want to make an eight-hour day effective we must in some way penalize the overtime by the increase of pay or some other method so that it would not be profitable for the railroad companies to undertake to work the men more than eight hours.

Mr. President, I believe in the establishment of an eight-hour day. I should like to extend it as far as possible, and we are well justified in having it apply to men who are engaged in the management of interstate trains.

Complaint is made that others are justly entitled to the same consideration. Without denying that, it seems to me that it is sufficient to say that in regard to the men who are operating the interstate trains Congress has jurisdiction. Even though it may have jurisdiction of others there is a particular reason why men operating trains should not be overworked that does not apply to all other branches of industry. I will not have time to go into that, but I think that is apparent to everybody. The general public has a right to demand that every man who has anything to do with the control of an interstate train shall be in full possession of all his mental faculties. He can not have this if he is overworked.

I am going to offer a substitute for the bill when the time arrives, when it will be in order, which will provide for a recognition of the eight-hour day, and which in addition to that will provide that the Interstate Commerce Commission shall be empowered to fix the wages of all the men named in section 1 of the act, and also fix the salaries of all the officials of all the interstate railroads, and fix by rules and regulations the conditions under which men will be allowed to work over eight hours and the rates that they shall receive for such overtime, and then provide that the men, the employees or the officers, at any time feeling aggrieved at the salary or wage received shall have the right either individually or collectively through organizations to apply to the Interstate Commerce Commission for an increase, and that the same rules as to the Interstate Commerce Commission that apply in cases of complaint made by shippers shall apply and operate in such a case. I propose to provide that any citizen or organization of citizens can complain in regard to the wages or the salary of the officials.

It seems to me that sometimes we forget that in this great controversy there are three parties—the men, the railroads, and the public. We are too apt to forget that the public have rights that are at least equal to the rights of any other interested parties.

Personally, I can not see why some great tribunal representing the great public, if we are going to regulate the railroads at all, should not have sufficient authority to make a complete regulation. The salaries that the presidents of the roads get and the wages that the brakemen receive are both included in the freight rate and the passenger rate that the great public must pay. It is assumed that we have the right to control rates. That is admitted now by everybody, although it formerly was contested, and we have given to the Interstate Commerce Commission the right to regulate rates, to fix rates, to initiate complaints, and to pass on complaints made by individual shippers or anyone representing the public. We have given them the right to investigate and provided the means by which they can send out and get the evidence and make a thorough investigation with the object in the end of fixing a rate that is fair to the railroads and fair to the shipping public and to the consuming public. There is no member of the great public who is not interested in these rates.

It is important in fixing a rate that we know the value of the property and the money invested, and so on; but it is no more important than that we be able to regulate the money that shall be paid to all the employees of the company and the salary that shall be received by all the officials of the company. In other words, if the Interstate Commerce Commission had no authority—and it has not under the present law—to include these items, the salaries of the officials and the wages of the employees, an agreement between the railroad employees and the officials could so increase wages and salaries that it would be necessary that rates should be increased, and additional burdens unnecessarily put upon the people who have to pay those rates.

Why, Mr. President, I understand now a good many of the presidents and other officials of the railroad companies get salaries that to me seem exorbitant and unreasonable. I do not believe that there is a railroad president in the United States who is earning \$100,000 a year, but I understand some of them get even more than that. I do not believe there is a railroad man or any other man engaged in any business in the United States whose services are so valuable as that; and yet there is not now any way, under the law as it stands to-day, to cut

those salaries down. There is not any tribunal that can pass on that question.

It is suggested here that we give the Interstate Commerce Commission the right to pass on the trainmen's wages and the conductors' wages, while the man who gets \$100,000—who is, perhaps, the very man who is objecting to the increase of the wages of the employees—has a salary that at least ought to be submitted to some fair tribunal for the purpose of ascertaining whether or not it is too great. They are all on an equality; they all constitute a part of the rates that must be charged for freight and passenger service. The same tribunal which investigates the one ought to be empowered to investigate the other.

The bill we have here provides for the appointment of a commission, and if the amendment of the Senator from Alabama [Mr. UNDERWOOD] is agreed to, as I hope it will be, the bill will then provide for a commission to investigate the wages and the eight-hour-day system. Then the commission—a different body—will have the power to fix wages, but there is no idea, so far as this bill is concerned, of their making any investigation in order to fix them.

There will be one commission investigating, without any power to fix anything, while the commission which would have the power to fix and to regulate is not making any investigation. It seems to me that it is unnecessary for us to provide for a commission, at an enormous expenditure of public money, to make an investigation if we give the Interstate Commerce Commission the authority and the power to fix salaries and wages. If it is necessary for them to make an investigation in order to fix wages, they are the ones to whom we should give the power. They have the authority to make an investigation. Perhaps giving them the right to fix the wages would give them the authority to make the investigation. I am inclined to think it would.

Then, what is the use of this other commission, traveling over the country at enormous expense, with perhaps thousands of employees? Although you have provided a limitation when the term of the commission must expire, we know how such things go. They will not be through with their work, perhaps, and, the first thing we know, we shall have a permanent commission investigating without any authority to act.

Mr. President, when they get through investigating, or 30 days afterwards, then at least a portion of this law becomes inoperative. No provision is made to rectify the condition that presents itself to us now, and which will again present itself to us then. If we should adopt the substitute which I have outlined it would, in my judgment, bring permanent relief. We would thereby recognize by law—and that is one of the functions of Congress, it seems to me—the eight-hour workday, as to trainmen, and we would give to the Interstate Commerce Commission the power to pass on all of the intricacies that must necessarily surround the settling of the amount of wages the men engaged in railroad service shall receive. This would provide a court to which they can go and have the compulsory service of witnesses; where the evidence can be preserved and taken care of by this permanent board provided by law for the regulation of railroad rates.

Mr. President, I am firmly of the belief that one tribunal ought to have complete control to regulate the rates, including the fixing of wages and salaries. It has been said by one Senator that that means Government ownership of railroads. It has been said just as earnestly by another able Senator that to permit the commission to fix the wages is the only thing that will prevent Government ownership. So far as I am concerned, Mr. President, and so far as this question is concerned, I do not care whether or not it leads toward Government ownership or whether it leads in the other direction. The question is, Is it illogical, is it right, and is it fair? When we pass a law that is fair and that is just, we ought to be willing to follow the results wherever they may lead.

I know that there is some feeling among the railroad men, which is shared by others, and in which I admit I share, of a prejudice against the Interstate Commerce Commission as it now exists, which has arisen by reason of some of the things which happened in the recent past, notably the second hearing on what is called the 5 per cent rate increase; but we ought to either abolish the commission or give it complete authority of regulation. It is the logical tribunal to pass on this question. I would rather give to that body the complete power of regulation—and regulation can not be successful unless that power is complete—even though for the time being I might have some prejudice against the court.

Mr. GALLINGER. Mr. President—

The PRESIDING OFFICER. May the Chair say to the able Senator from New Hampshire that he is under somewhat of an

obligation to recognize the Senator from Iowa [Mr. KENYON], if he desires to occupy this time? Otherwise, the Chair will recognize the Senator from New Hampshire.

Mr. KENYON. I defer to the Senator from New Hampshire.

Mr. GALLINGER. The Senator from Iowa made an arrangement with me that I should now proceed.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized by the Chair.

Mr. GALLINGER. Mr. President, I hold in my hand the crop of telegrams which have come to me during the last 24 hours, numbering at least 100. Many of the telegrams are from great industrial establishments from all parts of the country, protesting against the passage of this proposed law, while some are from labor unions asking that it shall be passed. I hold in my hand a bunch of telegrams from the city of Berlin, N. H., an industrial city, but shall read only one of them, which is as follows:

BERLIN, N. H., August 31, 1916.

Hon. JACOB GALLINGER,
United States Senate, Washington, D. C.:

Members of Bartenders' Union, Local 677, insist upon the eight-hour workday for railroad trainmen at the present compensation, and emphatically protest against any law imposing involuntary servitude even for a day.

DANIEL FRAZIER, President.

Mr. President, I confess I do not comprehend what these men mean by "involuntary servitude," unless they allude to arbitration. However that may be, I want to suggest that if these bartenders would only inquire and ascertain how much "involuntary servitude" they have imposed upon the men, women, and children of their communities they might perhaps with more grace come to the Senate of the United States with a petition of this kind.

Mr. President, when the Congress of the United States exempted by law the membership of the labor unions of the country from the provisions of a criminal statute—the Sherman anti-trust law—I almost despaired of conservative action on the part of the Congress on the great economic questions of the day. Congress surrendered then to an unusual demand, and now we are asked to surrender to the power of force, accompanied by threats to paralyze the transportation and commerce of the country.

Mr. President, as the Congress yielded to the demands to make it unlawful for me (or you) to do certain acts and not unlawful for members of labor unions to do the same thing, so now the Congress is asked to yield to a demand for increased wages for highly paid men under the guise of an eight-hour day, which they themselves frankly admit they do not ask or want.

Mr. President, this propaganda on the part of the four brotherhoods has been condemned by almost every commercial body and by almost every leading newspaper of the country. I have extracts on my desk from many such newspapers, but in the 15 minutes allotted to me have not time to read them, but will call attention to a recent utterance from the Chicago Daily News. That widely circulated and leading newspaper, under the caption of "Legislation by strike threats," discusses this subject so frankly that I commend it to the attention of Senators. For want of time to read it, I ask, Mr. President, that the extract from that newspaper be printed as a part of my remarks.

The PRESIDING OFFICER. There being no objection, it is so ordered.

The extract referred to is as follows:

Americans should cherish no illusions in regard to the nature of the proceedings that are now under way in the national Congress. That body, acting at the urgent request of the President, is considering the proposed enactment of legislation for the special purpose of inducing the leaders of the railroad brotherhoods to rescind their strike order issued to go into effect at 7 o'clock next Monday morning. The supporters of the President's program know the price that the brotherhood leaders intend to exact, and they are planning to legislate under duress and a time limit in order to pay the price. Questions of reason and justice do not enter into the matter.

One of the three bills that have been submitted to Congress on the initiative of the President—the bill establishing a basic eight-hour day for railroad employees engaged in interstate commerce—embraces the minimum demand of the brotherhood leaders. Enactment of that bill is declared by them to be the price of peace—that is to say, temporary peace, for they make no promises except as to the immediate future. The passage of the eight-hour bill in both Houses by midnight to-morrow, the brotherhood leaders say, will secure the recall of their strike order. Meanwhile they take a bored interest in the President's bill dealing with mediation, arbitration, and investigation of labor disputes, and the President's other measure giving the national Government authority to operate the railroads in case of military necessity. They and their sympathizers in and out of Congress do not want either of the latter bills to pass as drafted.

There is in short, good reason to suspect that of the President's three bills one is for passage and the other two are for show. The brotherhoods, with the able assistance of the President of the United States, have set out to secure an eight-hour basic day for all their members. If they get what they are seeking the brotherhood leaders, Mr. Gompers and the rest, will promptly turn their guns on the remaining measures. Thereupon Congress, no longer responding to the President's prod, is likely to discover with startling suddenness that after all it is in no hurry permanently to protect the public from

strikes and strike violence. In that case the beauties of careful investigation and statesmanlike deliberation will receive belated recognition at the Capitol, Congress will make a plausible gesture and hasten to adjourn.

The basic eight-hour day for railroad workers is to be legislated into existence at this time, if at all, practically by the railroad brotherhoods themselves through the persuasive powers of their threats of force, confusion, and widespread property loss. Can the 100,000,000 people of this Nation afford to suffer this extraordinary outrage in order to purchase a craven peace? A peace so purchased, a peace of this contemptible quality, must necessarily be temporary, fear-ridden, futile.

The American people should demand at this crisis that Congress refuse to pass laws under duress, working breathlessly against time because it has been stampeded by threats and political nightmares. The attempt of the four railroad brotherhoods to hold a stop-watch on Congress and the Nation should meet the rebuke that its audacious impertinence demands.

Mr. GALLINGER. Mr. President, it is a matter of regret to me that this controversy, which ought to be settled by arbitration, is before this body. This legislation is to benefit 350,000, more or less, of highly paid railroad employees. If this demand is yielded, what about the other great army of poorly paid railroad workers, between one and two millions in number? I read in a well-known publication on yesterday a statement to the effect that a gentleman, recently returning from a trip in the Blue Ridge Mountains, says he was waiting at a small station on the Southern Railway for a train to Washington, two and one-half hours late by reason of floods in North and South Carolina. He got into conversation with the baggage-master, who informed him that a member of the Brotherhood of Locomotive Engineers had stigmatized the agitation for a shorter day as iniquitous.

Why—

Said the engineer to his friend, the baggageman—

I am getting twice as much as I ever expected to earn. I receive \$9.30 a day every day in the year. When I arrived at \$5 a day I thought I was well paid and was perfectly satisfied. It is general opinion of many honest engineers and firemen that they are fully paid and in some cases overpaid.

The baggageman then said:

I have been with the Southern doing this work nearly 16 years, and all I get is \$1.30 a day.

Pointing to a laborer on the track in front of the station, he said:

There is a man who has been with the Southern 27 years, and he is making only \$1.15 a day, and can not get any more. He has a wife and family to keep, and travels 4 miles from his shanty to his work here every morning and back at night.

All of which goes to show—

Said the returned traveler—

that organized union men are so well paid that there is not sufficient left in railroad earnings to properly compensate those who do not belong to the powerful labor unions. If labor unions go much further, the public may be awakened and realize that unions may be likened to "Vaulting ambition, which o'erleaps itself and falls on the other side."

Mr. President, if that is a correct statement, as I believe it to be, it should give pause to this body as to its duty in the matter before it.

Let me ask in all seriousness, How long will this army of poorly paid railroad employees remain quiescent if this bill becomes a law? Will not they also strike? If not, why not? Think it over, Senators, and seriously ask yourselves if the proposed legislation will remedy the difficulty that confronts the country.

Among the telegrams that have come to me to-day, Mr. President, is one from New York, which I am going to read. It is as follows:

Hon. Senator JACOB H. GALLINGER,

United States Senate, Washington, D. C.:

Increasing trainmen's wages arbitrarily 20 per cent is deliberate injustice. Any railway income available for increased wages should be devoted to other employees now notoriously underpaid. Public sympathy, usually with strikers, is now almost unanimously against trainmen, who would outrage the public for purely selfish ends. Railways are necessary public highways, and the people are entitled to first consideration. Advise arbitration or fight.

HARRY G. TAYLER,
Society of Constructive Defense.

Mr. President, I am in favor of arbitration, and I exceedingly regret that this controversy is not to be settled through that instrumentality; but it is said that arbitration shall not under any circumstances be allowed in this contest. The representatives of the four brotherhoods have repudiated arbitration. This gentleman, telegraphing me, who signs himself as a member of the "Society of Constructive Defense," advises that if we can not get arbitration we should fight.

Well, Mr. President, the fiat has gone forth, and the probabilities are that no effort that we may make here against this bill will be successful. It will pass because it has the endorsement and the active support of the President of the United States, who seems to have taken charge of the legislative department of the Government.

It has also, apparently, the indorsement of the Democratic majority of this body; and for the reasons I have cited all we can do is to protest; and that is what I want to do before the bill comes to a vote.

I have listened with a good deal of interest to Senators who have told us that this legislation came from the President of the United States. It reminds me of a circumstance which occurred several years ago when the late lamented and distinguished Senator from Georgia, Mr. Bacon, in this body told of an incident which he witnessed in a foreign country. He did not state which country it was, but we all understood it was the neighboring Republic of Mexico. He said he went into the legislative assembly of that country and was startled to discover the fact that when bills were offered they were not debated or considered in any way but were passed without a word either in favor of or in opposition to the measures. He inquired of a distinguished gentleman what that all meant, and received the reply, "Why, Senator, those bills come from the President, and we do not need to discuss them!" We seem to be in pretty much the same attitude in this country that they were in Mexico when the late Senator Bacon visited the assembly of that Republic.

Mr. CLAPP. Mr. President, will the Senator pardon an interruption?

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Minnesota?

Mr. GALLINGER. With pleasure.

Mr. CLAPP. I understand that in Mexico, before the revolution at any rate, no bill could be introduced until it had actually run the gantlet of a committee, and its introduction had been authorized by the committee.

Mr. GALLINGER. Well, Mr. President, that may be so. I simply quoted from a former very distinguished Member of this body to show that the bills were not debated. If they came from the President of that Republic, doubtless the committee that considered them was under instructions.

Mr. President, I ask again, if we pass this legislation, how long will this army of poorly paid railway employees remain quiescent? Will not they also strike; and if not, why not? And again, if the railroad employees can force legislation of this kind, what about the many other millions of workingmen engaged in various employments the country over? What about the men who work in the mines, in the factories, and on the farms? What are they going to say when they are told that the representatives of certain labor unions came to the Congress of the United States, demanding that their claims should be recognized by the Congress in the face of a threatened strike that would paralyze the transportation interests and the commercial interests of this great Republic? Are they going to remain silent under those circumstances? Are they not going to see their power, Mr. President, as they have never seen it before, and are we not then going to face a condition of things more serious than we face to-day or than we have faced at any time in the history of this country?

Up to this time this army of men engaged in industrial pursuits the country over have supposed that arbitration was a recognized policy of the Government; but now the men who threaten this disastrous strike openly repudiate arbitration. When I asked some of them why they did not submit this question to arbitration, they said that they would never consent to have a controversy of this kind settled in that way; and they further intimated that unless the railroads yielded, they would insist upon the recognition of their demands by the Government through legislation, or else they would force this disastrous strike upon the people of the country.

Mr. President, I deprecate the possibility of a strike by these men, but I can not bring myself to believe that they would do so cruel and indefensible a thing under any circumstances. Perhaps they would, but, if they did, on their heads would rest the responsibility—an awful and a terrible responsibility.

Mr. President, I do not believe the position that members of these organizations occupy to-day is well understood. We are told that these four brotherhoods represent 350,000 or 400,000 men; that they have had a referendum; that those men have voted for a strike; and that a strike must necessarily follow unless this matter is settled by either a yielding of the railroad managers or by legislation on the part of Congress. A newspaper published an hour ago, the Washington Times, contains a dispatch from Chicago, headed "Western railroad men refuse to strike. Protests against walkout pour in from thousands of brotherhood members." Mr. President, I ask unanimous consent that the article shall be read by the Secretary.

The PRESIDING OFFICER. The Chair hearing no objection, it will be so ordered.

The Secretary read the article, as follows:

WESTERN RAILROAD MEN REFUSE TO STRIKE—PROTESTS AGAINST WALKOUT POUR IN FROM THOUSANDS OF BROTHERHOOD MEMBERS.

CHICAGO, Ill., September 2, 1916.

Throughout the West and Southwest there exists a very evident disinclination to obey the order of the four brotherhoods to strike at 7 a. m. Monday.

Engineers, conductors, and employees of every class affected by the order have not only declared their intention to disobey the order, but have, in some cases, sent protests to the four chiefs in Washington against its enforcement.

There is very good ground for believing that in the event of the order going into effect, owing to any hitch at Washington or elsewhere, not more than 25 per cent of the whole of the employees would join the walkout.

Vice President Byram, of the Chicago, Burlington & Quincy, stated that the poll of engineers, firemen, and trainmen, including conductors, show that 25 per cent of the members of the brotherhoods employed by the roads will not obey a strike order.

THOUSANDS REFUSE.

One thousand conductors employed on the Chicago, Milwaukee & St. Paul Railroad have telegraphed A. B. Garretson, general chairman of the Order of Railway Conductors, that they have withdrawn from the strike movement, E. D. Sewall, vice president of the Chicago, Milwaukee & St. Paul road announced.

A delegation of conductors of the Chicago & North Western Railroad has left here for Washington to oppose a strike. At headquarters of the General Managers' Association it was said that the men hoped to be in time to espouse the cause of the railroads before Congress.

Members of the four brotherhoods employed on the Atchison, Topeka & Santa Fe Railroad have requested their union chiefs to withdraw the order to strike.

The chairman of the Order of Railway Conductors refused to issue the strike order on the Santa Fe lines in California.

The Chicago, Milwaukee & St. Paul Railroad was notified that the Brotherhood of Railway Conductors on the section of that system between Chicago and the Missouri River had voted not to strike.

Sioux City dispatches say that reports from authentic sources there state that all engineers on the Chicago, St. Paul, Minneapolis & Omaha lines have refused to strike.

ENGINEERS WON'T STRIKE.

E. E. Kerwin, general superintendent of the Minneapolis & St. Louis Railroad, announced that he had been advised by representatives of the Brotherhood of Locomotive Engineers of his road that the engineers would not go on strike.

George R. Huntington, general manager of the Minneapolis, St. Paul & Saint Paul Ste. Marie Railroad, authorized the announcement that assurances had been received from 40 per cent of the conductors and brakemen of that road, members of the brotherhoods, that they would not obey a strike order. Engineers and firemen of the road did not take a strike vote because of a three-year contract still in force.

Announcement was made at the office of Vice President Herbert, of the St. Louis Southwestern (Cotton Belt) Railroad, at St. Louis, that a large number of trainmen employed by that road would not strike.

President E. E. Calvin, of the Union Pacific, telegraphed:

"All of our engineers would remain at work in event of a strike, and we have the assurance that a very large percentage of conductors and other train employees would refuse to cease work."

Mr. GALLINGER. Mr. President, I do not vouch for the correctness of that dispatch, and yet it corresponds with the feeling that I have had on this subject all along. I never have believed that these men would strike; I never have believed that they would dare to disrupt transportation and paralyze the commerce of this country by a strike at the present time, and I think very likely that that dispatch states the exact truth; that the membership of those brotherhoods are now awakening to the fact that there is danger—danger to them, danger to the interests of union labor, Mr. President—if these gentlemen insist that Congress must pass a law this very day, almost this very hour, or else this great disaster which they threaten will be visited upon the people of this country. I believe that they have come to the conclusion that they should "stop, look, and listen" before taking action.

Mr. President, in this matter I speak for myself alone. The vote I shall cast I shall alone be responsible for, but under existing conditions my duty to the great body of the citizenship of this country is so plain that I do not hesitate to say that I shall vote against the passage of this bill.

Mr. REED. Mr. President, it was no part of my purpose to say anything further upon this bill than that which was embraced in the very brief remarks I made on yesterday, but there has been so much of misrepresentation, so much of misstatement regarding the issues now before Congress, that I think some one ought to state the case as it is. One of the commonest things in the world is for men to erect straw figures and then, with a heroism that challenges the admiration of all who do not know that the figure is straw, to charge upon the dummy and destroy it. My purpose in rising is, if possible, to bring this debate back to the record, back to the facts, and to take it out of the realm of fancy and imagination.

It has been said here that the railway employees, like highwaymen, stand with their pistols at the head of Congress with the words "stand and deliver" upon their lips. The question is presented to the public on the floor of the Senate as though union labor had sent its representatives to Congress with a message to the effect that unless an eight-hour day is granted

by law they will strike and tie up the business of the country, and that because the men stand with drawn pistols the Congress of the United States is cowering and begging for mercy and yielding to the demands of force. Now, the statements may have been made in good faith, but if made in good faith they have fallen from the lips of ignorance; they were not the expressions of men who are advised.

What are the facts? The facts are that the railway employees have for many years been organized. They have for many years, through their representatives, bargained with the managements of railroads with reference to wage scales, hours of labor, and all of the incidental questions. For the most part they make agreements which are to stand a year, and unless abrogated by one or the other these agreements frequently run over a long term of years. But all of the agreements, or practically all of them, contain a clause giving the right to either party to the agreement, upon 30 days' notice, to demand a modification or change or abrogation of the contract. That right has been often exercised both by the men and by the companies.

Acting, therefore, strictly within the rights reserved in their contracts, the men served notice that they desired an eight-hour day and overtime pay in the event the eight-hour period was exceeded. The managers of the roads met the representatives of the men in numerous conferences, with the result that no agreement was reached. At that stage of the negotiations the representatives of the men submitted to the men the question as to whether they should have authority to order a strike in the event an agreement was not reached. That strike referendum vote was carried by an enormous majority. Again the representatives of the men appealed to the representatives of the companies, and the representatives of the companies refused to yield the eight-hour demand. The companies, in fact, refused to yield anything. They, however, did say that they would arbitrate the eight-hour question which the men raised, but that they would at the same time insist upon submitting along with the eight-hour question many other questions which had been settled for long periods of time and had slumbered for many years.

Thereupon the men and the companies came to a point of sharp disagreement, and it appeared that the men were about to call a strike. Neither side had appealed to Congress. Neither side had appealed to the President. It was manifest that a war between the employees and the companies was imminent, impending, and about to fall upon the land. In that situation of affairs the President of the United States, upon his own motion, sent for the representatives of the men and asked them to meet him in Washington to discuss some plan to avert this national calamity.

The men came and submitted their proposition. Afterwards the President called in the representatives of the companies and asked them to discuss the question with him. The representatives of the companies told the President that they would not concede the eight-hour day; that they were willing to arbitrate, but that they insisted upon arbitrating not only the eight-hour day but many other questions. In that condition of affairs the President again appealed to the representatives of the men, and finally the representatives of the men stated that if the eight-hour day was conceded to them under some kind of temporary arrangement, so that some word could be sent out to the 450,000 men over the country that eight hours had been conceded, even temporarily, then the men would assent to the arbitration of every question; but they asked as a preliminary the temporary concession of the eight-hour day.

Thereupon the railroad managements took the responsibility of saying that they would permit a strike, the paralysis of the business of this country, the entire destruction of our commerce and our transportation, with all the incidental suffering and misery it would entail, rather than even temporarily to concede the eight hours, although they were guaranteed a full arbitration through a commission to be appointed by the President, and although they were practically guaranteed by the President that if it became necessary in order to meet additional expense to have additional freight rates the necessary legislation would be enacted.

In that situation, the President finding that he could not prevail upon the managers to yield, the President brought this question to Congress. The men did not bring it here. The men who declare they brought it here assert that which is untrue, that which they ought to know is untrue. Not only did the men not bring it here, but Mr. Garretson, one of their chief representatives, very early in his testimony, stated:

It is a misfortune, and no reasonable man on either side denies it, and I believe that if a settlement can be effected by Congress, even though we are in every essential opposed to the settlement of such ques-

tions by the legislative method, that it would be considered desirable and will have the reasonable aid of both parties. For our own side, we waive the age-old traditions of these unions, and accept a legislative settlement.

Is that the talk of a man with a gun in his hand, saying, "Stand and deliver?" Or is that not rather the talk of a man who, recognizing that a great calamity may be precipitated, is willing to do what he can in reason to avoid the consummation of that calamity?

Mr. President, what, then, is the attitude of Congress? Is it being coerced by labor? Is it being coerced by the railroads? Neither can be justly said to be the case.

Mr. BRANDEGEE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Connecticut?

Mr. REED. In a moment. A condition has arisen. Two opposing forces have gone into the open. They are ranging themselves upon the field of battle. They are asking no odds and no assistance. But that battle, when it occurs, is to produce a condition in the entire land that will affect the entire population; and accordingly the President of the United States, acting within his constitutional prerogatives and in strict accordance with his duty, comes to Congress and states to Congress, "Here is this condition. What can you do to prevent it?" Congress, acting with some common sense and reason, is proceeding to try and prevent it; and all the mock heroics of all the pretended statesmen, the performances of all those gentlemen who like to parade in the sunlight and strut in public as defenders of the Constitution and the protectors of the dignity of the country, will never deceive the people of this land with reference to this one vital and important fact—namely, that the action that Congress is about to take is an action taken on behalf of the American people to meet the demands of a great necessity, and that it is not a cowardly surrender. The cowards in Congress, if there be any here, are those gentlemen who refuse to accept their share of responsibility, who, like a lot of Pharisees, stand aside, wrapping the garment of their holiness about themselves, proclaiming to the world, "We are not as you wicked men who would avert this strike. Behold us! We are too holy, too good to do our share to stop a great national calamity. Let it fall. We will not soil our holy hands!"

Mr. President, I have no patience, either, with those gentlemen who would load down this emergency measure with a great number of things which, if they are attached to the bill, will make it impossible to pass the bill in time to prevent the strike. There is more than one way of killing legislation. One way is to vote against it. Another way familiar to the Senate is to talk it to death. A third way is to amend a proposition to death—to so amend it that men can not vote for it; to so amend it as to render it unworkable. In this case the amendment proposed will, if adopted, very likely provoke a strike.

Mr. President, I want to say to this body that there is not a man on the other side nor on this side who would dare vote against this bill if he knew his vote would produce the strike; but they are quite willing to try and escape responsibility and assume the superior air of critics while the Democrats put out the fire. There will, I hope, be some good Republicans to help us put it out.

I desire, Mr. President—

The PRESIDING OFFICER. The Chair is compelled to inform the Senator—

Mr. REED. My time is up, I know. I am making a request to have read an editorial from the New York World of yesterday. I do not know whether, under the unanimous-consent agreement, it can be read out of my time or not.

Mr. THOMAS. Mr. President, if I am entitled to any time I give it to the Senator for that purpose.

Mr. REED. That can not be done; but the Senator can read it if he will.

Mr. THOMAS. I will read it.

The PRESIDING OFFICER. The Chair recognizes the Senator from Colorado as having addressed the Chair for the purpose of addressing the Senate; and the Chair now recognizes the Senator from Colorado addressing the Chair.

Mr. THOMAS. The editorial is entitled:

PUT OUT THE FIRE FIRST.

The people who censure Congress for hastily adopting emergency legislation to prevent a railroad strike are either fools or they want a strike.

If Congress failed to rush this legislation through and a strike followed, these same people before Tuesday night would be imploring Congress and the President and all the agencies of Government to settle the strike at once and on any terms.

The most hysterical shouters for a settlement would be the members of chambers of commerce and manufacturers' associations who so smugly deplore the "surrender" of the United States Government to the pernicious demands of trades-unionism. The minute their pocket

nerve was touched by the tie-up of traffic, there would not be enough ears in the country to respond to their screams.

These self-appointed critics of the President and Congress have caught the spirit of bluff from the railroads and the unions, and think they ought to make a voluntary contribution of their own to the national store of hypocrisy and false pretenses. They are all very brave and resolute until the strike comes. Then they would be the first to run to cover.

The immediate business of Congress in the matter of legislation dealing with this railroad situation is to pass the bills that will give the public guarantees that no strike will take place. The next is to prepare with due care and caution a code of legislation that will safeguard the country in the future. Congress is dealing with a condition, not a theory. The first duty of a doctor in an emergency case is to save the patient's life, not to prescribe a system of moral and economic conduct for him in the event that he survives.

There is no reason why Congress should concern itself at this time with the wallings of the railroad presidents against the eight-hour bill. The railroad presidents helped to create this situation. They still want a strike. They would be glad to see every facility of transportation paralyzed if they thought it would wreck the unions. They have no more regard for the rights of the American people in this crisis than the brotherhood leaders have shown, and no tears need be shed over them because Congress is jamming an experimental eight-hour law down their throats. Any injustice that is done to their stockholders is sure to be remedied.

Congress in this matter is on the side of the public, and that is where Congress ought to be. The advocates of delay are the advocates of a strike and of national disaster.

It is silly to charge Congress with surrendering to the unions. The unions had a legal right to strike when the strike was ordered. There is not a line on any statute book which prevents their striking, nor could any law be enacted before Monday which would compel them to work. Whatever their moral guilt may be, they are within the law when they do the thing that they threaten to do. Therefore, it is the duty of Congress to take such practicable means as may be adopted at once to remove the excuse for a strike. Whatever further adjustments are necessary can be left for the future. That is the common-sense method, and Congress is displaying far more intelligence and patriotism than its critics.

The rights and wrongs of this controversy are yet to be determined so far as they affect the railroads and their employees. But the rights and wrongs of a railroad strike, so far as they affect the public, are obvious and incontestable. A philosophic fire department might plausibly contend that its chief duty was not to extinguish the flames, but to frame a fireproof-building code and strengthen the laws against arson. That would no doubt be an admirable public service, but in the meantime the building would burn down, the fire would communicate itself to other buildings, and a whole community would be left homeless.

We prefer the congressional way of putting out the fire first, and determining later whether it was of incendiary origin or due to defective wiring, and whether the owner can legally collect his insurance.

Mr. LEE of Maryland obtained the floor.

Mr. VARDAMAN. Mr. President—

The PRESIDING OFFICER. Did the Senator from Mississippi rise to address the Chair?

Mr. VARDAMAN. Yes.

The PRESIDING OFFICER. The Senator from Maryland was recognized in accordance with the order of speaking heretofore arranged—

Mr. VARDAMAN. I yield to the Senator from Maryland, then.

The PRESIDING OFFICER. Unless the Senator from Mississippi had a query to address to the Chair, the Chair desired to inform the Senator from Mississippi why he was apparently disregarding him.

Mr. LEE of Maryland. I shall be glad to have the Senator from Mississippi proceed.

Mr. VARDAMAN. No; I will not interfere with the Senator's remarks.

Mr. KENYON. Mr. President, I want to say a word.

I had hoped and believed that a great question of this character could be determined far above and away from any political considerations. I hope there may be some questions in Congress that we can solve in a spirit of patriotism instead of any spirit of partisanship. Every man in this Chamber, I am sure, has approached this question in no pharisaical way, but with that seriousness which becomes serious-minded men in the consideration of the most serious questions that can affect the life of the Republic, the happiness and welfare of our people.

I find myself in a position where I can not support the amendment of the Senator from Alabama [Mr. UNDERWOOD], nor can I vote for the bill. I believe the amendment of the Senator from Alabama, if adopted, would absolutely destroy union labor in this country. I believe in union labor. It has served and will serve a useful purpose in this Nation. I am not ready to strike the blow that this amendment would strike at union labor.

Mr. President, in my short time in Congress I have voted, I think, rather consistently for every measure that would benefit the condition of the man who toils and help to make his existence a little better and a little easier. I believe in an eight-hour day in our industrial life. There may be circumstances in certain industries where it could not be brought about; but as a general proposition I am ready and anxious to assist in all movements looking to an eight-hour day for the man who toils.

Eight hours for work, eight hours for recreation, and eight hours for rest is the ideal day. It will make for better homes in our Republic, for better lives, and for better citizenship, and it is a part of the great structure of social justice that many people dream may become an actuality some day in this Republic; and I believe it is coming. The eight-hour day must come in industrial life.

This bill is not an eight-hour-day bill. That has been shown by the testimony before the committee. It was stated—I heard the statement; I tried to attend most of the hearings of the committee—that the railroads would prefer to go on and pay for the extra time; it would be more economical. So we do not have the humane measure of an eight-hour bill. It is not that. It is merely a bill to increase wages, and we may as well face that frankly. To call it an eight-hour-a-day bill is a fraud.

I have a great sympathy with the men in these brotherhoods. I heard the testimony of Mr. Garretson. I have known him for years. There is not a better citizen in the Republic; there is not a more patriotic man. The men in these brotherhoods are just as patriotic as people who may criticize them, and would just as quickly go out in the defense of their country and their flag as many people who now are assailing them as traitors to their country. Mr. Garretson pictured in a most dramatic way how, when asked by the President to postpone this strike, he had come to his Gethsemane. I guess it is true that in most men's lives there comes a time when they carry their cross to their Gethsemane. Looking at that man that night doing his duty as he saw it anyone could see that he was carrying his cross to his Gethsemane.

I sympathize with him. I wish I could vote for some measures to help these men. I do not believe for one instant that in voting for this bill I would vote to help them.

I can not have the same sympathy with the railroad presidents and executive officers. I have noticed great railroad properties in this country wrecked by the men in power; great sums voted as presents to men leaving employment, as the Rock Island investigation showed a great sum was voted to the general solicitor of that road as a present; actions upon the part of men high in authority in the San Francisco Road and the New York, New Haven & Hartford Road that ought to make them adorn prison cells. I can not have the same feeling for them somehow or other, especially in view of the extravagant salaries many of them are receiving.

But outside of all sympathy, what is the proposition, and what is Congress asked to do? This is a proposition of 10 hours' pay for 8 hours' work. That is the proposition; and more vital than that is for Congress, without any information or investigation, by law to say that that thing shall be done.

Mr. President, that may be right. It does not strike one at first blush that it is right, but it may be right. I do not know. That is why I shall vote against this bill. I want to know. I want to know the relationship and effect that taking this money to pay these men this 25 per cent addition will have upon the other men working upon the railroads. How about the section men out in the night and in the storm and in the cold, protecting the trains? How about the switchmen? How about the station agents that the Senator from Minnesota [Mr. NELSON] referred to the other day, in the lonely places trying to eke out an existence? Those are questions I want to know about before I am compelled to vote, and I propose to know about them before anybody compels me to vote on this proposition.

How about the shippers? How about the farmers? How about the men who are going to pay this \$60,000,000, the railroads say—\$20,000,000, the men say? Now, a little does not make any difference, we say, added to freight rates. Every little is added to every other little—fifty millions in the last year of freight rates. Pass it on to that myth known as the "ultimate consumer." I want to know about that. I want to know if we can save this sum in the economical management of railroads, instead of passing the burden on to the consumer. People other than railroad managers and employees are interested in this question.

So I oppose this bill, not because I am opposed to an eight-hour day, for I favor that. I oppose it for two reasons. One is that in my judgment the bill is a humbug; that it will give these men nothing that they desire. When the period of nine months is up they will be just where they are now, with a strike upon their hands. It gets nowhere. I oppose it, secondly, because of the great fundamental principle of government that Congress is abdicating its right to reasonable judgment and meditation upon the questions that come before it.

I can well see that men can vote for this bill in order to avoid a strike. That is the hard question that is put up, as it is, by the Senator from Missouri: "What would you do in the last analysis?" Men would have to take their position, whether they would vote for this bill and abdicate the fundamentals of

this Government, as far as Congress is concerned, or face a strike. The Senator from Mississippi [Mr. VARDAMAN] had a solution of that the other day—a joint resolution asking that this strike be postponed.

Does anyone imagine that these railway men, wise and patriotic as they are, with a resolution of that kind from Congress, would hesitate to postpone this strike and enable us to take up every question involved and settle it? If they would not do that, I would vote for a resolution or a law that would enable the President of the United States, if he did not have the power, in behalf of the great body politic of this country, to take over these roads on Monday morning and operate them if there was any strike. I do not believe there would be a strike. We have a duty to the millions of people in this country who are dependent upon our lines of transportation for the necessities of life. I do not propose to forget these unnumbered millions in my vote here.

Now, Mr. President, I think I shall not take any more of the time of the Senate.

This question should be decided in a spirit of patriotism and not partisanship—decided by a consideration of the question as to how it will affect the good of the greatest number, and not by a consideration of the question of how many votes it will affect.

I vote against this bill for two reasons, as hereinbefore stated:

First, it does not give the men what it purports to. It is not an eight-hour-day bill. It is a mere temporary makeshift that leaves them at the end of nine months in the same condition they are at the present. It is, in my judgment, a sham, a fraud, and a humbug.

Second, I vote against it because Congress has had no opportunity to consider its effect or to investigate the facts upon which the legislation for a proposed 10-hour pay for an 8-hour day is based. No opportunity to consider its relationship and effect upon the wages of others, or as to whether the burden is to be passed on to the shippers and consumers of the country or can be saved by economical railroad management. The verdict of the future, especially of labor itself, will, in my judgment, verify the statement that the best friends of labor to-day are the men who oppose the passage of this bill.

Mr. VARDAMAN. Mr. President, I realize the evil consequences of hasty legislation. It was my desire when this question first came before the Senate that a joint resolution be passed requesting the railroad employees to postpone the date of the strike until such time as would give the Congress an opportunity to examine the question in all its phases. I do not think it would have been beneath the dignity of the Congress, as some Senator suggested, to have done that, and I am sure it would have been an earnest to the railroad employees that Congress would treat them fairly, which would have caused them to cheerfully respond favorably to the request. The Congress did not do that, and the American people are confronted with a great industrial disaster. Borrowing from the late President Cleveland an expression which happily describes the situation, a condition and not a theory confronts us.

If the bill shall be passed by the Senate which has come to us from the House it will do one thing certain; it will avert the strike. I know it does not give any permanent relief to the laboring man or adjust permanently the differences between capital and labor. It is not intended as a piece of permanent legislation. It is a temporary structure contrived to bridge the chasm which has suddenly yawned at our feet. And it is a chasm that must be bridged, because we must cross it right now. To use another figure of speech, it may be a mere anesthetic to the patient who suffers. It will not cure the disease, but it will relieve the patient until the operation necessary to restore permanent health shall be performed.

If the bill shall pass, its provisions against which complaint is made do not go into effect until the 1st of January, 1917. It does not change the order of managing the railroads. It does not change the rate of wages. Congress will meet 30 days before the law goes into effect. In the meantime everything needful can be done to pass a permanent effective measure to meet the conditions which have arisen and which may arise in the meantime. No principle is violated. The rights of no class of people are violated.

The laboring men, the railroad employees, are satisfied with this bill. It will prevent a strike. There is no question about that. Then, if anything else needs to be done to protect the interests, which the Senator from Iowa [Mr. KENYON] a moment ago said ought to be passed, we will have ample opportunity from the 1st of December to the 1st of January to enact it. Should the matter be postponed or the bill defeated just because it does not, in the judgment of every Senator, appear to be the ideal thing to be done? I know it is an imma-

ture piece of legislation—an expedient to meet an emergency—and I am also aware of the fact that we are entering upon a new field of legislation, and we ought to be careful about what we do. But there is nothing in this bill that is hurtful to anybody. No harm can possibly come from it either in the enforcement of its provisions or as a precedent in legislation, but a very great good will surely result, to wit, the prevention of this strike, with all of its attendant evils. I shall vote for the bill.

I am not going to do anything knowingly that will add to the burdens which the taxpayers of this country are already bearing. I do not believe—but I am not going to enter upon a discussion of that question—that if the demands of the railroad men who are asking for an increase of wages were granted it would necessarily result in an increase in freight rates.

I believe that if the matter shall be investigated you would find that the profits of the railroads are great enough and the misappropriations of money in some instances have been large enough, if devoted to the payment of wages to the men who suffer and toil and die in order that the stocks may be worth the paper they are written on, to provide ample funds to make the increase in wages without levying any additional burden upon the shippers of the country. Of course, if the railroads are permitted to do it, they would double the freight rates and at the same time reduce the wages of the men and women whose toil keeps the road going one-half.

But, Mr. President, that is not the issue now. The question before Congress and the American people is the impending strike. I am not going to take the time of the Senate to try to find the men or the persons who are responsible for the strike. Certainly the employees of the railroads have done no more than they had a moral right to do. The railroad presidents have done no more than they had the legal right to do. The question is whether or not Congress, which sits here to represent the railroad presidents, the employees of the railroads, and the American people, is going to do the thing which will prevent the strike, avoid the disaster which will follow it, and open up the way by which Congress may legislate intelligently and permanently on this great question in the future.

The time will come, I believe, when the rights of the railroad employees will have to be determined by the Government through the instrumentality of the Interstate Commerce Commission, or some other commission created for that purpose, but we are not considering that just now, and now is not the time to consider it. We have not the time to maturely consider it. It is a matter of far-reaching concern and ought to be very carefully considered.

I submit if this bill is passed we will have until the 1st day of January to devise ways and means to meet any exigency that may arise.

There is another thing which ought to be considered, Mr. President, and that is that when we come here in December to take up this question the minds of Senators will not be warped and clouded by the mists and interests and prejudices of partisan politics. The election will be over, and we will be able to see this problem in its due proportions and do the thing needful to protect the interest of the American people.

Mr. BORAH. Mr. President, I would make any reasonable concession to avoid the calamity which would undoubtedly follow from the strike, which is now dated for Monday. I would make any concession except that involving a principle which I deem fundamental. There are some things, of course, the value of which can not be measured in money or surrendered because of material loss. There are some things the value of which no man would permit to be measured against the loss of political friends or of political power.

Mr. President, a great deal has been said in the Chamber in regard to organized labor. Many eulogies have been delivered upon the leaders of organized labor. I presume that everyone who has given consideration to the subject in these times of modern industrialism will concede the virtue of organized labor, will concede its beneficence and its worth not only to those who are actual members of the organization, but the radiating influence and beneficence of unionism throughout the realm of labor, even though it be unorganized. I entertain, along with my colleagues, a profound belief in the virtues and the beneficent worth of organized labor. I have had my faith in organized labor pretty severely tested several times in my life; but notwithstanding these tests and experiences, I still retain the firm belief that organized labor is an essential and most vital element in the bettering of the conditions of the workingmen.

But, Mr. President, while I respect organized labor and believe in it, I am not afraid of it. I am not afraid of it because of my confidence and my faith in the great body of the workingmen. In all my experience I have never known a

proposition fair and just to be rejected by the men who actually perform the labor.

It has been said that these labor leaders here were powerless to withdraw this strike order; that they were not in a position to render ineffective the order which had been sent out. I will not here and now dispute that proposition. I might be in error, and I do not want to pass judgment upon men so highly certified to in character as the leaders of these organizations, although I have my own opinion as to that proposition. I will concede, however, that contention to be true.

But we seemed to have overlooked the proposition that there were those who could have rendered nugatory that strike order, and that was the great body of men of whom and for whom these representatives here are merely the agents. The men who run the trains, who do the braking, who fire the engines, the rank and file of that noble class of men, could have rendered it nugatory. It was within their power to relieve their leaders, to put at ease the public, and to have done justice to themselves, and I have never doubted but that they would have done so had it been properly put up to them.

I will not join in an indictment against the intelligent and, I believe, loyal men who operate the trains of this country by saying that they would not have terminated this strike as soon as they were assured that the Executive and Congress were entering in good faith upon the investigation of this tremendous question. It is my candid opinion, and I speak, Mr. President, with some experience concerning these matters of organized labor, that if Congress had passed a resolution at the time the President passed this matter to Congress stating that it was entering upon a comprehensive investigation and consideration of this entire question in good faith for the purpose of arriving at an intelligent conclusion, passing upon and measuring the rights of each and all the parties to the controversy, and that it proposed to proceed with the consideration until it should be finally worked out to a fair conclusion for all parties, the men who are operating the trains of the country would have acceded to and accepted the good faith of Congress in that respect. They would have quickly responded to such a manifestation of purpose upon the part of the Government, a Government which they respect and honor.

Do you tell me that the men who now hold the respect of their neighbors, who now mingle with the best people of their respective communities, who are each day intrusted with the property and the lives of thousands, men who occupy a position of exceptional trust and fidelity, would not have accepted from the President of the United States and the Congress of their country a declaration that we were entering upon this matter with the fullest intent to solve it, and that they would not have postponed this calamity until such time as we could have done so in decency and in effectiveness and in comprehensiveness?

No severer indictment could be drawn against the patriotism and the character and the intelligence of these men than to say that notwithstanding they had put in action all the great powers of the Government they declined to give the powers of the Government an opportunity to intelligently pass upon it and would rather than do so enter upon a state of anarchy? Those who so charge would in my judgment libel these men.

No, Mr. President, they would not have done so; and these men who here say they were powerless and who approached, as they said, their Gethsemane if they should take a sidestep in regard to it, would have been aided and supported by the great rank and file of the men whom they represent.

I do not speak entirely, Mr. President, without knowledge in regard to that. I have not the honor of knowing the heads of these organizations; it has never been my pleasure nor my privilege to meet any of them, but I have some knowledge and some communication from some representing a considerable number of those whom they purport to represent, and we should have been within safe lines and on sure ground to have proceeded with this matter in circumspection and after investigation and with full information to the settlement of it.

Mr. President, proceeding as we do now, we proceed without information; we proceed without any facts whatever upon which to form a judgment. We have no information which leads us to one conclusion or another. We know nothing with reference to these wages in their relation to other wages; we know nothing, as the able Senator from Iowa [Mr. KENYON] says, as to its ultimate effect upon the other people whom we represent. We are not permitted to know the facts. I should like to ask how legislators can legislate without facts upon which to form an opinion, unless we assume, as I indicated last night, that we are legislating by reason of the dictation of other powers? If we have no knowledge, no information, and yet

write the law, we must be doing so at the will of some outside power.

I represent in part, Mr. President, a portion of the country which has suffered, and which does still suffer, by reason of high freight rates. There is many an industry in that region of the country which either remains undeveloped or which languishes by reason of its long distance from the market, by reason of the high freights which we pay coming in and going out.

This has restrained development in that vast northwestern empire for years, and I presume we must continue to bear the burdens to a large extent. Many a man in that country will bear witness to what I say. I want to know, Mr. President, before I vote to increase freight rates—because ultimately that is what this means—first, that these men are actually entitled upon the facts to have their wages increased; secondly, I want to know, if I can, what is the present income of the corporations from which they will most immediately receive their pay, and to what extent it must necessarily be passed on to those whom I represent as well as union labor. I represent all; and I will not, to my knowledge, sacrifice one to the interests of another.

We are not permitted to have this information. It is said to me that we must pass this bill before Saturday night or that these men will bring on the calamity. I say to you, and I believe I speak more nearly the sentiments of these men, that all we had to do was to give evidence of good faith in our determination to enter upon this investigation and to adjust it fairly as between all parties.

But, sir, if indeed we are up against the proposition that we are dealing with a body of men who would not permit Congress to have the facts or to take time to investigate and to pass intelligently upon them, if I have placed too high an estimate upon the character and patriotism of these men, and we are yielding to the suggestion and the dictation and the direction of these men, then, indeed, the Congress of the United States has met the great crisis of its history. If indeed, sir, we are met here with a demand which we can not postpone for information, which we must execute without information, and, most of all, if we propose to execute it without information, then indeed the spirit of the fathers has departed and the traditions of this body will soon be turned to shame and humiliation. If we are face to face with that proposition, then let us meet it with the spirit and courage which become the Senators of a great free Republic. Let us defy it on the threshold and call upon all the powers of the Government to move these trains and protect organized society.

And let us see, further, in what position organized labor is placing itself. The able Senator from Alabama [Mr. UNDERWOOD] has offered an amendment to this bill which provides for the fixing of wages, which, in effect, would put the wage question under the control of the Interstate Commerce Commission. I want to warn the union-labor men of this country that that is the inevitable logic of the position which we occupy when we pass this bill. I want to say that the American people will never permit Congress to pass this kind of legislation unless there accompanies it provision for a tribunal which shall be clothed with the authority and the power to make full investigation and to fix wages for all men engaged in the service of the public utilities. The workingmen of the country have now conceded the right of Congress to fix wages, because, as said by the Senator from Iowa, that is the real contest. That is the concession, which, in my judgment, if it were submitted to the 400,000 men represented here, would be voted down by a vote of 85 per cent. It would receive condemnation from all union labor.

The first effect of this legislation, therefore, is to concede to some power—either the Congress or the tribunal created by it—the right to fix the wages of the men working upon the public utilities.

What is the second feature of the bill? It has been said that society has sanctioned the eight-hour day. Let us assume for the moment that the eight-hour day is in this bill; let us assume for the sake of the argument, and only for the sake of the argument, that that is true; what do we find?

The PRESIDENT pro tempore (at 3 o'clock and 25 minutes p. m.). The time of the Senator from Idaho will expire at 3.30 o'clock.

Mr. BORAH. Thank you, Mr. President.

What do we find here in this bill? If society has sanctioned the eight-hour day, under what theory can either the brotherhoods or the Congress of the United States apply a great principle of humanity to 20 per cent of the men who operate the trains? What will the brotherhoods say to the vast concourse of men who will be there to greet them when they return to

their homes? "We have succeeded in establishing a great principle of humanity." "For whom? For 20 per cent of us."

Mr. BRANDEGEE. Mr. President, will the Senator from Idaho yield to me there?

Mr. BORAH. Yes. I thank the Senator.

Mr. BRANDEGEE. And with a provision in it for pro rata pay for overtime.

Mr. BORAH. Mr. President, that is not the worst of it. This fact proves beyond question that the Congress of the United States is not exercising its judgment; is not exercising its discretion, is not exercising its patriotism; because I can not conceive that Congress, if free to choose in applying a great principle which society has sanctioned, would apply it to only 20 per cent of the men engaged in single industry. What will the men out upon the other work in connection with the operation of these roads who are receiving a less wage, but who are taking care of situations just as critical and just as important to the travelling public, think of the Congress which refused to apply to them a principle which society has sanctioned? Why should we deal so parsimoniously with a great principle of humanity? Why not extend its beneficent worth to all in this industry?

Mr. President, it illustrates that we are proceeding in fear—in my judgment, ungrounded fear—in excitement, without the exercise of our own discretion and judgment, and without the facts before us which would enable us to proceed intelligently.

I repeat, sir, that if this Congress would pass a resolution this afternoon to the effect that we are not in favor of proceeding with this matter at this session of Congress, until we shall have comprehensively dealt with it, the strike would be as dead by Monday morning as it will be if this bill is passed. These men are not criminals or highwaymen. They are a high class of men and they would never strike. What this occasion needs is more faith in these men and more manliness and courage in ourselves. Congress would have reserved and preserved its dignity; we would have passed before we closed the session a comprehensive plan, representing the best judgment of the Congress, and the country would be given and the workingmen and all the people whom we represent generally would be given a comprehensive plan, which would relieve them from this impending evil which will be resting upon them and over commerce every day of the next nine months. We should be relieved of that entirely. A great crisis needs decision, needs character, needs faith in the right and faith in American principles. These things are sadly lacking here. We have cringed and crawled, we have humiliated ourselves, debauched our Government, discredited union labor, and settled nothing permanently.

Mr. POMERENE. Mr. President, with other Senators I agree that the legislation does not fully meet the situation. It is not complete. Its object is to meet temporarily a pending calamity. If this were a question involving only the brotherhoods and the railroads I could take one view of what my duty is and should be; but I think I realize the seriousness of the present situation.

It is said by some of those who have spoken that we are being "sandbagged." I do not quite understand what they mean when they use that expression; but assuming for the sake of the argument that it is correct, I do not think that Senators should take a position in open defiance of these various elements without at the same time taking into consideration the effect that it is going to have upon the public at large.

It is said that this situation affects only 400,000 workmen and the investors in the railroads. Oh, no; it affects the industries, the lives, the comforts of a hundred million people.

Senators say we have not had time to thoroughly investigate this subject. That is true. On Tuesday the President delivered his message; on Wednesday our Interstate Commerce Committee met in conference; on Thursday we held hearings and an executive session continuing into the night; and after deliberating we came to the conclusion that unless something was done to avert this calamity the strike would be on at 7 o'clock Monday morning. The chairman and members of the committee did what they could to persuade the representatives of the brotherhood to call off the strike and give more time; and I think they should have so done.

Some Senators have suggested that, if we had taken a different course, there would have been no strike. I do not know whether they speak in prophecy or think they state a fact. My belief is that they have no better opportunity of judging than I have, and it is my opinion, from the information I have, though I came to that conclusion reluctantly, that there will be a strike unless some legislation is passed akin to that incorporated in the pending bill.

This measure is only intended to be temporary in character. Those who have listened to the debates here in the Senate will

agree with me that no one Senator has yet proposed a plan with which he is satisfied, or, if he is satisfied with a plan which is in his own mind, he has not as yet been able to persuade his colleagues that it would solve the existing problem.

Mr. President, the Senator from Massachusetts [Mr. WEEKS] referred to the fact that for nine months the President has known that there was a controversy pending. Yes, sir; and the Senator who referred to that fact knew it; but the President, no doubt, as well as the Senator, remembered that there is on the statute books the Newlands mediation act, which was adopted at the joint request of the railroad managements and the brotherhoods. Since its enactment two years ago the Board of Mediation have succeeded in settling 56 strikes or controversies; and we had reason to believe that, even in this situation, these parties would ultimately get together. It was only within the last two weeks that the President tendered his good offices, and only on Tuesday last did it become known that legislative action must be undertaken.

Mr. President, we have every assurance that the adoption of this bill is going to stop this strike. The bill does not go into effect until January 1. From six to nine months thereafter will be given for the purpose of investigation by a commission to be appointed by the President, and the plan that is proposed here is to continue for 30 days thereafter. Congress will be in session on the first Monday in December, and we will then have the opportunity to take up this question, to investigate it, to consider it thoroughly, and I am sure every Senator will have the courage to meet the situation and do what may seem to him to be right.

Mr. President, unsatisfactory though this legislation may be, bear in mind that, so far as we know, unless it is passed, when the hour of 7 o'clock strikes on Monday morning 400,000 men are going out of the railroad service, transportation will be stopped, the business of a hundred million people will be paralyzed. Within 10 days starvation and want will be in the midst of every center of population. Who are the men who will suffer? The wealthy men and those in moderate circumstances? No. The workingmen, their wives, their children, the poor of the land. That is the picture that I see before me. And, admitting, for the sake of the argument, that we are doing something now which we ought not to incorporate into permanent legislation, what is my duty? Senators, if that strike should come, with the knowledge, as we believe, that it can be averted by the adoption of this act, who is there here who would forgive himself if he knew that because of the failure to adopt this act we had permitted this calamity to come upon us?

My very learned friend the Senator from Idaho [Mr. BORAH] has suggested that he did not believe that the bill here would be a remedy for the evil. It is not going to be a complete remedy, but I am willing to adopt this remedy rather than to have a state of suspended animation in the industrial life of this country. This is not the first time in the history of Congress that we have had to adopt some temporary measure to meet a situation.

Now, one Senator proposes a reference of the wage question and the hours of work to the Interstate Commerce Commission. Many remedies have been suggested for industrial disputes. One of them is that there shall be no interference by any governmental function. That is one extreme. The other extreme is compulsory arbitration.

Between these two extremes may be mediation, voluntary arbitration, and investigation by a commission appointed for the purpose, and pending the investigation a suspension of the right to exercise either the strike or the lockout. With all due deference to the legislative skill of my colleagues, I do not believe there is anyone here who is willing to say, "I have the remedy."

Mr. President, I can not help but feel that if we were to fail to adopt this act, or something akin to it, we would be in part responsible for the conditions that might prevail. I have received in the last 48 hours many telegrams, many from labor organizations, many from chambers of commerce and large business interests in my State. They represent the two extreme views upon this subject. I am convinced from reading those telegrams that neither party fully understands the provisions of this bill or what will be the situation in the country if it is not passed. It is well for those who may be men of large means to say, "We would not submit to the passage of legislation of this kind." The parties to this controversy may take one view or the other; but the voice of those who will suffer the most if there should be a strike appeals to me more than all the telegrams that can come from the one extreme or the other, or from both.

Mr. President, if this bill is passed, as I hope it may be, and this strike thus averted, I shall be ready at any time to

take up the further consideration of this subject, with the hope that by the united counsels of the Members of the Senate and of the House we can find some permanent solution for the pending disputes.

Mr. JONES. Mr. President, I think I appreciate just as fully as the Senator from Ohio the suffering and the conditions that will come to the people of this country if the strike should come as set for 7 o'clock on Monday morning. I think possibly in my community there would be more immediate suffering than in most other communities throughout the country; but for the reasons that have been suggested by Senators on this side of the Chamber I can not get the consent of my conscience and my judgment to vote for this bill.

I am not going to repeat those reasons. I simply want to emphasize one proposition that was presented very forcibly by the Senator from Connecticut [Mr. McLEAN].

The passage of this act will be the severest blow to the freedom of labor, individually and collectively, that it has ever received. The Senator from Ohio [Mr. POMERENE] says that those on both sides of this controversy who have been sending him telegrams, in his judgment, do not understand what this act means or what it does. I believe that is true. I do not believe that labor or the labor leaders really appreciate what is done by this act or how it affects or will affect them. Labor is vehemently opposed to compulsory arbitration. This act is a compulsory and arbitrary settlement of a private dispute. It forces one side to accept a proposition to which it is opposed, but which is the minimum demand of the other side. If we can settle this controversy by compelling employers to pay higher wages, we can settle another controversy by compelling the employees to accept lower wages. That will be the proposition that the labor leaders must take home and report to the people that they represent here. If we can fix the amount capital shall pay for labor, we can fix labor's wage. If we can compel capital to employ, we can compel labor to work. If we can compel capital to pay, we can compel labor to accept. The principle in the one case is exactly the principle in the other, and we assert that principle in this legislation. No such important principle should be adopted by this body without the most careful investigation and consideration.

The PRESIDENT pro tempore. Are there other Senators who desire to address the Senate? Twelve minutes of the time remain.

Mr. LEWIS. Mr. President, I desire to tender, to lie on the table at this time, a resolution in the form of an amendment, to be called up later by me.

The PRESIDENT pro tempore. If no Senator desires to address the Senate further on the bill, the Chair will call attention to the text of the unanimous-consent agreement:

It is agreed by unanimous consent that at not later than 4 o'clock p. m., on the calendar day of Saturday, September 2, 1916, the Senate will proceed to vote upon any amendment that may be pending, any amendment that may be offered, and upon the bill H. R. 17700, an act to establish an eight-hour day for employees of carriers, etc., through the regular parliamentary stages to its final disposition; the vote upon the final passage of the bill to be taken not later than 6 o'clock p. m. on the said calendar day; also, that between the hours of 10 o'clock a. m. and 12 m. no Senator shall speak more than once nor longer than 30 minutes upon the bill; and, further, that after the hour of 12 o'clock m. on said day no Senator shall speak more than once nor longer than 15 minutes upon the bill, nor more than once nor longer than 5 minutes upon any amendment offered thereto.

The matter is somewhat in doubt. The Chair will lay the amendments before the Senate in the order in which they were offered. The Chair will suggest that it is entirely possible, under the literal text of the agreement, to consume the entire two hours on any single amendment; but no Senator will be allowed to occupy more than five minutes nor to speak more than once on any particular amendment.

The Secretary will state the first amendment.

Mr. LEWIS. Mr. President, I desire at this time, prior to the stating of the amendment, to suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Illinois suggests the absence of a quorum. Let the Secretary call the roll.

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

Bankhead	Cummins	Kern	Owen
Beckham	Curtis	Lane	Penrose
Borah	Dillingham	Lea, Tenn.	Pittman
Brady	Fletcher	Lee, Md.	Pomerene
Brandegee	Gallinger	Lewis	Randsell
Bryan	Gronna	McCumber	Reed
Chamberlain	Hardwick	Martin, Va.	Robinson
Chilton	Hughes	Nelson	Saunder
Clapp	Husting	Newlands	Shafroth
Clarke, Ark.	Johnson, S. Dak.	Norris	Sheppard
Colt	Jones	Oliver	Sherman
Culberson	Kenyon	Overman	Shields

Simmons	Smith, S. C.	Taggart	Wadsworth
Smith, Ariz.	Smoot	Thomas	Walsh
Smith, Ga.	Sterling	Thompson	Warren
Smith, Md.	Stone	Underwood	Williams
Smith, Mich.	Swanson	Vardaman	

Mr. HUGHES. I desire to announce the necessary absence of the senior Senator from Kentucky [Mr. JAMES]. He is detained from the Senate on important business, and is paired with the Senator from Massachusetts [Mr. WEEKS].

Mr. SMITH of Michigan. I desire to announce the unavoidable absence of my colleague [Mr. TOWNSEND] on account of sickness in his family.

The PRESIDENT pro tempore. Sixty-seven Senators having answered to their names, a quorum of the Senate is present. The Secretary will state the pending amendment.

The SECRETARY. The pending amendment is the amendment of the junior Senator from Colorado [Mr. SHAFROTH] to the amendment of the Senator from Alabama [Mr. UNDERWOOD], as follows: At the end of the amendment of the Senator from Alabama it is proposed to add the following proviso:

Provided, however, That nothing herein contained shall be construed as compelling the employees to work at the wages prescribed.

Mr. SHAFROTH. Mr. President, the purpose of that amendment is to clear up, in the minds of the Senators, the provision as presented by the Senator from Alabama.

There was some dispute as to the meaning of that section. All agreed that it was not compulsory arbitration. All agreed that it was not intended to compel men to work for the wages that might be fixed. The Senator from Alabama insisted that the provision meant that they were not to be compelled to work; and it seemed to me that inasmuch as there were differences of opinion concerning it this language would clear up the matter so that there could be no dispute in relation to it. So I have provided in the amendment as follows:

Provided, however, That nothing herein contained shall be construed as compelling the employees to work at the wages prescribed.

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

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Alabama?

Mr. SHAFROTH. I yield to the Senator.

Mr. UNDERWOOD. I wish to say that there was nothing in the original amendment that I offered that was compulsory. It merely appealed to the court of public sentiment after the finding of a tribunal. There is no conflict between the amendment offered by the Senator from Colorado and the original amendment that I offered; but if there is any doubt in the Senator's mind on this subject I am glad to accept his amendment to my amendment to clear up that doubt.

Mr. SHAFROTH. It seems to me it ought to be cleared up.

The PRESIDENT pro tempore. The Senator from Alabama accepts the amendment of the Senator from Colorado to the pending amendment. The Secretary will state the amendment as amended.

Mr. LEE of Maryland. Mr. President, I offer two amendments to the pending amendment. In the third line of the amendment offered by the Senator from Alabama, after the words "reasonable wages," I move to insert the words "and conditions of labor"; and I move to make the same insertion in the tenth line, after the words "reasonable wages." I move to insert at that point also the words "and conditions of labor."

Mr. UNDERWOOD. Mr. President, if the Senator will allow me to interrupt him, I suppose that that is intended to give the Interstate Commerce Commission an opportunity to look into all the complaints of labor in reference to their employment at the same time.

Mr. LEE of Maryland. It is to broaden the scope a little.

Mr. UNDERWOOD. That is entirely in keeping with the purpose of my original amendment, and I am glad to accept it.

The PRESIDENT pro tempore. The Senator from Alabama accepts the amendment to the amendment. The Secretary will report the amendment as it now stands.

The SECRETARY read as follows:

Sec. 5. That the Interstate Commerce Commission shall have the power to fix the hours of labor and determine just and reasonable wages and conditions of labor for all employees of the railroads named in section 1 of this act. The rate of wages and the hours of labor provided for in this act shall remain fixed for service and pay until changed by the decision of the Interstate Commerce Commission, which, within a period of not less than six nor more than twelve months from the passage of this act, shall determine what are just and reasonable wages and conditions of labor and what shall be the hours of labor for all employees of the railroads above mentioned: *Provided, however,* That nothing herein contained shall be construed as compelling the employees to work at the wages prescribed.

The PRESIDENT pro tempore. The question is on the adoption of the amendment.

Mr. UNDERWOOD obtained the floor.

Mr. NELSON. Mr. President—

The PRESIDENT pro tempore. The Senator from Alabama has the floor.

Mr. NELSON. I move an amendment to the amendment.

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Minnesota?

Mr. UNDERWOOD. I do.

Mr. NELSON. I move to strike out the part referring to the employees so as to include all the railroad employees.

Mr. UNDERWOOD. I will state to the Senator that I do not think the Secretary finished reading the entire amendment. If the Secretary will read what is on the second page he will see that that is included.

The Secretary resumed and concluded the reading of the amendment as follows:

The Interstate Commerce Commission shall have the power from time to time to change the hours of labor and the rate of wages for all employees of the railroads named in section 1 of this act, either in whole or in part, upon its own initiative, on the petition of the employees, the managers of the railroads, or the public.

Mr. NELSON. The words that I want out are the railroad employees referred to in section 1 of the bill. I want it amended so as to cover all railroad employees.

The PRESIDENT pro tempore. The Senator from Alabama insists that the amendment does that now—that the last clause read by the Secretary has that effect.

Mr. UNDERWOOD. I will state to the Senator from Minnesota, if he will allow me at this time, that the amendment covers all interstate-commerce employees on the roads. We can not constitutionally go beyond that point. We have no power to go beyond the question of an interstate-commerce employee.

Mr. NELSON. If the Senator will allow me, I want to cover all the railroad employees on the interstate-commerce roads.

Mr. UNDERWOOD. The amendment does that.

Mr. NELSON. It is limited to the employees under section 1 of the bill and that practically relates to all the employees who are now threatening to strike.

Mr. UNDERWOOD. No; I beg the Senator's pardon; he is mistaken. It relates not to the employees of the railroads named in section 1 of the act, but it relates to all the interstate railroads.

Mr. NELSON. How can all the employees of railways be allowed to come in under your amendment?

Mr. UNDERWOOD. I will be glad to accept the Senator's amendment if it is not already covered.

Mr. NELSON. I do not think it does cover it.

Mr. UNDERWOOD. I do not see how it could be more broadly written.

Mr. NELSON. I have not a copy of the amendment before me, but I want to have it amended so that it will cover all railroad employees. Mr. President, I want the men who are not here before us with a threat to be put on an equal footing and have an equal showing with the men who are here threatening us with a strike unless we pass this legislation.

Mr. UNDERWOOD. I will say to the Senator from Minnesota I am in thorough accord with his view, and the amendment I have offered does just exactly what he suggests.

The PRESIDENT pro tempore. If the Senator from Minnesota will read the matter which appears on page 2 of the amendment he will discover that it is as broad as the amendment he now proposes. The question is on the adoption of the amendment offered by the Senator from Alabama, upon which the Senator from Alabama has the floor.

Mr. NEWLANDS. I will state that the doubt in the mind of the Senator from Minnesota arose from the question as to whether the word "named" applies to employees or to railroads.

Mr. UNDERWOOD. It does apply to railroads. It could not apply to anything else.

Mr. REED. Mr. President—

The PRESIDENT pro tempore. The Senator from Alabama has the floor.

Mr. UNDERWOOD. I was speaking in the time of the Senator from Minnesota. I desire recognition at the proper time.

Mr. NELSON. I have not yielded the floor. On a closer inspection of the amendment I think the Senator from Alabama is right. It reads—

for all employees of the railroads named in section 1 of this act.

I think the Senator from Alabama is correct, and I congratulate him on having his amendment so broad that it will include all railroad men.

Mr. UNDERWOOD. Mr. President, on yesterday I consumed more of the time of the Senate than I intended to in discussing this question. I have only a few words to say now that the amendment comes up for consideration.

The bill without this amendment means nothing. There is no permanent solution of the situation for the future. All that I have offered to the Congress is a court of arbitration where all sides may have an opportunity to be heard. It is true that if the verdict of that court is satisfactory to the men the railroads will have to accept it, because it will be governing so far as they are concerned. If it is not satisfactory to the men the men have a right to reject it, and the only coercion that they would face if they rejected the finding of the verdict of the Interstate Commerce Commission would be the question of public sentiment, and in the end they must stand the test of public opinion on all their efforts. They can not maintain a strike for a day or an hour when the sentiment of the American people is against them.

There is no coercion in this matter, but I say that the bill as it stands without this amendment is an absolute abandonment of the court of arbitration, and Congress has taken unto itself the right to fix the wages of interstate commerce without a hearing from either side. It may be satisfactory to the men employed on the great railroads of the country to-day to take this verdict of Congress because the verdict is for them, but I ask those men if to-morrow they will be satisfied with a verdict of the Congress in reference to their rates of wages if that verdict is against them. If Congress is to render these verdicts without consideration and without an opportunity for one side or the other to be heard, or what I am proposing is a permanent court of arbitration, a court that compels no man except so far as public sentiment will compel him.

If we do not present some affirmative legislation at this stage of the bill then the American people are of necessity compelled to say that Congress paid the price of peace without attempting permanently to solve the great question that they were confronted with. We, as the representatives of the American people, can not afford to take that stand. It is not just to our constituencies. There must be a solution of this question that will be fair to all railway employees and fair to the shipping public of this country. You must find it. If you say that you can not find it because the time is too short, then you should postpone action on this bill. When the bill passed the House of Representatives I am informed that the order went out to stop the strike until the Senate had an opportunity to legislate.

The PRESIDENT pro tempore. The Senator's time has expired.

Mr. NEWLANDS. Mr. President, I favor this amendment. It was favored by the Interstate Commerce Committee and included as a part of the bill reported to the Senate. I favor it because it does something in the way of preserving the general balance of legislation which the President sought to insure in his recommendations.

The President's recommendations covered not only a temporary allowance of the 8-hour day, with 10 hours' pay, but provisions for the ascertainment of the cost of the change, in order that the cost might be fairly considered in the distribution of burdens as between the investors in the railroads and the shippers and consuming public. Those recommendations also covered a provision intended to guard against future emergencies of this character by authorizing a board of investigation of the facts in every similar controversy, with a stay of the privilege to engage either in a strike or a lockout during the period of investigation.

The Senate committee was disinclined to go into that phase of the legislation, leaving it for the future. The House committee was similarly disinclined. But the Senate committee did see the wisdom of including in the bill balancing legislation, intended in some degree to secure the future against emergencies of this kind. One of the provisions was that offered by the Senator from Alabama and another was the provision that any willful hindrance or obstruction of trains operating in interstate commerce should be regarded as a misdemeanor and punished accordingly, just as any obstruction of the mails is prohibited by law and made a punishable offense.

The view of the committee was that it is as serious an offense to hinder and impede and obstruct a train engaged in interstate commerce, carrying food and other commodities to the people, as it is to obstruct conveyances carrying the mails. Indeed, it is more serious, for the former affects life itself.

So I urge upon the Senate favorable action regarding these two amendments, which preserve the general equilibrium of this legislation, which deprives our action of the appearance of a surrender to force, and which properly meet existing conditions in such a way in fairness to all interested parties as to minimize the danger of similar emergencies.

The effect of both these amendments will be to eliminate force as an element in our industrial life and to apply the law of reason after hearing through the tribunals which society

creates for the adjustment of industrial contentions, and they harmonize with the spirit of the age now suffering under the application of the doctrine of force as it has never suffered before.

I shall insert in my remarks the recommendations of the President as well as the two amendments now proposed by the Senator from Alabama and myself to the House bill upon the lines of similar provisions in the Senate bill.

EXTRACT FROM THE PRESIDENT'S MESSAGE OF AUGUST 29, 1916.

First, immediate provision for the enlargement and administrative reorganization of the Interstate Commerce Commission along the lines embodied in the bill recently passed by the House of Representatives and now awaiting action by the Senate, in order that the commission may be enabled to deal with the many great and various duties now devolving upon it with a promptness and thoroughness which are with its present constitution and means of action practically impossible.

Second, the establishment of an eight-hour day as the legal basis alike of work and of wages in the employment of all railway employees who are actually engaged in the work of operating trains in interstate transportation.

Third, the authorization of the appointment by the President of a small body of men to observe the actual results in experience of the adoption of the eight-hour day in railway transportation alike for the men and for the railroads; its effects in the matter of operating costs, in the application of the existing practices and agreements to the new conditions, and in all other practical aspects, with the provision that the investigators shall report their conclusions to the Congress at the earliest possible date, but without recommendation as to legislative action, in order that the public may learn from an unprejudiced source just what actual developments have ensued.

Fourth, explicit approval by the Congress of the consideration by the Interstate Commerce Commission of an increase of freight rates to meet such additional expenditures by the railroads as may have been rendered necessary by the adoption of the eight-hour day and which have not been offset by administrative readjustments and economies, should the facts disclosed justify the increase.

Fifth, an amendment of the existing Federal statute which provides for the mediation, conciliation, and arbitration of such controversies as the present by adding to it a provision that in case the methods of accommodation now provided for should fail a full public investigation of the merits of every such dispute shall be instituted and completed before a strike or lockout may lawfully be attempted.

And, sixth, the lodgment in the hands of the Executive of the power, in case of military necessity, to take control of such portions and such rolling stock of the railways of the country as may be required for military use and to operate them for military purposes, with authority to draft into the military service of the United States such train crews and administrative officials as the circumstances require for their safe and efficient use.

THE UNDERWOOD AMENDMENT.

Amendment intended to be proposed by Mr. UNDERWOOD to the bill (H. R. 17700) to establish an eight-hour day for employees of carriers engaged in interstate and foreign commerce, and for other purposes, *viz.* Add at the end of the bill a new section, as follows:

"SEC. 5. That the Interstate Commerce Commission shall have the power to fix the hours of labor and determine just and reasonable wages for all employees of the railroads named in section 1 of this act. The rate of wages and the hours of labor provided for in this act shall remain fixed for service and pay until changed by the decision of the Interstate Commerce Commission, which, within a period of not less than 6 nor more than 12 months from the passage of this act, shall determine what are just and reasonable wages and what shall be the hours of labor for all employees of the railroads above mentioned.

"The Interstate Commerce Commission shall have the power from time to time to change the hours of labor and the rate of wages for all employees of the railroads named in section 1 of this act, either in whole or in part, upon its own initiative, on the petition of the employees, the managers of the railroads, or the public."

THE NEWLANDS AMENDMENT.

Amendment intended to be proposed by Mr. NEWLANDS to the bill (H. R. 17700) to establish an eight-hour day for employees of carriers engaged in interstate and foreign commerce, and for other purposes, *viz.* Add at the end of the bill a new section, as follows:

"SEC. —. Any person who shall knowingly and willfully obstruct or retard the operation of trains mentioned in section 1 of this act shall be guilty of a misdemeanor, and be punished by a fine not exceeding \$100 or imprisonment not exceeding six months, or both."

Mr. REED. Mr. President, I am not familiar with the rules of the House of Representatives. I therefore ask the Senator from Alabama whether it is not true that one or at least a small number of the House can at any time raise the question of a quorum?

Mr. UNDERWOOD. Under the rules of the House of Representatives any Member can suggest that there is not a quorum present, when the Speaker of the House usually counts to see if there is a quorum present, and if there is not a quorum present, the roll is called.

Mr. REED. Mr. President, the strike is called for Monday. My information is that unless this bill is passed, and passed in time so that word can be sent all over the country before Monday shall arrive, the strike will occur. I do not know upon what authority the Senator makes the statement that he understands the strike has already been called off.

Mr. UNDERWOOD. I read a statement of that kind in a paper. I will read it to the Senator if he will allow me.

Mr. REED. If it does not take too much of my time.

Mr. UNDERWOOD. It is only a short statement. In the Evening Star, of Saturday, September 2, first page, last column, I find the following:

"Just as soon as the House bill, unamended, becomes a law," A. B. Garretson, spokesman for the brotherhoods, said to-day, "the strike order will be recalled."

Mr. REED. Ah, just as soon as it becomes a law; that is to say, after we have passed the House bill and after it has—

The PRESIDENT pro tempore. The Chair will say to the Senator from Missouri that all these interruptions come out of the time of the Senator.

Mr. REED. I understand. And after it has been signed by the President, then the strike will be called off.

Now, that brings me to the only observation I desire to make. I have just talked with Judge ADAMSON, chairman of the committee having this measure in charge in the House. I saw him but a moment ago on the floor. He stated to me that there is not a quorum of the House of Representatives in the city of Washington, and that if this bill is sent back to the House the absence of a quorum could defeat its passage to-day; in fact, he said to me it would be utterly impossible to pass it. So, with that situation confronting us, and which we can not avoid, a strike is called for Monday, and, according to the best information we have, it will not be called off until this bill becomes a law. We must either pass the House bill without amendment or it can not become a law before Monday. That is the question that is before us. It is not a question as to what we would like to do, but what it is necessary to do in order to meet the present emergency. It is not a question whether we favor or do not favor as a legislative proposition the amendment of the distinguished Senator from Alabama, but it is a question, when we vote in favor of that amendment, whether we are willing to take the chance of the strike. So let us, in considering these amendments, understand that the addition of a word means that the bill can not become a law before the hour shall arrive when the strike will occur according to the call that was sent out.

Mr. BRANDEGEE. Mr. President, I am opposed to the amendment proposed by the Senator from Alabama at this time. The Congress of the United States has appointed a commission consisting of members of the Interstate Commerce Committees of the Senate and the House. A copy of the joint resolution creating the commission I put in the Record this morning. It directs the commission, which has already been appointed and is organized, to investigate all the questions connected with interstate and foreign commerce and to report at the next session of Congress. Congress having charged that commission with the very duty which is the subject contained in the amendment of the Senator from Alabama, and that amendment being entirely unrelated, as it seems to me, to the subject matter in controversy—there being no emergency crisis as to that, at any rate—I do not see the object of attaching it to the pending bill.

It may become necessary, Mr. President, in the future to entirely realign and reassay the whole railroad situation of this country. It may be that the duties and the control which this Government is now exercising over the railway system of the country will come to comprehend the entire indicia of ownership and to control the operation of those great properties to such an extent that the Government can no longer decently or in fairness and justice assert every element of ownership and yet decline to assume any of the responsibility of its own act. However that may be, it is too large a subject to be decided at this minute on this floor. The amendment of the Senator from Alabama [Mr. UNDERWOOD], no matter how much merit there may be in it, is open to the very same objection that the main bill is open to; it causes us to leap in the dark. The main bill allows us to undo what we are required to do without knowledge and afterwards to investigate the enormity of the destruction which we may have wrought.

Mr. President, to my mind, it is a humiliating admission which we have just heard from the lips of the Senator from Missouri. The House of Representatives having been compelled to pass this vital and entirely unprecedented measure at the demand of the Executive, and as written in the department, we are now told that the Senate must accept it in toto, without the dotting of an "i" or the crossing of a "t." Although the Senate Committee on Interstate Commerce, at least, had had one day's hearing upon its own bill and had reported it as it thought it ought to pass, it was abandoned in a twinkling here on the floor after the debate upon it had proceeded for nearly half a day, and the House bill was, by unanimous consent, substituted in its place. The Senate, having wasted two days in this discussion, now to be told that it is all fruitless, that all amendments which have been made as the result of our deliberations are to be thrown in the waste basket, and that we are to pass the bill which has been hastily prepared by the other House, in its half-baked condition, at the demand of some alleged emergency which is said to exist in this country, I think is a disgrace not only to its present membership, but to the past history and the great traditions of the Senate of the United States.

Mr. THOMAS. Mr. President, if the condition exists to which the Senator from Missouri called attention, then it will

be impossible for this bill to become a law, because an enrolled bill can not be signed by the Speaker of the House, except in the presence of a quorum if the point is made. I quite agree with the comment of the Senator from Connecticut with regard to that situation. If the House, acting yesterday upon an emergency, has now so far dissolved its membership as to be unable to secure a quorum, I do not consider that that is any reason why we should not deliberate and act upon our own judgment with reference to all these amendments; and if, because we do so, the bill should fail to become a law before Monday morning, the responsibility then must rest upon the House, which is without a quorum. Certainly we can not be charged with having failed to do our duty.

The PRESIDENT pro tempore. The question is on the adoption of the amendment proposed by the Senator from Idaho [Mr. BRADY].

Mr. BRADY. Mr. President, on yesterday I offered an amendment to the bill which had been reported by the Committee on Interstate Commerce. As the House bill has taken the place of the bill presented by the Committee on Interstate Commerce, I desire at this time to renew my amendment.

On page 1, line 2, I move to strike out of the amendment as proposed by the Senator from Alabama [Mr. UNDERWOOD], after the word "fix," the words "the hours of labor"; and on page 2, line 2, to amend by striking out the words "hours of labor and the"; so that, if amended, the Interstate Commerce Commission shall have the power to fix just and reasonable wages for all employees; but they will not have the legal right or power to change the hours of labor.

It seems to me that we should not, under any circumstances, enact in one part of the bill a clause fixing the hours of labor and in another part of the bill give seven men the right to repeal it. I believe that at this time we ought to consider that matter, so that the Senate, in voting upon it, can decide whether it desires to support the proposition.

Mr. UNDERWOOD. I will say to the Senator from Idaho, if he will allow me in his time, as my time has gone, that I put the words "the hours of labor" into the amendment in the interest of the men. At least three-fourths of the men engaged in railroad work have not their hours of labor fixed. This bill does not relate to them. I think more reasonable hours of labor ought to be granted to many of these men; but there is nothing in the bill that gives that to them. If these words remain in the bill and it becomes a law, then the Interstate Commerce Commission will hear their complaint, and they will have a day in court, and have an opportunity to appeal for more reasonable wages. I repeat it is in the interest of the men that the provision in reference to the hours of labor was put into the amendment, and not in the interest of the railroads or in the interest of the public. The intention was that these men should have a court in which they could have the hours of labor changed.

Mr. BRADY. We discussed that matter quite fully yesterday, and the Members who were then in the Senate will remember that the senior Senator from Iowa [Mr. CUMMINS] fully agreed with my views, that these words would permit the Interstate Commerce Commission to change the hours of labor. As I understand, we are fixing an eight-hour day for every man who receives any benefit from this bill; it does not matter whether he is engaged on an engine or otherwise engaged on a train. Just as surely as we do this we are giving to the commission the power to undo what shall have been done in the way of enacting this law.

I must say that I fully agree with the expression of the Senator from Connecticut [Mr. BRANDEGE] that it is very apparent that this bill is going to pass as it came over from the other House, and that we are not going to change it by the dotting of an "i" or the crossing of a "t"; that this amendment will be voted down; but at the same time I want to go on record as expressing my view as to what it means before the amendment is voted on by the Senate, and also when it is voted upon I desire to express my disapproval of that part of the amendment. In the bill you simply follow the recommendations of the President in a single instance; and, while you are not changing this bill now, and while you are not enacting the first recommendation, which he probably considered the most important, you will either enact it when you return here in December, or, at least, your President will recommend that you enact it, or else he will be untrue to himself and to his country.

The PRESIDENT pro tempore. The Senator's time has expired. The question is on the adoption of the amendment to the amendment.

Mr. PITTMAN. Mr. President—

Mr. BRADY. Mr. President, a parliamentary inquiry. Can we have a vote now upon the amendment offered by me to the amendment of the Senator from Alabama?

The PRESIDENT pro tempore. Not if any Senator desires to debate it.

Mr. PITTMAN. Mr. President, if this amendment passes it makes no difference whether or not it is agreed to by the other House of Congress, it will not serve the purpose for which Congress is now in session. If Congress were not now in session considering this matter for the purpose of averting an impending strike, then it would be far better that all of this legislation be postponed until another session of Congress, when we could give it careful consideration. It is well known that the two bodies of Congress were not addressed by the President of the United States for the purpose of having them enter upon a general scheme of legislation covering this subject. It is known to every one of us here that Congress was appealed to for the purpose of attempting to prevent the most disastrous calamity that has ever threatened this country. Each one of us here realizes what the strike would mean. We have seen slight indications of it already. We have seen meat in this city nearly doubled in price. We have seen foodstuffs of all lines almost go beyond the reach of our people. We know that the present embargo is cutting off the foodstuffs of the people of this country. It does not take a very vivid imagination to realize that in one week after the strike is called there will be thousands of suffering little children throughout the great cities of this country who will be dying for the want of milk. In the face of such a situation are we to stand here and indulge in an academic discussion with regard to the proper methods of handling interstate commerce?

Are we to stand here and discuss the technical meaning of words, as to whether the fixing and determining of wages and hours of work shall be compulsory or not compulsory? If the determination is not compulsory now, it will later be made compulsory if such a provision as is contemplated shall be enacted. Are we to stand here and argue whether the Interstate Commerce Commission, or some special commission or tribunal, is the proper body to handle the subject, when we have been brought together for the purpose of saving this country from a dire calamity? There is not a Senator here who does not know that if this amendment is adopted, then, by that very act, the strike is brought down upon the country. The Senator who votes for it will bear the burden; but his punishment will be very small in comparison with the amount of suffering that will have to be endured by the people of this country.

We know that if this bill passes with the proposed amendment attached, it will not be a satisfactory settlement to the labor men; it will be just exactly the settlement that the railroads offered to them, and nothing else. The railroad companies proposed that these rates be settled by arbitration, and the men said this question had been settled by the court of the people of this country, and the President of the United States agreed with them. It is now proposed to submit a question to arbitration that the employees refused to arbitrate, which they have said is not arbitral, and which the President has said is not arbitral. Do you not think that, if this amendment is attached to the bill, we are at that very minute proclaiming to the people of this country that there will be a strike? I want to know whether you are for that or not; I want to know whether you are willing to bear the burden of that strike; I am not.

The PRESIDENT pro tempore. The Senator's time has expired.

Mr. CLAPP. Mr. President, I desire to correct, not perhaps so much the language of the senior Senator from Nevada [Mr. NEWLANDS], the chairman of the Interstate Commerce Committee, as the impression which would be gathered from his language as to the committee favoring this amendment.

There was a divided sentiment when this matter was considered in the committee yesterday, but some of us, not being willing to delay getting the measure before the Senate, although opposed to the amendment, rather than delay the session of the Senate by taking hours perhaps in discussing the amendment, tacitly agreed that the amendment might be reported favorably in order to bring it before the Senate.

I make that statement because I think a number of the members of the committee are opposed to the amendment, and the statement of the Senator from Nevada going unchallenged, more because of the impression which it conveyed than because of what he said might make it appear that Senators were inconsistent in their attitude.

Mr. NEWLANDS. Mr. President, will the Senator permit me to interrupt him a moment?

Mr. CLAPP. Yes.

Mr. NEWLANDS. I did not, of course, intend to convey the impression that there was a unanimous vote of the committee for this particular provision. I wished, however, to bring to the attention of the Senate the fact that the introduced matter is not new with reference to this legislation, but was contained in the Senate bill; that that bill was reported favorably by the Senate committee, and that it had the support of a majority of the committee. As to how many may have supported it, I believe the Senator himself has expressed his position and has indicated also the position of others.

Mr. CLAPP. I acquit the Senator of any purpose to create an impression that would not have been warranted by the facts; but I think, if the Senator will read his statement, he will realize that the somewhat emphatic manner in which it was made might lead to the impression that there was more general support of this amendment in the committee than really existed.

Mr. STONE. Mr. President, I regret that the time of the Senator from Alabama [Mr. UNDERWOOD] has been exhausted, for I am about to make a statement with the sole view of getting information which I think he could furnish, and I am afraid that in making the statement I will consume the greater part of the five minutes I am permitted to occupy.

Mr. President, I can not read section 1 of the House bill 17700 without concluding that under the terms of that section it is intended to make the eight-hour-day provision permanent. It seems to me that that much is finally determined by this bill if it becomes a law. I am therefore inclined to favor the amendment offered by the junior Senator from Idaho [Mr. BRADY]. He proposes to amend the amendment of the Senator from Alabama by striking out the words "the hours of labor" in the second line, so that the amendment would give the Interstate Commerce Commission the "power to fix and determine just and reasonable wages," but not to determine the hours of labor. The hours of labor are fixed—at least, the standard labor day is fixed—in the first section of this bill. I regard that section as undertaking to fix that much permanently, and if that be not so, then it ought to be so. That ought not to be longer left as an open question; and if the day's labor, which concerns the hours of labor—to wit, eight hours as the day's labor—is fixed in the bill, why should any commission or any executive body six months hence be authorized to sweep aside that legislative provision and fix some other standard of hours? That ought to be permanent, and there should be no juggling about it. I am not now objecting to the commission fixing wages. I believe there should be some provision looking to that end. There must be some public authority lodged somewhere to settle these disputes. But, Mr. President, we should differentiate, as I see it, while passing this bill, between the day's work, the hours of labor, and the wage to be paid per day or per hour. Let the standard day be fixed permanently, whatever else we may do.

Now, within my time, if I have any left—whatever is left—I ask the Senator from Alabama to enlighten me if I am wrong.

Mr. UNDERWOOD. Mr. President, the language in reference to that matter in the House bill and in the Senate bill is practically the same:

That beginning January 1, 1917, eight hours shall, in contracts for labor and service, be deemed a day's work and the measure or standard of a day's work for the purpose of reckoning the compensation for services of all employees.

As stated yesterday, there is nothing in this bill fixing a day of labor. I have always voted for an eight-hour day. If it were practicable, I would do it in this instance; but there is no eight-hour-day provision in this bill.

Mr. McCUMBER. Mr. President, as I shall be compelled to vote against this amendment, I wish briefly to give my reasons. They are twofold:

In the first instance, this subject has become an acute one. It will not down. It will have to be considered, and considered generally, at a succeeding session of Congress. At that time we want to proceed to take up and enact a most comprehensive act. I do not want to forestall the free exercise of my judgment at that time by a premature action or vote at this particular time.

There is serious question as to whether we have the power to fix the compensation of laborers or employees at all. It is not an easy question to decide. If we have that authority, the next question is whether we can delegate it to a commission, the Interstate Commerce Commission or otherwise. We delegate or, in other words, we turn over to this commission the authority to fix compensation for the transfer of passengers or freight under a settled rule which we determine. We fix the standard by legislation; so that the act of the commission is not a legislative act. But is there any standard whatever that we can fix for labor? Will you say it is a reasonable compensation? How are you going to determine what is reasonable?

Here are two characters of labor. The one is unionized, and by the power of the union it raises itself gradually from \$2 a day until it is receiving \$5 a day. That is the customary charge. Therefore can you say that that is reasonable?

Here is another class of nonunionized labor, almost of the same character, that has not been able to raise its standard of wages from \$2 to \$5 a day. Will you say, because it is customary, that that is the usual charge and therefore reasonable? If that were true, then you could not raise the wages of the man that receives a dollar and a half or two dollars a day.

It is a most serious question, Mr. President, whether we have any authority whatever to fix a standard, and, secondly, if we have the authority, whether we can delegate it, having no power to fix the standard upon which it can be based.

Taking this particular amendment, Mr. President, our only authority to fix the compensation is based upon our control over interstate commerce. Is every employee of a railway company engaged in interstate commerce? Is the man who drives the president of the railway to his office engaged in interstate commerce, and can we fix his compensation? Where is your dividing line?

For instance, we will say that the people who operate the trains are certainly engaged in interstate commerce; but is the switchman, is the telegrapher, are the coal handlers, engaged in interstate commerce? If so, are the section men engaged in interstate commerce? You must have section men in order to carry on your commerce. If that be true, are the men who construct a sidetrack engaged in interstate commerce? If that be true again, are the men who build the railways engaged in interstate commerce?

All of those and their wages go to make up the basis of our fixing the charges for compensation as well as the charges for carrying freight and passengers; and yet can we reach so far as this, and fix the amount to be paid for men engaged in building a railway, simply because that fixes the standard?

Mr. HARDWICK. Mr. President, in answer to the observations of the Senator from North Dakota [Mr. McCUMBER], every single question that he has suggested was answered by this Congress when we passed the employers' liability bill, and we thereby determined exactly the classes of these employees to whom we could attach legislation under the interstate-commerce clause of the Constitution. There is not a single inch of untried ground on that question, in spite of the suggestion.

The Senator's suggestion that we can not set up a standard of wages when we delegate this power to the Interstate Commerce Commission will not appeal with much force to any lawyer in this land, who knows that every court in Christendom determines that question with the aid of a jury, the members of which are not even experts, every time it tries an action of quantum meruit, in the absence of an express contract as to what the services are worth or what labor shall cost and what shall be paid for it.

There is not a practical question of any sort raised by the Senator from North Dakota or by any Senator who opposes the submission of this question to the Interstate Commerce Commission. In my judgment, it is the real, permanent, safe, just, and absolutely correct solution of this question, and I earnestly hope the amendment will prevail.

Mr. HUSTING. Mr. President, I had intended to offer an amendment to this bill after this amendment should have been disposed of, but under the circumstances I have concluded not to offer it. The reason why I have concluded not to offer it is because I believe this bill ought to pass as it is, not because we are coerced by the House, not because we are coerced by the employees, not because we are coerced by anybody, but because I believe the people of the country want this strike averted.

Now, to us personally a strike does not mean anything. We will have enough to eat and a place to sleep. It is the people of the country who will suffer. The calamity will hit the people who toil for a living. It will hit the business man and the manufacturer, the farmer and the laborer.

It is a question of policy pure and simple, that we must now decide. No one can compel or coerce us into passing this bill. We can refuse to pass it with the help of the Senators on the other side, who are going to vote against this bill. And in a spirit of bravado we can sneer at and invite the consequences, or we can take counsel of prudence and wisdom and stop the strike and attend to the equally important but less urgent questions later.

I say, it is not a question of coercion. It is a question of which is the better policy. Do we want this strike or do we not want it? The very fact that all the Senators here consented to a vote this afternoon—those on the other side as well as those on this side—shows that they recognize the urgency of action.

Senators on the other side who are going to vote against this bill and who are attacking it as an unwise and unwarranted measure could have prevented a vote upon this bill to-day. Any one Senator by a mere objection could have prevented a vote on this bill to-day and could thus have prevented its passage in time to prevent the strike. Why did they not do it? Because they did not dare shoulder the responsibility of opposing the prevention of the strike. If they thought the passage of the law was worse than the strike, it would have been their plain duty to have prevented a vote on this bill. The Senators on the other side, therefore, deep down in their hearts know that it is better to pass this bill than to have the strike. So I feel that nothing should be done now which will hinder, delay, or obstruct the passage of this bill.

The same reason that makes me feel constrained to withdraw my proposed amendment and to take it up next December is going to impel me to vote against the amendment of the Senator from Alabama. What is that amendment going to or what can it accomplish between now and December or between now and next March? The bill provides that a rule of wages shall be fixed until a report comes in here October of next year. It further provides that a commission of three members shall be appointed by the President, who are to report not later than October of next year. And this bill further provides that pending the filing of such report the hours of labor and the wages of the employees as fixed by this bill shall not be changed.

This amendment of the Senator from Alabama purports to give the Interstate Commerce Commission a right to fix the hours and the wages before this time limit expires in the other parts of the bill. It must be construed consistently with the other parts of the bill. Therefore its powers become effective only after October of next year.

Under the terms of this bill the Interstate Commerce Commission will not have a right to affect the wages of these men fixed in this bill before the time limit expires under the terms of the bill, so that this proposed amendment will have no effect whatever between now and October of next year, when the time limit expires.

Can not the matter, therefore, which the Senator suggests be dealt with next January or February or March or an extraordinary session? Will it serve a useful purpose to have it on the books merely as an earnest of something that we propose to do after next October, when we shall have time to deliberate on and debate these matters and when we shall have the facts reported to us by the commission or at least shall have time to have studied the subject? Is it not wiser to have all these other great questions settled whether they are in the bill or not; and can they not be better settled in the course of a session, whether of three months or longer, than in two or three hours of debate?

Why should we commit ourselves to a policy now on the spur of the moment of investing the Interstate Commerce Commission with certain powers when it will have no functions to perform in the premises, at least until October of next year, when by waiting for the facts a better plan may be proposed and a better system may be organized during the next or some future session of Congress?

Mr. VARDAMAN. Mr. President, I am always doubtful of the correctness of my position on any question when I differ from the erudite Senator from Alabama [Mr. UNDERWOOD]. His distinguished service in this body and in the other branch of Congress gives anything that he may say great force and potency with me.

He says that if his amendment is not adopted there will be no permanency in this measure; but, really, I do not care for permanency in any legislation enacted under the stress under which this bill is now being considered. I do not care if you call it "bread-pill therapeutics," or what you may say about it; the bill as it came from the House will accomplish the great desideratum at this time. The thing we want to do, the thing we want to accomplish is the strike postponed, the atmosphere cleared, and the fearful apprehension which is paralyzing commerce and destroying the peace of mind of the Nation removed. The influences which lead men to think and act in partisan politics will be altogether absent when we come back here next December, and any defects in this bill can be remedied, and the permanent features can be ingrafted upon it before it takes effect. I think it would be eminently unfortunate if we should attempt to put anything in the bill at this time of a permanent character. For that reason I sincerely hope the bill will pass as it came from the House, without any amendment whatever.

I believe the time is not far distant when the idea embodied in the Senator's amendment—that these questions are to be settled by the Interstate Commerce Commission, or some other

governmental tribunal—will be a part of the economy of this Government. Something will have to be done to take this matter out of the hands of selfish or irresponsible people, but now is not the time to do that.

For that reason I shall be compelled, though I do so reluctantly, to vote against the amendment.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Idaho [Mr. BRADY] to the amendment of the Senator from Alabama.

The amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question recurs on the adoption of the amendment offered by the Senator from Alabama.

Mr. UNDERWOOD. I ask for the yeas and nays on that.

The yeas and nays were ordered and the Secretary proceeded to call the roll.

Mr. BRYAN (when his name was called). I have a pair with the junior Senator from Michigan [Mr. TOWNSEND], which I transfer to the junior Senator from Louisiana [Mr. BROUSSARD]. I will let this announcement stand for the day. I vote "yea."

Mr. CHILTON (when his name was called). I announce my pair with the Senator from New Mexico [Mr. FALL] and its transfer to the Senator from New Jersey [Mr. MARTINE], and will vote. I vote "nay."

The PRESIDENT pro tempore (when the name of Mr. CLARKE of Arkansas was called). I have a pair with the junior Senator from Utah [Mr. SUTHERLAND], which I transfer to the senior Senator from Kentucky [Mr. JAMES], and will vote. I vote "yea." This announcement may stand for the day.

Mr. GALLINGER (when his name was called). I have a general pair with the senior Senator from New York [Mr. O'GORMAN], which I transfer to the senior Senator from California [Mr. WORKS], and will vote. I vote "yea."

Mr. GRONNA (when his name was called). I have a general pair with the Senator from Maine [Mr. JOHNSON], which I transfer to the junior Senator from Vermont [Mr. PAGE], and will vote. I vote "nay."

Mr. SHAFROTH (when his name was called). I am paired with the Senator from Washington [Mr. POINDEXTER] and therefore withhold my vote.

Mr. SMITH of Georgia (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. LODGE], and I am unable to get a transfer. Were I at liberty to vote, I would vote "yea."

Mr. STONE (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. CLARK]. In his absence I withhold my vote.

Mr. SMOOT (when Mr. SUTHERLAND's name was called). I desire to announce the absence of my colleague [Mr. SUTHERLAND]. He has a general pair with the senior Senator from Arkansas [Mr. CLARKE].

The PRESIDENT pro tempore. That pair has been transferred to the Senator from Kentucky [Mr. JAMES].

Mr. SMITH of Michigan (when Mr. TOWNSEND's name was called). I desire the RECORD to show that my colleague [Mr. TOWNSEND] is absent because of illness in his family.

Mr. UNDERWOOD (when his name was called). I have a general pair with the junior Senator from Ohio [Mr. HARDING]. I transfer that pair to the junior Senator from New Hampshire [Mr. HOLLIS] and vote "yea."

Mr. WADSWORTH (when his name was called). I have a general pair with the junior Senator from New Hampshire [Mr. HOLLIS] which I transfer to the junior Senator from Ohio [Mr. HARDING] and vote "nay."

Mr. WALSH (when his name was called). I am paired with the Senator from Rhode Island [Mr. LIPPITT]. I transfer that pair to the Senator from Oklahoma [Mr. GORE] and vote "nay."

Mr. WEEKS (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. JAMES] which I transfer to the junior Senator from Utah [Mr. SUTHERLAND] and vote "nay."

The roll call was concluded.

Mr. CURTIS. I was requested to announce that the Senator from West Virginia [Mr. GOFF] is paired with the Senator from South Carolina [Mr. TILLMAN].

I was also requested to announce the unavoidable absence of the junior Senator from Ohio [Mr. HARDING]. This announcement will stand for the day.

Mr. OWEN. I inquire if the Senator from New Mexico [Mr. CATRON] has voted?

The PRESIDENT pro tempore. He has not.

Mr. OWEN. I withhold my vote. If at liberty to vote, I would vote "nay."

The result was announced—yeas 14, nays 57, as follows:
YEAS—14.

Bankhead	Hardwick	Saulsbury	Warren
Bryan	Lee, Md.	Smith, Md.	Williams
Clarke, Ark.	Newlands	Thomas	
Gallinger	Norris	Underwood	

NAYS—57.

Ashurst	Gronna	Myers	Smith, Ariz.
Beckham	Hitchcock	Nelson	Smith, Mich.
Borah	Hughes	Oliver	Smith, S. C.
Brady	Husting	Overman	Smoot
Brandegoo	Johnson, S. Dak.	Penrose	Sterling
Chamberlain	Jones	Phelan	Swanson
Chilton	Kenyon	Pittman	Taggart
Clapp	Kern	Pomerene	Thompson
Colt	La Follette	Randsell	Vardaman
Culberson	Lane	Reed	Wadsworth
Cummins	Lea, Tenn.	Robinson	Walsh
Curtiss	Lewis	S'p'ppard	Weeks
Dillingham	McCumber	Sherman	
du Pont	McLean	Shields	
Fletcher	Martin, Va.	Simmons	

NOT VOTING—24.

Broussard	Harding	Martine, N. J.	Smith, Ga.
Catron	Hollis	O'Gorman	Stone
Clark, Wyo.	James	Owen	Sutherland
Fall	Johnson, Me.	Page	Tillman
Goff	Lippitt	Poindexter	Townsend
Gore	Lodge	Shaftroth	Works

So Mr. UNDERWOOD's amendment was rejected.

Mr. NEWLANDS. I offer the following amendment.

The PRESIDENT pro tempore. The amendment offered by the Senator from Nevada will be read.

The SECRETARY. It is proposed to add at the end of the bill a new section, as follows:

SEC. 5. Any person who shall knowingly and willfully obstruct or retard the operation of trains mentioned in section 1 of this act shall be guilty of a misdemeanor, and be punished by a fine not exceeding \$100, or imprisonment not exceeding six months, or both.

Mr. NEWLANDS. Mr. President, the amendment which I have offered is almost identical in terms with section 201 of the criminal code of the United States relating to the obstruction of the mails. I will read the latter:

SEC. 201. Whoever shall knowingly and willfully obstruct or retard the passage of the mail, or any carriage, horse, driver, or carrier, or car, steamboat, or other conveyance or vessel carrying the same, shall be fined not more than \$100 or imprisoned not more than six months, or both.

The statute in existence applies, as I stated before, only to the mails. The amendment which I have offered applies to the operation of trains in interstate commerce employed in carrying commodities and food, things much more essential to human life than the mails can be, for the latter are not essential at all.

Congress has seen fit to put upon the statute books a condemnation of any hindrance of the mails and it is clear to my mind that the legislation should be extended to the commodities transferred in interstate commerce and to the trains bearing them.

Mr. President, I stated before that the President had presented to us a scheme of balanced legislation, and in connection with that I ask unanimous consent to insert in the Record, without reading, the tentative bill which was framed to comply with his suggestions regarding a commission of investigation, with a temporary stay during the investigation of that commission of the right either of strike or lockout, and also containing a provision empowering the President of the United States in a case of military necessity to take possession of the trains.

The PRESIDENT pro tempore. Such will be the order unless there is objection. The Chair hears none.

The matter referred to is as follows:

[Committee print.]

IN THE SENATE COMMITTEE ON INTERSTATE COMMERCE.

[The part printed in roman shows present law; the part in parentheses and italic indicates proposed amendments to existing law.]
A bill to amend an act entitled "An act providing for mediation, conciliation, and arbitration in controversies between certain employers and their employees," approved July 15, 1913.

Be it enacted, etc., That section 1 of an act entitled "An act providing for mediation, conciliation, and arbitration in controversies between certain employers and their employees," approved July 15, 1913, be amended so as to read as follows:

SECTION 1. The provisions of this act shall apply to any common carrier or carriers and their officers, agents, and employees, except masters of vessels and seamen, as defined in section 4612. Revised Statutes of the United States, engaged in the transportation of passengers or property wholly by railroad, or partly by railroad and partly by water, for a continuous carriage or shipment from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States.

"The term 'railroad' as used in this act shall include all bridges and ferries used or operated in connection with any railroad, and also all the road in use by any corporation operating a railroad, whether owned or

operated under a contract, agreement, or lease; and the term 'transportation' shall include all instrumentalities of shipment or carriage.

"The term 'employees' as used in this act shall include all persons [actually engaged in any capacity in train operation or train service of any description,] who are now or may hereafter be actually engaged in the operation of trains used for the transportation of persons or property on railroads from any State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, or from one place in a Territory to another place in the same Territory, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States, and notwithstanding that the cars upon or in which they are employed may be held and operated by the carrier under lease or other contract: Provided, however, That this act shall not be held to apply to employees of street railroads and shall apply only to employees engaged in railroad train service. In every such case the carrier shall be responsible for the acts and defaults of such employees in the same manner and to the same extent as if said cars were owned by it and said employees directly employed by it, and any provisions to the contrary of any such lease or other contract shall be binding only as between the parties thereto and shall not affect the obligations of said carrier either to the public or to the private parties concerned.

"A common carrier subject to the provisions of this act is hereinafter referred to as an 'employer,' and the employees of one or more of such carriers are hereinafter referred to as 'employees.'

SEC. 2. That there be added at the end of said act the following:

"Sec. 12. Whenever a controversy shall arise between an employer or employers and employees subject to this act, which can not be settled through mediation and conciliation in the manner provided in section 2, and the Board of Mediation is unable to induce the parties to submit their controversy to arbitration in accordance with the provisions of this act, the said controversy shall be referred to a board of investigation, which shall consist of three members, of which each of the parties to the controversy shall recommend one, and these two, together with the third member, who shall act as chairman of the board, shall be appointed by the President of the United States. Upon notice by the President of the appointment of the board of investigation, the Board of Mediation and Conciliation shall arrange a time for the beginning of the investigation and a place where such proceedings may be held. The board of investigation shall organize and make all necessary rules for conducting its hearings. The board shall fully and carefully ascertain all the facts and circumstances, and in its report shall set forth such facts and circumstances and its findings therefrom, including the cause of the dispute and the board's recommendation for the settlement of the dispute according to the merits and substantial justice of the case. Its recommendation shall deal with each item of the dispute and shall state what the board's opinion ought or ought not to be done by the respective parties concerned. Wherever it appears to the board expedient so to do, its recommendation shall also state the period during which the proposed settlement should continue in force and the date from which it should commence. The report shall be made to the Board of Mediation and Conciliation, who shall cause the same to be published.

"All testimony before the board of investigation shall be given under oath or affirmation, and any member of the board shall have the power to administer oaths or affirmations. It shall be furnished such assistants as may be necessary in carrying on its work.

"Each member of the board of investigation shall receive such compensation as may be fixed by the Board of Mediation and Conciliation, together with his traveling and other necessary expenses. So much as may be necessary of the appropriation of the Board of Mediation and Conciliation for the fiscal year ending June 30, 1917, is hereby made available for the payment of the necessary and proper expenses of boards of investigation. Authority for incurring expenses, including subsistence, by boards of investigation shall first be obtained from the Board of Mediation and Conciliation.

"Sec. 13. Pending the efforts of the Board of Mediation and Conciliation to induce the employer or employers and employees to submit their controversy to arbitration, and until the investigation of such controversy by the board of investigation provided for in section 12 of this act has been completed and its report thereon published, it shall be unlawful for the employer or employers to declare or cause a lockout, or for the employees, acting in combination, to declare or cause a strike on account of such controversy.

"Sec. 14. Any railroad company declaring or causing a lockout, or any officer or agent of any railroad company who assists or participates in declaring or causing a lockout contrary to the provisions of this act, shall be liable to a fine of not less than \$500 nor more than \$5,000 for each day or part of a day that such lockout exists.

"Any officer, agent, or employee of any organized body of labor or labor organization who declares or causes a strike contrary to the provisions of this act shall be liable to a fine of not less than \$500 nor more than \$5,000 for each day or part of a day that such strike exists.

"Any person who incites, encourages, or aids in any manner any employer to declare or continue a lockout, or any person who aids in any manner any officer, agent, or employee of any organized body of labor or labor organization in declaring or causing a strike contrary to the provisions of this act, shall be guilty of a misdemeanor and liable to a fine of not less than \$10 nor more than \$100.

"Sec. 15. If at any time any railway engaged in interstate commerce or in the transportation of the mails shall cease to operate or be seriously hindered in its operation because of a strike of its employees, the President of the United States shall have power to direct the operation of such railway whenever in his judgment essential for military purposes, and to that end he may employ such part of the military forces or such civil agents or draft into the service of the United States such persons as he may deem necessary.

"Any person refusing when so drafted to perform the service for which drafted shall be guilty of a crime and shall, upon conviction thereof, be punished by fine not exceeding _____, by imprisonment not exceeding _____, or by both such fine and imprisonment.

"Sec. 16. Any provisions of said act of July 15, 1913, which are inconsistent with the provisions of this act are hereby repealed."

Mr. NEWLANDS. Mr. President, I have urged in committee and in personal communication with Senators the adoption of the President's entire program. The initial step having been taken by the President himself and the Government practically committed to an eight-hour day as a temporary standard of compensation, it would seem to me that the wisdom of his recommendations was manifest and that Congress ought to respond

promptly and immediately in furnishing all the legislation required by his suggestions.

I found an indisposition in the other House among the membership generally and in the committee of which I am chairman to take up those subjects of legislation. They proposed to postpone them to the future. And so, finding that the majority of the committee was disposed to have a bill with some teeth in it, some provisions that at all events would in the future either prevent these emergencies or moderate their rigor, I cooperated, and the result was the incorporation in the Senate bill of certain provisions corresponding to the amendments subsequently offered by the Senator from Alabama and myself to the House bill now before us.

Mr. President, I can not see how any objection can be made by anyone to such legislation. If the railroad brotherhoods object, I assert, notwithstanding that, I stand for law and order. I stand for the right of every man to give up his employment if he wishes. I stand against his right to prevent by threats, force, or violence another man from taking his place. I stand for the legal restraint and punishment of the disorderly, the criminal, and the violent elements, not often conspicuous in the railroad brotherhoods, composed as they are of picked men of intelligence, character, and fidelity, but elements composed of the criminal and the vicious, particularly in large communities, who avail themselves of every social commotion to indulge in disorder and violence, and thus bring discredit upon legitimate and justifiable strikes. I stand also for the peaceful adjustment of industrial disputes through tribunals organized by society for that purpose, and with a view to a fair and humane adjustment of industrial conditions and wages.

The PRESIDENT pro tempore rapped with his gavel.

Mr. NEWLANDS. Mr. President, my time has expired, and I will only add that, so far as I am concerned, I am willing to go upon the record with this legislation, whatever the consequences.

Mr. THOMAS. Mr. President, the amendment offered by the Senator from Nevada is so nearly identical with the proposal I offered that I withdraw my amendment in favor of his.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Nevada.

Mr. McCUMBER. Mr. President, this amendment demonstrates again the inappropriateness of taking up this matter and dealing with it by piecemeal. If the amendment means that every act the operation of which is to prevent the movement of a train is unlawful—and necessarily it must mean that—it is a crime to organize a strike and call off conductors or trainmen. If it does not mean that, but simply means that physical force applied by an individual to stop the operation of a train is a criminal offense, we need no law, because it is a criminal offense throughout the United States under the law of every State in the Union. So on the one hand if it means one thing I do not think even the Senator himself would want to vote for it. If it means the other thing it is absolutely unnecessary because we have a law in every State affecting the subject matter.

Mr. REED. I wish to ask the Senator if it is not also true that it is the settled law wherever any violence is offered to stop a train that a writ of injunction is available to-day and always has been.

Mr. McCUMBER. Certainly; and it is a criminal act in every State.

The PRESIDENT pro tempore. The question is on the adoption of the amendment offered by the Senator from Nevada.

Mr. NEWLANDS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). Making the same announcement I did on the last vote, I vote "nay."

Mr. GALLINGER (when his name was called). Announcing the same transfer as on the last vote, I vote "yea."

Mr. GRONNA (when his name was called). Announcing the same transfer as on the former vote, I vote "nay."

Mr. HUGHES (when Mr. JAMES's name was called). I desire to announce the unavoidable absence of the senior Senator from Kentucky [Mr. JAMES].

I desire also to announce the unavoidable absence of my colleague [Mr. MARTINE of New Jersey]. Both Senators are detained on important business.

Mr. SHAFROTH (when his name was called). I am paired with the junior Senator from Washington [Mr. POINDEXTER]. I can not get a transfer and I withhold my vote.

Mr. SMITH of Georgia (when his name was called). I announce my pair with the senior Senator from Massachusetts [Mr. LODGE], and withhold my vote.

Mr. STONE (when his name was called). I again announce my pair with the senior Senator from Wyoming [Mr. CLARK]. Not being able to secure a transfer, I withhold my vote.

Mr. UNDERWOOD (when his name was called). Announcing the same transfer of my pair as on the vote a few minutes ago, I vote "yea."

Mr. WADSWORTH (when his name was called). Making the same announcement that I did before, I vote "nay."

Mr. WALSH (when his name was called). I transfer my pair as on the preceding vote, and vote "nay."

Mr. WEEKS (when his name was called). I make the same announcement of the transfer of my pair that I made before. I vote "yea."

The roll call was concluded.

Mr. WEEKS. I wish to announce the unavoidable absence of my colleague [Mr. LODGE] and to have this announcement stand for the day.

Mr. DILLINGHAM (after having voted in the negative). I heard that the senior Senator from Maryland [Mr. SMITH] did not vote. Am I correct?

The PRESIDENT pro tempore. He did not.

Mr. DILLINGHAM. I have a pair with that Senator, and withdraw my vote.

The result was announced—yeas 14, nays 52, as follows:

YEAS—14.

Rorah	Gallinger	Newlands	Warren
Brandegee	Hardwick	Shields	Weeks
Bryan	Hitchcock	Thomas	
Clarke, Ark.	Lee, Md.	Underwood	

NAYS—52.

Ashurst	Hughes	Myers	Sherman
Beckham	Husting	Nelson	Simmons
Brady	Johnson, S. Dak.	Norris	Smith, Ariz.
Chamberlain	Jones	Oliver	Smith, Mich.
Chilton	Kenyon	Overman	Smith, S. C.
Clapp	Kern	Penrose	Sterling
Colt	La Follette	Phelan	Swanson
Culberson	Lane	Pittman	Taggart
Cummins	Lea, Tenn.	Pomerene	Thompson
Curtis	Lewis	Ransdell	Vardaman
du Pont	McCumber	Reed	Wadsworth
Fletcher	McLean	Robinson	Walsh
Gronna	Martin, Va.	Sheppard	Williams

NOT VOTING—29

Bankhead	Harding	Owen	Stone
Broussard	Hollis	Page	Sutherland
Catron	James	Poindexter	Tillman
Clark, Wyo.	Johnson, Me.	Saulsbury	Townsend
Dillingham	Lippitt	Shafroth	Works
Fall	Lodge	Smith, Ga.	
Goff	Martine, N. J.	Smith, Md.	
Gore	O'Gorman	Smoot	

So Mr. NEWLANDS's amendment was rejected.

Mr. BRADY. Mr. President, I move to strike out section 4 of the bill.

The PRESIDENT pro tempore. The Senator from Idaho moves to strike out section 4 of the bill.

The amendment was rejected.

Mr. NORRIS. I offer the following amendment.

The PRESIDENT pro tempore. The Senator from Nebraska offers an amendment, which the Secretary will report.

The SECRETARY. Strike out all after the enacting clause and insert:

That beginning January 1, 1917, eight hours shall be deemed a day's work and the measure or standard of a day's work for the purpose of reckoning the compensation for services of all employees who are now or may hereafter be employed by any common carrier by railroad which is subject to the provisions of the act of February 4, 1887, entitled "An act to regulate commerce," as amended, and who are now or may hereafter be actually engaged in any capacity in the operation of trains used for the transportation of persons or property on railroads from any State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, or from one place in a Territory to another place in the same Territory, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States.

Sec. 2. From and after the passage of this act the Interstate Commerce Commission shall have the power to fix the rate of compensation and to make all necessary rules and regulations for the fixing of compensation, and for the payment and rate of overtime, and the conditions under which overtime may be allowed or permitted, of all of the employees of the railroads named in section 1 of this act. Said commission shall also fix the compensation of all of the officials of all of the common carriers by railroad which are subject to the provisions of the act of February 4, 1887, entitled "An act to regulate commerce," and of all amendatory acts thereto. Said commission may, either upon its own initiative or upon the hearing of any complaint filed by any official or officials of said roads, or any employee or organization of employees of any of said railroads, or by the Attorney General of the United States or any citizen or organization of citizens of the United States, increase or reduce the salary of any of the officials of any of said roads, or increase or reduce the wages of any of said employees, or change or modify any of the rules and regulations relating to the hours of labor or the conditions of labor of any of said employees. All of the provisions of said act of February 4, 1887, entitled "An act

to regulate commerce," or any of the amendatory acts thereto, in regard to orders and hearings provided for therein, shall apply, as far as applicable, to hearings under this act.

SEC. 3. That whenever said commission shall fix any salary of any official of any of said roads as provided for herein, or shall fix the wages and conditions of labor of any of said employees as provided for herein, said salary or wage shall be the salary or wage to be paid to said official or said employees by the said railroad companies, and shall remain as so fixed by said commission until the same is changed by said commission as herein provided, and no greater or less salary or wage shall be paid than the one so fixed by said commission.

SEC. 4. That any person representing any of said railroads violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$100 nor more than \$1,000 or imprisoned not to exceed one year, or both.

SEC. 5. This act shall not apply to street or interurban railways operated by electricity.

Mr. NORRIS. Mr. President, I desire briefly to refer to what I have already explained at some length earlier in the day in regard to this proposed substitute.

To begin with, I believe that the same body to which we have given authority by law to fix rates of transportation for freight and passenger service ought to have complete authority to fix all of the items that go into the making up of those rates. Everybody knows that, as to the wages of the men and the salaries of the officers, which are often exorbitant, no commission or board has now the right to change them. It seems to me that the logical thing to do is to give to the Interstate Commerce Commission—that commission to which we have delegated the right, in a general way, to regulate all interstate railroads, to fix the rates, and to make them fair—the authority to fix the salaries of the railroad presidents and also the wages of all the men who work on the roads.

Suppose, Mr. President, such was the law now. Instead of having the country confronted with the condition which now confronts it, this is what would be the situation: The men who claim they ought to have higher wages would, in the regular way, have gone to the Interstate Commerce Commission and have filed their complaint, a hearing would be had, and judgment would be rendered. Why should not the same commission, to which I must go and to which you must go, Mr. President, if you complained about an unfair charge in a freight rate or a passenger rate or of some other regulation, determine these questions in the same way and render judgment in the same way?

It would mean, in my judgment, Mr. President, that the condition which confronts us now could never again arise. A strike such as we are now facing would not be, at least, a probability and would be almost an impossibility. It seems, therefore, that we ought to give to this commission, which is already clothed with partial authority—the commission to which we have given authority to place a physical valuation upon every one of these roads in order that they may more fully administer justice between the public and the men and the railroads as to rates—the power to fix the salaries of the officers and to fix the wages of the men.

The PRESIDENT pro tempore. The Chair desires to make an announcement. If there be further amendments to be offered to the House bill, now is the time to offer them and to have them considered, for the proposition now presented by the Senator from Nebraska is to strike out the House bill and to insert an entirely new bill. Our rules provide that when that is the case the proposition to be stricken out is open to amendment. Then the proposition that is to take its place—if affirmative action of the Senate shall so authorize—shall be open to amendment.

The Chair makes this announcement for the reason that it gives him an opportunity to call attention to the mandatory language of our unanimous-consent agreement, that all amendments which are not disposed of by 6 o'clock will fail, because the requirements of the unanimous-consent agreement is that we proceed to vote upon the final passage of the House bill not later than 6 o'clock.

Mr. RANSDELL. Mr. President, under that ruling of the Chair, I submit an amendment to the original bill.

The PRESIDENT pro tempore. The Senator from Louisiana submits an amendment, which will be stated.

The SECRETARY. It is proposed to amend section 1 of the bill, on page 2, by striking out, in line 19, the words "or between railroads and industrial plants" and to insert in lieu thereof the words "or between railroads known as belt-line railroads and industrial plants."

The PRESIDENT pro tempore. The question is on the adoption of the amendment offered by the Senator from Louisiana.

Mr. RANSDELL. Mr. President, I am not going to insist on the adoption of this amendment, unless the bill is amended in some other particulars. Personally I think it wise that we shall accept the bill as it came to the Senate from the other House; but, if this bill is to be amended, I think the amendment which

I have suggested should be made in order to make plain certain language which is now very ambiguous. That is all I wish to say.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Louisiana.

The amendment was rejected.

The PRESIDENT pro tempore. Are there further amendments to the House bill? [A pause.]

Mr. LA FOLLETTE. Mr. President—

The PRESIDENT pro tempore. The Senator from Wisconsin.

Mr. LA FOLLETTE. I offer the amendment which I send to the Secretary's desk.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Wisconsin will be stated.

The SECRETARY. It is proposed, at the end of line 23, on page 3, after the word "workday," to insert the following:

Provided, That nothing in this act contained shall be held to amend, alter, or repeal an act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereof," approved March 4, 1907: *And provided further*, That nothing in this act contained shall be held to amend, alter, or repeal an act approved May 4, 1916, entitled "An act to amend section 3 of an act entitled 'An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereof.'

Mr. LA FOLLETTE. Mr. President, the first act referred to in the proposed amendment is an act adopted in 1907 limiting the hours of continuous service for men operating trains to 16 hours. The second act referred to is an amendment of that act, simply changing the penalty clause.

My reason for offering the amendment is that by section 3 of the proposed act now pending before the Senate, in line 20, it is proposed that the operatives of railway trains may be required, by arrangement with the roads, to run in addition to eight hours, the number of hours necessary in excess of eight hours to conduct the business according to the views of the railroad.

I greatly fear, Mr. President, that that provision will be construed as amending the act limiting the period of continuous service to 16 hours, and the amendment of that act which refers only to the penalty clause. I think it would be very much against the interests of the public, Mr. President, if it should be held under that provision that between the owners of the railroads and the operatives of trains there could be an arrangement by which the operatives of trains might be continued in service during all the hours necessary in the view of the owners of the road to conduct the business of the road. If that construction should be put upon this law, it would amend and modify and repeal the limitation of 16 hours of continuous service fixed by the act of 1907.

Mr. President, that would be a very serious thing. It would be very detrimental to the public interest. That act was passed in the interest of safety to the traveling public. It provided that men operating trains should not be required to run them for more than 16 continuous hours. If the provisions of section 3 of this act allow, as I construe them to allow, the extension of that time to such length as may be necessary in the view of the railroads and the men for the operation of trains beyond 16 hours, it would then, Mr. President, enable the railroads to require the operatives of trains to run such length of time as to endanger the safety of the traveling public.

No harm can possibly occur from the adoption of this amendment. It only provides that this bill shall not be so construed as to extend the time of continuous service in the operation of trains by arrangement between the operatives and the railroads beyond the limitation fixed in the 16-hour bill and the modification of that bill made by the present Congress.

I sincerely hope, sir, that this amendment may be adopted; and I beg to say to the Senate that no agreement to vote upon this bill at 6 o'clock to-day would ever have been accepted in this body if, as suggested by the Senator from Missouri [Mr. REED], we would not be permitted to offer amendments here to the House bill which might be considered upon their merits.

Mr. President, the Senate is an independent body. It is the one body of Congress in which we can have deliberative action. The only way in which we are deprived of that is by a unanimous-consent agreement. I acceded to that unanimous-consent agreement at 10 or 11 o'clock last night in the belief that any amendment which had merit in it might be considered upon its merit by this body, and that we should not be foreclosed from offering important amendments to this measure by any such condition as that suggested by the Senator from Missouri earlier in our deliberations, after we reached the hour of 4 o'clock, when he said that the House was without a quorum and that we must abdicate our functions as a legislative body and accept the bill as it passed that body. I would never last night

have consented to fixing a time to vote upon this bill, sir, if it had not been my belief that any amendment proposed to this legislation could receive careful and deliberate consideration of this body.

The PRESIDENT pro tempore. The Senator's time has expired.

Mr. LEWIS and Mr. WILLIAMS addressed the Chair.

The PRESIDENT pro tempore. The Senator from Illinois.

Mr. WILLIAMS. Mr. President—

The PRESIDENT pro tempore. The Senator from Illinois has been recognized. Does he yield to the Senator from Mississippi?

Mr. LEWIS. I will say to the Senator from Mississippi that I merely desire to address myself, as a member of the committee, to the observations of the Senator from Wisconsin. Has the Senator from Mississippi some matter of urgency for which he would like me to give way?

Mr. WILLIAMS. No; I merely wanted to dwell upon the same subject; that is all.

Mr. LEWIS. Mr. President, there need be no fear on the part of the able Senator from Wisconsin [Mr. LA FOLLETTE] of such operation of this law as is indicated by his observations. When this measure was before the committee there were a couple of members of the committee who suggested that there might be such likelihood or such thought from some sources; but all finally concurred in the principle of law which we recognized that repeals by implication are never favored by the courts. The courts could not indulge in the assumption that we implied the repeal of the other sections or the other laws upon a different or mere cognate subject matter. There is no affirmative expression in this proposed law repealing any other law. The courts would look to the law for such expression and the absence of it would of itself be instruction that no such repeal was intended.

Again, sir, the subject matter of the 16-hour law relating to continuous service upon the railroads is one thing. The designation in this law of eight hours per day for general service in general matters is another. Therefore, there can not arise the implication feared by the able Senator.

But, sir, if there were any fears to be expressed hereafter by him, or realized when we meet in December, if the able Senator then should feel that it was necessary to add some specific provision which would meet any doubts whatever even in his mind, there would be time enough to do it; since this law we are about to enact is not going into effect until January, 1917. To place the amendment upon the law now, merely on a fear or conjecture, would burden it unnecessarily and, I assure the able Senator, would be without defense or necessity. We respectfully insist it bears no relation whatever to the repeal feared by the Senator from Wisconsin.

Mr. WILLIAMS. Mr. President, I think the object which is borne in view by the Senator from Wisconsin is rather an important one. I think it ought to be accomplished in some way.

This bill provides that the basic day shall be a day of eight hours. It also provides that for overtime the men shall be paid proportionately. Undoubtedly that does leave open the question as to whether or not a man could be worked 16 hours or 18 hours or 20 hours; but the amendment offered by the Senator from Wisconsin, in the form in which he now has it, is entirely wrong. It goes on to say that nothing in this act shall be taken as repealing any part of the act of 1907, or subsequent and supplementary laws.

If that amendment is agreed to it renders the legislation which we are now passing nugatory, because the very nature of the case establishes the fact that we do repeal certain parts of those acts. We repeal that part of the act fixing 16 hours as a basic day and nothing else; and when an amendment is offered saying that nothing in this act "shall be so construed" as to repeal anything in that act that is going too far. The Senator could put in his amendment right after the part of the bill which provides that for overtime that the workmen shall be paid pro rata, something like this, "but that nobody shall be worked over 16 hours," and that would accomplish his purpose; but he has covered too much territory in the amendment as he has written it.

Mr. LA FOLLETTE. Mr. President, I am reluctant to interrupt under the five-minute rule.

The PRESIDENT pro tempore. The Senator is at liberty to interrupt the Senator from Mississippi as much as pleases that Senator.

Mr. WILLIAMS. I yield to the Senator from Wisconsin.

Mr. LA FOLLETTE. The amendment made by this Congress to the 16-hour law was an amendment to the penalty provision. There is nothing in the 16-hour law excepting a limitation on

the hours of labor and the enforcement of that limitation by penalty; but the penalty provision of the act of 1907 was found to be inoperative, and the present Congress cured that by an amendment which related simply to the penalty. I will not take the time of the Senate to state that, but that is all there is of it; and the reference to those two acts relates simply to the 16-hour limitation and the penalty provision attached to it. If that can be saved, we will save the violation of that law.

Mr. WILLIAMS. Mr. President, I am very sorry that I cannot agree with the Senator in his construction of his amendment. This act reads:

And for all necessary time in excess of eight hours such employees shall be paid at a rate not less than the pro rata rate for such standard eight-hour workday.

Now, I see perfectly how under that provision a railroad could work a man 20 hours, paying him only for excess time pro rata; but it seems to me that if the Senator, after the word "workday," should strike out the period and insert a comma, and then add the language, "Provided, however. That no employee engaged in interstate commerce shall be compelled to work," or "shall be called on to work," or "shall be permitted to contract to work over 16 hours," he would then save the point he has in view.

The Senator is right in this—

Mr. LA FOLLETTE. Mr. President—

Mr. WILLIAMS. I have only five minutes.

Mr. LA FOLLETTE. I know, but—

Mr. WILLIAMS. The Senator is right in this—that the present law was passed for the purposes of public safety. It was thought that men who worked over 16 hours were not fully possessed of their faculties, physical or mental, so as to conserve the public safety. I have every sympathy with the object which the Senator has in view; but, as John Allen said when we took over the Philippines, his amendment simply covers too much territory.

Mr. LA FOLLETTE—

The PRESIDENT pro tempore. The Chair will admonish Senators that all amendments not voted on by 6 o'clock will fail for want of time to consider them.

Mr. LA FOLLETTE. Mr. President, I rise to speak on the amendment offered by the Senator from Nebraska [Mr. NORRIS]. Now, in the latitude given in debate here, I just want to reply to this criticism of my amendment, in a few words.

The Senator from Mississippi does not know that the railroads have avoided the operation of the law of 1907.

The PRESIDENT pro tempore. The Chair will say to the Senator from Wisconsin that the amendment offered by the Senator from Nebraska is not technically before the Senate.

Mr. LA FOLLETTE. Well, I am not speaking on it technically. [Laughter.]

The PRESIDENT pro tempore. Then the Senator is not in order. The Senator will be good enough to take his seat. Under the rules, the Chair can not enlarge the unanimous-consent agreement.

Mr. HUGHES. Mr. President, I simply want to call the attention of the Senate to the language of the 16-hour law, which provides—

That it shall be unlawful for any common carrier, its officers or agents, subject to this act to require or permit any employee subject to this act to be or remain on duty for a longer period than 16 consecutive hours.

Mr. LA FOLLETTE. Mr. President, will the Senator yield to me for just a second?

Mr. HUGHES. Certainly.

Mr. LA FOLLETTE. Under that law, the violations by the railroad companies, because of the inadequate penalty, were nearly 500,000 in number in the last year.

Mr. HUGHES. I understand that.

Mr. LA FOLLETTE. The present Congress enacted an amendment which provided that for any violation they should pay a fine of not less than \$100 nor more than \$500. The former law was weak in the respect that it provided no minimum penalty, and many courts assessed the railroads only 1 cent for a violation of the law. The violations under the original act were very numerous, and the violations will continue unless you preserve both of the statutes that you have to-day.

Mr. HUGHES. Mr. President, we have preserved both of the statutes. Of course, we have preserved the 16-hour law. There is nothing in this legislation that proposes its repeal. The penalty clause has been amended, as suggested by the Senator from Wisconsin, and it is in full force and effect. The proposed legislation simply provides that in the event of any employee working more than eight hours he shall be paid as though he had worked a full day and pro rata wages for the time he works over that day.

It seems to me that the Senator from Wisconsin will be only unnecessarily jeopardizing this legislation. I do not know whether he is in favor of it or not; but, if he is, it seems to me he will be only jeopardizing the legislation by insisting on his amendment, and will not be in any way aiding or helping in the enforcement of the 16-hour law.

Mr. BRADY. Mr. President, every Senator in this Chamber knows that the amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE] is fair and equitable and should be adopted. It puts a positive construction upon this bill, and one that there could be no mistake about; and yet it will not be adopted for the reasons I stated in my former remarks.

I pause to say that I had in mind this very subject when I introduced my amendment to strike out section 4. I did not discuss it for the reason that I have always thought that he who laughs last laughs best; and when you come to enforce this law, when you come to put it in operation, I warn you that you will find that you will have some obstacles to overcome that you can not overcome. Under this bill the railroad companies are permitted to work the men 16 hours a day. You are putting a burden upon the employees that they can not, and in my judgment should not and will not, bear. You are enacting this legislation at this time for the purpose of preventing a strike. You are simply breeding a greater strike than you are preventing to-day. I shall vote against this bill because I believe it is a bill passed for political expediency and not for the benefit of the railroads or of the public or of the laboring men of this Nation.

This bill says that the men shall have a standard day's wages based on a day of eight hours, and that they shall be paid pro rata for overtime. If a man works 16 hours under this bill and is receiving 50 cents an hour he earns \$4 for the eight hours and pro rata for overtime, which means that he will receive 50 cents an hour for overtime. Under existing contracts between the railroad companies and employees the men receive time and a half for overtime, and under a 50-cents-an-hour contract the men would receive 75 cents an hour. In other words, under existing contracts the men would receive \$6 for overtime, whereas under this bill they will only receive pro rata for overtime, which would mean \$4 for the eight hours overtime, and the passage of this bill will cause every member of the brotherhood to lose \$2 on every eight hours of overtime they work during the next 10 months after this bill becomes a law. You must remember that the railroads are operated for a profit, and that they have a perfect right under this law to require men to work for at least 16 hours, and, in my judgment, more than 16 hours, but with the adoption of the amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE], which I favor, we can at least limit the time to 16 hours, and we must expect that the railroad companies, as a matter of business, will operate the full number of hours permitted under the law wherever it is convenient to do it in efficient operation, and we should understand and realize that, although we raise the wages of these employees 20 per cent, instead of shortening their hours of labor to an eight-hour day as an average labor day for the train operators for the next 10 months they will be lengthened, and when this occurs the laboring men of this Nation—these very members of the brotherhood that are here to-day—will protest, and they will protest justly, if the hours of labor are unreasonably lengthened on a pro rata basis when they have worked for years to secure time and a half for overtime. They have at this time a legal right to protest and to strike to protect their rights if their demands are not granted, and you are to-day taking this right away from them. As has been said in this Chamber to-day, not only by Members on this side, but by Members on the majority side, everything that has been gained by the laboring men in the last 20 years has been gained by organization and by dealing directly with the companies.

You are taking that right away from them to-day and you are going to compel them to work, where they receive 50 cents an hour, for eight long hours of overtime for the sum of \$4, while they are to-day throwing away their right to receive, not something in the future, but something that they are receiving at this very hour and I do not believe when they understand it they will submit to it, and if they do not submit to it what are you going to do to them? Section 4, the section I moved to strike out and which amendment the majority so jokingly voted down, says "that any person violating any provision of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than \$100 and not more than \$1,000, or imprisoned not to exceed one year, or both." I say to the majority that you are taking away from the laboring men the liberty they have to-day, and you are placing them in a position of involuntary servitude for the next 10 months, and it is impossible for them to have any relief whatever without paying a fine or

going to jail, or both. I am opposed to this bill and shall vote against it, because I believe it is not enacted in good faith, or for the public good. I favor the amendment offered by the Senator from Wisconsin, and I challenge any member of the majority to rise in his seat now and say that amendment is not fair and just, or to say that it should not be adopted by this body. I further challenge any member of the majority to rise in his seat and say that he will vote for this amendment or any other amendment that is offered to this bill, or that he will vote to change the doting of an i or the crossing of a t in this bill. You will not do it, although you know in your hearts that this amendment ought to be adopted. We have been wasting time. You intended to pass this bill in its present form when it came over from the House. We might as well have voted for it yesterday as to-day.

I yield to no man in my desire to further the cause of labor in securing an eight-hour day, but I refuse to be a party to the enactment of a law that pretends to give a certain class of men an eight-hour day but which in reality takes away from them every vested right that they have worked so many years to secure. I want to pass a law that is just as favorable to the stockholders and bondholders of the railroad companies as it is to the laboring men. You have not done justice to the investor in this bill. You have been absolutely unfair to the employees, and the public has not been taken into consideration at all.

Mr. NEWLANDS. Mr. President—

The PRESIDENT pro tempore. If the Senator occupies the floor for five minutes, all these amendments will fail.

Mr. NEWLANDS. I wish to state—

Mr. NORRIS. Will not the Senator let us vote on the pending amendment?

Mr. NEWLANDS. I wish to state that the subject of the effect of this action upon the 16-hour law was considered by the committee and that they were of the opinion that there was nothing whatever in this act to affect that law or the act amendatory of it.

Now, I wish to say another thing. The time for debate is about to close and I have not the opportunity I desired of making the closing remarks. I should like leave, therefore, to insert in the RECORD a statement from myself appearing in an interview in the New York Times regarding the railroad controversy. The interview was had prior to the President's message upon this subject, though it was printed afterwards.

The PRESIDENT pro tempore. Such will be the order unless there is objection.

The matter referred to is as follows:

[From the New York Times, Sunday, Aug. 27, 1916.]

PROBLEM OF THE RAILROADS—CHAIRMAN OF THE SENATE COMMITTEE ON INTERSTATE COMMERCE WARNS AGAINST FEDERAL OWNERSHIP.

"Almost as a matter of instinct I believe in the eight-hour day for railroad employees and all other classes of labor in the United States. I do not believe in Government ownership of the railroads in this country so long as Government regulation is adequate, and it has not yet been proved inadequate. I believe that the attitude of the railway investor is a big factor that we can not ignore. I believe that if it is necessary for the railroads to increase their rates in order to meet the added cost of an eight-hour day they should be allowed to do so. I am not in favor of compulsory arbitration, for that, of course, means, if it means anything, compulsory abiding by the award of the arbitrators which, in turn, means involuntary servitude in the United States."

These isolated sentences were uttered by Senator FRANCIS G. NEWLANDS of Nevada, in the course of an interview at Washington the other day when he was asked why the Newlands Act providing for the settlement of railroad disputes by mediation or arbitration had failed to meet the emergency of the present controversy between the railroad companies and their employees.

They may be taken as the railroad creed of the Senator whose name is associated with the most advanced piece of labor legislation so far enacted by the Federal Government, and who is the ranking man in Congress in transportation matters, because of his chairmanship of the Senate Committee on Interstate Commerce. Another vital article of that creed is the Senator's belief that all railroads should be brought under closer national control and more efficient regulation by national incorporation.

As to the refusal of the railroad employees to arbitrate in 1916 under the terms of the Newlands Act, which they indorsed with so much enthusiasm at the time of its passage in 1913, their refusal being based on their claim that they do not get a square deal. Senator Newlands said that the men were not afraid of partiality on the part of the arbitrators, but of the arbitrators' lack of expert knowledge of the many complicated questions involved.

"The objection of the railroad brotherhoods," he said, "is not so much to the law as to the lack of information at the disposal of the umpires. No matter how just and fair they may be, they are inexpert. They are not clear in their own understanding of the issues and they can not be clear in their decisions. After the award is made it becomes necessary to explain too much, possibly to arbitrate the award itself. This is what the men complain of, and, I think, explains their refusal to arbitrate at the present time."

"They declare, for example, that the granting of their demands would cost the roads only twenty millions more a year for operating. The roads declare that it would cost much more than that. There should be some way of putting such an important point as that before the arbitrators as an undisputed fact to enable them to decide it on its merits, not in the form of two widely divergent guesses about the

same thing. And that is only one of the many things concerning which we need accurate knowledge.

"Another illustration is in the matter of wages now paid throughout the railroad industry. It is asserted that the average pay of the railroad employees who are not organized is only about \$700 a year, while the average pay of the workers who are organized, something less than one-third of the whole, is from \$1,100 to \$1,200 a year. Are we getting to the point where the lower strata of the labor in this industry of transportation should be built up? Are we giving too much consideration to the demands of what we may call the aristocracy of labor and not enough to the unorganized? Nobody knows, but we ought to know. We need the facts to determine these things.

"I recently introduced in the Senate a resolution directing the Interstate Commerce Commission to ascertain as soon as possible the minimum, maximum, and average wages paid, with hours of service, to every class of railroad employee in the United States, to compare them with wages of other industries in which similar skill and risk are involved, to determine the relation of railroad wages to railroad revenues, and to consider whether railroad revenues, based on existing rates, would admit of equally favorable terms to all classes of railroad employees. There was a second section to the resolution declaring it to be the sense of Congress that the railroads and their employees should assist in the gathering of this information, and that meanwhile they should defer their present controversy over hours and wages. I offered this resolution tentatively, at the request of the national chamber of commerce, without going into the merits of it, but I am convinced that some such method of getting all the facts is absolutely essential to the adequate settlement of our railroad labor troubles.

"The resolution was tabled for various reasons. One was that we are having a national campaign. The railroad employees themselves were opposed to it because it would mean delay. I hardly think we can blame them for not wanting delay now that they have got their campaign for eight hours and more pay under way. It requires a tremendous effort to start such a movement as theirs from the beginning, and they object to losing the momentum they have worked up and beginning all over again. A moving body is going to get to its goal much more quickly than one that is halted to get more facts.

"But the eight-hour day, which I believe in instinctively for all labor when it can be brought about in an orderly manner, is not a goal to be driven at to reach in a day regardless of the welfare of the country as a whole. So why not agree upon a modus vivendi until we can get the facts that we need for the fair determination of the real questions?

"Of course the modus vivendi would itself be a matter of arbitration, but the award would be temporary. For example, why not an agreement now on a nine-hour day with time-and-a-quarter pay for overtime, such an agreement to run for one year or two years? In the meantime we would get together the information that any board of arbitration must have to reach an intelligent conclusion.

"If we could find some way to prevent by law radical action in the way of strike or lockout until the Government could ascertain all the facts and instruct public opinion, it would be worth while.

"We not only want to know what the men need, but what the roads are able to pay without impairing their service to the public. As between money that goes to favored stockholders by manipulation and money that is paid to employees in increased wages, I much prefer the latter, but there must be fair dividends. The welfare of the entire country demands that, for the railway investor is one of the chief contributors to that welfare. Without him we can have no further development of the country's chief industry, the industry upon which all our other industries depend. If ability to pay dividends is found to depend on authority to increase rates to meet the increasing cost of labor and supplies and taxes, as it is bound to be, then by all means let the roads increase the rates.

"To decrease dividends to the vanishing point, thereby cutting off all new capital, means Government ownership, and we ought not to approach Government ownership in this country until Government regulation has failed. It is now so far from being a failure that the United States has to-day the best system of railroads in the world, with the best wages for employees and the best service to the public and by far the cheapest service in proportion to its quality.

"I would prefer wage increases and shorter hours and rate increases to pay the bigger bills to Government ownership, but I have no prejudices against such ownership. I realize that the world is drifting toward it. The European countries have it. England is practically running her own roads. But why should we change so long as our roads are better, better for all concerned, under the United States system of regulation than the Government-owned foreign systems are? If this country ever does come to Government ownership we surely do not want to be forced to it by a cataclysm of industrial war. It must come, if at all, through the orderly process of evolution, which means the perfection of regulation first.

"If the Government should take over the roads the interest it would have to pay on the money borrowed for the purpose probably would be less than the dividends now paid to stockholders, but I doubt very much if the service would be as economic and efficient as it is now, and it is difficult to estimate the effect it would have on the country to have more than a million voters added to the pay roll of Government employees.

"To come back to the present, I see no way for the settlement of our labor disputes except by mediation, and if that fails, by arbitration, and we already have sufficient law for that purpose, if it is supplemented by some governmental device for getting the needed facts. I refer, of course, to voluntary arbitration. At the time the present mediation act was under discussion, preliminary to its passage, there was some talk of providing compulsory arbitration. That talk has been revived in the course of the controversy now pending. But the United States ought not to have compulsory arbitration, if it means, in its logical outcome, involuntary servitude. There would be no point in compelling the opponents to arbitrate, whether or no, unless you could compel them later on to abide by the award of the arbitrators and, in the case of the men, make it obligatory for them to remain at work.

"On the other hand, if you admit the principle that they can all give up their jobs at once and combine to prevent others from taking their places, that means that there is always the possibility of paralysis of the entire country. It means the possibility of civil war. A strike of the dimensions of the one now threatened would be civil war. It is idle to ignore the fact that such a strike could not be won without force and that the strikers would use force. And there would be nothing left for the public but to use force, too, in the shape of the military and every other agency at the disposal of the Government to offset violence and keep the roads in operation. It seems barbarous and uncivilized, but civilization has not yet devised any other way.

It will find a way eventually and there is no need for discouragement. Reason and persuasion go much further than they used to in these matters. When we have learned how, they will go all the way in every contingency.

"In the meantime there might be for this country, if it would adopt it, a policy much better than Federal ownership, and that is Federal incorporation of the railroads. Such incorporation would unify and simplify the railroad administration of the country as a whole. It would recognize the evolution of the transportation industry under which the operation and management of almost the entire mileage has come under the control of a very few well-known groups or systems. By such incorporation and control the taxes of railroads could be made fixed and certain. That would also be true of dividends, so that whatever any increase of business would tend mathematically, either to a betterment of the road to an increase in wages, or to a diminution in rates.

"I would require that all railroads engaging in interstate commerce should incorporate under a national law in accordance with certain conditions, not only permitting but favoring the consolidation of railroads. I would provide that the amount of stocks and bonds issued for such a consolidation should be approved by the Interstate Commerce Commission and that they should not exceed the actual value of the roads consolidated, as determined by the commission. I would provide that the commission should approve the amount of bonds and stocks to be issued for the purchase of connecting or intersecting lines, for the betterment of existing roads, and the construction of new ones. I would make a rigid requirement to the effect that these securities should not exceed the value of the property acquired, or the actual cost of the work of construction. This would effectually prevent future overcapitalization.

"The fact is that the railroad, whether in the hands of the Government or a private corporation, is a natural monopoly. The steady trend of consolidation is the outcome of economic forces which can not be controlled or appreciably impeded by legislation. Our present railroad system, even though it is the best in the world, is needlessly complicated and expensive, involving the maintenance of many unnecessary corporations. There should be unity of ownership, recognized by the law, of such railroads as are now linked together in interstate commerce, regardless of State boundaries. As State legislation can not accomplish this, the railroad corporations should be national—the creation of the Government whose jurisdiction is as broad as interstate commerce itself."

The PRESIDENT pro tempore. The question is on the adoption of the amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. LA FOLLETTE. I ask for the yeas and nays on that amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I make the same announcement of my pair and its transfer and vote "nay."

Mr. GALLINGER (when his name was called). Again announcing the transfer of my pair, I vote "nay."

Mr. GRONNA (when his name was called). I have a general pair with the Senator from Maine [Mr. JOHNSON], which I transfer to the junior Senator from Vermont [Mr. PAGE], and will vote. I vote "yea."

Mr. SHAFROTH (when his name was called). I am paired with the junior Senator from Washington [Mr. POINDEXTER]. Not being able to obtain a transfer, I withhold my vote.

Mr. SMITH of Georgia (when his name was called). On account of my pair I can not vote. If at liberty to vote, I would vote "nay."

Mr. STONE (when his name was called). I make the same announcement as on the last roll call.

Mr. UNDERWOOD (when his name was called). I make the same announcement in reference to the transfer of my pair as on the last roll call and vote "nay."

Mr. WADSWORTH (when his name was called). Making the same announcement as before, I vote "yea."

Mr. WALSH (when his name was called). I transfer my pair as announced on the preceding roll call and vote "nay."

Mr. WEEKS (when his name was called). I make the same announcement that I made before and vote "yea."

The roll call was concluded.

Mr. CURTIS. I desire to announce that the Senator from West Virginia [Mr. GOFF] is paired with the Senator from South Carolina [Mr. TILLMAN].

The result was announced—yeas 25, nays 45, as follows:

YEAS—25.			
Brady	Hitchcock	Neilson	Thomas
Clapp	Jones	Norris	Wadsworth
Cummins	Kenyon	Oliver	Warren
Curtis	La Follette	Sherman	Weeks
Dillingham	McCumber	Smith, Mich.	
du Pont	McLean	Smoot	
Gronna	Myers	Sterling	

NAYS—45.

Ashurst	Hardwick	Penrose	Smith, Md.
Bankhead	Hughes	Phean	Smith, S. C.
Beckham	Husting	Pittman	Swanson
Brandegee	Johnson, S. Dak.	Pomerene	Taggart
Bryan	Kern	Rausdell	Thompson
Chamberlain	Lane	Reed	Underwood
Chilton	Lea, Tenn.	Robinson	Vardaman
Clarke, Ark.	Lee, Md.	Saulsbury	Walsh
Colt	Lewis	Sheppard	Williams
Culberson	Martin, Va.	Shields	
Fletcher	Newlands	Simmons	
Gallinger	Overman	Smith, Ariz.	

NOT VOTING—25.

Borah	Harding	O'Gorman	Sutherland
Broussard	Hollis	Owen	Tillman
Catron	James	Page	Townsend
Clark, Wyo.	Johnson, Me.	Poindexter	Works
Fall	Lippitt	Shaftroth	
Goff	Lodge	Smith, Ga.	
Gore	Martine, N. J.	Stone	

So Mr. LA FOLLETTE's amendment was rejected.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Nebraska [Mr. NORRIS].

The amendment was rejected.

The PRESIDENT pro tempore. The hour of 6 o'clock having arrived the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to a third reading, and read the third time.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

Mr. REED and Mr. NEWLANDS called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). Making the same announcement that I did on the former vote, I vote "yea."

Mr. GALLINGER (when his name was called). Making the same transfer of my pair as before, I vote "nay."

Mr. GRONNA (when his name was called). Making the same transfer of my pair that I formerly made, I vote "nay."

Mr. OWEN (when his name was called). In the absence of my pair I withhold my vote. If I were at liberty to vote, I would vote "yea."

Mr. SHAFROTH (when his name was called). I am paired with the junior Senator from Washington [Mr. POINDEXTER]. He is absent and I am unable to transfer, and therefore withhold my vote. If I were permitted to vote, I would vote "yea."

Mr. SMITH of Georgia (when his name was called). In the absence of my pair I withhold my vote. If permitted to vote, I would vote "yea."

Mr. STONE (when his name was called). In the absence of my pair I withhold my vote. If I could vote, I would vote "yea."

Mr. SMITH of Michigan (when Mr. TOWNSEND's name was called). I desire the RECORD to show that my colleague [Mr. TOWNSEND] is absent because of illness in his family.

Mr. UNDERWOOD (when his name was called). Making the same announcement with reference to my pair as on the last roll call, I vote "yea."

Mr. WADSWORTH (when his name was called). Making the same announcement I did before, I vote "nay."

Mr. WALSH (when his name was called). I transfer my pair as announced on the previous roll call and vote "yea."

Mr. WEEKS (when his name was called). I make the same announcement as before, and vote "nay."

The roll call was concluded.

Mr. HUGHES. I desire to announce the necessary absence of the senior Senator from Kentucky [Mr. JAMES] and the senior Senator from New Jersey [Mr. MARTINE] on important business.

Mr. CURTIS. I desire to announce that the Senator from West Virginia [Mr. GOFF] is paired with the Senator from South Carolina [Mr. TILLMAN].

The result was announced—yeas 43, nays 28, as follows:

YEAS—43.

Ashurst	Johnson, S. Dak.	Phelan	Smith, Md.
Bankhead	Kern	Pittman	Smith, S. C.
Beckham	La Follette	Pomerene	Swanson
Bryan	Lane	Ransdell	Taft
Chamberlain	Lea, Tenn.	Reed	Thomas
Chilton	Lee, Md.	Robinson	Thompson
Culberson	Lewis	Saunder	Underwood
Fletcher	Martin, Va.	Shetland	Vardaman
Hitchcock	Myers	Shields	Walsh
Hughes	Newlands	Simmons	Williams
Husting	Overman	Smith, Ariz.	

NAYS—28.

Borah	Curtis	Kenyon	Sherman
Brady	Dillingham	McCumber	Smith, Mich.
Brandegée	du Pont	McLean	Smoot
Clapp	Gallinger	Nelson	Sterling
Clarke, Ark.	Gronna	Norris	Wadsworth
Colt	Hardwick	Oliver	Warren
Cummins	Jones	Penrose	Weeks

NOT VOTING—24.

Broussard	Harding	Martine, N. J.	Smith, Ga.
Catron	Hollis	O'Gorman	
Clark, Wyo.	James	Owen	Sutherland
Fall	Johnson, Me.	Page	Tillman
Goff	Lippitt	Poindexter	Townsend
Gore	Lodge	Shaftroth	Works

So the bill was passed.

Mr. NEWLANDS. I move that the bill (S. 6981) to establish the eight-hour standard workday in interstate transportation, and for other purposes, be indefinitely postponed.

The motion was agreed to.

PRESIDENTIAL NOTIFICATION (S. DOC. NO. 543).

Mr. FLETCHER. I ask unanimous consent to have printed in the RECORD and as a Senate document the address delivered to-day by Senator OLLIE M. JAMES, notifying President Wilson of his nomination for President by the Democratic Party and the reply of the President accepting the nomination.

The PRESIDING OFFICER (Mr. HUGHES in the chair). Is there objection?

Mr. PENROSE. I object.

The PRESIDING OFFICER. The Senator from Pennsylvania objects.

Mr. FLETCHER. I wish to state that the same request was preferred by Mr. MANN in the House regarding the address of Senator HARDING and the reply of Mr. Hughes, and it was granted.

The PRESIDING OFFICER. Does the Senator from Pennsylvania insist on his objection?

Mr. PENROSE. No; I did not understand the request, owing to the confusion in the Chamber.

The PRESIDING OFFICER. Is there objection to the request?

Mr. SMOOT. Just a moment. Do I understand the Senator to say that the address delivered by Senator HARDING and the response by Gov. Hughes at the notification meeting in New York were printed both in the RECORD and as a public document?

Mr. FLETCHER. Precisely; on August 2, page 11992 of the CONGRESSIONAL RECORD, which I have before me. It says:

Mr. MANN. Mr. Speaker, I ask unanimous consent that the speeches which have just been authorized to be inserted in the RECORD, of Senator HARDING and Mr. Hughes, may be also printed as a House document, so that they will be in a more convenient form.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the speeches of Senator HARDING and Mr. Hughes be published as a House document. Is there objection?

There was no objection (H. Doc. No. 1315).

Mr. SMOOT. I am not going to object to this request; but I want to say to the Senator that if that request had not been granted in the House I certainly would have objected to the addresses being printed both in the RECORD and as a public document.

Mr. FLETCHER. I know the Senator's usual objection, and I would not have made the request except for this precedent to do both.

Mr. SMOOT. I would not have consented to have them printed both in the RECORD and as a document.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The matter referred to is as follows:

ADDRESS OF HON. OLLIE M. JAMES.

Mr. President, the Democracy of the Republic assembled in national convention at St. Louis, Mo., June 14, 1916, was genuinely representative of the true spirit of America—its ideals of justice and of patriotism.

These representatives of the purest democracy in the world, after three and a half years of trial of your service to the people of the country, with a Nation to choose from to fill the greatest office in the world, instinctively and enthusiastically turned to you. By this they not only registered their own will and desire, but also the will and wish of the people back home, whose trusted and honored spokesmen they were. With an enthusiasm, unanimity, and earnestness never surpassed in the political life of America, they have summoned you again to lead the hosts of peace, prosperity, and American righteousness.

They do not make this call upon you for the purpose of honoring you, for you have already had bestowed upon you by your countrymen the greatest honor within their gift. They call you for service to America and mankind; a service you have so amply proved to be of the highest type known to just governments among men; a service that has given justice to all men upon free and equal terms; a service that has restored taxation to its historic and constitutional function; a service that has freed trade to individual and honest endeavor; a service that has lifted from the tables and homes of the plain people of America a burden of taxation which they have unjustly borne for more than a half century and placed it upon the wealth and fortunes of the land; a service that has driven monopoly from its rendezvous of taxation; a service that has denied to the trusts of Republican creation a hiding place in our economic life; a service to the toilers of America that lifted them from the despised level of a commodity to the high plane of a human unit in our industrial life; a service that has dig-

nified them—the great army of workers of the field, factory, and mine; a service that opened the courts to all men upon equal terms of justice and constitutional liberty; a service that freed the money of a nation from the control of a "money oligarchy" and lodged it in the hands of the Government; a service that at once destroyed two trusts, a Money Trust and a Panic Trust, where the business can not be oppressed or destroyed by manipulation of the money market, nor legislation controlled, intimidated, or suppressed by the Panic Trust. These two trusts that your service and matchless leadership destroyed live only in memory, as contemporary with the malodorous rule of the boss-ridden and monopoly-controlled stand-pat Republican Party.

It is a service which has prepared the Nation for its defense; a service to fair and equal treatment to all men by destroying a subsidy fed to an American monopoly; a service to the farmers of our country who yearn for a home and fireside to call their own by enacting into law a Federal rural-credits system that makes credit and home building easy to the tillers of the soil; a service that in the stormiest hours of America's life and the bloodiest days of the life of the world, you have kept our people at peace with all the earth; a service that has kept homes happy, family circles unbroken, while the Old World staggers beneath its weight of sorrow, mourning, and death; a service whose victories for the freedom of the seas, the rights of neutral life, the protection of American citizens and American rights stands resplendent in the world's international law and in the earth's diplomacy. This great triumph which you achieved for America and the world gave protection to noncombatants and neutrals that war-mad countries must respect, and this diplomatic achievement will be the guiding, protecting precedent to millions of lives of the innocent and offending long after you are gone. This triumph of yours will not be told in history by a great war debt, a mammoth pension roll, vacant chairs at unhappy firesides, and Decoration Day services to place flowers upon the mounds of those who achieved it, but it will be told in the victory of matchless diplomacy and of irresistible logic, presenting in an unequalled manner the everlasting principle of justice.

Under your unrivaled and fearless leadership you have rescued the little children of America—the future fathers and mothers of our race—from the grinding slavery of the sweatshop and the factory. No dividends or fortunes in the future will bear the stain of their toll and tears; their youthful days will be spent in the fresh air of growing life and in the school-rooms of the land, where they will be properly prepared in strength and mind to become the future citizens of a great, humane, and free Republic.

You behold your country after three and a half years of your administration more prosperous than ever in its history. The earning of the laborers of America exceed by \$3,000,000,000 their earnings under four years of the administration of your predecessor; the savings of the people deposited in the banks of our country amount to \$6,000,000,000 more than was deposited under the four years of the administration of Mr. Taft.

Our exports for the first time in our history lead the world; our farmers are more prosperous than ever; business is free; individual endeavor is no longer denied its reward. The increase in the business of the commercial world is so great that it almost staggers the mind to contemplate it, notwithstanding a world's war has called for legislation to stay the process of the courts in debt collections in all the neutral countries of the world except here, where plenty blesses and prospers our people. Your beloved country marches forward to a prosperity never dreamed of. Your opponents are unwillingly forced to admit this happy condition of our people, which they say is not permanent, but they shall be no more regarded as prophets now than they were when they said it could not come.

Four years ago in accepting the nomination of the Democratic Party for the Presidency you stated that you would seek advice and counsel wherever you could obtain it upon free terms; this you have done. You uncovered and drove a mighty lobby out of the Capitol and invited Americans of all stations to come and counsel with you. The laborer with his grimy hand, the farmer with the tan of the blazing sun upon his face; the railroad men who hold the throttle, swing the lantern, and direct the rolling wheels of commerce; the toiler from the damp and darkness of mine, from the shop, the mill, and the factory; the business men from their offices, the clerk from the counter, the banker, the artisan, the lawyer, and the doctor, have come and found welcome and shared counsel with you. They knew you were free to serve, that you were unbossed, unowned, and unafraid. They knew you only sought the truth, and when you found it you were ready to challenge all of its adversaries to any conflict.

When peace shall spread her white wings over a charred and bloody world, in the quiet of the chamber of the just historian,

when the din and roar of political antagonism shall have ceased, when the prejudice and passion of partisanship shall have died away, when principle shall actuate men and parties rather than appetite, when ambition shall no longer lure men and parties to unjust attack, the historian will accord to you and your administration a foremost place in the Republic's life.

Americans are not ungrateful; the people are not unpatriotic; they recognize the thousands of difficulties that no man could foresee which you have encountered and mastered. Their verdict is already written; it has been agreed upon at the firesides of the land and has been molded in the schoolhouses, the places of worship, and wherever Americans meet to talk over the affairs and good of their country. That verdict leaps forth from almost every American heart in undying gratitude to you for the service you have rendered, for the peace, prosperity, and happiness your leadership has given, and I but voice this day the overwhelming wish of Americans everywhere for your triumphant reelection.

This great convention which nominated you was neither controlled nor intimidated by any un-American or foreign influence. It had the heart beat and spoke the true sentiment of our country.

A committee composed of the permanent chairman of the convention and one delegate from each State and Territory was appointed to inform you of your selection as the nominee of the Democratic Party for President of the United States and to request you to accept it, and the convention did me the honor to make me chairman of this committee charged with such a happy mission.

Therefore, in compliance with the command of that convention, this committee performs that pleasing duty, and, as the appointed agent of that great national Democratic convention, I hand you this formal letter of notification, signed by the members of the committee, accompanied by a copy of the platform adopted by the convention, and upon that platform I have the honor to request your acceptance of the tendered nomination. And, on behalf of the Democrats of the whole Republic, who are proud of your great administration, we pledge you their enthusiastic and united support, and our prayer is that God, who blesses the peacemaker, may guide you to a glorious victory in November.

SPEECH OF ACCEPTANCE, 1916.

Senator JAMES, gentlemen of the notification committee, fellow citizens, I can not accept the leadership and responsibility which the national Democratic convention has again, in such generous fashion, asked me to accept without first expressing my profound gratitude to the party for the trust it reposes in me after four years of fiery trial in the midst of affairs of unprecedented difficulty, and the keen sense of added responsibility with which this honor fills—I had almost said burdens—me as I think of the great issues of national life and policy involved in the present and immediate future conduct of our Government. I shall seek, as I have always sought, to justify the extraordinary confidence thus reposed in me by striving to purge my heart and purpose of every personal and of every misleading party motive and devoting every energy I have to the service of the Nation as a whole, praying that I may continue to have the counsel and support of all forward-looking men at every turn of the difficult business.

For I do not doubt that the people of the United States will wish the Democratic Party to continue in control of the Government. They are not in the habit of rejecting those who have actually served them for those who are making doubtful and conjectural promises of service. Least of all are they likely to substitute those who promised to render them particular services and proved false to that promise for those who have actually rendered those very services.

Boasting is always an empty business, which pleases nobody but the boaster, and I have no disposition to boast of what the Democratic Party has accomplished. It has merely done its duty. It has merely fulfilled its explicit promises. But there can be no violation of good taste in calling attention to the manner in which those promises have been carried out or in advertizing to the interesting fact that many of the things accomplished were what the opposition party had again and again promised to do but had left undone. Indeed that is manifestly part of the business of this year of reckoning and assessment. There is no means of judging the future except by assessing the past. Constructive action must be weighed against destructive comment and reaction. The Democrats either have or have not understood the varied interests of the country. The test is contained in the record.

What is that record? What were the Democrats called into power to do? What things had long waited to be done, and how did the Democrats do them? It is a record of extraordinary

length and variety, rich in elements of many kinds, but consistent in principle throughout and susceptible of brief recital.

The Republican Party was put out of power because of failure, practical failure and moral failure; because it had served special interests and not the country at large; because, under the leadership of its preferred and established guides, of those who still make its choices, it had lost touch with the thoughts and the needs of the Nation and was living in a past age and under a fixed illusion, the illusion of greatness. It had framed tariff laws based upon a fear of foreign trade, a fundamental doubt as to American skill, enterprise, and capacity, and a very tender regard for the profitable privileges of those who had gained control of domestic markets and domestic credits; and yet had enacted antitrust laws which hampered the very things they meant to foster, which were stiff and inelastic, and in part unintelligible. It had permitted the country throughout the long period of its control to stagger from one financial crisis to another under the operation of a national banking law of its own framing which made stringency and panic certain and the control of the larger business operations of the country by the bankers of a few reserve centers inevitable; had made as if it meant to reform the law, but had faint-heartedly failed in the attempt, because it could not bring itself to do the one thing necessary to make the reform genuine and effectual, namely, break up the control of small groups of bankers. It had been oblivious or indifferent to the fact that the farmers, upon whom the country depends for its food and in the last analysis for its prosperity, were without standing in the matter of commercial credit, without the protection of standards in their market transactions, and without systematic knowledge of the markets themselves; that the laborers of the country, the great army of men who man the industries it was professing to father and promote, carried their labor as a mere commodity to market, were subject to restraint by novel and drastic process in the courts, were without assurance of compensation for industrial accidents, without Federal assistance in accommodating labor disputes, and without national aid or advice in finding the places and the industries in which their labor was most needed. The country had no national system of road construction and development. Little intelligent attention was paid to the Army, and not enough to the Navy. The other Republics of America distrusted us, because they found that we thought first of the profits of American investors and only as an afterthought of impartial justice and helpful friendship. Its policy was provincial in all things; its purposes were out of harmony with the temper and purpose of the people and the timely development of the Nation's interests.

So things stood when the Democratic Party came into power. How do they stand now? Alike in the domestic field and in the wide field of the commerce of the world, American business and life and industry have been set free to move as they never moved before.

The tariff has been revised, not on the principle of repelling foreign trade but upon the principle of encouraging it, upon something like a footing of equality with our own in respect of the terms of competition, and a Tariff Board has been created whose function it will be to keep the relations of American with foreign business and industry under constant observation, for the guidance alike of our business men and of our Congress. American energies are now directed toward the markets of the world.

The laws against trusts have been clarified by definition, with a view to making it plain that they were not directed against big business but only against unfair business and the pretense of competition where there was none; and a Trade Commission has been created with powers of guidance and accommodation which have relieved business men of unfounded fears and set them upon the road of hopeful and confident enterprise.

By the Federal reserve act the supply of currency at the disposal of active business has been rendered elastic, taking its volume not from a fixed body of investment securities, but from the liquid assets of daily trade; and these assets are assessed and accepted not by distant groups of bankers in control of unavailable reserves, but by bankers at the many centers of local exchange who are in touch with local conditions everywhere.

Effective measures have been taken for the re-creation of an American merchant marine and the revival of the American carrying trade indispensable to our emancipation from the control which foreigners have so long exercised over the opportunities, the routes, and the methods of our commerce with other countries.

The Interstate Commerce Commission has been reorganized to enable it to perform its great and important functions more promptly and more efficiently. We have created, extended, and improved the service of the parcel post.

So much we have done for business. What other party has understood the task so well or executed it so intelligently and energetically? What other party has attempted it at all? The Republican leaders, apparently, know of no means of assisting business but "protection." How to stimulate it and put it upon a new footing of energy and enterprise they have not suggested.

For the farmers of the country we have virtually created commercial credit, by means of the Federal reserve act and the rural-credits act. They now have the standing of other business men in the money market. We have successfully regulated speculation in "futures" and established standards in the marketing of grains. By an intelligent warehouse act we have assisted to make the standard crops available as never before, both for systematic marketing and as a security for loans from the banks. We have greatly added to the work of neighborhood demonstration on the farm itself of improved methods of cultivation, and, through the intelligent extension of the functions of the Department of Agriculture, have made it possible for the farmer to learn systematically where his best markets are and how to get at them.

The workingmen of America have been given a veritable emancipation by the legal recognition of a man's labor as part of his life, and not a mere marketable commodity; by exempting labor organizations from processes of the courts, which treated their members like fractional parts of mobs and not like accessible and responsible individuals; by releasing our seamen from involuntary servitude; by making adequate provision for compensation for industrial accidents; by providing suitable machinery for mediation and conciliation in industrial disputes; and by putting the Federal Department of Labor at the disposal of the workingman when in search of work.

We have effected the emancipation of the children of the country by releasing them from hurtful labor. We have instituted a system of national aid in the building of highroads such as the country has been feeling after for a century. We have sought to equalize taxation by means of an equitable income tax. We have taken the steps that ought to have been taken at the outset to open up the resources of Alaska. We have provided for national defense upon a scale never before seriously proposed upon the responsibility of an entire political party. We have driven the tariff lobby from cover and obliged it to substitute solid argument for private influence.

This extraordinary recital must sound like a platform, a list of sanguine promises; but it is not. It is a record of promises made four years ago and now actually redeemed in constructive legislation.

These things must profoundly disturb the thoughts and confound the plans of those who have made themselves believe that the Democratic Party neither understood nor was ready to assist the business of the country in the great enterprises which it is its evident and inevitable destiny to undertake and carry through. The breaking up of the lobby must especially disconcert them; for it was through the lobby that they sought and were sure they had found the heart of things. The game of privilege can be played successfully by no other means.

This record must equally astonish those who feared that the Democratic Party had not opened its heart to comprehend the demands of social justice. We have in four years come very near to carrying out the platform of the Progressive Party as well as our own; for we also are progressives.

There is one circumstance connected with this programme which ought to be very plainly stated. It was resisted at every step by the interests which the Republican Party had catered to and fostered at the expense of the country, and these same interests are now earnestly praying for a reaction which will save their privileges—for the restoration of their sworn friends to power before it is too late to recover what they have lost. They fought with particular desperation and infinite resourcefulness the reform of the banking and currency system, knowing that to be the citadel of their control; and most anxiously are they hoping and planning for the amendment of the Federal reserve act by the concentration of control in a single bank which the old familiar group of bankers can keep under their eye and direction. But while the "big men" who used to write the tariffs and command the assistance of the Treasury have been hostile—all but a few with vision—the average business man knows that he has been delivered, and that the fear that was once every day in his heart, that the men who controlled credit and directed enterprise from the committee rooms of Congress would crush him, is there no more, and will not return, unless the party that consulted only the "big men" should return to power—the party of masterly inactivity and cunning resourcefulness in standing pat to resist change.

The Republican Party is just the party that *can not* meet the new conditions of a new age. It does not know the way and

it does not wish new conditions. It tried to break away from the old leaders and could not. They still select its candidates and dictate its policy, still resist change, still hanker after the old conditions, still know no methods of encouraging business but the old methods. When it changes its leaders and its purposes and brings its ideas up to date, it will have the right to ask the American people to give it power again; but not until then. A new age, an age of revolutionary change, needs new purposes and new ideas.

In foreign affairs we have been guided by principles clearly conceived and consistently lived up to. Perhaps they have not been fully comprehended because they have hitherto governed international affairs only in theory, not in practice. They are simple, obvious, easily stated, and fundamental to American ideals.

We have been neutral not only because it was the fixed and traditional policy of the United States to stand aloof from the politics of Europe and because we had had no part either of action or of policy in the influences which brought on the present war, but also because it was manifestly our duty to prevent, if it were possible, the indefinite extension of the fires of hate and desolation kindled by that terrible conflict and seek to serve mankind by reserving our strength and our resources for the anxious and difficult days of restoration and healing which must follow, when peace will have to build its house anew.

The rights of our own citizens of course became involved; that was inevitable. Where they did this was our guiding principle: that property rights can be vindicated by claims for damages when the war is over, and no modern nation can decline to arbitrate such claims; but the fundamental rights of humanity can not be. The loss of life is irreparable. Neither can direct violations of a nation's sovereignty await vindication in suits for damages. The nation that violates these essential rights must expect to be checked and called to account by direct challenge and resistance. It at once makes the quarrel in part our own. These are plain principles, and we have never lost sight of them or departed from them, whatever the stress or the perplexity of circumstance or the provocation to hasty resentment. The record is clear and consistent throughout and stands distinct and definite for anyone to judge who wishes to know the truth about it.

The seas were not broad enough to keep the infection of the conflict out of our own politics. The passions and intrigues of certain active groups and combinations of men amongst us who were born under foreign flags injected the poison of disloyalty into our own most critical affairs, laid violent hands upon many of our industries, and subjected us to the shame of divisions of sentiment and purpose in which America was contumelious and forgotten. It is part of the business of this year of reckoning and settlement to speak plainly and act with unmistakable purpose in rebuke of these things, in order that they may be forever hereafter impossible. I am the candidate of a party, but I am above all things else an American citizen. I neither seek the favor nor fear the displeasure of that small alien element amongst us which puts loyalty to any foreign power before loyalty to the United States.

While Europe was at war our own continent, one of our own neighbors, was shaken by revolution. In that matter, too, principle was plain and it was imperative that we should live up to it if we were to deserve the trust of any real partisan of the right as free men see it. We have professed to believe, and we do believe, that the people of small and weak states have the right to expect to be dealt with exactly as the people of big and powerful states would be. We have acted upon that principle in dealing with the people of Mexico.

Our recent pursuit of bandits into Mexican territory was no violation of that principle. We ventured to enter Mexican territory only because there were no military forces in Mexico that could protect our border from hostile attack and our own people from violence, and we have committed there no single act of hostility or interference even with the sovereign authority of the Republic of Mexico herself. It was a plain case of the violation of our own sovereignty which could not wait to be vindicated by damages and for which there was no other remedy. The authorities of Mexico were powerless to prevent it.

Many serious wrongs against the property, many irreparable wrongs against the persons, of Americans have been committed within the territory of Mexico herself during this confused revolution, wrongs which could not be effectually checked so long as there was no constituted power in Mexico which was in a position to check them. We could not act directly in that matter ourselves without denying Mexicans the right to any revolution at all which disturbed us and making the emancipation of her own people await our own interest and convenience.

For it is their emancipation that they are seeking—blindly, it may be, and as yet ineffectually, but with profound and passionate purpose and within their unquestionable right, apply what true American principle you will—any principle that an American would publicly avow. The people of Mexico have not been suffered to own their own country or direct their own institutions. Outsiders, men out of other nations and with interests too often alien to their own, have dictated what their privileges and opportunities should be and who should control their land, their lives, and their resources—some of them Americans, pressing for things they could never have got in their own country. The Mexican people are entitled to attempt their liberty from such influences; and so long as I have anything to do with the action of our great Government I shall do everything in my power to prevent anyone standing in their way. I know that this is hard for some persons to understand; but it is not hard for the plain people of the United States to understand. It is hard doctrine only for those who wish to get something for themselves out of Mexico. There are men, and noble women, too, not a few, of our own people, thank God! whose fortunes are invested in great properties in Mexico who yet see the case with true vision and assess its issues with true American feeling. The rest can be left for the present out of the reckoning until this enslaved people has had its day of struggle toward the light. I have heard no one who was free from such influences propose interference by the United States with the internal affairs of Mexico. Certainly no friend of the Mexican people has proposed it.

The people of the United States are capable of great sympathies and a noble pity in dealing with problems of this kind. As their spokesman and representative, I have tried to act in the spirit they would wish me to show. The people of Mexico are striving for the rights that are fundamental to life and happiness—15,000,000 oppressed men, overburdened women, and pitiful children in virtual bondage in their own home of fertile lands and inexhaustible treasure! Some of the leaders of the revolution may often have been mistaken and violent and selfish, but the revolution itself was inevitable and is right. The unspeakable Huerta betrayed the very comrades he served, traitorously overthrew the government of which he was a trusted part, impudently spoke for the very forces that had driven his people to the rebellion, with which he had pretended to sympathize. The men who overcame him and drove him out represent at least the fierce passion of reconstruction which lies at the very heart of liberty; and so long as they represent, however imperfectly, such a struggle for deliverance, I am ready to serve their ends when I can. So long as the power of recognition rests with me the Government of the United States will refuse to extend the hand of welcome to anyone who obtains power in a sister republic by treachery and violence. No permanency can be given the affairs of any republic by a title based upon intrigue and assassination. I declared that to be the policy of this administration within three weeks after I assumed the Presidency. I here again vow it. I am more interested in the fortunes of oppressed men and pitiful women and children than in any property rights whatever. Mistakes I have no doubt made in this perplexing business, but not in purpose or object.

More is involved than the immediate destinies of Mexico and the relations of the United States with a distressed and distracted people. All America looks on. Test is now being made of us whether we be sincere lovers of popular liberty or not and are indeed to be trusted to respect national sovereignty among our weaker neighbors. We have undertaken these many years to play big brother to the republics of this hemisphere. This is the day of our test, whether we mean, or have ever meant, to play that part for our own benefit wholly or also for theirs. Upon the outcome of that test—its outcome in their minds, not in ours—depends every relationship of the United States with Latin America, whether in politics or in commerce and enterprise. These are great issues and lie at the heart of the gravest tasks of the future, tasks both economic and political, and very intimately inwrought with many of the most vital of the new issues of the politics of the world. The republics of America have in the last three years been drawing together in a new spirit of accommodation, mutual understanding, and cordial cooperation. Much of the politics of the world in the years to come will depend upon their relationships with one another. It is a barren and provincial statesmanship that loses sight of such things!

The future, the immediate future, will bring us squarely face to face with many great and exacting problems which will search us through and through whether we be able and ready to play the part in the world that we mean to play. It will not bring us into their presence slowly, gently, with ceremonious introduction, but suddenly and at once, the moment the war in

Europe is over. They will be new problems, most of them; many will be old problems in a new setting and with new elements which we have never dealt with or reckoned the force and meaning of before. They will require for their solution new thinking, fresh courage and resourcefulness, and in some matters radical reconsiderations of policy. We must be ready to mobilize our resources alike of brains and of materials.

It is not a future to be afraid of. It is, rather, a future to stimulate and excite us to the display of the best powers that are in us. We may enter it with confidence when we are sure that we understand it—and we have provided ourselves already with the means of understanding it.

Look first at what it will be necessary that the nations of the world should do to make the days to come tolerable and fit to live and work in; and then look at our part in what is to follow and our own duty of preparation. For we must be prepared both in resources and in policy.

There must be a just and settled peace, and we here in America must contribute the full force of our enthusiasm and of our authority as a Nation to the organization of that peace upon world-wide foundations that can not easily be shaken. No nation should be forced to take sides in any quarrel in which its own honor and integrity and the fortunes of its own people are not involved; but no nation can any longer remain neutral as against any willful disturbance of the peace of the world. The effects of war can no longer be confined to the areas of battle. No nation stands wholly apart in interest when the life and interests of all nations are thrown into confusion and peril. If hopeful and generous enterprise is to be renewed, if the healing and helpful arts of life are indeed to be revived when peace comes again, a new atmosphere of justice and friendship must be generated by means the world has never tried before. The nations of the world must unite in joint guarantees that whatever is done to disturb the whole world's life must first be tested in the court of the whole world's opinion before it is attempted.

These are the new foundations the world must build for itself, and we must play our part in the reconstruction, generously and without too much thought of our separate interests. We must make ourselves ready to play it intelligently, vigorously, and well.

One of the contributions we must make to the world's peace is this: We must see to it that the people in our insular possessions are treated in their own lands as we would treat them here, and make the rule of the United States mean the same thing everywhere—the same justice, the same consideration for the essential rights of men.

Besides contributing our ungrudging moral and practical support to the establishment of peace throughout the world, we must actively and intelligently prepare ourselves to do our full service in the trade and industry which are to sustain and develop the life of the nations in the days to come.

We have already been provident in this great matter and supplied ourselves with the instrumentalities of prompt adjustment. We have created, in the Federal Trade Commission, a means of inquiry and of accommodation in the field of commerce which ought both to coordinate the enterprises of our traders and manufacturers and to remove the barriers of misunderstanding and of a too technical interpretation of the law. In the new Tariff Commission we have added another instrumentality of observation and adjustment which promises to be immediately serviceable. The Trade Commission substitutes counsel and accommodation for the harsher processes of legal restraint, and the Tariff Commission ought to substitute facts for prejudices and theories. Our exporters have for some time had the advantage of working in the new light thrown upon foreign markets and opportunities of trade by the intelligent inquiries and activities of the Bureau of Foreign and Domestic Commerce which the Democratic Congress so wisely created in 1912. The Tariff Commission completes the machinery by which we shall be enabled to open up our legislative policy to the facts as they develop.

We can no longer indulge our traditional provincialism. We are to play a leading part in the world drama whether we wish it or not. We shall lend, not borrow; act for ourselves, not imitate or follow; organize and initiate, not peep about merely to see where we may get in.

We have already formulated and agreed upon a policy of law which will explicitly remove the ban now supposed to rest upon cooperation amongst our exporters in seeking and securing their proper place in the markets of the world. The field will be free, the instrumentalities at hand. It will only remain for the masters of enterprise amongst us to act in energetic concert, and for the Government of the United States to insist upon the

maintenance throughout the world of those conditions of fairness and of even-handed justice in the commercial dealings of the nations with one another upon which, after all, in the last analysis, the peace and ordered life of the world must ultimately depend.

At home also we must see to it that the men who plan and develop and direct our business enterprises shall enjoy definite and settled conditions of law, a policy accommodated to the freest progress. We have set the just and necessary limits. We have put all kinds of unfair competition under the ban and penalty of the law. We have barred monopoly. These fatal and ugly things being excluded, we must now quicken action and facilitate enterprise by every just means within our choice. There will be peace in the business world, and, with peace, revived confidence and life.

We ought both to husband and to develop our natural resources, our mines, our forests, our water power. I wish we could have made more progress than we have made in this vital matter; and I call once more, with the deepest earnestness and solicitude, upon the advocates of a careful and provident conservation, on the one hand, and the advocates of a free and inviting field for private capital, on the other, to get together in a spirit of genuine accommodation and agreement and set this great policy forward at once.

We must quicken the spirit and efficiency of labor throughout our whole industrial system by everywhere and in all occupations doing justice to the laborer, not only by paying a living wage but also by making all the conditions that surround labor what they ought to be. And we must do more than justice. We must safeguard life and promote health and safety in every occupation in which they are threatened or imperiled. That is more than justice, and better, because it is humanity and economy.

We must coordinate the railway systems of the country for national use, and must facilitate and promote their development with a view to that coordination and to their better adaptation as a whole to the life and trade and defense of the Nation. The life and industry of the country can be free and unhampered only if these arteries are open, efficient, and complete.

Thus shall we stand ready to meet the future as circumstance and international policy effect their unfolding, whether the changes come slowly or come fast and without preface.

I have not spoken explicitly, gentlemen, of the platform adopted at St. Louis; but it has been implicit in all that I have said. I have sought to interpret its spirit and meaning. The people of the United States do not need to be assured now that that platform is a definite pledge, a practical program. We have proved to them that our promises are made to be kept.

We hold very definite ideals. We believe that the energy and initiative of our people have been too narrowly coaxed and superintended; that they should be set free, as we have set them free, to disperse themselves throughout the Nation; that they should not be concentrated in the hands of a few powerful guides and guardians, as our opponents have again and again, in effect if not in purpose, sought to concentrate them. We believe, moreover—who that looks about him now with comprehending eye can fail to believe—that the day of little Americanism, with its narrow horizons, when methods of “protection” and industrial nursing were the chief study of our provincial statesmen, are past and gone and that a day of enterprise has at last dawned for the United States whose field is the wide world.

We hope to see the stimulus of that new day draw all America, the Republics of both continents, on to a new life and energy and initiative in the great affairs of peace. We are Americans for big America, and rejoice to look forward to the days in which America shall strive to stir the world without irritating it or drawing it on to new antagonisms, when the nations with which we deal shall at last come to see upon what deep foundations of humanity and justice our passion for peace rests, and when all mankind shall look upon our great people with a new sentiment of admiration, friendly rivalry, and real affection, as upon a people who, though keen to succeed, seeks always to be at once generous and just and to whom humanity is dearer than profit or selfish power.

Upon this record and in the faith of this purpose we go to the country.

GENERAL DEFICIENCY APPROPRIATIONS.

Mr. MARTIN of Virginia. I move that the Senate proceed to the consideration of House bill 17645, the deficiency appropriation bill.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 17645) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1916, and prior fiscal years,

and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. MARTIN of Virginia. I ask that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first considered.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, on page 1, after line 8, to insert:

The proper disbursing officer of the Federal Trade Commission is authorized and directed to pay George Rublee, from available appropriations, the compensation authorized to be paid to a commissioner in the Federal Trade Commission for the period covered by his service as such commissioner from the time of his entry on duty on March 16, 1915, to May 15, 1916, the date when his nomination by the President to such position was rejected by the Senate, notwithstanding section 1761 of the Revised Statutes of the United States to the contrary.

Mr. GALLINGER. Mr. President, this is a matter familiar to us all. Mr. Rublee has served under a recess appointment, and he could not receive compensation under the statute. I do not object to this amendment, as I think he ought to be compensated, but I want to suggest that if the attempt is made to keep Mr. Rublee in that office by further recess appointments, there will be more trouble in getting appropriations of this kind in the future than there is to-day.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The Secretary resumed the reading of the bill.

Mr. SMOOT. Mr. President, can we not have order? It is impossible to hear what is going on.

The PRESIDING OFFICER. Senators will please be seated and cease conversation.

The reading of the bill was resumed.

The next amendment was, under the head of "Bureau of Efficiency," on page 3 after line 8, to insert:

Until otherwise provided by law the Bureau of Efficiency shall continue to occupy its present quarters in the Winder Building.

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of the following clause on page 3:

Payment to Republic of Nicaragua: To enable the Secretary of State to pay, for the benefit of the Republic of Nicaragua, in accordance with article 3 of the treaty between the Government of the United States and the Government of Nicaragua, signed August 5, 1914, \$3,000,000.

Mr. BORAH. Mr. President, if I may detain the Senate for just a moment in regard to this matter. I want, first, to ask of the chairman of the committee in charge of the bill a question. I assume by his calling up the bill at this time that he desires to pass it this afternoon.

Mr. MARTIN of Virginia. That is my special wish, in order that we may bring this session to a close as soon as possible.

Mr. BORAH. Mr. President, I certainly do not desire to postpone the program, or rather the adjournment according to the program, as indicated by the Senator from Virginia. There is, however, an item in this bill which has just been read, to wit, \$3,000,000 to meet the obligations arising out of what is known as the Nicaraguan treaty. The treaty has been ratified by this Government, and ordinarily it would seem to be utterly useless and without point to urge an objection against an appropriation to meet the obligations incurred by a treaty.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills:

H. R. 15158. An act to amend the Judicial Code; to fix the time when the annual term of the Supreme Court shall commence; and further to define the jurisdiction of that court; and

H. R. 17700. An act to establish an eight-hour day for employees of carriers engaged in interstate and foreign commerce, and for other purposes.

Mr. PENROSE. Let us have order, Mr. President.

Mr. WADSWORTH. Can we not have order, Mr. President?

Mr. PENROSE. If we can not have order, I intend to raise the question of no quorum and move to adjourn.

Mr. MARTIN of Virginia. I hope the Senator will not do that. We will finish this bill in 20 minutes.

Mr. PENROSE. If the Chair can maintain order, I will not do so.

Mr. MARTIN of Virginia. I am sure order will be restored in a few moments. There is naturally some confusion.

Mr. PENROSE. Although the request has been made order has not been restored, and the worst disorder is around the Chair.

Mr. BORAH. From appearances it is difficult to tell whether this is a caucus in session or whether it is the Senate.

Mr. BRANDEGEE. It is only a conference.

Mr. PENROSE. It seems to be a Democratic conference.

DESIGNATION OF PRESIDING OFFICER.

The PRESIDING OFFICER. The Chair lays before the Senate a communication from the President pro tempore, which will be read.

The Secretary read as follows:

UNITED STATES SENATE
Washington, D. C.

To the Senate:

The Vice President being absent from the Senate, and the undersigned being also necessarily absent therefrom, he, as President pro tempore of the Senate, hereby names the Senator from New Jersey [Mr. HUGHES] to perform the duties of the Chair on the 2d day of September, 1916; this substitution not to extend beyond an adjournment.

JAMES P. CLARKE.

President pro tempore of the Senate.

Mr. BRANDEGEE. Mr. President, I should like to inquire whether the bill we passed a few moments ago has been signed?

The PRESIDING OFFICER. Signed by whom?

Mr. BRANDEGEE. By the Presiding Officer.

The PRESIDING OFFICER. Of this body?

Mr. BRANDEGEE. Yes.

The PRESIDING OFFICER. It has been signed.

Mr. BRANDEGEE. By the present occupant of the chair?

The PRESIDING OFFICER. By the present occupant of the chair.

Mr. BRANDEGEE. Before the communication conferring the authority on the present occupant of the chair was read to the Senate?

The PRESIDING OFFICER. The Chair does not recognize the right of the Senator to cross-examine the occupant of the chair. The Senator will find everything in order.

Mr. PENROSE. The Chair is obligated to announce the signature of bills.

The PRESIDING OFFICER. The Chair announces the signature of the Chair—

Mr. PENROSE. Here is a signature that has evidently been put on the bill before the official appointment of the Presiding Officer was announced to the Senate, in the midst of the greatest confusion that has prevailed at this session in the Chamber, and without any effort to control it.

The PRESIDING OFFICER. The Chair, as acting President of the Senate pro tempore, announces his signature to the enrolled bill (H. R. 17700) to establish an eight-hour day for employees of carriers engaged in interstate and foreign commerce, and for other purposes.

Mr. BRANDEGEE. Mr. President, of course I am not familiar with what has been going on about the Chair. The circle of Senators standing about it has prevented any knowledge permeating to the floor. I should think a grave question was raised as to the validity of the signature of the bill if the authority of the Chair to preside at this time was not announced before the bill was signed.

Mr. STONE. Mr. President, we should like to know over on this side what the Senator is saying.

Mr. NEWLANDS. Mr. President, as I understand, the President pro tempore of the Senate has placed the Senator from New Jersey in the chair and has designated him to discharge his functions, and one of the functions is to sign bills. Pursuant to that direction, which is put upon the record, the Senator from New Jersey, now the Presiding Officer of the Senate, has signed this bill. If there is any objection that can be urged against that now, I should like to hear it.

Mr. MARTIN of Virginia. Mr. President, I should just like to say to the Senate that the act has been performed. The bill has been signed. It is an ended chapter, and I hope the Senate will now let us proceed to consider the measure that is before the Senate. I ask for the regular order.

Mr. BRANDEGEE. I assume that debate on this bill is in order, Mr. President.

The PRESIDING OFFICER. Of course the Senator from Virginia has the floor.

Mr. MARTIN of Virginia. All that I did was to appeal to Senators to maintain order and let the consideration of this bill proceed; that was all.

Mr. BRANDEGEE. Why, Mr. President, I want to maintain order, and I was under the impression that the Senator from Idaho had the floor and was debating the amendment that had been read.

Mr. MARTIN of Virginia. That is all; and I am simply asking that he be allowed to proceed.

Mr. BRANDEGEE. Pending that, the Chair had read to the Senate a document purporting to give authority to him to preside over the Senate, and I took the liberty of asking the question whether he had signed the eight-hour railroad labor bill

before he had exhibited his credentials to preside over the Senate. But whether or not it is legal is not for me to say. I know nothing about it. It will be a matter for the courts to determine, I assume.

Mr. LANE. Mr. President, the temporary President of the Senate signed it after he read that.

Mr. PENROSE. He has said he signed it before.

Mr. LANE. Well, he made certain of it by signing it afterward also.

The PRESIDING OFFICER. The Senator from Pennsylvania is mistaken. The Chair did not state that he signed it before. The Chair will state now that he signed it afterward.

Mr. PENROSE. Since the Senator from Oregon says the Chair signed it twice, I may be mistaken, on account of the disorder. Of course, if he has signed it twice, it is doubly secure.

Mr. LANE. And the temporary President has a right to sign it twice.

Mr. PENROSE. I have no doubt the Presiding Officer can keep on signing it all the evening. [Laughter.]

Mr. KERN. I ask unanimous consent that the order heretofore made fixing 6:30 o'clock as the hour for adjournment be suspended for the day.

Mr. PENROSE. I must object to that, Mr. President. We have had a long day. I do not want to delay the public business, of course.

Mr. MARTIN of Virginia. I want to appeal to the Senator from Pennsylvania to withdraw his objection. I am sure we can finish the general deficiency bill in 20 or 30 minutes, and I hope he will let us go on and complete it.

Mr. PENROSE. Very well; I will withdraw the objection.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Indiana? The Chair hears none.

Mr. BORAH. Mr. President—

Mr. PENROSE. Now, Mr. President, I hope we can have order around the Chair and less conversation. I suggest that the Sergeant at Arms enforce order in the neighborhood of the Chair.

GENERAL DEFICIENCY APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 17645) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1916, and prior fiscal years, and for other purposes.

Mr. BORAH. This mental relaxation after the day's strain is very agreeable.

Mr. GALLINGER. I ask for order. The Senator from Idaho is addressing the Senate, or wants to address the Senate.

The PRESIDING OFFICER. The Senate will be in order. The Senator from Idaho is recognized.

Mr. BORAH. Mr. President, I was referring to the item in the bill of \$3,000,000 for the purpose of meeting an obligation created on the part of the Government by reason of what is known as the Nicaraguan treaty.

As is known to the Senate, that treaty has been ratified by this Government. It has, in form, been ratified by the Nicaraguan Government. I opposed the ratification of the treaty by this Government, and it had been my purpose to speak at length with reference to this appropriation. I am aware, of course, that if there is a treaty to which we ought to give our faith and observance we ought to make the appropriation, and ordinarily I would not think of taking up the time of the Senate to discuss an appropriation under a treaty.

I feel absolutely certain in my own mind, first, that the treaty has never been ratified by a Nicaraguan Government; secondly, that when a Nicaraguan government comes into existence it will repudiate the treaty which has been made ostensibly or apparently with this Government. I believe, in the first place, as I said, that there has been no action upon the part of any Government which can be really called a government upon the part of Nicaragua. Whatever government there was there in form was one maintained by our military forces, and the treaty was ratified under the direction and control of those military forces. We made a treaty with ourselves.

It seems to me, therefore, that I am acting within reason and proper principles when I oppose this appropriation; but here is the situation: The Senator from Virginia [Mr. MARTIN] desires to proceed with this measure this afternoon. It is utterly impossible for me to present the matter this afternoon. It is now 6 o'clock, and but few Senators present.

I do not myself desire, I will say, to prolong this session if it is within the purview of those in charge of the situation to end the session; but I do want to give notice that at the first opportunity I shall present this matter as I understand it to be in its entirety. It will perhaps have just as much effect in the long run as if I should present it now, because I have no idea that

my presentation would prevent the making of the appropriation. But this matter is now in litigation in Central America. The Government of Costa Rica, and others interested, have brought the matter into what is known as the supreme court of Central America and are there litigating it. As I understand, the Nicaraguan Government has been restrained, or its officers have been restrained, from proceeding in any way to receive the money. Before that matter shall have been determined this money certainly will not be paid over to the Nicaraguan Government by our Government; and I am, therefore, about to say that I will not detain the Senate in what would be a wholly incomplete presentation of it this evening. If the bill goes over so that I will have an opportunity to present the matter at a later day, I will do so; but I will not ask for myself that the bill be postponed.

I think, however, this is a much more serious matter than the Senate has contemplated it to be. There is not a Central American country whose press has not condemned and denounced this transaction. I have a very complete press report in regard to it from the Central American countries, and it has been almost universally, if not universally, condemned by the press of Central America. It is looked upon in Central America as a military encroachment upon a small, unimportant government and taking advantage of a situation to close a contract of tremendous import and benefit to this Government.

Mr. CLAPP. If the Senator will pardon an interruption, it would be far from my purpose to delay the session of Congress or to ask a question that would seem to be a criticism of the Senator from Idaho. I assume that he is in possession of facts not generally known, at least not known to myself. Here is a proposition to vote away \$3,000,000, and the Senator feels that it is not right to let this matter go unchallenged. If he is in the possession of facts which he feels should ultimately be made in the form of an argument to the Senate, I would not say that I would feel differently about it from what the Senator does.

Mr. BORAH. I recognize the implied criticism of the Senator, and I think it is well founded in a sense. I realized when making my statement that I am putting myself in a position for that criticism. But I want to say in response to the Senator that these matters were pretty well presented to the Senate in executive session. We went over the matter pretty thoroughly. The Senator from Arkansas [Mr. CLARKE] presented it in a very thorough way, and I expressed some views of my own, but the treaty, notwithstanding the presentation of those facts, was ratified.

Mr. CLAPP. Was it a fact that this Government had been enjoined in any court of Central America at that time?

Mr. BORAH. That is a fact which has arisen since the treaty was ratified with this Government, but that is rather to the advantage of my proposition, because I have no idea there will be anything like a close of the transaction under those circumstances for some time to come.

Mr. CLAPP. As the case stands the money will have to be voted.

Mr. BORAH. I am not authorized to state this, but I have reason to believe that our Government is not going to let loose of this money, although appropriated under the treaty, until that litigation is settled.

Mr. BRANDEE. If that is true, what is the use of appropriating it in this bill? Why would not December be plenty of time?

Mr. BORAH. I suggested that proposition to the other side of the Chamber and also to the chairman of the Committee on Foreign Relations, but there seems to be good reason for them to go ahead with the bill. I am not going to ask for a delay of the bill, in view of the two-thirds vote which was had on the ratification of the treaty; but I do feel profoundly that we are doing wrong or I would not have fought this through two administrations. This treaty, and what I may call the infamy of it, began under the former administration. This administration took it up and has followed out the program which was initiated in force and fraud and in the killing of a great many citizens of Nicaragua. Therefore it is in no sense, and could not possibly be, a partisan matter. But the Senate knows almost as much about it as I do, and with this statement I shall reserve my discussion of it until some other time.

Mr. MARTIN of Virginia. Mr. President, I will not occupy the time of the Senate for more than three minutes. The plain statement of the case is that the treaty has been ratified and that it created an international obligation on this Government to pay to Nicaragua \$3,000,000. Since that has been done, some legal proceedings have been commenced, which are having the careful scrutiny of the State Department, and they will not pay this money until there is a fixed and final obligation to do it. Indeed there seems to be a fixed obligation

now, but the legal proceedings attending the case are having the careful consideration of the State Department.

The Secretary of State said he is exceedingly anxious to have the money appropriated now, though he will not pay it out until it can properly and safely be paid; but he contemplated that that hour will arrive very soon, and asked Congress to put this money at his disposal so that he may meet the obligation.

I am sure that no harm will be done; that no risk will be taken; that every right and every interest of the United States will be carefully protected. I feel and the committee felt that it was incumbent upon us, and I think it is incumbent upon Congress, to put the money at his disposal, to be paid out as he thinks it ought to be paid. I hope the Senate will take that course.

The reading of the bill was continued.

The next amendment was, under the head of "Treasury Department," on page 5, after line 19, to insert:

The Secretary of the Treasury is authorized and directed to refund to the J. L. da Roza Estate (Inc.), of Elk Grove, Cal., the sum of \$1,158, which is hereby appropriated in accordance with private act No. 83, approved August 7, 1916, being the internal-revenue taxes paid on 20 barrels of grape brandy destroyed by fire on the evening of November 18, 1911, and while stored in the designated place of deposit on the distillery premises in the custody of an officer of internal revenue and before being stamped with special bonded warehouse stamps permitting removal to bonded warehouse.

The amendment was agreed to.

The reading of the bill was continued to line 3, page 7.

Mr. PENROSE. Mr. President, I simply want to call the attention of the Senate to this appropriation of an additional \$100,000 for the Federal Farm Loan Board. When the Senate passed the original bill as I understood it it was distinctly understood that the appropriations contained therein would be sufficient. Here now within a few weeks we have another \$100,000 coming out of the Public Treasury for the Farm Loan Board.

Mr. MARTIN of Virginia. The estimate was for \$300,000. We gave one-third. That was for the purpose of organizing the service. It was the least possible sum they could proceed with in the beginning. We gave just one-third of the amount estimated for.

Mr. PENROSE. I do not criticize so much the amount, as to which I am not advised, but I should like to have the attention of the chairman of the committee if I can with the disorder prevailing. What I do criticize is this slipshod way of doing business. Why was not the whole amount of the appropriation made when the original farm-loan bill was passed?

Mr. MARTIN of Virginia. Because it would not have been proper to make an appropriation for a service that had not been created. We simply made an appropriation to organize the commission created by the bill. The commission was appointed. I do not think it would have been any kind of a business procedure to have made an appropriation of a larger amount until after the commission was organized and ready for business. We simply give them \$200,000 altogether where they asked for \$300,000.

Mr. PENROSE. The point I make is this: How can we justify the appropriation of \$100,000 originally? Why did we not disclose the full program to the American people and appropriate the \$200,000 that was thought to be necessary? Why this surreptitious method of legislation, passing a bill and giving out the idea that the Farm Loan Board was only to cost \$100,000, and then bring in another \$100,000 in this deficiency bill? Why was not the appropriation made in the original bill? Why was it left to a subsequent date? But that is neither here nor there. I simply want to call attention to the methods that have been adopted for the last three years in what, in my opinion, is a wasteful expenditure, not properly estimated and not contemplated when the original program was inaugurated.

The next amendment was, under the subhead "Public buildings," on page 7, after line 4, to insert:

Chicago (Ill.) post office, courthouse, etc.: For the removal of the present roof covering of the dome and the substitution therefor of a new copper-covered roof, \$20,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 7, after line 18, to insert:

Bureau of Engraving and Printing: For miscellaneous repairs to laundry, new roof, etc., damaged by fire, for the fiscal year 1917, \$20,000.

The amendment was agreed to.

The next amendment was, on page 7, after line 21, to insert:

For repairs to laundry machinery damaged by fire, fiscal year 1917, \$5,000.

The amendment was agreed to.

The next amendment was, under the subhead "Internal revenue," on page 8, after line 14, to insert:

Salaries and expenses of collectors of internal revenue: For salaries and expenses of collectors of internal revenue, deputy collectors, sur-

veyors, clerks, messengers, and janitor in internal-revenue offices, \$200,000, being additional to the amount of \$2,465,000 provided by the act approved May 10, 1916, making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes, \$200,000.

Mr. PENROSE. Mr. President, I should like to ask the chairman of the committee why this appropriation is necessary?

Mr. MARTIN of Virginia. It is intended to meet the new expenses created by the pending revenue bill.

Mr. PENROSE. Mr. President, that justifies further criticism as to the complicated method of making these appropriations. Only a few days ago on the revenue bill section 47 was adopted, reading as follows:

SEC. 47. For the expense connected with the assessment and collection of the taxes provided by this act there is hereby appropriated \$100,000, or so much thereof as may be required, out of any money in the Treasury not otherwise appropriated, and the Commissioner of Internal Revenue is authorized to appoint and fix the compensation of such officers, clerks, messengers, janitors, and other necessary employees in the enforcement of the provisions of this act for duty in the District of Columbia, or in any collection district of the United States, or any of the Territories thereof.

When I called attention to this paragraph a day or so ago it was expressly stated by the Senator having the bill in charge that that was the total amount required to carry into effect the provisions of the revenue bill now pending; and here we have smuggled into the deficiency bill an additional large appropriation of \$200,000.

Mr. MARTIN of Virginia. This item was regularly estimated for by the officers of the Revenue Department, who appeared before the committee and satisfied us that it was absolutely necessary to have this amount of money to carry on the business of that department.

Mr. PENROSE. Then I desire to ask the Senator why \$100,000 is tucked away in the revenue bill and \$200,000 hid away in this bill, both of them having the same end in view? The Senator having charge of the revenue bill a few days ago declared on the floor of the Senate that my contention that a hundred places were going to be created in one internal-revenue district in California was an unjustifiable contention, because \$100,000 was all the money that was needed. It now appears that \$300,000 are needed. Let the country know that fact. Do not let them be deceived by having a statement made in connection with the revenue bill that the amount required to carry out that provision was only \$100,000, and then have hidden away in this intricate and complicated bill upward of \$200,000, absolutely contradicting and rendering absurd the statements made here several days ago in connection with the revenue bill.

Then, Mr. President, on page 10, I find an appropriation of \$340,000 provided for in the House text, for additional expenses for collecting taxes, for "collecting the tax on legacies, munitions, copper, and so forth." Therefore we have \$640,000 as the amount necessary to collect these new taxes; and the junior Senator from California deliberately stated to this body in response to certain objections of mine, that only \$100,000 was to be applied to the collection of these new taxes under the new revenue law. Let the American people know that in the revenue bill there is \$100,000, in the House text of this bill a provision for \$340,000 additional, and an amendment reported by the Senate committee proposing to appropriate another \$200,000 for the purpose of collecting the new taxes.

Mr. PHELAN. The Senator is not quite fair. I made no such statement. I think the statement was made by another Senator.

Mr. PENROSE. Well, probably it was made by some other Senator. I thought the Senator from California had called attention to the fact that it would be impossible to create all these additional places for "deserving Democrats," because the appropriation was limited to \$100,000.

Mr. PHELAN. I heard that statement made, but I did not make it.

Mr. PENROSE. Very well. So we have a sum approximating \$1,000,000, or crawling up toward that figure, instead of the humble \$100,000 in the revenue bill. I maintain that that is not a straightforward, candid method of legislation in connection with that subject.

I will ask the Senator from Virginia, Mr. President, whether the word "copper," at the top of page 10, ought not to be stricken out? I do not understand that any tax is to be placed on copper under the revenue bill.

Mr. MARTIN of Virginia. This is the way the estimate came; and I see no need of striking it out.

Mr. PENROSE. Does the Senator understand that there is any tax left in the revenue bill on copper?

Mr. MARTIN of Virginia. I do not know whether there will be or not.

THE PRESIDING OFFICER. The Chair will suggest that the bill has to go to conference in any event.

Mr. PENROSE. Yes; but that provision will not be in conference unless it is amended.

Mr. MARTIN of Virginia. If no tax on copper is provided in the revenue bill, the provision will amount to nothing. The item as it appears in the bill is the way the estimate was made and sent here.

Mr. PENROSE. It is ridiculous, Mr. President, to appropriate \$340,000 to collect a tax upon a commodity on which no tax is imposed. It seems to make this whole transaction ridiculous. I move to amend, at the top of page 10, in line 3, by striking out the word "copper," so that the matter may go to conference.

Mr. MARTIN of Virginia. It will not have the slightest particle of effect. So I am perfectly willing that the word "copper" shall be stricken out. The provision will be quite as effective. "Copper" is mentioned along with other commodities, ending with the words "and so forth." So I am perfectly willing that the amendment of the Senator from Pennsylvania shall be adopted striking out the word "copper," if that will be any satisfaction to him.

THE PRESIDING OFFICER. The amendment will be stated.

THE SECRETARY. On page 10, line 3, it is proposed to strike out the word "copper" and the comma following it.

THE PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. GALLINGER. Mr. President, when the amendment now under consideration was before the committee, I reserved the right to offer an amendment to it, which I will now submit; and I trust the chairman will not object to it, but will let it go to conference.

THE PRESIDING OFFICER. The amendment will be stated.

THE SECRETARY. In the committee amendment on page 8, line 24, it is proposed to amend by adding the following:

Provided, That all clerks, messengers, and janitors to be appointed under this provision shall be selected—

Mr. MARTIN of Virginia. Mr. President, I hope the Senator will hold his amendment until the unanimous-consent order is accomplished, that committee amendments shall be first disposed of.

Mr. GALLINGER. This is a committee amendment we are considering.

Mr. MARTIN of Virginia. It does not make any difference as to that. When we get through with the committee amendments it will be in order for the Senator to offer his amendment.

Mr. GALLINGER. Under the rules of the Senate it would not be in order until the bill reached the Senate.

Mr. MARTIN of Virginia. Very well. To save time, let the amendment be offered now, although it is absolutely out of order. I am sorry that any member of the committee should want to embarrass us in this way. However, let us proceed.

Mr. GALLINGER. I do not concede that it is out of order at all. It is an amendment to a committee amendment.

Mr. MARTIN of Virginia. Well, let it proceed. I am perfectly willing, in order to save time, that the amendment shall be presented and acted upon by the Senate.

THE PRESIDING OFFICER. The Secretary will state the amendment.

THE SECRETARY. On page 8, line 24, at the end of the committee amendment, it is proposed to add:

Provided, That all clerks, messengers, and janitors to be appointed under this provision shall be selected from the eligible lists of the Civil Service Commission and in accordance with the provisions of the civil service law.

THE PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. MARTIN of Virginia. I have no objection to the amendment going in the bill.

THE PRESIDING OFFICER. The question now is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 11, line 2, after the words "District of Columbia," to strike out:

Provided further, That this sum shall not be available until the Bureau of Efficiency shall have investigated the methods of transacting the public business in the Bureau of Internal Revenue and made recommendations for the improvement thereof and submitted the same to the Secretary of the Treasury for his approval, and the work of the Bureau of Efficiency hereunder shall be performed within 60 days after the approval of this act.

The amendment was agreed to.

The next amendment was, under the subhead "Coast Guard," on page 11, after line 11, to insert:

For all purposes of the appropriation mentioned under the following headings in the act of July 1, 1916, making appropriation for the authorized work of the Coast Guard for the fiscal year 1917, namely:

For pay and allowances prescribed by law for commissioned officers, warrant officers, petty officers, and other enlisted men, etc., \$43,181;

For rations or commutation thereof for warrant officers, petty officers, and other enlisted men, \$3,240;

For outfit, ship chandlery, and engineers' stores for the same, \$70,000;

For actual traveling expenses or mileage, in the discretion of the Secretary of the Treasury, for officers, and actual traveling expenses for other persons traveling on duty under orders from the Treasury Department, \$5,000.

For establishing Coast Guard stations authorized by law for the fiscal year 1917, \$85,000.

The amendment was agreed to.

The next amendment was, on page 12, after line 14, to insert:

MISCELLANEOUS.

Credit in the accounts of Robert T. Crane: The accounting officers of the Treasury are authorized and directed to credit the accounts of Robert T. Crane, late United States consul at Rosario, Argentina, with the sum of \$463.73, charged to him under the appropriation "Relief and protection of American seamen, 1912," on a forged consular draft paid by the Treasury Department upon presentation by the Bank of New York, National Banking Association, a suit against said bank as the last endorser of the draft to recover the amount so paid having been decided against the Government, as reported in volume 219 of the Federal Reporter, pages 648 to 654.

The amendment was agreed to.

The next amendment was, under the head of "District of Columbia," at the top of page 22, to insert:

Policemen and firemen's relief fund, District of Columbia: There is hereby appropriated for the fiscal year ending June 30, 1917, from the policemen and firemen's relief fund, created by the District of Columbia appropriation act for the fiscal year 1917, so much as may be necessary to pay the relief and other allowances authorized by the provisions of said act, not to exceed the sum of \$180,000.

Mr. MARTIN of Virginia. Mr. President, I want those paragraphs transposed, the matter in that amendment to follow line 9, on page 23. I will send an amendment to the desk to that effect. It is merely a transposition in order to make greater clearness in the bill.

THE SECRETARY. It is proposed to transpose the paragraph just read to follow line 9 on page 23.

THE PRESIDING OFFICER. Without objection, the amendment is agreed to, and the transposition will be made.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 23, line 5, after the word "appropriated," to strike out "except the amounts of the judgments and costs aggregating \$34,637.36 in favor of the Georgetown Gas Light Co. and the Washington Gas Light Co., which judgment and costs and interest thereon shall be paid wholly out of the revenues of the District of Columbia," so as to make the clause read:

One-half of the foregoing amounts to meet deficiencies in the appropriations on account of the District of Columbia shall be paid from the revenues of the District of Columbia and one-half from any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The next amendment, under the head of "War Department," subhead "Contingent expenses," on page 25, line 12, after the words "additional quarters," to insert "in the District of Columbia," so as to make the clause read:

Rent of buildings: For rental of additional quarters in the District of Columbia for the fiscal year 1917, \$15,000.

The amendment was agreed to.

The next amendment was, on page 25, after line 14, to insert:

BUILDINGS AND GROUNDS IN AND AROUND WASHINGTON.

For operation, care, repair, and maintenance of the pumps which operate the three fountains in the Union Station Plaza, fiscal year 1917, \$4,000.

For lighting the public grounds, watchmen's lodges, offices, and greenhouses at the propagating gardens, including all necessary expenses of installation, maintenance, and repair, fiscal year 1917, \$1,300.

For expenses made necessary by the act approved May 17, 1910, entitled "An act establishing a Commission of Fine Arts," to be disbursed, on vouchers approved by the commission, by the officer in charge of public buildings and grounds, who shall be the secretary and shall act as the executive officer of said commission, \$200.

The amendment was agreed to.

The next amendment was, under the subhead "Armories and arsenals," on page 26, line 17, after the date "1917," to strike out "\$225,000" and insert "\$240,000," so as to make the clause read:

Sodium nitrate storage: For providing facilities for reserve supply of sodium nitrate, fiscal year 1917, \$240,000.

The amendment was agreed to.

The next amendment was, under the head of "Military Establishment," subhead "Quartermaster Corps," on page 28, line 7, after the word "office," to insert "in the District of Columbia," so as to make the clause read:

Rent of buildings: For rental of an office in the District of Columbia for the use of the Aviation Section of the Signal Corps, fiscal year 1917, \$5,000.

The amendment was agreed to.

The next amendment was, under the subhead "Ordnance Department," on page 29, after line 10, to insert:

Board to Investigate Government Manufacture of Arms, etc.: For carrying out the provisions of section 121 of the act approved June 3, 1916 (Public, No. 85), including salary of \$500 per month for five months for each of two civilian members of the board therein authorized; rent of offices in the District of Columbia for a period not to exceed five months, and an allowance of not to exceed \$4 per day, in lieu of subsistence, to employees of the board when traveling on official business outside the District of Columbia, for the fiscal year 1917, \$12,000.

The amendment was agreed to.

The next amendment was, under the head of "Panama Canal," on page 30, line 14, before the word "each," to strike out "\$1,500,000" and insert "not to exceed \$1,975,000," so as to make the clause read:

The authorized cost of construction, by contract or in navy yards, complete in every detail, including self-discharging equipment and all other necessary apparatus, of two collars for the Panama Canal provided for in the sundry civil appropriation act for the fiscal year 1917, is increased from \$1,300,000 each to not to exceed \$1,975,000 each.

The amendment was agreed to.

The next amendment was, under the head of "Navy Department," subhead "Clerical services," on page 33, line 7, after the words "one of class," to strike out "two" and insert "three," so as to make the clause read:

Office of Chief of Naval Operations: Clerks—1 of class 3, 1 \$1,000; 2 draftsmen, at \$1,200 each.

The amendment was agreed to.

The next amendment was, on page 34, line 24, after the words "in all," to strike out "\$64,466.66" and insert "\$64,633.33," so as to make the clause read:

In all, \$64,633.33, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, under the subhead "Contingent expenses," on page 36, line 7, after the word "quarters," to insert "in the District of Columbia," so as to make the clause read:

For rental of additional quarters in the District of Columbia for the Bureau of Yards and Docks, fiscal year 1917, \$2,860.

The amendment was agreed to.

The next amendment was, under the head of "Department of the Interior," subhead "Public buildings," on page 41, after line 21, to insert:

Courthouse, Washington, D. C.: For an additional amount for the restoration and reconstruction of the exterior and interior of the courthouse, Washington, D. C., including all material, personal and other services, and for each and every purpose in connection therewith, to be expended under the direction of the Superintendent of the Capitol Building and Grounds, \$150,000, to be available for the fiscal years 1917 and 1918, one-half to be paid out of the Treasury of the United States and one-half out of the revenues of the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 42, after line 6, to insert:

To provide temporary quarters by rental or otherwise for the courts, judges, and officials connected therewith, and for other offices, officials, and employees of the courthouse, Washington, D. C., pending the reconstruction of the said courthouse, \$8,000, to be available for the fiscal years 1917 and 1918, and to provide for the removal and readjustment of all office furniture and fittings in connection with said temporary occupancy, including personal and other services, and for every item connected therewith, \$7,500, or so much thereof as may be necessary, to be available for the fiscal years 1917 and 1918. The two foregoing appropriations to be expended under the direction of the Superintendent of the Capitol Building and Grounds, one-half to be paid out of the Treasury of the United States and one-half out of the revenues of the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 42, after line 23, to insert:

Capitol Building: For payment to Prof. Charles E. Munroe for expert services rendered in the investigation of the explosion which occurred in the reception room of the Senate wing on July 2, 1915, \$500, said sum to be payment in full satisfaction of all claims for said services.

The amendment was agreed to.

The next amendment was, on page 43, after line 3, to insert:

For overhauling the elevator machinery in the Senate wing of the Capitol and installation of new control boards, \$3,000.

The amendment was agreed to.

The next amendment was, under the subhead "Surveying the public lands," on page 43, after line 20, to insert:

The appropriation for surveys and resurveys of public lands for the fiscal year ending June 30, 1917, provided for by the sundry civil appropriation act (Public, No. 132, 64th Cong., p. 42) is hereby made available for the services in the General Land Office of a sufficient number of competent surveyors detailed from the field during the winter season for the purpose of bringing up the arrears of office work in said office on surveying returns, not to exceed \$6,500 to be so used.

The amendment was agreed to.

The next amendment was, on page 44, after line 16, to insert:

NATIONAL PARKS.

National Park Service: Director of National Park Service, \$4,500 per annum; assistant director, \$2,500 per annum; chief clerk, \$2,000 per annum; one draftsman, \$1,800 per annum; one messenger, \$600 per

annum; and in addition thereto such experts, assistants, and other employees within the District of Columbia as the Secretary of the Interior may deem necessary, \$6,750; in all, for park service in the District of Columbia for the fiscal year 1917, \$16,250. So much of the sundry civil act of July 1, 1916, as authorizes the Secretary of the Interior to employ in the District of Columbia during the fiscal year 1917 a superintendent of national parks and to assist him such clerical or other services not exceeding four persons, and make payment for such services from the several appropriations for protection, improvement, and management of the various national parks, including Hot Springs Reservation, and out of the revenues from rentals and privileges derived therefrom, is hereby repealed.

The amendment was agreed to.

The next amendment was, on page 45, after line 9, to insert:

Lassen Volcanic National Park, Cal.: For protection and improvement, for the fiscal year 1917, \$5,000.

The amendment was agreed to.

The next amendment was, on page 45, after line 22, to insert:

IMPROVEMENT OF MUKUNTUWEAP NATIONAL MONUMENT, UTAH.

For a proportionate share of the amount required to construct an interstate wagon road or highway through the Mukuntuweap National Monument, Utah, approximately 15 miles, for the fiscal year 1917, \$15,000.

The amendment was agreed to.

The next amendment was, under the head of "Judicial," on page 46, after line 3, to insert:

To pay the widow of Joseph R. Lamar, late a justice of the Supreme Court of the United States, \$14,500.

The amendment was agreed to.

The next amendment was, on page 46, after line 10, to insert:

Commissioner, Mount Rainier National Park: Commissioner in Mount Rainier National Park, for the fiscal year 1917, \$1,366.67. The provisions of section 21 of the legislative, executive, and judicial appropriation act approved May 28, 1896, shall not be construed as impairing the right of said commissioner to receive said salary as herein provided.

The amendment was agreed to.

The next amendment was, on page 46, after line 18, to insert:

Commissioner, Crater Lake National Park: Commissioner in Crater Lake National Park, for the fiscal year 1917, \$1,250. The provisions of section 21 of the legislative, executive, and judicial appropriation act approved May 28, 1896, shall not be construed as impairing the right of said commissioner to receive said salary as herein provided.

The amendment was agreed to.

The next amendment was, under the subhead "United States courts," on page 48, after line 18, to insert:

To pay Tom K. Richie, of Tucson, Ariz., the sum inadvertently covered into the Treasury on a forfeited cash recognizance in a case pending in the United States district court and the court having remitted the same on appearance of the defendant for trial in the case entitled "United States against Frank Lee," \$1,000.

The amendment was agreed to.

The next amendment was, under the head of "Department of Commerce," subhead, "Lighthouse Service," on page 52, line 1, after the date "1917," to strike out "\$125,000" and insert "\$140,000," so as to make the clause read:

For rebuilding, repairing, and reestablishing the aids to navigation and structures connected therewith on the coast of the Gulf of Mexico which were damaged or destroyed by the hurricane of July 5 and 6, 1916, fiscal year 1917, \$140,000.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Fisheries," on page 52, after line 7, to insert:

For completion of the Saratoga (Wyo.) fisheries station, including construction of buildings and ponds, improvements to water supply, and for equipment, fiscal year 1917, \$7,000.

The amendment was agreed to.

The next amendment was, under the head of "Legislative," on page 54, after line 19, to insert:

Senate.

To reimburse the official reporters of the proceedings and debates of the Senate for expenses incurred to July 1, 1916, for clerk hire and other clerical services, \$4,200.

The amendment was agreed to.

The next amendment was, at the top of page 55, to insert:

To pay Dennis M. Kerr for extra and expert services rendered to the Committee on Pensions during the first session of the Sixty-fourth Congress as assistant clerk to said committee by detail from the Bureau of Pensions, \$1,200.

The amendment was agreed to.

The next amendment was, under the head of "Government Printing Office," at the top of page 57, to insert:

PRINTING AND BINDING.

For printing and binding for the Library of Congress, including the copyright office and the publication of the Catalogue of Title Entries of the copyright office, and binding, rebinding, and repairing of library books, and for building and grounds, Library of Congress, \$9,000.

The amendment was agreed to.

The next amendment was, under the head of "Judgments, Court of Claims," on page 57, line 24, after the words "Twelve

hundred and sixty-three," to insert "and Senate Document No. 538," so as to make the clause read:

For the payment of the judgments rendered by the Court of Claims, reported to Congress at its present session in House Document No. 1263 and Senate Document No. 538, namely:

The amendment was agreed to.

The next amendment was on page 58, line 4, after the words "War Department," to strike out "\$11,980.56" and insert "\$46,775.74," so as to make the clause read:

Under the War Department, \$46,775.74.

The amendment was agreed to.

The next amendment was, on page 58, line 5, after the words "Navy Department," to strike out "\$20,708.32" and insert "\$21,304.74," so as to make the clause read:

Under the Navy Department, \$21,304.74.

The amendment was agreed to.

The next amendment was, on page 58, after line 6, to insert: Under the Interior Department, \$9,271.86.

The amendment was agreed to.

The next amendment was, on page 58, line 8, after the words "In all," to strike out "\$57,966.27" and insert "\$102,630.18," so as to make the clause read:

In all, \$102,630.18.

The amendment was agreed to.

The next amendment was, on page 69, after line 19, to add as a new section the following:

SEC. 3. That for the payment of the following claims, certified to be due by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1913 and other years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in Senate Document No. 536, reported to Congress at its present session, there is appropriated as follows:

CLAIMS ALLOWED BY THE AUDITOR FOR THE TREASURY DEPARTMENT.

For care of seamen, etc., Public Health Service, \$30.
For refunding taxes illegally collected, \$29,166.86.
For payment of judgments against internal-revenue officers, \$22,729.45.
For redemption of stamps, \$165.84.
For punishment for violation of internal-revenue laws, \$50.
For expenses of Revenue-Cutter Service, \$7.92.
For contingent expenses, Independent Treasury, \$6,577.35.
For pay of assistant custodians and janitors, \$37.44.
For furniture and repairs of same for public buildings, \$263.25.
For mechanical equipment of public buildings, \$1.
For general expenses of public buildings, \$1.80.

CLAIMS ALLOWED BY THE AUDITOR FOR THE WAR DEPARTMENT.

For pay, etc., of the Army, \$6,989.97.
For extra-duty pay to enlisted men as clerks at Army division and department headquarters, \$165.50.
For regular supplies, Quartermaster's Department, \$59.54.
For incidental expenses, Quartermaster's Department, \$1,971.95.
For barracks and quarters, \$35.50.
For transportation of the Army and its supplies, \$2,342.79.
For encampment and maneuvers, Organized Militia, \$11.
For headstones for graves of soldiers, \$1.92.
For disposition of remains of officers, soldiers, and civil employees, \$1.79.

CLAIMS ALLOWED BY THE AUDITOR FOR THE NAVY DEPARTMENT.

For pay of the Navy, \$2,467.16.
For pay, miscellaneous, \$44.02.
For pay, Marine Corps, \$1,624.97.
For maintenance, quartermaster's department, Marine Corps, \$33.80.
For contingent, Marine Corps, \$58.24.
For transportation, Bureau of Navigation, \$6.50.
For gunnery exercises, Bureau of Navigation, \$10.
For ordnance and ordnance stores, Bureau of Ordnance, \$4,300.
For maintenance, Bureau of Yards and Docks, \$7.04.
For provisions, Navy, Bureau of Supplies and Accounts, 1914 and 1915, \$9.12.
For freight, Bureau of Supplies and Accounts, 1915, \$1,597.10.
For freight, Bureau of Supplies and Accounts, \$1,787.29.
For coal and transportation, Bureau of Supplies and Accounts, \$11.23.
For construction and repair, Bureau of Construction and Repair, \$80.80.
For indemnity for lost property, naval service, act of March 2, 1895, \$223.95.

CLAIMS ALLOWED BY THE AUDITOR FOR THE INTERIOR DEPARTMENT.

For Geological Survey, \$1.09.
For restoration of lands in forest reserves, \$74.80.
For public use of inventions and defending suits, Patent Office, 1916, \$8.86.
For fees of examining surgeons, pensions, \$30.
For Indian schools, support, \$169.56.
For industrial work and care of timber, \$48.78.
For purchase and transportation of Indian supplies, 1916, \$49,294.72.
For purchase and transportation of Indian supplies, 1915, \$370.29.
For purchase and transportation of Indian supplies, \$12.85.
For general expenses, Indian Service, \$6.23.
For support of Indians in Arizona and New Mexico, \$159.65.
For Indian school, Wahpeton, N. Dak., 1915, \$3.10.
For administration of affairs of Five Civilized Tribes, Oklahoma, \$1.28.
For sale of unallotted lands, Five Civilized Tribes (reimbursable), \$26.46.
For support of Indians of Klamath Agency, Oreg., 1915, \$34.31.
For support of Indians of Warm Spring Agency, Oreg., 1916, \$111.28.
For support of Sioux of different tribes, subsistence and civilization, South Dakota, \$4.46.

For irrigation, Yakima Reservation, Wash. (reimbursable), \$132.
For maintenance and operation, irrigation system, Yakima Reservation, Wash. (reimbursable), 1916, \$473.29.
For support of Chippewas of Lake Superior, Wisconsin, 1915, \$131.48.

CLAIMS ALLOWED BY THE AUDITOR FOR THE STATE AND OTHER DEPARTMENTS.

For salaries, chargés d'affaires ad interim, 1916, \$10,669.26.
For salaries of vice consuls (act of Feb. 5, 1915), 1916, \$64.17.
For salaries, Consular Service, \$3.33.
For relief and protection of American seamen, 1916, \$7,026.83.
For relief and protection of American seamen, 1915, \$1,744.61.
For relief and protection of American seamen, \$12.
For boundary line, Alaska and Canada, and United States and Canada, 1915, \$8,193.43.
For boundary line, Alaska and Canada, and United States and Canada, \$1,749.99.
For preservation of collections, National Museum, \$4.70.
For general expenses, Weather Bureau, 33 cents.
For general expenses, Bureau of Plant Industry, \$138.12.
For general expenses, Forest Service, 30 cents.
For general expenses, Bureau of Soils, \$1.68.
For general expenses, Bureau of Standards, \$137.34.
For testing structural materials, Bureau of Standards, \$17.71.
For supplies of lighthouses, \$61.84.
For expenses of light vessels, \$24.48.
For expenses of buoyage, \$24.47.
For lighting of rivers, \$12.89.
For contingent expenses, Department of Labor, \$5.48.
For contingent expenses, Department of Commerce and Labor, 60 cents.
For fees of commissioners, United States courts, \$185.40.
For fees of commissioners, United States courts, 1915, \$73.80.
For fees of witnesses, United States courts, \$47.40.

CLAIMS ALLOWED BY THE AUDITOR FOR THE POST OFFICE DEPARTMENT.

For contingent expenses, Post Office Department, \$484.06.
For shipment of supplies, \$8.26.
For freight on mail bags postal cards, etc., \$662.62.
For star-route service, Alaska, \$45.
For indemnities, domestic registered mail, \$19.50.
For compensation to postmasters, \$75.72.
For rent, light, and fuel, \$53.03.
For separating mails, third and fourth class post offices, \$8.34.
For miscellaneous items, first and second class post offices, \$1.25.
For City Delivery Service, horse hire, \$57.
For city delivery carriers, substitute, auxiliary, and temporary, \$402.60.
For Railway Mail Service, salaries, \$22.78.
For Railway Mail Service, per diem and expenses, assistant superintendents, 1916, \$17.95.
For relief of Marshall Field & Co., \$200.

The amendment was agreed to.

The next amendment was, on page 76, line 17, to change the number of the section from 3 to 4.

The amendment was agreed to.

Mr. SMOOT. Mr. President, I understand that completes the committee amendments.

The PRESIDING OFFICER. It does.

Mr. MARTIN of Virginia. There is an amendment which I will send to the desk. It is not a committee amendment, but it is one to which I am sure there can be no objection. The Senator from Oregon [Mr. CHAMBERLAIN] handed it to me. It is a very small matter and one that will meet with commendation, I think, from every Senator.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 76, after line 22, it is proposed to insert:

SEC. 5. Section 14 of the public buildings act approved March 4, 1913 (Stat. L. vol. 37, p. 882), which created a commission to direct the construction of a memorial amphitheater in the national cemetery at Arlington, Va., is amended to substitute the name of John McElroy, representing the Grand Army of the Republic, in the place of Ivory G. Kimball, deceased.

Mr. GALLINGER. That is all right.

Mr. MARTIN of Virginia. It is just a substitution in place of a deceased member.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GALLINGER. Mr. President, I offer an amendment that I know the chairman of the committee thinks is proper.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 54, after line 20, it is proposed to insert:

To pay Caroline F. Martin, Vallie B. Williamson, Lucy E. Boyd, and Ethelyn H. Stubbs, daughters; Lewis A. Burleigh, son; and Edwin C. Burleigh and Donald Q. Burleigh, grandsons, of the late Senator Edwin C. Burleigh, from the State of Maine, \$7,500.

Mr. MARTIN of Virginia. I am glad to have that amendment adopted. It simply provides that one year's salary shall be paid to the late Senator BURLEIGH's family.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SMOOT. In behalf of the senior Senator from Iowa [Mr. CUMMINS] I offer the amendment which I send to the desk. It has passed the Senate once.

Mr. MARTIN of Virginia. That is the Vicksburg amendment?

Mr. SMOOT. It is for the national celebration at Vicksburg. Mr. MARTIN of Virginia. The veterans of both armies are anxious to have it, and I hope it will be adopted. I consent to it so far as I am able to do so.

Mr. OWEN. What is the amount?

Mr. SMOOT. One hundred and fifty thousand dollars.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 32, after line 19, it is proposed to insert:

Whereas a memorial celebration and peace jubilee was held at Gettysburg, Pa., on the fiftieth anniversary of the battle fought at that place during the War between the States in July, 1913, and such celebration gave to the veterans of the Union Army, known as the Army of the Potomac, and the Confederate Army, known as the Army of the Virginia, an opportunity in such a gathering of peace and unity; and

Whereas coincidently with that battle an equally important event to this country occurred in July, 1863, in the siege and defense of Vicksburg, the survivors of the Armies of the Tennessee and of the Mississippi, who participated in that siege, now desire to join in a national memorial celebration and peace jubilee to commemorate the victories and virtues leading to the half century of peace and prosperity to the American Nation, and, further, to strengthen the fraternal ties of brotherly amity in a United Nation of States:

That the Secretary of War be, and is hereby, authorized and directed as follows:

First. To provide and furnish all necessary sewerage, sanitation, and hospital service for health and accommodation of persons attending upon such occasion.

Second. To provide and furnish all necessary camp and garrison equipment for visiting veterans of the Civil War, together with all necessary rations and supplies, properly prepared and served, for such veterans during said celebration.

That the steps hereinbefore authorized to be taken by the War Department shall be fully completed before the 14th day of October, 1917; and that all camp equipment, including tents, supplies, and rations shall be fully ready for occupancy and use.

That the National Association of Vicksburg Veterans, formed in the city of Chicago, Ill., August 9, 1913, shall have charge of the order or exercises during the celebration; that the physical control of the camp and grounds and the movement of the troops and marching bodies therein shall be in the hands of the Secretary of War, under such officers as he may detail for that purpose.

That there is hereby appropriated from the Treasury of the United States, out of funds not otherwise appropriated, such sum as may be necessary to carry out the foregoing provisions of this act, not exceeding the sum of \$150,000: *Provided*, That, out of the said sum of \$150,000 thus appropriated, no part thereof shall be available or expended for the purpose provided in this act until after January 1, 1917.

That the Secretary of War is hereby authorized to reimburse and pay, out of the funds herein appropriated, the traveling expenses of the members of the council of administration or of the executive committee of the National Association of Vicksburg Veterans for journeys authorized by him to be taken in attendance upon meetings in the interest of this celebration: *Provided*, That the number of members shall at no time exceed seven at any one meeting.

The amendment was agreed to.

Mr. VARDAMAN. Do I understand that the chairman of the committee has accepted the amendment?

Mr. MARTIN of Virginia. It is in the bill.

Mr. VARDAMAN. I am very much obliged to the Senator.

Mr. MARTIN of Virginia. I yield to the Senator from Colorado, who has an amendment to present.

Mr. SHAFROTH. Mr. President, the War Department is very anxious, in the event it is impossible to pass the Porto Rican civil government bill, to have the election there postponed.

Mr. MARTIN of Virginia. I have no objection to the amendment. I will let it go to conference, and if by that time the bill is passed it can be eliminated.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After line 22, page 76, insert:

Sec. 5. That in the event H. R. 9533, entitled "An act to provide a civil government for Porto Rico, and for other purposes," is not enacted during this session of Congress, the election in Porto Rico fixed for the first Monday of November, 1916, shall be postponed to a date to be hereafter fixed by the President of the United States, and the present incumbents of the offices which were to be filled at that election shall continue in office until the officers elected at the postponed election shall qualify.

Mr. JONES. On what authority do they hold the election?

Mr. SHAFROTH. Under authority of an act of Congress. There was no objection whatever to the amendment by any member of the committee. It was unanimously in favor of it.

Mr. JONES. If that bill does not go through this will not postpone the election.

Mr. SHAFROTH. If the bill goes through in December the election can be held in January. It will then answer all the purposes, and a postponement for two years will not be necessary.

The amendment was agreed to.

Mr. KERN. I offer an amendment and ask the junior Senator from Massachusetts [Mr. WEEKS] to explain it.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. Insert the following:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to consider and favorably adjudicate, under the act of

Congress approved July 27, 1912 (Public No. 244), entitled "An act extending the time for the repayment of certain war-revenue taxes erroneously collected," claims of trust companies or other claimants for refund of taxes illegally collected on capital, surplus, or undivided profits, in accordance with the decisions of the circuit court of appeals in the case of Treat, collector, against the Farmers Loan & Trust Co. and the Central Trust Co. of New York, reported in One hundred and eighty-fifth Federal Reporter, pages 760 to 765.

Mr. BRYAN. There were probably from 50 to 75 other like amendments, and they are nothing but private claims. The committee refused to put in private claims, and it would be manifestly unfair to allow some to pass in the Senate. Therefore I raise a point of order against the amendment. It is a private claim upon an appropriation bill.

Mr. WEEKS. Mr. President, the chairman of the Committee on Appropriations promised me last year that this matter should be given consideration when the next deficiency bill came up.

Mr. MARTIN of Virginia. In reply I will say that careful consideration was given by the committee, and the committee refused to put the claim in the bill. That is all there is to it. There are a dozen such claims from my State, and I have a special-delivery letter on my desk, received just this afternoon, regarding one. The question is whether we will load this bill up with claims.

Mr. KERN. The amendment only authorizes the Secretary of the Treasury to consider and favorably adjudicate certain claims. The courts have decided the question.

Mr. WEEKS. It does not provide for an appropriation. It is a question of adjudicated claims. The courts have decided in two cases that the claims were justifiable. It does not seem to me to be fair or honest to refuse to permit the Treasury Department to adjudicate claims that are presumably good.

Mr. MARTIN of Virginia. It is plain legislation on an appropriation bill.

The PRESIDING OFFICER. The Chair feels constrained to sustain the point of order raised by the Senator from Florida.

Mr. WEEKS. Do I understand that the Chair sustains the point of order?

The PRESIDING OFFICER. The Chair feels bound, in view of the precedent and the information he has received, to sustain the point of order.

Mr. WEEKS. Mr. President, I do not think that this matter is being treated fairly, and if the point of order is going to be made against this amendment I shall have to make the point of no quorum.

Mr. MARTIN of Virginia. I am very sorry to see a spirit of that sort shown, but it will not swerve me from the course my duty requires. It is perfectly plain that we can not get a quorum to-night and we want to finish the bill to-day. It is in the power of the Senator from Massachusetts to prevent it. If he makes the point of no quorum that ends the bill for this afternoon. We are through with all except some private claims that have no proper place on the bill. There are hundreds of them in like condition, and I do not think that we ought to expect to force them into the bill. Certainly they can not force them. As far as I am concerned, I would see the whole bill defeated before I would be intimidated by such a proceeding.

Mr. WEEKS. The Senator has been intimidated once before to-day and he may get in the habit of it. It may do him good to be intimidated again.

Mr. OWEN. Unless that amendment is to be insisted upon I should like to offer an amendment. On page 24, line 20, I move to strike out "four" and insert "six," so as to give more clerks for the Surgeon General's office. There is one estimated for at \$2,200, and the other at \$2,100. I hope the chairman of the committee will allow it to go to conference to be considered there.

Mr. MARTIN of Virginia. This bill is not a bill to fix salaries or create offices.

Mr. OWEN. This was estimated for.

Mr. MARTIN of Virginia. I know there are a great many estimates here for additional appointments and increases of salaries, and the committee felt constrained to put a check on them; otherwise the Treasury would be bankrupt. The legislative, executive, and judicial appropriation bill is the proper place for salaries to be considered, and surely the department and the Senators who have studied these matters can wait until next winter when that bill is before the Senate. Let them present such matters then and they will have consideration; but we could not agree to turn this general deficiency bill into a bill to create offices or increase salaries. I hope the Senator from Oklahoma will not insist on the amendment. He is on the committee and did not present it to the committee.

Mr. OWEN. I will not insist upon it, but the estimate provided for it.

Mr. MARTIN of Virginia. I do not question the estimate. If we had to appropriate all the money estimated for the Government would soon be bankrupt.

The committee does not agree to give as far as the estimates go. We have turned down a great many of them. I am glad the Senator does not insist upon the amendment.

Mr. SHIELDS. I offer the following amendment, to come in on page 7, after line 8.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. On page 7, after line 8, it is proposed to insert the following:

Rogersville, Tenn., post office: For continuation (site) \$250.

Mr. MARTIN of Virginia. I think that is a proper amendment. It does not increase the limit of cost, but gives \$250 to complete the purchase of the site and I think it ought to be allowed.

The amendment was agreed to.

Mr. JONES. I wish to say just a word or two before the amendment I have to offer is read. I am going to offer an amendment to pay Simon M. Preston, of Seattle, a certain sum of money. I have introduced the bill heretofore, and it has been reported twice from the Committee on Claims and has passed the Senate twice and been reported favorably in the House and has simply failed to pass there because one Member could prevent it. This man is nearly 100 years old and it does seem to me a claim that the committee and the Senate have found to be just ought to be paid to this man before he passes away, as he is bound to do soon.

Mr. MARTIN of Virginia. How much is the amount?

Mr. JONES. Five thousand eight hundred and thirty-eight dollars and thirty-six cents.

Mr. MARTIN of Virginia. It is a very pathetic case, but a man who has as large a claim as \$5,000, I presume can get along when it is in contravention of the rule, and I am compelled to make a point of order against the amendment.

Mr. JONES. I want to say to the Senator that I do not think it is in contravention of the rule.

Mr. MARTIN of Virginia. There is no estimate for it. I know nothing about the claim.

Mr. JONES. Here is the rule:

And no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session.

"Or resolution previously passed by the Senate during that session," and it has passed the Senate during this session. It seems to me that it comes under that provision of the Senate rules.

Mr. GALLINGER. This case appeals to me very strongly, but I want to remind the chairman of the committee that I offered an amendment to pay a certain amount of money—\$1,200—to Mr. Frank W. Hackett. The bill has passed the Senate twice and has been reported favorably to the House, so if the bill is to be opened to claims of that kind I can not justify myself; I have written to Mr. Hackett that the committee rejected it on the ground—

Mr. MARTIN of Virginia. I remember the Hackett claim was rejected and the committee has uniformly rejected claims of this sort. As far as I am concerned I can not give my consent to making favorites of a few claims to come in here in the closing hours of the consideration of the bill. I do not think it ought to be put in and I hope the Senate will not put it in.

The PRESIDING OFFICER. Does the Senator from Washington state that the payment of this money was authorized by a resolution?

Mr. JONES. I simply read the rule of the Senate. The resolution has not been enacted into law. If that had been the case, there would be no necessity for the amendment. But it has passed the Senate twice.

Mr. BRYAN. A resolution or a bill?

Mr. JONES. A bill.

The PRESIDING OFFICER. That does not bring it within the rule. That is the reason why the Chair made the inquiry of the Senator. If this was money to be paid under a resolution which had already passed the Senate, in that case it would be proper to offer the amendment; but as the Chair understands the Senator's statement, he feels constrained to rule that the amendment is not in order.

Mr. JONES. I want to do everything I can to get it through.

Mr. BRYAN. The Senator has done that; he has had the bill passed twice.

Mr. JONES. I see the position of the chairman of the Committee on Claims, but I do feel that this man ought to have this claim paid.

Mr. MARTIN of Virginia. It is matter for the Claims Committee; and the Senator knows that many other similar claims were brought to the Committee on Appropriations and rejected.

Mr. JONES. That is true.

Mr. MARTIN of Virginia. We can not depart from the rule. The Senator from Wisconsin [Mr. LA FOLLETTE] has one I would be delighted to see in the bill, but we must be uniform in our procedure in this matter.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. PENROSE. I offer an amendment to the bill. I do not know whether the chairman of the committee will think that a point of order lies to it or not, but I should like to have it read and submitted.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. On page 20, after line 7, insert:

To enable the Gettysburg National Park Commission to acquire by purchase, condemnation, or otherwise, additional land adjacent or contiguous to the Gettysburg National Park, for the purpose of preserving as nearly as possible the Gettysburg battle field according to the original mutes and bounds, \$32,000, or so much thereof as may be necessary.

Mr. PENROSE. I understand this is recommended by the War Department.

Mr. BRYAN. Has it been estimated for?

Mr. PENROSE. I think they recommend that amount.

Mr. MARTIN of Virginia. No estimate has come to the committee for it.

Mr. PENROSE. I desire to submit it.

Mr. MARTIN of Virginia. I hope the Senator will not press it. We would like to put it in, but we can not do it consistently.

Mr. PENROSE. All right, I will not press it.

The Senate has already adopted an amendment placing the civil-service requirement as applied to employees under an item of \$200,000 of appropriations. I offer a similar amendment, a proviso, to go in on page 11, at the end of the paragraph.

The SECRETARY. On page 11, after the words "District of Columbia," in line 2, insert:

All appointments of such officers, experts, clerks, agents, inspectors, messengers, janitors, and other above-mentioned employees shall be made from the eligible lists of the Civil Service Commission and in accordance with the provisions of the civil-service law.

Mr. MARTIN of Virginia. Surely the Senator does not think all the experts must be selected in that way. I have no desire to cripple the civil service, but we may cripple the department service by making impossible conditions.

Mr. PENROSE. As I understand it, all experts were under the civil service until the recent raids made on the merit system.

Mr. MARTIN of Virginia. There are a great many lawyers employed as experts.

Mr. PENROSE. The amendment does not include lawyers.

Mr. MARTIN of Virginia. I hope the Senator will not press the amendment. I have not had an opportunity to consider what its scope is.

Mr. PENROSE. I am willing to leave out the word "experts."

Mr. MARTIN of Virginia. If the Senator insists on it, of course we can not understand its scope clearly from hearing it hastily read, but it can go into conference and we will consider it there.

The PRESIDING OFFICER. Without objection, the amendment as modified will be agreed to.

Mr. LA FOLLETTE. Mr. President, I observe that on pages 5 and 6 the Secretary of the Treasury is authorized and directed to refund to the estate of J. L. da Roza Estate (Inc.), of Elk Grove, Cal., the sum of money named in the bill.

Mr. MARTIN of Virginia. If the Senator from Wisconsin will permit me right now in order to save time, I can readily see how he misunderstood that. That is in pursuance of a law which authorizes that amount of money to be paid.

Mr. LA FOLLETTE. I understand, but I am going to offer an amendment. A bill has twice passed the Senate to refund money to people here from whom unjust customs duties were collected over 40 years ago.

The Court of Claims has investigated the matter and passed upon it, and adjudicated that they should have had that money refunded to them. The Senate has passed the bill, and it has been favorably reported two or three different times and put on the House calendar, and it has never gotten through. It is on the House calendar now and stands no chance of getting through. I will say that the wife of one of the claimants is the daughter of Col. Ingersoll. These people have been kept out of this money for a generation; it belongs to them; it ought to be put on this

or any other bill that is passing the Senate. I am going to offer it as an amendment to-night, and I am in dead earnest about it.

Mr. PENROSE. What is the amount?

Mr. LA FOLLETTE. The amendment I offer is to come in after this provision to pay this sum which is in the bill on pages 5 and 6. I offer it to come in after line 6, on page 3.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. On page 6, after line 6, insert:

The Secretary of the Treasury be, and he is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Walston H. Brown, sole surviving partner of the firm of Brown, Howard & Co., the sum of \$65,792.53, and the estate of Henry A. V. Post, deceased, the sum of \$50,359.35, as a refund of import duties paid in excess of the duties imposed by law on steel blooms, as found by the Court of Claims.

Mr. BRYAN. Let me ask the Senator when was the finding of the Court of Claims?

Mr. LA FOLLETTE. I can not give you the date. I can send for the papers and get the date. It was some two or three years ago, it may be longer, that the Court of Claims ascertained this amount to be due. The committee of which the distinguished Senator from Florida is chairman, the Committee on Claims, reported favorably upon this claim two or three different times, and it has been before the Senate and has been well considered. The Committee on Finance this year unanimously reported the bill favorably, and it passed the Senate unanimously, there being not a dissenting vote against it.

Mr. BRYAN. I am familiar with the claim.

Mr. LA FOLLETTE. I know you are.

Mr. BRYAN. The Committee on Claims reported it, it passed through that committee and then went to the Committee on Finance, and it has been passed there. Does it not occur to the Senator, though, that this is not a claims bill; that it is a deficiency bill?

Mr. LA FOLLETTE. I know it is; but if you wait on a claims bill, you would wait until these claimants are dead, and it is not fair; it is not just. You have put into this bill something very nearly akin to it, which is printed in italics on pages 5 and 6.

Mr. BRYAN. I can explain to the Senator—

Mr. LA FOLLETTE. The Senator will be able to distinguish it in some way by some fine shade of distinction, I have no doubt.

Mr. BRYAN. Let us see. Some days ago Congress passed a bill relating to the da Roza claim, and it became a law; but in the law the words "out of any money in the Treasury not otherwise appropriated" were left out, which made it defective. That is remedied in this bill.

Mr. LA FOLLETTE. But it is no more meritorious than the claim I have proposed, and it is added to this bill simply because of some error. Now, I am asking to have this claim put in this bill because it has been defeated again and again by some technical objection in another body. It is quite as just a claim as is the one which has been inserted in this bill.

Mr. BRYAN. Let me ask the Senator, then, if he would be willing not to offer his amendment if we reconsider the vote whereby the amendment now in the bill was agreed to, and leave out that amendment?

Mr. LA FOLLETTE. No; I have no doubt that justice is being done in that case; and I do not want to do the claimant a wrong.

Mr. BRYAN. The da Roza amendment was added to the bill in pursuance of a law which has passed Congress.

Mr. LA FOLLETTE. Well, my amendment should be added in pursuance of what ought to have been law a long time ago and will be if it is inserted in this bill. I offer the amendment, Mr. President.

Mr. BRYAN. I raise the point of order against the amendment.

Mr. LA FOLLETTE. Then, I suggest the absence of a quorum.

Mr. SIMMONS. I ask the Senator not to do that. I desire to say to the Senator, if he will withdraw the suggestion, I will move that the Senate take a recess, and the matter may be thrashed out on Monday.

Mr. MARTIN of Virginia. Mr. President, I do not see how the Senator can expect to secure for the claim in which he is interested an advantage over all other claims. There are hundreds of thousands of people in exactly the same situation.

Mr. LA FOLLETTE. But they are not here, and I am here.

Mr. MARTIN of Virginia. They have been here. The Senator from Indiana [Mr. KERN] is here now with a number of them.

Mr. LA FOLLETTE. If the amendment is added to the bill and allowed to go to conference, I will appear before the conferees; and if I can not convince them that it ought to stay in the bill they may strike it out.

Mr. MARTIN of Virginia. Very well; I will let it go in under those circumstances. I know it can not live five minutes in conference.

Mr. LA FOLLETTE. I will take my chances on it, because it is just.

Mr. MARTIN of Virginia. Very well; let it go in under the statement made.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wisconsin.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. MARTIN of Virginia. I move that the Senate insist upon its amendments to the bill and request a conference with the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Presiding Officer appointed Mr. MARTIN of Virginia, Mr. BRYAN, and Mr. SMOOT conferees on the part of the Senate.

ENROLLED BILL SIGNED.

The PRESIDING OFFICER (Mr. HUGHES). The Chair, as acting President pro tempore of the Senate, announces his signature to the enrolled bill (H. R. 15158) to amend the Judicial Code; to fix the time when the annual term of the Supreme Court shall commence; and further to define the jurisdiction of that court, which had heretofore been signed by the Speaker of the House.

PUBLIC BUILDING AT MADISON, WIS.

Mr. SWANSON. From the Committee on Public Buildings and Grounds I report back favorably without amendment the bill (H. R. 14391) authorizing the purchase of a site and the erection of a public building thereon at Madison, Wis., and for other purposes.

Mr. SIMMONS. I move that the Senate take a recess until Monday at 11 o'clock.

Mr. SWANSON. I ask unanimous consent for the present consideration of the bill just reported by me; and I will request the Senator from North Carolina to withhold his motion for a moment or two for that purpose. I will say that the bill was called up several days ago, but the Senator from New Hampshire [Mr. GALLINGER] made objection to it.

The PRESIDING OFFICER. Does the Senator from North Carolina withhold his motion?

Mr. SWANSON. It will take only a moment to consider the bill.

Mr. SIMMONS. I will withhold the motion if the bill will only take a moment.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. SMOOT. Mr. President, I do not know anything about the bill.

Mr. SWANSON. Mr. President, if the Senator will allow me, I can explain it to him in a moment. In 1913 a bill was passed appropriating \$550,000 for the purchase of a site and the erection of a public building thereon at Madison, Wis., involving the demolition of the old building and the erection of a new building on the same site. The department has recommended instead of building a new post office and courthouse on the old site that the old site be sold, that the proceeds be put in the Treasury, and that the same amount as originally appropriated be used in connection with buying another site and erecting the building. The bill has passed the House.

Mr. SMOOT. There was some objection made to the bill by a Senator a few days ago, was there not?

Mr. SWANSON. The Senator from New Hampshire [Mr. GALLINGER] objected to the consideration of the bill because he wanted it referred to the committee. The committee has examined it and unanimously reported it back.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REVENUE BILL—WINE SCHEDULE.

Mr. PHELAN. I beg to submit a letter written by me to the Secretary of Agriculture and the reply of the department, which substantiate my claim that the department does not approve of stretching wine more than 25 per cent, and that my amendment was recommended by the department and was, in fact, the

department's own amendment. I ask that the letters may be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The letters referred to are as follows:

AUGUST 30, 1916.

Hon. D. F. HOUSTON,
Secretary of Agriculture.

MY DEAR MR. SECRETARY: I beg to call your attention to page 13300 of the CONGRESSIONAL RECORD of August 28, giving the text of an amendment which Senator HUGHES offered to the wine section of the revenue bill, which amendment was adopted. But first I offered as a substitute the amendment which was approved by the department. (See p. 13302.) This is the same, with the exception of an addition of a definition of pure sugar, as you sent to Senator SIMMONS on August 21.

It is perfectly clear to me that the department stands for a limit of 25 per cent of stretching, but the Hughes amendment provides for 35 per cent of stretching, and on top of that 35 per cent more. I contend on the faith of the letter of your department, above referred to, dated August 21 and addressed to Senator SIMMONS, that the department recommended 25 per cent stretching, and nothing else, and disputed Senator HUGHES's contention that the department had in some way indorsed the excessive stretching which he recommended.

You will observe that in the RECORD of August 29, page 15615, Senator HUGHES refers to a visit he paid to the Agricultural Department and explicitly states that he laid the legislation which was then pending before the Senate before several gentlemen connected with the department "to see if they had any objection to its form or its substance. I saw Dr. Emerson, the Acting Chief of the United States Bureau of Chemistry," etc. "They read these amendments and suggested some slight changes, and after the discussion Dr. Emerson, speaking for the bureau, said they had no objection to the amendment as I submitted it."

Now, that amendment provides, as I have stated, for stretching wine, first, 35 per cent, and again on top of that 35 per cent more, whereas, the amendment sent to Senator SIMMONS on August 21 limited the stretching to 25 per cent, and then under proper safeguards. I would like to learn from the department whether Dr. Emerson, speaking for the bureau, said they had no objection to the amendment as submitted by Senator HUGHES, either as to its form or its substance. I know that the department has nothing to do with making laws, but I assume that when, by request, in a matter which has been very generally discussed, their views are given, such advice is the conviction of the department, as to the merits of the controversy.

If, as I suspect, your department was asked as a matter of administration, if they had any objection to a certain law or proposed law with respect to its enforcement, you might say that you can enforce one law as well as another, without going into the merits of the law itself. What I desire to know is whether, with your superior and expert knowledge available at all times, the department would recommend any other amendment than that submitted by you to Senator SIMMONS on August 21 and amended with respect to the purity of sugar by Assistant Secretary Marvin in a letter to Senator SIMMONS dated August 26.

I assured the Senate that that amendment was the amendment approved by the Department of Agriculture, and I desire to know now from the Department of Agriculture, first, whether or not I was correct in my statement; and, secondly, what is the correct construction to put upon Dr. Emerson's remark after the discussion with Senator HUGHES, as quoted on page 15615 of the CONGRESSIONAL RECORD of August 29, 1916.

An early reply will very much oblige me.

Very truly yours,

JAMES D. PHELAN.

DEPARTMENT OF AGRICULTURE,
Washington, August 31, 1916.

HON. JAMES D. PHELAN,
United States Senate.

DEAR SENATOR PHELAN: Reference is made to your letter of August 30, 1916, in which you invite attention to the discussion in the Senate as to the views of this department concerning the amendment of section 53 of the pending revenue bill, and inquire whether you were correct in your statement that the amendment approved by the department was the amendment submitted with the department's letter of August 21, 1916, and amended with respect to the purity of sugar, by its letter of August 26, 1916, to Senator SIMMONS.

In reply you are informed that the amendment submitted by the department received very careful consideration and represents its deliberate views. With reference to the amount of water which it is necessary to add to wine to correct natural deficiencies, the department has uniformly maintained that it is unnecessary to add water in excess of 25 per cent. While it has been urged on behalf of the wine makers of Ohio and Missouri that it is necessary to add more than 25 per cent of water, the department has not changed its opinion in this respect.

Concerning Senator HUGHES's conference with officials of the Bureau of Chemistry, I am informed that the question discussed at the conference was as to whether the Hughes amendment would interfere with the enforcement of the Federal food and drugs act. Section 53 of the revenue bill as reported by the Committee on Finance to the Senate contains provisions fixing the definition of wine for the purposes of the food and drugs act, as well as for the purposes of the revenue bill. These provisions were objected to by the department as establishing an undesirable precedent, and the object of Senator HUGHES's visit to the Bureau of Chemistry was to ascertain whether, in the opinion of the officials charged with the administration of the food and drugs act, the language of his bill was open to the same objection, and whether, if adopted, it would interfere with the enforcement of the food and drugs act. The officials of the Bureau of Chemistry agree that the substance of what transpired at their conference with Senator HUGHES is fairly stated by him in his remarks on page 15552 of the CONGRESSIONAL RECORD of August 28, 1916. Senator HUGHES said:

"I understand that the Agricultural Department had decided objection to the amendment as proposed and as printed in the pending bill, for the reason that it seemed to interfere with the jurisdiction of the Agricultural Department, so far as the definition of wine was concerned, and the labeling of wine and the administration of the pure food and drugs act. However, I took the matter up with the Pure

Food and Drug Division or bureau, or whatever its technical name and title may be, of the Department of Agriculture, and submitted to them the language of this substitute. They informed me that, so far as their bureau was concerned, and so far as the administration of the pure food and drugs act was concerned, they had no objection to the language."

The statement appearing in the remarks of Senator HUGHES, on page 15615 of the CONGRESSIONAL RECORD of August 29, 1916, that "Dr. Emerson, speaking for the bureau, said they had no objection to the amendment as I submitted it," is to be taken as an expression of opinion that the Hughes's amendment would not defeat the administration of the food and drugs act. It is, of course, for Congress, and not this department, to determine whether or not water can be added to wine. Whether the amounts be limited to 25 per cent, or whether the addition of water be permitted in unlimited amounts, so long as the addition of water is permitted only under adequate supervision by the Bureau of Internal Revenue, the problem of administering the food and drugs act, according to the standard set by Congress, is the same. It was from this standpoint that the Hughes's amendment was discussed at the conference between Senator HUGHES and the officials of the Bureau of Chemistry, and it seems clear to the department from the remarks of Senator HUGHES printed in the RECORD that he so understands it.

Very truly yours,

C. F. MARVIN,
Acting Secretary.

ESTIMATE OF APPROPRIATIONS (S. DOC. NO. 542).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War of the 1st instant, submitting supplemental estimates of appropriations required by the War Department for the service of the fiscal year ending June 30, 1917, contingent expenses, War Department, \$12,700; stationery, War Department, \$7,000; which, with the accompany paper, was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 3268) for the relief of John Duggan.

The message also announced that the House had passed the bill (S. 5407) authorizing and directing the Secretary of the Treasury to extend the time of payment of the amount due the Government by the city of Augusta, Ga., with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House agrees to the amendment of the Senate to the bill (H. R. 15158) to amend the judicial code; to fix the time when the annual term of the Supreme Court shall commence; and further to define the jurisdiction of that court.

The message also announced that the House agrees to the amendment of the Senate to the bill (H. R. 1528) for the relief of Martin Huhn.

The message further announced that the House agrees to the amendments of the Senate to the bill (H. R. 17235) granting the consent of Congress to W. H. Crosby, W. H. Andrews, E. G. Connette, Daniel Good, Henry May, Robert C. Gaupp, Edward Kener, Jr., William F. MacGlashan, and William A. Morgan to construct a bridge across Niagara River within or near the city limits of Buffalo, and for other purposes.

The message also announced that the House insists on its amendment to the amendment of the Senate numbered 1 to the bill (H. R. 15316) to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WEBB, Mr. GARD, and Mr. VOLSTEAD managers at the conference on the part of the House.

The message further announced that the House had passed a concurrent resolution providing for the printing of 55,000 copies of the prayers offered at the opening of the morning sessions of the Sixty-third Congress of the United States by the Chaplain, Henry M. Couden, in which it requested the concurrence of the House.

ENROLLED BILLS SIGNED.

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

S. 5987. An act to amend subsection 11 of section 3244, Revised Statutes;

S. 6561. An act providing for the sale at public auction of all unsold suburban lots not reserved for public purposes in the Government town site of Port Angeles, Wash., and for the issuance of patents for those previously sold under the act of May 2, 1906, on the payment of the price at which the said lots were reappraised under said act without further condition or delay;

S. 6839. An act to authorize the incorporated town of Juneau, Alaska, to issue bonds for the construction and equipment of schools therein, and for other purposes;

H. R. 1528. An act for the relief of Martin Huhn;

H. R. 6014. An act to amend section 82, chapter 231, of the act to codify, revise, and amend the laws relating to the judiciary;

H. R. 15455. An act to establish a United States shipping board for the purpose of encouraging, developing, and creating a naval auxiliary and naval reserve and a merchant marine to meet the requirements of the commerce of the United States with its Territories and possessions and with foreign countries; to regulate carriers by water engaged in the foreign and interstate commerce of the United States; and for other purposes;

H. R. 16719. An act for the relief of John P. Sutton; and

H. R. 17567. An act to authorize the county of Luzerne, State of Pennsylvania, to construct a bridge across the North Branch of the Susquehanna River from the city of Wilkes-Barre, county of Luzerne, Pa., to the borough of Dorranceton, county of Luzerne, Pa.

PETITIONS AND MEMORIALS.

Mr. PHELAN presented petitions of sundry citizens of California, praying for an eight-hour working day for railroad employees and remonstrating against compulsory arbitration, which were ordered to lie on the table.

He also presented a memorial of the Chamber of Commerce of Los Angeles, Cal., remonstrating against the proposed suspension of drawback payments on exports until six months after the restoration of peace in Europe, which was ordered to lie on the table.

PUBLIC BUILDING AT CANON CITY, COLO.

Mr. SWANSON, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 4450) to provide for the erection of a public building at Canon City, Colo., upon a site heretofore acquired by the United States, reported it with amendments and submitted a report (No. 859) thereon.

BILLS INTRODUCED.

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

By Mr. JOHNSON of South Dakota:

A bill (S. 6983) granting an increase of pension to George W. Smith (with accompanying papers); to the Committee on Pensions.

By Mr. NORRIS:

A bill (S. 6984) granting an increase of pension to Hugh Stevens; to the Committee on Pensions.

By Mr. TAGGART (for Mr. JOHNSON of Maine):

A bill (S. 6985) granting an increase of pension to John A. Sears (with accompanying papers); to the Committee on Pensions.

By Mr. SHIELDS:

A bill (S. 6986) granting a pension to Albania D. Thornburg (with accompanying papers); to the Committee on Pensions.

THE REVENUE.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the bill (H. R. 16763) to increase the revenue, and for other purposes, which was ordered to lie on the table and be printed.

COMPENSATION OF INJURED EMPLOYEES.

Mr. SMITH of Georgia. I ask the Chair to lay before the Senate the amendment of the House to the amendment of the Senate to the bill (H. R. 15316) granting compensation to the employees of the United States Government suffering injuries while in the performance of their duties, and for other purposes.

The PRESIDENT pro tempore. The Chair lays before the Senate the action of the House of Representatives agreeing to the amendment of the Senate numbered 2 to the bill (H. R. 15316) to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes, and agreeing to the amendment of the Senate numbered 1 with an amendment.

Mr. SMITH of Georgia. The effect of the amendment of the House is to entirely abolish every organization in any one of the departments looking toward the investigation or consideration of the status of injured employees. I think it is impossible for us to proceed in that way at present, because our bill does not provide the organization by which the new commission can handle the subject.

I move that the Senate disagree to the House amendment, and request a conference with the House on the disagreeing

votes of the two Houses, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. SMITH of Georgia, Mr. SWANSON, and Mr. BORAH conferees on the part of the Senate.

RECESS.

Mr. SIMMONS. I renew my motion, that the Senate take a recess until Monday morning at 11 o'clock.

The motion was agreed to; and (at 7 o'clock and 25 minutes p. m., Saturday, September 2, 1916) the Senate took a recess until Monday, September 4, 1916, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

SATURDAY, September 2, 1916.

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father Almighty, before whom millions bow in adoration day by day and receive the uplift of the spirit which enables them to fight valiantly and successfully the battles of life, so we bow in Thy presence, praying for the baptism of the spirit, which shall enable us to discern more clearly the way, and do more faithfully the duties devolving upon us, individually and collectively. In the spirit of the Lord Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

BILLS TO REMOVE CHARGES OF DESERTION.

Mr. MANN. Mr. Speaker, there are on the calendar about 20 bills that are commonly referred to as bills to remove charges of desertion, which gives pensionable status. They were in order yesterday. I think they will take no considerable time. I ask unanimous consent that those bills may be considered now in the House as in Committee of the Whole, provided that if any one objects to any one it shall go over.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the bills which were in order yesterday—

Mr. MANN. Only these particular bills relating to charges of desertion—

The SPEAKER. Yes; be considered in the House as in Committee of the Whole, and where anybody objects they shall go over.

Mr. HASTINGS. Reserving the right to object, Mr. Speaker, those bills are on the Private Calendar?

The SPEAKER. Yes.

Mr. HASTINGS. Where do we begin?

The SPEAKER. The Chair's recollection is that we were to begin at No. 411. That was the general order made on the day before yesterday.

Mr. GARRETT. Mr. Speaker, I object.

The SPEAKER. The gentleman from Tennessee objects.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Walderf, one of its clerks, announced that the Senate had passed with amendment bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 17235. An act granting the consent of Congress to W. H. Crosby, W. H. Andrews, E. G. Connette, Daniel Good, Henry May, Robert C. Gaupp, Edward Kener, Jr., William F. MacGlashan, and William A. Morgan to construct a bridge across Niagara River, within or near the city limits of Buffalo, and for other purposes.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 16719. An act for the relief of John P. Sutton.

ENROLLED BILL SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 16719. An act for the relief of John P. Sutton.

EXTENSION OF REMARKS.

Mr. FOSTER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. MANN. On what subject?

Mr. FOSTER. On the state of the Union.

The SPEAKER. The Chair hears no objection.

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.