

SENATE.

THURSDAY, September 7, 1916.

The Senate met at 10 o'clock a. m.

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

Almighty God, we lift our hearts reverently to Thee this morning and ask Thy blessing upon us. We would carry into the labor of this day the impression of Thy presence with us and the inspiration that comes to us from a desire to glorify Thy name in the service that we render to our fellow men. We would remember the deep and lasting significance of every act in this Chamber of legislation. We ask Thee so to subdue all passion, so to refine us by the constant influences of Thy spirit that we may act in all things with a sense of our divine obligation, that through Thy leadership we may accomplish great things in the interest of humanity. We ask for Christ's sake. Amen.

CALLING OF THE ROLL.

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

The VICE PRESIDENT. The Secretary will call the roll.

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

Ashurst	Husting	Nelson	Smoot
Bryan	James	Noiris	Sterling
Chamberlain	Jones	Owen	Stone
Chilton	Kenyon	Penrose	Swanson
Clapp	Kern	Pittman	Taggart
Culbertson	Lane	Reed	Thomas
Cummins	Lea, Tenn.	Shafroth	Thompson
Curtis	McCumber	Sheppard	Vardaman
Dillingham	Martin, Va.	Sherman	Warren
Fletcher	Martine, N. J.	Smith, Ga.	
Gallinger	Myers	Smith, S. C.	

The VICE PRESIDENT. Forty-two Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. HUGHES, Mr. PHELAN, and Mr. SIMMONS answered to their names when called.

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. LEWIS entered the Chamber and answered to his name.

The VICE PRESIDENT. Forty-six Senators have answered to the roll call. There is not a quorum present.

Mr. KERN. I move that the Sergeant at Arms be instructed to request the attendance of absent Senators.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will carry out the instructions of the Senate.

Mr. FALL and Mr. RANSELL entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-eight Senators have answered to the roll call. There is a quorum present. The Secretary will read the Journal of the proceedings of the preceding session.

THE JOURNAL.

Mr. FLETCHER. I ask unanimous consent that the reading of the Journal be dispensed with.

Mr. GALLINGER. I object. Let the Journal be read.

The VICE PRESIDENT. The Journal will be read. There is objection.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Friday, September 1, 1916, and was interrupted by

Mr. PENROSE. Mr. President, I think it would comport more with the dignity of this body if the Journal was read with a little degree of clearness and slowness, so that we may know just what is in it, and not be rattled through in the way it is being done.

Mr. OWEN. I should like to ask the Senator from Pennsylvania whether he wants to have the time taken up by a slow reading.

Mr. PENROSE. No; but I do not want to have it read with such rapidity as to make the reading a farce. If the Journal is worth reading at all, it is worth being read properly.

The VICE PRESIDENT. This entire colloquy is out of order. The reading of the Journal will be proceeded with.

Mr. OWEN. I ask unanimous consent that the further reading of the Journal be dispensed with.

The VICE PRESIDENT. That has already been objected to.

Mr. PENROSE. There is objection to that.

Mr. GALLINGER. Let the Journal be read.

Mr. PENROSE. In connection with the point of order to which I rose I suppose I have a right to say a word. There has been too much of a practice in the last two months of passing bills without reading them, just reading the titles. I have known prominent lawyers in Pennsylvania and prominent citizens who had been sitting in the galleries come away with signs of disgust at the way the public business has been proceeded with in this body during the last six weeks. It is absurd to pass bills by only reading their titles, and even that reading conducted in a rambling fashion—

The VICE PRESIDENT. The Senator from Pennsylvania will come to order.

Mr. PENROSE. Have I not a right to speak on the point of order?

The VICE PRESIDENT. The Senator has no right—

Mr. PENROSE. Then I am done.

The VICE PRESIDENT. To proceed to lecture Senators here.

The Secretary resumed the reading of the Journal, and was interrupted by

Mr. REED. I move that the further reading of the Journal be dispensed with.

Mr. GALLINGER. I have objected and shall object again to such a request.

The VICE PRESIDENT. Objection has been made, and the Journal must be read.

The Secretary resumed and concluded the reading of the Journal, and it was approved.

LINCOLN FARM ADDRESSES (S. DOC. NO. 546).

Mr. FLETCHER. I ask unanimous consent to have printed as a public document the address of President Wilson on the occasion of the acceptance by the War Department of a deed of gift to the Nation by the Lincoln Farm Association of the Lincoln birthplace farm at Hodgenville, Ky., September 4, 1916.

The PRESIDING OFFICER (Mr. CHILTON in the chair). Is there objection to the request of the Senator from Florida?

Mr. SMOOT. Of course, the Senator is chairman of the Committee on Printing, and he understands that we have virtually agreed that all such requests shall go to the Committee on Printing. This being the address of the President of the United States, I am going to make an exception, but it is only because it is the address of the President of the United States, and I will allow it to be printed without going to the committee.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. FLETCHER. May I make the same request as to the address delivered on that occasion by the Senator from Mississippi [Mr. WILLIAMS]? (S. Doc. No. 545.)

Mr. SMOOT. Yes; the Senator can do that, too.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

PUBLIC-LAND STATUTES (S. DOC. NO. 547).

Mr. FLETCHER. I desire to call attention to Senate resolution 243, which was amended yesterday and adopted as amended. As amended it creates a situation which I think we have to recede from. I am going to move to reconsider the vote by which the resolution was adopted, because the effect of the amendment would be to increase the necessary expense beyond what the law allows for either House to expend in the matter of printing a document.

The estimated cost of printing provided for in the resolution as amended is \$1,473.79. This estimate is based upon the cost of \$259.51 for the usual number and \$134.92 for each additional thousand, as estimated by the Public Printer.

The original resolution as reported by the committee provided for 3,000 additional copies, at a cost of \$404.79.

The resolution as amended is a violation of the act of March 1, 1907, which provides that "if the cost of extra copies exceeds \$500 the printing shall be ordered by concurrent or joint resolution; the latter if self-appropriating." It has not been customary, either, for one House to order printing of documents for the use of the other House by a simple resolution. If it is desired to pass the resolution as amended, it must be made a concurrent resolution to comply with the law.

I ask the Senate to consent to reconsider the resolution and pass it as it was reported from the committee.

Mr. SMOOT. I merely wish to say the resolution was worded wrong in the first place if the law applies to it. It says it shall be printed as a public document. If it has already been printed as a public document, then there ought to be extra copies ordered; and if it has not been printed as a public document, the law the Senator has cited does not apply to it. I took it for granted that it had not been printed as a public document on account of the wording of the resolution.

Mr. MYERS. It had not been printed as a public document.
Mr. SMOOT. Then the law does not apply to it. The law applies wherever there are additional copies of a public document to be printed, and these are not additional copies. This is the original order to have the public document printed.

Mr. MYERS. I will state that the Public Lands Committee had a few copies printed but it was never printed as a public document.

Mr. SMOOT. That is not a public document.

The PRESIDING OFFICER. What is the request of the Senator from Florida?

Mr. FLETCHER. My motion would be to reconsider the vote and pass the resolution as it was reported. Otherwise we would have to amend it so as to make it a concurrent resolution, and I believe we could not get it through the House at this time.

Mr. SMOOT. I think the Senator is wrong. If it had been printed as a public document before, then the Senator would be right, but it has not been printed as a public document before and the Senate has a perfect right under the law to order whatever number of copies it may see fit. Thus, as the Senator knows, we have had public documents printed here by a Senate resolution that cost \$43,000; but if extra copies are to be printed then the cost can not be more than \$500 if the printing is ordered by a resolution of either House.

Mr. FLETCHER. Of course, this document has been printed.

Mr. SMOOT. Not as a public document.

Mr. FLETCHER. It was printed for the committee. There are extra copies provided for in the resolution itself. I do not believe under the law the Public Printer would have authority to print the extra copies according to the resolution as amended. That is the danger of it.

Mr. SMOOT. If the Senator from Montana is satisfied with 3,000 copies I have no objection to a reconsideration of the resolution and passing it as reported to the Senate.

Mr. MYERS. I would much rather have 10,000 copies than 3,000 copies. There is a great demand for copies of this document. The Senators on the Printing Committee, the Senator from Florida and the Senator from Utah, disagree diametrically about the law and I am not able to say because I am not a member of the committee and I have never looked up the law. I can only say that it never has been printed before as a public document. If we could agree on what the law is I would know what to say, but when the two members of the Printing Committee disagree about the law I do not know what to say except two things. It has never been printed as a public document, and I would like very much to have 10,000 copies.

Mr. WARREN. May I ask the Senator from Montana if it has been printed by the committee as a committee document?

Mr. MYERS. The committee had a few copies printed.

Mr. WARREN. It is undoubtedly in type, and the expense for additional copies would be very slight.

Mr. FLETCHER. It would cost four hundred and some odd dollars to print the precise number originally asked by the Senator from Montana in his resolution. Why not stand by that? That is what the committee reported, and that is within our limit. If you amend it so as to print 10,000 copies, you exceed the limit, and it is going to cost \$1,473.79; and I do not believe the Public Printer can print them under a Senate resolution.

Mr. SMOOT. The Senator must be mistaken as to the \$1,400. The cost for 3,000 copies was \$259.50. That is the estimated cost from the Printing Office. Ten thousand copies could not cost more than three times that amount.

Mr. FLETCHER. I have an estimate to the effect that it will cost \$1,473.79 for 10,000 extra copies.

Mr. SMOOT. I will say that the estimate made upon the resolution as reported last night was two hundred and fifty-odd dollars. Let me suggest to the Senator that he ask for a reconsideration of the resolution and that we provide for 5,000 copies. There is not any question but that that will come within the \$500 limit.

Mr. MYERS. I will ask the Senator from Florida if he feels absolutely certain it will never be printed as a public document unless the resolution is amended.

Mr. FLETCHER. Under the resolution as it now stands amended the Public Printer absolutely, in my opinion, could not print the full 10,000 extra copies.

Mr. MYERS. Then I am willing to have the resolution reconsidered and to print 5,000 copies. As the Senator from Utah says, it is too late to look up the law, and I do not want to take the chance of getting no copies at all.

Mr. SMOOT. I have sent for the original resolution, on which the cost was estimated by the department.

Mr. SHAFROTH. Does not the Senator from Utah recognize that the printing of 10,000 copies will be much cheaper in pro-

portion to the cost than to have the number limited? It is a very valuable work. There is not any question but that the compilation of these laws will supersede looking up the statutes, and nearly every lawyer in the West and nearly every person interested in public lands will want a copy. I think 10,000 copies should be printed.

Mr. MYERS. They can send a dollar to the Public Printer and get a copy.

Mr. FLETCHER. It can be printed at the Government Printing Office and sold to the lawyers of the country at a nominal price, based upon the cost of reprinting.

Mr. MYERS. That is not the intention, Mr. President, in making it a public document. I have been told that the price would be \$1, and any person writing to the superintendent of documents could get a copy.

Mr. SMOOT. I will say to the Senator from Montana that that would not be the case if the resolution is passed. Then each Senator is allowed his pro rata of the copies printed for the Senate.

Mr. SHAFROTH. Does not the Senator think there ought to be some copies for the lawyers of the country?

Mr. FLETCHER. We can order them to be printed as a public document for free distribution to the extent of the number provided for, and they can also be put on sale by the superintendent of documents. The sale of the document has nothing to do with the resolution.

Mr. SMOOT. I have the estimated cost here of printing 3,000 copies. It was \$259.51. I thought it was \$252.

Mr. WARREN. There is some error evidently about it.

Mr. FLETCHER. The estimate of \$259.51 refers to the "usual number" of copies, and the estimated cost for each additional thousand is \$144.92, making a total cost of \$434.76 for the 3,000 extra copies provided for in the original resolution. The \$500 limit of cost on "extra copies" does not apply to the cost of printing the "usual number."

Mr. SMOOT. Certainly, it would not cost any more to print additional copies than to print the original 3,000 copies. So if the 3,000 copies cost only \$259.51—

Mr. FLETCHER. That is the estimate for the usual number only.

Mr. SMOOT. No; this is the estimate for 3,000 copies called for in the original resolution.

Mr. FLETCHER. I think the Senator will find that the estimate of \$259.51 was for the usual number, which would be only 1,345 copies, and in addition to that \$144.92 for each additional thousand copies.

Mr. SMOOT. Let me read the original resolution. The estimate was made on the original resolution. It says:

Resolved, That the publication entitled "Public Land Statutes of the United States" be printed as a Senate document, and that 3,000 additional copies be printed for the use of the Senate folding room and 1,000 additional for the Committee on Public Lands.

That included 3,000 copies, and the estimated cost under the resolution was \$259.51.

What I thought was that by reconsidering the resolution and striking out "3,000" and inserting "5,000" we would be within the limits of \$500, and let the resolution be passed in that form.

Mr. MYERS. I am willing for that.

Mr. FLETCHER. I move to reconsider the vote by which the resolution was passed.

The motion to reconsider was agreed to.

Mr. FLETCHER. I move that the resolution be amended by substituting "5,000 copies" for "3,000 copies."

The PRESIDING OFFICER. The Secretary will state the amendment.

Mr. SMOOT. I should like to amend it so that in the distribution there shall be 4,000 copies for the use of the Senate folding room and 1,000 copies for the use of the Senate Committee on Public Lands.

The PRESIDING OFFICER. The Secretary will read the resolution as proposed to be amended.

The Secretary read the resolution as proposed to be amended, as follows:

Resolved, That the publication entitled "Public Land Statutes" be printed as a Senate document, and that 4,000 additional copies be printed for the use of the Senate folding room and 1,000 additional copies for the Committee on Public Lands.

The amendment was agreed to.

The resolution as amended was agreed to.

MISSISSIPPI CENTENNIAL EXPOSITION AT GULFPORT.

Mr. VARDAMAN. Mr. President, I am going to ask the Senate this morning to indulge me just a moment while I make a statement, to be followed by a request of the Senate, which I shall make in behalf of the people of Mississippi. House joint resolution No. 252, which lies on the desk of the Presiding Officer,

authorizes the transfer of the Government exhibits now at the Panama-California International Exposition at San Diego, Cal., to the Mississippi Centennial Exposition, to be held at Gulfport, Miss., during the year 1917. The joint resolution carries an appropriation of \$75,000 to defray the necessary expenses of maintaining the Government exhibits there. I am going to ask the Senate for immediate consideration of that resolution. While local in its application, I trust that the effect of the enactment of the resolution may be national in its scope, because I maintain that you can not aid, by Government or otherwise, a legitimate enterprise in one State without at the same time benefiting all of the States.

Mr. President, the people of Mississippi have gone to, or will go to, the expense of raising something like three-quarters of a million dollars for this exposition, which will be held in celebration of the one hundredth anniversary of the admission of the State of Mississippi into the American Union.

Marvelous changes have taken place in the affairs of the Nation since this great commonwealth linked its destiny with the sisterhood of States to form this great Republic. It is the purpose of the promoters of this enterprise in Mississippi to show forth not only the things that have been done in America, but in the light of the achievements of the present, to indicate the almost infinite possibilities of the future. To say that Mississippi has contributed her part to the development of our national civilization would be but a repetition of history known to every student of national affairs. We have not amassed the fabulous private fortunes which characterize the achievements of men of other sections of our common country, but our State has been glorious—wonderfully rich in the character and intellectual accomplishments and moral qualities of its men and women, which after all is the source of all true greatness of every country. Mississippi was the first State in the Union to emancipate woman commercially—to recognize the right of woman to control and manage her own property. Within the State of Mississippi by public taxation was established the first girls' industrial college, which equips woman for the duties of life and gives her independence in the matter of self-support and self-care. That institution to-day, situated at Columbus, is one of the great schools of America for the literary and industrial education of woman, and after all, Mr. President, woman is the custodian of the morals of the Nation and man's reverence for woman determines the excellency of all civilizations. It was Mississippi that first undertook by legal means, in the face of constitutional hindrance, the solution of the great race problem of America, which beclouds the future of our country with its well-nigh insoluble difficulties. I might weary the Senate by recounting the things that have been done by Mississippi men and women which contributed to the upbuilding of America's incomparable civilization, but the limited time at my command this morning will prevent, besides I am admonished that other Senators have matters of local interest which they wish considered by the Senate. But I will trespass upon the patience of the Senate to add just this brief statement. It is the purpose of the people of Mississippi to make this exposition an international enterprise. We hope to have every State in the Union represented there, and in addition the Central and South American countries with which the United States is now endeavoring to cultivate more intimate business relations. The proximity of the coast of Mississippi to the Central and South American countries will make the exposition easily accessible to them, and I have no doubt but that every one of these countries will take advantage of the opportunity to show to the world, through our exposition at Gulfport, the wonderful resources of their respective countries. I know the influence and effect of written treaties, but personal contact between men will do more toward cultivating the relation of friendship and exciting mutual interests than all the words that could be written on parchment and published in newspapers for a hundred years. Of course, Mr. President, Senators understand that this proposed legislation is not without precedent. A number of expositions have been held in the different States at which the Government was represented, and the one at San Diego, Cal., from which we hope to have these exhibits transferred settles the question of precedent.

Mr. GALLINGER. Mr. President—

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

Mr. VARDAMAN. I yield.

Mr. GALLINGER. I have not seen the joint resolution. Will the Senator state, for my information, where this exposition is to be held?

Mr. VARDAMAN. It is to be held at the city of Gulfport, which is a very enterprising little city of about 10,000 people

on the Gulf coast of Mississippi—I think the most beautiful Gulf coast in America.

Mr. GALLINGER. I know about Gulfport. It is a very enterprising city and is growing rapidly.

Mr. VARDAMAN. It is growing very rapidly, and its people have shown great pluck and enterprise by that little city taxing itself \$125,000 for this exposition. But I am not going to take up further the time of the Senate, for, as I have stated heretofore, I understand every Senator in the Chamber probably has some local matter which he hopes to get through during the closing hours of the session. I want to say in conclusion, however, that if the Government's exhibit shall be carried to Gulfport, it will contribute very much to the success of the exposition. We all desire it, and it will be, personally, very gratifying to me if the Senate shall agree to this resolution.

I wish also, on behalf of the people of Mississippi, to extend to the Members of the Senate, in advance, a very cordial invitation to visit the exposition next year, and I assure them that we shall extend to them that hospitality which is the perfume of the fairest flower of our civilization.

Mr. GALLINGER. Mr. President—

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

Mr. VARDAMAN. With pleasure.

Mr. GALLINGER. One other question. I have not examined the joint resolution, and I desire to ask under whose direction will these exhibits be transferred from San Diego to Gulfport?

Mr. VARDAMAN. If the Senator from New Hampshire will permit me, I will read the joint resolution, which explains all that.

Mr. GALLINGER. I shall be glad to have the Senator do so.

Mr. VARDAMAN. It is to be done by the direction of a commission to be appointed by the President. I will read the joint resolution, which is as follows:

Joint resolution (H. J. Res. 252) authorizing the transfer of the Government exhibit, or such portion thereof as the President may determine is advisable, now at the Panama-California International Exposition at San Diego, Cal., to the Mississippi Centennial Exposition at Gulfport, Miss.

Whereas there is to be held at Gulfport, Miss., beginning in December, 1917, and ending in March, 1918, the Mississippi Centennial Exposition to commemorate the one hundredth anniversary of the admission of Mississippi into the Union; and

Whereas there is now a Government exhibit at the Panama-California International Exposition at San Diego, Cal., which exposition will close December 31, 1916: Therefore be it

Resolved, etc., That the said Government exhibit at the Panama-California International Exposition, or such portion thereof as may be determined by the President as advisable, be transferred at the close of the Panama-California International Exposition to the Mississippi Centennial Exposition at Gulfport, Miss., and to be maintained during the continuance of the said Mississippi Centennial Exposition and until not later than April 30, 1918, and for the purposes herein named there is hereby authorized to be expended the sum of \$75,000, or so much thereof as is necessary to cover the expense of transferring and maintaining the said exhibit, or such part thereof as may be determined by the President as available.

SEC. 2. That all laws or parts of laws relating to said Government exhibit and constituting a Government Exhibit Board and authorizing the detail of civilians and Army and Navy officers of the United States in connection with the Government exhibit at the Panama-Pacific International Exposition and which were continued and made applicable by act of Congress, December 17, 1915, so far as the same could be made applicable, to the Panama-California International Exposition at San Diego, Cal., is hereby continued and made applicable, so far as the same may be made applicable, to the Mississippi Centennial Exposition at Gulfport, Miss., during its said continuance.

SEC. 3. That nothing herein contained shall prevent the Government Exhibit Board in their discretion with the approval of the President, from transferring said Government exhibit at the close of the Panama-California International Exposition from San Diego to some other point in the United States, if desirable, for being rearranged, repaired, or added to before transferring said exhibit to the Mississippi Centennial Exposition at Gulfport.

SEC. 4. That the Government of the United States does not become responsible in any manner for any bond, debt, contract, expenditure, expense, or liability of the said Mississippi Centennial Exposition, its officers, agents, servants, or employees, or incident to or growing out of the said exposition, beyond such appropriation as is necessary to cover the expense of transferring and maintaining the said exhibit or such portion thereof as may be determined by the President as advisable.

Mr. President, with that statement, I ask unanimous consent for the immediate consideration of the joint resolution, and I trust that the Senate may pass it.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution? The Chair hears none.

Mr. GALLINGER. Let the joint resolution be laid before the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate the joint resolution referred to, which will be read.

The joint resolution (H. J. Res. 252) authorizing the transfer of the Government exhibit, or such portion thereof as the President may determine is advisable, now at the Panama-California International Exposition at San Diego, Cal., to the Mississippi

Centennial Exposition at Gulfport, Miss., was read twice by its title.

Mr. GALLINGER. The Senator from Mississippi [Mr. VARDAMAN] having read the joint resolution at length, it is hardly necessary that it be reread in full.

The PRESIDING OFFICER. Without objection, the formal reading of the joint resolution will be dispensed with.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. GALLINGER. Mr. President, I desire to say that heretofore I have been rather technical about insisting that matters of this kind should go to committees and be reported; but this proposition strikes me very favorably. I think that we ought to generously grant this request. As the joint resolution comes from the other House, I shall not raise the point on it, which under ordinary circumstances I would do.

Mr. VARDAMAN. Mr. President, I wish, in behalf of the people of Mississippi, as well as for myself, to express sincere thanks to the distinguished Senator from New Hampshire for his generous interest in this matter. The Senator's conduct in this instance is in keeping with the uniform kindness and courtesy which always characterizes his conduct in his intercourse with his brother Senators in this Chamber.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, and read the third time.

Mr. TAGGART. Mr. President, I ask unanimous consent—

Mr. VARDAMAN. Will not the Senator from Indiana wait until this joint resolution is passed?

The PRESIDING OFFICER. The Senator from Indiana will suspend a moment. The joint resolution has not yet been passed. The question is, Shall the joint resolution pass?

Mr. GALLINGER. Mr. President, before the joint resolution is passed, I desire to say that after it has been passed I shall insist upon the regular order, which is the presentation of petitions and memorials—the regular morning business.

Mr. SMITH of Georgia. Mr. President, I do not think the Senator from New Hampshire will object to the request which the Senator from Indiana [Mr. TAGGART] is about to make, to take up the widows' pension bill for consideration.

Mr. GALLINGER. Very likely I shall not.

Mr. SMITH of Georgia. All the objections to the consideration of the bill have been withdrawn, and we desire to have the bill passed at this time.

Mr. GALLINGER. I certainly shall not object to that.

The PRESIDING OFFICER. The question is, Shall the joint resolution pass?

The joint resolution was passed.

PENSIONS OF SOLDIERS' WIDOWS, MINOR CHILDREN, ETC.

Mr. TAGGART. Mr. President, I ask unanimous consent for the present consideration of Order of Business 529, being House bill 11707, which is known as the widows' pension bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Indiana?

Mr. THOMAS. Mr. President, the Senator from Florida [Mr. BRYAN] is detained on conference committee work, but he has requested me to say that he will not object to the consideration of this bill, provided a certain amendment which he proposes to offer to the bill shall be agreed to.

Mr. JONES. Mr. President, I should like to know what that amendment is.

Mr. THOMAS. I will read the amendment. It is very short, and is as follows:

Hereafter changes in rates of Army and Navy pensions under general laws shall take effect on the first day of the quarterly payment period.

Personally I have no interest whatever in the matter.

Mr. JAMES. But I understood the Senator from Florida had no objection to the consideration of the bill.

Mr. PENROSE. Before unanimous consent is given for the consideration of the bill I ask that it be read. I do not know what the bill is.

The PRESIDING OFFICER. The Secretary will state the title of the bill.

The SECRETARY. A bill (H. R. 11707) to amend an act entitled "An act to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late Civil War, the War with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late Civil War," approved April 19, 1908, and for other purposes.

The PRESIDING OFFICER. There are numerous committee amendments to the bill.

Mr. SMITH of Georgia. Mr. President, I desire to move to amend section 4 as it came from the House, which reads:

That no claim agent or attorney shall be recognized in the adjudication of claims under the first and second sections of this act.

The PRESIDING OFFICER. The question before the Senate is, 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, which had been reported by the Committee on Pensions with amendments.

Mr. CURTIS. Mr. President, I desire to inquire if the committee amendments are not first to be considered?

The PRESIDING OFFICER. The first two committee amendments to the bill have heretofore been agreed to, the Secretary advises the Chair. There is no rule which requires committee amendments to be first considered.

Mr. SMOOT. In order that we may all know just what course of procedure will be pursued, I ask unanimous consent that the committee amendments be first acted upon.

Mr. SMITH of Georgia. I understood we had acted upon the committee amendments down to the proposed committee amendment to section 4.

Mr. SMOOT. No; I do not think we have reached that point. Mr. SMITH of Georgia. When we reach section 4 I desire to offer an amendment to the House provision and to urge it instead of the committee amendment.

The PRESIDING OFFICER. The Senator from Utah [Mr. SMOOT] asks unanimous consent that the amendments of the committee which have not been disposed of be acted on before other amendments are offered. Is there objection? The Chair hears none, and it is so ordered. The Secretary will state the next amendment reported by the committee.

The SECRETARY. The first two committee amendments having been previously agreed to, the next amendment of the Committee on Pensions is, in section 2, page 2, line 17, after the word "widow," to insert "of an officer or enlisted man who served in the Army, Navy, or Marine Corps of the United States during the Civil War"; on page 3, line 3, after the word "law," to strike out "or laws"; and in the same line, after the word "pensioned," to insert "and the law or laws amendatory thereof," so as to read:

SEC. 2. That any widow of an officer or enlisted man who served in the Army, Navy, or Marine Corps of the United States during the Civil War whose name was placed or shall hereafter be placed on the pension roll under any existing law and whose name has been or shall hereafter be dropped from said pension roll by reason of her marriage to another person who has since died or shall hereafter die, or from whom she has been heretofore or shall be hereafter divorced upon her own application and without fault on her part, shall be entitled to have her name again placed on the pension roll at the rate allowed by the law under which she was formerly pensioned, and the law or laws amendatory thereof, unless she be entitled to a greater rate of pension under the provisions of section 1 of this act, such pension to commence from the date of filing her application in the Bureau of Pensions after the passage of this act.

Mr. STONE. Mr. President, I wish some member of the Committee on Pensions would tell me what rate of pension is allowed at this time to widows included in this bill?

Mr. SMOOT. Under the present law the rate is \$12 per month.

Mr. STONE. And this bill increases that to \$20 per month?

Mr. SMOOT. This bill makes it \$20 per month.

Mr. GALLINGER. When the widow reaches the age of 70.

Mr. SMOOT. Yes; when the widow reaches the age of 70.

Mr. STONE. I do not quite understand the bill as providing that the widow must have reached the age of 70 in order to be entitled to the increased rating.

Mr. SMOOT. Oh, yes; the bill specifically states "who has reached or shall hereafter reach the age of 70 years."

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Pensions was, in section 2, page 3, line 23, after the word "remarriage," to insert "and to any person who was lawfully married to an officer or enlisted man, who served in the Army, Navy, or Marine Corps of the United States during the Civil War and was honorably discharged therefrom and has since deceased, and who, having remarried since his death is again a widow, or has been divorced from her last husband upon her own application without fault on her part and who, otherwise entitled, was barred by reason of such remarriage from receiving pension under any existing law," so as to read:

And provided further, That the provisions of this act shall be extended to those widows, otherwise entitled, whose husbands died of wounds, injuries, or disease incurred during the period of their military

or naval service, but who were deprived of pension under the act of March 3, 1865, because of their failure to draw any pension by reason of their remarriage, and to any person who was lawfully married to an officer or enlisted man who served in the Army, Navy, or Marine Corps of the United States during the Civil War and was honorably discharged therefrom and has since deceased, and who, having remarried since his death, is again a widow, or has been divorced from her last husband upon her own application without fault on her part, and who, otherwise entitled, was barred by reason of such remarriage from receiving pension under any existing law.

The amendment was agreed to.

The next amendment was, in section 3, page 4, line 10, after the words "prior to," to strike out "June twenty-seventh, nineteen hundred and five," and insert "the passage of this act," so as to make the section read:

SEC. 3. That any widow, as described in section 2 of the act approved April 19, 1908, who married the soldier or sailor prior to the passage of this act, shall have title to pension under the provisions of said section of said act, to commence from the date of filing her application in the Bureau of Pensions after the passage of this act: *Provided, however,* That the benefits of this act shall include those widows whose husbands, if living, would have a pensionable status under the joint resolutions of February 15, 1895, July 1, 1902, and June 28, 1906.

Mr. SMITH of Georgia. Mr. President, I move to amend the House provision in section 4, which reads:

That no claim agent or attorney shall be recognized in the adjudication of claims under the first and second sections of this act.

That clearly is intended to save to the pensioners the full amount of the money which they receive from the Government in the form of pensions. I wish to add this amendment:

It shall be illegal for any claim agent, attorney, or other person to charge or receive from any pensioner provided for by this act any sum in connection with the procurement of a pension, and any person violating this provision shall, on conviction, be fined not more than \$500 or imprisoned not more than six months.

This will absolutely save the money to the pensioners. Those receiving the benefits of this act do not need anybody to represent them. They will get what they are entitled to on application; and their Representatives in Congress are always ready to look out for them. I do want what the Government gives to go to the 70-year-old widows.

The PRESIDING OFFICER. The Chair desires to call the attention of the Senator from Georgia to the fact that there is a committee amendment pending to this section; and, under the order of the Senate, the committee amendments must be first disposed of.

Mr. SMITH of Georgia. But I wish to perfect the House provision before we vote upon the Senate amendment.

The PRESIDING OFFICER. The Senator is correct. The question is on the adoption of the amendment offered by the Senator from Georgia to the House provision of the bill.

Mr. SMOOT. Mr. President, I have no objection at all to the provision that the Senator has offered as an amendment to section 4 of the House bill, but I do have objection to having the amended House section 4 substituted for the Senate amendment. As soon as we agree to the amendment offered by the Senator from Georgia, to which I have no objection, I want to speak to the question itself.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Georgia to the House provision of the bill.

The amendment was agreed to.

Mr. SMOOT. Now, the question reverts, I suppose—

The PRESIDING OFFICER. The Secretary will state the Senate amendment.

The SECRETARY. The committee proposes to strike out section 4, and to insert a new section 4, as follows:

That no claim agent or attorney shall be recognized in the adjudication of claims under the first section of this act, nor shall any claim agent or attorney be recognized in the adjudication of claims under the second section of this act for renewal of pension previously allowed, and in claims for original pension under section 2 of this act no greater sum than \$10 shall be allowed for services in preparing, presenting, or prosecuting such claim, which sum shall be payable only upon the order of the Commissioner of Pensions under such rules and regulations as he may deem proper to make.

The Senator from Georgia [Mr. SMITH] moves to amend the portion proposed to be stricken out so that it will read:

It shall be illegal for any claim agent, attorney, or other person to charge or receive from any pensioner provided for by this act any sum in connection with the procurement of a pension, and any person violating this provision shall, on conviction, be fined not more than \$500 or imprisoned not more than six months for each offense.

The PRESIDING OFFICER. The status of the matter is that the Senator from Georgia has proposed to amend the text of the House bill, and his amendment has been agreed to. The question now is on the adoption of the Senate amendment as a substitute for the House language as amended by the Senator from Georgia.

Mr. SMOOT. Mr. President, I sincerely hope the Senate will adopt the Senate committee amendment. The latter part of it provides:

In claims for original pension under section 2 of this act no greater sum than \$10 shall be allowed for services in preparing, presenting, or prosecuting such claims.

Ten dollars ought to be allowed for those purposes; but I do not believe, and the Senate committee has so provided, that any claim agent or attorney should be paid in the adjudication of claims under the first section of the act.

Let us see how this will work, Mr. President. Wherever there is a question of testimony that a widow will be compelled to submit to the department, she can not without assistance present it in the way that it must be presented. She can not prepare the required affidavits. Perhaps she has no friends that can prepare them properly, and she would be perfectly helpless. Some of the widows could hardly understand the letters that would be sent them by the Commissioner of Pensions in answer to their application for pension. Now, we want to prevent any attorney or any claim agent from receiving more than \$10 for such service. Not only that, but we go further and we limit the payment of that amount until the Commissioner of Pensions orders it paid. We have guarded it in every way possible; but I know that if that provision is not put into the law there will be thousands of widows in this country who will never receive the benefit of this act.

Mr. President, I do not believe there is a Senator who wants to debar any widow who is entitled under the law to receive a pension from doing so.

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

Mr. SMOOT. Certainly.

Mr. CLAPP. My observation leads me to believe that there are a great many people in this country who do not realize that they can write to their Senator or Congressman with regard to pension matters, and that is the vice of the special pension system. Some one who does know a Congressman or Senator will bring a meritorious case to his attention and get a bill passed, while others—and there are lots of them who do not know the Congressman or Senator—do not realize that they can appeal to him, and they go without the protection which the law sought to give them because of that fact.

I believe the Senator from Utah is right. There are a great many people sought to be reached by this bill who would not understand that they could write to their Senator or Congressman in regard to the matter. I am just as anxious as anybody to protect the pensioners from the rapacity of agents and attorneys, but I am inclined to think that in our effort to protect the pensioners we are perhaps doing what may result in injury to some of them.

Mr. KERN and Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER (Mr. UNDERWOOD in the chair). Does the Senator from Utah yield, and to whom?

Mr. SMOOT. I yield to the Senator from Indiana.

Mr. KERN. I want to ask the Senator whether he thinks that Senators and Members of Congress could find time to prepare the necessary affidavits and hunt up the evidence necessary for the prosecution of these claims? I am quite sure that some provision must be made here that will enable these women who will be entitled to pensions under this act to go to somebody other than their Congressman or Senator for aid in the prosecution of their claims.

Mr. CLAPP. Mr. President, I think the Senators and Congressmen, as a rule, through their official force, do take care of those cases that come to their attention. The trouble is that I know well enough that there are any number of people who, not being personally acquainted with a Congressman or a Senator, do not realize that they can write to him; and I do not think we ought to throw this obstacle in the way of deserving pensioners.

Mr. SMOOT. There is another class of cases, Mr. President, that will have to be looked after under the \$10 provision. There are many names dropped from the pension rolls upon the reports of pension examiners. Now, are we going to say that a widow who is dropped from the pension rolls, without receiving any information other than the notification of her name being dropped, shall not have the privilege of going to an attorney or a pension agent and have her case submitted to the department for reconsideration? It is unreasonable; and it seems to me that we have limited the amount in this bill so that no one is going to be taken advantage of.

I am in full accord with the policy of the Senate Pension Committee for the past 10 years in preventing pension-claim sharks from robbing the applicants for pensions, for that is

what they have been doing in the past. I know not only of cases where there have been pension-claim agents who have taken all of the first year's pension that the pensioner received, but I have known cases where in order to meet their demands they have taken as high as three years' pension. Of late—I think during the last six years—there has not been a pension bill passed without a limitation being placed upon the charges that could be made by a claim agent or an attorney acting in behalf of a claimant for pension.

This being a widows' pension bill, we have limited the amount that may be allowed to the small sum of \$10, not as to the first section of the bill but applying only to the second section. The testimony or application may be submitted by an attorney or a claim agent, but in no case shall he be paid more than \$10.

If the Senate amendment is not agreed to and if the House provision as amended by the Senator from Georgia is agreed to, I say now that there will be many, many of the widows of officers and soldiers who never will be placed upon the pension rolls. Not only that, but I want to say that in every case where a name is dropped from the pension rolls I doubt whether it will ever be put back.

Mr. NELSON. Mr. President, I should like to ask the Senator from Utah a question.

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

Mr. SMOOT. Certainly.

Mr. NELSON. I am not clear from hearing the bill read whether it affects the limitation of existing law that prohibits a widow from getting a pension unless she married a soldier prior to a certain date. Does it change that law?

Mr. SMOOT. It does change that law, Mr. President.

Mr. NELSON. To what extent?

Mr. SMOOT. I will read the provision to the Senator.

Mr. NELSON. Under the existing law it is some date in 1890—June 30, 1890, I believe. Unless a widow married a soldier before that date, she is not entitled to any pension. This removes that limitation entirely, as I understand. Is that the effect of it?

Mr. SMOOT. That is the effect, Mr. President. It removes the limitation.

Mr. NELSON. As to widows of the Civil War?

Mr. SMOOT. Widows of the Civil War will receive a pension down to the passage of this act.

Mr. NELSON. A pension of \$20?

Mr. SMOOT. No; \$20, provided they are 70 years old; but \$12, as the law now provides, if they are not.

Mr. NELSON. No matter if they married the soldier yesterday?

Mr. SMOOT. That is true, Mr. President.

Mr. KERN. Mr. President—

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

Mr. SMOOT. I do.

Mr. KERN. I want to call the attention of Senators to the fact that we have only seven minutes left in which to pass this bill.

Mr. SMOOT. I am ready to vote.

Mr. KERN. The Senator from Utah is insisting that there is no unfinished business. The Senator from Oklahoma [Mr. OWEN] claims that there is unfinished business. Now, while we have this seven minutes, let us pass this bill.

Mr. SMOOT. I am ready to vote, Mr. President.

Mr. SMITH of Georgia. I am not.

Mr. KERN. The matter can be disposed of in conference.

Mr. SMITH of Georgia. The Senator has taken up the time in objecting to the amendment which I made, and I desire to reply to him.

I do not believe there is a county in the United States in which there are not high-class lawyers who would willingly represent the widow of a soldier for nothing and attend to her work for her. I have not very much opinion of the \$10 lawyers or the \$10 claim agents. I would rather risk a widow in the hands of a high-class lawyer who would gladly serve her for nothing, if she needed it, than in the hands of the \$10 claim agent.

When I was connected with the Interior Department, there was often called to my attention the improper treatment that pensioners received from claim agents. I introduced this amendment because I am willing to see these 70-year-old widows get every dollar that the bill gives them. I am not much in favor of the widow who marries now and is not of advanced years herself; but the provision in the bill that takes care of the 70-year-old widow is what appeals to me, and I want them to have all the money.

Mr. CURTIS. Mr. President, this is a very important measure, and I do hope it will pass before the morning hour expires, if there is unfinished business. The enactment of this bill into law will bring joy to the hearts of thousands of deserving widows; and I hope it may pass to-day.

Mr. SMOOT. I do not think there is.

The PRESIDING OFFICER. The question is on the adoption of the committee amendment.

Mr. KERN. Let us have the question put.

The PRESIDING OFFICER. The amendment of the Senator from Georgia [Mr. SMITH] to the House text has already been agreed to. The question is on the adoption of the Senate committee amendment.

The amendment was agreed to.

Mr. THOMAS. Mr. President, I want to return to section 3, and ask a reconsideration of the Senate amendment there which provides that any widow who married a soldier prior to the passage of the act should be entitled to a pension. That means that if a woman 20 years old to-day marries an old soldier who dies to-morrow, and she lives 50 years longer, she will be a pensioner upon this Government at the rate of \$360 a year. Now, I can conceive of no reason for that.

Mr. SMOOT. No; \$12 a month, unless she is 70 years old.

Mr. THOMAS. Well, \$12 a month, \$144 a year. Upon what theory can we so legislate? A good many lectures have been read to the Democratic majority in the last few days regarding our extravagances. None of them have had reference to pensions. Here we propose to pension a lot of women who are not even married to-day, who may be married to-morrow, before the passage of this act, and who thereby become life pensioners.

I ask for a reconsideration of this amendment, and the adoption of the House provision.

The PRESIDING OFFICER. Will the Senator state what it is that he moves to reconsider?

Mr. THOMAS. I move to reconsider the vote by which the amendment to section 3, on line 11, page 4, was agreed to.

The PRESIDING OFFICER. The Secretary will state the motion of the Senator from Colorado.

The SECRETARY. The committee amendment struck out the words "June 27, 1905," and inserted the words "the passage of this act," so that it would read:

That any widow, as described in section 2 of the act approved April 19, 1908, who married the soldier or sailor prior to the passage of this act, shall have title to pension under the provisions of said section of said act, to commence from the date of filing her application in the Bureau of Pensions after the passage of this Act.

Mr. SMITH of Georgia. I hope the friends of this measure will leave it as the House had it. I think that is very fair.

The PRESIDING OFFICER. The question is on the motion of the Senator from Colorado to reconsider the action of the Senate in reference to section 3. [Putting the question.] By the sound the "noes" seem to have it.

Mr. SMITH of Georgia. I call for a division.

The motion was lost, on a division.

Mr. THOMAS. Mr. President, I shall object to the further consideration of this bill unless it contains the House provision in section 3.

Mr. THOMPSON. Mr. President, I rise to a point of order. I do not think the Senator can object after unanimous consent has been given for the consideration of the bill. The Senate is considering it under a unanimous-consent agreement.

The PRESIDING OFFICER. The Chair understands that under the rules of the Senate objection can be made in the morning hour at any time when a bill is being considered; but if the Senator from Kansas has any further light that he can throw on that the Chair will be glad to hear from him.

Mr. METERS. I move that the Senate proceed to the consideration of the bill notwithstanding the objection.

Mr. SMITH of Georgia. The motion is not in order. The morning business has not closed, and a motion to proceed can not be made until the morning business is closed.

The PRESIDING OFFICER. The point of order made by the Senator from Georgia is sustained by the Chair.

Mr. SMOOT. Has not the morning business closed?

The PRESIDING OFFICER. The morning hour had not closed then, but the hour of 12 o'clock having just arrived the morning hour is closed and—

Mr. SMOOT. I move that the Senate proceed to the consideration of House bill 11707.

Mr. OWEN. Before the Senator's motion is in order the unfinished business automatically must be laid before the Senate under the rule. I ask that the unfinished business be laid before the Senate as a matter of due order.

Mr. SMOOT. The calendar does not show that there is any unfinished business.

Mr. OWEN. The print of the calendar is a matter of no consequence.

Mr. SMOOT. I am aware that it is no evidence in itself, but I should like to say to the Senator he allowed the bill to be temporarily laid aside for the purpose of going into an executive session, and after the business of the executive session was completed there was a great deal of legislative business transacted, as the Journal discloses this morning, and we adjourned by a vote of the Senate. The Senator well knows that the corrupt-practices bill was not before the Senate when we adjourned, and therefore it can not be the unfinished business.

Mr. OWEN. I recognize the fact that the attitude of the Republican leaders this morning in demanding the reading of the Journal for an hour and a half, more or less, and the present attitude of the Senator from Utah is merely a filibuster against this bill.

Mr. SMOOT. It is no filibuster. I am perfectly willing to have the Chair decide this question by the rules of the Senate, and I have not another word to say.

Mr. OWEN. The unfinished business was temporarily laid aside for the consideration of the Danish treaty, and while in executive session some legislative matters were considered, but it was done under a unanimous consent. But the fact was that the bill which had the right of way was merely temporarily laid aside for the consideration of the executive business, and it is in good conscience entitled now to its status as the unfinished business.

Mr. SMOOT. As far as I am concerned, I do not care what the ruling of the Chair is. I am perfectly willing to submit it now and let the Chair decide.

The PRESIDING OFFICER. The present occupant of the chair was not in the Senate at the time the bill was laid aside, and therefore has to turn to the RECORD to find what occurred. The Chair finds the RECORD discloses the fact that the Senator from Missouri [Mr. STONE], addressing the Chair, said:

Mr. President, I will ask the Senator from Oklahoma if he will not consent to lay aside the bill for a short time that we may have an executive session—

Mr. OWEN. That was the unanimous-consent agreement.

The PRESIDING OFFICER. If the Senator will allow the Chair to finish—

that we may have an executive session, and after that we can resume its consideration.

Mr. OWEN. I am willing to have the bill temporarily laid aside subject to the executive session, with the understanding that after the executive session is disposed of we shall then proceed with the consideration of the bill.

The Chair finds that, after we went into executive session, by unanimous consent there were certain other matters that were taken up, but it seems to the Chair that when the Senator from Oklahoma consented to lay aside the consideration of the bill before the Senate it was clearly with the understanding that its status as the unfinished business should not be disturbed, and the Chair holds that it is the unfinished business of the Senate. The Secretary will report the bill to the Senate.

The SECRETARY. A bill, H. R. 15842, known as the corrupt-practices act.

Mr. SMOOT and Mr. OWEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma has charge of the bill.

Mr. OWEN. I am willing, unless the widows' pension bill is going to consume an unlimited amount of time, to ask that the unfinished business be temporarily laid aside to dispose of that bill. If Senators mean to talk on the widows' pension bill indefinitely, then I do not feel willing to have the unfinished business laid aside. I should be glad to know whether the Senators are willing to have the pension bill disposed of.

Mr. THOMAS. If I may be allowed, so far as I am concerned, I will say that if the Senate will accept the House bill and reject the amendment to section 3, I shall not say a word against the bill.

Mr. SMITH of Georgia. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Georgia?

Mr. OWEN. I do.

Mr. SMITH of Georgia. If the Senator will allow me, the House bill was brought to the attention of myself and several other Senators, and it seemed so fair and so much in the interest of women of advanced years that we agreed to cooperate and support the bill and put it through.

The Senate committee amendments confront us with an entirely different bill. I do not claim that anyone has acted improperly in it; but I was shown the House bill, and the 70-year-old widows appealed to me tremendously, and I wanted

to help do something for them. I thought here is a chance to help me to vote for a measure I am glad to support. This change to let a girl marry a man of 75 to-morrow and draw the pension does not appeal to me at all.

Mr. SMOOT. Is that the only provision the Senator objects to? Mr. SMITH of Georgia. That is the one I principally object to.

Mr. THOMAS. It is the only one I object to. Mr. SMITH of Georgia. Why should we not pass the House bill and close it?

Mr. SMOOT. I will tell the Senator why. For instance, the first Senate amendment I do not think the Senator will object to. It is to perfect the House bill; that is, to make the House bill read:

That from and after the passage of this act the rate of pension for a widow who was the lawful wife of any officer or enlisted man in the Army, Navy, or Marine Corps of the United States during the period of his service in the Civil War shall be \$20 per month.

To perfect that the Senate committee put in the words:

Now on the roll or hereafter to be placed on the pension roll and entitled to receive a less rate than hereinafter provided.

The Senator would not object to that.

Mr. THOMAS. I would not object to it.

Mr. SMITH of Georgia. I do not object to that.

Mr. SMOOT. The only thing the two Senators object to is the provision granting a pension to the widow who may have married a day before the passage of this act.

Mr. THOMAS. Striking out "June 27, 1905."

Mr. SMOOT. I am willing that that amendment should be rejected in order to get the bill through.

Mr. SMITH of Georgia. I should like to get rid of the \$10 to pension agents, but I will waive even that.

Mr. SMOOT. I will say that rather than see this bill fail this session of Congress I would be willing to accept the House provision.

Mr. OWEN. With that understanding, and that this bill will therefore take only a few minutes to dispose of, I ask that the unfinished business be temporarily laid aside for this purpose and then return to the unfinished business.

Mr. SMOOT. I will say to the Senator from Oklahoma I do not think it will take 10 minutes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oklahoma? The Chair hears none, and it is so ordered.

Mr. SMOOT. I move that the Senate proceed to the consideration of House bill 11707.

Mr. SMITH of Georgia. I ask unanimous consent to take it up. There is not any objection.

The PRESIDING OFFICER. Without objection, the bill is before the Senate as in Committee of the Whole.

Mr. SMITH of Georgia. All we need is to let the House bill pass into the Senate and reserve the amendment to section 3.

Mr. SMOOT. The one amendment.

Mr. SMITH of Georgia. The one amendment to section 3.

Mr. SMOOT. I should like to have the amendment to section 4 agreed to in Committee of the Whole.

Mr. SMITH of Georgia. It has been agreed to.

Mr. SMOOT. I do not remember the Senate agreeing to it.

The PRESIDING OFFICER. The amendment has been agreed to, the Chair is advised. The bill is in Committee of the Whole and open to amendment.

Mr. MYERS. I move to amend the bill in line 9, on page 2, by striking out the word "seventy" and inserting "sixty."

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 2, line 9, before the word "years," strike out "seventy" and insert "sixty."

The amendment was rejected.

Mr. SMOOT. There is one other amendment I want to call attention to.

Mr. THOMAS. What has been done with the amendment to section 3?

The PRESIDING OFFICER. The Chair will inform the Senator from Colorado that that amendment has been reserved for action when the bill goes into the Senate.

Mr. THOMAS. Is the bill now in a position where other amendments can be offered?

The PRESIDING OFFICER. It is.

Mr. THOMAS. At the request of the Senator from Florida [Mr. BRYAN], I offer an amendment. I understand it is acceptable.

The PRESIDING OFFICER. The Secretary will read the amendment.

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

SEC. — Hereafter changes in rates of Army and Navy pensions under general law shall take effect on the first day of the quarterly payment period.

Mr. SMOOT. The committee can not accept that. That does not affect the widows included in this bill but it affects every old soldier in the United States.

Mr. THOMAS. The amendment is not mine. I have introduced it by request.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Colorado.

Mr. SMOOT. Mr. President—

Mr. THOMAS. I suggest to the Senator to let it go to conference.

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. SMOOT. I will not take the time of the Senate, because I gave my word to the Senator from Oklahoma that it would not take very long to conclude the consideration of the bill. All I will say is that I sincerely hope the Senate will not vote for the amendment. It means that every old soldier in the country who arrives at the age of 75 years, we will say, is not entitled to increase of pension immediately as the law provides, but he must wait until the first day of the next quarter. That is what it means. I ask that the Senate disagree to the amendment.

Mr. VARDAMAN. What is the purpose of the amendment?

Mr. SMOOT. The purpose of the amendment is that the pensioners shall be paid only quarterly, or, in other words, on the 1st day of January—

Mr. VARDAMAN. It is simply a matter of bookkeeping.

Mr. SMOOT. That is not all. Increases of pensions are to begin on the 1st day of January, the 1st day of April, the 1st day of July, and the 1st day of October; and if an old soldier arrives at the age of 75 on the 21 day of January he can not receive an increase of pension until the 1st day of April.

Mr. VARDAMAN. Let us vote on it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. SMOOT. There is one other amendment I wish to offer. I do not want any discussion over it. If there is any objection to it, I will withdraw it. I will state very briefly what it means. It is to strike out the proviso commencing with the words "Provided, however," in line 15, page 4 of the bill, down to and including line 20, and insert:

Provided, however, That where a pension has been granted to a soldier's or sailor's helpless or idiotic child or children, or child or children under the age of 16 years, his widow shall not be entitled to pension under this section unless the pension to such child or children has terminated or unless such child or children be a member or members of her family and cared for by her, and upon allowance of pension to the widow payment of pension to such child or children shall cease.

Mr. SMITH of Georgia. I think that is all right.

Mr. SMOOT. I was going to say that it takes care of the widows of Confederate soldiers who afterwards served in the Union Army.

Mr. CHILTON. Does the Senator's amendment strike out lines 15 to 20, inclusive, and insert that which follows?

Mr. SMOOT. It strikes out those lines and inserts that which I have read.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Utah.

The amendment was agreed to.

Mr. NELSON. What has become of the amendment to section 3?

Mr. SMITH of Georgia. That is reserved for a vote in the Senate.

Mr. SMOOT. It is reserved for action in the Senate.

Mr. NELSON. Very well.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question is on concurring in all the amendments made as in Committee of the Whole except the amendment to section 3, which was reserved.

Mr. THOMAS. I ask that the Senate disagree to the amendment in section 3, on lines 10 and 11 of page 4.

The PRESIDING OFFICER. Will the Senator allow the Chair to put the question on concurring in the other amendments made as in Committee of the Whole?

Mr. THOMAS. Certainly.

The amendments were concurred in.

The PRESIDING OFFICER. The committee proposed, on page 4, lines 10 and 11, to strike out the words "June 27, 1905," and to insert the words "the passage of this act."

Mr. SMITH of Georgia. Mr. President, I only want to say that a number of us agreed to help to get this bill through as

it was written in the House at that place, and think it only fair it should go through in that way. I hope the amendment will be rejected.

The amendment was rejected.

Mr. THOMPSON. I should like to move, on page 2, line 9, before the word "years," to strike out "seventy" and insert "sixty-five."

Mr. GALLINGER. Mr. President, I trust that that amendment will not be agreed to.

Mr. SMITH of Georgia. That is another change proposed from the bill that we all agreed to help through, and I think the amendment ought to be rejected.

The PRESIDING OFFICER. The question is on the adoption of the amendment of the Senator from Kansas.

The amendment was rejected.

Mr. JONES. Mr. President, I will take just a minute. I think it was in the Sixty-second Congress that I introduced a bill providing a pension of \$24 a month for widows who were the wives of soldiers during the war. I believed then, and I still believe, that those women ought to have some recognition in their own right. They suffered as much, if not more, than any man who was at the front. That bill was favorably reported at \$20 a month. I have been pressing it ever since, and I am glad that in this bill those widows receive recognition; that there is granted a pension to those widows, regardless of their age, if they were the wives of soldiers during the war. Of course I suppose there are hardly any of them who are not now 70 years of age; but it is a sort of a statutory recognition, at any rate, of these women, and I am glad to support the bill.

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.

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 and joint resolution, and they were thereupon signed by the Vice President:

S. 3646. An act to amend the act of February 11, 1915 (39 Stat. L., p. 807) providing for the opening of the Fort Assiniboine Military Reservation;

S. 6748. An act providing that Indian schools may be maintained without restriction as to annual rate of expenditure per pupil; and

H. J. Res. 237. Joint resolution authorizing the Postmaster General to provide the postmaster at Gulfport, Miss., with a special canceling die for the Mississippi Centennial Exposition celebration.

HOUSE BILL REFERRED.

H. R. 15958. An act to amend an act providing for the withdrawal from public entry of lands needed for town sites in connection with irrigation projects was read twice by its title and referred to the Committee on Irrigation and Reclamation of Arid Lands.

PETITIONS AND MEMORIALS.

Mr. MYERS presented a memorial of sundry citizens of Missoula, Mont., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

Mr. PHELAN presented a petition of the board of supervisors of San Francisco, Cal., praying for the enactment of legislation providing for the establishment of a naval academy on the Pacific coast; which was referred to the Committee on Naval Affairs.

ADULTERATION OF PAINT.

Mr. CUMMINS, from the Committee on Manufactures, to which was referred the bill (S. 1289) for preventing the manufacture, sale, or transportation of adulterated, mislabeled, or misbranded linseed oil, turpentine, or paint, reported it with amendments and submitted a report (No. 871) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED.

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

By Mr. TAGGART (for Mr. JOHNSON of Maine):

A bill (S. 7015) granting an increase of pension to Thomas B. Wiggin, jr. (with accompanying papers); to the Committee on Pensions.

By Mr. KENYON:

A bill (S. 7016) for the relief of Capt. Ellis B. Miller; to the Committee on Naval Affairs.

By Mr. MYERS:

A bill (S. 7017) granting a pension to Louisa L. Wright (with accompanying papers); to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 7018) granting an increase of pension to Andrew Goodwin (with accompanying papers); to the Committee on Pensions.

By Mr. TAGGART:

A bill (S. 7019) granting an increase of pension to John D. Whitted; to the Committee on Pensions.

By Mr. LEA of Tennessee:

A bill (S. 7020) to amend section 107 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as heretofore amended; to the Committee on the Judiciary.

TRADE WITH CHINA.

Mr. SMITH of Georgia. I introduce a joint resolution and ask that it be printed in the Record and referred to the Committee on Foreign Relations.

The joint resolution (S. J. Res. 174) providing for an American Congressional Commission for the investigation of commercial trade opportunities in China and the establishment of direct trade relations between China and the United States of America was read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the Record, as follows:

Whereas it is apparent that the markets of the world are undergoing and will continue to undergo reorganization as the result of changed conditions caused by the European war; and

Whereas it is necessary to broaden and extend the markets for American products to the end that with the close of the war the largest possible demand for American products should exist throughout the world; and

Whereas there are great possibilities and opportunities for enlargement of trade with China, and especially for such enlargement as a result of direct trade relations between China and the United States: Therefore be it

Resolved, etc., That a commission, to be known as the American Congressional Chinese Commercial Commission, composed of four Senators and five Members of the House of Representatives, shall be named by the President of the Senate and the Speaker of the House of Representatives, to investigate and study the opportunities and inducements for enlarged commercial trade with China and the development to the fullest extent of direct trade relations between that country and the United States of America; and be it

Resolved further, That the President is requested to name five citizens of the United States selected from those interested in trade development with China, who shall also be members of said commission, all the members of the commission to serve without compensation; and

Resolved further, That the said commission shall visit, as soon as practicable, the Republic of China, its principal commercial and manufacturing cities, as well as its agricultural districts, and the President is authorized to furnish a vessel of the United States for the use of the commission in making the trip; and the said commission shall submit a report to the Congress as early as practicable, giving the result of the investigations and such recommendations as it may see fit to make.

THREATENED STRIKE OF RAILWAY EMPLOYEES (S. DOC. NO. 549).

Mr. NEULANDS submitted the following resolution (S. Res. 267), which was read and referred to the Committee on Printing:

Resolved, That the hearing entitled "Threatened strike of railway employees" before the Senate Committee on Interstate Commerce be printed as a Senate document, and that 9,000 additional copies be printed, of which 4,000 copies shall be for the use of the Senate document room and 5,000 copies for the use of the Senate Committee on Interstate Commerce.

Mr. FLETCHER subsequently, from the Committee on Printing, to which was referred the foregoing resolution, reported it without amendment, and it was considered by unanimous consent and agreed to.

NATIONAL PARK IN INDIANA.

Mr. TAGGART. I submit a resolution which has for its object the investigation of the practicability of converting three sand-dune counties in the State of Indiana into a national park. I ask unanimous consent for the present consideration of the resolution.

Mr. SMOOT. Does the resolution require an appropriation?

Mr. TAGGART. No appropriation is involved.

The resolution (S. Res. 268) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Interior be, and is hereby, directed to investigate and report to Congress at its next session the advisability of the securing, by purchase or otherwise, all that portion of the counties of Lake, Laporte, and Porter, in the State of Indiana, bordering upon Lake Michigan and commonly known as the "Sand Dunes," with a view that such lands be created a national park.

That the said Secretary shall also report the cost of acquiring such lands and the probable expense of maintaining them as a part of the national-park system.

FEDERAL AID ROAD ACT (S. DOC. NO. 548).

Mr. BANKHEAD. Mr. President, I desire to have printed as a public document the Federal aid road act of July 11, 1916, together with a summary of the rules and regulations relating thereto; and also an article by the Secretary of Agriculture on the Government and good roads. I ask that the matter be re-

ferred to the Committee on Printing, with a view to having it printed as a public document.

The PRESIDING OFFICER. Without objection, the matter will be referred to the Committee on Printing for action.

Mr. FLETCHER subsequently, from the Committee on Printing, reported the following resolution (S. Res. 270), which was read, considered by unanimous consent, and agreed to:

Resolved, That the manuscript submitted by the Senator from Alabama [Mr. BANKHEAD] on September 7, 1916, entitled "The Federal aid road act of 1916," including a summary of the same, rules and regulations of the Secretary of Agriculture, and an article entitled "The Government and good roads," by Hon. David F. Houston, be printed as a Senate document.

DONATION OF CONDEMNED CANNON—CONFERENCE REPORT.

Mr. CHAMBERLAIN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill S. 6625, entitled "An act authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments to the House, and the House agree to the same.

GEORGE E. CHAMBERLAIN,
G. M. HITCHCOCK,
Managers on the part of the Senate.
W. J. FIELDS,
FRANK L. GREENE,
Managers on the part of the House.

The report was agreed to.

WYANDOTTE INDIAN CEMETERY.

Mr. THOMPSON. I ask the Senator from Oklahoma if he will not yield one moment for a little local bill for the preservation of the cemetery of the Wyandotte Indians in Kansas City, Kans.? It is right in the midst of the city and is not being taken care of. The bill has been favorably recommended, has been passed by the House, and has been favorably reported by my colleague [Mr. CURTIS] from the Committee on Indian Affairs. It provides for \$10,000 to take care of the grounds.

The PRESIDING OFFICER. The Senator from Oklahoma is entitled to recognition upon the unfinished business.

Mr. OWEN. I have no objection to withholding the matter for a moment.

Mr. THOMPSON. I am sure there will be no objection to it. I ask for the present consideration of the bill (H. R. 10989) making appropriation for the preservation, improvement, and perpetual care of Huron Cemetery, a burial place of the Wyandotte Indians in the city of Kansas City, Kans.

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That the sum of \$10,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the preservation and improvement of Huron Cemetery, a tract of land in the city of Kansas City, Kans., owned by the Government of the United States, the use of which was conveyed by treaty to the Wyandotte Tribe of Indians as a cemetery for the members of said tribe: *Provided*, That the authorities of Kansas City, Kans., will construct and maintain all necessary retaining or outside walls along all the boundaries of said cemetery abutting on streets.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC AUCTIONS IN THE DISTRICT OF COLUMBIA.

Mr. JAMES. I ask the Senator from Oklahoma to yield to me that I may ask unanimous consent to call up the bill (H. R. 14824) to prevent fraud at public auctions in the District of Columbia. The bill has passed the House of Representatives and has been favorably reported by the Committee on the District of Columbia. It is to prevent fake auctions in the District of Columbia, and I do not think there will be the slightest objection to its consideration.

Mr. GALLINGER. I hope consent will be given. It is an important matter.

The PRESIDING OFFICER. Does the Senator from Oklahoma yield?

Mr. OWEN. I have no objection.

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That hereafter, excepting sales made under authority of law, it shall be unlawful in the District of Columbia for any person, firm, or corporation, either for himself or itself, or for another or for any firm, or corporation to sell or offer to sell at public auction any stock or stocks of merchandise, in whole or in part, with-

out first obtaining from the Board of Commissioners of the District of Columbia a written or printed permit so to do; and the said Board of Commissioners shall not issue a permit for any such sale or sales until they are satisfied that neither fraud nor deception of any kind is contemplated or will be practiced, and that neither the sale, the reasons therefor nor the goods to be sold have not already been or will not thereafter be fraudulently or falsely advertised or in any wise whatsoever misrepresented.

Sec. 2. That every such permit shall be issued for a definite period of time not exceeding 12 months from its date of issue, and the date and hour of its expiration shall be stated in the permit, and before such permit shall be issued the applicant therefor shall pay to the District of Columbia, through its collector of taxes, such fee as the District Board of Commissioners may deem sufficient to reimburse the District of Columbia for the work and expense of issuing the permit and gathering information concerning the applicant and his goods as the said board may deem prudent and best for the protection of the public, but which fee shall not exceed the sum of \$50. The application for the said permit shall be by verified petition, stating the name of the applicant, residence, street, and number of the proposed place of selling, and shall set forth in detail the goods to be sold and what statements or representations are to be made or advertised as to the same, and the length of time for which the permit is desired; and, if previously engaged in a like or similar business, to designate all the places where the same was conducted, and shall furnish to said commissioners such further evidence as shall be deemed necessary to establish the truth of the statements made in the said petition.

Sec. 3. That no permit as herein provided for shall be required for the sale of any wagon, carriage, automobile, mechanics' tools, used farming implements, live stock, including game, poultry (dressed or undressed), vegetables, fruits, melons, berries, flowers, or for the sale of used household furniture and effects when being sold at the residence of the housekeeper selling them.

Sec. 4. That the Board of Commissioners of the District of Columbia are hereby vested with authority to temporarily suspend the operation of the license herein provided for whenever they may believe that this act or any part thereof, or regulations made in pursuance thereof, are about to be or are being violated, and they shall thereupon forthwith institute the appropriate proceeding in the police court in accordance with this act, and in the event that the said violation results in a conviction, then and in that event the license shall be and become null and void, but in the event that the said proceeding shall terminate in favor of the defendant, then and in that event the suspension of said license shall be at an end, and the license shall thereupon be restored and be in full force and effect.

Sec. 5. That no person as herein provided for shall sell at public auction, from the 1st day of April until the 30th day of September, both inclusive, between the hours of 7 o'clock in the evening and 8 o'clock the following morning, nor from the 1st day of October until the 30th day of March, both inclusive, between the hours of 6 o'clock in the evening and 8 o'clock in the morning, any jewelry, diamond, or other precious stone, watch, gold and silver ware, gold and silver plated ware, statuary, porcelains, bric-a-brac, or articles of virtu.

Sec. 6. That any person selling or offering for sale any property under the provisions of this act shall, in describing the same, be truthful with respect to the character, quality, kind, and description of the same and which, for the purpose hereof, shall be considered as warranties, and any breach of the same shall be punishable by prosecution in the police court, as hereinbefore set forth.

Sec. 7. That all prosecutions under this act shall be in the police court of the District of Columbia upon information by the corporation counsel or one of his assistants. Any person violating any of the provisions of this act shall, upon conviction thereof, be punished by a fine of not less than \$10 nor more than \$200 or imprisonment of not more than 60 days or both, in the discretion of the court.

Sec. 8. That nothing herein shall be construed to excuse or release any person, firm, or corporation, or property from the payment of any occupational or property tax, or any other tax imposed or levied by law. Neither shall anything herein be construed to obviate the application of any fraudulent or false advertisement statute of the District of Columbia to any person who may violate the same; nor shall anything herein be construed to prevent any prosecution for fraud, deceit, or larceny by trick; nor to in any way estop or hinder any remedy at law or in equity, or the right to cancel or estop any unconscionable bargain or fraudulent transaction.

Sec. 9. That all acts and parts of acts inconsistent herewith are hereby repealed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SCHOOL LANDS IN MINNESOTA.

Mr. NELSON. Mr. President—

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

Mr. OWEN. I yield to the Senator from Minnesota.

Mr. NELSON. Will the Senator from Oklahoma be kind enough to yield a moment to allow me to have passed a bill to deed certain land in the White Earth Reservation to the village for school purposes? It is to give them a deed for a schoolhouse site on the White Earth Reservation. It will not take a moment.

Mr. OWEN. I shall not object.

Mr. NELSON. I ask the Senate to proceed to the consideration of the bill (H. R. 14533) to authorize the Secretary of the Interior to issue a patent in fee simple to the district school board No. 112, of White Earth Village, Becker County, Minn., for a certain tract of land upon payment therefor to the United States in trust for the Chippewa Indians of Minnesota.

Mr. OWEN. I shall not object.

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to issue to the district school board No. 112, of

White Earth Village, Becker County, Minn., a patent for the east half of the southeast quarter of the southeast quarter of section 22, in township 142 north, range 41 west, of the fifth principal meridian in the State of Minnesota or such part thereof as the said district school board may select, upon payment by them to the United States in trust for the Chippewa Indians of Minnesota of the appraised value of said land.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAND AT NEWELL, S. DAK.

Mr. STERLING. I wonder if the Senator from Oklahoma will yield to me long enough to call up a local bill?

Mr. OWEN. I will yield to the Senator.

Mr. STERLING. I ask the Senate to proceed to the consideration of the bill (H. R. 12889) authorizing the Secretary of the Interior to sell the unsold and unappropriated portions of lands within the town site of Newell, S. Dak., and for other purposes.

There being no objection, the bill was considered as in Committee of the Whole and it was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to reserve and set apart such portions of the unsold and unappropriated lands within the town site of Newell, Butte County, S. Dak., as he deems necessary for administrative purposes in connection with the Belle Fourche irrigation project, and after subdividing the remaining portions of such lands into tracts that in his judgment would render the same most salable, and, appraising the reasonable value of each such tract, sell the same, for not less than the appraised value, at public auction to the highest bidder, on such terms and under such rules and regulations as he may establish.

Sec. 2. That of the proceeds of such sales, after deducting all expenses incurred in the subdivision, appraisement, and sale of said land, an amount not exceeding \$15,000 shall be covered into the Treasury of the United States in a special fund available only for expenditure by the Secretary of the Interior to provide or assist in providing the said town of Newell, Butte County, S. Dak., an adequate system of water supply for domestic purposes, under such terms and conditions as may be provided by the Secretary of the Interior, or for such other and further public improvements as the Secretary of the Interior and the municipal authorities of said town may agree upon. The net proceeds of such sale in excess of \$15,000, if any there be, shall be covered into the Treasury of the United States and credited to the reclamation fund in accordance with existing law for the sale of town sites on reclamation projects.

Sec. 3. That the Secretary of the Interior is hereby authorized to make such rules and regulations as may be necessary for carrying into effect the provisions of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NAVAL INFORMATION.

Mr. PHELAN. I ask unanimous consent for the consideration of Senate resolution 258.

Mr. OWEN. I yield to the Senator from California for that purpose.

The PRESIDING OFFICER. The Chair is advised that the resolution has been referred to the Committee on Naval Affairs.

Mr. PHELAN. I ask that the Committee on Naval Affairs be discharged from the further consideration of the resolution.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The resolution was read, considered, and agreed to, as follows:

Resolved, That the Secretary of the Navy be, and he is hereby, requested to furnish the following information to the Senate:

First. The number of midshipmen now authorized by law.

Second. The number of midshipmen now enrolled at the Annapolis Naval Academy.

Third. The number of midshipmen who shall attend the academy during the next academic year.

Fourth. The capacity of the academy and how and by what methods of crowding or otherwise can it be made to meet the present and future demands.

Fifth. What plan of expansion will best promote the health, comfort, and efficiency of the students.

Sixth. In case the number of students exceeds the capacity of the academy and any reasonable expansion thereof, is there any reason affecting the efficiency of the service why officers for the Navy should not be educated in another naval academy in some other part of the country?

JAMES L. YOKUM.

Mr. BANKHEAD. I ask the Senator from Oklahoma to allow me to call up a little bill which will not take a minute.

Mr. OWEN. I yield for that purpose.

Mr. BANKHEAD. I ask for the consideration of the bill (H. R. 2208) for the relief of James L. Yokum. The bill has been reported from the Committee on Claims and authorizes the payment of \$1,000 as a reward for the arrest of a mail robber.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

Be it enacted, etc., That the sum of \$1,000 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, and the Secretary of the Treasury is hereby directed to pay James

L. Yokum, a citizen of Red Bluff, Tehama County, in the State of California, reward for the arrest of mail-train robber on the night of November 8, 1912.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OREGON WARM SPRINGS RESERVATION.

Mr. LANE. Mr. President, I ask unanimous consent for the present consideration of the bill (S. 5916) authorizing an investigation to determine the true north and west boundaries of the Warm Springs Reservation in Oregon.

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Oregon?

Mr. OWEN. I will yield for the consideration of the bill, if it occasions no debate.

The PRESIDING OFFICER. Is there objection to the consideration of the bill named by the Senator from Oregon?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 5916) authorizing an investigation to determine the true north and west boundaries of the Warm Springs Reservation in Oregon. It directs the Secretary of the Interior to investigate and report to Congress his conclusions on the merits of the claim of the Indians of the Warm Springs Reservation in Oregon to additional land arising from alleged erroneous surveys of the north and west boundaries of their reservation as defined in the treaty concluded June 25, 1855 (12 Stats. L., p. 963), and appropriates \$100,000 for the purpose of conducting the investigation and \$10,000 to make such surveys or resurveys as may be necessary for the purpose of carrying out the provisions of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SPANISH-AMERICAN WAR PENSIONS.

Mr. LEWIS. Mr. President, will the Senator from Oklahoma yield to me to give a notice? I shall not intrude on his time, for he has been very gracious.

Mr. OWEN. I yield to the Senator from Illinois for that purpose.

Mr. LEWIS. I desire to give notice that at the conclusion of the pending measure, known as the corrupt practices act, I shall move to take up what is known as the Key bill, from the House of Representatives, providing for pensions to widows and minor children of the Spanish-American War soldiers. It is Order of Business 265, being the bill (H. R. 54) to pension widows and minor children of officers and enlisted men who served in the War with Spain, Philippine Insurrection, or in China. I desire to give notice now that I shall make the motion to take up that bill and to have it considered immediately following the measure of which the Senator from Oklahoma is now sponsor.

JOHN E. KEYS.

Mr. WARREN. Will the Senator from Oklahoma yield to me to call up a small bill? It will not lead to debate.

Mr. OWEN. If the bill will lead to no debate, I will yield to the Senator from Wyoming.

Mr. WARREN. I desire to say that the claimant is suffering for want of the money for the payment of which the bill provides. I ask unanimous consent for the present consideration of the bill (H. R. 1963) for the relief of John E. Keys.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay \$602 to John E. Keys, for injuries received during the construction of the Corbett Tunnel on the Shoshone reclamation project in Wyoming.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NONCONTIGUOUS HOMESTEAD ENTRIES IN MONTANA.

Mr. MYERS and Mr. MARTINE of New Jersey addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma [Mr. OWEN] has the floor. Does he yield, and to whom?

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

Mr. MYERS. Mr. President, I desire to ask for the present consideration of Senate bill 5611, which, I suppose, will lead to no debate. It proposes to extend to settlers on the Fort Peck Indian Reservation in Montana the right to take up noncontiguous lands on enlarged homesteads. A similar privilege has been extended everywhere else in the United States.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 5611) providing for noncontiguous homestead entries within the former Fort Peck Indian Reservation, Mont., of land of the character described in the enlarged-homestead act of February 19, 1909.

It proposes to permit any person who has made or shall make homestead entry subject to the provisions of the act approved May 30, 1908 (35 Stat., p. 558), entitled "An act for the survey and allotment of lands now embraced within the limits of the Fort Peck Indian Reservation, in the State of Montana," etc., of land of the character provided by the enlarged-homestead act approved February 19, 1909 (35 Stat., p. 639), and who is unable, because there is no vacant land of like character contiguous to his original entry, to enter additional land, to make an additional entry, also subject to the act of May 30, 1908, of noncontiguous land of the character described in the enlarged-homestead act, above cited, which shall not, together with the original entry, exceed 320 acres; such additional entry to be in reasonably compact form and subject to the general provisions of the homestead laws relating to improvements, cultivation, and final proof; but the land originally entered and that covered by the additional entry shall have first been designated under the enlarged-homestead act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADDITIONAL JUDICIAL DISTRICT IN TEXAS.

Mr. CULBERSON. I ask unanimous consent for the present consideration of Senate bill 5450.

The PRESIDING OFFICER. The Senator from Oklahoma has the floor, having charge of the unfinished business.

Mr. OWEN. I ask the Senator from Texas whether the bill for which he desires consideration will lead to any debate?

Mr. CULBERSON. I hope not.

Mr. OWEN. If it does not, I will yield to the Senator for its consideration.

Mr. CULBERSON. I ask unanimous consent for the present consideration of the bill which I have named.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. JONES. What does the bill propose to do?

Mr. NELSON. The bill simply proposes to add another judicial district in the State of Texas.

Mr. JONES. Does it provide for the appointment of an additional judge?

Mr. NELSON. It provides for an additional judge for the additional district. The Committee on the Judiciary unanimously reported in favor of the bill.

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 (S. 5450) to amend section 108, chapter 5, of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, which had been reported from the Committee on the Judiciary with an amendment, on page 7, line 14, after the name "Burnet," to insert "Caldwell," so as to read:

The central district shall include the territory embraced on the 1st day of January, 1916, in the counties of Bastrop, Blanco, Burleson, Burnet, Caldwell, Hays, Lampasas, Lee, Llano, Mason, Travis, Washington, and Williamson, which shall constitute the Austin division; also the territory embraced on the date last mentioned in the counties of Bell, Bosque, Corvell, Falls, Hamilton, Freestone, Hill, Leon, Limestone, McLennan, Milam, Robertson, and Somervell, which shall constitute the Waco division.

The amendment was agreed to. The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ARTICLES BY MAXIMILIAN HARDEN.

Mr. MARTINE of New Jersey. Mr. President—
The PRESIDING OFFICER. The Senator from Oklahoma has the floor.

Mr. MARTINE of New Jersey. Will the Senator from Oklahoma yield to me for just a second?

Mr. OWEN. If the purpose for which the Senator from New Jersey desires me to yield leads to no debate, I shall yield.

Mr. MARTINE of New Jersey. I ask unanimous consent to have printed in the RECORD two articles from the New York Times.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The articles referred to are as follows:

[From the New York Times, May 28, 1916.]

FULL TEXT OF THE EXTRAORDINARY ARTICLE BY MAXIMILIAN HARDEN, "IF I WERE WILSON" "LISTEN, MANKIND, TO THE MESSAGE OF A MAN!"

Maximilian Harden, author of the remarkable article printed below, has been known for years as the most famous and feared of European publicists. He first leaped into prominence when he denounced the "Round Table" scandals in 1907, involving close friends of the Kaiser, and since then it has been said that his fame in Germany is second

only to that of the Emperor himself. Harden's writings on the present war have attracted world-wide attention.

The article printed below, one of the most striking utterances of the war, occupied the entire April 22 issue of *Die Zukunft*, Harden's paper. He called it "If I were Wilson," and it is written in the form of an imaginary address by President Wilson to the German Government. Up to now only small excerpts have been cabled across the ocean. The *New York Times* has obtained the full text, and it is printed here for the first time in America.

It is significant that the publication of the article was permitted by the German Government at a time when the submarine controversy between the United States and Germany was acute.

(By Maximilian Harden.)

[President Wilson is supposed to be speaking throughout the article, addressing himself to the German Government.]

1. WAR.

The son of Nun, whom you may call Joshua, Jeshua, or Jesus, and who, as the head of the tribe of Ephraim, after the death of the great Moses became ruler over Israel, the brain and sword of his people, led the multitude, which by the grace of God had been redeemed from the dominion of the heathen, dry foot over Jordan, by the power of a breath, blown from their trumpets of rams' horns by his seven priests, threw down on the seventh day the Walls of Jericho; he also conquered and burned the town of Ai, and from the fortified camp of Gilgal stretched out his arm far over the Promised Land. He defeated five kings, those of Eglon and Hebron, of Jarmuth and of Lachish, and also the Amorite of Jerusalem, and he commanded the leaders of his men of war to place their foot on the necks of the five. "So," said he, "shall it be done to all the enemies who fight against us." He had the kings killed and hanged upon five trees. There they hung till the going down of the sun. Then did Joshua order that they should be cut down and thrown into the cave in which they had hidden themselves from him, and he had great stones rolled to the mouth of the cave.

The sun, which brought this miraculous victory, and another also beyond Makkedah, stood longer in the heavens than ever before. For when the Lord, to help his chosen people in their sore struggle, lashed the Amorites with hail, Joshua in holy wrath cried aloud to the bright firmament, "Sun, stand still upon Gibeon and thou moon in the Valley of Ajalon!" And the stars stood still until Israel was revenged upon its enemies. In the middle of the heavens flamed the sun almost the whole day long, and no day was ever like this day, when the light of the world obeyed a human voice.

TURNING BACK HANDS OF THE CLOCK.

A thing which in that distant time, without the help of experience and knowledge, was the work of a day could now be completed in an hour. And at this very moment there have come to us the tidings that the nations which are fighting on the other side of our Atlantic wish, in order that they might be more certain of their vengeance upon their enemies, to lengthen their day by an hour of the sun. Joshua is now a high official, a member of the Paris Chamber of Deputies, and he has won for his proposal not only his homeland, but also the German Empire, now thrusting far into the countryside of France. In both countries, and therefore we may assume in all the lands of western Europe ringed by the conflagration of war, the clock is to be put back an hour, the light of day to be lengthened for every worker by 60 minutes.

Here it need not trouble us that the object of the idea is economy, the reduction of lighting expenditure by millions and millions of francs, the increase of the possibilities of work. We see men and women, whom we recognize as our parents or love as our brothers and sisters, strike out an hour from their life, offer a portion of time, whose every minute might be charged with happiness, on the altar of their hatred.

Joshua, to make full use of his victory, requires a double day, an extension of brightness for he is without the means of illuminating night, giving her an eye between her beclouded brow and flaccid cheeks. That can the warriors do now; but since their will in its money vesture already discerns the warning signs of weariness, and fear that sleep may come upon them, they flinch an hour from the night lest indolence make them rest too long and money vesture become threadbare too soon. Rage will not content itself with the old measures of time. The descendants of Jesus of Gibeon, in their steel panoply, have forgotten the warning which came to their ancestors when Jesus of Nazareth hung upon the cross; have forgotten that an unwonted darkness hung over the earth when Jerusalem and Rome, the strongest of the great powers—spirit of force, mind, and will—joined for the destruction of the finest flower of humanity.

Do they in their shortsightedness imagine that by a prefect's edict, by the decree of an official girl with the sword, they could append an addition onto the day, to the will power of raging humanity? Has the memory of Europe become so darkened that it does not see how the kingdom which was won by Joshua and the later leaders of Israel's army came to nothingness? Then let our voice recall the wearied madmen to reason. Because the Continent, which, since the birth of Veda and the Holy Scriptures (of the Old and New Covenant), since the death of the Buddha and the Christ, has produced the richest fruits of the spirit, is tired, the attempt may succeed. Because the message sounds forth in the atmosphere of holy week, steeped in thoughts of crucifixion and resurrection, it finds the spirit of man in a favorable mood. Hear, mankind, the message of a man!

A MESSAGE THAT WILL BRING PEACE.

This message goes to the Congress of the United States of America, and at the same time to all kingdoms, all nations of Europe, belligerent and neutral. It will utter that which is; from the sum of that which has been made possible in one and twenty months it will complete that which is necessary and show the way to secure it; that is, it will bring peace.

It is not from the assumption of a right which does not belong to me that this determination has come. Did another mouth speak, I would gladly be silent. But who will relieve me of this heavy burden? Thirteen nations are in the turmoil of war. The neighboring neutral States, even if united, weigh too light to draw down the scales. The pope, whose spiritual army no one but a fool would underestimate, is without physically effectual, physically tangible power, and as the head of the church, whose adherents swarm in both camps, his will to action is paralyzed. Brightness will not penetrate into the thicket from a light which is fading, but only from the glow of a young power which has not yet reached the pinnacle of its capacity for growth.

For the hundred thousand seeds and germs which the spirit and industry of Europe have sown on our ground our gratitude is due. And we would have shown true gratitude if Europe had been saved by our counsel. But our counsel can only be of use if it comes from the passionate desire for justice and speaks with the tongue of scrupulous

honesty. Painful truth must be spoken, but none shall be offended. Europe has blundered into this war as a child who, deceived by the thin ice, falls into the running water. Does it not need a powerful arm to lift it out of the stream, and duty's call to us to stretch out this arm is louder in proportion as the danger comes nearer that the stream of fate will entice us also into its eddy.

We are still neutral, not only without bias, but also without the prejudice which shoots up like a clinging weed from the consciousness of the unity of the race. He who has considered our people finds in their form and feature the mark of every race of the ancient world; the mark of the Briton, of the Roman, of the Celt, of the German, of the Scandinavian, and the Iberian. He whose vision has penetrated below the surface and has learned not to be astonished that he sat on Thursday by a Spaniard and on Friday by a Scotchwoman, both of whom had been conceived and born in America from Americans, will also find in the recesses of our being the theories and ideals of all nations, often thrown together in wild confusion. We who gladly would be ancestors are descendants. Notwithstanding the foolish caricatures painted by jealousy, we are no more intent on gain and on money than other active and busy nations; it is only because, in the words of the German poet, we have no useless memories and ruined castles that we are more disposed than the guardians of such hordes to see in possession the creator, or at least the measure, of value.

Could it be otherwise in a land where we have neither princely power nor feudal retainers, neither warrior caste nor noble birth, but where the quick brain of the rascal who used to cry out papers wet from the press has built palaces for children and changed heaps of refuse into gardens which might delight the lord of Versailles? Far be from us ever the childish whim of desiring to change Europe into our image. Far, too, the presumptuous desire, in the insolence of an irreverent energy, of interfering in the fate of a continent which for us long has given laws to the earth, contents and form to the history of mankind.

The demesne which we rule and where we may gather in our harvest lies between Cape Lincoln and Cape Horn; and in it there is room for all the people to be born to our children and our children's children. But the weal and the woe of both worlds are so closely knitted together by the network of nerves that complete separation is scarcely thinkable. The decay of the one can no longer be imagined without a profound weakening of the other. If you grow poorer, we seem richer; but still we should have to mourn a fountain and a market, the richest mine of intellect and our best customer. The longing for beauty and selfishness wed one another; and from their union springs the wish that health, which the Logosman calls reason, may return to you.

And over his cradle bends pride, and demands at last in clear and unmistakable words the undiminished maintenance of our rights. Too long have they been treated with disregard; the disregard we have entered in our ledger, we have not requited with arms as a coarse insult. We are a strong and free people which can not continue to live unless we enjoy self-esteem; and we are the leader and voice of all the nations which have not yet been forced into your war. The United States, not only of America North and South, but of the white world, wish for speedy peace. For they can no longer look on inactive, can not again and again dawdle through the months in discussion with this or that camp, and exchange their own counters with those of strangers in the play of words. For they would here place themselves in the bloody ranks and join in the conduct of the war, if they are not, by suffering the war to continue, to see honor and wealth decay away. This is felt by the most sober; but they do not venture to speak it openly. We must be peacemakers, or, in our own way, join in the fray. And the hour which demands the decision has struck. Set your European clock as you will, extend or shorten the day, let yourselves be lulled to sleep by coxcombs and rogues with the fable of our impotence, our empty boasting which will yield before the sword; there is no steel that will cut away this hour from the body of your fate.

We are still neutral. In Europe this is violently contested in both camps. In both camps, by means of insulting articles and caricatures, which even one who is free from pedantry and prudery and is a genuine friend of vigorous satire can only look at with disgust; attempts are made to lower in public opinion the President of the United States as a ludicrous and contemptible fool. Much greater men have borne in silence similar insults for decades. And from the morass of this pitiful wit, which greedily angles for the applause of the mob, I look to the word of the German who was unapproached in purity of will, in intellectual courage, in power of decision and manly courtesy. "The honor which I bear in my own heart suffices for me, and no man is judge of it, and can decide whether I have it. My honor before God and men is my possession; I award myself so much of it as I think I have deserved, and renounce all addition."

MUST BE GUIDED BY MY CONSCIENCE.

Millions of my fellow citizens have intrusted to me the conduct of the affairs of state. Had they wished to lay this office in the hands of a man in whom the unrestrained rashness of a Cavalry colonel or of a submarine commander weakens all reflection, they would not have chosen a man of learning. As my conscience bids me, in that way alone can I administer my high office; not to blind men by my impetuosity, not to hasten on decisions without a firm and secure foundation of facts. Nine-tenths at least of our citizens wish to live in peace and friendship with all nations, especially with those of Europe; this wish must be my guide so long as the honor or a vital interest of our country does not rise up against it. Has the growing wrath of popular feeling at last cut asunder the tightened thread?

The western powers accuse us of weakly tolerating German breaches of international law, and mock at us because we answer the killing of American citizens in courteous notes, and allow ourselves to be delayed by promises of information and other excuses. In their opinion, we should have defended the neutrality of Belgium, of which we are joint guarantors, and guarded the dearly bought blessings of civilization with a loud and warning voice, and, if necessary, with the sword. Germany and Austria-Hungary scold us because arms and ammunition are delivered to their enemies from American factories, and because we put hindrances in the way of their conduct of the war, as they believe, without any justification; because we "meddle in things which do not concern us" (this more or less is their formula). Double accusation of this kind is the lot of all who attempt to maintain impartial justice. In the long duration of the war the Government of the United States has not taken the smallest step which a clear head could interpret as offense not even as the faintest offense against the obligations of neutrality. Great Britain is carrying on an industrial war against Germany, prevents the importation of provisions, and says:

"This form of warfare is not only permitted and has been customary from olden times up to the present against beleaguered towns and coun-

tries, but it is also the most tolerable kind of warfare according to the feelings of our days. We live on an island; we are not a nation of land warriors; we desire disputes between States to be settled by arbitration; and we can not overcome a wild animal madly running against us with the sword, but only by exhaustion. If his means of life disappear his madness will yield to the reasonable consideration of realities. Whoever contrasts our action with a "chivalrous passage of arms" and calls it infamous is either blind or a liar. Present-day warfare, which allows siege shells of the most monstrous caliber to descend on men like hail, which works with floating mines, asphyxiating gas, liquid fire, explosives and poison, with deceit and treachery of every kind—such war has absolutely nothing in common with knightly warfare, not even with the wars of the nineteenth century, which were confined to infantry, cavalry, and field guns. To burn out the enemy's eyes or lungs, to bombard unfortified towns and villages from the air, from the depth of the water to rip the bellies of defenseless ships carrying men or goods, to kill or maim women or children, old men and sick people with air bombs or torpedoes—is this more chivalrous than our attempt to cut off from the enemy the opportunity of buying and selling and so compel him to cease his shell fire? To bombard his coast towns would not be more humane and would be useless, since naval guns are of no avail against strong coast defenses. Our blockade is "effective," it has the "effect" that the German flag has disappeared from the seas and that no ship passes through the North Sea or the Channel without our permission. This fact has been done away by the bold strokes of certain stout fellows, such as every corsair period has known and preserved in literature. And the ineffectiveness of a blockade is not proved because a bold patrol gets through a gap and perhaps even manages to get back. On the sea by disguises and deceptive flags this has become the easier in that the thought of German ships now comes less into men's minds. And again we ask, is the attempt to approach a merchantman, your vessel disguised with artificial funnel and painted sides and a false flag, and under threat of firing to take off its crew and goods and then sink it—is this more chivalrous than our bloodless economic warfare? The only aim Germany had in building her fleet—she disclaims any intention of attacking us—was to break through such a barrier, with the possibility of which she has always reckoned. Her task, like that of any blockaded power, was to turn herself with all her might against the blockader, who has reached his aim and has no reason to trouble himself further, and, if she could, overcome him. This was what was promised by the creators of the fleet.

"The submarine warfare against defenseless merchant ships is not permitted by international law, and it contradicts the demand made from of old by civilized humanity that the fight of armed men against unarmed should be proscribed. Our decision, forced upon us by bitter experience, of arming merchant ships, in no way justifies this war. A merchant ship will only attack a submarine if there is no doubt about the latter's intention to attack; otherwise fear of a superior weapon is sufficient check. We determined to arm merchant ships when many of our merchantmen had been destroyed by submarines. If in a street many inhabitants of a certain house have been killed in the dark, and the survivors, in consequence, only go out armed with a revolver, may the concealed murderers say that it was within their rights to shoot down these armed men because they were capable of attacking?"

That they may not. And we Americans who, in spite of or because of our relationship, are always on the lookout against English arrogance—we find at most in England's statement of the case the idea of an "effective blockade" unsatisfactory. But we have much more to complain of in England's action. That she cuts off our trade with Europe and asserts her right of search and seizure is an offense we might have punished long ago if Germany had not been doing us a wrong that affects us far more deeply, for almost a year, by the murder of American citizens. The sorrow of the widowed, of the orphaned, of mourning parents, cries more loudly to heaven than the loss of merchantmen. And yet the manner in which England uses her blockading power is irreconcilable with international law.

THE LAW OF NATIONS NOT INVALIDATED.

This law is not a feeble conception of letters, it was not intended for the time when the nations were living at peace among themselves, and it is not invalidated by the discovery of new means of warfare. "In the time of war the laws are silent, but only those of trade and those which might be followed in peace by foreign courts of justice; not the eternal laws, valid for every age. The possibility of suffering outrage never gives a State the right to use outrage itself." These sentences of the Dutchman, Hugo Grotius, are pillars on which our conviction rests firm. We share no guilt for the outbreak of the war, and we can get nothing out of it. We put up with the fact that under its reign of terror our exports and imports are shrinking; we can not endure that they should be altogether arrested, that our cotton market should be laid desolate, our agriculture deprived of potash, and our textile manufactures arbitrarily deprived of coal-tar dyes. Still less, that deadly peril should be prepared by act of men for our citizens on roads which they have a right to use. Such roads are the great waterways between continents. To cut off principal portions of such roads by a bare one-sided proclamation and call them "war areas," and to rob and kill anyone who ventures in them, is not permitted anyone either by the letter or by the spirit of any international law. It is a legal fiction, a legal pretension, to which we will not bow, and which we may the less expect, in that we have generously given up hitherto to Europe our whole trade with Europe, which supports in opulence a dozen merchant fleets and gives life to tens of thousands of employees, contractors, and actionaries.

Because England is not to receive corn, meat, textile fabrics, copper, steel, explosives, petroleum, and fat, and England's enemy has no means allowed by international law, no means by which she is able to give a warning recognizable at a distance, of cutting off the importation of these goods, because of this fact, is it permitted to a crawler along the bottom of the sea to destroy every ship suspected of carrying such goods, together with crew and its passengers? It would be just as incoherent a law which would allow it to be announced to our world to-morrow that Spain was to be considered as a war area because France was able to get goods from her, or that Sweden was to be considered such because Russia could get goods from her, and permitted German airships to throw bombs on every railway train which they could see in these countries because everyone is under suspicion of supplying essential materials for French and Russian economic or even military needs.

The submarine war does not violate any of the sovereign rights of any State; but day by day it violates the rights of men and nations. It can not but violate them if it is not confined to warships. For since a usage, unfortunately still valid, allows the carrying of false flags, every ship sailing under a neutral flag may possibly be the property of the enemy; whether a merchantman has two or three guns can not be recognized from a submarine; and the mines which these boats strew in the

sea do not ask whether it is an enemy or a neutral ship which they blow to atoms; for this reason the promise of protecting neutral and unarmed ships, of warning them, or calling to them, or saving crew and passengers before firing into them, is one which with the best will in the world can not be kept.

CRUX OF THE DISPUTE WITH GERMANY.

Nevertheless, since the horrible end of the *Lusitania*—the anniversary of which is just approaching—the German-American dispute has turned round this question. It has been doubly envenomed. Many factories of our States have provided the British, French, and the Russians with guns, shells, and war material of every kind. They had a right to do this; and it was not their fault that Germany, whose custom would have been equally welcome to them, was unable to buy anything from them on account of the blockade. In all wars of modern times German industry, in spite of the empire's neutrality, has supplied one party, often both parties, with arms and munitions; if she had not done this—so said the Berlin Government—her industrial capabilities must have shown a swift decline. What was allowed to her to an unlimited extent can not be prohibited to the industry of America. The statistics as to material delivered have been enormously exaggerated, and everything produced in South America and in the English colony of Canada has been reckoned to us as well. The entirely private contracting business, the extent of which is scarcely worth talking about, could only have been prevented by the State by means of an export prohibition. I have declined to demand this from Congress; and not merely because I was certain that Congress would refuse it. We do not desire that any State should be compelled to accumulate arms in the time of peace; for this very accumulation is a temptation to settle any dispute by war. We do not desire that a power armed to the teeth should be in a position to impose its will on a badly armed one to which neutral countries close their sources of supply; for we earnestly hope to see an extension of arbitration and an organized peace, not industriously and artificially organized force.

We do not desire a condition of law which, should we be compelled to go to war, must prevent us from buying weapons from neutral countries—weapons which we peaceful farmers, traders, professors, and artists lack. For a hundred years England has not been prepared for a land war of European dimensions; to have left her without arms in the difficult opening stages of a struggle which had no increase of territory for its aim would have gone, we felt, against the nature of the free, peaceful America, nay, against the spirit of modern humanity as well. The merchants, manufacturers, and administrators of the United States acted within their sure and incontestable rights. But their doing so drew upon them the bitter anger of the Germans, even of those who had been admitted as friends into our free States.

From their error arose the second element of poison. Many of them believed it their duty to avenge on their new home a wrong committed on their Fatherland, and to tear our State districts asunder. The proofs of such punishable behavior or of its encouragement, lie in our archives. We had done no wrong to the German Empire, and we demand from each immigrant that he shall carefully respect the laws of the States. Why did he come here? Why, because at some time in his life the laws and the business prospects of our country seemed more favorable than his own. If he wished to remain in every fiber of his being a German or an Irishman, to plunge under all conditions into activities for his native land, he should have stayed at home and endured unfavorable conditions of life and cooperated for the improvement of the political and social system. To pick and choose all the tasty morsels from our country, and at the first storm to behave as a raging German or furious Irishman—that would be an intolerable piece of presumption. To give examples of what has happened would only stir up the flames which I would gladly see die down. For this reason I will only ask, Would Germany, during the Prussian war, have allowed Japanese agents to work upon the Manchurian Poles, to intimidate the German Empire into alienation from Russia by stirring up disturbances, by canvassing, by fiery speeches, by imperiling munition factories? And I would ask, too, Has not our legal contention been all through as good as the Germans'?

WARNING TO GERMAN PATRIOTS IN AMERICA.

I understand that to a nation fighting in peril of its life such cool reflection on real values is difficult, that under pressure of necessity it forgets how often it has itself supplied the enemies of its friends with arms and munitions. Yet I must demand from Germany that she shall break loose from any common action with injudicious patriots, however strongly her sympathies with them may be—for patriots who, as guests, or as admitted citizens of the United States, misuse the law of hospitality to undermine the civil peace; by which action they do not benefit the German Empire, they only greatly injure it. No serious man blames them for wishing this empire to gain the victory, for helping it by works of charity. But no man favorable to his Fatherland can allow them to hoist their three-colored flag over our star-spangled banner, to make our domestic political institutions an instrument in their campaign for Germanism and to append to their vote, which their second home has given them, the condition that the elected candidate shall pledge himself to help forward their German cause.

I am bound, secondly, to demand from Germany that she shall without circumlocution declare how she proposes henceforward to respect our national law and to protect the life and property of the American citizens. How she can protect; for the question whether there is to be friendship or hostility between two great nations certain of their future can no longer depend upon the eyelashes and nerves of a young submarine commander anxious to serve his Fatherland and cut his name in the German oak, and in whose ear conscience speaks only one command. Sink whatever can be laid hold of. Everyone must admire the bold cunning of such men. Their boats, however, have no surer position in international law than the corsair frigates which in the 20 years of the Anglo-French war, especially during the continental blockade against England, used to creep out secretly from the small harbors of Flanders, Normandy, and Brittany and rob the Britons of 500 merchant ships every year. To-day, 100 years after the Napoleon frigate war, in spite of the conferences at The Hague (1907) and in London (1909), we have no valid international maritime law under the protection of an arbitrating authority with executive power. Yet the dictates of recognized morality, which, for example, does not give the right of sacrificing the lives of 10 strangers to save one's own child, and the experiences gained hitherto in submarine warfare, show the way to an understanding which would leave elbow room for both States.

Compromise would signify weakness on neither side; it would merely give expression to the honest wish to safeguard friendly intercourse between two nations which are not forced into hostility by any

unsurmountable reason. The hope to frighten by threats a nation so brave and so strong as the German would be absurd and vain. Moreover, it is generally known in Germany, and it is also known to those responsible for her government, what would be the consequences of a rupture. Our whole continent north and south, would become hostile to Germany, and that not merely for the period of the war. Germany would lose all her ships lying in American ports, and would have to reckon them a considerable addition to enemy tonnage.

From the day of the rupture Germany would have to provision Belgium, which we are now supplying with foodstuffs. Holland and Scandinavia could hardly hope any longer for imports from overseas; for this reason they could not export any more goods, cattle, or grain, since by doing so they would be in danger of suffering scarcity themselves. It is for Germany only to examine, on the basis of what the Napoleonic blockade achieved and what the power of a league may be which America would join with her capital and economic resources, whether it would be wise to pay so high a price for the weakening of England through scarcity of food and tonnage. It is certain that the conclusion of the war would then be put far out of sight, because, even if badly weakened, the enemies of Germany could wait until our help made itself felt. And, further, from that moment we, too, should present at home an absolutely united front. The different extractions—German, Irish, Austrian, or Hungarian—would be at once forgotten, and every American would be wedded to the Stars and Stripes, and he who was yesterday disloyal at heart would to-morrow become a zealous, glowing patriot, as it has happened with Plechanoff, Guesde, and Legien.

We have not let our tongues run furiously about Belgium, because our purse had to secure her food, and this was possible only by an understanding with the German authorities. We have not taken exception to the procrastination in the dispute pending between Germany and ourselves, because in almost all cases facts could not be ascertained beyond dispute; further, because we were restrained by the wish to spare the world the horrors of an unrestrained submarine warfare, and spare the neutral States of western Europe the pain and misery which would be the effects of such a war; because the Berlin Government gave us the clear proofs of an honest will to reach an understanding, and did not hesitate to remove a vigorous statesman, highly esteemed by many, in order that in future only one tendency expressive of will should rule its policy; because we understand the enormous difficulty of her responsible action, and could not expect the second winter of war to give birth to the decision which is to be the goal of the spring of peace, viz. to put diplomacy above strategy and to establish firmly the higher authority of the council of statesmen over every irruption or interference of those brought up for the work of war.

2.—PEACE.

If this higher authority was already secured, we would not have today a war which is the horror, and, in spite of all the virtues which it brings forth every day, the disgrace of the white race. Is it any good to dig for its roots once more in the soil washed by seas of blood and bidden by the worms feeding on corpses? All are guilty; the difference is only in the weight and time of their sins. This fact is not discerned by him whose eyes are darkened by his own guilt. It is hidden also from him who sees only what gave the last push and judges hastily, without following up or weighing the long chain of causes: "Germany" abruptly refused the arbitration which was recommended by all the powers for the settlement of the Austro-Serbian dispute, and which was finally accepted by Austria-Hungary itself; she began the war, which, according to the undisputed testimony of San Giuliano and Giolitti, she had wanted as early as 1913; she wantonly violated the neutrality of Belgium, which originally she herself had demanded, carried through, and guaranteed, and after a rapid and devastating invasion, seized a powerful pledge in the shape of the industrial districts of France. She has, therefore, to be declared guilty without admission of any extenuating circumstances. This is the conclusion formed from a comparison of all the official documents."

FRENCH AND GERMAN AIMS CONTRASTED.

That this is the conclusion indeed has been proved a thousand times in all languages, even by the men of science with tempers of ice. Only they forgot to turn over the leaves of the book of the history which came before the month of July, 1914. France could not get over the loss of Sedan, Metz, and Strassburg; she did not set the loss to the account of the accursed Empire, nor did she decide on a new war, but she irritated, by continuous, sometimes noisy, threats of "revanche" the conqueror of 1870, who did not wish to take from her a single straw or a single stone more, and gladly allowed her to acquire the second biggest colonial empire, and she offered her alliance to anyone with the help of whose sword she could hope to reconquer Alsace and German Lorraine. The wire which unites France to the Russian Empire would have been made fast much earlier if Bismarck had not, even as an old man, climbed again and again untiringly the pole and broken the strands.

After 30 years of grace, Germany is no longer served by an unselfish genius, but she has acquired, through the unsurpassed and unsurpassable efficiency of her people, undreamed wealth, and has secured for herself an enormous share in the trade of the world. In all zones Germans make themselves snug and work diligently—more diligently than any of their competitors—for the capital and flag of their fatherland. Germany does not, unfortunately, remember that she can only win forgiveness for so rapid a rise, for so unexampled and flourishing success in every branch of activity, by a dignified and modest self-suppression; and she does not remember that the enemies at whose expense she has grown great are still alive, and some of them are still full of fight. She rattles the sword, and, in shining armor, she frequently allows to transpire the intention of enlarging her dominion. Instead of limiting herself to the defense of her coast, to the building of light cruisers and torpedo boats, Germany builds a battle fleet, of which the radius does not extend beyond the North Sea and the Channel, and which would yield a decent return for the milliards invested in it, only if after a successful war it broke at least one important prong from the Crown of Britannia. Great Britain feels that her trade and technical achievements have been surpassed; that her commerce, world trade, and her colonies are in danger; that her predominant position in the Islamic world, therefore also in Egypt and India, is threatened by competition; everywhere she has Germany pressing her hard.

GREAT BRITAIN SEES A VITAL THREAT.

Because Great Britain refuses to sit idle till some fine day she has to bow under the yoke of Germany's will, and because a mistrustful amour propre refuses any understanding concerning naval armaments,

Great Britain has to relinquish her policy of splendid isolation and conclude an alliance with Germany's enemy. That enemy—France—was suddenly awakened from her indolent leaning to Socialism and her pacific content by the violent interference of Germany in her rights to Morocco (which Bismarck had acknowledged in 1880), and the common complaint at the disturbances of business, which knew no limits of time or place led her into an understanding with Great Britain. Tangier, Casablanca, Algeiras, Agadir—the fibers denoted by these names must not be overlooked by him who examines the roots of the war.

Germany asserts, all too zealously, her will to preserve peace; she increases, nevertheless, her military forces on land and on sea. Why, when no one wishes to deprive her of any piece of territory and no sword will be unsheathed for the sake of Alsace-Lorraine? Evidently to enlarge her frontiers. This can be guarded against only by firmly encircling her. Russia, driven out of eastern Asia by Japan at the order of Great Britain, fears the German militarization of Turkey, which Russia would fain deprive of Armenia and of the Straits, and bites at the bait, in hope of undoing, with the help of the strongest powers of western Europe, the work of Prussian generals in the Turkish Empire; of acquiring at least in the Balkan States, liberated by Russian blood, at least a religious and spiritual influence, and of expunging by the intimidation, or even the diminution of Austria-Hungary, the blot of the Manchurian defeats before the eyes of town society and mujiks, of Europeans, and of Asiatics. The wars in Tripoli, Albania, Macedonia, and Thrace are the results of the close alliances which had arisen over the Morocco dispute, and had for their aim to put southern eastern Europe under Slav and Latin guardianship in order to prevent its permeation by German power, culture, and trade.

Should this plan succeed, should Italy fix herself in the Adriatic flank of the Balkans, and Austria-Hungary be shut in between the Slavs (Russians and Serbs) and Latins (Italians and Rumanians), should her body be paralyzed by fragments of alien peoples which aim at reunion with their own nations, Germany would no longer be able to deliver a powerful blow. Her enemies do not wish for war; only because they are afraid of an attack and the attempt to establish an unbearable hegemony, do they try to contain the youngest great power of Europe within the frontiers which it had already acquired.

In view of her growth in population and wealth, of her spiritual and economic achievements, Germany can not accept them as final; and because she does not want to submit to a hostile will, because she does not want to let her most powerful weapon rust—the war to be carried on with technical means, and in accordance with the methods of big industry—because she does not want to miss the favorable moment for the fateful enterprise, she throws off all diplomatic mediation and whips out her sword against France and Russia. By this resolve, dictated, as she believes, by necessity, she exposes herself to the most dangerous misconception and forgets the warning word which the creator of the German Empire uttered in his most fruitful speech: "If we become aggressors, the whole weight of the impendability which weigh heavier than all material things, will be on the side of the antagonist whom we have assailed."

A preventive war, then? The classical case. Two groups of powers which do not trust each other across the street. France fears that she may be attacked and treated as a hostage, Russia that she may be cut off from an ice-free sea for another hundred years. England has found herself to take no share in any aggressive war against Germany, but has not, as was desired in Berlin, promised her neutrality in any war "forced upon" the German Empire; for it could not but apprehend that any war provoked by aggressiveness would appear to be "forced upon" those suffering by it. Germany did not want to be boxed in, nor to give the right of arbitration to a hostile majority, nor to allow herself to be weakened by the dismemberment, attempted from three quarters, of Austria.

It is a libel upon Germany to say that it chose war not as a necessary measure of defense (Nothwehr), but as a means of conquest. Only a madman could desire such a war, of issues impossible to forecast, and from which no gain could be garnered in the long run. It is just as false, indeed, to assume that England, France, and Russia, which were not armed at all, or at best only half ready (and needed a year to obtain the most necessary things), started with the deliberate intent to attack. They desired a diplomatic, not a military, struggle, and strained every nerve to avoid immediate war. The outbreak, however, was not to be prevented; because, at the decisive moment, the will of the military chiefs was more powerful than that of the statesmen. To the military authorities Bismarck's advice, "In preparation for war always remain one step behind your adversary," was counted mere talk, with which a cunning drafter of notes wished to trust his clumsy hand into the rough work of warriors. When Mars rules, think they, only their expert opinion is of consequence; and only they can judge when this crimson régime is to begin.

From the oldest times, since the original quarrel waged by Agamemnon and Calchas between sword and brain, doubt as to the truth of anything issuing from the writer's desk has been firmly implanted in the minds of those who command in war. In every attempt to control them (we have witnessed it once more) they see an attempt to blunt the weapons for the efficiency of which they are responsible. They do not believe that Russia, as the Czar asserts, would, even with a mobilized army, refrain from any warlike step or even gesture, until the last hope of agreement had vanished. They do not believe that England will abandon her convenient, and now especially profitable, neutrality, and enter the struggle, and they regard the London warning against any such belief as bluff. Grey's plain promise to pledge the whole power of England, and his own reputation, upon the maintenance of proper relations between the triple entente and Germany, if peace be preserved, they regard as an empty swindle. For them only physical tangible facts count. They do not realize that annexation has for a long time ceased to be the only way of obtaining power, and they see in Russia's and England's hesitation to content themselves with an assurance of the complete maintenance of French, Belgian, and Serbian territorial integrity, a proof of treacherous deceit. They have no need for the information that the establishment (1815) and the neutralization (1839) of the Flemish-Walloon Belgian State was brought about at the wish of Britain, to protect that island kingdom from attack from this dangerous portion of northwest European coast, and that England was bound to resist, on the ground that it was the prelude to operations against itself from the same base, the German attempt to use Belgium as a base of operations against France.

HOW MILITARISM PERMEATES A NATION.

All that is of importance in their opinion is to avoid delay in mobilization, to give their country all the advantages of a good start, and to choose the way by which the fruits of victory can be rapidly

plucked. They have neither time nor sense to weigh the imponderables or to distinguish between a neutral State which may decide to enter into the war any day and a State neutralized under a guarantee, which is bound by oath to defend its irrevocable neutrality. Because they reserve to themselves the final decision in all military matters, they think that the British plenipotentiary, who announced in Brussels in 1912 that England would, in case of need, without asking, land troops on the Belgian coast, also spoke in the name of the United Kingdom, and ridicule as a miserable civilian evasion the statement that this Lieut. Col. Bridges was censured by the London Government and rejected by the Brussels Government on account of this unhappy thought.

All treaties, events, feelings, and bonds of mutual interest confirm the statesman in his conviction that Belgium, in order to avoid becoming the theater of war, would have resisted with all its force any invasion, including an Anglo-French one. The army chief takes the possibility (the toleration of the advance of enemy troops into Belgium) for a certainty and infers therefrom: "We must be the first to get in; they will let us through all right." Superiority of force, he thinks, will quickly compel them to give over resistance. Also the warrior is not to be bound with thread; negotiations waste irreplaceable time; the Fatherland is calling.

The state of affairs which gives precedence to such thoughts in every higher circle of communal life is called in modern speech "militarism." It does not only press for ever more powerful armaments, but it also accustoms citizens, scholars, merchants, and artists to the idea that for a struggle between people the only adequate weapon is armed conflict, and that everything else is unworthy and useless. In this way it permeates every root and every branch and twig of the nation. Militarism is a state of mind and a form of civilization. That without its existence heroism and the warlike virtues can thrive, a single glance at England and France, at the two Serbian States, at Hungary, at Austria, at Australia, and Canada shows. That militarism alone can guarantee constant readiness of every limb of the body politic for the rapid transition to war is proved by Germany's achievement, which is unequalled in the history of the world. That is, in the material sphere; as a spiritual achievement many will place higher the voluntary enlistment of three million island and colonial Englishmen, the heroic endurance and self-sacrifice of the Serbians and the French, fighting in the very face of the enemy. Twenty million heroes are fighting between Antwerp and Trebizond, and the majority grew up in unmilitary countries—yes, in some which seemed to have succumbed to the plague of luxury.

NO ARMED TRUCE BUT A FIRM PEACE.

Because militarism facilitates readiness for and temptation to war, and because it can only spread farther and farther unless weeded out root and branch, the war must endure until it is destroyed. The slogan is proclaimed aloud by all the enemies of the German Empire and is whispered by all neutrals. How long only by them? After the inconceivably horrible slaughter of which to-day at least 5,000,000 corpses and 10,000,000 cripples are evidence, the cry for the sure establishing of peace will, even between Hamburg and Bagdad, drown every other. Is the uprooting of militarism possible? To my mind, yes; an inevitable certainty. Its approach has been merely retarded by the foolish attempt to cut from the body of a State a portion which is indispensable to its vital functions or for its self-respect. From the first day of peace onward this State would be compelled to make every sacrifice in blood and money to attain the reestablishment of its constitution and its prestige. Think, Grey, Briand, Sazonoff, through what thunderclouds and what pressure of misery you would have to pine if this mutilated power were immortal Germany, compelled to gather together all the energies of mind and economic strength for the bursting of the barrier erected before its house and for the chastisement of impious excess! But, Bethmann and Buriand, do not forget that those who pine are more sensitive than giants, and that Serbia itself has once already risen from the moldy tombs in which it seemed to be inclosed! A peace which, like a war, left crippled peoples behind it would only mean a truce. And we do not desire a peace that is a truce but a truce which will give rise to a firm and noble peace, to Europe's Easter. We wish it to-day because to-day it is possible and therefore necessary.

We, all who are not blinded by irrational rage, whose numbers grow every day in multitude and with whom in both camps, man for man, the dead agree. Those only stand far off who imagine that this war is essentially like other wars, and might—indeed, must, like other wars—end in victory and defeat, treaty and indemnity. Those upon whom the realization has not yet dawned that this war's most certain consequence—its only certain consequence—will be the most gigantic revolution of all times, a revolution that penetrates the whole of Europe with its flame, that plows up the whole continent, beside which the revolutions of 1789 and 1793 might seem petty child's play, and that every man of good will and natural piety must exert himself fervently to keep this revolution clear of blood guilt and confine it to the world of the spirit.

No State, no people, no class, neither man nor woman, will after this war, this cataclysm, be as they were before. Constitutions and laws, prejudices and scruples, will lie prone before the whirlwind, like reeds in a pool. Let us take care that, from the altar of the new league—the league of humanity with divinely inspired nature—a grateful odor shall be wafted heavenward, as from Noah's thank offering when his second dove had brought him the olive branch in its bill, while the message of "Peace on earth!" was written shimmering across the sky.

An armistice is possible. Nothing indispensable remains to be conquered; nothing that would sufficiently reward the effort involved. The aim and result of that effort can only be the ventilation, cleansing, disinfecting, the hallowing without priest or dogma of the Continent; the transformation of swampy, moldy, hate-befogged, envy-poisoned ground into the luminous abode of free men, working on the basis of their own right, and consequently respecting that of others—men who, just because they are strong and proud of their reason can not but affirm their will to select in peaceful ways the fittest, whether among individuals or peoples. The wolf will not graze beside the lamb nor the lion run with the hare. But the form of war and other horrors will be radically altered, as after the first deluge when the curse and condemnation of all living things was lifted from the earth and the rainbow bridged over the chasm between godhood and beasthood.

This hope does not appeal to you? You want vengeance, retribution, the chastisement, the annihilation of the enemy? Woe to you if it should be left to the wrath of the people to drive their rulers and governors out of the thorny entanglements of such illusions! Only at the cost of its own enervation can one group so crush the other to earth. And behind the melancholy monument of such a universally destructive victory militarism would rear itself more menacingly aloft. Now it

may be rooted out from the field on which honor has been maintained and power demonstrated, but the decisive battle has not been fought. Now the power which received it as an heirloom from the soldier King and Frederick the Great then let it rust and only polished it up again under the lash of Bonaparte, that power can now, without inward or outward impoverishment, lay it to rest.

The days of competitive armament are dead. In unconquered countries the will of the people, together with lack of money, forbids its revival. Has it not ever been the part of wisdom to do voluntarily to-day what would have to be done involuntarily to-morrow, and to make a profit of necessity? As Scharnhorst borrowed from the enemy, from the leaders of the French revolutionary armies, the cry for universal service; as Bismarck annexed and added to his own hand the Austrian trump card of manhood suffrage, thereby securing the preponderance of Prussia in the German Confederation and the union of all Germans save those under Hapsburg sovereignty, so will the new Germany make the watchword of her enemies her own, and, impressing upon it the stamp of her spirit, confer upon it the value which her needs require. "In the half-ripe Europe, botched by the Congress of Vienna, and not yet adjusted to the dread of national disintegration, while we were threatened by the envy of our neighbors and oppressed by the nightmare of a hostile coalition, we have never, whether in poverty or in wealth, neglected or haggled over anything required for the strengthening of our defensive armament. That in our efforts to build up the military State we were not following a deceptive will-o'-the-wisp the summer of 1914 has proved. Now, however, in a continent which has discharged its humors, the aim of our striving is: Organized peace. We can not give up the army; indispensable as a school of manhood; we can only transform its nature, its period of service, and its method of training, in the light of the lessons of yesterday and with a view to the needs of to-morrow. We can undertake no humiliating engagement nor anything in the least approaching to it; but in a Europe spiritually purified and freed from the gray spider's web of knavish treaties, we can come to an understanding with other strong peoples as to the extent of our armaments and place ourselves in frank fellowship with all other States, under the control of arbitration. This we can do without fear of being outvoted or constrained to do aught unfitting; for the longing for the preservation of peace will be ten times—aye, a hundred times—stronger in all other lands than in ours, and in none will the wish arise wantonly to attack us after what we have achieved in these two summers and two winters." Were Germany to speak thus the world would rapturously acclaim her spirit of yearning toward the future and the high courage of her soul.

Not a day longer should the war last, nor any useless memory of unfruitful strife.

Hark, oh hark! the hours are fleeting!
Rapturous strains his advent greeting,
New-born day dethrones the night,
Mountain portals roll asunder,
Phœbus comes on wheels of thunder,
Tumult harbingers the light.

The dawn of rejuvenated humanity! It breathes afresh. Let reason at last get in a word again, and shame spread a thick veil over self-dedication and enemy bedevilment. Who would bet that, if any of the buds of hope failed of maturity, were nipped of frost, humanity would not again resolve to pass from armistice into a state of war? What profit could war bring? To the French, Alsace-Lorraine and the Cameroons; to the Germans, Courland and Polish and Lithuanian territory; to the Austro-Hungarians, Serbia, Montenegro, Northern Albania. That would mean, instead of establishing peace, sowing the seeds of new wars; to say nothing of disruptive domestic dissensions. To what European State, during the last century, has the incorporation of foreign populations brought any appreciable gain? To Russia, Austria, and Prussia, the Netherlands, the German Empire? To none of them! The Savoyards and the people of the Maritime Alps were already half French and, like most of those living by work for the foreigners, remote from the stores of national feeling. Annexation has long been recognized by the far-sighted as a form of the extension of power not to be reconciled with European custom. Nothing is easier than to proclaim annexation, but if the morsel, once swallowed, proves indigestible, and the swallower would willingly spit it out, yet honor commands him to retain it, and, even at the risk of his life, to protect it against greedy enemies.

LOOKING FORWARD TO THE FUTURE.

German banks and industrial companies hold the mastery over—"control" is the hypocritical New York expression—many foreign undertakings, whether openly or from behind a screen painted with other colors. They have acquired the majority of shares, or something approaching to it, but not the land and buildings, and they have taken great care not to install German officials or to hang out the banner of the Empire. Why must States act with less sagacity? Might gives right; the appearance of might, nothing but vexation.

The eye of my spirit looks forward to the time when States shall league themselves in a community of interests, pass from pooling to fusion, and, to save expenses, merge two official staffs into one. For the present that is only to be thought of as between different sections of one national organism. But the more sterile, in the days of electric trunk lines and international legality, the idea of frontiers becomes, and the more solid the unity of Europe, will it not hold good, too, as between Holland, Belgium, and Luxemburg, between Spain and Portugal, between the Scandinavian Kingdoms, between the Baltic Provinces from Riga to Finnish Tornea, between two or three Balkan States? The new form of annexation, which opens to the stronger State the channel of influence and spares the feelings of the weaker, will certainly be in process of casting to-morrow. And, as—since the war has broken down all dams the flood of democracy is unrestrainable—the hour can not be very distant in which even great powers shall unite in defensive associations, and, after amalgamating their steamship lines, both for freight and passenger traffic, shall maintain only a fleet of cruisers, a submarine squadron, and a standing army. Why not, since even to-day they can not take from each other any possession of enduring worth, and the day after to-morrow, at latest, the unmuzzled populace will forbid them even to wish to do so? Hearken to the voice of the fleeting hours! At their bidding, if madness no longer howls them down, greater miracles than this will come to birth.

The first timid aspirations toward this end may be heard in the demand for the nationalization of all munition manufactures. If it can not supplant private enterprise altogether, by enlisting men of the stature of Ballin, Lloyd George, Rathenau, Stinnes, and Thomas for the organization of the whole business, it may farm out the work to private individuals at high, but fixed, rentals. Our deluge has swept away, among so many other things, the superstition that only when spurred by the craving for profits can men do great things. Never again and nowhere must a class of men arise who shall suck profit from the

dripping veins of soldiers—who have a loathsome business interest in the outbreak and prolongation of a war, because it destroys weapons, guns, clothes, boots, horses, motor cars, armor plates, barbed wire, explosives, copper, nickel, rubber, ships and airships, camp kitchens, cement, concrete, searchlights, and commercial tonnage, and therefore requires them to be replaced at lightning speed and at enormously inflated prices. No Parliament will then vote money for armaments of which the chief profits do not flow into the coffers of the State.

The Government which did not bind itself to this would beg in vain to be admitted to the fire and life insurance league formed by the nations, great and small.

This International insurance company requires a strong police force or militia; otherwise it could not compel obedience to its verdicts, and a verdict which can not be executed is rubbish and ultimately fuel. It requires, destitute as it is of any revenue to finance itself and its European militia, to possess a fund bearing interest. How is it to amass such from the wasted and impoverished continent? How, I ask, is it to find the means to pay off the war loans, to defray the costs of restoring the country, rebuilding the ruined cities and villages, replacing the implements, maintaining the crippled and helpless, survivors in dignity, far above the mere minimum of necessity, to their lives' end? Twenty-one months of war have cost from 100,000,000,000 to 120,000,000,000 marks; to that are to be added the costs of restoration and the burden of maintaining disabled soldiers and their dependents. A bare indemnity, which in respect of such sums would look like not more than the mushroom at the foot of the giant beech tree, even the victor in the height of his triumph can not hope to obtain. And tribute wrung out by a military occupation protracted beyond the lustrum, the decade, was a possibility in the time of Rome's glory and fall, but to-day is as little a possibility as that forcible deportation of whole tribes and peoples of which many dream. No State that has been involved in the deluge can look for any other indemnification but that which it creates by its own economics.

Any great power which abridges its annual expenditure on land and sea defenses by 1,000,000,000 marks may hope after a generation to see again the first dawn of financial regularity. And what will become of debts and liabilities? Because what is gained by saving suffices at the most to cover to a tolerable extent the new needs which are the legacy of the war. Taxes and customs duties, which brought in were it only an equivalent of the interest of the tenth billion of debt, would cripple industry and commerce in the competition with our continent, with Australia and the yellow world, would break up the idea of property, and drive the moderately well to do, from the fear of confiscations, into neutral States of sound financial constitution, and stamp out the courage for far-reaching enterprises as a horse crushes a rose leaf. Money does not grow like grass. What then is to happen?

What has never happened before anywhere on earth. Nothing save new thoughts, no sere and yellowing ones, opens the drain vent of the abyss. After the first deluge Noah kept himself by the cultivation of the vine. Just as his son Ham, because he despised the uncovered shame of the drunken vintager and told his brothers, was laid under the curse of being the servant of all servants, so the old continent would come under the curse of servitude to the younger continent, if its humanity did not speedily succeed in covering the exposed shame of their racial breeds with the mantle of brotherhood. Let Europe's war debt become a fund of atonement. Let the loan coupons in all the European States which have participated in the war (and in those ready to recognize the principle of arbitration) be valid money, guaranteed by all the debtors, not a currency which can be rendered worthless by dissoluteness and fraud like the assignats of the Jacobin convention and the French directorate. Money which in every country subject to the authority of the court of arbitration must be taken at every counter by every creditor at its full face value. For how long?

Till those weakened by the war can redeem the international currency with national metal or paper. In 40 years at the earliest, in 60 years at the longest, after the conclusion of peace. The international court of justice administers the fund and sets aside in equal portions from the contributions of all the States what it needs for itself and its militia. It has to punish the party disobedient to its verdict by the infliction of a money penalty and invalidate, call in, destroy, all the current loan coupons of any State which, without being threatened in life and limb, breaks the peace. In that direction the glimpse of a mutual European security may be deserted, a bond which can hold together and yet not pull the strings too tight, not throttle to death. The Continent would be freed from money tightness; it would not need to allow the arts and sciences to wither, industry, technique, commerce, and household decencies to sink back into destitution. It would not need to frighten its citizens by the threat of crushing taxation across the seas.

It would be under gentle compulsion to bury deep and bury quickly the idle remembrance of fruitless strife in order that the stink of its rottenness might nowhere poison the will for great, clean human business yielding fruit to justice and civilization to those near and those far away. He who holds us for nothing but bucksters, without ideals and without reverence for the noble things fashioned by brain and hand, can not doubt that we, North and South America, will, for the sake of custom and a market, if for nothing else, take a new paper money in payment, that we will set it in circulation and enter with both feet into the federal hall, under the dome of which we might deliver our giant island from fear of attack and from something still more painful, the duty of undergoing uncomfortable militarism.

France, so lovably unreasonable, secure against irremediable exhaustion of its power of reproduction, wellspring of the finest social delights, surrounded by the bubbings of the old Gallic festivity, France neutralized, and that soon it may be at its own desire, like the free Belgium (free, too, from lust of revenge), the costs of whose rebuilding will be borne, half of them by Germany and a quarter of them by England and France, respectively.

Great Britain, land power and sea power, which has outgrown the fretful desire to be the suspiciously grumbling trustees of Europe, rudely awakened out of supine slumber and easy-going comfort, honestly reconciled to the German Empire, to which it has opened coaling stations and large fertile lands for settlement, lands not cut through by weiges of alien peoples; first among its peers upon the seas that are freed now from rights of capture and every other bad custom of the times of envious rapacity.

Russia finally, purged clean after the hurricane from Tartar rubbish and all relics of ghostly nonsense, with a broad outlet into the always open sea, rid wholly of the craving to make community of creed, out beyond lakes and mountains, contribute to its power, under engagement to the international court of justice not to cut short the political rights of Bairs, Pinnas, Poles, Ukrainians, and Letts; peasant country, using all its strength for modern methods, schools, roads, changing its cities from garish boils to reservoirs of the strongest forces of the people,

purifying its tchin, spiritual and secular, in the fire of unfettered popular wrath.

PICTURE OF A FREE AND PEACEFUL GERMANY.

Austria-Hungary, a league of States, between the German and the Swiss pattern, into which Serbia, with all the Serbian people and with good commercial harbors, is admitted as an independent federal State, like Saxony in Germany, and into which every Balkan State can be admitted when it will; master of its Adriatic coasts, from which the west Slavs scare away the inheritor of Rome, firm and clear in the determination to eliminate harmful prejudice, to secure every nationality its own tongue, every member of the body of the empire freedom of movement; in the Near East, sower and reaper.

Germany . . . but you will see how Germany will display its glory when peace has come, and we no longer with fevered heads dispute what sort of submarine attack is permitted, what sort forbidden. When everywhere freedom reigns, kindness without weakness commands, and the rights of men are respected, even in the tattered beggar.

When Europe can speak before the graves and urns of those who are fallen: "It was for this that ye died, not for bits of territory coveted yesterday and to-morrow without delight, nor for the work, uncongenial to our age, of implanting fragments of our stock, about which morbid matter was soon running from our own flesh and blood. Ye died for clear freedom and for a worthy peace, its foundations deep in the rock to the weal of the Fatherland and mother Europe. And a death of more beautiful consecration no German maiden has ever sought for her beloved." Then the survivors need no longer put back the clock in order that their day of sunshine may be longer.

Thirty-one kings vanquished by Israel did the aged eyes of Joshua, diving deep into remembrance, see upon both banks of the Jordan, and his wrinkled mouth spoke what the Lord had instilled into his ear: "Great and mighty peoples did he drive out before you, and even unto this day hath not one of them stood before you, but every man of you driveth a thousand far away. But where ye suffer other people to come among you, there they shall be unto you a snare and a net, a goad and a scourge, and such event will take away from you the good land that ye now possess."

So warned the voice whose command once for a whole day long in Gibeon the light of the world obeyed. The day star above the dark world. The Joshua who would enlighten with the ray of His glance did not concern Himself with the tribe of Ephraim or with the children of Israel; it was not for them He lived, nor for them that He died. What was their plot of land to Him, the noise of their tongues, loud with the vainglory of war? He stands before the governor, does no more than acknowledge that Pontius calls Him King of the Jews, and when high priests and soldiers accuse Him vehemently, He does not so much as open His lips for an audible breath. For His will is toward the cross. His will is that the soldiers shall spit upon Him, smite His face, cast lots for His garments. The threshold of the gates of Yerushalaim, the abode of peace, have been purified by His tears. "Oh, that thou wouldst learn not too late," so He spake to the Blind City, "the things which belong to thy peace! Yet are they hid from thine eyes. But the day is near when thine enemies shall besiege thee, together with thy children, shall cast down thy fortresses, and not leave one stone upon another, because thou knewest not what the time of thy visitation doth require of thee."

Only to the faithful Disciples He gave His peace, not as the world gives, "Let not your heart be troubled, neither let it be afraid." Not one stone remained of the fortress wherein the conquerors of 31 kings looked with astonishment upon Joshua's sun. But for us the crucified is arisen.

[From the New York Times, June 11, 1916.]

FULL TEXT OF ANOTHER EXTRAORDINARY ARTICLE BY MAXIMILIAN HARDEN—"THE REAL WILSON"—THE DARING EDITOR OF DIE ZUKUNFT, GERMANY'S MOST RENOWNED AND DREADED WRITER, AGAIN FEARLESSLY CRITICIZES THE KAISER'S GOVERNMENT, EULOGIZES THE PRESIDENT, AND ADVOCATES FRIENDLY GERMAN-AMERICAN RELATIONS.

In this and others of those bold and extraordinary articles with which Maximilian Harden has astonished the world since the war began, the famous German publicist gives an estimate, a defense, and an eulogy of President Wilson. "The real Wilson" is the title of Harden's article, which has been banned by the authorities in Germany. The copy, printed in German, which was sent to the New York Times from England, is believed to be the only one that has reached this country. In frankness and effectiveness, this article ranks with the remarkable Harden essay, "If I were Wilson," which was published in the Times two weeks ago.

(By Maximilian Harden.)

"Not a stone remained of the stronghold where the victors over the 31 Kings had gazed in wonder at the sun of Joshua. But the crucified One is arisen."

Not to a race like Mohammed, from whose deathbed Omar went before the tent and cried that his curved saber would split every throat wide open that dared to assert the prophet was dead. He who arose from the rocky tomb in the garden of Joseph of Arimathea does not live under the shield of a threat that is to frighten doubters. All you shall live who, without having touched His arisen body, believe in the resurrection of His soul.

On the seventh day after Easter, on Quasimodo Sunday, following the admonition in St. Peter's First Epistle to wipe out evil and deceit, hypocrisy and envy, and, like new-born babes with pure milk, to become saturated with nothing but clear understanding, there is read from the pulpit from the next to the last chapter of the Gospel according to St. John:

"When, therefore, it was evening on that day, the first day of the week, and when the doors were shut where the disciples were for fear of the Jews, Jesus came and stood in the midst, and saith unto them, Peace be unto you.

"And when He had said this He showed them His hands and His side. The disciples therefore were glad when they saw the Lord.

"Jesus therefore said to them again, Peace be unto you; as the Father has sent Me, even so send I you

THE STORY OF DOUBTING THOMAS.

"And when He had said this, He breathed on them and saith unto them, Receive ye the Holy Ghost.

"Whosoever sins ye forgive, they are forgiven unto them; whose soever sins ye retain, they are retained.

"But Thomas, one of the twelve, called Didymus, was not with them when Jesus came.

"The other disciples, therefore, said unto him, We have seen the Lord. But he said unto them, Except I shall see in His hands the print of the nails and put my finger into the print of the nails, and put my hand into His side, I will not believe.

"And after eight days again the disciples were within and Thomas with them. Jesus cometh the doors being shut, and stood in the midst, and said, Peace be unto you.

"Then saith He to Thomas, Reach hither thy finger, and see My hands; and reach hither thy hand, and put it into My side, and be not faithless, but believing.

"Thomas answered and said unto Him, My Lord and my God. "Jesus saith unto him, Because thou hast seen Me thou hast believed; blessed are they that have not seen, and yet have believed."

Noli me tangere: This motto stands at the door of every faith that wishes to spread itself around the world like the warming and protecting rays of light from an open tower. Thou shalt not touch Me; not from a sense of touch, sight, or hearing shall thy will allow thy faith to spring, but from the heaven-born fruit conceived by a divinity. If this divinity needs force to assert itself, if the menacing curse of Moses or the saber of Omar must win respect for it, then it dwells in the crumbling despotic citadels of the old covenants.

A new covenant, such as the Occident never had seen, became possible when a son of a man, without the evidence of touch, sight, or hearing, believed in the resurrection of a body familiar to the eye, therefore in a new divinity. Because Mary of Magdala sincerely believes it, the woman despised yesterday as a creature of the devil is able to transmit her pious ardor to the brains of Peter and John. Because the faith became as firm as a rock in two of the disciples, ten of them, among whom there is not merely one doubting Thomas, cling to Him and gather together a congregation to which He becomes a shelter in the whirlwind of events. Because an abiding hope, whose ardor was never cooled by any draft of mean-souled distrust, caused unseen things to be made visible in Jerusalem and in Galilee, to this very day Calvin in the Netherlands upon their deathbeds see the towering figure of the Savior. The belief that He will come and at the last moment of their life free them from the bonds of sin has been sucked in with their mother's milk. And in the realms of the physis being the infallible passionate hope always forces into sight the face of what it desires.

In this German spring, in which the sap, not by spurts, but with a gentle flow that promises good fruit, rises from the roots to the stalk and the branches, is there not germinating somewhere faith in the resurrection of Europe and in the new humanity in a restored earth, whose wounds and marks left by the Crucifixion may be felt by every finger? It will spread like rays from a warming and transparent tower far out across the desert over silent privation and shrieking misery if it is cherished ardently.

It will win to the sacred cause hundreds and hundreds of thousands if its defender, with the other disciples, does not fear the hardships of journeying, the pain of persecution. Can Pentecost come from Easter without spring thunder showers? Can a strong and united faith develop from splintered doubts without persecution and vengeful wrath?

Hark back through the echo of the spring festival at home to the teachings of Christ. The Sadducees, Hanan, Alexander, and Jochanan, are in power; their tool is the high priest Calaphas, whose weak will is subject to that of his father-in-law, Hanan. They have crucified the happiness of the world. And shall their stern mind, never softened by the falling dew nor by the gentle tear of sympathy, permit that a handful of peace advocates, with the heritage of the One so shamefully executed, insinuate itself into the favor of the unthinking masses? Then all the amount of labor, the increase of power that the gloomy Nisanmond has brought them would be wasted in vain. It would have been wiser to have let the seducer himself, the catcher of souls, who through long delay and through oft-repeated warnings must have lost prestige, continue to wander through Judea and to have sent out word ahead of him that the main object of the vagabond's march was to rake in money.

Josephus writes that the Sadducees constantly engendered more ferocious severity than any other of the sects within the domain of the patricians of the temple. From their ranks came the watchword, "Rather the death of a man than pestilence and the ruin of the entire people." Hanan, a hundred times more severe than Pontius Pilate, is burdened with the guilt of the crucifixion, and can only escape the curse of the survivors if he leads his "party of order," the herd of Jehovah imperialists, to victory and roots out of all the highways of Israel and out of every furrow of earth the weeds sown there and nourished by the breath of the deceiver. In the shadow of the Savior's spirit the flower of the priesthood perishes from cold. Woe unto you, if this shadow succeeds in spreading! Wrath, that calls itself pious, because it clings to the dust of old phrases, eagerly arms its bailiffs against it.

VOICE OF WARNING FOUND NO ECHO.

What punishment may the Jews demand and inflict without a protest by Roman powers, by the mild legate in Syria, Vitellius? Imprisonment and driving out with whips. In the Sanhedrin Peter and John shout for joy under the lash. The people who live in the temple and from the temple, for whom every wall of the holy house sweats outrageous profits, and who consequently believe themselves called to guard the temple as the ones chosen by the powers of Heaven, want to force free spirits to do their will by means of orders and inhibitions, by punishments and pains, and do not even suspect what happiness this torture causes to the persecuted ones who are filled with their cause. One man warns them. It is the old rabbi, Gamaliel, a wise grandson of the wise Hillel. This most famous scholar and most tolerant priest in Israel speaks as follows to his comrades of the Sanhedrin:

"If the new doctrine is criminal sacrilege, it will fall to pieces of its own weight. If it is the creation of an earnest spirit, then it is wanted by God, and the risky attempt to destroy a work that is favored by God can never succeed."

The voice of the warmer found no echo. When was common sense ever heeded in the cloud of sparks stirred up by fanaticism? Stephen becomes the first victim of blind rage. Before the descendants of the Jews from Alexandria and Ephesus, Kilikien and Kyrene, he has, in the synagogue of the Libertines, denounced the Jews as rebels who still dispute ocular evidence, and who are guilty of a grievous crime, because their hate put the Messiah on the cross. A sermon that stamps the Gallilean as the Messiah and sets him upon the exalted seat of the promised Savior can not remain unpunished. The beneficiaries of the Temple send out listeners. How can the ruling clique quickly seize the bold chap by the neck? Has he not, perhaps, by the allegation of things not proved to be true, lowered the esteem the public holds

for Moses, the bringer of laws of the faith? He has; therefore, he must answer to the Sanhedrin.

He shouter to his judges: "Ye stiff-necked and uncircumcised in heart and ears, ye do always resist the Holy Ghost; as your fathers did, so do ye. Which of the prophets did not your fathers persecute? And they killed them which showed before the coming of the Righteous One; of whom ye have now become the betrayers and murderers; ye who received the law as it was ordained by angels, and kept it not. Behold, I see the heavens opened and the Son of Man standing on the right hand of God."

Hastily they ram their fingers into their ears so as not to hear such an impious declaration. Slaver drips from gnashing teeth over lips pressed hard together in rage. What says the law about such blasphemy? It says in Deuteronomy:

"The dreamer who tries to convert you to the belief in a new divinity must die. As soon as the tongues of two witnesses have pronounced him guilty, take him before the gate of the city. The hand of the witnesses shall cast the first stone. Then all the people shall stone the wicked man, so that he shall be completely destroyed. For he wanted to lead you away from the Lord thy God, Who brought you out of bondage in the land of Egypt and Whom you must thank."

YOUTH WHO DEIFIED THE DISCIPLES.

Stephen is taken outside the city. The witnesses who are to cast the first stones take off their outer garments and lay them before the feet of a youth who, with wide-open eyes, is watching the execution of the sentence. Now he stoops to pick up a stone himself. He is happy at being able to assist in the execution of the blasphemer. And from this day on he is the tool of hard-hearted, heretic-hunting priests. Armed with their warrant he breaks into suspected houses, drags the followers of the doctrine of Christ, men and women, before the judges or to prison. No one (as is shown in the Epistle to the Galatians) is a hotter persecutor of the congregations of Christ; no one else lend themselves more willingly to the service of the old laws. Ind. d. many a night he hears through the darkness the sighs of the women thrown into jail on his accusations; he lies sleepless and meditates on the gentleness, on the quiet, heroic renunciation of the world by his victims and of the earthly pilgrimage, still producing miracles, of Him for whom they joyfully suffer and die; often his face turns crimson because he believes he sees the blood of Stephen that his stone drew from its veins spurt forth again. But he turns with horror from the seduction of such a deception of the senses and pulls himself together with the resolution to avenge every breach of the law as it is handed down with unswerving severity and never to spare anyone who did not regard the law as the embattled home center of their desires and actions.

This Saul becomes the terror of the band of disciples. He becomes, after the day of Damascus, the Apostle Paul, who spreads the sectarian belief through the mass of the world church. Gamaliel's pupil, who for so long had sealed all the pores of his soul to the ancient wisdom of his teacher, hears the question from on high:

"Saul, Saul, why persecutest thou me?" Through the roaring thunder it rings, as clear as the call of the lark on high, in the ear of the weary man, who in the fatal Spring of the Emperor Tiberius, who with wounded feet had wandered from the wastes of the hot land of Iturea and saw with blazing eyes the plateau of Damascus rendered fruitful by the blessing of God and the labor of man. Has a thunderbolt struck his brain? Saul falls to the ground. Paul, with a bewildered brain but with a soul like the sun at noonday, rises from the earth. The Christian, Hanania, becomes his physician, healer, teacher, and brother. The scales fall from Paul's eyes. With resistless power of the will he tears out the thorn that for months has been boring into his flesh, and with it the imp of Satan that has been chastising his heart, and he also receives the baptism. The thoughtless one who, with his brain fired with passion by everything, was the most ferocious persecutor of Christians, becomes the most earnest and enthusiastic Christian. He elevates the ardent, all-embracing faith far above Essenism; delivers it from the hands of the sects that live from day to day in the belief that the end of the world is at hand and the twilight of humanity near; joins power to its faith and insures its immortality through this union.

Is there germinating in our Spring the faith in the resurrection of Europe and in the new humanity in a restored world, whose wounds and marks of crucifixion every one can touch with their fingers? This faith will tower like a transparent, warning lighthouse above the desert, above dumb suffering and howling misery, if it has been filled with light by the ardor of a strong, tried man, and the will to power. He will win hundreds and hundreds of thousands to the holy cause. It needs Stephen and Paul; it needs the devotion of the spirit of martyrdom and of the head of a statesman. You Germans who remain Europeans and do not want to sink back into primitive animal life, become the apostles of the new faith! Do not let yourselves be halted either by the continual bawling of those living in the past, and who classify your pure desires as a Utopia and a barren island of idle dreamers, or be frightened by the tools of blind force, who are not suited by the tendency of your thoughts. Hanan can do no more in a warrior's garb than he has been able to do in priestly raiment.

He can proscribe heretics—those of to-day who will be the fathers of the church of to-morrow—can cut their spiritual hide to pieces with the lashes of his jailers, banish them from a hearing by their own people, and have them stoned by every people, have their freedom of movement curtailed with iron nails, but he can never throttle the soul with his heavy hand. That rises from the wreck of the body, crosses the borders, slides under the barriers, and wins disciples the world around. Let him act fearlessly who feels his soul prepared, he who has ever heard with the ear of his soul the plaintive cry, "Why dost thou persecute the longing of humanity after the holy ghost?"

We want a Germany that is strong, merry, bright, with agreeable, not haughty, dignity, and earnest gladness. This Germany can not be spared by humanity; but neither can she do without humanity. It is not her task to enslave it or to color it after her own fashion, but to flourish in it as a powerful member in a constant interchange of healthful, life-giving streams. We know that in every great period Germany's most effective weapon was thought: spades and plows, creators, not like mortars, howitzers, and asphyxiating-gas destroyers.

We want reason, not the sword, to be Germany's guiding star; the statesman, not fortune's casual favorite on the battle field or in the submarine. So that history may not some day judge us thus. With an unexampled display of popular strength, genius, and endurance, Germany fought for an ideal that had long been reduced to a shrunken, withered shadow, against the band of her foes, who with all their superficiality of judgment, with their confused dilettantelike ignorance, still combined in the perception of the direction pointed out for mankind to follow by all the great signs of present times.

So that Cleo may not sigh; with a most admirable implement wrought by the brain and the army, on the one side a futile cause was served; on the other, with useless toons and with an outworn, unprofitable, dusty force of the will, the work of preparation for what was recognized as necessary was shamefully bungled.

WANTS AN ERA OF PEACE AND GOOD WILL.

We want Europe to get well, not pine away as a cripple; we want her to become clean, not still more disgustingly besmirched. We want the vital questions of the world to be answered in a way that will meet the needs of the nations, both the strong and the weak, and, without supplementary strife over it, will last long after the day on which peace is declared. We do not want people to brag about the greatness of a time that was merely destructive, for with us greatness is the characteristic of creative ability. We want a free people to be in the future the creator of its own destiny from the ground up, and be able to rejoice without envy at the prosperity and spiritual advancement of other peoples; we wish that goodness and human rights be respected, even in the most ragged beggar. There you have the basic outline of our faith and desire. All you who wish to dwell within its arch gather quickly from all camps to the loyal union. Steel yourselves with the vow of brave men, to venture something at last. Only by daring will you be worthy of the heroes who are cheerfully bleeding out there. At no place and at no time has Pentecost come out of Easter without spring thunderstorms.

THE QUESTION.

No matter how often we must think of it, the discovery of America must each time make a fresh appeal to our imaginations. For centuries, indeed from the beginning, the face of Europe had been turned toward the East. All the routes of trade, every impulse and energy, ran from west to east. The Atlantic lay at the world's back door. Then, suddenly, the conquest of Constantinople by the Turks closed the route to the Orient. Europe had either to face about or lack any outlet for her energies; the unknown sea at the west at last was ventured upon, and the earth learned that it was twice as big as it had thought. In that part of the world, upon that new-found half of the globe, mankind, late in its history, was thus afforded an opportunity to set up a new civilization; here it was strangely privileged to make a new human experiment.

Never can that moment of unique opportunity fail to excite the emotion of all who consider its strangeness and richness; a thousand fanciful histories of the earth might be contrived without the imagination daring to conceive such a romance as the hiding away of half the globe until the fullness of time had come for a new start in civilization. A mere sea captain's ambition to trace a new trade route gave way to a moral adventure for humanity.

The race was to found a new order here on this delectable land, which no man approached without receiving, as the old voyagers relate, you remember, sweet airs out of woods adorned with flowers and murmurous with the sound of pellucid waters. The hemisphere lay waiting to be touched with life—life from the old centers of living, surely, but cleansed of defilement and cured of weariness, so as to be fit for the virgin purity of a new bride. The whole thing springs into the imagination like a wonderful vision, an exquisite marvel which only once in all history could be vouchsafed.

"AMERICA A BEACON FOR THE WORLD.

"One other thing only compares with it; only one other thing touches the springs of emotion as does the picture of the ships of Columbus drawing near the bright shores, and that is the thought of the choke in the throat of the immigrant of to-day as he gazes from the steerage deck at the land where he has been taught to believe he in his turn shall find an earthly paradise, where, a free man, he shall forget the heartaches of the old life and enter into the fulfillment of the hope of the world.

"The men who founded America * * * set up their standards here in America in the tenet of hope, as a beacon of encouragement to all the nations of the world. * * * Tyranny has become more subtle and has learned to wear the guise of mere industry, and even of benevolence. * * *

"What is liberty?

"I have long had an image in my mind of what constitutes liberty. Suppose that I were building a great piece of powerful machinery, and suppose that I should so awkwardly and unskillfully assemble the parts of it that every time one part tried to move it would be interfered with by the others, and the whole thing would buckle up and be checked. Liberty for the several parts would consist in the best possible assembling and adjustment of them all, would it not? * * *

"We say of a boat skimming the water with light foot, 'How free she runs.' * * * Human freedom consists in perfect adjustments of human interests and human energies. * * *

"Well, then, in this new sense and meaning of it are we preserving freedom in this land of ours? * * *

"Have we, inheritors of this continent and of the ideals to which our fathers consecrated it—have we maintained them, realizing them, as each generation must, anew? * * * Are we, in the consciousness that the life of man is pledged to higher levels here than elsewhere, striving to bear aloft the standards of liberty and hope? * * *

"And we stand in danger of utter failure yet except we fulfill speedily the determination we have reached to deal with the new and subtle tyrannies according to their deserts. * * *

"Herr Harden then proceeds to quote scattered sentences and paragraphs from Mr. Wilson's speeches, bringing out the necessity for America to hold fast to the old ideals of liberty and equality of opportunity for all. * * *

I have collected these excerpts from the campaign speeches of Woodrow Wilson (that under the title "The New Freedom, a Call for the Emancipation of the Generous Energies of a People," have also been published in the German language) in order to indicate what manner of man it is over whom there has been so much talk during the past weeks and months. So much silly and, unfortunately, also miserably shameless, talk. "A dusty professor," "a rabid enemy of Germany who has sworn to prevent England's defeat with all the means in his power," "a rascal bought by England," "This is the parrotlike chattering of lazy ignorance that has nothing in common with holy love of country." Burn up at least ninety-nine hundredths of all the parasitical war "literature" bound in warlike covers, and throw all these poems, speeches, romances, treatises, boostings, and tracts in the only place where they are of any use—in the paper mills—and devote your time to books from which you draw the spiritual inspiration of clear speech. Then, perhaps, pure reason will return to its home and awaken the duty of respecting the dignity of strangers.

GERMANY MIGHT BE PROUD TO OWN WILSON.

As Rodin and Hodler, Maeterlinck and Verhaeren, Kipling and Wells, Forain and Raemakers, Spitteler and d'Annunzio, by their angry attacks on Germany lose none of their value in an artistic sense, so, too, Woodrow Wilson, the scholar and politician, would not be a wretch even if he did prefer English ways and statesmanship to German. That he has done so has never been shown. The problem, if the President of the United States is an eagle, may be decided when he spreads out his wings for a fight. He certainly is a man of high moral and intellectual rank—a man of whom we might be proud if he were one of ours (and he could speak, as I let him speak from these pages two weeks ago). He is at the least an American Pichtle. In the State of Virginia he was born by the descendant of an Irishman to the grandson of a Scotchman. So this man, who is now nearly 60 years old, has no blood prejudice that promotes blind defecation of England.

As a student at Princeton University he writes against "Cabinet government," boldly attacks the secrecy and avoidance of responsibility that prevail in the business of the Government, and that null into a sounder sleep from year to year the people's desire for active cooperation. The review is followed by a book over Government by Congress that earns him the call to a chair in the youngest college for women. He leaves the presidency of Princeton University (that, as the favorite resort of the proud and rich youth, might be called the Bonn of America) after eight years of fruitful administration because an endowment of twelve millions had conditions attached to it the acceptance of which the president feared would be of serious injury to his college (through a deepening of the gulf between the classes). In order not to soil his ideals, the image of his power of thought, he goes, and is, as the wise and valiant fighter of ugly abuses, chosen as the governor of New Jersey. He frees this State from the bondage in which it was held by the trusts. In defiance of the silly incoherent custom that limits the governor to written communication with the assembly, he defends his plans of reform personally in the legislature and also at the voters' meetings and in the press. He does not hesitate to make known throughout the land the names of the obstinate deputies. And, with the enthusiastic support of the people's will, he puts his plans through.

REBUKE FOR SLANDERERS OF THE PRESIDENT.

He has outlined the life of Washington, the history of the American people, and the nature of the State in good books, and in the collection of essays, *Only Literature*, on politicians and statesmen, poets and writers, he has said as many wise things as hardly another in the two worlds for many a year. Then, as a new man in the highest place in the Republic, he has made far-reaching mistakes. Is he the only one among all the heads of governments? This man loves his people and has the desire to lead it upward to the heights of the ideal from which it has slipped into the swamp. Germany must be ashamed of the persons who slander him, because there has been slimy dirt in the newspapers.

Wilson, the teacher of political law, who now speaks in the name of the United States of America, stands upon the conviction that the announcement that from March, 1915, the Imperial Government would treat the waters around Great Britain and Ireland as being in the war zone was a gross denial of international law; that the premeditated method of the German submarine warfare is not compatible with the basic laws of humanity; that this method which, without the flimsiest legal justification, without a twinge of conscience, destroys mighty ocean liners and unarmed passenger ships, and has cost the lives of hundreds of peaceful Americans, wantonly smashes to bits the undeniable rights of neutrals and the sacred privileges of all those not engaged in the war; that the Imperial Government, whose uprightness and good faith are not put in doubt, neither has succeeded nor ever will succeed in reconciling its methods with the basic principles of humanity.

And as every promise of caution by Germany has been followed by an act of a submarine sharply contradicting it, the Government of the United States, that has been patient so long because it feels a genuine friendship for the people and rulers of Germany, must break off diplomatic relations with the Imperial Government unless the methods of submarine warfare are immediately given up, passenger and freight ships not armed for attack are spared, and the rules of humanity, of international law, and of the rights of neutrals are again put into effect.

These are the principal contents of the note that the American ambassador laid before the state secretary of our foreign office on the evening of April 20. Dare we treat the complaint of a great, free people, radiating the strength of youth and represented by a man of the importance and stamp of Wilson, according to the rules of a students' row? Shall we haggle over words, refuse to stand for the "entirely impertinent" tone, and use it as a pretext for refusing to answer?

That would be unworthy of the great matter in dispute, of the beligerent nations, of the human race. If President Wilson, after careful examination, is convinced that a long chain of German methods of conducting warfare has worn away and broken to pieces the laws of humanity and the holy custom of nations, it is not only his right but his duty to speak with uncompromising clearness. He owes the fulfillment of this duty not only to his own country but to ours. For we, the German nation and Government, do not wish that something which is not to be kept shall be agreed to, that agreements shall not be observed. In the darkness of the state of siege (not to be profitably endured much longer, Emperor and chancellor) we can find out whether such a thing has happened only when a firm hand, not to be turned aside by prohibitions, completely bares the real situation to our gaze.

Mr. Wilson demands nothing new. Has there been an agreement to do what can not be done, has there been failure to keep an agreement? That is the entire question. Against Wilson's basic argument that, even in the most ferocious war, the voice of humanity and of international law must be heard, nobody even lightly affected by the morality of our stage of culture will present objections; the Princeton professor might base his arguments on Bismarck or Goethe—who, in the presentation of essentials, are not so far removed from each other as heedless or hostile phrase makers would have them.

Are the statements of the American correct? That is the question. The imperial chancellor, who, before he answers, looks upon the evidence of both sides from every angle, deserves the gratitude of every thinking German. He is not "weak," but strong. He is strong in the peculiar sense attaching to his position; strong as the only "responsible guardian of the Empire, of German faith and trustworthiness must always be.

The audacity of the chancellor should not be compared with that of the U-boat commander; the fate of 70,000,000 Germans must not be

Intrusted to a daring submarine commander nor to a man disguised as a statesman. Yet such pilots for the ship of state are wished by the silly clamorers whose unbridled actions are becoming gradually more dangerous to the Fatherland than all the endeavors of the foe, driven far back into his own territories. If these Pistols and the like, instead of pouring the wine of Mistress Quickly upon their noses, had stuck them into the book of history, their shouts for the strong man must have been choked at the memory of Cleon, the Athenian tanner. There was a swaggerer who was a strong man in the eyes of bullies. He branded the wise Pericles, because he carefully weighed all possible consequences, as a foolish philosopher, and, as head of the rascally crew of sycophants, he denounced all who worked independently for the good of the people instead of for profitable popularity. Informing and intimidation freed him from discomfiting speakers and writers, and stole from the Athenians their most valuable possession, freedom of speech, and increased the fortune of the avaricious. "Pericles demanded calm deliberation on all matters; Cleon used every means to nourish and heighten the feverish excitement of the people. Pericles sought to act only according to reason and to set aside all results of unclear states of mind; Cleon drove the credulous multitude, by means of soothing, trumped-up oracular speeches, and inflammatory statements of all sorts, into the wildest excitement. He concealed from the citizens the perils of the situation and held up to their eyes certain victory, from which they were sure to derive new advantages and benefits." (Curtius.)

QUOTES LESSON FROM ANCIENT HISTORY.

"To annex and evacuate" was already Cleon's watchword. The entire Peloponnesus was conquered and tribute was wrung from Arcadia. Listen to his diatribes against Sparta and Mytilene. Terror alone can tame the islanders; only rascals can seek to turn away the Athenians from the prosecution of mercilessly cruel warfare. The inhabitants of Mytilene, having shamefully assaulted us, must be beaten to their knees and annihilated; if this is not done, their treachery will threaten us within a few years with another war. Does Diodotus advise you to keep hatred and lust for vengeance apart from political quarrels, which are not to be looked upon as a case before a law court? Does he counsel you to think only of the welfare and future of the State, unblinded by passion? That is but the old whimpering of the faint-hearted, who chatter about magnanimity and humanity when the only hope of deliverance from deadly peril is the merciless employment of every possible weapon. Sparta? Only when she has yielded all the territory that should be given by right to the Athenians—in the Peloponnesus, in Megaris, Nisala, Pegai, Troezen, Achaia—then, and only then, can there be talk of an armistice. It is a waste of time to listen to the empty talk of Sparta's ambassadors; every Spartan lies as soon as he opens his mouth.

Cleon attains his goal. The ambassadors depart and the most propitious hour for concluding peace and dissolving the hostile alliance is gone. Because the voice of statesmanlike prudence is drowned, the most important affair of state is ruined by the frivolity of the flatterer of the multitude.

Does not he whose memory is good seem to see clearly before him our Cleons, the blonde and dark ones? Whether Fortune would smile even for one day on the Pistols as Generals and Admirals as she did on their immortal prototype at Pylos, when she bestowed upon him the cooperation of Demosthenes and the treason of Menelaos, the Spartan leader, is as uncertain as is the hope that to-morrow a new Aristophanes may cure the hide of the tanner's tribe with the sharp weapon of his wit.

They have deserved this chastisement ten times tenfold. Are they strong because, far from the front and the sea, they open wide their mouths twice daily and clamor for the conquest and annihilation of the world, which others in the van are to buy with their bones? Are they strong because they have never learned anything worth while, because they have simply picked up the speech of the power drunk, the foundations of all statecraft, the soul history, and political economy of the nations hostile to us?—because they never saw the thin spots in their hide, because they drive the multitude by coarse flattery to insane lust for power and to self-dedication? Is it proof of strength to exalt the lowest impulse as the noblest, to wring applause from callous hearts and sweating hands by such cheap country fair tricks, by such horse-swappers' artifices? Even if those among us who resemble Pericles and Diodotus were of weaker fiber, reason speaks forth from them, not madness. They do not enrich themselves by supplying the Army and the needy people; they are not paid by cliques and speculators for dirty work; hard times do not double their earnings; for them no fat roast is cooking over the fires of war. They serve the Fatherland within the limits of their brain, modestly, after a fashion, and without thought of self-interest. Whosoever, consciously or unconsciously, from a safe hiding place far from the enemy, accuses those governing us of dishonest weakness, betrays their interests.

OUTBURST OF SCOLDING ROUNDLY DENOUNCED.

It was to me like physical pain when Deputy Dr. Ernst von Heydebrandt wandered away into the midst of such evil company. In solitude I have often praised the brave earnestness of this man, his great will power controlled by keen understanding, the steely sharpness tempered with sobriety of his speech—I have praised him as the only personality in the Landtag and Reichstag worthy of the esteem even of his foes. But what he has now allowed to be printed is unworthy abuse, drearier than anything that the most violent enemy of the junkers could imagine. This outburst of scolding pusillanimity from an embittered heart would not stand out above the rest even in a calendar for peasant children. Nowhere is there even a spark of the fire from a statesman's brain. Every understrapper of the foreign office—yes; even the author of the *Sussor* note—would be justified in exclaiming, with a shrug of the shoulders, when he saw the tortures of this Heydebrandt: "Yet that fellow would set up to be my judge; that fellow would damn men of my stamp."

"America," says the deputy and party leader, "was even before the war, in relations with our opponents." (So was the German Empire; with Italy, Japan, Portugal, Russia—with Great Britain even, as has been said to us at least twice each year. To have such a relationship was quite within the rights of the United States; that it may have been set forth in a treaty is improbable and not supported by a shred of evidence.) "During the war America stood at first secretly, later openly, on the side of our enemies." (That remains to be proved; according to what I know the Republic never violated neutrality.) Mr. Wilson is "insolent"; his "arrogance can not be surpassed." Because it "favors his chances of reelection" he bases his acts on dictates of humanity, which are surpassed only by the hypocrisy with which he advances them. The Americans are "business people" to whom an Empire of the strength of Germany must speak only in the

most harshly unequivocal terms. They supplied the belligerents with arms and ammunition. (So did we, neutrals, in every war of the last decades. And, during the Boer War, we were, in a more limited sense, exactly in the position of America to-day, able to sell the British arms and ammunition, but unable to sell them to the Transvaal and the Orange Free State on account of the English sea blockade. Does anybody with even half the average sense doubt that the American private business houses who armed our enemies would have shipped to Hamburg and Bremen with equal willingness all that we ourselves ordered? The exportation of war material could not have been prevented except by special legislation, and the reasons for open opposition to such legislation were based neither on greed nor "relations.")

Without this supply to our foes from America, we hear, the war would "have been over more than a year ago." (A friendly notion, which can not be looked upon except as an error, even if Lloyd George, without apparent reason, had lied when he said that everything supplied by America amounted at most to one-sixth of the total.) Therefore, "the blood of hundreds of thousands cries to heaven against this brand of humanity." (Not louder than the blood of all those laid low by the fire of Krupp and Ehrhardt guns, among whom, until yesterday, there were very many Germans.) "We see ultimate victory beckoning; but we must 'voluntarily forego it' and 'give up the best and most effective weapon against our deadly foe England because it suits the political and business interests of the Americans. To such a pass have we come!'"

To such a pass that it may be said openly that responsible persons exist in the German Empire to-day who wish to forego using an effective, victory-promising weapon because they tremble before America's "insolent demand." To such a pass, that a party leader, whose strength and parliamentary strategy are rightly rated higher than those of anyone else, speaks openly during a fateful hour for his dearly beloved fatherland, about things and beings concerning which he has not the slightest knowledge. Therefore, it would be hopelessly foolish to call him "hypocritical." He is too clever to be embittered by the lost cause of the Prussian right to vote, too long accustomed to fair play to use the exaggerated hope of the masses for submarine victory as a favoring wind for floating the ship of his party off the sands.

SPIRIT THAT MUST ANIMATE THE PEOPLE.

But does this serious man seriously believe that ignorance blazoned forth with the power of a Hercules will pull him through the flood; does he expect to go through this world epoch without the slightest inkling of the history and will power, the needs and ambitions of great foreign nations, of the duties and rights of imperial world politics? After the war also a conservative party will be needed. It will be possible, however—(despite the alliance with the big manufacturing interests, which assure to both sides not as much as three dozen seats in Parliament)—only if it be entirely renewed, if it fit its thoughts and acts to the newly-plowed earth, to the uprooted will of the time, changed from the smallest to the greatest. This can happen only if the party's leader does not, in fateful days for Germany, lay about him with his fall in the workshop of subtle statesmanship. The party will be thanked for giving the army able leaders; it will be blamed, perhaps too hastily, for having been economically inferior to the more cultured classes. Everywhere the war has brought greater profits to the agriculturist than to the masses in the cities—let that be allowed to him without envy. But let not one "who can see it through" speak harshly about patriotic duty to one driven by losses into want. Let him work in his district for social betterment and honest prices, but let him not haughtily brand as unpatriotic because they think differently from him, men who have worked harder, and by their industry attained to wider knowledge and thus to a more accurate appreciation of what is politically possible and necessary. Hanan did that once.

Herr von Heydebrandt did this. "We have a fractional patriotism which considers all beyond its fraction as something foreign which can be damaged in any way provided it bring advantage to the fraction." Thus Bismarck scoffs; Bismarck, whose spirit has never been grasped by the noise makers of to-day, for which reason they uselessly desecrate his name. Compared to him, Herr von Bethmann seems a daredevil.

Bismarck, even in the most difficult moments of battle, always reckoned as a probability the most unfavorable of possible results; in every one of his three wars he tried everything conceivable to appease neutrals.

In the Reichstag he himself bore witness to the fact that, in the service of the Fatherland, he set aside "aggressiveness, threats, vituperation," that he sought to soften, and even in extreme cases did not hesitate to "back down and grovel." He did this, he said, because "the wisest man yields."

Has reason become madness? Was Bismarck, the always just, the soldier well acquainted with Shakespeare's lordly heroes, backward in his belief in Prussia's and Germany's mission? Look upon him at Versailles, with his white cap and sulphur-yellow collar, standing sleepless in the moonlight, on the ladder, before the common soldier on sentry go. "Do you believe that we shall ever get into Paris?" The confidence of that common soldier helps the Chancellor to sleep.

Listen to him! "I have never looked upon international disputes, which can be settled only by war, from the point of view of German student honor, but only in relation to their effect on the demand of the German nation to live in common with all other great powers of Europe, an independent political life, on the basis of a national ability peculiar to us. Politics should not be a Nemesis; vengeance is not ours. Politics is a task to which, in reality, nothing but navigation in unknown waters is comparable. One does not know what the weather, what the currents, will be, what storms one must live through. And, moreover, in politics one is essentially dependent on the decisions of others and can never act independently. It is easy for a statesman in the Cabinet or the Chamber of Deputies to use the wind of popular opinion for blowing the war trumpet, and then quietly to warm himself beside his hearth; it is easy for him to make thunderous speeches from his platform and then allow the riflemen, bleeding to death in the snow, to decide whether his policy is or is not to bring victory and glory. Nothing is easier than that. But woe to the statesman in this day of ours who does not cast about him for a casus belli, which will be still tenable after war is over."

HOW BISMARCK MIGHT HAVE USED POWER.

There speaks Bismarck. Who dares to maintain that this genius, this Vulcan tamed by politeness, would ever have treated a land of such inner and outer strength, such abounding youth and confidence in the future as America, in the way that Herr Heydebrandt counsels, even were Germany already menaced by nine foes? Would he not have carefully weighed the efficacy of moral against military means—assured of the cup of victory which only imprudence could dash from his lips, would he have allowed irresponsible trifling with carefully guarded

public opinion? Were Bismarck now Chancellor, Herr von Heydebrandt on the morning after his downfall from the narrow pinnacle of his glory, would have read this in the North German Gazette:

"In a certain highly important conservative circle, which usually backs up the Government—not always gratuitously—efforts have of late been made by a press campaign and demagogical speechifying, to exert influence on decisions of unusual importance.

The Imperial Government takes pleasure in recalling that, during the best days of the Conservative Party, the Government has often been requested not to countenance such machinations in any way. Conscious of its responsibility, the Government spurns all such machinations. The Government's actions are based upon dutiful weighing of circumstances means, and situations of which it has thorough knowledge; of which, moreover, to a considerable extent, the Government alone has such knowledge. Concerning international decisions the Government is even less willing than in everyday matters to endure attacks upon its prestige more patiently from the Right in Parliament than from the Left. Should the Government need further support. * * *

THE ANSWER.

"Now," says Herr von Heydebrandt, "I think that the German answer will be worthy of our country and of this great hour." I think so, too; and I hope that, in this hour, Herr von Bethmann will measure up to the greatness of his destiny. To blow the war trumpet, to make thunderous speeches, to hand still another ambassador his passports and swear all submarine commanders to merciless sweeping of the seas, would be easy to the jittiest intellect. What would hinder him? Fools and hirelings would extol him as the strong man sent by Providence; for three days he would hear nothing about butter famine, shortage of cattle, speculation in veal, rise in price of poultry and pigs' tails; he would no longer hear nothing but the cry from the soul of the nation for a food dictator—who, of course, should not be a far-sighted captain of industry or big merchant, but an efficient field marshal behind the front. The Barldolphi and Pistols of Pan Germany would hail him with hosannas. And if, at the end of the week, the success promised by a hundred Hekspittles had not arrived, the chancellor would, nevertheless, have hoarded up the applause, and would blame the navy, which had promised more than it could achieve.

Any fool would be capable of enacting such a farce. A courageous man, one of strong heart, is he who sticks to the determination not to yield to artificially stimulated popular clamor, but to do what is necessary, what does not glitter, what does not penetrate until later into the brains of the political mob. Is it to be a matter of "student honor," or is there to be careful reflection whether the complaint brought to the Imperial Government is justified? No essentially new concession that might be considered a sign of weak yielding in us is asked; the contention is merely advanced that something already promised has not been fulfilled because it was not possible to fulfill it within the bounds of the method of sea warfare chosen. If this contention is shown to be justified, atonement must be made for a mistake. And Germany never shirks such a duty.

There can be no doubt that President Wilson is speaking for all neutral nations of both hemispheres, having come to an understanding with them before he wrote his note of complaint. (To be sure, only one European nation has as yet definitely signified its agreement with him, viz. Monaco. "As a ruler, as an explorer of the seas and savant, I join you in the complaint which your noble feeling for human dignity causes you to make against the shameful attacks by Germany on neutral rights, the honor of mariners, and the conscience of humanity.")

Albert Honorius, ruler of all the inhabitants of Monaco, lessor of the most famous gambling house and brothel, formerly our friend, telegraphed to the White House at Washington the above words. Olet; non dolet. It is unavoidable for us to fall out with all of them; but we will not tremble. But if, without overpowering provocation but on account of questions of advantage or points of honor, we bring upon ourselves the enmity of the New World, we shall then be playing the trump card of our foes. What does the enemy desire? That we fall out with America—and a quarrel with the United States would automatically bring one with the South American nations. What would bitterly disillusion our enemy and make him resign himself to fate? The fact that we had found firm foundations for an understanding with America.

England muddled along about conscription because she hoped that her answer on the question would be made easier if the United States raised a million men to fight us. If we come to an agreement quickly and genuinely with the Americans, the dispute of America and all other neutrals against England will at once flame forth again, and England will have to loosen her commercial blockade and forego her prying into cargoes, which only Sweden refuses to tolerate. Then she can breathe again, for bottoms for her cargoes and means of nourishment will be assured to her. Of that more will be said later, and steps must be taken to prevent U any longer being made into X.

NO JOY OF VICTORY IN DROWNING WOMEN.

If we hunder blindly into new enmities, we play England's game. The effects of the break would be enormous; they would be felt in southeastern Europe, in the heart of Canada, Australia, Japan (to whose account a gigantic part of the over-seas arms and ammunition supplied to our foes must be placed), China, India, and Africa. Equally momentous for us would be the effect of a firm agreement. Yet it must not be prepared and received with a wry face; we do not wish to do what the enemy desires, but we also wish to swallow no poisoned pill. There must be neither untruthfulness nor underhand dealings. Let us fight whenever it is inevitable, but never when it can be avoided; let us wage no fight in which only frightfulness can bring victory. Should victory hinge upon the pitiless drowning of all defenseless men and women, old people and children, from neutral lands, in order to frighten every ship away from traffic with England, then millions of good Germans would feel no joy in such a victory, and many a daring submarine commander would gladly exchange such hard duty for a watery grave. Never again could Germany assume her old position in the human race and live in communion with others, for she would then not only have sundered herself from the law of nations, but have broken a word that ought to have been binding upon her as an oath.

This should have been foreseen before that word was pledged, now it is too late. If our position is shown to be untenable it must be evacuated with the proud mein of him who has conquered himself. The bravest generals have often acted thus, and have blamed the general who did not. They never hesitated before the phantom of "honor" that might change from the coat-of-arms to the funeral procession of a nation.

SENSITIVE, SWORDLESS, YET COURAGEOUS SOULS.

Let the sword be the instrument of the brain, the general the helper of the statesman. And whosoever deems the sword a rusty thing, no longer worthy of the new human race, let him not tax us for that reason with possessing a cowardly soul. Since every day the belief grows that military means are not sufficient to bring war's horrors to a successful end, necessity is forcing us to look upon reason as the root of politics, forcing us to the conviction that within our boundaries there are worthy, morally sensitive, swordless, yet courageous souls.

In President Wilson's eyes war is a terrible crime, that bloody survival from the tales of knights, robbers, and ghosts against which Goethe once warned America's enthusiastic youth. He would apply international law and have a tribunal for laying it down and guaranteeing its execution. Are we to revile him for that? To-morrow 100,000,000 people will rally about him. Is he to be criticized for harboring the idea now and then that, after a triumphant war in Europe, all-powerful Germany would some day turn threateningly toward America and covet the hemisphere, discovered after the rest of the world, as an outlet for her long-repressed lust of power? He is mistaken (as an American, not as a slave of England); he will live to see our interests in harmony with his. When everybody has realized that even the strongest coalition can not conquer us despite the longest struggle, that the majority of voices in a debate is not, as it appeared to be in the days of the two groups of great powers, the expression of superior strength, then we may without fear of being misunderstood acknowledge our readiness for organized peace, such as will secure to each State its sovereignty. We will try every path that may lead toward this goal, willingly and without prejudice. If our answering note to America should show this willingness in words worthy of the great issue at stake (without foolish trimmings and distrustful fripperies) it would mean an appreciable step forward, and before the end of the summer one of the heads of the military boggy would be hacked off.

Pleasant declarations of war have not turned the fifth chancellor of the German Empire from his wish to mix ethics with politics. German history and German genius will thank him if what now is weakness becomes the strength of a giant. Two rulers, essentially similar in mind, may easily come to an agreement in the dwelling place of free nations.

"Peace be with you!" Must martyrs die on the threshold of every new doctrine? The seat of Paul is empty.

WHITMAN NATIONAL FOREST, OREG.

Mr. CHAMBERLAIN and Mr. FLETCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma has the floor. Does he yield, and if so, to whom?

Mr. CHAMBERLAIN. I ask the Senator from Oklahoma to yield to me to ask unanimous consent to take up a purely local bill which has passed the House of Representatives. It is Calendar No. 712.

Mr. OWEN. If it leads to no debate, I shall yield to the Senator.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 16532) authorizing an adjustment of the boundaries of the Whitman National Forest, in the State of Oregon, and for other purposes.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE FEDERAL FARM-LOAN ACT.

Mr. FLETCHER. Mr. President—

The PRESIDING OFFICER. The Senator from Oklahoma has the floor. Does he yield to the Senator from Florida?

Mr. OWEN. I yield to the Senator from Florida if the matter he desires considered will lead to no debate.

Mr. FLETCHER. I desire to call up Senate concurrent resolution No. 26, providing for the printing of additional copies of what is known as the Federal farm-loan act.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Florida?

There being no objection, Senate concurrent resolution No. 26 was considered and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 150,000 additional copies of Senate Document No. 500, Sixty-fourth Congress, entitled "The Federal farm-loan act," of which 50,000 copies shall be for the use of the Senate and 100,000 copies for the use of the House of Representatives.

PROPOSED PRINTING OF NEWSPAPER ARTICLE.

Mr. THOMPSON. Mr. President, I should like to have printed—

The PRESIDING OFFICER. The Senator from Oklahoma has the floor.

Mr. OWEN. I hope Senators will now permit us to proceed with the pending matter. I do not wish to seem to be ungracious at all, and I know that there are many of these small bills which it will only take a moment to dispose of. For that reason I have felt impelled to yield to Senators on both sides of the Chamber.

Mr. THOMPSON. Will the Senator from Oklahoma yield to me merely to have an editorial printed in the Record without reading?

Mr. OWEN. I yield to the Senator for that purpose.

Mr. THOMPSON. I ask to have printed in the RECORD without reading an editorial which has heretofore appeared in the Washington Post relative to stopping the recent threatened railroad strike.

Mr. GALLINGER. What is the article which the Senator from Kansas desires to have printed?

The PRESIDING OFFICER. The Senator from Kansas asks to have printed in the RECORD an editorial article appearing in the Washington Post relative to the strike situation.

Mr. GALLINGER. The strike situation is over, and I object. The PRESIDING OFFICER. Objection is made.

KAREN S. SORENSON AND JAMES LYLE.

Mr. WARREN. Will the Senator from Oklahoma yield to me for the consideration of a small bill, which will not lead to any discussion?

Mr. OWEN. If it occasions no discussion, I will yield to the Senator.

Mr. WARREN. I ask unanimous consent for the present consideration of the bill (H. R. 1636) for the relief of Karen S. Sorenson and James Lyle.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay \$1,019.69 to Karen S. Sorenson and James Lyle, doing business as copartners at Honolulu, Territory of Hawaii, under the firm name and style of Sorenson & Lyle, for use of marine railway, work done, and materials furnished in making necessary repairs to the schooner *Charles Levi Woodbury*, which schooner was damaged as the result of a collision with the U. S. S. *Iroquois* in the Pacific Ocean, off the coast of Kauai, Territory of Hawaii, on May 4, 1905.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DEPOSITS IN NATIONAL AND STATE BANKS, ETC.

Mr. OWEN. I wish to submit, and to have printed in the RECORD, a letter from the Comptroller of the Currency, stating the amount of deposits in the banks of the country. It is a short statement.

The PRESIDING OFFICER. Is there objection to printing in the RECORD the document referred to by the Senator from Oklahoma? The Chair hears none, and it is so ordered.

The document referred to is as follows:

COMPTROLLER OF THE CURRENCY,
Washington, September 5, 1916.

Hon. ROBERT L. OWEN,
United States Senate.

MY DEAR SENATOR: I have received your request, transmitted through your secretary, for certain data in regard to the growth of deposits in national banks and State banks, trust companies, etc., from January, 1914, to the present time.

I am inclosing herewith a memorandum which I have had prepared, and which, I trust, will give you the information desired.

We receive reports from the State banks and trust companies only once each year, usually in June. The returns for 1916 are not yet complete, but in the attached memorandum we have estimated the increase in all States to be in the same proportion as the increase shown by the banks in the 37 States from which we have heard.

If there is any further information you desire in this connection, please advise.

With high regard,

Sincerely yours,

JNO. SKELTON WILLIAMS.

Comparative statement of total deposits held by national banks on Jan. 13, 1914, and June 30, 1916; and all other banks on June 4, 1913, and June 30, 1916.

NATIONAL-BANK DEPOSITS.

June 30, 1916.....\$10,877,087,000
Jan. 13, 1914.....8,393,373,000
Increase, 29 per cent.....2,483,714,000

STATE BANK AND TRUST COMPANY DEPOSITS.

June 30, 1916 (estimated on the basis of the reports received from 37 States, which show an average increase in total deposits of 28 per cent over June 4, 1913).....\$15,352,900,000
June 4, 1913.....11,994,453,000
Increase, 28 per cent.....3,358,447,000

Deposits of all banks, June 30, 1916 (partly estimated).....26,229,987,000
Deposits of State banks, June 4, 1913, and national banks, Jan 13, 1914 aggregate.....20,387,826,000

Total increase of 28.6 per cent in deposits of national banks, State banks, and trust companies.....5,842,161,000

National-bank deposits, June 30, 1916.....10,877,087,000
National-bank deposits, June 4, 1913, the date for which data as to State banks and trust companies are furnished.....8,143,929,000

33.5 per cent increase during three-year period.....2,733,158,000

MESSAGE FROM THE HOUSE.

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

H. R. 1636. An act for the relief of Karen S. Sorenson and James Lyle;

H. R. 1963. An act for the relief of John E. Keys;

H. R. 14824. An act to prevent fraud at public auctions in the District of Columbia; and

H. R. 16532. An act authorizing an adjustment of the boundaries of the Whitman National Forest, in the State of Oregon, and for other purposes.

CORRUPT PRACTICES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15842) to revise, amend, and codify the laws relating to publicity of contributions and expenditures made for the purpose of influencing the nomination and election of candidates for the offices of Senator and Representative in the Congress of the United States, etc.

Mr. OWEN. Mr. President, I call the attention of the Senate to the unfinished business, which is the so-called corrupt-practices act. I do not really think there is anything in the bill to which any Senator could seriously object if he would consider it. Any amendments which are desired to be made to the bill by those who are friendly to the bill, and which would not weaken the bill, I shall be glad to accede to. I very much hope that Senators will not feel impelled to merely consume time for the purpose of preventing action on the bill. We have now had the bill under consideration for a day. A large part of the time on yesterday was consumed in efforts to delay action, and this morning over an hour was consumed by compelling the reading of the Journal, the Senator from Pennsylvania [Mr. PENROSE] demanding that it be read slowly. I hope that course will not be persisted in. I think the country is entitled to action on this measure.

Mr. PENROSE. Mr. President—

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. GALLINGER. Mr. President—

Mr. PENROSE. The Senator from New Hampshire, I am informed, desires to address the Senate, and so I shall wait until he has concluded. I did not know that he desired to speak at this time.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GALLINGER. Mr. President, before proceeding, I ask unanimous consent to have printed in the RECORD, without reading, a table showing imports of merchandise and agricultural products in June, 1916 and 1915, under the Underwood law, as compared with June, 1913, under the Payne law. It is a very brief table.

The PRESIDING OFFICER. Without objection, the table will be printed in the RECORD. The Chair hears no objection.

The table referred to is as follows:

Imports of merchandise and agricultural products in June, 1916 and 1915, under the Underwood law, and June, 1913, under the Payne law, using products having the most extreme foreign competition.

Products.	1916 values.	1915 values.	Difference.	Payne law, 1913.
			Increase.	
Breadstuffs.....	\$1,857,402	\$1,491,934	\$365,468	\$1,595,330
Automobiles and parts.....	160,075	115,579	44,496	117,512
Watches and parts.....	328,374	243,561	84,813	215,343
Cotton cloths.....	1,080,867	487,143	593,724	492,262
Lace and lace articles.....	1,021,901	707,550	314,351	711,846
Embroideries.....	489,631	449,447	40,184	852,249
Nets and nettings.....	327,694	98,015	229,679	164,863
Knit goods less hose.....	219,140	81,110	138,030	22,000
Handkerchiefs (linen).....	227,206	203,795	23,411	131,533
Yarns (linen).....	162,082	55,417	106,665	50,615
Fish.....	1,432,527	1,198,254	234,273	1,288,981
Fruits and nuts.....	5,530,423	4,894,334	636,089	4,566,765
Plate glass.....	922	922	35,052
Other glass.....	257,935	211,113	46,822	484,630
Hides and skins.....	19,964,799	11,863,940	8,095,859	7,874,194
Cutlery.....	55,326	39,610	15,716	139,290
Tin plate.....	21,556	9,099	12,457	538,239
Leather and tanned skins.....	1,542,504	705,023	837,478	683,195
Gloves (leather).....	327,220	273,580	53,640	182,224
Paper and manufactures.....	2,478,525	2,083,709	394,816	1,839,703
Perfumery, etc.....	263,102	233,260	29,842	128,981
Films and plates.....	121,166	106,758	14,410	105,037
Seeds.....	3,749,424	2,771,717	977,707	745,623
Silk manufactures.....	3,333,436	1,980,424	1,352,662	2,052,764
Vegetables.....	702,140	543,481	158,659	593,423
Wood pulp.....	1,232,322	1,053,444	178,878	1,063,153
Wool.....	10,378,629	6,879,754	3,507,875	1,203,235
Wool manufactures.....	1,744,343	1,497,557	246,786	1,246,545
Total, 28 products.....	69,060,771	40,285,009	18,775,762	28,964,703

Imports of merchandise and agricultural products, etc.—Continued.

Products.	1916 values.	1915 values.	Difference.	Payne law, 1913.
			<i>Decrease.</i>	
Aluminum scrap.....	167,962	306,993	138,031	206,766
Aluminum manufactures.....	6,063	58,040	51,977	85,229
Clocks and parts.....	5,695	16,705	11,010	56,652
Stockings (cotton).....	33,622	57,225	23,603	189,230
Eggs.....	4,917	21,095	16,178
Enameled ware.....	25,942	36,835	10,893	55,189
Meat and dairy products.....	2,537,637	3,340,121	802,484	1,307,875
Oilcloth and linoleum.....	39,112	70,551	31,439	127,922
Artificial silk.....	166,795	232,929	66,134	246,728
Shingles and laths.....	500,460	514,513	14,053	295,807
Total, 10 products.....	3,488,205	4,654,007	1,165,802	2,661,390
From increase list.....	59,060,771	40,285,009	18,775,762	28,964,706
Total, 38 products.....	62,548,976	44,939,016	17,609,960	31,626,096

Total imports of merchandise in June, 1916, were..... \$245,795,433
 Total imports of merchandise in June, 1915, were..... 157,695,140

Increase in June, 1916, over June, 1915, was..... 88,100,293
 Total imports of merchandise in June, 1913, were..... 131,215,877

Increase in June, 1916, over June, 1913, was almost 100 per cent.

Mr. GALLINGER. In June, 1915, but 5 of the above products showed an increase over imports in June, 1914, while in June, 1916, 28 products show an increase of over 100 per cent over June, 1913, and if this rate of increase continues as it has since October, 1915, it means the end of prosperity in the United States, and I doubt if anyone will contend that we are blessed with "the best tariff law ever passed" in this country, but will demand a tariff law that will protect our industries.

Mr. President, I desire to consume a little time in the legitimate discussion of this bill, and, first, I want to have a little friendly conversation with the Senator from Oklahoma [Mr. OWEN] who has charge of the bill. I realize the fact that the Senator need not answer any question I may propound unless he sees proper to do so.

Mr. President, in New Hampshire we have very stringent laws against bribery, regulating contributions for political purposes, and providing for reports as to such contributions, which I shall call to the attention of the Senate after a little. First, I want to ask the Senator from Oklahoma if they have a stringent law on the matter of political contributions in his own State, if he cares to answer?

Mr. OWEN. Mr. President, the law in the State of Oklahoma limits the amount of expenditures by a candidate for Senator to \$3,000.

Mr. GALLINGER. To \$3,000, as I understand it.

Mr. OWEN. I think that a similar limit is set on the amount that a candidate for governor may spend, and also, perhaps, upon the amount that may be spent by candidates for some other State offices, and a smaller amount for less important offices. I think the law there is a fairly good law, but I think the carrying out of the law anywhere largely depends upon the public sentiment of the State. There are many ingenious ways by which laws may be evaded, and that is the reason why we thought that the national act needed to be corrected and to have put in it a provision by which evasion could not be so easily carried out.

Mr. GALLINGER. The Senator from Oklahoma, as I understand, had much to do with the enactment of the law in his own State.

Mr. OWEN. The Senator is mistaken in that; I had not.

Mr. GALLINGER. Then I am mistaken on that point. However that may be, if I have acquainted myself correctly with the facts, there was a vote in the Senator's State not long ago relating to a proposed amendment to the constitution of the State pertaining to the subject of elections. I am correct on that point, am I not?

Mr. OWEN. The Senator is.

Mr. GALLINGER. And it was defeated by a large majority.

Mr. OWEN. It was.

Mr. GALLINGER. It was defeated, notwithstanding it was recommended and urged by the Democratic legislature of that State.

Mr. President, in opening the debate a few days ago on this subject the Senator from Oklahoma openly declared that the Lumber Trust had sent \$40,000 into his State to defeat him for reelection. The Senator subsequently modified that by saying that he did not mean to say that it was the Lumber Trust, but that that amount was contributed by certain men interested in the production of lumber who wanted to punish the Senator for his opposition to the former Senator from Illinois, Mr. Lorimer. I want to ask the Senator, in all good conscience, Mr.

President, if that money was sent into the State of Oklahoma and the Senator knew of it why proceedings were not commenced against the offenders against the law?

Mr. OWEN. Mr. President, the information which came to me, in the first instance, was offered by a man named Waugh. It was not in connection with the election, but in connection with the primaries. It was an attempt to defeat me at the primary.

Mr. GALLINGER. Yes; but it amounts to the same thing.

Mr. OWEN. The man who was used in that connection I regarded as a despicable character, and I was not willing to accept from him his own statements, although he claimed to have letters, telegrams, and so forth, corroborating what he had said. Afterwards I was informed by Mr. M. C. French, of Okmulgee, that he talked to the man who sent money in there, and that this man said money was sent. I believe it was sent by the same people who were behind Lorimer. They were not residents of the State, not amenable to its laws; it was secretly done, through secret agents, and the Federal law did not forbid it; but I call the attention of the Senator to the fact that his discussion and enlargement of that matter is really not discussing the bill itself. I would be glad if the Senator would endeavor to improve this bill by suggestions, if he will.

Mr. GALLINGER. Oh, well, Mr. President, I will conduct the discussion in my own way. The Senator was responsible for injecting that matter into the Record, stating that \$40,000 had been sent into his State by the Lumber Trust, as he then said, to defeat his renomination. Afterwards he qualified that. Now he says that somebody told somebody that somebody sent and somebody received some money for that purpose. The bill of particulars is very vague and very unsatisfactory to me. I do not believe that any such transaction occurred in the State of Oklahoma as the Senator suggests.

Mr. OWEN. The Senator would believe that the Senator from Oklahoma spent the summer at the seaside. He is willing to make that statement on the floor here, when the Senator from Oklahoma has not spent the summer, or any part of the summer, at the seaside, having been at Atlantic City one day to address the bankers of New Jersey, and on Long Island one day to visit his family.

Mr. GALLINGER. Well, Mr. President, that is neither here nor there. I have heretofore put in the Record the fact that the Senator has responded to about 37 per cent of the roll calls during the last six months; and he was somewhere; I do not know where he was, just as his colleague [Mr. GORE] deserted the Senate in the middle of the consideration of an important bill, reported by the committee of which he was chairman, and has responded to less than 35 per cent of the roll calls during the session.

Mr. OWEN. Oh, Mr. President, the Senator from Oklahoma sits on this floor and does not vote on all roll calls because the associate and colleague of the Senator from New Hampshire [Mr. CATRON] is absent, and therefore the Senator from Oklahoma protects that Senator.

Mr. GALLINGER. The Senator can not do his full duty when he is not in the Senate Chamber.

Mr. President, I have no disposition to enter into a personal controversy with the Senator. I want to get some facts concerning this matter. The limit of the law in Oklahoma, I believe, on the amount of money that can be expended in the primaries is \$3,000. Now, Mr. President, the Senator had a competitor, at least there was a Republican running for the office of Senator, who, I suppose, was selected in the primary. I do not know him personally, but I have gone to the record and found that he made a sworn statement that he spent \$2,822.54. I assume that he swore to the truth. Now, if \$40,000 had been sent there, or any part of \$40,000, and had been used for political purposes, it seems to me that it would be an easy matter to uncover it, and, with the Senator's usual vigor and his great ability as a lawyer, it occurs to me that that atrocious act ought to have been brought to the light and the guilty parties punished.

Mr. OWEN. Mr. President, the Senator is confusing his facts somewhat. In the primary a Democrat runs against a Democrat.

Mr. GALLINGER. Certainly.

Mr. OWEN. And a Republican runs against a Republican.

Mr. GALLINGER. Yes.

Mr. OWEN. The Republican candidate was a very good man, by the name of Dickinson—Judge Dickinson—a very respectable Republican, who is somewhat progressive, but when it came to the election the people of the State of Oklahoma elected me by a majority that ran 15,000 more than the majority given to President Wilson, there being about 15,000 Republicans who voted for me in that State, which is the best evidence of the

fact that I had been a decent man in the State, because when Republicans will vote for a Democrat it is a pretty good guarantee that that Democrat is a pretty decent sort of a man. I will say, further, to the Senator that in the election after the primary I did not spend anything whatever, except for my traveling expenses in going around the State in behalf of the State campaign.

Mr. GALLINGER. That may be, Mr. President. I do not doubt the Senator got some Republican votes. It is a tribute to his popularity—

Mr. OWEN. I do not believe the Senator has great joy in it. Mr. GALLINGER. And to his standing in the State.

Mr. OVERMAN. Mr. President, will the Senator from New Hampshire yield to me?

Mr. GALLINGER. Certainly.

Mr. OVERMAN. I should like to know if the Senator from New Hampshire has examined the facts, so that he can say how many States have corrupt-practices acts?

Mr. GALLINGER. I have not made a comprehensive investigation as to that matter, but think most States have such laws.

Mr. OVERMAN. The Senator from Oklahoma made a statement that astounded me. He said that a corrupt-practices act was on the statute books in each State, but those acts were not enforced, and his idea was to have a Federal law, so that the Federal courts would enforce the law of Oklahoma as well as the laws of other States.

Mr. OWEN. I made no such statement as the Senator is now attributing to me.

Mr. OVERMAN. I beg the Senator's pardon. I understood him to say to the Senator from New Hampshire that there was such a law in the State of Oklahoma, but that it was evaded, and he wanted a national law so that it could be enforced. I should like to know as to that. I hope the Senator did not say it, but that is what I understood him to say, and I beg the Senator's pardon if I have misstated his attitude. I will ask the Senator from New Hampshire how he understood the statement of the Senator from Oklahoma?

Mr. GALLINGER. I understood it precisely as the Senator from North Carolina did.

Now, Mr. President, I know but little about Oklahoma or Oklahoma politics. I have no disposition to make any criticism that is not justified by the facts. I know that the Senator was reelected, and that he was elected over a very good man. As I understand, that very good man has made a sworn statement that he did not spend as much money as he was entitled to expend under the laws of Oklahoma. I presume the Senator does not question the correctness of that statement or the integrity of his opponent.

But, Mr. President, if conditions were as bad in Oklahoma as the Senator depicted a few days ago, and some wicked men sent \$40,000 into that State to defeat his nomination, it is rather a singular circumstance that shortly afterwards a vote of the people of Oklahoma was taken on a proposition to strengthen their election law, a proposition recommended by a Democratic legislature, as I understand, and it was defeated by 40,000 majority.

Mr. OWEN. Mr. President, the election law referred to by the Senator probably related to a section which was intended to establish certain qualifications as to suffrage which were supposed to be unfair to the illiterate classes. It was so interpreted by many of the people of the State, and it was for that reason that the people of the State voted it down, because they wanted to have perfectly fair treatment for everybody. I do not think the law would have been unfair except, perhaps, in an indirect way; but that was the sentiment of the people of the State, and they voted it down. It is far from being a discredit to the people of the State.

Mr. GALLINGER. Well, Mr. President, I am not going to enter into the question of the laws of Oklahoma as regards elections. I have read enough to know that they are about as bad as they can be, and that while the Senator is here contending and clamoring for pure elections—

Mr. OWEN. The Senator must not say that the Senator from Oklahoma is here pretending, because the Senator from New Hampshire is out of order. The Senator from Oklahoma is not making any pretense.

Mr. GALLINGER. Well, Mr. President, I have not yielded to the Senator.

The PRESIDING OFFICER (Mr. LEA of Tennessee in the chair). The Senator from New Hampshire has the floor.

Mr. OWEN. I call the Senator to order.

Mr. GALLINGER. The Senator forgets the rules of the Senate when he undertakes to interrupt me without my consent.

Mr. OWEN. I call the Senator to order.

Mr. GALLINGER. The Senator can not call me to order when I have not transgressed the rules.

Mr. OWEN. The Senator can not attribute an improper motive to a Senator on this floor.

Mr. GALLINGER. If it is attributing an improper motive to a Senator to say that he is contending for something—

Mr. OWEN. I thought the Senator said "pretending."

Mr. GALLINGER. I did not; I said "contending."

Mr. OWEN. Then I withdraw my comment.

Mr. GALLINGER. I think the Senator ought to do so. The Senator is contending for what he calls pure elections; and yet it is a notorious fact that the laws of Oklahoma disqualify a large number of people who, under the Constitution and laws of the country, have a right to vote. The Senator knows that.

Mr. OWEN. I do not, and the Senator does not.

Mr. GALLINGER. The Senator has not read the laws of his own State, then.

Mr. OWEN. Oh, yes; he knows the law sufficiently well.

Mr. GALLINGER. They are very lax and unfair.

Now, Mr. President, already one amendment has been made to this proposed law, with the consent of the Senator from Oklahoma, and that is that it shall not take effect until January 1, 1917. Why, that is a most extraordinary provision in a law that is intended, Mr. President, to purify the elections in this country and to prevent corrupt practices. It is a most astounding suggestion to me that the corrupt practices can be allowed to continue for three months by statute law.

Mr. OWEN. Mr. President—

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

Mr. GALLINGER. I yield to the Senator.

Mr. OWEN. Mr. President, the Senator surely does not feel willing to give an interpretation to that provision that is impossible. It only directed that the amount which a Senator or a Representative might expend should be fixed by the present law during this campaign, but that the inhibition against the corrupt practices forbidden by this act should go into immediate effect.

Mr. GALLINGER. But the corrupt practices relate to the amount being used, from the standpoint of the Senator.

Mr. OWEN. Oh, no.

Mr. GALLINGER. That is largely what constitutes a corrupt practice.

Mr. OWEN. Oh, no.

Mr. GALLINGER. Mr. President, I seldom allude to myself in the Senate of the United States. I have never thought it was necessary to issue a broadside, such as one Senator has done, showing the wonderful things that he has accomplished during his incumbency of the office of Senator. I never have found it necessary to use the franking privilege to circulate material throughout my State calculated to secure votes at elections. Departing, however, from my usual custom, I want to say that there may be great corruption in some parts of this country of which, in the very nature of things, I would not have knowledge, unless the facts were brought to my attention; but however that may be it has not been necessary for me to use money in elections in New Hampshire.

I was elected twice to the House of Representatives, with a sharp contest each time, and I have been elected five times to the Senate of the United States, and I have not found it necessary to use a dollar illegitimately in any one of those contests. In fact I have used very few dollars for any purpose. Hence, I am naturally somewhat surprised to learn from the Senator from Oklahoma that in his own State, with a very stringent corrupt-practices act on the statute books, and he a distinguished lawyer, with knowledge, he says, at least from a statement made to him by one disreputable and by one reputable citizen of his State, that \$40,000 was sent into that State to defeat his renomination—I am surprised beyond measure to know that the laws of his State have not been invoked to punish those criminals and to purify matters in his own State, before he undertakes to purify them in other States.

The statutes of New Hampshire are very specific on this subject. We have had on our statute books for a great many years a statute against bribery at elections; and at the polling places in New Hampshire, Mr. President, that statute is read on the morning of election day before a single vote is cast, so that the people who come there for the purpose of exercising the right of suffrage may fully understand what the law of the State is and what the penalties are; and, if they violate the law, they are subject to prosecution under the law, and some prosecutions have resulted.

Chapter 99 of the Public Statutes of New Hampshire says:

Any person guilty of offering, giving, or accepting a bribe, or of aiding or abetting bribery, or of attempting or conspiring to bribe, with intent to influence the vote of any person at any election, caucus, con-

vention, or primary election shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not more than \$500 nor less than \$100 and be imprisoned in the county jail not less than 30 nor more than 90 days for each offense.

CHAP. 99, SEC. 2. Any person convicted under the provisions of the foregoing section shall thereafter be forever disqualified from holding any civil office in this State and from exercising the right of suffrage.

CHAP. 99, SEC. 3. No witness in any proceeding under this act or in any proceeding for violation of the election laws shall be excused from giving his testimony upon the ground that such testimony would incriminate him, but no such testimony shall be used against such witness at any time or in any prosecution. And any person who voluntarily discloses the facts to the proper authorities, and procures a conviction in any such proceeding, shall not be prosecuted for his connection with the bribery or attempted bribery.

Mr. President, that is a pretty stringent law. It is not a law of recent origin, either. It was placed on our statute books a good many years ago, I think before the Senator from Oklahoma became so intensely interested in getting a Federal statute to govern the elections in my State.

I turn again, Mr. President, to the public statutes of the State of New Hampshire, and I find some further legislation on this subject. Let me read:

If any person shall directly or indirectly give spirituous liquor to a voter—

If that is not in the Senator's bill, it ought to be in it. Perhaps it is in it.

If any person shall directly or indirectly give spirituous liquor to a voter at any time with a view to influence any election, or as a treat for his vote, or for the honors bestowed on any candidate at such election, he shall be fined not exceeding \$20 for each offense.

SEC. 11. If any person shall directly or indirectly hire, procure, induce, or in any way influence or attempt to hire, procure, induce, or in any way influence, by payment, promises, offers of emolument, offers of reward of any kind, loans of money or other thing, threats or intimidations, any voter to stay away from any town meeting, or to avoid voting at any town meeting, or to vote at any town meeting for or against any particular ticket or candidate for office, or to ask, in order to disqualify himself from voting at any election, the abatement of his taxes, or to be excused from paying taxes, such person shall be fined not exceeding \$500, or be imprisoned not exceeding three months.

SEC. 12. If any person shall directly or indirectly contribute or furnish, or promise to contribute or furnish, any money, goods, chattels, or other thing whatsoever to be used to induce any voter to stay away from any town meeting, or to avoid voting at any town meeting, or to vote at any town meeting for or against any particular ticket or candidate for office, or to ask, in order to disqualify himself from voting at any election, the abatement of his taxes, or to be excused from paying taxes, such person shall be fined not exceeding \$500, or be imprisoned not exceeding three months.

Mr. President, there is much more to the same effect in the statutes of New Hampshire covering this matter. I can not conceive, for the life of me, why we need a Federal statute to govern the elections in my State. All the provisions that seem to be necessary are incorporated. There is a chapter on political advertising in newspapers; there is a chapter on campaign contributions by corporations, enacted a great many years ago. I want to read it. I do not believe the Senator's bill improves on it. Here it is:

No corporation incorporated under the laws of or doing business in this State, and no officer, director, agent, or employee of and acting in behalf of such corporation, shall pay or contribute or authorize or direct to be paid or contributed any sum of money or any check, draft, note, or other article of value to any political party, committee, or to any individual or corporation for the purpose or with the intention of having such money, or any part thereof, or such check, draft, note, or other article of value, or any part thereof, expended or used for the purpose of aiding or promoting or of preventing or opposing the nomination or election of any person to public office established by or under the authority of the constitution or laws of this State or of the United States, or expended or used for the purpose of promoting or antagonizing the interests of any political party.

No person shall solicit or receive payment of any sum of money or the delivery of any check, draft, note, or other article of value for the purposes specified in the preceding paragraph from any corporation incorporated under the laws of or doing business in this State or from any officer, director, agent, or employee of such corporation and on its behalf.

Any corporation violating any of the provisions of this act shall be punished by a fine of not exceeding \$5,000 for each offense; and any individual violating any of the provisions of this act shall be punished by a fine of not exceeding \$1,000, or by imprisonment not exceeding six months.

The statutes of New Hampshire may have, in some minor particulars, been changed from what I have read; but what I have cited is substantially correct.

Mr. OWEN. Mr. President—

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

Mr. GALLINGER. I yield to the Senator.

Mr. OWEN. I should like to ask the Senator whether he thinks, because the State of New Hampshire has a good corrupt-practices act, that that constitutes a reason why the United States Government should not have one?

Mr. GALLINGER. Mr. President, I have several times said in this Chamber that I believed I was almost the only State rights man in this body. I have been astounded to see the Democratic Senators one by one apparently abandon the ancient doctrine of State rights, and consent to legislation transfer-

ring the affairs of this great country from the hands of the several States and placing them in the hands of the Federal Government. I will say to the Senator that I see no reason why every State in the American Union should not have as strict State laws as the State of Oklahoma or the State of New Hampshire, and I believe that will be the result in the very near future.

Mr. OWEN. I will ask the Senator if he thinks a State which has no corrupt-practices act, and where a Senatorship can be bought and sold, ought to have the right to send a Senator on this floor to vote upon the affairs of New Hampshire, which has such a good corrupt-practices act?

Mr. GALLINGER. I know of no State where Senators purchase their elections to this body, but there may be such instances. It was stated in this Chamber the other day that a long time ago the Senate was dominated by men of that class. I have been here a long time, almost 26 years. I am a poor man, as the world goes nowadays. I have associated with the rich men and the poor men in this body, and my observation has been, Mr. President, that the allegation that was made that the rich men who came to this body did nothing in the matter of legislation, but simply disported themselves upon the ill-gotten gains that they had received, has no foundation in fact. I have associated on committees, I have associated in this Chamber, with very rich men, and I have found them as a rule just as much interested in the affairs of the Government, just as much interested in the legislation of this body, as those of us who belong to a different class, so far as money is concerned.

Mr. President, I get tired of this talk about "predatory wealth," about the men who are accumulating vast sums of money and using it illegitimately in the matter of elections. I have had very little experience in that direction. For 18 long years I served as chairman of the Republican State committee of New Hampshire, and the men that I found least disposed to separate themselves from their money for political purposes were the rich men. It may be that somewhere else—it may be that in Oklahoma or some other State—they open their pocketbooks or resort to their check books to corrupt the ballot, but my observation has been that as a rule it was the men of moderate means who made contributions to the funds of State campaigns.

Mr. OWEN. Mr. President—

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

Mr. GALLINGER. I yield to the Senator.

Mr. OWEN. The Globe-Democrat announced, in their issue of September 5, in a very complimentary article with regard to Mr. R. C. Kerens, that he had contributed fully \$500,000 to the Republican Party. He is a good man, too, I should like to say, because I knew Mr. Kerens very well, but he was a very generous man. I only call the attention of the Senator to the contribution to show that some of these gentlemen do contribute very liberally—more than perhaps a private citizen would be justified in contributing—and it lays the natural foundation that a man should ask for political preferment if he makes very large contributions. I think that is a trait of human nature. I do not think it is peculiar to any party.

I think when men show their interest by making very large contributions it does become a foundation for their preferment. Mr. Kerens was made ambassador to Austria, and I have no doubt he filled the office well, because I think he was thoroughly competent to fill any office that he might care to hold.

Mr. GALLINGER. Mr. Kerens is dead. Did I understand the Senator to say that Mr. Kerens had contributed \$500,000?

Mr. OWEN. The Globe-Democrat, in a complimentary article on him, said that.

Mr. GALLINGER. I think the books of the Republican national committee do not show that.

Mr. OWEN. Mr. President, I remind the Senator that the books of the national committee do not show these contributions, and that is the trouble about it. The books of the national committee do show \$100,000 from Morgan & Co., \$100,000 from Perkins, and \$100,000 from George Gould and other men—gigantic sums considering the ordinary citizen—but while they do show that, they do not show what may be contributed inside of State lines. They may make any contribution. That is the thing I am objecting to and hoping that we might have a limitation upon the amount contributed inside of State lines.

Mr. GALLINGER. What I was addressing myself to was especially the contributions that are made for purposes within the State. Undoubtedly, large contributions have been made to national committees for the nomination and election of Presidents. There is no question about that. I think a great deal more money has been spent than ought to have been spent along those lines. For instance, I have here in the testimony

that was taken by the committee investigating this matter a statement that is most illuminating. I do not think it often happens, and it ought never to happen, but I doubt very much whether the Senator's bill would reach a case of this kind. It is the testimony of Mr. Thomas Fortune Ryan, of Oak Ridge, Va., a very rich Democrat. He says:

I went to the St. Louis convention of 1904 as a delegate from Virginia. Judge Parker was a prominent candidate for the Presidency at that time, and his friends, who sought to enlist me in his campaign, had come to me. I opposed his nomination and I was not in favor of his nomination. I was in favor of my friend, Senator Gorman's nomination—of Maryland—because of his long service to the party and his great abilities. Judge Parker was nominated at St. Louis. I took no part in aiding his nomination and I made no commitment to furnish campaign funds for the campaign. After the committees were organized in New York, however, I made a contribution of \$50,000, which I thought was all that could reasonably be expected of me. Later on I contributed in small amounts during the early part of the campaign up to, I should say, \$100,000. Toward the end of the campaign the members of the committee came to me and said, when it was perfectly evident that Judge Parker could not be elected, that the campaign would collapse unless they had financial aid, and I made up my mind, in the interest of the Democratic Party, and through the Democratic Party the interest of the people, as I believed the principles of the party to be the best for the interests of the people of this country, I made up my mind to give further aid, just before the close of the campaign, so that the workers, the party workers throughout the country, who were trying to keep the Democratic Party together, should have the aid that they thought necessary, and I contributed in the neighborhood of \$350,000 and paid the debts of the committee, so that on the day before election every debt the Democratic national committee had was paid, and the party workers were reasonably satisfied, and I did that because I did not want to see the Democratic Party disintegrate.

And I notice that the chairman asked Mr. Ryan:

Your first contribution, I understood you to say, was \$50,000?

Mr. RYAN. Yes, sir.

The CHAIRMAN. Was that made solely by yourself or on behalf of anyone else, or in association with anyone else?

Mr. RYAN. Every dollar up to the \$450,000 was made by myself, collected from no corporation and no individual.

That is a most extraordinary case. Four hundred and fifty thousand dollars to help the Democratic Party elect a President.

Mr. OWEN. Mr. President, does the Senator think that is a good system of government? Does the Senator approve of that?

Mr. GALLINGER. I suggested that I thought it was a bad precedent, but I doubt very much whether the Senator's bill would prevent money being used in that way.

Mr. OWEN. It makes it a criminal offense for any individual to contribute over \$5,000, and I would be willing to put it at \$1,000.

Mr. GALLINGER. Does the Senator's bill provide that a man shall not pay the debts of the Democratic committee after the campaign is closed? That is what Mr. Ryan says he did. He allowed the committee to run in debt, using their money either properly or improperly, and when he found the committee had exhausted their funds and had become involved to the extent of \$450,000, more or less, he paid up their debts.

Mr. OWEN. As I understand the Senator, because of his views on State rights he is opposed to any Federal corrupt-practices act?

Mr. GALLINGER. No; I am opposed to the kind of a bill the Senator is advocating. I want to say this to the Senator now, in all seriousness and in all candor: If we had time to consider this bill in all its bearings, in all its phases, in all its ramifications, I would have no objection whatever to giving time for that purpose; but I beg to call the Senator's attention to the fact, which I believe I called to his attention the other day, and he took offense apparently at my suggestion, that we have been here for nine long, weary months. I have been in my seat every day but one during that time, and I am not by any means the youngest Member of this body. I have seen the Democratic majority fritter away not only days but weeks and months of valuable time since December last, and if the Senator from Oklahoma had been here, as he ought to have been here, there would have been a great many opportunities for him to get at this bill and give us time to discuss it properly.

Mr. OWEN. Oh, no; Mr. President.

Mr. GALLINGER. But the Senator comes in during the expiring days of a long, weary session of Congress and says he is going to have this bill, *volens volens*. He is going to insist that it shall be passed, and it can only be passed in that way, without proper and adequate discussion.

Mr. OWEN. Mr. President—

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

Mr. GALLINGER. I yield.

Mr. OWEN. I decline to believe the Senator from New Hampshire would willingly misrepresent the attitude of the Senator from Oklahoma. On the very first day of this session I caused that bill to be introduced. It was reported at the last Congress, at my instance and urgent request, and no action was taken on

it. Then it was reported last May. I went before the Committee on Committees—or the steering committee, as it is sometimes called—and they agreed to make it a part of the program. I took it before the committee of conference on the Democratic side, and they agreed to make it a part of the legislative program; but I was informed, and I think it was true, that it was deferred because of the hostility of the gentlemen on that side. If I am wrong about that, I should be glad to be corrected; but I do think that the Senator ought not to charge the Senator from Oklahoma with laches or negligence or indifference about it, because he acted on the very first day of the session and he has done what he could, in his very feeble and limited way, to bring this matter to a consideration.

Mr. GALLINGER. Mr. President, I have once corrected the statement that the Senator has just made, and I will correct it once again, and that will be the last time. The Senator says that the Democratic steering committee did not add this bill to their program because of opposition on this side of the Chamber. I have put in the RECORD precisely what the Democratic steering committee submitted to the minority of this body, without any prior consultation with any member of the minority, so far as I know, and their program did not include the corrupt-practices act. The Senator must know that; at least he knows that I made that uncontradicted statement some days ago.

Mr. OWEN. I have had conflicting statements about it, and I do not wish to raise issues of veracity between Senators. I simply gave the impression that I had from statements that had been made to me.

Mr. GALLINGER. As already stated by me, I put in the RECORD not long ago—and the Senator will find it there—the proposition that came to the minority from the Democratic majority, word for word, syllable for syllable, comma for comma, and it did not contain this bill as a part of the Democratic legislative program.

Mr. OWEN. My understanding was that when this program was submitted to the minority it was due to numerous conferences that had taken place and a fixed belief on the part of those who presented it that it was impossible for them to get any agreement if the corrupt-practices act were included.

Mr. GALLINGER. I know of no such conferences. There was one thing that the minority did insist upon, and that was that the immigration bill should be added to the program. That is the bill we ought to be considering to-day instead of the bill of the Senator from Oklahoma. The country is demanding that that bill shall become a law. There is almost a universal demand on the part of the people of the United States for its passage. True, the President of the United States does not want it to become a law and does not want it passed, because he does not want to veto it, as he has said he would, just before an election. But I say to the Senator from Oklahoma that that is the bill that we ought to be considering at the present time instead of the bill which the Senator is advocating and which is receiving more or less opposition on both sides of the Chamber.

Mr. OWEN. Apparently two-thirds of the Senate were willing to take it up, and that would indicate that two-thirds of the Senate are desirous of passing on it, and only a filibuster will prevent its passing now.

Mr. GALLINGER. Mr. President, it will not require two-thirds of the Senate to take up the immigration bill; and if I were in charge of that bill, which I am not, I certainly should move to take it up and displace the present unfinished business, because I think it is a bill of infinitely greater consequence than the one now under consideration to the people of this country. It is of infinitely greater consequence to the morality and intellectual probity of the people who go to the polls and cast their votes in these United States. The idea of admitting from a quarter of a million to a million people from the slums of southern Europe every year, and not requiring them to have intelligence enough to read a single line in any language—and that is all we require—is an insult to the intelligence of the Congress of the United States when they refuse to pass that bill. So, I say, if the Senator from Oklahoma wants to purify the electorate of this country, if he wants to improve the quality of the men who make laws in this country, he ought to give his consent and his willing support to passing an immigration law which requires that when men come, most of them ignorant and many of them vicious, to the United States from the slums of southern Europe, they ought at least to show some degree of intelligence before they are permitted to cast their ballots to elect Presidents, Senators, Representatives in Congress, and other officials.

I again say, Mr. President, that what we ought to be considering, and what we ought to have been considering during the last three or four days, if not before, is the immigration

bill, which has been strangled because the President of the United States does not want to veto it just before an election. That is all there is to it.

Mr. President, I have said pretty much all I care to say. I have the same rights in this Chamber that the Senator from Oklahoma has, and he has the same rights that I have. We differ on a great many propositions. The Senator from Oklahoma, if he had his way, would turn the government of this country upside down.

Mr. OWEN. Mr. President—

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

Mr. GALLINGER. I yield.

Mr. OWEN. If the Senator will pardon me, I would have this Government so conducted that the pyramid to which it may be compared would rest upon a square, sound foundation, and that the top should rest upon those beneath, not as rulers, not as those governing, but as the public servants of those who are beneath, and who ought to be served by those who hold the honors and the dignities of the people of this country.

Mr. GALLINGER. Mr. President, I have not the document in my desk—I carried it here for a good while, but it has been mislaid—showing exactly what the Senator from Oklahoma would do if he had the power, so far as the Government of the United States is concerned. The Senator knows what his views are. He knows that they are not in accordance with the conservative sentiment of either the Democratic or the Republican Party in this country. The Senator is a free-lance, and I do not believe the Senator has any greater desire to build that pyramid and to have it what it ought to be than some of the rest of us who do not share his extreme socialistic views.

Mr. OWEN. Mr. President, the Senator from Oklahoma can not be classed as entertaining the views of the Socialists. The Senator from Oklahoma believes in the fundamental doctrine that the sovereignty of the people of this country is a real truth, and that the mechanism ought to be provided by which that sovereignty can be intelligently expressed.

Mr. GALLINGER. Mr. President, the Senator and I are wide apart.

Mr. OWEN. I am glad of it.

Mr. GALLINGER. So am I. The Senator is an "uplifter" and I am not. I want to see things go along in their normal and natural course. The thought of this country is a progressive thought. There is an evolution in the human mind in this intelligent Nation of ours, and when better laws than are on the statute books become necessary there is no doubt that the people will place them there. There is no question about that; but it is not necessary to do it in a violent and revolutionary way.

As I said a moment ago, Mr. President, I have been here every day but one during this session, and I propose to leave to-morrow morning whether the session closes or not; but before going I wanted to put on record the few thoughts that I have expressed, without preparation and without any intention of being offensive to anybody.

If every State in the American Union has not a law that makes bribery at elections a crime, every State in the American Union ought to have such a law; and I give the Senator credit for the belief that I entertain that the discussion that has been had here during the last two or three days will have a tendency to call the attention of the people of the several States renewedly to the fact that they ought to have proper legislation on this subject. But I do not believe—and I can not bring myself to believe that the Senator from Oklahoma seriously believes—that as we are gathering up the expiring embers of a nine months' session, men on this side having sat here during the superheated season to help maintain a quorum of this body in order that business might be done—I do not believe the Senator from Oklahoma in his heart believes that in these closing hours a great question such as is involved in this bill should be forced to a vote because the Senator from Oklahoma or anyone else demands that it shall be done.

Mr. President, I sat here a few days ago registering my vote against the proposition, and saw a bill as important as any that has ever passed the legislative bodies of this country and received the assent of a President of the United States forced through both Houses of Congress because the President of the United States and four men, representing four brotherhoods of trainmen, demanded that it should be done and that it should be done that very day. That kind of legislation I do not approve of. I believe in deliberate legislation. I believe in discussion adequate to present all phases of every question that comes before the Congress of the United States. I repeat to the Senator, and it is my closing words, that if when we have time to

take up his bill, consider it in all its details and ramifications, discuss it fairly and adequately, I shall not occupy the position of opposing it; but I believe that to force it through the Congress of the United States at the present time would be a proceeding unwarranted and unwise and one that I shall not support.

Mr. REED. Mr. President, the remarks just made by the Senator from New Hampshire, to the effect that he had in the last two or three days witnessed the forcing through Congress of an important law by four men representing the railroad brotherhoods of the country, merits a moment's consideration. An attempt is studiously being made to give the country to understand that the representatives of the railway employees came to Congress with certain demands, and told Congress if it did not accede to their demands they would immediately call a strike. It is further impudently asserted that because of that threat thus made Congress, in a cringing and cowardly manner, and without any consideration, enacted the so-called eight-hour law.

I have already taken occasion to call attention to the facts as they exist, not as they may be imagined or willfully misstated. Nevertheless I desire again to state the case as it is, and in the light of the plain facts which I shall relate the inference which is left in the statement of the Senator from New Hampshire can not be given any credence or weight.

Now, what are the plain, cold facts? Four hundred and fifty thousand railway men, organized in their various societies, handle the trains of this country. These men for many years have been organized. They have, during all that time, as organized bodies, negotiated with the managements of the various railways with reference to the wages to be paid, the hours of labor, and other conditions of employment. Speaking broadly they have had written contracts with the railway companies, and again speaking broadly, for there are some exceptions, these contracts have run for the period of one year, with the right of either party to terminate the contract by giving 30 days' notice.

Many months ago notice was served upon the railway managements by the representatives of the men that they desired an eight-hour day for all men engaged in the hazardous business of moving trains. It is only fair to say that—at least by implication, if not by direction—they gave the railway companies to understand that they expected the 8-hour day, without any reduction of the pay which now goes with a 10-hour day. That marks the second step in the procedure.

The third step was the meeting of the representatives of the companies and the representatives of the men to endeavor to compose their differences and arrive at an understanding. That meeting resulted in absolute disagreement. Thereupon the representatives of the men took what they call a referendum vote, submitting to the various 450,000 employees the question whether authority should be given to call a strike in the event the eight-hour day was not conceded. The result of that referendum vote was an overwhelming majority in favor of conferring the authority upon the representatives of the men to order a strike if the eight-hour day was not conceded.

Then came the third phase of the controversy, namely, both sides prepared for battle. The railway companies began to take all the steps usual when a disaster in the nature of a strike is impending. It is not necessary to go into details. We know what these steps are. Among other things it is the refusal to receive freight of a perishable character, to be followed by a refusal to receive other varieties of freight, to be followed very shortly by a refusal to receive any freight, and running along coincident with this line of preparation generally you find them organizing men for the purpose of breaking the strike. That usually implies the employment of armed men who are to take the places of the men who strike. I said armed men; at least men who are armed or who are backed by those who are armed. This, then, was the condition of affairs. The two parties to this controversy had advanced on the field of battle. They stood there, figuratively speaking, in martial array, waiting merely the advent of the 4th day of September to begin that fight. Up to that time neither side had appealed to the President, neither side had appealed to Congress. I also emphatically state that up to this present moment neither side has appealed to the President, neither side has appealed to Congress, neither side has made any demand on the President, and neither side has made any demand on Congress. Any man who asserts they did is either ignorant of the facts or willfully misstates the case.

But, Mr. President, when these two lines of battle had been formed, when the conflict was about to begin, it was apparent to every man with ordinary perception that when that fight did begin the men on either side of it would not be the ones

Injured most. Between those two battle lines lay the great body of the American people, with all the rights of innocent bystanders, and with more than the rights of innocent bystanders—with the right, under the laws of the country, to have the great public highways of the country kept open. Not as the representative of the men, neither as the representative of the railroads; not because of interest in the men nor because of interest in the companies, but solely because of interest in and representation of the hundred million people of this country who were not parties to the conflict on either side, the President stepped in and undertook to compose the difficulties and avert a national calamity. If he had not done so, he would be denounced by every man on the other side of the Chamber; he would be at this moment subject to the denunciation, the caviling, the criticism, and the whining abuse of Mr. Hughes, the candidate of the Republican Party.

When the President stepped in he found both sides rigidly adhering to their positions. He finally in his own mind conceived what he thought to be a plan which he thought just and that would avert the calamity. He said, as I say, as you say when you are home talking to your people—for none of you dare say anything else when you are home talking to your people—that the eight-hour day is a thing that is bound to come in this country. Particularly is the eight-hour day certain to be applied in those occupations which require a great strain upon the brain and the muscle and the nerve of the employee. That is a thing inevitably to come, and it is especially certain to come in employments like that of running railway trains, because no man ought to sit at the throttle of an engine for a longer space of time than eight hours when his engine draws a freightage of human beings. After eight hours of such labor the brain may become dull, the eye may become uncertain, the nerve may fail; if there be only an instant's lapse of attention there may follow the calamity, the shriek, the grinding of bones, and the death of innocent people.

Statistics prove beyond any question that the great majority of railway accidents in this country and all over the world have occurred when the responsible party had been worked beyond the powers of ordinary human endurance.

Now, the President said to the railway companies, "Concede the eight-hour day," and he said to the men, "If the railways will concede the eight-hour day, will you declare this strike off and give us time to arbitrate all other questions?" The men agreed to this, and further agreed to arbitrate the question of overtime pay. The railway management said they would not arbitrate unless the eight-hour day was included in the arbitration, and also a great many other questions that had been for a long time settled by agreements voluntarily made. The men said they would include everything except the eight-hour day.

In that state of affairs the negotiation failed; and then the President, not at the demand of the men, not at the demand of the railway presidents, but as the representative of the innocent bystanders, who in this case were the 100,000,000 people of the United States; came to Congress and said, in this emergency, "I ask you to help not the men, not the companies, but the public, the people of the United States." Congress had to confront that issue.

Congress knew there would be no strike if the eight-hour day was granted. Congress knew if it did not pass a law providing for an eight-hour day there would be a strike, and so Congress enacted an eight-hour statute and prevented the strike. But at the same time we provided for the creation of a board to study all questions in dispute and to ascertain, among other things, how much the legal establishment of the eight-hour day would cost the railway companies and how the plan would work out. We did this not to the end of again abolishing the eight-hour day. That is never going to be done in this country until stand-pat Republicanism dares emerge from the shadows in which it took refuge from the wrath of the people to again take up the servile tasks in which it was so long employed. Because of what the Democratic administration did the strike did not occur. There is not a man on the other side of this Chamber but would have voted for the law if the responsibility for averting the strike or permitting it to go on had been directly on his party. But the majority of those on the other side fondly hoped that a strike would occur during a Democratic administration. Accordingly they did all they could to prevent any remedial legislation.

Being unable to realize their hopes, they now try to make a virtue of their cruel disregard of the welfare of the people, and hence raise the false issue, "You surrendered the majesty of the law and Congress to the demands of union labor." They also raise the cry that we passed legislation without investigation. Again I state the case: The only legislation we passed was the

eight-hour day and the creation of a tribunal to investigate how, after a practical test, that eight-hour day works.

Of course you can not find out how it will work out in a practical test until you have a practical test. You can not have an investigation of how it will work until you have produced the conditions for such a test.

So what, then, did we really do? We adopted an eight-hour day, and they say we did that without investigation. The oldest question there is before the American people that is unsettled is the question of the eight-hour day. It has been debated in every country grammar school, it has been debated in every college. It has been debated on every street corner and at the forks of the creek the old fellows who whittle sticks and spit tobacco juice at cracks have discussed it from morning until night. It has been discussed, and intelligently discussed, for 10 or 15 years in this country. There is not any new light to be shed on it. It is a question of humanity on one side and of brutality upon the other side. Applied to the case in point, it is a question of whether you will in the hot days of August put a man in the cab of an engine close up against a boiler that carries 200 pounds of steam, just over a white-hot furnace, and require him to remain there for more than eight hours and at the same time demand that for every instant his eye must be alert, his every faculty at its keenest and highest tension.

I talked the other night with a man who is manifestly to-day more than half a nervous wreck. He is still a young man. He used to pull the twentieth century limited, the 18-hour train between Chicago and New York. He told me that by actual mathematics it could be demonstrated that upon that run the engineer holding that throttle had to read and record in his own brain six signals every second. Every second! That frequently at the division points there was less than two minutes for inspection; that he had found flanges of wheels torn off and other dangerous conditions, and that if he came in three minutes late with his train, although he had been obliged to run through a fog so dense he could not see the signal light, he was called onto the carpet and asked "whether he was losing his nerve."

Eight hours a day is long enough for that kind of labor. Eight hours a day is long enough for the passengers to ride behind a man under that kind of a strain.

Talk about lack of investigation on an eight-hour day. We have had investigation after investigation of the eight-hour day. There may be employments that men can work at longer; tasks that do not subject a man to a constant strain; tasks that may be performed automatically; tasks that are hard for one moment and easy for the next; tasks where the character of work is varied. But the kind of employment I am discussing and the kind involved in this legislation was that of the man sitting over a fire box against a superheated engine, drawing a freightage frequently of human lives, and if not of human lives, then of very valuable property. That question needed no investigation. It may be it is a question as to whether the roads should have an increase of rates. We have prepared for the investigation of that question, and when it has been investigated in the light of experience and not in the light of guesswork, in the light of facts and not in the light of theory, then I shall be prepared and the Democratic Party will be ready to do justice to the railroads, whatever it may be, and to do justice to the shippers, whatever that may be.

Now, Mr. President, let us look at the alternatives that were presented.

Again I state the case: Four hundred and fifty thousand railway men were assembled in battle array prepared for a great struggle, which might last for weeks or months. Confronting them were representatives of nearly 300,000 miles of railways that reached in their ramifications almost every hamlet and village of the United States. As was said by somebody the other day, those lines of transportation are as essential to the industrial and commercial life of this country as the veins, arteries, and blood are to the life of the human body.

This battle was about to occur, and the country was to suffer the disarrangement of its commercial arteries and the complete stoppage of its commercial blood. The President represented the people of the land, and he said, for the protection of the people from the great injury they are about to suffer, we must stop this conflict between the railways and the men. We stopped it by passing an eight-hour law. There was no other sensible way. There is not a man on the other side of this Chamber will dare to come to this Congress next session and introduce a bill to repeal the eight-hour day.

All the scribes and pharisees and hypocrites that still infest this earth may parade themselves, and, wrapping the garment

of their holiness about them, exclaim, "We are not as you wicked Democrats," but not one of you will dare next session of Congress to bring in a bill entitled "An act to make railway men work 10 hours a day." Now, what was the alternative? The alternative was to sit still and do nothing and allow the strike to come. There was perhaps another alternative—to call the Army back from Mexico and to endeavor to run the railroads by force.

Now, let it be understood that if the 450,000 trainmen now engaged in the operation of these roads go out there are no 450,000 other men to take their places. Men can come to Congress without any experience and legislate without knowledge, but you can not get aboard of a mogul engine and run it until you have learned the business.

I take it no Republican advocates the bringing in of the Army, and if you were to do so you would simply have sprinkled the lintels of your doors with blood. You would have had riot and disturbance and agony and death. Inevitably you would have brought great ruin to the country. I do not believe there is a Republican in this Chamber so wicked as to have desired the employment of the Army, with all its attendant consequences. However that may be, I know there is not one of you who dares now rise in this Chamber and declare that he favors such a policy. It follows that the only policy you stand for was one of masterly inactivity. You proposed to stand still and do nothing. If that policy had been pursued, the men would have refused to work unless their demand for an eight-hour day was conceded. Upon the other hand, some 8 or 10 railroad presidents would have refused to concede anything. Accordingly, the strike would have occurred. While the two opposing forces were battling it out what would have happened to the rest of the people? In answering this let me take a leaf out of the past.

Mr. President, in 1912 there was a threatened railroad strike that would have involved *only the eastern railroads*. A Republican President appointed a board to investigate and arbitrate. I read a few excerpts from that report:

Early in the year 1912 the Brotherhood of Locomotive Engineers, on behalf of the engineers employed on 52 railroads in the eastern section of the United States, presented a concerted request to the management of these railroads for a general increase in wages and for certain modifications of the rules governing their employment. This concerted movement resulted in conferences held in New York City on March 14, 15, and 25 between representatives of the Brotherhood of Locomotive Engineers and a conference committee of managers representing the railroads. At the last of these conferences the representatives of the railroads declined to grant the requests of the engineers either in whole or in part.

The refusal of the railroads to grant the requests of the engineers or any part of them led to a strike vote among the engineers upon the roads concerned.

That strike only involved the engineers and not, as did this one, all kinds of trainmen, and it only involved a portion of the country, not all of the country, as did this one. The committee met and investigated. Now, let me read to my friends upon the other side a part of its report, which is signed by Charles R. Van Hise, chairman; Oscar S. Straus, Frederick N. Judson, Otto M. Eidlitz, Albert Shaw, and D. Willard. I believe nearly all of the gentlemen named are good Republicans, and they were all picked by a Republican President. Say these gentlemen:

Never in the history of the United States has there been a concerted strike on all the railroads of a great section of the country. The strikes have usually been upon individual roads, although in some cases strikes have taken place upon a number of roads at the same time. The present arbitration, involving as it does, a concerted movement affecting 52 railroads, is therefore a new phase of development.

Mark you, this strike was limited to 52 railroads and to the eastern section of the country, while the strike which we escaped the other day was to embrace the United States from ocean to ocean and from Canada to Mexico. I continue reading as follows:

On January 27, 1912, the locomotive engineers made uniform requests upon all the railroads in the eastern district. The railroads affected by these demands had in 1910 an aggregate of 66,876 miles of main track, as compared with 266,185 for the whole United States, or 25 $\frac{1}{2}$ per cent of the total mileage.

So these gentlemen were dealing with a question but one-fourth as large as the one which presented itself to us the other day.

The report continues:

These railways represent nearly 40 per cent of the aggregate revenues and expenses of all the railways of the United States, from 42 to 47 per cent of the traffic, something over 40 per cent of the total number of employees, of the number of engineers, and of the compensation of these employees. The population of the great region immediately affected by this movement is over 38,000,000, as compared with approximately 54,000,000 for the remainder of the country, or about 42 per cent of the total population. If we assume that the wealth of the region is in proportion to the amount of railroad traffic and to the density of population, it may be fairly concluded that the territory affected by this demand represents at least four-tenths of the wealth of the country.

As we have seen, the managers, after several conferences with the locomotive engineers, refused to accede to the requests of the engineers. The question of a strike was then submitted to the men. The vote showed 93.3 per cent of the men in favor of a strike, provided a satisfactory settlement could not be made. All that was necessary for a strike to take place was the assent of the grand chief engineer in conjunction with the general committees of the different railroads. This assent is necessary, for if a strike is voted by the members of the brotherhood the grand chief has the veto power.

At the hearings of the arbitration it seemed to be the opinion of the parties concerned that if the engineers had declared a strike it would have effectively tied up the railroads in the eastern district.

An effective strike on these railroads, extending through an area that includes all of New England, New York, New Jersey, Pennsylvania, Delaware, Maryland, Ohio, Indiana, the lower peninsula of Michigan, much of Illinois, and a small part of West Virginia would have had most disastrous effects upon the commerce and industry of this entire region, to say nothing of its effects on the remainder of the country. Indeed, it would be difficult to exaggerate the seriousness of such a calamity. *While no statistics on the subject are available it is safe to say that the large cities of the East, if the strike had taken place, would have found their supply of many articles of food exhausted within a week. Of so important a commodity as milk the cities have not usually more than a day's supply. Many of the people in the cities would therefore have been short of food if the strike had taken place.*

Assuming that no damage were done to their property, the loss to the railroads through cessation of business would have been enormous. The total operating revenues of the 52 railroads concerned amount to over \$20,000,000 a week, and the net operating revenue to nearly \$7,000,000 a week. The loss to the engineers would likewise have probably run into the millions. Their present pay roll amounts to over \$800,000 per week.

But the loss to the public would have been vastly larger than that of both parties to the conflict. Of necessity, building operations and many other lines of employment would have ceased in whole or in part; for not only are the people of the great cities dependent upon the railroads for their daily food supply, but the great industries depend on the railroads daily for their materials, and a week's failure on the part of the railroads to deliver materials to the manufacturers would have made it necessary for many to shut down, even if the owners had wished to continue them in operation. But in any case many of the owners would have been compelled to shut down their plants, inasmuch as they could not afford to continue manufacturing articles of commerce which they had no means of transporting to the places of sale.

It thus appears if a strike of railroad employees were successful in stopping traffic, its effects upon the industry of the country would be analogous to those of a general strike, simply because a great number of other industries could not continue if the railroads ceased to operate. Such a strike would have at least a partial effect of a universal strike, forced upon the public, and even the willing workers in other branches of industry. In certain general strikes of some foreign countries there have been exceptions made of certain employments necessary to human existence, but in a suspension of business through stoppage of all transportation there would be no exception.

A case in the United States somewhat analogous to a railway strike for an entire region was the anthracite coal strike in 1902, where the stoppage of coal supply to a great commercial and manufacturing interest was deemed a calamity which compelled the intervention of the President of the United States. However, the stoppage of the anthracite coal supply was not nearly so serious as would be the stoppage of railway traffic, for bituminous coal can in an emergency in large measure take the place of anthracite; but there is nothing under modern conditions that can take the place of the railroads for transportation.

In short, a general strike on the railroads for a great section of the country would have paralyzed the industries of that section, and even if food were obtainable millions of laboring people would have felt the pinch of want.

Those who opposed this measure the other day voted to impose "the pinch of want" upon millions of laboring people; those who criticize us now for averting that dire calamity criticize us because we saved the people from want and misery.

Mr. THOMAS. Mr. President—

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

Mr. REED. I do.

Mr. THOMAS. I think the Senator from Missouri might well refer to the fact, in connection with the statement which he has just made, that four or five days prior to the time when this strike was to go into effect the great railroad systems of the country laid an embargo upon the amount of foodstuffs which could be transported. I think that was done as early as the day after the strike order was promulgated, which, of course, meant suffering and starvation to the great communities of the country, and which had as much to do, if not more, with aggravating the situation and making some action absolutely essential as did the threatened strike itself.

Mr. REED. I thank the Senator; but let me ask him if the policy of shutting off food supplies to the cities by the railway presidents does not in some respects remind him of the policy of a certain nation that has sought to compel another nation to surrender by shutting off its food supply?

Mr. THOMAS. Mr. President, I think that one purpose of the embargo was to force a public sentiment against the demands of the brotherhoods, and at the same time to bring about those conditions which they were declaring to be the result of a continued insistence by the brotherhoods upon an eight-hour day.

Mr. REED. I thank the Senator. I continue reading:

If a strike of the character indicated lasted only for a single week—

Say these eminent gentlemen who were appointed by a Republican President—

the suffering would have been beyond our power of description; and if it had continued for a month the loss, not only in property but in life, would have been enormous.

Those who voted not to settle this strike, the other day, not to end it, took the chance of voting the death of hundreds or thousands of innocent people. I continue the reading:

Also, as usual in such cases, the disaster would have fallen most heavily upon those least able to bear it. While the rich might have felt themselves poorer because of depleted bank accounts, they would have had sufficient for the necessities of life. The middle classes would have been injured financially, but still they could have subsisted. The working classes would have suffered acutely. They would have been the ones to feel soonest, longest, and most intensely the unspeakable calamity of a general railroad strike.

At first thought it may appear that this picture is overdrawn. But it should be remembered that never has a railroad strike affected an entire region of the United States. There have been strikes on particular railroad systems. In such cases the neighboring roads took care of the more pressing necessities of the great terminal centers, and there was no acute suffering except at minor points served exclusively by one railroad system.

A general strike for the eastern territory would put the Eastern States in much the same situation as France was placed two years ago, when there was a general strike on the railroads of that country.

Which, by the way, was ended by ordering every railway man to mobilize as a soldier, and in that way they ran the railroads of France—a thing that can not be done here.

Mr. President, what state would we have been in at this blessed hour had the strike not been averted. If it had not been for our action, the strike would now have been three days in full operation. I affirm that the railroads would already have lost more money themselves by that stoppage and by the damages that would have been incident to it than would pay the increased wage for the next 10 years.

I talked with an old railroad builder only last night, a man who has constructed a system of road many thousands of miles in length. He told me that the railroads could not cease operation for a single day without it costing them more loss than would pay the additional wage of the men for a year's time, and that, if it were to stop for five days, the loss would be so great to the railroads that it would pay the additional wages of the men for the next five years. He went on to explain why, and cited the disruption of business, the waste of rolling stock, the damage suits that would pile mountain high, the general paralysis of the business of the country that would be bound to reflect itself back upon the railroads even when transportation was restored, and a multitude of other reasons that I can not pause to state.

But if this be true as to the railroads, what would have been the loss to the men? Their wages would have stopped, and I have no doubt—I know—that a week's loss of labor to these men would amount into the millions.

But what about the public? Do I exaggerate when I say that you can not have a strike in the United States that ties up all lines of railroad for three days' time without it costs the people of this country more than \$100,000,000? I believe it would cost \$500,000,000; and every man who reflects on it will more and more come to the conclusion that those figures are moderate, that they are understated instead of overstated.

Let us see: Here is a train loaded with live stock which has started from a western point to an eastern terminal. It is stopped halfway and put on a sidetrack. Here is not one train, but there are hundreds—and I presume it would not be an exaggeration, perhaps, to say thousands—of such trains containing live stock or containing perishable goods of all kinds and varieties. All that freight would be subject to waste, deterioration, or to destruction. Here are 10,000 buildings on which there ought to be employed a million hammers working in the art of construction, but now one material or another can not come, and the result is that every hammer has to cease making the music of industry. Here are a million spindles, but the railroads can not deliver some necessary article and the mills must stop. The idle workmen and workwomen march out of the doors of the factory and begin to be consumers instead of producers. Here are the roaring furnaces of the steel mills, where men work three shifts a day, and have been making so much money for their employers, if not for themselves, that the rotten stock of the Steel Trust, the watered stock of the Steel Trust, went above par the day after the strike was called off. Its stock would have gone, probably, to 20 cents if the strike had come. I care little for the big steel company, but I care a lot for the thousands of men who work for it.

Their work would necessarily have ceased. The grain of the farmer in transit would either have rotted on the sidetracks or would have had to be stored at great expense. The fat cattle, prime and ready for shipment, would have had to be kept at an expense and would have deteriorated. Likely enough the market

would also break. Even the eggs and butter of the farm could not get to the consumer.

But, Mr. President, on top of that, what? On top of that what would have become of the people of the great congested centers of this country? Stop every train going into New York City, and you have starvation in some degree started within 24 hours. Continue that stoppage for a week, and you would have death and pestilence. Stop the milk trains going into New York City for 24 hours, and you have the pale lips of babes crying for sustenance and the ghost of dissolution standing over the cradle. Stop shipments into New York, and you find the prices raised, doubled, trebled, quadrupled upon every necessity of life that men eat. The poor man with limited means and the woman who makes her living by her hard toil would eat less or not eat at all. Stop the railroads of this country for 36 hours, and the great city of Chicago would be in but little better condition than the city of New York. The cities of Pittsburgh, of Philadelphia, of Cincinnati, of Cleveland, all our major cities, would witness within a few hours' time shortage of food; and within a few hours' more time the pinch of hunger would be gripping the stomachs of some, and those who needed fresh food and fresh vegetables would begin to languish and death, mayhap pestilence, would begin its awful march, first through the ranks of the poor and later perhaps would reach up its skeleton hand to touch the roses in the cheeks of the children of the rich.

And you voted to bring this on the people. You voted that there should not be a hand raised or a law written. You wanted to investigate while the house was burning down, while the fire of the fuse was slowly eating its way along to the powder; you wanted to stop and take no responsibility of action. I hold in utter contempt the man who was unwilling to take the responsibility himself, who had no policy of his own except the policy of sitting still or standing pat, a habit that is well formed on the other side of this Chamber, and having occupied that unenviable position, now turns to attack the party that met a desperate issue by the best plan that has been suggested by any man, either inside or outside of Congress.

I notice that our friend Hughes goes around the country talking in his hieroglyphics, generally so conspicuous for their clarity, that I observed the other day—I believe it was in the Washington Post—a headline stating "It is thought Mr. Hughes refers to the strike legislation." "It is thought he refers to it." Truly here is direction indeed. This bold and gallant chieftain talks so indirectly that a smart newspaper headliner, after he has read what he had said, can only say "it is thought or suspected" that he refers to something, but, as near as I can interpret his riddles, as near as I can follow his shadow dance, as near as I can make out what he is driving at, he means that we did something wicked to pass legislation "under coercion."

I have already answered that. There was no coercion in it by any man. There was the necessity for immediate action created by a condition that confronted us. "It was a condition, not a theory."

What would he have done if he had been President now? You can not get this thing out in the nebulous belt, gentlemen. This is a thing of the earth, earthy—an exceedingly substantial and practical fact. What would Brother Hughes have done if he had been President of the United States and this very condition had confronted him?

I will tell you what he might have done. He might have called out the Army and Navy of the United States; and he might have seized all these railroad men and put them in jail, and then he would not have had anybody to run the trains. He might have strung soldiers along the tracks, and said: "When the train goes by here, any man who interferes shall be shot at sight"; but what then? There would have been nobody to run the trains, or not sufficient numbers, because, if you took the 450,000 trainmen out of the service, there would be no 450,000 men to take their places.

What could have happened? We could have had the strike. We could have had the usual proceedings of strike breaking, the efforts of the presidents of these railway companies to get men to take the places of the men discharged, the gathering up of the old "scab" labor that has been turned out for one cause or another. Then assume that the whole force of the Army was brought to bear to protect it. How many months would it have been, how many years would it have been, until transportation was really restored to its normal condition? How many hundreds of millions of dollars would that have cost the people of the United States—the innocent bystander? What would Hughes have done?

But what is the use of asking what Hughes would have done? A lot of newspaper men asked him, a good while ago, what he would have done in this, that, or the other case, all of them pertinent to the present campaign. They have been no more

able, these smart newspaper men—and they are about the smartest fellows in the world—to get Brother Hughes to locate himself so that they can tell what his position is with reference to any of those questions than the Irishman was able to put his thumb upon the evasive flea in the dark night.

I say again, what would he have done? Oh, boldly he would have stood, I suppose, and while he stood the country could have starved.

What are the effects necessarily flowing from just this thing I am discussing? Why, Mr. President, here is a copy of a telegram I want to put in the RECORD. It is not the telegram of a man who seeks an opportunity to turn his men out of employment. It is the telegram of one man who has made money and who has been willing to divide it with other people:

DETROIT, MICH., September 1, 1916.

The PRESIDENT:

The moment it is positively known that a strike will become effective on railroads the Ford Motor Co. will of absolute necessity shut down its factory and all its assembling plants throughout the country, and every man of its more than 49,000 workers will have to go off the pay roll. Our business is so organized that the supplies and product must be kept moving constantly. We can not move a day without railroad service. We are making 2,200 cars a day. The materials must be moved in and cars out. I sincerely hope something can be done to avert the strike. Your efforts are appreciated here and should be commended by every citizen in the country.

HENRY FORD.

Forty-nine thousand men to go out of employment in one institution, and that even before the hour fixed by the strike! Let your imaginations now run riot; give to them every impetus and power you may be able to put back of them; yet the imagination of men can not portray the calamity which we escaped.

There is a telegram here which throws just a little side light upon this matter. It is addressed to the President. I get it out of a newspaper:

GRAND JUNCTION, COLO., September 5, 1916.

The PRESIDENT:

Hundreds of fruit growers in this country who had thousands of cars of fruit ready to market, and on which their living expenses for the next year depended, give you full credit for preventing them from suffering a terrible loss had the railroad strike not been averted. This community alone—

Grand Junction, Colo., a small place—

This community alone could easily have lost a million dollars and suffered the worst business disaster in its history. Not only the fruit growers but citizens of all classes are grateful to you and congratulate you upon the success that crowned your firm, conscientious, and determined efforts to avert this great national calamity.

WALTER WALKER,
Editor Daily Sentinel.

Mr. President, there are times when wise and patriotic men do the thing that is necessary to avert a calamity, and they do not stop to haggle about just how it is going to be done. They can settle that afterwards. If there is a bombshell thrown through your roof, and it is about to explode and kill your family, and you have time enough to reach over and pitch it out of the window, you do it, and you do not stop to raise the window in order to save a 15-cent pane of glass. You get the bomb outside. If your house is on fire, and you need water to put it out, you do not stop to investigate whether or not it is going to injure your clothing, or whether it is going to discommode somebody else if you draw a pail of water to throw on the flames. If you have any sense on earth, you get the bucket of water and ask permission from your neighbor afterwards. When a storm is raging, you undertake to save that which can be saved, and after the storm is over you then sit down to deliberate about cyclone cellars for the future.

But not so with these men who would make politics out of anything, who would have willingly produced a strike if they had thought it would make a few votes for their party. Not so with them. They solemnly meet in party caucus, or party conference, or whatever you call it; they meet to determine a party policy. A crisis was before the Nation. It was impending. It was about to fall upon us. If it did fall the devastating effect would be felt for years to come, and ghastly horror would result in the land. With that situation before them, they came forward and said: "We have nothing to suggest except that we are 'agin' whatever your gentlemen are going to do." That, we are told, is to be the political issue of the campaign.

I read from the Washington Herald of September 7:

G. O. P. WILL WAR ON EIGHT-HOUR LAW—LEADERS DECIDE TO MAKE ISSUE OF "RAISED-WAGE ACT."

NEW YORK, September 8.

Hughes's presidential campaign directors will appeal to voters to repudiate the Adamson labor act, not as an eight-hour law, but as a raised-wage law.

After a conference to-day between Chairman Willcox, Senators WEEKS, WARREN, and OLIVER, of Pennsylvania, and National Committeeman Parsons, the plans of the attack on the railroad legislation were outlined.

Senator WEEKS said: "We are going to make a big issue of this misnamed eight-hour law. We call it the raised-wage law. We shall ask the voters to say whether

they approve of a group of men headed by the President forcing Congress to enact a law suddenly framed, with but a few days' consideration, and without the slightest investigation as to whether it is desirable.

"Not in 12 years of public life have I received so many protests against any one measure. I have fully a thousand messages. Those in favor of the Adamson Act all came from labor unions in practically the same language as if they had been written by Samuel Gompers himself. Those in opposition came from business men and employees who are to derive no benefit from the law."

Of course I can understand why any of these distinguished gentlemen would not be much pleased with messages coming from union labor men, because, if I know anything about their record, they have represented in the Congress of the United States every day they have been here not human beings but dollars; not things that are sentient, that feel and think, but things that clink and chime and make the music that tickles the auditory nerve that connects their pockets.

Of course that element of the Republican Party has always held that the business of government is to take care of big business and let big business take care of the people. Of course that element of the Republican Party has always and at all times, in season and out of season, taken its inspiration from those great institutions that furnish the fat for elections to a political committee, and take the fat out of the people after the elections to reimburse themselves for expenditures. Of course one of the chief apostles of that kind of thought, the distinguished Senator from New Hampshire [Mr. GALLINGER], necessarily is naturally found here to-day in opposition to the corrupt practice that proposes to cut off a source of political revenue, and at the same time to separate that element of his party to which he belongs from the source of its political inspiration.

On August 29 I reviewed briefly the position taken by Mr. Roosevelt on our European policy, and undertook to show that Mr. Hughes indorses that position. Since the date of that speech both of these eminent gentlemen have been talking.

I now present cumulative evidence, and offer a few observations upon the theme. "Blood is thicker than water."

Theodore Roosevelt, speaking in Maine (Lewiston) on August 31, said:

It is our high and solemn duty, both to prepare our own strength so as to guarantee our own safety, and also to treat every foreign nation, in any given crisis, as its conduct in that crisis demands. The citizen who does not act so and who endeavors to shape America's policy in the interest of the country from which he or his ancestors have sprung is no true American and has no moral right to citizenship in this country.

Any attempt to organize American citizens along politico-racial lines is a foul and evil thing. Any organization of American citizens which acts in the interest of a foreign power is guilty of moral treason to the Republic. It is because of such action that I condemn those professional German-Americans who in our politics act as servants and allies of Germany, not as Americans interested solely in the honor and welfare of America; and I would condemn just as quickly English-Americans or French-Americans or Irish-Americans who acted in such manner.

Since 1912 we have had four years of a policy which has been an opiate to the spirit of idealism. It has meant the relaxation of our moral fiber. Horror of war, combined with sordid appeal of self-interest and fear, has paralyzed the national conscience. We have been told that even as between Belgium and Germany we should be neutral not only in act but in sympathy.

His (Wilson's) task was not an especially difficult or dangerous task; but it needed a brave heart and a steady hand. Under his lead America could and should have put itself at the head of all the neutral nations, by its example, if not by direct diplomatic agreements, in demanding that the war should be conducted in accordance with the usage of civilized nations, that international law should be observed, that the rights of neutrals and noncombatants should be respected.

If this spirit had animated our administration, there would probably have been no invasion of Belgium, no fears of a like fate to terrorize other smaller nations, no torpedoing of merchant vessels, no bombardment of churches and hospitals, no massacring of women and children, no murder of Miss Cavell, no attempted extermination of the Armenians and Syrian Christians. We can not undo what has been done. But we can repudiate what has been done. We can regain our own self-respect and the respect of other nations for this country. We can put in power an administration which will throughout its term of power protect our own citizens and live up to our national obligations.

As between Mr. Hughes and Mr. Wilson, who can doubt which is the man who will with austere courage stand for the national duty? We have against him (Wilson) in Mr. Hughes a man whose public life is a guaranty that whatever he says he will make good, and that all his words will be borne out by his deeds.

Mr. Hughes on the following day, September 1, read the speech and wired Roosevelt as follows:

KANSAS CITY, September 1, 1916.

The Hon. THEODORE ROOSEVELT:

I heartily congratulate you on the speech at Lewiston and warmly appreciate your effective support.

CHAS. E. HUGHES.

That same day in his address at Kansas City he referred to Roosevelt as "That stalwart American who woke the country," andaped Roosevelt by saying, "We want deeds to match words. We want a new tone in our life. I am not one of the kind that is too proud to fight." The following day in St. Louis he stated

that he knew what was in Roosevelt's Maine speech and indorsed every word of it.

BLOOD IS THICKER THAN WATER.

The foregoing quotations show that Roosevelt continues to denounce our German-American citizens, those thousands of men and women whose parents were born in Germany and who sympathize with the Fatherland because the blood of the Teutonic race is in their veins. This sympathy is not a "foul and evil thing," but is natural and human, and it courses just as strong in British blood as in German, perhaps a little stronger at times. An investigation will show that practically all the Germans who immigrate to this country renounce their old allegiance and become naturalized citizens of the United States, while, on the other hand, excluding the Irish, who have never been much in love with England, a large percentage of the people coming from Britain proudly retain and proclaim their British citizenship.

The Republican presidential candidate springs from the most loyal of British stock, the Welsh. His father, Rev. David Charles Hughes, came to this country from Wales in 1855, barely seven years before the birth of the son. In the controversy now going on between Germany and England it is as natural for Mr. Hughes to sympathize with England as it is for a son or daughter of a German immigrant to sympathize with that country which they still lovingly refer to as the Fatherland. Indeed, it is natural that Mr. Hughes should put the stamp of his approval upon all that Roosevelt, the hater and traducer of German-American citizens, utters. It is not remarkable that he should wire Roosevelt, indorsing the Maine speech and thanking him for it.

Mr. President, I have replied to criticisms of the Democratic administration for enacting an eight-hour law applicable to men engaged in the hazardous business of railroading. I have called attention to the fact that every man on the other side of the Chamber who was present, with the single exception—an exception I did not make, but I now make it—of the Senator from Wisconsin [Mr. LA FOLLETTE], voted against the eight-hour proposition. I repeat, because it is a matter in point, that the law applied only to men engaged in the hazardous business of running trains.

I desire, in connection with those remarks, to read from a document that four short years ago was the law and gospel of the great Progressive Party. It was the doctrine upon which the great Progressive leader of that time stood, and upon which he made his campaign. I read from the Progressive platform adopted in 1912:

The supreme duty of the National Government is the conservation of human resources through an enlarged measure of social and industrial justice. We pledge ourselves to work unceasingly in State and Nation for:

Effective legislation looking to the prevention of industrial accidents, occupational diseases, overwork, involuntary unemployment, and other injurious effects incident to modern industry.

The fixing of minimum safety and health standards for the various occupations and the exercise of the public authority of State and Nation, including the Federal control over interstate commerce and the taxing power to maintain such standards.

The prohibition of child labor.

Minimum wage standards for working women, to provide a "living wage" in all industrial occupations.

The general prohibition of night work for women and the establishment of an eight-hour day for women and young persons.

One day's rest in seven for all wageworkers.

The 8-hour day in continuous 24-hour industries.

The abolition of the convict contract-labor system; substituting a system of prison production for governmental consumption only and the application of prisoners' earnings to the support of their dependent families.

Publicity as to wages, hours, and conditions of labor; full reports upon industrial accidents and diseases, and the opening to public inspection of all tallies, weights, measures, and check systems on labor products.

Standards of compensation for death by industrial accident and injury and trade disease which will transfer the burden of lost earnings from the families of working people to the industry and thus to the community.

The protection of home life against the hazards of sickness, irregular employment, and old age through the adoption of a system of social insurance adapted to American use.

The development of the creative labor power of America by lifting the last load of illiteracy from American youth and establishing continuation schools for industrial education under public control and encouraging agricultural education and demonstration in rural schools.

The establishment of industrial research laboratories to put the methods of discoveries of science at the service of American producers.

We favor the organization of the workers, men and women, as a means of protecting their interests and of promoting their progress.

Mr. President, what has become of the sacred principles of the Bull Moose Party? When we voted on the eight-hour law, where were the Senators who in 1912 subscribed to the Progressive platform which expressly advocated the fixing of an eight-hour day in occupations that are continuous during the 24 hours? That exactly fits the railroads. The case we had before us came exactly within the terms of the plank to which

the Bull Moose Party in 1912, without investigation, I presume—for that was the complaint the other day—unhesitatingly committed itself, and upon which it made its campaign to the people of the United States.

Now, when the Democratic Party, in the presence of a great crisis and emergency, in order to prevent infinite damage to the people of this country, adopted an eight-hour day strictly in line and conformity with the plank of the Bull Moose platform, you hear every Bull Mooseer in the Senate roaring almost as loudly as they did when Roosevelt betrayed them into the hands of the standpatters.

I want the country to understand how completely these gentlemen have now taken the back track; that is, how completely some of them have taken the back track. It is still to be hoped that there are in the country some real Bull Mooseers who believed in this platform who will stand by the Democratic Party for enacting the eight-hour day applicable to railroad employees.

Mr. President, while I am on my feet I want to ask leave to put in the RECORD some documents.

I ask to put into the RECORD the veto message of Gov. Hughes, of New York, dated June 11, 1907, in which he vetoed the 2-cent railroad fare bill of that State.

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Without objection, that will be included.

The matter referred to is as follows:

PROVIDING FOR A MAXIMUM RAILWAY PASSENGER FARE, WITH CERTAIN EXCEPTIONS, OF 2 CENTS PER MILE.

STATE OF NEW YORK, EXECUTIVE CHAMBER,

Albany, June 11, 1907.

To the Assembly:

I return herewith, without my approval, Assembly bill No. 2269, entitled "An act to amend the railroad law, in relation to rates of fare."

This bill with specified exceptions provides for a maximum passenger fare of 2 cents per mile upon the railroads in this State. Steam railroads less than 150 miles in length which are not within the counties of New York and Kings (or within the limits of an incorporated city) are permitted a higher maximum charge of 3, 4, and 5 cents a mile, according to the length of line, unless through consolidation, lease, or control they form a part of a system whose combined lines exceed 150 miles, in which case the provision for a maximum rate of 2 cents a mile is applicable.

The passage of the bill was not preceded by legislative investigation or suitable inquiry under the authority of the State. Nor is the fixing of this rate predicated on reports or statistics officially collated which would permit a fair conclusion as to the justice of its operation with reference to the railroads within its purview. It plainly reflects dissatisfaction with existing conditions and an effort to provide a remedy through arbitrary action. It seems largely to have been the result of annoying requirements and discriminations in connection with the sale of mileage books on certain roads.

The bill represents a policy seriously mistaken and pregnant with disaster. It is of the utmost importance that the management of our railroad corporations should be subject to strict supervision by the State and that regulations compelling the observance of the law and proper and adequate service should be rigidly enforced. It is the duty of these corporations to provide transportation of passengers and goods at reasonable rates, and the State should compel the performance of this obligation.

But injustice on the part of railroad corporations toward the public does not justify injustice on the part of the State toward the railroad corporations. The action of government should be fair and impartial, and upon this every citizen, whatever his interest, is entitled to insist. We shall make matters not better but worse if to cure one wrong we establish another. The fact that those in control of railroad corporations have been guilty of grossly improper financing and of illegal and injurious discriminations in charges points clearly to the necessity of effective State action, but does not require or warrant arbitrary reprisals. In dealing with these questions democracy must demonstrate its capacity to act upon deliberation and to deal justly.

It is of the greatest importance not only that railroad corporations should be compelled to respect their public obligations, but also that they should be permitted to operate under conditions which will give a fair return for their service. Upon this depends not simply the security of investors but the security of their employees and the protection of every form of industry and commerce through the maintenance and extension of necessary transportation facilities. Nothing could be more opposed to the interests of the community as a whole than to cripple transportation corporations by arbitrary reduction of earnings. It may be said that a 2-cent passenger rate is not so extreme as to have a very injurious result. But this is a debatable question. Large and prosperous suburban communities have been built up through the offer of commutation rates much less than the proposed maximum. Upon the maintenance of these rates many thousands of our citizens rely. Considerable differences exist between the railroad corporations with respect to the territory they serve and the cost of service, and it is manifest that what would be fair for one might be far from fair for another. An arbitrary dislocation of tariffs by the fiat of the legislature without investigation is a matter of serious concern. The best that could be said for such legislation would be that it should be regarded as an isolated case and not as a precedent. For if flat freight rates, either for all commodities or for different kinds of commodities were similarly to be fixed by the legislature without investigation or proper ascertainment of their justice our railroad business and our industrial and commercial interests would be thrown into confusion.

I do not mean to be understood as saying that a maximum 2-cent passenger rate would be unreasonably low. It might be high enough in many cases. Possibly it would be high enough in all cases. I fully appreciate the fact that those who have promoted this bill believe that such a rate would be fair. But I deem it most important that the policy of dealing with matters of this sort arbitrarily, by legislative rule of general application without reference to the demands of justice in

particular cases, should be condemned. Every workingman, every tradesman, and every citizen believing himself to have aught at stake in the prosperity of the country should determinedly oppose it. For it not only threatens the stability of business enterprise which makes our prosperity possible, but it substitutes unreason for sound judgment, the ill-considered demands of resentment for the spirit of fair play, and makes impossible patient and honorable effort to correct abuses.

There is a better way. It has already been pointed out in the legislation of this State. It is practically impossible, in view of the nature of the problems and the many questions requiring consideration for the legislature to deal directly with railroad rates in a satisfactory manner. Where a matter requires investigation in order that a just result may be reached, the obvious course is to create a body which can investigate, with expert assistance, as summarily as possible, and which shall have adequate power to make appropriate orders. Such a body has been created in this State through the public-service commission law recently enacted.

Provision is made for inquiry into matters of freight rates and passenger fares, and for the fixing of such rates as shall be found just and reasonable. If a passenger rate of 2 cents a mile is just and reasonable it can be fixed; if it is not just and reasonable it should not be fixed.

It will be said that this requires time and investigation. But it will not require any longer time or any more protracted investigation than are necessary to reach a right result. The interests of the country are so great and our individual interests are so closely interwoven that it is to the highest degree dangerous to give encouragement to the spirit of impatience with the orderly processes of inquiry.

It may also be said that many other States have adopted similar legislation. If the principle of that legislation be sound, we could readily follow the precedent; but if it be unsound, there is the greater reason why it should not be followed. The State of New York has provided machinery to settle these questions justly to all with as much dispatch as possible. It is to the interest of all that this machinery should be made as perfect and efficient as possible. It is to the interest of none that it should be discarded because of preference for arbitrary legislative action.

If this bill were to become a law, it would most probably lead in many cases—on account of pretended or real necessity—to economies in service and to readjustment of rates now lower, to the annoyance and injury of considerable numbers of the traveling public for which the gain to others would not necessarily compensate. Again, the validity of such a statute would most certainly be contested in protracted litigation, the result of which, to say the least, would be in doubt. At a critical time, when the interests of all demand that reason and judgment should control in dealing with such matters, we should have abandoned our true line of action and facilitated still wider departures.

I therefore disapprove this bill.

CHARLES E. HUGHES.

Mr. REED. I ask to print in the RECORD as part of my remarks the veto message of Gov. Hughes, dated June 15, 1907, in which he vetoed the full-crew train bill when passed by the General Assembly of New York.

The PRESIDING OFFICER. Without objection, that course will be pursued.

The matter referred to is as follows:

PROVIDING FOR ADDITIONAL BRAKEMEN FOR FREIGHT TRAINS.
STATE OF NEW YORK, EXECUTIVE CHAMBER,
Albany, June 15, 1907.

To the Assembly:

I return herewith, without my approval, Assembly bill No. 455 (Senate reprint No. 1338), entitled, "An act to better protect the lives of railroad employees."

This bill provides that it shall be unlawful for any railroad company in the State of New York "that runs more than four freight trains in 24 hours" to run over any part of its road outside of yard limits any freight train composed of more than 20 cars with less than a full crew of six persons, to wit, one engineer, one fireman, one conductor, and three brakemen; or a light engine without cars without a crew composed of one engineer, one fireman, one conductor or flagman, when running a distance of 10 miles or more from starting point.

According to present practice freight trains are very generally operated with a crew of five persons, and the object of this bill is to compel the employment of an additional brakeman. The necessity for this is said to lie in the fact that without three brakemen the freight trains are insufficiently manned, and that firemen are compelled to leave their places in all kinds of weather to throw switches when the two brakemen are required respectively to go ahead of and behind the train.

This bill, however, upon the facts developed before me upon the hearing and undisputed, is clearly unconstitutional. Such a measure should define the service required with suitable reference to circumstances and conditions so that the law would apply in proper cases and not otherwise. The bill takes no account of the differences between the different roads and parts of roads, in trackage and switching facilities, and of the fact that what may be necessary in the case of some railroads may be wholly unnecessary in others. In the case of the New York Central Railroad it was shown that the trackage and switching facilities on its main lines were of such a character as to make unnecessary the employment of a third brakeman in accordance with the provisions of the bill. This was frankly conceded by supporters of the bill.

To require the expenditure of a very large amount of money (estimated at several hundred thousand dollars annually) without necessity for the outlay, is simply arbitrary exaction and a taking of property without due process of law. The bill does not refer its requirements to any proper standard of necessity or provide any criterion by which its proper application under varying conditions is to be determined. It contains an absolute requirement which upon the facts conceded before me can not be justified.

CHARLES E. HUGHES.

Mr. REED. I ask to put into the RECORD as part of my remarks the opinion in the case of Lawlor against Loewe, generally known as the Danbury Hat case, which is printed in volume 225 of the United States Supreme Courts Reports, beginning at page 522, the opinion being by Mr. Justice Holmes and concurred in by Mr. Justice Hughes.

The PRESIDING OFFICER. Without objection, that course will be pursued.

The matter referred to is as follows:

Mr. Justice Holmes delivered the opinion of the court.

This is an action under the act of July 2, 1890, chapter 647, section 7, Twenty-sixth Statutes, pages 209 and 210, for a combination and conspiracy in restraint of commerce among the States, specifically directed against the plaintiffs (defendants in error), among others, and effectively carried out with the infliction of great damage. The declaration was held good on demurrer in *Loewe v. Lawlor* (208 U. S., 274), where it will be found set forth at length. The substance of the charge is that the plaintiffs were hat manufacturers who employed nonunion labor; that the defendants were members of the United Hatters of North America and also of the American Federation of Labor; that in pursuance of a general scheme to unionize the labor employed by manufacturers of fur hats (a purpose previously made effective against all but a few manufacturers), the defendants and other members of the United Hatters caused the American Federation of Labor to declare a boycott against the plaintiffs and against all hats sold by the plaintiffs to dealers in other States and against dealers who should deal in them; and that they carried out their plan with such success that they have restrained or destroyed the plaintiffs' commerce with other States. The case now has been tried, the plaintiffs have got a verdict, and the judgment of the district court has been affirmed by the circuit court of appeals. (209 Fed. Rep., 721; 126 C. C. A., 445.)

The grounds for discussion under the statute that were not cut away by the decision upon the demurrer have been narrowed still further since the trial by the case of *Eastern States Retail Lumber Dealers' Association v. United States*. (234 U. S., 600.) Whatever may be the law otherwise, that case establishes that, irrespective of compulsion or even agreement to observe its intimation, the circulation of a list of "unfair dealers," manifestly intended to put the ban upon those whose names appear therein, among an important body of possible customers combined with a view to joint action and in anticipation of such reports, is within the prohibitions of the Sherman Act if it is intended to restrain and restrains commerce among the States.

It requires more than the blindness of justice not to see that many branches of the United Hatters and the Federation of Labor, to both of which the defendants belonged, in pursuance of a plan emanating from headquarters made use of such lists, and of the primary and secondary boycott in their effort to subdue the plaintiffs to their demands. The union label was used and a strike of the plaintiffs' employees was ordered and carried out to the same end, and the purpose to break up the plaintiffs' commerce affected the quality of the acts. (*Loewe v. Lawlor*, 208 U. S., 274, 299.) We agree with the circuit court of appeals that a combination and conspiracy forbidden by the statute were proved, and that the question is narrowed to the responsibility of the defendants for what was done by the sanction and procurement of the societies above named.

The court in substance instructed the jury that if these members paid their dues and continued to delegate authority to their officers unlawfully to interfere with the plaintiffs' interstate commerce in such circumstances that they knew or ought to have known, and such officers were warranted in the belief that they were acting in the matters within their delegated authority, then such members were jointly liable, and no others. It seems to us that this instruction sufficiently guarded the defendants' rights, and that the defendants got all that they were entitled to ask in not being held chargeable with knowledge as matter of law. It is a tax on credulity to ask anyone to believe that members of labor unions at that time did not know that the primary and secondary boycott and the use of the "We don't patronize" or "Unfair" list were means expected to be employed in the effort to unionize shops. Very possibly they were thought to be lawful. (*See Gompers v. United States*, 233 U. S., 604.) By the constitution of the United Hatters the directors are to use "all the means in their power" to bring shops "not under our jurisdiction" "into the trade." The by-laws provide a separate fund to be kept for strikes, lockouts, and agitation for the union label. Members are forbidden to sell nonunion hats. The Federation of Labor, with which the hatters were affiliated, had organization of labor for one of its objects, helped affiliated unions in trade disputes, and to that end, before the present trouble, had provided in its constitution for prosecuting and had prosecuted many what it called legal boycotts. Their conduct in this and former cases was made public especially among the members in every possible way. If the words of the documents on their face and without explanation did not authorize what was done, the evidence of what was done publicly and habitually showed their meaning and how they were interpreted. The jury could not but find that by the usage of the unions the acts complained of were authorized, and authorized without regard to their interference with commerce among the States. We think it unnecessary to repeat the evidence of the publicity of this particular struggle in the common newspapers and union prints, evidence that made it almost inconceivable that the defendants, all living in the neighborhood of the plaintiffs, did not know what was done in the specific case. If they did not know that, they were bound to know the constitution of their societies, and at least well might be found to have known how the words of those constitutions had been construed in the act.

It is suggested that injustice was done by the judge speaking of "proof" that in carrying out the object of the associations unlawful means had been used with their approval. The judge cautioned the jury with special care not to take their view of what had been proved from him, going even farther than he need have gone. (*Graham v. United States*, 231 U. S., 474, 480.) But the context showed plainly that proof was used here in a popular way for evidence and must have been understood in that sense.

Damages accruing since the action began were allowed, but only such as were the consequence of acts done before and constituting part of the cause of action declared on. This was correct. (*New York, Lake Erie & Western R. v. Estill*, 147 U. S., 591, 615, 616.) We shall not discuss the objections to evidence separately and in detail, as we find no error requiring it. The introduction of newspapers, etc., was proper in large part to show publicity in places and directions where the facts were likely to be brought home to the defendants, and also to prove an intended and detrimental consequence of the principal acts, not to speak of other grounds. The reason given by customers for ceasing to deal with sellers of the Loewe hats, including letters from dealers to Loewe & Co., were admissible. (3 Wigmore, Evidence, sec. 1729, 2.) We need not repeat or add to what was said by the circuit court of appeals with regard to evidence of the payment of dues after this suit was begun. And in short neither the argument nor the perusal of the voluminous brief for the plaintiffs in error shows

that they suffered any injustice or that there was any error requiring the judgment to be reversed.

Judgment affirmed.

Mr. REED. I ask to put into the Record the veto message dated January 5, 1910, of Gov. Hughes, of New York, in which he vetoed the income-tax amendment.

The PRESIDING OFFICER. Without objection, that course will be pursued.

The matter referred to is as follows:

IN SENATE,

January 5, 1910.

SPECIAL MESSAGE FROM THE GOVERNOR SUBMITTING TO THE LEGISLATURE CERTIFIED COPY OF A RESOLUTION OF CONGRESS ENTITLED "JOINT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES."

STATE OF NEW YORK,
EXECUTIVE CHAMBER,
Albany, January 5, 1910.

To the Legislature:

I have received from the Secretary of State of the United States a certified copy of a resolution of Congress entitled "Joint resolution proposing an amendment to the Constitution of the United States," and in accordance with his request I submit it to your honorable body for such action as may be had thereon.

The amendment proposed by this joint resolution, adopted by two-thirds of both Houses of Congress, is as follows:

"ART. XVI. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States and without regard to any census or enumeration."

The power to lay a tax upon incomes, without apportionment, was long supposed to be possessed by the Federal Government and has been repeatedly exercised. Such taxes were laid and paid for the purpose of meeting the exigencies caused by the Civil War.

In 1895, in the case of *Pollock v. Farmers' Loan & Trust Co.* (158 U. S., 601), the United States Supreme Court decided that taxes on the rents or income of real estate, and taxes on personal property or on the income of personal property, are direct taxes and hence under the Constitution can not be imposed without apportionment among the several States according to their respective populations.

It was not the function of the court, and it did not attempt, to decide whether or not a Federal income tax was desirable. It simply interpreted the Constitution according to the judgment of the majority of its members and left the question of the advisability of conferring such a power upon the Federal Government to be determined in the constitutional method.

The limitations so placed upon the Federal taxing power are thus described by Mr. Justice Harlan in his dissenting opinion:

"Any attempt upon the part of Congress to apportion among the States, upon the basis simply of their population, taxation of personal property or of incomes, would tend to arouse such indignation among the freemen of America that it would never be repeated. When, therefore, this court adjudges, as it does now adjudge, that Congress can not impose a duty or tax upon personal property, or upon income arising either from rents of real estate or from personal property, including invested personal property, bonds, stocks, and investments of all kinds, except by apportioning the sum to be so raised among the States according to population, it practically decides that, without an amendment of the Constitution—two-thirds of both Houses of Congress and three-fourths of the States concurring—such property and incomes can never be made to contribute to the support of the National Government." (Id., pp. 671, 672.)

"Incomes arising from trades, employments, callings, and professions can be taxed, under the rule of uniformity or equality, by both the National Government and the respective State governments, while incomes from property, bonds, stocks, and investments can not, under the present decision, be taxed by the National Government except under the impracticable rule of apportionment among the States according to population. No sound reason for such a discrimination has been or can be suggested." (Id., p. 680.)

I am in favor of conferring upon the Federal Government the power to lay and collect an income tax without apportionment among the States according to population. I believe that this power should be held by the Federal Government so as properly to equip it with the means of meeting national exigencies.

But the power to tax incomes should not be granted in such terms as to subject to Federal taxation the incomes derived from bonds issued by the State itself, or those issued by municipal governments organized under the State's authority. To place the borrowing capacity of the State and of its governmental agencies at the mercy of the Federal taxing power would be an impairment of the essential rights of the State which, as its officers, we are bound to defend.

You are called upon to deal with a specific proposal to amend the Constitution, and your action must necessarily be determined not by a general consideration of the propriety of a just Federal income tax, or of giving to the Federal Government the power to lay such a tax, but whether or not the particular proposal is of such a character as to warrant your assent.

This proposal is that the Federal Government shall have the power to lay and collect taxes on incomes "from whatever source derived."

It is to be borne in mind that this is not a mere statute, to be construed in the light of constitutional restrictions, express or implied, but a proposed amendment to the Constitution itself, which, if ratified, will be in effect a grant to the Federal Government of the power which it defines.

The comprehensive words "from whatever source derived," if taken in their natural sense, would include not only incomes from ordinary real or personal property, but also incomes derived from State and municipal securities.

It may be urged that the amendment would be limited by construction. But there can be no satisfactory assurance of this. The words in terms are all inclusive. An amendment to the Constitution of the United States is the most important of political acts, and there should be no amendment expressed in such terms as to afford the opportunity for Federal action in violation of the fundamental conditions of State authority.

I am not now referring to the advantage which the States might derive from the exclusive power to tax incomes from property, or to the argument that for this reason the power to tax such incomes shall be withheld from the Federal Government. To that argument I do not assent.

I am referring to a proposal to authorize a tax which might be laid, in fact, upon the instrumentalities of State government. In order that a market may be provided for State bonds and for municipal bonds, and that thus means may be afforded for State and local administration, such securities from time to time are excepted from taxation. In this way lower rates of interest are paid than otherwise would be possible. To permit such securities to be the subject of Federal taxation is to place such limitations upon the borrowing power of the State as to make the performance of the functions of local government a matter of Federal grace.

This has been repeatedly recognized. In the case of *The Collector v. Day* (11 Wall., p. 127), decided in 1870, the United States Supreme Court said:

"It is admitted that there is no express provision in the Constitution that prohibits the General Government from taxing the means and instrumentalities of the States, nor is there any prohibiting the States from taxing the means and instrumentalities of that Government. In both cases the exemption rests upon necessary implication and is upheld by the great law of self-preservation, as any government whose means employed in conducting its operations, if subject to the control of another and distinct government, can exist only at the mercy of that government. Of what avail are these means if another power may tax them at discretion?"

In the case of *Pollock v. Farmers' Loan & Trust Co.* (157 U. S., pp. 584-585), Chief Justice Fuller said, referring to the tax upon incomes from municipal bonds, one of the matters there involved:

"A municipal corporation is the representative of the State and one of the instrumentalities of the State government. It was long ago determined that the property and revenues of municipal corporations are not subjects of Federal taxation. * * * But we think the same want of power to tax the property or revenues of the States or their instrumentalities exists in relation to a tax on the income from their securities."

In the same case, Mr. Justice Field said (id., p. 601):

"These bonds and securities are as important to the performance of the duties of the State as like bonds and securities of the United States are important to the performance of their duties, and are as exempt from the taxation of the United States as the former are exempt from the taxation of the States."

And the learned justice added, quoting from *United States v. Railroad Co.* (17 Wall., pp. 322, 327), as follows:

"The right of the States to administer their own affairs through their legislative, executive, and judicial departments in their own manner through their own agencies, is conceded by the uniform decisions of this court, and by the practice of the Federal Government from its organization. This carries with it an exemption of those agencies and instruments from the taxing power of the Federal Government. If they may be taxed lightly, they may be taxed heavily; if justly, oppressively. Their operation may be impeded and may be destroyed, if any interference is permitted. Hence, the beginning of such taxation is not allowed on the one side, is not claimed on the other."

While the justices of the court in the *Pollock* case differed in opinion upon the question whether a tax upon income from property was a direct tax and as such could not be laid without apportionment, they were unanimous in their conclusion that no Federal tax could be laid upon the income from municipal bonds. Mr. Justice White, who dissented in the *Pollock* case with regard to other questions, as to this said (157 U. S., on p. 632):

The authorities cited in the opinion are decisive of this question. They are relevant to one case and not to the other, because, in the one case, there is full power in the Federal Government to tax, the only controversy being whether the tax imposed is direct or indirect; while in the other there is no power whatever in the Federal Government, and, therefore, the levy, whether direct or indirect, is beyond the taxing power."

It is certainly significant that the words "from whatever source derived," have been introduced into the proposed amendment as if it were the intention to make it impossible for the claim to be urged that the income from any property, even though it consist of the bonds of the State or of a municipality organized by it, will be removed from the reach of the taxing power of the Federal Government.

The immunity from Federal taxation that the State and its instrumentalities of government now enjoy is derived not from any express provision of the Federal Constitution, but from what has been deemed to be necessary implication. Who can say that any such implication with respect to the proposed tax will survive the adoption of this explicit and comprehensive amendment?

We can not suppose that Congress will not seek to tax incomes derived from securities issued by the State and its municipalities. It has repeatedly endeavored to lay such taxes and its efforts have been defeated only by implied constitutional restriction which this amendment threatens to destroy. While we may desire that the Federal Government may be equipped with all necessary national powers in order that it may perform its national function we must be equally solicitous to secure the essential bases of State government.

I therefore deem it my duty, as Governor of the State, to recommend that this proposed amendment should not be ratified.

CHARLES E. HUGHES.

(From N. Y. Senate docs., 133d sess., 1910, vol. 1, No. 3.)

Mr. REED. I ask to put into the Record the veto message of Gov. Hughes in which he vetoed the bill which reduced charges upon street railways to 5 cents unless the public-service commission should see fit to give permission to raise the price above 5 cents. The message is dated May 23, 1908.

The PRESIDING OFFICER. Without objection, that course will be pursued.

The matter referred to is as follows:

[From public papers of Gov. Hughes, 1908, p. 93.]

Providing for a 5-cent fare on railroads, other than a steam or trunk line, within any city or village, unless the public-service commission gives its consent to an additional fare.

STATE OF NEW YORK,
EXECUTIVE CHAMBER,
Albany, May 23, 1908.

Memorandum filed with assembly bill No. 1603, entitled "An act to amend the railroad law in relation to the rate of fare."
Not approved.

This bill provides, in effect, that no railroad (other than a steam or trunk-line railroad) shall charge more than 5 cents for any continuous ride on the lines operated or controlled by it within any city or village, unless the public-service commission shall give its consent to an additional fare.

It is plainly intended to affect charges over existing lines. It establishes a maximum rate of 5 cents without regard to the length of the route or the reasonableness of such a fare. In other words, it is an arbitrary maximum imposed by legislative fiat. But it is clear that if the rate is not a reasonable one and if the requirement would operate as a confiscation of the company's property, the legislature can not impose it. The attempt to enforce such a rate under such circumstances would be abortive, as a successful appeal could be made to the courts. It is idle to suppose that the companies can be compelled to reduce their fares to 5 cents merely because the legislature says so.

Whether a 5-cent fare is a fair one depends upon facts and not upon sentiment, desire, or prejudice. Whether the result be agreeable or disagreeable, it inevitably will be reached only after the facts have been ascertained and considered. Justice requires this, and under the Constitution the requirement will be enforced.

The proper way to deal with these matters is to provide for investigation in which the whole subject can be considered, specious claims sifted out, and a result just both to the corporations and to the public arrived at.

It may be said that the provisions of this bill with regard to the Public Service Commission has this effect. But this is not the case. The bill provides for a flat rate of 5 cents unless the commission consents to a higher fare. It does not provide that the commission shall ascertain or fix a just and reasonable rate or that an increase shall be allowed because it is just and reasonable. Evidently the bill was drawn not to give the commission power to fix a just and reasonable rate but to fix a rate by statute with a provision for appeal from the legislature to the commission and without any proper indication of the conditions under which the appeal is to be heard.

This can only result in confusion, affording, as it would, opportunity for protracted litigation over the validity of such a statute and postponing the proper settlement of the real question involved.

It is highly important that we should have transportation in our cities at the lowest fair rates. It is desirable that in New York City there should be low rates from the congested quarters to the breathing spots in the outlying districts and by the sea. The sure way and the only way to make real progress in this direction is through the ascertainment of the essential facts and the making of reasonable rates in accordance with the facts. This bill is wrong in principle and is not adapted to secure the desired result. I can not approve it.

CHARLES E. HUGHES.

Mr. REED. In the light of these vetoes, I am wondering how long it would have taken him, if he had been President, to have made up his august mind as to the kind of legislation that ought to be enacted to settle this strike question, and how many long months the country would have suffered, and just how much it would have cost us to have had Hughes President instead of Woodrow Wilson.

There is one thing further I want to put in the RECORD, not because I indorse it, but because it is a very interesting contribution by an eminent lawyer—an article dealing with the legal phases of the child-labor law, by Mr. Fauntleroy, of St. Louis.

The PRESIDING OFFICER. Without objection, that course will be pursued.

The matter referred to is as follows:

The proposed enactment by Congress of a Federal law for the regulation of child labor in the several States would be a palpable violation of the Constitution of the United States. In fact, it would be revolutionary. I am heartily in favor of a strict regulation of child labor which would protect the health and welfare of all young children, but it is a right and duty that belongs only to the State governments. To allow the Federal Government to intervene in such matters would be to destroy the fundamental principles of our Government.

The regulation of child labor is a matter of internal-police power, and it is kindergarten constitutional law that the police powers are original inherent rights that belong only to the several States of this Union.

In the License Cases, reported in 5 Howard 504, the Supreme Court of the United States said: "But what are the police powers of a State? They are nothing more or less than the powers of government inherent in every sovereignty to the extent of its dominions." In the case of *Moore v. State of Illinois*, reported in 14 Howard 15, the Supreme Court of the United States, in their opinion written by Justice Grier, of Pennsylvania, said: "The power to make municipal regulations, for the restraint and punishment of crime, for the preservation of the health and morals of her citizens, and for the public peace has never been surrendered by the States, or restrained by the Constitution of the United States."

Knowing full well the utter unconstitutionality of this proposed Federal law, on account of its being a usurpation of the police powers of the States, its advocates have attempted to disguise it under the pretended application of the interstate-commerce clause of the Constitution.

Appending the word interstate to a law which is merely a usurpation does not give it any validity. Chief Justice Marshall, Chief Justice Chase, one of the founders of the Republican Party, and an orthodox Hamiltonian, and Chief Justice Waite, appointed by Gen. Grant, and also an orthodox Hamiltonian, have all said in delivering their opinions for the Supreme Court of the United States that the Federal Government is one of delegated, limited, and enumerated powers, and that the Government must look to the Constitution to find out what its powers can be. Its powers being all delegated, it has no inherent powers. Implied powers are not inherent powers. Any law passed by Congress in violation of the Federal Constitution is ultra vires.

There is nothing unhygienic or defective in the goods made by child labor. The attack is not made on the goods but on the employers of the makers of the goods. These goods in no wise endanger the health of the people of the several States of this Union. Their manufacture injures the health and education of the children who help to make them, but these matters are under the control of the States of which the children are residents, and not of the General Government.

The hypocrisy of the advocates of this proposed law is transparent. They are appealing to the sympathy of mankind for children, and are keeping arguments concerning interstate commerce in the background. They do this in order to get votes, because they know unless they do so they will fail.

The origin of this attempted law is the jealousy of the manufacturers of one State of those of another.

Every trust and monopoly in the United States has its headquarters either in Boston or New York. Lord Chief Justice Popham, of England, said monopoly was against common law and common right. The statutes of every State of this Union, as well as of the United States, make monopoly a public offense. Let some one introduce into Congress a bill forbidding the transportation through and sale in the United States of any article manufactured by a trust or monopoly and you will then hear a howl go up from Boston to Chicago, and this unconstitutional child-labor law will then die an early death. All centralizers and admirers of Chief Justice Marshall say that the greatest decision he ever rendered was *McCulloch v. State of Maryland*.

In that decision he says: "No political dreamer was ever wild enough to think of breaking down the lines which separate the States and of compounding the American people into one common mass."

As late as the year 1909 the Supreme Court of the United States, in the case of *Keller v. United States*, reported in 213 United States, 138, in an opinion written by Justice Brewer, an orthodox Republican and Hamiltonian, said: "To exaggerate in the one direction and restrict in the other will tend to substitute one consolidated government for the present Federal system. We should never forget the declaration in *Texas v. White* (7 Wall., 700), that the Constitution in all its provisions looks to an indestructible Union composed of indestructible States."

Thomas Jefferson, the master of the science of government, said, in his famous first inaugural address: "What I deem the essential principles of our Government and, consequently, those which ought to shape its administration, are the support of the State governments in all their rights as the most competent administrations for our domestic concerns and the surest bulwarks against antirepublican tendencies, and the preservation of the General Government in its whole constitutional vigor as the sheet anchor of our peace at home and safety abroad."

Do the American people wish to see our Federal Government turned into a centralized bureaucratic despotism?

CORNELIUS H. FAUNTLEROY.

ST. LOUIS.

Mr. REED. I also ask permission to insert in the RECORD, without reading, as a part of my remarks, an article by Mr. Benson.

The PRESIDING OFFICER. Without objection, that course will be pursued.

The matter referred to is as follows:

CHARLES E. HUGHES.

[By Allan L. Benson.]

We shall see, if we scrutinize the facts carefully, that the Republican Party this year has the same claim to the support of 90 per cent of the American people that a chicken hawk has to the support of chickens. A political party must be judged by its candidates, its platform, and the men who make its candidates and its platform. Judged by these standards, the Republican Party this year is particularly bad. Its candidates are the life-long servants of the plutocracy. Its platform is the last word in insincerity, hypocrisy, and rapacity. The men who made the candidates and the platform are the sort of men who like such candidates and such a platform. Roosevelt is thrown in as a supporter for good measure. Without Roosevelt, the element of insincerity in the Republican campaign could hardly have escaped observation. With Roosevelt, it blazes up like a burning haystack at midnight.

Mr. Hughes is the stalking horse of a group of bad men. It is the purpose of these men to throw this country on its back and pick its pockets. They have chosen Mr. Hughes to assist them because Mr. Hughes has, among persons who do not know him, a good reputation. It has always been the good fortune of Mr. Hughes to escape the censure that he deserved and received praise to which he was not entitled. As an ideal candidate of the grabbing class, he also has about him a certain air of religion. A religious atmosphere is a political asset. Mr. Hughes is not only the son of a Baptist clergyman, but in years gone by, he was the superintendent of the Sunday school of the Fifth Avenue Baptist Church to which the Rockefellers go to meet God. Mr. Hughes's respectability is further enhanced by the fact that to him still clings something of the aroma of the United States Supreme Court. Mr. Taft once said that, of all men, a judge occupied a position most like that of God. What wonder then that millions of the unthinking believe the Republican candidate for the Presidency to be a particularly suitable person to lead the fight in American against entrenched wrong?

It may surprise such kindly gentlemen to be told that Mr. Hughes is and always has been a fighter on the side of entrenched wrong. At the beginning of his career as a lawyer, he deliberately chose to support money as against men. Now money is supporting him.

Suppose we consider the concrete facts upon which these statements are based. Mr. Hughes, after his graduation from college turned to the study of the law. Desiring to enter the office of a firm of lawyers, he chose the office of Chamberlain, Carter & Hornblower, of New York City. Hornblower was a celebrated corporation lawyer, the New York Central Railroad Co. being one of his clients. He was also, and had been since 1880, an attorney for and one of the trustees of the New York Life Insurance Co., and as such trustee was the head of the committee that approved the "yellow-dog" fund with which the company molded legislation at Albany to its will. Mr. Hughes married the daughter of Mr. Carter, the senior member of the firm.

Mr. Hughes was admitted to the bar in 1884 and in 1888 became a member of the firm, the name of which was changed to Carter, Hughes & Cravath. Mr. Cravath is and for a generation has been one of the most eminent of corporation lawyers. Thomas F. Ryan was then building his great fortune, and Cravath helped him.

Mr. Hughes had not long been a member of the firm when a big case came his way. It concerned the question as to whether the electric light companies should obey the State law which required them to put their wire under ground. Mr. Hughes said they should not. A good many firemen had been electrocuted by the wires. The legislature had been moved to enact the law only because of the deep indignation of the people. Yet Mr. Hughes lent whatever powers he had to keep the wires

where they were. Property rights were at stake. Property rights must be defended. The court thought so, too, and decided against the city. The city appealed to a higher court which reversed the decision, and incidentally placed the following blister upon the back of Mr. Hughes and his associates:

"When it is apparent," said the higher court, "as in the case at bar, that the condition of the wires is such that they are dangerous to human life, and that any passer-by, without negligence on his part, is liable to be struck dead in the street, can it be said for a moment that the public authorities have no power to abate this nuisance and protect the lives of its citizens?"

The court also added that the companies "are without excuse, and when they claim that the destruction of these instruments of death * * * is an invasion of the rights of property, such claim seems to proceed upon the assumption that nothing has a right to exist except themselves."

Charles Evans Hughes was in favor of corporate wealth then; that was in 1889. Where does corporate wealth stand now as to Charles Evans Hughes?

Read something recently written that was not intended for the public. Read what the New York stockbrokers who receive the service of Paine, Webber & Co. were told about the middle of July. This is the way the railway interests regard the candidacy of Mr. Hughes:

"In addition to the ordinary considerations of values, there has arisen a particularly favorable element in the Republican candidacy of Mr. Hughes. His attitude toward the railroads in the past has been extremely reassuring and there is slight reason to doubt that his election would be followed by such constructive action as would seem most desirable to all who are interested in railway investments."

Does Wall Street's memory go back to the electric light suit of 1889 and all that lies between? It does. Is the class for which he was then for him now? It is. I have a means of getting information direct from Wall Street. In July information came to me that Wall Street regarded the election of Hughes as a certainty, and boasted that within a year from his inauguration we should be at war with Mexico. The "Street"—which means Rockefeller and Morgan—intends to put behind the Hughes campaign all the money it needs. Wall Street believes money settles all political questions. Wall Street is right. When men will not think, money talks. The men of America seldom think. They are too busy working for a bare living. Furthermore, too little that is worth thinking about is put before them in print. Wall Street sees to that. The capitalist interests, through the press, always obscure real issues and trump up fraudulent ones. Why should not money decide the election? It always has. The great capitalists, under President Wilson, have prospered wonderfully, not because of anything he has done, but because of what he has not done. If Mr. Wilson were to be reelected, the grafting game would still be good. Wall Street believes that if Mr. Hughes were to be elected the grafting game would be a great deal better. If the great capitalists care to put up enough money they can unquestionably "put Hughes over." We shall know after election precisely to what extent the great capitalists preferred Hughes to Wilson.

The fact that railway interests are using the Hughes candidacy to bull the market for railway stocks is therefore an indication of the unusual friendship that Mr. Hughes has shown for the railroads. Need we be in the dark as to the facts? Not at all. What did Mr. Hughes do when, as governor of New York, the legislature enacted a law limiting to 2 cents a mile the sum that any railway operating within the State might charge for hauling a passenger? He promptly vetoed the bill. Why? The reason he gave was that he did not believe the legislature had sufficiently investigated the question to enable it to say that 2 cents a mile was enough. He did not assert that he knew 2 cents a mile to be too little. Instead of approving the bill and putting upon the railroads the burden of proving that 2 cents a mile was not enough, he vetoed it and put upon the people the burden of proving that more than 2 cents a mile was too much. The burden is there yet. The people are loosely knit together and slow to act. The railway interests are closely knit together and act swiftly. The railway interests are now acting to bring about the election of Hughes. As the stock market bulletin says of Hughes: "His attitude toward the railroads in the past has been extremely reassuring, and there is slight reason to doubt that his election would be followed by such constructive action as would seem most desirable to all who are interested in railway investments."

Glanced at as mere lines of type, this is but a fine flow of language. Considered closely, it is more. What do investors in railway securities consider "most desirable"? Does the word "dividends" constitute an answer? If so, upon what do higher dividends depend? Can they depend upon anything else—the volume of traffic being constant—than higher freight and passenger rates? The railway interests can not expect the election of Hughes to increase traffic, which has already reached the physical capacity of the roads. Stripped down to plain English, then, the railway interests believe the election of Hughes would cause higher passenger and freight rates.

Is this an unwarranted assumption? If you believe it is, look at the Republican platform. A paragraph about which not much will be said during the campaign reads as follows:

"The entire transportation system of the country has become essentially national. We therefore favor such action by legislation or, if necessary, through an amendment to the Constitution of the United States as will result in placing it exclusively under Federal control."

Do you observe the word "exclusively" near the end of the last sentence? The railroads want no more meddling with their affairs by States. All corporations welcome the States when they can hide behind them. All corporations desire to hamstring the States when the States are more responsive than the Congress to the popular will. The railroads, believing it would be easier to control one Congress than 48 State legislatures, now want the legislatures to be deprived of their power to legislate in railway matters. The railway gentlemen are not to be blamed for their ability to see upon which side their bread is buttered. But what shall we say of the people if they butter the bread of railway shareholders by voting for Hughes?

The great corporations are quite right in turning from Mr. Wilson, who has served them tolerably well in many instances, to Mr. Hughes, who would doubtless serve them much better in each instance. When Mr. Hughes was governor of New York he heard that Congress had submitted to the State legislatures for ratification a proposed amendment to the Constitution authorizing the taxation of incomes. Mr. Hughes straightway got into action. With a magnifying glass of exceedingly high power, he discovered a flyspeck upon the proposed amendment. In a lengthy message to the legislature he called attention to the words "from whatever source derived" in the proposed amendment. These words, he said, would give the National Govern-

ment power to impose what would amount to a tax upon State bonds by compelling the holders of such bonds to pay a tax upon the interest received. Mr. Hughes tried hard to make his flyspeck appear to be a mountain, but failed. More than three-fourths of the State legislatures brushed his quibbling aside. Still Mr. Hughes tried, and his effort stands to his credit in Wall Street to-day.

Mr. Hughes, when he became governor of New York, found the people in ugly mood toward the great corporations. Mr. Hughes kindly offered a remedy. The transportation, light, power, telegraph, and telephone companies would be placed under State control. One public-service commission would keep the corporations in the city of New York in order. Another public-service commission would keep its heel on the corporations in the rest of the State.

These public-service commissions have been in existence ever since Mr. Hughes's time. They have yet to perform the act for which Mr. Hughes said he intended them. The governor nominates them, the senate confirms them, and the corporations rule them. They have fallen so low in public esteem that none will do them honor. The same plan has been tried in New Jersey with the same result. Instead of putting the corporations in their place and keeping them there, the corporations put the commissioners in their place and keep them there. What Mr. Hughes appeared not to think of has happened—the corporations control the commissions. The corporations are so fond of the commissions that Mr. Hughes created to "control" them that they placed a section in the proposed new constitution for New York in which public-service commissioners were made constitutional officers, and therefore unremovable by the governor or the legislature. This constitution, it may be remembered, when submitted in 1915 to the people for approval, was defeated by a majority of about 500,000. Yet many people believe that the Hughes public-service commission idea constitutes one of the reasons why he should be elected President of the United States.

Another jewel in the Hughes crown is the fact that he helped to do away with race-track gambling in the State of New York. He is entitled to credit for that. Some gambling continues, but that is the fault of the district attorneys who fail to proceed against the gamblers and the governor who fails to remove the district attorneys rather than the fault of Hughes. But why reward with the Presidency a man who honestly tried to do away with race-track gambling in New York? Has the Presidency become so cheap as that? Race-track gambling has been done away with in a number of States. Does anyone know the names of the governors who were in at the finish? Has anyone suggested that any of them be elected President? But did any of them also veto a 2-cent fare bill, and sting his State with a public-service commission that the corporations liked and the people detested?

But what about Mr. Hughes's part in the insurance investigation a dozen years ago? Well, what about it? What did he do?

Here is what Hughes did. He cross-examined the witnesses by asking questions suggested to him by an actuary. The insurance business is a highly technical subject. Hughes knew nothing in particular about it. An actuary coached him all the way. I doubt if Hughes knew exactly what he was doing some of the time. I am compelled to believe this in order to believe him honest. This is why: While the investigation was proceeding an official of one of the great companies whom I had long known in a friendly way said to me: "Hughes always stops when to press his questions a little further would bring out matters that none of the insurance companies want known."

Hughes's work as an investigator of the insurance companies probably did some good. I say "probably," because it is unlikely that anything of which so much has been made was entirely useless. But the value of the work was unquestionably much overestimated. The great fact is that the insurance companies are still charging too much for insurance, the policyholders are paying the money, and the companies are getting it. Besides this fact all others are of little consequence. The insurance companies are so tremendously powerful financially that if Hughes had really hurt them they would never have forgiven him. What insurance magnate is fighting Hughes now for what he did in 1905? Let Hughes or any of his friends name one.

The fact is that the men of greatest wealth are solidly lined up behind Hughes. If we were to believe newspaper reports, perhaps we should have to make an exception of John D. Rockefeller, Jr. The younger Rockefeller, according to the newspapers, has announced that he favors the reelection of Mr. Wilson.

I suspect that young Mr. Rockefeller is trying to hurt Wilson by taunting him with the Rockefeller indorsement. If young Mr. Rockefeller is against Hughes, he has changed since 1906, when he contributed \$2,500 to help elect Hughes governor of New York. Rockefeller and Hughes are both Baptists, and, as already stated, Hughes was once the Sunday-school superintendent in Rockefeller's church. Before Hughes went to Washington to live he and young John D. Rockefeller were frequently seen together in New York, and their actions indicated that they were warm friends.

But there are other reasons for believing that Mr. Hughes has not been deserted by the Rockefellers. Mr. Hughes chose for his campaign manager Mr. William R. Willcox. Mr. Willcox married into the Havermeyer family. Wall Street understands that he is private counsel for the Consolidated Gas Co., of New York. The Consolidated Gas Co. is a Rockefeller institution. It is the understanding in Wall Street that Mr. Willcox is very close to the Standard Oil interests.

Hughes and the great corporations have ever worked hand in hand, he helping them and they helping him. When he was governor of New York he vetoed a bill to reduce the fare from New York City to Coney Island from 10 to 5 cents. Also, during his term of office, a great many residents of New York petitioned him to remove District Attorney Jerome, who having been elected to office to prosecute the traction looters failed to do so. Hughes ignored the petitioners and permitted Jerome to remain in office. The people themselves, however, never forgave Mr. Jerome, their fallen idol.

The great capitalists evidently believed Hughes would be the kind of governor he was, as they contributed heavily to bring about his election in 1906. J. P. Morgan & Co. gave \$20,000. Levi P. Morton gave \$20,000 more. Andrew Carnegie, John D. Rockefeller, Jr., H. B. Hollins, and E. M. Wells each gave \$5,000. J. & W. Seligman and Kuhn, Loeb & Co. were among those who gave \$2,500 each. Charles M. Schwab, Edwin Gould, Jacob Schiff, William H. Moore, and Adolph Lewisohn gave \$2,000 each. The whole fund amounted to \$313,923.

So far as known no labor union contributed a dollar to this fund. If any labor union did contribute a dollar, it did not succeed in winning Hughes away from his Wall Street leanings. When Hughes became an associate justice of the United States Supreme Court he concurred in the decision that threatened to take away the homes of the striking Danbury hatters and turn them over to their employers. All that Hughes could do to take away the homes of these old men he did. The homes were saved only because organized labor raised a fund to save them.

It would therefore be risky to say of Hughes, as we sometimes say of a candidate, that he is better than the platform of his party. The Republican platform is exceedingly bad, but it is doubtful if it is so bad as that. Hughes is bad, not only because of his associations and his record, but because of the shameless insincerity with which he is trying to displace Wilson. He appears to be willing to do or say anything to get votes. If Democratic demagogues wave the flag, Hughes tries to wave it a little harder. When the Progressive Party went to pieces Hughes welcomed its traitor leader and sent a letter to the rank and file of the party urging them to "forget past differences" and come back to the Republican Party.

What a monstrous appeal! How can the Progressives, if they are honest—which most of the rank and file are—forget past differences? Those differences were differences of principle. They are as glaring now as they were in 1912. The Republican Party this year is in the hands of the same sinister interests that controlled it four years ago. If there were reasons why honest Republicans should quit the party in 1912, each of those reasons still exists. Yet Mr. Hughes insults honest Progressives by asking them to "forget past differences," thereby assuming that they left the Republican Party not on principle, but because of some miserable differences with its leaders. Mr. Roosevelt, having left the Republican Party to punish it, went back to it when he believed it had been punished enough. If every other Progressive were as shifty, selfish, and politically fraudulent as Mr. Roosevelt, the appeal of Mr. Hughes to "forget past differences" might be expected to have great effect. The Hughes appeal will have no effect among Progressives that are both intelligent and honest—and there must be many such.

Mr. Hughes betrayed his insincerity shortly after his nomination when he declared that every intelligent person knew that the present prosperity was destined to be short-lived.

I agree with Mr. Hughes that Mr. Wilson and his party did not bring the improved business conditions that exist. As to how long these conditions will remain, I do not know. Neither does Mr. Hughes know. If there is anything that neither Republicans nor Democrats know how to get or how to keep, it is improved business conditions. Business went to smash in 1907 under a Republican President. Another Republican President, Mr. Taft, was elected to make business good, but in four years he failed to do it. Then a Democratic President was elected to make business good. Mr. Wilson, in my opinion, is exceptional among Presidents for the fidelity with which he has proceeded to carry out the platform promises of his party. How worthless were these promises may be judged from the fact that notwithstanding Mr. Wilson's "achievements" business in this country was exceedingly bad until the European war dumped so much money into America that business had to revive.

The insincerity of Hughes's criticism of the temporary nature of the present "prosperity" is that he holds out the hope that if the country were to turn to him and his party such "prosperity" would become permanent. The Republican Party in 1904 did not know how to keep prosperity, or it would not have permitted the panic of 1907. The Republican Party in 1908 did not know enough to bring prosperity, or it would not have permitted the administration of Taft to pass without any prosperity. What has the Republican Party learned about prosperity since 1908?

The Republican platform opens with an attack upon Mr. Wilson's foreign policy, particularly as it pertains to the European war and the rights of neutrals. Mr. Hughes will not seriously contend that this even remotely touches the subject of prosperity.

The next paragraph has to do with Mexico. As an example of studied hypocrisy this paragraph could not well be excelled. The Republican Party has the audacity to "sympathize" with the people of Mexico because they have for three years been plagued with "bandits." The Republican gentlemen seem not to know that the Mexican people have for three years been making a tremendous effort to recover their land and other resources that American and other capitalists have obtained by means mostly fraudulent. The Republican gentlemen seem not to know that such banditti as have arisen are but the inevitable results of civil war in such a Nation. The hypocrites who wrote this plank denounce "the indefensible methods of interference" employed by the Wilson administration, and in the next breath pledge their aid "in restoring order and maintaining peace in Mexico."

Farther than that hypocrisy and cold cunning can not go. They are the last words in their line. And they have nothing to do with the matter of bringing prosperity to America and keeping it.

The platform next indorses the Monroe doctrine, but it indorses it no more strongly than does the Democratic platform. The Monroe doctrine can hardly be said to have anything to do with prosperity, and if it had, Mr. Hughes has nothing to teach Mr. Wilson about it.

Then comes a hypocritical line about "drawing more and more closely" the business relations between the United States and Latin America. If Latin America is any judge of American treatment of her, the line that American business men mostly try to draw about her is the noose. At any rate, the paragraph has nothing to do with prosperity.

The Republican platform stands for the retention of the Philippines, at least until about the time that Gabriel blows his trumpet. The Democratic Party in 1912 took the opposite view but broke its promise, and this year drops the subject, which is practical acquiescence in the Republican demand. Nor does this show how to hold prosperity.

The Republican platform is for "an adequate Army and Navy." So is the Democratic platform. The Republicans demand a higher tariff. So do the Democrats. The Republican Party demands "rigid supervision of corporations." Oh, how the corporations fear the Republican Party!

The Republican and the Democratic platforms both indorse woman suffrage, while leaving it to the women to go about the hardest way to get it, and the Republican platform has this gem:

"We pledge the Republican Party to the faithful enforcement of all Federal laws passed for the protection of labor."

There are no Federal laws in the interest of labor that amount to anything, and those that amount to nothing apply, for the most part, only to Federal employees and the District of Columbia. These laws the Republican Party pledges itself to enforce!

So the platform goes. The remainder of it has to do only with minor matters which have absolutely nothing to do with prosperity. Yet Mr. Hughes has the audacity to criticize Mr. Wilson because the present improved conditions are only temporary! When men of less renown than Mr. Hughes employ such cheap devices unkind persons sometimes call them demagogues. What can Mr. Hughes bring forward to prove he is not a demagogue? If he has proof he should submit it. If he knows how to bring and keep prosperity he knows more than his party has demonstrated up to this time that it knows. If he knows no

more about the matter than Mr. Wilson and the Democratic Party know common honesty should prevent him from scoring the President and holding out false hope. If Mr. Wilson is politically wise he will rub this subject in Mr. Hughes's face at every opportunity this fall. He will make Mr. Hughes tell what he knows about bringing and keeping prosperity, or he will make him admit, at least by his evasion of the issue, that he is something of a mountebank.

Mr. Hughes and his platform should command, on their merits, the solid millionaire vote. They should command nothing else. An American farmer or an American wageworker who votes the Republican ticket will thereby demonstrate his inability to tell his own interests from the interests of those who are robbing him. Yet the power of the great capitalists of America is so great that they will induce millions to vote the bread out of their own mouths!

Mr. KENYON. Mr. President, I have been suspicious at times that there was a filibuster in process of operation against the corrupt-practices bill. I confess that it is sometimes difficult for me to distinguish a filibuster, but I have my suspicions about this one. I want to say, however, that in the brief remarks I am about to make I am in no way trying to assist the filibuster against the corrupt-practices act, because I thoroughly believe in a corrupt-practices act, and hope that we may pass one at this session, though my hope is growing less. I think those upon this side who are filibustering, if they are, against the corrupt-practices bill, if the filibuster is directed against any corrupt-practices bill, are making a very great mistake; and I do not for one instant concede that they represent the Republican Party in so doing, or any large element of the Republican Party.

If this bill ought to be amended, both sides ought to meet it in a fair spirit and enact a law that would amount to something, and quit calling each other names. It is a case of the pot calling the kettle black. Both parties have been guilty of spending too much money in elections. We ought to have a corrupt-practices act unless somebody wants to buy the Presidency, and I do not believe that one party wants to buy it any more than the other.

But I did not rise for that purpose. I rose more to a question of privilege.

During my absence from the Senate some days ago the senior Senator from Louisiana [Mr. RANSDELL] said, as appears by the CONGRESSIONAL RECORD:

It is a curious fact that the State of Iowa is the only one of the States of the Union which showed an actual decrease in population at the last census; and, as I view it, if the distinguished Senator from Iowa [Mr. KENYON], who has so persistently fought appropriations for rivers and harbors, would study the situation carefully he would see that the future industrial development of his State will be vitally affected by the improvement and use, or the failure to improve and use, the waterways which run from the borders of his State to the waters of the seas.

Mr. President, this was in the nature of a mild rebuke to our State and to some of its representatives, a gentle hint that the State of Iowa would be more prosperous if it joined with the general raid upon the Public Treasury for river and harbor bills, a sort of philosophy that the prosperity of a State had some dependence upon the pork barrel. If it be true, of course, that large appropriations for rivers and harbors bring about great prosperity, and that the failure to secure them operates in the opposite direction, it would be supposed that the State of my good friend from Louisiana would be vastly more prosperous than the State of Iowa, because in securing appropriations I am sure no one is more deft or successful than the able Senator from the State of Louisiana.

It is a curious coincidence that just about the time that my good friend was admonishing us that we ought to join more heartily in securing these appropriations and regretting the decrease in population of our State, a committee from his State was in our State, a few days after that, studying agricultural conditions and studying how Iowa was making such a success of farming. I ask, without reading it, as I do not want to take up unnecessary time, that it be inserted in the Record.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The matter referred to is as follows:

LOUISIANA MEN TO VIEW IOWA FARMS.

DES MOINES, August 22.

Louisian agriculturists, business men, and newspaper correspondents will study farm conditions in Iowa from August 30 to September 3, it was announced here to day. The party, which numbers about 100, will visit Waterloo on August 30, coming to Des Moines the next day, going to Ames on September 2, and concluding their stay in the State at Des Moines on September 3.

The purpose of the tour, according to J. Z. George, acting general manager of the New Orleans Association of Commerce, is to study the advanced farming and dairying methods used by the farmers of this section, with a view to using the information in the promotion of scientific farming in the agricultural sections of Louisiana. The tour also includes the States of Illinois, Wisconsin, and Missouri.

Mr. KENYON. It is true, Mr. President, that there was some decrease in population in my State from 1900 to 1910; and I

insert in the RECORD without reading, an editorial from Wallace Farmer in relation to that subject. I will say a word about it later.

The PRESIDING OFFICER. Without objection, that course will be pursued.

The matter referred to is as follows:

WRONG IDEA OF POPULATION DECREASE.

While there has been much talk about the decrease in population in Iowa from 1900 to 1910, after all there was a falling off of only 7,982, which is very small. This, of course, was in the rural territory, and practically all the States showed a falling off in rural population. The urban population in Iowa gained 19.9 per cent from 1900 to 1910, while the rural population decreased 7.2 per cent. There was a decrease in the number of foreign-born population from 1900 to 1910 of 32,155. The total foreign-born population in 1900 was 305,920 and in 1910 it was 273,785.

Mr. KENYON. The people of Iowa have gone to most of the States of the Union. I know that there are cities in the State of the Senator for Louisiana populated almost entirely by Iowa people. In California every year they hold what is called an Iowa picnic, at which there are registered from 35,000 to 50,000 Iowa people. Our people have gone into the States of the Northwest and have helped to populate them.

Mr. President, it might be inferred from the statement of the Senator that we did not have in Iowa the high degree of prosperity that we should have. I want to insert in the RECORD a short article from the Des Moines Register, showing that in the year 1914 the crops of Iowa amounted to \$1,000,000,000, and the dairy products alone amounted to \$100,000,000. I will not stop to read this, but assume that it may be printed, without objection.

The PRESIDING OFFICER. In the absence of objection, that course will be pursued.

The matter referred to is as follows:

IOWA IN BILLION-DOLLAR CLASS BY HERSELF IN 1914—FARM CROPS ARE WORTH OVER \$1,000,000,000, WITH DAIRY PRODUCTS \$100,000,000—OTHER STATES DISTANCED—CORN CROP MILLIONS OF BUSHELS AHEAD OF ILLINOIS, THE NEAREST COMPETITOR—WORLD'S DEMANDS LARGE—HAWKEYE PRODUCTS TO COMMAND HIGH PRICES ALL ALONG THE LINE.

Iowa's farm crops this year are valued at more than \$1,000,000,000, and the dairy products, poultry, and eggs will yield \$100,000,000 additional, according to a statement issued yesterday by Howard N. Whitney, of the Iowa department of agriculture.

This year, in spite of a serious drought during the growing season, Iowa's leadership over other States of the Union as the greatest agricultural Commonwealth is more pronounced than ever. Her corn crop is 74,000,000 bushels greater than that of her nearest competitor for agricultural honors—Illinois. Indiana ranks third in the United States in the number of bushels of corn produced this year, yet Iowa's corn yield is two and one-third times greater than that of Indiana.

HAS LONG LEAD.

"Iowa also has a long lead over the other grain-producing States in her oats crop, which is 27,000,000 bushels greater than that of Illinois, which produced the second largest oat crop," said Mr. Whitney. "This year Iowa's wheat crop, both spring and winter, did not equal that of last year by about 5,000,000 bushels, but prices for wheat are running strong, and this year's wheat crop will undoubtedly be of more money value than that of last year. In 1913 the potato crop was almost a failure, but this year the crop totals over 13,000,000 bushels, which is about the average crop."

"The hay crop, while short in southern Iowa, was good in other parts of the State and totals 3,899,000 tons, valued at \$46,788,000. In fact, this year's field crops will be worth more than \$1,000,000,000. The dairy products and poultry and eggs will be worth another \$100,000,000. If to the field crops and the dairy and poultry products are added the value of live stock on farms the figures would total considerably more than \$1,000,000,000."

"WORLD'S FOOD SUPPLY.

"This magnificent contribution to the necessities of life from the fields and herds of Iowa is considered especially fortunate this year, when foreign countries are being devastated by war. Iowa will undoubtedly be called upon to furnish a large per cent of the world's food supply, and will profit accordingly."

"That Iowa should produce a corn crop of 379,000,000 bushels in this last season of unusual drought is significant of the fertility of the soil and the skill of the Iowa farmer. Iowa's corn crop for the last five years has averaged around 350,000,000 bushels, so that this year's crop is above the average, in spite of the fact that corn suffered seriously from the dry weather, especially in southern Iowa."

"GOOD PRICES FOR GRAIN.

"All of the grain crops will bring good prices this year. On October 1 the average farm price for corn throughout the United States was 69 cents, which would make the Iowa corn crop worth \$261,510,000. The Iowa oats crop totald 163,000,000 bushels and would be worth, according to October 1 prices, over \$60,000,000. The wheat crop, totaling 14,800,000 bushels, would be worth at October 1 farm prices \$13,383,000. The barley crop, totaling 9,980,000 bushels, would be worth \$4,990,000, and the rye crop, totaling 1,121,000 bushels, would be worth \$885,500. The potato crop, totaling 13,600,000 bushels, would be worth \$8,604,000, and the hay crop of 3,899,000 tons would be worth \$46,788,000."

"Iowa alone produces more corn than Nebraska, Kansas, and Oklahoma combined. She produces more oats than the total of the three States of North Dakota, South Dakota, and Missouri. In her poultry products she is again far in the lead, and is gaining steadily on New York and Wisconsin in their dairy output."

"Reports from over the State are to the effect that lands are not changing hands as generally as in the seasons past, and there is a big demand for farms to rent. Iowa farmers are in a position to hold their crops for the most advantageous prices, and there is evidence that next spring's prices will be unusually high."

Mr. KENYON. The Monthly Crop Reporter, February 29, 1916, giving the value of the 13 principal crops, gives Iowa \$295,202,000, and gives the State of my distinguished friend \$71,042,000. It may be remarked, parenthetically, that in the year 1914 Iowa outranked all other States in the Union in the value of crops.

From the same publication, January 1, 1916, I place in the RECORD a statement showing the estimated value of live stock, including horses, mules, cows, cattle, sheep, and swine, in the State of Iowa and the State of Louisiana:

Estimated live stock, Jan. 1, 1916.

	Iowa.	Louisiana.
Horses.....	\$166,320,000	\$15,826,000
Mules.....	6,710,000	15,972,000
Milch cows.....	81,374,000	10,027,000
Other cattle.....	104,827,000	7,980,000
Sheep.....	8,026,000	426,000
Swine.....	84,342,000	11,337,000
Total.....	451,599,000	61,568,000

It is sufficient to say that the value of Iowa live stock is approximately \$451,599,000 and of the State of Louisiana \$61,568,000, and the amount of money deposited in banks is something of a criterion as to the prosperity of a State.

In the State of my distinguished friend the money deposited in the national banks up to June 30, 1915, was \$40,337,000; the amount deposited in other banks up to June 30, 1915, was \$90,484,000; the amount deposited in national banks up to June 30, 1916, was \$55,384,000. The total deposits of the national banks in the whole State of Iowa for the year ending June 30, 1916, was \$203,162,000; in other banks, outside of private banks, \$364,744,000, making a total of \$567,162,744.

There is more money on deposit in the savings banks of Iowa than there is on deposit in the savings banks of all the Southern States combined.

I insert an editorial along this line taken from the Des Moines Register and Leader, which I ask may be incorporated in the RECORD without reading.

The PRESIDING OFFICER. Without objection, that course will be pursued.

The matter referred to is as follows:

[Editorial from Des Moines Register and Leader.]

Iowa produces greater abundance than any spot on earth the raw materials of wealth.

If it were not for the newspapers, Iowa would never know of panics. It is a very small town in Iowa where the local banks do not hold a million dollars of surplus farm money.

Iowa subscribes for more magazines, pays for more newspapers, maintains more chautauquas and lecture courses, buys more books, rides in new automobiles, and offers a better market for everything that ought to have a market than any equal population on earth.

Mr. KENYON. Mr. President, the fairest land the sun shines on to-day is that imperial domain between the great rivers. Iowa has advanced in the value of its farm land in the last 10 years more than any State in the Union. The production of its lands almost staggers belief. Iowa is first of all the States in the Union in the production of corn; it is first in the production of oats; first in the value of its live stock: first in its eggs and poultry; first in its hogs; first in the value of its horses; second in the production of hay. In the year 1913 Iowa's corn yield amounted to 338,300,000 bushels, and this was a poor year, being 93,721,000 bushels less than was raised in the State in 1912. In the year 1913 Iowa had planted to corn 9,956,000 acres; Illinois had planted to corn in the same year 10,450,000 acres; but Illinois produced some 50,000,000 bushels less of corn on more land, and this year the corn crop alone of Iowa will amount to 365,000,000 bushels.

In the year 1913 Iowa produced 168,360,000 bushels of oats; Minnesota stood second, with a yield of 112,644,000 bushels of oats.

In the year 1913 Iowa produced one-seventh of the total corn crop of the United States and one-tenth of the total corn crop of the world.

The Iowa hens in 1913 laid 1,170,596,792 eggs, and had a three months' vacation in the bargain. Enough eggs placed end to end to reach around the world and half way to the moon. The value of the poultry and eggs in 1913 in the State of Iowa was about \$38,000,000. That is more than the sugar-cane production of the State of Louisiana. This is more than the annual output of the gold mines of Alaska. Iowa's poultry, together with the egg crop, in a single year would buy 64,000 automobiles of the Ford variety.

In 1913 Iowa produced one-fourth of the total sweet corn, packed, of the world. Iowa has twice the number of swine of any State in the Union. Iowa people received last year about

\$28,285,249 for butter made in Iowa. Iowa's apple crop is exceeded only by the States of New York, Pennsylvania, Michigan, and Missouri. Iowa's berry crop is greater in value than that of any State west of the Mississippi River, except Missouri and California.

Iowa has over 95 per cent of its land tillable; its crop in 1914 was worth approximately \$1,000,000,000. The crop output of the United States that year was nearly \$10,000,000,000. The State of Iowa produced one-tenth of all that wealth.

Iowa has more banks than any other State in the Union, representing deposits of \$567,000,000, as I have heretofore said.

Iowa has the lowest per cent of illiteracy of any State in the Union; it has the greatest per capita wealth of any State in the Union; it has the smallest per capita indebtedness of any State in the Union, amounting to only 3 cents per capita.

A considerable percentage of the Members of Congress, I think of both the House and Senate, were born in Iowa and many of those who could not themselves be born in Iowa went to Iowa to get their wives.

According to the census of 1910 here are the values of the farm lands in a number of States, which I ask may be inserted in the Record.

According to the census of 1910 the value of all farm property in the State of—

New Hampshire	\$103,704,196
Massachusetts	226,474,075
New York	1,451,481,495
Iowa	3,745,860,544
Louisiana	801,220,988

The value of the land in these States, according to the census of 1910, was as follows:

New Hampshire	44,519,047
Massachusetts	105,532,616
New York	707,747,823
Iowa	2,801,973,729
Louisiana	187,803,277

Implements and machinery.

New Hampshire	5,877,657
Massachusetts	11,563,894
New York	83,644,822
Iowa	95,477,948
Louisiana	18,977,053

Value of live stock.

New Hampshire	11,910,478
Massachusetts	20,741,366
New York	183,090,844
Iowa	393,003,196
Louisiana	44,099,485

The average value of land for these various States, according to the 1910 census per acre:

New Hampshire, \$13.70, an increase over 1900 of 39.4 per cent.
Massachusetts, average value \$36.69, an increase over 1900 of 32.8 per cent.
New York, average value \$32.13, an increase over 1900 of 32 per cent.
Iowa, average value \$82.58, an increase over 1900 of 127.2 per cent.
Louisiana, average value \$17.99, an increase over 1900 of 84.7 per cent.

Average value per farm, 1910 census.

New Hampshire	\$3,833
Massachusetts	6,135
New York	6,732
Iowa	17,259
Louisiana	2,499

These figures are all from the census of 1910. Since that time Iowa lands have gone forward by leaps and bounds until today land with no improvement beside a fence is selling in the State of Iowa for \$150 per acre, while improved farms are selling from \$200 to \$300 per acre.

This is the State that my good friend the Senator advises to get prosperity in by securing more money out of the Federal Treasury.

There has never been a complete failure of crops in Iowa. Not only in agriculture is the State progressing, but in manufacture. In 1909 she ranked eighteenth in the States in the Union in manufacturing, but her manufacturing establishments now produce goods that nearly equal the grain production of the State in value each year, so that Iowa is becoming a manufacturing State as well as an agricultural State. There was a slight decrease in population, as shown in the last census, a decrease of some 7,000.

It has been questioned whether the census was properly taken, but, in any event, this was confined to the rural districts; rural population everywhere has been decreasing, and as Iowa is, above all else, an agricultural State, it was natural that she should suffer in this respect. The urban population gained 19.9 per cent from 1900 to 1910, while the rural population decreased 7.2 per cent. The lands have become so high that the farmer is unable to buy adjacent lands for his boys, and so sells his farm and goes to a country of cheaper land, but

they are already commencing to return, and many are simply trying to save money enough to get back into the old State of Iowa.

I ask to insert as a part of my remarks, without reading, a short article from Dr. Frank Crane, of Iowa.

The PRESIDING OFFICER. Without objection it is so ordered.

The article referred to is as follows:

OUR GOOD OLD IOWA AS DR. CRANE SEES IT.
[By Dr. Frank Crane—Copyright, 1914.]

If Congress were to offer me my choice of any State in the Union as a reward for my worth and modesty, I should say, unhesitatingly, "Give me Iowa."

Because Iowa is the most American State in the Nation. There are few millionaires, few paupers. No scum, no dregs, to speak of. They are just plain United States folks.

Iowa buys more first-class reading matter than any other State except New York.

Every 10 miles or so in Iowa there is a Chautauqua in the summer time. And where you find Chautauquas you find the people of the western world at their best.

If any foreigner wants to see what a real, genuine, dyed-in-the-wool United Stateser is, let him attend a Chautauqua.

Iowa is the new New England. New England is not New England any more. It is swamped, diluted, and washed out by immigrants.

There is about as much of the old Mayflower stock left in Massachusetts as there is old colonial furniture in Nantucket.

Boston is Irish, Worcester is Swedish, and Lowell is a little of everything.

Iowa is where the New Englanders that had snap have gone to. In a recent financial paper I note:

That the farms of Iowa are worth more than the farms of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Maryland, West Virginia, South Carolina, Florida, Alabama, Arizona, Utah, Nevada, New Mexico, Montana, and Wyoming combined.

The increase in value of Iowa farm land in the last 10 years is greater than the increase in value of all farm land in Montana, Idaho, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, Arkansas, Louisiana, and Oregon combined.

The Iowa corn crop is greater in value than the wheat crop of Canada or Argentine Republic.

The annual corn crop of Iowa is worth more than the annual yield of either iron ore, anthracite coal, petroleum products, or the products of all the gold, silver, or copper mines of the United States.

Iowa farm property is valued at \$3,745,000,000.

Iowa farmers own farm machinery valued at \$95,447,000.

Value of Iowa cattle \$118,884,000.

Value of Iowa horses, \$7,551,000.

Value of Iowa swine, \$69,693,000.

Value of Iowa mules, \$7,551,000.

Value of Iowa sheep, \$5,748,000.

Value of Iowa poultry, \$23,482,000.

Iowa last year made 93,911,906 pounds of butter in creameries, of which all but 6,978,000 pounds was exported from the State.

Iowa hens produced more wealth than Colorado's mines.

Iowa's per capita wealth, \$1,839.

Some State, believe me!

Mr. KENYON. I also ask to insert an article by J. Edward Kirbye.

The PRESIDING OFFICER. Such will be the order if there be no objection.

The article referred to is as follows:

THE CREED OF IOWA.

[By J. Edward Kirbye.]

I believe in Iowa, beautiful land of open and starlit skies, of opalescent clouds of heat and cold, sunshine and rain which vivifies our splendid soil and makes it respond to the wants of man.

I believe in Iowa, beautiful land of limitless prairies with rolling hills and fertile valleys, with winding and widening streams, with bounteous crops and fruit-laden trees, yielding to man their wealth and health.

I believe in Iowa, land of agricultural resources almost untold, of limitless opportunities for development of wealth and where the automobile and the latest achievements in the science of farming had a welcome in a hundred thousand homes.

I believe in Iowa, rich in her men and women of power and might. I believe in her authors and educators, her statesmen and ministers whose intellectual and moral contribution is the mainstay of the Republic—true in the hour of danger and steadfast in the hour of triumph.

I believe in Iowa, magnet and meeting place of all nations fused into a noble unity. Americans all, blended into a free people. I believe in her stalwart sons, her winsome women, in her colleges and churches, in her institutions of philanthropy and mercy, in her press, the voice and instructor of her common mind and will, in her leadership and destiny, in the magnificence of her opportunity, and in the responsibilities of her citizenship.

I believe in our Commonwealth yet young and in the process of making and palpating with energy and faring forth with high hope and swift step, and I covenant with the God of my fathers to give myself in service, mind and money, hand and heart to explore and develop her physical, intellectual, and moral resources, to sing her praises truthfully to keep her politics pure, her ideals high, and to make better and better her schools and churches, her lands and homes, and to make her an fact what she is by divine right, the queen of all the Commonwealths.

Mr. KENYON. I wish simply to say in conclusion that I want to invite my distinguished friend to come out to Iowa. We will show him the greatest agricultural college in the world, with 3,000 bright boys and girls learning the science of agriculture; we will show him the greatest agricultural fair of any State

in the Union; we will in the summer time pick up a Packard car from one of our prosperous farmers and drive him through miles and miles of fields of corn; we will show him thousands of acres where "Maud Muller on a summer's day" might draw a great inspiration "raking hay"; we will show him magnificent cattle and horses and hogs, chickens, eggs, potatoes, and everything that man might desire to see and know.

James G. Blaine, when once asked by some travelers of foreign nations as to what they should see in this country, replied: "The only advice I have to give is to see Iowa in the daytime in the harvest season." I want the Senator from Louisiana to take that advice. He will be satisfied that James G. Blaine was right; he will know that Iowa is indeed the beautiful land, and a cordiality of reception will be extended to him that will warm his heart. He will be convinced that the people of Iowa are not only attending to commercial and agricultural life, but they are engaged in the development of the highest ideals of citizenship. He will find schools, churches, colleges, homes and home lovers, builders of a mighty civilization.

He will be convinced of the truth of the epitaph upon the stone over the grave of one of Iowa's distinguished citizens in days gone by: "Iowa, the affections of her people like the rivers of her borders flow onward to an inseparable union"; he will also be convinced that—

God never made a better land
From the dawn of endless day;
He tried His hand on projects grand
Then made sweet Iowa.

Mr. THOMPSON obtained the floor.

Mr. RANSELL. Will the Senator yield to me for a moment.

Mr. THOMPSON. I yield to the Senator from Louisiana.

Mr. CLAPP. Will the Senator from Louisiana yield to me for a moment?

The PRESIDING OFFICER. The Senator from Kansas has the floor.

Mr. THOMPSON. I yield to the Senator from Minnesota.

Mr. CLAPP. Mr. President, I wanted to join in the invitation of the Senator from Iowa to the Senator from Louisiana to visit Iowa because that would partially fit him and reconcile him to the still grander development and splendor of Minnesota. If he would continue his journey one day northward from Iowa it would acquaint him with that which he is not accustomed to.

Mr. RANSELL. Mr. President, I thank the Senators from Iowa and Minnesota very cordially for their invitations and gladly accept them. I shall be delighted to visit Iowa at the first opportunity, and when there will go also to Minnesota. I know that they are two of our greatest States, and the only thing I ask of these Senators is that, after I have visited them, they shall come to Louisiana and see the finest and best of all the States in the Union.

I had not the slightest idea when I was making my general speech on waterways in response to Mr. HUGHES that I was going to stir up my Iowa friend to make a speech on his State. I was talking about waterways for the whole Nation, and he has made a speech on the glories of Iowa. No one knows these glories much better than I do, and let me tell you where I learned of them, principally from Iowa people who settled in Louisiana, and they never have gone back to Iowa to live. They were so happy and prosperous in Louisiana that they have stayed there. Those Iowa folks are the very best men in the world who went to Louisiana and helped to develop its splendid resources. They were heartily welcomed, and we will gladly receive as many more as desire to come.

Senator KENYON, let me tell you when your people sell their lands at \$300 to \$350 an acre and wish to invest in the best lands in America send them to Louisiana. You can not find such opportunities in States which are fully developed. A large percentage of the lands of Louisiana are in a virgin state.

I did not intend to tread on the toes of the Senator from Iowa in the slightest degree when I said there had been a diminution of population in his great State, according to the last census. I believe it is the only State that has fallen off some seven or eight thousand in population. Just why I do not know, but the Senator has made an argument which confirms everything that I said about the wisdom of improving waterways. There is a marvelous commerce in Iowa to move, and I was trying to persuade the Senator and others to develop the waterways of this country in order that commerce might move by water—the cheapest and the best of all known means of transportation.

You have a fine river, Senator, on your eastern and another on your western border, and also good rivers in your interior. You have to-day an agricultural commerce exceeding a billion dollars every year, according to your showing; and that vast

commerce requires capable transportation agents to move it. All that I asked of you in that respect and all I ask now is that we shall develop our waterways, which are much cheaper freight carriers than railways, that we shall not confine the people of Iowa or of the Union to railroads alone, but give them the competition which nature and nature's God intended they should have on their waterways, the best and the cheapest agencies of transportation on earth.

Mr. THOMPSON. Mr. President, I am sure we were all delighted with the remarks of the brilliant junior Senator from Iowa [Mr. KENYON] pertaining to the glorious things which exist in Iowa, and we were also delighted with the enthusiasm of the Senators from Minnesota and Louisiana for their States, but Kansas will be, as she always has been, glad to take care of the people from Iowa, from Louisiana, and from Minnesota as they gradually become dissatisfied there.

I must acknowledge that Iowa in some years past—I dare not say how many—did excel Kansas in one thing only, and that is in the women it produced. As the Senator from Iowa intimated, I went to Iowa for a wife, but it was not until after she became dissatisfied with Iowa and came to Kansas. That is the only thing I can think of now in which Iowa has ever excelled the great Sunflower State, and she has now lost out on this score.

Mr. President, I am exceedingly glad that the senior Senator from Oklahoma [Mr. OWEN] has insisted upon the passage of this corrupt-practices bill before the adjournment of Congress, for if there is any legislation of the greatest importance to the Nation at this particular time, just preceding a national election, it is a good, workable, and efficient corrupt-practices act. To wait until after the election would be like locking the stable door after the horse is stolen. I have no reference to the horse mentioned by my genial friend, the distinguished Senator from Arizona [Mr. ASHURST], upon yesterday. [Laughter.]

Mr. President, ever since I have been in the Senate I have been greatly interested in corrupt-practice legislation. Among my first official acts as Senator, on April 17, 1913, a short time after the special session convened, I introduced a corrupt-practice bill known as Senate bill 1177. After three and a half years' struggle with legislation of this character in the Senate and before the Committee on Privileges and Elections, on which I have the honor to serve, it was indeed a great pleasure to me to have the privilege on May 29, 1916, to finally report favorably Senate bill 5437. Shortly after that date the House bill we are now considering, H. R. 15842, was referred to our committee and it was reported a few days later by the popular and distinguished senior Senator from Indiana [Mr. KERN].

Mr. President, my special interest in this character of legislation was brought about because it was an issue in the campaign in which I was elected to the United States Senate. At the very commencement of that campaign at Melvern, Kans., where I spoke on the same platform with my opponent, the then governor of the State, Hon. W. R. Stubbs, I made this statement:

It is as much a disgrace for a candidate for President, by himself or others, to expend \$16,000,000 to secure election, as it is for a candidate for the United States Senate to expend \$100,000. No such expenditure can be honest or legitimate, and the man who makes it should be disqualified from holding the position he seeks, and certainly ineligible for a third term.

I have never changed my mind on the propositions there laid down.

Mr. President, I made that statement because at that time it was generally published and understood that the Roosevelt campaign of 1904 had cost the enormous sum of \$16,000,000. I made the other statement in reference to United States Senators, because my opponent was a millionaire, and it was generally reputed that he had spent \$50,000 to obtain the nomination for the Senate and would expend \$50,000 more to secure the election. My opponent immediately seized upon this statement and upon the position I took as one of the issues for the campaign. I challenged him then and many times afterwards upon the stump to keep a record of every item of expenditure, and of every dollar contributed, and I would do the same. He agreed to this. I regret that he did not keep his word to do so, as well as I, for, Mr. President, I did keep account of every cent received from every source and of every cent expended for every purpose, as the records in the office of the Secretary of the Senate show. The total expenditures amounted to \$5,991.32. My opponent, although a millionaire, and it was generally reputed that the election was to be bought, and it was known that money was lavishly spent everywhere, returned a statement showing an expenditure of only \$2,555.97. I am sure my distinguished colleague [Mr. CURTIS] will verify his expense

for telegrams alone that year, both before the primary and before the election, far exceeded the entire amount returned by him as expended during the two campaigns, for there was not a single prominent political worker in any precinct of the State who did not receive a long telegram the night before the primary and also before the general election; and at that time there were about 2,300 precincts in the State. If three workers, on an average received a telegram, at the lowest possible figure of 25 cents, this item alone would have amounted to nearly \$3,500, and no return whatever was made of it.

In his sworn statement, which I have before me, there is no return for automobile hire, for automobiles used at the primary and on election day in the various 2,300 precincts, and there is no return for railroad fare anywhere about the State; while it will be seen by the return made by me, which I also have here, that this total, \$5,991.32, includes telegrams, transportation, board, printing, railroad fare, postage, clerk hire, and everything else pertaining to the senatorial campaign.

Mr. President, if in a State 400 miles long and 200 miles wide, containing 2,300 voting precincts, and with a voting population of 350,000, you can legitimately conduct a campaign for the United States Senate and enter the 105 counties of the State in that campaign, there is no reason in the world why this bill should not at this time be passed. I know, from having kept track of every item, that such a campaign can be made for less than the amount which this bill permits as legitimate expenditures. "The proof of the pudding is in the eating." I know it can be done, and everybody knows it should be done.

Mr. President, my interest in this matter was such that, after I introduced the first bill, I addressed a letter to every secretary of state in the United States and to every State chairman of every political party in the various States of the Union as follows:

UNITED STATES SENATE,
COMMITTEE ON EXPENDITURES IN THE
DEPARTMENT OF COMMERCE,
November 16, 1914.

MY DEAR SIR: For legislative purposes I would be glad to know exactly or approximately the total amount of money expended by the Republican and Democratic State central committees in your State and National campaigns for the last three national campaigns, to wit, 1904, 1908, 1912, and by the Progressives in 1912. If you are unable to give me a statement or an estimate of these figures from the books or from memory, will you please refer me to someone who can.

Assuring you that I will fully appreciate any information you can furnish on this subject, and that I will gladly reciprocate the favor at my first opportunity, I remain,
Very respectfully,

I received a reply to nearly every letter; but to show the absolute necessity of a law of this character, I desire to state that there were very few States in the entire Union, either through their State officials or through political organizations, that were able to furnish the information which I sought.

In 1904 only 9 States were able to give me the amount received and expended by the Democratic Party, and only 7 States were able to give me the amount received and expended by the Republican Party. In 1912 only 14 States were able to give me the information as to the amount received and expended by the Progressive Party. For the benefit of the Senate and the country, I desire to give the result of my research in this respect and to insert in the Record, without reading, the amounts returned from the various States in response to my inquiry.

The PRESIDING OFFICER. Without objection, that course will be pursued.

The matter referred to is as follows:

Statement of election campaign expenses of political parties so far as reported.

	Democratic.	Republican.	Progressive.
Arizona, 1912.....	\$2,463.50	\$2,590.75	\$2,488.67
Arkansas:			
1901.....	2,500.00	5,000.00	
1908.....	2,500.00	5,000.00	
1912.....	2,500.00	5,000.00	5,000.00
California:			
1901.....		35,971.92	
1908.....		22,003.08	
Colorado:			
1904.....	50,301.44	148,264.92	
1908.....	40,008.93	34,045.00	
1912.....	21,141.98	13,227.80	17,557.23
Connecticut, 1912.....	12,000.00	29,000.00	8,000.00
Georgia, 1912.....	6,184.35	17,830.33	10,329.19
Idaho:			
1904.....	3,000.00		
1908.....	3,000.00		
1912.....	6,000.00	15,000.00	5,000.00
Indiana:			
1901.....		150,000.00	
1908.....		100,000.00	
1912.....		50,000.00	

Statement of election campaign expenses of political parties—Continued.

	Democratic.	Republican.	Progressive
Iowa			
1908.....	3,828.17	18,835.72	
1912.....	15,148.55	8,301.31	13,507.27
Kansas, 1912.....	22,281.85	11,396.91	
Maryland:			
1908.....	13,994.01		
1912.....	20,703.82		
Massachusetts:			
1904.....	60,673.25	38,040.41	
1908.....	2,591.20	50,502.72	
1912.....	29,747.22	97,359.00	52,059.78
Michigan:			
1904.....	6,500.00		
1908.....	5,790.00		
1912.....	15,000.00		
Montana, 1912.....	20,462.84		8,501.00
Nebraska, 1912.....		14,176.60	
New Jersey, 1912.....	17,877.20	38,095.98	
New York:			
1904.....	753,838.51	1,466,373.91	
1912.....	193,965.12	319,286.49	221,062.82
North Carolina:			
1904.....	(¹)		
1908.....	(¹)		
1912.....	(¹)		
North Dakota:			
1904.....	6,000.00		
1908.....	8,000.00		
1912.....	8,800.00		
Oregon, 1912.....	6,500.00	7,500.00	11,000.00
Pennsylvania, 1912.....	34,274.36	6,960.40	445,507.08
Virginia:			
1904.....	5,000.00		
1908.....	5,000.00		
1912.....	5,500.00		
Washington, 1912.....		14,000.00	
West Virginia, 1912.....		54,540.30	
Wisconsin:			
1904.....		19,473.00	
1912.....	13,553.81	7,473.52	8,347.46
Wyoming, 1912.....	17,604.75	22,043.99	6,955.58

SUMMARY.

Year.	Number of States reporting.	Total.
Democratic Party:		
1904.....	9	\$512,893.94
1908.....	11	454,605.89
1912.....	20	463,104.60
		1,430,604.43
Republican Party:		
1904.....	7	1,129,937.20
1908.....	7	963,573.47
1912.....	19	724,782.83
		2,818,293.50
Progressive Party, 1912.....	14	415,316.08
Grand total.....		4,664,214.01

¹ State only.
² For 1904 and 1908, inclusive.
³ Estimated \$2,000 to \$3,000 for each campaign.
⁴ Progressive.

Democratic Party in 9 States.....	\$512,893.94
Republican Party in 7 States.....	1,129,937.20
1908.	
Democratic Party in 11 States.....	454,605.89
Republican Party in 7 States.....	963,573.47
1912.	
Democratic Party in 20 States.....	463,104.60
Republican Party in 19 States.....	724,782.83
Progressive Party in 14 States.....	415,316.08

Total amount expended by all parties in the States reporting..... 4,664,214.01

Mr. THOMPSON. But with this limited information, which is all I was able to get, there is shown in these few States the use of money by the Republican Party largely in excess of any other party. It is shown that in these few States there was an expenditure of \$4,664,214.01 for the years which I have mentioned, so far as there was any record to show, and it is safe to say no record was kept of many of the expenditures.

But from the information we have received as the result of the great investigation in the year 1912, carried on by the distinguished Senator from Minnesota [Mr. CLAPP] as chairman, who, I am sure, we all regret will not remain in the Chamber after next March, there is such an enormous expenditure of money coming from suspicious sources as to constitute a scandal in the political life of the Nation. So, I say that now, before

the election, before the horse is stolen, is the time that this bill should be passed; and, if the filibuster being conducted on the Republican side of the Chamber will cease, we can pass this legislation and receive the approbation of an anxious public who want an honest election this fall. If this bill fails to pass, it will be the fault of the Republicans, and the public will understand the motive. If it fails by reason of their filibuster permitted by the rule of unlimited debate, it will furnish another reason for cloture, which is the next reform to be established by the Democrats of the Senate.

While all political parties have used more money than they had any right to use under the law, or in good conscience, or according to the rules of good conduct, and what is best for the Nation, we should all join together now in aiding the distinguished Senator from Oklahoma in passing this bill, which is the most vital piece of legislation yet to be enacted by this Congress, in order that we may have an effective law that will do some good in the coming election.

Now, Mr. President, without reading, I desire to have printed as part of my remarks an editorial from the Wisconsin State Journal, a Republican paper, demanding that Congress pass the Owen bill, and pass it before adjournment.

The PRESIDING OFFICER. Without objection, that course will be pursued.

The editorial referred to is as follows:

[From Wisconsin State Journal of Sept. 5, 1916.]

PASS THE OWEN BILL.

On the first day of the first session of the Sixty-fourth Congress a bill was introduced, prepared by Senator OWEN of Oklahoma, known as the corrupt practices prevention act. This bill was later amended, reintroduced by Senator OWEN, and favorably reported on May 18, 1916. The avowed purpose of this act was to prevent the control of the election of the President, Vice President, Senators, and Members of the House by the corrupt use of money.

On July 15, 1916, the Senate Democratic conference made this measure a part of its legislative program. Under the rules of the Senate permitting unlimited debate and preventing the Senate from determining when it may dispose of a matter by a vote so much time has been consumed that the enemies of this corrupt practices act are now trying to prevent any action on it by taking advantage of the impatience of Senators who are up for election and who naturally desire to go home and take active part in their own campaigns.

The Senate ought not to adjourn until this bill has been acted upon. The country remembers the scandal a few years ago in which evidence of a somewhat overwhelming character was introduced to show the purchase of a seat in the Senate, which was only vacated after two strenuous contests.

Under the present Federal law there is no adequate control of corrupt practices in relation to the election of the President or of Senators or of Members of the House. The acts of 1907 and 1910, the amendment of 1911, and the act of 1912 do not apply to acts within a single State; they leave loopholes through which elections may be corruptly influenced without publicity and without punishment.

The Owen bill now before the Senate forbids private persons from contributing more than \$5,000 to influence Federal elections; forbids any person from spending more than \$50 without giving it publicity; forbids money from being sent from one State to another; limits the amount which may be expended by the national committees and by the candidates themselves; gives an immunity bath to witnesses, and then compels them to give evidence, and thereby exposes violators of the law to the law to the danger of its penalties. It makes corrupt practices under the law punishable as a felony and forbids a candidate retaining office if he be found guilty of violating the statute.

The House of Representatives has passed a corrupt-practices act along similar lines, and the matter is now before the Senate. The bill ought to become a law.

Mr. THOMPSON. In this connection, Mr. President, I ask to have printed as part of my remarks the comment made generally by the press of my State upon the statement of my contributions and expenditures during the campaign of 1912.

The PRESIDING OFFICER. If there is no objection, that course will be pursued.

The matter referred to is as follows:

COMMENTS APPEARING IN PAPERS OF KANSAS CONCERNING SENATOR THOMPSON'S CAMPAIGN STATEMENT.

Judge WILLIAM H. THOMPSON, of Garden City, Kans., the successful Democratic candidate for the United States Senate, has just completed and forwarded to Washington his statement of campaign contributions and expenditures, as required by the new publicity law passed by Congress. While this law provides for making public all contributions, it excludes a large number of expenditures which may be made by any candidate and not accounted for, the law providing that candidates need not account for—

"Money expended by any such candidate to meet and discharge any assessment, fee, or charge made or levied upon candidates, or for his necessary personal expenses, incurred for himself alone, for travel and subsistence, stationery and postage, writing or printing (other than in newspapers), and distributing letters, circulars, and posters, and for telegraph and telephone service, shall not be regarded as an expenditure within the meaning of this section, and shall not be considered any part of the sum fixed as the limit of expense and need not be shown in the statements required to be filed."

The law limits the expenditures of candidates for Representative in Congress to \$5,000 and the expenditures of candidates for the United States Senate to \$10,000, but it excludes all of the above items mentioned in the quotation. Judge THOMPSON, however, has kept a complete record of every item of expense, including his own personal expenditures for railroad fare, hotel bills, livery, hack and street car fare, clerical work, postage, advertising, telephone and telegraph, and printing. In fact, every item of his expense and accounting for all these items he

has only spent a little over one-half of what the law allows. His total expenditures for all campaign expenses before the primary, \$1,813.62, and for 30 days after the primary until the campaign for election commenced, \$342.95, and all expenses before the election, \$1,872.80, and for 30 days after the election and including all items not theretofore accounted for, \$1,924.75, making a total of \$5,953.12. His total contributions from all sources, \$2,500 of which was contributed by the State committee and \$572 by the national committee and the balance by popular subscription of personal friends, amounted to \$3,500.75. Judge THOMPSON in his statement has given the names and addresses of every contributor from \$1 up, and has given a complete statement of all the expenses and for what purpose by both himself and the State committee. This is the most complete statement filed by any candidate for the Senate or House in the United States. The only item he would have had to account for under the strict letter of the law would have been \$805.42, advertising in newspapers.

Knowing now that every item can be accounted for and that a successful State-wide campaign can be made for a reasonable expenditure, it is Judge THOMPSON's intention to introduce into Congress a bill providing that all candidates for the House and Senate shall hereafter account for every cent received and every cent paid out, personally and otherwise, and making a false statement in this regard sufficient for a removal from office. In short, he will endeavor to have the old law amended by striking out the above exception.

The principal items of expense shown by the statement are as follows: Printing, \$1,862.40; advertising in newspapers, \$805.42; postage, \$1,040.50; personal expenses, hotel bills, railroad fare, livery and hack, \$1,085.25; clerical hire, \$725; telephone and telegraph, \$95. It will be observed that his statement shows that he personally expended \$2,392.37 above all contributions and help received from the State and national committees.

EIGHT-HOUR LABOR LAW.

Mr. THOMPSON. In conclusion, Mr. President, I desire to have printed in the RECORD an editorial, which I have had some little trouble in getting in, but I do not think now that the Senator from Utah will deny me the privilege that he has extended to every other Senator upon the floor to have printed as part of my remarks, from the Washington Post of September 1 entitled "Stopping the Strike." While it is a little late, yet it answers the argument of the senior Senator from New Hampshire [Mr. GALLINGER] made this afternoon.

The PRESIDING OFFICER. Without objection, the editorial will be published in the RECORD.

The editorial referred to is as follows:

[From Washington Post of Sept. 1.]

STOPPING THE STRIKE.

The progress made yesterday with emergency legislation in Congress makes it almost a certainty that the strike scheduled for Monday morning will be called off. There is little fear that the strike will occur at any rate, for even if the legislation be not perfected by Monday morning it has abundantly shown the good faith of the administration and Congress in trying to remedy the situation. To permit the strike to occur in these circumstances would be a colossal blunder which the shrewd leaders in charge of the brotherhoods would hardly be capable of committing. They have not pursued a course which gives rise to any such apprehension.

There is nothing in the Senate and House bills which need delay a prompt agreement between the two Houses. The public cares nothing for the details of the bills. All it wants at this time is a law that will prevent the strike. The simpler the law the better, since it is acknowledged to be merely emergency legislation, to be followed at leisure by a thorough consideration of the labor situation in interstate commerce.

There is widespread expression of a feeling that the Government has been coerced into enacting the eight-hour law, and many persons and newspapers condemn the President and Congress for "surrendering" under duress. Mr. Wilson, however, has kept steadily in mind one great purpose, and that is to prevent the threatened strike. He is about to succeed, with the help of Congress. This fact counts for more than all the criticism that can be brought against it. Laws can be amended or repealed, but a nation-wide strike, once in effect, could not be called off before it had worked immense loss and hardship. It is the old alternative of clinging to a theory or facing and mastering a condition. The stopping of the strike will be counted to the President's credit. There need be no fear that the integrity of the Republic is destroyed or that Americans have proved themselves to be no longer independent and self-governing. In the end justice will prevail, and neither the brotherhoods nor the managers will get anything that they are not entitled to.

It should not be forgotten by the pessimists who think the granting of an eight-hour day is a blow at the sovereignty of the United States that the Government itself established the eight-hour day without any compulsion or influence from organized labor. It may develop that the eight-hour day in railroad service is a just reform, in the interest of public safety as well as in recognition of the rights of labor. Certainly the new standard will tend to cut down overtime and thus reduce the danger of accidents through the overtaxing of trainmen. If this much is clearly established, it will be worth all its cost in the shape of increased freight rates. The increase of rates necessary to cover the cost of the new standard will be so small per capita that it can not even be honestly figured in the cost of commodities. Dishonest men will use it in an effort to boost prices, of course, just as they have used the excuse of the European war or a revision of tariff rates. But vigilance on the part of consumers will soon expose and frustrate such attempts.

In a nation that counts its producers by the millions and the value of its products by the billions a change of a few cents a day in the wages of trainmen is imperceptible. The stoppage of the Nation's activities for a single day would represent more money than the wages of the trainmen for a year.

Mr. SMOOT. Mr. President, I desire to say—

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

Mr. THOMPSON. I do not yield at this time, Mr. President.

The PRESIDING OFFICER. The Senator from Kansas declines to yield.

Mr. THOMPSON. I ask also to have printed as part of my remarks an article appearing in McClure's Magazine of November, 1911, by A. Z. Blair, entitled "Seventeen hundred rural vote sellers."

The PRESIDING OFFICER. Without objection, it is so ordered.

The article referred to is as follows:

SEVENTEEN HUNDRED RURAL VOTE SELLERS—HOW WE DISFRANCHISED A QUARTER OF THE VOTING POPULATION OF ADAMS COUNTY, OHIO.
[By A. Z. Blair, judge of the seventh district of the common pleas court of Ohio.]

[The corruption of the voting population of large American cities is a commonplace of current political history in the United States. A similar condition has from time to time been shown in some rural communities, but never thoroughly described. The following article is written by the judge who has just conducted a trial resulting in the most remarkable revelations of corruption in a rural electorate that were ever made in this country.—EDITOR.]

The writer has just completed in his court the conviction and disfranchisement of one-quarter of the electors of Adams County, Ohio, for selling their votes at the last election. This matter has excited much attention throughout the Nation. Now that the work is finished, the writer, as presiding judge, is for the first time at liberty to describe it. In justice to the county where he has spent most of his active life and to the Nation at large he should do so. If, as he has been credibly informed, conditions similar to those in Adams County exist in other sections of the country, his narrative may be of value.

Our county in southern Ohio is populated by as old and excellent American stock as any in the United States. Whatever the case may be concerning the venality of the foreign-born population in great cities, no such condition enters into the discussion of her case. In Adams County but 1 person out of 25 is of foreign parentage, against 1 out of 3 in the country at large; and but 1 man in 100 is a negro, against 1 in 8 in the United States as a whole.

Adams County was settled by Revolutionary soldiers from Virginia, and a great part of the present population is descended from them. As originally established, after the Revolutionary War, it included most of the Virginia military lands, which had been set aside by Congress for the State of Virginia to divide into farms for her soldiers. Out of this original territory have come some of the ablest men of the Nation. Gen. Grant was born here, and here was the home of Senator Allen G. Thurman. Eight governors and five United States Senators of Ohio have been chosen from this territory. To journalism it has contributed Whitelaw Reid, the present ambassador to England, and the late John A. Cockerill; among recent legislators, ex-Senators Joseph B. Foraker and Albert J. Beveridge.

A CENTURY OF BITTER POLITICS.

This original territory of Adams County has been embroiled in political strife ever since it was settled. The Virginia military lands formed a sort of quadrangle, bounded by the Ohio, Scioto, and Little Miami Rivers, and with its northern line a little north of Columbus. It was a part of the Northwest Territory. On either side of the Virginians were settlers from the North, largely from New England. The New Englanders were Federalists; the government of the Territory was Federalist. The Jeffersonians in the Virginia military lands very soon came into conflict with their neighbors in the bitter controversies over the theory of government which followed the Revolution.

Their theoretical differences brought more than theoretical results to the residents of Adams County. The two oldest settlements in Ohio, Cincinnati and Marietta—made by Federalists—were protected by forts against the Indians. Manchester, the county seat of Jeffersonian Adams County, which was the third settlement in the State, was given no fort, and the county was the scene of bloody Indian wars. The name of a Federalist President was forced upon it; and finally the Federalist governor of the Territory arbitrarily moved the county seat from Manchester and placed it in a hamlet which he named Adamsville, but which the Virginians of Adams County refused to call anything but "Scantville" during its existence.

The intense political feeling of the Virginia stock showed itself in the fights over the framing of the constitution of Ohio and in the control of the State on its admission to the Union. Their county lay along the Mason and Dixon line—a political hotbed—and the spirit of partisanship that developed after the Revolutionary War has never abated. Political loyalty has amounted almost to a passion with the residents of the county. When the original county was cut down into the much smaller county of to-day no part of it retained this spirit more strongly than ours.

There was no purchasing of votes, however, previous to the Civil War; there was no need of it; the county itself was too strongly Democratic. But the Civil War made a great change. Although the population of Adams County was Democratic, it was intensely loyal to the Union. It has been said that it furnished more Volunteer soldiers in this war in proportion to its population than any other county in the North. Its largest town, Manchester, with at that time 841 people, by actual records, furnished 114 soldiers. These young men, after associating with the other soldiers of the Union Army, came back Republicans. The parties were now closely divided in Adams County, and the same old bitterness remained and was intensified. The buying and selling of votes began at that time. I have been familiar with this condition since I was a boy, and, as I shall speak of how other people were connected with the wholesale vote buying, it is but just that I should bare to public gaze the part I myself have taken in it. Whatever the humiliation may be in the eyes of my countrymen, it is only right that I should do this.

MY INITIATION BY MY SCHOOL-TEACHER.

I was born in 1861, in Highland County, a part of the original Adams County, about a mile north of the present Adams County line. I was an active boy, and, like most active boys in our section, I very early got into politics. The first experience I had in buying votes was at the solicitation of my school-teacher. I had at that time left school, being about 21 years old; but as this man had been my teacher for most of my school days, I was glad to help him. He desired the election to the office of probate judge, on the Democratic ticket, of a

candidate who would appoint his brother-in-law examiner of school-teachers for Highland County.

With my former teacher and his relative, who was a candidate for school examiner, I had charge of the Democratic campaign in Jackson Township. This was a "money fight," as we call those campaigns in which votes are freely bought. I myself took part in the buying of votes. In the evenings the hired man on my father's farm and I would go out quietly and arrange to secure votes. Our candidate was elected for probate judge, and my teacher's relative was appointed examiner. He was advanced in politics and now holds a high position in the Federal Civil Service Commission at Washington.

My initiation into this kind of politics may seem strange. On the contrary, it was typical. At that time the practice of wholesale vote buying had become a fixture in our politics, and the generation of voters to which I belonged had come to regard it as the natural and usual thing. They knew of no other kind of election. Men discussed openly before their boys the prices for which votes were sold; and the boys, hearing the older men in the families discussing the transactions in this way, were drawn into it as a matter of course.

It must be remembered, too, that during this period, when the buying and selling of the votes of the entire county became fixed upon us, the practice was not prohibited by any law. Under the present constitution of Ohio, adopted in 1851, common-law offenses are not recognized as crimes, but only such acts as are made criminal by statute. From 1851 to 1889, when the first statute on the subject was passed, it was no offense to pay electors for their votes; from 1851 to 1891 it was not an offense for an elector to take money for his vote. In the meanwhile the two parties had firmly established the custom of buying and selling votes.

Vote buying on a large scale in Adams County began in the election of 1867—the year when Rutherford B. Hayes and Allen G. Thurman ran for the governorship of Ohio. This was a time when feeling ran very high. On one side, the Democrats fought for their inherited political faith, with an intensity heightened by the fear that they would lose control of the county. On the other hand, the Republicans, with a ticket of Union war veterans, fought with much of the feeling aroused by the recent war. Votes were bought on a considerable scale then. But it was done quietly. In 1871 there was a bitter local fight over the location of the county seat, between Manchester, the largest town, and West Union, which had been the county seat for 60 years before. The buying of votes in that year was an open and accepted fact. From that time on it became established as a commonplace practice.

THE TWO CLASSES—BUYERS AND SELLERS.

When I myself began my lifelong participation in the politics of the county the custom was thoroughly established. It is, rightly, considered evidence of an extraordinary and horrible condition that we should have convicted a quarter of the voters of our county of selling their votes. But this does not by any means represent the real state of affairs. It is much better shown by a careful examination of an average election precinct of the county, which was made during our recent investigation by some of the best-informed men of each party in the precinct. These men found that 85 per cent of all the electors who cast their votes at the election last fall had at some time in their life been engaged in either buying or selling votes. Of the remaining 15 per cent, 4 per cent were either first voters or men who had lately moved into the precinct, leaving but 11 per cent who were guiltless of this practice.

From the time when I entered politics, in my boyhood, the voting inhabitants of Adams County were divided into two classes—buyers and sellers of votes. The guilt of these classes is the same, both morally and before the law; but it is a fact, well established by the court proceedings we have just gone through, that the buyers and sellers of votes have come from very different classes of the population.

The vote-buying class included, from the time of my first knowledge, many of the otherwise most reputable and trustworthy members of the population. They were men of sound metal—men who would stick by you and whom you could rely on. Church members, merchants, county and school officials were in this class. The intense feeling which started with the foundation of the Republic, and which was intensified by the Civil War, drove the men who had genuine interest in government to make party politics a continual bitter warfare. So bitter was the partisanship in this class that it was not an uncommon thing to see a young man with a family, and with no property or means of his own on earth, take the last cent out of his pocket, when the funds in his election precinct were low, or even go to the bank and borrow money, and give it to his party to buy the vote of some vote seller which was still for sale.

The other class in the electorate, the sellers, were largely of the poorer people in the community. A few of them—like old Billy Grooms, of West Union—were men with some property, generally land; but the majority of them were younger men, either unmarried, or, if married, men who owned no property. Many of them were farm laborers. They were not foreigners, however, as has been wrongly stated; most of them were of the same native stock as their neighbors. They were the more careless members of the community—the men who had not much interest in government.

Between the buyers and sellers of votes, a very large percentage of the voters turned out at election time. At least a quarter of the whole population in Adams County votes, a very much larger proportion than in most places. In New York City, for example, less than a seventh of the population votes. But everybody has voted in Adams County who could. The buyers turned out to carry on their old political fight; the sellers came out to get their money. Men who had moved into other parts of the State kept their residence in Adams County for years so as to come back at election time, either to help their party or to sell their vote. Politics was a chief source of conversation, and the excitement at election time not infrequently culminated in murder.

A RACE OF SCHOOL-TEACHERS IN POLITICS.

There was another reason why the people of Adams County were so concerned with politics. It had an influence on their lives in a peculiar way. The county lies on the north bank of the Ohio River; the little streams emptying into the river cut it with ridges north and south. And when the railroads were built east and west they went to the north of us to avoid our hills and valleys. Adams County, therefore, has to-day the only county seat in Ohio without a railroad; and it was not until the eighties that its one railroad—the present Norfolk & Western—cut across its extreme northern border.

For this reason there was no manufacturing development in the county. Its largest town to-day has only 2,000 inhabitants. The

young people were compelled either to work on the farms or to get into some profession. The ambitions and traditions of their stock drove them very largely to take up the latter. I have traveled considerably through this country, and everywhere I have found in the professions men who were natives of Adams County. I doubt if any county of its size has ever produced a larger number of professional men.

The usual first step into professional life in Adams County is to become a school-teacher. There are many poor families living in log huts in the county in which you can find one or more young people with the certificate of school-teacher. The county itself employs only about 125 teachers; yet I have known times, during summer vacations, when nearly 600 teachers from homes in the county were attending the county institute. The young men among these were fitting themselves, while teaching, for careers in other professions.

Many of these teachers naturally started as teachers in the local schools; they were examined by the local officers for the certificate which every teacher in Ohio must have. The giving of employment or a teacher's certificate was largely a matter of party politics, and from the first the young people were deeply interested in one side or the other of the general fight that split the county. At times positions were put up to the highest bidder; in other cases the aspirants were compelled to do political service.

I myself came into politics in this way. For a dozen years I was a school-teacher, first in my home township of Jackson, and later for a short time in the southern part of Adams County. After that I was for a few years appointed county engineer, and during that time I prepared myself for my present profession of the law. My interest in politics continued, and I served first as a member and afterwards as head of the county committee of the Democratic Party, and later on leaving that party on account of disagreement with its attitude during the Spanish War—in the same capacity for the Republicans.

SELLING A VOTER AT AUCTION.

In the late eighties when I began to take a more influential part in county politics, "money fights" were at their height. The "bloody-shirt" issue of the Civil War still added especial bitterness to the local feeling, and the lack of an Australian ballot made the practice of vote buying as much a matter-of-fact transaction as the trade in any merchandise. I remember about 1889 standing before the courthouse in West Union, the county seat, and seeing a voter auctioned off to the highest bidder of the two precinct leaders, like a horse or a hog. The price finally bid was thirty-odd dollars. The successful bidder took his man to the polls, cast his vote, brought him back, and stood him up again on the auction block. Then he peeled the money from his bank roll and paid him.

"I want you all to see," he said to the crowd, "that when I promise to do a thing I do just what I promise."

There were about a hundred men around the auction block, including the prosecuting attorney, the sheriff of the county, and the mayor and marshal of West Union. The practice was set so hard and fast in custom that men paid no attention to it. At every election it was the commonest of sights to see men paid off after they voted. Some of them would take money only from their own party; some would anger about the polls all day and get the party leaders to bid for their vote. And the introduction of the Australian ballot in 1890 virtually made no change. Election officials about the ballot box watched the vote sellers to see that they delivered the votes they were paid for.

THE REVOLT OF THE WOMEN.

There was, though, one class of the population which rebelled against the practice. It was the womanhood of Adams County, which had never become reconciled to the custom, and whose continual hostility has resulted finally, I hope, in its abolishment. The women could see very clearly that the buying of votes was degrading their husbands and sons. The practice was so common that everybody knew of it; and it was not at all unusual to hear boys on their way to school say, as they passed by the polls on election day, "I wish I was 21, so I could get \$5 for my vote." The partisanship in choosing school-teachers also affected the women very directly—not only when a member of the family was an applicant for a position as teacher, but as it resulted in a lower quality of teaching. The standards of the county generally were lower than they had been, and the women recognized it.

My own mother, from the time when I went out in the evenings to work in one of the "money fights," never ceased to protest against the idea. After I married my wife took the same view. By the early nineties many men, under promise to their women folks, refused to engage longer in the practice or to continue its support. I, with others, was convinced that some change must be made. At that time the candidates and committees of the two chief parties were induced to sign an agreement, which I prepared, to stop buying votes and to put up several thousand dollars to be used for the prosecution, under the newly enacted laws of the State, of anyone who did so.

THE VOTE SELLERS OUTWIT THE REFORMERS.

This agreement was well kept through the first election. It was to the advantage of both parties to keep it; for with both parties refusing to buy votes, they remained in the same relative position as before. But the agreement lasted only for two elections. This was due to the bitter fight made by the sellers of votes. Many of these men, it is true, made no protest, but a large number of them did. The politicians were very distrustful of their opponents—with good reason. For men whose word was as good as gold in business life did not hesitate to make any statement, no matter how untrue, in political contests.

In the first election the political managers on both sides merely went around explaining to the vote sellers that their opponents were entirely responsible for the agreement not to buy votes; that they themselves had been tricked into signing it. They had the money, they said, and believed that the poor voter should get it. They would never, they said, be caught in the same trap again. In this election the vote sellers were puzzled as to who was responsible and didn't know what to do. But in the second one they outwitted the political leaders. The latter signed a similar agreement again and began to make the same excuses once more. But this time the vote sellers had got together and figured it out. They sent representatives to the political leaders to say that they didn't know who was responsible for the agreement, and they didn't care; if somebody didn't buy their votes, they would merely vote against the first man whose name appeared on the agreement. Then the politicians immediately began to buy votes again. For the next few years the practice went on just as much as ever, because there was no candidate who dared to sign his name first on a petition against it.

NATIONAL FIGURES CONCERNED.

In all this time the vote buying in Adams County had been going on with the full knowledge of the party managers of the State. The names of men very high in the Nation were connected with it. Through my position as chairman of the county executive committee for first one party and then the other, I knew of my own cognizance or from credible information of many concrete instances.

Marcus A. Hanna, the late Senator from Ohio, and John M. Pattison, who was first a Congressman and afterwards governor of Ohio, both, to my own personal knowledge, contributed largely to the funds used for buying votes in Adams County, with full understanding of how money was used in the county.

In Calvin Brice's second campaign for the senatorship an interesting example of political methods in Adams County took place. The campaign manager of the Republicans was a popular little merchant who kept a harness shop and drug store in West Union. At one time he had been county treasurer, and his handwriting was familiar to all the taxpayers of the county. The Democrats got some one to practice his writing till he got it perfectly; then a day or two before election some one went into his store and bought some of his stationery.

On the morning of the election, at every one of the twenty-odd voting precincts in the county, a man drove up, handed a letter to the head Republican worker, and, making some excuse, whipped up his horse and drove away before the worker could read the letter.

The letter read something like this:

"Brice has put \$5,000 more into county; we can not meet it. Don't pay out any money for votes."

It was signed with the name of the Republican county manager, and apparently was in his handwriting. When the Republican workers got this message they stopped buying votes. The vote sellers were on hand as usual for offers. The Democrats were well supplied with money, and in a few hours they had bought a great share of the votes that were offered for sale. Later in the morning word of this letter reached the county headquarters, and the county managers started to notify their workers that it was a lie. Every telephone wire leading out into the county had been cut and every livery team hired by the Democrats. The county was swept by the Democrats for the Brice ticket. In the evening the Republican managers got together and threatened to arrest the Democrats under the law for forgery. They found, however, that such a charge would be of no avail in connection with vote buying and abandoned it.

GRADUATES OF THE LOCAL SYSTEM.

The local politicians who worked out from Adams County into larger affairs all graduated from this system. John P. Leedom, an early leader of the Democrats in their "money fights," was afterwards Congressman, and was Sergeant at Arms in the Forty-eighth, Forty-ninth, and Fiftieth Congresses; Joseph P. Smith, later President McKinley's confidential adviser and director of the Bureau of American Republics, led the Republicans against Leedom. Edward A. Crawford, now State printer of Ohio, is another man who has handled campaign funds used for buying votes, and who has been rewarded by promotion. In fact, any young man with ambition for political success in Adams County was encouraged in every way to consider the buying and selling of votes as a natural political duty—not only by the customs of the county itself, but by the men selected from the county for advancement.

But, after all, there were not many or great political prizes to be had in Adams County. There are only about 26,000 inhabitants; the largest town has about 2,000 people. The largest salaried office in the county does not now pay more than \$2,500 a year, and there is no "graft" in public office; there are no contracts of sufficient size to give any. The main incentive which has led to the "money fights" at election time has been the inherited taste for partisan warfare. The contributions of money which are used in this are not recouped from the taxpayers by dishonest officeholders. They come out of the pockets or individuals in a county where individual fortunes are, to say the most, very moderate; yet in the campaign last fall \$20,000 was spent in vote buying, and 90 per cent of that was contributed by individuals in Adams County.

I AM CHOSEN TO THE BENCH.

In the spring of 1904 the Hon. Henry Collings, a resident of the county and one of the judges of the common pleas court of the district, died, and I was appointed by the governor of the State to fill the vacancy. In the fall of that year I was nominated for the position by the Republican Party. My opposition to vote buying being well known at the time, the Democratic politicians sought to make capital of it by getting me to head an agreement against vote buying. In this way they hoped to direct the antagonism of the vote sellers against me. I headed the agreement, and at the same time I gave notice that if there was any vote buying at the election I, as judge of the district, would see that the offender was prosecuted. As I would have had, even if defeated, a month to start proceedings in, there was little vote buying that fall, and, in spite of the hostility of the vote sellers, I, favored by the Roosevelt tidal wave, was swept into office by a large majority.

It was in the next election, in 1906, that the vote sellers really got together against me. Having now served the unexpired term of Judge Collings, I was renominated for the full term of six years. During the campaign I spoke frequently against the practice of vote buying, and the lower class of vote sellers were thoroughly aroused against me. The leaders of the opposing party saw in this another chance to play sharp politics.

On my return, after holding court in another county, to my home in West Union a few days before the election I was encountered by representatives of the Democrats and asked to sign my name to another agreement against vote buying. Their own candidates had signed it, and I gladly put my name with theirs. I had scarcely done so when I was called to the Republican headquarters and told by candidates on my ticket and some of my party leaders that I had injured them greatly, and that my action would defeat the whole Republican ticket. The meeting, after an angry discussion, adjourned.

THE VOTE SELLERS' ULTIMATUM.

In a short time I myself heard from the vote sellers. The custom of selling votes had been so long established in our county that a very considerable class of voters considered any interference with it as taking away an income to which they were entitled. In one of the precincts at one time, when we were attacking the custom, a file of vote sellers marched up and down the public way near the polling place, swearing and threatening, as men sometimes do in a strike. The same spirit was shown in their dealings with me.

About a hundred of the vote sellers of one of the precincts held a caucus to consider my action, and sent a committee to my house to interview me. The leader of this—a big, blustering fellow—did most of the talking. They used the vote seller's argument, which has become familiar to us—the usual plea for the "poor fellow." It made no difference to him who was elected; he was no better off in any case, one way or the other; the only thing he got out of it was the little he was paid on the day of election; the men who went into office got large pay, and they should divide it. The vote sellers' committee ended by demanding that our candidate for Congress and the two candidates for judgeships should put \$8,000 in the hands of the Republican county executive committee for use at the polls or be slaughtered. We refused.

The committee of vote buyers at once approached the other candidates on the Republican county ticket and induced them all to resign. The vote-selling interest then approached our Democratic county paper, which is called the People's Defender. This attacked me for attempting to dictate to the other candidates of my party; it also printed my name as the first one of the candidates signing the agreement to stop vote buying, although as a matter of fact, I had signed it after the others.

All this caused the "vote sellers" to line up squarely against our ticket. But, with the aid of an awakened public sentiment, we elected our Congressman and two judges in spite of them, and just missed electing the other members of the county ticket, who had hastily been put up in place of the Republican candidates who resigned. At the close of that election I promised the people of Adams County that if the opportunity ever came all the powers of the law would be used in cleansing the county of vote buying.

The subdivision of the common pleas district to which I was elected contains four counties besides Adams, and through the division of the court's work I was taken out of Adams County. I did not return to it to hold court, except for one or two special cases, until the fall of 1910, shortly before election. The political situation was such, as it often is before election, that it was dangerous to attempt to try any case, as scheming politicians were likely to thwart the administration of justice in order to help their party candidates. Court was therefore adjourned until after election.

The election was close. At any time within a month a contest could be instituted. The investigation of the vote buying was put over until the election was settled, so that it could not in any way be used to interfere with the results. On December 13 we empaneled the grand jury.

One very bad result of our political system in Adams County was its interference with justice. Our jurors and grand juries were continually divided on party lines. More than that, whenever a crime was committed the criminal and his friends would begin at once to secure party influence. They usually went not to the leaders of their own party, but to the leaders of the opposition. It was generally believed that the opposition would be willing to do more to secure their votes than their own party would do to keep them, especially if they were members of large families. In this way the families of criminals would not infrequently change their politics.

Under the circumstances the selection of a grand jury for our work was difficult. The one in existence was discharged, and, together with the sheriff of the county and the prosecuting attorney, the court selected 15 persons as grand jurymen. These men were chosen after a long canvassing of the voters of the district. They were men of the highest character, who could be counted on to do their duty.

It was a very delicate task to abolish by law a practice so common that some of the members of our grand jury and the court officials had, at some time in their lives, taken part in it. In the first place, in order that politics be entirely eliminated from the investigation, seven of these jurymen were chosen from the Republican Party and seven from the Democratic. The fifteenth man was a Prohibitionist. The foreman of the jury was a prominent Republican—ex-Congressman L. J. Fenton. The prosecuting attorney of the county had been overtaken at the time with an illness, of which he has since died. W. P. Stephenson, Esq., chairman of the Democratic executive committee of the county, a man who had refused to have anything to do with the bribery at the election, was chosen by the court to take his place. In this way the political parties were fairly balanced, and we were ready to proceed with our work.

VOTE BUYERS OR VOTE SELLERS—WHICH?

The first practical question to be met was this: Which class should be prosecuted—the buyers or the sellers? The main purpose was, of course, to break up the custom of vote buying in Adams County. The court prosecutor and jury debated at length whether they should undertake to indict the buyers or the sellers, or should proceed with whatever information they could get against either side. They decided to indict the vote sellers and to compel the vote buyers to testify. This meant that the vote buyers would not be punished, as the law provides that whichever party to bribery transactions is compelled to testify shall be immune from punishment for the offense concerning which he gives his testimony.

This step was taken for a number of reasons. It appeared, first of all, the only way to secure results. Each buyer of votes, naturally, had more information in his possession than any individual seller. To get any full understanding of the practice as a whole it was absolutely essential to trace the funds with which the voters had been paid.

It was clear, too, that no jury, either in Adams or in any of the surrounding counties would, under existing circumstances and on the testimony of vote sellers, sentence vote buyers to prison, as the law demanded. An attempt to do this had already been made in the Federal court of the district, and a grand jury, although selected from other counties, had refused to return an indictment. It was further taken into consideration that the vote buyers had tried to break up the habit and had been defeated by the vote sellers; and that, if there were any wholesale imprisonment of vote buyers, which would be required by law if they were found guilty, the heads of most of the important industries of the county would be sent to prison, all the commercial activities of the county would be affected, and much labor would be thrown out of employment.

TRACING THE MONEY TO THE VOTER.

So the prosecutor and the grand jury proceeded at once to trace the funds with which the voters were bribed. This was not difficult. The cashiers of the banks, who were always told at election time to get together large sums in small bills, testified as to who received the moneys from them. The party leaders—some willingly, some under threats of punishment for contempt of court—testified just how and to whom the money was distributed in every one of the thirty-odd voting precincts in the county. The fact that both the court and

the prosecuting attorney were perfectly familiar with the local political methods and with the people was of advantage in handling the situation.

The leaders of the voting precincts were then taken, at first from two specimen precincts—one a strongly Republican precinct and one a Democratic stronghold. When these leaders were brought before the grand jury the prosecuting attorney went at them at once with a question worded something like this:

"Now, Sam Smith, you had \$415 to spend on the last election. What'd you do with it?"

As the man would not know how the prosecutor had got such exact information, he would naturally be astonished and scared. He would hesitate and balk; but, finally, under threats of commitment for contempt of court he would give half a dozen names—generally of men in the opposite party whom he didn't like very well. He would be dismissed for the time, and the same process would be repeated with the other leader in the precinct.

We started this on Friday, and by Friday night we had a dozen names of men who had been bribed. We knew that as soon as each leader got back home everybody in his own party would come to him and ask him if he had given them away. He would say that he had not, which would be true. So everybody would be reassured and happy. On Friday night we picked out half a dozen men we were sure of, in three different townships in the county, and at midnight sent the sheriffs to drag them out of bed and bring them to the lock-up.

The next morning, Saturday, I had the six men brought before me. They pleaded guilty and begged for mercy. I fined them \$200 apiece and gave them eight months in jail, and then I adjourned court and left the town for my home at Portsmouth, in Scioto County.

On Saturday afternoon the country folks all over the county gather about in the stores. Every one of these stores has a telephone, and in less than 10 minutes after the sentence was imposed all these meeting places had news of it. The county had Saturday afternoon and Sunday in which to think.

AN AVALANCHE OF CONFESSIONS.

On Monday morning I left Portsmouth on the early morning train and got off at Peebles, a little station from which we drive to West Union, the county seat. It was about 5 o'clock in the morning when I arrived there. Everything was snapping and cracking with the cold. There were 31 men waiting for me in the dark.

"Hello, Judge," said somebody. "You ain't goin' to be too hard on us, are you?"

We walked up the long walk from the station to the hotel in a silent procession, and at almost every window somebody poked out his head to see what was going on. All 31 of them pleaded guilty at the hotel.

When I got down to West Union at about 8 o'clock the yard around the sheriff's office was full of teams and men. The courthouse had burned down a short time before, and I had to hear the pleas in a little room about 10 feet square in the sheriff's house. Two hundred and forty-one pleaded guilty that first day. While we were trying to keep the vote sellers from breaking down the doors to come in and confess the precinct workers whom we had had on the stand the week before telephoned in and begged for the chance to tell everything they knew. They didn't know what the sellers might be telling about them. In the next few days from a hundred to two hundred sellers pleaded guilty every day.

As soon as the sellers began to plead guilty the court announced that there would be leniency for those who confessed, but that the law would be fully enforced against those who put the State to the trouble of prosecuting them. Every man who pleaded guilty was fined \$25 and costs and given six months in the workhouse. The prison sentence and \$20 of the fine were both suspended, leaving the charge of \$10.92, of which \$5.92 was for costs. Each man was also disfranchised for five years.

THREATS AGAINST MY LIFE.

While these hundreds of vote sellers were coming into court to plead there was still resistance among the lower class of vote sellers. In the first place, several letters were received by me threatening my life. A Republican newspaper of Manchester, the Signal, criticized the action of the court in electing to prosecute the sellers of votes. Its editor was promptly punished for contempt. In various places individuals went around advising the sellers not to plead guilty. The court was kept informed of this, and whenever the stream of men from any particular district stopped the men who were doing this exhorting were indicted, arrested, and brought into court, for they were all vote sellers themselves.

In this way there were by February over 1,400 who had pleaded guilty of vote selling and were fined. At that time a group of vote sellers secured an attorney, who desired to appeal and test the constitutionality of the law. By special arrangement, the case was heard directly by the supreme court, and the law was decided to be entirely valid. Since then something over 200 more men have pleaded guilty and received their sentence. At the time of this writing (in August) the work is practically done. We have convicted 1,679 to date—26 per cent of the 6,505 voting in the election. A few have left the county.

In addition to these, the proceedings showed that there were at least 500 men engaged in the work of vote buying. These men handled about \$20,000, which would be about \$12 a vote, if distributed among the men convicted of selling. As a matter of fact, we found the prices paid averaged from \$5 to \$25. Practically all of this money was spent for buying votes, and our investigations showed that it was handled with scrupulous honesty. It was believed by some of the party managers that a few of the workers might have retained money for their own use. We checked up the amount of money distributed by the party leaders with the amount received by the vote sellers, and in every instance they tallied. Before we were through we accounted for practically every dollar spent in the county.

A COUNTY ONE-QUARTER DISFRANCHISED.

As we now stand, a quarter of our voters in Adams County have been disfranchised. In some of the voting precincts as many as 50 per cent can not vote; in others only 10 or 12 per cent are ineligible. In a number of cases whole families, containing as many as 30 voters in the various branches, have been disfranchised. In one instance a lay preacher and practically all the members of his congregation lost their votes.

It was our main purpose to free the country of the vicious condition which has existed there virtually ever since the Civil War, and not to punish individuals for an offense which had become almost universal. Of all those found guilty only one young man, who refused to pay his fine—a man who was living off the means furnished his invalid father

and mother by charity—was sent to the workhouse. Only six—the first arrested—were put in jail, and they for but a few days, after which their sentence was suspended, as in the case of the rest.

For the next five years the offenders in the last election will not vote. This will give time for the growth of a public sentiment concerning the value and sanctity of the franchise. At the end of the five-year period, if these men should engage in vote-selling again, they will immediately become liable to a sentence of six months' imprisonment in the workhouse, with \$20 fine. I do not believe that many of these men will repeat their offense. In most instances, out of the nearly 1,700, the man pleading guilty of vote selling seemed to have been brought by his experience to some sense, at least, of the character of his act.

Just how far conditions like those in Adams County are prevalent throughout the country I do not know of my own knowledge. I do know that conditions very similar prevail in most of the counties in the southern part of Ohio and in the counties of Kentucky across the river from them. Since our investigation I have received scores of letters from other parts of the United States stating that votes are sold and bought at wholesale in the writers' own community. It was this information concerning conditions elsewhere that led me to put into writing the story of our experience in Adams County. It is my hope that in this way the people of our country, whose ancestors helped to give to the world the American democracy, may now serve as a helpful example to this country at large by their purification of themselves from the degradation into which they had fallen.

Mr. THOMPSON. Now I yield to the Senator from Utah.

Mr. SMOOT. All I wanted to say, Mr. President, was that the Senator from Kansas has never been discriminated against by the Senator from Utah. As a part of his remarks I have no objection whatever to the editorial to which he has referred being printed in the RECORD.

Mr. THOMPSON. I do not care to discuss that question further.

Mr. SMOOT. I thought it was very uncalled for for the Senator to refer to the matter in the way he did.

Mr. THOMPSON. I do not care to enter into an argument relative to that matter now. I have been trying since the 1st of September to have printed in the RECORD this little editorial article relative to the stopping of the strike, which seems to be a subject in regard to which some Republican Senators are extremely sensitive, and they have continuously objected to that article being printed. I meant no reflection upon the Senator from Utah.

Mr. SMOOT. The Senator must know that he only made the request once, and that was in the morning hour. I told the Senator at that time that, if he desired to read the article, he had a perfect right to do so.

Mr. THOMPSON. The incident is closed, so far as I am concerned.

Mr. SMOOT. Nobody objected to the article going into the RECORD, if it went in in a proper way.

Mr. THOMPSON. The RECORD will show who is right about that. I made the request once on the 1st of September, twice on the 4th of September, when the Senator from Utah objected; and once before to-day, when the senior Senator from New Hampshire [Mr. GALLINGER] objected.

Mr. SMOOT. I am perfectly willing to rely upon the RECORD.

Mr. THOMPSON. I am, too. I should also like, as part of my remarks, to have printed an article by Albert Shaw, entitled "A national lesson from Adams County," appearing in the Review of Reviews, for February, 1911.

The PRESIDING OFFICER. There being no objection, the article referred to will be printed in the RECORD.

The article referred to is as follows:

A NATIONAL LESSON FROM ADAMS COUNTY.

[By Albert Shaw.]

A country lawyer of courage and sagacity, serving as a local judge in southern Ohio, is now setting this country an example in methods of political reform that will give his name an enduring place in the annals of our great American experiment of self-government. By many different means—some of them bold and flagrant, others stealthy and indirect—the use of money has tainted the purity and honor of our politics. But of all these forms of corruption, the one most to be deplored is the poisoning of the spring of popular government at its very source.

The habitual and wholesale bribery of voters not only makes the rule of the majority a laughing stock and a farce but it destroys the dignity and self-respect of communities, and so impairs manhood as to unfit it for the best things in every sphere of social or business life. We have had in our great cities fearful examples of ballot-box stuffing, fraudulent registration, dishonesty in the counting of votes and returning of results, colonization of repeaters, false naturalization of foreigners, and other offenses against fair and honest elections. But these things, which may, indeed, defeat the will of a majority of the rightful voters, are too trivial to be mentioned in comparison with the offense of corrupting the rightful voters themselves. The bribed voter has lost his natural zest for the great American game of politics. He has forsworn that tradition of party narrowness and prejudice that has its shining virtues, because the followers of Jackson or Clay were at least honest in partisanship. The voter who has reconciled himself to the practice of selling his vote to the party or the candidate that can offer the best cash price has lost the hope and faith that make us a real "people of destiny" and that must be our reliance in any national crisis.

Sweeping reforms have at times been accomplished through the power of a concrete example, when the evil seemed most prevalent and most difficult to combat. Judge A. Z. Blair, holding court in Adams County, Ohio, has furnished such an example, and there is reason to believe

that the result of his work will be felt in hundreds of counties and in many different States. Our comment, therefore, is not for the purpose of holding up that county to an unpleasant notoriety. On the contrary, Adams County is to be praised and congratulated.

With no threat or help or suggestion from the outside world, Adams County—lying somewhat off the main lines of travel and left a good deal to its own leadership and its own conclusions—has shown moral and social power to regenerate itself. When election day comes round again—as, for example, next year, when a President of the United States is to be chosen as well as many other officials of narrower jurisdiction—Adams County will have a restricted electorate of perhaps 4,000 votes, as compared with the 6,000 votes available for recent elections. But the 4,000 next year will go to the polls with a finer pride in the honor of being sovereign American citizens than has ever been felt heretofore in any county of the United States. They will have had the thing brought home to them—some 2,000 citizens of Adams County who have heretofore indulged in the practice of selling their votes will have been kept away from the polls by sentence of disfranchisement for a term of five years.

Judge Blair is himself a product of Adams County, although his home is at Portsmouth, the chief town of the adjoining county of Scioto. His judicial circuit lies in the great bend of the Ohio River at the extreme southern point of the State, and includes Adams, Pike, Scioto, and Lawrence Counties. This part of Ohio was settled in early pioneering days, when the Ohio River was the chief thoroughfare to the West. Many Revolutionary soldiers from Virginia and Pennsylvania went into those counties, together with pioneers from the Carolinas, by way of Kentucky, and some families from New York and the Eastern States. In the Civil War these counties were represented more largely than almost any other part of the country.

Since the war, however, this southern strip of Ohio, like many other rural localities east of the Mississippi River, has been at a standstill. And where country neighborhoods are not making marked progress, they are likely to give evidence of some moral and social decadence. Just a hundred years ago there was great vitality in the pioneering communities of southern Ohio along the river. The majestic forests were rapidly broken by clearings, and the virgin soils were highly productive. There was zeal for education; and strong men and women were in the lead. But after the Civil War, many of the most vigorous and progressive of these people from the river counties went to Illinois, Missouri, and the farther west. Those who remained at home had to compete with the still richer farm lands of the prairie States.

The farm country tributary to Cincinnati before the Civil War had been the most prosperous in America. But Chicago, St. Louis, Kansas City, Omaha, and other western centers arose to destroy—for a time—the importance of the river valleys tributary to Cincinnati as producers of grain and meat. The log-cabin stage of civilization in the first generation is not harmful. But where a checking of agricultural development holds the people of the "back townships" practically in the log-cabin stage for a hundred years, there comes a marked falling off in the average of character and efficiency. Undoubtedly some of the poorer townships of these Ohio River counties have shown this kind of tendency to social decline.

This would explain the fact that it has been found, within the past month, that in certain neighborhoods having, let us say, a hundred votes, every voter without exception was actually guilty of having sold his vote in the last election and was accordingly indicted and disfranchised for a period of five years. Such a condition would have been not only impossible, but almost unthinkable, at any time before the Civil War.

What these communities need is a fresh start. They need a civic and industrial revival much more than they need the old-fashioned kind of religious revival. They have not been lacking in a certain sort of religious life—at least they have had a continuity of the church organizations of the earlier days. Yet, in the dragnet of last month, not only were hundreds of church members disfranchised for the crime of making merchandise of their votes but the list also included church officers, Sunday-school superintendents, and two or three ministers of the gospel. Yet the churches must not be disparaged; for, in the main, they have helped to keep alive in Adams County that spirit of decency which has at last so strongly asserted itself. In these rural counties drinking and gambling and other forms of social disorder have a tendency to destroy the vitality of the people; and the churches have for some years been fighting these bad tendencies. Judge Blair himself had been strongly identified with the movement against the drink evil. It seems to be within bounds to say that the moral force requisite to begin the successful assault upon the trafficking in votes had been accumulated in the effort to fight down the worst evils of the drink traffic in Adams County, and to eliminate other forms of social corruption—movements in which the women have shown greater numerical strength and deeper power of conviction and continuous effort than the men.

Judge Blair's great title to fame will lie in the fact that he has invented and applied a really effective method of reform. It is not that the laws of Ohio against bribery and corruption in elections are either good, bad, or indifferent. In fact, they are not what they should be, as Gov. Harmon now reminds the legislature. But such practices have always, everywhere, under popular governments, been manifestly unlawful. The trouble has always been, in a corrupted community, to find the leverage whereby to obtain the evidence, secure indictments, and make certain of convictions. Judge Blair himself for several years has been trying to find a way to purify the politics of Adams County, and it is only now that he has succeeded. Like almost every great thing, it all seems easy and simple when once stated. Let the outline of the method be presented in a few sentences.

To begin with, the buying and selling of votes, which had been going on in Adams County for more than 30 years, had become so open and shameless as to be a matter of common knowledge. Nobody in private conversation denied the facts. Many of those who had sold their votes seemed rather proud than ashamed of the transaction. Judge Blair had been so intimately acquainted with the political life of the county that he knew, as did many others, the condition prevailing. He knew that both parties had been guilty, and that the local politicians and "party workers" had been very generally engaged in making the bargains and distributing the money, using their respective quotas of funds contributed in greater part by candidates for office.

The law of Ohio permits the judge, in a bribery case, to grant immunity to those who turn informer and become State's evidence. Judge Blair's great thought was to take all the politicians and vote buyers in the county to the number perhaps of two or three hundred, summon them as witnesses before a special grand jury, and promise them all immunity from present or future prosecution if they would turn over to the court and grand jury their lists of purchased voters,

with the amounts paid, and all the necessary facts. It was not Judge Blair's motive to subject any individuals whatsoever to drastic punishment, nor did he intend to humiliate anyone, beyond the point of incidental necessity. His one object was to break up the practice of bribe giving and taking. It was plain enough that if all the vote buyers should put the grand jury in possession, frankly, of the entire truth, they would bring no harm upon themselves and a minimum of harm upon the men whose votes had been sold.

The essence of Judge Blair's scheme was leniency toward all who confessed fully and freely, and stern threats of condign punishment against those who refused to confess. Under these circumstances it was clearly best for the politicians to put all the facts in the hands of the judge and the jury.

The next part of the scheme was to be the announcement, through all the newspapers of the county, and through all other sources of publicity, that the names of those who had sold their votes were known to Judge Blair and to the grand jury, and that indictments had been found against them. If, however, they were wise enough to come to West Union, the county seat, of their own free will and make confession to the judge—thus saving the expense and trouble of serving papers and making arrests—they would be treated with great leniency. It was a part of the scheme not to make known the information disclosed to the grand jury by the politicians, and not to make public the names of those against whom indictments had been found. It was desired that as many as possible might facilitate the movement of justice by making confession, and allowing themselves to be sentenced.

Such was the bold, simple project. Suffice it to say that it was as effective in practice as it was comprehensive in conception.

Judge Blair formed his special grand jury of 15 citizens of Adams County, and operations began on the 13th of December. To show that no party advantage was sought, the grand jury consisted of seven Republicans, seven Democrats, and one Prohibitionist. A former Congressman, the Hon. L. J. Feuton, a man of intelligence and probity, was made foreman. In his charge to the grand jury, Judge Blair made a frank statement of the situation, the following paragraph being an example of his forcible, direct style:

"Conservative leaders of both parties claim that the purchasable vote of Adams County is at least 2,000, or more than one-third of the total vote. The young people of the county are growing up with full knowledge of this open traffic in votes and conditions are becoming intolerable. The purchase of votes with which this county has been cursed for years is so common that only a few men, comparatively speaking, are not identified with this merchandise of the ballot. I have been told that the grand jury would not dare indict anyone for the purchase or sale of votes, but I believe you will do your duty. If it should develop that you do not bring indictments, then a condition of anarchy prevails in Adams County."

The grand jury took the judge at his word; all the politicians and precinct workers were gathered in; a local editor who wrote an article denouncing the investigation was sentenced to fine and imprisonment for contempt of court; and forthwith there was consternation throughout the 825 square miles of Adams County. Within a few days the indictment mill was grinding out true bills at the average rate of a hundred or more every day. The politicians gave the evidence, and the particular precinct or township under inquiry was duly warned. The judge was aided by a special prosecutor, Mr. W. P. Stephenson, whose efforts were assiduous, and by no means unnecessary. For, although a situation had been created which frightened the guilty, making them feel that if they did not confess they might be sent to prison, there still remained many points to be dealt with by a firm and resolute prosecutor who was in full sympathy with the judge. For it was not quite the uniform rule that the guilty confessed, and in a few instances there were jail sentences which were not remitted.

After the movement had fairly begun and some hundreds of indictments had been found, Judge Blair and Prosecutor Stephenson inserted the following notice in all the newspapers of Adams County:

"We ask all citizens who have knowledge of any persons who received money at the last election and who are not coming in, or who know of any person who bought votes and who has not been in court, or who has tried to shield any person who received money at the last election, to let the undersigned know at once. We will keep your name in strict confidence and you will greatly facilitate our work."

"ALBION C. BLAIR, Judge.

"WILL P. STEPHENSON, Prosecutor."

As a result of these notices, the grand jury was busy on the first two days of the new year, and by that time it had indicted exactly 1,500 voters. It then adjourned for a few days to enable Judge Blair to catch up with his work of sentencing the hundreds who were pleading guilty. The judge's method in dealing with these men was simple, colloquial, and informal. His manner and tone were kindly and often humorous. The culprit was generally asked to tell something of his family and his circumstances, as well as the facts about the vote-selling transaction; and the judge showed a rare talent for giving the needed word of good advice.

From the first, his practice was to impose a fine of \$25 at once, remitting all but \$5, then to pronounce a sentence of six months in the workhouse at Cincinnati—which was at once suspended in consideration of future good behavior—and finally to disfranchise the voter for five years, this part of the penalty being absolute.

The scenes and incidents of this notable movement have been both picturesque and pathetic in an unusual degree. The county town is many miles from a railroad station. Octogenarians walked for miles over rough, wintry roads to make their humiliating confessions. Women came from remote parts of the county to beg the court's leniency for bedridden husbands. The jail served for court purposes, the old courthouse having been destroyed by fire. A very few skin-flint farmers of large means were found misleading the court as to their possessions, and were fined several hundred dollars by way of example.

Such details, illustrating every phase of human frailty and rustic character, do not belong to any permanent record of the work of ballot reform in Adams County—although many of them will be cherished as illustrating the methods and the qualities of the remarkable personality who leads the movement. For there are traits of mind and character in Judge Blair that remind one of the patient and resolute country lawyer of Illinois who, 50 years ago, was President-elect and about to enter upon his great burden of national responsibility. Abraham Lincoln was much more interested in the work he had to do than in the attainment of high place. If he had been the victim of personal ambition, he could not have been the man of strength and wisdom for the country's need. Judge Blair stands well in the opinion of the people of his judicial circuit. He has a great work to accom-

plish, and it is of high importance that this work be done thoroughly and completely. It will have been enough for any man to do in our generation. It is of small consequence, therefore, comparatively speaking, whether Judge Blair in future time be promoted to higher offices or not. It is his great distinction that in his local office he has seen real work to do, and that—in doing it because it was plain duty—he has been rendering his State and this entire country an immeasurable service.

Our representative, who went to West Union to see Judge Blair and to take the photographs which accompany this article, came back with the impression that the judge intended to apply a similar method of voting reform in the other counties of his circuit. When questioned on this point Judge Blair was naturally reticent. There were obvious reasons why he could not speak. But on January 14 he answered the question in the most practical way. He opened court at Portsmouth, on the Ohio River, in the county of Scioto, lying just east of Adams County, and promptly announced that he would institute in Scioto the same kind of an investigation that was still going on in Adams.

And he allowed it to be quite generally believed that the same method would be applied in Pike and Lawrence Counties. Common rumor from those neighboring counties points to the serious prevalence of the practice of buying and selling votes, although we have no information that would permit even a guess as to the extent to which the practice has been carried on elsewhere than in Adams County. Assertions have been made that Judge Blair's method ought to be used by other common-pleas judges throughout the State of Ohio.

Heretofore the talk about the wholesale buying of votes has been largely conjectural. In a number of instances entire boroughs have been disfranchised in England because a high percentage of venality had been discovered among the voters. But Judge Blair's proof that 2,000 out of the 6,000 voters of Adams County are accustomed to sell their votes is the most definite piece of tangible information in that general field of discussion that we have ever obtained in the United States. To save the people of Ohio from the supposition that we are holding them up to the world's reproach or contempt, it is only fair to remind our readers that the rumors of wholesale vote selling in parts of the State of New York and of the New England States have been for years very persistent and seldom denied.

An analysis of the recent election in the State of New York shows that the Democratic victory was not due to any increase in the Democratic vote, which, indeed, was smaller than usual, but to an enormous falling off of the Republican vote in the rural counties. And the public ought to know that politicians, among themselves, agree in attributing a great part of this falling off to the fact that the Republicans were without any funds this year to be distributed liberally among local workers for use on election day in "getting out the vote." Generally the Republicans of the State of New York have had ample funds contributed to the "machine" by the great corporations and special interests. This year such money was withheld, and the Republican treasury was empty.

Undoubtedly there is a distinction between money used for getting out the vote and money used to pay the voter for voting one ticket rather than the other. But the distinction is one which has a tendency in contested campaigns to become blurred. The New York farmer who says he is a Republican and will never vote the Democratic ticket—but who also declares that he will not harness his horse and drive to town over bad roads to cast his vote on election day unless somebody gives him \$5 or \$10—may have learned to convince himself that he is not a bribe taker. Yet his refusal to vote unless paid is equivalent to giving a half vote to the other party.

The methods of using money wholesale on election day throughout the East, if not clearly criminal under the law, are dangerously close to it. They destroy the independence and self-respect of the voter; and they so weaken his sense of duty and privilege as a citizen that it would not be a long stride for him to change his vote and to take money from the other party, when he has once learned to abstain from voting unless bribed by his own party.

Abstention from voting, unless a fairly good reason can be given, should subject the voter to some kind of penalty—such, for example, as disability to vote at the next following election. And the acceptance of money in payment for the trouble of coming to the polls should be regarded as both morally disgraceful and legally culpable.

Adams County, therefore, no matter how low she may have fallen, has risen, unaided, in the strength of her own sense of rectitude, and now heads the list. In the presidential election next year the most decent lot of voters in the entire country will be those of Adams County, Ohio. For this rehabilitation Adams County should accord great honor to Judge Blair.

THE WAR AND COTTON.

Mr. BANKHEAD obtained the floor.

Mr. STONE. Mr. President, I inquire if the Senator from Kansas is through?

The PRESIDING OFFICER. The Chair understands the Senator from Kansas has concluded, and the Senator from Alabama has been recognized. Does the Senator from Alabama yield to the Senator from Missouri?

Mr. BANKHEAD. For what purpose?

Mr. STONE. I desire to move an executive session.

Mr. BANKHEAD. Mr. President, I will occupy not over 10 minutes.

Mr. STONE. Very well.

Mr. BANKHEAD. Mr. President, I think that I have been very good during the long drawn out debate of the Senate for the past 30 or 60 days. I now only intend to occupy about 10 minutes of the time of the Senate, and do not propose to discuss the corrupt-practices act, because we have in Alabama, I think, the very best law on that subject of any State in the Union, drawn by the best talent that this country can produce, and we have honest elections.

Mr. President, I did not participate in the debate when the income-tax provision of the pending bill was being considered. I did not entirely agree with the views of some of my colleagues upon section 2 of the bill. I protested against the provision re-

ported to the Senate, which, in effect, imposed an additional burden and discriminated against the cotton producer of the Southern States by the imposition of a duty of 5 per cent on the net profits that accrue to the corporation which has supplied cotton to the munition manufacturer since the 1st day of January, 1916, entering into the manufacture of war munitions, and also sought to levy a like tribute on that portion of the crop in the future that may enter into the manufacture of munitions of war. It is well understood in business circles in the South that the average price of cotton for two years, and until within the recent past, has been slightly above the cost of production. But a more important and far greater reason for my protest was the fact that the cotton farmer during the existence of this tax in the future would be required to assume indirectly this additional burden upon the product of his labor, since, of course, the corporation which sells the cotton to the munition manufacturer would protect itself to the extent of this tax by deducting that amount from the price he would otherwise have paid the farmer.

I believe that the method provided would have resulted in the greatest possible confusion and the cost of collection would have amounted to more than the money derived, hence I contributed what I could to the elimination of the provision without taking part in the debate.

Almost every section of the Union has profited by the increased demand for the product of their respective communities and the consequent increase in market values due to conditions growing out of the war, yet the opposite has been true with respect to the farmer who grows cotton. His market, instead of being enlarged, has not only decreased, but for several months following the outbreak of war was absolutely destroyed. Cotton was made contraband of war by the English and allied Governments, who so effectively controlled the seas that they in effect denied to our people the opportunity to seek markets that could otherwise be found. When the war came on the early crop of cotton was about to go upon the market. It rapidly declined to ridiculously low prices, far below the cost of production, and so remained for several months. As a consequence business conditions throughout the cotton-growing States became demoralized, since cotton is our chief money crop, and business obligations are made with a view to liquidation at the time cotton is marketed, from early September to the middle of the following January. Immediately prior to the declaration of war cotton was selling at 13½ cents per pound. When war was declared the price at once fell to 6 cents per pound. The farmer was suddenly confronted with a serious situation. The local banks were not in position to and declined to advance him one penny on his crop as security.

My chief purpose now is to call the attention of the Senate to a situation that existed here on or about the 8th of October, 1914.

At that time so acute was the situation and so insistent was the demand for relief from whatever source it might be obtained that earnest appeals were made to Congress, then in session, and a number of measures were seriously submitted to our consideration by which it was sought to have the Federal Government come to the rescue.

Mr. President, I am one of those who did not believe that it was within the province of the Federal Government to contribute to the relief of the situation then existing. A nation-wide buy-a-bale movement, at 10 cents per pound, was inaugurated. It was suggested and urged that Congress should authorize the purchase by the Government of a portion of the crop at reasonable prices or lend money direct to the farmer, with his cotton as security, or that it issue its bonds with which to supply the funds for purposes of relief until normal conditions were restored. An attempt was made to organize a pool to supply \$150,000,000 to lend to the farmer, which plan never materialized. It is generally known that during the harvesting and marketing season of the cotton crop a large percentage is forced on the market, known to the trade as distress cotton, because the producer has either pledged it as security for debts then due or has other pressing obligations that must be cared for, and is compelled to accept whatever the prevailing price may be at the time. In a speech on the floor of the Senate on the 8th day of October, 1914, during a discussion of the subject I made this statement:

We are confronted with a situation fraught with disastrous consequences to the people of the South unless some heroic measure is resorted to. This is no time for quibbling or abstract discussion of paternalism and other such doctrines of government. While we are not actually at war, we have all the business consequences of war. The farmer can not handle the situation. It is the duty of the State government to step into the breach and work out a plan and lend its credit until this perilous time has passed. It can do so without impairing its credit and without the loss ultimately of a dollar.

It is not money we need; it is a market. We have the cotton; nobody will buy it, and until a market is restored there can be no relief.

Mr. President, in that statement I did not exaggerate the conditions or overdraw the picture. Nothing, however, in a practical way was accomplished, so far as legislation was concerned, to relieve the farmer. I did not believe it was a subject with which the National Government could properly deal. However, by indulgence and forbearance born of an intimate knowledge of the situation through personal contact with conditions that foretold the impending disaster confronting the people of the South, the southern banker, the merchant, and other sympathetic interests extended all the assistance available to them, and in a manner bridged over the difficulties, though not without embarrassment, and in some instances assignments and bankruptcy were unavoidable; but let it be said to their credit they weathered the storm, without any permanent disturbance of economic conditions in that section. Many planters, however, were unable to carry their crop over for indefinite periods, and were forced to sacrifice it at a price far below the cost of production, and are now laboring under obligations which they could have avoided had there been extended to them some plan by which they could tide over their temporary embarrassments. They had the security.

There is none better than cotton, which the world must have and which occupies such a valuable position in the business life of this Republic. No one doubted that the price of cotton would not within a reasonable time advance to a price commensurate with the cost of production and that it could be marketed at a profit, which otherwise would have been the case during that season but for the war in Europe.

In the speech to which I refer I urged the adoption of a plan that had been carefully thought out and approved by some of the best financial experts of the country. Being convinced there was no opportunity whereby the National Government could extend adequate relief, I suggested that the States themselves had the authority, and could relieve the situation in a way that was prudent and practicable. I addressed an open letter to the people of Alabama suggesting a plan applicable alike to any cotton-growing State in the South, which time has demonstrated would have been successful. Briefly, it was suggested that the legislature, pursuant to a constitutional amendment, should authorize the issuance of sufficient short-time State bonds, bearing 4 per cent interest, with which to purchase approximately one-half the crop of each farmer, or such an amount as would relieve him and enable him to carry the remainder of his crop as long as was necessary or desirable, the price to be paid to be sufficient to protect him against loss. It was estimated that one-half of the crop in Alabama would approximate 800,000 bales, which, at 10 cents per pound, would have cost the State, if it became necessary to purchase one-half of the crop, \$40,000,000, the maximum interest charge for which would have been \$1,600,000 per annum. However, it would not have amounted to this sum, in view of the fact the legislature would have established a system of cotton warehouses, through which the State would have issued against the crop purchased from the farmer noninterest-bearing warrants in small denominations, to pass as currency in the payment of local debts and obligations.

These warrants would have been underwritten by the credit of the State and protected by the cotton purchased, thereby affording as ample security as can be found on the face of the earth. In event any banker, merchant, or other person should desire to convert these warrants into interest-bearing bonds, he could have surrendered them to the State and procured in exchange the cotton bonds in larger denominations bearing 4 per cent interest. Under the authority of the Federal reserve act, these bonds could have been pledged by the banks as security for which emergency currency could have been obtained that would have quickly found its way into the avenues of commerce in the South and relieved the stringency of the money market. It can be assumed therefore, that the State would never have been called upon to dispose of the entire authorized issue, and that the maximum interest charge would never have been incurred.

The plan proposed met with favor by many thoughtful and earnest citizens of the State, a large number of the newspapers advocated, and numerous mass meetings were held and petitions forwarded to the governor requesting that the legislature be called into special session to consider it. A large and respectable patriotic element of the people, including the governor, however, did not approve the plan, and no chance was given to the voters of the State to express an opinion on it. I recognize that those who opposed it did so from sincere motives. Many thought it an unsound and unsafe principle of government and

a dangerous precedent to establish. However, the situation was unprecedented and called for heroic measures. I did what I could to have it adopted.

Assuming, however, that it had been adopted and the State had purchased 800,000 bales at 10 cents per pound, the interest would have been \$1,600,000 per annum. It would have cost the State for principal and interest for one year \$41,600,000, and if \$400,000 should be added for incidental and administrative expenses, there would have been a total cost of \$42,000,000. This cotton could have been sold within 12 months at 12 cents per pound, or at a profit of \$6,000,000 to the State of Alabama, and the farmer relieved of the necessity of sacrificing the proceeds of a year's labor, which, at a conservative estimate must have amounted to an additional \$6,000,000. If the cotton had been held until the present week, a little more than one and a half years, it could have been sold for 15 cents per pound, or at a profit to the State of nearly \$18,000,000. This amount would have paid the State's bonded indebtedness and returned to the people in the way of internal improvements for roads and for the advancement of agriculture and education \$10,000,000.

Mr. President, I make these statements and give these figures to justify the position then taken and to prove the correctness of my judgment at that time.

CHANGE OF REFERENCE.

Mr. SHERMAN obtained the floor.

Mr. OVERMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from North Carolina?

Mr. OVERMAN. I simply want to make a motion.

The PRESIDING OFFICER. Does the Senator from Illinois yield for a motion?

Mr. SHERMAN. Yes; if I will not be denied the floor hereafter.

The PRESIDING OFFICER. No.

Mr. OVERMAN. I move that House bill 17350, known as the Webb bill, be taken from the Interstate Commerce Committee and referred to the Committee on the Judiciary, for the reason that the bill is now being considered by the Judiciary Committee, having been sent to that committee by the Federal Trade Commission.

Mr. OWEN. Mr. President, I shall not make any objection to the matter interfering with the regular order unless it is going to lead to prolonged debate.

Mr. OVERMAN. It will lead to no debate. I simply ask that that action be taken.

The PRESIDING OFFICER. Is there objection to the motion of the Senator from North Carolina?

Mr. LANE. I do not understand the motion. To what does it refer?

Mr. OVERMAN. It is simply a motion to transfer House bill 17350, known as the Webb bill, from the Interstate Commerce Committee to the Judiciary Committee.

Mr. OWEN. It is the Webb bill.

Mr. STONE and Mr. UNDERWOOD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Missouri.

Mr. UNDERWOOD. But I desire to be heard for just a moment on the motion of the Senator from North Carolina.

Mr. STONE. Does the Senator object?

Mr. UNDERWOOD. I will ask the Senator from North Carolina to withhold the motion for the present. The chairman of the Interstate Commerce Committee, of which committee I happen to be a member, is not in the Chamber at this moment.

Mr. OVERMAN. I am simply making the motion because I am chairman of the subcommittee of the Judiciary Committee, which is considering that matter. I will not make it, however, if the Senator objects.

Mr. UNDERWOOD. I will ask the Senator to withhold the motion until the chairman of the Interstate Commerce Committee can be present.

Mr. OVERMAN. All right.

CORRUPT PRACTICES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15842) to revise, amend, and codify the laws relating to publicity of contributions and expenditures made for the purpose of influencing the nomination and election of candidates for the offices of Senator and Representative in the Congress of the United States, extending the same to candidates for nomination and election to the offices of President and Vice President of the United States, limiting the amount which may be expended, providing for the publicity of campaign expenses, and for other purposes.

Mr. SHERMAN. Mr. President—

Mr. STONE. Mr. President, a moment ago the Chair stated that he recognized the Senator from Missouri, and I yielded to the Senator from Alabama. Now, who is recognized?

The PRESIDING OFFICER. On the list which was made out before the present occupant of the chair took the chair, there appears the name of the Senator from Illinois [Mr. SHERMAN]. If the Senator desires to make a motion, no doubt the Senator from Illinois will yield for that purpose.

Mr. STONE. Mr. President, I will not interfere if the Senator wishes to go away. I will say to him, however, that I desire, at the earliest possible moment, to move an executive session to consider the treaty we had before us on yesterday.

The PRESIDING OFFICER. The Senator from Missouri understands that the Chair is assured that the Senator from Illinois desires to go away on matters of business, and he has asked that he may occupy a few moments.

Mr. STONE. So I am advised.

Mr. SHERMAN. I have no objection. I will promise to be expeditious in my remarks, so the executive session may be held. I will suggest to the Senator from Missouri that I am in favor of the matter that is pending in executive session.

This bill, Mr. President, is not one to which I am opposed in principle. The only opposition I offer is because of the time at which it is urged and the circumstances in which many find themselves who are engaged in political candidacies. The limitation of expenditure in the case of candidates for Senator—I shall refer first to those connected with the Senate—is \$5,000 and in the case of candidates for the House of Representatives \$2,500.

The PRESIDING OFFICER. The Senate will be in order.

Mr. SHERMAN. As the Senator from Minnesota [Mr. NELSON] remarked the other day, "Do not disturb them," it does not disturb me. If it is consonant with the rule of the Senate and the manner in which business ought to be conducted, I can get along very comfortably, and I will never make any point of order that there is disorder in the Chamber.

The Members who have been candidates in primaries have expended a considerable sum of money legitimately up to this time. I know that many candidates for the House of Representatives have now spent in a perfectly legitimate way in their several districts \$2,500 in their primary contests, the maximum that is permitted by this bill to be expended both in primaries and in elections. In some of the States where the primaries have not yet been held—for instance, in my own State the primary will be held on the 13th day of September—they have expended \$2,500 now in their campaigns, and it is not an unreasonable sum of money. Neither would it be inferred that there is any corruption or illegal use of money in those expenditures.

Mr. OWEN. Mr. President, I desire to suggest to the Senator that I shall be quite willing to have a provision go into this bill that it shall not be considered *ex post facto* in regard to any of these expenditures.

Mr. SHERMAN. That would remove a portion of the objection, but it would only leave \$2,500 for the expenses from the primaries until the November election.

Another difficulty is that it provides an inflexible rule. It limits the expenses without regard to the size of the district or the difficulties that present themselves in a campaign. It takes no reckoning of the size of the State.

There is a great deal of difference in the States, not only territorially but in population. Some States are much more expensive than others in which to campaign. Some States have large territorial areas, the population not being centered in cities, and therefore not easily accessible. In other States there are cities of very large population, making it more expensive in a legitimate way to campaign in such centers than where the population of the State is more sparsely distributed.

For instance, Rhode Island has 1,067 square miles. The State of Texas has 265,000 square miles. One will require comparatively little travel; the other will require a great deal. The State of Texas, from east to west, requires a very large railway fare for a single trip; and in the large area that is sought to be traversed in a campaign, if a candidate presents himself to any considerable number of the voters it would become indispensable that he properly expend more money for travel in the State of Texas than would be necessary in the small territorial State of Rhode Island or the small territorial State of Delaware.

I do not think that a rigid rule of this kind, fixing a maximum expenditure of \$2,500 in the congressional district in one case and \$5,000 in the State in the other, is at all flexible enough to be fair or to give a candidate an opportunity to be heard and to meet the voters.

The candidates now—and the tendency is to increase it in States where it is not now the law—are all required to submit themselves to direct primaries. Wherever the direct primary is in force, in substance the candidate must undergo two elections, and it necessarily doubles the expense.

In my own State we have had a direct primary for some years. There are four States in the Union that have more than a million votes at the election. Those States are the State of Illinois, the State of Ohio, the State of Pennsylvania, and the State of New York. Those four States, with their voting population of more than 1,000,000 each, would necessarily require more legitimate expense than the State of Nevada, which has barely 20,000 voters, and more than the State of Arizona, where there are 23,722 voters; those are the votes cast in the election of 1912.

If that be compared with the four States in each of which more than 1,000,000 votes are cast, it can be seen that the legitimate expenses would not be fairly provided for in this fixed limitation. For instance, in my own State there are 600,000 Republicans in normal times, before the division of 1912, and for some years the percentage was kept up. A mailing list that is at all useful in that country must contain at least 150,000 party names. My own mailing list in that State contains about 215,000—those who are readily accessible, either by the city or by the rural free delivery. Those are the Republicans showing more than the ordinary activity in political affairs.

In the State of Arizona, for instance, the Senator could send out for a 2-cent postage stamp to every voter in the State for \$474 a sealed letter. Outside of the clerical help and the printing bill required \$474 will carry a 2-cent letter in that State to every voter of all parties—Democrats, Republicans, and others. In the State of Nevada a trifle over \$400 will take a campaign letter to every voter in that State. In my own State to take a campaign letter in a primary contest to every Republican in the State of Illinois will require \$12,000 in round numbers, a little more than that; if I send a single letter to every voter in my own State for the 13th day of September, 1916, it would require not \$2,500 but \$12,000 for a single mailing list. My own mailing list that I have used and kept for some years, containing the 215,000 names mentioned, requires \$4,300 every time I send out a letter under seal taking a 2-cent stamp.

Now, in a direct primary I could reach a part of them only under such limitations as are provided in this bill; but I say such limitations are unfair when they are applied to the larger States under the conditions we campaign in there. It is an impossibility to reach my constituents under such restrictions as are placed in this bill. It is equally true of the Democratic candidates in that State, or in the State of Pennsylvania or New York. There are at least 500,000 straight Democratic votes in that State, and if a Democratic candidate sought to reach all the voters with a 2-cent postage, a sealed letter, it would require at least \$10,000 alone to reach the voters from his mailing list. Outside of the mail there are the public press and such limited number as the candidate can appeal to by personal meeting or his voice on the platform. Those are the only three ways of reaching the public on either party matters or upon public matters to be used at the November election and in the preceding primary campaign. The newspapers, through political advertisements, can reach their readers, and they are powerful and proper agencies for those purposes.

Mr. OWEN. Mr. President—

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Illinois yield to the Senator from Oklahoma?

Mr. SHERMAN. Certainly.

Mr. OWEN. I wish to suggest to the Senator that by the publicity pamphlet amendment, which I offered in the Senate, that would put a Senator's case or a Member's case or a President's case, for that matter, in the hands of every single voter without expense, except to publish it.

Mr. SHERMAN. That will cover that part, the mail portion of it?

Mr. OWEN. Yes.

Mr. SHERMAN. But there are the traveling expenses. My own State is nearly 400 miles from the Wisconsin line to the Kentucky border. Travel in that State is 2 cents a mile on local roads. My own traveling expense in a careful, economically conducted campaign, as I made in 1914, alone were very heavy. I began on the 3d day of July, 1914; I came home the morning of the election, and my own traveling expenses take up a material part of the expenditures. If I were a candidate covering only a district, it would be correspondingly less, but it takes up a large part of the \$5,000, which is the maximum amount of expenditure limited in this bill for a senatorial candidate.

Another thing that I think is proper here to consider is the fact that 4 States as stated have over 1,000,000 votes, 4 other States have over 500,000 votes, 17 States in the Union have 200,000 votes and not over 500,000, 9 States have 100,000 votes and not over 200,000, and 14 States of the Union have less than 100,000 votes. In the smaller States I can see how the postage would be comparatively light. In the larger States it is indispensable that it be allowed, according to the relaxation suggested by the Senator from Oklahoma. But by this bill both the large and the small States are subjected to a fixed rule. A general rule presupposes similar conditions. That general rule applied to dissimilar conditions works injustice. Either, therefore, the limitations must be enlarged or the States classified and a different rule imposed on some.

Mr. OWEN. Another way would be to provide that the expenditure should not exceed a certain amount per capita or per voter. That would meet the point. But in this bill the postage and circulars were not to be limited by the \$5,000. I think it is better to limit it to a certain amount to the voters.

Mr. SHERMAN. That is true; but I do not know what the rates are in Oklahoma for political advertisement. I know what they are in the city of Chicago. I very much doubt whether \$2,500 would cover more than about 3 inches of nonpareil type in some insignificant corner. They are not publishing newspapers for their health in Chicago any more than they are in New York City. In Chicago and in the larger cities outside, the cities of Peoria, Quincy, Decatur, and Springfield, the political advertisements are quite expensive, where they are paid for just as commercial advertisements. The limitation probably would depend somewhat on the rate charged for space in newspapers. There is no fixed rate. It depends on the city, the circulation; it depends upon the size of the place and upon numerous things that fix a charge different in some localities from that in others.

Another thing that I think will be unfair in this kind of a limitation is the fact that the percentage of votes in some parts of the Union or some States of the Union is a comparatively small per cent of the total population. I do not allude to this, and I shall not, for the purpose of making any political comments. I am only directing attention to the fact that there is a comparatively small per cent of the votes to be reached in some States and that the expense of reaching them will be correspondingly less.

In my own State in 1914 I think my expense account filed with the Secretary of the Senate aggregates about \$8,700. I wish to say, Mr. President, that every cent of that was legitimate expenses. There were no unusual items in it. They are made up of the items that every person going through a primary campaign and in a direct primary and in the subsequent election would be called upon to meet. I conducted the campaign as economically as I could. I have no money to throw away any more than other Senators have.

The further provision in this bill that the political campaign committee or managing committee for the area in which the election is had concerning this particular candidate, whoever he may be, is limited to this amount. There is also a provision that the candidate himself may spend out of his own money without limitation for certain purposes; those purposes are all necessary expenses for his traveling, for stationery, circulars, advertising, postage, and for telegraph and telephone service without being subject in respect thereto to the provisions of this act.

This relaxes, as the Senator has suggested, the limitations of the bill. But what about the Senator who has no pocketbook to go through a fight of this kind? I have had the misfortune to practice law for some 30 years without ever being a very good business man. I have spent too much time, probably, in taking care of troubles that appealed to me in which there was no great compensation. I have fought some cases through without practically any pay for them.

I only refer to that to illustrate that if a candidate, by the means referred to in section 14, goes through a senatorial campaign with \$5,000 as the extreme limit of his expenses, if contributed by others and managed by campaign committees, he has beyond that to take it out of his own pocket. Suppose he has not got it in his own pocket. Suppose he does not have the money. His friends can not contribute a dollar for him.

I say to you quite frankly if my friends had not paid a large part of my campaign expenses in years past in the hard fights I have been in, both State and otherwise, I could not have met the legitimate expenses of my campaign and must have risked defeat accordingly. I have been opposed to the clement in my party that finally ended in scandals in the Senate. The Senator from Oklahoma voted as I would have voted if I had been a member of this body at that time, without any regard to parti-

san affiliation. For more than 17 years I have been in a family contest, a factional contest, as it has been called, inside the ranks of my own party with that unhappy element. Those contests can not be fought with cologne water and silk gloves. They can not be overcome by reading essays on a Chautauqua platform.

A practical politician must be met by practical methods, and finally we met them by practical methods. We spent more than \$5,000 in the campaign. That was all legitimate expenditure. I am glad my friends had enough money that I could contribute something myself to the defeat of that element with whom I was not in accord in my own party.

These are primary fights, and there were contests before the days of the direct primary. That was the era of delegate conventions. Those were the days when soap-box primaries ruled and when King Caucus was expected to be obeyed. So I do not think in a contest in the larger States of the kind I have named these expenditures are at all liberal enough.

When I speak of the comparison of the total population and the vote it is not for the purpose of drawing an invidious comparison. It is only the statement of the facts, tending to show that some States required greater expenditures than others to reach those voters.

For instance, in the State of Arizona its 23,722 votes are 9 per cent of the population. Georgia, with a total vote of 121,420, shows that 4.65 per cent of the total population vote. In the State of Mississippi 3.6 per cent of the population vote. In North Carolina it is nearly three times as much, because it is 10 per cent, which is something like a normal average in many States, even in latitudes farther north than that. In Oklahoma 12.23 per cent of the population vote. In the State of South Carolina 3.16 per cent of the population vote, which is the lowest per cent, compared with the total population, of any other State in the Union.

Now, compare some of the other States. In Illinois 20 per cent of our population vote; in Indiana 23 per cent of the population vote; in the State of Iowa 23 per cent of the population vote; in Kentucky nearly 15 per cent of the population vote; 18.75 per cent of the population vote in the State of Maryland; nearly 17 per cent vote in the State of Minnesota; 20 per cent vote in the State of New Hampshire. Wherever the per cent rises the number of voters necessarily increase. That number of voters require in some way to be approached by a candidate. He can be approached in only one of the three ways I have suggested—one by the mails, another by the public press, and the other by the candidate himself by word of mouth, by his personal presence, either on the platform or by personal solicitation.

These are the three methods, and in a large State like Texas or New York, compared with a small and densely populated State, the maximums that are fixed are unfair. I do not think in the larger States that a legitimate campaign can at all be waged unless a person takes the money out of his own pocket. This limitation enlarged by section 14 of the bill therefore puts a premium upon the person who has means and imposes a signal disability upon the man who is without means.

Another thing I do not particularly like. This proposed act is to be imposed upon the larger States by the votes of Senators of the smaller States of the Union where these limits are reasonable, where if these sums were expended it would probably mark the limits of legitimate expenditure.

But I am quite sure, Mr. President, that the condition in some of the States, under their local laws, is such as to make it unnecessary to spend the large sums of money that would be necessary in New York, Pennsylvania, or Illinois. One of the reasons I think so is because in the constitution of Oklahoma I find these provisions:

ARTICLE III—SUFFRAGE.

SECTION 1. The qualified electors of the State shall be male citizens of the United States, male citizens of the State, and male persons of Indian descent native of the United States, who are over the age of 21 years, who have resided in the State 1 year, in the county 6 months, and in the election precinct 30 days next preceding the election at which any such elector offers to vote.

Then there is a provision that no person who shall be guilty of a felony shall vote unless he shall have had restored to him his civil rights. Then I find further on an amendment, section 4a. A change is made in the qualification. The section which I have just read was adopted in 1907. It was that portion relating to the elective franchise in the constitution when Oklahoma was admitted into the Union, but in 1910, some three years afterwards, section 4a was added, which is as follows:

SEC. 4a. No person shall be registered as an elector of this State, or be allowed to vote in any election held herein, unless he is able to read and write any section of the constitution of the State of Oklahoma; but no person who was, on January 1, 1866, or at any time prior thereto, entitled to vote under any form of government, or who at that time

resided in some foreign nation, and no lineal descendent of such person, shall be denied the right to register and vote because of his inability to so read and write sections of such constitution.

That is commonly known as the grandfather clause. That was in force until, within a few hundred feet of this Senate Chamber last winter, as I remember, the Supreme Court of the United States gave a decision. It was in a case pending, brought to that court by a proper process and reviewed. They held that this provision, 4a, of the amended section of the Oklahoma constitution was utterly void, the court saying in substance that it was in contravention of the fifteenth amendment. Possibly if this bill be now applied to that State, the election expenses will be higher than they were in former years. It might result in some enlargement of the elective franchise. The literacy test provided in section 4a, the amendment of 1910, is broken down, so that the same test applies to all or to none as the case may be.

Pursuant to this, a statute is in force in the State of Oklahoma governing elections. Now, I wish to call attention to the fact how simple a thing it is in Oklahoma to control the election machinery. It begins with the governor; it ends with the precinct election officials. If the governor is of a given political party, all the rest of the control necessarily follows. It is true there is a provision that only two of them shall be of the same political party; but I understand a decision of the supreme court of that State has nullified this provision, and now practically gives power to the election board to appoint anybody whom they please.

So we begin with the State election board, appointed by the governor, consisting of three members. They in turn appoint the county election board, and the county election board in turn appoints all of the precinct election officers for the holding of the election in the various localities. The elective county officers have no part in naming precinct election officers. The people have no home rule in the control of their own elections. They are controlled by officers named at the State capitol. So this is comparatively simple alongside the more complicated election laws of some of the other States.

I do not want to go more into detail in this matter. I am only suggesting that if this election act were postponed so that it would apply after this election it would then give time for candidates to adjust themselves to the conditions with which they are surrounded. There are 435 candidates for the House of Representatives who must be elected. They have engaged in primary contests; they have gauged their expenditures under existing law. The primary is over; they must now approach the November election. Consequently, I think it would be fair to let this campaign go to a finish, except upon the conditions which existed at the time it began.

I know that many of the States have provisions for the initiative, the referendum, the recall, and many other modern devices that are supposed to forward the purity of elections and to provide for popular government. Such schemes are beautiful on paper. Wherever tried sufficiently to test them, they destroy popular government in large populations and convert elections into a jest and idle clamor.

The tendency, Mr. President, all the time is to increase the legitimate expenses of elections, rather than to decrease them. Device after device has been heaped upon the candidates in almost every State in the Union. Busybodies who seldom run for office themselves spend their energies providing for more elections. If they had faith in their schemes they would become candidates in elections now held and improve existing conditions, instead of merely multiplying elections. There are no simple election laws any more.

In the city of Chicago a primary ballot contains over 3,000 names. In my own city, which is 180 miles out of Chicago, a city of 75,000 population, the last time I went into a primary election I took my ballot into the booth to vote. I looked at the ballot and I counted the names. There were 302 names on the ballot. I had more than the ordinary citizen's acquaintance, and, to save my life, out of the 302 names, by giving one the benefit of the doubt, I knew but 25 men. On the other 277 men I voted absolutely blindly in my own city. In the city of Chicago the evil becomes very manifest.

The only way you can conduct a campaign there is by organization. It begins with the precinct and the ward—with the 35 wards in Chicago and 6 election commissioners' districts outside. The same thing holds true in every large city. The expenses are legitimate. You can not reach the people in any other way. You must take the metropolitan press or you have got to take political organizations in such large centers of population.

Mr. OWEN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Oklahoma?

Mr. SHERMAN. Yes, sir.

Mr. OWEN. There is a very easy remedy for that condition of that multiplied number of names on the ballot, and that is the short ballot by which the difficulty would be obviated.

Mr. SHERMAN. I did not catch the last part of the Senator's observation.

Mr. OWEN. I say the short-ballot system effectually meets that difficulty; and it is perfectly obvious that the democracy can not operate through a ballot containing many hundreds of names. So a short ballot is essential.

Mr. SHERMAN. Yes, sir; that is true. The short ballot would palliate the evil. I remember when we were framing the election laws in the fervor of "the uplift" several years ago I tried to except from its operations school directors and members of boards of education, and I came near being hanged, drawn, and quartered. I tried to except, and did except, presidential electors. I never thought that political parties, in which I believe, as I have already announced, ought to be subjected to the catch-as-catch-can plan of getting its electors. I was branded as an enemy of the people because I opposed the nomination of electors by a direct primary.

Sometimes anybody can be nominated in a direct primary. I say that with all due deference, and I have supported the direct primaries within reasonable limits. Men have carried populous counties in Illinois, with a fairly intelligent population compared with other parts of the Union, who, if themselves were subjected to a test by a competent alienist, would be found to be subnormal, to say the least of it. Still you have got to go out before the people in a direct primary, with over a million votes cast in the State—600,000 in my own party and 500,000 in the Democratic Party—you have got to go out with the \$2,500 limit on you in the district and a \$5,000 limit on you in the State. You must go before the people, who are just as intelligent as they have ever been, and explain to them in some way who it is that is running for office. In the city of Chicago there are 3,100 candidates on a single primary ballot. Every time a business man sees a candidate come around the block he flees from him as though he were a pestilence. The busier the man in a city, the more successful he is, the less use he has for any candidate.

Now, how are you going to get around it? You have either got to let the people vote blindly or you must get to the voters in some way. So it seems to me that these limitations are unreasonable.

I will vote for some fair publicity act or corrupt-practices act, but I will not vote for this proposed law as it now stands, because I think it is grossly unfair to the candidates.

I am aware that nearly all the members of organized labor from whom we hear are in favor of direct primaries, the referendum, the recall, the initiative, and other presumably popular devices for making it more expensive for a person to offer himself for public office or to stay in office after he is elected.

Mr. OWEN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Oklahoma?

Mr. SHERMAN. Yes, sir.

Mr. OWEN. If the Senator would only mention the remaining part of the proposed program, namely, the publicity pamphlet, the short ballot, the preferential ballot, and the corrupt-practices act, it would not add to the expense nor difficulty, but would save expense and difficulty.

Mr. SHERMAN. It would be, Mr. President, some small mitigation of the evil; but when will the short ballot come? It has not been adopted in my State; it has not been adopted in the State of the Senator from Oklahoma; it has not been adopted over in Indiana nor in Ohio; and in the large States wherever the direct primary is in force at this time there is no short ballot. In 10 or 11 States farther south the process is a simpler one, because politics there does not involve a contest in the November election in the acute form it does in some of the other States. The primary fight there is the strong one; and generally it is the vital fight. When the primary is over, ordinarily the political struggle in those States is at an end.

Now, when I think of simplifying the ballots I come to the conclusion that for this election there will be no simplification of the ballot in many of the States. There will not be in my State. The same laws will be in force in Illinois for the primary to be held on the 13th of September, 1916, that have been in force for several years; and so it is with most of the States which have not yet held their primary elections.

The publicity pamphlet is a doubtful expedient in a large State. It would have to be published in from five to seven languages in States like New York and Illinois.

The preferential ballot is a mere name as yet and would only add confusion to the bewildering chaos, unless the election laws

of the States were radically overhauled and some of them disinfected with a little horse sense.

Mr. President, I understand from the Labor Day address of Mr. Gompers, which I have examined with some care, that he claims he has done a great variety of governmental deeds. I will specialize for a few minutes on Mr. Gompers.

Mr. GALLINGER. Mr. President—

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

Mr. SHERMAN. Yes, sir.

Mr. GALLINGER. Before the Senator does that, the Senator doubtless recalls the fact that the Senator from Missouri [Mr. REED] said that Mr. Gompers did not meddle with politics, and I called attention to the fact that he had in New Hampshire meddled with politics on a certain important occasion in his efforts to defeat me for reelection. Has the Senator noticed any activity of a political nature on the part of Mr. Gompers of late?

Mr. SHERMAN. I reply to the Senator from New Hampshire that it has been with great sorrow that I have noticed the error of the Senator from Missouri [Mr. REED]. I have observed great political activity of Mr. Gompers for several years. I was taking the gentleman at his word; but, then, a short time after the nonpartisan proclamation was issued with a great blare of trumpets that he was a celebrated nonpartisan, he was caught red-handed in a most shameless and unbridled political partisan attempt. I understand from the Labor Day address of Mr. Gompers, he has declared that he will deliver the whole of the labor vote of the United States to President Wilson. Well, let him to so, if he can.

He gives a list of the labor laws that have been passed since April, 1913, when the special session of Congress convened. I shall not undertake to recite them here, but, after dwelling at some length upon the variety of good things that have been done, he says that he intends to support, and he calls upon all the labor unions of the country to support, the Democratic ticket. Still Mr. Gompers is not in politics.

Mr. Gompers's son, Samuel J. Gompers, has a \$3,000 appointment under this administration. He is a "deserving Democrat." Gompers senior is not in politics. Mr. Gompers senior has blacklisted everybody at primaries and elections who refused to take orders from him. Yet he displays no political activity. It is likely merely Gompersian activity.

That declaration came while the proposed wage-increase law was a live question in Congress, as it is yet. All other questions might be ephemeral; but the principal thing that remains, elemental and permanent in its result, is the fact, already alluded to in this Chamber, that Congress has assumed the power to regulate and fix the wage relations between employer and employee.

Mr. STONE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Missouri?

Mr. SHERMAN. Yes, sir.

Mr. STONE. I hold no brief authorizing me to speak for Mr. Gompers. I have read in the papers in the last two or three days some reputed or reported expressions of his favorable to the reelection of Mr. Wilson. That is all I know as to his attitude. I do not rise to have any controversy with the Senator from Illinois as to whether or not Mr. Gompers properly gauged or estimated the situation. Unquestionably my friend from Illinois and I will not agree as to that; but would the Senator from Illinois deny to Samuel Gompers, because he happens to be permanently identified with a labor organization—the greatest labor organization of its kind in this country or in the world—the right of a citizen, purely as a citizen, to say that he favors the election of a certain candidate for President or the defeat of a certain candidate for President, or the election or defeat of a certain candidate for the Senate or for the House of Representatives, speaking from his viewpoint. The men associated with him in this great organization, or, at least, many of them—how many I know not—may not agree with him. I do not understand that he is attempting from what he says in a political way to speak for the organization of which he is the head, but to speak his individual views. I can not believe that the Senator from Illinois seeks to put any limitation or restraint upon Mr. Gompers or upon any other man in speaking what he thinks and what he believes is best for the country and best for the great industrial organization he represents. Certainly he has a right to give the best thought he has to that subject.

Mr. President, I can not understand why any Senator should make a personal, hostile, unkindly criticism of a citizen of our common country, a prominent citizen, because he expresses his views with respect to current questions, unless, perchance, the

purpose be to disparage him and to weaken the effect of what he might say upon the country as a whole or upon the vast number of men with whom he is especially identified in this great industrial organization of which he is the head.

I beg the Senator and all Senators to pass that by, and leave to Mr. Gompers or to Mr. Anybody Else, whether he belongs to a labor organization or not, the liberty of telling the American people what he thinks, just as the Senator from Illinois can do, or the Senator from New Hampshire can do, or I can do.

All of us stand in the great world outside upon terms of equality with our fellow citizens. I did hear the Senator from Illinois the other day say that he would have no dispute with Mr. Gompers unless Mr. Gompers could in some way come into the Senate and become the equal of the Senator from Illinois, so that they might debate on terms of equality, as the Senator expressed it. Well, Mr. Gompers is not in the Senate. He probably never will be here. He probably does not wish to come here. He probably could not come if he wished. I do not know. But about this the Senator from Illinois will agree with me—that when he and I walk out of this Chamber to mingle with the American people, we can not lift ourselves up with any idea that the men and women we meet are not our equals. We must meet them as our equals, for they are our equals, if our American democracy is what the Senator from Illinois and I wish it to be.

I beg the Senator not to upbraid and criticize and condemn Mr. Gompers, nor, as I said, Mr. Anybody Else, unless, standing outside of this Chamber, he sees proper to tell his constituents or his fellow citizens what he thinks is best for the promotion of the public welfare.

Mr. SHERMAN. Mr. President, while the Senator from Missouri disclaims holding a brief for Mr. Gompers, I never heard a lawyer take up as much time for a client he did not represent as the Senator has used.

I will agree on one thing that he says—that Mr. Gompers probably never will be in the Senate. If he does not run any better than he did as a delegate for the New York State constitutional convention the last time he ran, I am quite sure he will never get in the Senate or any other public office. I looked at the returns, when they came in, in 1914 in New York State; and in the city of New York when he was a candidate my recollection is that he was the tailender in the race, although he claimed he had all these mighty elements for him.

To go back, I will take up in turn the series of questions propounded and pay some attention to them, although I do not want to occupy much time. I always go on the idea that when a fellow has a lot of interrogatories in him and is filled up with something, he had better let it all come away from him at once; and I think the Senator is relieved because he propounded a multitude of interrogatories. I do not know whether they will enlighten the Senate much if I can answer them. Some of them I can not; some I can.

Suppose Mr. Gompers undertook to deliver the entire labor vote. He claims that there are 2,000,000 members of the American Federation of Labor. If he could deliver them, it would not be because he is Mr. Gompers but because he is president of the American Federation of Labor. As Mr. Gompers he could not deliver them any more than myself individually could the Senator from Missouri individually. If he walked abroad in the panoply and majesty merely of his American citizenship, he would not deliver them any more than we would deliver them, in the absence of political organizations, and from the mere fact that we happened temporarily to be occupying the position of Senator. Merely as citizens we would not deliver very much. I never was able to deliver anything. I have been beaten in my own precinct every once in a while, and that by the element in the party to which I referred a while ago. I was continually defeated until a few years ago, when matters seemed to change. So it is not merely as an American citizen that these things count.

I apprehend that Samuel J. Gompers is not on the pay roll in the Department of Labor—that is, Gompers junior—merely as an American citizen. He is there because his father is president of the Federation of Labor.

Mr. Gompers is not consulted when the Carranza government in Mexico is recognized because he is Mr. Gompers. It is because he has been plowing with the I. W. W.'s in Mexico, disturbers of the peace, rioters, incendiaries, persons guilty of arson of various degrees, from burning farmhouses to whole cities. On our own side of the border Mr. Gompers is associated with those gentlemen, and has been for a long time. In his Labor Day speech at Lewiston, Me.—

Mr. STONE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Missouri?

Mr. SHERMAN. In a moment. In his Labor Day speech at Lewiston, Me., on the 4th day of September, 1916, he took occasion to refer to the fact that he is responsible for this administration's recognizing the Carranza government. I am glad to have another count in the indictment against this unwarranted usurper, this gentleman who receives the confidence of the people, prostitutes that confidence, and abuses the power vested in him.

Mr. STONE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Illinois now yield to the Senator from Missouri?

Mr. SHERMAN. I do.

Mr. STONE. Will the Senator allow me to do him a friendly service?

Mr. SHERMAN. Yes, sir.

Mr. STONE. When the Senator took the floor he said he would try to conclude by 5 o'clock. He is making an exceedingly interesting and able speech, and I am afraid he will become so absorbed in it that he may not keep track of the clock.

Mr. SHERMAN. I will take up the time that the Senator occupied in asking questions a while ago, and when I have taken that much time I will be through. I would have been through long ago but for the interruptions. I must leave, however, in a few minutes.

Mr. GALLINGER. Mr. President—

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

Mr. SHERMAN. I do.

Mr. GALLINGER. Has the Senator observed that Mr. Gompers has now invaded Mexico and is organizing the so-called workmen of that delightful Republic?

Mr. SHERMAN. Yes, sir. He claims to be in communication with them, and he soon expects to bring about a state of civil and industrial peace. By proclamation and resolution he intends to restore order in that nationality. If so, he will do more than anybody has been able to do up to this time with all the rulers of Mexico since Cortes invaded that country in 1519. Why, even Porfirio Diaz could not keep peace in Mexico. He was in trouble all the time. But here comes this self-sufficient autocrat, who will immediately go down there and by a proclamation restore order. He will stay on this side of the proclamation when he makes the proclamation. He will never risk his precious person on the other side. I will be willing to wager any respectable sum on the locality in which he will be found.

Mr. FALL. Mr. President—

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from New Mexico?

Mr. SHERMAN. Yes, sir.

Mr. FALL. I hold in my hand the August number of the American Federationist, containing an article by Samuel Gompers. On pages 640 and 641 of this periodical there is set forth a letter from Samuel Gompers, under date of September 22, 1915, addressed to the President of the United States. I call the attention of the Senator to this letter of Mr. Gompers upon the recognition of Carranza and requesting the recognition of Carranza. It is dated September 22.

The statement preceding it by Mr. Gompers is that the Mexican situation was presented to the President by himself, as the president of the American Federation of Labor, as the first efforts of people long accustomed to despotism and denial of the rights of free citizens to realize ideals of freedom.

The letter to President Wilson follows. I will not undertake to read it, as it is of some length. Following the letter in this article, Mr. Gompers says:

On October 19, 1915, the United States Government notified the representatives of the de facto Mexican Government in the United States that it would be pleased to receive formally in Washington a diplomatic representative of the constitutional government.

The Carranza government was recognized. Mr. Gompers in this article assumes the credit for persuading the President of the United States to recognize the Carranza government. It might be interesting, Mr. President, along with the Senator's remarks, if this letter were printed in the Record.

Mr. SHERMAN. I will ask to have that done, Mr. President. The PRESIDING OFFICER. Without objection, that course will be pursued.

The matter referred to is as follows:

WASHINGTON, D. C., September 22, 1915.

SIR: In accord with the direction of the executive council of the American Federation of Labor, the following is respectfully submitted to you and which we hope will commend itself to your favorable consideration and action:

There has been going on just across our southern boundary a battle which is part of the world-old struggle for freedom. Although that struggle may be associated with many things that are not in accord with our ideals, yet I am sure you recognize that these things are the first crude efforts of a people long accustomed to despotism and denial of the rights of free citizens to realize ideals of freedom. Nations, as well as individuals, as you well know, can not at once assume wisdom in the

exercise of freedom. They must learn to be free. They have the right to this freedom without unwarranted outside interference even from those who seek their welfare.

The revolt of the people under the leadership of Madero against the Diaz government was an effort to realize ideals. The support given to the ideals of Madero was a proof that national virility and resourcefulness had not been crushed out by the rule of despotism. It was a proof that there were yet ideals and yearnings for the opportunities that rightfully belonged to citizens under a free government.

Under the Madero government there were beginnings of a labor movement, and an effort of the workers to organize for the realization of their ideals and for the betterment of themselves and their fellow workers. This hope was overshadowed by the barbarism of Huerta, but again grew strong and steady when Carranza asserted himself as the leader of the people.

Gen. Carranza is recognized as the friend of the working people and the real leader of the people generally of Mexico. He has granted to the wage earners the right of organization, and has secured them opportunities for carrying out the legitimate purposes of organization. He has been thoroughly in sympathy with the ideals of greater opportunity and freedom of the masses of the people. The working people have been supporting him. They have adjourned as lodges and trade-unions to enlist in the Carranza army with their union officials serving as the officers of their regiments.

The workers of Mexico have tried as best they could with the resources available to present their request and their right to be allowed to work out their own problems. They asked you and our Government for a little more patience and a little more time to prove that the Carranza government really represented the people of Mexico. You granted that request, and time has proved that Gen. Carranza is really the representative of Mexican democracy; that he represents their efforts to establish a government of the people and for the people. Gen. Carranza has demonstrated his sympathy with the ideals for which Madero gave his life, and has refused to compromise these ideals with Mexican revolutionists who were seeking their own personal interests. He has endeavored to secure for the Mexican Republic the dignity and the respect that ought to be accorded to any sovereign government.

The sympathies of the workers of the United States have been very deeply touched by the struggles of our fellow workers of Mexico. As recent events have drawn all of the countries of the two American continents more closely together, so the workers of these various countries have been more thoroughly aroused to the common interests and the common welfare of the wage earners who are citizens of the countries.

It is with the desire that we Americans who have so much liberty and so much of opportunity should use our influence to aid those who are less fortunate, that as representatives of the labor movement of America we urge upon you recognition of Gen. Carranza as the head of the Mexican Government.

The matter we know is receiving your most earnest and most conscientious consideration, and we are sure that your sympathies are very strong for any genuine effort to secure larger liberty for the people; therefore we wish you to have the assurance that the course we, as the representatives of the organized labor movement of America, urge upon you, has, we are sure, the hearty approval and indorsement of the great rank and file of the citizenship of our country.

Very sincerely, yours,

SAMUEL GOMPERS,

President American Federation of Labor.

HON. WOODROW WILSON,

President of the United States,
White House, Washington, D. C.

Mr. SHERMAN. It shows that what Mr. Gompers stated in his Labor Day speech on September 4, 1916, is borne out by corroborative evidence. This letter furnishes one of the links in the chain of testimony showing that undoubtedly he has had something to do with influencing the Executive to the recognition of that so-called Government.

I am perfectly willing for Mr. Gompers to have the credit of that recognition. He claims it. Let him have it. For all that has followed in its train, all the double-dealing, all the deception, all the riot, all the pillage, the murder, the arson, the unspeakable civil conditions that have prevailed in that unhappy country, and the deaths of our soldiers at Carrizal at the hands of Carranza's soldiers, Mr. President, since the recognition of the Carranza de facto government on the 19th day of October, 1915, down to the present time—if Mr. Gompers wants to take that responsibility upon his shoulders, a part of it or all of it, let him have it.

The Senator from Missouri asked if he was not acting in his individual capacity, and whether it was not his right and ought not subject him to criticism. If he were doing so merely as a citizen, it would not. Neither would I take time in the Senate to remark upon it. Neither would I join him in a public debate on this question. It does no good. I will answer it here where I properly can, and in the campaign to come where I properly can, and I shall do so at proper times and places. I can only say this:

If a priest undertook to deliver his parishioners, if a minister undertook to deliver his congregation, if he left his holy office, forgot his priestly robes, and undertook to vote his congregation as a political unit and to deliver them to the Republican ticket or any other ticket, I would say that he had prostituted his holy calling. I would criticize the priest, I would criticize the minister of the gospel, as unsparingly. He would have abdicated his function. He would have ceased to be the spiritual counselor and guide and would have sought to become the political autocrat delivering the votes of his congregation or his parish. The ecclesiastic would be lost in the partisan. The pulpit would be filled by a politician.

That is exactly the attitude of Mr. Gompers. Mr. Gompers seeks to deliver the labor vote. He always has done so. The Senator from New Hampshire [Mr. GALLINGER] is entirely correct. Mr. Gompers has been in politics from the beginning. He interferes in everybody's primaries, Democratic and Republican alike. He has done so for years. Generally, he is a Democrat. Ninety-nine per cent of him is a Democrat. I do not know of any time that he has ever indorsed a Republican ticket.

I have no objection to his doing as he pleases in any particular. That is his right. I object to his brazen, unauthorized attempt to deliver the whole of the labor vote of the United States connected with the American Federation of Labor merely because he is intrusted with the power given him as the president of that federation. That is what I object to. I have a right to criticize that, and I am doing it.

I am perfectly willing for Mr. Gompers to undertake to deliver the labor vote when yoked with his political associates. Who is the political manager of this campaign? Who is it that furnishes the maneuvering, the advice, the organization? Who directs the energies of the Democratic Party? It is the head of the Post Office Department, a former Member of Congress, Mr. Burleson, of Texas. He wields all the mighty power that goes with that department, with all the postmasters appointed and to be appointed.

One of his chief assistants, Mr. Roper, is now at the Democratic national headquarters. Nobody else could be so persuasive. Nobody else could so liberally fry the fat out of Democratic postmasters like Mr. Roper, because he has been the official headsman for nearly four years; and if the brethren do not come around with the coin of the realm they will be put on the unfair list.

Mr. THOMPSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Kansas?

Mr. SHERMAN. Yes, sir.

Mr. THOMPSON. Will not the Senator from Illinois be fair enough to say that Mr. Roper has resigned from the position of First Assistant Postmaster General?

Mr. SHERMAN. Oh, certainly.

Mr. DENROSE. Temporarily.

Mr. THOMPSON. No; for good.

Mr. SHERMAN. He has resigned—why, of course; and, as the Senator from Pennsylvania says, it is a temporary resignation. If the President should be reelected, I apprehend that Mr. Roper will be cared for in some berth where his exchequer will not suffer, before the arrangement has been worked out. No worthy laborer in the Democratic vineyard will come to want, much less Mr. Roper.

Now, so long as Mr. Burleson is taking care of the political end of it and Mr. Gompers is taking care of the labor end of it, I shall assume that those two gentlemen are the team that intend to deliver enough votes to elect the ticket. Those two Dromios are traveling along very harmoniously.

I have said all that I care to say at present about Mr. Gompers, except that I have had a great many resolutions from various labor organizations all the way from San Francisco to Philadelphia. They have denounced me without stint. If there is anything that I thrive on, it is abuse. Anybody does. When they understand both sides, they will commend me. Any normal human being will always react, just like the senior Senator from Missouri.

I had a resolution from a federation in Philadelphia yesterday morning, and it utterly denied my right even to criticize Mr. Gompers. It in substance said:

Mr. Gompers represents us, and if he needs any criticism we will criticize him. You keep your mouth shut.

That is the reason why I am opening it to-day, just among other things to show that I shall not obey the resolution. I believe in free speech for others and myself.

Now, I have a copy of the San Antonio Daily Express, dated Wednesday morning, October 20, 1909, published at San Antonio, Tex. It can be found readily in the files of the Congressional Library; it can be found in the Carnegie Library; a copy of the files of this paper can be found in the library of my home city and in at least five public libraries in the city of Chicago. So it is common property, only it has lain all these months unthought of. I deem as an impartial political historian as well as an antiquarian that it becomes my duty to dig out these remains and give them in this campaign to the public.

This is dated Fowler Station, Bosque County, Tex., October 19, 1909.

There was a labor investigating committee at that time acting under the authority of the Texas General Assembly. There was not a Republican member in the whole of that legislature.

They were investigating the convict labor of Texas. They went upon the farm which is in this report described as follows:

The Burleson & Johns farm, which lies partly in Hill County and partly in Bosque County, the Brazos River being the dividing line between those political subdivisions, is a splendid estate of about 5,000 acres. The State cultivates about 4,000 acres of it—3,200 in cotton, 800 in corn. It is the property of Congressman Burleson and his kinsman, Mr. Johns, of Austin. The principal tract lies in a big horse-shoe bend of the Brazos River, in Hill County.

The men worked on this farm, Mr. President, are convicts of the Texas Penitentiary. They worked on the share plan. The State, I believe, takes 60 per cent of the proceeds and Mr. Burleson and Mr. Johns get 40 per cent of it. That arrangement was in force in 1909, when it was under investigation by the Legislature of the State of Texas. The contracts were made, and for some time prior to that Mr. Burleson was drawing the profits from that kind of an arrangement. He is now a political partner of Mr. Gompers, who intends to deliver the labor vote in this campaign.

It is my duty to apprise Mr. Gompers of just what kind of associates he has in this attempt. I have had in years past some criticism because I did not act quick enough to prohibit convict labor. We had to have a constitutional amendment in my home State to do so. Before that time we condemned the contract system, and at last abolished it. I know of no man on the Republican ticket, I know of none sitting in any cabinet position or assuming to deliver the labor vote in places connected with the contract system of years ago. More than 34 years ago it was abolished in Illinois.

Here about four years before his chief was inaugurated Mr. Burleson was engaged in drawing profit from a contract made with him and his partner by the State of Texas in which the convicts were farmed out for pecuniary gain. Labor unions have criticized that for many years, and, fortunately, in most States it is prohibited by law. Bills have been pending here for a long time to prohibit interstate commerce transporting convict-made goods and to close the customhouses of the country against the importation of foreign convict-made merchandise.

Now, that would be enough in this campaign, Mr. President, to cause Mr. Gompers some serious thought. He finds himself with a strange industrial or agricultural bedfellow. I will assume he does not know it. He has probably no more knowledge of it than he had of the MacNamaras, whose criminal deeds he said, after they confessed, he knew nothing about.

That is bad enough; but, Mr. President, the same unfortunate convicts working in the Burleson cotton fields were lashed—whether properly for good reason or not, I need not stop to inquire—but they were punished by a lash 5 feet in length; whipped repeatedly, as a State overseer said, for laziness. It is true they were negroes sent to the penitentiary for various felonies of which they were convicted in the State of Texas.

That does not justify, though, cutting their flesh open, and as the evidence taken before this legislative committee shows, standing them up on a stump 4 feet high in the burning sun until the ants out of the rotten stump crawled into their wounds. Finally one of them died. Durham was the State foreman at the time this unfortunate convict died. Thomas Durham was indicted. He was employed by the State of Texas in the capacity of custodian or overseer of the convict-labor farm of Burleson & Johns. The record shows that Durham was indicted and was charged with the direct responsibility of the death of the convict. The trial of the case occurred September 3, 1911, when Durham was acquitted, because the State could produce nothing but the evidence of convicts. This is not convincing sometimes, especially when they are negroes, before a Texas jury. The convict was dead of his injuries, though, at the time of the trial. Durham was absolved from criminal consequences. I will not criticize the jury, but it was purely convict evidence, and they saw fit to liberate him.

What happened afterwards? I commend this to my friend Mr. Gompers. Mr. Durham was appointed postmaster at Longview, Tex., by Burleson September 18, 1913. I say by Burleson, because it was his recommendation that appointed him, and not the President. The Congressman from that district protested against his appointment. The respectable citizens, a large number of them, and among them some of the most reputable citizens found in Longview, protested against Mr. Durham's appointment; but, nevertheless, the Postmaster General recommended him and he was appointed. He served until the time of his death and his successor, R. G. Brown, was appointed September 16, 1914. Mr. Durham was acquitted in 1911 and he was appointed in 1913, just two years afterwards.

Out of such labor, out of such profits from a State convict farm, out of such a tainted source, Postmaster General Burleson has become the wealthiest member of the Democratic Cabinet to-day. He has more worldly possessions than any other Cabinet mem-

ber. He is Mr. Gompers's ally; he is Mr. Gompers's friend. Was this unknown when he was appointed? It will not be unknown from now afterwards. If the labor unions are as zealous about their belief and their rights as I think they are, they will begin to pass fewer resolutions about my advising them not to follow Mr. Gompers's advice on anything political and more resolutions on convict labor asking that Burleson be removed as Postmaster General. If there is any tainted money, of which Mr. Bryan made some comment in his talk, it certainly is found among the worldly possessions of the Postmaster General under this administration.

Mr. President, I am about to close, very greatly to the relief of the Senate, no doubt. I wish to add in conclusion that I suspect that Mr. Burleson can deliver more of the convict votes of this country than Mr. Gompers can of the labor votes, and I will let them make a neck-and-neck race to see who comes out ahead in that controversy.

President Wilson's administration is asking for the free labor vote. He ostentatiously asserts his devotion to organized labor. Why does he invite a convict-labor contractor to a seat in his Cabinet and still keep him when it is known to the world?

I wish to insert in the RECORD without reading the whole of the article, from which I made a quotation, from the San Antonio Daily Express.

The PRESIDING OFFICER. Without objection, that will be done.

The matter referred to is as follows:

[From the San Antonio Daily Express, Wednesday, Oct. 20, 1909.]

RESULTS OF THE INVESTIGATION AT BURLERSON & JOHNS FARM—CONVICTS ARE NOT WHIPPED SO OFTEN NOW.

FOWLER STATION, BOSQUE COUNTY, TEX., October 19.

Upon its visit to the Burleson & Johns farm, upon which State convicts are worked upon the share plan, the subcommittee of the legislature, Senators Greer and Representatives Gilmore and Lee learned:

1. That whipping is the form of punishment in vogue upon the farm. It is not resorted to as often as formerly. The law provides that convicts shall not be whipped except upon orders from designated authorities, and not then until all authorized methods of punishment have failed. However, there is no dark cell upon this farm, no facilities for solitary confinement, no ball and chain. Hence the resort to whipping when admonition and persuasion have failed to correct a fault.

2. That conditions in respect to food, bedding, the care of buildings, and general treatment of convicts have recently improved.

FORCED TO WADE RIVER.

3. That convicts who cut wood last winter were obliged to wade the Brazos River in going to their work and returning from same. This was learned from the testimony of convicts, following up a lead learned upon the outside. There has been a change in the management of the farm since last winter.

4. Convict testimony was taken corroborating former testimony concerning the death of a convict at another farm from whipping, and the statement that this convict was forced to mount a burned stump and stand under the rays of the sun while ants crawled upon him and into his wounds.

The committee declared that the equipment and conditions at this farm were better than at any farm they have thus far visited but that they are far from satisfactory. It is taken into account, however, that it is uncertain how long the convict forces will be left on any of these farms, and therefore it is not reasonable to expect such equipment as doubtless would be provided if there was more permanency to the arrangement.

Many of the convicts with whom the members of the committee talked in the barracks, as well as two of those who testified, stoutly declared that they had not been warned not to disclose grievances, but upon the contrary had been told that they might feel free to tell the committee anything. Nevertheless, when asked if they were telling all, they said that they were afraid to testify, because they had found that convicts who told things to committees or inspectors invariably suffered for it. They added that they thought the committee would find the prisoners in all parts of the system reluctant to testify.

The testimony of the convicts was most favorable to the present sergeant, J. L. Brooks, who has been in charge of the farm since September 5 of the present year. Before the present commission he had had 16 years' experience in handling convicts in south Texas, but was out of the service for 3 years.

Asked if he had gone any extra fixing up in anticipation of the visit of this committee, and when, Mr. Brooks frankly replied:

"Ever since I have been here."

Asked if there had not been special fixing just before the committee's testimony, Mr. Brooks answered:

FIXED UP FOR THE COMMITTEE.

"I saw a statement in a paper a day or two ago that you were coming, and I did a little extra screening around. We did some whitewashing only this morning. You can see the signs of it."

However, convicts who testified said that Mr. Brooks had the barracks whitewashed once a week, and that conditions at this time are about the same as they have been ever since he took charge. They said that Mr. Hicks, who preceded Mr. Brooks, had improved conditions, these improvements dating principally from about eight months ago, and that Mr. Brooks had gone still further, especially in the matter of food, clothing, and bedding. Mr. Brooks, they said, has the food better cooked and provides more of it; he also furnishes socks and underwear, which was done heretofore only in the winter.

At the request of Chairman Gilmore, the penitentiary management is having a record kept of the menu for each meal at each prison and camp. This record was started September 5, the day Mr. Brooks took charge at the Burleson & Johns farm.

The Burleson & Johns farm, which lies partly in Hill County and partly in Bosque County, the Brazos River being the dividing line between those political subdivisions, is a splendid estate of about 5,000 acres. The State cultivates about 4,000 acres of it—3,200 in cotton,

800 in corn. It is the property of Congressman Burleson and his kinsman, Mr. Johns, of Austin. The principal tract lies in a big horse-shoe bend of the Brazos River, in Hill County.

SHOWER BATHS FOR PRISONERS.

The headquarters are on high ground, under the shelter of the hills which flank the bottoms. Good water is supplied from an artesian well, and shower baths are provided for the prisoners. The committee found the bathing arrangements objectionable, however, because the showers are located in an old board building, through which the wind may circulate, and which must be very uncomfortable in cold weather.

Convicts testified that they dodged the baths in winter; also that the State did not furnish towels, and that convicts who do not own towels were in a bad way to dry themselves after performing ablutions. The buildings, sparkling with whitewash, made a pretty appearance in their setting of greensward, oak grove, and the hills for background—they look pretty and homelike at a distance. But it is a case where "distance lends enchantment to the view." They are constructed of rough boarding and are somewhat antiquated.

The main building, which is about 100 feet long and 55 feet wide, fronts east. About 20 feet of the front end is taken up by the kitchen and the guards' dining room. Back of that is a corridor. Then comes the convicts' dining room and sleeping quarters. A latticework separates the hallway from these quarters, and another lattice divides the convict dining room from the bunk house. The dining room is 15 by 80 feet and is uncelled, catching the slant of the roof. The bunk house is celled. It is 24 feet high over all, but only about 20 feet to the slopes on either side.

In the center of this room are the bunk racks. They are constructed of rough lumber, whitewashed, and remind one forcibly of potato bins or the racks for lumber in dry kilns. They are about 15 feet wide and 60 feet long. There are two rows of beds on each of the three tiers, a double bed and a single bed on each of the three tiers. Practically all the men on each tier sleep together. Each man has a little box for his belongings at the foot of his bed. The beds are reasonably clean; the mattresses seemingly have been refilled recently with shucks; the sheets and pillowcases are of coarse canvas.

THE TIERS OF BUNKS.

The first tier of bunks is about 3½ feet from the floor; the second is about 30 inches above the first, and the third 30 inches higher. The last mentioned has the rest of the way to the ceiling.

The ventilation is not good. On the south side of the building, the side that the breezes come from in this climate, there are six windows, about 8 by 7 feet each. These open into the dining room, between which and the bunk house the lattice intervenes. There is one window in the west, also opening into the dining room. There are only three windows on the north side of the building, and there are four on the east, opening into the corridor.

When the committee visited the building all the sash were in the windows and the lower sash on the south side were raised. On the north side the windows were down and the stoves were going.

The convicts said that in summer the sash were taken out. However, the tops of the windows are lower than the uppermost tier of bunks; the bottom of the upper sash is lower than the second tier of bunks. Convicts said that the house was very hot in summer. In cold weather the windows are closed. There is only one ceiling ventilator, about 4 by 4 feet, with slats cutting off about half the space.

The convicts wash at a perforated pipe about 12 feet long, below which is a trough, in one corner of the room. In the other corner are the toilets, four in number—square boxes, with lids, covering openings in the floor, beneath which are tubs on the ground. These tubs are emptied and sunned daily, two sets being used. Notwithstanding the free use of disinfectants, the odor is very disagreeable. It would seem that with an abundant supply of water sanitary closets might be installed. The room is lighted with kerosene lamps. There are long benches around it, upon which the prisoners sit.

Eighty convicts now occupy this building; there have been as many as 128. These convicts are all white. The committee was struck by their youth. Many of them are minors; few are above 25 years of age. Most of them have been brought direct from county jails to this camp, and few have ever been in either of the State penitentiaries. This is true even of some convicts whose terms will soon expire.

There is no school, no teaching of any kind, at this camp, and no religious services have been held during Capt. Brooks' incumbency. The physician comes out once a week; oftener if sent for.

Mr. Brooks told the committee that the rations were issued by one of the guards, and that he supervises the issuance every two or three days. Other duties prevent him from issuing the rations in person. He had whipped only two men since coming here, and neither of them severely. Their offense was laziness. The punishment was inflicted in consequence of his personal observation and upon orders. He does not give the men tasks. They are not unduly crowded at work and are not made to run. The guards do not curse or abuse the convicts; he thought the convicts would complain if they did so. He regarded corporal punishment as necessary in some cases.

Mr. Brooks said he had no recommendations to make; he regarded the present system as good enough.

During the testimony of the convicts the lash was brought out and measured. It is 5 feet long, 3½ inches wide, and three-tenths of an inch thick at the business end. The upper part is three-ply.

TELLS OF KILLING OF THREE CONVICTS.

One of the convicts told the story of the killing of three convicts at another camp by beating substantially as it was told to the committee when it took testimony at Huntsville. One convict told how a sergeant at another camp beat him with a quirt because he had failed to curse a stubborn ox, and beat him again because he cursed it as ordered.

Other features of the testimony have already been touched upon. The committee was favorably impressed with Capt. Brooks.

The menu for September 5, 6, and 7 at this farm, according to the records, was as follows:

Breakfast: Bacon flour bread, coffee, sirup, gravy. Dinner: Bacon, corn bread, beans, sirup, soup. Supper: Coffee, rice, sirup, corn bread, bacon.

Breakfast: Gravy, coffee, flour bread, sirup, bacon. Dinner: Beans, corn bread, sirup, soup, bacon. Supper: Coffee, corn bread, rice, bacon, sirup.

Breakfast: Gravy, coffee, flour bread, sirup, bacon. Dinner: Beans, corn bread, sirup, bacon, soup. Supper: Rice, coffee, bacon, sirup, corn bread.

It will be noted that there are no fresh vegetables in these menus, not even potatoes, and that there isn't much variety of food.

The committee is accompanied by Nape Oxford, of Stephenville, official stenographer; Sam Hawkins, penitentiary inspector, by request; and Master Leon Gilmore, son of Chairman Gilmore. The committee left here for Cameron.

Mr. SHERMAN. I also wish to place in the RECORD the report of the penitentiary investigation committee of the Legislature of the State of Texas, beginning with the date line, Monday, October 25, 1909, at Huntsville, Tex., together with parts of the evidence and accompanying extracts that are material to the question that I have discussed.

The PRESIDING OFFICER. Without objection, that course will be observed.

The matter referred to is as follows:

REPORT OF PENITENTIARY INVESTIGATING COMMITTEE, MONDAY, OCTOBER 25, 1909, AT HUNTSVILLE.

The penitentiary investigating committee met at 1.30 in the afternoon, as per former adjournment, Chairman C. E. Gilmore presiding. The following members were present: Senators Paulus and Greer, Representatives Lee, Bowman, Moller, and Gilmore.

The committee went into executive session to discuss plans for the work.

Testimony of Senator H. B. Terrell and S. C. Branche, cashier, was taken up by the committee.

The subcommittee appointed by the chairman to visit the outside camps, composed of Senators Weinert, Paulus, and Hudspeth, and Representative Moller, reported that the subcommittee, with Senators Weinert and Paulus in attendance, had visited the following outside camps: Eldridge (Faber), Texas Planting Co. (Bonus), A. P. Borden (Wharton), Dyer & Bertrand (Richmond), and J. A. Robertson (Limon-ton), and submitted the evidence taken at their report to the full committee.

The subcommittee appointed by the chairman to visit outside camps and composed of Senator Greer, Representatives Lee, Bowman, and Gilmore, reported that the subcommittee, with all members in attendance save Mr. Bowman for two days, reported that they had visited the following outside camps: Burleson & Johns farm, Henderson & Tomkins farm, Rogers & Steele farms, Calvert coal-mine force, and the Wood farm, and submitted the evidence taken at these camps as their report.

The committee adjourned to meet Tuesday morning at 9 o'clock.

REPORT OF SUBCOMMITTEE.

The subcommittee appointed by the chairman of the penitentiary investigating committee to investigate certain outside camps where convicts are worked and composed of Senator W. J. Greer and Representatives Brown F. Lee, J. R. Bowman, and C. E. Gilmore began its labors at the Burleson & Johns farm (near Fowler, Tex.) on Monday, October 18, 1909.

Representative Bowman was not with the subcommittee on the first day, but joined it at the Calvert mines.

The following testimony is the work of this subcommittee, and reported to the full committee at Huntsville, on October 25, 1909. The last farm was visited on Friday, October 23, 1909.

(Oct. 18, 1909, at Burleson & Johns farm.)

Capt. J. L. Brooks, being sworn, examined by Representative Gilmore, testified as follows:

"I have been the sergeant of this camp since the 5th of September last. We have tolerable fair arrangements for bathing. We have a shower bath for the men, and each man is required to bathe once a week. Our clothing is all marked, and each man has his individual suits and he gets the suit that belongs to him. We use the stools in the building for the men at night and have tubs under these stools. We have three stools in the building. There are 80 men in the building now. We have two sets of these tubs, and after one set is used one night we haul it off between a quarter to half a mile and empty it and put lime in it and leave it to air until the next morning and then carry out the ones used that night and bring back the ones that have been out all day and night. We use lime as a disinfectant in the building. Mr. Rogers issues the rations to the men. I look after that personally occasionally. Yes, sir; I believe the rules of the commissary department make it my duty to see about the issuance of the rations personally, but since I have been here I have been crowded up with time and have not seen every issuance weighed every day. At the end of the month when requisition is made for more supplies I make the requisition myself. At the end of the month, to find out how much I have on hand I check it up by weighing the bacon and other things, and, of course, I count the flour. Yes, sir; I have checked my commissary at the end of the month, taking from it what we had used from what was on hand to see whether it checked or not. I am not a man of family. My assistant is a man of family. He does not take anything from the commissary for his family, except he lives here in the yard and takes his meal at home and at different times I have allowed Mr. Black enough beef for one meal, because he eats at home all the time. No sir; he does not take bacon, flour, or anything of that kind from the commissary. Yes, sir; I have at one time during all the time I served as sergeant, received additional pay or presents from the owner of the plantation. It was not here, though. I can not call to mind just how long ago it has been, but it was before this last law. No, sir; they have never since then given me any presents, such as hat, suits of clothes. I never received either directly or indirectly any assistance from them at all."

Examined by Representative Lee, he stated:

"I said there was 80 convicts on this farm. There are no negroes, all white men. I can not give you the dimensions of the building they are confined in at night. Yes, sir; it is a good large building. I would rather not estimate the dimensions; we can measure it if you think necessary. All of the men are confined in the main prison building at night except one, which is the cook, and he sleeps in the dining room. I have no sick convicts on the farm. One man complained yesterday and I left him in. He has not complained until yesterday. I have one crippled. He got crippled a week or 10 days ago. He got crippled by falling out the door, he and another trusty were on the steps and the trusty slipped and fell and he fell over the trusty and bruised his knee. I have been here since the 5th of September. Capt. Hicks preceded me as captain of this camp. He was in Huntsville the last time I heard of him. No, sir; I don't think he was there in the service of the State.

"I don't know why he was let out here exactly, but suppose it was on account of his health. I have one assistant sergeant and eight guards on this farm. Yes, sir; all of these men receive their pay from the State. I have whipped two men since I have been here. I whipped them on the 3d of this month. They were both punished at the same time. I can give you the names and number of licks I gave them by looking at my record. [Witness looks at record.] This shows B. F. Luce punished, 18 licks; offense, laziness. The other man's name is Joe Oliver, punished on the 4th for laziness, and given 17 licks. This book is my time book. Yes, sir; both of these men were punished for laziness.

"Question. How did you determine that they were lazy?
 "Answer. In the field they would look around over the field and wouldn't try to do anything nearly, and I would talk to them about it and they didn't seem to pay any attention to it. Yes, sir; it was from personal observation that I determined that they wouldn't do the required amount of work, and hence I punished them. Yes, sir; they are the only men I have punished. I punished them in the presence of the other convicts. I did not punish them in the field; it was in the prison building. The order for whipping these men has not been filed here. The time roll is in duplicate, and I sent one of them in. I didn't say this order had not been signed up. I said it had not been filed. No, sir; Mr. Hawkins does not sign up the blanks and leave them with me; he fills out all this other there. I made the application to Mr. Hawkins to whip Joe Oliver and J. S. Luce. I have not a copy of my letter to him. I stated in my letter the offense for which I wanted to punish them. I don't keep copies of those letters. That "O" marked there indicates a sick day. This sheet of this record is for October, 1909. Yes, sir; Louis Kincaid is marked seven days; that is the man I spoke about having the bruised knee. No, sir; in whipping them I don't catch them and throw them on the floor to strap them. I didn't have to throw either of them. Yes, sir; their body was exposed. I whipped them on the rump. I didn't break the skin. It was red and bruised up a little. These are the only two men I have whipped since I came here. I don't believe I have had any other trouble since I came here. This is a share farm.

"Question. Who represents Burleson & Johns here?
 "Answer. Mr. Johns comes out once in a while and talks to me about it. I generally represent both sides here. They keep a stock man here by the name of Ford. Mr. Ford never suggests to me about the working of the men. Mr. Johns never does, either, except in the working of the land.

"Question. When did you clean up with the expectation of the committee to come?
 "Answer. I have been cleaning up ever since I have been here. I saw the account in the paper Saturday, I believe it was, that you were to meet in Dallas, and I made a little extra preparation around. Yes, sir; made a little this morning, too. The men were at work to-day until 10.30 this morning, when it began raining. I nearly always bring them in when it rains. Sometimes when it just comes a little shower I don't bring them in. One morning I was loading cotton with six or eight men, and it came a right smart little shower on us. I shipped 80 bales of cotton that morning. I don't divide the cotton. The financial agent and Mr. Johns does the dividing. I weigh the cotton and then ship it to Mr. Brock at Waco and send him a copy of the weights, and Mr. Johns a copy, and also the financial agent a copy. Mr. Brock is the man I ship the cotton to at Waco. Mr. Brock bought the cotton. He paid \$12.75 for it. We have ginned 116 bales of cotton on this farm this year so far. I can not tell what the rest will be, for I can't tell what the bolls are going to do. I don't know how many bushels of corn was raised on this farm; it is all fed up. We didn't raise any wheat at all. This country has experienced one of the terriblest drouths ever. There is a copy of the weights and bales of cotton shipped from here this year. This retain copy shows cotton shipped from Burleson & Johns farm to James T. Brock, Waco, Tex., October 8, 1909. Tabulated bales, number, weight, number of bales running to 82, and all marked "J. B." Capt. Hicks said that there was 20 bales of cotton picked when I came here, and I had the rest picked. I take the men out to work about daylight, good. It is light enough to see a man well. Then we work until noon. Then give an hour for noon. Then go at it and stay until near dark.

"Question. How many hours is that?
 "Answer. This time of the year it is in the neighborhood of 10 hours; maybe a little over or a little under. We try to take an hour for noon. We do not push them a great deal in their work. I didn't whip these men because I didn't think they were getting cotton enough. The way the cotton is this year I don't require any number of pounds, because we have to go over so much ground; but I have been in the service so long that I know whether a man is working or not, and whether I weighed his cotton or not I could tell if he is trying to get it. I have been working convicts 16 years to-day. During that time I have been absent from the service three years. I have worked down in the lower country. I worked negroes down there. The inspector has been here twice since I have been here. You will find the date of his visits on the book there. Inspector Sam Hawkins on the tenth month and fifteenth day, he was here last Friday. He was also here on the 26th day of September. He stayed here about two hours. He was not out in the field; just here in the building. He didn't go to where the men were at work; the men were in the building. It was about bedtime when he got here. The men were locked up, but he went in there and stayed with them an hour or so.

"Question. What recommendation have you to make to this committee that, in your judgment, would be for the betterment of the convicts on this farm?
 "Answer. I don't know that I am able to say. It seems to me like under the present system that it is good enough, so far as I am able to see. When it is necessary, I believe in corporal punishment. No, sir, the necessity of it is not left largely with the guards under me. I never have yet whipped a man on the say so of a guard. My guards do not make complaints against the convicts here. If the guards have ever cursed and abused the men, I can not get a hold of it. If they have done so, I believe the convicts would tell me about it. I have always instructed them if they had complaints to make to come to me with them. I often get right down with the convicts and have a talk with them about their troubles. I am here and talk with them each day, and always stop and listen to them. We have never had religious services since I have been here. Dr. Lillard is the physician for this camp. He resides at Morgan, about 10 miles from here. I have had him here twice, and he calls twice a week, anyway. I don't work any men when they have chills and fever. There is no kind of school on the place for the convicts. There is no effort made to teach them here at all. I have a cook for the camp. I look after his work every day. The food is good and the quantity plenty for a man that works

on the farm. I think a man is entitled to good wholesome food and plenty of it to give him strength to carry on farm work."

Examined by Representative Gilmore, he stated:
 "I kept a record of what I gave the men for each meal—breakfast, dinner, and supper—for 30 days. I have a copy of it here. You may see it. I have been discharged from the service once during my connection with it. I was discharged for some letters I wrote to the financial agent in regard to some bacon. I don't remember the exact date, but it was in 1894 or 1895. I have never been discharged for any other purpose. I used the strap in punishing on this farm. I am familiar with the prison rules and know what they provide. They provide for stocking and dark ceiling and such as that as a punishment. They say resort to whipping as the last means. I always try to follow the rules. I never punish them any other way.

"Question. These two men that you whipped, did you use either of those punishments?
 "Answer. No, sir; except talking to them. I warned them if they didn't improve in their work and try to do the right thing, I would have to punish them. I meant when I told them that that I would have to whip them. I resort to the strap after talking to them. We have no dark cell here, and no other mode of punishment. We have no ball and chain or shackle out here to put on them. I never tried bread and water nor isolation. The inspector has never left orders to whip men already signed for me to fill out. I would discharge a guard for cursing my men. I have done so. I don't remember the dates; possibly five or six years ago, under E. H. Cunningham. I don't know how many guards I have discharged. It is my opinion that the guards do not curse the men. There has been no complaint made of that kind. If a man has a chill, he has fever afterwards, and you can look at him and tell he is sick and not able to go out. I don't send them out every time they have a chill. If he has no fever, you can tell from his eyes and appearance that he is sick and not able to do a day's work."

Examined by Representative Lee, he stated:
 "Question. I examined the place where you bathe your men during the summer time; it is a shower bath?
 "Answer. Yes, sir. They bathe once a week. It is a small house, about 12 by 16. I don't know the exact measurement. I suppose that is about right. There is room for 12 or 14 to bathe there at a time. I was not here last winter. The house is pretty open. Yes, sir; I suppose that bathing in that house in a tub during the winter is a pretty cold proposition. It's not quite as cold as bathing out of doors. The wind is kinder broken off up there."

J. C. Zachary, being sworn, examined by Representative Lee, testified as follows:

"I was registered here as 28 years old when I came here, but I am considerably older than that. I was raised in Louisiana. I was convicted in Montague County of an assault with an intent to rape. I got four years and six months. The female that made the charge was supposed to be under 16 years of age. I was convicted about the 1st of February, 1907. I was brought directly to this prison, and have been here ever since. Yes, sir; I have spent two winters here. Last winter I didn't cut wood across the river. I had to cross it myself. I waded it. Yes, sir; in cold weather and all kinds; every night and morning. I generally pulled my shoes, pants, and drawers off to cross. The water was not the same depth all the time. It would generally come from the knees up to the waist on me. When we crossed we were not furnished towels to dry ourselves with before putting our clothes back on. We didn't cross the river that way in 1907. It was the winter of 1908. Yes, sir; that was last winter. Capt. P. M. Hicks was sergeant at that time. He is not here now. He left about the 6th of September, and Capt. Brooks has been here since. I don't remember how long Capt. Black has been here, but it was in the spring of 1908, some time, when he came.

"Question. Since you have been at this prison, tell this committee what has been the general treatment of the sergeant and underofficers toward the convicts?
 "Answer. Well, as a general rule, they have been treated very well under the circumstances. I don't know hardly to explain my meaning. They have been very kind and good to us for the last year and 10 months, ever since the first sergeant I was under here left. Capt. Rick was his name. He didn't treat the men so well. He didn't treat us near as well as the rest do. Then he allowed the guards more privileges in abusing the men. I mean by that in cursing the men and driving them in the field. That was pretty often that the guards did that. I mean by driving the men that they would push and rush us, trying to get all the work out of us that they could get. That was not so bad after Capt. Hicks came here. The present sergeant is very good in that line. The guards now do not curse the men. I have never been punished. They do not punish men very often here. When they punish us they use that concern yonder. Yes, sir; that strap. I have seen Capt. Rick give one man a good many licks with that strap. Capt. Hicks didn't whip very much. I don't know the length of that strap. I would estimate it at something like 5 feet. I can take this rule and measure it. It is 4 feet long, 3 inches wide. It is 3 ply to within 1 inch of half way, and then 2 ply in the center for about 4 inches, and then a single ply on down to the end. It is about three-sixteenths of an inch thick. I am not a very good guesser at weight. I guess it weighs about 3 pounds. That is the only kind of punishment I have ever seen inflicted since I have been on this farm. I don't know, sir, how many licks I have seen given to one man with that strap. There has been so many given I could not count them. They used to do that pretty often, but after Capt. Hicks came he didn't do it very often. Yes, sir; I have seen the skin broken with that strap and the blood run from the place where the man was hit. Yes, sir; and sores start from it. They hit us on the cheek of the behind and over the kidneys. I was never whipped myself. I don't know whether any men have been whipped in the last two months or not. I think Capt. Brooks has whipped two. The prison building is now cleaner than it has been in the last month or two. The inside of the building has just been whitewashed to-day. Capt. Brooks has it whitewashed every week. It is my opinion that since Capt. Brooks has been here the building has been as clean as it is to-day. Before Capt. Brooks came here the building was in an awful fix. We get plenty of fresh air in there. The sunshine never reaches the beds. They sun the beds every 10 days or so. They change the sheet on our beds every week. Our mattresses are made of shucks and are placed on boards. Our fare is common, but substantial, and has been cooked very well for the last month or six weeks. Capt. Brooks has made considerable change since he came here. We get plenty to eat all the time. I didn't see the cornbread you had for dinner. There are four men have died in this farm since I have been here. One died from typhoid fever and one was killed by light-

ning, and two others that were sick when they came here died afterwards. One man they said, had been down with typhoid fever for three months when they brought him here, and he came in on Sunday and died the next Monday. In the summer of 1908 there was three or four cases of fever but them came through all right. They kept these men in the hospital to the right of the main building. During the time that they had fever the building was kept pretty clean. They do not run us on the turn row. They do not push us in our work now, but they did when I first came here. There is no comparison in the conditions of the buildings now and what they were six months ago. They are much better now. They did not sun the beds six months ago as often as they do now. Sometimes they went for two and three months without being sunned. That was before Capt. Hicks left here and while he was in charge. We never had any bedbugs in there. Six months ago I have known men to go hungry. The men were not properly fed. The meat was not good. The bread was musty and half cooked. This change has been brought about since the 6th of September. Prior to that time the food was very bad. I have made complaint myself about the quality of the food and about being hungry. At that time we had on the table to eat about the same things that we have now, but it was poorly cooked, and we didn't get enough of it. We had beans and corn bread meat, and had coffee night and morning. I don't know whether or not any sugar or coffee or anything else ever went out of the commissary to other parties.

"We have plenty of clothes. They furnish us underwear. They do not furnish underwear all the year; only in the winter. We didn't wear socks all the time. They didn't furnish us socks. This man has given us socks since he came here. Last winter they gave me only two pairs of socks. Capt. Brooks gives us a pair of socks every Sunday. I don't know when all these new clothes were brought in. Just as they get low on clothing they order more."

John Hudson, being sworn, examined by Representative Lee, testified as follows:

"I was 21 years old the 4th day of last July. I was sent up from Tarrant County for manslaughter and given two years in the pen. I have been here 20 months and 17 days. My record has been all right, I reckon. I have never been punished or had any trouble. I have a month to serve from day after to-morrow, sir. Yes, sir; I only have a little more time to be here."

"Question. We want to ask you something about the present conditions of this prison and how you have been treated in the past?"

"Answer. Well, since I have been here there has been a mighty good sergeant. He has not punished anyone since I have been here at all. Capt. P. M. Hicks has been the sergeant. Yes, sir; he would punish them sometimes, but he didn't whip them hard. I have never been whipped. I don't know how many men I have seen him whip. I have seen him whip two or three at a time. They were whipped for fighting one with another."

"Question. Did you ever see him whip a man until he bled?"

"Answer. Yes, sir; I believe I have seen him whip one man, and he only hit him five or six licks. That man's name was Grantham. He went out of here in July."

"Question. Are there any other men in prison that have been whipped so severely that they bled?"

"Answer. There was a couple whipped a while back, but I don't know how they were. The guards do not curse and abuse the men since I have been here."

"Question. Has anything been suggested to you or mentioned to the other men that they must not tell about the bad treatment?"

"Answer. No, sir; only they will not let any man go out to that effect. Since we heard that this committee was coming they have not told us not to tell anything. We can tell anything we want to. The building has only been as clean as it is now since this sergeant came here. He made them clean it up and keep it clean as it is now. The beds are kept as clean as they are now. The sheets and pillowcases are washed once a week. Since this man has been here they have given us plenty to eat, but before that we were not. We were just cut short on bread and meat before that. That has been off and on all the time since I have been here. Part of the time we would get plenty. The food has been prepared just so you could eat it and that is all. We get plenty to eat. I cut wood across the river last winter. I worked in the plow gang most of the time. The boys that cut wood waded across the river. They would take their shoes and pants off. I don't think the river ever froze over. I waded it when it was freezing weather. It was not so cold all the time. We bathed in cold water last winter. Yes, sir; up in that little house near the well. Yes, sir; that is a pretty cold place in cold weather. We kinder dodged bathing when we could. We didn't bathe in tubs; we had shower baths. They did not warm the water any, just run it right out of the tank. They do not permit us to bathe in the prison building. I suppose they would permit us to take a towel and rub off in the building. They do not furnish us towels when we bathe. If you have a towel up there, you have to take your own. No, sir; those are not the towels that they furnish us. If a man has no money to buy his towels with, he is up against it. Yes, sir; we do that in the winter. They do not work us in the rain, but they keep us out at work until it begins raining. When we come in we keep our clothes on until they dry. They didn't keep the building warm last winter. I had enough bedclothing to keep warm. They furnished it to me. When it is not too cold, they raise part of the windows in the building. Much of the time they are all down. I have on socks now. I have had these since cold weather. We don't wear socks all the year because we do not have them. They gave us two pair of socks last year. They give us underwear in the winter, but not in the summer."

P. Hubbard, being sworn, examined by Representative Gilmore, testified as follows:

"I was sent up from Houston, Tex., on a charge of burglary, and given 12 years. I have been here 6 years the 10th day of last April. The fare here is now a heap better than it was awhile back. It began to improve when this captain came here. It is the same grub, but it is cooked and seasoned better. Yes, sir; I cut wood last winter over across the river. Biggest part of the time we waded the river. The water was from knee deep to waist deep. When I waded the river I pulled my shoes and pants off. Sometimes on Saturday when the men were coming in to bathe and change clothes they didn't pull off their clothes. Yes, sir; they waded the river in cold weather. I didn't wade it when it was freezing weather but it was very cold. Hicks was sergeant here then. That was last winter; in 1908. I was punished twice by Sergt. Gains. He put me to driving oxen, and I had a bull that was not cut, and he was fighting me, and Capt. Gains came down and said that was the way he wanted me to drive these oxen, and began calling them G—d—s— of b—, and cursing them for everything he could think of, and two or three days afterwards he came down, and I was cursing them and talking to them like he told me to, and he punished me for cursing."

I would be afraid to tell of any complaint I had to make. My reason is that I have been in here a long time and have never seen a convict tell anything to anyone that come in to visit them, or anyone going out, that they didn't get punished for it if they ever found it out. I have known of this committee coming. They have not told us not to tell anything. This captain told us if we had anything to tell the truth."

"Q. Now, your name is not to be used in the newspapers, and now if there is anything going wrong here we want to know about it, and we don't want to put you in a position where you will suffer, and we hope that we will not do anything that will cause you to be punished, and if there is any wrong being done here we want to see if we can correct it. Now, with that statement from us, is there something you can tell us about wrongs being done here that we may correct them?"

A. There is a whole lot that has been done here, and I know you gentlemen will do what you say, but I am uneasy about telling it. I am here for a long time yet, and my punishment would be so severe I couldn't stand it. If I was only here for a short while I would tell you and take my punishment. I am 25 years old. I have been in over six years. I am in for burglary and theft. I got 10 years for burglary and 2 for theft. I pleaded guilty in both cases. If I was only here for a short time I would tell you what I know and take my punishment and lose my good time. Gains didn't have any orders for the whipping as gave me, and didn't take any good time off."

L. M. Dowd, being sworn, examined by Representative Gilmore, testified as follows:

"I am here from Montague County. I was sent up for two years for murder. I have been here something over eight months. I don't know that I have anything to tell the committee that I think the committee should know. If I did know anything I don't know that I would be afraid to tell them of it. Our treatment here and our food is as good as it ought to be, from what men say that come from other places. The food is better now than it used to be. The building is better under this man than it was under the other. The guards do not curse and abuse us. I have never been punished. I have seen men punished. I don't remember the exact day, but it was only two weeks ago that I saw men punished. I don't know how many licks they were struck. I saw them after they were whipped, but I didn't notice whether the skin was broken and bleeding. Their names were Joe Oliver and a fellow by the name of Luce. I said some of the guards curse, but they do not curse any of the men that I know of. I have been here about eight months. They push us in our work. Sometimes they run us on the turn row to keep up with some older men here. It is only occasionally that they do that. They get around pretty peart. I don't know just how far it is from the building to where we go to work. The furthestest point is about as far as from here to Fowler. It is about three miles. We don't run out there; we walk fast, though. Some of us have to trot to keep up. We come back about the same way. We go three miles and do a day's work, and then come back that far to the building. We generally leave here about daybreak."

"Sometimes we leave our work about sundown and sometimes later. When we are actually engaged in the work they hurry up the ones that are behind. They make us keep up with the squad. They have not placed any tasks on us since I have been here. The beds we sleep on are just a common shuck mattress. They are pretty rough when a fellow is used to better. Our sheets and pillowcases are made of ducking. We get meat three times a day and biscuits once and corn bread twice. We get all we want to eat now. I didn't see the corn bread the committee ate for dinner. When Mr. Hicks was here they had preaching once a month for a while. They held the services inside the buildings. They have no school taught here where we can see it. There is no one to teach the convicts if they wanted to study. I came here in February. We bathed up there at the bathhouse. The house is pretty open. Yes, sir; there are cracks all over it. It was pretty cold bathing. The water we used was not warm, it came right out of the well. They furnished us underwear last winter. I got one pair of socks last winter. When they were gone I had two pair that I brought with me, and when they wore out I went without. This sergeant has given us two pairs of socks. Some of the men have worn theirs out already and he has given them more. Mr. Hicks didn't make the men go out to work when they were complaining. There has been nobody died here since I came here."

J. S. Lowry, being sworn, examined by Representative Gilmore, testified as follows:

"I have been in prison since the 23d of December, 1906. During that time I have been at Rusk, Huntsville, Midway, and here. I have known during my time in prison a man by the name of Foster. I saw him whipped. I don't know how many licks he was given. They whipped him three or four times a day. The guards did the whipping. Their names were Robert Whitley and Preston Kittlebrand. H. L. Gentry was the sergeant. Yes, sir; he knew of the guards whipping Foster. I said I didn't count the licks. They whipped him four or five times a day. They beat him up until they saw he was going to die and kept him there two or three weeks and sent him to Huntsville. I saw the guards make Foster get up in a tree. The tree was full of ants and they got all over him. Yes, sir; I saw him. They kept him there 30 or 40 minutes. There was two or three other men murdered in cold blood down there on the farm. The first man's name I do not remember, but they called him 'Hot Bread.' That was in May, 1907. He was murdered because he couldn't keep up with the squad and the guard tied a rope around his neck and tied it to the horn of his saddle. He lived about three days after that. Jim Kittlebrand, the dog sergeant, did that. He was buried on the hill near the prison. I don't know where Kittlebrand is now. I know he is on the black list. The next man was by the name of Dunn. He was beaten to death by Bob Whitley and Boos Kittlebrand. He lived until about 9 o'clock that night. They didn't have the doctor with him. They buried him up on the hill, too. The sergeant was there on the camp. Gentry was the sergeant at the time. There was another fellow—a Mexican—that died this same night. I don't remember his name or his nickname or anything by which you could identify him. He was whipped with Mike Lunn in the field and the guards whipped them until they gave out and then tied them down in the field with their face up to the sun. Guards Whitley and Kittlebrand did that. Yes, sir; I saw these cases. I was right in the squad with them."

Examined by Representative Lee, he stated:

"The ants got on this man Foster when they put him in the tree. The old stump was infested with ants, and they came out and got on him. The stump was 2 or 3 feet high. I was working with the squad at that time. I can't say that I know of anything else to tell the committee to enable them in their work. Everything is getting better now. It has been getting better since the committee started. I am a trusty here. I was punished in November, 1907. I was punished by Rich, the sergeant, and he was drunk. He is not in the service any longer. The

guards do not drink whisky here to my knowledge. They have in the last year or so. I was in line at the time, but was told about it by the trustees."

Capt. Black, being sworn, examined by Representative Gilmore, testified as follows:

"Yes, sir; I will give you my promise under oath as an official here, that I will not discriminate against or permit the guards under me to discriminate against these men that have testified before you on account of their doing so."

Examined by Representative Lee, he stated:

"I have been in the service of the State in the penitentiary system for about 17 years. I have been on this farm 18 months. I am the assistant sergeant here. Yes, sir; I have charge of the guards, in a way. I do not permit the guards to curse and abuse the men. If I should catch them at that, it would be my duty to report the matter to the sergeant. I do try to protect my men from things like that. The building is now in a little better shape than it was when this man took charge. Ever since he came here he has been making headway toward cleaning up everything. I don't have anything to do with the feeding of the men. Our men are not pushed or rushed in their work. We just let them take an average gait. We do not push them and try to get all the work we can out of them. We just keep them moving along and don't let them stop. We do not run them on the turn rows. The captain has told them not to rush, and so have I. There has been two men shot since I have been here. One was killed and the other crippled. Ed. Williamson was the one that was killed. Foster, a guard, killed him. Williamson ran and the guard hollered at him, and he didn't stop, and he shot him. It was on the bank of the river, and he shot two and killed one. He did not hit the other man. I think he followed him up and got him. The man that was killed was across the river from him. The men were about 40 yards from the guard when they ran. The other man that was shot was named McGuire. Garrett shot him. McGuire said that the other fellows that were with him said the guard had told them to run and he would let them get away, and that he had not spoken to the guard about it, but thought it was all right for him to go, too. He did not kill McGuire. He is here on the farm now. McGuire said he thought it was all right for him to run for the other two men said that they had it made up with the guard to let them go, and he thought it was all right for him to go, too, though he had never said anything to the guard about it, and he ran and got shot. Garrett was not discharged from here. McGuire, the man that was shot, is still here. C. J. McGuire is his name, as I remember it. No, sir; the guard is not in the service now."

Examined by Representative Gilmore, he stated:

"I am a man of family. I get a salary of \$50 per month here. Question I presume you feed your family from the State commissary?"

"Answer. I do not; with this exception, the sergeant allows me a little beef, because I take my meals at home. I got no other supplies from here. Since I have been in the service I have never accepted any pay or presents of the owner of the plantation."

Capt. Brooks, recalled, examined by Representative Lee, testified as follows:

"I have been here since the 5th of September. I don't know how much quinine I have used since I have been here. The doctor prescribes, and the night man gives it. Sometimes we give it to the men with chills and fever without the doctor prescribing. The doctor does not furnish that quinine. The State furnishes it. I don't know how much calomel has been given. We generally give a man 10 to 15 grains. That is given in four doses, two hours apart. Generally when calomel and quinine is given it is under the direction of the doctor. I can show you better than I can tell you about who has been treated since I came here. We do not give them quinine every day to keep malaria out of their system. This record shows the day this man stopped work. He stopped work on the 13th of the month and returned to work on the 15th. The doctor called once each day."

Examined by Representative Gilmore, he stated:

"If there has been any recent order issued by the superintendent with reference to the employees feeding their families from the commissary, I have not seen it. This is the first camp I have ever had any women on. Yes, sir; I pledge my word of honor as sergeant of this camp here that I will not permit the men to be discriminated against, nor will I discriminate against them for testifying before you. I have no other motive than to do the right thing by all of the men."

J. B. Maurice, being duly sworn, testified as follows:

"There has been no one punished here for testifying. We are worked from 12 to 14 hours every day. We leave the building before daylight, have 30 minutes at dinner, and come in after sundown. The gin on the farm is in a bad state. The buildings are tolerably good, but the gin is absolutely worthless. Men are treated fine here. Conditions have improved very much since the committee were here. Feed is much better. We attribute this improvement solely to the committee. This is a good sergeant."

Morris Ennison, being duly sworn, testified as follows:

"Conditions are about the same; no one has been punished for testifying. Capt. Brooks is a square man. He treats me right. Men get plenty to eat. Sometimes the meat is not cooked done."

Arch Baker, being duly sworn, testified as follows:

"No one is punished for testifying. Guards here do not curse the men. At Henderson and Thompkins farm I heard guards throw up to the men who testified before the committee. Conditions are much better since the committee came around. We all like Capt. Brooks very well. We leave the building at daylight and return at dark from our work, having 30 minutes for dinner."

H. B. Aiken, being duly sworn, testified as follows:

"No one punished, so far as I know, for testifying. They feed us enough. The meat could be cooked better. We go out to work at daylight, have 30 minutes at dinner, and come in at dark. Men seem to be treated pretty well here."

Lonnie McKinney, being duly sworn, testified as follows:

"No one punished for testifying. We do not gamble. The sergeant stopped it right after the committee came around. The sergeant treats us very well. The meat comes up raw sometimes. Guards nor sergeant curse us."

D. J. Humphrey, being duly sworn, testified as follows:

"Conditions about the same. No one punished for testifying. Feed very well, such as it is. Meat not cooked well at times. Sergeant a nice man. Guards do not curse the men. Some work us pretty hard. We would certainly appreciate a baseball game on Sunday. When the inspector, Mr. Mercer, came around he did not examine the naked bodies of the men to see if they had been whipped. We had to ask permission of Capt. Brooks before we could talk to the inspector. The inspector told us we would have to first see the captain if we wanted

to talk to him. The inspector told the men he would give orders for 20 licks, and if that didn't do he would give orders for 120, and if that didn't do he would give the 1,020; he'd keep on giving them the leather until he got them all right."

J. B. Maurice, being recalled, testified as follows:

"The inspector went into the building. He said to the men, 'I have turned you all over to Capt. Brooks, and if 20 licks don't do I'll give orders for 120; and if that don't do, by the eternal gods, I'll give 1,020; as long as you got a—s, I'll furnish the leather.'"

Arch Baker, being recalled, testified as follows:

"The inspector said 'He was out to protect the captain as much as he could. The leather is here. It has not been removed; I am going to give orders for as many a—s as Capt. Brooks calls for. If 20 licks don't do, I'll give orders for 120.' He did not examine our naked bodies. He did not give us an opportunity to talk privately to him. He addressed us in an arrogant manner."

J. L. Brooks, being duly sworn, testified as follows:

"I am sergeant at the Burleson & Johns farm. It has 3,300 acres in cultivation. The biggest portion has Johnson grass. We have some heaves among the stock. Inspector Mercer was here January 17. He said: 'I'll give one order, and if that don't do I'll give 100; if that don't do I'll give 1,000.' He did not examine the naked bodies of the convicts. I think by what he said he meant orders and not licks. He said: 'We are going to make a crop here, but I want to do it with as little leather as possible.' The State has no stock of any kind; this is a share farm. The State gets 60 per cent; owner gets 40 per cent."

J. D. Blake, being duly sworn, testified as follows:

"I am assistant sergeant at this farm. I was here when Inspector Mercer came around. Mercer said he would give orders for 20 licks, and if that didn't do he would give orders for 120, and if that didn't do he would give orders for 1,020. He impressed it upon the convicts that he was the inspector, and that they must obey the rules. I was in the building at the time that Mercer was there. He did not examine the naked bodies of the prisoners. The men were whipped with the regulation strap, which was made since the committee came first."

T. K. Lillard, being duly sworn, testified as follows:

"I am camp physician of the Burleson & Johns farm. I was in the building when Inspector Mercer was in there. He said, 'He had given orders for 20 licks.' I didn't pay any attention to what he said, but think he said he hoped to get through with less punishment than had ever been given. I took charge September last. No deaths since I took charge. Five cases of pneumonia last month and 10 cases of grippe."

Mr. FALL obtained the floor.

Mr. STONE. Mr. President—

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from New Mexico yield to the Senator from Missouri?

Mr. FALL. I do.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

Mr. FLETCHER. I ask the Senator to yield to me that I may submit a resolution.

The PRESIDING OFFICER. The Senator from New Mexico has the floor, and he has yielded to the Senator from Missouri.

Mr. FLETCHER. The Senator from Missouri, I understood, intended to move an executive session. I wish to have this matter disposed of.

Mr. STONE. The Senator from New Mexico has yielded to me for the sole purpose of making a motion to proceed to the consideration of executive business. If the Senator from Florida has any request to prefer, let him make it to the Senator from New Mexico.

Mr. FALL. If the Senator from Missouri will withhold the motion—

Mr. STONE. I will withhold it.

Mr. FALL. I yield with pleasure to the Senator from Florida.

PRICES OF PAPER.

Mr. FLETCHER. I wish to offer a resolution.

Mr. President, I have here a letter from the Public Printer of this date, which shows that he has been able to get only one bid on 310,000 pounds of machine-finish printing paper, and that bid from a broker, at 11 cents per pound, or a total of \$34,100 for the lot. I ask to have the letter printed in the RECORD as a part of my remarks.

Last year the same paper was furnished the Government Printing Office under contract at 3.75 cents per pound. This shows an increased price of 7.25 cents per pound, or nearly three times the amount paid last year. The total increase on the 310,000 pounds amounts to \$22,475.

Another bid for only 1,000 reams of the same lot of paper is for 7.9 cents per pound, or almost double that paid last year.

For several months past the Public Printer has not been able to obtain any real competition whatever in his open-market purchases of paper required for the public printing and binding. Even for those items that he has under contract, some contractors are now refusing to deliver in excess of the estimated quantities, though the Attorney General has held that their contracts obligate them to deliver such quantities as may be required for the public printing and binding during

the year. The Solicitor of the Treasury has been requested to bring suit against such defaulting contractors, but these suits can not procure paper that is now needed to continue the work of printing the necessary records of the Government. Whether there is collusion among paper manufacturers and dealers to limit the competition and increase the price for paper required by the Government, I am not prepared to state, but the circumstances are sufficiently suspicious to warrant a special investigation of the matter. The resolution adopted by the Senate on April 24, 1916, applies only to an investigation of the price of news print paper. That investigation has been about completed by the Trade Commission. I believe that the information called for by this resolution will be of great service to the Government, especially as the Joint Committee on Printing will soon be called upon to invite proposals and award contracts for furnishing paper for the public printing and binding for the year beginning March 1, 1917. These proposals are usually submitted in January and the contracts awarded about the 1st of February of each year.

I offer the resolution and ask unanimous consent for its present consideration.

Mr. GALLINGER. Let it be read and see what it is.

Mr. SMOOT. Let the resolution be read.

The Secretary read the resolution (S. Res. 269), as follows:

Resolved, That the Federal Trade Commission be, and the same is hereby, directed to investigate the increase in the prices of the various kinds of paper required for printing and binding during the last year and to ascertain and report at as early a date as practicable whether there have been any violations of the antitrust acts by any corporation in connection with such advance in prices, with special reference to the prices demanded for paper necessary for the public printing and binding.

Mr. SMOOT. Mr. President—

Mr. FALL. Mr. President, if the resolution is going to lead to debate, I must object to its consideration at this time.

Mr. FLETCHER. I do not think it will be debated.

Mr. GALLINGER. Will the Senator from Florida object to adding the words "and also whether or not the paper so used was manufactured in the United States or imported from the Dominion of Canada"?

Mr. FLETCHER. I have no objection to that amendment.

Mr. GALLINGER. I move that amendment.

The amendment was agreed to.

Mr. SMOOT. I will say to the Senator from New Mexico that I shall not occupy the time of the Senate more than two minutes. I simply want to call the attention of the Senate at this time to one or two facts.

I have not any doubt but that there has been inserted into the Record to-day without reading articles that will cost the Government of the United States between \$5,000 and \$7,000. It is a practice that we have tried to stop in the past, and I do not know when it will ever be stopped.

But there is a more serious situation than that. To-day the Government Printing Office has not enough paper on hand, if we were going to stay in session, to print the Record more than about 30 days. We generally have about six months' supply of paper on hand, but to-day it has run down to the very lowest ebb and we are compelled to buy the paper now at three times the ordinary price. A great deal of it comes about by Senators putting in the Record editorials, articles in magazines, and everything they can gather together that they have an idea the public want to read.

I hope that the resolution will be passed.

Mr. FLETCHER. Mr. President, I think there is a great deal of unnecessary matter going into the Record, but, at any rate, this investigation, I think, will clear up the situation somewhat. It has been exceedingly difficult to get more than one bid for furnishing certain varieties of paper to the Government Printing Office, although 30 concerns were invited to bid. I ask for the adoption of the resolution.

The PRESIDING OFFICER (Mr. SHAFROTH in the chair). The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

Mr. FLETCHER. I ask unanimous consent to have printed as part of my remarks the letter which I send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter referred to is as follows:

OFFICE OF THE PUBLIC PRINTER,
Washington, September 7, 1916.

SIR: There is required for use in the Government Printing Office 152,000 pounds machine-finish printing paper, No. 1, white, 24 by 38 inches, 38 pounds; 76,000 pounds machine-finish printing paper, No. 1, white, 38 by 48 inches, 76 pounds; 48,000 pounds machine-finish printing paper, No. 1, white, 24 by 38 inches, 48 pounds; and 34,000 pounds machine-finish printing paper, No. 1, white, 24 by 32 inches, 34 pounds, for the purchase of which an invitation to bid on the specifications was issued, under date of August 24, to about 30 concerns interested in the

manufacture or sale of paper of this description, with the result that only two bids were received, one of which covered all of the various lots described at a price of \$0.11 per pound, the quotation being limited to acceptance within six days from September 5; the other bid covered one item only of 1,000 reams of 24 by 38 inches, 48 pounds, at a price of \$3.792 per ream. Both prices were based upon samples submitted by each bidder.

In view of the fruitless effort to interest manufacturers of paper in submitting quotations for Government requirements, I feel that the situation is imperative enough to request that some action be taken whereby the Government will be enabled to purchase paper for public printing and binding work at a reasonable price, and in the meantime I respectfully request authority to purchase the 1,000 reams of 24 by 38 inches, 48 pounds, machine-finish printing paper, at the price of \$3.792 per ream, and if the price of \$0.11 per pound for the other items of machine-finish printing paper hereinabove described is acceptable that you authorize and direct the purchase.

In the event that you decide to disapprove the purchase of any of the items herein described, I respectfully urge that you issue definite instructions directing the procedure to be adopted in obtaining the necessary requirements of paper for public printing and binding work, as I am without authority to compel manufacturers of or dealers in paper to submit bids under existing conditions, and I regard the matter as important enough to justify your most serious consideration and prompt action.

Respectfully,

CORNELIUS FORD,
Public Printer.

CHAIRMAN JOINT COMMITTEE ON PRINTING,
United States Senate, Washington, D. C.

RECESS ORDER RESCINDED.

Mr. STONE. Mr. President, I ask unanimous consent that the order of the Senate providing for adjournment at 6.30 be vacated for this day.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION.

Mr. STONE. Mr. President, I wish now to move an executive session.

Mr. OWEN. I will be glad to lay aside the unfinished business for the purpose of having an executive session, the unfinished business, however, not to lose its place because of that.

Mr. FALL. Mr. President, I have the floor, and yielded to the Senator from Missouri to allow him to make a motion for an executive session.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 2 hours and 52 minutes spent in executive session the doors were reopened and the Senate took a recess until 8.30 p. m., when it reassembled.

NAMING A PRESIDING OFFICER.

The Secretary read the following communication:

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 Kentucky, Mr. JAMES, to perform the duties of the Chair on the 7th day of September, 1916, this substitution not to extend beyond an adjournment.

JAMES P. CLARKE,
President pro tempore of the Senate.

Mr. JAMES thereupon took the chair as Presiding Officer.

EXECUTIVE SESSION.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The question is on the motion of the Senator from Missouri that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 44 minutes spent in executive session the doors were reopened.

ADDITIONAL CLERK FOR COMMITTEE ON THE CENSUS.

Mr. FALL. Mr. President—

Mr. LEA of Tennessee. Mr. President, will the Senator from New Mexico yield to me to report from the Committee to Audit and Control the Contingent Expenses of the Senate a Senate resolution with an amendment?

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Tennessee?

Mr. FALL. I yield if it is simply for the offering of a report and not for action upon it or for debate.

Mr. LEA of Tennessee. I do not think it will lead to any debate. I merely wish to report a resolution and to ask for its immediate consideration. It is a formal matter.

Mr. FALL. I yield for that purpose.

The PRESIDING OFFICER. The resolution reported by the Senator from Tennessee will be read.

The Secretary read the resolution (S. Res. 265) as follows:

Resolved, That the Committee on the Census be, and it is hereby, authorized to employ an additional clerk at the rate of \$100 a month until otherwise provided by law.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. FALL. Mr. President, I shall not make any objection to the appointment of a campaign clerk. I am perfectly willing to cease my remarks for the time being, as it is such an important matter.

Mr. GALLINGER. What is the proposed amendment, I will ask?

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. In line 3, after the word "month," it is proposed to strike out the words "until otherwise provided by law" and to insert "for a period of 60 days," so as to make the resolution read:

Resolved, That the Committee on the Census be, and it is hereby, authorized to employ an additional clerk at the rate of \$100 a month for a period of 60 days.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on the amendment reported by the Senator from Tennessee.

The amendment was agreed to.

The resolution as amended was agreed to.

Mr. FALL. Mr. President, unless it is for a conference report or some matter of general legislative importance, I must decline to yield further.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 136) for the relief of Eva M. Bowman.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16763) to increase the revenue, and for other purposes.

The message further announced that the House had passed a concurrent resolution authorizing the President of the Senate and the Speaker of the House of Representatives to close the present session of the Congress by adjourning their respective Houses on the 8th day of September, 1916, at 10 o'clock ante meridian, in which it requested the concurrence of the Senate.

The message also announced that the Speaker of the House had appointed a committee of three Members of the House, to join with a similar committee appointed by the President of the Senate, to wait upon the President of the United States and to inform him that the two Houses have completed the business of the present session and are ready to adjourn, unless the President has some other communication to make to them, and in accordance with the provision of the resolution the Speaker of the House had appointed as a committee on the part of the House Mr. KITCHIN, Mr. FITZGERALD, and Mr. MANN.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (S. 6625) authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls, and it was thereupon signed by the Presiding Officer.

EVA M. BOWMAN—CONFERENCE REPORT.

Mr. CLAPP submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 136) for the relief of Eva M. Bowman having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same.

HENRY F. ASHURST,
HARRY LANE,
MOSES E. CLAPP,
Managers on the part of the Senate.
HUBERT D. STEPHENS,
GEORGE M. YOUNG,
Managers on the part of the House.

The report was agreed to.

DEVELOPMENT OF WATER POWER.

Mr. NEWLANDS submitted the following resolution (S. Res. 271) which was read and referred to the Committee on Printing:

Resolved, That the Senate hearing before the subcommittee of the Committee on Commerce, United States Senate, Sixty-fourth Congress, first session, on S. 5736, "A bill to promote interstate commerce, etc., by providing for the development and control of waterways, etc.," be printed as a Senate document, and that 5,000 additional copies be printed for the use of the Senate document room, and 5,000 additional copies for the use of the Senate Committee on Interstate Commerce.

CORRUPT PRACTICES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15842) to revise, amend, and codify the laws relating to publicity of contributions and expenditures made for the purpose of influencing the nomination and election of candidates for the offices of Senator and Representative in the Congress of the United States, extending the same to candidates for nomination and election to the offices of President and Vice President of the United States, limiting the amount which may be expended, providing for the publicity of campaign expenses, and for other purposes.

[Mr. FALL addressed the Senate. His entire speech is printed on page 14032.]

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by J. C. South, its Chief Clerk, announced that the House agrees to the amendments of the Senate to the bill (H. R. 11707) to amend an act entitled "An act to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late Civil War, the War with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late Civil War," approved April 19, 1908, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to 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.

The message further announced that the House agrees to the amendments of the Senate to the bill (H. R. 15807) to provide for holding sessions of the United States district court in the district of Maine and for dividing said district into divisions, and providing for offices of the clerk and marshal of said district to be maintained in each of said divisions, and for the appointment of a field deputy marshal in the division in which the marshal does not reside.

The message also announced that the House agrees to the amendment of the Senate to the amendment of the House to the bill (S. 5886) extending the time for the completion of the bridge across the Mississippi River, at Memphis, Tenn., authorized by an act entitled "An act to amend an act approved July 20, 1912, entitled 'An act to authorize the Arkansas & Memphis Railway Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River,'" approved August 23, 1912.

The message further announced that the House agreed to the concurrent resolution of the Senate, providing for the printing of 150,000 additional copies of Senate Document No. 500, Sixty-fourth Congress, entitled "The Federal Farm-Loan Act."

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions, and they were thereupon signed by the Presiding Officer:

H. R. 1636. An act for the relief of Karen S. Sorenson and James Lyle;

H. R. 1963. An act for the relief of John E. Keys;

H. R. 2208. An act for the relief of James L. Yokum;

H. R. 6034. An act to make available a portion of the appropriation for the immigration station at Baltimore, Md., for such counters, booths, screens, railings, seats, bunks, kitchen and laundry equipment, etc., as necessary in connection with said station;

H. R. 10989. An act making appropriation for the preservation, improvement, and perpetual care of Huron Cemetery, a burial place of the Wyandotte Indians, in the city of Kansas City, Kans.;

H. R. 11707. An act to amend an act entitled "An act to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late Civil War, the War with Mexico, the various Indian wars, etc., and to grant a pension to

certain widows of the deceased soldiers and sailors of the late Civil War," approved April 19, 1908, and for other purposes;

H. R. 12889. An act authorizing the Secretary of the Interior to sell the unsold and unappropriated portions of lands within the town site of Newell, S. Dak., and for other purposes;

H. R. 13046. An act to consolidate certain forest lands in the Oregon National Forest, in the State of Oregon;

H. R. 14533. An act to authorize the Secretary of the Interior to issue a patent in fee simple to the district school board numbered 112, of White Earth Village, Becker County, Minn., for a certain tract of land upon payment therefor to the United States in trust for the Chippewa Indians of Minnesota;

H. R. 14824. An act to prevent fraud at public auctions in the District of Columbia;

H. R. 15807. An act to provide for holding sessions of the United States district court in the district of Maine and for dividing said district into divisions, and providing for offices of the clerk and marshal of said district to be maintained in each of said divisions, and for the appointment of a field deputy marshal in the division in which the marshal does not reside;

H. R. 16532. An act authorizing an adjustment of the boundaries of the Whitman National Forest, in the State of Oregon, and for other purposes;

S. J. Res. 173. Joint resolution authorizing the payment of September salaries to officers and employees of the Senate and House of Representatives on the day of adjournment of the present session; and

H. J. Res. 252. Joint resolution authorizing the transfer of the Government exhibit, or such portion thereof as the President may determine is advisable, now at the Panama-California International Exposition, at San Diego, Cal., to the Mississippi Centennial Exposition, at Gulfport, Miss.

CORRUPT PRACTICES.

Mr. MARTIN of Virginia. Mr. President, will the Senator yield to me for the consideration of this report?

Mr. FALL. For a conference report, I yield.

DEFICIENCY APPROPRIATIONS—CONFERENCE REPORT.

Mr. MARTIN of Virginia submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to 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, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 5, 11, 13, 17, 19, 20, 29, 30, 31, 37, and 38.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 6, 9, 12, 14, 15, 18, 22, 23, 24, 25, 26, 27, 32, 33, 34, 35, 36, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, and 51, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For refund of internal-revenue taxes to the J. L. da Roza Estate (Inc.), of Elk Grove, Cal., in accordance with private act numbered 83, approved August 7, 1916, \$1,158"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: Omit lines 4 and 5 of the matter inserted by said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In line 4 of the matter inserted by said amendment strike out the sum "\$200,000," and in line 9 strike out the sum "\$200,000," and insert in lieu thereof the sum "\$100,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: Omit the matter stricken out and inserted by said amendment, and on page 9 of the bill in line 8 strike out the word "purpose" and insert in lieu thereof the word "purchase"; and after line 18 insert as a new paragraph the following:

"The Bureau of Efficiency shall investigate the methods of transacting the public business in the Bureau of Internal Revenue and prepare recommendations for the improvement thereof and submit the same to the Secretary of the Treasury as early as practicable for his approval and to Congress at its next session."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: Omit all of lines 9 to 14, inclusive, of said amendment and in lieu thereof insert as a separate paragraph the following:

"One-half of the two foregoing sums shall be paid out of the revenues of the District of Columbia and the other half out of the Treasury of the United States."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"National Memorial Celebration and Peace Jubilee, Vicksburg, Miss.: For expenses, within the limits of this appropriation, in connection with the celebration to be held at Vicksburg, Miss., in the year 1917, by the survivors of the Armies of the Tennessee and of the Mississippi who participated in the Battle of Vicksburg in July, 1863, in commemoration of a half century of peace and good fellowship which happily exists throughout the Republic, to be expended under the direction and supervision of the Secretary of War as follows: For necessary sewerage, sanitation and hospital service of persons attending said celebration, for necessary camp and garrison equipment, rations and supplies for veterans of the Civil War attending said celebration, \$150,000, no part of which shall be available until after January 1, 1917: *Provided*, That the Secretary of War is authorized and directed to fully complete all arrangements herein authorized before October 14, 1917, and that all camp equipment, including tents, supplies, and rations shall be fully ready for use by that date: *Provided further*, That the National Association of Vicksburg Veterans, formed in Chicago, Ill., August 9, 1913, shall have charge of the order of exercises during the celebration; the physical control of the camp and grounds and the movement of troops and marching bodies shall be in the hands of the Secretary of War, under such officers as he may detail for that purpose: *Provided further*, That the Secretary of War is authorized to reimburse and pay, out of the amount herein appropriated the traveling expenses of not exceeding seven 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 any one meeting in the interest of said celebration."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In line 2 of the matter inserted by said amendment, after the word "boards," insert the following: "fiscal year 1917"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In line 4 of the amendment after the word "for" insert the words "the first Tuesday after"; and the Senate agree to the same.

THOMAS S. MARTIN,
N. P. BRYAN,
REED SMOOT,

Managers on the part of the Senate.

J. J. FITZGERALD,
T. U. SISSON,
J. G. CANNON,

Managers on the part of the House.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

APPROPRIATIONS AND EXPENDITURES.

Mr. MARTIN of Virginia. Mr. President, in order to meet misrepresentations which are constantly being made and to give to the country in convenient shape the appropriations made by Congress for the year ending July 31, 1917, and a comparison of the same with like appropriations made for the year ended July 31, 1916, I have gone carefully over the matter and have prepared some tables, which are as accurate as I have found it possible to make them. I send them to the desk and ask that they may go into the Record as a part of my remarks.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The matter referred to is as follows:

Appropriations for 1916 compared with 1917.

Title of bill.	Law of 1916.	Amount for 1917.	Increase 1917 over 1916.	Decrease 1917 under 1916.
Aer culture.....	\$22,971,782.00	\$24,948,852.00	\$1,977,070.00	
Army.....	101,974,195.87	267,596,531.19	165,622,334.23	
Diplomatic and Consular.....	4,061,280.01	5,355,096.65	1,293,816.65	
District of Columbia.....	11,859,584.45	12,841,707.10	982,122.65	
Fortifications.....	6,060,216.90	25,748,050.00	19,687,833.10	
Indian.....	9,771,902.76	10,967,644.88	1,195,742.12	
Legislative, etc.....	36,904,799.75	37,925,690.25	1,020,890.50	
Military Academy.....	1,059,813.37	1,225,043.57	155,230.20	
Navy.....	149,061,864.88	313,300,555.84	163,638,690.96	
Pensions.....	164,100,000.00	158,065,000.00		\$6,035,000.00
Post Office.....	313,364,667.00	322,937,679.00	9,573,012.00	
River and harbor.....	30,000,000.00	40,598,135.00	10,598,135.00	
Sundry civil.....	126,922,750.79	128,299,285.24	1,376,534.45	
Total regular annuals.....	978,722,857.78	1,349,809,269.64	377,121,411.86	6,035,000.00
Deficiencies.....	12,316,343.90	168,555,266.99	156,238,923.09	
Miscellaneous.....	2,330,603.34	185,900,000.00	183,569,396.66	
Permanent annual and indefinite appropriations.....	121,567,207.00	123,074,673.00	1,507,466.00	
Grand total.....	1,114,937,012.02	1,626,439,209.63	517,537,197.61	6,035,000.00
Deduct appropriations for defense of the country.....	4,786,757.99	423,170,024.07	418,383,266.08	
Deduct extraordinary appropriations.....	1,110,150,254.03	1,203,269,185.56	93,118,931.53	
Current appropriations.....	1,110,150,254.03	1,118,018,245.13	7,877,991.10	

Increase of appropriations for current expenses of the Government, 1917 over 1916..... \$7,877,991.10

¹This amount is approximated

²The items making up this sum are as follows:

Transportation of the Army and its supplies.....	\$3,507,575.21
Transporting interned Mexican soldiers.....	71,253.13
Incidental expenses, Quartermaster Corps, water and sewers at military posts, and care of hospitals.....	222,313.00
Provisions, Navy.....	133,539.79
Coal and transportation, Navy.....	617,767.85
Freight, military stores, and contingent expenses, Marine Corps.....	234,309.00
Total.....	4,786,757.99

³The items making up this sum for increases for Army and Navy purposes for defense of the country, 1917 over 1916, are as follows:

Army act.....	165,622,334.23
Naval act.....	163,638,210.96
Fortification act.....	19,687,833.10
Military Academy act.....	155,230.20
Training the Organized Militia or National Guard [Public Act 92].....	200,000.00
Extraordinary appropriations for defense of the country in various acts for Military and Naval Establishments made during the first session of the Sixty-fourth Congress, less \$4,786,759.99 made for same purposes during the third session of the Sixty-third Congress.....	42,091,855.89
Nitrate plant, Army reorganization act.....	20,000,000.00
Panama Canal fortifications, sundry civil act.....	1,895,951.70
Armories and arsenals, sundry civil act.....	4,021,895.00
Military posts, sundry civil act.....	1,061,935.00
Total.....	418,383,266.08

⁴The items making up this sum for appropriations for extraordinary purposes, 1917 over 1916, are as follows:

Ship purchase act, to carry out the provisions of.....	50,103,000.00
Construction of rural post roads.....	6,000,000.00
Alaskan Engineering Commission.....	6,247,620.00
Post Office act, including increase in deficiency acts of first session Sixty-fourth Congress over third session Sixty-third Congress.....	12,144,270.43
Federal Farm Loan Board.....	6,109,000.00
Collecting internal revenue.....	1,674,051.00
Lincoln Memorial Commission.....	363,000.00
Location buildings at Shanghai, China, and Habana, Cuba, heretofore authorized by law.....	455,000.00
Emergencies arising in the Diplomatic and Consular Service, post allowances to consular officers, and contingent expenses of United States consulates, all increases due to existence of hostilities abroad.....	432,000.00
Relief of sufferers from storms and floods in certain States.....	540,000.00
To carry out the provisions of the act to provide compensation of employees of the United States suffering injuries in the performance of their duties.....	550,000.00
Physical valuation of the property of carriers.....	500,000.00
Public Health Service, infantile paralysis outbreak [Public Act 179].....	135,000.00
Total.....	85,240,940.43

Mr. MARTIN of Virginia. For each of the two years I have taken first the total of the amounts appropriated. I have then deducted for each year the amounts appropriated for preparedness, or for the defense of the country, and extraordinary appropriations, so as to find for each year the true amount of appropriations made for the current expenses of the Government.

For the year 1916 I find the total appropriations made amounted to \$1,114,937,012.02. From that total I deduct the extraordinary appropriations made for the defense of the country, amounting to \$4,786,759.99, leaving \$1,110,150,254.03 as the amount appropriated to meet the current expenses of the Government for the fiscal year 1916.

For the year ending July 31, 1917, I find the total of all appropriations amounts to \$1,626,439,209.63. From this I deduct all the extraordinary appropriations made for the defense of the country, amounting to \$423,170,024.07, leaving a balance of \$1,203,269,185.56. From this I deduct the other extraordinary appropriations amounting to \$85,240,940.43, leaving a balance of \$1,118,028,245.13 as the total of amounts appropriated for the current expenses of the Government for the year 1917. Deducting the amounts appropriated for the current expenses of the Government for the year ended July 31, 1916, from the aggregate amount appropriated for the year ending July 31, 1917, for the

current expenses of the Government we find that the amount for 1917 exceeds that for 1916 by \$7,877,991.10.

This very moderate increase of current expenses for 1917 over those for 1916 does not more than represent the normal and natural growth and development of the country. This is a showing of which the Democratic Party may well be proud. It may be distinctly understood, too, that the Democratic Party does not pose as a party of small appropriations. It stands for economy in appropriations, but this country is big enough and rich enough to furnish the necessary money for the progressive activities which must be supplied in order to prevent retarding the growth of the country.

There has never been such a period of constructive legislation as has been shown during the present administration. The stand-pat inertia of successive Republican administrations has been supplanted by progress in almost every department of the material life of the country. In taking care of those activities it will be noted that we have appropriated over \$50,000,000 for the purchase of ships to restore the American merchant marine on the high seas, \$6,000,000 for the construction of rural post roads, over \$6,000,000 for the Alaskan railroad, \$6,100,000 for the Farm Loan Board, \$455,000 for the purchase of legation buildings in China and Cuba, and many other lesser sums for other necessary activities of the Government.

The increased appropriations to put the Army in efficient shape amount to more than \$165,000,000, and for the Navy more than \$163,000,000, and for fortifications about \$20,000,000 in excess of the amounts heretofore annually appropriated.

We have appropriated \$20,000,000 for a nitrate plant in order that this country might not be entirely dependent on Chile for the nitrates necessary for the manufacture of explosives. The total increases over last year for the defense of the country amount to \$418,333,266.08, and the total amount of extraordinary appropriation for the necessary activities of the Government is \$85,240,940.43.

The Democratic Congress has simply appropriated the necessary money to make effective the progressive constructive legislation which was absolutely necessary for the protection of the country and the development of its material interests. The prosperity which the country is now experiencing is a result of Democratic constructive legislation and the appropriations made to make the same effective.

Mr. President, if time were available I would gladly go into detail in explanation of this table; but the table is so constructed as to furnish full information as to all details in connection with all of the appropriations made during the year 1917. That statement or statements—it is all on one paper, but contains quite a number of statements—will go into the RECORD as a part of my remarks, and will explain more in detail than I have explained the several appropriations made for the conduct of the business of the Government.

Mr. WARREN. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Wyoming?

Mr. FALL. I do.

Mr. WARREN. I assume that the Senator from Virginia has included the permanent appropriations.

Mr. MARTIN of Virginia. They are set out in this statement which I have filed.

Mr. WARREN. The chairman of the Committee on Appropriations has made the best statement he could, and is making the best of a very bad matter. The Committee on Appropriations, of course, must provide for what the laws state shall be expended.

Mr. MARTIN of Virginia. Mr. President, if the Senator will permit an interruption, I will say that he is a member of the Committee on Appropriations; and if any of these appropriations were extravagant or improper it seems to me he ought to have made his voice heard in the committee. I do not recall, however, that in a single instance his voice has been raised to protest against a single appropriation that has been brought before the Senate from the Committee on Appropriations.

Mr. WARREN. If the Senator had waited a moment, until I had proceeded further, he would not have had occasion to say what he did. I was about to say that it has been quite usual in years past for the chairman of the Committee on Appropriations to make a careful statement, to present it on the last day of the session, and to give to the ranking Senator of that committee on the minority side a copy, as early as convenient, so that he can make any observations or criticisms that he sees fit to make.

I was about to say, when interrupted, that the Committee on Appropriations considered it its duty, and I have considered it such, as the chairman has also considered it, to appropriate money to fulfill the engagements or obligations of the Government called for by the various treaties and bills that have been passed into laws. In other words, we are to provide the means to pay what the Congress of the United States has engaged to pay.

But, Mr. President, it is a pretty sad commentary, not upon the Committee on Appropriations—for they have simply done their duty under the law and in the way provided by the law—but upon the great Democratic Party that came into power with a blare of trumpets and with promises galore of what they could and would do to decrease or exterminate extravagance, to economize in expenditures, to reduce the annual outlay for running the Government, to reduce the cost of living, and various other reforms.

The thing itself makes the showing of what that party has done when put in the best possible light that figures can be arranged to show. I happen to have some figures at my desk which show that during the past eight years the appropriations are as follows:

The annual appropriations, less Panama Canal expenditures, were—	
1910	\$994,868,750.94
1911	838,887,924.46
1912	930,822,852.53
1913	935,336,409.06
Total	3,799,915,756.99

The 1913 appropriations were made by a Republican Senate and Democratic House.

For the last four years under Democratic rule—

The appropriations, less Panama Canal expenditures, have been as follows:

1914	\$1,032,407,588.41
1915	1,094,275,613.55
1916	1,095,357,963.72
1917 (incomplete)	1,624,543,237.93

Accepting the figures given by the able chairman of the committee, which he will admit are not exactly complete because they could not well be on account of bills and treaties not yet laws which are continually being added, as, for instance, claims bills and others not yet enrolled or signed passed to-day, and also the \$25,000,000 for certain islands.

As I understood the figures presented by the Senator from Virginia, the deficiency appropriations for the year amount to nearly \$70,000,000. As the appropriations for the next fiscal year—already commenced—are larger for various purposes so will the deficiencies be larger than for past years, and the total amount necessary for the fiscal year will actually run away above \$1,700,000,000. And this, too, without mentioning the millions upon millions—up into several hundred millions—that we are committed to for increased river and harbor improvements, Navy, and other outlays to follow in later years.

I am perfectly willing, instead of following the usual course of having been provided with a copy and the time to perhaps prepare some extended remarks, to leave the matter as the chairman of the committee and the members of the majority party have made it. He has done the best he could. He has made as good a showing as he could. He is an able and conscientious chairman with a most able assistant in his chief clerk. He has made the only showing that he could, and that is to state the amount as nearly as may be that we have spent or that we have engaged to spend; and the committee have only fulfilled their functions in providing the means.

I repeat, I am willing to let it stand as a monument to the party that after three or four years of great effort in lowering the price of living and to lower the expenses of the Government, to look upon the list of appropriations just as the chairman has presented it and as it will appear in the RECORD to-morrow. Everybody knows the cost of living has not been reduced, and the chairman has not raised that point, so I forbear discussion of it.

Mr. MARTIN of Virginia. Mr. President, I want just to say one word of explanation. The Senator spoke of the chairman having to submit a statement.

Mr. WARREN. I laid no blame on that point.

Mr. MARTIN of Virginia. I have never known such a custom. This is my individual statement. I have not submitted it to Democrats or Republicans. I am responsible for it, and nobody else is. I have not submitted any statement on behalf of the committee, but I have submitted a statement that is supported by the records of the Senate. Every single item in it is beyond doubt correct and is fully verified by the record.

Mr. WARREN. That is what I have said; and if I have not said it plain enough, I want to bear witness as to the fact. As to the matter of furnishing a copy of the statement, if the Senator will look back in former years, he will find that it was generally the custom and sometimes led to long debates in the House and Senate. But I absolve the Senator from any desire to withhold anything from me or from any Senator or from the public.

THE REVENUE—CONFERENCE REPORT.

Mr. SIMMONS. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from North Carolina?

Mr. FALL. For a question.

Mr. SIMMONS. I desire to ask the Senator if he will not yield to me for the purpose of presenting a conference report and asking for its immediate consideration.

Mr. FALL. I yield for that purpose, with the understanding that I will not lose the floor.

Mr. SIMMONS. Mr. President, on behalf of the conferees of the Senate, I present the report on the disagreeing votes of the two Houses on House bill 16763, to increase the revenue, and for other purposes, and I ask for its immediate consideration.

The PRESIDING OFFICER. The Secretary will read the conference report.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16763) to increase the revenue, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 9, 14, 56, 57, 58, 59, 60, 61, 72, 77, 82, 103, 110, 134, 159, 160, 161,

168, 169, 170, 172, 175, 178, 191, 212, 218, 220, 227, 230, 234, 254, 268, and 269.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 15, 17, 18, 19, 20, 21, 22, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36, 37, 38, 39, 41, 42, 43, 46, 47, 48, 50, 51, 52, 53, 54, 55, 55½, 56½, 62, 66, 67, 68, 69, 70, 71, 73, 75, 76, 78, 79, 81, 83, 85, 86, 87, 88, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 104, 105, 107, 108, 108½, 109, 117, 121, 122, 123, 124, 126, 127, 128, 130, 131, 138, 143, 145, 147, 148, 149, 150, 151, 152, 153, 162, 167, 171, 173, 174, 176, 179, 180, 181, 182, 183, 184, 185, 186, 188, 189, 190, 192, 193, 194, 195, 196, 197, 198, 199, 200, 207, 223, 224, 225, 233, 236, 238, 239, 241, 243, 244, 247, 252, 255, 258, 259, 260, and 261, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"(c) For the purpose of ascertaining the gain derived from the sale or other disposition of property, real, personal, or mixed, acquired before March 1, 1913, the fair market price or value of such property as of March 1, 1913, shall be the basis for determining the amount of such gain derived."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In addition to the matter inserted by said amendment insert, on page 8 of the bill, line 6, after the word "school," the word "district"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Eighth. (a) In the case of oil and gas wells a reasonable allowance for actual reduction in flow and production to be ascertained not by the flush flow, but by the settled production or regular flow; (b) in the case of mines a reasonable allowance for depletion thereof not to exceed the market value in the mine of the product thereof, which has been mined and sold during the year for which the return and computation are made, such reasonable allowance to be made in the case of both (a) and (b) under rules and regulations to be prescribed by the Secretary of the Treasury: *Provided*, That when the allowances authorized in (a) and (b) shall equal the capital originally invested, or in case of purchase made prior to March 1, 1913, the fair market value as of that date, no further allowance shall be made."

And, on page 9 of the bill, lines 7 and 8, strike out the words " : *Provided*, That no " and insert a period and the word "No."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In addition to the matter inserted by said amendment, insert on page 10 of the bill, line 19, after the word "school," the word "district"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Fifth. In transactions entered into for profit but not connected with his business or trade, the losses actually sustained therein during the year to an amount not exceeding the profits arising therefrom, in the United States."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"(a) In the case of oil and gas wells a reasonable allowance for actual reduction in flow and production to be ascertained not by the flush flow but by the settled production or regular flow; (b) in the case of mines a reasonable allowance for depletion thereof not to exceed the market value in the mine of the product thereof which has been mined and sold during the year for which the return and computation are made, such reasonable allowance to be made in the case of both (a) and (b) under rules and regulations to be prescribed by the Secretary of the Treasury: *Provided*, That when the allowance authorized in (a) and (b) shall equal the capital originally invested, or in case of purchase made prior to March 1, 1913, the fair market value as of that date, no further allowance shall be made."

And on page 11 of the bill, lines 21 and 22, strike out " : *Provided*, That no " and insert in lieu thereof a period and the word "No"

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"SEC. 7. (a) That for the purpose of the normal tax only, there shall be allowed as an exemption in the nature of a deduction from the amount of the net income of each of said persons, ascertained as provided herein, the sum of \$3,000, plus \$1,000 additional if the person making the return be a head of a family, or a married man with a wife living with him, or plus the sum of \$1,000 additional if the person making the return be a married woman with a husband living with her; but in no event shall this additional exemption of \$1,000 be deducted by both a husband and wife: *Provided*, That only one deduction of \$4,000 shall be made from the aggregate income of both husband and wife when living together: *Provided further*, That guardians or trustees shall be allowed to make this personal exemption as to income derived from the property of which such guardian or trustee has charge in favor of each ward or cestui que trust: *Provided further*, That in no event shall a ward or cestui que trust be allowed a greater personal exemption than \$3,000, or, if married, \$4,000, as provided in this paragraph, from the amount of net income received from all sources. There shall also be allowed an exemption from the amount of the net income of estates of deceased persons during the period of administration or settlement, and of trust or other estates the income of which is not distributed annually or regularly under the provisions of paragraph (b), section 2, the sum of \$3,000, including such deductions as are allowed under section 5."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "he has sufficient knowledge of the affairs of such person, trust, or estate to enable him to make such return and that the same is, to the best of his knowledge and belief"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert a colon and the following: "*Provided*, That the term 'dividends,' as used in this title shall be held to mean any distribution made or ordered to be made by a corporation, joint-stock company, association, or insurance company, out of its earnings or profits accrued since March 1, 1913, and payable to its shareholders, whether in cash or in stock of the corporation, joint-stock company, association, or insurance company, which stock dividend shall be considered income, to the amount of its cash value."; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In the last line of the matter inserted by said amendment strike out the words "by sale of such property"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "and cooperative banks without capital stock organized and operated for mutual purposes and without profit" and a semicolon; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "(a) in the case of oil and gas wells a reasonable allowance for actual reduction in flow and production to be ascertained not by the flush flow, but by the settled production or regular flow; (b) in the case of mines a reasonable allowance for depletion thereof not to exceed the market value in the mine of the product thereof which has been mined and sold during the year for which the return and computation are made, such reasonable allowance to be made in the case of both (a) and (b) under rules and regulations to be prescribed by the Secretary of the Treasury: *Provided*, That when the allowance authorized in (a) and (b) shall equal the capital originally invested, or in case of purchase made prior to March 1, 1913, the fair market value as of that date, no further allowance shall be made; and (c) in the case of insurance companies, the net addition, if any, required by law to be made within the year to reserve funds and the sums other than dividends paid

within the year on policy and annuity contracts." and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In addition to the matter inserted by said amendment on page 33 of the bill, line 13, after the word "school," insert the word "district"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"(a) of oil and gas wells a reasonable allowance for actual reduction in flow and production to be ascertained not by the flush flow, but by the settled production or regular flow; (b) in the case of mines a reasonable allowance for depletion thereof not to exceed the market value in the mine of the product thereof which has been mined and sold during the year for which the return and computation are made, such reasonable allowance to be made in the case of both (a) and (b) under rules and regulations to be prescribed by the Secretary of the Treasury: *Provided*, That when the allowance authorized in (a) and (b) shall equal the capital originally invested, or in case of purchase made prior to March 1, 1913, the fair market value as of that date, no further allowance shall be made; and (c) in the case of insurance companies, the net addition, if any, required by law to be made within the year to reserve funds and the sums other than dividends paid within the year on policy and annuity contracts;"

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In addition to the matter inserted by said amendment on page 36 of the bill, line 25, after the word "school" insert the word "district"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert a colon and the following: "*Provided*, That upon the examination of any return of income made pursuant to this title, the act of August 5, 1909, entitled 'An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes,' and the act of October 3, 1913, entitled 'An act to reduce tariff duties and to provide revenue for the Government, and for other purposes,' if it shall appear that amounts of tax have been paid in excess of those properly due, the taxpayer shall be permitted to present a claim for refund thereof notwithstanding the provisions of section 3228 of the Revised Statutes" and a semicolon; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"(d) That section 3225 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"SEC. 3225. When a second assessment is made in case of any list, statement, or return, which in the opinion of the collector or deputy collector was false or fraudulent, or contained any understatement or undervaluation, no tax collected under such assessment shall be recovered by any suit unless it is proved that the said list, statement, or return was not false nor fraudulent and did not contain any understatement or undervaluation; but this section shall not apply to statements or returns made or to be made in good faith under the laws of the United States regarding annual depreciation of oil or gas wells and mines."

That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "20"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "21"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "22"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "23"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "24"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "25"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "200"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "201"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "203"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "202"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "203"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "205"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 133, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "204"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "205"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 136, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "203"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "203"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 139, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Return shall be made in all cases of estates subject to the tax or where the gross estate at the death of the decedent exceeds \$60,000, and in the case of the estate of every nonresident any part of whose gross estate is situated in the United States. If the executor is unable to make a complete return as to any part of the gross estate of the decedent, he shall include in his return a description of such part and the name of every person holding a legal or beneficial interest therein, and upon notice from the collector such person shall in like manner make a return as to such part of the gross estate. The Commissioner of Internal Revenue shall make all assessments of the tax under the authority of existing administrative special and general provisions of law relating to the assessment and collection of taxes"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 140, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "206"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 141, and agree to the same with an amendment as follows: In lieu of the matter inserted by

said amendment insert "205"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 142, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "207"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 144, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "208"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "209"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 154, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "210"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 155, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "205"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "211"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 157, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "212"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "300"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 163, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Sec. 301. (1) That every person manufacturing (a) gunpowder and other explosives, excepting blasting powder and dynamite used for industrial purposes; (b) cartridges, loaded and unloaded, caps or primers, exclusive of those used for industrial purposes; (c) projectiles, shells, or torpedoes of any kind, including shrapnel, loaded or unloaded, or fuses, or complete rounds of ammunition; (d) firearms of any kind and appendages, including small arms, cannon, machine guns, rifles, and bayonets; (e) electric motor boats, submarine or submersible vessels or boats; or (f) any part of any of the articles mentioned in (b), (c), (d), or (e), shall pay for each taxable year, in addition to the income tax imposed by Title I, an excise tax of 12½ per cent upon the entire net profits actually received or accrued for said year from the sale or disposition of such articles manufactured within the United States: *Provided, however,* That no person shall pay such tax upon net profits received during the year 1916 derived from the sale and delivery of the articles enumerated in this section under contracts executed and fully performed by such person prior to January 1, 1916.

"(2) This section shall cease to be of effect at the end of one year after the termination of the present European war, which shall be evidenced by the proclamation of the President of the United States declaring such war to have ended.

"Sec. 302. That in computing net profits under the provisions of this title, for the purpose of the tax there shall be allowed as deductions from the gross amount received or accrued for the taxable year from the sale or disposition of such articles manufactured within the United States, the following items:

"(a) The cost of raw materials entering into the manufacture;

"(b) Running expenses, including rentals, cost of repairs and maintenance, heat, power, insurance, management, salaries, and wages;

"(c) Interest paid within the taxable year on debts or loans contracted to meet the needs of the business, and the proceeds of which have been actually used to meet such needs;

"(d) Taxes of all kinds paid during the taxable year with respect to the business or property relating to the manufacture;

"(e) Losses actually sustained within the taxable year in connection with the business of manufacturing such articles, including losses from fire, flood, storm, or other casualty, and not compensated for by insurance or otherwise; and

"(f) A reasonable allowance according to the conditions peculiar to each concern, for amortization of the values of buildings and machinery, account being taken of the exceptional depreciation of special plants.

"Sec. 303. If any person manufactures any article specified in section 301 and during any taxable year or part thereof, whether under any agreement, arrangement, or understanding, or otherwise, sells or disposes of any such article at less than the fair market price obtainable therefor, either (a) in such manner as directly or indirectly to benefit such person or any person directly or indirectly interested in the business of such person, or (b) with intent to cause such benefit, the gross amount received or accrued for such year or part thereof from the sale or disposition of such article shall be taken to be the amount which would have been received or accrued from the sale or disposition of such article if sold at the fair market price.

"Sec. 304. On or before the 1st day of March, 1917, and the 1st day of March in each year thereafter a true and accurate return under oath shall be made by each person manufacturing articles specified in section 301 to the collector of internal revenue for the district in which such person has his principal office or place of business in such form as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, setting forth specifically the gross amount of income received or accrued from the sale or disposition of the articles specified in section 301, and from the total thereof deducting the aggregate items of allowance authorized in section 302, and such other particulars as to the gross receipts and items of allowance as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may require.

"Sec. 305. All such returns shall be transmitted forthwith by the collector to the Commissioner of Internal Revenue, who shall, as soon as practicable, assess the tax found due and notify the person making such return of the amount of tax for which such person is liable, and such person shall pay the tax to the collector on or before 30 days from the date of such notice.

"Sec. 306. If the Secretary of the Treasury or the Commissioner of Internal Revenue shall have reason to be dissatisfied with the return as made, or if no return is made, the commissioner is authorized to make an investigation and to determine the amount of net profits and may assess the proper tax accordingly. He shall notify the person making, or who should have made, such return and shall proceed to collect the tax in the same manner as provided in this title, unless the person so notified shall file a written request for a hearing with the commissioner within 30 days after the date of such notice; and on such hearing the burden of establishing to the satisfaction of the commissioner that the gross amount received or accrued or the amount of net profits, as determined by the commissioner, is incorrect, shall devolve upon such person.

"Sec. 307. The tax may be assessed on any person for the time being owning or carrying on the business, or on any person acting as agent for that person in carrying on the business, or where a business has ceased, on the person who owned or carried on the business, or acted as agent in carrying on the business immediately before the time at which the business ceased.

"Sec. 308. For the purpose of carrying out the provisions of this title the Commissioner of Internal Revenue is authorized, personally or by his agent, to examine the books, accounts, and records of any person subject to this tax.

"Sec. 309. No person employed by the United States shall communicate, or allow to be communicated to any person not legally entitled thereto, any information obtained under the provisions of this title, or allow any such person to inspect or have access to any return furnished under the provisions of this title.

"Sec. 310. Whoever violates any of the provisions of this title or the regulations made thereunder, or who knowingly makes false statements in any return, or refuses to give such information as may be called for, is guilty of a misdemeanor, and upon conviction shall, in addition to paying any tax to which he is liable, be fined not more than \$10,000, or imprisoned not exceeding one year, or both, in the discretion of the court.

"Sec. 311. All administrative, special, and general provisions of law relating to the assessment and collection of taxes not specifically repealed are hereby made to apply to this title so far as applicable and not inconsistent with its provisions.

"Sec. 312. The commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall make all necessary regulations for carrying out the provisions of this title,

and may require any person subject to such provisions to furnish him with further information whenever in his judgment the same is necessary to collect the tax provided for herein."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 164, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "400"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 165, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Sec. 401. That natural wine within the meaning of this act shall be deemed to be the product made from the normal alcoholic fermentation of the juice of sound, ripe grapes, without addition or abstraction, except such as may occur in the usual cellar treatment of clarifying and aging: *Provided, however,* That the product made from the juice of sound, ripe grapes by complete fermentation of the must under proper cellar treatment and corrected by the addition (under the supervision of a gauger or storekeeper-gauger in the capacity of gauger) of a solution of water and pure cane, beet, or dextrose sugar (containing, respectively, not less than 95 per cent of actual sugar, calculated on a dry basis) to the must or to the wine, to correct natural deficiencies, when such addition shall not increase the volume of the resultant product more than 35 per cent, and the resultant product does not contain less than 5 parts per thousand of acid before fermentation and not more than 13 per cent of alcohol after complete fermentation, shall be deemed to be wine within the meaning of this act, and may be labeled, transported, and sold as 'wine,' qualified by the name of the locality where produced, and may be further qualified by the name of its own particular type or variety: *And provided further,* That wine as defined in this section may be sweetened with cane sugar or beet sugar or pure condensed grape must and fortified under the provisions of this act, and wines so sweetened or fortified shall be considered sweet wine within the meaning of this act."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 166, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "402"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 177, and agree to the same with an amendment as follows: Strike out the matter inserted by said amendment and insert in lieu thereof the words "or section four hundred and one of this act" and a comma; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 187, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "1½ cents"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 201, and agree to the same with an amendment as follows: In lieu of the section number proposed by the Senate amendment strike out "55" and insert "403"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 202, and agree to the same with an amendment as follows: In lieu of the section number contained in the Senate amendment strike out "56" and insert "404"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 203, and agree to the same with an amendment as follows: Insert at the beginning of the amendment the following: "Sec. 405"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 204, and agree to the same with an amendment as follows: In lieu of the section number proposed by the Senate amendment strike out the numeral "57" and insert "406"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 205, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "407"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 206, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Every corporation, joint-stock company or association, now or hereafter organized in the United States for profit and having a capital stock represented by shares, and every insurance company, now or hereafter organized under the laws of the United States, or any State or Territory of the United States, shall pay annually a special excise tax with respect to the carrying on or doing business by such corporation, joint-stock company or association, or insurance company, equivalent to 50 cents for each \$1,000 of the fair value of its capital stock, and in estimating the value of capital stock the surplus and undivided profits shall be included: *Provided,* That in the case of insurance companies such deposits and reserve funds as they are required by law or contract to maintain or hold for the protection of or payment to or apportionment among policyholders shall not be included. The amount of such annual tax shall in all cases be computed on the basis of the fair average value of the capital stock for the preceding year: *Provided,* That for the purpose of this tax an exemption of \$99,000 shall be allowed from the capital stock as defined in this paragraph of each corporation, joint-stock company or association, or insurance company: *And provided further,* That a corporation, joint-stock company or association, or insurance company, actually paying the tax imposed by section 301 of Title III of this act shall be entitled to a credit as against the tax imposed by this paragraph equal to the amount of the tax so actually paid: *And provided further,* That this tax shall not be imposed upon any corporation, joint-stock company or association, or insurance company not engaged in business during the preceding taxable year, or which is exempt under the provisions of section 11, Title I, of this act.

"Every corporation, joint-stock company, or association, or insurance company, now or hereafter organized for profit under the laws of any foreign country and engaged in business in the United States, shall pay annually a special excise tax with respect to the carrying on or doing business in the United States by such corporation, joint-stock company, or association, or insurance company, equivalent to 50 cents for each \$1,000 of the capital actually invested in the transaction of its business in the United States: *Provided,* That in the case of insurance companies such deposits or reserve funds as they are required by law or contract to maintain or hold in the United States for the protection of or payment to or apportionment among policyholders shall not be included. The amount of such annual tax shall in all cases be computed on the basis of the average amount of capital so invested during the preceding year: *Provided,* That for the purpose of this tax an exemption from the amount of capital so invested shall be allowed equal to such proportion of \$99,000 as the amount so invested bears to the total amount invested in the transaction of business in the United States or elsewhere: *Provided further,* That this exemption shall be allowed only if such corporation, joint-stock company, or association, or insurance company makes return to the Commissioner of Internal Revenue, under regulations prescribed by him, with the approval of the Secretary of the Treasury, of the amount of capital invested in the transaction of business outside the United States: *And provided further,* That a corporation, joint-stock company, or association, or insurance company, actually paying the tax imposed by section 301 of Title III of this act, shall be entitled to a credit as against the tax imposed by this paragraph equal to the amount of the tax so actually paid: *And provided further,* That this tax shall not be imposed upon any corporation, joint-stock company, or association, or insurance company not engaged in business during the preceding taxable year, or which is exempt under the provisions of section 11, Title I, of this act."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 208, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Sixth. Proprietors of theaters, museums, and concert halls, where a charge for admission is made, having a seating capacity of not more than 250, shall pay \$25; having a seating capacity of more than 250 and not exceeding 500, shall pay \$50; having a seating capacity exceeding 500 and not exceeding 800, shall pay \$75; having a seating capacity of more than 800, shall pay \$100. Every edifice used for the purpose of dramatic or operatic or other representations, plays, or performances, for admission to which entrance money is received, not including halls or armories rented or used occasionally for concerts or theatrical representations, shall be regarded as a theater: *Provided,* That in cities, towns, or villages of 5,000 inhabitants or less the amount of such payment shall be one-half of that above stated: *Provided further,* That whenever any such edifice is under lease at the passage of this act, the tax shall be paid by

the lessee, unless otherwise stipulated between the parties to said lease."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 209, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the said amendment insert the following: "except in private homes"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 210, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "408"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 211, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert a comma and the following: "including small cigars weighing not more than 3 pounds per thousand"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 213, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "409"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 214, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "410"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 215, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "411"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 216, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "412"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 217, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"SEC. 413. That all internal-revenue agents and inspectors be granted leave of absence with pay, which shall not be cumulative, not to exceed 30 days in any calendar year, under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 219, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 221, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Group I. Acenaphthene, anthracene having a purity of less than 25 per cent, benzol, carbazol having a purity of less than 25 per cent, cresol, cumol, fluorene, metacresol having a purity of less than 90 per cent, methylanthracene, methylnaphthalene, naphthalene having a solidifying point less than 79 degrees centigrade, orthocresol having a purity of less than 90 per cent, paracresol having a purity of less than 90 per cent, pyridin, quinolin, toluol, xylo, crude coal tar, pitch of coal tar, dead or creosote oil, anthracene oil, all other distillates which on being subjected to distillation yield in the portion distilling below 200 degrees centigrade a quantity of tar acids less than 5 per cent of the original distillate, and all other products that are found naturally in coal tar, whether produced or obtained from coal tar or other source, and not otherwise specially provided for in this title, shall be exempt from duty."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 222, and agree to the same with an amendment as follows: In lieu of the matter inserted by the said amendment insert:

"Group II. Amidonaphthol, amidophenol, amidosalicylic acid, anilin oil, anilin salts, anthracene having a purity of 25 per cent or more, anthraquinone, benzoic acid, benzaldehyde, benzylchloride, benzidin, binitrobenzol, binitrochlorobenzol, binitronaphthalene, binitrotoluol, carbazol having a purity of 25 per cent or more, chlorophthalic acid, cumidin, dimethylanilin, dianisidin, dioxynaphthalene, diphenylamin, metacresol having a purity of 90 per cent or more, methylanthraquinone, metanilic acid, naphthalene having a solidifying point of 79° C. or above, naphthylamin, naphthol, naphthylenediamin, nitrobenzol, nitrotoluol, nitronaphthalene, nitranilin, nitrophenylenediamin, nitrotoluylenediamin, orthocresol having a purity of 90

per cent or more, paracresol having a purity of 90 per cent or more, phenol, phthalic acid, phthalic anhydride, phenylenediamin, phenylnaphthylamin, resorcin, salicylic acid, sulphanic acid, toluidin, toluidin, toluylenediamin, xyloidin, or any sulphoacid or sulphoacid salt of any of the foregoing, all similar products obtained, derived, or manufactured in whole or in part from the products provided for in Group I, and all distillates which on being subjected to distillation yield in the portion distilling below 200° C. a quantity of tar acids equal to more than 5 per cent of the original distillate, all the foregoing not colors, dyes, or stains, photographic chemicals, medicinals, flavors, or explosives, and not otherwise provided for in this title, and provided for in the paragraphs of the act of October 3, 1913, which are hereinafter specifically repealed by section 502, 15 per cent ad valorem."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 226, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "501"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 228, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 229, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "(except natural and synthetic alizarin, and dyes obtained from alizarin, anthracene, and carbazol; natural and synthetic indigo and all indigoids, whether or not obtained from indigo; and medicinals and flavors)"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 231, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 232, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "502"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 235, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"TITLE VI. PRINTING PAPER.

"SEC. 600. That paragraph 322, Schedule M, and paragraph 567 of the free list of the act entitled 'An act to reduce tariff duties and to provide revenue for the Government, and for other purposes,' approved October 3, 1913, be amended so that the same shall read as follows:

"322. Printing paper (other than paper commercially known as handmade or machine handmade paper, japan paper, and imitation japan paper by whatever name known), unsized, sized, or glued, suitable for the printing of books and newspapers, but not for covers or bindings, not specially provided for in this section, valued above 5 cents per pound, 12 per cent ad valorem: *Provided, however,* That if any country, dependency, province, or other subdivision of government shall impose any export duty, export license fee, or other charge of any kind whatsoever (whether in the form of additional charge or license fee or otherwise) upon printing paper, wood pulp, or wood for use in the manufacture of wood pulp, there shall be imposed upon printing paper, valued above 5 cents per pound, when imported either directly or indirectly from such country, dependency, province, or other subdivision of government, an additional duty equal to the amount of the highest export duty or other export charge imposed by such country, dependency, province, or other subdivision of government, upon either printing paper or upon an amount of wood pulp, or wood for use in the manufacture of wood pulp necessary to manufacture such printing paper.

"567. Printing paper (other than paper commercially known as handmade or machine handmade paper, japan paper, and imitation japan paper by whatever name known), unsized, sized, or glued, suitable for the printing of books and newspapers, but not for covers or bindings, not specially provided for in this section, valued at not above 5 cents per pound, decalcomania paper not printed."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 237, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "700"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 240, and agree to the same with an

amendment as follows: In lieu of the matter inserted by said amendment insert "701"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 242, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "702"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 245, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "703"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 246, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "704"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 248, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "705"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 249, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "706"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 250, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "707"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 251, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "708"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 253, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "709"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 256, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "800"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 257, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "801"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 262, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "802"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 263, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert: "Provided, That the above shall not be interpreted to prevent the establishing in this country on the part of a foreign producer of an exclusive agency for the sale in the United States of the products of said foreign producer or merchant, nor to prevent such exclusive agent from agreeing not to use, purchase, or deal in the article of any other person, but this proviso shall not be construed to exempt from the provisions of this section any article imported by such exclusive agent if such agent is required by the foreign producer or if it is agreed between such agent and such foreign producer that any agreement, understanding, or condition set out in this section shall be imposed by such agent upon the sale or other disposition of such article to any person in the United States"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 264, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "803," and on page 100 of the bill, line 15, strike out the words "six hundred and two" and insert in lieu thereof the words "eight hundred and two"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 265, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Sec. 804. That whenever any country, dependency, or colony shall prohibit the importation of any article the product of the soil or industry of the United States and not injurious to health or morals, the President shall have power to prohibit, during the period such prohibition is in force, the importation into the United States of similar articles, or in case the United

States does not import similar articles from that country, then other articles, the products of such country, dependency, or colony.

"And the Secretary of the Treasury, with the approval of the President, shall make such rules and regulations as are necessary for the execution of the provisions of this section."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 266, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Sec. 805. That whenever during the existence of a war in which the United States is not engaged the President shall be satisfied that there is reasonable ground to believe that under the laws, regulations, or practices of any country, colony, or dependency contrary to the law and practice of nations, the importation into their own or any other country, dependency, or colony of any article the product of the soil or industry of the United States and not injurious to health or morals is prevented or restricted the President is authorized and empowered to prohibit or restrict, during the period such prohibition or restriction is in force, the importation into the United States of similar or other articles, products of such country, dependency, or colony as in his opinion the public interest may require; and in such case he shall make proclamation stating the article or articles which are prohibited from importation into the United States; and any person or persons who shall import, or attempt or conspire to import, or be concerned in importing, such article or articles into the United States contrary to the prohibition in such proclamation, shall be liable to a fine of not less than \$2,000 nor more than \$50,000, or to imprisonment not to exceed two years, or both, in the discretion of the court. The President may change, modify, revoke, or renew such proclamation in his discretion."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate No. 267, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Sec. 806. That whenever, during the existence of a war in which the United States is not engaged, the President shall be satisfied that there is reasonable ground to believe that any vessel, American or foreign, is, on account of the laws, regulations, or practices of a belligerent Government, making or giving any undue or unreasonable preference or advantage in any respect whatsoever to any particular person, company, firm, or corporation, or any particular description of traffic in the United States or its possessions or to any citizens of the United States residing in neutral countries abroad, or is subjecting any particular person, company, firm, or corporation or any particular description of traffic in the United States or its possessions, or any citizens of the United States residing in neutral countries abroad to any undue or unreasonable prejudice, disadvantage, injury, or discrimination in regard to accepting, receiving, transporting, or delivering, or refusing to accept, receive, transfer, or deliver any cargo, freight or passengers, or in any other respect whatsoever, he is hereby authorized and empowered to direct the detention of such vessels by withholding clearance or by formal notice forbidding departure, and to revoke, modify, or renew any such direction.

"That whenever, during the existence of a war in which the United States is not engaged, the President shall be satisfied that there is reasonable ground to believe that under the laws, regulations, or practices of any belligerent country or government, American ships or American citizens are not accorded any of the facilities of commerce which the vessels or citizens of that belligerent country enjoy in the United States or its possessions, or are not accorded by such belligerent equal privileges or facilities of trade with vessels or citizens of any nationality other than that of such belligerent, the President is hereby authorized and empowered to withhold clearance from one or more vessels of such belligerent country until such belligerent shall restore to such American vessels and American citizens reciprocal liberty of commerce and equal facilities of trade; or the President may direct that similar privileges and facilities, if any, enjoyed by vessels or citizens of such belligerent in the United States or its possessions be refused to vessels or citizens of such belligerent; and in such case he shall make proclamation of his direction, stating the facilities and privileges which shall be refused, and the belligerent to whose vessels or citizens they are to be refused, and thereafter the furnishing of such prohibited privileges and facilities to any vessel or citizen of the belligerent named in such proclamation shall be unlawful; and he may change, modify, revoke, or renew such proclamation; and any person or persons who shall furnish or

attempt or conspire to furnish or be concerned in furnishing or in the concealment of furnishing facilities or privileges to ships or persons contrary to the prohibition in such proclamation shall be liable to a fine of not less than \$2,000 nor more than \$50,000 or to imprisonment not to exceed two years, or both, in the discretion of the court.

"In case any vessel which is detained by virtue of this act shall depart or attempt to depart from the jurisdiction of the United States without clearance or other lawful authority, the owner or master or person or persons having charge or command of such vessel shall be severally liable to a fine of not less than \$2,000 nor more than \$10,000, or to imprisonment not to exceed two years, or both, and in addition such vessel shall be forfeited to the United States.

"That the President of the United States is hereby authorized and empowered to employ such part of the land or naval forces of the United States as shall be necessary to carry out the purposes of this act."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 270, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "IX"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 271, and agree to the same with an amendment as follows: In lieu of the matter proposed by Senate amendment insert "900"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 272, and agree to the same with an amendment as follows: In lieu of the section number proposed by said amendment strike out "107" and insert "901"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 273, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"Sec. 902. That unless otherwise herein specially provided, this act shall take effect on the day following its passage, and all provisions of any act or acts inconsistent with the provisions of this act are hereby repealed."

F. M. SIMMONS,
HOKE SMITH,
JOHN SHARP WILLIAMS,
WILLIAM HUGHES,

Managers on the part of the Senate.

CLAUDE KITCHIN,
HENRY T. RAINEY,
LINCOLN DIXON,
CORDELL HULL,

Managers on the part of the House.

Mr. SIMMONS. I move that the Senate proceed to the consideration of the conference report.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The question is on agreeing to the conference report.

Mr. PENROSE. Mr. President, I merely want to make a statement in a few words regarding the position of the minority.

The minority conferees were not invited into the deliberations of the majority members of the conference, and therefore did not participate in any way in the discussions concerning the adjustment of differences between the two Houses on this measure. Therefore the minority conferees have not signed the report. The bill is distinctly a measure for which the majority must take the responsibility before the American people.

As a record vote has been taken already upon the final passage of this bill, and as I am informed that the matters adjusted in the conference are not of a radical nature, I do not intend to detain the Senate by asking for a yea-and-nay vote upon the conference report. I will content myself with a statement of the position of the minority and with a reference to the fact that the minority is already on record on the revenue measure.

Mr. CHAMBERLAIN. Mr. President, I should like to ask the chairman of the committee if section 105, Title IX, of the bill as reported by the committee to the Senate was eliminated in the conference? I refer to the amendment offered by me having reference to the shipment of halibut into the United States through any foreign country.

Mr. SIMMONS. To what page is the Senator referring?

Mr. CHAMBERLAIN. Page 154 of the bill referred to.

Mr. SIMMONS. I will state to the Senator from Oregon that very reluctantly, after much discussion, the Senate conferees were forced to recede on that.

Mr. CHAMBERLAIN. Mr. President, I took very little time, and in fact no time, in the discussion of this bill when it was up for consideration before the Senate; but I desire to enter my very vigorous protest against the elimination of section 105 from this bill. I feel a good deal as the Senator from Alabama [Mr. UNDERWOOD] did the other evening, Mr. President, when he opposed the Tariff Commission provision which is contained in this bill, that no matter what I may say in reference to the provision now under consideration, it will not have the effect of inducing the Senate or the Congress to change its position with respect thereto. That provision is as follows:

That from and after 90 days after the passage of this act no fresh or frozen halibut or salmon from the north Pacific Ocean or its tributary waters shall be admitted into the United States through any foreign country, except when the same shall be in bond from an American port.

The elimination of that provision, Mr. President, was and is a disgraceful and a humiliating surrender to the demands of the Canadian Government of a most valuable American industry and American interest. I do not charge that the Senate conferees could have maintained this section in the bill if they had continued their efforts to retain it there. I am willing to concede that they did all in their power to keep it there. But, however that may be, Mr. President, it is an absolute surrender upon the part of the American Congress to the demands and threats of the Canadian Government.

We have spent \$35,000,000, or propose to spend \$35,000,000, in the development of Alaska by the construction of a railroad into that magnificent undeveloped Territory of the United States; and here, at the very first opportunity open to Congress to assist in building up the greatest industry in Alaska, it surrenders to the demands, or possibly the threats of a foreign Government and strikes it down. There is absolutely too much Toryism in the Congress of the United States, both in the House and in the Senate; and I, for one, propose to voice my protest against surrendering what I conceive to be one of the greatest interests in the Northwest and one of the greatest possibilities for this country.

Mr. President, I am speaking by the book when I say that this surrender has been consummated by and through the demand or threats of retaliatory legislation on the part of the Canadian Government or its officials. Talk about a lobby, Mr. President, and about driving lobbies from the Congress of the United States when distinguished gentlemen—representatives, I assume, of the Canadian Government, Sir Joseph Pope, who, I believe, occupies the position of undersecretary of external affairs, and another distinguished member of the Canadian Government, Mr. Found, superintendent of fisheries of that Government—while they may not have attempted directly to influence Congress, have been besieging the officials of the Government in this country in order to discourage this legislation, and that without protest of any kind from Congress or elsewhere. Only this afternoon a little paper called the Bulletin, which is published here in the city, and which gives the current news and gossip of the Capital City, had this to say:

Sir Joseph Pope, Canadian minister of external affairs, much disgruntled, arranged to leave Washington to-day without any assurances from Secretary Lansing that the administration would alter its stand as embodied in the Chamberlain bill, aimed to counteract attempted British control of the Alaska fishery industry.

Be it said to the credit of the administration, Mr. President, that the Secretary of State, Mr. Lansing; the Secretary of Commerce, Mr. Redfield; and the Secretary of the Treasury, Mr. McAdoo, each and all of them said that there was nothing objectionable in this legislation, and each and all of them, in effect, recommended its enactment and in the very language that has been embodied in this bill, because when the matter was taken up with them a bill couched in the language of this amendment was submitted to these several distinguished heads of the Government of the United States and they knew what was in it. Yet, notwithstanding the fact that this measure has had the approval of those who understand the situation, we find the conferees of the Senate and House, in the face of the recommendation of these distinguished officials, eliminating from the bill a provision which had for its sole purpose the protection of a great American industry in the Northwest.

To show to you, Mr. President, that what I say is absolutely true, and that this measure had the qualified, if not the express, approval of the distinguished officers of the Government to whom I have called attention, I am going even at this late hour and at the expense of tiring an already tired Congress to quote the language of these gentlemen. In a letter under date of May 6, 1916, written by Mr. Redfield, Secretary of Commerce, to the President of the United States, he says:

I beg respectfully to inclose original report of the Commissioner of Fisheries to me on the conditions which threaten serious economic loss, if not disaster, to the important town of Ketchikan in southeastern Alaska. A copy of this has been submitted to the Department of State, who advise under date of May 1 as follows:

"As you probably already know, there is no legal objection to the proposed legislation. There is a question of policy involved, and as to that it would seem that the Treasury Department had better be consulted. As far as this department is concerned, I can see no objection to the proposed legislation."

It was then referred to the Treasury Department, and here is what Mr. McAdoo said about it:

"I have received your letter of May 3, inclosing a memorandum from the Commissioner of Fisheries to you, dated March 30, 1916, in regard to the effect of the order in council of the Canadian Government of March 9, 1915, relaxing restrictions previously in effect in respect to the landing of and transshipping of fresh fish by American vessels at Canadian-Pacific coast ports on the industries of Ketchikan and other towns in the United States, and asking if the enactment of a proposed law as follows would be objectionable from the viewpoint of this department.

Mr. President, I ask for order in the Senate. I am going to finish this if it takes all night.

The PRESIDING OFFICER (Mr. JAMES in the chair). The Senate will be in order.

Mr. CHAMBERLAIN. No one dislikes any more than I do to trespass upon the time of the Senate, but I propose to get in the RECORD my views on this subject if it takes all night, because, not only is it a matter of very great importance to the United States, Mr. President, but it is a matter of still greater importance to the people of my section of the country.

The Secretary of the Treasury had before him this very proposition, and here is what he said about it:

This is a matter which does not affect the revenues of the Government and I can see nothing objectionable in the proposed legislation.

The Secretary of Commerce, Mr. Redfield, then proceeds in his letter to the President to say:

I beg respectfully to ask that the report of the Commissioner of Fisheries, with copy of this letter which is sent for that purpose in duplicate, may be transmitted to the chairman of the Committee on Ways and Means of the House of Representatives for incorporation, if possible, in the proposed revenue bill. If, however, this matter should in your judgment be treated otherwise, I shall be glad to be advised and will follow your wishes.

Let me add to what the Commissioner of Fisheries has stated that the subject has been discussed between the counselor for the State Department, Mr. Frank L. Polk, the British ambassador, and myself, and I have also taken it up briefly with the deputy minister of fisheries of the Canadian Government at a recent call upon me.

Mr. H. C. Strong, of Ketchikan, advises me that the Grand Trunk Pacific Railway has informed him that they would take steps to put Ketchikan on a satisfactory basis as regards Prince Rupert if and when they were forced to do so. This would mean running a ferry steamer three times a week at present for the 90 miles from Ketchikan to Prince Rupert. They are not now doing so, however, with the result that by reason of the specially tempting privileges extended to fishermen at Prince Rupert the commercial existence of the port of Ketchikan is seriously threatened. I have tried to make clear through the British ambassador the unwisdom on the part of the railroad authorities of antagonizing our Alaskan interests, to whom they must inevitably look in the future for a considerable part of their business, but they show no sign of action.

This letter of Mr. Redfield to the President of the United States, inclosing the letter from Mr. H. M. Smith, of the Bureau of Fisheries, was sent by the President of the United States to Hon. CLAUDE KITCHIN, chairman of the Ways and Means Committee of the House of Representatives. While it would not probably be correct to say that the President approved it, he did not disapprove it, because his letter of transmission simply said, in effect, that he submitted it to Mr. KITCHIN for his very earnest consideration.

The letter of the Commissioner of Fisheries discloses exactly the condition of this great industry in the Northwest, describes its genesis and its gradual evolution in the Territory of Alaska and in the Northwest, and then shows in express terms how that industry has been and is being destroyed. How? Not by any act of Parliament of the Canadian Government but by orders in council, pursuing the same course in Canada that the British Government pursues in England and on the high seas for the purpose of destroying not only the commerce of our own country but the commerce of any other neutral country that it sees fit to destroy.

The letter of Mr. H. M. Smith, Commissioner of Fisheries, is so illuminating and states the facts so concisely that I can not resist the temptation to read the same into this address as a part thereof, and it is as follows:

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, March 30, 1916.

The SECRETARY OF COMMERCE:

In compliance with the instructions in your letter of the 15th instant to prepare a report, for consideration, if necessary, by committees of Congress, upon the halibut fishery of the Pacific coast, particularly in respect to conditions which have developed within the last year or two in the way of diverting the industry from American ports to Prince Rupert, British Columbia, it seems not inappropriate to review briefly a few of the more important historical facts and submit a statement of the methods pursued in regard to the halibut fishery of the Pacific coast.

From the records it appears that beginning about 1888 there was some desultory halibut fishing, chiefly on banks which were beginning

to become known in the vicinity of Cape Flattery, on the northern coast of Washington, and extending from there northward, most of the fish being landed at Seattle and Tacoma. It was not until 1894 that the industry assumed any noteworthy commercial importance. From that time until the present its growth has been such that now approximately 95 per cent of the halibut consumed in the United States comes from the Pacific coast, where the catch amounts to more than 65,000,000 pounds a year. Only a small part of the output has come from waters south of Cape Flattery, although in recent years increased attention has been given to grounds lying off the Oregon and Washington coast, and considerable quantities of fish have there been taken. The more important banks, however, are to the northward, and now the larger proportion of the entire catch is from the banks off the coast of Alaska. It is the Alaskan banks to which attention is now chiefly directed, for it is believed that upon these banks there exists the greatest supply of halibut known to the world.

METHODS.

In describing briefly the methods pursued in the Pacific halibut fishery it may be noted that halibut are caught on hooks attached to long lines or trawls and baited with herring. The lines are set from dories operated from steamers or power schooners of commodious and seaworthy capacity, so as to enable the vessels to weather gales while out on the fishing banks. There are now upward of 150 American vessels thus engaged. Halibut fishing is generally conducted in water of from 40 to 100 fathoms in depth, although halibut are sometimes taken at a depth of 250 fathoms. The steamers are generally equipped with 12 to 14 dories, while the power schooners, as a rule, carry from 4 to 8 dories. Each dory is manned by two fishermen. The fishermen on steam vessels usually receive $1\frac{1}{2}$ cents a pound for the halibut caught, clear of all expense of operation, board, etc. As a rule, in schooner operations the vessel takes one-fifth of the gross catch, while from the remaining four-fifths there is deducted all cost for fuel, stores, supplies, and other items, and the remainder is then divided equally among the crew. Sometimes the captain receives in addition a small commission.

A modification of dory fishing has been adopted recently to a rather limited degree. It consists of setting the trawl lines directly from the deck of the vessel and hauling them in by means of a power winch. This enables vessels to operate when the weather is too stormy to permit of dory fishing.

CENTERS OF INDUSTRY.

The halibut industry of the Pacific coast has always centered at Seattle, Wash. The greater portion of the catch has been brought to Seattle by the fishing fleet, but there have been approximately 14,000,000 pounds per annum discharged at Alaska ports, and there iceed, boxed, and shipped to dealers in Seattle; but the unsatisfactory steamer service and the disadvantages arising from the inability of the fishermen to deal in person with the buyers have made this practice unpopular. The price in the year 1915 has varied from about $12\frac{1}{2}$ cents per pound in winter to $2\frac{1}{2}$ cents per pound in the late spring, when the catches have been heaviest, the average for the year being about $5\frac{1}{2}$ cents a pound. This is the price received by the independent fishermen for halibut as delivered at the docks in Seattle, and is for first-grade fish in good condition. The average weight of the best grade of halibut is about 30 pounds per fish. The so-called chicken halibut, those running usually about 10 to 15 pounds in weight, and the larger halibut, weighing from 50 to 100 pounds or more, are not regarded with as much favor as those averaging about 30 pounds.

The cold-storage plants at Juneau, Sitka, Wrangell, and Ketchikan receive some fish throughout most of the year, but it is chiefly when halibut are plentiful that most of the freezing is done. The largest of these plants is that of the New England Fish Co. at Ketchikan. This establishment was completed in 1909 and was enlarged three years later, so that at present it has a storage capacity of approximately 4,000,000 pounds of frozen halibut and represents an investment of about \$300,000. The other plants referred to are smaller and depend upon independent fishermen for receipts of halibut, whereas the New England Fish Co. operates vessels on its own account.

At Seattle and Tacoma there are five cold-storage establishments where halibut are handled, and in addition there are several buyers who receive the fish as landed by the fishing vessels. At certain seasons of the year the fish are frozen and stored, but at other times they are iced for immediate shipment, the chief distributing centers being Boston and New York. In the winter months when the arrivals of fresh fish are comparatively limited—so small in fact at times that it is only the local demand or requirements of the western States that can be supplied—the shipments of frozen halibut are made to the eastern markets.

For many years halibut have been landed at Tacoma, Wash., though in nothing like the quantity landed at Seattle, and also in a less degree at Grays Harbor and Everett, Wash., and Stevenson, Hayesport, and Vancouver, British Columbia.

The foregoing is an outline of the halibut fishery of the Pacific coast as it existed up to a year or two ago, when Prince Rupert, British Columbia, came to the fore and now bids fair to become the chief center of the industry, unless early steps of a definite character are taken to retain it in American ports.

ENTRY OF PRINCE RUPERT AS HALIBUT CENTER.

It is understood that dominant Canadian interests for a number of years had been carrying out a logically conceived policy to make Prince Rupert one of the chief fishery centers of the Pacific coast. This carefully arranged plan had its culmination in the completion of the Grand Trunk Pacific Railway, followed by the order in council of March 9, 1915. It is reported that the Canadian Government subsidized the Grand Trunk Pacific Railway and in addition gave a subsidy for the construction of a fish-freezing establishment at Prince Rupert, which is said to be the largest of its kind on the Pacific coast.

With the completion of the Grand Trunk Pacific Railway through to Prince Rupert, British Columbia, the halibut situation became acute. Since that time an active campaign has been waged between the American cities on the one hand and Prince Rupert and, to a less degree, Vancouver on the other hand for control of the industry. The seriousness of the situation as seen from the American point of view may be recognized from the fact that during the year 1914 American fishing vessels landed no fish at Prince Rupert, but from March, 1915, to the end of the year American vessels landed more than 7,000,000 pounds of halibut at that port and Canadian vessels 8,000,000 pounds. It is reported that 80 per cent of the Canadian-caught fish were shipped to American markets.

This active entry of Prince Rupert into the field for the trade in American as well as Canadian caught halibut was made possible

through a Dominion order in council on March 9, 1915, relaxing restrictions previously in effect in respect to the landing and transshipping of fresh fish by American vessels at Canadian Pacific coast ports. This order was as follows:

"During the present calendar year (1915) foreigners or foreign corporations bringing fresh fish in vessels registered in the United States of America to any port in British Columbia shall be permitted to land such fresh fish at such port without payment of duties and transship the same in bond to any port in the United States, or to sell such fish in bond to such local dealers or dealer as may be properly and duly licensed therefor, under the regulations and conditions in compliance with the bonding requirements (without the right, however, in either instance, to sell in Canada for consumption therein, or otherwise except in bond, any of such fresh fish so landed); and such foreigners and foreign corporations bringing fresh fish in vessels registered in the United States of America to any port in British Columbia, shall be permitted to purchase supplies and ship crews for such vessels at any port in the said Province of British Columbia, the whole under such regulations and conditions as the minister of customs may determine."

The chief feature of this order is that it altered Canadian regulations to such an extent as to make it possible for Canada to receive the benefits of the American fishing industry, and yet it does not benefit American trade, as the fish so landed by American vessels are prohibited from going into consumption in Canada.

Although Seattle has felt to a certain extent the new order of things, it has nevertheless, by reason of being the headquarters of the large fishing firms owning their own steamers, held a considerable volume during the year 1915; but three of these companies have announced that they will find it necessary to establish themselves at Prince Rupert in 1916 unless conditions change.

So far, Ketchikan has suffered most. Prior to the promulgation of the order in council hereinabove cited, Ketchikan enjoyed a profitable halibut fishery. In fact, it was regarded as the center of the industry in Alaska. At certain seasons of the year many cargoes of halibut were landed at Ketchikan, and there was the incidental industrial activity due to the purchase of supplies and the outfitting of the vessels as well as paying off crews. It is reported that soon after the Canadian order in council became effective the American fishermen almost entirely discontinued the landing of cargoes at Ketchikan for shipment to Seattle, finding it advantageous to accept the inducements offered at Prince Rupert where they were able to meet and do business directly with buyers from the American markets. Thus the Canadian port became their headquarters.

The present hold of Prince Rupert, by reason of its more direct transportation facilities to the halibut markets of the East and because of privileges and inducements offered to American fishermen through the order in council of March 9, 1915, is so firmly established that American fishermen and American companies handling fresh halibut have literally been forced to transfer their chief activities to Prince Rupert. American fishermen are taking up their residence there, and the United States is thus suffering the loss of a class of citizens who have done considerable toward the development of Alaska, particularly southeastern Alaska. At the same time there is the attendant loss which other lines of industry suffer as the result of the removal of these fishermen and their families to Prince Rupert.

INVESTMENT IN THE HALIBUT FISHERY.

Exact figures as to the investment in the halibut fishery of the Pacific coast are not available. Upon the basis of very careful estimates, however, the total investment in the American halibut fishery on the Pacific coast may be stated as approximately \$3,500,000, which sum includes the packing and refrigerating plants, valued in excess of \$1,500,000, and a fishing fleet of approximately 150 vessels worth about \$2,000,000. These vessels include both large and small, varying in value from \$5,000 to \$100,000 each. Approximately 2,000 persons are engaged and the value to the fishermen of the American-caught fish in 1915 is estimated to be \$2,500,000. The estimated investment in the Canadian halibut fishery is \$1,000,000, and it gives employment to about 500 persons, the value of the product to Canadian fishermen being about \$750,000. At the present time the Canadian fleet numbers about 30 vessels. Combining these estimated figures covering the American and Canadian halibut fishery, there is a total investment of \$4,500,000, employment is given to 2,500 persons, and the annual value of the product to the fishermen is \$3,250,000. The retail value is four times this amount.

COMPARISON OF HALIBUT CATCH OF 1914 AND 1915.

The total catch of halibut from Pacific waters landed at both American and Canadian ports was approximately 64,000,000 pounds in 1914 and 66,000,000 pounds in 1915. Less than one-fourth of these catches was made by Canadian vessels. Of the 1914 catch arrivals in British Columbia ports amounted to about 17,000,000 pounds, but in 1915 when the total production of all Pacific waters was only a little larger than the previous year the arrivals of halibut in British Columbia increased to nearly 28,000,000 pounds, an increase in receipts for British Columbia in 1915 of 11,000,000 pounds. This increase represents halibut landed by American vessels as a result of concessions made by the Canadian Government to draw the American fleet to its ports. As was obviously intended by Canada, Prince Rupert has been the chief beneficiary, for it was at that port that American fishing vessels landed more than 7,000,000 pounds of halibut in 1915 as against nothing in 1914. Vancouver also shows a notable gain in 1915, when American vessels landed about 4,000,000 pounds. These gains in trade for Canada have been at the direct expense of American ports, chiefly Ketchikan and Seattle.

FROZEN SALMON.

There is also a trade in frozen salmon that is passing from southeastern Alaska to Prince Rupert that demands consideration in order that it may be continued as an American industry. At present it is small as compared to the halibut trade, but it may be developed considerably. It is estimated that it produces a quarter of a million pounds of frozen salmon annually, valued at \$25,000, and gives partial employment for two or three months in the year to about 1,000 persons, whose catch, however, is chiefly used for mild curing. Most of the salmon frozen are caught in waters contiguous to the Alaskan coast, and the trade rightfully belongs to Alaska.

GENERAL RATHER THAN LOCAL INJURY TO AMERICAN INTERESTS.

The opening of the Grand Trunk Pacific Railway to Prince Rupert, which prompted the order in council of March 9, 1915, has in reality been the all-important cause back of this loss of American trade, and as its effect is felt both at Ketchikan and Seattle as well as other less important American ports, the injury may with propriety be regarded as of a general character rather than of a local nature. It is not only the American fishing industry which is harmed, but there are extensive

collateral interests represented by firms engaged in outfitting and supplying the fishing fleets with ice, bait, foodstuffs, fishing gear, and distillate, the trade in which is lost to the United States when vessels land their catch at Canadian ports. It is estimated that the loss of such collateral trade to America in 1915 amounted to \$500,000. Unless conditions are changed speedily, this diversion will increase rapidly. Already one large Seattle firm, whose chief business has been the outfitting of halibut vessels, has been forced to establish a branch at Prince Rupert. Two large American corporations operating cold-storage plants at Seattle have recently stated in communications that the Bureau of Fisheries has seen that unless prompt action is taken to relieve the existing condition it will be necessary for them to build plants and make other heavy investments at Prince Rupert. These companies have clearly indicated that they do not care to enter this field, preferring to make their northern investments in Alaska, but that they will be forced to do so in order to retain their share of the business unless the situation changes.

Another serious phase of the situation is the fact that America is losing a valuable citizenry in those who will move to Canada and in the course of a few years will be assimilated completely by that country. Thus the diversion of Pacific halibut trade through Canadian ports means not only a pecuniary loss to American interests, but also the loss of good citizens and their families, who will eventually become alienated from the United States. There may be stout denials of this alienation, but the insidious workings of time and environment will unquestionably produce this result.

SUGGESTED REMEDIES.

Various suggestions more or less important have been made to improve conditions affecting the Pacific coast halibut fishery, but at the present time and after full and careful consideration of the problem it is believed that the enactment of the following measure offers the best solution:

"No fresh or frozen halibut or salmon from the North Pacific Ocean or its tributary waters shall be admitted into the United States through any foreign country except when the same is in bond from an American port."

This measure seems simple in its terms and easy of application, and its adoption is believed to be an efficient means of reserving the halibut fishery to American cities on the Pacific coast and at the same time will not admit readily of retaliatory measures or acts of reprisal by the Canadian authorities. Its effect on the fishermen will simply be that the fish they now land at Canadian ports will be landed chiefly at Ketchikan, where they will have market facilities equaling those now at Prince Rupert, and they will save the 90-mile trip to the Canadian port. It will necessitate the inauguration by the Grand Trunk Pacific Railway of a terry service suitable for the transportation of fish from Ketchikan, where the shipments would be accepted in bond for our eastern markets. The Grand Trunk Pacific Railway will, if the measure hereinabove suggested is adopted, undoubtedly grant such facilities, as it needs the business of southeast Alaska. Prince Rupert is bound to benefit by the shipment of halibut even though originally landed at Ketchikan, but over and above this the fact stands forth plainly that the Grand Trunk Pacific Railway undoubtedly needs this business as halibut is the road's most profitable factor in the eastbound freight.

It is not deemed expedient that the United States Government should adopt measures which will mean that fresh Alaskan halibut can not or will not be shipped to eastern markets over the Canadian railroads, but it is believed that such fish should go in bond from an American port. The Grand Trunk Pacific Railway is undoubtedly a shorter line to the East, probably saving at least 48 hours between Alaska and the chief distributing centers for halibut, Boston and New York. Any means which will permit of more prompt delivery of a perishable food product is of advantage to the consumer. This situation, however, only slightly affects halibut shipped to Seattle; and, as a matter of fact, according to the present schedule halibut can be laid down in Chicago more quickly from Seattle than from Prince Rupert, but shipments to Boston and New York can be made from Alaska more quickly through Prince Rupert than by way of steamer to Seattle and thence over an American railroad.

Under present regulations American fishing vessels are barred from discharging fish at Canadian ports for consumption in Canada, but Canadian vessels have the privilege of selling their catch in the United States in addition to selling in Canada. In other words, Canada discriminates against American vessels, but the United States does not place similar restrictions upon the sale of fish caught by Canadian vessels. This means that Americans are forced to add vessels of Canadian registry to their fleets if they want to participate in the Canadian trade, and without effective legislation the tendency will be to increase the Canadian fleet at American expense.

The American shipping laws require that if a foreign fishing vessel enters a port in the United States and discharges its cargo it can not clear for the fishing banks and return with its catch to an American port. Instead the vessel after landing its catch must clear for its home port. After entering there it may proceed to the fishing banks and again land its cargo at an American port. The measure herein suggested, that no fresh or frozen fish from the North Pacific shall be admitted into the United States through any foreign country except when the same is in bond from an American port, would not work a hardship upon Canadian vessels as, after discharging their catch, they can easily enter a Canadian port before returning to the fishing grounds.

So far as this office is aware no practicable plan has yet been suggested whereby the bureau, the town of Ketchikan, or the Territory of Alaska, can take any action that will be helpful. The only solution seems to be congressional action, and the best remedy that has yet been developed for consideration by Congress is the passage of a law worded as hereinabove suggested. It is not thought that this measure is open to international complications, the only possibility along this line being an attempt on the part of Canada to modify the present reciprocal relations in respect to the bonding of goods in transit through the respective countries, which is not at all probable. Such an act on the part of Canada, would not only deprive her railroads of revenue, but equally inconvenience her own people.

H. M. SMITH, Commissioner.

Mr. President, I listened a while ago to a speech in the House of Representatives by a very distinguished Member, expressing the opinion that the world will look upon this measure as retaliatory legislation, notwithstanding the fact that our commerce has practically been swept off the seas by the greatest naval power on the globe. Even if it be so looked upon, it

would be justified in the eyes of most men. But it is not retaliatory legislation. It is justified by the action of the Canadian Government.

Let us see what has been the course of that Government which has resulted in destroying a growing and a thriving industry in Ketchikan and other points in Alaska, as well as in other of our northwestern ports.

Here is the order in council, and I want the Members of the Senate to consider it carefully in connection with the language of the section of the act under consideration as it was adopted by the Senate. It is almost identical with the language in the Senate bill. And yet, notwithstanding the fact that Canada more than a year and a half ago adopted a policy such as we, for corrective purposes, are attempting to adopt, in order to promote Canadian interests and for the purpose of destroying an American industry and turning it over to the Grand Trunk Pacific Railway for exploitation, they now come here and through their representatives claim that we are indulging in a species of retaliatory legislation that may prove disastrous to the United States.

Mr. President, if it is to prove disastrous to the commerce of the United States for Congress to take steps for the protection of that commerce and to meet the orders made in council by the Canadian Government, then I say let retaliation come. It would be a fitting supplement and climax to what these orders in council have done to destroy the American fishing industry of the Northwest. The duty of Congress is plain, and there should not be now or at any time a shrinking from that duty.

Now, let us see what that order in council was, Mr. President. Mind you, the good people of the little town of Ketchikan, in Alaska, which was growing and thriving, had invested \$300,000 in a refrigerating plant for the purpose of carrying on this same business. Juneau, Sitka, and Wrangell had expended large sums of money for the purpose of putting in plants to handle this very industry. Seattle, Tacoma, and other western towns had done the same thing, and they were building up a splendid and thriving business in the fishing industry. In order to destroy that by transferring it to Prince Rupert, here is what the Canadian Government did by order in council:

During the present calendar year (1915) foreigners or foreign corporations bringing fresh fish in vessels registered in the United States of America to any port in British Columbia shall be permitted to land such fresh fish at such ports without payment of duties and tranship the same in bond to any port in the United States, or to sell such fish in bond to such local dealers or dealer as may be properly and duly licensed therefor, under the regulations and conditions in compliance with the bonding requirements—

Now note—

(without the right, however, in either instance, to sell in Canada for consumption therein, or otherwise except in bond, any of such fresh fish so landed); and such foreigners and foreign corporations bringing fresh fish in vessels registered in the United States of America to any port in British Columbia shall be permitted to purchase supplies and ship crews for such vessels at any port in the said Province of British Columbia, the whole under such regulations and conditions as the minister of customs may determine.

Mr. President, that was the order in council adopted in March, 1915, and on the very face of it discriminations against America are disclosed as well as the purposes of the Canadian Government.

Mr. H. C. Strong, of Ketchikan, whose name is mentioned in the letter of the Secretary of Commerce, whom I have met and who impresses me as being an honorable, intelligent, and patriotic citizen of Alaska, addressed me a letter on the subject of the discriminations practiced by Canadians at their ports against the American Pacific fishing fleet. I can not vouch for the accuracy of the statements he makes to me, but I have reason to believe that they are true. He says, amongst other things:

Through order in council, they have authority to, by regulation, meet practically every situation found necessary to protect Canadian vessels and interests, which they are using in various ways to handicap American interests in favor of Canadian.

First, the fish of an American vessel discharged at a Canadian port is absolutely barred from the Canadian market. It can not go into consumption in Canada, even upon the payment of duty.

Various trade regulations discriminate. With an American vessel at their port in need of ice, bait, or other supplies they demand a declaration from the master of the American vessel that he will return to the Canadian port with his next catch of fish, to be shipped from there to the American market.

On the other hand, when one of our vessels has discharged her fish at a Canadian port, and might be inclined to proceed to an American port for supplies, her master is given to understand that their business relations will be more cordial, and that it will be to his interest to discharge the vessel receipts, buy her supplies, etc., at their port.

Early during the present summer a regulation was made putting into effect a most contemptible discrimination. The order provided that all fish discharged by an American vessel must move from the Canadian port by rail. This regulation actually placed a value on fish caught by Canadian vessels at the port of discharge of from 25 per cent to 33 per cent, or approximately 2 cents per pound more than the fish of equal quality caught in the same waters under the same conditions and discharged the same day by American vessels at the same port. This

order prevented the grading of American fish by denying the privilege of shipping same by coasting vessels to American ports the fish needed to supply the demand in our Pacific, Mountain, and far Western States; also the disposition of that portion of the fish not suitable for the trans-continental shipment to our Eastern States.

Fish caught by Canadian vessels have free access to all of these markets, in addition to Canadian markets, hence the increased market value on the product of her vessels.

In the opinion of Mr. Strong the situation complained of by him, and by the chambers of commerce of the Northwest as well, can be cured by the provision contained in the amendment on the subject passed by the Senate and which was eliminated in conference. On this subject he says in his letter referred to:

The legislation proposed will do all of the above, besides being an economic advantage and at the same time save to our Nation a most valuable resource and one which will develop and engage thousands of hardy seamen, of which there is no class of citizenship that our country more greatly needs. These men should be kept under the American flag, and there is no class better suited for the settlement and development of the coast of Alaska, which would be the natural result of the proposed bill.

I want to cite an incident which should impress upon you the necessity of the passage of this bill at the earliest possible date.

Two years ago the attention of official Washington was brought to the anticipated serious effect which would be had upon our Pacific fishing and commercial interests by the opening of the new Canadian port.

Over 18 months ago a delegation composed of some of the best business men from the State of Washington and Alaska cities came to Washington for the purpose of securing regulations or legislation which would have prevented the conditions which followed. The committee returned to the Pacific coast completely discouraged.

One member in particular of this committee, whose business had been confined to the Pacific fishing fleet, realized that the opening of rail transportation to a point 600 miles north of Seattle would be the means of centering this great industry in southern Alaska, providing they could secure the assistance of our Federal Government; otherwise the industry would be centered on the Canadian side at the new Canadian port of Prince Rupert.

The gentleman referred to had investigated conditions and the Alaska side and had arranged for a business location, but upon his return from Washington he was convinced that he must establish himself at Prince Rupert or lose the business which he had controlled.

This he has done, investing at the Canadian port a sum which to him is large.

The bill which is now before you will have a serious effect upon the interests of this man at Prince Rupert, which he had been forced to make through the lack of our Government in appreciating the serious situation, yet he is too good an American citizen to protest against the legislation we are now seeking.

At the present time there are hundreds of thousands of dollars invested by Americans in Canada affected the same as the case illustrated, yet we do not know of a single protest originating from these people.

If Congress will not give us immediate relief we shall within a short time find American capital to the extent of millions instead of hundreds of thousands invested in Canada and Canadian vessels, going to the up-building of Canada; thus to save additional embarrassment to these people we should have immediate action.

I wish to call to your attention the fact that this is not increasing business opportunities for Americans but is actually taking a vast amount of business and some of our best citizenship from the United States to a foreign port, where they are obliged to submit to discriminations against the United States.

The Commissioner of Fisheries, Mr. President, in his letter which I have embodied in my remarks, discusses the whole subject, and his letter shows that the injury to American interests is general, rather than local, although these halibut fisheries are off the banks of Alaska and in the waters of the north Pacific. He suggests certain remedies, and the most forceful remedy that he suggests is the amendment which was embodied in this bill, and which the conferees have abandoned.

Now, the excuse is made, Mr. President, that, if the Senate conferees had insisted upon this amendment, the absence of a quorum would have been suggested in the House of Representatives, and possibly in the Senate. Mr. President, for one, I am tired of hearing these threats made. If, as a matter of fact, there was not or is not a quorum in the House of Representatives, and if, as a matter of fact, there is no quorum in the Senate when this and other important matters are under consideration or are to be considered, there ought to be a quorum. Here is a bill proposing to raise revenue of one hundred or more million dollars—I do not know how much, and I presume the members of the committee do not know how much it will raise—yet, while we are taxing the people of this country to that extent annually, we are surrendering an industry in the Northwest that in the course of a few years would have brought to the people of America more than that amount of money.

Sir Joseph Pope and the other distinguished gentleman who came down here from Canada, did not hesitate to try to influence the officials of our Government. Has there been a time in the history of this country when the Government of the United States sent its emissaries to Canada or to Britain or to any other foreign Government, in order to endeavor to influence legislation in those Governments? Talk about cleaning out a lobby from the Senate and House of Representatives of the United States, Mr. President, and yet cheerfully and submissively listening to a lobby that comes here from some for-

eign country undertaking to influence legislation through our heads of departments!

There is entirely too much of intermeddling with our affairs by foreign governments, and proper respect for our country demands that we call a halt to it here and now. It is getting so that the timid ones are afraid to legislate upon affairs purely local for fear such legislation may in some remote and indirect way interfere with the policies or interests of some other super-sensitive country. The sooner America assumes the right to act for her own interests and for her own citizens along lines that are honest and just—and she should not act otherwise—the sooner will this pernicious intermeddling come to an end.

If in moments of haste or influenced by the impulses of the moment a law, whether State or Federal, is enacted which trenches upon the legal rights of or violates our treaties with another power, the proper way to reach such a condition is through proper representations and through established diplomatic channels.

I resent as forcibly as I can this interference on the part of the Canadian Government in our affairs, as I would resent interference from any other foreign source. Without solicitation upon my part, on the 31st of August, 1916, Mr. Lansing, Secretary of State, sent me a letter with certain indorsements. He did not mark it personal or confidential, and I hope I am not violating any confidence when I read it to the Senate, because I want the American people to know that some of their Representatives either in the Senate or in the other House may be influenced by representatives of other governments who have come here, in violation of those amenities that ought to exist between nations, for the purpose of protesting against this legislation.

The letter referred to is as follows:

DEPARTMENT OF STATE,
Washington, August 31, 1916.

MY DEAR SENATOR CHAMBERLAIN: I inclose for your information and without comment a note which I have just received from the counselor of the British Embassy inclosing a memorandum from Sir Joseph Pope, the under secretary of external affairs of Canada, in regard to section 103 of the pending revenue bill prohibiting the entry into the United States from Canada of fresh or frozen halibut or salmon caught in the Pacific Ocean, except in bond.

I also inclose for your information on the same subject a telegram which I have just received from Mr. S. C. Bone, chairman of the Alaska bureau of the Seattle Chamber of Commerce. As the condition of the American fishing industry in the Northwest is well known to Members of Congress, it is unnecessary for me to comment upon Mr. Bone's telegram.

I am, my dear Senator CHAMBERLAIN,
Very sincerely yours,

ROBERT LANSING.

The Hon. GEORGE E. CHAMBERLAIN,
United States Senate.

There was no need of comment, for the distinguished Secretary had already commented on the general subject of the proposed legislation in his letter to the Secretary of Commerce to which I have already made reference.

The memorandum inclosed, Mr. President, is dated at the British Embassy, Washington, and marked "Urgent," and is as follows:

[Urgent.]

BRITISH EMBASSY,
Washington.

MY DEAR MR. SECRETARY: In accordance with the request made by you to Sir Joseph Pope during the interview, which you were good enough to accord to him this morning, I beg to transmit to you herewith a memorandum which has been prepared by Sir Joseph setting forth the views of the Canadian Government in regard to the question of the prohibition of the entrance into the United States from Canada of fresh or frozen halibut or salmon caught in the Pacific Ocean, except the same shall be shipped in bond from an American port.

Believe me, my dear Mr. Secretary,

Very sincerely yours,

COLVILLE BARCLAY.

The honorable ROBERT LANSING,

Secretary of State of the United States.

Now, let us see what Sir Joseph Pope had to say. The communication is not long, and I am going to read it. Mind you, he is the gentleman who went away disgruntled, according to a little notice I read from a paper a short time ago. He could not get the Secretary of State to recede from his position; he could not get Mr. Redfield to recede from his position; he could not get Mr. McAdoo to recede from his position; and he evidently had not been able to get the President of the United States to take a hand in his cause. There was, therefore, a very good reason why he should go away a little bit disgruntled; but here were his views, expressed in writing, before he left.

It may be I am not speaking in as diplomatic language as I ought, Mr. President, but we know that the language of diplomacy is used to conceal an idea rather than to express it; but, feeble as I am, and humble as I am, I am trying to say what I think. If I fail to make myself understood, either as to what should be our course or what that of the Canadian Government

is and has been, it is my infirmity and my misfortune, and not my fault:

Memorandum expressive of the views of the Canadian Government on the measure now before Congress to prohibit the entrance into the United States from Canada of fresh or frozen halibut or salmon caught in the Pacific Ocean, except the same shall be in bond from an American port. Title IX, section 103 of the revenue bill (H. R. 16763).

The Government of Canada view with much concern the introduction of this measure as being highly detrimental to Canadian interests, and they would be glad to be informed of the causes which, in the opinion of the promoters, have rendered it necessary.

The Canadian order in council rendered it necessary. That is what made it necessary. Until that Canadian order in council was adopted Ketchikan and Washington ports were doing all the business in the Northwest. Sir Joseph Pope knew the reason. We were simply trying by the proposed amendment to protect our commerce against the action which the Canadian Government more than a year ago had taken.

From an interview which the Secretary of State was good enough to accord to the undersigned, it would appear that a principal object in view was to benefit the port of Ketchikan, which at present suffers from competition of Prince Rupert. Mr. Lansing also stated that American fishermen were not being fairly treated in respect of being denied the privilege of bonding by water from Prince Rupert to Seattle, and also in the matter of the purchase of bait.

The Canadian Government would point out that they have not been favored with any previous notice of the attitude of the United States Government upon these points, and they can not but regard it as somewhat strange that the first intimation they receive thereon should take the form of this drastic measure of nonintercourse.

Mr. President, the incorrectness of that statement must be apparent when it is remembered that for months the subject has been one of acute discussion between our own officials and the British Embassy. It can not be possible that the distinguished Sir Joseph Pope was ignorant of what was being done, too, by the Canadian Government. It can not be that he was not advised as to the purpose of that order in council which had been adopted. And the order in council was not all there was to it, because there was vested in the department of fisheries and in the customs officials the power to make further rules and regulations governing the subject. Continuing, Sir Joseph says:

The early termination of the present session of Congress and the position of the measure, appearing as it does as a rider to a revenue bill, precludes any attempt at useful discussion of its provisions and effect. The Canadian Government respectfully suggest that it be withdrawn.

In the meantime, pending an opportunity for a full examination of the points involved, they will be glad to be informed more fully of the United States Government's objections to such of their regulations governing the fishing industry on the Pacific coast as may be judged to operate harshly toward American fishermen.

JOSEPH POPE.

THE SHOREHAM HOTEL,
Washington, D. C., August 30, 1916.

The complaint, Mr. President, is against a provision practically in the language of the provision of the order in council adopted in March, 1915, by the Canadian Government. The only difference between the two was that the Canadian order in council allowed these goods to be received from American vessels in Canadian ports and transhipped in bond to American ports over the Grand Trunk Pacific, and the pending provision allowed them to be received in an American port to be shipped in bond through Canadian ports or other foreign ports. That is the only difference. They are protesting in this letter to the Secretary of State against such course on the part of Congress as they followed more than a year ago, the only difference between the two being that their action was in favor of the Canadian Government and ours is in favor of the United States. They stand firmly by their action, Mr. President, and their purposes, and the American Congress recedes at their demand and makes a most disgraceful and a most humiliating surrender.

Mr. President, the other inclosure in the letter of the Secretary of State was a telegram from Mr. Scott C. Bone, formerly editor of one of the daily papers in this city and well known here, now chairman of the Alaska bureau, Seattle Chamber of Commerce, Seattle, dated August 29, 1916, as follows:

Hon. ROBERT LANSING,
Secretary of State, Washington:

We are advised that a Canadian delegation has protested to you against the passage of section 103 of revenue bill, prescribing manner of movement of fish for American markets through a foreign country. Protest is said to maintain that route via Prince Rupert gives American consumer better fish than formerly. This has no bearing on proposed legislation which in no manner interferes with movement of fish via Prince Rupert, but merely requires vessels supplying American markets to bond such shipments from an American port when moving through Canada. The purpose of this measure is to prevent driving this purely American industry from southeastern Alaska ports to Prince Rupert where it would be under exclusive control of Canada.

SCOTT C. BONE,
Chairman Alaska Bureau, Seattle Chamber of Commerce.

Mr. President, the correct suggestion contained in the memorandum of Sir Joseph Pope to the Secretary of State, is that this Government proceed diplomatically to deal with this subject. There is not any treaty that prohibits this legislation; not at all. He suggests, however, by implication that it be taken up by diplomatic negotiations and in that way disposed of. Mr. President, I am ashamed for my country to say that the United States has never entered into any diplomatic negotiations with Great Britain nor with any other power that she did not get the worst of it. This is particularly true as regards the north-western part of our country. Coming from the West some time ago to my place in the Senate, I traveled for several hundred miles over a magnificent territory between the degrees of latitude 49 and "54.40 or fight," if you please, which the United States surrendered to Great Britain or to Canada as the result of one of these so-called diplomatic negotiations.

It is the finest section of country on the continent to-day, where everything grows in profusion and all vegetation blooms and blossoms as the rose, and yet we gave that up in a so-called diplomatic negotiation.

It is said that Andrew Jackson, in his last illness and when death was fast approaching, expressed the fear that President Polk would not insist upon 54° 40' as the northwestern boundary line between the United States and Canada. It was the old man's desire that the United States should insist upon 54° 40' or fight, as declared in the Democratic platform of 1844. We did not fight. We diplomatically gave up a strip of magnificent territory between 49° and 54° 40', and that country is a part of the British Columbia of to-day.

That is not our last diplomatic negotiation. The last was with respect to the Alaskan boundary, and there, too, the United States yielded up territory that she never should have yielded; pushed her boundary line back beyond the stakes that had been set a hundred years ago, and gave to Canada an outlet to the Pacific Ocean she never would have had but for these negotiations, and which in equity and conscience she ought not to have had.

Mr. President, if we follow out the suggestion contained in Sir Joseph Pope's letter and enter into negotiations with the British Government with reference to this subject, we will find that the United States will be in the same position that she has always occupied when she has entered into negotiations with the distinguished diplomats of that splendid country.

If it were not so late I would go into the subject much more exhaustively. My distinguished colleague from the Northwest [Mr. Jones] went into it at considerable length a few days ago, and I may have covered some part of the ground covered by him; but I have tried to do it in my own way. I do not want to trespass upon the time of the Senate any further than to enter my protest against this legislation. We have not been afraid to insert some retaliatory legislation, so called, in the bill, and some of our good friends are even afraid of that. For my part I approve and commend it, and I predict that it will prove most beneficial to our country.

Mr. OWEN. Mr. President, what is the color of the reasoning that has been urged against the position which the Senator so clearly states? I can not conceive why the Congress of the United States should yield in such a way upon such a plain question.

Mr. CHAMBERLAIN. They threaten, I believe, that if we adopt this legislation it will result in trade disagreements, and retaliatory legislation upon the part of the Canadian Government.

Mr. JONES. Mr. President—

Mr. OWEN. What if it does?

Mr. CHAMBERLAIN. It does not make any difference. They can not retaliate without injury to themselves. They have done us all the harm they can with respect to this industry by the adoption of the order in council, to which I have called attention, and the proceedings that have been had under it. All in the world that American vessels do on the Atlantic coast is to go into Canadian ports for the purpose of purchasing bait and supplies for their ships. If they want to retaliate and cut that out, all right. There is no other form of retaliation they can resort to, unless they go out and pursue with greater vigor some of the very things they are doing now in other ports of the world.

Mr. JONES. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Washington?

Mr. CHAMBERLAIN. Yes.

Mr. JONES. Will the Senator yield to let me make a suggestion in answer to the question of the Senator from Oklahoma?

Mr. CHAMBERLAIN. Certainly.

Mr. JONES. I read the other day an extract from a letter I received from the Acting Secretary of State, in which he said this:

On July 12 the department received an informal and confidential communication from the British ambassador, stating that the Canadian Government had requested him to say that the passage of House bill 15839—

That was this provision in the form of a bill—

would affect the relations of the two countries, and might cause the Canadian Government to enact retaliatory legislation.

Mr. CHAMBERLAIN. That is the secret of it, I will say to the Senator.

Mr. OWEN. I think that is an impudent suggestion.

Mr. LEWIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Illinois?

Mr. CHAMBERLAIN. I yield to the Senator.

Mr. LEWIS. May I ask a question for specific information? The subject is not a stranger to me, as the able Senator from Oregon knows. It happened to be thrown my way once.

Do I understand, from the observations of the Senator from Washington and the Senator from Oregon, that the threat or the fear is of retaliation upon the fishing industry of the Atlantic coast, and that the fear of retaliation upon the fishing industry of the Atlantic coast is such that by such fear the fishing interests of the Pacific coast are yielded?

Mr. CHAMBERLAIN. Must suffer; yes.

Mr. LEWIS. Are surrendered?

Mr. CHAMBERLAIN. Are surrendered.

Mr. LEWIS. In consideration of favors to be expected or in fear of retaliation to be apprehended upon the fishing industry on the Atlantic coast?

Mr. CHAMBERLAIN. I do not know any other reason than that very suggestion. It is the same old threat that is always made when America undertakes to assert her rights against the British Government. We do not want to get into trouble with Great Britain, nor any other country, but we do want to protect our own rights; and if in order to do it we must suffer retaliation in some other line or at some other place, why, Mr. President, let us at whatever cost make the effort to protect ourselves and let these retaliatory measures come whenever and wherever they see fit to bring them.

Why, there are some of our friends so tender-footed and so fearful of offending the majesty of Great Britain that they do not want to retain any of these so-called retaliatory provisions in this bill; and, yet, in violation of every treaty obligation, we find that Great Britain has not only been interfering with our commerce but is doing the very things that this measure is intended to relieve against; not only blacklisting our merchants but opening and censoring our mails. Only a few days ago I got a letter from a constituent of mine inclosing a letter from his good old mother in Germany, who wrote him that she had not heard from him for months, and yet he has been writing to her every week. Why? Because on the plea of military or other necessity Great Britain is invading the mails of the United States even when addressed to neutrals or neutral countries, and taking from the mail pouches private letters; and every other kind, except such as may be protected not by international law—because they violate international law—but by special agreement between that country and this; not only letters but drafts and money and papers and everything else. I have letters from a prominent man in Pennsylvania who tells me that letters containing orders to his house from neutral countries are opened, the orders taken out and sent to British manufacturing establishments, and there filled; and the Government that has done these things has the impudence, as suggested by the letter addressed to the Senator from Washington, to insist that if we enact such legislation as that proposed and which we deem necessary to protect our people and our country, she will retaliate in some way. She can not retaliate any worse than she has done, Mr. President, without law, without authority, and in violation of every national and international right.

I know that there are Senators here who do not agree with me. I heard a distinguished gentleman say to-night that Great Britain was fighting our battles. If that be true, does she find it necessary, in fighting our battles, to destroy our commerce, to rifle our mail sacks, to take our money, to prevent our intercourse with neutrals, and to do everything or anything to our injury, whether sanctioned by the laws of nations or in spite of them?

I get tired of hearing this, Mr. President. Until the United States has the courage that Great Britain has always had to assert her rights and dare maintain them, the United States may expect to be imposed upon. One of my reasons for advocating

preparation for self-defense was to let the world know that from this time on the United States expected to protect her citizens and her country and her country's interests at all hazards; and the very fact that she is prepared to assert those rights when occasion requires and demands is all that it will be necessary to do. She will never have to utilize her resources for war.

Mr. President, I have said all that I intended to say, and possibly more than I ought to have said; but I want to protest against this part of the conference report, and I serve notice on the Senate now that I propose to introduce a bill at the next session of Congress embodying the provision under consideration and try to call it to the attention of the Senate, and, if necessary, to the attention of the country, and to show the country who is responsible for this base surrender of our rights to the demands of the Canadian Government. I want to protest as loudly as I can against Sir Joseph Pope or any other Canadian official or the representatives of any other foreign Government coming over here, either to the Executive Chambers or to the Department of State or to any other department of the Government, unless duly accredited, and interfering with the enactment of laws by the American Congress that the American people feel are necessary for their protection and the protection of their commerce. I think if any American citizen ever dared to enter upon such a course without an invitation, there ought to be some way found to punish him for attempting to interfere with the legislation proposed by a foreign Government in its own way and for its own purposes.

I have entered my protest against this, Mr. President. That is all I expect to do. It may fall upon deaf ears in these the closing hours of the Congress, but the time will come when a reluctant Congress will hear and hearken.

Mr. WILLIAMS. Mr. President, there is just one thing that even my friend GEORGE CHAMBERLAIN can not do. He can not create war between us and the men and the women and the children of Canada. We are too near akin to one another in blood and in language and in literature and in law and in everything else that makes men and women akin to one another for that.

The greatest crime that the world could possibly witness would be a war between the people of the United States and the people of Canada. It is unthinkable from a sane man's standpoint, no matter what happens, no matter what occurs.

Mr. President, the most sublime spectacle in the world's history is the spectacle of peace that has been kept on the Canadian and the United States border for over 3,000 miles, protected only by three war vessels, I believe, on each side. The world has been given a spectacle of brotherhood and of fraternity between us and Canada that it has never witnessed anywhere else in all this universe, and by God's blessing we are going to keep it up.

The Senator says that we assert and we dare to maintain our rights. Of course we do. So do they assert and so do they dare maintain their rights, and they are weaker than we. All the more reason why we should be considerate in our treatment of them, and by God's blessing we are going to be. We are not hunting retaliation with Canada, either from her ports or from ours. We are seeking nothing except justice in the world.

There is one more thing to be said, Mr. President. A pathway of commercial retaliation is a pathway of war. In the long run it means that. It can not mean anything else. What we want is the old Democratic standpoint of the utmost free-trade relations with everybody on the earth. The utmost they grant us we ought to grant them. That spells peace; that spells amity; that spells friendship. The opposite course spells war in the long run, and to attempt to convert these 3,000 miles of boundary between us and Canada into an area of retaliation and trade hostility is to convert it ultimately into a relationship of war.

I, for one, have been opposed to it all the time, and I am opposed to it now. I can not conceive of a greater crime than having our children kill the children of the Canadians or have their children kill our children in an absolutely useless species of hostility. If we start with trade hostilities, we will wind up with warlike hostilities.

I do not care about Canada's relationship with Great Britain. That has nothing to do with the proposition, in my opinion. I am perfectly willing to go out as my forefathers did and fight Great Britain, but I am not willing to go out and fight Canada, Canadian men and women and children, and I am not willing to be put in an attitude of trade hostility to them any more than an attitude of warlike hostility.

Mr. THOMAS. Mr. President, I shall detain the Senate but a moment.

Senate amendment numbered 110 was receded from in the conference committee. This provision is practically in the present law, but it was not in the House bill. It provides that—

Nothing in this title shall be construed to release a taxable person from liability for income tax, and any contract hereafter entered into for payment of any interest, rent, or other fixed or determinable annual or periodical payment without allowing any deduction authorized to be made by this title or for the reimbursement of any amount so deducted shall be void.

I merely wish to say that I regret more than I can express that the conferees on the part of the Senate found it necessary to recede from this amendment. Its purpose was to prevent the shifting and passing on of the income tax to other people. The moment that principle is introduced into an income-tax law it ceases to be that kind of a law and becomes something else. I protest against it, and will do what I can at the next session of Congress to amend this measure so that the features of the present law may be reinstated.

Mr. SIMMONS. Mr. President, I think the Senator from Oregon [Mr. CHAMBERLAIN] has been somewhat unkind and unjust in his criticism of the Senate conferees in receding from the amendment which he has discussed. There were 273 amendments placed upon the bill by the Senate. All those amendments, with some slight emendations by the conferees, have been retained except 34. The conferees on the part of the Senate labored nearly three days and two nights in an earnest effort to come to an agreement with the conferees on the part of the House. There were many matters of difference in the beginning. Finally the matters in difference were worked down to about four or five propositions, and one of those four or five that were retained for final discussion, because of the Senate conferees' attitude upon them, was the amendment of the Senator from Oregon which was placed in the bill by the Senate. After considerable discussion in the early stages of our conference we found that we could not agree upon that amendment. We passed it over. According to my recollection, we returned to it again and still were unable to agree, the House conferees being firmly set against it. Finally we yielded to the House conferees. It was one of the last amendments on which we yielded.

Mr. President, the Senator from Oregon characterizes our action in yielding to the House upon this matter as a cowardly surrender of the rights of this country to a foreign country. I want to state to the Senator that the conferees on the part of the House did not put their opposition to his amendment upon the ground of any foreign protest. They did not ask that it be stricken out because of any suggestion that it was unsatisfactory or unacceptable to the Canadian Government. They asked that it be stricken out upon what they claimed was the merits of the proposition. I am not stating our position about it; I am stating the position of the House conferees. They claimed that it was an effort by legislation to change a natural condition, an effort to force American fishermen to patronize an American town for the shipment of their fish when they preferred, as a matter of convenience and interest, to patronize a foreign town. That was their claim.

Mr. CHAMBERLAIN. May I interrupt the Senator just a moment?

Mr. SIMMONS. Certainly.

Mr. CHAMBERLAIN. Did they stop to think at all that the order in council was doing the same thing—making the American business men and American ships go to Canadian ports to do business in a Canadian port, not in our own?

Mr. SIMMONS. They claimed that the fishermen wanted to go there.

Now, here is the situation as they contended. I was not familiar with the merits of the proposition from their standpoint. The Senator from Oregon had in the regular way offered his amendment to the pending bill and it was referred to the Finance Committee. Before it was adopted by the committee the Senator conferred with me about it. I do not think the Senator has ever introduced a bill for this purpose. I do not think any Senator from the Pacific coast has ever introduced such a bill. The first time I heard of this proposition was through the amendments offered to this bill by the Senators from Oregon and Washington. These amendments were practically the same.

Mr. CHAMBERLAIN. I know the Senator wants to be perfectly fair about it. When the Senator said the committee had determined to put it in the bill I did not think any explanation was necessary. I thought the Senator knew all about it or he would not have put it in.

Mr. SIMMONS. I was not complaining of that. I said the Senator had not introduced a bill covering this subject, nor

had any Senator from the Pacific coast. I knew his side of the question, however, because I had heard the Senator from Washington discuss it at length in the Senate, and I discussed it to some extent with the Senator from Oregon.

The House conferees, as I understand, had considered the question of putting it into the original House bill, but after some investigation they decided not to put it in the bill and became opposed to it upon its merits.

Now, here was their contention with reference to it: They said here is Ketchikan, an Alaska town. Here is Prince Rupert, a Canadian town, to which runs the Grand Trunk Railroad. Here is Seattle, another American town. There is nothing in the law now to prevent American fishermen in the adjacent waters from taking their fish either to the Alaska port or to the Canadian port or to the port of Seattle. They have their choice.

Many of them live in Prince Rupert; and, exercising their choice under the present law and as a matter of convenience and as a matter of economy, and because of better transportation facilities at Prince Rupert, they chose, as they had a right to do under the law, to patronize the Canadian port of Prince Rupert rather than the American ports of Ketchikan or Seattle. They said the object of this legislation seemed to be to force these fishermen against their will to carry their fish to Ketchikan or to Seattle instead of Prince Rupert. They said that no request for this legislation had come from the fishermen. They said the request for this legislation came chiefly from people living in Ketchikan who were interested in having these fishermen make their homes in Ketchikan and patronize that port, and it had the appearance of an attempt in the interest of that town to force trade out of its natural lines for the purpose of booming that town and promoting the interest of the people who live there and who, of course, were anxious to see their town prosper and to establish there this industry.

Mr. President, further than that it was said that if this law was passed and these fishermen were not permitted to ship from the Canadian ports, but required to go to Ketchikan and ship from there in American bond, this would happen: When they took their fish to Ketchikan and assorted them and prepared them for shipment in bond, they would be forced to put them in a foreign vessel, take them to Prince Rupert, and ship them over a Canadian road into the United States. They asked, Why should these American fishermen be compelled by law to take their fish to Ketchikan, an inconvenient point, and ship them to Prince Rupert on their way to the American market instead of taking them in the first instance to Prince Rupert, as they now do from choice? Why so inconvenience and penalize these poor people to build up the town and port of Ketchikan?

The House conferees refused to agree to legislation which they thought would accomplish this unfair result. I am not discussing the question of whether they were right or not. I have simply sought to present the situation as it confronted the conferees. That is all I desire to say.

Mr. HUGHES. Mr. President, I desire to supplement what the Senator from North Carolina said by stating that in addition to the feeling of the House conferees on this subject matter, so far as the Senator stated it, there was another angle that they considered, which was the condition existing upon the Atlantic coast. A Member of Congress representing the Atlantic coast came before the conference and said that those Atlantic coast fishermen were operating absolutely at the suzerainty of the Canadian Government; that they had privileges extended to them there which were not guaranteed by any law or by any treaty, but were guaranteed them by a sort of *modus vivendi*, which had no foundation in law, a sort of gentlemen's agreement; and he convinced us that any attempt on our part to resort to retaliatory measures, however successful it might be for the Pacific coast, would result very much to the detriment of the fishermen of the Atlantic coast.

Furthermore, he called our attention to the fact that there is now in existence a statute which enables the President of the United States to act, which places in the hands of the President of the United States the power to deal with the situation as fully as Congress could possibly deal with it; that the only question to be decided by the President of the United States is whether or not the interests affected on one coast would be greater than the interests affected on the other coast. No matter which way the weight inclined the information that I, as a member of the conference committee, received inclined me to believe that it was not a matter to deal with by retaliatory methods, but that should be decided by the representatives of both countries to meet in a spirit of fairness and equity and justice.

I will say to the Senate that in the Finance Committee I was the one who offered this provision. The *ex parte* information at my disposal inclined me very strongly to support the view held

by the Senator from Washington and the Senator from Oregon. Like the Senator from North Carolina, I was compelled to admit the justice of the claim made by the Atlantic coast fishermen and forced to the conclusion that it was not a matter to be dealt with by means of retaliatory legislation. I feel very much that the last case of the fishermen on both the Atlantic and Pacific coasts might be worse than the first.

Mr. OWEN. Mr. President, after the Senate shall have acted on the conference report now pending, I assume that many Senators will depart from the city, that a quorum will no longer be possible, and no further transaction of business will be available.

Mr. HUGHES. Does the Senator assume that no one else has anything to say on the conference report?

Mr. OWEN. I assumed that the discussion on the conference report had terminated. If the Senator wishes to discuss the report further—

Mr. HUGHES. Is the Senator proceeding upon the assumption that we are not going to get a vote upon the report tonight?

Mr. OWEN. I am not.

Mr. SMOOT. Mr. President, we can not hear a word the Senators are saying.

Mr. OWEN. The Senator from New Jersey asked if I was proceeding upon the theory that there would be no vote upon the conference report. I replied that I was not.

Mr. President, in the Democratic platform of 1908 appears this pledge:

We pledge the Democratic Party to the enactment of a law prohibiting any corporation from contributing to a campaign fund and any individual from contributing any amount above a reasonable maximum, and providing for the publication before election of all such contributions above a reasonable maximum.

That pledge has not been carried out. In the Democratic platform of 1912 appears this pledge:

We pledge the Democratic Party to the enactment of a law prohibiting any corporation from contributing to a campaign fund and any individual from contributing any amount above a reasonable maximum.

That has not been carried out. It is true that during the last Congress the House of Representatives passed a measure proposing to strengthen the elections of the United States against corrupt practices; it is true that the Senate of the United States, through its proper Committee on Privileges and Elections, reported that bill favorably; but it is also true that it was impossible to pass it through the Senate of the United States because of the ease with which a filibuster can be carried on in this body in the absence of a previous question.

Certainly no one can say that the Senator from Oklahoma has not been diligent in pressing the corrupt-practices act during this session. He caused a bill to prevent such practices to be introduced on the first day of the session—last December. December has gone; January, February, March, April, May, June, July, and August have gone, and yet there has been no action. The steering committee made that bill a part of the legislative program; the Democratic conference made it a part of the legislative program; and the real reason why it has not been passed has been because of the fixed and determined hostility to the passage of such a measure by Senators on the other side of the aisle, or, at least, by some of them. I would make an exception of those progressive Senators whom I have heretofore named—seven in number—who voted to take up this bill when it came before the Senate a few days ago.

Mr. President, in the United States we all know of many most egregious wrongs against the purity of our elections, against the common honesty of our elections, against the common decency in our elections. Evidence has been submitted to the Senate on account of which a Senator was removed from the Senate because of his having bought a place on this floor; yet the Senate of the United States stands here and refuses to pass an act by which the repetition of this conduct—

Mr. FALL. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. FALL. I had the floor, and I was addressing the Senate. The chairman of the conference committee came in with his report, and, as is usual, at his request I agreed to yield to the conference report, with the statement, which I think is of record, that I did not yield the floor, except purely for that purpose. Now, sir, I have listened to speeches on every subject practically. The Senator from Oklahoma [Mr. OWEN] is making a speech upon his bill, which he has had every opportunity to make at any time that he pleased. I therefore think the Senator is out of order.

Mr. OWEN. The conference report is before the Senate.

Mr. SIMMONS. Mr. President, will the Senator from Oklahoma yield to me for a moment?

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from North Carolina.

Mr. OWEN. I yield to the Senator.

Mr. SIMMONS. The Senator from New Mexico [Mr. FALL] is correct. He had the floor. I interrupted him, and asked him if he would not yield to me to present the conference report and to ask for its consideration. He said he would. Of course the Senator from New Mexico understands that I am not responsible, and I can not prevent—

Mr. FALL. I do not hold the Senator from North Carolina at all responsible. I simply rely upon the point of order.

Mr. SIMMONS. I hope the Senator from Oklahoma will have plenty of time to discuss the question.

Mr. OWEN. Mr. President, there need not be any controversy between the Senator from New Mexico and myself. Under the practice of the Senate it has been always in order to speak on anything a Senator pleased at any time he pleased, no matter what is before the Senate. That practice has been so common that it has become a uniform rule. I am perfectly willing to yield the floor to the Senator from New Mexico and let him proceed with his remarks if he wishes to do so.

Mr. FALL. If I have not a right to the floor under the rules of the Senate, I do not ask the Senator from Oklahoma to yield to me.

The PRESIDING OFFICER. The Chair desires to state that though the Senator from New Mexico yielded the floor for the purpose of the consideration of the conference report, while the conference report is yet before the Senate there is no way with which the Chair is familiar in which he could decide what might be discussed or what might not be discussed by any Senator who might obtain the floor pending the consideration of the report.

Mr. FALL. Certainly, if the Senator from Oklahoma is discussing the conference report—

Mr. OWEN. I shall feel bound by what the Senator from New Mexico understood when he gave up the floor—because that was what he did say—and I think he is within his rights to ask that he should have the floor. I therefore will withhold any further comment until he has concluded.

Mr. FALL. Mr. President, I will say that had I been allowed to continue, I do not think that my remarks would have occupied to exceed more than 10 minutes of the time of the Senate.

Mr. SIMMONS. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from North Carolina?

Mr. FALL. Mr. President, I have had a lesson taught me tonight. I have never in my experience in the Senate refused or hesitated to yield the floor for a conference report. I yielded two hours ago. I have heard a speech made here—a post-mortem speech—on matters which have been discussed and re-discussed for three or four months. The Senator from Missouri [Mr. REED] appears suddenly upon the scene, after making a speech this morning, upon this conference report, and proceeds to talk upon the eight-hour bill and the Republican platform.

Now, I will say to the Senator from North Carolina [Mr. SIMMONS] that for the purpose of taking up and having the immediate consideration of the conference report, I will again cheerfully yield to him, with the understanding, however—and I hope the Senate will understand—that immediately upon the conclusion of that matter I shall endeavor, with the permission of the Senate, to conclude my remarks.

Mr. OWEN. I shall have to object to that agreement.

Mr. FALL. Very well, then, if there is objection I can not yield.

Mr. SIMMONS. Mr. President, I desire to ask the Senator—

The PRESIDING OFFICER. The question now before the Senate is, Shall the conference report be agreed to? Does the Senator from New Mexico desire to address himself to that question?

Mr. FALL. I do not desire to address myself to the conference report, Mr. President. I will not take advantage of the Senate by making that statement.

Mr. SIMMONS. Will not the Senator permit me to make a statement?

The PRESIDING OFFICER. The question, then, is, Will the Senate agree to the conference report?

Mr. JONES. Mr. President, I do not intend to take the time of the Senate at any length, but I wish to state that I indorse without qualification the statement made by the Senator from Oregon [Mr. CHAMBERLAIN]. I am quite sure he did not intend to reflect upon the Senate conferees. I do not. I am satisfied the Senate conferees did the very best they could under the circumstances. If any recession of this matter is

made, it will be made by Congress, and Congress will be the responsible body.

When I say that I indorse what the Senator from Oregon said, I do not understand that I am trying to get up a war with Canada or with Canadians or anything of that sort, as was suggested by the Senator from Mississippi [Mr. WILLIAMS].

As I understand this amendment, it simply provides for doing what we have a perfect right to do; and there is no question of retaliation involved in it even against Canada. It does not affect the rights of the Canadians in any way, shape, or form.

We simply regulate the manner in which fresh fish shall be brought into our own country through our own ports; which, it seems to me, we have a perfect right to do. Our Canadian friends do not seem to hesitate to do something to encourage and develop and promote their industries; and how it can be considered as seeking a war with them, or even retaliation, for us to endeavor to promote, develop, and build up our own industries, I fail to see. One thing is certain, Mr. President, that so long as we submit entirely to them, so long as we do nothing to protect our own interests and our own rights, so long as we simply accept their protests without any resistance whatever, so long will they invade our rights and develop their own industries; and we will gain nothing from them except their disrespect. We do not have their respect. I respect Canada for insisting upon her rights, for trying to build up her industries, and for protecting her interests, and I have no complaint against Canada for succeeding in this matter.

The complaint which I have is against ourselves for allowing them to interfere with our absolute rights and privileges.

A few days ago I submitted some remarks in reference to this matter. I set forth the various orders in council that the Canadian Government had enacted, evidencing, in my judgment, not only the assertion of their own rights, but rank discrimination against our people and our industries. I shall not take the time of the Senate to go over all these matters again. I simply want to emphasize and to call the attention of the Senate to one or two particular matters.

It was no wonder to me that Senators should inquire why it was that we had to recede from this very just and meritorious amendment.

Mr. SMITH of Georgia. Mr. President, would the Senator mind my asking him, for future use, if he will put his finger on the injustice of the British order in council? We will have this subject to deal with again, and it may be helpful to have that information from the Senator.

Mr. JONES. I will put first my finger upon one of the main things the Canadians desire to do, as set out in one of the whereases of the order in council. It reads:

And whereas the minister of the naval service is informed that, in view of the fact that Prince Rupert is several hundred miles nearer the fishing grounds than is Seattle, and as the Grand Trunk Pacific Railway is now operating so that fish can as readily be shipped to the eastern United States markets from Prince Rupert as from Seattle, if such boats and smaller vessels were permitted to go to Prince Rupert and sell their catches to some person or corporation which would in turn ship them in bond to the United States, and if such vessels or boats were then permitted to purchase supplies for their fishing operations, a considerable number of them would transfer their base of operations from Seattle to Prince Rupert and would probably later transfer their vessels or boats to the Canadian registry and permanently operate from Prince Rupert.

In other words, one of the principal things in this amendatory order in council is not only to get these fishing boats to center their operations at Prince Rupert, but to transfer their American registry to Canadian registry. That was perfectly legitimate.

Mr. SMITH of Georgia. But, Mr. President, the Senator does not show us the British order in council.

Mr. JONES. That was from the British order in council.

Mr. SMITH of Georgia. No; that was in a resolution passed at Seattle.

Mr. JONES. No, it was not; that was one of the whereases in the Canadian order in council. That is what they say—whereas that is desirable, and so on. After the whereases, the order in council reads:

The said order in council of December 10, 1914, is hereby amended to provide—

Then comes the actual order in council to accomplish the purposes set out in the whereases. The order is printed at length on page 13183 of the RECORD, and I do not believe that I will take the time of the Senate to read it now, as it can be found there in full, together with various other orders in council and the reasons why they wanted to do these things. Here is another order in council for the present year, 1916, which provides:

That such foreigners and foreign corporations, before bringing fresh fish to a port in British Columbia, may be permitted to purchase bait at any port in said Province of British Columbia upon an undertaking

to the satisfaction of the minister of customs that catches of fish made with any baiting so supplied shall be landed at any port on the mainland of British Columbia, and be thence forwarded in bond to a port in the United States, the whole under such regulations and conditions as the minister of customs may determine.

In other words, it is provided by a British order in council that our fishermen can not get bait in Canadian waters unless they agree beforehand to take their catch into a Canadian port and ship it from there in bond to the United States. The Canadians have a perfect right to do that. I do not question their right to do that. They are building up their industries, but they do not hesitate to impose a restriction like that upon our fishermen and upon our people. I will ask the Senator to listen to what a very responsible merchant in Seattle wrote me the other day. His letter was dated August 4, 1916, and he said:

Just this week fishing vessels have arrived that have taken bait and ice in British Columbia, but did not go back there with their catch, and they have been blacklisted and denied the privilege of again entering a British port and discharge cargo, and one of them, calling again for bait at a Canadian port, the Canadian dealer refused to supply him with any, having been listed as one of the undesirables by this Government that is working so hard to benefit the American fishermen.

That is what they do to our people. Those are the steps they are talking to build up their industries. Now, Mr. President, why is it that we can not, in order to promote our own interests and develop our own industries, provide how fish shall come into our own ports? The amendment does not take away any of the rights of a Canadian fisherman. He could under it ship his fish in here just as he is shipping them now, but they will not let us sell fish in the Canadian market for home consumption.

Mr. President, I have set out the facts pretty fully in my previous remarks, as I have said, and I am not going to take the time of the Senate to go over the matter in detail again. I simply want to call attention to an extract, which I read in the time of the Senator from Oregon, from a letter from our State Department, in which it is stated that the British ambassador, after the Canadian Government had found that this bill was pending, represented to our State Department that, if this bill were enacted into law, the Canadian Government would have to retaliate. Retaliate why? The action proposed in the amendment to the revenue bill which was adopted by the Senate was not retaliation; it simply affected our own people and our own interests and prescribed how certain things should be brought into our own markets. I do not say that we are receding from our position because of this threat.

It is suggested that some of the interests on the Atlantic coast insist that our interests shall be sacrificed to their interests and their rights.

Well, is Congress going to do that? We supply from the Pacific coast 95 per cent of the halibut used in the United States. There are 4,000,000 pounds of halibut caught on the Atlantic coast and 60,000,000 pounds on the Pacific coast.

I am not going to take the time of the Senate further. I recognize the situation. This is a conference report. It must be accepted in full or rejected in full. We all know that. We want to adjourn, I know. As I said a while ago, I believe our conferees have done the very best they possibly could. I have no criticism at all to make of them; but I wish that Congress itself would say that we will stay in session to enact legislation that we believe in, and we will not recede from it either under pressure from any other Government or under pressure for lack of time.

Mr. FALL and Mr. STONE addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. FALL. Mr. President, I believe I have the floor. I will yield to the Senator for a conference report, or for a vote, or for discussion of the conference report, if I can yield for that purpose, and for no other purpose.

Mr. SIMMONS. Mr. President, I hope we can have a vote. It is exceedingly late. Senators are going home, and it would be a great relief to finish up this matter and take a recess.

Mr. STONE. Do I understand—may I have permission to say—that the Senator from New Mexico takes the floor to tell the Senate what it may do at his pleasure? I desire to make a few feeble remarks, and I am going to make them before this vote is taken. The Senator from New Mexico can proceed if he wishes, but he will not control the floor to tell the Senate what it may do.

Mr. FALL. The Senator from Missouri having kindly given his consent that the Senator from New Mexico may proceed to make his remarks, the Senator from New Mexico will thank the Senator from Missouri for his kind permission, and with that he will proceed to make those few feeble remarks.

Mr. SIMMONS. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from North Carolina?

Mr. SIMMONS. I understand that the Senator from Missouri merely desires to address himself to the question under discussion, relating to a provision of the revenue bill.

Mr. FALL. The Senator from Missouri evidently did not catch the statement I have made. The Senator from New Mexico had the floor. That was the parliamentary situation. The Senator from New Mexico had yielded the floor purely for the consideration of the conference report. Several other speeches were interjected not referring to the conference report. The Senator from New Mexico raised a point of order as to the other speeches, and the point was sustained by the Chair. The Senator from New Mexico again took the floor. The Senator from New Mexico yielded for the conference report. If the Senator from Missouri desires to speak upon the conference report, the Senator from New Mexico will again gracefully take his seat. The Senator from New Mexico is not undertaking to dictate; but, having the floor, he has a parliamentary advantage, and he can yield for certain purposes; and if those purposes are not to be carried out he can refuse to yield. That is the situation.

Mr. STONE. Well, what does the Senator do? Does he proceed, or is he disposed to take his seat?

The PRESIDING OFFICER. The Chair desires to state that the Senator from New Mexico having yielded for the consideration of the conference report, that report would be considered by the Senate. While, of course, the Senator himself has the right to obtain the floor, as he now has, for the purpose of speaking upon that or any other subject, he does not have the right to deal out time to Senators to discuss this or any other subject.

Mr. FALL. The Senator from New Mexico has not assumed to dictate to the Senate, nor to the present Presiding Officer of the Senate. The Senator from New Mexico does take the position, and takes it fairly, that he has the floor, and he does not yield.

The PRESIDING OFFICER. The Chair was merely stating, in response to an inquiry made by the Senator from Missouri, what he understood the parliamentary situation to be.

Mr. FALL. I thank the Chair.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

CORRUPT PRACTICES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15842) to revise, amend, and codify the laws relating to publicity of contributions and expenditures made for the purpose of influencing the nomination and election of candidates for the offices of Senator and Representative in the Congress of the United States, extending the same to candidates for nomination and election to the offices of President and Vice President of the United States, limiting the amount which may be expended, providing for the publicity of campaign expenses, and for other purposes.

[Mr. FALL resumed and concluded the speech heretofore begun by him. The entire speech is as follows:]

Mr. FALL. Mr. President, before undertaking to discuss the provisions of the bill which has been before the Senate now for two days, I want to say that I have been very much interested in one or two phases of the discussion. Particularly, sir, was I interested in the little colloquy between the Senator having charge of the bill [Mr. OWEN] and the Senator from Arkansas [Mr. CLARKE]. The colloquy between those Senators made an impression upon my mind which I feel impelled to give utterance to. I refer to the tendency displayed by those holding the views of the Senator from Oklahoma to bring matters before the Senate for consideration, and when those matters are objected to upon a constitutional ground or upon the ground that the precedents or the decisions of the courts are contrary to the trend or tenor of the desired legislation, to wave aside as of nothing, as of no importance, not only the Constitution of the United States, but the decisions of the highest courts of the land upon subjects similar to those under discussion. That tendency has impressed me more than once, but I have never seen it so forcibly expressed in the legislative halls as in the instance to which I have referred.

Mr. President, it is true that in a democracy statesmen are born every day. Some statesmen finding their way into the legislative halls are impatient with the rules which have prevailed prior to their advent; some are impatient even with the constitutional limitations placed upon legislation; some, as the Sena-

tor from Oklahoma [Mr. OWEN] very frankly says, say that the constitutional limitations should not be considered at all; that the people make constitutions and that the Supreme Court can change its decisions upon the proposition involved in the legislation now pending. That is true; but the pride of Anglo-Saxon civilization has been that the people change their fundamental law legally and according to the forms and precedents of the law. The boast of our Anglo-Saxon civilization has been that our liberties, our constitutional rights, came down to us, not through legislation, but by inheritance. Our boast has been that our forefathers obtained nothing by Magna Charta of an affirmative character, but that they simply wrested from those who had encroached upon their natural rights a recognition of those rights, and the promise that forever such rights should be safeguarded; but more recently a school of statesmen has grown up—and it is natural in a democracy—who, impatient with precedent, impatient with forms, forget the past-history of thousands of years of civilization and embodied in decisions of the courts, and are willing to sweep aside all constitutional restraints and limitations when they stand in the way of legislation sought by themselves; who desire to ignore completely the past history of the human race.

Mr. President some statesmen forget that when the Constitution, under which we are now proceeding with the business of this country, was formed the United States had been in travail for 11 years. The men who formed the Constitution of the United States composed the greatest body of men whom the world ever knew to be gathered for such a purpose or for any other purpose. This may not be popular doctrine with some modern statesmen, but, nevertheless, my assertion is sustained, I think, by the verdict of every writer upon the American form of government from De Tocqueville to Bryce, and every other writer or historian who has written since the Constitution was adopted.

Madison for years had, through Thomas Jefferson, secured every work on government written in every language which Jefferson was able to procure for him in Europe. Madison knew, when he was engaged in writing a constitution or in assisting in writing a constitution for us, that a thousand years before that time Athens had gone through exactly the cycle which this country must go through if the constitutional limitations placed by our forefathers, the system of checks and balances inaugurated by them is to be ignored, done away with, not considered at all, at the behest of every statesman of the modern school. Shelley wrote many years ago, that more than a thousand years ago liberty said:

Let there be light,
And, like the sunrise on the broad sea,
Athens rose.

Our forefathers understood the distinction between a republican form of government and a pure democracy, and the tendency of the legislative work of these modern statesmen is to do away with that labor of our forefathers, the results of which, if anything, would perpetuate this Government on the face of the earth.

But, sir, the Senator from Oklahoma has a precedent for his views. The President of the United States has, if I read him correctly, long held and entertained similar views. I remember reading with great interest from time to time the views upon government entertained by then Dr. Wilson, now President Wilson. I think they were very similar in some respects to those entertained by the Senator from Oklahoma. For instance, in his Constitutional Government, the President says:

I am not repeating the famous sentence of the Massachusetts bill of rights "to the end that this may be a government of laws and not of men." There never was such a government. Constitute them how you will governments are always governments of men, and no part of any government is better than the men to whom that part is intrusted.

Again he says—and I want to call the attention of Senators to the fact that, not only has the President criticized the spokesmen or the leaders of one of the great political parties, but he long, long since made the discovery that Jefferson and Madison and Washington and Hamilton and others, laboring sincerely though they were, in forming the Constitution, some by direct action and others, as Jefferson, by advice transmitted even from Europe to them, were mistaken. He says:

The makers of our Federal Constitution followed the scheme as they found it expounded in Montesquieu, followed it with genuine scientific enthusiasm. The admirable expositions of the Federalist read like thoughtful applications of Montesquieu to the political needs and circumstances of America. They are full of the theory of checks and balances—

Full of the theory of checks and balances—

The President is balanced off against Congress, Congress against the President, and each against the courts. Our statesmen of the earlier generations quoted no one so often as Montesquieu, and they quoted him always as a scientific standard in the field of politics.

Politics is turned into mechanics under his touch. The theory of gravitation is supreme.

The trouble with the theory is that government is not a machine, but a living thing. It falls, not under the theory of the universe, but under the theory of organic life. It is accountable to Darwin, not to Newton.

The President of the United States is, as the Senator from Oklahoma is, an adherent of the Darwinian theory rather than, as he expresses it, of the Newtonian theory.

Mr. President, I have some hesitation in criticizing the bill now before the Senate. I am aware of the fact that when legislation of this character is offered some statesmen believe that if criticism in turn is offered those criticizing must be governed by unworthy motives; that they must be held up to the people and the galleries in the Senate as being in favor of corrupt practices, or, rather, opposed to legislation purifying elections. Nevertheless, Mr. President, while understanding this tendency on the part of the "congressional salvation army," I shall, in pursuance of what I conceive to be my duty, point to some of the defects of this legislation.

Mr. President, I am not opposed, nor do I believe there is a Senator in this body who is opposed, to any proper and constitutional legislation which will tend to purify elections or which will tend to prevent corruption among the electorate. There are, however, some of us who do not propose by our votes to assist in enacting legislation of the character proposed. I, for one, do not believe that an act or an utterance done or published tending directly or indirectly to influence a vote is per se corrupt. I believe that proper information extended through the press, proper acts done to inform the electorate, are worthy acts, and should not be denounced, and the expenditure made in performing them should not be prohibited, as is proposed in this bill. In other words, I object to the same limitation upon the corruption of the voter by bribing him directly being applied to a proper effort to inform him and influence him properly, and yet no distinction is made in this proposed legislation. Reading on page 19, subsection (d), we find that—

Any act shall be deemed to have been done for "political purposes" when the act is of a nature, is done with the intent, or is done in such a way as to influence or tend to influence, directly or indirectly, voting.

Not "corruptly influence," but "tend to influence"; and this act is placed in the same category as the bribing of a voter by money.

There is an attempt in this bill to form a classification of organizations which may take part in elections. The first is the national committee, the expenditures of which are limited, broadly speaking, to \$400,000 in a campaign. Next are the congressional committees. Next is a committee, an association of persons, five or more, who may file articles of association with the Clerk of the House of Representatives.

The expenditures of that committee are unlimited in this bill. There is no provision that only one committee shall be so formed. Under the provisions of this bill 500 such committees can be so formed; and if there is one word of limitation upon their expenditures contained in this bill, even by implication, I am unaware of it. If, by implication, it may be held that there is some attempt at limitation, then it would only be under the \$400,000 limitation applicable to the national committees.

Then, Mr. President, under the terms of this corrupt-practices act the national committee itself is limited in its expenditures to \$400,000; and either one horn of the dilemma or the other must be taken by those advocating the bill with reference to limitation or nonlimitation of expenditures of these committees organized by filing their articles of incorporation with Congress. There is a provision that they shall make a statement as to the subscriptions given to them. There is a provision that they shall make a statement as to their expenditures, but there is no limitation upon their expenditures, unless, as I say, by implication the courts might say that the limitation of \$400,000 placed upon the national committee also applies to each of these anomalous committees.

[At this point Mr. FALL yielded for the presentation of a conference report.]

Mr. FALL. Mr. President, as I was saying, under the provisions of this bill, even granted that there might be, which I do not grant, by implication a limitation upon the expenditures of this class of committees to which I have referred as committees which will be formed by filing their articles of association with the Clerk of the House—even granting that the same limitation applied to the expenditures of each of those committees as would apply to the expenditures of the national committee—there is certainly no attempt, even by implication or otherwise, to limit the number of such committees; so that 5 or 15 or 50 such committees might be formed under the terms of the bill, as I read it, and each might expend at least the sum of \$400,000 to assist

any one candidate or for such purposes as legitimately they can expend money under the provisions of the bill.

If, on the other hand, it is claimed that the aggregate of expenditures of the national committee and of certain committees so formed under the terms of the bill is \$400,000, in that event one or two committees so formed might deprive the national committee of the opportunity to spend one cent, which, of course, is a ridiculous proposition to advance. I do not advance it; it is contained in the bill.

Again, Mr. President, any person taking an interest in this election becomes a committee under the provisions of the bill. That is to say, any person or number of persons associating themselves together as a committee or acting individually, who do not become a committee or association under the terms of the bill, are prohibited from expending money except as set forth therein.

Now, sir, the woman's suffrage union or any individuals interested in the woman's suffrage union would come under the provisions which I have just referred to, and the limitations of the expenditure of the woman's union for suffrage would be \$5,000 in the campaign.

There are persons associated together in the United States engaged in another great moral work, the Antisaloon League of the United States, who would come under the provisions which I have just referred to, and its legitimate expenditures would be under the terms of the bill limited in this election to \$5,000. Yet we already have through the press the news that when the prohibition convention was held, when Gov. Hanley was nominated as the candidate of the Prohibition Party for the Presidency, one citizen of Florida openly in the convention contributed \$50,000 to the election or to the Prohibition propaganda, and later, we are informed by the press, this citizen upon his return to Florida contributed a second \$50,000 for such purpose. Yet that contribution is not only denounced in this bill, but under the strict terms of it a party so contributing might be guilty of a felony, fined and imprisoned, and forever disgraced.

The American Federation of Labor, the president of which is now engaged in a political campaign for the purpose of influencing votes in behalf of one of the candidates for the Presidency, is the editor of a labor journal.

The American Federation of Labor, through the columns of this journal, under the direction of its president, is engaged in offering reasons why the people of this country should support one candidate for the Presidency and not another. Literature is being sent out by this organization. A propaganda is always being carried on by this organization for the purpose of influencing votes in the election held in the congressional districts and in the States. Under the terms of the bill such influence or such influences so used costing beyond the limitations of \$5,000 would be illegal.

It is unnecessary, possibly, to say that the courts might not sustain the constitutionality of the act. That makes no difference in so far as the author of the bill is concerned. He says that if the act is unconstitutional the courts can change their decision.

Mr. President, the intent of the bill in some respects may be good. I will say to the Senator from Oklahoma or to any of his colleagues that I will go just as far as he or anyone else will in undertaking to secure free and fair elections, and will go further than he or they will in seeing that the electorate is informed through the public press and through any other legitimate method properly informed and properly influenced for good.

There are many matters which should be considered by the electorate during this campaign and in this election, matters aside from the ordinary routine, matters of the organization of a committee, the sending out of a campaign book, and printing the speeches.

There is the power through the prestige of the executive department of the Government, through the different departments themselves, through the Cabinet officers, by which campaign literature can be sent out and is being sent out without limitation on the cost of it. The incident which occurred here yesterday, painful as it might be considered in some aspects, is simply illustrative of the point which I am making. A Senator in power, in office, under the terms of the bill, under the ruling of the Post Office Department, may send out literature in his own behalf costing the taxpayers, assuming that a 2-cent stamp simply performs its duty and makes no profit, instead of a thousand dollars, ten thousand dollars. This is no reflection upon the Senator. He had the legal right, it was so held; but he, a Senator in office, under the terms of the bill can expend \$5,000 of his personal funds. A Senator now in office may use the franking privilege to any amount he desires. His opponent, contesting him before the people for the office, pays for every

postage stamp which he uses, and yet that opponent is limited to \$5,000 total expenditure, while the Senator in office can also expend the public funds without limit.

Mr. President, any utterance from the White House, any news from the State Department of the Government, is immediately sent to the four quarters of the earth through the public press of the country. Every paper of whatever political complexion publishes anything emanating from the White House or from the departments; and therefore the party in power is not only able to expend the same amount of money in publicity or in legitimate election expenses as the party out of power, but is able to secure publicity which would cost millions of dollars instead of \$400,000, which publicity is not at the beck and call of the party out of power.

There have been various statements emanating from the Executive Mansion and the departments with reference to very important matters which should be and will be considered by the electorate at this election, statements which I am here prepared to show at any time are in very many respects, to say the least, to use the mildest term, erroneous and absolutely misleading.

I say that if it cost \$5,000,000 for publicity legitimately to remove from the minds of the people of the United States the erroneous impressions which they have imbibed possibly to some extent from the utterances of the executive department of the Government such expenditures are not only legitimate but that if—and this is a strong statement—if our institutions are to be perpetuated the people must be reached with some correct information on various propositions which are not correctly understood we will say by the Executive or the executive departments of the Nation.

Sir, we are told through the public press, we are told even in statements issued from the White House itself, that upon our southern border there are men engaged in sending out false reports, that those men are selfishly interested in a neighboring Republic, and that they are sending out constantly false reports for their own selfish ends to enhance the value of their property located in a foreign country. We are told in public speeches from the first speech made by the President at Mobile, Ala., down to the present time, that in all Latin American countries and in Mexico there are grafting concessions being held by American citizens, and that such citizens have attempted to foment difficulty. We have heard it even here upon the floor of the Senate that selfish interests holding grafting concessions in Mexico have misled or attempted to mislead the people, and not only that but that they caused the original trouble in Mexico, and that the result of their efforts was the overthrow of Diaz by a bloody revolution.

We have been told that in various utterances coming from the executive department, we have been told it, I say, by Senators here upon the floor, getting their information possibly from the source which they considered they should seek it from, the source which they considered should have such information.

Sir, the Senate was electrified and the country was astounded here a short time ago when the Senator from Illinois [Mr. Lewis] in attacking the Republican candidate for the Presidency denounced Americans in Mexico as holding thieving concessions and as having been interested in stirring up revolution. And the charge was also made that the Republican candidate and Republican leaders have in every way thrown obstacles in the way of the present Executive of this Government in his attempt to pacify and bring order out of Mexico. Oh, Mr. President, a change has come over the spirit of their dreams.

Mr. LEWIS. Mr. President—

The PRESIDING OFFICER (Mr. LEA of Tennessee in the chair). Does the Senator from New Mexico yield to the Senator from Illinois?

Mr. FALL. I yield with pleasure.

Mr. LEWIS. I only want, in order to have the RECORD clear, to say that the reference of the able Senator from New Mexico to the Senator from Illinois is to myself, and not to my colleague [Mr. SHERMAN]. It is I who am responsible for the declaration referred to. The Senator is correct. I made those allegations upon the floor of the Senate.

Mr. FALL. I should like to ask the Senator from Illinois a question. Has the distinguished Senator from Illinois read the acceptance speech of his candidate for the Presidency?

Mr. LEWIS. I would answer that I have read it.

Mr. FALL. Did the able Senator from Illinois discover, after his very careful reading of that most beautiful flow of language, anything to substantiate the charges which he made here against the Republicans and their candidate for the Presidency?

Mr. LEWIS. I will say that I assume the President felt that my own accusations were so thoroughly sustained that it was unnecessary for him to refer to them.

Mr. FALL. At any rate, although the President had made the same charges before, he has not made them since.

Mr. LEWIS. I concede to the able Senator, though in a more serious vein, that I was attracted to the fact that in the President's acceptance there was an absence of matters referred to by the distinguished President in an address which he had delivered to Congress upon the same subject; and I assumed that possibly his object was to force the issues in this campaign to the real material things within the Government—the domestic policy—rather than to have them wander off upon matters in which there had been so much uncertainty and, possibly, so little of real information as there had been on certain collateral matters of Mexico.

Mr. FALL. Mr. President, I am grateful to the Senator from Illinois. I agree with him that I think there was a very studied effort upon the part of the President of the United States to avoid the issue which the Senator himself undertook to inject into this campaign. I think that the President displayed more discretion, sir, with due deference to the distinguished Senator from Illinois, than that Senator has displayed.

Mr. OWEN. Mr. President—

The PRESIDING OFFICER (Mr. CHILTON in the Chair). Does the Senator from New Mexico yield to the Senator from Oklahoma?

Mr. FALL. I yield for a question.

Mr. OWEN. Does the Senator from New Mexico disagree with the long-time policy of the Senate of the United States, that party lines should cease at tidewater and at our own boundaries?

Mr. FALL. I did not exactly understand the Senator's question.

Mr. OWEN. I ask the Senator whether or not he agrees with the long-time policy of the Senate of the United States that party lines should cease at tidewater?

Mr. FALL. Mr. President, I have proven, I think, before in my course, not only as a Senator but as a citizen, that I believe that no matter what administration was in power when the country was in danger partisanship should cease; but I have not yet so far sunk my own convictions, nor surrendered my commission as a Senator here in this body, as to agree that the President of the United States is always right. I propose to support my country. If the President of the United States is leading my country into danger, if the President of the United States is misleading the people of the United States as to facts, and calling upon them to follow him, and I am able to impede his progress in the wrong direction, or if I am able to disabuse the minds of the people of the United States, then, sir, I hold a commission here to do that very thing, and I shall perform it.

Mr. OWEN. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Mexico yield further to the Senator from Oklahoma?

Mr. FALL. Yes.

Mr. OWEN. Does not the able Senator think that the duty of adviser should be performed without making a partisan issue of our relations to foreign countries?

Mr. FALL. Oh, of course, Mr. President; but we have apparently, in so far as the Mexican question is concerned, no foreign issue at all. Mexico, the President of the United States told us, has no government. He told us repeatedly that Mexico has no government. The people of Mexico to-day themselves say they have no government; but the President of the United States found a man whom, he says, he has recognized, constituted, and made as the de facto representative of some de facto government in Mexico—his creature. You say that I shall not criticize his act in creating him. Of what timber is the Senator from Oklahoma built? What is his idea? What is his conception of his duty as a Senator? I can gather some conception of it from his words.

Mr. OWEN. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Mexico yield further?

Mr. FALL. Yes.

Mr. OWEN. When a question arose in the Senate with regard to our relations to a foreign country, I should on such an occasion give the best advice I could in relation to the matter, in order to promote what I believe to be the best interest of our country; but I—

Mr. FALL. Oh—

Mr. OWEN. Just a moment, if the Senator pleases, since he asked me what I would do. In doing so, I would not do that as a Democrat, but I would do it as an American. I would discard the party issue in dealing with Mexico or with Belgium or with Germany or with France or with Great Britain.

Mr. FALL. I defy the Senator from Oklahoma to point to one act of his in the Senate of the United States with reference to Mexico or any foreign country which has not been the act of a partisan servilely following the man who temporarily is his leader.

Mr. President, as I said, there is certainly a very grave misconception in the minds of a very many good, sincere, honest, and earnest people in the United States concerning the interest of Americans in Mexico—a very grave and serious misapprehension. The President apparently does not understand that what he has often referred to as "a concession," through which he seems to imagine that some American has obtained some advantage over the Mexican people by the use of graft or corrupt practices with some Mexican official—the President of the United States does not seem to have the slightest correct impression, at least as to what a Mexican concession is.

Mr. President, for this RECORD, I want to say to the Senators here, I am going to have printed, with their permission and consent, one railroad concession, one smelting concession, so called, one manufacturing concession, and possibly one or two other concessions, for the purpose of showing that there is no country under heaven to-day which has laws and practices such as are carried out in Mexico, that has undertaken, as has Mexico, to restrict and restrain capital for the benefit of the people of Mexico, and that the whole power of the Mexican Government itself might be retained upon every such investment of capital. There is not a concession, so called, held by an American citizen entitling him to do business under the federal laws in the Republic of Mexico in any line; not one concession or contract under which one American is doing business to-day in Mexico, nor has there been during the time of Porfirio Diaz, which is not an act of the Mexican Congress.

We hear of mining concessions. There is no such thing in Mexico as a mining concession. One acquires a mining claim under the law in Mexico exactly as the people in the western part of the United States acquire such claims. The miner proceeds to work that mining claim without asking the permission of any official or anyone whomsoever. Mining is a public business in Mexico; mining is declared by the Mexican law a public utility. It is under the restrictions and protection of the Federal Government. You need no mining concession to work a mine; you need no oil concession, and you get no oil concession in Mexico. You drill an oil well and sell the product from it. Yet we are told daily of the grafting concessions.

Why, sir, what is ordinarily meant by an "oil concession" is this: When the party owning an oil well desires to dispose of his product and to build a pipe line for that purpose he must secure the right of eminent domain, so that he may go over public property or over the property of his neighbor. He then applies for a contract enabling him to do so. Obtaining such contract, he must put up a bond with the Mexican Government as a part of his contract, and in return therefor the utmost concession which he gets is an exemption from import duties upon the material for the pipe line. He pays his taxes; he guarantees that he will expend a certain amount of money for the development of the country, enabling him to get oil to market. Mexico wants the oil; and, in consideration of it all, the Government gives him the right of eminent domain and an exemption from import duties into Mexico on his machinery. So much for your grafting oil concessions.

The same is true of other concessions. I hold here in my hand a railroad concession. I will not undertake to read it, but I am going to ask, after referring to one or two portions of it, that it may be printed in the RECORD. It is the general form used in Mexico, and similar terms are placed in every contract for the building of every railroad in Mexico. Why, these grafting Americans who go into Mexico and open up the country and ask for the privilege of building a railroad must, in the first place, before they are allowed to file their articles of incorporation, declare the exact amount of their capital stock which will be applied to the business of that road in Mexico. Before they are allowed to issue a bond they must have the permission of the Mexican department of communications, corresponding to our Interstate Commerce Commission. The amount of bonds which they may issue is limited by that commission. Every railroad built becomes the property of the Mexican Government in 99 years, with all of its rolling stock, all of its stations, all of its sidetracks, and all of its properties, of whatsoever kind, free of bonded indebtedness. These are a few of the facts.

As a preliminary to every such railroad concession, it is necessary to make an application for it before the department of communications and public works. The contract is entered into between the secretary of that department and the party seeking the so-called concession. That contract must be submitted to and approved by the National Congress of Mexico, passed upon

in open session through both branches, certified by the officers of the Congress to the President of the Republic, who in turn certifies it to the secretary before it becomes lawful. In every contract, in every railroad concession, under which every American or any other foreign road or domestic road is constructed in Mexico, the maximum rates which may be charged for passenger traffic and the maximum freight rates are fixed absolutely once and for all in the contract. They can not be varied by the other party; but every three months he submits his tariff sheet to the department, and the department may reduce the figures to the figures which to it seem proper. We have no such law in the United States. In this concession, to which I refer, which is the ordinary and usual form, article 9 provides:

As a maximum for the transportation of passengers and merchandise the company shall charge the following rates:

PASSENGERS.

For the transportation of each passenger for kilometer run—
First class: Six cents Mexican money, 3 cents American money.
Second class: Four cents Mexican money, 2 cents American money.

These are the maximum passenger rates allowed to this company, which has lost during this revolution 547 bridges. You can imagine what that road cost to build—from \$75,000 to \$100,000 per mile with not one dollar of subvention or of subsidy or of assistance given by the Mexican Government, but only the right to import the steel necessary for the laying of its tracks for five years free of duty. There is no exemption from taxation, no special privileges of any kind or character, and the rates are limited to 3 cents a mile, American money, first class, and 2 cents a mile, American money, second class.

The charges for telegrams are fixed in the contract itself, and those charges constitute the maximum, subject to revision by the Mexican department without appeal. There are also regulations as to the storage of goods; in fact, every possible precaution is taken, and, as I have said, the amount of bonds which may be issued is limited, the amount of stock which may be applicable to its use is limited; and I say to you, sir, without fear of contradiction, that there is no State in the United States which in its railroad laws throws such protection around the interests of the citizens of that State as does the Mexican railroad law, and contracts around the citizens of the states in the Republic of Mexico. The same thing, sir, I may say is true of the other concessions.

Here, Mr. President, as a portion of my remarks at this time, I ask that there may be printed the following contract for a concession.

The PRESIDING OFFICER. Without objection, it is so ordered. The Chair hears none.

The matter referred to is as follows:

No. V. A contract entered into under the railroad law of the 29th of April, 1899, between Mr. Leandro Fernandez, Secretary of State, and of the Department of Communications and Public Works, in representation of the executive of the union, and in representation of the Sierra Madre and Pacific Railroad Co.; to subdivide into two separate contracts the concession contract that embraces several lines of railroad in the States of Sonora and Chihuahua, dated the 28th of March, 1904, together with its additions and amendments of the 13th of May, 1905, 23d of October, 1906, and the 12th of May, 1908; the first contract of which is as follows:

ARTICLE I. The Sierra Madre and Pacific Railroad Co. is authorized, on its own account or on the account of the company or companies that it may organize for the purpose, to construct and exploit for a term of 99 years, in accordance with the provisions of the railroad law of the 29th of April, 1899, the following lines of railroad in the states of Sonora and Chihuahua:

I. A line that shall commence at the station of Del Rio, on the Naco-Cananea Railroad, or a near-by point, and shall terminate on a point at a distance of 20 or 30 kilometers from the boundary line with the United States, and situated on the boundary line between the states of Sonora and Chihuahua.

II. A line that shall commence at the termination of the first and shall unite with the Rio Grande Sierra Madre and Pacific, at a suitable point, under the approval of the Department of Communications and Public Works.

III. A line which shall be a continuation of the former, to its union with the Mexican Central Railroad, at a point which shall also be agreed upon.

IV. A line that shall unite the Naco & Cananea Railroad with the Sonora Railroad.

ART. II. Within six months the concessionaire company shall commence its surveys of the lines herein granted to it, giving the department of communications and public works 15 days' previous notice of the time and place when and where the surveys are to commence.

ART. III. The concessionaire company shall complete the construction of at least 100 kilometers by the 25th of November, 1910, and another 30 kilometers, at least, in each one of the following years, but so that all the lines shall be completed by the 25th of November, 1920.

ART. IV. The gauge of the road between the interior flanges of the rails shall be 1 meter 435 millimeters, or 914 millimeters, at the option of the company, upon the presentation of its maps.

The weight of the rails for the gauge of 1 meter and 435 millimeters shall be of 30 kilograms for each linear meter and 22 kilograms for each linear meter if the gauge should be 914 millimeters. The curves and the radii, as well as the grades, shall be determined in due time by the department of communications and public works, in conformity with the technical rulings of the railroad law.

The road shall be operated by steam.
ART. V. The company shall contribute every month hereafter, commencing on the 1st of this month, and for the whole term of the concession, the sum of 230 pesos for the railroad-inspection fund.

In the event that the company makes use of the authorization granted to it to construct the line from a point on line No. 5 to Agiabampo, the department of communications shall determine the sum to be contributed for the said fund.

ART. VI. The company shall have its principal domicile at Canama, Sonora.

ART. VII. The period for the free importation of the materials and supplies which are embraced by article 74 of the railroad law shall be of five years' duration, reckoned from the 7th of April, 1904.

ART. VIII. The right of way, referred to by rule 1, article 74, of the said railroad law, shall be the indispensable width for the construction of the road and its railroad properties, without exceeding 70 meters.

ART. IX. As a maximum for the transportation of passengers and merchandise, the company shall charge the following rates:

PASSENGERS.

For the transportation of each passenger for kilometer run:

	Cents.
First class	6
Second class	4

Every passenger shall be allowed the free transportation of his baggage in the following proportion:

	Kilograms.
First class	50
Second class	15

The company shall be under no obligation to receive less than 20 cents for each passenger, whatever be the distance traveled by him.

MERCHANDISE.

The freight on each ton of 1,000 kilograms per kilometer traveled:

First class	0.1200
Second class	.1127
Third class	.1054
Fourth class	.0981
Fifth class	.0909
Sixth class	.0836
Seventh class	.0763
Eighth class	.0690
Ninth class	.0618
Tenth class	.0545
Eleventh class	.0472
Twelfth class	.0400

The company shall not be bound to receive any amount less than 50 cents for any quantity of freight, whatever be the distance over which it may have to be transported.

Excess of baggage and express shall pay 15 cents per ton and per kilometer.

In no case shall foreign goods imported over the company's line enjoy better rates than similar Mexican goods.

For the transportation of coal the company shall charge 3 cents per ton and per kilometer.

All national products transported over a distance greater than 150 kilometers and destined for exportation shall enjoy a reduction of 50 per cent in the rates fixed by this contract, provided evidence of the exportation thereof is properly shown.

TELEGRAMS.

The charges for telegrams transmitted over the company's line by passengers, shippers, or consignees of freight on matters connected with the railroad service shall not exceed the following:

For each message containing up to 10 words, over and above the date, address, and signature, transmitted by the company's line over a distance of 100 kilometers, 15 cents.

For each additional word contained in the message over the first 10 words the proportional part of 15 cents as charged for 10 words shall be paid at the most.

STORAGE.

Whenever the owners or consignees of goods have not appeared to remove them from the warehouses within 48 hours, after receiving notice of their arrival they shall pay 1 cent per day for the first 15 days for indivisible fractions of 100 kilograms and 2 cents for every day that may elapse after the first 15. Precious metals and articles of value shall pay double the above rates for each 200 pesos in value or per fraction of 200 pesos. The company shall also be allowed to charge whatever may be necessary to cover the expenses of receiving and delivering freight at the warehouses.

ART. X. For the transit of trains of other railroads over its tracks the company shall charge 60 per cent of its regular tariff rates on the goods and passengers so transported.

ART. XI. With regard to the effects produced by a forfeiture as provided by article 46 of the said railroad law, the four lines mentioned in article 1 of this contract are considered as different sections.

It is agreed that in the event the forfeiture of any of the said lines should be declared the company shall forfeit part of the deposit of 61,735 pesos, which is mentioned in article 13, in the following proportion:

First section (line 1)	\$14,800
Second section (line 2)	22,500
Third section (line 3)	12,885
Fourth section (line 4)	11,550

Total 61,735

ART. XII. In accordance with the provisions of article 29 of the said railroad law no other contract shall be entered into during a term of 10 years, reckoned from the 7th of April, 1904, to build, either in whole or in part, parallel lines to those granted by this concession within a zone of 30 kilometers on each side of the railroad.

ART. XIII. The deposit of \$61,735 in bonds of the consolidated public debt made by the company in the general federal treasury guarantees the performance of the obligations that the concessionaire assumes under this contract.

ART. XIV. This contract substitutes and stands in the place of the concession contracts of the 28th of March, 1904, the one of the 13th of May, 1905, together with their amendments of the 23d of October, 1906,

and of the 12th of May, 1908, in all that the said contracts may contain applicable to the construction and exploitation of the four lines mentioned in article 1 of this contract.

LEONDO FERNANDEZ.
TOMÁS MACMANUS.

It is a copy.

GILBERTO MONTIEL, *Subsecretary.*

MEXICO, June 1, 1908.

Mr. FALL. This contract was afterwards approved by the Mexican Congress, and is one of the contracts under which a large British, Canadian, and American corporation is seeking to operate a railroad in Mexico.

I hold in my hand, Mr. President, a State agreement for the erection of a sawmill, paper mill, and furniture factory. The same precaution is thrown around it to guard the interests of the people of Mexico in this contract as in the railroad contract, the same provision practically as to forfeiture unless the law is strictly complied with, and every agreement contained in it is strictly complied with. No more special privileges are granted, nothing like the special privileges granted by many of the municipalities of this country to Americans for building street railroads or waterworks or electric-light plants. I ask at this point that this form of concession granted by the governor of the State of Chihuahua be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

Enrique C. Creel, provisional and constitutional governor of the free and sovereign State of Chihuahua, to its inhabitants, know—

That in execution of the power which the law concedes of June 27, 1896, conceded to me, I have decided to grant to the Company the concession which said corporation solicited in order to establish various industries in the districts of Galeana and Guerrero, on the base of the following stipulations:

ARTICLE I. The Company shall establish in the districts of Galeana and Guerrero, in the State of Chihuahua, the following named industries:

1. Sawmills: Machinery, with all the necessary appurtenances to saw lumber, together with officers which are necessary for the carrying on of this industry.

2. Paper mill: A factory to produce paper of all kinds.

3. Furniture: A factory for furniture and all kinds of wooden articles.

ART. II. The Company shall begin with the installation of the industries to which the foregoing article refers within 12 months, and obligates itself to have installed each one of them in the course of two years successively, or, in other words, within a period of six years.

ART. III. The Company obligates itself to invest in the installation of the above-mentioned industries and in the carrying on and working of the same a capital of not less than \$200,000, which fact shall be proved to the satisfaction of the executive.

ART. IV. The company shall be exempt for the term of 10 years, counted from the time in which each one of said industries be established, from any kind of tax or contribution to the State or municipality on the capital invested in the installation or the carrying on of such industries.

This exemption comprises the products as well as the taxes on the bonds of the company.

ART. V. Within the term of two years at least one of the industries to which Article I refers must be established, in which a capital of not less than \$50,000 shall be employed.

ART. VI. The tracts of land situated in the districts of Galeana and Guerrero, which the company has acquired, shall be exempt from the payment of contributions to the State or municipality for a period of 10 years counted from the date on which the paper factory shall be in operation, with the stipulation that said factory commences to operate at the latest within 3 years from the date of his concession.

ART. VII. The enterprise may establish a commissary to cater exclusively to its employees and laborers and said store shall also be exempt from all taxes of State or municipality for the term of 10 years, with the exception of the taxes on liquors and intoxicating drinks.

ART. VIII. The company, its partners, shareholders, employees, and workmen must consider themselves Mexicans, even though all or some of their number be foreigners, and shall be subject to the jurisdiction of the courts of the State and of the Republic, without being allowed to claim at any time, in regard to matters connected with this concession, any privilege of being foreigners, under any form whatever; and they shall only have such rights, and the means to support them, as the laws of the Republic concede to the Mexicans, so that in consequence in said matters the foreign diplomatic agent shall not be able to interfere in any way.

ART. IX. The fulfilling of this contract is guaranteed by the corporation by a deposit of \$3,000 in cash or bonds of the State, made in the general treasury, within 60 days from the date of this contract.

ART. X. The present concession shall become void for one of the following reasons:

1. Failure to make deposit: For not making the deposit to which the foregoing article refers.

2. Failure to commence work: For not commencing work within the limits specified by article No. 2.

3. Failure to establish industries within time limit: For not establishing any of the industries to which article No. 1 refers within the limit of two years.

4. Noncompliance with article 21 Ley de Hacienda: For any other stipulation which article No. 21 of the Ley de Hacienda of the State decrees.

Given in the palace of the executive in Chihuahua, on the 13th day of December, 1904.

E. CREEL,
I. CORTAZAR, *Secretary.*

(Copy from translation.)

Mr. FALL. Following this, Mr. President, I have here a contract between Gen. Manuel Gonzales Cosio, secretary of state, and the department of fomento colonization and in-

dustries, representing the federal executive, and Mr. Tomas Macmanus, jr., in representation of blank, for the establishment of a smelting plant at some point on the district of Guerrero, State of Chihuahua.

I shall not undertake to call attention in my limited time to the different matters contained in this concession, but I want to say that the rights of the Mexican people and of the Republic are protected as they are not protected in any State in this Union of which I have any knowledge—practically, reasonably, sensibly, and yet strictly and firmly protected. Not only that, but they compel the concessionaire company to agree that in its assay office and in its smelting plant it shall receive and support six students from the engineering school of Mexico at its own expense. The same thing is true of every concession of like character granted under the Diaz administration in Mexico.

I offer this contract for concession and ask that it may be printed in the RECORD as part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. The Chair hears none.

The matter referred to is as follows:

Contract entered into between Gen. Manuel Gonzalez Cosio, secretary of state, and the department of fomento colonization and industries, representing the Federal executive, and Mr. Tomas Macmanus, jr., in representation of _____ for the establishment of a smelting plant at some point in the district of Guerrero, State of Chihuahua.

ARTICLE I. _____ is hereby authorized to construct and exploit in the district of Guerrero, State of Chihuahua, and within the time given in article 7, a smelting plant for the treatment of all kinds of metals or minerals that may contain gold, silver, platinum, iron, copper, lead, zinc, tin, antimony, nickel, cobalt, manganese, bismuth, and arsenic, and the said _____ shall enjoy the rights and submit to the obligations established in the present contract.

ART. II. The smelter shall have the minimum capacity to treat 200 metric tons of mineral rock per day.

ART. III. During the term of this contract neither the capitals used in the construction of the smelting plant or in the acquisition of lands for the buildings which may be raised or in the works destined to said exploitation, nor the shares of stock or bonds which _____ may issue, shall be subject to any Federal tax, with the understanding that the tax paid in the shape of stamps or the "stamp tax" is not included in these exemptions.

ART. IV. Shall have the right to export the products of the smelting plant, submitting to the rulings actually in force relative to the stamp tax, smelting, assaying, and coinage dues, and shall enjoy the franchises to which article 9 of the law of March 27, 1897, refers, but with the understanding that the exemption from dues shall be on three one-thousandths of the silver in the lead bullions and on ten one-thousandths in the copper bullions that the smelter may produce, having to pay entire said dues for the over-remaining contents of this metal and without enjoying any exemption for the gold.

ART. V. Shall also have the right to import free of duty, for once only, the machinery, apparatus of all kinds, materials, and accessories which may be necessary for the construction of the smelter subject matter of this contract, having for the purpose to present to the department of fomento detailed lists of the effects that he may have to import when he may need them, provided this be done within the time stipulated in the present contract for the construction works, specifying in said lists the number, quantity, and quality of the effects and observing for their importation the prescriptions of circular letter No. 106 of June 25, 1900, of the department of finance and whatever limitations the department of fomento may make.

The effects that may be needed shall be imported by Mr. Greene to be employed exclusively in the construction of the smelter; but should he sell or apply to other uses any of these articles or effects the department of finance shall exact the payment of the respective duties, without this payment exempting him from the penalties which the laws establish for smuggling.

ART. VI. All the concessions and franchises of this contract contained in the preceding articles shall cease to exist the 17th day of December, 1906.

OBLIGATIONS OF THE CONCESSIONARY.

ART. VII. Shall begin the construction works for the smelting plant within six months, to be reckoned from the date of the promulgation of this contract, and said works shall be terminated, at the latest, within two years from the same date, with the definite obligation of fixing in that time the locality for the erection of the smelter to which Article I refers.

ART. VIII. Is obliged to invest, within the term of this concession, in the construction of the smelting plant, subject matter of this contract, and in the works that same may require, as the building of offices, railways, transportation material, implements, accessories, and machinery, the sum of \$200,000 Mexican currency.

Shall justify this investment before the department of fomento by presenting the pay rolls, bills of lading, books of accounts, etc., whether original or in certified copies, or else by whatever means the department of fomento may indicate.

ART. IX. As soon as the smelting plant is terminated, obligates himself to smelt daily 100 tons of mineral, and in order to prove that he is complying with this obligation he shall send annually to the department of fomento a statement sufficiently attested to, in the opinion of the said department of the number of tons of mineral rock that may be smelted in the plant.

ART. X. Is obliged to send to the department of fomento at the end of each fiscal year whatever information and statistical and economic data it may ask for and need, for the better study of the mining industry of the country.

ART. XI. Is also obliged to admit within his smelting plant the students of the National School of Engineers who may have to make their practice there, giving them all the necessary data for their use and advancement.

ART. XII. Shall appoint as attorney, domiciled in this capital, at the latest three months after the publication of this contract, sufficiently authorized to treat with the department of fomento in all matters relating to the present contract.

ART. XIII. Can not transfer in whole or in part the franchises granted him in this concession to another person or company without the previous permission and approbation of the department of fomento, and under no consideration can he do it to a foreign Government or its agent nor allow them as associates.

ART. XIV. As guaranty for the fulfillment of the obligations hereby contracted, within the month following the publication of this contract, shall deposit in the National Bank of Mexico the sum of \$5,000 in recognized bonds of the public debt, which he shall lose in the case of noncompliance with the dispositions of Article VII of this contract, and which shall be returned to him upon the termination of the construction of the smelter.

During the time in which the bonds shall be in deposit, and there not being any reason for declaring the forfeiture of the contract, shall receive the interest coupons of the bonds, according as they become due, upon orders to this effect from the department of fomento.

GENERAL CLAUSES.

ART. XV. This contract shall have no force or effect for not constituting the deposit within the time and in the manner mentioned in the foregoing article and shall forfeit for any of the following causes:

I. For not fixing the locality for the erection of the smelting plant nor beginning the construction works of same within the time given in Article VII.

II. For not terminating the construction of the smelting plant in the time fixed in the same Article VII.

III. For not proving in the manner indicated in Article VIII the investment of capital therein mentioned.

IV. For suspending the treatment of ores (or smelting processes) during four consecutive months or else for smelting within that time less than 30 tons of mineral rock per day as an average.

V. For transferring this contract or any of its concessions to a private individual or company without the permission and approbation of the Government.

VI. For transferring this contract or any of its concessions to any foreign Government or agent of same or for admitting them as associates.

In any of the cases specified shall lose the deposit, which according to Article XIV he must constitute.

In the I, II, III, IV, and V instances he shall lose, besides, the concessions and franchises granted him herein.

If the forfeiture is declared for the reason given in Fraction VI, shall incur the loss of all the rights, goods, and properties of all kinds relating to this contract, all these becoming the property of the nation without her having to pay any indemnity.

In every case, and before making the corresponding declaration of forfeiture, the department of fomento shall grant a prudent length of time within which to present his defense.

ART. XVI. It is an understood condition of this contract that the said declaration of forfeiture, for whatever cause it may be made, shall be made administratively by the department of fomento.

ART. XVII. and whoever may succeed him in his rights, as well as the employees, shareholders, and other persons who may have a common interest with him, shall always be considered as Mexicans in all matters relating to the present contract, and consequently shall be subject conclusively to the jurisdiction of the courts of the Republic in all the business and matters the cause and action of which shall take place within its territory.

Foreigners and their successors who may take part with, in whatever character, shall never be allowed to plea regarding matters relating to this concession, rights of foreigners, in whatever form this might be done, and shall only have the rights and the means of making them effective that the laws of the Republic grant to Mexicans without therefore any diplomatic foreign agents having any right of interference.

ART. XVIII. The time terms fixed in this contract shall be suspended in all fortuitous cases or case of force majeure, same time terms being prorogued for all the length of time the impediment may last and two months more.

In any of said cases shall present to the Federal Executive the statements and proofs of there having occurred a fortuitous case or case of force majeure of the character mentioned within the term of three months from the beginning of the impediment. For the mere fact of not presenting said statements and proofs within the allotted time shall be barred from alleging in any case the circumstances of a fortuitous or force majeure case.

ART. XIX. All the concessions made in the present contract shall be understood to be given without prejudice to the other rights which the concessionaire or the companies which may succeed him may have according to the laws without the need of special concessions.

ART. XX. This contract shall be submitted to the approval of Congress before it can have any effect.

ART. XXI. The stamps for this contract shall be furnished by the concessionaire, and it shall be issued in duplicate, one for each contracting party.

Made in the City of Mexico the 3d day of December, 1904.

MANUEL GONZALEZ COSIO.
TOMAS MACMANUS, Jr.

Mr. FALL. Following this contract I have another from the State of Chihuahua. The different States in the Federal Republic, under the Constitution of the Republic, have the right, of course, to grant railroad concessions or contracts within the State boundaries for purely State roads. The contract which I have here is for the construction of smelting plants, reduction plants, building of wagon roads, building of State roads, telephone lines, telegraph lines, and for like purposes. The rates to be charged for hauling freights by the railroad are limited and provided for in the concession. The uses of the railroad are provided for in the concession. The uses of the smelter and of the works of the company are provided for in the concession. Nothing is left to chance. Nothing is left to construction. The rights of the people of the State of Chihuahua are guaranteed more absolutely than under the laws of any State of the Union of which I have any knowledge.

I want to say, sir, that under this concession the company constructed a wagon road 105 miles in length that cost \$350,000, down into the deepest canyons and up over the highest moun-

tains in the Sierra Madre Range. Through the use of that road, constructed by one of these "grafting" American companies at its own cost and expense, Gen. Pershing's forces were enabled to penetrate into the fastnesses of the Sierra Madre Mountains.

Mr. President, I ask permission at this point that the contract to which I have referred may be printed as part of my remarks.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The matter referred to is as follows:

Contract entered into between Jose Maria Sanchez, constitutional governor ad interim of the free and sovereign State of Chihuahua, for the one part, and the _____, for the other part, for the establishment of various industries in the State, under the following bases:

First, _____ is authorized by the present contract to establish, for its own account, or for the account of the company or companies which it organizes, the following industries:

A. In such places as may be selected in the State, and particularly in the districts of Bravos, Guerrero, Rayon, and Galeana, reduction works (mills or smelters), each with a capacity of treating at least 50 tons per day.

B. Within the State, and particularly within the same districts, miscellaneous stores for the selling of every kind of merchandise to the employees, workmen, and laborers employed by the company, without including the sale of intoxicating liquors.

C. The exploitation of mines in some districts of the State, and especially in the said States of Bravos, Guerrero, Rayon, and Galeana.

D. One or more railroads within the territory of the State for the transportation of ores from the mines exploited by the company, for its account, to the mills or smelters which may be established by virtue of this concession. The railroad lines shall have the width determined by the railroad regulations of the Federal Government at the election of said company.

E. The telegraph and telephone lines which said company may need for the objects of the same.

F. One or more hydraulic plants for developing motive power and transmission of electric force, using for such purpose the water of the Aros River, in accordance with the concession granted by the Federal Government, and such other streams as may be available under concession from the Federal or State Governments, as the case may be.

G. The opening of wagon roads which may be necessary to facilitate the exploitation of the mines the company or companies may own or lease, from the railroads which may be constructed, or from the railroads or wagon roads already existing, to the mining camps of the said company in the said districts of Bravos, Rayon, Guerrero, and Galeana, or in other districts of the State.

Second. The capital which is invested in the construction and establishment of the reduction works, in railroads, telegraph and telephone lines, buildings, stores, and other works necessary for the industries to which this concession refers, as also the lands upon which they are constructed; the articles of incorporation, bonds, and shares which the company may issue, shall be exempt from all State or municipal taxation for a period of 20 years.

Third. During the same period of 20 years the minerals extracted from the mines and treated in the reduction works owned by the company shall be subject to the payment of mining taxes imposed by existing State laws, or that may hereafter be imposed.

Fourth. The ores treated in the reduction works herein referred to from mines in the State that do not belong to the concessionary company or companies shall pay at the rate of 1 per cent on their value, according to assay.

Fifth. During the same period of 20 years the employees of the company working for the same for salary are exempted from the payment of personal taxes to the State. This exemption does not include personal municipal taxes which must be paid.

Sixth. In case the company should require lands and water of private property for the installation of its reduction works and accessories, pertaining to their exploitation or that of the mines, as also for electrical installations, railways, telegraph, and telephone lines, the company shall be at liberty to obtain them from their owners; and in case it should not be possible to arrange with them on a fair basis, it may ask for the expropriation of the same under the relative laws in force.

Seventh. The work of construction of the reduction works shall be commenced within a period of six months, and be completed within two years following; and the other industries, as soon as may be convenient to the interests of the company, but within a term not to exceed six years.

Eighth. The company obligates itself to admit five pupils from the State schools, who will be sent to it by the direction of the Government, for the purpose of practical instruction in the mines and shops of the concern, as also in its reduction works.

Ninth. The company likewise obligates itself to permit the transportation, over the railways and wagon roads it may construct, of the employees, school supplies, and other effects pertaining to the public service, as also the transmission of telegraphic and telephone messages, relation to public service, without payment on the part of the State. All such services shall be ordered by the governor of the State.

Tenth. The railroad or railroads which may be constructed shall be dedicated to the transportation of the ores from the mines of the company to its reduction works, but they may be placed at the service of the public, as also the telegraph and telephone lines, after the approval by the executive of the respective tariffs of freight, passenger, and message charges.

Eleventh. The railroad, telegraph, and telephone lines the company may establish under this concession shall be subject, in so far as relates to their establishment and exploitation, to all the laws, regulations, and provisions on the subject of railroads, telegraphs, and telephones of the federation, until those of the State shall be issued.

Twelfth. The railway, telegraph, and telephone lines the company may construct under this concession shall be such as the laws of the Republic consider as of the jurisdiction of the State, and if it treated of those which should be reputed as general lines of communication, the company must obtain the respective concessions from the General Government.

Thirteenth. The wagon road being a public utility, municipal lands may be occupied for their construction, in a zone of 10 meters in width, and regarding right of way over lands of private ownership, which may not be gratuitously granted, it shall be left in charge of the State government to make the necessary arrangements, and in case it is indis-

pensable, it shall proceed to the expropriation by reason of public utility.

Fourteenth. The company guarantees compliance with the obligations imposed upon it by this concession by a deposit of \$5,000, which shall be paid into the general treasury of the State within 60 days after the publication of this concession.

Fifteenth. This concession can not be transferred to other person or company, without the prior approval of the executive of the State.

Sixteenth. The company, for all the effects of this concession, shall be considered as Mexican, even though all or some of its members be foreigners, and it or they shall be subject to the jurisdiction of the tribunals of the State and of the Republic, without right to plead rights of foreigners at any time, and shall only have the rights and means of enforcing them which the laws of the Republic grant to Mexicans, and therefore foreign diplomatic agents can have no right to intervene in such matters relating to this contract.

Seventeenth. For the construction of the railways to which section "d" of the first clause refers, the company will present previously to the executive for approbation, the corresponding blue print (drawings) in compliance with the provisions of article 29, division 3 of the stamp-tariff law in force.

Eighteenth. With the construction of said railroads, it is understood that the prohibited zone will not be invaded, which has already obtained concessions granted by the executive for the construction and exploitation of various railways, etc., within the territory of the State.

Nineteenth. This concession will cease:

1. For not commencing the work for the establishment of the reduction works at any of the mines belonging to the company, and to install same within the terms set out in the seventh clause.

2. For not constituting the deposit of \$5,000, to which clause 14 refers, within the period of time specified.

3. For not completely installing within the period of two years, at one of the reduction works, as expressed in said clause 7.

4. For not proving within the term of six years the investment of \$1,000,000 in the construction and exploitation of the industries expressed in this contract.

5. For violation of the provisions of clause 15, or for the transfer of this concession, in whole or in part, to any foreign Government or agent of the same.

Twentieth. The forfeiture of this concession in any of the cases stated in the preceding article will be declared administratively by the executive of the State.

Twenty-first. The periods of time fixed in this concession will be counted from the date on which the same is approved by the honorable legislature of the State, but the time limits will be stopped in cases of fortuity or superior force, which the company shall prove to the government of the State, and the same periods of time shall be extended for all the time such impediments may last and two months more.

Twenty-second. The company shall be under obligation to furnish the government of the State, when it calls for it, the economic and statistical data it may indicate in reference to its business, but in such data the company shall not be required to give the chemical formulæ or secrets which it uses in the exploitation of its industries.

Twenty-third. All stamps required for the present concession shall be paid for by the company.

Twenty-fourth. This contract shall be submitted to the approval of the honorable congress of the State.

Done in the city of Chihuahua, on the 6th day of the month of April, 1907.

[THEIR SEALS.]

(Signed)

(Blank.)
 JOSÉ MARIA SANCHEZ,
 ED. DELHUMEAU,
 Secretary.

Mr. FALL. Mr. President, I think matters of this kind are of sufficient importance to justify almost any legitimate expenditure in informing the people of the United States. The people want information. The Mexican question is one of the issues in this campaign; and, despite the President's letter of acceptance, he can not evade it. The people are entitled to correct information as to the facts. I tell you, sir, that I stand here to resent the charges which have been made repeatedly that Americans in Mexico have sought to stir up trouble.

[At this point Mr. FALL yielded for the presentation and consideration of a conference report.]

Mr. FALL. As I was saying, I resent very seriously the charges which I have heard made here and elsewhere that American interests have sought to foment trouble, disturbance, bloodshed, and revolution in the Republic of Mexico.

On the second of June, while addressing the Senate upon the question of the recognition of Carranza, I was asked by one of the Senators what, in my opinion, was the actuating motive behind the recognition of Carranza, in view of the statements, substantiated by documents, which I made at that time. I did not answer that question fully. I am now prepared to throw further light upon it.

I have in my hand a copy of the American Federationist of July, 1916, containing an editorial by Mr. Samuel Gompers. I ask at this time that there may be printed, as a portion of my remarks, from the top of page 575 to the second paragraph of page 577 of this document. I only call the attention of the Senate specifically to one statement, among various others, made there by Mr. Gompers:

The workers and the revolutionary forces in Mexico, as did Madero, knew the efforts which the American Federation of Labor put forth in the overthrow of the tyrant Diaz, so that when the Madero government was established in power there went into Mexico a committee representing the United Mine Workers of America.

I ask that the pages referred to may be printed as a portion of my remarks.

The PRESIDING OFFICER. Without objection, it will be so ordered. The Chair hears none.

The matter referred to is as follows:

LIBERTY'S HOPE IS IN THY KEEPING, ORGANIZED LABOR.

There is being enacted just across our border line in a neighbor Republic a tremendous struggle for human freedom, a struggle inspired by ideals of those who long dreamed of human freedom and have come to value it lightly because they have been denied the reality. America's workers have an interest in the affairs of Mexico—an interest that is concerned with something bigger than political changes, for political changes do not always indicate progress toward justice.

Because this struggle in Mexico represents a cause that is as big and as wide and as comprehensive as the cause of human freedom it has a very strong appeal for the workers of the United States whose every advance and betterment has been part of a world-old struggle for freedom and humanity.

The changes now in progress of making in Mexico are deeper and more significant than a mere political revolution; they are an economic revolution. The fundamental problem of injustice in Mexico is economic in origin. Those who know and understand the force of the industrial ties that unite Mexico and the United States know that there is no boundary line between the industrial problems of the workers of the two countries. This is true not only because of the overlapping of the interests of the employers of the two countries but because of the intermingling and the blending of the workers of the two countries.

It is conservatively estimated that there are within the United States 2,000,000 Mexican workers. There are Mexican laborers in Texas, Mexican coal miners in Colorado and New Mexico, and Mexican gold miners in New Mexico and Colorado. There are Mexican trade unionists in the building trades of the Pacific coast.

All the world knows the bravery, the loyalty, and determination of the Mexican miners who helped to win the recent strike in Clifton, Ariz. It is not so well known that previous to the termination of the former agreement between the anthracite miners and coal operators of Pennsylvania there was an effort made to bring Mexicans into our country to defeat the demands of coal miners, hoping thereby to reduce standards and defeat the plans of the anthracite miners. The Deering Harvester Co. recently brought in Mexicans to be used as strike breakers against their men, who were then making demands for higher wages and better conditions of work.

There must be understanding and cooperation between the workers of Mexico and the United States in order that neither may permit themselves to be used for the undoing of all. Many of the Mexican workers who are now within our border lines have already united in the cause of organized labor. Since the present effort to overthrow despotism in Mexico has been in progress there has been a determined effort in that country to organize the workers for their mutual protection and to secure for them rights and opportunities that will result in freedom.

The workers and the revolutionary forces in Mexico, as did Madero, knew the efforts which the American Federation of Labor put forth in the overthrow of the tyrant Diaz, so that when the Madero government was established in power there went into Mexico a committee representing the United Mine Workers of America. This committee secured from Madero indorsement of the organized labor movement and promise of protection and cooperation in efforts to organize the miners of Mexico. The Madero era marked a new period in the labor movement of Mexico. What was declared under Madero has been carried out and on a broader scale under the present Constitutional government.

The workers are not overconcerned with political factions or wedded to any political leader, but they are concerned with securing cooperation that will enable them to advance the cause of freedom and humanity.

When Carranza became first chief of the Constitutionalist government of Mexico he entered into agreements with the organized-labor movement of the country and promised that trade unions would be protected under the laws of Mexico and that workers would be assured opportunities and rights. In return for these pledges, which were officially announced by the Government in the form of manifestos and circulated generally throughout the country, the organized-labor movement of Mexico gave its support to the Constitutionalist government and united with that government in an effort to solve the problems of the citizens of Mexico and to work out government and laws that would establish industrial, social, and political justice.

Because the workers of Mexico through their organized-labor movement appealed to the organized-labor movement of the United States we tried to secure to them the opportunity to work out their own problems in accord with their own ideals and their own understanding.

With the political issues and political factions of Mexico the American labor movement has no vital concern, but it has a deep-abiding interest in the growth and progress of the cause of labor in Mexico, and it desires to do all that can be done in a spirit of fraternity and cooperation. The American labor movement recognizes that in the organization of the Mexican workers there lies an element of great hope, for there is a force that has power to shape a great future for a people capable of conceiving great ideas and an understanding of the possibilities which human life can attain when given opportunities and freedom.

The labor movement of Mexico has dared to assert that there is something infinitely higher than property rights and the mere forms of established law and order. They have proclaimed to the world that they wish to establish a government in which human rights shall be paramount and land and property shall be made to serve mankind.

But the labor movement of our country knows that freedom can not be given as a gift; it must be achieved by all as they work out their life problems—democracy and free institutions may be suddenly established, but their maintenance rests upon constant and persistent determination, for in Mexico, as in all the world, the price of liberty is eternal vigilance. They must be the result of the experiences of the people who have learned how to be free and how to use institutions of freedom. In learning these things those who have been long held in despotic government make many mistakes, but those of us who have had larger opportunities for freedom must have patience with the mistakes of those who are just learning. We know that the lesson can not be learned by interposing dictation from an outside judgment, either from a dictator among their own people or from superimposing the judgment of an outside country.

Because of the desire of America's workers to be helpful to fellow workers of Mexico, a suggestion was made to the organized-labor movement of Mexico to send representatives to meet with representatives of the American Federation of Labor in conference in El Paso, Tex., in the near future. This suggestion has met with most cordial and enthusiastic acceptance from the labor organizations of Mexico, and that the conference will be held there is no doubt. It is hoped that the outcome of this conference will bring tremendous impetus and inspiration to the cause of humanity both within Mexico and the United

States. If such a conference can result in the betterment of humanity and imposing a check upon those forces that desire to exploit human beings for their own aggrandizement, there will be given to the world a note of inspiration that will be in a great measure somewhat in the nature of compensation for the miserable failure of our hopes and plans seen in the present European war.

And who knows but out of that meeting may come a larger conference in which there shall be represented the workers' organization of all the countries making up this great America of ours, a Pan American Federation of Labor, that shall make not only this great power for internal and international right, justice, and welfare, but shall help in the establishment of a broad international labor movement of the whole world, and that the international parliament of man for which philosophers have dreamed and poets have sung, and which it is the mission of the workers to establish, shall be realized.

Mr. FALL. Mr. President, in the August (1916) issue of the American Federationist, starting on the first page, there is an article by Mr. Samuel Gompers upon the condition in Mexico, setting forth at great length the efforts of Mr. Gompers, as the President of the American Federation of Labor, in the matter of the Mexican revolution, the recognition of Carranza, and so forth. I ask at this time that there may be printed in the Record this article by Mr. Gompers, from page 633 down to the second paragraph of page 646. I only call the attention of the Senate to the fact that Mr. Gompers states here that in 1908 the convention of the American Federation of Labor adopted a resolution of sympathy with the organizing power of the Mexican labor unions, a resolution of sympathy with Ricardo Flores Magon, Antonio Villareal, and others. This is contained on page 637 of this document.

Mr. President, Mr. Gompers calls attention in this article to the sympathy expressed in that resolution with the Magons, in which he holds out the Magon junta as patriots, and deprecates the fact that they were then being prosecuted for violation of the neutrality laws by the Taft administration.

I understand that the order was that the first article referred to be printed. I ask that the second be printed as a part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. The Chair hears none.

The matter referred to is as follows:

UNITED STATES—MEXICO—LABOR—THEIR RELATIONS.

[By Samuel Gompers.]

The recent conference held in Washington between representatives of the Mexican labor movement and the executive council of the American Federation of Labor was the inevitable result of fundamental forces that have been drawing the workers of the two countries more closely together and making them realize that the problems of the Mexican worker were the problems of the worker of the United States.

The interests that the workers of the two countries have in common are basic—wages, hours of labor, and conditions of work. Our other interests touch because all are the outgrowth of economic needs and aspirations that grow out of them.

The economic interests of the workers follow the country's expansion industrially and commercially. The development of material civilization, and more extensive utilization of natural resources to the westward brought the workers of our country in contact with the workers of Mexico both within their country and in the Southwest.

The boundary line between Mexico and the United States is an artificial division and has no relation to industrial needs or commercial exchange. There are rich copper mines part in New Mexico, U. S. A., and part in Sonora, Mexico. They are one and the same, even though they are under political jurisdiction of the two countries. But what was a boundary between the copper mine operators of the Mexican and the American States? When confronted by demands for higher wages, shorter hours, and better conditions in New Mexico the mine operators called across the border line and Mexican miners came to take the places of the Americans. Internationalization of capital has made necessary the internationalization of the labor movement.

In Mexico law and governmental policy formerly forbade workers to organize, and thus deprived them of the only means by which they could fight their way to greater liberty. The right to free assemblage, free association, free speech, and free press were under the ban.

Distance was no barrier to the coal and gold mine operators of Colorado who wished to use unsuspecting Mexican miners in order to maintain their domination over the lives of the miners of Colorado.

Reports of better conditions in the United States came across the border line to the workers of Mexico. Into the border States came workers who had been denied by governmental authorities and Mexican employers an appreciation of their rights or the possibilities to which they ought to aspire. Conditions had stultified Mexican laborers. They were not fully conscious of the wrongs done to themselves or the injury that they did to American workers by undermining existing standards and conditions. The Mexican Government and laws were brutalizing.

But here and there came a glimmering and suggestion of common interest, a longing—an understanding that Mexican workers, too, might have the freedom that ought to obtain under a republican form of government. Not only did the Mexican Government exploit the workers but it despoiled the whole nation of its national birthright. The natural resources of the country, the land itself, were taken from the natives and citizens of Mexico and given over to foreign exploiters. The great money interests of the whole world gathered to prey upon helpless Mexico. Foreigners who had in some way secured the favor of the ruling power were given rich lands or mines. Even possessions were taken from the natives and only the tyrannical, corrupt Government received any compensation paid in exchange.

The trusts of our country fastened their tentacles upon Mexico. The Standard Oil Co. found its purposes opposed by the Pearson Oil Co., of England. The Hearsts and the Otises took possession of great tracts of country, so large that they were rich principalities. The copper barons extended their holdings in order to maintain their monopoly control. Wall Street was interested in "developing" the country.

When the revolution came against Diaz 75 per cent of the wealth and capital of Mexico was held by foreign owners. This meant that the masses of the nation had been exploited. They were united in the uprising against governmental despotism and the tyranny and inhumanity of the trusts, for the American trusts were even more unscrupulous and conscienceless in their Mexican policies than they have been in the United States. In the United States they have been held in check in some degree by the fact that the people have a better understanding of their rights and freer opportunities for action.

BEFORE THE REVOLUTION.

It is difficult to exaggerate the tyranny, the oppression, and the ruthlessness that prevailed in Mexico under the Diaz régime. United protests came in the revolution under Madero, which represented the yearnings of the people and their protests against injustice. It was a revolt of a united people who had been despoiled of their political rights as well as of their property and opportunities.

The Mexican people are made up of many bloods. They have most perplexing race problems, yet all were united in determination to overthrow the Diaz government.

Mexicans are dreamers, idealists of many kinds. Those who are students have come under the influence of the theories of Spain and Italy. Those whose opportunities have been less generous have dreams of other kinds. In this philosophy of life, beauty and artistic values are of great importance—of greater importance than quantity of production or intricate industrial organization. This philosophy would use products for the service of men, and life as something larger and more wonderful than a competitive struggle for large fortunes. This is the fundamental philosophy the Mexican people are struggling to establish—a purpose akin to the highest idealism of the French Revolution. The cosmopolitan nature of the people and the diversity of ideals made the constructive period that followed the revolution difficult and uncertain. There was no general plan; no common understanding. Idealists and leaders were attempting to take their followers along different plans. They united against a common enemy but could not agree upon constructive measures. Madero became the head of the Government. He was an idealist who had understanding and sympathy for the needs of the workers. Under him they had their first real opportunities for organization. He not only gave them the opportunity to organize and hold meetings, but gave them advantages and assistance in carrying out the work of organization. There had been some few efforts at organization among the tobacco workers who came in contact with organized fellow trades from Key West, Cuba, Porto Rico, maritime workers, and railway workers.

Out of the Mexican revolution there has come one tremendously important result that is fundamental and therefore will be permanent. It is the Mexican organized labor movement.

During the time of Diaz, to strike was a political offense. Labor "agitators" and those who were seeking better conditions for wage earners were treated as criminals. They were hounded within their own country and followed if they fled across the border line into the United States, and the governmental machinery of both countries was used to place behind prison bars those who tried to give efforts for the betterment of themselves and their fellow workers.

Individuals in the American labor movement who had encountered either Mexican fugitive labor organizers (so-called revolutionists) or who had been forced to see the danger to American workers through the masses of Mexican workers—who, because of their enforced low standards and their lack of information, were the agency by which American employers hoped to club their workers into submission—began to appreciate how closely the problems and welfare of the workers of the two countries were identified.

It was not the fault of the Mexican workers that they were pawns in the hands of employers. It was their lack of opportunity and information. That opportunity came as the result of years of agitation. Many a leader on both sides of the border had battled in vain against organized tyranny and oppression, but there was not an effort that was without influence. Out of it all there came the hope that freedom could be achieved.

Whatever progress has come is due in a great measure to those who dreamed and struggled and suffered and went to jail for freedom—many nameless in history now dead and forgotten, but living in the results of their work.

THE REVOLUTION.

In addition to this growing conviction among the Mexican wage earners other groups were driven into the work of revolution. Practically the whole nation had been despoiled of its birthright and of opportunities. The landholder and the capitalists had a stranglehold on the men and women of Mexico.

There are among Mexicans philosophers and students. There are those capable of understanding their rights and who know the spirit of freedom that obtained in other countries. They determined upon a revolutionary program that had a twofold purpose—the establishment of democratic institutions and the return of the land and opportunities to the masses of the people. Practically the whole nation anticipated advantages from a revolution.

This revolutionary movement found expression in the overthrow of Diaz and the establishment of Madero. The nation was united in the movement to overthrow despotism, but as it always happens, the revolutionary group divides up into factions of different ideals and purposes when the constructive work is attempted. The Mexican nation divided into groups supporting the leader whom they thought most likely and most capable of establishing their ideals.

Madero recognized that the welfare of Mexico depended upon the welfare of the working people, that any plans that would succeed must proceed upon the fundamental basis that the workers were afforded opportunities to struggle for and secure justice and freedom. The Mexican nation as a whole had somehow caught the vision that the essential principle of democracy must be followed and the people must work out their own regeneration.

For years the liberal elements in Mexico were generally united in the Liberal Party, which had for its chief purpose the reestablishment of the constitution of 1857. As that constitution provided rights and opportunities for the people, those who were seeking freedom in all lines were in sympathy with the effort to restore it. Because it had an appeal for the workmen as well as for other groups of citizens, workmen both in the United States and Mexico gave aid and endorsement to the leaders of the Liberal Party, who were termed revolutionists by the Mexican Government and persecuted as political offenders. Often these men escaped across the border line for refuge. The Mexican Government did not relinquish its persecution at the border line, but worked out methods whereby it pursued progressive Mexicans even in their political asylum in the United States. They endeavored to secure

the extradition of fugitive Mexicans on criminal charges. The Mexican Government retained the services of detective agencies that were to seek out fugitives. When found, the fugitives were arrested, put into jail, where they were held until the charges were either dismissed as groundless or evidence could be manufactured. Just as soon as the prison doors opened for these victims they were rearrested upon other trumped-up charges and again confined. Kidnaping was not uncommon.

POSITION OF A. F. OF L.

The persecution of these men aroused the sympathy of the members of the organized labor movement. The Denver, 1908, convention of the A. F. of L. adopted the following resolution:

Whereas Ricardo Flores Magon, Antonio I. Villarreal, Librado Rivera, and other members of the Mexican Liberal Party were arrested in Los Angeles, Cal., August 23, 1907, at the instance of the Mexican Government, and have since been detained in prison, while extraordinary effort has been made to extradite them; and

Whereas the Mexican Government, as prosecutor, has succeeded in inducing the American authorities to hold them on varying criminal charges, ranking from petty larceny to that of murder; and

Whereas the several charges, in turn and of necessity, have been abandoned when fully refuted by legal testimony, and the one active charge remaining is that of endeavoring to invade Mexico with an armed force, all of which proves by court records that these men are not criminals in any sense—if offenders at all, political offenders only: Therefore be it

Resolved, That the A. F. of L. extends its earnest sympathy to the aforesaid Magon, Villarreal, Rivera, et al., and commends to all affiliated organizations the consideration of proper means for their defense.

In following up this matter, in pursuance of the instructions of this convention, the A. F. of L. assisted in the effort to get a congressional investigation of this persecution of political refugees from Mexico. In 1910 a committee of the House of Representatives inquired into this matter, and elicited testimony from those who had been the victims of this persecution and others who had come into contact with the conditions.

The president of the A. F. of L., in a letter to the President of the United States, called his attention to the charges that were being made that men in the employ of the United States Government were using the agencies of justice of this country to assist in the political persecution of members of the Liberal Party of Mexico. It was the insistence and the love of liberty and justice among the workers of the United States that disclosed and denounced the practices which made the agencies of justice of this country subservient tools of the Mexican Government and forced the administrations under President Roosevelt and President Taft to refuse longer to allow the United States Government to be Mexican man hunters. The Rochester, 1912, convention of the A. F. of L. adopted the following resolution:

Whereas there now is and has been a struggle going on in Mexico to abolish the present conditions of peonage and of land tenure; and

Whereas there is a considerable agitation in some quarters to influence the United States Government to intervene between contending factions in the said country: Therefore be it

Resolved, That we are utterly opposed to any intervention in Mexico; that we believe in a determined policy of "hands off" on the part of our Government; and be it further

Resolved, That we extend our cordial greetings and best wishes to the men in Mexico now struggling to abolish age-long wrongs by striking the shackles from the limbs and minds of men and women and to abolish the present land tenure.

On July 25, 1914, the executive council of the A. F. of L. communicated with Señor Zubarin, the representative of the Mexican constitutionalist government at Washington, and urged the advisability of a declaration by their government, through its first chief, that a policy of punishment and retribution would not be followed in dealing with the political enemies of the Carranza government.

The service that the A. F. of L. was able to render to the cause of humanity in Mexico was fully reported to the San Francisco convention under the heading "Pan American Labor Relations."

ORGANIZATION OF MEXICAN WORKERS.

It was one of the most significant and most hopeful manifestations of this spirit that Madero accorded to the workers the right to organize, the legal right to strike, and gave to them assistance in their efforts to organize.

Representatives of the revolutionary movement of Mexico and the officers of the A. F. of L. were in constant correspondence. Several of the former had conferences with the president and the executive council of the A. F. of L. A better understanding had been reached and the ground broken for sympathetic cooperation between the organized labor movement of America and whatever existed of the embryo labor movement and the revolutionary movement of Mexico. But the labor movement of Mexico dates from Madero. The news of the change in Mexico quickly flashed across the border line. That organization in the United States, whose members have been most intimately connected with Mexican workers, the miners' organization, sent a delegation to confer with Madero. As a result of that conference governmental approval was given to the efforts of organized miners to organize their fellow workers in Mexico. The cordial relations thus established were helpful in the work of organization.

Other organizers, as individuals, have gone into Mexico and carried the message of organized labor in America to the workers of Mexico who were seeking a way out of bondage. Various trades organized into unions upon lines necessary to meet the immediate problems and conditions. The conditions were such that immediate benefits were essential. Stone masons, woodworkers, printers, carpenters, shoemakers, machinists, and workers in other lines organized in the city of Mexico into a federation known as the Casa del Obrero Mundial.

For a brief time it seemed that the revolution in Mexico would be suppressed by the tyranny of the usurper and tyrant Huerta, but with his downfall and the ascendancy of Carranza, backed by a group of liberal elements, the Carranza government made a compact with the organized labor movement of Mexico. The compact was signed on behalf of the Government by Rafael Zubarin Company. The Government pledged its support to the organized labor movement and pledged the maintenance of freedom for activities necessary to carry out the high purposes of organized labor. It also gave immediate assistance, permitting the labor organizations to use large houses in various cities, such as Vera Cruz, Tampico, and Mexico City for the purpose of holding meetings and for the protection of their families. In these buildings the labor organizations were permitted to set up their printing

presses and issue labor and liberal papers. Transportation was given to their delegations to go to various parts of Mexico to organize different trades and federate them under the national organization.

The Carranza government has made an earnest effort to fulfill these obligations. In return the workers, holding that their interests were identified for the time at least with the Carranza government, have supported that government, and some labor organizations have enlisted in the Carranza army and served en masse with the officers of their union as the officers of the company. Some of these regiments, such as the regiments formed of the Orizaba textile workers, are known as the "red regiments."

Soon after its organization the Casa del Obrero Mundial elected delegates to come to the United States for the purpose of giving American workers information of the labor movement in Mexico. Unfortunately complications and lack of financial means prevented carrying out this purpose at first. Later in the year another federation of labor organizations, known as the Federacion de Sindicatos Obreros, sent a representative to the United States. This representative was a man who was also a colonel of one of the red regiments.

NO INTERVENTION—THE A. F. OF L.

Through the machinations of those whose financial and material interests were endangered by the Mexican revolution an international condition was brought about which made it seem that intervention of the United States Government in the affairs of Mexico was inevitable. It must be remembered that foreign capital in Mexico was interested in "developing" natural resources of Mexico and diverting the mass of the profit to foreign countries. There were the foreign concessionaires who had been given the wealth that ought to belong to the Mexican people and were using that wealth for their own private aggrandizement, for the exploitation and domination of the Mexicans. These were the elements—the interests—which endeavored to provoke intervention by some force that would suppress the revolution, but the revolution and the ideals of the revolution, as maintained under the Carranza government, were of vital interest to the people of Mexico generally, the great majority of whom are included in the wage earners.

When all other agencies failed, the representatives of the Mexican workers came to the president of the American Federation of Labor and asked him to present to the President of the United States reasons why intervention ought not to be made—reasons which were based upon the ideals and purposes which the Mexican people were trying to work out as best they could under the best form of government they could establish at that time. The president of the American Federation of Labor made an appeal to President Wilson in the name of the working people of the United States, whose ideals and policies are closely identified and associated with those of the Mexican workers.

The United States Government did not intervene. Later in the year, when the question of recognizing the Constitutional government of Mexico was under consideration by the President, in accord with the instructions of the executive council of the American Federation of Labor, a letter was written requesting that the Constitutional government be recognized. The Mexican situation was presented to the President as the first efforts of people, long accustomed to despotism and denial of rights of free citizens, to realize ideals of freedom. The letter to President Wilson was as follows:

WASHINGTON, D. C., September 22, 1915.

SIR: In accord with the direction of the executive council of the American Federation of Labor, the following is respectfully submitted to you and which we hope will commend itself to your favorable consideration and action.

There has been going on just across our southern boundary a battle which is part of the world-old struggle for freedom. Although that struggle may be associated with many things that are not in accord with our ideals, yet I am sure you recognize that these things are the first crude efforts of a people long accustomed to despotism and denial of the rights of free citizens to realize ideals of freedom. Nations, as well as individuals, as you well know, can not at once assume wisdom in the exercise of freedom. They must learn to be free. They have the right to this freedom without unwarranted outside interference even from those who seek their welfare.

The revolt of the people under the leadership of Madero against the Diaz government was an effort to realize ideals. The support given to the ideals of Madero was a proof that national virility and resourcefulness had not been crushed out by the rule of despotism. It was a proof that there were yet ideals and yearnings for the opportunities that rightfully belonged to citizens under a free government.

Under the Madero government there were beginnings of a labor movement and an effort of the workers to organize for the realization of their ideals and for the betterment of themselves and their fellow-workers. This hope was overshadowed by the barbarism of Huerta but again grew strong and steady when Carranza asserted himself as the leader of the people.

Gen. Carranza is recognized as the friend of the working people and the real leader of the people generally of Mexico. He has granted to the wage earners the right of organization and has secured them opportunities for carrying out the legitimate purposes of organization. He has been thoroughly in sympathy with the ideals of greater opportunity and freedom of the masses of the people. The working people have been supporting him. They have adjourned as lodges and trade-unions to exist in the Carranza army with their union officials serving as the officers of their regiments.

The workers of Mexico have tried as best they could with the resources available to present their request and their right to be allowed to work out their own problems. They asked you and our Government for a little more patience and a little more time to prove that the Carranza government really represented the people of Mexico. You granted that request and time has proved that Gen. Carranza is really the representative of Mexican democracy—that he represents their efforts to establish a government of the people and for the people. Gen. Carranza has demonstrated his sympathy with the ideals for which Madero gave his life, and has refused to compromise these ideals with Mexican revolutionists who were seeking their own personal interests. He has endeavored to secure for the Mexican Republic the dignity and the respect that ought to be accorded to any sovereign government.

The sympathies of the workers of the United States have been very deeply touched by the struggles of our fellow workers of Mexico. As recent events have drawn all of the countries of the two American continents more closely together, so the workers of these various countries have been more thoroughly aroused to the common interests and the common welfare of the wage earners who are citizens of the countries.

It is with the desire that we Americans who have so much liberty and so much of opportunity should use our influence to aid those who are

less fortunate, that as representatives of the labor movement of America we urge upon you recognition of Gen. Carranza as the head of the Mexican government.

The matter we know is receiving your most earnest and most conscientious consideration, and we are sure that your sympathies are very strong for any genuine effort to secure larger liberty for the people; therefore we wish you to have the assurance that the course we, as the representatives of the organized labor movement of America urge upon you, has, we are sure, the hearty approval and indorsement of the great rank and file of the citizenship of our country.

Very sincerely, yours,

SAMUEL GOMPERS,

President American Federation of Labor.

Hon. WOODROW WILSON,
President of the United States,
White House, Washington, D. C.

On October 19, 1915, the United States Government notified the representative of the de facto Mexican government in the United States that it would be pleased to receive formally in Washington a diplomatic representative of the Constitutional government. The Carranza government was recognized.

MEXICO-UNITED STATES LABOR CONFERENCE.

The concessionaries, the American trusts in Mexico and the foreign capitalists who had invested money there became increasingly disturbed as the Carranza government continued its program. They were in danger of losing the privileges that they had secured in devious ways. As these foreigners owned 75 per cent of the capital and land of Mexico, they saw no benefit to be secured through indemnities, for indemnities would be the result of taxation of Mexican property, the property to which they claimed title, consequently, indemnities meant they themselves must pay.

Then began an effort on a gigantic scale to create "public opinion" for American intervention in Mexico. Nor were these efforts confined to press publicity. President Wilson in a public statement declared that interests hostile to international peace were inciting trouble along the border line between Mexico and the United States.

One of the most conspicuous of these efforts was the expedition sent from California into Lower California, Mexico, headed by Mr. Chandler, son-in-law of Gen. Otis, of the Los Angeles Times. Gen. Otis owns about 64,000 acres in Mexico, which was virtually an extension of the great Imperial Valley of California. Gen. Otis, as all the world knows, is actuated by far from idealistic purposes. The conditions connected with this expedition were brought to the attention of the grand jury of California, indictments followed, and some of the men concerned in the expedition were sentenced to terms in the penitentiary. However, the men who planned the expedition and were to profit by it have so far escaped punishment. This case is known as California v. Chandler, Ablez, et al.

When conditions became critical, in the name of the workers of the United States, the president of the American Federation of Labor sent the following letter to the Casa del Obrero Mundial of Mexico:

WASHINGTON, D. C., May 23, 1916.

Secretary CASA DEL OBRERO MUNDIAL,
City of Mexico.

DEAR SIR AND BROTHER: Permit me, on behalf of the American Federation of Labor, to send fraternal greetings to the Casa del Obrero Mundial, to the entire labor movement of Mexico.

The labor movement of North America has seen with what splendid courage organized labor in Mexico has, from the time of the presidency of the late Francisco I. Madero, demanded and obtained recognition for the cause of labor and justice in our sister Republic.

From time to time the American Federation of Labor has received confidential reports from delegates duly accredited by your organization and others who came to Washington in behalf of the Mexican labor movement and the Mexican cause. From these delegates the executive council of the American Federation of Labor has learned how deeply the spirit of international brotherhood has guided all your struggles in Mexico. We learned with intense interest of the historic agreement between the Casa del Obrero Mundial and the Constitutionalist government and signed on behalf of that government by Rafael Zubaran Company.

We have learned with what bravery and determination the Mexican miners in the State of Arizona organized and struck work with their brother Americans of the north and won advancement for themselves and the cause of international solidarity.

All these facts point to the necessity of a still closer understanding between the workers of all the Americas, particularly in this crisis in the world's history. To this end and to propose a practical method of mutual cooperation between organized labor in Mexico and in the United States, I suggest that, at a date to be agreed upon, representatives from the Casa del Obrero Mundial and as many other of the labor organizations in Mexico as possible meet for a conference in El Paso, Tex., with representatives of the American Federation of Labor. Matters for the mutual welfare of the sister Republic could then be discussed and a future cooperative policy outlined.

With you I agree that the future peace of the world rests in the hands of the wage earners, and this is most cogently expressed by the organized labor movement of each and all countries.

I hope to hear from you as soon as possible as to the actual conditions of the Mexican labor movement at the present time, and a reply to the suggestion I have made herein.

Fraternally, yours,

SAMUEL GOMPERS,

President American Federation of Labor.

Copies of this letter were sent to President Wilson and to each member of his Cabinet and to the officers of the Constitutionalist government in Mexico, as well as to a number of governors of Mexican States, who were in a position and who would probably be disposed to give general publicity to the letter among the workers of Mexico.

Within a very short time there came telegraphic response from the labor organizations of Mexico heartily indorsing the holding of a labor conference and suggesting an immediate date. Within brief time came further telegraphic information stating that the labor organizations of Mexico City had elected delegates, who were instructed to proceed at once to the border to hold a conference on June 25. As June 26 was the date that had been set for the meeting of the executive council of the American Federation of Labor in Washington and not sufficient time was allowed for communicating with the workers of Mexico, it was impossible to have a time mutually agreed upon for the conference before these workers started for Eagle Pass, Tex. Immediately upon their arrival in Eagle Pass, the delegates telegraphed to Washington. There were 20 representatives of various trade organizations

in this delegation. The suggestion was made that the delegates who had come to Eagle Pass should proceed to Washington, which was considered a better place for a conference, in addition to affording an opportunity for the delegates to meet with the executive council of the American Federation of Labor. Conditions on the border were such as to make a labor conference there ill-advised.

The Mexican delegation elected two of their number to come to Washington. They were Luis N. Morones, an electrical worker, of Mexico City, and Mr. Salvador Gonzales Garcia, a machinist. Both of these workers represented the Casa del Obrero Mundial.

In the meanwhile the Confederacion de Sindicatos Obreros had again sent their labor representative, Edmundo E. Martinez, to the United States and commissioned him to bring to the E. C. of the A. F. of L. a gold medal expressing the appreciation of the Mexican workers for what the American labor movement had done for them in their struggle for liberty. This medal was formally presented in the conferences which the Mexican delegates had with the E. C.

The State of Yucatan now has as governor Salvadore Alvarado, a man who has some understanding of the labor movement and is in sympathy with its needs and purposes and has done much to better conditions in Yucatan. It must be remembered that less than a year ago the workers of Yucatan were peons—slaves. In a brief while the revolution has given them a chance to be free men, and they have used that freedom as best they could under the circumstances. What they have done at present in the way of industrial organization is perhaps not the ideal thing, but it represents their first efforts to bring about changes in the oppressive conditions that have so long prevailed.

However, democracy can not come in a year, but the people of Yucatan will learn democracy and will gradually supersede autocracy, whether political or industrial. The governor of Yucatan believed so strongly in organized labor that he commissioned two representatives of the workers to come to the United States bringing an appeal from the workers of Yucatan. This appeal was for the purpose of establishing better relations between organized labor of Yucatan and the United States and all Pan-American countries. These two delegates from Yucatan participated in the Mexican conference; they are Baltazar Pages, editor, Voice of the Revolution, and Carlos Loveira, chief of the department of labor. They had credentials signed by the following labor organizations of Yucatan: The Society of Dockers; the Syndicate of Machinists, Blacksmiths, and Boiler-makers; Union of Railway Men of Yucatan; Society of Sailors; Syndicate of Waiters and Assistants of Restaurants and Saloons; Syndicate of Carpenters; Syndicate of Mechanical Electricians; Clerks' Headquarters of Yucatan; Syndicate of Bakers; Syndicate of Molders; Syndicate of Coach Drivers; Mutual Beneficial Society of Truck Drivers; Syndicate of House Tenants.

The representatives of the Casa del Obrero Mundial had credentials from that organization and asserted that they represented 100,000 organized workers.

The purpose of this conference was the consideration of ways and means for the establishment of closer relations between our respective labor movements, in order that there might be better understanding and better cooperation. It was in recognition of the fact that their economic interests were identical and that there must be permanent relationship established between the economic organizations.

All parties to the conference agreed upon the principle of action, that the economic movement is the fundamental agency for the welfare of the workers and that the economic movement must be made the instrumentality for establishing their freedom and promoting all of their interests.

As a result of the conference held in Washington the following declaration was formulated and signed:

WASHINGTON, D. C., July 3, 1916.

The undersigned, the E. C. of the A. F. of L., and the representatives of the organized-labor movement of Mexico, express our deep gratification in the consummation of this conference, which we hope and believe has laid the basis for better understanding and has welded ties that shall bind together the workers of our respective countries.

We are confident that personal conferences of the workers of the United States and of Mexico will be a constructive force in bringing about understanding necessary for better relations between our countries and for maintaining peace founded upon a proper regard for the rights of all. It is our opinion that this conference should be followed by another, in which the workers of both countries shall be more generally represented, for the purpose of agreeing upon plans for maintaining permanent relations and for the federation of the labor movement of all of the countries of the two Americas.

In view of the present relations between the United States and Mexico, we are of the opinion that such a general conference is for the present untimely, and we express the judgment that the holding of such a conference should be deferred until later in the year. However, in the event of an emergency which would make a general conference of advantage in averting an international crisis, such a conference could and should be called for the earliest time mutually agreeable. To carry this plan into effect, a joint commission shall be chosen, to consist of two members from both labor movements, to remain in Washington until the present crisis is passed, the said joint commission to have the power of calling a general conference if necessary.

We hold this to be fundamental: No relations between our countries can be permanent that are not based upon the will of the masses of the people and in accord with their concepts of justice.

We deem it an essential step toward democracy and justice that there shall be established for the masses who have hitherto been without regular agencies for expressing their views and desires opportunities that will enable them to have a voice in helping to determine international affairs.

The labor movements of the various countries constitute the instrumentalities that can best accomplish this purpose and give expression to national ideas and convictions that have been too long articulate and impotent.

We direct that the president of the A. F. of L. and the official representatives of organized labor of Mexico should keep in touch through correspondence, and that they be authorized to carry out the purposes specified in this declaration.

In joint conference as the representatives of the workers, the masses of our respective countries, we urge upon our Governments to adjust existing differences without war and to establish conditions conducive to permanent peace with justice.

We appeal to the workers and all of the people of the United States and of Mexico to do everything within their power to promote correct understanding of purposes and actions, to prevent friction, to encourage good will, and to promote an intelligent national opinion that ultimately

shall direct relations between our countries and shall be a potent humanitarian force in promoting world progress.

It is an unavoidable conclusion that present differences between our countries are the result of misunderstanding growing out of inadequate or incorrect information; that the unfortunate consequences of past relations between the United States and Mexico have formulated a national attitude that questions the good faith of our Governments; that existing agencies and methods of reaching an adjustment of these differences are unsuitable for dealing with those problems which are fundamentally humane problems; and that the relations between our countries ought not to be directed in accord with abstract standards of justice, but ought to be keenly sensitive and responsive to the human interests and moral forces. Therefore, we, the representatives of the organized workers, having the right to speak for all of the workers and in the interests of all of the people, urge upon our Governments the appointment of a commission to be composed of high-minded citizens, fully representative of our nations, to consider differences that have brought our nations to the verge of war, and to make such recommendations for adjustment as shall fitly express the highest ideals of the great rank and file of the citizenship of our two countries.

We direct that copies of this declaration shall be presented to the President of the United States, Hon. Woodrow Wilson, and to the first chief of the Constitutionalist Government of Mexico, Gen. Venustiano Carranza, and that it be given widest publicity among the workers of our respective countries.

For the organized workers of the United States:

SAM'L GOMPERS, *President.*
 JAMES DUNCAN, *First Vice President.*
 JAS. O'CONNELL, *Second Vice President.*
 D. A. HAYES, *Third Vice President.*
 JOS. F. VALENTINE, *Fourth Vice President.*
 JOHN R. ALPINE, *Fifth Vice President.*
 H. B. PERHAM, *Sixth Vice President.*
 FRANK DUFFY, *Seventh Vice President.*
 WM. GREEN, *Eighth Vice President.*
 JOHN B. LENNON, *Treasurer.*
 FRANK MORRISON, *Secretary.*

For the organized workers of Mexico:

C. LOVEIRA.
 BALTAZAR PAGES.
 L. N. MORONES.
 S. GONZALO GARCIA.
 EDMUNDO E. MARTINEZ.

LABOR'S EFFORTS TO PREVENT WAR.

While the conference was in progress an actual clash between the American troops in Mexico and the Mexican army had taken place, in which some American soldiers were killed and some were imprisoned and held in jail. The President of the United States issued an ultimatum demanding the immediate release of the American soldiers. No word was received from the Mexican Government as to their intentions in the matter, public opinion was aroused to fever heat, and it seemed as though war was inevitable.

In this great anxiety an appeal came from the Mexican governmental representatives in this country to the president of the American Federation of Labor asking him to send a personal appeal to Gen. Carranza for the release of the American soldiers.

On the afternoon of June 28, about half past 2, the following telegram was sent:

[Telegram.]

WASHINGTON, D. C., June 28, 1916.

Gen. VENUSTIANO CARRANZA,
First Chief Constitutionalist Government,
Mexico City, Mexico:

In the name of common justice and humanity, in the interest of a better understanding between the peoples and the Governments of the United States and Mexico, for the purpose of giving the opportunity to maintain peace and avoid the horrors of war, upon the grounds of highest patriotism and love, I appeal to you to release the American soldiers held by your officers in Chihuahua.

SAMUEL GOMPERS,
President American Federation of Labor.

On the evening of that same day extra papers on the streets announced that Gen. Carranza had just issued an order releasing the American soldiers.

On the following day was received from Gen. Carranza this:

[Telegram.]

MEXICO, June 29, 1916.

SAMUEL GOMPERS,
President American Federation of Labor, Washington:

In replying to your message dated yesterday I would state that the Government in my charge has ordered the liberty of the American soldiers whom the Mexican forces took as prisoners in Carrizal. Salute, very affectionately,

V. CARRANZA.

The executive council, which was at the time considering Mexican affairs, authorized the sending of the following:

[Telegram.]

WASHINGTON, D. C., June 30, 1916.

Gen. VENUSTIANO CARRANZA,
First Chief Constitutionalist Government,
Mexico City, Mexico:

Your telegram of June 29 received and laid before the executive council of the American Federation of Labor, in session at Washington, and we express to you our appreciation of your order releasing the American soldiers, and thus helping to clear the way for a mutually honorable settlement of any differences existing between the Governments of the United States and of Mexico.

SAMUEL GOMPERS,
President American Federation of Labor.

Mr. FALL. Mr. President, we will see who the Magons were, with whom Mr. Gompers was sympathizing. The Magon-Villareal junta were operating under the I. W. W. constitution

and laws. I read from the constitution of the I. W. W., the Industrial Workers of the World:

I. W. W. TACTICS OR METHODS.

As a revolutionary organization, the Industrial Workers of the World aim to use any and all tactics that will get the results sought with the least expenditure of time and energy. The tactics used are determined solely by the power of the organization to make good in their use. The question of right and wrong does not concern us. No terms made with the employer are final—

And so on. I ask that from this document that portion of the laws governing the I. W. W., contained on pages 314 and 315, may be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it will be so ordered. The Chair hears none.

The matter referred to is as follows:

I. W. W. TACTICS OR METHODS.

As a revolutionary organization, the Industrial Workers of the World aim to use any and all tactics that will get the results sought with the least expenditure of time and energy. The tactics used are determined solely by the power of the organization to make good in their use. The question of "right" and "wrong" does not concern us.

No terms made with an employer are final. All peace, so long as the wage system lasts, is but an armed truce. At any favorable opportunity the struggle for more control of industry is renewed.

The Industrial Workers realize that the day of successful long strikes is past. Under all ordinary circumstances a strike that is not won in four to six weeks can not be won by remaining out longer. In trustified industry the employer can better afford to fight one strike that lasts six months than he can six strikes that take place in that period.

The organization does not allow any party to enter into time contracts with the employers. It aims, where strikes are used, to paralyze all branches of the industry involved when the employers can least afford a cessation of work—during the busy season and when there are rush orders to be filled.

The Industrial Workers of the World maintain that nothing will be conceded by the employers except that which we have the power to take and hold by the strength of our organization. Therefore we seek no agreements with the employers.

Failing to force concessions from the employers by the strike, work is resumed and "sabotage" is used to force the employers to concede the demands of the workers.

The great progress made in machine production results in an ever-increasing army of unemployed. To counteract this the Industrial Workers of the World aim to establish the shorter workday and to slow up the working pace, thus compelling the employment of more and more workers.

To facilitate the work of organization large initiation fees and dues are prohibited by the I. W. W. as the organization.

During strikes the works are closely picketed and every effort made to keep the employers from getting workers into the shops. All supplies are cut off from strike-bound shops. All shipments are refused or mislaid, delayed, and lost if possible. Strike breakers are also isolated to the full extent of the power of the organization. Interference by the Government is resented by open violation of the Government's orders, going to jail en masse, causing expense to the taxpayers—which is but another name for the employing class.

In short, the I. W. W. advocate the use of militant "direct-action" tactics to the full extent of our power to make good.

Mr. FALL. Mr. President, at the time Mr. Gompers claims that he assisted in the overthrow of Diaz and the establishment of the labor organizations under the Madero administration in Mexico, the Magons were again arrested in Los Angeles, Cal. These people with whom he sympathized were again arrested by Madero, the great labor-organization man of the Republic of Mexico, upon complaints made by him, and with the assistance of attorneys employed by him the Magons were sent to San Quentin Penitentiary for 23 months.

In connection with Mr. Gompers's statements I also desire to call attention to his letter as contained in the American Federation of Labor Proceedings, volume 34, for 1914, on pages 50, 51, and 52, under the head "The situation in Mexico." I ask that that may be printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered. The Chair hears none.

The matter referred to is as follows:

THE SITUATION IN MEXICO.

As a matter of historical record, as well as to ask your approval of our course, we submit to you herewith a letter which President Gompers, by the authority of the executive council, addressed to the United States representative of the Mexican Constitutionals:

WASHINGTON, D. C., July 25, 1914.

Mr. R. ZUBARAN,
United States Representative Mexican Constitutionals,
Burlington Apartment, Washington, D. C.

DEAR SIR: From direct communication as well as from statements published in the newspapers within the past few days, the situation now existing in Mexico has been fairly and accurately presented to my associates, the executive council of the American Federation of Labor, during our last week's session. We are prompted, and I was directed, to communicate to you and respectfully ask that you communicate in turn to Gen. Carranza, chief of the Constitutionals of Mexico, the following statement of fact and expression of hope.

But, first, let me say that it is with much satisfaction that the executive council of the American Federation of Labor extends felicitations to the constitutionalist cause and expresses hopes for its early and successful consummation.

At the outset I should say that the working people of the United States are intensely interested in the affairs of the people of Mexico, as they are by their very position and organization vitally concerned in the affairs of the people the world over, and especially those con-

ditions which affect the working people and their conditions of life and work.

Nor is it amiss to say that during the Mexican revolution against the autocratic and tyrannical administration of President Diaz, the American Federation of Labor aided as best it could, and particularly in the field of information and the creation of public opinion in the United States in the movement to dispose Diaz. We were greatly gratified when, as a result, the great Madero was installed into office as President of the Republic and in the high purpose to which he was devoting his talents and ideals for the benefit of the Mexican people.

When Gen. Huerta and his coterie, by assassination and treachery, overturned the government of President Madero and Gen. Huerta established himself as Provisional President and then dispersed the Mexican Congress and proclaimed himself dictator, there was no power, outside that of the Government of the United States, which exerted so potential and international an influence in the solution of the difficulty which confronted the Mexican people as the American Federation of Labor.

We helped in sustaining the attitude of the Government of the United States in its refusal to recognize Huerta up to the present hour and for the success of the revolutionary movement headed by Gen. Carranza.

Now, the only difficulty which seems to be in the way of a complete settlement of the contest of the last several years is the avowed declaration on the part of those who speak or assume to speak in the name of Gen. Carranza, that punishment and retribution of the most draconian character will be meted out by him and his government to the Huertists and those responsible for the overturning of the Madero government.

What I have in mind is, that since the American Federation of Labor, as no other American instrumentality outside the Government of the United States, has aided for the success of the prospective government, we have the right to suggest to those who represent Gen. Carranza and the victorious revolutionary army that the higher humanitarian consideration be given, aye, even to those who have been guilty. And that in our judgment such a policy would have a tranquilizing effect, promoting the successful inauguration of the new constitutional government of Mexico and would tend to unite the people of Mexico in support of an orderly government of the country.

And it is also earnestly hoped and respectfully suggested that some definite declaration be made, not only upon the lines indicated above but should be coupled with an avowal of purpose that the constitutionalists will carry into effect a rightful and justifiable division of the lands of Mexico for the working people.

We feel confident that such a declaration faithfully carried into effect would institute and maintain a better economic condition and a more humanitarian policy than have heretofore prevailed in Mexico.

In our judgment, such a declaration and policy would do more than aught else to bring peace, unity, and progress to the people of Mexico and the stability of their government, all of which is submitted to the respectful consideration of yourself and your chief from the sincere purpose of your well-wishers and your friends.

Very truly, yours,

EXECUTIVE COUNCIL, AMERICAN FEDERATION OF LABOR,
SAMUEL GOMPERS, President.

The United States representative of the constitutionalists expressed himself as profoundly grateful for this expression of opinion, suggestion, and judgment of the American Federation of Labor as to the course which should be pursued by the Mexican Constitutionalists. And now that the constitutionalists have driven the traitor and tyrant Huerta from the office he usurped and have established the constitutional government, and that the true aims in the purposes which prompted the Carranza-Villa constitutional revolution are to be carried out, we can take pride and satisfaction in the course pursued by the American Federation of Labor and by the executive council in giving aid and encouragement to the men of Mexico who are engaged in their avowed purpose for the democratization of the institutions of the Republic of Mexico to make for the greater safety and protection of life and liberty to her people, for the abolition of slavery and peonage, and for the better distribution of the fertile lands of that country. We extend to the people of Mexico under this new régime our felicitations and our best hopes for their welfare and progress.

Mr. FALL. Now, sir, Mr. Gompers has tied himself up with the Industrial Workers of the World, the labor organization of Mexico. I have here, taken from *The Railway Conductor*, the magazine of the O. R. C. of the United States (the Order of Railroad Conductors), volume 29, pages 444 and 445, the report of W. K. Suit, chief conductor of the Railroad Conductors of Mexico (the Americans), protesting against the action of the Madero government and the organized labor of Mexico in forcing out of the Republic of Mexico the railroad conductors, engineers, and all trainmen. I want this to go along with the record which Mr. Gompers has made for himself, showing the people with whom he is associating, in whose behalf he is acting in Mexico, the labor organizations that killed the American railroad conductors, the American railroad engineers, the American trainmen, and forced 600 of them out of the Republic of Mexico.

I ask that that may be printed in the RECORD.

The PRESIDING OFFICER. Without objection it will be so ordered. The Chair hears none.

The matter referred to is as follows:

[From *The Railway Conductor*, Vol. XXIX, pp. 444-445.]

GUADALAJARA, MEXICO, April 18, 1912.

To the OFFICERS AND MEMBERS, DIVISION 540, O. R. C.

BROTHERS: It is with profound regret that it has become my duty to announce to you the necessity of surrendering the charter of our division. However painful it may be, it would be more so if I could look back over the events that have transpired in the last two years with an impartial eye and see where it was due to our failure in doing our duty either as conductors in railroad service or to a lack of loyalty to the Order of Railroad Conductors. The discontinuation of the division is due to the never-ceasing agitation of the unreliable railroad element among the Mexicans that never has and never will do good service.

This same class of people has succeeded in ruining the only effective government that Mexico has ever had, and they are now engaged in destroying the business institutions that have been built up by foreign talent and money during the last 30 years of peace and prosperity.

They have also taken advantage of the weak and tottering government at a time when they have not the strength to resist and have captured the greatest business institution in Mexico and will proceed to wreck it as they have the government.

We did not lose our positions because we are making demands that are unreasonable. We have lost them because the railroad management, working under the support of the government, has annulled the agreement for the purpose of forcing us out of the service, as they see it, a few at a time, so that it will not cripple the service, and at the same time knowing that they have us at their mercy.

I am proud to know that each and every one of you are not only true Americans but that you are loyal O. R. C. brothers, and that all of you have responded to the demand for justice.

Our experience in Mexico and the history of the Texas colony under Mexican rule has taught us that the moment he becomes your master he sets himself upon a royal throne and expects you to worship him, and if you dare to resent his rule, you make of him a life-long enemy, and from that time on you are never free from his treachery; and for that reason you have chosen to go down in defeat, fighting like the brave defenders of the Alamo, rather than to submit to a brutal ruler and be slaughtered like the Texans at Goliad.

We may be defeated in one sense of the word, but by the fight you have made you have saved your pride and dignity and have assisted in creating a sentiment in the civilized world that will some day bring results.

By the assistance of the Order of Railway Conductors the undesirable railroad man has been removed from Mexico, and the company is now losing the best men that have ever worked in Mexico; and from the various tests of diplomacy, judgment, and nerve to which you have been subjected in the past 18 months I feel free in saying that you stand head and shoulders above any public servants in the world to-day. Like the captain of a ship, a conductor's first duty is the care and protection of his passengers.

The Madero rebellion broke out in Mexico about the time the sentiment against the Americans was so strong, partly on account of the rapist, Rodriguez, who was lynched in Texas, and partly because the Americans had the best railroad jobs. In addition to this sentiment against us, we came in contact with both of the bitter factions and were often asked by both parties to express our opinions regarding the situation. We saw the rough element gradually get bolder; we saw thieves and pickpockets who had been in prison reappear and begin their bold work; we saw the army and the local authorities lose control of the people; we saw the small bands collect and move about as we passed through the country. In fact, by virtue of our position we held the pulse of the nation in our hands, and when we realized that the peon mobs could be called nothing but bloodthirsty savages, we all made up our minds, for the protection of the women and children, not to allow any soldiers to ride on passenger trains through the dangerous territory where the rebels were likely to hold the trains up, knowing that if they saw soldiers they would not hesitate to shoot into the trains and kill everybody in sight in an effort to kill a few loyal soldiers.

By this method you have made enemies of one faction while your motives were not understood by others. Many trains were delayed, and in some cases you have refused to go into the danger zone and tie up trains, until you were sure that the line was safe for your passengers. Some of you were subjected to vile abuse by army officers and threatened to be placed in irons. Other people openly asked the question, "Are you in sympathy with Madero and the rebellion?" "Are you openly taking part in the fight to overthrow the Government?" while others boldly asserted that you should be shot down on the spot. But with all the intimidations, not one of you retreated from the stand you had taken, which showed your rare judgment and nerve to back it up, and after mature reflection the traveling public, which represents most all of the nations of earth, realized that you were right and that you did not do this through sympathy for any faction, but to protect your passengers, and they indorsed your actions. Although some of you were ordered taken out of service by the Government, not one of you lost your positions.

Neither the railroad company nor the public can afford to lose such servants as you are, but just and right can not prevail under existing circumstances. The American tourist, who formerly found a courteous guide on every passenger train, in the form of an American conductor, will now spend his vacation in some other part of the world, realizing that he would be among people who do not know how to appreciate him, and the hundreds of poor beggars who gathered up the pennies freely given by Americans in days gone by will go hungry to bed in the future.

The United States of America, by the Monroe doctrine, assisted by sending an American army to the Rio Grande in 1865, handed Mexico her liberty on a silver platter, and has protected her ever since. Our reward is now being received in the form of about nine-tenths of our citizens fleeing from the country, under humiliating circumstances, to save their lives, while others are being shot down like mad dogs by a lot of savages, whose brains are pickled in alcohol and their nerves wrecked by immoral living, and who, convinced that they can not compete with honest business men in respectable pursuits of life, have turned loose to lay the country to waste in their own natural way. Every American who has been in touch with the situation, and every citizen of other civilized countries, sees the necessity of adding the "big stick" to the Monroe doctrine, and the only question is, "When will it be done?"

Every voter of the hundred thousand conductors and engineers in the United States of America should see that this question is put to the candidates for President of the United States in the campaign which has opened there, and not let them get away from it until they have fully expressed their opinions in public on the question.

I never refrain from expressing my special appreciation of the never-tiring efforts of our secretary, Brother A. W. Earnest, for his work for the good of the order, and especially in behalf of Brother James A. Cook while he was in prison at Guadalajara, partly due to the same influence of the same element that is destroying the country in an effort to humiliate the American railroad men and drive them from the Republic. Also, Brother D. A. Kelly, our local chairman of the grievance committee, who has had to fight on every inch of the ground he has covered for many months, and has proven a true and loyal brother and a first-class grievance man in every respect. Also, our general chairman, Brother T. K. Eccles, of whom I can say that in all of my 23 years of railroading I have never known a brother to

have to face so many complicated and humiliating questions. Nor have I ever seen a man handle them as successfully as Brother Eccles has done.

But there is a limit to all things, and we have arrived at the limit of our endurance and forbearance in Mexico; and may God be with you all and deliver you to the other side of the Rio Grande in safety.

I thank you all for the support and respect you have shown me in my efforts to serve the order and the brothers.

Yours, in P. F.,

W. K. SUIT, *Chief Conductor.*

[From the Railway Conductor, p. 443, Vol. XXIX.]

GUADALAJARA, MEXICO.

The following is from the minutes of a special meeting held April 18, 1912:

"Moved and seconded that a vote of thanks be extended our chief conductor, Brother W. K. Suit, for his untiring efforts in our behalf, and in particular for his letter announcing the necessity of disbanding the division, giving an outline of the situation in this country, and that a copy of this letter be sent to each member of the division and to the Railway Conductor. Carried unanimously."

Yours, truly, in P. F.,

A. W. EARNEST,
Secretary Division 540.

Mr. SIMMONS. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from North Carolina?

Mr. FALL. In one moment I will be through.

Mr. President, I have here, which I ask may be printed in the RECORD, a copy of an article from the New York Times, dated September 28, 1915, showing the protests of the Carranza consul at San Antonio, Tex., made, so it is claimed, to the officers of the United States Government in the Department of Justice, that the Mexican I. W. W. were the people who were guilty of the murder of Americans on this side of the boundary. This is offered in connection with Mr. Gompers's record and his kind words spoken of the Mexican labor organizations.

The PRESIDING OFFICER. In the absence of objection, it is so ordered.

The matter referred to is as follows:

[From the New York Times of Sept. 28, 1915.]

LAYS BORDER ATTACKS TO MEXICAN I. W. W.'S.—CARRANZA AGENT CHARGES THAT LABOR AGITATORS IMPERSONATE SOLDIERS—AMERICAN HELD.

Col. Tiodulo R. Beltran, Carranzista consul at San Antonio, Tex., will lay before the Department of Justice to-morrow information tending to show that much of the disturbance along the Mexican border is due to the activities of the Mexican branch of the Industrial Workers of the World. The local members are known as Magonistas. Most of them, according to Col. Beltran, are engaged in railway construction work on the border. They are fanatics, he says, and believe that by making trouble intervention will be brought on, and after that the land will be divided among the people.

Col. Beltran is convinced that Carranzista soldiers are not responsible for the border clashes. Their uniform, he says, is a cheap affair, easily imitated, and the Magonistas have adopted it, he believes, to increase the international significance of their acts.

Mr. FALL. Mr. President, with this I shall close at this time, calling attention simply to the speech made by Mr. Gompers, and asking that that portion of it referring the record of this administration with reference to Mexico, and asking the votes of the electors at this election for Mr. Wilson, as taken from one of the daily papers, may also be published in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered. The Chair hears none.

The matter referred to is as follows:

The international issue that now comes closest to the labor movement is the policy of our Government toward Mexico. The cause of humanity is in the balance in Mexico. The people there are trying to work out their own problems and to establish their own ideals of political, social, and economic justice. The labor movement in Mexico has developed; that is, the most power and the most constructive product of the revolution.

Representatives of the labor movement of Mexico have joined the representatives of the labor movement of America to insure to the workers and citizens of Mexico the rights of human beings—opportunities for freedom and for independence. Many of the problems of the Mexican workers are problems of the workers of the United States. Their welfare is our welfare. The boundary line between the two countries is only an artificial division that has little or no effect upon the course and the nature of industrial and commercial development.

The problem of industrial welfare in the States of the Southwest is largely a Mexican problem. With low standards of life and work prevailing upon the 15,000,000 Mexicans, there exists an obstacle to the establishment of higher standards within the United States. There are capitalists and exploiting interests of the United States who because they have property in Mexico—often corruptly and dishonestly obtained—desire to maintain governmental agencies by which they can hold the people in subjection and deny to them the opportunity for protecting themselves through the organized-labor movement and other opportunities for growth and development.

The selfish exploiting interests are concentrating their political power in the present campaign to secure a different policy on the part of our Government toward Mexico. Even under the guise of intervention, no matter how unnecessary and unwarrantable, the advocates of that policy really aim at the conquest and annexation of Mexico.

A few of the most reckless, such as the Otis and Hearst interests, come out brazenly in the demand for intervention, invasion, conquest, and annexation of Mexico. Of course every effort must be made to safeguard the lives and property of our people living along the border line,

but who can honestly say that the Mexican marauders were the only offenders?

The allied forces of greed and profit would deny the Mexican people the opportunity for their development; they would gladly embroil the United States in an unnecessary and unwarrantable war with Mexico. To them property, property rights, profits are held far more sacred than human beings, international honor, and human liberty.

SIR ALMROTH E. WRIGHT.

Mr. LEA of Tennessee. Mr. President, I ask unanimous consent to have printed in the RECORD, without reading, a short statement in regard to Sir Almroth E. Wright, the celebrated scientist and physician, and certain correspondence between him and certain other physicians. I make this request because the Senate recently ordered printed as a public document the results of certain investigations in Sir Almroth Wright's laboratory upon the Von Ruck treatment for tuberculosis.

The PRESIDING OFFICER. Is there any objection? The Chair hears none, and it will be so ordered.

The matter referred to is as follows:

Mr. LEA of Tennessee. Mr. President, on December 10, 1914, Dr. Stimson, of the Hygienic Laboratory, Public Health Service, made a report on the investigations by the Public Health Service representatives of the vaccine used by Dr. Von Ruck, of Asheville, N. C., for immunizing against the infection of tuberculosis and in the treatment of cases of tuberculosis. This report was printed as a Senate document—No. 641.

During the progress of this investigation disagreements having arisen between Dr. Von Ruck and the officers of the Public Health Service as to the manner of its conduct, Dr. Von Ruck went to Europe and succeeded in having an investigation made in the laboratory of Sir Almroth E. Wright. Sir Almroth Wright was formerly professor of pathology in the Army Medical School, Netley, England, and since 1902 is director of the department of therapeutic immunization, St. Mary's Hospital, London. He is now consulting bacteriologist to the expeditionary forces in France, where he has been since late in 1914.

Sir Almroth E. Wright is widely known for his original work on vaccination against typhoid fever. The antityphoid-fever vaccination was originally employed during the Boer War and thereafter widely used in the British Army. It was introduced in the United States Army in 1909. Almroth E. Wright was knighted in recognition of his scientific work. Dr. Von Ruck was fortunate in interesting Sir Almroth Wright in his work against tuberculosis.

This work was originally under the personal-direction of Sir Almroth E. Wright, as is shown by cablegram from him to Dr. Von Ruck under date of October 14, 1914:

KARL VON RUCK, Asheville, N. C.:

Think it advisable Clemenger continue experiments to November 1. Autopsy then. Present outlook favorable.

And by personal letter to Dr. Von Ruck under date of October 17, 1914:

6 PARK CRESCENT,
Portland Place W.—October 17, 1914.

DEAR DR. VON RUCK: I was delighted to get your letter and to hear the better report of your health.

We have been frantically busy since the war and have made in all now 1,400,000 doses of vaccine; also Parry Morgan has gone to the large military hospital at Netley to inoculate and do bacteriological diagnosis. I have got Dr. Martley, who is a very sound man, to replace him in working with Clemenger. Clemenger is, in conformity with your cable of the 15th, letting the experiment run on to November 1, and it will then take him a week or thereabouts, he thinks, to finish up and work up the results. I think that there is distinct promise in the experiments, both in the experiments with active and those with passive immunity. But, of course, there will be, and are already, cases where one has tuberculosis only at the site of infection and not elsewhere; and also cases where death has been produced by pseudo-tubercle in an animal which might, if it had lived, get rid of the tubercle at the site of infection, and these cases will be difficult to tabulate, though, of course, they count in your favor.

I have myself to go out to the war next Wednesday as consultant physician to the forces (I shall be working at wound infection), so I shall not be able to write such an interpretation of the results as you suggest. But I will do all that I can to do that, and I may find that I can usefully return from the war to do research. I may have time in the off hours to write the report you wish. Kindest regards.

Always sincerely, yours,

A. E. WRIGHT.

As is shown by this letter, Sir Almroth Wright was compelled to go to France with the army, where he has been practically ever since, and, unfortunately, this work could not be continued directly under his personal control. However, according to his suggestions, it was continued in his laboratory by Drs. F. J. Clemenger and F. C. Martley, who have prepared a scientific paper giving their report on this work of Dr. Von Ruck.

I am glad to say that the resolution introduced by the Senator from North Carolina [Mr. OVERMAN] authorizing the printing of this report by Drs. Clemenger and Martley was adopted recently.

Laymen who fear an invasion by this dread disease are told that a negative microscopic examination of their sputum is not con-

clusive, while an affirmative examination is always conclusive and proves the presence of tuberculosis. To my mind the negative result of the investigation by the officers of the hygienic laboratory is likewise inconclusive, while the report of Drs. Clemenger and Martley, being essentially confirmatory and affirmative of Dr. Von Ruck's work, is necessarily conclusive. Two positive results, independently arrived at, in the investigation of a scientific problem are reciprocally confirmative of the truth, whereas negative evidence opposed to them constitutes, in fact, no evidence at all.

I have been so situated personally that I have been thrown in contact with both the Von Rucks. Being a layman, I do not pretend to fully understand their claims or to be able to state whether they are sound or unsound. I know that Dr. Von Ruck does not claim that his vaccine is a specific which will cure any and all cases of tuberculosis. He does contend that the vaccine has proven in his own hands and in those of many other physicians a most valuable adjunct to other generally recognized methods of treatment of tuberculosis in suitably selected cases. He further claims that a person can be immunized by this vaccine and rendered immune to infection by the tubercle bacillus, just as a person can be immunized for a certain period of time against typhoid fever by antityphoid vaccine. From my personal observation and by the presence in this Chamber of one Senator, at least, I know that Dr. Von Ruck's claim relative to the advantage of treatment in tuberculosis with his vaccine is sustained. It is further sustained by the experience of persons from all parts of this country, as attested by extracts from a few of the many letters from prominent physicians in various parts of the United States, which I ask to have printed as a part of my remarks.

I am delighted that the Senate ordered printed this report of Drs. Clemenger and Martley of their investigations conducted in Sir Almroth Wright's laboratory. These investigations, conducted not only with the approval but at the request of Dr. Von Ruck, negative absolutely the suggestion that Dr. Von Ruck's is a secret remedy. Its method of preparation has been published and given to the profession and the public. Dr. Von Ruck's position in this is that whatever of value his research and investigation has produced should be made available for the benefit of mankind.

It is both proper and fair that both sides of this controversy should be presented to the medical profession and to the public. A great war is being waged against tuberculosis, the winning of which is too important for us not to take advantage of every legitimate means which may aid in the prevention and the delimitation of a disease which is the greatest enemy to human life, health, and usefulness.

Hon. JAMES H. LEWIS,
United States Senate, Washington, D. C.

MY DEAR SIR: I am creditably informed that the United States Senate has passed a resolution providing for "an investigation of the methods and practices of the Von Ruck research laboratory for tuberculosis, of Asheville, N. C."

I have been and I am at the present time interested in tuberculosis, chiefly from the viewpoint of the chemistry of the tubercle bacillus and its products. I learned through certain scientific journals of Von Ruck's extensive researches in the chemistry of tuberculosis, and, following a brief correspondence with him, I visited the Von Ruck laboratory early in March, 1913, and again late in June, 1913, to see the actual procedures followed there.

It is not necessary to enter into technical details at this time, but I am glad to express formally my admiration of the extensive, careful, and systematic study of the chemistry of the tubercle bacillus of Dr. Von Ruck. I know of no laboratory in this country where more extensive investigations of this difficult subject have been made, and I am equally confident that few individuals have a more complete grasp of the voluminous literature thereto appertaining.

Yours, very respectfully,

ARTHUR KENDALL,
Professor Bacteriology, Northwestern University.

THE TEMPLE SANITARIUM,
Temple, Tex., December 24, 1914.

Hon. Senator CHAS. A. CULBERSON,
Washington, D. C.

DEAR SIR: I understand that your Committee on Public Health now has under consideration the report of the hygienic laboratory upon the method of the Von Rucks in the preventive vaccination for tuberculosis. Together with many physicians of this and other countries, I am very much interested in seeing that this method has a very thorough and fair investigation. If there be anything in this method, it is of the most far-reaching importance. There is not a family in our country which does not now have some member infected with tuberculosis or will have within five years.

In November and December of 1913, very shortly after the men from the hygienic laboratory were in Asheville, I went to the Von Ruck laboratory to make an investigation on my own part, paying all my own expenses for the trip. I was somewhat prejudiced against them at the start. However, I found that they had a laboratory splendidly equipped for this work, numerous animals under observation, and the men were very competent in this line of work. I could find no fault with their technique, although I have had a considerable experience with similar lines of work, and I watched the work very carefully, with this in view. After three weeks' instruction under these men, spending from 8 to 10 hours daily right in the laboratory, I was able to

duplicate their serum tests. I also followed 11 cases in people who came for the vaccination, making the physical examination in each case, watched the vaccination, drew the blood myself, and worked with it. I was able to confirm their finding of specific antibodies in the serum of these vaccinated patients. I know these substances were not there before, because I tested them out.

I remind you that the Von Rucks can hardly have a selfish pecuniary motive, because all their work has been published in reputable medical journals, and if the method is generally adopted any biological house can furnish the material commercially. Dr. Karl Von Ruck has the most complete library on tuberculosis in this country and keeps it up to date.

It is to be hoped that another commission can be appointed with men who have had experience with this particular line of work or who will acquire it before making a report on this method. I believe that every phase of the Von Rucks claims should be included in the scope of the investigation, their work upon patients as well as the laboratory experiments with animals. The National Government can well afford financially to back this up, for if a few people are saved from this disease in a year it is economically a wise thing.

Trusting that your committee will see fit to recommend further investigation along this line, I am,

Very sincerely, yours,

JAMES J. TERRELL, M. D.,
Pathologist Temple Sanitarium.

(Formerly professor pathology, medical department, University of Texas.)

EXTRACTS FROM LETTERS.

Dr. G. A. Waters, Lenapah, Okla., March 20, 1914: "I am administering your vaccine to several patients, and so far have obtained very favorable results."

Dr. Gardner C. Johnson, 300 Washington Avenue, Evansville, Ind., March 7, 1914: "I am getting very good results with the vaccine."

Dr. Eben Alexander, Knoxville, March 5, 1914: "I do little but surgical work, but I have used lots of the vaccine here. Its wonders do not cease."

Dr. C. J. Overman, Iroquois Block, Marion, Ind., March 3, 1914: "I am using it (the vaccine) in a case of tubercular vertebra with wonderful improvement, both local and general."

Dr. A. C. Watts, Birmingham, Ala., June 3, 1912: "I am using a great deal of your preparation, with good results."

Dr. C. A. Julian, Thomasville, N. C., May 5, 1914: "I am getting results from the last vaccine I got from you and it is renewing my great faith in it."

Dr. C. K. Brosheer, Middlesboro, Ky., September 14, 1914: "Since writing you in April I have used your vaccine in several cases and am very much pleased with the results. Have had marked improvement in each case."

Dr. B. F. Terry, Rising Star, Tex., October 16, 1913: "Am still having wonderful effects with both watery extract and vaccine. Our people know it is a fact."

Dr. L. E. Cox, Greenwood, Ind., March 10, 1914: "After seeing with my own eyes what you are doing along the line of prevention while I was at your place last spring, I am hoping that some time during my lifetime that I will be able to, through State legislation, bring your great work to the attention of every adult in this State."

Dr. F. M. Pottenger, Monrovia, Cal.: "I have been very much interested in the use of your special watery extract that you sent me for trial last spring. I think it has been of great value in the cases in which I have used it. I have used it only in selected cases."

Dr. H. E. Stroud, 214 Lankershim Building, Los Angeles, Cal.: "Your watery extract cured my wife some 15 years ago and she has been well ever since."

Dr. John G. Ames, Wilson Avenue and Sheridan Road, Chicago, September 29, 1913: "The results I obtain from the watery extract are wonderful to me."

EIGHT-HOUR LAW AND CIVIL SERVICE.

Mr. HUGHES. Mr. President, I simply want to call the attention of the Senate at this time to what I regard as a departure from the straight and narrow path usually followed by the members of the Hughes family in the case of my distinguished namesake, the Republican candidate for the Presidency. He has recently spoken against the eight-hour law. And I want to call the attention of the Senate in that connection to a speech made by William McKinley.

Mr. PENROSE. Oh, let us have that after the election.

Mr. HUGHES. I have the floor.

The PRESIDING OFFICER (Mr. JAMES). The Senator from New Jersey can not be interrupted without his consent.

Mr. HUGHES. As the Senators are anxious to adjourn, I will content myself with having the balance of the speech printed after I read one or two ringing sentences for the benefit of the Senator from Pennsylvania, who I know will be glad to hear the true doctrine with reference to the eight-hour day, so recently repudiated by the candidate of the Republican Party.

Mr. SMOOT. No; Gov. Hughes has not repudiated the eight-hour day.

Mr. PENROSE. I will raise the point of a quorum if it is too long. I will tell the Senator that.

Mr. HUGHES. The Senator can not raise the point of a quorum while I have the floor.

Mr. PENROSE. No; but there is going to be a breach of a gentlemen's agreement—

Mr. HUGHES. The Senator can raise it immediately if there was a gentlemen's agreement and the Senator will point out any breach of it.

Mr. PENROSE. The gentlemen's agreement precluded any buncombe like this at this hour of night.

Mr. HUGHES. I can not consent to a gentlemen's agreement which characterizes my speech as buncombe. The Senator

from Pennsylvania has been characterized much more severely than myself. I am surprised that the representative and alleged leader of the Republican Party in this body—a man who is contesting for the leadership, who has already torn the mantle to tatters in his efforts to get it from one or two other gentlemen who want to wear it—should object to having the speech of a former President of the United States read in the United States Senate. That is all I am asking to do. I am not asking to read any buncombe. I am asking to read a speech of William McKinley; and I am amazed that a Senator from Pennsylvania who attempts to represent his party in this body should characterize the speech of William McKinley, the martyred President, as buncombe.

Mr. PENROSE. If the Senator will allow me—

Mr. HUGHES. I decline to yield. I will read what Mr. McKinley said as a Member of the House of Representatives when there was pending an act relating to the limitation of hours of daily service of laborers and mechanics employed upon the public works of the United States and the District of Columbia. Mr. McKinley said:

Mr. MCKINLEY. Mr. Speaker, I am in favor of this bill. It has been said that it is a bill to limit the opportunity of the workman to gain a livelihood. This is not so; it will have the opposite effect. So far as the Government of the United States, as an employer, is concerned, in the limitation for a day's work provided in this bill to eight hours, instead of putting any limitation upon the opportunity of the American freeman to earn a living, it increases and enlarges the opportunity for the workman to earn a living. [Applause.]

The Senator from Pennsylvania was not a Member of the House at that time. I call his attention to the fact that nobody rose there and objected to this speech but it was applauded.

Eight hours under the laws of the United States constitute a day's work. That law has been on our statute books for 20 or more years.

SEVERAL MEMBERS. Since 1868.
Mr. MCKINLEY. They say around me that it has been on our statute books for 22 years. In all these years it has been "the word of promise to the ear," but by the Government of the United States it has been "broken to the hope." [Applause.] The Government and its officials should be swift to execute and enforce its own laws, and failure in this particular is most reprehensible.

I want to pause here long enough to say that under the act of 1868 an order was issued by another Republican President, Ulysses S. Grant, who was then President of the United States. Mr. McKinley goes on:

Now, Mr. Speaker, it must be remembered that when we constitute 8 hours a day's work, instead of 10 hours, every four days give an additional day's work to some workman who may not have any employment at all. [Applause.]

The applause is in strange contrast with the silence now observed by the Senator from Pennsylvania—

It is one more day's work, one more day's wages, one more opportunity for work and wages, an increased demand for labor. I am in favor of this bill as it is amended by the motion of the gentleman from Maryland [Mr. McComas].

It applies now only to the labor of men's hands. It applies only to their work. It does not apply to material; it does not apply to transportation.

The balance of it, Mr. President, with the consent of the Senate, I will put in the Record. I trust the Senator from Pennsylvania will not object.

Mr. SMOOT. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah object?

Mr. SMOOT. To what?

The PRESIDING OFFICER. To having printed in the Record the speech of Mr. McKinley, referred to.

Mr. SMOOT. Certainly not, and I approve every word of it.

Mr. PENROSE. I approve every word of it.

The matter referred to is as follows:

It only applies to the actual labor, skilled or unskilled, employed on public works and in the execution of the contracts of the Government. And the Government of the United States ought, finally and in good faith, to set this example of eight hours as constituting a day's work required of laboring men in the service of the United States. [Applause.] The tendency of the times the world over is for shorter hours for labor, shorter hours in the interest of health, shorter hours in the interests of humanity, shorter hours in the interest of the home and the family; and the United States can do no better service to labor and to its own citizens than to set the example to States, to corporations, and to individuals employing men by declaring that, so far as the Government is concerned, eight hours shall constitute a day's work, and be all that is required of its laboring force. [Applause.]

Therefore, Mr. Speaker, this bill should be passed. My colleague, Mr. Morey, has stated what we owe the family in this connection, and Cardinal Manning, in a recent article, spoke noble words on the general subject when he said:

"But if the domestic life of the people be vital above all; if the peace, the purity of homes, the education of children, the duties of wives and mothers, the duties of husbands and of fathers, be written in the natural law of mankind, and if these things are sacred, far beyond anything that can be sold in the market, then I say, if the hours of labor resulting from the unregulated sale of a man's strength and skill shall lead to the destruction of domestic life, to the neglect of children, to turning wives and mothers into living machines, and of fathers and husbands into—what shall I say, creatures of burden?—I will not say any other word—who rise up before the sun and come back when it is set, wearied

and able only to take food and lie down to rest, the domestic life of men exists no longer, and we dare not go on in this path."

Mr. Speaker, we owe something to the care, the elevation, the dignity, and the education of labor. We owe something to the workingmen and the families of the workingmen throughout the United States who constitute the large body of our population, and this bill is a step in the right direction. [Applause.]

Mr. MCKINLEY. Mr. Speaker, I am in favor of this bill. It has been said that it is a bill to limit the opportunity of the workman to gain a livelihood. This is not so; it will have the opposite effect. So far as the Government of the United States, as an employer, is concerned, in the limitation for a day's work provided in this bill to eight hours, instead of putting any limitation upon the opportunity of the American freeman to earn a living, it increases and enlarges the opportunity for the workman to earn a living. [Applause.] Eight hours under the laws of the United States constitute a day's work. That law has been on our statute books for twenty or more years.

SEVERAL MEMBERS. Since 1868.
Mr. MCKINLEY. They say around me that it has been on our statute books for 22 years. In all these years it has been "the word of promise to the ear," but by the Government of the United States it has been "broken to the hope." [Applause.] The Government and its officials should be swift to execute and enforce its own laws, and failure in this particular is most reprehensible.

Now, Mr. Speaker, it must be remembered that when we constitute 8 hours a day's work, instead of 10 hours, every four days give an additional day's work to some workman who may not have any employment at all. [Applause.] It is one more day's work, one more day's wages, one more opportunity for work and wages, an increased demand for labor. I am in favor of this bill as it is amended by the motion of the gentleman from Maryland [Mr. McComas].

It applies now only to the labor of men's hands. It applies only to their work.

Mr. CONKELL. I yield two minutes to the gentleman from Illinois [Mr. Smith].

Mr. SMITH of Illinois. Mr. Speaker, while I work from 16 to 18 hours a day for my constituents, yet I am willing that all laborers should work only 8 hours, unless they are paid for working beyond that time. In the two minutes allowed me I have no time to elaborate on this, but it seems to me, from the discussion so far presented, that there is a misapprehension of this bill by some gentlemen. It does not prevent a person from working more than 8 hours, but it does prevent the Government, when it employs a man to work 8 hours—which, as has been said by the gentleman from Ohio, constitute a day's work under the laws of the land—it prevents the Government of the United States from receiving his labor for 10 hours and only paying him for 8 hours.

A simple reading of the bill will correct the misapprehension: "Eight hours shall constitute a day's work for all laborers, workmen, and mechanics, etc., except in cases of emergency; Provided, That in all such cases the laborers, workmen, or mechanics so employed and working to exceed eight hours per calendar day shall be paid on the basis of eight hours constituting a day's work."

Mr. CUTCHEON. How can they work more than 8 hours when they are not permitted to do so?

Mr. SMITH of Illinois. Section 2 provides, and that is the point that our friends object to:

"And it shall be unlawful for any such corporation, person, or persons to require or permit any laborer, workman, or mechanic to work more than eight hours in any calendar day"

And there they stop. But it says— "to work more than eight hours in any calendar day in doing such work or manufacturing such materials except in the cases and upon the conditions provided in section 1 of this act."

Which provides that if they have worked more than eight hours they shall be paid extra for it. I am heartily in favor of the bill.

Mr. CUTCHEON. That clause which you refer to refers only to the cases of emergency.

Mr. CONNELL. I yield two minutes to the gentleman from New York [Mr. Farquhar].

Mr. FARQUHAR. This eight-hour question will not down with talk. When you can see processions of 30,000 men tramping the streets of our great cities, when those men, independent of Congress and politicians, can make eight-hour laws and contracts, we are a little behind the procession in the House of Representatives.

Now, while the gentleman from Ohio [Mr. Butterworth] was talking, if he had devoted a little more time during the morning hour to the discussion of the adjustment bill he would have had all the argument he desired and all the answer. The act of 1868 was repeatedly violated by the officers of the Government, and was so violated even after the proclamation of the President; and when this Congress seeks now to clean down this law, and then to make it penal or a felony to break the law, gentlemen talk about the liberty of the American citizen and make a stump speech that has nothing to do with the bill.

[Here the hammer fell.]

Mr. FARQUHAR. Now, Mr. Speaker, one word.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. FARQUHAR. I know it. One word. This is the first vote of the sense of this Congress and the only opportunity in 20 years that the House of Representatives has had to say whether it is in accord with American thought or not.

The SPEAKER pro tempore. The gentleman from Pennsylvania has four minutes remaining.

Mr. MUTCHLER. I think I have six minutes.

The SPEAKER pro tempore. The gentleman has four minutes.

Mr. MUTCHLER. I yield three minutes to my colleague [Mr. Vaux].

Mr. VAUX. Mr. Speaker, very much has been said and eloquently said about the rights of the laboring man, and against all that has been said asking Congress to protect his rights and protect him in the rights of his own independent judgment I have not a word to say. That is a matter entirely within the discretion of the honorable Members of this House; but when they ask me to enact class legislation, and that, too, class legislation the most marked of all that has ever been presented in my time in Federal legislation, and ask that that class legislation be enforced by penalties, by fine and imprisonment, I think class legislation has gone about as far as the American citizen is willing it should go.

Now, a great deal has been said, and I do not criticize or traverse the eloquence that has been emitted in this discussion; but I ask this House to say whether or not, in asking for this system of class legislation, they are going very far from the old doctrine that we were taught, and that for the benefit of these workmen of this country this class

legislation is to be forced by fine and imprisonment; yet, so far as I can see, it seems that it does not apply this imprisonment to anybody but the Government. They say the "Government" is to be imprisoned, the "Government" is to be fined, or anybody "representing the Government" is to be fined or imprisoned.

Mr. EVANS. Will the gentleman permit me to ask him a practical question?

Mr. VAUX. Certainly, if there is such.

Mr. EVANS. I am in favor of the eight-hour law. I simply speak of it so far as it affects contractors. I am employing mechanics and laborers. They work 10 hours a day. I pay them the scale of wages agreed upon by the amalgamated iron and steel workers, molders, and mechanics. Would I be subject to fine and imprisonment under this bill as a criminal?

Mr. VAUX. Yes, sir; if you employed them on a Government contract.

I ask the attention of the gentleman to the third section:

"That any officer of the Government of the United States, or any person acting under or for such officer, or any contractor with the United States or other person violating any of the provisions of this act, shall for each offense be punished by a fine not less than \$50 nor more than \$1,000, or imprisonment not more than six months, or be both fined and imprisoned in the discretion of the court."

So that by this law every man employing 20 men who shall unintentionally or accidentally violate this law, these 20 men can apply to have this law put in force, and he can be fined a thousand dollars and imprisoned six months for each offense. If this is not class legislation with a vengeance, I do not know what class legislation is.

Mr. MITCHELL. I now yield to a minute to the gentleman from New York [Mr. Flower].

Mr. FLOWER. I desire to offer as an additional section to this bill the provisions of the bill (H. R. 11236) to limit the hours of work of clerks and employees in first and second class post offices, as follows:

"That hereafter eight hours labor shall constitute a day's work for clerks and employees in all first and second class post offices whose salaries do not exceed \$1,400 per annum, for which they shall receive not less than the classified salary for a day's work. That for the purpose of carrying into effect the provisions of this act there is hereby appropriated, to be paid out of any moneys in the Treasury not otherwise appropriated, the sum of \$1,782,685, or so much thereof as may be necessary.

Even if this amendment should not be adopted, I would vote for this bill but for the fact that I am paired with my colleague [Mr. Belden].

The SPEAKER pro tempore. Without objection, the amendment will be considered as pending.

Mr. KERR of Iowa. I object.

Mr. BLISS. Mr. Speaker, this bill is second to none in importance that has claimed or can claim the attention of this House.

It is the appeal of an element in our country which has already received too little attention at the hands of Congress. Briefly stated, it is the crystallized statement of labor, courteously made, but firmly asking for relief which will elevate and ennoble the wage workers of our land. The true lover of his country must and does recognize that a Government to exist in a prosperous state must have as its basis an intelligent, happy, and prosperous people.

Ignorance among the masses has ever been the bane of civilization. It begets unrest both in the relations of the citizen to the State and to his family. Domestic peace, contentment at the home fireside is the first condition of national peace. We recognize that the safety of the Republic rests upon the happiness and contentment of all her people.

This bill recognizes the claim of the laborers under the Government to be shown the same consideration shown the clerks under the Government. This bill wipes out the distinction so long maintained against the daily laborers employed on Government work. It would be impossible for a private firm to inaugurate this reform alone, for the reason that they must compete with their commercial rivals. But the Government has no competition and can well afford to take the first step, which, I believe, will tend to prepare the country for shorter hours of labor.

It may be said that such legislation is a breach of precedent. Admit it. In this rushing age of thought and measureless activity it is well that we be not too closely wedded to long established precedents. By this bill we say to the wage earners and the world at large that we recognize and adopt that good provision in the divine economy that eight hours were given to man for sleep, eight for labor, and eight for mental development. And while it is not the province of Congress to interfere with the private affairs of our people, while we may not say to the employers of labor how many hours the employed shall work, believing, as we do, that intelligent, well-directed effort is more conducive to the interests of the employer, we say to the world, as far as those who labor for the Government are concerned, eight hours of heaven's sunlight at the beginning and ending of each day is and shall be his for mental and moral development. We are trying no new experiment from one standpoint.

All history shows and all experience teaches that cheerful, contented labor is the most valuable to employers. Alacrity takes the place of sluggishness, and intelligent, well-directed action the place of the lifeless, spiritless machine. The friends of this measure expect much to come of it to laboring men of this country. Their lot is comparatively a hard one. It is not for us to stop now and inquire from what cause or series of causes such great numbers of our fellow citizens are compelled to perform arduous labor in order that they and those they love may live. Such, however, is the condition presented. Be it ours to use such power as we have to lighten this burden.

We present this measure believing that it will carry into the countless homes a degree of the sunlight of hope and good cheer. We have in our country a vast army of unemployed labor. This is due not so much to the suggestion that there is nothing for so many to do as to the sordid, avaricious, grinding policy pursued by so many toward the employed. The employer too often loses sight of the fact that the laborer thinks as he works. He forgets that if discontent and unrest sit where the satisfied soul should dwell this condition not unfrequently bodes no good to his interest. By this bill we set the example to the private employer of labor and confidently expect the result of this legislation to demonstrate that with an opportunity given the wage earner to read and cultivate those finer qualities of his nature more and better service will result.

The American Congress in 1868 placed this law upon the statute books, but it was nugatory for want of penalties to enforce it. This measure supplies the remedy. This measure will put in operation the law passed 22 years ago, but which after all these years has proven fatally defective because wanting in penalties to enforce it. We pro-

vided as the provisions of this legislation go into effect a new dignity will attach to labor. We expect to see the army of the unemployed grow less, and as a consequence fewer strikes, and consequently less conflict between those handmaidens of civilization, capital and labor.

Mr. Speaker, I regard this bill as the key note to a song which will swell and fill our land with joy. While apparently a small measure, in it, in my humble judgment, we will yet find, the germ of a bountiful harvest of much that makes a people happy.

Let the American laborer be recognized as worthy of congressional care and guardianship; let him see that the Nation recognizes that in his hands as much as in any other rests the responsibility of Government; let him, in other words, be able to take his loved ones to his bosom and say, "My Government is considerate for my interests," and we may rest assured he will respond with this declaration, "I love my country in return."

Mr. Speaker, I desire to emphasize a thought heretofore but briefly alluded to. It is the absolute necessity to the existence of liberty for an enlightened citizenship. Men, as a rule, are not ignorant or uninformed from choice, but from necessity. Let the literature of the day come to the home of the toiler with time to master it at his command; let the father have time morning and evening to become acquainted with his wife and children and cultivate those qualities which beautify the home and who will deny that better homes, better husbands, better wives and children must bless our land? And if I am correct in this—and I challenge successful contradiction—a more intelligent, contented, and consequently a purer citizenship will bless our land.

The SPEAKER pro tempore. The time under the special order for the discussion of this bill has expired. The hour of 5 o'clock having arrived, the previous question is operating upon this bill and pending amendments.

Mr. LEWIS. Will the Senator from New Jersey allow me?

Mr. SMOOT. If the Senator from New Jersey is through with his speech he can not hold the floor any longer.

Mr. HUGHES. I have been recognized, and I was about to make a motion that the Senate take a recess.

Mr. SMOOT. I will ask the Senator from New Jersey if he will withhold his motion for just a moment?

Mr. HUGHES. Yes.

Mr. SMOOT. I want to say most emphatically that Gov. Hughes has never declared against an eight-hour day's work. It has been stated on the floor of the Senate so many times in the last day or so that I think it ought to now be denied. He has denounced the so-called Adamson law, and justly so.

I want to say to the Senator from New Jersey that the Adamson law is not an eight-hour day law. It was not intended to be such. It is an eight-hour wage law. No Senator can truthfully claim that it is an eight-hour day law. It provides that certain trainmen shall be paid their present wages for 10 hours of work on the basis of an eight-hour wage day.

I agree with every word that Mr. McKinley uttered in his speech, a part of which has just been read by the Senator from New Jersey. That part of Mr. McKinley's speech that the Senator read claiming that with an eight-hour day every four days enables another working man to secure a day's work is absolutely sound. The eight-hour wage law passed last Saturday does not give a single working man a day's extra work. It does not provide that the trainmen affected shall work but 8 hours out of the 24. They may work 16 hours if required to do so by the railroad, and it will be no violation of the law. But 8 hours was made the basis for pay instead of 10. This administration may try to make the American people think otherwise, but will fail.

Mr. HUGHES. In connection with my remarks I should like to have printed instead of reading a statement with reference to civil-service appointments. Accusations were made on the floor by Senators, and rather than read it at this time I should like to print it in connection with the remarks I have just made.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. WARREN. Let me ask if it is a copy or is it some original matter?

Mr. HUGHES. Does the Senator ask if it was prepared by somebody else?

Mr. WARREN. Yes.

Mr. HUGHES. It was prepared by somebody else, but it has my approval.

Mr. JONES. The Senate has a rule under which we do not print our speeches.

Mr. HUGHES. I am going to print it as a part of my remarks.

Mr. JONES. It was prepared by some one else?

Mr. HUGHES. Yes.

Mr. PENROSE. Who prepared it?

Mr. HUGHES. I do not want to be cross-examined by the Senator. The Senator can object if he likes. I never asked the Senator that question. He has appeared on this floor with a great many reams of printed paper that I know he has not prepared. I have never had the temerity to ask him who did it.

Mr. PENROSE. I have not asked to have anything printed that I have not spoken.

Mr. HUGHES. But I am trying to do something the Senator did not do. The Senator has stood here on several occasions

and read quires and reams of paper which perhaps somebody else prepared. I do not know, but I suspected somebody else had prepared it; but I would not ask him. I would not be guilty of the bad taste.

Mr. PENROSE. The Senator stated that this had been prepared by some one else.

Mr. HUGHES. Yes.

Mr. PENROSE. I had a natural curiosity to know who prepared it.

Mr. HUGHES. Who prepared the last speech the Senator delivered?

Mr. PENROSE. All the speeches I have delivered I have myself prepared. The Senator voluntarily stated that he did not prepare it.

Mr. HUGHES. I had to state it because it was true.

Mr. PENROSE. I know the Senator would not state anything that was not true. If my inquiry is embarrassing to the Senator, I will withdraw it. I view the document with a great deal of suspicion.

Mr. HUGHES. I may agree with the Senator.

The matter referred to is as follows:

"On August 10, 1916, Senator PENROSE criticized the administration's record with respect to the appointment of postal employees, especially fourth-class postmasters, charging that the department had been actuated by political motives in making appointments and removals. The remarks of the Senator are so misleading that the following reply is presented categorically.

"Senator PENROSE said:

"It was given forth that the postmasters were to be permitted to serve their four years' tenure of office. That has always been a custom recognized by the Republican Party. These officials are not within the classified service, and, so far as the people are educated to the civil-service standards, they are looked upon as the spoils of war; but there has always been a thought that it was for the interest of the service, and perhaps to the advantage of the party in power, to permit each postmaster to serve out his four years, and then, when his four years' term had expired, the question of a new appointment came up. Otherwise this enormous patronage, amounting to many thousand postmasters, was thrown upon the party in power all at once; changes of a sweeping and radical character were made, the party in power was embarrassed, and the service was disturbed.

"An intimation that that rule would be observed was held out by the Postmaster General or some accredited official of the administration. It had always been the custom of Republican administrations when in power. I know that following Cleveland's last administration, which is the most recent precedent, in Pennsylvania I do not recall a case where the Senators from Pennsylvania or the Representatives from that State requested the removal of a Democratic postmaster until his term had expired; and even toward the expiration of the Congress prior to Mr. Cleveland's relinquishing the presidential office the Republicans in the Senate cheerfully acquiesced in the confirmation of Democratic postmasters up to the 4th of March. On the other hand, when Mr. Wilson was elected, we witnessed the deliberate 'holdup,' through a threatened filibuster, of all the long list of nominees for postmasters and other appointments sent in by President Taft during the short session of the last Congress during his administration. Then, when the present administration assumed office, the postmasters all over the country were ruthlessly beheaded. The intimation that they were to be permitted to serve four years was cast to the winds; and, further than that, honorable men, who had served as postmasters during the 18 years of Republican control, were besmirched by innuendo, trumped-up charges, and accusations trivial in nature, but calculated to reflect on their character for the rest of their careers, just as charges were trumped up against Durand.

"The charge that Republican postmasters have been removed from the service without cause is absolutely untrue. Postmasters appointed by the last administration have been permitted to serve out their four-year terms except in a few cases where it has been shown, after careful investigation of charges presented against them, in 99 per cent of the cases by Republican inspectors, that they were incompetent to perform properly, or were shamefully neglecting their duties as postmasters. In this connection it is pertinent to say that the requirements are much more exacting now than under the past administration. Every postmaster, by order of the present Postmaster General, is required to actually supervise the work of his office and devote not less than eight hours daily to his official duties. Their failure to do this is sufficient and just cause for their removal and they have been removed for this cause. Postmasters appointed by this administration who have failed to measure up to the requirements also have been removed.

"Senator PENROSE said:

"I know, as a member of the Committee on Post Offices and Post Roads, how Republican officials, honorable men, efficient officers, have been humiliated in their homes and besmirched down here at the department, with no opportunity to secure an investigation and no opportunity to defend themselves, subjected to an infamous and cowardly attack, which I resent and every other honorable man would resent. The methods pursued, perhaps, more than what was done afford a source of serious complaint, not only in the Post Office Department but in all the other departments.

"Let the Senator be specific. The truth is that this administration has been overscrupulous about these removals. It has refused to act on charges unless they have been thoroughly investigated and conclusively established and confirmed by reports of

post-office inspectors, based on information procured from impartial and disinterested sources. Furthermore, in this connection a new rule was adopted to avoid even the chance of partisan discrimination.

"Early in this administration the Postmaster General adopted the rule of referring to the Civil Service Commission every case of alleged political activity on the part of presidential postmasters. This action was decided upon as being in direct line with his policy of complying not only with the letter but with the spirit of the civil-service rules and regulations. This action was voluntary on the part of the Postmaster General and had never in the history of the Government been done by any Cabinet officer.

"The following letter addressed to the Civil Service Commission by the Postmaster General under date of July 2, 1913, indicates the action taken by the Post Office Department in cases of this kind:

JULY 2, 1913.

CIVIL SERVICE COMMISSION,
Washington, D. C.

GENTLEMEN: I send you herewith the report of Post Office Inspectors Mosby and Robinson, with certain memoranda attached thereto, relating to the recent inspection made of the Newark, N. J., post office. The recommendation is made that Mr. Frank J. Book, postmaster, be removed for pernicious political activity during his incumbency of the office.

I transmit the report and memorandum to you for such suggestions as you may see fit to give. The recommendation for the removal of Postmaster Book is for the reason of partisan activity. It is my intention in all cases where offensive partisanship is the sole reason upon which the recommendation for removal is based to refer same to you for suggestion.

Very sincerely,

A. S. BURLERSON,
Postmaster General.

"Mr. PENROSE is challenged to name one case where this rule has been violated. It is easy to make the broad general statement, but let him specify.

"In referring to the criticisms of the National Civil Service Reform League against the administration for alleged violations of the civil service, Senator PENROSE quoted from the statements of the league, as follows:

"The league goes on to say:

"Another feature of the national administration which calls for serious consideration and early action is the lack of any real system of promotion on merit in the departments.

"The fact of the matter is, Mr. President, the demotions and the promotions have utterly disregarded merit within the classified service. Good Democrats were promoted and good Republicans demoted.

"There has been less partisanship in the selection and promotion of postal employees during the past three and one-half years than under any Republican administration. Take the force of post-office inspectors as an illustration. When Mr. Burleson was sworn in as Postmaster General nine out of every ten of the post-office inspectors were Republicans. In attempting to correct this prostitution of the civil service Mr. Burleson has been so careful not to do injury or injustice to any meritorious inspector that a majority of the positions in each of the higher grades of inspectors are still held by Republicans, with the exception of the positions of inspectors in charge, which are divided equally between the Democrats and Republicans.

"Under the last administration the position of chief post-office inspector was taken from the classified service and a man from private life was named chief inspector. Postmaster General Burleson restored this position to the classified service and promoted to the position a man who had a classified status.

"Senator PENROSE said:

"Now, about the Civil Service Commission, Mr. President. On August 10 we noticed in the Washington Post the astonishing information that the officials of the Civil Service League can not get access to the records of the commission. I will ask the Secretary to read this short extract from the Post.

"The PRESIDING OFFICER (Mr. OVERMAN in the chair). Without objection, the Secretary will read as requested.

"The Secretary read as follows:

"SEES CIVIL SERVICE SECRECY—REFORM LEAGUE CHARGES IT WAS NOT ALLOWED TO INSPECT RECORDS.

"NEW YORK, August 9.

"Charges that the Federal Civil Service Commission has inaugurated a policy of secrecy which threatens to endanger the civil-service law and has been sustained in that action by President Wilson were made by the National Civil Service Reform League to-day.

"The league made public correspondence it has had with the president of the Civil Service Commission and also with President Wilson. League officers charged that the Federal Civil Service Commission for the first time, with the exception of one short period in 1899, refused permission for an examination of its records on the ground that an attempt might be made to mislead the public and attack and embarrass the Wilson administration. The league wanted to observe the practical effect of the Executive order of May 7, 1913, requiring fourth-class postmasters to submit to a competitive examination, declaring that in many instances the effect of the act was simply to replace Republicans with Democrats.

"Mr. PENROSE. That is an extraordinary position for the Civil Service Commission to take with the consent of the President. It has only been taken heretofore upon the one occasion referred to, and I am not advised as to the reasons for it then; but upon every other occasion

under Republican administration the books and the data and the archives have been opened. Such should be the practice of every department, with a few exceptions. How can it embarrass the administration of President Wilson to permit the Civil Service League to examine these archives? Is there anything there that shows guilt, or that shows violations of law, or that shows an entire disregard for the merit system, that these doors must be kept locked and closed to an honorable and respectable association which have for years, from their point of view, and to the best of their ability, endeavored to advance a propaganda in which they believe? I charge now that they are kept locked because they do not dare open them to the National Civil Service League, because the disclosures there would be too shocking and glaring to everyone, not alone to those interested in the merit system but to those interested in efficient public service.

"In connection with the charge of the National Civil Service Reform League that they had been denied access to the records of the Civil Service Commission showing the action taken with regard to the appointment of fourth-class postmasters, attention is invited to the letter of Hon. Charles M. Galloway, a member of the Civil Service Commission, addressed to the editor of the Philadelphia Public Ledger under date of August 12, 1916, in which a full statement is made regarding the action taken in this matter:

A POLICY OF SECRECY—DENIAL OF THE CHARGE THAT THE CIVIL SERVICE COMMISSION HAS DEPARTED FROM CUSTOM.

WASHINGTON, D. C., August 12, 1916.

To the EDITOR OF PUBLIC LEDGER.

Sir: In an editorial article in your issue of August 10, 1916, you say, "The exposure by the National Civil Service Reform League of the policy of secrecy adopted by the Federal Civil Service Commission in regard to the examinations for fourth-class postmasters comes at an unfortunate moment for the President and his Cabinet defenders." In the interest of fairness permit me to make this statement in reply thereto:

The charge of the National Civil Service Reform League that the United States Civil Service Commission has inaugurated a policy of secrecy with reference to its files and correspondence is not correct. The claim of the league that with the exception of a brief period in 1899 the commission has heretofore extended to the league the general privilege of examining its files can not be substantiated. With reference to this matter, there has been absolutely no change from the practice of the commission that has prevailed continuously ever since the establishment of the commission in 1883. While the commission has often in its discretion furnished to the league and to individuals specific information regarding civil-service matters, the league has never possessed or exercised the general privilege of inspecting the files and correspondence of the commission. The practice of the commission with reference to the inspection of its files is precisely the same as that which prevails in every executive department of the Government. The reasons for this policy are fully set forth in the commission's letter to the National Civil Service Reform League, published in the CONGRESSIONAL RECORD of August 11.

Few persons after mature consideration will consider it good administrative policy for one department, bureau, or commission of the Government, whose records are not by law public records, to turn over its files to any voluntary organization or to any individual, to be used as the basis of an investigation of another department, bureau, or commission.

CHARLES M. GALLOWAY,
Commissioner.

"Under date of October 15, 1912, just prior to the presidential election of that year, President Taft issued an Executive order blanketing into the classified civil service thousands of fourth-class postmasters without requiring any test whatever as to their qualifications. On May 7, 1913, President Wilson issued a modifying order requiring the incumbents at the offices covered by President Taft's order to stand an open competitive examination with any other applicants who desired to compete. Positive instructions, which were followed, were issued by the Postmaster General to the First Assistant Postmaster General to select in every instance the person at the head of the eligible list, except in those cases where good and valid service reasons were submitted to the department showing that this would not be in the best interests of the service. These written instructions provided further that in no case should the second or third eligible be chosen unless the appointment of one of the highest standing eligibles has been shown to be inadvisable from the standpoint of the greatest efficiency in the Postal Service. And the reason for passing the first or second eligible was required to be noted on the record.

"Under President Wilson's Executive order 35,900 cases were acted upon, and 66 per cent of the incumbent postmasters were successful in the examination and retained their positions and have been given a classified status.

"To show how very unfair and inconsistent and how far from the facts are some of the statements in connection with their charges that the Post Office Department and other departments of the Government are not observing the spirit and letter of civil service, attention is invited to the following letter from the Postmaster General addressed to the chairman of the Post Office and Post Roads Committee of the House of Representatives, Hon. JOHN A. MOON, under date of December 20, 1913, showing that at the very inception of this administration an earnest effort was made, which has been continued up to the present time, to see that absolute fairness and justice pre-

vailed in the administration of civil service, and that instead of the Post Office Department endeavoring to take postmasterships out of civil service an earnest effort was being made to extend the benefits of civil service, as alleged, in every possible way:

DECEMBER 20, 1913.

Hon. JOHN A. MOON,

Chairman Committee on the Post Office and Post Roads,
House of Representatives.

MY DEAR JUDGE MOON: I am somewhat disturbed by a paragraph in this morning's paper to the effect that your committee has voted to put into the Post Office appropriation bill for the next fiscal year a provision removing the position of assistant postmaster from the classified service. I think the enactment of such a provision would be subversive of the best interests of the Postal Service, and certainly it would militate against the effectiveness of the policy outlined in the last annual report of the department.

There are at this time 2,464 post offices of the first and second classes in which the positions of assistant postmaster are classified. All save about 100 of the persons occupying these positions are now within the classified service. In these 100 cases the benefits and rights of classification have been withheld from the incumbents because they have failed to satisfy this department as to their capacity for efficient service.

In the interest of the most efficient and effective Postal Service it is vitally necessary that the positions of assistant postmaster be filled by persons specially qualified to discharge the duties thereof, and I feel that no person should hold the position of assistant postmaster whose capacity and efficiency has not been properly and thoroughly tested. Among the qualifications necessary for this position are practical knowledge of and experience in post-office work, coupled with administrative ability. The present administration has been rigidly enforcing the policy of filling these positions either by the promotion of competent employees already in the office or by the transfer of experienced employees from some other branch of the Postal Service. Only in rare instances are postmasters permitted to fill the position otherwise, and then only by selection from a certification of eligibles resulting from an open competitive civil-service examination.

In connection with this subject, I wish to direct your attention to the following excerpts from the last annual report of this department:

"The prime consideration in perfecting the personnel of the Postal Service should be to recognize efficiency and to eliminate partisanship. It is the earnest hope that ultimately all positions will be covered under the classified civil service and that merit and faithfulness will be the sole consideration in making appointments, as well as promotions." (Page 8.)

"It is hoped that by thus maintaining a high standard of efficiency for postmasters and keeping paramount the interest of the postal service in making appointments that the way will be made clear for the eventual classification of all presidential postmasters." (Page 43.)

"The post-office system is essentially a business institution. It touches every home, comes in contact with every commercial institution and with those engaged in every line of industrial enterprise throughout the country, and in the nature of things it is highly important that only the most efficient employees should be in its service. For this reason the merit system should be adhered to in the Post Office Department above all others in order to secure the very highest standard of efficiency in the conduct of its affairs." (Page 43.)

I have received no official advice as to the accuracy of the newspaper report referred to, and therefore my anxiety and deep interest in the Postal Service must be the excuse for this letter. I trust, however, that in its wisdom your committee will not see fit to recommend the enactment of the legislation referred to.

Very sincerely,

A. S. BURLESON,
Postmaster General.

"Senator PENROSE said:

"It is well known, and can not be denied, that the invasion of all these new, untried, and inexperienced men as postmasters all over the country resulted in an utter demoralization of the service. * * * I have visited the State of the Senator from Florida and have seen postmasters in charge there at some of the post offices who would hardly be competent, physically or mentally, to sweep the streets.

"Mr. BRYAN, Mr. President, I am sure the postmasters to whom the Senator refers must have been Republicans.

"Mr. PENROSE, No; this was a good Democrat I had in mind. There was only one Republican in the town, and he—

"Mr. BRYAN, He was the postmaster, I have no doubt.

"If this charge made by Senator PENROSE is true, it is a most serious indictment of the Post Office Department as at present managed. But is it true? Read what Senator PENROSE said about the Auditor for the Post Office Department:

"Mr. SMITH of Georgia, Certainly it is; and I was giving mine.

"Some one sends me a memorandum giving me the name of an auditor in the Post Office Department and states that he is a partisan Republican. I do not know whether he is or not. I will say that I have found him as courteous in my dealings with him as anyone else I have found; and I will not add his name personally to this controversy, because whatever party he belongs to, I have found him exceedingly pleasant to deal with, and I am glad he is left, no matter what party he is connected with.

"Mr. PENROSE, If he is the gentleman I have in mind, he is kept there because a new man absolutely could not do his work. He is a skilled expert, has been in the department a great number of years, and is kept there, not out of any love and affection, but simply because the department could not get along without him.

"Note Senator PENROSE's eulogy of Auditor Kram, who has better facilities for knowing the competency of postmasters throughout the United States than any other officer of the Government, not excepting the Postmaster General or the First Assistant Postmaster General themselves, and then read the following letter from Mr. Kram, in which he comments upon the high standard of efficiency now existing among the postmasters of the country under the present administration:

TREASURY DEPARTMENT,
Washington, August 9, 1916.

HON. ALBERT S. BURLERSON,
Postmaster General.

MY DEAR MR. BURLERSON: You will doubtless be gratified to learn that 90 per cent of postmasters' quarterly postal accounts for the period April 1 to June 30, 1916, have been audited, and that the audit will be completed on the 15th instant. This result will have been attained in 85 working days as compared with the audit of the accounts for the quarter ended March 31, 1916, which was completed in 41 days.

The accounts so far as tabulated indicate that the net postal surplus for the fiscal year will exceed \$4,500,000.

The submission of the financial statement at the earliest date in the history of the department is to be credited to the improved system of accounting in successful operation largely through your hearty support, and the care and promptness exercised by postmasters in the preparation of their accounts. At no time in the past 25 years, during which I have been connected with the auditing department, has the standard of efficiency among postmasters been so high as at the present.

Sincerely, yours,

CHAS. S. KRAM,
Auditor for the Post Office Department.

"In striking contrast to the scrupulous and painstaking effort of the Post Office Department and other departments of the Government under the present administration to observe the spirit and letter of civil service, attention is invited to the gross perversion of civil service practiced under the last administration, as shown by the following statement from an employee of the Post Office Department, showing that for some time after the issuance of President Taft's Executive order, October 26, 1912, the Republican officials of the Post Office Department continued to make appointments of fourth-class postmasters on the recommendation of Members of Congress or advisers in deliberate violation of civil service and the Executive order of the President. The statement follows:

"STATEMENT OF POST OFFICE DEPARTMENT.

"POST OFFICE DEPARTMENT.

"FIRST ASSISTANT POSTMASTER GENERAL.

"Washington, August 12, 1916.

"I was acting as Assistant Superintendent of the Division of Postmasters' appointments in your stead while you were on vacation during the period of October 26, 1912, when President Taft issued his orders to the effect that all postmasters appointed on and after a certain date should be made upon the report of a post-office inspector where the compensation was less than \$500 and upon the certification of the Civil Service Commission where the compensation was \$500 or more. The Journal of October 26 was the date of the last appointments made upon the recommendation of Members of Congress or advisers. The records show that some 402 appointments were made upon this date. The Journal was extended over two or three days—that is, appointments were made later than October 26, but bore the date of the 26th. This action was taken at the direction of Mr. Wyman, Superintendent of the Division of Postmasters' Appointments.

"All appointments were ordered made wherever the adviser was on file regardless of whether the case was otherwise complete within itself.

"The Postmaster General demonstrated his belief in the merit system by the recommendation made in his annual report for the first full fiscal year of this administration. On page 67 of his report for the fiscal year ended June 30, 1914, you will find a recommendation to Congress that legislation be enacted which would permit the placing of third-class postmasterships under the civil service. This would throw open to competitive examination over 6,000 positions paying from \$1,000 to \$1,900 per annum. If this recommendation had been approved by Congress, the President at once would have issued an Executive order classifying the positions of third-class postmasters and providing that the qualifications of the present incumbents be tested by competitive examinations under civil-service rules and regulations and in accordance with the methods followed under the Executive order of May 7, 1913, for testing the qualifications of the incumbents of fourth-class postmasterships.

"Again, in the annual report of the Postmaster General for the fiscal year 1915 he went further and recommended that authority be given to place not only the third-class postmasterships but also the second-class postmasterships under the civil service. This would throw open to competitive examination over 2,000 additional places paying from \$2,000 to \$2,900 per annum. These recommendations to Congress were for the placing of all but the 500 first-class postmasterships under the civil service; but no incumbent postmaster would, in the event that this legislation became law, be permitted to retain his office except after having taken an open competitive examination to prove his fitness for the position.

"In addition to earnestly endeavoring to promote the highest efficiency among postmasters, the Post Office Department has also adopted an efficiency system as required by law, and early in his tenure the Postmaster General appointed an efficiency board, designating as one member of the three on that board a representative from the Civil Service Commission, and all promotion of clerks in the Post Office Department is made only after careful investigation by this board and upon their recommendation.

"It has been charged on the floor of Congress and in certain newspapers that Congress has created boards, bureaus, and commissions, and that persons have been appointed on these

bodies without being required to qualify under any kind of a civil-service examination. It is believed by some that these charges have been inspired by those having selfish political motives, aided and abetted by Republican Congressmen and Senators and others actuated by partisan considerations, to create a false impression in the minds of the people with reference to the attitude of this administration toward civil service. The truth is that anyone with ordinary intelligence knows that it is impracticable in some cases to pass through the rather elaborate procedure ordinarily required to secure eligibles because in some cases the law requires in the exigencies of the service that these positions be filled immediately, and in other instances men with technical knowledge and training along certain lines of industry and education is required, and no eligible register has been established from which to make such appointments. Therefore it is imperatively necessary to waive civil-service rules and regulations at times in order to secure specially trained men to fill responsible positions and which positions must be filled immediately to meet the emergencies of the service. Thus this explains why certain appointments may have been made on boards and commissions under this administration without civil service; but the comparatively few appointments of this character which are entirely justified and right under all the circumstances is as nothing contrasted with the scrupulous, painstaking, and conscientious observance of the spirit and letter of civil service by the present administration.

"Certain men and sets of men who have been so loud in their denunciation of this administration were strangely silent under the last administration, although in several instances they occupied positions which carried with them an influence that would have redounded to the advancement of civil service if they had preferred to use it in that way instead of, as they did, to promote their political interests.

"These same men—several of them Republicans in Congress, enjoying the large salaries that their offices carry—have seen fit to criticize this administration because certain departments have asked the President to issue Executive orders to waive civil-service requirements in a very few exceptionally meritorious cases, such as, for example, providing a means of livelihood for two or three unfortunate widows whose husbands—Republicans—died after years of faithful service to their Government and as a result of illness or disease contracted while in the service and in line of duty, or in the cases of some friendless and needy and deserving colored men who had rendered long and loyal service. In view of the fact that the Executive orders here referred to were secured for Republicans and that they were in the interest of rank and file of the toiling masses of Government employees as against the favored and privileged few, it comes in poor grace for the more fortunate on the Government pay roll to condemn an administration that has been guided by justice and fairness and charity in the treatment of its employees rather than having been controlled by selfish political bias and partisanship.

"If time permitted, much could be said here on the subject of civil service during a long Republican régime that might not be creditable to those particular Republican politicians who, in order to make political capital, have vainly tried to injure an administration which has been conspicuous for its scrupulous observance of the spirit and letter of civil service."

Mr. LEWIS. Will the Senator from New Jersey yield to me?

Mr. HUGHES. I yield to the Senator.

Mr. LEWIS. The Senator withholds his motion for a recess for a moment. I desire to state, that the RECORD may contain my remarks, that the speech of the able Senator from New Mexico [Mr. FALL], which was started by making references appropriate to the speech that I made on the floor touching Mexico, was concluded after midnight. That the allusions of the able Senator touching the administration of Mexican affairs and the President would have been replied to by me, and both premises and conclusions of the Senator would have been disclosed as all erroneous but for the fact that the speech was closed on the part of the able Senator from New Mexico at 5 minutes to 1 o'clock in the morning, and at such an inappropriate hour I could not take the floor. The speech could not have been replied to at all at such time without interfering with the pressing business of the Senate, the agreeing to the revenue bill, as well as working great inconvenience and discomfort of its Members.

RECESS.

Mr. HUGHES. I insist on my motion that the Senate take a recess until 8 o'clock a. m.

The motion was agreed to; and (at 1 o'clock and 10 minutes a. m., Friday, September 8, 1916) the Senate took a recess until 8 o'clock a. m., Friday September 8, 1916.

NOMINATIONS.

Executive nominations received by the Senate September 7, 1916.

SOLICITOR OF THE DEPARTMENT OF THE INTERIOR.

Charles D. Mahaffie, of Portland, Oreg., to be Solicitor for the Department of the Interior, vice Alexander T. Vogelsang, nominated to be First Assistant Secretary Department of the Interior.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

Lieut. Col. Alonzo Gray, Cavalry, unassigned, to be colonel from August 27, 1916, vice Col. Cunliffe H. Murray, Ninth Cavalry, retired from active service August 26, 1916.

Maj. Oren B. Meyer, Fourteenth Cavalry, to be lieutenant colonel from July 2, 1916, vice Lieut. Col. George L. Byram, Cavalry, unassigned, retired from active service July 1, 1916.

Maj. Charles J. Symmonds, Ninth Cavalry, to be lieutenant colonel from July 12, 1916, vice Lieut. Col. Francis H. Beach, Cavalry, unassigned, promoted.

Maj. Charles W. Fenton, Second Cavalry, to be lieutenant colonel from July 21, 1916, vice Lieut. Col. Matthew C. Butler, jr., unassigned, who died July 20, 1916.

Maj. Edward D. Anderson, Sixth Cavalry, to be lieutenant colonel from August 27, 1916, vice Lieut. Col. Alonzo Gray, Cavalry, unassigned, promoted.

To be majors, to fill casual vacancies.

Capt. Charles E. Stodter, Seventh Cavalry, from July 1, 1916, vice Maj. Michael M. McNamee, unassigned, promoted.

Capt. Alexander M. Miller, Eleventh Cavalry, from July 1, 1916, vice Maj. Ralph Harrison, First Cavalry, promoted.

Capt. Charles B. Drake, Cavalry, detailed in the Quartermaster Corps, from July 1, 1916, vice Maj. Charles D. Rhodes, unassigned, promoted.

Capt. Harry O. Williard, Fifth Cavalry, from July 1, 1916, vice Maj. George T. Langhorne, Eighth Cavalry, promoted.

Capt. Lucius R. Holbrook, Cavalry, detailed in the Quartermaster Corps, from July 1, 1916, vice Maj. Charles Young, Tenth Cavalry, promoted.

Capt. John P. Wade, Second Cavalry, from July 1, 1916, vice Maj. Francis C. Marshall, Fifteenth Cavalry, promoted.

Capt. Elvin R. Heiberg, Cavalry, unassigned, from July 1, 1916, vice Maj. James A. Ryan, Thirteenth Cavalry, promoted.

Capt. Ola W. Bell, Fourteenth Cavalry, from July 1, 1916, vice Maj. James J. Hornbrook, Sixth Cavalry, promoted.

Capt. Abraham G. Lott, Fifteenth Cavalry, from July 1, 1916, vice Maj. Samuel G. Jones, Fifteenth Cavalry, promoted.

Capt. Edward L. King, Second Cavalry, from July 1, 1916, vice Maj. Melvin W. Rowell, Eleventh Cavalry, promoted.

Capt. Samuel F. Dallam, Seventh Cavalry, from July 1, 1916, vice Maj. Lawrence J. Fleming, Fifth Cavalry, promoted.

Capt. William Kelly, jr., Eighth Cavalry, from July 1, 1916, vice Maj. Charles B. Drake, detailed in the Quartermaster Corps.

Capt. Henry C. Whitehead, Twelfth Cavalry, from July 1, 1916, vice Maj. Lucius R. Holbrook, detailed in the Quartermaster Corps.

Capt. William D. Chitty, First Cavalry, from July 2, 1916, vice Maj. Oren B. Meyer, Fourteenth Cavalry, promoted.

Capt. Alfred E. Kennington, Tenth Cavalry, from July 10, 1916, vice Maj. Walter C. Babcock, unassigned, detailed in the General Staff Corps.

Capt. Edward P. Orton, Fifth Cavalry, from July 12, 1916, vice Maj. Charles J. Symmonds, Ninth Cavalry, promoted.

Capt. Robert B. Powers, Cavalry, detailed in the Quartermaster Corps, from July 15, 1916, vice Maj. William T. Johnston, Eighth Cavalry, detailed in the Adjutant General's Department.

Capt. Francis H. Pope, Cavalry, detailed in the Quartermaster Corps, from July 15, 1916, vice Maj. Robert B. Powers, detailed in the Quartermaster Corps.

Capt. Herman A. Sievert, Seventh Cavalry, from July 15, 1916, vice Maj. Francis H. Pope, detailed in the Quartermaster Corps.

Capt. George E. Mitchell, Sixth Cavalry, from August 27, 1916, vice Maj. Edward D. Anderson, Sixth Cavalry, promoted.

CORPS OF ENGINEERS.

First Lieut. Francis K. Newcomer, Corps of Engineers, to be captain from August 12, 1916, vice Capt. Clarence H. Knight, honorably discharged August 11, 1916.

Second Lieut. William M. Hoge, jr., Corps of Engineers, to be first lieutenant from August 12, 1916, vice First Lieut. Francis K. Newcomer, promoted.

COAST ARTILLERY CORPS.

Lieut. Col. John P. Hains, Coast Artillery Corps, to be colonel from August 22, 1916, vice Col. John W. Ruckman, appointed brigadier general.

Maj. George T. Patterson, Coast Artillery Corps, to be lieutenant colonel from August 22, 1916, vice Lieut. Col. John P. Hains, promoted.

INFANTRY ARM.

Maj. Willis Uline, Eighth Infantry, to be lieutenant colonel from July 10, 1916, subject to examination required by law, vice Lieut. Col. James W. McAndrew, Infantry, unassigned, detailed in the General Staff Corps.

Maj. Charles C. Clark, Infantry, detailed in the Quartermaster Corps, to be lieutenant colonel from July 19, 1916, vice Lieut. Col. Charles C. Ballou, Twenty-fourth Infantry, promoted.

Maj. Vernon A. Caldwell, Twenty-third Infantry, to be lieutenant colonel from July 19, 1916, subject to examination required by law, vice Lieut. Col. Charles C. Clark, detailed in the Quartermaster Corps.

Maj. Edmund L. Butts, Twelfth Infantry, to be lieutenant colonel from July 26, 1916, subject to examination required by law, vice Lieut. Col. James T. Dean, Infantry, unassigned, detailed in The Adjutant General's Department.

Maj. Henry J. Hunt, Infantry, unassigned, to be lieutenant colonel from July 26, 1916, vice Lieut. Col. Frederic D. Evans, unassigned, detailed in The Adjutant General's Department.

Maj. Charles Miller, Infantry, unassigned, to be lieutenant colonel from August 10, 1916, vice Lieut. Col. Ernest V. Smith, Sixth Infantry, promoted.

Capt. Charles H. Bridges, Infantry, unassigned, to be major from July 10, 1916, vice Maj. Willis Uline, Eighth Infantry, promoted.

Capt. John Robertson, Eighteenth Infantry, to be major from July 10, 1916, vice Maj. Oliver Edwards, unassigned, detailed in the General Staff Corps.

Capt. James V. Heidt, Ninth Infantry, to be major from July 10, 1916, vice Maj. Briant H. Wells, unassigned, detailed in the General Staff Corps.

Capt. Charles S. Lincoln, Infantry, unassigned, to be major from July 15, 1916, vice Maj. John E. Woodward, Seventh Infantry, detailed in The Adjutant General's Department.

Capt. Patrick H. Mullay, Thirteenth Infantry, to be major from July 15, 1916, vice Maj. Orrin R. Wolfe, Twenty-sixth Infantry, detailed in The Adjutant General's Department.

Capt. Robert McCleave, Twenty-second Infantry, to be major from July 19, 1916, vice Maj. Vernon A. Caldwell, Twenty-third Infantry, promoted.

Capt. Monroe C. Kerth, Infantry, detailed in the General Staff Corps, to be major from July 20, 1916, subject to examination required by law, vice Maj. Ernest B. Gose, Infantry, unassigned, retired from active service July 19, 1916.

Capt. Lambert W. Jordan, jr., Sixth Infantry, to be major from July 20, 1916, subject to examination required by law, vice Maj. Monroe C. Kerth, unassigned, detailed in the General Staff Corps.

Capt. James B. Gowen, Tenth Infantry, to be major from July 23, 1916, vice Maj. Joseph Frazier, Twenty-sixth Infantry, retired from active service July 22, 1916.

Capt. Harvey W. Miller, Twenty-eighth Infantry, to be major from July 26, 1916, subject to examination required by law, vice Maj. Edmund L. Butts, Twelfth Infantry, promoted.

Capt. Daniel G. Berry, Twenty-fourth Infantry, to be major from July 26, 1916, subject to examination required by law, vice Maj. Henry J. Hunt, Infantry, unassigned, promoted.

PORTO RICO REGIMENT OF INFANTRY.

To be captains with rank from June 3, 1916, to fill original vacancies.

First Lieut. Jaime Nadal, Porto Rico Regiment of Infantry.

First Lieut. Eduardo Iriarte, Porto Rico Regiment of Infantry.

First Lieut. Teofilo Marxuach, Porto Rico Regiment of Infantry.

First Lieut. Eugenio C. de Hostos, Porto Rico Regiment of Infantry.

To be captains, to fill casual vacancies.

First Lieut. Louis S. Emmanuelli, Porto Rico Regiment of Infantry, from July 20, 1916, vice Capt. Miles K. Taubee, appointed major.

First Lieut. Pascual Lopez, Porto Rico Regiment of Infantry, from July 21, 1916, vice Capt. Orval P. Townshend, appointed lieutenant colonel.

First Lieut. Felix Emmanuelli, Porto Rico Regiment of Infantry, from July 21, 1916, vice Capt. John M. Field, appointed major.

First Lieut. Daniel Rodriguez, Porto Rico Regiment of Infantry, from July 21, 1916, vice Capt. Edwin J. Griffith, appointed major.

To be first lieutenants with rank from June 3, 1916, to fill original vacancies.

Second Lieut. Adolfo J. de Hostos, Porto Rico Regiment of Infantry.

Second Lieut. Enrique de Orbeta, Porto Rico Regiment of Infantry.

Second Lieut. Enrique Urrutia, jr., Porto Rico Regiment of Infantry.

Second Lieut. Arturo Moreno, Porto Rico Regiment of Infantry.

Second Lieut. Carlos M. Lopez, Porto Rico Regiment of Infantry.

Second Lieut. Rafael Bird, Porto Rico Regiment of Infantry.

To be first lieutenants, to fill casual vacancies.

Second Lieut. Serafin M. Montesinos, Porto Rico Regiment of Infantry, from June 3, 1916, vice First Lieut. Jaime Nadal, promoted.

Second Lieut. Pedro A. Hernandez, Porto Rico Regiment of Infantry, from June 3, 1916, vice First Lieut. Eduardo Iriarte, promoted.

Second Lieut. Manuel Font, Porto Rico Regiment of Infantry, from June 3, 1916, vice First Lieut. Teofilo Marxuach, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate September 7, 1916.

SOLICITOR OF THE DEPARTMENT OF THE INTERIOR.

Charles D. Mahaffie to be Solicitor of the Department of the Interior.

COAST GUARD.

Second Lieut. of Engineers Frederick Harvey Young to be first lieutenant of engineers.

Third Lieut. of Engineers Ellis Reed-Hill to be second lieutenant of engineers.

Third Lieut. of Engineers Mayson White Torbet to be second lieutenant of engineers.

PROMOTIONS IN THE ARMY.

CORPS OF ENGINEERS.

First Lieut. Francis N. Newcomer to be captain.

Second Lieut. William M. Hoge, jr., to be first lieutenant.

COAST ARTILLERY CORPS.

Lieut. Col. John P. Hains to be colonel.

Maj. George T. Patterson to be lieutenant colonel.

INFANTRY ARM.

Maj. Willis Uline to be lieutenant colonel.

Maj. Charles C. Clark to be lieutenant colonel.

Maj. Vernon A. Caldwell to be lieutenant colonel.

Maj. Edmund L. Butts to be lieutenant colonel.

Maj. Henry J. Hunt to be lieutenant colonel.

Maj. Charles Miller to be lieutenant colonel.

Capt. Charles H. Bridges to be major.

Capt. John Robertson to be major.

Capt. James V. Heidt to be major.

Capt. Charles S. Lincoln to be major.

Capt. Patrick H. Mullay to be major.

Capt. Robert McCleave to be major.

Capt. Monroe C. Kerth to be major.

Capt. Lambert W. Jordan, jr., to be major.

Capt. James B. Gowen to be major.

Capt. Harvey W. Miller to be major.

Capt. Daniel G. Berry to be major.

CAVALRY ARM.

Lieut. Col. Alonzo Gray to be colonel.

Maj. Oren B. Meyer to be lieutenant colonel.

Maj. Charles J. Symmonds to be lieutenant colonel.

Maj. Charles W. Fenton to be lieutenant colonel.

Maj. Edward D. Anderson to be lieutenant colonel.

To be majors, to fill casual vacancies.

Capt. Charles E. Stodter.

Capt. Alexander M. Miller.

Capt. Charles B. Drake.

Capt. Harry O. Williard.

Capt. Lucius R. Holbrook.

Capt. John P. Wade.

Capt. Elvin R. Heiberg.

Capt. Ola W. Bell.

Capt. Abraham G. Lott.

Capt. Edward L. King.

Capt. Samuel F. Dallam.

Capt. William Kelly, jr.

Capt. Henry C. Whitehead.

Capt. William D. Chitty.

Capt. Alfred E. Kennington.

Capt. Edward P. Orton.

Capt. Robert B. Powers.

Capt. Francis H. Pope.

Capt. Herman A. Sievert.

Capt. George E. Mitchell.

PORTO RICO REGIMENT OF INFANTRY.

To be captains with rank from June 3, 1916.

First Lieut. Jaime Nadal.

First Lieut. Eduardo Iriarte.

First Lieut. Teofilo Marxuach.

First Lieut. Eugenio C. de Hostos.

To be captains.

First Lieut. Louis S. Emmanuelli.

First Lieut. Pascual Lopez.

First Lieut. Felix Emmanuelli.

First Lieut. Daniel Rodriguez.

To be first lieutenants with rank from June 3, 1916.

Second Lieut. Adolfo J. de Hostos.

Second Lieut. Enrique de Orbeta.

Second Lieut. Enrique Urrutia, jr.

Second Lieut. Arturo Moreno.

Second Lieut. Carlos M. Lopez.

Second Lieut. Rafael Bird.

To be first lieutenants.

Second Lieut. Serafin M. Montesinos.

Second Lieut. Pedro A. Hernandez.

Second Lieut. Manuel Font.

PROMOTIONS IN THE NAVY.

Col. Charles H. Lauchheimer to be the adjutant and inspector of the Marine Corps, with the rank of brigadier general.

Col. George Richards to be the paymaster of the Marine Corps, with the rank of brigadier general.

Col. Charles L. McCawley to be the quartermaster of the Marine Corps, with the rank of brigadier general.

POSTMASTERS.

ALABAMA.

Skipwith Coale, Jackson.

ILLINOIS.

L. D. Fuess, Mount Olive.

D. E. Noonan, Morrisonville.

IOWA.

R. A. Mortland, Montezuma.

W. B. Perkins, Seymour.

G. A. Stout, Pella.

MASSACHUSETTS.

Arthur J. Fairgrieve, Tewksbury.

James B. Logan, North Wilbraham.

Everett P. Sheridan, Warren.

John T. Toomey, Oxford.

NEBRASKA.

Vernon E. Plank, Wolbach.

NEW JERSEY.

Jesse Ward, Butler.

NEW YORK.

O. Edmund Griswold, Riverhead.

OHIO.

Paul Machovina, Berea.

Jesse C. Ruff, Minerva.

OKLAHOMA.

M. M. Henderson, Tecumseh.

Robert L. Windsor, Wagoner.

OREGON.

R. E. L. Bedillion, Bandon.

S. A. Easterday, Clatskanie.

George P. Mims, Medford.

D. M. Roberts, Gresham.

J. W. Stacy, Rainier.

PENNSYLVANIA.

John W. Andrews, Ariel.
J. H. Fagan, Clymer.

TEXAS.

J. D. Hooks, Onalaska.
Rufus L. Hybarger, Pineland.

WYOMING.

H. H. Given, Gillette.

HOUSE OF REPRESENTATIVES.

THURSDAY, September 7, 1916.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou great Spirit, heavenly Father, who doest all things well, help us to lean with more faith and confidence upon Thee that we may be able to solve the intricate and perplexing problems as they present themselves, in accordance with the light Thou hast given us and art ever ready to give to those who seek Thee. The world is plunged into darkness and despair through the selfishness, greed and unhallowed ambitions of men but Thou dost live and out of it all shall come a brighter day when wrongs shall be righted and hate turned to love, for Thy will is good will and shall at last prevail, for Thine is the kingdom and the power and the glory. Thy purposes shall be fulfilled, wrong die and right live on forever. Thus we hope and aspire and pray for now abideth faith, hope, love, these three, but the greatest of these is love. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had agreed to the amendments of the House numbered 1, 2, 3, and 5, and also had agreed to House amendment numbered 4 with an amendment, to bill S. 5886, an act extending the time for the completion of the bridge across the Mississippi River, at Memphis, Tenn., authorized by an act entitled "An act to amend an act approved July 20, 1912, entitled 'An act to authorize the Arkansas & Memphis Railway Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River,' approved August 23, 1912," in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 6034. An act to make available a portion of the appropriation for the immigration station at Baltimore, Md., for such counters, booths, screens, railings, seats, bunks, kitchen and laundry equipment, etc., as necessary in connection with said station.

The message also announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 252. Joint resolution authorizing the transfer of the Government exhibit, or such portion thereof as the President may determine is advisable, now at the Panama-California International Exposition at San Diego, Cal., to the Mississippi Centennial Exposition at Gulfport, Miss.

The message also announced that the President had approved and signed bills and a joint resolution of the following titles:

On August 31, 1916:

§. J. Res. 129. Joint resolution extending until April 15, 1917, the effective date of section 10 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914.

On September 1, 1916:

S. 5103. An act authorizing and directing the Secretary of War to lease to Charleston-Dunbar Traction Co. a certain strip or parcel of land owned by the United States Government on the Great Kanawha River, in West Virginia.

On September 5, 1916:

S. 5496. An act to amend sections 5 and 6 of an act entitled "An act to authorize the drainage of certain lands in the State of Minnesota," approved May 20, 1908;

S. 6369. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors;

S. 6370. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

S. 6497. An act for the relief of Oleanne Marie Zahl Branum,

ADDITIONAL ASSISTANT CLERKS, COMMITTEE ON ENROLLED BILLS.

Mr. LLOYD. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

House resolution 367 (H. Rept. —).

Resolved, That the chairman of the Committee on Enrolled Bills be, and he is hereby, authorized to employ such additional assistant clerks as may be necessary during the remainder of the Sixty-fourth Congress, first session, the payment for services, not to exceed the sum of \$60 to be paid out of the contingent fund of the House.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, is there such pressing need in these closing hours of the session for extra clerks for the Committee on Enrolled Bills when we have only one bill to be enrolled, the revenue bill?

Mr. LLOYD. Oh, there is the revenue bill and the general deficiency appropriation bill.

Mr. STAFFORD. Does that require the employment of these additional clerks? Of course, in the closing hours of other sessions, when we have appropriation bills in great numbers being thrown at us at the very last minute, I can see the need of additional help.

Mr. LLOYD. Mr. Speaker, I want to say for the present chairman of the Committee on Enrolled Bills that he has taken better care of that committee and has made less expenditure than anyone we have ever had, so far as I know; and now at the close of this long session he asks for \$60. No other chairman, so far as I know, has ever asked for so small an amount, and, in addition to that, I am assured that he may not spend all of the \$60.

Mr. MANN. Mr. Speaker, I do not know whether the Committee on Enrolled Bills needs these extra clerks, but I would like to make this observation: I believe the present enrolling clerk of the House is the best enrolling clerk any legislative body ever had. [Applause.]

Mr. LLOYD. And in that I concur.

Mr. MANN. Of course, I am not making that statement of the Committee on Enrolled Bills.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

UNITED STATES DISTRICT COURT IN MAINE.

Mr. WEBB. Mr. Speaker, I ask the Speaker to lay before the House the bill (H. R. 15807) to provide for holding sessions of the United States district court in the district of Maine and for dividing said district into divisions, and providing for offices of the clerk and marshal of said district to be maintained in each of said divisions, and for the appointment of a field deputy marshal in the division in which the marshal does not reside, with Senate amendments thereto, and I move to concur in the Senate amendments.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

Mr. WEBB. Mr. Speaker, I move to concur in the Senate amendments.

The Senate amendments were concurred in.

LEAVE TO ADDRESS THE HOUSE—EXTENSION OF REMARKS.

Mr. MANN. Mr. Speaker, yesterday there were two gentlemen on the list for speeches—my colleague from Illinois [Mr. DENISON] and the gentleman from Kentucky [Mr. KINCHELOE]—who did not speak, probably because they were reached sooner than they expected, and I ask unanimous consent that they may address the House to-day for the time that was allotted to them for yesterday, and that the gentleman from Minnesota [Mr. STENERSON], following them, have leave to address the House for one hour, not to interfere with conference reports or other privileged business.

The SPEAKER. The continuing order is: Mr. DENISON, 15 minutes; Mr. KINCHELOE, 10 minutes.

Mr. MANN. They were called yesterday, and I am asking to renew that order for them.

The SPEAKER. The gentleman from Illinois asks unanimous consent to renew the order, together with a request that the gentleman from Minnesota [Mr. STENERSON] may address the House for one hour, or not to exceed that time, at the close of the remarks of the gentleman from Kentucky [Mr. KINCHELOE]. Is there objection?

Mr. ALLEN. Mr. Speaker, reserving the right to object, I would like to couple with that a request that the gentleman