

Also, petition of D. C. Webb, judge of juvenile court, Knoxville, Tenn., favoring the Federal probation bill; to the Committee on the Judiciary.

By Mr. DOWELL: Petition signed by sundry citizens of Des Moines, Iowa, relative to the attitude our Government should assume in the European war; to the Committee on Foreign Affairs.

By Mr. EAGAN: Petition signed by M. A. Myers, of Englewood, N. J., favoring House bill 20080; to the Committee on Foreign Affairs.

Also, petition signed by Constance E. Hartt, Passaic, N. J., favoring House bill 20080; to the Committee on Foreign Affairs.

Also, petition of the Board of Education of Paterson, N. J., favoring appropriation for field service for promoting instruction and training in citizenship of applicants for naturalization; to the Committee on Appropriations.

Also, protests by the Manufacturers and Merchants' Association of New Jersey, against the bill excluding liquor advertisements from the mails; to the Committee on the Post Office and Post Roads.

By Mr. EAGLE: Petition of sundry citizens of the eighth district of the State of Texas, protesting against prohibition in the District of Columbia; to the Committee on the District of Columbia.

By Mr. ELSTON: Memorial of Glenview Woman's Club, of Alameda County, Cal., indorsing bill forbidding illegal combinations for the purpose of raising the price of foodstuffs; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Protests of manufacturers and bankers of La Salle County, Ill., represented in the Illinois Valley Manufacturers' Club; the stockholders of the Rockford (Ill.) Mitten & Hosiery Co.; the B. Z. D. Knitting Co.; the King Co.; the Zioc Paper Box Co.; and the Barber Coleman Co.; all of Rockford, Ill., against the proposed tax on business; to the Committee on Ways and Means.

By Mr. GALLIVAN: Petition of 191 citizens of Boston, Mass., protesting against prohibition legislation; to the Committee on the Judiciary.

Also, petitions signed by Pehr G. Holmes, mayor of Worcester; Frank E. Stacy, mayor of Springfield; W. E. Moulten, mayor of Pittsfield; and resolutions of mass meeting in Faneuil Hall, all of Massachusetts, favoring universal military training; to the Committee on Military Affairs.

By Mr. HADLEY: Petition and memorial in the matter of labor conditions at Everett, from central labor council and mass meeting, Seattle; Garbage Department Workers, No. 14866, Seattle; president Washington State Federation of Labor; Socialist Party of Anacortes; North Yakima Trades and Labor Council, North Yakima; and meeting of citizens of Monroe, Snohomish County, all in the State of Washington; to the Committee on Labor.

By Mr. HILLIARD: Petition of 80 members of Beth-Eden Baptist Young People's Union; 101 members Baptist Young People's Union; and 30 members of the Congregational Christian Endeavor Union, all of Denver, Colo., favoring national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. IGOE: Resolutions adopted by the Carpenters' District Council of St. Louis and vicinity, signed by J. W. Williams, secretary, pertaining to the Americanization work of the naturalization service and urging an additional appropriation to carry on this work; to the Committee on Appropriations.

By Mr. MAGEE (by request): Petition of sundry citizens of Syracuse, N. Y., favoring legislation for Federal censorship of motion pictures, prohibition for District of Columbia, national prohibition, prohibition of liquor advertising in mails, and prohibition of interstate transmission of race gambling bets; to the Committee on Interstate and Foreign Commerce.

By Mr. MORIN: Petition of Miss C. Mathilda Carpenter, Miss Mary L. Hay, Miss N. A. Slocum, Miss Florence Harper, Miss Elizabeth Ogden, and Mrs. D. D. Pendleton, all of Pittsburgh, Pa., with reference to Federal suffrage amendment; to the Committee on the Judiciary.

By Mr. NOLAN: Petition of Jake Lohman and 56 others from Los Angeles, Cal., protesting against all prohibition measures and mail-exclusion bills; to the Committee on the Judiciary.

By Mr. PLATT: Petition of 71 citizens of Orange County, N. Y., favoring a Christian amendment to the Constitution; to the Committee on the Judiciary.

By Mr. SCULLY: Petition of African Methodist Episcopal Zion Church, 132 people, Asbury Park, N. J., favoring a national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, petition of Christian Endeavor Society, 20 people; Christian Endeavor Society of Central Baptist Church, 30 people;

and Methodist Episcopal Church, 130 people, all of Atlantic Highlands, N. J., favoring a national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. SMITH of Michigan: Papers in the case of House bill 20338, granting an increase of pension to Eugene P. Thomas; to the Committee on Invalid Pensions.

By Mr. SULLOWAY: Petition of the letter carriers of Manchester, N. H., praying for an increase in salary on account of the high cost of living; to the Committee on the Post Office and Post Roads.

By Mr. VOLSTEAD: Petition of sundry citizens of the State of Minnesota, protesting against an increase in postal rates on second-class mail matter; to the Committee on the Post Office and Post Roads.

Also, petition of Pilgrim Congregational Church, Dorcas Society of the Lutheran Church, and Woman's Missionary Society, all of Benson, Minn., favoring national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, petition of postal clerks of the seventh congressional district of Minnesota, favoring increase in salaries; to the Committee on the Post Office and Post Roads.

## SENATE.

TUESDAY, January 30, 1917.

The Senate met at 11 o'clock a. m.

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

Almighty God, Thou dost open the portals of a new day that we may enter with the high resolve of Christian statesmen. Thou hast written over the portals of the new day, Seek first the kingdom of God and His righteousness, and all these things shall be added unto you. So Thou hast given to us the divine philosophy and made all blessings contingent upon the supremacy of the kingdom of God. We pray that we may be led out into the paths of service this day under the inspiration of the teaching of our Lord. 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:

Bankhead	Harding	Martine, N. J.	Smith, Ga.
Brady	Hitchcock	Myers	Smith, Md.
Brandeggee	Husting	Nelson	Smith, Mich.
Bryan	James	Norris	Smith, S. C.
Chamberlain	Johnson, Me.	O'Gorman	Smoot
Chilton	Johnson, S. Dak.	Overman	Sterling
Clapp	Jones	Page	Thompson
Culberson	Kenyon	Phelan	Tillman
Curtis	Kern	Pittman	Vardaman
Dillingham	La Follette	Poindexter	Wadsworth
Fall	Lane	Ransdell	Walsh
Fletcher	Lewis	Robinson	Watson
Gallinger	Lodge	Shafer	Works
Gronna	McCumber	Sheppard	

Mr. OVERMAN. I announce that my colleague [Mr. SIMMONS] is detained at home on account of illness.

Mr. MARTINE of New Jersey. I rise to announce the absence of the Senator from Oklahoma [Mr. GORE], who is detained at his home through illness. I ask that this announcement may stand for the day.

Mr. WEEKS subsequently said: I was not present when the Senate convened to-day. If I had been, I would have announced the absence of the junior Senator from Illinois [Mr. SHERMAN] and stated that he is absent on account of death in his family.

The VICE PRESIDENT. Fifty-five 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 Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. BRADY and by unanimous consent, the further reading was dispensed with and the Journal was approved.

### ELECTORAL VOTES.

The VICE PRESIDENT laid before the Senate a communication from the secretary of state transmitting, pursuant to law, an authentic copy of the certificate of the final ascertainment of the electors for President and Vice President in the State of South Carolina on the election held on the 7th day of November, 1916, which was ordered to be filed.

RAILWAY-LAND GRANTS IN IOWA (S. DOC. NO. 666, PT. 2).

The VICE PRESIDENT laid before the Senate a communication from the Attorney General stating, in further response to a resolution of August 19, 1913, that further examination



of the files of the Department of Justice has revealed additional papers relating to land grant of May 12, 1864, and transmits copies of these papers to the Senate, which, with the accompanying papers, was ordered to lie on the table and be printed.

#### 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. 217) to authorize the sale of school property in the city of Denver, Colo., and for other purposes.

The message also announced that the House had passed a bill (H. R. 20453) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, in which it requested the concurrence of the Senate.

#### PETITIONS AND MEMORIALS.

Mr. FLETCHER presented petitions of sundry citizens of Florida, praying for national prohibition, which were ordered to lie on the table.

Mr. PHELAN presented a petition of the Stockton (Cal.) Ad Club, praying for an appropriation for the construction of a 20-foot channel at low tide from the wharves of Stockton, Cal., to the sea, which was referred to the Committee on Commerce.

Mr. SHEPPARD. I present a concurrent resolution of the Legislature of the State of Texas, which I ask may be printed in the RECORD.

There being no objection, the concurrent resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

HOUSE OF REPRESENTATIVES,  
STATE OF TEXAS,  
Austin, January 22, 1917.

#### House concurrent resolution 4.

Whereas it is a well-known fact that that section of the State known as east Texas abounds in the finest quality of brown hematite ore; and Whereas the Federal Government of the United States proposes to erect an armor-plate plant somewhere in this section of the country; Therefore be it

*Resolved by the house of representatives of the thirty-fifth legislature (the senate concurring), That we call the attention of the Secretary of the Navy to the many advantages offered by east Texas for a location of such armor-plate plant; be it further*

*Resolved, That the Representatives from Texas in the National Congress are hereby requested to use all means within their power to bring to the attention of the proper authorities the wonderful resources of east Texas and the great advantage in locating said armor-plate plant at some point in this section of the State; be it further*

*Resolved, That the governor be requested to forward to the Secretary of the Navy a copy of this resolution, and the chief clerk of the house of representatives is hereby instructed to send a copy to each of our Senators and Representatives in Congress.*

Read and adopted by the house of representatives and the senate January 22, 1917.

BOB BARKER,  
Chief Clerk of the House.

Mr. OVERMAN. I present a resolution adopted by the Legislature of North Carolina, advocating and supporting Watauga Valley, in Carter County, Tenn., and immediately contiguous to the North Carolina magnetic ore bed, as the most suitable site in the United States for the location of the Government armor plant. The resolution is somewhat lengthy, and I do not ask that it be read, but that it be printed in the RECORD.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

Resolution requesting the North Carolina delegation in Congress to advocate and support the Watauga Valley, in Carter County, Tenn., and immediately contiguous to the North Carolina magnetic ore bed known as the Cranberry ore, as the most suitable site in the United States for the location of the Government armor plant.

Whereas the United States Government, acting under and by authority of H. R. 15947, appropriating \$11,000,000 for the construction of a Government armor plant and authorizing and directing the Secretary of the Navy to provide such a plant, is now about to select a site for the location of said plant, acting by and through the honorable Secretary of the Navy and the General Naval Board, as well as by and through an armor-plant board, recently appointed, consisting of Admiral Frank F. Fletcher, Commander Frank H. Clark, and Civil Engineer R. C. Backenhus; and

Whereas some 125 or 130 localities on September 13 and 14, 1916, presented written briefs and oral arguments to the honorable Secretary of the Navy and to the General Naval Board setting forth the advantages and resources of their respective localities, which, in their opinion, entitled them to the location of said plant; and

Whereas the General Naval Board has recently submitted its preliminary report, eliminating from the contest all of the sites and localities presented, excepting some 18 or 19 towns, of which Johnson City and Elizabethton, Tenn., representing the claims of the Watauga Valley, are two, by the application of the military policy outlined by the War College division of the General Staff of the War Department on September 11, 1915; and

Whereas as a result of the application of this principle, as embodied in the General Board's preliminary report, the only town in the State of North Carolina, namely, Fayetteville, which was pressing its claims as a suitable location for said plant, is thus eliminated; and

Whereas it has been recently brought to our attention by circular letters issued by said armor-plant board, bearing dates of December 20, 1916, and January 12, 1917, that the policy of the Government in the making of armor will probably be that of the purchase in the open market of suitable pig iron instead of the erection of furnaces and the smelting of ore; and

Whereas the said communications from said armor-plant board indicate that Bessemer pig iron with a phosphorus content of not exceeding 0.1 per cent will be demanded to meet the requirements of the Government; with a manganese content of from 1.06 to 1.16 per cent; with a copper content not to exceed 0.034 per cent; a sulphur content of from 0.25 to 0.32 per cent; with a silicon content of from 0.6 to 0.96 per cent; and

Whereas it has been reliably brought to our attention that no locality in the South, and probably no locality in the United States, excepting possibly those sections which draw on the Lake Superior ore beds for their raw material, can produce pig iron of the analysis required from the ores in their immediate locality—that is to say, without importing their ores and other raw material—excepting the locality in the immediate vicinity of the Watauga Valley, which is removed only 23 miles from the famous Cranberry ores, which for many years have been smelted at Johnson City, Tenn., and which produce a very high grade of low-phosphorus pig of the following analysis: Phosphorus, not exceeding 0.035 per cent; copper, 0.015 per cent; sulphur, 0.015 to 0.032 per cent; silicon, 0.6 per cent, and as much higher as the specifications call for; and

Whereas it has been brought to our attention that this marvelous bed of low phosphorus metallic iron ore, located in Mitchell, Avery, Watauga, Ashe, and other western North Carolina counties, immediately contiguous to the Watauga Valley, is probably the largest bed of low phosphorus ores to be found outside of the Lake Superior district, and that these beds contain an almost inexhaustible quantity of ore, sufficient, in fact, to meet all the demands of the Government for many hundreds of years, the tonnage in that immediate locality probably running into the hundreds and hundreds of millions of tons; and

Whereas the Watauga Valley seems to occupy a peculiar and a unique location, in that in its immediate vicinity there is in existence a most marvelous and wonderful combination of the very raw materials and elements which enter into the manufacture of armor plate, as hereinafter set forth, namely:

(1) Its close proximity to the great coal fields of Virginia, where the greatest bodies of high-grade steaming and gas-producing coal in the world lie in absolutely inexhaustible and illimitable quantities, all within easy reach, by a downhill haul, of the Watauga Valley, with an existing freight rate of only 75 cents per ton.

(2) Its being located on a solid bed of dolomitic limestone of an analysis that exactly suits the Government's requirements, and which exists in inexhaustible quantities for miles around.

(3) Its location in a section where there is abundant hydroelectric power possibilities, and where, within from 30 to 50 miles of the proposed site, there can be economically developed and put into operation from 50,000 to 100,000 electric horsepower.

(4) Its location in the immediate vicinity of immense quantities of high-grade manganese and chromium, from which, with electrical furnaces operated by this electrical horsepower, ferromanganese and ferrochromium can be economically produced.

(5) The fact that this valley is absolutely surrounded by precipitous mountain ranges, being in the very heart of the great Appalachian system, and on the western slope of the Blue Ridge and the Great Smoky Mountains, and between these ranges on the east and the Cumberland Mountains on the west, thus making a veritable fortress, and a locality which could probably be more easily and economically defended than any locality in the United States, because of the existence on all sides of impenetrable mountain ranges, and which location comes nearer complying with the one requirement in the act appropriating the money to build the plant, namely, that the site shall "be located at a place approved by the General Board of the Navy, with especial reference to considerations of safety in time of war," than any other locality in the United States.

(6) Its location in the midst of native-born white skilled-labor population, where there is no trace of foreign element and where labor unions have never existed, and where strikes have never occurred, and where this pure Anglo-Saxon native labor has been for 25 years developing into a high-class skillful labor, by reason of the marvelous industrial development which has been taking place in that immediate locality during the last 25 years, and would thus afford the Government ample skilled labor.

(7) In a locality possessing railroad facilities equal to the best and in every way ample to take care of the situation, being within 4 miles of the great Carolina, Clinchfield & Ohio Railway system; within 3 miles of the Appalachian division of the Southern Railway; within 5 miles of the main line of the Southern Railway; within 25 miles of the Norfolk & Western Railroad; within 30 miles of the Louisville & Nashville Railroad; on the East Tennessee & Western North Carolina Railroad, extending from the ore fields to Johnson City, Tenn., and traversing this valley; and on the Laurel Fork Railway.

(8) In a location where there is the greatest abundance of pure freestone water for domestic purposes, the town of Elizabethton being supplied from one spring which brings 10,000,000 gallons per day to the city from an elevation of 250 feet, only 6 miles distant; and Johnson City being supplied with the same character of pure water from a series of springs only 15 miles distant.

(9) In a location well drained by two rivers, namely, the Doe and the Watauga River, both being bold, swift, clear mountain streams, maintaining a uniform flow and having watersheds in the Blue Ridge Mountains, and in the very midst of the immense Appalachian Forest Reserve, where the Government already owns in the neighborhood of 150,000 acres of land, to protect the headwaters and watersheds of these streams and springs and to maintain the flow.

(10) In a location where there is perfect drainage and dumping facilities.

(11) In a location where there exists throughout the entire year unexcelled climatic and sanitary conditions, where there is a climate that is not surpassed by any in the world, with an elevation of sufficient height, namely, about 1,650 feet, as a result of which malaria and other like fevers, mosquitoes, etc., are absolutely unknown; where the bracing, stimulating atmosphere and the uniformly cool nights enable the laborers to perform their work under the most satisfactory conditions.



(12) In a locality surrounded by a splendid agricultural community and where living has always been, and is to-day, probably cheaper than at almost any point in the United States.

(13) In a location that is completely surrounded and in close proximity to many of the national and semination highways of the South; in a county which is just spending close to half a million dollars in building a system of highways that open up and connect Tennessee with western North Carolina by a road through the famous Doe River gorge, through the Cranberry mining district, and connecting with the Crest of the Blue Ridge and the Yohnnalssee Roads and other North Carolina highway systems, and in a location where the adjoining county of Washington is in the act of voting a seven hundred and fifty thousand dollar bond measure for the purpose of building a system of highways that will connect in every way with said Watauga Valley.

(14) In a situation where aviation and wireless facilities would be absolutely unique and unsurpassed, aviation experiments in this section having proven that there are air currents over these mountains that would make an aeroplane attack almost impossible, and which at the same time would furnish the very best facilities for the establishment of wireless stations, there being in the mountain ranges, in close proximity to this valley, more than 160 peaks exceeding 4,000 feet in height, over 40 of which exceed 6,000 feet in height.

(15) A situation which offers to the Government an absolutely free site for all of its requirements.

The immense and practically incalculable advantages to the State of North Carolina in the location of this plant in the Watauga Valley (which valley is midway between the towns of Johnson City and Elizabethton) can not possibly be overestimated. This is the greatest opportunity that has ever been presented to western North Carolina for the development of her wonderful natural resources, which are among the most wonderful and richest in the United States; and, inasmuch as the proposed site is only separated from North Carolina and from the natural resources above referred to by the distance of a few miles and an imaginary line, and where the great bulk of the raw material will be drawn from North Carolina, there is every reason why the entire North Carolina delegation should bring to bear with the said Armor Plant Board all of the influence and argument possible in the way of convincing said board that no locality in the United States exists where it would be to greater advantage to the entire country to locate the plant than in the Watauga Valley.

We believe it to be the patriotic duty of every North Carolinian to support that site which is actually the very best site in all the country for this plant, by reason of the rare and wonderful combination of resources which exist there.

The construction of a great plant of this character is a great national institution, and by right ought to be located in the very best place, based upon the article or articles to be manufactured and the raw materials from which they are to be manufactured, with considerations for the safety of the plant and the procurement of raw materials taken into account. It would be most unwise to locate such a plant—such a great national institution—in a locality that was dependent upon its supply of raw materials to be imported from a section which could be easily attacked and captured in case of war; it would be extremely unwise not to locate such a plant in a place that was a natural fortress and which could be so easily and inexpensively defended; it would be unwise to locate such a great institution as this at a point to which all or the greater part of the raw material would have to be freighted; and it seems to us that the only wise, economical, and sensible plan is to select some locality which is naturally fortified by our great mountains and which is situated in the very heart of the raw materials going into the manufacture of the article and there locate the plant: Therefore be it

*Resolved by the House of Representatives of the State of North Carolina (the Senate concurring), That our Representatives and Senators in Congress be requested to take all the necessary steps to bring these matters to the attention of the Armor Plant Board and to the honorable Secretary of the Navy, to the end that the Watauga Valley, the best situation in the United States for the location of the armor-plate plant, may be selected therefor: Be it further*

*Resolved, That upon the passage of this resolution the secretary of state be instructed to send forthwith copies thereof to our Senators and Representatives in Congress.*

In the general assembly read three times and ratified this the 23d day of January, 1917.

STATE OF NORTH CAROLINA,  
DEPARTMENT OF STATE,  
Raleigh, January 25, 1917.

I, J. Bryan Grimes, secretary of state of the State of North Carolina, do hereby certify the foregoing and attached nine sheets to be a true copy from the records of this office.

In witness whereof I have hereunto set my hand and affixed my official seal.

Done in office at Raleigh this 25th day of January, in the year of our Lord 1917.

[SEAL]

J. BRYAN GRIMES, Secretary of State.

Mr. NELSON presented a petition of the Optimist Club, of St. Paul, Minn., praying for the adoption of certain amendments to the postal laws, which was referred to the Committee on Post Offices and Post Roads.

Mr. WEEKS presented a petition of John Devoy Branch, Friends of Irish Freedom, of Roxbury, Mass., praying that American citizens be warned that sailing on armed ships of belligerent registry will be at their own risk, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Massachusetts State Firemen's Association, praying for an increase in the salaries of the firemen of the District of Columbia, which was referred to the Committee on Appropriations.

Mr. HUSTING presented a petition of the Rotary Club, of Superior, Wis., praying for an appropriation of \$50,000, to be administered through the Bureau of Education, for the purpose

of disseminating information as to the methods and established practices for the education of immigrants, which was referred to the Committee on Education and Labor.

Mr. PHELAN presented a petition of the congregation of the First Methodist Episcopal Church of Earlimart, Cal., praying for the enactment of legislation to exclude liquor advertisements from the mails, which was ordered to lie on the table.

He also presented a memorial of the Berkeley (Cal.) Committee Against Compulsory Military Training, remonstrating against compulsory military training, which was referred to the Committee on Military Affairs.

Mr. WADSWORTH presented petitions of sundry citizens of New York, praying for national prohibition, which were ordered to lie on the table.

#### THE INAUGURATION.

Mr. SMITH of Maryland. From the Committee on Appropriations I report back favorably, without amendment, the joint resolution (S. J. Res. 203) to provide for the maintenance of public order and the protection of life and property in connection with the presidential inaugural ceremonies in 1917, and I ask for its present consideration.

The VICE PRESIDENT. The joint resolution will be read.

The Secretary read the joint resolution, as follows:

*Resolved, etc., That \$35,000, or so much thereof as may be necessary, payable from any money in the Treasury not otherwise appropriated and from the revenues of the District of Columbia in equal parts, is hereby appropriated to enable the Commissioners of the District of Columbia to maintain public order and protect life and property in said District from the 28th of February to the 10th of March, 1917, both inclusive, including the employment of personal services, payment of allowances, traveling expenses, hire of means of transportation, and other incidental expenses in the discretion of the commissioners. Said commissioners are hereby authorized and directed to make all reasonable regulations necessary to secure such preservation of public order and protection of life and property and fixing fares by public conveyance, and to make special regulations respecting the standing, movements, and operating of vehicles of whatever character or kind during said period and fixing fares to be charged for the use of the same. Such regulations shall be in force one week prior to said inauguration, during said inauguration, and one week subsequent thereto, and shall be published in one or more of the daily newspapers published in the District of Columbia, and in such other manner as the commissioners may deem best to acquaint the public with the same; and no penalty prescribed for the violation of any of such regulations shall be enforced until five days after such publication. Any person violating any of such regulations shall be liable for each such offense to a fine not to exceed \$100 in the police court of said District, and in default of payment thereof to imprisonment in the workhouse of said District for not longer than 60 days. And the sum of \$5,000, or so much thereof as may be necessary, is hereby likewise appropriated, to be expended by the Commissioners of the District of Columbia for the construction, rent, maintenance, and expenses incident to the operation of temporary public-comfort stations, first-aid stations, and information booths during the period aforesaid, including the employment of personal services.*

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

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

#### BILLS INTRODUCED.

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

By Mr. FLETCHER:

A bill (S. 8072) to create an additional judge in the southern district of Florida; to the Committee on the Judiciary.

By Mr. STERLING (for Mr. FERNALD):

A bill (S. 8073) granting an increase of pension to William P. Cook (with accompanying papers); and

A bill (S. 8074) granting an increase of pension to George W. Townsend (with accompanying papers); to the Committee on Pensions.

By Mr. RANDELL:

A bill (S. 8075) for the relief of Marguerite Mathilde Slidell d'Erlanger; to the Committee on Immigration.

By Mr. JOHNSON of South Dakota:

A bill (S. 8076) granting an increase of pension to Marcus J. Howland (with accompanying papers); and

A bill (S. 8077) granting an increase of pension to Paleman S. Castle (with accompanying papers); to the Committee on Pensions.

By Mr. MYERS:

A bill (S. 8078) for the relief of Benjamin O. Kerlee; to the Committee on Claims.

By Mr. BRYAN:

A bill (S. 8079) to amend the first and seventh paragraphs of section 4414 of the Revised Statutes of the United States, as amended by the act of April 9, 1906; to the Committee on Commerce.



By Mr. WATSON:

A bill (S. 8080) granting an increase of pension to Morris Hinchman; and

A bill (S. 8081) granting an increase of pension to George D. Abraham; to the Committee on Pensions.

By Mr. O'GORMAN:

A bill (S. 8082) authorizing the acquisition of a site and the erection thereon of a public building at Yonkers, N. Y. (with accompanying papers); to the Committee on Public Buildings and Grounds.

A bill (S. 8083) for the relief of the Daly & Hannan Dredging Co. (with accompanying paper); to the Committee on Claims.

By Mr. HUSTING:

A bill (S. 8084) granting an increase of pension to Charles Fisk; to the Committee on Pensions.

By Mr. MYERS:

A bill (S. 8085) for the relief of F. A. Carnal and Ada Lewis; to the Committee on Claims.

By Mr. POMERENE:

A bill (S. 8086) regulating the issuance of checks, drafts, and orders for the payment of money within the District of Columbia; and

A bill (S. 8087) regulating itinerant vendors in the District of Columbia; to the Committee on the District of Columbia.

A bill (S. 8088) for the relief of Col. Selden Allen Day; to the Committee on Military Affairs.

By Mr. HOLLIS:

A bill (S. 8089) for the relief of Rika Gester; to the Committee on Military Affairs.

#### PUBLIC BUILDINGS.

Mr. FLETCHER submitted an amendment intended to be proposed by him to the public buildings bill (H. R. 18994), which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. SHEPPARD submitted an amendment intended to be proposed by him to the public buildings bill (H. R. 18994), which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

#### RIVER AND HARBOR APPROPRIATIONS.

Mr. FLETCHER submitted an amendment intended to be proposed by him to the rivers and harbors appropriation bill (H. R. 20079), which was referred to the Committee on Commerce and ordered to be printed.

Mr. SHEPPARD submitted two amendments intended to be proposed by him to the rivers and harbors appropriation bill (H. R. 20079), which was referred to the Committee on Commerce and ordered to be printed.

Mr. HARDING submitted an amendment intended to be proposed by him to the rivers and harbors appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. MARTIN of Virginia submitted an amendment intended to be proposed by him to the rivers and harbors appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

#### EXPORT TRADE.

Mr. POMERENE submitted three amendments intended to be proposed by him to the bill (H. R. 17350) to promote export trade, and for other purposes, which were referred to the Committee on Interstate Commerce and ordered to be printed.

#### ADDRESS BY THE PRESIDENT OF THE UNITED STATES.

Mr. LEWIS. I tender a resolution and ask that it be printed and lie on the table.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 332) was read, ordered to lie on the table, and to be printed, as follows:

*Resolved*, That it is the sense of the United States Senate that the address of the President of the United States, delivered to the Senate on the 22d of January, 1917, does not propose the abolishment or limitation of the Monroe doctrine of America in its effect or application to any part of the Western Hemisphere, nor does it propose to send the Army or Navy of the United States or any military or naval power of the United States to any foreign territory, except when necessary to preserve the peace of the United States or to protect the just rights of America or an American where the same are assailed.

Mr. McCUMBER. I submit a resolution on the same subject as that of the Senator from Illinois [Mr. LEWIS]—the address by the President of the United States. I ask that the resolution may be read, printed, and go over under the rule.

The VICE PRESIDENT. The resolution will be read.

The Secretary read the resolution (S. Res. 333), as follows:

*Resolved*, That while the Senate joins with the President in the earnest hope for a speedy termination of the war now devastating the greater portion of the earth, that such war may be brought to an end without crushing any of the great peoples engaged therein, and that a

world compact for the preservation of peace and the diminution of armaments so conditioned that this country can with honor and national safety subscribe to its terms and join in its enforcement may be entered into by all the great nations of the earth, as suggested in the address of the President before the Senate on January 22, 1917, the Senate nevertheless regrets that it is unable to agree with the President, either on the major propositions that the peace must be a peace without victory or the many other matters which the President suggests as conditions precedent to the entrance of this country into such a compact; but no matter how this war may end, this country, deeply impressed with its slaughter, its devastation, and its baneful influence on civilization and progress, should stand ready at all times, irrespective of the terms of peace which the necessity of any belligerent may compel it to accept, to exercise its influence and to act jointly with other world powers to strengthen the bonds of international comity and good will and to lend its moral and physical support to the end that no such war may ever again blacken the earth.

Mr. McCUMBER. Mr. President, I wish to give notice at this time that either on Thursday or Friday next, at the conclusion of the proper morning business, I shall ask permission to submit some remarks concerning the resolution.

The VICE PRESIDENT. The resolution goes over under the rule. Are there further peace or other resolutions?

#### PORTRAIT OF JOSEPH HENRY.

Mr. WILLIAMS submitted the following resolution (S. Res. 334), which was read and referred to the Committee on the Library:

*Resolved*, That the Sergeant at Arms of the Senate be, and he is hereby, authorized and directed to transfer to the Smithsonian Institution the portrait of Joseph Henry, the first Secretary of that Institution, now hanging in the office of the Sergeant at Arms of the Senate.

#### GOVERNMENT OF PORTO RICO.

Mr. SHAFROTH. I ask unanimous consent that not later than 6 o'clock p. m. the Senate take a recess until 8 o'clock p. m. to-day, and at that time the unfinished business of the Senate shall be temporarily laid aside and the Senate proceed to the consideration of the bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes, and that not later than 11 o'clock p. m. the Senate will adjourn, but before adjournment the unfinished business shall be again laid before the Senate.

The VICE PRESIDENT. Is there objection?

Mr. JONES. The Senator from North Dakota [Mr. GRONNA] is not here, and he seems to be interested in this matter more than anyone else. Has the Senator conferred with him?

Mr. SHAFROTH. I do not think the Senator from North Dakota will object. At the same time I can not say with absolute certainty that he will not object. This request does not require a vote.

Mr. JONES. I know. I have no objection myself, but I think probably in the absence of the Senator from North Dakota, who is very much interested in the matter, the Senator should withhold his request for the present. He will be here very soon.

Mr. SHAFROTH. Very well.

#### THE PEACE PROBLEM.

Mr. LODGE. I present an article on the peace problem, by John Bassett Moore. It is a short one. Of course, he is the best authority on international law in the country or anywhere. I ask that this article be printed as a Senate document and that it be referred to the Committee on Printing. I hope the committee will report promptly.

The VICE PRESIDENT. It will be so ordered.

#### PEACE TREATY WITH NORWAY.

Mr. BRANDEGEE. Mr. President, yesterday I put in the RECORD a communication from the League to Enforce Peace. In this connection I think it is important that the public should know the tenor of the existing so-called peace treaties. I therefore send to the desk and ask that there may be printed in the RECORD the peace treaty with Norway, which is a type of the 30 peace treaties we made in 1914.

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

#### To the Senate:

I transmit herewith, with a view to receiving the advice and consent of the Senate to its ratification, a treaty between the United States and Norway looking to the advancement of the cause of general peace, signed at Washington on June 24, 1914.

THE WHITE HOUSE,  
Washington, July 24, 1914.

WOODROW WILSON.

#### The President:

The undersigned, the Secretary of State, has the honor to lay before the President, to the end that should his judgment approve thereof it be transmitted to the Senate with a view to receiving the advice and consent of that body to its ratification, a treaty between the United States and Norway looking to the advancement of the cause of general peace, signed at Washington on June 24, 1914.

Respectfully submitted,

DEPARTMENT OF STATE,

Washington, July 23, 1914.

W. J. BRYAN.



The President of the United States of America and His Majesty the King of Norway, being desirous to strengthen the bonds of amity that bind them together and also to advance the cause of general peace, have resolved to enter into a treaty for that purpose, and to that end have appointed as their plenipotentiaries:

The President of the United States; William Jennings Bryan, Secretary of State of the United States; and

His Majesty the King of Norway, H. H. Bryn, Envoy Extraordinary and Minister Plenipotentiary of Norway to the United States;

Who, after having communicated to each other their respective full powers, found to be in proper form, have agreed upon and concluded the following articles:

#### ARTICLE I.

The high contracting parties agree that all disputes between them of every nature whatsoever shall, when diplomatic methods of adjustment have failed, be referred for investigation and report to a permanent international commission; provided, however, that treaties in force between the two parties do not prescribe settlement by arbitration of such dispute.

The commission shall be constituted in the manner prescribed in the next succeeding article.

The high contracting parties agree not to declare war or begin hostilities during such investigation and before the report is submitted.

#### ARTICLE II.

The international commission shall be composed of five members to be appointed as follows: One member shall be chosen from each country by the Government thereof; one member shall be chosen by each Government from some third country; the fifth member, who shall be the chairman of the commission, shall be chosen by common agreement between the two Governments, it being understood that he shall not be a citizen of either country nor a resident in either of them. If an agreement is not reached as to this appointment, the fifth member shall be chosen according to the rules laid down in article 87 of the convention signed at The Hague on October 18, 1907, for the peaceful settlement of international disputes.

The expenses of the commission shall be paid by the two Governments in equal proportion.

The international commission shall be appointed within four months after the exchange of the ratifications of this treaty; vacancies to be filled according to the manner of the original appointment.

Unless otherwise agreed between the parties, the procedure of the international commission shall be regulated by the prescriptions contained in Chapter III of the convention mentioned above.

#### ARTICLE III.

In case the high contracting parties shall have failed to adjust a dispute by diplomatic methods, and the dispute is not to be settled by arbitration, the parties shall at once refer it to the international commission for investigation and report.

The international commission may, however, spontaneously offer its services to that effect, and in such case it shall notify both Governments and request their cooperation in the investigation.

The high contracting parties agree to furnish the permanent international commission with all the means and facilities required for its investigation and report.

The report of the international commission shall be completed as soon as possible and at the latest within one year after the date on which the commission shall declare its investigation to have begun, unless the high contracting parties shall extend or limit the time by mutual agreement. The report shall be prepared in triplicate; one copy shall be presented to each Government and the third retained by the commission for its files.

#### ARTICLE IV.

The high contracting parties agree that, upon the receipt of the report of the international commission, they will immediately endeavor to adjust the dispute directly between them upon the basis of the commission's findings. They reserve, however, the right to act independently on the subject matter of the dispute after the report of the commission shall have been submitted.

#### ARTICLE V.

The present treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Majesty the King of Norway.

The ratifications shall be exchanged at Washington as soon as possible.

The treaty shall take effect immediately after the exchange of ratifications and shall continue in force for a period of five years; and it shall thereafter remain in force until 12 months after one of the high contracting parties have given notice to the other of an intention to terminate it.

In witness whereof the respective plenipotentiaries have signed the present treaty and have affixed thereunto their seals.

Done in duplicate, in the English and Norwegian languages, at Washington, this 24th day of June, 1914.

[SEAL.]  
[SEAL.]

WILLIAM JENNINGS BRYAN.  
HELMER H. BRYN.

#### LEAGUE TO ENFORCE PEACE.

Mr. WEEKS. Mr. President, I present a letter from the secretary of the League to Enforce Peace relative to the propaganda which has been started by that organization. It contains a blank form of a letter to be sent to the Senators and Representatives from Massachusetts. There are 10,000 members of the league in Massachusetts, and therefore perhaps my colleague and myself will receive 10,000 of these letters. Manifestly it would be impossible to answer them individually. I therefore ask that the letter and form which is sent Members on which to make reply be incorporated in the Record.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

LEAGUE TO ENFORCE PEACE,  
Boston, January 24, 1917.

To the MEMBERS OF THE MASSACHUSETTS BRANCH OF THE LEAGUE TO ENFORCE PEACE:

Since the annual meeting of the Massachusetts branch of the league, many of our members have been asking, "What can I do to help realize the league's program?"

As the result of the great mass meetings in Springfield and Pittsfield, the Massachusetts branch of the league now has more than 10,000 members. The time has come to use the immense power of public opinion represented by our membership. It is important that the Senators and Representatives from Massachusetts should receive from their constituents within the next few days many thousands of letters asking them to support the proposals of the league in every appropriate way. Your help is needed in the following ways:

1. Sign and mail the inclosed three letters to your Senators and Representative immediately.

2. Write a short personal letter in addition to the inclosed form letter, urging your Senators and Representative to support the league's proposals.

3. Ask your friends who are interested in this great constructive movement for the future peace of the world, to write to their Senators and Representative.

4. Ask organizations with which you are associated to send resolutions and letters to Washington indorsing the league's program.

Before February 1, all the Massachusetts Senators and Representatives will be asked by the congressional and legislative committee to state their attitude toward the league's proposals. It is important that before they reply to this question they should know that thousands of their constituents are in favor of the league's program.

Please sign and mail the inclosed letters immediately.

Cordially, yours,

GEORGE W. NASMYTH, Secretary.

Hon. JOHN W. WEEKS,  
United States Senate, Washington, D. C.

DEAR SIR: As one of your constituents and as one of the 10,000 members of the Massachusetts Branch of the League to Enforce Peace, I respectfully request you to support and urge, in every appropriate way, the adoption of the league's proposals by the United States as soon as the opportunity arises in the Senate.

Very truly, yours,

#### HOUSE BILL REFERRED.

H. R. 20453. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

#### GOVERNMENT OF PORTO RICO.

Mr. SHAFROTH. Mr. President, I have endeavored to find the Senator from North Dakota [Mr. GROWNA], but have not yet been able to do so, although that Senator has been informed that a motion of the kind which I am now about to submit would be made.

I ask unanimous consent that not later than 6 o'clock p. m. the Senate take a recess until 8 o'clock p. m. to-day; that at that time the unfinished business of the Senate shall be temporarily laid aside; that the Senate shall then proceed with the consideration of the bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes; that not later than 11 o'clock p. m. the Senate will adjourn; and that before adjournment the unfinished business shall again be laid before the Senate. I ask unanimous consent for the adoption of this agreement.

The VICE PRESIDENT. Is there objection?

Mr. VARDAMAN. I object.

The VICE PRESIDENT. There is objection.

Mr. SHAFROTH. Then, Mr. President, I move that the bill to which I refer be made the unfinished business for 8 o'clock to-night.

Mr. BRANDEGEE. I make the point of order that, under parliamentary law, there is no such motion, Mr. President.

The VICE PRESIDENT. The point of order must be sustained. The unfinished business depends upon the facts and not upon motions.

Mr. SHAFROTH. Mr. President, I do not know that my motion was put exactly in the language which I desired it. I move that the bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes, be made the special order for to-night at 8 o'clock.

Mr. SMOOT. Mr. President, may I ask the Senator from Colorado what he will gain by that? If the bill to which he refers is made the special order at 8 o'clock to-night, the Senate will convene, perhaps, a little before that time or at that time, and as soon as the Senate convenes the unfinished business must be laid before the Senate.

Mr. SHAFROTH. Yes; but the Senator from Montana [Mr. WALSH], in charge of the unfinished business, has told me that he will immediately ask that it be temporarily laid aside.

Mr. SMOOT. Then, if there should be one objection it could not be so laid aside.

Mr. SHAFROTH. But the Senator from Montana then will have the right, or I will have the right, to move that the unfinished business be temporarily laid aside.

Mr. SMOOT. No.

Mr. SHAFROTH. Yes.

Mr. BRANDEGEE. No; that requires unanimous consent.

Mr. SMOOT. Yes; it requires unanimous consent.



Mr. MYERS. Mr. President, will the Senator from Colorado yield to me?

Mr. SHAFROTH. I yield to the Senator.

Mr. MYERS. If the motion should be made to lay aside the unfinished business and should prevail, that motion would displace the unfinished business.

Mr. SHAFROTH. Not if the unfinished business were temporarily laid aside.

Mr. MYERS. I do not think there is any such thing as moving to lay the unfinished business aside temporarily. If such a motion should be agreed to, I think that would displace the unfinished business.

Furthermore, I want to ask the Senator—I was called out of the Chamber for a few moments—was objection made to his request for unanimous consent?

Mr. SHAFROTH. Yes.

Mr. MYERS. Now, I understand the Senator from Colorado has made the motion, which I heard as I entered the Chamber. If that motion should prevail, and at 8 o'clock the unfinished business should be laid aside temporarily, even by unanimous consent, then if at 11 o'clock to-night the unfinished business were not again laid before the Senate, it would be displaced and the Porto Rican bill, as I understand, would become the unfinished business.

Mr. SHAFROTH. I will agree that the unfinished business shall be laid before the Senate. There is no disposition on my part to displace the unfinished business.

Mr. MYERS. I know there is no such disposition on the part of the Senator from Colorado, but there might be objection from some other Senator.

The VICE PRESIDENT. Now, let us see how this matter stands. We wasted three-quarters of an hour yesterday on this subject. Let us see if we can not save the waste of time now. The Chair can not change the rules of the Senate, and is not responsible for them. There is unfinished business before the Senate undisposed of. Unless by unanimous consent the unfinished business is temporarily laid aside—and it can not be so laid aside by a motion—and the consideration of the Porto Rican bill is proceeded with, the unfinished business will go to the calendar. If the Porto Rican bill is made the special order for 8 o'clock this evening, without a unanimous-consent agreement to lay aside temporarily the unfinished business, the Chair will be required to lay down the unfinished business at 8 o'clock, as it will be the matter before the Senate.

Mr. VARDAMAN. Mr. President, as I made the objection to unanimous consent, I withdraw it. I did not understand the proposition of the Senator from Colorado, and I now withdraw my objection.

Mr. SHAFROTH. Then I renew the request.

Mr. SMOOT. I want to ask the Senator from Colorado if he knows whether the Senator from North Dakota [Mr. GRONNA] is agreeable to his request?

Mr. SHAFROTH. I told the Senator from North Dakota that I intended to try to get a session to-night, and I have sent for him.

Mr. GRONNA entered the Chamber.

Mr. SMOOT. The Senator from North Dakota has just entered the Chamber.

Mr. SHAFROTH. Very well.

Mr. GRONNA. Mr. President, I have no objection to taking up the bill at any time, but I do not agree to fixing a time to vote upon it.

Mr. SHAFROTH. My request does not provide that there shall be a vote.

Mr. SMOOT. But it does not provide that there shall not be a vote.

Mr. SHAFROTH. No; but if the Senator from North Dakota or any other Senator desires to discuss the bill further, my request does not provide that there shall be a vote to-night, and consequently it gives the Senator all the opportunity that he may desire.

The VICE PRESIDENT. Is there objection to the request of the Senator from Colorado?

Mr. POMERENE. Mr. President, I shall object to making the bill referred to the special order for the following reasons: For some time I have been conferring with Senators with a view to having a call of the calendar. Among the bills on the calendar is the bill relating to the juvenile court in the District of Columbia, and it is of quite as much interest to the people of the District and the people of the United States as is the Porto Rican bill to some islanders of the sea. I am not without interest in them, but I am not going to lose sight of the duty that we owe to the people of the District here to pass some of the legislation that more seriously affects them. If we do not take up matters of this kind relating to the District and

other matters that are on the calendar about which there can not be any serious dispute, the last days of the session will be here, and we will not be able to get any action in the other House. I do not see how the Senator can expect to make any time by displacing that which is the unfinished business and taking up something else. Jumping from one piece of legislation to another is not, in my judgment, the way to expedite business.

Mr. SHAFROTH. Mr. President, I will say that it is not proposed to have a night session except for the purpose of considering the Porto Rican bill; and for that reason his objection simply deprives the Senate of the opportunity of considering that measure.

Mr. POMERENE. No; let us have a night session for the purpose of taking up the calendar.

Mr. SHAFROTH. Mr. President, I hope that the Senator will not insist upon his objection. If he does, I move that the Senate make the Porto Rican bill the special order for to-night at 8 o'clock.

The VICE PRESIDENT. The Senator from Ohio has objected. Now the Senator from Colorado moves that the Porto Rican bill be made the special order for 8 o'clock this evening.

Mr. SMOOT. Mr. President, is the morning business closed?

The VICE PRESIDENT. No; it has not closed.

Mr. SMOOT. Then, the Senator can not make that motion until the morning business is closed.

The VICE PRESIDENT. Why?

Mr. SHAFROTH. Where is the rule which so provides?

Mr. SMOOT. The rule is that before the conclusion of the morning business no motion to take up a bill shall be allowed.

The VICE PRESIDENT. The Senator from Colorado is not moving to take up the bill.

Mr. SMOOT. He is moving to make the bill a special order, to be taken up at a particular time.

The VICE PRESIDENT. The motion to make the bill the special order at 8 o'clock requires a two-thirds vote of the Senate, and is in order. It does not come under the rule referred to by the Senator from Utah.

Mr. MYERS. Mr. President, I had no objection whatever to the request of the Senator from Colorado for unanimous consent. I was quite in accord with it; but I shall have to oppose and vote against his motion because I believe his motion, if agreed to, will seriously imperil the place now occupied before the Senate by the unfinished business. In the way the Senator had his request for unanimous consent worded, there was no danger to the unfinished business, but under his motion I think there is grave danger to the unfinished business, and I shall have to vote against his motion on that account.

The VICE PRESIDENT. The question is on the motion of the Senator from Colorado.

Mr. JONES. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Washington will state it.

Mr. JONES. As I understand, if this motion should be carried, one objection to-night to laying aside the unfinished business would annul whatever action we take?

The VICE PRESIDENT. There is no doubt about that.

Mr. HUGHES. Mr. President, then, in order to reach this bill to-night, it will be necessary to secure unanimous consent temporarily to lay aside the unfinished business, in which event the unfinished business would come up automatically before the Senate to-morrow, would it not?

The VICE PRESIDENT. The Chair took about three-quarters of an hour yesterday to make that statement, and has made it twice to-day—that the only way to get rid of the unfinished business is by unanimous consent to temporarily lay it aside.

Mr. HUGHES. In which event the unfinished business would come up automatically before the Senate to-morrow?

The VICE PRESIDENT. If the Porto Rican bill be made the special order at 8 o'clock to-night, and the Senate convenes at 8 o'clock, and there is not unanimous consent to lay aside the unfinished business, the unfinished business will be before the Senate at 8 o'clock, regardless of the special order.

Mr. HUGHES. That is not the point of my inquiry at all, although, of course, I am delighted to get that information; but if unanimous consent is given to-night to temporarily lay the unfinished business aside, then to-morrow automatically the unfinished business comes before the Senate at the end of the morning hour. Is that correct?

The VICE PRESIDENT. The Chair is not deciding that question now. That will depend upon what takes place to-night.

Mr. SHAFROTH. Mr. President, I will state to the Senator from New Jersey that there is no intention upon my part to obstruct the water-power bill. I am perfectly willing to say



now that, if it should happen to be displaced, I will move that the unfinished business be taken up.

Mr. MYERS. Mr. President, will the Senator yield to me just for a moment?

Mr. SHAFROTH. I yield.

Mr. MYERS. I know that the Senator from Colorado has no disposition to obstruct the unfinished business. That is not what I am afraid of; but I am afraid of the working of our rules.

Mr. SHAFROTH. But if the unfinished business should be displaced at any time, a motion to take it up for consideration will restore it.

Mr. MYERS. But such a motion might not carry.

Mr. SHAFROTH. Oh, yes, I think it would; but if it should not carry, and the unfinished business should be displaced, it would be because Senators do not want to consider that bill. I do not think, however, that there is any risk or any chance as to that. In fact, the Senator from Montana [Mr. WALSH] came to me and stated that he would be perfectly willing, at the conclusion of the afternoon session to-day, to move to lay aside the unfinished business in order that the Porto Rican bill might be considered to-night, and that he had no objection whatever to its consideration at the night session.

Mr. HITCHCOCK. Mr. President, I make the point of order that this is not a debatable question.

Mr. SHAFROTH. Question!

Mr. SMOOT. I ask for the yeas and nays.

The VICE PRESIDENT. The yeas and nays are called for. Is the request seconded?

The yeas and nays were ordered.

The VICE PRESIDENT. The question is on making the Porto Rican bill the special order for 8 o'clock to-night. The yeas and nays have been ordered, and the Secretary will call the roll.

Mr. COLT (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. SAULSBURY]. In his absence, I withhold my vote.

Mr. JONES (when his name was called). The junior Senator from Virginia [Mr. SWANSON] is necessarily absent on account of illness. I am paired with him for the day, and therefore withhold my vote on this motion. I will let this announcement stand for the remainder of the day.

Mr. MYERS (when his name was called). I have a pair with the Senator from Connecticut [Mr. McLEAN], who is absent. I transfer that pair to the Senator from Arizona [Mr. SMITH] and vote "nay."

Mr. OVERMAN (when his name was called). I have a general pair with the junior Senator from Wyoming [Mr. WARREN] and therefore withhold my vote.

Mr. THOMPSON (when his name was called). I have a pair with the Senator from Illinois [Mr. SHERMAN]. In his absence, I transfer that pair to the Senator from Oklahoma [Mr. GORE] and vote "yea."

Mr. TILLMAN (when his name was called). Making the same transfer of my pair as on the last vote, I vote "yea."

Mr. VARDAMAN (when his name was called). I desire to inquire if the Senator from Idaho [Mr. BRADY] has voted?

The VICE PRESIDENT. The Chair is informed that he has not voted.

Mr. VARDAMAN. I have a pair with that Senator, and therefore withhold my vote in his absence.

Mr. WADSWORTH (when his name was called). I inquire if the junior Senator from New Hampshire [Mr. HOLLIS] has voted?

The VICE PRESIDENT. The Chair is informed that he has not voted.

Mr. WADSWORTH. I have a pair with that Senator, and therefore withhold my vote.

The roll call was concluded.

Mr. LA FOLLETTE. I wish to announce that the Senator from Minnesota [Mr. CLAPP] and the Senator from North Dakota [Mr. GRONNA] are both paired and are detained on business connected with the Committee on Indian Affairs.

Mr. LEWIS. I wish to announce the absence of the Senator from Maryland [Mr. SMITH] and his pair with the Senator from Vermont [Mr. DILLINGHAM].

Mr. BECKHAM (after having voted in the affirmative). I transfer my pair with the senior Senator from Delaware [Mr. DU PONT] to the junior Senator from Arkansas [Mr. KIRBY] and will let my vote stand.

Mr. SMITH of Michigan (after having voted in the affirmative). I transfer my pair with the Senator from Missouri [Mr. REED] to the junior Senator from Maine [Mr. FERNALD] and will permit my vote to stand.

Mr. CURTIS. I transfer my pair with the junior Senator from Georgia [Mr. HARDWICK] to the senior Senator from Idaho [Mr. BORAH] and vote "yea."

I desire to announce the absence of the Senator from Connecticut [Mr. McLEAN] on account of illness and will let this announcement stand for the day.

I also desire to announce the following pairs:

The Senator from West Virginia [Mr. GORE] with the Senator from South Carolina [Mr. TILLMAN];

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN]; and

The Senator from Wyoming [Mr. CLARK] with the Senator from Missouri [Mr. STONE].

Mr. O'GORMAN. I have a general pair with the senior Senator from New Hampshire [Mr. GALLINGER] and in his absence withhold my vote.

Mr. SAULSBURY. I inquire if the junior Senator from Rhode Island [Mr. COLT] has voted?

The VICE PRESIDENT. He has not.

Mr. SAULSBURY. I have a pair with that Senator, and therefore withhold my vote.

Mr. WILLIAMS. I am paired with the senior Senator from Pennsylvania [Mr. PENROSE]. Transferring that pair to the Senator from Maryland [Mr. LEE], I vote "yea."

The roll call resulted—yeas 50, nays 3, as follows:

#### YEAS—50.

Ashurst	Husting	Oliver	Sterling
Beckham	James	Page	Sutherland
Brady	Johnson, S. Dak.	Phelan	Thomas
Brandeggee	Kenyon	Pittman	Thompson
Broussard	Kern	Polindexter	Tillman
Chamberlain	La Follette	Ransdell	Townsend
Chilton	Lewis	Robinson	Underwood
Curtis	Lippitt	Shafroth	Walsh
Fall	Lodge	Sheppard	Watson
Fletcher	McCumber	Smith, Ga.	Weeks
Harding	Martin, Va.	Smith, Mich.	Williams
Hitchcock	Martine, N. J.	Smith, S. C.	
Hughes	Nelson	Smoot	

#### NAYS—3.

Myers	Norris	Pomerene	
Bankhead	Fernald	Lee, Tenn.	Shields
Borah	Gallinger	Lee, Md.	Simmons
Bryan	Gore	McLean	Smith, Ariz.
Catron	Gronna	Newlands	Smith, Md.
Clapp	Hardwick	O'Gorman	Stone
Clark	Hollis	Overman	Swanson
Colt	Johnson, Me.	Owen	Vardaman
Culberson	Jones	Penrose	Wadsworth
Cummins	Kirby	Reed	Warren
Dillingham	Lane	Saulsbury	Works
du Pont		Sherman	

#### NOT VOTING—43.

The VICE PRESIDENT. On the motion of the Senator from Colorado [Mr. SHAFROTH] the yeas are 50, the nays are 3, which is two-thirds and more. H. R. 9533, the Porto Rican civil government bill, is made the special order for 8 o'clock this evening.

Mr. SHAFROTH subsequently said: Mr. President, I move that at 5.30 this afternoon the Senate take a recess until 8 o'clock to-night.

The motion was agreed to.

The VICE PRESIDENT. Is there any further morning business? [A pause.] The morning business is closed.

#### INDIAN APPROPRIATIONS.

Mr. ASHURST. I ask unanimous consent that the Senate proceed to the consideration of the Indian appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18453) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1918.

The SECRETARY. The point last reached in the bill is at the foot of page 53, where the amendments of the committee was passed over. It reads as follows:

*Provided further*, That after the lands have twice been offered for sale at public auction the Secretary of the Interior, under rules and regulations to be prescribed by him, shall cause to be sold to the highest bidder, in such manner and upon such terms as he may deem advisable, the surface of any lands remaining unsold and of any surface lands forfeited by reason of nonpayment of any part of the purchase price.

Mr. ASHURST. Mr. President, this item in the bill was passed over at the request of the Senator from Oregon [Mr. LANE].

Mr. LANE. Mr. President, I ask that the amendment be further passed over.

Mr. ASHURST. The Senator asks that it go over further, and I join in that request.

The VICE PRESIDENT. The amendment will be again passed over.



The reading of the bill was resumed.

The next amendment was, on page 54, line 17, before the word "Tribes," to strike out "and Chickasaw" and insert "Chickasaw, and Creek," so as to make the clause read:

*Provided further*, That during the fiscal year ending June 30, 1918, no moneys shall be expended from tribal funds belonging to the Five civilized Tribes, without specific appropriation by Congress, except as follows: Equalization of allotments, per capita and other payments authorized by law to individual members of the respective tribes, tribal and other Indian schools for the current fiscal year under existing law, salaries and contingent expenses of governors, chiefs, assistant chiefs, secretaries, interpreters, and mining trustees of the tribes for the current fiscal year at salaries at the rate heretofore paid, and attorneys for the Choctaw, Chickasaw, and Creek Tribes employed under contract approved by the President, under existing law, for the current fiscal year.

The amendment was agreed to.

The next amendment was, at the top of page 57, to insert:

That the sum of \$5,000 be, and the same is hereby appropriated, out of any funds of the Chickasaw Nation not otherwise appropriated, to reimburse Douglas H. Johnston, governor of the Chickasaw Nation, for extra expense incurred for performance of his duty as chief executive of the Chickasaw Nation and principal chief of the Chickasaw Tribe of Indians during the period covered between the years 1907 and 1912.

The amendment was agreed to.

The next amendment was, on page 57, after line 9, to insert:

Hereafter no allotments shall be made to members of the Creek Nation without specific authority of Congress.

The amendment was agreed to.

The next amendment was, on page 57, after line 20, to strike out:

For support and education of 600 Indian pupils, including native Indian pupils brought from Alaska, at the Indian school, Salem, Oreg., including pay of superintendent, \$102,200; for general repairs and improvements, \$30,000; in all \$132,200.

And to insert:

For support and education of 600 Indian pupils, including native Indian pupils brought from Alaska, at the Indian school, Salem, Oreg., including pay of superintendent, \$102,200; for general repairs and improvements, \$20,000; for new buildings, including dairy barn, printing office, employees' quarters and cottages, and addition to hospital, \$40,000; in all, \$162,200.

The amendment was agreed to.

The next amendment was, on page 58, after line 15, to insert:

For the construction of the Modoc Point extension project, to irrigate approximately 2,135 acres upon the Klamath Indian Reservation, in accordance with the plans submitted by the chief engineer in the Indian Service and approved by the Commissioner of Indian Affairs and the Secretary of the Interior, \$29,000, reimbursable, as provided for the Modoc Point project in the act of March 3, 1911.

The amendment was agreed to.

The next amendment was, on page 58, after line 23, to insert:

For the purchase of a tract or tracts of land on the Columbia River, for the purpose of providing fishing grounds for the Warm Springs and other middle Oregon tribes, not to exceed \$5,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 59, after line 2, to insert:

That the Secretary of the Interior is hereby authorized to make allotments to any living Indians on the Umatilla Reservation, Oreg., of not exceeding 80 acres to each person entitled to rights thereon but who have not heretofore been allotted, so long as any of the lands within said reservation remain available for the purpose, and to issue trust patents for the selections so made in accordance with the act of February 8, 1887 (24 Stat. L., p. 388), as amended; such allotments to be made under such rules and regulations as the Secretary of the Interior may prescribe.

The amendment was agreed to.

The next amendment was, under the head of "South Dakota," on page 60, after line 3, to strike out:

SEC. 20. For support and education of 365 Indian pupils at the Indian school at Flandreau, S. Dak., and for pay of superintendent, \$62,955; for general repairs and improvements, \$8,000; for new barn, \$3,000; in all, \$73,955.

And to insert:

SEC. 21. For support and education of 365 Indian pupils at the Indian school at Flandreau, S. Dak., and for pay of superintendent, \$62,955; for general repairs and improvements, \$8,000; for girls' industrial building, \$10,000; for new barn, \$3,000; in all, \$83,955.

Mr. SMOOT. Mr. President, I notice that the Senate amendment provides an additional appropriation of \$10,000 for a girls' industrial building. Can the Senator having the bill in charge apprise the Senate as to what immediate necessity there is for this building?

Mr. ASHURST. Advertising to page 264 of the House hearings, I quote from the assistant commissioner as follows:

There is needed \$10,000 for a girls' industrial building, large enough to properly house the domestic-science department and also for quarters for the general sewing room. The present quarters are entirely too small, only two rooms being now available in addition to a poorly lighted basement room.

The statement before the Senate committee was to the effect that this was a necessary expenditure for a girls' industrial building large enough so that they would be equipped with facilities for learning domestic science.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment was, on page 60, line 19, after "\$4,000," to strike out "in all, \$53,750," and insert "for two new busses, \$900; in all, \$54,650," so as to make the clause read:

For support and education of 250 Indian pupils at the Indian school at Pierre, S. Dak., including pay of superintendent, \$43,750; for general repairs and improvements, \$6,000; for new boiler and boiler stack and installation thereof, \$4,000; for two new busses, \$900; in all, \$54,650.

The amendment was agreed to.

The next amendment was, on page 60, line 24, after the word "remodeling," to strike out "building" and insert "buildings," so as to make the clause read:

For support and education of 275 Indian pupils at the Indian school, Rapid City, S. Dak., including pay of superintendent, \$47,925; for general repairs and improvements, \$5,000; for remodeling buildings, \$9,000; for construction and repair of road through school farm, \$4,000; for irrigation, drainage, and improving school farm, \$3,000; in all, \$68,925.

The amendment was agreed to.

The next amendment was, on page 62, after line 2, to insert:

For acquiring, constructing, or enlargement and equipment of school buildings on the following reservations: Crow Creek, Pine Ridge, Rosebud, Standing Rock, Yankton, Sisseton, Lower Brule, and Cheyenne River, \$300,000; *Provided*, That after the school buildings herein provided for are established and equipped no money shall be appropriated out of the Treasury of the United States for the education of Indian children in sectarian schools.

The amendment was agreed to.

The next amendment was, on page 62, after line 10, to strike out:

For subsistence and civilization of the Yankton Sioux, South Dakota, including pay of employees, \$14,000.

And insert:

For subsistence and civilization of the Yankton Sioux, South Dakota, including pay of employees, \$14,000; for the erection of a barn at Ravinia, S. Dak., for sheltering Indian teams, \$2,000, of which sum not to exceed \$300 shall be expended for a suitable site; in all, \$16,000.

The amendment was agreed to.

The next amendment was, on page 62, line 23, after "\$60,000," to insert "to repair and improve the road leading from the said asylum for insane Indians to the city of Canton, S. Dak., \$7,500; in all, \$67,500," so as to make the clause read:

For the equipment and maintenance of the asylum for insane Indians at Canton, S. Dak., for incidental and all other expenses necessary for its proper conduct and management, including pay of employees, repairs, improvements, and for necessary expense of transporting insane Indians to and from said asylum, \$60,000; to repair and improve the road leading from the said asylum for insane Indians to the city of Canton, S. Dak., \$7,500; in all, \$67,500.

The amendment was agreed to.

The next amendment was, at the top of page 63, to insert:

For compensation of Fast Walker, D. K. How, and Not Afraid of Bear, all of the Crow Creek Reservation, S. Dak., for services rendered while acting as scouts under Gen. Sully and Lieut. Col. John Pattee in the year 1863, the sum of \$150 each; in all, \$450.

Mr. SMOOT. Mr. President, I should like to have the Senator explain why this claim should be put upon the appropriation bill. I see that it is stated that the service was rendered in 1863.

Mr. ASHURST. In response to the question propounded by the Senator from Utah I would respectfully call his attention to page 25 of the report of the committee. While it is true that this is a claim, it is the only claim on the bill that is to be paid out of the Federal Treasury. All the other claims, if I construe them correctly—and I think I do—are to be paid out of various Indian funds at the request of the Indians. The Secretary of the Interior sent a somewhat lengthy but complete explanation of this item, and I ask the Secretary to read at this time the report of the Secretary of the Interior on this particular item.

Mr. SMOOT. Does the Senator know whether this is the first time that this claim has been presented to Congress?

Mr. ASHURST. This is the first time it has been presented since I have been a member of the Indian Affairs Committee. It was presented by the Senator from South Dakota [Mr. Johnson], who is very familiar with it, and who vouched for its accuracy; and it is also agreed to by the Secretary of the Interior. I should like to have the letter of the Secretary read.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary proceeded to read the letter, and was interrupted by

Mr. ASHURST. The letter is very lengthy and I ask that the remainder of it be included in the Record without reading. I



call specific attention to a paragraph on page 27 in this same letter, as follows:

From the facts presented it appears to me that for their services as scouts during the year 1863, covering the time above estimated, these Indians are entitled to compensation from the Government, and I would recommend that Fast Walker, Don't Know How, and Not Afraid of Bear be each allowed \$150.

Mr. SMOOT. That is the position of the Secretary of the Interior?

Mr. ASHURST. I have read next to the last paragraph of the Secretary's letter.

The letter entire is as follows:

DEPARTMENT OF THE INTERIOR,  
Washington, December 14, 1916.

MY DEAR SENATOR: In further reply to your letter dated April 26 relative to S. 5648, authorizing an investigation of the claims of Fast Walker and other members of the Yankton Sioux Tribe and the Two Kettle Band of the Cheyenne River Reservation, S. Dak., for services performed as scouts in 1863, you are advised that this matter has been taken up with the superintendents of the different Sioux Indian reservations for the securing of data on this subject.

The delay in making a final report on this bill has been occasioned by the difficulty in securing definite information relative to the Indians involved and the length of time which these Indians have allowed to elapse before putting in their claim for money due them for their services as scouts during the year 1863.

On taking this matter up with the War Department the Assistant Secretary of War reported that their records showed no Indian scouts enlisted in the Regular Army during the year 1863. A list, however, was inclosed with his communication giving the names of the Indians employed in the Quartermaster's Department with the Army operating in the Sioux Indian campaign in Minnesota and Dakota from the years 1863 to 1866, showing that these Indians received pay for their services. The name of Fast Walker, the Indian mentioned in S. 5648, is not included in the list above mentioned, but the other name under which he sometimes went, namely, Rattling Stone Walker, might possibly be the one mentioned in the list as being employed from September 15 to October 10 as a scout, for which he was paid \$3 per day.

In his testimony, copy of which is herewith attached, given before the superintendent of the Crow Creek Indian Reservation, Fast Walker claimed to have received \$80 from either Gen. Sibley's clerk or some other person in his employ. Apparently he received this, according to his testimony, for acting as a guide to Gen. Sibley on a trip to Fort Sisseton. This \$80 might have been the payment mentioned as being made to Rattling Stone Walker during the fall of 1863, according to the War Department records, as, according to Fast Walker's testimony, it appeared that he entered the service of the Army in the fall of 1862, and served at least one year.

From Fast Walker's testimony and that of D. K. How (Don't Know How), both of whom claim pay for services rendered, it would appear that Col. Pattee, mentioned in S. 5648, hired these Indians to act as scouts during the fall of 1862 through the head man of their tribe, and that Gen. Sully was in command over Col. Pattee at that time. If these Indians were hired simply by Col. Pattee, making arrangements with the head man of their tribe, and no enlistment papers were furnished them, it would seem very plausible that their names might not have been entered on the Army records, and that they were simply carried as irregular scouts, their names not even appearing on the quartermaster's records as Army employees.

Senate bill 5648 was taken up with the superintendents of the Yankton, Cheyenne River, Lower Brule, Rosebud, and Crow Creek Indian schools to ascertain if there were any Sioux Indians under their jurisdiction who had rendered services to the Government as scouts during the year 1863, for which they had received no pay. The bands of Sioux mentioned in the bill in question would be apparently under the Cheyenne River, Crow Creek, or Yankton superintendents.

The Cheyenne River superintendent reported that nothing could be learned of any scouts living on his reservation who served under Gen. Sully or Lieut. Col. Pattee during the year 1863. Copies of the superintendent's correspondence are inclosed herewith.

On taking the matter up with the Yankton superintendent, he advised that an Indian named Paul Highrock claimed to have rendered certain services as scout during the early sixties to the Government, but on investigation it was discovered that he and 50 other Yankton Sioux Indian scouts were paid \$75 in the fall of 1878, and \$225 under authority of Congress (act of Aug. 15, 1894, 28 Stat., 317), and that he had no claim against the Government for services rendered.

The Lower Brule superintendent advised that he took the subject of the bill up in council with the old men of the tribe, and that no one there knew of any Indian who served as a scout for the Government at the time stated in the bill or under one of the officers named.

The supervisor in charge of the Rosebud Reservation advised that he sent a copy of the bill in question with a circular letter to all the district farmers on his reservation and to the members of the Rosebud tribal council, calling on all persons knowing any of the Indians mentioned in the bill to report same to his office. No names were submitted and no Indians made claim for services such as would bring them within the claim mentioned in said bill. He is of the opinion that there are no Indians on the Rosebud Reservation who would come within the scope of the bill. This is a very large reservation, involving an area of 1,715,231 acres and having under its supervision approximately 5,500 Indians. In view of the large territory involved and the number of Indians, the above plan had to be followed by the supervisor in trying to secure the information desired.

The superintendent of the remaining Sioux Agency of the five above mentioned, namely, Crow Creek, made an exhaustive investigation of the matter, due to the fact that Fast Walker, the Indian mentioned in S. 5648, lived on his reservation. The superintendent reports that, so far as he has been able to determine, out of the 26 Indians who served as scouts during the fall of 1862 and possibly later from the Lower Yankton Sioux Tribe, only 3 are living, namely, Fast Walker, D. K. How (Don't Know How), both above mentioned, and Not Afraid of Bear.

On going over the testimony secured by the superintendent of the Crow Creek Reservation from the three Indians named above, it appears that these men were very young when the Sioux campaign under Gen. Sully took place, and that they enlisted in the fall of 1862 and served until some time the following summer of 1863. These Indians claim that they were members of a band of scouts who rescued

Mrs. Duly, her six children, and a Mrs. Wright, who had been captured by hostile Santees in the fall of 1862. Copy of their testimony is inclosed. Inspector James McLaughlin, who was in the vicinity of Crow Creek Agency in the spring of 1863, states that these Indians did not participate in the rescue in question and that all the members of said rescue party are dead. There is inclosed herewith an extract made from notes in one of the inspector's memorandum books relative to Chief Madbear's statement regarding the rescue in question and the participants.

During the next spring the above-mentioned three Indians claimed to have escorted Gen. Sully up to what is now Bismarck, N. Dak., on his way to Montana. They also claim to have killed some hostile Santee Indians in connection with their scout duty.

From the report of the superintendent of the Crow Creek School and the facts brought out in the direct examination of the Indians above mentioned, it would appear that these Indians probably did act as scouts for a time in the Army, approximately four months, during the spring and summer of 1863.

From the facts presented, it appears to me that for their services as scouts during the year 1863, covering the time above estimated, these Indians are entitled to compensation from the Government, and I would recommend that Fast Walker, Don't Know How, and Not Afraid of Bear be each allowed \$150.

There are inclosed herewith copies of correspondence between the Commissioner of Indian Affairs and certain of the superintendents, together with copies of communication from the War Department, for your information.

Cordially, yours,

FRANKLIN K. LANE,  
Secretary.

HON. HENRY F. ASHURST,

Chairman Committee on Indian Affairs,  
United States Senate.

Mr. SMOOT. Mr. President, I do know this: That there are thousands and thousands of claims made against the Government of the United States for services rendered in 1863, 1864, and 1865, not particularly of Indians but of white people all over the United States. All those claims are sent to the Court of Claims, and that is the proper place for them to go. The Court of Claims would gather whatever evidence there is in the case; but to put a private claim upon an appropriation bill is not the proper course to pursue, in my opinion.

If the Senator from South Dakota knows anything personally about this matter, I should like to have him state it to the Senate, but there is no more necessity and there is no more justice in putting this private claim upon this appropriation bill than there is in taking up on an appropriation bill all the old post-office claims in the South, and all the other claims for the destruction of property during the Civil War and claims for services given to the Government during that period of our history.

Unless there is some good reason why I should not do so I desire to make a point of order against the amendment. I should like to hear what the Senator from South Dakota has to say before I make the point of order.

Mr. JOHNSON of South Dakota. Mr. President, this is a matter that I am not personally familiar with. The letter of the Secretary of the Interior, which has been read in part, explains the matter more fully than I could do it.

The fact remains, however, that on the Crow Creek Reservation it is universally conceded that these men performed the duties for which they ask this small compensation for their services during that time. In all probability the reason why their names did not appear on the Army roll was because they were acting as special scouts, or something of that kind, during the time of the war.

The sum involved is so small and insignificant that while I realize the position the Senator from Utah takes in regard to such an appropriation on an appropriation bill I hope he will not raise a point of order on this small item.

Mr. SMITH of Georgia. The trouble is, if the Senator will allow me, if we start with this small item what will be on us the next time? This will be cited as a precedent for introducing into the Indian appropriation bill the adjustment of claims of this kind and it will be that much harder to stop it the next time. If we could get through with it by making this appropriation of \$450, and would not start a precedent for more evil and more trouble, I do not know that I would especially object. I hope the Senator will consent to let it go over, and I hope the chairman of the committee will consent.

Mr. JOHNSON of South Dakota. I will consent to let the matter be passed over to-day.

Mr. SMOOT. I wish to ask the Senator if these Indians were in the service of the Government and in the Regular Army?

Mr. JOHNSON of South Dakota. I understand as scouts.

Mr. SMOOT. Then it seems to me there is not only the question of paying a claim of \$150, but if we pay this claim we acknowledge that they were in the Army. I can not see why they could not come and claim a pension as well, the service having been acknowledged by the payment of \$150. The amendment does not state how long they served; there is no record here from the department to show that they ever did serve, yet by this small amendment we acknowledge that they did this service in



1863, and I am not quite sure, I will say to the Senator, but that they could claim service in the Regular Army by this payment, which is virtually an acknowledgment of service, and base a pension claim upon the same. Has the Senator thought of that?

Mr. JOHNSON of South Dakota. No; I never have. They were in the service of the Regular Army, as I understand it, as advance scouts. Perhaps the Army Register may not show that they were in the service of the Army. They were, as I recall it, as scouts, and that would exclude the matter with regard to pensions, would it not?

Mr. SMOOT. I think if they were scouts in the Regular Army and did the service white men do they ought to have a pension; but I do not see how we are going to decide that by what little testimony we have here in allowing a claim for each one of them on an appropriation bill. I think it is a very bad precedent. I will say to the Senator I am perfectly willing that the amendment shall go over for the present and be considered later.

Mr. JOHNSON of South Dakota. That is satisfactory.

Mr. MYERS. Mr. President, does the Senator from Utah make a point of order against this item?

Mr. SMOOT. The Senator from South Dakota agrees that it shall be passed over.

Mr. MYERS. I do not believe that under Rule XVI a point of order would lie against the item, because this payment has been recommended. It has been moved by the direction of a standing committee of the Senate.

Mr. SMOOT. I suppose the Senator has not read paragraph 4 of that same rule. If he will read it, he will find it provides that—

No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill unless it be to carry out the provisions of an existing law or a treaty stipulation.

Mr. MYERS. The Senator is correct about that.

Mr. SMOOT. I will let the amendment be passed over, Mr. President.

Mr. SMITH of Georgia. I think a point of order ought to be made on the amendment.

The VICE PRESIDENT. Does the Senator from Georgia make a point of order?

Mr. SMITH of Georgia. I do not object to passing it over.

Mr. SMOOT. I will make the point of order.

The VICE PRESIDENT. The point of order is sustained.

The next amendment was, under the head of "Utah," on page 63, line 8, to change the number of the section from "21" to "22."

The amendment was agreed to.

The next amendment was, under the head of "Washington," on page 65, line 10, to change the number of the section from "22" to "23."

The amendment was agreed to.

The next amendment was, on page 67, line 5, after the word "reservation," to strike out "\$200,000" and insert "\$300,000," so as to make the clause read:

For continuing construction and enlargement of the irrigation and drainage system, to make possible the utilization of the water supply provided for 40 acres of each Indian allotment on the Yakima Indian Reservation, Wash., and such other water supply as may be available or obtainable for the irrigation of a total of 120,000 acres of allotted Indian lands on said reservation, \$300,000, to remain available until expended: *Provided*, That the entire cost of said irrigation and drainage system shall be reimbursed to the United States under the conditions and terms of the act of May 18, 1916.

The amendment was agreed to.

The next amendment was, on page 67, after line 10, to insert:

That the patents heretofore issued as fee-simple patents under the homestead act of May 20, 1862 (12 Stat. L., 392), in the name of Charles Cleveland, May 2, 1905, for the south half of the southeast quarter, section 22, and the northeast quarter of the northeast quarter and lot No. 1, section 27, township 27 north, range 14 west, of the Willamette meridian; and a similar patent in the name of Henry Hudson, May 1, 1902, for the southeast quarter of the northeast quarter and the northeast quarter of the southeast quarter, section 21, and the southwest quarter of the northwest quarter, and the northwest quarter of the southwest quarter, section 22, township 27 north, range 14 west, of the Willamette meridian; and a similar patent in the name of Washington Howatt, September 26, 1902, for the southeast quarter of the northeast quarter, the north half of the southeast quarter, and the southeast quarter of the southeast quarter, section 23, township 27 north, range 14 west, of the Willamette meridian; and a similar patent in the name of Howard Wheeler, March 8, 1905, for the south half of the northeast quarter, and the north half of the southeast quarter, section 22, township 27 north, range 14 west, of the Willamette meridian; and a similar patent in the name of Jim Black, March 8, 1905, for the northwest quarter, section 24, township 27 north, range 14 west, of the Willamette meridian; and a similar patent in the name of Tommy Saux, May 2, 1905, for the southwest quarter of the southeast quarter, section 14, the west half of the northeast quarter, and the northeast quarter of the northeast quarter, section 23, township 27 north, range 14 west, of the Willamette meridian; and a similar patent in the name of Talcas, March 8, 1905, for the southwest quarter, section 24, township 27 north, range 14 west, of the Willamette meridian; and a similar patent in the name of John Jackson, March 8, 1905, for the east half of the northwest quarter and the east half of the southwest quarter, section 22, township 27

north, range 14 west, of the Willamette meridian; and a similar patent in the name of Kate Jackson, widow of Peter Jackson, October 19, 1905, for the north half of the northeast quarter, and lots Nos. 1, 2, and 3, section 20, township 27 north, range 14 west, of the Willamette meridian; and a similar patent in the name of Thomas Paine, February 24, 1908, for the lots Nos. 11 and 12, section 1, township 27 north, range 13 west, of the Willamette meridian; and a similar patent in the name of Willes-sa, August 1, 1904, for the northeast quarter of the southeast quarter, and lot No. 1, section 21, and the northwest quarter of the southwest quarter, and lots Nos. 6 and 7, section 22, township 28 north, range 14 west, of the Willamette meridian; and a similar patent in the name of Robert Smith, October 5, 1907, for the south half of the southeast quarter, and the northeast quarter of the southeast quarter, section 20, township 16 north, range 4 east, of the Willamette meridian; and a similar patent in the name of William Ponier, June 8, 1903, for the northwest quarter, section 20, township 16 north, range 4 east, of the Willamette meridian; and a similar patent in the name of Wapato Charley for the west half of the northeast quarter and the northeast quarter of the northwest quarter of section 19, township 23 north, range 20 east, of the Willamette meridian, all situated in the State of Washington, be, and the same are hereby, ratified and confirmed as of their dates of issuance.

The amendment was agreed to.

The next amendment was, under the head of "Wisconsin," on page 70, line 11, to change the number of the section from "23" to "24"; and, in line 13, after the word "superintendent," to insert "at \$1,650," so as to make the clause read:

SEC. 24. For the support and education of 250 Indian pupils at the Indian school at Hayward, Wis., including pay of superintendent, at \$1,650, \$43,200; for general repairs and improvements, \$8,000; in all, \$51,200.

The amendment was agreed to.

The next amendment was, on page 70, line 24, after the word "employees," to strike out "\$7,000" and insert "\$9,000," so as to make the clause read:

For support and civilization of the Chippewas of Lake Superior, Wis., including pay of employees, \$9,000.

The amendment was agreed to.

The next amendment was, at the top of page 72, to strike out:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, in his discretion, the sum of \$300,000, or so much thereof as may be necessary, of the tribal funds of the Menominee Indians in Wisconsin, arising under the provisions of the acts of June 12, 1890 (26 Stat. L., p. 146), and March 28, 1908 (35 Stat. L., p. 51), and to expend the same in the clearing of land, the erection of sanitary homes, and the purchase of building material, seed, teams, farming equipment, dairy stock, machinery, tools, implements, and other equipment and supplies necessary to enable said Indians to become self-supporting under such regulations as he may prescribe: *Provided*, That no lands shall be cleared for agricultural purposes, pursuant to the foregoing provision, excepting such lands as have been heretofore completely and wholly cut over.

And to insert:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, in his discretion, the sum of \$387,000, or so much thereof as may be necessary, of the tribal funds of the Menominee Indians in Wisconsin, arising under the provisions of the acts of June 12, 1890 (26 Stat. L., p. 146), and March 28, 1908 (35 Stat. L., p. 51), and to expend the same in the clearing of land, the erection of sanitary homes, and the purchase of building material, seed, teams, farming equipment, dairy stock, machinery, tools, implements, and other equipment and supplies necessary to enable said Indians to become self-supporting, under such regulations as he may prescribe: *Provided*, That no lands shall be cleared for agricultural purposes pursuant to the foregoing provision, excepting such lands as have heretofore had removed therefrom all merchantable timber: *Provided further*, That the funds herein authorized, together with the \$300,000 authorized by the Indian appropriation act approved May 18, 1916 (Public. No. 80, p. 38), may, in the discretion of the Secretary of the Interior, be apportioned on a per capita basis among all enrolled members of the Menominee Tribe, a per capita payment of \$50 to be made immediately after the passage of this act to each member of said tribe, and the remainder of the share of each Indian to be deposited to his or her credit and subject to expenditure under the regulations governing the handling of individual Indian money.

Mr. ASHURST. I am not certain, but it may be that the Senator from Wisconsin [Mr. LA FOLLETTE] has an amendment to propose at this point, and I ask that this particular paragraph may go over until he is able to come into the Chamber. He is now in attendance upon a committee.

The VICE PRESIDENT. The amendment will go over.

The next amendment was, under the head of "Wyoming," on page 74, line 19, to change the number of the section from "24" to "25."

The amendment was agreed to.

The next amendment was, on page 75, line 10, after the name "Wyoming," to strike out "including the maintenance and operation of completed canals, \$100,000," and insert "including the Big Wind River and Dry Creek Canals, and including the maintenance and operation of completed canals, \$150,000," so as to make the clause read:

For continuing the work of constructing an irrigation system within the diminished Shoshone or Wind River Reservation, in Wyoming, including the Big Wind River and Dry Creek Canals, and including the maintenance and operation of completed canals, \$150,000, reimbursable in accordance with the provisions of the act of March 3, 1905, and to remain available until expended.

The amendment was agreed to.

The reading of the bill was continued to line 21, page 75.



Mr. ASHURST. Before we take up the next item, which may be controverted, I ask that we recur to the item relative to the Menominee Indians in Wisconsin.

The VICE PRESIDENT. The amendment which was passed over will be stated.

The SECRETARY. The committee proposes to strike out from the House text from line 1 to line 18, on page 72, and to insert the matter printed in italics on pages 72 and 73.

Mr. LA FOLLETTE. For which I wish to offer a substitute.

The VICE PRESIDENT. The substitute will be read.

The SECRETARY. It is proposed to substitute for the part in italics the following:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, in his discretion, the sum of \$387,000 of the tribal funds of the Menominee Indians in Wisconsin, arising under the provisions of the acts of June 12, 1890 (26 Stat. L., p. 146), and March 28, 1908 (35 Stat. L., p. 51), section 26 of the act of March 3, 1911 (36 Stat. L., p. 1076), and any acts amendatory thereof, and under such regulations as he may prescribe to expend the same to aid said Indians to fit themselves for or to engage in farming or such other pursuits or avocations as will enable said Indians to become self-supporting or in the case of the old, decrepit, or incapacitated members of the tribe for support: *Provided*, That in the case of those who engage in farming upon the Menominee Reservation, that prior to authorization to make expenditures for farming purposes upon lands not heretofore entirely cleared of all merchantable timber the Forest Service of the Indian Bureau shall make a survey of same and shall certify that such lands have been cut over and cleared of all merchantable timber, or that, if there be merchantable timber on such lands, that it is to the interest of the Menominee Indians and not detrimental to the Menominee Forest that such timber be removed, and that such Forest Service of the Indian Bureau shall also certify that the lands proposed to be cleared are not necessary to the preservation of the Menominee Forest and would be more valuable to the Menominee Indians if used for agricultural or grazing purposes; that any merchantable timber cut hereunder shall be disposed of in the manner provided by law for the disposition of timber cut upon the Menominee Reservation, and the authorization herein contained, in so far as it applies to the merchantable timber on said lands, shall not be construed so as to increase the total amount of said timber authorized to be cut in any one year: *Provided further*, That the funds herein authorized, together with the \$300,000 authorized by the Indian appropriation act approved May 18, 1916 (Public. No. 80, p. 38), may, in the discretion of the Secretary of the Interior, be apportioned on a per capita basis among all enrolled members of the Menominee Tribe, a per capita payment of \$50 to be made immediately after the passage of this act to each member of said tribe, and the remainder of the share of each Indian to be deposited to his or her credit: *Provided*, That the per capita share of each minor under 18 years of age in said sum so apportioned shall be deposited to the credit of the parent, guardian, or other person having the custody and care of said minor, the per capita share of such minors or the unexpended balance of same, when any such minors shall arrive at the age of 18 years, shall be withdrawn from the amount of the parent, guardian, or other person and deposited to the account of such minors. All deposits made to the credit of individual members of the Menominee Tribe, to parents, guardians, or other persons under the terms of this act shall be subject to expenditure under the regulations governing the handling of individual Indian money.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Wisconsin [Mr. LA FOLLETTE] to the amendment of the committee.

Mr. SMITH of Georgia. Will the Senator from Wisconsin explain to us just what that amendment does?

Mr. LA FOLLETTE. Mr. President, my amendment changes the amendment adopted by the committee in this respect: The amendment adopted by the committee and presented to the Senate limited the benefits to be derived from the Indian funds appropriated here to those Indians who might engage in farming upon the reservation.

Mr. SMITH of Georgia. It is simply a question of the use of Indian funds?

Mr. LA FOLLETTE. Oh, yes. It makes no appropriation from the Treasury.

Mr. SMITH of Georgia. And perfecting a plan to use such funds in the Senator's State as the Senator thinks best? I have not any objection to the amendment.

Mr. LA FOLLETTE. Mr. President, I observed after the amendment had been adopted by the committee that it limited the number of those who could participate in the fund to Indians who were engaged in farming upon the reservation. I am reliably informed that there are numbers of Indians who engage in other occupations and who are prosecuting them quite successfully. There are a number of merchants, for instance, who would have an equal right to share in this fund who are conducting a mercantile business of considerable proportions; there are other Indians who are members of this tribe who are civil engineers, who are teachers in schools, and many of them desire to take the normal course in the Wisconsin Normal School in order to prepare themselves for teaching. I think they ought to be permitted to share in this fund and to use it for preparing themselves for the vocations which they have elected to pursue. I therefore revised the amendment which the committee had adopted and submitted it to the Assistant Commissioner of Indian Affairs this morning. He made one suggestion, which I have adopted; and as presented to the Sen-

ate the amendment has the approval of the Indian Office through the Assistant Indian Commissioner. I will not take the time of the Senate further, Mr. President.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Wisconsin to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 75, after line 21, to strike out:

SEC. 25. That until the meeting of the Sixty-fifth Congress those members of the Committee on Indian Affairs of the House of Representatives, not less than five in number, who are Members elect of the Sixty-fifth Congress are authorized to conduct hearings and investigate the conduct of Indian affairs by the Indian Bureau and other branches of the Indian Service at Washington, D. C., and elsewhere, and the sum of \$10,000, or so much thereof as may be necessary, is hereby appropriated for expenses incident thereto.

And to insert:

SEC. 26. For the purpose of making inquiry into conditions in the Indian Service, with a view to ascertaining any and all facts relating to the conduct and management of the Bureau of Indian Affairs, and of recommending such changes in the administration of Indian affairs as would promote the betterment of the service and the well-being of Indians, there is hereby constituted a commission to be known as the joint commission to investigate Indian affairs, to be composed of three Members of the Senate, to be appointed by the presiding officer of the Senate, and three Members of the House of Representatives, to be appointed by the Speaker. That said commission be, and is hereby, directed, authorized, and empowered to examine into the conduct and management of the Bureau of Indian Affairs and all its branches and agencies, their organization and administration. The commission shall have power and authority to examine all books, documents, and papers in the said Bureau of Indian Affairs, its branches or agencies, relating to the administration of the business of said bureau, and shall have and is hereby granted authority to subpoena witnesses, compel their attendance, administer oaths, and to demand any and all books, documents, and papers of whatever nature relating to the affairs of Indians as conducted by said bureau, its branches and agencies. Said commission is hereby authorized to visit any Indian agency, school, institution, or other establishment under the jurisdiction and control of the Bureau of Indian Affairs or the Department of the Interior, and it shall be the duty of the Secretary of the Interior, the Commissioner of Indian Affairs, and all other officers connected with the administration of Indian affairs to aid the said commission and furnish all available information that may be demanded by said commission.

The investigation hereby provided for shall be conducted by said commission as speedily as possible, and the findings, conclusions, and recommendations of such commission shall be reported to Congress during the Sixty-fifth Congress. Said commission is hereby authorized to employ such clerical and other assistance, including stenographers, as said commission may deem necessary in the proper prosecution of its work: *Provided*, That stenographers so employed shall not receive for their services exceeding \$1 per printed page. The sum of \$20,000 is hereby appropriated to pay the expenses of the said commission. Within 10 days after the appointment of the said commission they shall proceed to elect a chairman and secretary, and the funds hereby appropriated shall be paid out on the order of such chairman and secretary, and a full itemized account of all such expenditures shall accompany the final report of the commission when submitted to Congress.

Mr. ASHURST. Mr. President, I feel that it is my duty to make some explanation of that proposed change. In section 25 of the bill it will be ascertained by adverting to page 75, line 22, that the following language came over from the other branch of Congress to this branch of Congress:

SEC. 25. That until the meeting of the Sixty-fifth Congress those members of the Committee on Indian Affairs of the House of Representatives, not less than five in number, who are Members elect to the Sixty-fifth Congress, are authorized to conduct hearings and investigate the conduct of Indian affairs by the Indian Bureau and other branches of the Indian Service, at Washington, D. C., and elsewhere, and the sum of \$10,000, or so much thereof as may be necessary, is hereby appropriated for expenses incident thereto.

I am not going to attempt to speak for the committee; the individual members of the committee are able to speak for themselves; but I will say that, upon a close reading of the paragraph, it will be ascertained that it is proposed that members of the Committee on Indian Affairs of the other House should have the power—and \$10,000 are appropriated for the expenditure—of conducting an investigation of the Bureau of Indian Affairs in Washington and elsewhere. It will also be observed that there is no provision made for the swearing of witnesses, for the taking of testimony, or for anything of that sort. It seemed to me to be a weak and inconclusive provision. The Committee on Indian Affairs of the Senate took the view that if an investigation were necessary and if the Committee on Indian Affairs were to investigate and to go upon various reservations they should have the power to subpoena witnesses, that they should have the power and should have the authority to reduce to writing the testimony adduced. Hence the Senate Committee on Indian Affairs drafted the language which appears in the Indian appropriation bill which was approved June 30, 1913, creating a joint commission on Indian affairs, to be composed of three Representatives, to be appointed by the Speaker of the House of Representatives, and three Senators, to be appointed by the Vice



President of the United States, the presiding officer of the Senate.

Speaking for myself, and for myself alone, I do not see any necessity for such an investigation. I do not see any necessity for either the House provision or the committee provision being incorporated into the law. If, however, the Senate wishes to incorporate either provision I shall very cheerfully join with the Senate, because I do not wish to occupy the attitude that there should be no investigation. I have now made my individual position known. I repeat, that I know of no necessity for this proposed investigation, but if there should be an investigation I am sure the Senate of the United States should have some representation upon the investigating committee. I think I have stated the facts that ought to be stated to the Senate.

Mr. SMOOT. Mr. President, I should like to ask the Senator what was the impelling force that induced the committee to strike out the House provision and amend it by the Senate provision as contained in section 26?

Mr. ASHURST. As will be discovered, of course, upon a close reading of section 25 as it came to this body, it provided:

That until the meeting of the Sixty-fifth Congress those members of the Committee on Indian Affairs of the House of Representatives, not less than five in number, who are Members elect to the Sixty-fifth Congress.

Mr. SMOOT. I followed what the Senator said, and that provision is printed in the bill.

Mr. ASHURST. The House provision gave them the power and authority to make investigations of the Bureau of Indian Affairs in Washington, and to go upon the various reservations.

Mr. SMOOT. Do I understand—

Mr. ASHURST. Just a moment, if the Senator please. The reason which induced the Senate committee, in my judgment, to make the amendment was this: If the necessity exists for an investigation—which we do not admit or concede—surely the commission should be composed of Senators as well as Members of the other House, and surely it should have the power to subpoena witnesses and reduce the testimony of those witnesses to writing. The reason for the adoption of the Senate amendment to me seems very clear, because under the House provision no authority is granted to reduce the testimony to writing, although possibly that power might be implied from the language of the bill. It is not, however, expressly given, and it is a matter of grave doubt now whether or not, even with the Senate committee language, such a joint commission would have the power to enforce the attendance of a witness, compel him to testify, and subject him to the pains and penalties of perjury if willfully he testified falsely. So the Senate committee endeavored to strengthen the provision as best it could.

Mr. SMOOT. Well, let me ask the Senator was he in favor of the Senate provision?

Mr. ASHURST. I was.

Mr. SMOOT. The Senator's statement, as it seemed to me, was not so strong that I would want to move that the Senate committee amendment be disagreed to, although I take it for granted from what the Senator said that he would rather like such a motion to be made; but, nevertheless, if the Senator thinks the Senate committee amendment is far preferable to the House provision, and that if we accept the Senate committee amendment and in conference it should finally be decided to have an investigation, the Senate committee amendment would provide for an investigation that is worth while—if that is the Senator's position, then we ought to keep the section in.

Mr. ASHURST. That is my attitude. Of course, the House of Representatives is the grand inquest of the Nation; it is the inquisitorial body; but the Senate committee did not wish out of hand to refuse to agree to the House provision, and substituted as we thought the best language that we could find, and, I repeat, adopted the language providing for the old joint commission of 1913.

The VICE PRESIDENT. Without objection, the amendment reported by the committee is agreed to. The first amendment passed over will be stated.

The SECRETARY. The first amendment passed over in the bill will be found on page 25, beginning on line 9.

Mr. SMOOT. Mr. President, there are a number of Senators who desire to be present when the reconsideration of the amendments passed over occurs, and it is for that reason that 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	Chamberlain	Curtis	Gronna
Borah	Chilton	Dillingham	Harding
Brady	Clapp	Fall	Hitchcock
Brandegee	Culberson	Fletcher	Hollis
Bryan	Cummins	Gallinger	Hughes

Husting	Norris	Robinson	Thomas
James	O'Gorman	Saulsbury	Tillman
Johnson, Me.	Oliver	Shafroth	Underwood
Johnson, S. Dak.	Overman	Sheppard	Vardaman
Jones	Page	Smith, Ga.	Wadsworth
Kenyon	Phelan	Smith, Md.	Walsh
Lane	Pittman	Smoot	Watson
McCumber	Poindexter	Sterling	Weeks
Martin, Va.	Ransdell	Sutherland	Williams

The VICE PRESIDENT. Fifty-six Senators have answered to the roll call. There is a quorum present.

The SECRETARY. The first amendment passed over will be found on page 25, beginning on line 9. The item reads as follows:

For support and education of 100 Indian pupils at the Fort Bidwell Indian School, California, including pay of superintendent, \$18,200; for general repairs and improvements, \$3,500.

At this point is the committee amendment, which, on line 12, proposes to strike out the words "in all, \$21,700" and to insert "for new school building, \$12,000; in all, \$33,700."

Mr. GRONNA. Mr. President, the other day, when we had this item under consideration, I made a statement which I think was not absolutely accurate. These Indians did, some years ago, receive allotments; but they were located upon lands that are very poor. Only a very small portion of the land can be irrigated, and only a very small portion of the land is fit for agriculture.

I wish to read for the information of the Senator from Utah [Mr. Smoot], who opposes this item so strongly—

Mr. SMOOT. No, Mr. President; the Senator from Utah simply wanted to learn the reasons why the new school building should be erected.

Mr. GRONNA. I will put it in this way, then: I shall be glad to give the Senator from Utah the information which he would like to have. I read from the thirty-third annual report of the Indian Rights Association. These men went out on nearly all the western reservations and made a thorough investigation of conditions among all these Indians; and I read from page 20 with reference to the Fort Bidwell school:

This agency is now in charge of French Gilman, who did such good work for many years on the Pima Reservation, in Arizona. There is no reservation except the 300 acres set apart for agency and school purposes. Mr. Gilman has about 700 Indians under his jurisdiction, and they are scattered throughout Modoc County, which is 75 miles square. There is a boarding school at the agency, with a capacity of 100 pupils, and three day schools scattered over Modoc County, the one at Alturas being built by the Indians themselves.

These Indians were allotted individual tracts of land in 1891 and in 1894, and although 64,000 acres of land were parceled out to them, not more than 8,000 acres are of any value agriculturally, and then only when there is water for irrigation; but as that important element is lacking, the possible arable land is practically useless. Most of the allotments are in the hills, covered with rocks. One could readily believe that the allotting agent merely assigned to the Indians various tracts from a plat while seated in an office, and that he either did not know, or did not care, whether the selections were good or bad. If these Indians are to make any real progress, the land question must be readjusted. Nearly all the able-bodied men are willing and anxious to work, but the employment that is open to them, on the various valley ranches, lasts only three or four months each year. Then it is a struggle for existence for the remainder of the year.

Then the commission goes on and speaks about the living conditions of those Indians, and about their school facilities.

Mr. LANE. Mr. President, I should like to ask the Senator if they found the living conditions to be good?

Mr. GRONNA. I will say to the Senator from Oregon that the living conditions were very bad, and what was true of the living conditions was also true of the facilities for schools. I do not know of a school anywhere in the country where an appropriation is needed any more than it is in this school. These poor Indians, scattered as they are all over that country, are not tramps in the ordinary sense of the word. They are willing to work, but they are poor, and it is the duty of the United States Government to look after them, regardless of whether they have a reservation or not. I know that when the Senator from Utah and other Senators who are in favor of economy—and that is commendable, of course—know the circumstances of both these schools in California they will not oppose this appropriation. The committee may have failed in many instances to do its full duty in getting all the information necessary, but let us remember that dealing with Indians is not the same as dealing with the white people of the United States, and let us not forget that much of the bloodshed that has been caused in the western countries was caused merely because of the narrow-mindedness of men who were then holding seats in this body.

Why, sir, I can recall, when I was a mere boy, when the Indian outbreak occurred in southern Minnesota when 300 white people were murdered in the immediate vicinity where I lived; and why? Because the Congress of the United States refused to give to them what it actually owed them under treaty stipulations. More than 300 white people, as I say, were murdered at that time near my home. From time to time we have taken



possession of lands which belonged to these people. They were here before we were here. For the Congress of the United States to say that we are unwilling at this time to appropriate small amounts of money for the civilization and education of the Indians is wrong, and it can not be justified by anyone.

Mr. LANE. Mr. President—

The PRESIDING OFFICER (Mr. HUSTING in the chair). Does the Senator from North Dakota yield to the Senator from Oregon?

Mr. GRONNA. I do.

Mr. LANE. I should like to ask the Senator if he really and truly thinks we are civilizing them now, or educating them very much?

Mr. GRONNA. I will say to the Senator from Oregon—I know how deeply interested he is in the Indian question, and I think I might say that I agree with him in many of the amendments which he has suggested—that the Indians of this country have made progress.

The Senator from Oregon has been in the committee as well as I have, and he has heard the plea of those Indians as I have heard it; and I think we all agree that the untutored aborigines, unschooled in the arts and uneducated in letters according to our mode of civilization, is honest, courageous, and we all realize that the Indian is a man who has brains. I think the committee realizes that if their affairs had been left to the Indians in some instances they would have been better off than they are now. That may be true; but this is the condition, Mr. President: We have set aside certain reservations, certain small portions of the land that belonged to them. We have said that the Secretary of the Interior shall have jurisdiction over these unfortunate men. We say by law "You shall do thus and so," and it is not the fault of the Indian Office; it is not the fault of the Secretary of the Interior; it is the fault of Congress. Congress, sir, is responsible for many of the mistakes that have been made, because we place limitations upon these appropriations. We prescribe what shall be done with this money; and it is unfortunate, I say, to criticize the men who are holding these official positions. They, of course, have their limitations.

Mr. JOHNSON of South Dakota. Mr. President—

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

Mr. GRONNA. Yes; I yield.

Mr. JOHNSON of South Dakota. I should like to ask the Senator from North Dakota if he does not think the laws Congress has passed with regard to the government of the Indians emanate largely from the Indian Bureau?

Mr. GRONNA. That may be true, Mr. President; and I do not approve of everything that has been done. The Senator from South Dakota knows that I have objected to many things that have been presented in the committees; but these men have been selected, and until Congress adopts a better system than the one we have now I say this wholesale criticism upon certain men is unwarranted. I think, perhaps—in fact, I know—that we could adopt a system that is better than the one we have adopted; but that is not the fault of the Secretary of the Interior, nor is it the fault of the Indian Bureau. It is the fault of Congress.

Congress has a right to appoint commissions to go out and investigate conditions among the Indians. We have on many occasions appointed commissions who have made their reports. Take the report made by the distinguished Senator from Arkansas [Mr. ROBINSON]. It is perhaps one of the most valuable reports that has ever been made to this body upon Indian affairs. How many Senators, I ask, have acquainted themselves with that report?

Mr. President, I do not care to delay the Senate to go into this question any further than to say this: Before any Senator objects to an appropriation for the education of the Indians, I hope he will look into this question and have all the information available.

We have treaties pending to-day with the Indians that have not been fulfilled. The Indians let the Government have vast tracts of land. This Government agreed to do certain things for the Indians which have never been done. Take, for instance, the Sioux Indian country: The treaty made on the 29th of April, 1868, has never been kept by us. The Government of the United States solemnly promised that it would furnish schools to the Indian children. We promised to furnish a school-house for every 30 Indian children, and also furnish them with teachers. Have we done that? This Government has violated every treaty that it has made with the Indians of the United States. I make this statement without any fear of successful contradiction.

There is not in this bill to exceed \$8,000,000 taken out of the Treasury of the United States as a gratuity for the civilization of the Indians. The balance of the amount appropriated in this bill—and the bill carries, I think, about \$12,000,000 in all—is all reimbursable. It belongs to the Indian funds. These men, about 260,000 of them in all, are our wards, and yet it is said that it is outrageous to take \$8,000,000 for what? To comply, in part, with the promises we have made more than a hundred years ago in some instances. Gratuitously, we are not giving them a penny. We are not even giving them what belongs to them; and if we were to carry out the treaties which we have with the Indians of the United States the Indian appropriation bill would be a large one. It would certainly be more than the bill pending before the Senate now.

Mr. JOHNSON of South Dakota. Mr. President—

The PRESIDING OFFICER. Will the Senator from North Dakota yield to the Senator from South Dakota?

Mr. GRONNA. I yield.

Mr. JOHNSON of South Dakota. Mr. President, I am not opposed to the appropriation for school purposes that the Senator has in mind, but I merely wish to say in connection with his statement it is absolutely correct with regard to the schooling of children. We have in South Dakota about 1,500 children—Indian children—of school age who have no place provided for them to go to school. The treaty specifically provided that they should be provided for, and the law specifically made the same provision, yet that is the condition which exists in the State of South Dakota.

Mr. GRONNA. The Senator is correct; and what is true as to the condition in the Senator's State is true in other States. It is a deplorable condition. No one has criticized the Indian Office any more than I have.

The PRESIDING OFFICER. Will the Senator from North Dakota please suspend? The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 408) to provide for the development of water and the use of public lands in relation thereto, and for other purposes.

Mr. MYERS. I ask unanimous consent that the unfinished business be temporarily laid aside for the consideration of the Indian appropriation bill.

The PRESIDING OFFICER. If there be no objection, the unfinished business will be so laid aside. The Senator from North Dakota will proceed.

Mr. GRONNA. Mr. President, I have paid some attention to Indian affairs since I became a member of the committee. I have tried to discharge my duties as well as it is possible for me to discharge them. I am convinced that the Government must not refuse to appropriate money for the civilization and the education of the Indian children of the country, and wherever I find an appropriation in an Indian appropriation bill for school purposes, I want to say to this body it will not meet with any objection from me. There are provisions in this bill, I admit, of which I do not approve. I believe more in the appropriation of money for the civilization and education of the Indian children than I believe in improving the property of the Indian, because I believe it is better business to educate him and fit him for self-government than it is to appropriate money for the improvement of his land and then leave him in ignorance.

I have objected to the way in which the Indian lands are being leased. I have objected to the existence of the great tribal herds; and only to-day one of the greatest chiefs of any Indian tribe, Chief Plentycoos, testified before our committee practically in effect substantiating what I have been contending, that the tribal herds should be divided up and given over to the Indians themselves, and let them put their own private brands on the cattle, because it is educational for the Indian to handle his own affairs; it will encourage him to thrift; it will have the tendency of making him able to take care of himself.

But, Mr. President, when it comes to appropriating a few dollars for the education of Indian children who are destitute because the white man robbed them of their belongings, you have no right, I say, to question the right of the committee to make appropriations for these institutions of learning.

I was sorry to see the Senator from Utah [Mr. SMOOT] make the point of order against the little item appropriating \$450 for three Indians, a few paltry dollars for men who bared their breasts against people of their own tribe, and yet we refuse to honor them for the services they did to the white man.

Mr. SMOOT. Mr. President—



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

Mr. GRONNA. Yes; I yield.

Mr. SMOOT. Certainly, the Senator is mistaken in relation to my reason for making the point of order against the payment of those three claims.

Mr. GRONNA. It is because the Senator from Utah does not understand the Indian question.

Mr. SMOOT. Of course, we need not discuss that at this time.

Mr. GRONNA. The Senator does not care to discuss it at this time.

Mr. SMOOT. I say there is no necessity of that. I admit I do not know very much about the Indian question, but I do know that if the Government of the United States owes those Indians anything at all for services rendered in 1863—\$150 apiece for three of them—the claim should pass through the regular course of all other claims. There is no question if there is any evidence at all but that they can be paid. I would pay them and think they ought to be paid; and I went so far as to say that if they were scouts of the Regular Army and had served the Government and fell within the law they ought to receive pensions, just the same as any other scouts in the Regular Army.

It is not because I have anything against the Indians, but it is the idea of picking out a claim here that has been existing, if existing at all, ever since 1863 and putting it on an appropriation bill. I did not think that was the proper course to pursue.

Mr. LODGE. May I ask, does not the Senator think that 54 years' consideration of it by Congress is a fair period for consideration?

Mr. SMOOT. I do not think it has been considered for 54 years.

Mr. LODGE. The claim started 54 years ago.

Mr. SMOOT. But it is just of late that the claim has been brought to the attention of Congress, and there is no evidence here at all from any department; there is no record that there was any service performed. There is nothing to show that the service was rendered, and if we now pay the claim we acknowledge the service, and I think then they ought to have a pension if they did the service.

Mr. GRONNA. I will say to the Senator from Utah that this matter was very thoroughly considered by the committee, and it had all the information it needed to warrant it in placing this amount in the bill. These men have been refused this small payment. The Senator from Utah realizes as much as I do, and as much as any other Senator here, the dissatisfaction which it makes among the civilized tribes, or among the half-civilized tribes, when a payment which is justly due them, and which these officials say is due them and to which they are entitled, for Congress to put its stamp of disapproval upon it. I say it is shameful.

Mr. SMOOT. If the Senator will introduce a bill for this purpose and have it referred to the Committee on Claims, they will report it out if it is a just claim, and the Senator from Utah will vote for it very readily.

Mr. GRONNA. I am also a member of the Committee on Claims, and I know something about how difficult it is to get a claim through the Claims Committee. The Senator knows that this is true.

Mr. JOHNSON of South Dakota. Mr. President—

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

Mr. GRONNA. I yield.

Mr. JOHNSON of South Dakota. I will merely say that I drafted a bill which is now before the Committee on Indian Affairs to pay this small amount, and I hope to have a favorable report upon it at the next meeting of the committee.

Mr. GRONNA. Mr. President, I want to apologize for having taken so much time of the Senate. I want to say that this item in the bill providing for an appropriation for schools in California is needed and it is for the Senate to decide. If you wish to cripple these institutions of poor, defenseless Indian children who are your wards, vote against them. If not, you will vote for them.

Mr. CUMMINS rose.

Mr. ASHURST. Mr. President, just a moment. I wish to say that nothing I can say would add anything to the very able speech of the Senator from North Dakota. He has covered the ground fully. I hope the debate on this item may now close, for the Senator has covered the ground completely. He has defended the committee most generously and set forth the reasons which induced the committee to make this increase.

Mr. SMOOT. I wish to say to the Senator from Arizona and also to the Senator from North Dakota that there was no criti-

cism of the committee on the part of any Senator. The question arose as to whether the necessity was great enough at this time to appropriate money for new buildings. No Senator wants to interfere with the education of Indian children; but it was thought if it were just the mere fact of a new item perhaps it could wait for another year, with the Treasury in the condition it is to-day. Nobody objected. Questions were asked for information, and that has been given. I thank the Senator for what he has said.

Mr. ASHURST. I hope I may be indulged further to say I trust my attitude has not been one of objection in any way; in fact, I welcomed the questions put by the distinguished Senator from Utah. He performed a splendid service in asking the questions. I am not offended. I think we can have a vote on this question.

Mr. CUMMINS. I move that the Senate proceed to the consideration of Senate resolution 326, and upon the motion I desire to submit additional observations upon the subject involved.

Mr. ASHURST. Will the Senator from Iowa yield to me for a moment?

Mr. CUMMINS. I yield to the Senator from Arizona.

Mr. ASHURST. Of course, I recognize the right of the Senator from Iowa to make this motion, but I should like to have some agreement or some statement as to a reasonable time. I should like to ask, provided it does not require a roll call, that at 3.30 o'clock this afternoon the Senate shall resume the consideration of the Indian appropriation bill; and I believe we can finish it if we work from 3.30 to 5.30.

Mr. CUMMINS. I desire to facilitate in every way possible the consideration and the passage of the Indian appropriation bill; but it will be impossible for me to predict with certainty the time that will be required in the discussion of my motion.

Mr. ASHURST. Then, let me make this suggestion, Mr. President, that at the conclusion of the discussion, after the disposition of the matter proposed by the Senator from Iowa, the Senate shall recur to the Indian appropriation bill.

Mr. CUMMINS. I have no objection to that whatever.

The PRESIDING OFFICER. Is there any objection?

Mr. WALSH. Mr. President, a parliamentary inquiry.

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

Mr. CUMMINS. I yield for a question.

Mr. WALSH. I rise to a parliamentary inquiry. If the motion of the Senator from Iowa should prevail, I inquire whether the unfinished business would not be displaced?

The PRESIDING OFFICER. The Chair understands that it would.

Mr. JONES. I rise to a question of order. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Washington suggests the absence of a quorum. The Secretary will call the roll.

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

Ashurst	Fall	Lodge	Sheppard
Beckham	Fletcher	McCumber	Smith, Ga.
Brady	Gronna	Martin, Va.	Smith, S. C.
Brandegge	Hitchcock	Martine, N. J.	Smoot
Bryan	Husting	Norris	Sutherland
Chamberlain	James	Oliver	Thomas
Chilton	Johnson, S. Dak.	Page	Thompson
Clapp	Jones	Pittman	Vardaman
Clark	Kenyon	Polindexter	Wadsworth
Culberson	La Follette	Ransdell	Walsh
Cummins	Lane	Robinson	Watson
Curtis	Lewis	Saulsbury	Williams
Dillingham	Lippitt	Shafer	

The PRESIDING OFFICER. Fifty-one Senators have answered to their names. There is a quorum present.

#### FOREIGN POLICY.

Mr. CUMMINS. Mr. President, I regret that I feel compelled to bring forward this motion to the disadvantage, possibly, of the Indian appropriation bill. I apologize to the distinguished Senator in charge of that measure for the intrusion. Nevertheless, I can not feel that it is entirely inappropriate to consider the subject I am about to discuss in the midst of the Indian bill. We took this continent from the Indians by conquest, and we established and have maintained a Government to which they have never given their consent. In view of these things, the Indian appropriation bill is not altogether irrelevant when we come to consider the fundamental principles of government so learnedly announced a few days ago.

Mr. President, further reflection has only deepened my conviction that it is our imperative duty to appoint a time for the consideration of the President's message delivered to the Senate in person on the 22d day of January, instant. The general proposals of the message are everywhere under discussion. The



public press in this country and in every other is publishing volumes with regard to it. Eminent men throughout the world are every day making it the text of addresses to the people. Foreign powers are taking it for granted that the Government of the United States is not only ready, but anxious, to become a part of a new world sovereignty, a sovereignty which, to say the least, can only be established by the joint act of the President and the Senate. One branch of our treaty-making power has spoken. The President has in the most explicit terms told the Senate, and through it the Governments of all other countries, that it is the deliberate purpose to make these treaties a purpose, modified, I assume, by the implied provision, unless otherwise advised by the Senate or unless changed by public opinion. He has asked us for whatever assistance we can give him. Is it possible that under these circumstances we can refuse this call to the highest duty which has ever fallen upon this department of the Government? Is it possible that when it is proposed that we shall revolutionize our institutions, abandon all our traditions, surrender our sovereignty, transfer to a new nation or league our Army, our Navy, and with them our Treasury, to put at the disposal of a power higher than our own the lives and the fortunes of our men and women, to make the former fight and the latter suffer when commanded by an alien authority, we will still be met with the objection that the time spent in the Senate by a discussion of the proposal would be time wasted? Is it possible that there are Senators who believe that it is more important to pass appropriation bills, to debate water-power rights, to vote on further railway regulation, than to do our part in the formation of a sound, patriotic public opinion upon these fundamental principles of government and civilization? Mark you, I am not at this moment either condemning or approving the course marked out for us by the President. I am still endeavoring to make it clear that there is no other subject so vital as the one brought into the Senate by the Chief Executive when he announced his purpose to immediately initiate the movement so graphically described in his communication.

When my resolution was before the Senate a week ago it was urged that it provided only for discussion and not for action. I intentionally so framed it, because I think no Senator ought to attempt a resolution declaring a policy until the whole subject is carefully considered in debate. In presenting the suggestion for discussion only I was following a long line of notable precedents. It has been a well-known procedure from the very beginning of free parliaments, legislatures, and congresses to take up for discussion purely speeches, addresses, and all kinds of communications from the throne or executive, and without any specific proposal for instant action. I need not recite instances of this practice, for the history of all free Governments is full of them. It is highly probable that following debate a resolution may be formulated which would record the action of the Senate as an organized body, but this is not necessary to the legitimacy of the discussion, however valuable it might be in the ultimate outcome.

I was not impressed with the reasons given for the motion to refer the resolution to the Committee on Foreign Relations. It could supply nothing that would be helpful in reaching a conclusion upon the wisdom or desirability of setting apart a time for the discussion of the message. If the discussion should result in a proposal for action, I would at once admit the propriety of sending any such resolution to the committee. I agree with the Senator from Massachusetts [Mr. Lodge] that if time be regarded so valuable it will be conserved by the course I have proposed, for in any event the subject will be debated by every Senator who feels that it is his duty to express his opinions. But necessarily the debate which is thrust upon the Senate day after day simply because our rules permit a Senator to address himself to any topic, no matter what measure may be under consideration, will not accomplish the full purpose I have in view. If I have not misunderstood our duty, it can only be fulfilled by turning our attention to this subject for a reasonable time, to the exclusion of all other subjects. We ought to deal with it in a solemn, continuous way. It ought not to creep in like a trespasser upon forbidden ground. It ought to be given a place in our deliberations commensurate with its transcendent importance.

If I had any reason to believe that my Democratic associates would permit a consideration of the resolution upon its merits and appoint a time for serious thought and expression upon the message, I would say no more. But, inasmuch as I have been led to believe that my resolution if taken up will be at once buried in the dust-covered archives of the Foreign Relations Committee, I intend to address myself, briefly I hope, to a phase which might be more pertinent if the President's announcement were itself before us for discussion. I have it in

mind to analyze the proposal and ascertain just what the President intends to do if foreign nations are willing to do it with him. I want to contribute what little I can to a full understanding of the position in which we would finally discover ourselves if the new sovereign of the earth which he is seeking to install were in fact in power.

The message overflows with just and beautiful sentiments so eternally right that they instantly command the approval of all lovers of humanity. Millions of our men and women hearing or reading these noble sentiments assume without further inquiry that what the President is about to do will bring justice to the world, abolish war, and maintain a permanent peace founded upon the rights of man, as we understand his rights in this country. It is very easy to lift up a banner inscribed with the watchword of every loving, loyal, and patriotic heart, and, without doing or saying more, the first instinct of every humanitarian is to proclaim his fealty to it. It is a sad spectacle, however, to see a flag raised in devotion to the heaven of peace leading a march straight to the hell of war. What the people of this country ought to be asking themselves is whether the course proposed by the President will establish nations which exist through the consent of their citizens and will secure permanent peace among them; and, above all, whether it will promote liberty, happiness, progress, and peace among the people of the United States.

It is because I have a deep desire to be of some help to my fellow countrymen in answering these inquiries that I devote myself to the task of separating, in the President's message, the universally accepted generalities, which mean nothing but pleasure to the ear, from the startling announcements with respect to the formation of a new and supreme government which is to command our resources in both blood and treasure.

I begin by affirming as my belief that if this country shall do what the President proposes we will be involved either in almost continuous war waged all over the world or we will be engaged in almost constant rebellion against the authority which he proposes to set up over us. No man shall accuse me of questioning the sincerity of the President in his attachment to the doctrine he advocates, nor must it be insisted that I doubt the honesty of his conviction that the new world power will fairly redistribute the earth among nations and will be able to preserve peace among them. If I did not think that he is honest in this delusion, I would not be interested in the decision. If he stood alone as a proponent of a new theory in human affairs, it might not be necessary to make it the subject of grave consideration. But the truth is that the proposal has been before the world for centuries, has been at one time or another the dream of sages and philosophers, and in our own country was being urged by men of the highest prominence long before it attracted the attention of the Chief Executive. These facts make the action about to be taken by the President serious and formidable, and the suggestion calls upon those of us who believe that the plan can end in nothing but disaster to utter a note of warning. The movement to organize a world court and to broaden to its extreme limit the field of arbitration has always had my cordial approval, and I have never ceased to hope that in the progress of time war would become infrequent if not impossible; and it is only when it is attempted to confer upon such a tribunal or league or sovereignty, it matters not how it is described, the power to use armies and navies to enforce its decrees or to make contracts binding us to fight in a quarrel not our own that my opposition begins.

This is not to be an argument fortified by history and experience or an inquiry into human nature, which, after all, underlies every sound conclusion, although the material for such a discussion is so abundant that it is difficult to withstand the temptation to reach out and take it. Upon this occasion I have assigned to myself the less interesting task of stating, as clearly as may be, the exact things which the President is about to do if other nations will join him. I want the people to apprehend fully the precise effect of the course he has declared and the terms in which he must embody the doctrine in treaties which will carry it into execution.

The message opens with a reference to the note of December 18, in which the belligerent countries were asked to state the terms upon which peace might be established. I am not deeply versed in the finer ways of diplomacy, and it concerns me very little whether preliminary suggestions should have been made before the note was dispatched or not. I am quite willing to see some of the obsolete forms of diplomatic intercourse disappear, and I think the President was wholly right in propounding the question to the warring powers. As a neutral the United States is vitally interested in the struggle—first, for humanity's sake; second, because its continuance profoundly disturbs our industrial life; and third, because it is full of danger to our own



peace. We have therefore a perfect title for every legitimate effort that will tend to restore the tranquillity of nations. The President was generally applauded, and I think he deserved the applause, for this attempt to bring on a discussion concerning the terms of peace.

The President then says:

It is inconceivable that the people of the United States should play no part in that great enterprise—

Referring to peace—

To take part in such a service will be the opportunity for which they have sought to prepare themselves by the very principles and purposes of their polity and the approved practices of their Government ever since the days when they set up a new nation in the high and honorable hope that it might in all that it was and did show mankind the way to liberty. They can not in honor withhold the service to which they are now about to be challenged. They do not wish to withhold it. But they owe it to themselves and to the other nations of the world to state the conditions under which they will feel free to render it.

Standing alone, as a general expression of high duty, I sincerely concur in every word of the paragraph I have quoted. While we ought to have nothing to do with the terms of peace in so far as they relate to either territory or reparation, we ought to have a seat at the council table when the subject of the prevention of future wars is under consideration. Our view ought to be heard when the powers of the earth are passing upon the freedom of business intercourse. Our influence ought to be felt when the future armament of nations is being determined. None of these things touch that isolation of our sovereignty so wisely taught by Washington, Jefferson, and Monroe. It has been and still is my hope that the end of the war in Europe will signalize a mighty advance toward the peaceful settlement of international controversies. It is impossible for me to doubt that the law of the sea will be rewritten, and that the mad competition in armies and navies will be restrained.

No one can question the further suggestion that the peace of the world would be greatly promoted if in the settlement of the war absolute justice were done and nations could be set up or torn down, enlarged or reduced, in accordance with—and I quote the President—

Elements that engage the confidence and satisfy the principles of the American Governments, elements consistent with their political faith and the practical convictions which the peoples of America have once for all embraced and undertaken to defend.

Or—and I quote him again—

I speak of this not because of any desire to exalt an abstract political principle which has always been held very dear by those who have sought to build up liberty in America, but for the same reason that I have spoken of the other conditions of peace which seem to me clearly indispensable—because I wish frankly to uncover realities. Any peace which does not recognize and accept this principle will inevitably be upset. It will not rest upon the affections or the convictions of mankind. The ferment of spirit of whole populations will fight subtly and constantly against it, and all the world will sympathize. The world can be at peace only if its life is stable, and there can be no stability where the will is in rebellion, where there is not tranquillity of spirit and a sense of justice, of freedom, and of right.

Still I quote him:

I am proposing government by the consent of the governed.

To take the world as it is and redivide its territory and its people, observing these principles, is the work of the Almighty, and even His power and wisdom would be taxed to their very limits. Let us hope that the providence of God, aided by the example of those countries which do recognize these national beatitudes, will in the fullness of time and the evolution of mankind lead the world to this perfection. I for one am willing to pray for it and work for it. That, however, is not what the President proposes. To put it in very homely phrase, he wants the United States to sit down with the other powers of the earth and seriously attempt to agree upon a division of the earth and its peoples into sovereignties, guided, I assume, by the principles he so persuasively states; and, having so apportioned the population of the world among distinct Governments, that this universal council shall create a supreme power which, through armies and navies contributed by the several subordinate nations, will maintain the status thus established, by suppressing insurrections, repelling invasions, overcoming every effort of any single Government or combination of Governments to change the existing condition. The plan involves, of course, the denial to any such nation of the right to redress its own wrongs or to maintain its own honor. It contemplates complete crystallization, eternal fixity. It may be that there is in his mind the reserve thought that the league of nations, or supreme power of the world, can change the territorial limits of Governments or transfer a given people, with their consent, from one to another; but he does not make this point as clear as could be wished.

I do not intend to vex the debate with details nor test the soundness of the policy proposed by referring to its infinite difficulties and manifest inconsistencies. For instance, in the allot-

ment of the inhabitants of the earth to the various Governments, upon the principle that acquisition by conquest is fundamentally wrong and that every Government must exist upon the consent of the governed, what year would be taken to begin the application of the principle? Inasmuch as every country in the world, our own included, holds substantially all its territory through conquest, and was built up by overcoming and destroying weaker powers, the date of reorganization would become extremely important. These difficulties and inconsistencies are, however, somewhat inconsequential, because we know that when this council which the United States is to join enters upon this work of distributing national power no such lofty purpose will be observed, nor is it in any way possible to lift such a council out of the atmosphere of self-interest, a self-interest that would in all probability make the attempt not only abortive but absurd.

Reflect a moment on this subject. I have before me an article written by a very distinguished writer, to which I shall refer more at length somewhat later in my address, but I beg to read now a paragraph or two from his view of the message—and his view of the message is that of a friend, for I shall presently quote an extract in which he declares it to be the greatest utterance of modern times.

The President—

Says this writer, whom I will name hereafter—

The President mentions Poland because the Polish people are not at the moment under the Russian power. He says nothing of Finland, nor of Bohemia, nor of Prussian Posen, nor of Galicia, nor of Croatia, nor of Macedonia, nor of the Greeks in Asia Minor or Constantinople, nor of the Armenians, the Druses, the Arabs, the Egyptians. The principles that he lays down, if strictly applied, would devitalize Turkey and Austria-Hungary.

Of course, everybody recognizes that these principles applied to the Empire of Austria would destroy it entirely. It may be that it ought to be destroyed, but I hesitate to see the United States embark upon that enterprise. Again, this writer says:

The President's championship of the independence of Poland offends Russia and disappoints Germany. His statement that every great people "should be assured an outlet into the great highways of the sea," encourages Russia to hope for the Bosphorus. Here again President Wilson puts his finger on a nerve. A glance at the map will show that, so long as the Russians are a nation they will never enter into any agreement which recognizes as an accomplished and permanent fact the holding of Constantinople by another power. On the other hand, the Germans are in Constantinople, and are pledged to Turkey to "protect the independence" of that empire. Even to accept "neutralization" of the strait would mean to cut clean across the German spinal cord of rail communication between the North Sea and the Persian Gulf. Of course, if world peace can be brought about, the neutrality of the Bosphorus and Dardanelles can be maintained; and the same principle would naturally extend to the Suez Canal and the Panama Canal.

Referring again to the former paragraph, the writer concludes it in this way:

It would also unbind the political ties of the United States to the Philippine Islands and the five Latin-American dependencies. No peace confined simply to the determination of the present war can possibly carry out such a program.

I was interested last night on picking up an evening paper to read this dispatch from Berlin. It shows very clearly that my analysis, partially made, and hereafter to be completed, of the thought in the President's mind is not an imaginary one:

[By wireless to Sayville, N. Y.]

BERLIN, January 29.

The Overseas News Agency says the executive committee of the Indian National Party has sent to President Wilson a cablegram expressing gratitude "in the name of the 315,000,000 oppressed persons in India" for the President's address to the Senate.

The message asserts there can be no lasting world peace until India is freed from "ruthless plunder and exploitation at the hands of Great Britain, which has reduced a land once famous for its riches, moral excellence, and intellectual achievements, to a state of chronic poverty, famine, and complete moral and mental stagnation."

A part of the work therefore of this council would be to deliver India from the power of Great Britain and establish a government there more sympathetic with the people of that country.

Again, by what right does Great Britain hold the Boers? If we are to readjust the world upon these principles, the justice of which we all acknowledge, then we must take that part of Africa from Great Britain and fulfill the dream of the Boers themselves in their gallant struggle for liberty and independence.

What would we do ourselves in our relation to the West Indies? By what right do we hold Cuba in check? By what right do we enter day after day and month after month the Republics of Central America in order to suppress crime, in order to defend and maintain Governments which we ourselves establish within the borders of those countries?

I shall not pursue this thought, for I have said already quite enough to give us a fair comprehension of the work to which we are invited—the work of redividing the world, at the end of this



long period of conquest, into nationalities established upon the principles of justice to man and the consent of the governed.

But, Mr. President, these obstacles do not concern me just now. The question which the American people must answer is whether they desire their Government to participate in any such effort, with the understanding that out of it is to grow a league of nations, or world authority, which will have jurisdiction not only to settle all international disputes but the power, through armies and navies, to coerce every nation into acceptance of its awards or laws.

There are some people of high station, great learning, and undoubted patriotism who do not see in the President's message the policy I have outlined, and it is my purpose now to direct your attention to those parts of the communication which seem to me decisive upon it. Speaking of the termination of the war, he says:

The treaties and agreements which bring it to an end must embody terms which will create a peace that is worth guaranteeing and preserving, a peace that will win the approval of mankind, not merely a peace that will serve the several interests and immediate aims of the nations engaged. We shall have no voice in determining what those terms shall be, but we shall, I feel sure, have a voice in determining whether they shall be made lasting or not by guarantees of a universal covenant; and our judgment upon what is fundamental and essential as a condition precedent to permanency should be spoken now, not afterwards when it may be too late.

Again—

More agreements may not make peace secure. It will be absolutely necessary that a force be created as a guarantor of the permanency of the settlement so much greater than the force of any nation now engaged or any alliance hitherto formed or projected that no nation, no probable combination of nations could face or withstand it. If the peace presently to be made is to endure, it must be a peace made secure by the organized major force of mankind.

Again—

There must be, not a balance of power, but a community of power; not organized rivalries, but an organized common peace.

And again—

That service is nothing less than this, to add their authority—

That is, the authority of the United States—

and their power to the authority and force of other nations to guarantee peace and justice throughout the world.

Again—

Right must be based upon the common strength, not upon the individual strength, of the nations upon whose concert peace will depend.

Again—

I am proposing, as it were, that the nations should with one accord adopt the doctrine of President Monroe as the doctrine of the world; that no nation should seek to extend its polity over any other nation or people, but that every people should be left free to determine its own polity, its own way of development, unhindered, unthreatened, unafraid, the little along with the great and powerful.

I am proposing that all nations henceforth avoid entangling alliances which would draw them into competitions of power, catch them in a net of intrigue and selfish rivalry, and disturb their own affairs with influences intruded from without. There is no entangling alliance in a concert of power. When all unite to act in the same sense and with the same purpose all act in the common interest and are free to live their own lives under a common protection.

There is but one conclusion that can be drawn from these utterances. It is that over all the nations of the earth there shall be a common and supreme power, which will not only undertake to decide all the controversies which may lead to international disturbance, but which, having entered judgment upon them, will compel obedience. There is but one way in which obedience can always be compelled. The protesting or rebellious nation must be overcome by force of arms. Whose arms, may I inquire? Arms of the superior power, I answer. This military force may be contributed voluntarily by certain of the nations which unite to form the supreme power under the compulsion only of a prior agreement, or it may be a force organized in an involuntary way through the exercise of the right of taxation. Broadly speaking, there are but two methods that can be employed in establishing the guaranty of which the President speaks. There could be an agreement among the nations of the world creating the league, giving it the jurisdiction to decide disputes, with a contractual obligation to furnish from time to time such armies, navies, or money as would enable the league to make successful war upon a recalcitrant member.

This plan has the weakness of giving to each member nation the right, or rather power, either to keep or break its contract when the event happens, and there is not a sane human being in the whole world who does not recognize that such a compact would be observed or violated as the sentiment or interest of the particular nation would dictate. For instance, suppose that we had entered into such a relation with the principal powers of the world and the universal league or court was in operation; suppose a dispute arose between Great Britain and Germany which promised war. The league assumes jurisdiction and decides the controversy in favor of Great Britain.

Germany then declares war and proceeds in her own way to protect what she has proclaimed to be her right. The league then calls upon the United States to furnish warships, troops, arms, munitions, and money to overcome Germany. What would the United States do? My answer is that it would do whatever its people at that time believed it was for the interests of the country to do. Under such circumstances the probabilities are that we would be drawn into the war, but upon which side no man dare assert.

Take the other form in which the world power may be organized. Imagine, if you can, the partial disarmament of the nations themselves, and that each one of them had transferred to the world power such part of its navy, such part of its army, and such part of its money as would give the supreme authority command over military forces greater than any nation or any reasonable combination of nations possessed. The dispute arises. It is decided. Great Britain and Germany propose to war with each other. The supreme power takes our ships, our men, our arms and munitions, and our money to execute a decree from which we may have dissented and with which our people may be wholly out of sympathy. Can it be possible that any person who has thought even casually upon the subject is able to reach the conclusion that any such disposition of the world's affairs will promote peace, or strengthen civilization, or sustain progress, or bring happiness to the human family? To me the thought is full of madness, and the very best that can be said of it is that it springs from an intense desire for a peaceful world and is bottomed upon a blind willingness to try any experiment, however visionary and hopeless.

Let us again imagine that the world power has been installed, with proper means for filling its treasury to raise the money necessary to provide itself with this overpowering military force, a force entirely at its command but which must be made up, of course, of all the nations of the earth. There will be American admirals, American generals, American arms and munitions. Imagine, now, a controversy between Japan and the United States, with a decision in favor of Japan, which we could not and would not accept. We would then witness a spectacle so monstrous even in a dream that one hardly dares to describe it. If the plan is workable our own ships, our own men, our own armament would be compelled to fight their own country into submission or absolutely extinguish it from the face of the earth. The thought of it is preposterous, and of course every man will reject the proposal the moment it comes to him in any such revolting form. If the President means that there shall be an understanding among nations that when war is threatened there shall be a concerted effort to draw together, if at the time each such nation can see that the welfare of its people will be protected in the effort, he would find many followers among those who are bending their energies toward some remedy for the horrors of war. But this is not the thought he has expressed, and I am dealing only with the inevitable results of the readjustment which he has proposed to us and to the world.

That I am right in the interpretation which I have put upon the message is further proven by the analogy which he finds between the Monroe doctrine and his doctrine of the world. I will not pause to point out that instead of analogy there is utter repugnance; but evidently there is a parallel in his mind, and that is sufficient for my present purposes. Those who think that the President does not intend that the decisions of the league of nations are to be executed by force have but to remember that if any foreign nation were to attempt to invade the American Monroe doctrine there is but one way for the United States to enforce it. There is but one way ever suggested by the statesmen of America in which it can be enforced. Without the force of arms, either actual or potential, behind it, our policy in this regard would be the emptiest bravado. A learned reasoner like the President could make no mistake in tracing the alleged analogy. It must necessarily be true that with him, at least, the world doctrine which he has espoused means that the world power will execute it with armored ships and shotted guns. To a man who believes that peace can be permanently maintained in this way there is some compensation for the humiliating reflection that the United States will be reduced to a mere principality, pursuing the path of obscurity to an ignominious future, doing the bidding of a higher power. But to those of us who believe that the plan proposed will provoke war instead of suppressing it, the announcement of the President comes with a shock which it is impossible to adequately describe.

In so far as I have been able, I have confined my observations to analysis, and I defer to a later day the ample evidence in which the history of nations is rich, showing the futility of the concert toward which we seem to be hastening. Nevertheless,



I can not resist the temptation to quote briefly from a notable article appearing in the New York Times of last Sunday, from the pen of one of our most eminent educators, Prof. Albert Bushnell Hart, of Harvard University. It was to this author I referred a few moments ago. Outdoing Elihu Root, when he called the President "the noble idealist," Prof. Hart, writing of the message, said:

It recalled the great speeches of Webster, in its appeal to the country in rounded and ringing sentences. As a state paper, this address will take its place alongside the most famous utterances of the Presidents \* \* \*. It almost measures up to some of the terse and lofty messages of Lincoln. American literature will incorporate out of Wilson's address such phrases as "We show mankind a way to liberty," "The organized major force of mankind," "A community of power," "A peace without victory," "Freedom of life, not equipolse of power," "The free, constant, unthreatened intercourse of nations." It is a high doctrine, calling upon the world to be consistent with itself, to put into practice the principles of government and international intercourse upon which it professes to found civilization.

I have cited this in order to make it perfectly plain that this writer is not looking at the message from a hostile point of view.

After he had thus characterized the greatness of the message—an introduction from which one might easily understand that the world is ripe for the proposed readjustment—he calmly proceeds to show how impossible it would be to take the first step in the President's plan, and comments upon it thus:

It is more difficult to make the principles of sovereignty and independence fit in with any form of world peace. The President does not commit himself to ultimate government by a judicial tribunal, which seems to be the main object of the world-court movement. He does incline toward the general plan which is pushed by the League to Enforce Peace.

I may say, in passing, that the President so far exceeds any proposal made by the League to Enforce Peace that he becomes a pioneer in this great undiscovered country.

After quoting further from the message in this regard, the writer adds:

If that means anything definite, it means an international police force of not less than 5,000,000 men, in which the share of the United States would be at least 500,000. There is a limit on the armament of the world; yet it is clear that unless some means is provided for confronting any big, aggressive nation that is determined to gain its end by force the whole scheme of universal peace is in danger.

Toward the end of the article there will be found this significant passage:

The one serious question that would be left is, of course, that for the United States to enter into an agreement for keeping the world peace by putting down disturbers by joint armed force would admit the right of armed foreign nations to send their armed forces to our neighborhood, or even into the United States. For instance, another civil war might call for international intervention.

This leads to the most serious difficulty in the way of general world peace, namely, that it aims at the crystallization—

I observed one or two Senators smile when I used that term in describing the work to which the President had set his hand; but I am not alone, at least, in that construction of his purpose. I read again:

This leads to the most serious difficulty in the way of general world peace, namely, that it aims at the crystallization of the face of the earth as it is now or will be when the new arrangements are made. Who is to give reasonable play to the irregular development of nations, to the growth of race elements inside of countries, to the rising of great communities out of the colonial States? Can a world peace league create a machinery of men so world wise, so benevolent, that they will take account of the irregular development of the world?

No more striking instance of the charm which the easy flowing sentences of the message holds for the heart and mind can be found than the article of this brilliant and thoughtful writer. He pours out his eulogy in unstinted measure, for he, like all of us, is yearning for peace—not alone the peace of the moment, but the peace of the future. The moment, however, that his reason resumes control he perceives and states a situation which defies the entire proposal. His concluding paragraph is the happiest contribution to the literature of the subject which has fallen under my eye. He concludes thus:

Whether that is finally possible or impossible, President Wilson has revived the belief of many fainting hearts, has pointed a way to the stoppage of the infernal death and destruction of the present war, with the hope that like wars may be prevented in the future. To cavil at phrases, to criticize sentences, to deny the world public spirit of President Wilson in this significant speech would be unpatriotic to our country and unfriendly to the interests of mankind.

I accord to the Chief Executive this vast public spirit which impels him to do whatever he can toward accomplishing peace; but this is the time—the only time it can be effectually done—to ascertain just what he proposes that this country shall do in order that he may reach the haven of peace.

That is to say, speaking of the paragraph I have just read, if we strip the comment of its complimentary garb, we ought to honor the Chief Executive, as I am sure all of us do, for his great desire to bring the war to an end, and that it is to be hoped his suggestion may be followed by some plan which the United States can adopt with honor and safety.

Those of you who have read the last Saturday Evening Post must have been amazed in noting the extraordinary similarity between the President's message and an article by H. G. Wells, a distinguished English writer. The identity of thought must be, of course, a pure coincidence, but it is nevertheless extraordinary. The President could not have followed the Englishman more faithfully had he been provided with an advance copy of the article about to appear. I do not quote from Mr. Wells for the purpose of impeaching the originality of the President, however, but to expel every doubt with respect to the end sought to be accomplished and the means which must be employed. Mr. Wells writes in this way:

Let me state the broad outlines of this pacification: In the first place there would have to be an identical treaty between all the great powers of the world, binding them to certain things. It would provide—

That the few great industrial States capable of producing modern war equipment should take over and control completely the manufacture of all munitions of war in the world, and that they should absolutely close the supply of such material to all the other States in the world.

That they should set up an international tribunal for the discussion and settlement of international disputes. That they should maintain land and sea forces only up to a limit agreed upon, and for internal police use only, or for the purpose of enforcing the decisions of the tribunal. That they should all be bound to attack and suppress any power among them which increases its war equipment beyond its defined limits.

That much has been broached in several quarters—

As we all know—

but, so far, is not enough. It ignores the chief processes of that economic war which aids and abets and is inseparably a part of modern international conflicts. If we have to go as far as we have already stated in the matter of international controls, then we must go further and provide that the international tribunal should have power to consider and set aside all tariffs and localized privileges which seem grossly unfair or seriously irritating between the various States of the world. It should have power to pass or revise all new tariff, quarantine, alien-exclusion, or like legislation affecting international relations. Moreover, it should take over and extend the work of the International Bureau of Agriculture, at Rome, with a view to the control of all staple products. It should administer the sea law of the world and control and standardize freights in the common interests of mankind. Without these provisions it would be merely preventing the use of certain weapons; it would be doing nothing to prevent countries strangling or suffocating each other.

These things being arranged for the future, it would be further necessary to set up an international boundary commission, subject to certain defining conditions agreed upon by the belligerents, to redraw the map of Europe, Asia, and Africa.

Moreover, this international tribunal, if it was indeed to prevent war, would need also to have power to intervene in the affairs of any country or region in a state of open and manifest disorder, for the protection of foreign travelers and of persons and interests localized in that country but foreign to it.

Such an agreement as that would at once lift international politics out of the bloody and hopeless squalor of the present conflict. But it needs the attention of such a disengaged people as the American people to work it out and supply it with weight. It needs putting before the world with some sort of authority greater than its mere entire reasonableness. Otherwise it will not come before the minds of ordinary men with the effect of a practicable proposition.

It has seemed to me that the President's message is a mere paraphrase in loftier, statelier tones, more beautifully and more clearly expressed, but still a paraphrase, of the doctrine which Mr. Wells on behalf of his countrymen has put before the American people.

The whole argument presented by Mr. Wells is that the United States must enter the disputes of Europe or chaos will ensue; a chaos in which we will be necessarily involved. That the nations of that continent are incapable of either right thinking or right doing. If this be true, there is no world league, in which the countries of Europe must be the dominant power, that can either construct or maintain permanent peace.

The epigrammatic phrase in the President's message which is said to rival in its exalted spirit the most notable sayings of ancient or modern times, "It must be a peace without victory," is the final proof of complete bewilderment. In itself it is meaningless, for if the President intended to say that justice can not follow victory, the history of every age contradicts him. I am sure he felt this conflict between the epigram and the truth, for he immediately proceeded to declare that he must be allowed to put his own interpretation upon it, which was, in substance, that if the present war closed in a victory the triumphant powers would insist upon terms that would violate the principles which he had announced, and which we all recognize as the true basis of national existence. He knows, and we all know, that the belligerents totally disagree with respect to the cause of the war, the motives of those who brought it about, and what justice requires in bringing it to an end. In this passionate ferment of opinion we are asked, substantially, to force an agreement and then to fight for it through all the years to come.

I stand with the President in every moral effort which it is possible for him to exert to induce these warring people to end their devastating conflict, but I refuse to follow him when he



leads the way toward the world sovereignty which he has proposed.

Mr. HITCHCOCK. Mr. President, it is my opinion that the motion made by the Senator from Iowa to take up his resolution and consider it at this time is in fact, if not technically, out of order. He proposes here in his resolution that the Senate shall devote some time to a discussion of an address delivered by the President of the United States to the Senate on January 22. I desire to call his attention to the fact that that address is not before the Senate. The Senate has acted upon it by referring it to the Committee on Foreign Relations, where it should properly go for consideration before it comes before the Senate.

At the proper time I shall take occasion to have this debate closed, because it seems to me manifestly unjust to the Senate and manifestly unfortunate that with only a few weeks of the session ahead of us, with a crowded calendar and night work in prospect, we should be detained with an academic discussion upon something not properly before the Senate.

I recognize, however, that the Senator from Iowa having brought this matter this afternoon before the Senate and having made certain interpretations of the President's address, it is proper to turn aside from our regular work for a short time to consider what the Senator has said.

Mr. President, in the first place, let me call attention to a fact. The President's act in delivering this address and raising this great issue, not only in this country but in other nations of the world, has the substantial sanction of the people of the United States. At the Democratic national convention which met in St. Louis last summer and which nominated Woodrow Wilson for President the following plank was adopted. I shall read only that portion of it which is pertinent to what I have to say:

We hold that it is the duty of the United States to use its power, not only to make itself safe at home, but also to make secure its just interests throughout the world, and, both for this end and in the interest of humanity, to assist the world in securing settled peace and justice. We believe that every people has the right to choose the sovereignty under which it shall live; that the small States of the world have a right to enjoy from other nations the same respect for their sovereignty and for their territorial integrity that great and powerful nations expect and insist upon; and that the world has a right to be free from every disturbance of its peace that has its origin in aggression or disregard of the rights of peoples and nations; and we believe that the time has come when it is the duty of the United States to join with the other nations of the world in any feasible association that will effectively serve those principles, to maintain inviolate the complete security of the highway of the seas for the common and unhindered use of all nations.

Upon that platform the people reelected Woodrow Wilson President of the United States. I feel, therefore, justified in saying that when the President took occasion to deliver his address to the Senate, and thereby to take the first great step toward bringing about a league of nations for the preservation of the peace of the world, he was carrying out the declared will of the American people expressed at the ballot box at the last election, and not merely the decree of the party of which he is the head.

Mr. President, criticism is an easy matter. The President's address has been criticized in every nation of the world. It can be criticized here. It can be criticized in the committee to which it has been referred. But the fact remains that it will stand as the greatest document ever penned by man, considering the tremendous possibilities of its influence in the international affairs of the world. It has been received in every great country in the world and read by millions of the people of the world, and it has met a responsive chord in every country. It is to-day an issue in every great nation, and it is to-day the greatest influence for hastening the advent of peace and bringing a close to this terrible war. That great document which the Senator from Iowa has criticized here to-day, and upon which he asks the hasty judgment of the Senate, has hastened the advent of peace and probably saved millions of lives of the people of the nations at war.

Mr. President, there were obviously two purposes in the delivery of this message. One was to do what might be done toward hastening the conclusion of peace. Unquestionably and by general admission that influence is well at work by this time. The other was to suggest not a program, as the Senator from Iowa would say, but to suggest the principles upon which the United States might be willing after the end of the war to enter into a league of nations to guarantee the peace of the world. The President has suggested no program, and for much of the criticism which has fallen from the lips of the Senator from Iowa to-day I find no warrant whatever in the language of this document.

As far as the duty of the United States Senate is concerned, it would to my mind be next to a crime to do anything in this great body which would detract in the slightest degree from the

influence of the President's address in foreign lands where it is working for peace. It is obvious that the United States can be committed to no program of action until the Senate is consulted, and in due time undoubtedly the Senate will be consulted. To make controversy at this time, however, even to indicate to the world that there is any considerable dissent from the great principles laid down in the address, or any great dissent in the United States from the desire of the President to promote peace, would not only be a great misfortune but it seems to me that it would be next to a crime.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER (Mr. PITTMAN in the chair). Does the Senator from Nebraska yield to the Senator from Idaho?

Mr. HITCHCOCK. I do.

Mr. BORAH. The Senator has suggested that in due time the Senate of the United States will be consulted, and that it will have to be consulted before any program is carried out or in any way put in such form that it would be binding upon it and the other nations of the world. I have observed in practically all the nations of Europe the question which is being propounded, the question which Sir Edward Grey propounded, the question which has been propounded in Berlin and other places, is whether or not the Senate of the United States, which must be consulted, will approve of the President's program. They understand perfectly that the President's policy or principles, or whatever they are, if carried into execution, must be determined through treaties, through some kind of a national obligation, and that the Senate of the United States must approve of those treaties and obligations. I think if the President's suggestions are to have their full effect in the European countries it must be known, as Sir Edward Grey said, whether the people of the United States and their Government are behind this proposition.

Therefore it seems to me to be quite proper that we crystallize our views, if possible, and let the foreign Governments know precisely how we feel about it, either pro or con.

Mr. HITCHCOCK. Mr. President, the immediate need of the world is to bring peace, and the President has said in his message, which is undoubtedly true, that with the terms of this peace we have nothing to do. Peace will come in Europe by the development of the demand for it among the people of Europe. That demand has been given a tremendous impetus in every belligerent country by the widespread circulation and discussion of the President's message. I would deplore as a terrible misfortune anything that might occur at this time in the Senate to detract from that effect, although I would be active as a Member of the Senate to assert the right of the Senate to pass upon the ultimate plan for entering into a league to enforce the peace of the world.

Mr. CUMMINS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Iowa?

Mr. HITCHCOCK. I do.

Mr. CUMMINS. The Senator must be aware that there are a great many people who believe the message delivered by the President to the Senate instead of making for peace is making for war. I have no doubt the Senator from Nebraska believes that its influence will be profound in hastening peace. I very respectfully but insistently claim that it will have no such effect.

Mr. HITCHCOCK. I hope the Senator will not interrupt me. I was careful not to interrupt him, and I desire to speak as briefly as possible and to the point.

It seems to me that the question whether or not the President's message is going to shorten the present war is not subject to controversy. It is already shortening the war.

Mr. CUMMINS. Has the war come to an end?

Mr. HITCHCOCK. Since the President's message was delivered the sentiment of peace in every country of Europe has crystallized enormously.

Mr. WILLIAMS. The censorship has been removed.

Mr. HITCHCOCK. The censorship has been removed, and we are beginning now to get the true sentiment of Europe for the first time, and Europe is beginning to get ours.

Mr. President, I think any intelligent American realizes that in every one of the great countries of Europe that are now plunging toward bankruptcy and possible repudiation there is a strong sentiment in favor of steps to secure peace. But every one of those countries, both the members of the Teutonic alliance and the members of the entente alliance, are embarrassed with the difficulties of taking the first steps, and only by the aid of a great neutral power like the United States, a power from outside, can those steps be taken which will inevitably shorten the war.

Mr. NORRIS. Mr. President—



The PRESIDING OFFICER. Does the Senator from Nebraska yield to his colleague?

Mr. HITCHCOCK. Simply for a question. I can not yield for a longer interruption.

Mr. NORRIS. I will ask the Senator if he believes that any action taken by the Senate on the President's note would detract from its beneficial effect?

Mr. HITCHCOCK. Mr. President, I think any criticism of it would be misunderstood abroad, no matter how high the motives are, such as the Senator from Iowa and my colleague from Nebraska undoubtedly are moved by. I think, moreover, that action is impossible, as we all know. We are now here within a few weeks of adjournment, as I have stated before. The business before us is probably more than we can attend to. To attempt at this time to enter into any serious discussion of this question is folly. There is no possible good to be derived from it.

Mr. NORRIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield further to his colleague?

Mr. HITCHCOCK. I yield for a question. I will ask my colleague not to interrupt me.

Mr. NORRIS. I do not want to be placed in the attitude of criticizing the President. I have not offered any criticism. I have asked the Senator a question, and I want to repeat it. Does he believe any action taken by the Senate on the President's note would detract from its beneficial influence?

Mr. HITCHCOCK. I will answer yes, in order to make it short.

Mr. NORRIS. Then let me ask the Senator another question. Did he have that idea in view when he introduced the resolution in regard to the President's former note, asking the Senate to approve it, and which the Senate passed? Was he considering that it would detract from the effect of the President's note on that occasion?

Mr. HITCHCOCK. Mr. President, I think it is hardly necessary for my colleague to criticize my action on that occasion. I am entirely satisfied with my effort and entirely satisfied with the nonpartisan verdict by which the Senate passed my resolution and indorsed the President's action.

But now, Mr. President, let me refer briefly to some of the criticisms made by the eminent Senator from Iowa upon the President's address.

Mr. BORAH. Mr. President, may I make a suggestion? I do not wish to interrupt the Senator, but if this is going to a debate the Senator must understand that the debate is going to be continued. I have hesitated to push another resolution because I have no desire to force an extra session, but this address has been delivered here, it is of tremendous consequence and of tremendous moment, and if it is going to a debate, of course it is going to be debated. We should have a full and free presentation of all views.

Mr. HITCHCOCK. Mr. President, I am willing to have unanimous consent for an immediate vote upon the resolution of the Senator from Iowa.

Mr. CUMMINS. That means—

Mr. HITCHCOCK. I am willing to discontinue the debate immediately, if that is the general consensus of opinion.

Mr. WILLIAMS. Let us vote now on the resolution. Let us get unanimous consent to vote.

Mr. SMITH of Michigan. Mr. President, the ranking member of the Committee on Foreign Relations, the Senator from Massachusetts [Mr. LODGE], is prepared to address the Senate, and he should have an opportunity to do so, as well as other members of the committee.

Mr. CUMMINS. I wish to ask the Senator from Nebraska upon what he asks for unanimous consent?

Mr. HITCHCOCK. I understood a note of criticism in the remarks of the Senator from Idaho [Mr. BORAH], because I was proceeding to reply to some of the criticisms of the Senator from Iowa. I have not any desire to take up the time of the Senate. I am ready to vote now upon this resolution or to vote upon a motion to lay it on the table. I hesitated to make the latter motion, but I certainly do not think it is wise on the part of the Senate to go into an indefinite debate.

Mr. CUMMINS. I suggest to the Senator from Nebraska that my motion to take up the resolution has not yet been disposed of. Does the Senator from Nebraska suggest unanimous consent that my motion shall prevail and that the resolution shall be taken up?

Mr. HITCHCOCK. No.

Mr. WILLIAMS. To take a vote on the motion and vote it down.

Mr. CUMMINS. Why vote it down?

Mr. WILLIAMS. Vote down the motion.

Mr. CUMMINS. We can not tell. The Senate may not vote it down.

Mr. HITCHCOCK. Mr. President, I shall proceed for a few moments, inasmuch as unanimous consent seems to be out of the question, to reply to one or two of the criticisms made by the Senator from Iowa. His whole criticism is based upon the obvious error and assumption that President Wilson proposed a program to the United States and to the other nations of the world. The President was careful in his address to confine himself to the declaration of certain principles upon the adoption of which the United States might enter into a league to enforce the peace of the world. The President made no attempt to say what forces there should be or who should control them. He put emphasis upon the idea of disarmament rather than upon force. His idea was that the nations of the world should reverse their action of the past in preparing for war and reduce their armaments. He said nothing about a court to enforce the decrees. He said nothing about an independent power to supersede all the armies and navies of the world. He said nothing at all in favor of interfering with the internal affairs of the countries of the world. Yet the Senator from Iowa, if I understood him aright, declared that the President had proposed a plan which would result in an independent power of all the nations of the world interfering to suppress an insurrection in a single nation of the world.

Mr. CUMMINS. No, Mr. President; I did not assert that, but the very eminent writer from whom I quoted asserted it.

Mr. WILLIAMS. I think right there in connection with that the Senator from Iowa remarked that if we had another civil war this power might determine it.

Mr. CUMMINS and Mr. BORAH addressed the Chair.

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

Mr. HITCHCOCK. I yield to the Senator from Iowa.

Mr. CUMMINS. I beg pardon of the Senator, but what he has stated was a part of the quotation which I made from Albert Bushnell Hart.

Mr. HITCHCOCK. Mr. President, if the other quotations from the eminent authority quoted by the Senator from Iowa were of equal folly, they were certainly worthy of no consideration here at all, because if there was one thing in the President's address that was noticeably emphasized it was that every people should be left free to determine its own policy, its own way of development, unhindered, unthreatened, and unafraid.

Mr. CUMMINS. But not to go to war.

Mr. HITCHCOCK. So that the suggestion which I supposed the Senator from Iowa had indorsed, that a new central power to be created was to interfere in case of threatened insurrection, was obviously a straw man put up for purposes of destruction.

Mr. CUMMINS. But, Mr. President, I said nothing of the sort. Some people might think the President's policy might lead to that result, but I was treating it solely from an exterior standpoint—the conflict between nations. Prof. Hart, however, is quite as firm an admirer of the President as can be the Senator from Nebraska.

Mr. HITCHCOCK. Well, Mr. President, the Senator from Iowa seems in some way to have gathered from the President's address the idea that this league of nations, which the President suggests, and which I think he should have the thanks of the American people for suggesting, involves in some way the creation of a new military and naval power in the world. He seems to think the President suggested an independent power to deprive nations of their sovereignty. Such a suggestion does not appear anywhere in the address, and it does not appear in the practice of nations. At this very moment we have two great leagues in the world fighting a war, and yet they have no supreme power; each one has its own navy; each one has its own army; and they are bound together simply by an agreement that they have made. We in the United States have been engaged in making treaties with the other nations of the world now for over a century—

Mr. LIPPITT. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Rhode Island?

Mr. HITCHCOCK. I will do so if the Senator will permit me to conclude this portion of my statement. It is hard for one who reads the President's address in a sympathetic spirit to see that it suggests anything else than a league of the nations of the world, bound by joint treaties with each other to live up to certain great principles for the welfare of humanity and the peace of the world. There is no thought and no suggestion here of militarism or of navalism in another form. On the contrary, the opposite is true. The suggestion is of disarmament; the suggestion is of smaller navies; the suggestion is of smaller



armies; the suggestion is of justice and reason to take the place of force and violence.

Mr. LIPPITT. Mr. President, will the Senator from Nebraska yield for a question?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Rhode Island?

Mr. HITCHCOCK. I yield for a question.

Mr. LIPPITT. If the President's address does not mean something similar or along the line of the doctrine which was quoted by the Senator from Iowa [Mr. CUMMINS] from Prof. Hart, what is the meaning of the President's expression in that address that the United States must join the force and authority of this nation with the force and authority of other nations to enforce their decrees? Does not that expression "force" mean join the Armies and Navies of the United States to the armies and navies of the other nations? I do not know what other interpretation could be put upon it.

Mr. HITCHCOCK. Mr. President, I repeat the President of the United States has proposed no program, but he has laid down certain principles which he outlines, which he does not even propose now for adoption. In the very outset of his address he assured the Senate that he desired merely to disclose to Senators without reserve the thought which had been in his mind.

Mr. CUMMINS. The thought and purpose.

Mr. WATSON. Mr. President, will the Senator from Nebraska yield to me?

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

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

Mr. WATSON. I should like to ask the Senator from Nebraska to place an interpretation on these two sentences in the President's address:

That service is nothing less than this, to add their authority and their power to the authority and force of other nations to guarantee peace and justice throughout the world.

And, again—

It will be absolutely necessary that a force be created as a guarantor of the permanency of the settlement so much greater than the force of any nation now engaged or any alliance hitherto formed or projected than no nation, no probable combination of nations, could face or withstand it.

Does that not mean military force? Does not that mean military power? Does not that mean a combination of army and navy? If not, what does it mean?

Mr. HITCHCOCK. Well, Mr. President, undoubtedly it means potential force; but the mere fact that the great powers of the world unite in a league for peace and make solemn pledges to each other to support certain great principles of government and certain great international policies will be sufficient to preserve the peace of the world, just as the creation of a police force in a city has the effect to establish order. So if the nations of the world can enter into a solemn agreement with each other that they will recognize the rights of man; that they will recognize the right of self-government; that they will recognize the rights of small nations; that they will not go to war without first submitting the question at issue to arbitration and to conference—if such an agreement can be made, including the guarantee of the freedom of the seas, including the agreement upon a great reduction of armament—an enormous advance will be made toward establishing permanent peace. With the powers of the world all united upon certain great purposes for the admitted good of humanity, what reason is there to believe that any considerable power is going to rend such an agreement asunder after the terrible experiences of this war?

Does any Senator here doubt that every great nation of Europe regrets having been drawn into this war? Does any Senator here doubt that after this war is closed there will be such a development of democratic sentiment and of popular government in the nations of the Old World that such a war hereafter will be very difficult to force upon the people?

Mr. President, personally I have this idea, to which I have clung concerning the peace of the world in the future. I believe that the future peace of the world is going to depend largely on two great reforms: First, self-government, because a people that govern themselves are going to be very slow to go to war; second, upon the publicity of diplomacy. It is secret diplomacy and the act of a few individuals in the great nations of Europe that have drawn the world into this terrible struggle; but every intelligent person who has read the signs of the times believes that, after this war is over, a new era will begin. There will be a determined movement of the people, a great development of the democracies of every country of the Old World, to attain to something of the conditions which we have in the United States, in which war can only be declared by the

legislative body, representing the people of the country, and in which treaties, before they go into effect to bind the country, must be submitted for ratification to the representatives of the people. Such a movement is already under way in Great Britain and has been for some years, but it is now gathering tremendous force. We shall live to see the day when secret diplomacy shall be ended in Great Britain and France and Germany and Russia; we shall live to see the day when war can only be declared by the representatives of the people in their parliaments or in their congresses. When such a time comes, do Senators think that any country will lightly break the agreements of the league to enforce peace that may be the great work of the future?

Mr. President, it seems to me that the Senators on the other side of the Chamber have a rather grave responsibility in this emergency. It seems to me that the people of the United States who in a rather nonpartisan way voted for the President because they knew he stood for peace, because they knew he would exert the great powers of his office for peace, are going to hold to a strict accountability public servants who undertake from partisan motives to handicap or to impede the work which our great President has undertaken.

I feel confident that if any Senator on the other side of the Chamber tests public opinion in his own State he will find a great percentage of his Republican constituents as well as Democratic believe that the President has done a great thing, has done a noble act, has done an act that starts a new chapter in the history of the world. Those citizens will not be very tolerant with anyone who stands in the way of the success of that act, even though it is encompassed still with great difficulties and tremendous obstacles. There are obstacles, and the difficulties that are in the way are tremendous; but the object is so great that this country can well afford to take the lead in securing that object.

Mr. President, the present war has shown to the people of the United States that they are interested in the affairs of the world. So long as this war continues, it is an enormous embarrassment to the people of the United States; it is a great danger to the people of the United States at the present time. When this war broke out only a few countries of the world were engaged in it. All of the others declared their neutrality in the hope of staying out of it; but, one by one, other nations have been drawn into it, until to-day 13 nations of the world are involved in it. If it lasts long enough, others are likely to be drawn into the awful disaster.

Mr. THOMAS. Including ours.

Mr. HITCHCOCK. As the Senator from Colorado says, perhaps including ours. We do not know, but certainly the possibilities are terrible enough to warrant us, even from the most selfish of motives, to do all that we can to put an end to the struggle. Even if we were not moved by the cries of humanity; even if our hearts had become so hardened that we did not respond to the sufferings of the wounded and the dying by the millions; even if we had no sympathy for poor Europe that seems to be going to its ruin; even if we had no thought for possible anarchy that may come after this war, yet on the most selfish and narrow lines we have a deep interest in bringing it to a close.

Mr. President, I believe the President of the United States in delivering this message to the Senate has not only carried out the will of his party as expressed in the platform of St. Louis and carried out the instructions of the people of the United States at the last election, but I believe he has taken the step which will serve to develop and expand the great principles which lie at the very foundations of our Government.

When the thirteen Colonies, with their 3,000,000 people, declared themselves free and undertook to set up an independent government in this country there was a feeling that they could live by themselves and unto themselves. That time has gone by. The 3,000,000 people have become a hundred million people. The little string of States along the Atlantic coast has been stretched clear to the Pacific Ocean, and we now touch, as the result of the Spanish War, whether we desire it or not, the politics of Asia on one side, as we do the politics of Europe on the other side. New York and the Atlantic coast, which were a month or six weeks removed from Europe at the time our Republic was established, are now almost across the border from Europe. Time has almost ceased to be of importance between the Atlantic coast and the harbors of Europe.

The war broke out, and we found the whole affairs of the United States upset. We find our commerce roughly changed in its course; we find ourselves unable to carry on legitimate business with certain belligerents of Europe; we find our mails upon the seas seized in violation of international law; we



find ourselves prohibited from doing the business with neutral countries of Europe that we have the right to do under the terms of international law; we find vessels with Americans on board sunk in violation of international law. This administration now for more than two years has been struggling with these terrible difficulties and dangers. It has met with a success which has commended itself to the American people, but it may not be able to go on indefinitely. If this war goes from one chapter to another, and becomes in its final stages the desperate struggle of exhaustion and starvation, which it is likely to become if peace is not secured, the United States will have dangers to encounter which have not yet been encountered. So I say, Mr. President, we have a deep interest in anything that can be done to shorten this war. The President has taken a step, the first purpose of which is to shorten the war. Its second purpose is to secure, if possible, a league to enforce peace, if that peace can be established and that league can be formed upon well-accepted American doctrines of justice and right and self-government.

Now, will any Senator do anything here that will serve to embarrass the President in his great work? If Senators are willing to interrupt the legislative program, if they are willing to make an extra session of this Congress necessary, will they still, beyond that, take up the time here in useless discussion upon a matter not before the Senate and for a purpose which the American people will interpret to be a purpose to embarrass the President?

Mr. President, I perhaps have gone further than I intended to go in making some reply to the remarks of the Senator from Iowa [Mr. CUMMINS]. I hope we may now lay aside this matter, which is already in the hands of the Committee on Foreign Relations, referred there by the vote of the Senate, and not properly before the Senate for discussion at this time. No possible good can come from a discussion; and the inevitable interpretation of an effort to prolong the discussion will be that an attempt is being made to embarrass the President of the United States in a work which he has undertaken for the good of humanity, as well as in furthering the vital interests of the United States. I do not know whether it is possible to secure any agreement for a vote. I hope the Senator will not force me to resort to a motion to lay his motion on the table, but at some time that motion must be made if an end is not agreed upon to the discussion, because we must go on with the legislative work that is now pressing upon the Senate.

Mr. LODGE. Mr. President—

Mr. CUMMINS. Mr. President, I am not interposing any objection.

Mr. LODGE. Mr. President, am I recognized?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Massachusetts?

Mr. LODGE. I do not desire to interrupt the Senator from Nebraska. I thought he had concluded. I desire to be recognized in my own right.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts.

Mr. LODGE. Mr. President, moving to lay this motion on the table to-day would not prevent its renewal at any future time.

While I was absent I believe the Senator from Michigan stated that he understood I desired to speak upon this subject. I do; that is true. I intend to speak upon it briefly in the course of a few days, and I do not believe the Senate will refuse me that privilege. I do not believe, Mr. President, that it is possible to undertake to gag Senators and prevent their discussing any matter of importance not placed here by them but brought here by the President.

It is a question of great moment that has been brought here. It is in the public mind. There was a day in this country when it was undertaken even to deny the right of petition and prevent the discussion of slavery, but you can not prevent this discussion any more than you could prevent the discussion of slavery. What is in the public mind is going to be discussed. Discussion is not going to be prevented here or in the other House or in the press or anywhere else, and an attempt, I think, to prevent Senators from reasonably discussing the subject will hinder and not advance business. I am as anxious as anybody to have all the necessary business performed before the 4th of March, and I will do anything in my power to advance it; but I do not think that we shall reach that result by attempting to prevent Senators from speaking on this or any other subject which they deem of importance and which has been brought properly before the Senate, as this has been by the President.

No one appreciates more keenly than I do, Mr. President, the grave responsibility which rests upon all of us. It is a responsibility to perform our duty as we see it, and no threats from the

Senator from Nebraska are going to deter me or any other Senator from doing his duty as he sees it. We may be easily terrified, but we are not so easily terrified as that, and I think the best way is to allow the matter to go on in its natural manner. There is no desire on this side to delay the necessary business of the Senate.

Mr. HUGHES. Mr. President—

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from New Jersey?

Mr. LODGE. I yield to the Senator.

Mr. HUGHES. The Senator, I think, was not in the Chamber when the colloquy arose between the Senator from Nebraska [Mr. HITCHCOCK] and the Senator from Idaho [Mr. BORAH]. In that colloquy the Senator from Idaho, as I understood, intimated very strongly that if any further attempt was made to discuss this resolution on this side of the Chamber, it would lead to a protracted and prolonged discussion by Senators on the other side of the Chamber, who were against the resolution. That was what I gathered from his remarks, which caused the Senator from Nebraska to signify his willingness to cease the debate then, so far as he was concerned, and get a vote upon the pending motion by unanimous consent, or, in order to stop all further debate, to move to lay the resolution on the table.

Mr. LODGE. The resolution of the Senator from Iowa merely provides for fixing a time to discuss a particular subject. I have not the slightest desire to prevent a vote on that resolution.

Mr. HUGHES. That was all that was suggested.

Mr. LODGE. I have no desire to do that. I rose to say that I was not going to speak on the question of giving us time for the discussion. I wish to speak on the main question, the question which the Senator from Iowa [Mr. CUMMINS] has discussed with such ability and which the Senator from Nebraska [Mr. HITCHCOCK] does not wish others to speak of, although he himself has been discussing it for nearly three-quarters of an hour.

Mr. HUGHES. Mr. President, I am sure the Senator from Nebraska and a great many other Senators would like to have this situation cleared up to the extent of finding out whether or not there is objection on the other side to vote upon the resolution of the Senator from Iowa.

Mr. LODGE. It is not my resolution. I have not the slightest objection in the world to voting on it.

Mr. HUGHES. That is what I desire to find out.

Mr. LODGE. A vote on this resolution will not prevent the discussion of the matters which are involved.

Mr. HUGHES. I have been here long enough to know that nothing prevents the discussion of anything in the Senate.

Mr. CUMMINS. Mr. President, let me suggest to the Senator from New Jersey that if he will help me to carry the motion which I have made, and no further discussion upon it is desired, we can easily get a vote on it; but we can not get a vote on the resolution until it is before the Senate.

Mr. WILLIAMS. Mr. President, everybody knows that no practical good is sought or expected or can be attained by this discussion at this time. There is not an honest man in the Chamber who would say that he expects any practical legislative result of any description from this discussion. The Senator from Massachusetts [Mr. LODGE] says there is no desire to delay the business of the Senate. Nobody cares what anybody's desire is, the act of delaying the business of the Senate is going on without any practical purpose in view.

The Senator from Massachusetts is exactly right. You can not prevent a Senator from talking upon any subject under the sun, but you can put him in the ridiculous attitude of talking about nothing before the Senate, and when a motion is made you can bring the Senate to a vote upon that motion by moving to lay that motion upon the table. Thank God, the Senate has that one privilege left as a legislative body. Its other functions seem to be purely deliberative.

A motion has been made to take up a certain resolution, and that is the motion now pending. I do not think any Senator owes any apology to anybody when there are only 29 or 30 working days of this session left, when he undertakes to stop the useless or worse than useless expenditure of public time by moving to lay that motion upon the table, and I therefore make that motion now.

Mr. CUMMINS. Upon that, Mr. President, I call for the yeas and nays.

The yeas and nays were ordered.

Mr. HITCHCOCK. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.



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

Ashurst	Fletcher	Lippitt	Smith, Ga.
Bankhead	Gronna	Lodge	Smith, Mich.
Borah	Harding	Martin, Va.	Smith, S. C.
Brady	Hitchcock	Martine, N. J.	Smoot
Brandeggee	Hollis	Myers	Thomas
Bryan	Hughes	Nelson	Thompson
Chamberlain	Husting	Overman	Townsend
Chilton	James	Pittman	Underwood
Clapp	Johnson, Me.	Polindexter	Vardaman
Clark	Johnson, S. Dak.	Ransdell	Wadsworth
Culberson	Jones	Saulsbury	Warren
Cummins	La Follette	Shafroth	Watson
Curtis	Lane	Sheppard	
Fall	Lewis	Shields	

Mr. LEWIS. I have been requested to announce that the Senator from Maryland [Mr. SMITH] and the Senator from Arkansas [Mr. ROBINSON] are detained on account of official business.

The PRESIDING OFFICER. Fifty-four Senators have answered to their names. There is a quorum present. The Senator from Mississippi [Mr. WILLIAMS] moves to lay on the table the motion of the Senator from Iowa [Mr. CUMMINS]. Upon that question the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CLAPP (when his name was called). I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. In his absence I withhold my vote.

Mr. CLARK (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. That Senator is absent from the city, and I therefore withhold my vote. If at liberty to vote, I would vote "nay."

Mr. JONES (when his name was called). Upon the announcement I made on the other roll call I withhold my vote on this matter.

Mr. MYERS (when his name was called). I transfer my pair with the junior Senator from Connecticut [Mr. MCLEAN] to the junior Senator from Arizona [Mr. SMITH] and vote "yea."

Mr. SAULSBURY (when his name was called). I transfer my general pair with the junior Senator from Rhode Island [Mr. COLT] to the senior Senator from Tennessee [Mr. LEA] and vote "yea."

Mr. SMITH of Michigan (when his name was called). I have a pair with the junior Senator from Missouri [Mr. REED]. I transfer that pair to the junior Senator from Maine [Mr. FERNALD] and vote "nay."

Mr. THOMPSON (when his name was called). I have a pair with the junior Senator from Illinois [Mr. SHERMAN]. I transfer that pair to the senior Senator from Oklahoma [Mr. GORE] and vote "yea."

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from Maryland [Mr. LEE] and vote "yea."

The roll call was concluded.

Mr. CURTIS (after having voted in the negative). I transfer my pair with the junior Senator from Georgia [Mr. HARDWICK] to the senior Senator from California [Mr. WORKS] and will let my vote stand.

Mr. GALLINGER. I inquire whether the senior Senator from New York [Mr. O'GORMAN] has voted?

The PRESIDING OFFICER. He has not.

Mr. GALLINGER. I am paired with that Senator. I transfer the pair to the junior Senator from Utah [Mr. SUTHERLAND] and vote "nay."

Mr. WALSH. I have been requested to announce that the Senator from Ohio [Mr. POMERENE] is detained on official business.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN]; and

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN].

The result was announced—yeas 38, nays 30, as follows:

#### YEAS—38.

Ashurst	Hollis	Overman	Smith, Md.
Bankhead	Hughes	Phelan	Smith, S. C.
Beckham	Husting	Pittman	Thomas
Broussard	James	Ransdell	Thompson
Bryan	Johnson, Me.	Robinson	Underwood
Chamberlain	Johnson, S. Dak.	Saulsbury	Vardaman
Chilton	Lane	Shafroth	Waish
Culberson	Lewis	Sheppard	Williams
Fletcher	Martin, Va.	Shields	
Hitchcock	Myers	Smith, Ga.	

#### NAYS—30.

Borah	Gallinger	Martine, N. J.	Sterling
Brady	Gronna	Nelson	Townsend
Brandeggee	Harding	Norris	Wadsworth
Cummins	Kenyon	Oliver	Warren
Curtis	La Follette	Page	Watson
Dillingham	Lippitt	Polindexter	Weeks
du Pont	Lodge	Smith, Mich.	
Fall	McCumber	Smoot	

#### NOT VOTING—28.

Catron	Hardwick	Newlands	Simmons
Clapp	Jones	O'Gorman	Smith, Ariz.
Clark	Kern	Owen	Stone
Colt	Kirby	Penrose	Sutherland
Fernald	Lea, Tenn.	Pomerene	Swanson
Goff	Lee, Md.	Reed	Tillman
Gore	McLean	Sherman	Works

So Mr. CUMMINS's motion was laid on the table.

#### INDIAN APPROPRIATIONS.

Mr. ASHURST. I ask unanimous consent that the Senate proceed to the consideration of the Indian appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18453) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1918.

The PRESIDING OFFICER. The pending amendment will be stated.

The SECRETARY. The pending amendment is on page 25, where it is proposed, in line 12, to strike out "in all, \$21,700," and to insert "for new school building, \$12,000; in all, \$33,700," so that the paragraph, if amended, will read:

For support and education of 100 Indian pupils at the Fort Bidwell Indian School, California, including pay of superintendent, \$18,200; for general repairs and improvements, \$3,500; for new school building, \$12,000; in all, \$33,700.

Mr. LANE. Mr. President, the Senator from North Dakota [Mr. GRONNA] I think misunderstood my question with regard to the Fort Bidwell boarding school. I was not opposed, and am not opposed, to the establishment of Indian schools anywhere. I have become, I must say, a little bit skeptical in regard to the amount of good they do and in the manner in which they are being conducted and in which they have been conducted in the past. I am sorry to say so, but as a matter of fact their standards and the methods of management of those schools have not been just what the Indian is entitled to, in my opinion, or what the Members of this body and the other House of Congress believe them to be.

I am informed that the school at Fort Bidwell is located in an old fort, or barracks, buildings left there by the Army in the days when that country was being guarded against the depredations of Indians; and I assume and do not doubt that they are in a bad state of repair. If they are, and if they have been for years, it is quite natural that it would not be a good place to educate children or to keep them. Children taken from their homes and put into schools, young children, mere children, are much impressed with their surroundings; and so I was in favor of the expenditure of money to build new and better buildings. Yet other institutions, where the buildings are newer and where the surroundings are, I presume, better than they are in that old barracks, are not carried on in a manner which justifies the expenditure of the money. The children would learn about as much and be better cared for in properly conducted day schools at home.

Mr. GRONNA. Mr. President—

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). Does the Senator from Oregon yield to the Senator from North Dakota?

Mr. LANE. I yield.

Mr. GRONNA. I hope that anything I may have said will not be understood either by the Senator from Oregon or by any other Senator as a criticism of him. I certainly did not intend to criticize the Senator from Oregon. What I did say was that many of these mistakes are the mistakes of Congress. If these schools are not conducted properly, then it seems to me it is the duty of Congress to change the conditions and make them such that those who are in control of these wards of the Nation will be properly taken care of. It is in the power of Congress to do that, and if Congress fails to do it then we have failed to do our full duty.

Mr. LANE. Mr. President, I do not quite agree with the Senator upon that matter. Congress gave authority to a body of executive officers to do this work for them, so that they would not have to attend to it themselves. Congress can not go about the country supervising the conduct and management of children and of schools, inspecting their clothing and their



food, and doing the thousand and one other things which it is necessary to do. They must and did delegate that authority to some one else. We receive our knowledge from the Bureau of Indian Affairs, whose specific duty it is to deal with these matters. The information should come to us in direct, simple, and explicit form, and it ought to be reliable, too, withal. That would allow us, then, either to do our duty or fall to do it, and the responsibility in that event would be upon us. But we receive all our information regarding the conduct of the affairs of the Indians from the Indian Bureau, whose duty it is to furnish it to us. They do so in a manner which is meager, unillustrating, and without a full statement of the facts.

Mr. GRONNA. Mr. President—

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

Mr. LANE. I yield.

Mr. GRONNA. If the Senator will pardon another interruption, I also called attention to certain reports made by commissions appointed by the Congress. I called especial attention to the report made by the commission of which the distinguished Senator from Arkansas [Mr. ROBINSON] was chairman, and I asked the question, How many of the Members of the Senate have studied that report?

I will say to the Senator from Oregon that we have information gathered by these commissions, and it is valuable information. We do not derive our information altogether from the Indian Bureau, because these commissions have made extensive reports which would be very valuable if they were followed out.

Mr. LANE. There is truth in the Senator's statement. The reports of commissions are innumerable and without end; but I do not think any Senator has the time to read all of them, although really it is our duty to do so, and I suppose we are negligent in that regard. There was an incident which happened at the Fort Bidwell school a short time ago, which I related a day or two ago, where five little girls ran away from the institution into the hills. Evidently they did not like it there. One froze to death, an 8-year-old girl; the feet of two other little girls were frozen and had to be amputated, and two are still in the hospital.

Now, that can not be a homelike institution. The treatment is not of such a nature that a child loves it as it would a home; and even though it were a pleasant place, children do get homesick, and Indians more than the children of any other race with which I am acquainted.

As I say, I am not impressed to the extent that I ought to be, perhaps, with the care and management of these boarding schools for children. I have visited some of them. I visited one a while back where I found leaky buildings, damp rooms, and no heat. The children were attending school in winter weather without heat. That condition was to be remedied before the winter was over, but the place had been allowed to run down through neglect. There were buildings with rotting sills, roofs leaking for lack of a shingle, and everything going downhill and deteriorating, and unnecessarily so, simply for the reason that they had not been kept in repair and given just ordinary care; and an appropriation of thousands of dollars was asked to build new buildings and to repair the old one. The comforts of a home were in a large degree absent. There were barren bedrooms and wards. Children who had come there to be trained in vocations, girls who had come to learn domestic science were kept in the kitchen for year after year washing dishes, peeling potatoes, scrubbing floors, and were unable to cook a meal. It was not a homelike condition, nor one of any particular advantage to the child. Many boys and young fellows were going to school but not learning a trade. In one school that I visited the boys were sent into a dairy to milk the cows, not in order to make dairymen or herdsmen of them, or to teach them to milk, or to separate the milk, or to make butter, but as a punishment, if you please. It was a disgrace to have to milk cows, visited upon them as such.

In one institution in which I visited I passed through a dormitory. It was vacant. I came back to it in half an hour, perhaps, and I saw a little boy in bed crying. I asked him what was the matter, and he said he had been whipped. I said, "For what?" He said, "For floating a boat in a pond." He had been playing with a boat in a pool left by the rain, and he had gotten his feet wet. I said, "Well, you were not hurt very much, were you?" He said, "I was." He was 6 years old, I think he told me, and it hurt, and he was crying. I said, "Well, I guess the woman would not beat you to amount to anything." He said, "She did"; and then she made him go to bed.

Another little fellow in another cot said, "I did not cry." I said, "Well, I wouldn't cry, little fellow, about a little switching." He said, "They don't switch us." I asked, "What do

they do?" He replied, "They take off our clothing, and we are beaten with a piece of rubber hose."

Now, I want you to think of that. I do not know whether you have ever been beaten with a switch or been hammered with a rubber hose; but I will say to you that a length of rubber hose 2 feet long, made of  $\frac{1}{4}$ -inch hose pipe, or  $\frac{1}{4}$ -inch caliber rubber hose, is the next thing to a deadly weapon. You can kill a man with it. I will guarantee you can take any Senator here and take a 3-foot length  $\frac{1}{4}$ -inch hose and beat him to death with it. It is a bludgeon. It leaves no surface mark; there is no such external evidence like a switch would make, but it reaches deep, and is the weapon of a cruel and cowardly person.

Such conditions are not ideal. There must be a change made for the better somehow. The larger boy students could help repair the building, put in tiling for drainage where necessary for drainage, and do the one hundred and one other things none of which are done at this time. We appropriate money for repairs which should be made in the institution itself. It was established to teach children vocational training. Why not give them practical instruction in such ways and at the same time keep the buildings in shipshape and good repair?

Mr. GRONNA. Mr. President—

Mr. LANE. I yield to the Senator.

Mr. GRONNA. I do not disagree with the Senator from Oregon, and I think he has made a much stronger case than I could hope to do. My complaint is that when the Committee on Indian Affairs brings in an appropriation bill providing that Congress shall appropriate a certain amount of money for the welfare of the Indians we are at all times met with the statement that the appropriations are exorbitant.

I will ask the Senator from Oregon, if he will permit me, is it not possible that the appropriations are insufficient, and that it will be impossible for the Indian Office or those whose duty it is too look after these wards to do the work with the amount of money appropriated? For that reason I say that it is the fault of Congress and not the fault of the Indian Office.

Mr. LANE. That is the very point I was trying to make, that with the appropriations they receive, with care and economy and active interest in the affairs of the institution they could make the money go much further, and that much of the money is wasted.

As for the beneficial effect of the appropriation on a child in the way of education I would not like to say. I am beginning to doubt whether those children are securing many of the advantages which we try to obtain for them. I know they fall far short of receiving what they ought to. No; Congress has not done its duty, but is encumbered with the Indian Bureau. There are over 17,000 children out of school, with no opportunity to receive an education. That is wrong. But, on the other hand, much money has been wasted in the building of large institutions, which are mismanaged and neglected after the expenditure has been made.

In regard to those children who went out, one of whom died and the other two lost their feet, the Commissioner of Indian Affairs knew nothing about it. We knew nothing about it. Incidentally I happened to read it in a newspaper clipping which was mailed to me. The Indian Bureau said they had not heard of it.

There was a case which happened in another school which I dislike to relate. A young girl was taken sick. The physician diagnosed the case as pneumonia. She grew worse during the night. She had been placed in a hospital. They telephoned to the physician, who was away at a dance, as was the nurse. Two other Indian girls, 15 and 16 years old, were with her. The physician telephoned back to place here in a hot bath. They did, and in that bath she gave birth to a child. The child died in the bathtub, and the girl mother a few days later also died. There were the two witnesses. One of them, I am informed, was sent to Alaska and the other to Montana. Was that physician dismissed? The Indian Bureau kindly asked him to go hence, and he was put upon another reservation, and the superintendent placed in charge of a reserve in another State.

We have no way of getting information in regard to the management of Indian affairs except incidentally. Congress has not time to be hunting down individual cases of injustice and wrong. It must go on with the larger work of looking after and attending to affairs in a general way. We have not time, as was shown here to-day, to attend to all of the ordinary affairs of legislation which are pressing upon us without full information concerning them. There are thousands of bills and resolutions before the body. No man has time to study them all or even to read them all. If he did, he would go insane; he can not analyze one-half of them. The bureau "system," as



I said before, must be changed. There must be some simpler method. This one has grown for years and years with one error piled upon another for the reason that the whole method and foundation of it is wrong. It is on a wrong foundation.

The Senator called attention to the fact that we had never done our duty by the Indians; that most wars were brought on through our injustice to the Indians; that we took their land away from them, and have not made an adequate return. That is true. I think I know that as well as the Senator. I have a copy of a report here that was made in 1857 upon Indian affairs on the Pacific to the President of the United States, who at that time was Franklin Pierce; it was made by Jefferson Davis when he was Secretary of War. The report is full of instances of injustice done to the Indians, and the manner in which wars were brought about, and how the Indians suffered, and the inordinate greed and injustice of the white race in securing possession of their land and other property.

One instance is related here of some Indians up in northern California who were invited to dinner by a certain captain. It was a local title; he was not a military officer, but he had gone to look out for some Indians who had been in trouble with some whites. The captain went up into that country and failed to find them, but happened to come across a number of friendly and innocent Indians, about 40 in number, and invited them to his camp at night for dinner. While they were eating he killed them—men, women, and children—and scalped them and took their scalps down and paraded himself as a hero in one of the northern towns of California. That brought on trouble with all the surrounding Indians. There is a report on it here from one of the Government officers, and the old Indians will tell you about it. I have heard them relate the circumstances and narrating the incident as it is reported here in the official report.

That brought on a war.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The SECRETARY. The next amendment passed over is, on page 25, line 17, to strike out "in all, \$21,700," and insert "for new school building, \$9,000; in all, \$30,700," so as to read:

For support and education of 100 Indian pupils at the Greenville Indian School, California, including pay of superintendent, \$18,200; for general repairs and improvements, including laundry equipment, \$3,500; for new school building, \$9,000; in all, \$30,700.

The amendment was agreed to.

The SECRETARY. The next amendment passed over is, on page 25, after line 23, to insert:

For beginning the enlargement and improvement of the irrigation project upon the Torres Indian Reservation, Cal., for the irrigation of approximately 3,000 acres of Indian land, in accordance with the plans and estimates submitted by the chief engineer in the Indian Service and approved by the Commissioner of Indian Affairs and the Secretary of the Interior, \$25,000, to remain available until expended and to be reimbursed to the United States in accordance with such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That the total cost of said irrigation project shall not exceed \$150,000.

Mr. SMOOT. May I ask who requested that that amendment should go over?

Mr. ASHURST. I believe the Senator from Georgia [Mr. SMITH] suggested that the amendment should go over.

The VICE PRESIDENT. The Senator from Missouri [Mr. REED].

Mr. SMOOT. I do not know whether the Senator from Missouri [Mr. REED] is in the city or not.

Mr. ASHURST. The amendment was discussed at some length and fully explained last Saturday.

Mr. SMOOT. The only question in my mind was as to what Senator asked that it go over, because I thought he ought to be here if we are going to pass upon it at this time. I will ask the Senator from Arizona whether he knows if the Senator from Missouri [Mr. REED] is in the city or not?

Mr. ASHURST. I do not know. I was not aware until this moment that he is the Senator who requested that it should go over.

Mr. CLAPP. I could not answer the Senator definitely, but I happened to observe that he did not answer to the roll call to-day.

Mr. SMOOT. I knew that, and therefore asked the question.

Mr. PHELAN. I am informed that the Senator from Missouri is now in New York.

Mr. SMOOT. Then I do not ask that the amendment shall go over.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The SECRETARY. The next amendment passed over is on page 27, beginning with line 6, where the committee proposes to insert the following:

That the last proviso of the act entitled "An act to provide for the disposition and sale of lands known as the Klamath River Indian Reservation," approved June 17, 1892, reading: "*Provided further*, That the proceeds arising from the sale of said lands shall constitute a fund to be used under the direction of the Secretary of the Interior for the maintenance and education of the Indians now residing on said lands and their children," be, and the same is hereby, amended to read: "*Provided further*, That the proceeds arising from the sale of said lands shall constitute a fund to be used under the direction of the Secretary of the Interior for the maintenance and education of the Indians and their children now residing on said lands and for the construction of roads, trails, and other improvements for their benefit."

Mr. LANE. On this amendment I will say that the Indians have petitioned to have these funds divided among them pro rata in order that they may improve the allotments which have been granted to them and which they are unable to farm for lack of funds. I had forgotten that I had raised a point against the amendment, but I was going to suggest that a proviso be placed in it that they, under the direction of the Secretary of the Interior, shall be paid per capita for the maintenance and improvement of their home allotments. If that amendment would be acceptable, I should like to offer it.

Mr. CLAPP. I think the chairman of the committee will accept the amendment.

Mr. LANE. I ask the Senator from Arizona if he will accept the amendment?

Mr. ASHURST. I have no objection to the amendment, and as far as I have the power or authority I accept it.

Mr. LANE. I move, then, that it be divided per capita among the Indians, under the direction of the Secretary of the Interior, to be used for the improvement of their homes and allotments.

Mr. SMOOT. If that is adopted, it is absolutely contrary to the first proviso.

Mr. LANE. Let the Senator make no mistake. The land will be sold, and then it will be administered for the building of trails. Of course it will be a benefit, it says so; but if you divert it to the use of the Indians for the maintenance of their homes and the improvement of their allotments, they will have a greater benefit.

Mr. SMOOT. Then the Senator does not want to amend it by a proviso?

Mr. LANE. Yes; I propose to amend it in that manner.

Mr. FALL. I wish to suggest to the Senator unless there is an absolute direction that these funds shall be used in this way, and no other, they can at the present time be used in exactly this way in the discretion of the Secretary of the Interior.

Mr. LANE. For the improvement of the homes?

Mr. FALL. Certainly. The maintenance of the Indians for the improvement of their homes in his discretion, and all you are proposing to do is to leave it to his discretion.

Mr. LANE. There is this difference: If it remains as it is, it will be administered so that the Indians will get none for their homes, and their desire is to have it diverted so as to have the money paid to them per capita.

Mr. FALL. I certainly have no objection, but I do not think the Senator improves it by his amendment.

Mr. LANE. It is to be paid per capita to the Indians for such use as they see fit.

Mr. SMOOT. May I ask the Senator a question? Is it the Senator's intention to strike from the proviso the expenditure of this money for the construction of roads, trails, and other improvements for the benefit of the Indians?

Mr. LANE. It is my intention to get the money into the hands of the Indians to improve their homes and their farms. That is what they ask for. They petition for that. Is not that simple, plain English and a definite purpose? That does not mean building trails.

Mr. TOWNSEND. May I ask the Senator what the provision would be if his amendment is adopted?

Mr. LANE. My understanding is that this timber, and I think it is valuable timber, worth millions upon millions of dollars, shall be sold and that the money is to be paid the Indians under the supervision of the Secretary of the Interior, to be expended upon the building of homes, the purchase of plows and horses, and for breaking up the land.

Mr. TOWNSEND. Do I understand the Senator to offer that as a proviso?

Mr. LANE. As an amendment. I propose to strike out all other purposes.

Mr. TOWNSEND. Then the Senator would offer it as a substitute.

Mr. LANE. As a substitute or an amendment.



Mr. FALL. I should like to ask the Senator, who is familiar with the conditions existing there, whether if this money is divided among the Indians per capita they will get the same use of it in the improvement of their lands?

Mr. LANE. Not all of them. A majority of those Indians are very shrewd and capable business men. There are some of them that are incompetents, and I suppose they will go off and spend the money foolishly; but the Indian has a right once in a while to spend his money foolishly if he wants to do so; but they have never had any of it to expend so far.

Mr. FALL. I merely wanted to understand whether it was the Senator's idea that this money was to go to the individual Indian to be used as he pleased.

Mr. LANE. Under the supervision, we will say, of the farmer.

Mr. FALL. If he goes off on a spree, then, the farmer must go along with him?

Mr. LANE. If that is for the improvement of his farm; yes; but there is no whisky in that territory; it is dry territory.

Mr. FALL. My experience, having had a little to do with two or three farms, is that one farm may cost \$1,000, we will say, to put it in proper condition for production, and another may cost \$10,000, and the expenditure of each sum is absolutely necessary to achieve the result; but the Senator is proposing to divide this money per capita.

Mr. LANE. Yes.

Mr. FALL. All right; it is not my business; I have nothing to do with it.

Mr. CURTIS. Mr. President, these Indians have about \$25,000 in the Treasury from the sale of timber. Under existing law it can be used "for the maintenance and education of the Indians now residing on said land and their children."

Now, it is desired to add another provision, to the effect that this money may be used "for the construction of roads, trails, and other improvements for their benefit." It seems that about 13 miles on the reservation are not covered by roads or trails, and the department says that it is very important to have authority to build the needed roads and trails so that the Indians may get their products to market. It is not the intention to use all the money for that purpose, but merely to use what is necessary to build the trail or road. It is still proposed to use a part of the money for the purposes mentioned in the first proviso; that is, for education and maintenance.

Mr. LANE. Mr. President, my attention had been diverted for a moment, but I am informed that the amendment has been adopted. It is therefore useless to discuss it further.

Mr. TOWNSEND. The Senator ought to put his amendment in such shape that it would amount to something.

The VICE PRESIDENT. The Secretary has not the amendment to the amendment which is intended to be proposed by the Senator from Oregon.

Mr. CURTIS. I suggest that we pass over the amendment and return to it later, which will give the Senator the opportunity to draw his amendment to meet the conditions which he desires to remedy.

The VICE PRESIDENT. The amendment will be passed over. The Secretary will state the next committee amendment which was passed over.

The SECRETARY. The next amendment which was passed over at the instance of Mr. GRONNA is, on page 38, after line 3, where the committee proposed to insert the following clause:

That the Secretary of the Interior is hereby authorized to expend the sum of \$22,400 from any money now available for construction of irrigation systems on the Blackfeet Reservation, in Montana, in the purchase of lands embraced in the allotments of George W. Cook and David La Breche, described as lots 3 and 5, section 27, and lots 1 and 2, section 34, township 32 north, range 13 west, together with all the improvements thereon, in consideration of the relinquishment by the allottees of all their right, title, and interest in and to said lands and improvements, and of their right to select lieu land under the provisions of section 14 of the act of June 25, 1910 (36 Stat. L., pp. 855, 859), and the release of all their claims whatsoever against the United States or the Blackfeet Tribe of Indians by reason of said lands being required for reservoir purposes in connection with the irrigation system on the aforesaid Indian reservation.

Mr. GRONNA. Mr. President, there is appropriated for this reservation \$25,000 for irrigation projects. I thought that to take \$22,400 out of that amount would, of course, leave but a very small sum for any other improvements. This irrigation project, however, is not in my State, but is in the State which the Senator from Montana [Mr. WALSH] in part so ably represents. As I understand, both Senators from that State desire this legislation, and so I wish to withdraw my objection to it.

Mr. SMOOT. Mr. President, I desire to ask the Senator from Montana if the award in this case was not \$20,000 instead of \$22,400?

Mr. WALSH. The award, as shown by the letter which was read yesterday, was something over \$22,000.

Mr. SMOOT. As the letter was read on yesterday by the Senator I understood the award was \$20,000, and that interest had been added.

Mr. WALSH. The award was something over \$22,000; but some time before the award was made a proposition was made by the Indians to take \$20,000. Then, in the settlement and adjustment interest was figured on what they offered to take from the time they offered to take it down to the time that the adjustment was made, and it figured out \$22,400. That was something less than the award.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The VICE PRESIDENT. The Secretary will state the next amendment passed over.

The SECRETARY. The next amendment passed over is, on page 41, beginning in line 11, where the committee proposed to insert:

To enable the Secretary of the Interior to lease for the benefit of the Navajo Indians in New Mexico such railroad lands as he may deem necessary for their welfare, \$15,000, to be immediately available, and to be reimbursed under such rules and regulations as the Secretary of the Interior may prescribe.

Mr. ASHURST. Mr. President, in view of the fact that that item will incur considerable opposition, I have not been wholly satisfied with the justification for it, and I ask the Senate to disagree to the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

The VICE PRESIDENT. The next amendment passed over will be stated.

The SECRETARY. The next amendment passed over will be found at the bottom of page 53, line 23, where the committee have reported to insert the following proviso:

Provided further, That after the lands have twice been offered for sale at public auction the Secretary of the Interior, under rules and regulations to be prescribed by him, shall cause to be sold to the highest bidder, in such manner and upon such terms as he may deem advisable, the surface of any lands remaining unsold and of any surface lands forfeited by reason of nonpayment of any part of the purchase price.

Mr. ASHURST. Mr. President, with reference to this amendment, the Senator from Oregon [Mr. LANE], who is in the Chamber, is very much opposed to it. I therefore ask that the Senate disagree to the amendment.

Mr. LANE. I second the request.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

The SECRETARY. That completes the amendments of the committee which have been passed over with the exception of an amendment on page 27.

Mr. CLAPP. Mr. President, I will ask the Senator from Oregon if he has now prepared his amendment to that amendment?

Mr. LANE. I have my amendment to the amendment prepared.

Mr. CLAPP. Then I will wait for the Senator to offer it.

Mr. FALL. There is one amendment which we passed over, unless it has been reached to-day, from lines 11 to 16, inclusive, on page 41. The amendment was passed over yesterday afternoon.

Mr. ASHURST. If the Senator will pardon me, that amendment has been disagreed to.

Mr. FALL. I did not know that that action had been taken in reference to the amendment.

Mr. ASHURST. Yes; that amendment has been disagreed to.

Mr. LANE. I now offer the amendment to the committee amendment which I send to the desk.

The VICE PRESIDENT. The amendment to the amendment proposed by the Senator from Oregon will be stated.

The SECRETARY. On page 27, line 17, after the word "the" where it occurs before the word "maintenance," it is proposed to insert the words "pro rata improvement of individual Indian allotments and," so that it will read:

Provided further, That the proceeds arising from the sale of said lands shall constitute a fund to be used under the direction of the Secretary of the Interior for the pro rata improvement of individual Indian allotments and maintenance and education of the Indians and their children now residing on said lands.

The VICE PRESIDENT. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. ASHURST. Mr. President, if that concludes the committee amendments, I have one amendment I desire to offer. I do not offer it on behalf of the committee, because I have no



authority to do so, but I offer it in my own right, and I ask that it be read. It is to insert a new paragraph on page 57, after line 11.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 57, after line 11, it is proposed to insert the following as a new paragraph:

That the surface of any segregated coal and asphalt lands of the Choctaw and Chickasaw Nations in the State of Oklahoma which have been or may be condemned under the laws of the State of Oklahoma for State penal institutions or for county or municipal purposes, as authorized by Indian appropriation bill approved March 3, 1909, for State penal institutions or for county or municipal purposes, shall be construed to include the entire estate, except the asphalt reserved.

Mr. ASHURST. Mr. President, the end sought to be accomplished by that amendment is substantially as follows: This provision would affect the title of the State to subsurface lands on which is located the State prison at McAlester, and it is deemed essential that holders of adjacent mining property should not be permitted to invade the land beneath the surface on which the prison grounds are located.

This legislation is asked for by the Senator from Oklahoma [Mr. OWEN], and is regarded as necessary. It will embrace and have to do with about 800 or 900 acres. The authorities of the State take the view that mining under the prison for coal or other material and metals would be a menace to the police jurisdiction of the institution. That is the justification which has been submitted to me.

Mr. SMOOT. Mr. President, as I gathered from the reading of the amendment, it is general in its application.

Mr. LA FOLLETTE. I so understood it.

Mr. SMOOT. It is not limited to any specific acreage. I may be mistaken, but that is as I understood the provision as read.

Mr. ASHURST. Let the amendment be stated again. It may read in that way.

The VICE PRESIDENT. The Secretary will again state the amendment.

The Secretary against stated the amendment.

Mr. SMOOT. Mr. President, that is general legislation on an appropriation bill, and I make the point of order against it.

The VICE PRESIDENT. The point of order is sustained.

Mr. CLAPP. Mr. President, some years ago we passed a law creating a commission to enroll the Chippewas of Minnesota on the White River Reservation. At that time the district court decided that in order to be a mixed blood within the purview of the former law the individual had to have one-eighth Indian blood. Consequently, when this enrollment law was passed it provided that the commissioners should ascertain and designate the quantum of Indian blood in each individual. Subsequently the Supreme Court of the United States held that any degree of mixture was mixed blood within the language of the former law.

Now, the ascertainment of whether an individual is of mixed blood or not is a relatively easy matter compared with the ascertainment of the exact quantum of Indian blood, and the commissioners asked last year that the law be amended by simply providing that they should find whether the allottee was of mixed blood. A provision was inserted in one of the Indian appropriation bills—I think in a bill that failed—and then a bill was introduced in each House to correct this matter. That bill also provided that certain decrees of the probate court should be validated. To that provision of the bill objection was made, and when we reached it the other day on the calendar, owing to the objection, I asked that it be passed over. The department and the commissioners are now all agreed that the law should simply be amended so as to require only the ascertainment and recital of mixed blood, relieving the commissioners of the necessity of ascertaining the quantum of mixed blood. The Indian Office has also asked that the ascertainment shall not be evidence of or in any manner affect the question of the blood status of any other allottee involved in any suit by reason of the relationship of such allottee.

While it is true that this is perhaps general legislation, at the same time it is to carry into effect a law that is already on the statute books, and is one of those exigency matters which demand attention. I should therefore like to have the amendment which I shall send to the desk added at the end of the Minnesota items.

Mr. LANE. Mr. President, would not that amendment involve and complicate the affairs of a great many Indians?

Mr. CLAPP. Not at all. It has no relation, I think, to what the Senator has in mind. He undoubtedly received a letter protesting against that portion of the bill relating to the probate proceedings. This affects the law in no way, except that it relieves the commission of the necessity of ascertaining the

quantum of blood, since the Supreme Court has held that the ascertainment of the quantum is unnecessary, inasmuch as a mixed blood is a mixed blood. I assure the Senator that the amendment is not within the purview of any objection he has in mind.

Mr. LANE. Nor does it interfere with the rolls of the Indians?

Mr. CLAPP. Not in the least. It has been recommended by Secretary Lane in Public Document No. 993, part 2, Sixty-fourth Congress, first session.

Mr. PHELAN. Mr. President—

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from California?

Mr. CLAPP. With pleasure.

Mr. PHELAN. I should like to ask the Senator, who seems familiar with the subject of mixed blood and races, why at one time certain American communities and distinguished statesmen encouraged the mingling of the blood of the Indian and of the white man, and, as I understand, proposed to subsidize marriages between them? Is the Senator aware that such is the historical fact?

Mr. CLAPP. I was not aware that they had ever been subsidized.

Mr. PHELAN. I have here an excerpt from the work of Senator Beveridge entitled "The Life of John Marshall," in which he states that, on motion of Patrick Henry, £10 sterling were offered, in a resolution proposed in the Legislature of Virginia, to white men who would marry Indian women, and Indian women were to be made an allowance for each child, I think, of £5. Such a measure passed second reading in the legislature at about the time when Patrick Henry was elected governor. I am not quite sure whether it was ever enacted into law; but John Marshall, in one of his letters, states that of all the bills introduced in that legislature he considered the measure referred to one of the most advantageous to the country. It is an interesting subject, when we are discriminating here against people of mixed bloods, to know that at one time it was considered a desirable thing in this country. It makes our obligation to the Indian greater and deeper.

Mr. CLAPP. I confess I never happened to run on to that historical fact, and it certainly is a matter of interest.

Mr. LANE. Mr. President, it would be of interest to the junior Senator from Mississippi [Mr. VARDAMAN] if he were here, I am quite sure.

Mr. PHELAN. I am only seeking enlightenment, and I see that I have failed to obtain it.

Mr. PHELAN subsequently said: Mr. President, as the statement I have just made has been questioned, I should like to put the source of my authority in the RECORD, and I ask consent to print it in the RECORD.

The VICE PRESIDENT. What statement?

Mr. PHELAN. Concerning the historical fact that this Government once undertook to encourage intermarriage between the Indians and the whites by a proposition to offer subsidies.

The VICE PRESIDENT. In the absence of objection, permission is granted.

Mr. LANE. Mr. President, I did not criticize the Senator. I hope he does not think I did. I am glad to get that information. It is something entirely new to me, but I knew how it would arouse the ire of my friend from Mississippi [Mr. VARDAMAN].

The matter referred to is as follows:

[From the Los Angeles Express of Jan. 11, 1917.]

"A POET'S FANCY."

In the course of a speech delivered in the Senate December 15 on the immigration bill Senator PHELAN, of California, said:

"Of course ultimately we all look to a homogeneous American population. Disraeli, I remember, once remarked that he regretted that the Republic of the Puritans had not blended with the tribes of the wilderness, for then we would have had a real American nationality. That was a poet's fancy."

The matrimonial assimilation of the Indian thus suggested was something more than a poet's dream. It was very seriously considered not only before but after the Revolution. Patrick Henry, with whose "Give me liberty or give me death" every American is familiar, and whose oration, concluding with "Caesar had his Brutus," etc., has been spouted in every country schoolhouse, was an earnest advocate of intermarriage with the Indian. William Wirt, in his Sketches of the Life and Character of Patrick Henry, is quoted by Senator Beveridge in his Life of John Marshall in support of the statement: Beveridge speaks of Patrick Henry's "pet plan to insure peace between the white man and the red and to produce a better race of human beings; all of which Henry thought could be done by intermarriages between the whites and the Indians. He presented this claim to the house (of the Virginia Legislature) at this same session (1784-85), and actually carried it by the irresistible earnestness and eloquence with which he supported it."

Beveridge states:

"The bill provided that every white man who married an Indian woman should be paid £10 and £5 more for each child born of such marriage; and that if any white woman marry an Indian they should be entitled to £10, with which the county court should buy live stock



for them; that once each year the Indian husband of this white woman should be entitled to \$3, with which the county court should buy clothes for him; that every child born of this Indian man and woman should be educated by the State between the age of 10 and 21 years, etc."

Having passed the house on its first and second reading this bill would have become a law had not Patrick Henry been elected governor of Virginia, and so, as Madison phrased it, "been taken out of the way."

Patrick Henry was not alone in advocating this measure. John Marshall, who became Chief Justice of the United States in 1801, and, holding the office for 35 years, did more than any one other man to convert the States into a Nation, was an earnest advocate of Patrick Henry's measure. In his *Life of John Marshall* Senator Beveridge says: "He earnestly supported Henry's bill for subsidizing marriages of natives and whites and was disappointed by its defeat. 'We have rejected some bills,' writes Marshall (to Monroe, December, 1784) 'which, in my conception, would have been advantageous to the country. Among these I rank the bill for encouraging intermarriages with the Indians.'"

It will be seen, therefore, that while Disraeli's regret may have been, as Senator PHELAN says, but the expression "of a poet's fancy," that "fancy" was a very earnest conviction on the part of such builders of the Nation as Patrick Henry and John Marshall.

Mr. CLAPP. Mr. President, I ask for the adoption of this amendment.

Mr. CURTIS. Mr. President, I will ask the Senator if his amendment embodies the provisions of House bill 14721?

Mr. CLAPP. It embodies the first part, but it eliminates the reference to the probate court—that is, if the Senator has in mind the bill that I think he has.

Mr. CURTIS. I should like to have it read again, so that I may compare it.

The VICE PRESIDENT. The Secretary will state the amendment offered by the Senator from Minnesota.

The SECRETARY. It is proposed to add, at the end of the Minnesota items, on page 35, after line 12, the following:

That the seventh paragraph of section 9 of an act entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914," approved June 30, 1913, be, and the same is hereby, amended so as to read as follows:

"That the roll herein provided for shall be made in triplicate and shall show the allotment number or numbers, together with the description of the property allotted, and the name, age, sex, and whether the allottee is of full Indian blood or mixed blood. The roll shall also state whether the person named is living or dead; and, if dead, the approximate date of death shall be stated, when it can be ascertained, together with the age of such person at death, as near as practicable. No allotment nor the allottee thereof shall be enrolled where there is a suit now pending, or hereafter commences prior to the completion of such roll, to cancel any conveyance of such allotment until such suit has been finally determined; nor shall the enrollment of any allottee be evidence of or in any manner affect the question of blood status of any other allottee involved in any such suit by reason of relationship of such allottees."

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CLAPP. I should like to insert in the RECORD a letter from the Department of Justice of this date, addressed to me and referring to this matter.

The VICE PRESIDENT. In the absence of objection, that may be done.

The letter referred to is as follows:

DEPARTMENT OF JUSTICE,  
Washington, D. C., January 30, 1917.

Hon. MOSES E. CLAPP,  
United States Senate.

My DEAR SENATOR: In reference to H. R. 14731, providing for an amendment of paragraph 7 of section 9 of the act of June 30, 1913 (38 Stat., 88), I have just been informed by Representative HALVOR STEENERSON, who introduced this bill, and Mr. R. J. Powell, a member of the enrollment commission thereby affected, that Mr. STEENERSON and the promoters of the bill are willing to accept the substitute recommended by the Secretary of the Interior in his letter to Hon. JOHN H. STEPHENS, chairman of the Committee on Indian Affairs of the House, dated July 6, 1916, and printed in a supplemental report, No. 993, part 2, Sixty-fourth Congress, first session.

The concurrence of the Department of Justice in the recommendation of the Secretary of the Interior was stated in his letter. There has been no change in the attitude of the departments in reference to this matter. I understand that it is feasible to incorporate the measure agreed upon in the Indian appropriation bill, now under consideration by the Senate, and we should be very glad if that could be accomplished.

Very respectfully,

F. J. KEARFUL,  
Special Assistant to the Attorney General.

Mr. WARREN. Mr. President, I ask the attention of the chairman of the committee to a small amendment which I desire to offer, on page 75, line 13, after the numerals "\$150,000."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 75, line 13, before the word "reimbursable" at the end of the line, it is proposed to insert:

To enable the Secretary of the Interior to make such additional surveys and examinations as may be required for the purpose of preparing and submitting with the estimates to be submitted before the first regular session of the Sixty-fifth Congress an estimate for the beginning of construction of a project for the watering of a portion of the conditionally ceded lands of the Wind River Reservation in substantial accordance with the plan outlined in House Document 1767 of the Sixty-fourth Congress, second session, or such modification of such plan as the said Secretary may approve, \$5,000.

Mr. ASHURST. This is a part of the reimbursable appropriation carried in the bill at page 75, lines 8 to 16?

Mr. WARREN. Yes. It is to go in just before the word "reimbursable," on line 13, page 75.

Mr. ASHURST. And it is a part of this reimbursable appropriation?

Mr. WARREN. Yes.

Mr. ASHURST. I have no objection, Mr. President.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Wyoming.

The amendment was agreed to.

Mr. FALL. Mr. President, I desire to call the attention of the chairman of the committee to an amendment on page 12 of the bill, line 15, after the figures "\$10,000." This is a lump appropriation for the pay of judges in the Indian country. I made an explanation to the Senate Saturday as to the status of the Pueblo Indians in New Mexico. In the justification of this requested appropriation of \$10,000 it appears that they propose to pay a judge, whom I spoke of Saturday, the sum of \$720 per year. The Pueblo Indians are very much opposed to the naming of any judge for them. In my judgment, there is no question that the law did not contemplate vesting in anyone any such power, and that to-day no one has any such power; but the Indians are not able to take this matter into the United States courts. I therefore offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 12, line 15, after the numerals "\$10,000," it is proposed to insert:

Provided, That no part of this nor of any other sum shall be used to pay any judge for the Pueblo Indians of New Mexico, and that no such judge shall be appointed for such Indians by any United States official or employee.

Mr. ASHURST. Mr. President, I am familiar with the purposes of the amendment, and I have no objection to it.

Mr. SMOOT. Mr. President, if that is the case, then the amount of \$10,000 is not necessary.

Mr. ASHURST. I think it is, Mr. President.

Mr. SMOOT. Outside of the payment of the judge in New Mexico?

Mr. ASHURST. Yes; I think it is, Mr. President. I hope the amount will not be reduced.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ROBINSON. Mr. President, I offer the following amendment: On page 13, line 5, I move to strike out "\$3" and insert in lieu thereof "\$4."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 13, line 5, where the bill reads "and actual traveling and incidental expenses, and \$3 per diem in lieu of subsistence when actually employed on duty," the Senator from Arkansas moves to strike out "\$3," and in lieu thereof to insert "\$4."

Mr. SMOOT. Mr. President, I will say to the Senator that their per diem has been \$3 for many years past, as he knows, of course.

Mr. ROBINSON. Yes.

Mr. SMOOT. And if this is changed, it seems to me it ought to be changed in all the other appropriation bills, because the same reason that applies to an increase here would apply to other bills.

Mr. ROBINSON. Mr. President, concerning this amendment I wish to say that the position of Indian inspector carried in this bill was created two years ago, I think. The service which these inspectors are required to perform carries them into the field, and for the most part keeps them away from home all the time. The per diem allowance is inadequate; \$4 would scarcely be adequate; but my attention has been called to the fact that they are compelled to pay out of their salary a considerable sum for subsistence, for which this allowance is intended to compensate them, and I think the amendment ought to prevail.

Mr. SMOOT. I will say to the Senator that the inspectors of the Indian Service living upon the Indian reservations are not put to nearly the expense to which many of the others are put.

Mr. ROBINSON. But, as the chairman of the committee remarks, they do not live on these reservations.

Mr. SMOOT. No; I know they do not live there, but I mean their work calls them there, and it seems to me that the expense to which the Indian inspectors are put would not be nearly so great as the expense to which the other inspectors are put who travel all over the country and have to live in cities or towns.

Mr. ROBINSON. Some of these inspectors, Mr. President, have had service in many States during the last year. They are frequently called upon to attend court in localities where they



are unable to maintain themselves upon this allowance. The allowance, in my judgment, is inadequate. I have made some investigation into it. I hope the Senator from Utah will not oppose the amendment.

Mr. SMOOT. If the Senator's amendment is agreed to, then, of course, we will have to increase the \$30,000 to \$40,000.

Mr. ROBINSON. No; that will not be necessary.

Mr. SMOOT. Then the \$30,000 is too much as it is.

Mr. ROBINSON. I think the \$30,000 will be adequate. The chairman of the committee thinks so, also.

Mr. ASHURST. Mr. President, the \$30,000 will be adequate, and I am very much in favor of the amendment of the Senator from Arkansas. These inspectors—and there are only six of them—are frequently called upon to assist the United States district attorneys in the preparation of cases, and very frequently they go from State to State. I am very sufficiently convinced that the per diem of \$3 is not sufficient.

Mr. SMOOT. Does the Senator say there are only six inspectors?

Mr. ASHURST. I think there are only six.

Mr. SMOOT. What salary do they get?

Mr. ROBINSON. Twenty-five hundred dollars per annum.

Mr. SMOOT. Oh, no; the chief inspector gets not to exceed \$2,500, but all those inspectors certainly do not get \$2,500.

Mr. ROBINSON. I think the inspectors receive \$2,500 each.

Mr. ASHURST. They each receive \$2,500, and there are only six in the service. They perform technical work. They are the confidential men upon whom the Department of the Interior is obliged to rely in the preparation of many cases.

Mr. SMOOT. Then, Mr. President, it seems to me that they must get \$5,000 each, if it requires \$30,000 to pay six of them.

Mr. ASHURST. That is the salary.

Mr. SMOOT. No; that is the salary, per diem and all. I am speaking of the per diem as well.

Mr. ROBINSON. They are only allowed a per diem when they are actually in the field.

Mr. SMOOT. If they were allowed \$3 a day for 300 days, it would be \$900. Suppose they drew \$1,000 in the way of per diem and they got a salary of \$2,500; that would be \$3,500 for the salary and per diem expenses. Now, there are only six of them. That would be only \$21,000.

Mr. ROBINSON. But the Senator began his argument by stating that the \$30,000 was inadequate.

Mr. SMOOT. No; I do not say that now, upon the statement of the Senator.

Mr. ROBINSON. I understand that the Senator does not say so now; but I think the \$30,000 is more than ample to meet the requirements of the service if the amendment I have offered is agreed to.

Mr. SMOOT. Certainly, on the statement made by the Senator, it ought to be reduced now. Even with the \$4 per day it ought to be reduced.

Mr. ROBINSON. Mr. President, during the last year all of the fund that was appropriated for this purpose was not used and the department turned back a considerable sum. I do not remember how many thousand dollars, but I think between six and ten thousand dollars was turned back last year.

Mr. SMOOT. Of course, if there are just six of these inspectors and they draw \$2,500 a year each, and their per diem is even \$4 a day, it is very easy to figure out just exactly what we ought to appropriate for them; and in any case the amount could not possibly exceed \$25,000. Why appropriate more than \$25,000, then?

Mr. ROBINSON. I am not asking the Senate to appropriate any lump sum. My amendment is not addressed to that feature. The amendment which I propose is addressed to the per diem item.

Mr. SMOOT. I recognize that; but they have got to be paid out of the lump sum.

Mr. ROBINSON. Certainly. The point I make is that the lump sum is adequate; that there is no necessity for increasing it.

Mr. SMOOT. Well, let it go into conference.

Mr. FALL. Mr. President, I should like to ask, just for information, before voting on the amendment, whether it costs any more per diem for these inspectors than it does for the special agents, who get \$3 per diem, including sleeping-car fare, or who get sleeping-car fare aside from the \$3 per diem? And what about the \$3 per diem which is provided for the transportation and incidental expenses of all officers and clerks in the Bureau of Indian Affairs? Should not that be increased also? Is there a different scale of living?

Mr. ROBINSON. Mr. President, in reply to the query of the Senator from New Mexico, I think it is true that a more liberal

allowance should be made for the per diem of these inspectors than for the special agents to whom he refers. The character of work which the inspectors perform carries them into remote districts, and frequently compels them to incur expenses which the special agents do not necessarily incur. They are a different class of officers, and they perform a different class of service. Their services are on a broader scale and extend over a greater territory.

Mr. FALL. I have no doubt the Senator is very familiar with the character of the expenses incurred by each class of employees and could explain the facts very satisfactorily to the Senate. I have not any objection to the amendment, except that it is another illustration of the asininity—if I may be allowed to use the word—of formulating, in the way we do, an Indian appropriation bill at every session of Congress. Some day or some time a different system is going to be inaugurated.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LA FOLLETTE. Mr. President, on page 70 of the bill, after the semicolon in line 22, I move to add "for a storage battery, \$1,500, or so much thereof as may be necessary, the same to be immediately available."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 70, line 22, after the semicolon, it is proposed to insert "for a storage battery, \$1,500, or so much thereof as may be necessary, the same to be immediately available."

Mr. LA FOLLETTE. Mr. President, one year ago an appropriation of \$2,500 was made for providing an electric-light plant for the Indian school at Tomah, Wis. They are buying their electric light from the city of Tomah, and have been paying \$170 a month for it. The rates have gone up, and from the 1st day of January they will be increased 100 per cent. One year ago we made an appropriation of \$2,500 for the purpose of purchasing a generator engine, switchboard, and storage battery. The amount appeared to be sufficient at the time to install a complete lighting system for this school; but the increase in the price of material has been such that the generator engine purchased under the legislation of last year absorbed \$2,042 of the appropriation and the switchboard \$368, leaving a balance of only \$90. It is necessary, in order to complete the plant, to have this storage battery; and from the best information I can get as to what it would cost, obtained from Mr. Woods, the Superintendent of the Capitol here, I fixed the amount of the appropriation at \$1,500, or so much thereof as may be necessary. No more than is necessary will be expended. I trust the amendment will be adopted.

Without this expenditure that which has already been invested will be useless. With it we will make a saving on what they are now paying for the electric light that will in one year, at the rate which they are paying the company that supplies the electric current to this school, save almost as much as the total expenditure.

Mr. ASHURST. Would the Senator from Wisconsin object to inserting the amendment after the semicolon in line 22?

Mr. LA FOLLETTE. That is where I offer it to be inserted.

Mr. ASHURST. And change the numerals accordingly?

Mr. LA FOLLETTE. Yes.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CURTIS. I offer the following amendment in order to get the question in conference that this bill may await the action that will be taken on section 7 of the legislative, executive, and judicial appropriation bill for increasing the salaries of those officials who draw less than \$1,000. I ask that the amendment be read, and I ask for its adoption.

The VICE PRESIDENT. It will be read.

The SECRETARY. It is proposed to add as a new section the following:

SEC. 27. That to provide, during the fiscal year 1918, for increased compensation at the rate of 15 per cent per annum to employees who receive salaries at a rate per annum of \$480 or less, and for increased compensation at the rate of 10 per cent per annum to employees who receive salaries at a rate of more than \$480 per annum and not exceeding \$1,000 per annum, so much as may be necessary is appropriated: *Provided*, That this section shall only apply to employees who are appropriated for in the act specifically and under lump sums or whose employment is authorized herein: *Provided further*, That detailed reports shall be submitted to Congress on the first day of the next session showing the number of persons, the grades or character of positions, the original rates of compensation, and the increased rates of compensation provided for herein.



Mr. ASHURST. I would not wish to make a point of order if I could upon this amendment because, as the Senator from Kansas said, he would like to have it go to conference. He is entitled to that right and courtesy, but I should like to have read a short letter from the Secretary of the Interior upon a bill very similar to this amendment now proposed by the Senator.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

THE SECRETARY OF THE INTERIOR,  
Washington, January 18, 1917.

Hon. HENRY F. ASHURST,  
Chairman Committee on Indian Affairs,  
United States Senate.

MY DEAR SENATOR: I have your letter of January 6, requesting report upon proposed amendment to H. R. 18453, under which the compensation of employees in the Indian Service would be increased.

This question, of course, is one for Congress to determine; but it seems that if such an increase is to be granted it should be uniform and not differentiate between employees of the Government in different branches of the service.

Cordially, yours,

FRANKLIN K. LANE,  
Secretary.

Mr. SMOOT. The amendment is exactly the same as was adopted upon the legislative, executive, and judicial appropriation bill.

Mr. CURTIS. Identically.

Mr. ASHURST. I did not hear the Senator from Utah.

Mr. SMOOT. I asked the Senator from Kansas if his amendment is not identically the same in language as that which was adopted upon the legislative, executive, and judicial appropriation bill, and the Senator from Kansas said it is.

Mr. SHAFROTH. I will ask the Senator from Kansas whether the latter part of the amendment is the same?

Mr. CURTIS. It is the same, word for word.

Mr. ASHURST. It is the same as the provision which was carried in the legislative, executive, and judicial appropriation bill?

Mr. SMOOT. It is the same identical amendment known as the Smoot amendment. If we are going to give it to one part of the Government employees, we ought to put it upon every appropriation bill, and I think the Senator will agree to that.

The amendment was agreed to.

Mr. ASHURST. Mr. President, considerable has been said in the way of implied but not malicious criticism with respect to the management of the office of the Commissioner of Indian Affairs. I have here an article which appears on page 270 of the Indian School Journal issued by the United States Indian School at Chilocco, Okla., printed by the pupils. I ask unanimous consent that it may be printed in the RECORD without reading.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. FALL. For what department?

Mr. ASHURST. The Indian Department.

Mr. FALL. The entire Indian Department?

Mr. ASHURST. Let it be read. It is very short.

Mr. FALL. I should like to hear it.

The VICE PRESIDENT. Is there objection to reading the article? The Chair hears none.

The Secretary proceeded to read the article.

Mr. FALL. If I can I withdraw my request for the reading of this very interesting article, and withdraw any objection whatsoever to its printing. I think we all recognize the earmarks.

The VICE PRESIDENT. The article will go in the RECORD without reading in full.

The matter referred to is as follows:

It is a report of stupendous achievement that Commissioner Cato Sells has just submitted to the Secretary of the Interior. When one reads in the pamphlet the account of all that has been done he marvels that one man has had time and strength to carry out so successfully so many projects calling for much study and the exercise of great ability along so many distinct lines.

To have developed and carried out the "reimbursable" plan for helping poor but honest and industrious Indians to independence, to have waged a winning fight against the liquor traffic in and about reservations, to have made dishonest guardians of Indian minors account for millions that they had confidently expected to make their own, to have waged so successful a health campaign, to have provided for the inauguration in the schools of the sane vocational course of instruction now in operation—each appearing a good-sized undertaking—along with the numerous other accomplishments scarcely, if at all, less important, and to have set all in harmonious motion was a gigantic task. The battle is still on against the crooked guardian, the grafter, and the booze peddler, against tuberculosis and trachoma, against all the physical dangers that beset the baby coming into the world; while cattle on a thousand hills belonging to the Indians, thousands of additional acres in cultivation, great numbers of Indians living in complete independence who but yesterday were leaning upon the Government, all bear witness to the constructive power of the tireless, enthusiastic man at the head of the Indian Bureau.

No one is more desirous than the commissioner that the Indian Bureau go out of business at the earliest day that such closing can be accomplished with safety to the people from whom all Government props are being removed as rapidly as seems wise. He does not covet the emoluments of a job the holding of which costs him thousands of dollars annually from private resources; but the cry of the grafter and the assistant grafter for immediate removal of every impediment to the plying of their business does not convince or disturb him nor does it interfere with the vigorous performance of every duty.

Mr. CLAPP. Mr. President, there is a matter I desire to say a word about. In 1863, I think it was, following the Sioux massacre in Minnesota, Congress passed a law forfeiting the annuities due the Sioux Indians. There were two general groups of these Indians, the Sissetons and Wahpetons, and then the other group known as the Santee Sioux. Before my predecessor died he had taken up the effort to do justice to these Indians. Clearly the Government of the United States has no moral rights to forfeit the annuities due its wards because the wards revolt. He died before the work was completed. Some years ago we passed a law giving the Sissetons the right to bring an action. The bill has been introduced and has been passed several times by the Senate, giving the same right to the Santee Sioux. It was passed through the Senate at this Congress and is now in the House, but everyone knows the difficulty of getting legislation through the House.

I am going to ask to put that bill at the end of the Nebraska items as an amendment. I put it there because, although originally these Indians were entirely, I think, from the State of Minnesota, to-day a large portion of them, I think perhaps a major portion, live in the State of Nebraska, but a great many still remain in the State of Minnesota. The bill, as I said, has already passed the Senate at the present Congress. A similar bill has passed Congress several times. I think it was on the Indian appropriation bill that failed two years ago, if my memory serves me correctly.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add the following as an additional section:

SEC. 28. That jurisdiction be, and hereby is, conferred upon the Court of Claims of the United States to hear, determine, and render final judgment for any balance found due the Medawakanton and Wahpakoota Bands of Sioux Indians, otherwise known as Santee Sioux Indians, with right of appeal as in other cases, for any annuities which may be due to said bands of Indians under and by virtue of the treaties between said bands of Indians and the United States, dated September 29, 1837 (7 Stat. L., 538), and August 5, 1851 (10 Stat. L., 954), as if the act of forfeiture of the annuities of said bands, approved February 16, 1863, had not been passed; and said act of forfeiture and all subsequent acts and parts of acts and treaties inconsistent with this act are hereby repealed for the purposes hereof: *Provided*, That the court, in rendering judgment, shall ascertain and include therein the amount of accrued annuities under the treaty of September 29, 1837, up to the date of the passage of this act and shall determine and include the present value of the same and the capital sum of said annuity, which shall be in lieu of said perpetual annuity granted in said treaty; and to ascertain and set off against such amount so found all payments or other provisions, of every name and nature, made to or for said bands by the United States, or to or for any members thereof under the authority of any act of Congress, excluding treaties, since said act of forfeiture was passed, which are properly chargeable against said unpaid annuities.

That upon the rendition of such judgment, and in conformity therewith, the Secretary of the Interior is hereby directed to determine which of said Indians now living took part in said outbreak, and to prepare a roll of the persons entitled to share in said judgment by placing on said roll the names of all living members of the said bands residing in the United States at the time of the passage of this act, excluding therefrom the names of those found to have participated in the outbreak; and he is directed to distribute the proceeds of such judgment, except as hereinafter provided, per capita, to the persons borne on the said roll.

That proceedings shall be commenced by petition, verified by the attorney or firm of attorneys so authorized by John Eastman, assignee of Charles A. Eastman or Charles Hill, the attorneys in fact employed by said Indians under a contract bearing date November 27, 1896, approved by the Commissioner of Indian Affairs June 29, 1897, and by the Secretary of the Interior July 1, 1897, and said suit shall be conducted by said attorney or firm of attorneys as attorneys of record, together with other counsel appearing in the case; and the court shall find and award upon a quantum meruit not to exceed 10 per cent of the amount recovered to said attorneys and their associates the compensation which shall be paid to them for services rendered and to be rendered, and distribute the sum thus awarded to such attorneys and their associates as their respective interests may appear, under agreements among themselves, which may be filed with the court; and the Secretary of the Treasury is hereby directed to pay the said sum of money to the said attorneys immediately upon rendition of final judgment, out of the proceeds of such judgment, if any, when an appropriation therefor shall be made by Congress.

That the Secretary of the Interior is hereby authorized and directed to apply, out of any funds to the credit of said Indians, the sum of \$2,500, or so much thereof as may be necessary, to be expended under the direction of the attorneys of said Indians in said case in the taking of testimony therein and defraying the expenses of printing incidental thereto.

The amendment was agreed to.

Mr. SMOOT. The Senator from Georgia [Mr. SMITH] in the discussion yesterday gave notice he intended after the committee amendments were passed upon to move to strike out the



paragraph beginning on page 52, line 21, down to and including line 5 on page 53.

Mr. ASHURST. I hope that action will not be taken. If the Senator will pardon me, this particular item has been carried in the bill now for three years. The Senator from Georgia has been a Member of the Senate during the time it has been enacted. Now, when the two Senators from Oklahoma most unfortunately are absent, both by reason of illness, I trust that such action will not be taken. It is an important item, and in my opinion it is a just and necessary item. Neither of the Senators from Oklahoma can be here for the reason I have stated. One is seriously ill at his home in this city and the other is ill in Oklahoma, and will not be here before the bill is passed. The item was carried in the bill in 1914 and 1916, and it was in the bill in 1915. No objection that I have ever heard to the item has been made in the Senate. This seems to be a most inopportune time to take up a serious item like this in the absence of both Senators from the State. I recognize the courtesy the Senator from Utah is extending to the Senator from Georgia in calling attention to it, but I am very anxious that this item shall be retained in the bill.

Mr. CLAPP. Will the Senator from Utah pardon me?

Mr. SMOOT. Certainly.

Mr. CLAPP. I hardly think it would be fair to Oklahoma for this reason: Whatever may be said as to the wisdom or justice of the measure, and I think it is a very wise and just measure, in view of the large amount of their land that is held beyond the power of taxation, I believe we should make provision to assist them in their public schools. This has been in the bill right along as it came from the House, and I am inclined to think that possibly it might embarrass the State, without any notice whatever, when they have every reason or right to suppose it would be continued at least for a time, now suddenly to withdraw it. I think if the Senate feels it has been unwise to give this assistance or unwise to continue it, surely it is at least due to the State of Oklahoma that they have notice so that they may make necessary provision hereafter to take care of it, but suddenly to cut out that amount from what may properly be called the revenues of the State might very seriously embarrass them. It strikes me that without any notice it is hardly a fair thing to do, even if we had the power to do it.

Mr. SMOOT. Mr. President, I am not going to make a motion to strike it out. I simply did what I would want every other Senator to do if I were out of the Chamber when a bill was about to pass from the Committee of the Whole into the Senate, to call attention to the fact of a notice that had been given.

Mr. GRONNA. Will the Senator from Utah yield to me?

Mr. SMOOT. Yes.

Mr. GRONNA. I wish to say to the Senator from Utah that I have inquired into this matter and I am sure if we struck out the provision it would embarrass those people. It was stated by some Senator that the lands given to the Oklahoma Indians are taxable. I am informed that they are not. It would cripple the schools. We can not at this time let this item go out. As the chairman has said, it would hardly be fair to the Senators from Oklahoma to take out this item when they are both absent.

Mr. SMOOT. Of course, as I said, I do not know whether the Senator from North Dakota was in the Chamber. I am not going to make a motion, because I do not know enough about it to know whether it is right or whether it is wrong; but the Senator from Georgia [Mr. SMITH] gave notice yesterday that as soon as the committee amendments were disposed of he wished to make a motion to strike out this paragraph. I thought it was nothing more than fair to the Senator from Georgia to give him notice that the bill was about to pass from Committee of the Whole into the Senate.

Mr. O'GORMAN. Mr. President, I move that the Senate proceed to the consideration of executive business.

Mr. ASHURST. Will the Senator from New York withhold the motion?

Mr. O'GORMAN. The executive session will take only a few minutes.

Mr. ASHURST. I think we can pass the bill before the recess, and I do not want an executive session now. I shall call for the yeas and nays and do everything I can to resist the motion. I hope the Senator from New York will withdraw his motion. I think we can conclude the consideration of the bill in a few minutes.

Mr. O'GORMAN. This is a very important bill, but it is not the only important business which is before the Senate of the United States. Under the program we have but 15 minutes be-

fore a recess will be taken, in any event, and there is some important executive business which can be disposed of in that time.

Mr. ASHURST. If the Senator will pardon me, I will assure him he will not do a bit of executive business. I shall consume the whole time.

Mr. O'GORMAN. I could not yield to any suggestion of that kind from any Senator, especially from one whose good opinion I value as highly as I do that of the Senator from Arizona. Upon reflection he must know that that is scarcely a fair proposition to advance.

Mr. ASHURST. I have had no notice of the motion. It was made without consulting me.

Mr. O'GORMAN. The bill which the Senator has in charge I appreciate is a very important measure, and it will be disposed of in due course, but we are to convene again at 8 o'clock.

Mr. ASHURST. If the Senator will pardon me, we could not in my judgment take up the Indian appropriation bill in the evening session. That is to be devoted wholly to the Porto Rican bill. I withdraw the apparent discourteous statement I made; but I am very earnest about this matter. I want to have this bill disposed of. It will go over until to-morrow if we go into executive session now. I hope the Senator from New York will withdraw the motion.

Mr. O'GORMAN. Will any injury be done to any interest even if the bill goes over until to-morrow?

Mr. ASHURST. I am anxious always to have Democrats get into office just as quickly as they can, but I think the few nominations can wait one more day, having waited so long.

Mr. O'GORMAN. It will not interfere with the Senator's bill. I make that motion.

The VICE PRESIDENT. The Senator from New York moves that the Senate proceed to the consideration of executive business.

Mr. ASHURST. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLAPP (when his name was called). Owing to the pair I have with the senior Senator from North Carolina [Mr. SIMMONS], who is absent, I am constrained to withhold my vote.

Mr. CLARK (when his name was called). I am paired with the senior Senator from Missouri [Mr. STONE], who is absent. I therefore withhold my vote.

Mr. JAMES (when his name was called). I have a general pair with the junior Senator from Massachusetts [Mr. WEEKS] and for that reason withhold my vote.

Mr. MYERS (when his name was called). I transfer my pair with the Senator from Connecticut [Mr. MCLEAN] to the Senator from Arizona [Mr. SMITH] and vote "nay."

Mr. SMITH of Maryland (when his name was called). I have a general pair with the Senator from Vermont [Mr. DILLINGHAM]. He being absent, I withhold my vote.

Mr. THOMAS (when his name was called). In the absence of my pair, I withhold my vote.

Mr. TILLMAN (when his name was called). I transfer my pair as on the last vote and vote "yea."

Mr. WILLIAMS (when his name was called). Transferring my pair with the Senator from Pennsylvania [Mr. PENROSE] to the Senator from Maryland [Mr. LEE], I vote "yea."

The roll call was concluded.

Mr. JAMES. I transfer the general pair I have with the junior Senator from Massachusetts [Mr. WEEKS] to the junior Senator from Arkansas [Mr. KIRBY] and vote "yea."

Mr. SAULSBURY. I have a general pair with the junior Senator from Rhode Island [Mr. COLT] and therefore withhold my vote.

Mr. CURTIS (after having voted in the negative). I transfer my pair with the junior Senator from Georgia [Mr. HARDWICK] to the senior Senator from California [Mr. WORKS] and will let my vote stand.

Mr. SMITH of Michigan (after having voted in the negative). I am paired with the junior Senator from Missouri [Mr. REED]. I transfer that pair to the junior Senator from Maine [Mr. FERNALD] and will let my vote stand.

Mr. THOMAS. I transfer my pair to the junior Senator from California [Mr. PHELAN] and vote "yea."

Mr. GRONNA (after having voted in the negative). I have a general pair with the senior Senator from Maine [Mr. JOHNSON], which I transfer to the senior Senator from Idaho [Mr. BORAH] and will let my vote stand.

Mr. CLAPP. I transfer my pair to the senior Senator from Iowa [Mr. CUMMINS] and vote "nay."

Mr. SMOOT. I desire to announce the unavoidable absence of my colleague [Mr. SUTHERLAND]. If he were present, he would vote "nay."



The result was announced—yeas 16, nays 36, as follows:

YEAS—16.			
Broussard	James	O'Gorman	Thompson
Bryan	Lewis	Overman	Tillman
Chilton	Martin, Va.	Pittman	Underwood
Fletcher	Martine, N. J.	Thomas	Williams
NAYS—36.			
Ashurst	Hollis	Oliver	Smith, Mich.
Brady	Johnson, S. Dak.	Page	Smith, S. C.
Brandeggee	Kenyon	Polindexter	Smoot
Chamberlain	La Follette	Pomerene	Sterling
Clapp	Lane	Ransdell	Vardaman
Curtis	Lippitt	Robinson	Wadsworth
Fall	Lodge	Shafroth	Walsh
Gronna	Myers	Sheppard	Warren
Harding	Norris	Smith, Ga.	Watson
NOT VOTING—44.			
Bankhead	Gallinger	Lea, Tenn.	Sherman
Beckham	Goff	Lee, Md.	Shields
Borah	Gore	McCumber	Simmons
Catron	Hardwick	McLean	Smith, Ariz.
Clark	Hitchcock	Nelson	Smith, Md.
Colt	Hughes	Newlands	Stone
Culberson	Husting	Owen	Sutherland
Cummins	Johnson, Me.	Penrose	Swanson
Dillingham	Jones	Phelan	Townsend
du Pont	Kern	Reed	Weeks
Fernald	Kirby	Saulsbury	Works

So the Senate refused to proceed to the consideration of executive business.

The VICE PRESIDENT. The Indian appropriation bill is still before the Senate, as in Committee of the Whole, and open to amendment.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. LANE. Mr. President, I had proposed to offer a substitute for the bill, but I do not find that amount of interest in matters pertaining to Poor Lo that I think he deserves, and so I will not offer it at this time. I will, however, vote against the passage of 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.

The VICE PRESIDENT. The question is, Shall the bill pass?

The bill was passed.

#### EXECUTIVE SESSION.

Mr. O'GORMAN. 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 three minutes spent in executive session the doors were reopened, and (at 5 o'clock and 30 minutes p. m.), under the order previously made, the Senate took a recess until 8 o'clock p. m.

#### EVENING SESSION.

The Senate reassembled at 8 o'clock p. m.

#### GOVERNMENT OF PORTO RICO.

The PRESIDING OFFICER (Mr. JAMES in the chair). The special order is the Porto Rican bill.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes.

Mr. SHAFROTH. I ask unanimous consent that the further formal reading of the bill be dispensed with and that the bill be read for amendment.

The PRESIDING OFFICER. Is there objection?

Mr. SMOOT. I will ask the Senator if that was not agreed to at the time the Senator had the bill brought up?

Mr. SHAFROTH. No; there was objection to it; the bill was read about halfway through and then the morning hour expired. I desire to have it read for action on the committee amendments and amendments following.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The first amendment of the committee will be stated.

The first amendment of the Committee on Pacific Islands and Porto Rico was, on page 1, after line 6, to insert the subhead "Bill of rights."

The amendment was agreed to.

The next amendment was, in section 2, page 3, line 16, after the word "State," to insert "or any officer thereof," so as to make the clause read:

That no law granting a title of nobility shall be enacted, and no person holding any office of profit or trust under the government of Porto Rico shall, without the consent of the Congress of the United States, accept any present, emolument, office, or title of any kind whatever from any king, queen, prince, or foreign State, or any officer thereof.

The amendment was agreed to.

The next amendment was, on page 3, line 21, after the word "warrant," to insert "for arrest or search," so as to make the clause read:

That no warrant for arrest or search shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

Mr. SMOOT. I will ask the Secretary to read the amendment again.

The Secretary again read the amendment.

Mr. SHAFROTH. I will state to the Senator that that is really a transposition. The same provision is found on page 5. It did not belong there and we transposed the paragraph to the point where it should be. I think it is exactly the same.

Mr. SMOOT. I find no amendment on page 5 of the bill.

Mr. SHAFROTH. When that is reached I will ask that it be stricken out. The Senator will notice in line 12, page 5, the same language is used—"that no warrant shall issue but upon probable cause."

Mr. SMOOT. It is the Senator's intention to move to strike out those words?

Mr. SHAFROTH. Yes; transposing the language from that place.

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

The amendment was agreed to.

The next amendment was, on page 4, line 20, after the word "institution," to insert "or association," and in line 22, after the word "such," to insert "and no appropriation shall be made for charitable, industrial, educational, or benevolent purposes to any person, corporation, or community not under the absolute control of Porto Rico," so as to make the clause read:

That no public money or property shall ever be appropriated, applied, donated, used, directly or indirectly, for the use, benefit, or support of any sect, church, denomination, sectarian institution or association, or system of religion, or for the use, benefit, or support of any priest, preacher, minister, or other religious teacher or dignitary as such, and no appropriation shall be made for charitable, industrial, educational, or benevolent purposes to any person, corporation, or community not under the absolute control of Porto Rico. Contracting of polygamous or plural marriages hereafter is prohibited.

Mr. SHAFROTH. The committee would like to strike out the words "and no appropriation shall be made," because the same subject matter relates to it. It is simply surplus language. Insert the word "or."

The SECRETARY. Beginning the amendment with the word "or."

The PRESIDING OFFICER. Without objection, the amendment will be so modified. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

The next amendment was, on page 5, line 5, after the word "law," to insert "and on warrant drawn by the proper officer in pursuance thereof," so as to make the clause read:

That no money shall be paid out of the Treasury except in pursuance of an appropriation by law, and on warrant drawn by the proper officer in pursuance thereof.

The amendment was agreed to.

The next amendment was, on page 5, after line 6, to insert:

That the rule of taxation in Porto Rico shall be uniform.

The amendment was agreed to.

The next amendment was, on page 5, after line 7, to insert:

That all money collected for any tax levied or assessed for a special purpose shall be treated as a special fund in the Treasury and paid out for such purpose only, except upon the approval of the President of the United States.

The amendment was agreed to.

The reading of the bill was continued to line 15, page 5.

Mr. SHAFROTH. In behalf of the committee I move that lines 12, 13, 14, and 15 be stricken out because it is the same language that was inserted on page 3.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 5 in the House text strike out lines 12 to 15, inclusive, in the following words:

That no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

The amendment was agreed to.

Mr. SMOOT. I ask the Secretary to read the text of the bill now, because by simply stating the amendment it is impossible to follow the text to which the amendments apply. The formal reading of the bill was dispensed with, so I ask the Secretary to read the whole of it.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary resumed the reading of the bill on page 5, line 16.



The next amendment was, in section 3, on page 6, line 8, before the word "municipality," to insert "subdivision or," so as to make the section read:

SEC. 3. That no export duties shall be levied or collected on exports from Porto Rico, but taxes and assessments on property, internal revenue, and license fees, and royalties for franchises, privileges, and concessions may be imposed for the purposes of the insular and municipal governments, respectively, as may be provided and defined by the Legislature of Porto Rico; and when necessary to anticipate taxes and revenues, bonds and other obligations may be issued by Porto Rico or any municipal government therein as may be provided by law, and to protect the public credit: *Provided, however,* That no public indebtedness of Porto Rico or of any subdivision or municipality thereof shall be authorized or allowed in excess of 7 per cent of the aggregate tax valuation of its property, and all bonds issued by the government of Porto Rico, or by its authority, shall be exempt from taxation by the Government of the United States, or by the government of Porto Rico or of any political or municipal subdivision thereof, or by any State, or by any county, municipality, or other municipal subdivision of any State or Territory of the United States, or by the District of Columbia. In computing the indebtedness of the people of Porto Rico, bonds issued by the people of Porto Rico secured by an equivalent amount of bonds of municipal corporations or school boards of Porto Rico shall not be counted.

Mr. SMOOT. I should like to ask the Senator having the bill in charge if it was the intention of those favoring the bill that 7 per cent shall be the aggregate amount of the indebtedness of the State or of the subdivision or of the municipality?

Mr. SHAFROTH. I will state to the Senator that that is the same provision which came from the House. It is the intention to limit the total amount of bonded indebtedness of the island to 7 per cent of the aggregate tax valuation of its property.

Mr. SMOOT. Does that mean 7 per cent of the indebtedness as far as the State is concerned or as far as the State and the subdivision or the municipality are concerned?

Mr. SHAFROTH. It says "public indebtedness of Porto Rico."

Mr. SMOOT. "Or."

Mr. SHAFROTH (reading)—

Or of any subdivision or municipality thereof shall be authorized or allowed in excess of 7 per cent of the aggregate tax valuation of its property.

My understanding of that is that the municipality can have a bonded indebtedness of not exceeding 7 per cent of its valuation, and the Territory or the island can have a bonded indebtedness not exceeding 7 per cent of the tax valuation.

Mr. SMOOT. Or a subdivision?

Mr. SHAFROTH. I do not know.

Mr. SMOOT. Then the word "subdivision" should not be in the bill.

Mr. SHAFROTH. It may be that they have some subdivisions, but I do not believe that they have for municipal purposes.

Mr. SMOOT. What I was trying to learn was whether any subdivision of Porto Rico will be allowed to incur an indebtedness of 7 per cent of the value of the property of Porto Rico.

Mr. SHAFROTH. Evidently no subdivision would be allowed to incur an indebtedness in excess of 7 per cent of the tax valuation in that subdivision.

Mr. SMOOT. I hope that that construction will be placed upon it, but really it looks to me like the aggregate amount of indebtedness on the value of all property in Porto Rico, subdivision or municipality, shall never exceed 7 per cent.

Mr. SHAFROTH. You mean the total of it all?

Mr. SMOOT. Of it all.

Mr. SHAFROTH. They have no way, it seems to me, of determining that amount. I think that provision is in the constitutions of most of the States.

Mr. SMOOT. In most of the States, of course, it only applies to 5 per cent of the valuation of the property.

Mr. SHAFROTH. That is true; but, for instance, in the city of Denver there is that same limitation; the State of Colorado has the same; and so in all the other counties. The city of Denver, being in Denver County, it would be the same. It might make a variation there.

Mr. SMOOT. The Senator knows, of course, that some cities allow 7½ per cent; some allow 5 per cent; and some allow as low as 3 per cent.

Mr. SHAFROTH. That is right.

Mr. SMOOT. The authority for that, however, is always given by law. In other words, we are not passing a law for the State. This law says "the aggregate tax valuation of its property." Does the Senator mean by it the Porto Rican property, or does he mean the Porto Rican property or the subdivision property or the municipality property?

Mr. SHAFROTH. When it is applied to Porto Rico, its property; when applied to a municipality, then its property. The word "subdivision" was inserted there as a Senate committee amendment. It was not put in in the House. If the Senator

desires to have it stricken out I am perfectly willing that that shall be done.

Mr. SMOOT. I do not care to have it stricken out if there is any good reason why it should remain.

Mr. SHAFROTH. It was thought that there are some political subdivisions there that are not in municipalities.

Mr. SMOOT. We certainly do not want to allow a political subdivision the right to incur an indebtedness up to 7 per cent on the taxable valuation of property.

Mr. FALL. The county is a political subdivision, is it not?

Mr. SMOOT. A subdivision.

Mr. FALL. They have not any counties in Porto Rico, but under the old Spanish style in all Spanish countries it is the municipality. Municipality does not mean there what it means here. But the word "subdivision" is a definite word.

Mr. WARREN. Is not a school district?

Mr. FALL. They are political subdivisions. Under this wording they would be allowed 7 per cent. The county, or what corresponds to a county, would be allowed 7 per cent and the municipality would be allowed 7 per cent, and Porto Rico itself would be allowed 7 per cent. That would be my construction.

Mr. SMOOT. I ask the Senator if there are any subdivisions.

Mr. FALL. Under the old Spanish law the municipalities did not comprise the limit of a city or town, but comprised a county 20 miles square. Sometimes they comprised 24 miles square, and it was known as a municipality.

Mr. SMOOT. I simply wish to know why this language was inserted, the House having passed the bill without it.

Mr. FALL. My judgment is that it is simply a conflict in understanding—the political subdivisions in Porto Rico—as to what political subdivisions in Porto Rico are.

Mr. WARREN. I should like to ask the Senator in charge of the bill a question. I understand he thinks it would allow 7 per cent indebtedness for Porto Rico, and they would yet have the liberty of 7 per cent in each municipality.

Mr. SHAFROTH. I think that would be correct.

Mr. WARREN. Does not the Senator think that is entirely too high a figure?

Mr. SHAFROTH. There are various checks on it besides that.

Mr. WARREN. The Territories—I recall the Territory of Wyoming and some others—by act of Congress were limited to 2 per cent, covering all kinds of indebtedness, and when they came in as States and adopted a constitution they kept within the limit, as I remember, of about 2 per cent, and then provided in cities and school districts different or specific percentages, according to what they did. For instance, a city could allow for sewerage and waterworks beyond the smaller limit that would apply as to ordinary expenses. It seems to me the Senator's understanding is right, and if we are going to have the law provide 7 per cent in Porto Rico and 7 per cent for the various school districts and the counties and subdivisions, whatever it may be, it is in the power of those communities to run away with the credit of their localities and of the country.

Mr. SHAFROTH. They are interested in keeping the matter down. There is no doubt about that.

Mr. WARREN. So is Cuba, and so have other countries been.

Mr. SHAFROTH. We have here exactly the same that was allowed in the Philippines bill.

Mr. WARREN. If we are going to have any limit at all, it ought to be one that would be restrictive in fact.

Mr. SMOOT. Let me ask the Senator from Colorado if he understands this to be the case. Under this provision there could be an indebtedness of 7 per cent on the aggregate tax valuation of the property of Porto Rico, and there could be the same amount on the municipality. That would be on that property 14 per cent. Then, if there is a subdivision in the municipality, there would be another 7 per cent, and that would be upon the property in the subdivision 21 per cent.

Mr. SHAFROTH. If the Senator wants to cut out the subdivision, I am perfectly willing. I do not think it applies in many instances there. It may have been intended to apply to a sewer district or something of that kind.

Mr. SMOOT. Then we ought to say so, because in all the provisions authorizing the States to use their credit or borrow money it is always specifically stated, as the Senator from Wyoming [Mr. WARREN] said, that the percentage shall be so much upon the taxable valuation of the property, and then they can borrow so much for internal improvements. This, it seems to me, is very loose. An authorization of 21 per cent of the taxable property in Porto Rico is pretty heavy.

Mr. VARDAMAN. Mr. President, if the Senator in charge of the bill will permit me, I suggest that this section go over.



I think it might be clarified, and there is some little doubt about it. If we do not get through the bill to-night, there will be time to rectify it.

Mr. SHAFROTH. That will be satisfactory.

Mr. HARDING. I wish to ask the Senator from Colorado a question in relation to this section. Is it the intention of the sponsors of the bill to exempt all the subdivision and municipal bonds from Federal and State taxation?

Mr. SHAFROTH. I think that is the provision of the law.

Mr. HARDING. That is a provision that is not granted to any State in the Union.

Mr. SHAFROTH. It may be, but it is the same provision that we have extended to the Philippine Islands.

Mr. VARDAMAN. If the Senator from Ohio will yield to me for a moment, in the consideration of this bill it was thought that this special exemption should be given in order to make this security as attractive as possible. Those people there are undeveloped, and it is for the purpose of enabling them to develop their country to make the securities attractive by extending that exemption. It was thought by the committee that it would probably be better for those people.

Mr. HARDING. I have no insistent objection. I wondered if the reading of the section was clear; that is all.

The PRESIDING OFFICER. Without objection, the section will go over until to-morrow.

Mr. SMOOT. I should like to ask the Senator if it would not be very much better to have the native of Porto Rico make a declaration that he desires to become a citizen of the United States; that is, to provide just the reverse of the proposition in the bill? Then a person who had not sufficient interest to become a citizen, or who is indifferent as to whether or not he is a citizen, will not be covered into citizenship, unless he at least shows enough interest to make an application for citizenship.

Mr. SHAFROTH. I will state to the Senator from Utah that that matter has been the subject of a good deal of controversy in Porto Rico. When the island came into the possession of the United States the Porto Ricans all wanted to become citizens, and there was no protest. The Unionist Party, which is the strong party there, declared in favor of it. Afterwards, on account of certain differences, the Unionist Party declared for independence, and then they became violently opposed to coming into citizenship. Then there was a proposition which was presented here in Congress in favor of collective citizenship; that is, that all Porto Ricans should come into citizenship of the United States unless they file a declaration that they do not so desire.

Mr. FALL. Mr. President—

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

Mr. SHAFROTH. I yield.

Mr. FALL. Has it not been the universal custom of the United States in the acquisition of any territory to embody exactly this provision in the treaty of acquisition? It was so in the case of Louisiana in 1803, of Florida in 1819, of New Mexico and California and Arizona and Texas in 1846. In the treaties and in the organic acts with reference to the acquisition of any of that territory there has been just this provision.

Mr. SHAFROTH. I think that is true.

Mr. FALL. All residents there were regarded as citizens of the United States, unless within a limited period of time they declared their intention to remain citizens of some other country.

Mr. SMOOT. There is, of course, this difference: In all the cases which the Senator from New Mexico has mentioned the territory was a part of this continent, adjoining the United States, and it became a part of the United States through purchase or otherwise. Does the Senator from New Mexico remember how it was as to any territory outside the continental limits of the United States?

Mr. FALL. There was the acquisition of Hawaii.

Mr. SMOOT. How was it as to Hawaii?

Mr. FALL. The residents of Hawaii all came in as citizens of the United States. Even the Japanese who were born in Hawaii are citizens of the United States. They are now increasing there much more rapidly than any other race we have there.

Mr. SMOOT. They constitute more than half of all the people of the island.

Mr. FALL. They will soon have control there. We shall soon have Japanese Delegates in the Congress of the United States.

Mr. SMOOT. I do not think there is any doubt about that.

Mr. SHAFROTH. Mr. President, I think the Senator from Utah will find that this provision is practically the provision which we have made in every similar instance. As I recollect,

the only reason it was not done in the first instance was because of the fact that we had the Philippine proposition at the same time. They did not know exactly what they wanted to do.

Mr. SMOOT. I thought it very strange that we should undertake to compel a person in Porto Rico, or in any territory over which we took control, to declare his intention not to become a citizen of the United States. I thought it would be very much better to have every one of them declare his intention to become a citizen of the United States. Then we should know that everyone who did so declare would at least have interest enough in the matter to become a citizen.

Mr. FALL. The theory upon which this Government has ever acquired any further territory has always been that it proposed to erect sovereign States of the Union in that territory as soon as they were fitted for statehood. That has been the universal custom from time immemorial until the acquisition of the Philippine Islands after the war with Spain. It has been the universal custom to incorporate all the inhabitants in the acquired territory immediately as citizens of the United States, except where by treaty provision the mother country ceding that country to the United States required us to allow its citizens the privilege of remaining citizens of the country from which the territory was acquired, in the event they so desired.

For that reason, as I say, in the treaty by which we acquired Louisiana in 1803, Florida in 1819, and the Mexican territory in 1846, the mother country in each instance agreed by treaty that those who did not desire to become citizens of the United States should have the privilege of remaining citizens of France or of Spain or of Mexico, as the case might be. Those who did not within one year—which has been the period heretofore limited—file a declaration of intention to remain citizens of the foreign country became incorporated immediately as citizens of the United States. Of course it was all upon the theory that eventually those Territories were to be erected into States.

Mr. VARDAMAN. Mr. President, in the hearings before the committee when it had under consideration this bill I was very much impressed by some of the Porto Ricans who came before the committee and gave testimony. I do not think there was one of them who did not deep down in his patriotic heart cherish the hope that some day his country might be an independent sovereign political entity; and down deep in my heart I sympathized with him. I do not think any man, however good he may be, is good enough to govern another man without that man's consent. I know the United States are not good enough to govern Porto Rico without Porto Rico's consent.

So far as I am personally concerned, I really think it is a misfortune for the United States to take that class of people into the body politic. They will never, no, not in a thousand years, understand the genius of our government or share our ideals of government; but the United States has taken this island; the investments that have been made there by American white men will induce the Government to continue to hold it; and if the island is going to become a part of this Republic, I do not see any other way to treat the inhabitants thereof. It is very much more convenient to do it in this way, by one drag-net act, than it would to require them to come individually and to make their requests to be made a part of the Government or to be made citizens of the United States.

We considered that matter carefully, and while I have no desire in the world to coerce them, I really had rather they would not become citizens of the United States. I think we have enough of that element in the body politic already to menace the Nation with mongrelization; but if the Porto Ricans are going to be held against their will, as we are holding them now, then we ought to legislate for their interests. We should make the coercion as palatable as possible.

Mr. FALL. It is our duty to give them some citizenship, is it not?

Mr. VARDAMAN. I agree with the Senator that we ought to do that if we are going to hold them. We have taken them against their will; we are holding them now against their will. If it were submitted to a vote, there would not be 1 per cent who would vote in favor of becoming a part of these United States.

Mr. FALL. We have deprived them, however, of the protection of Spain. They can no longer appeal to their mother country as Spanish citizens; they can not appeal to the United States today as American citizens; they can not appeal, of course, to Porto Rico, because Porto Rico can not enforce their rights anywhere in the world they may go. We have placed these people in the most anomalous position that the people of almost any country were ever placed in; they are citizens of no country.

Mr. VARDAMAN. Absolutely; and I do not think that the natives there are getting what they are entitled to.



Mr. SMOOT. Mr. President, did the testimony before the committee show such a condition existing as that just pictured by the Senator from Mississippi, that not 1 per cent of the Porto Rican people would vote in favor of becoming citizens of the United States?

Mr. VARDAMAN. That was not stated in the testimony. There were some eloquent statements made before the committee. One young man appeared before the committee, with whom I was greatly impressed, who pleaded for the independence of Porto Rico, for the right to govern their own country, for the sanctity of their home that had been invaded and the sovereignty over which had been taken from them; but recognizing the fact, which any well-informed man who understands the Anglo-Saxon disposition in dealing with subject provinces will recognize, that independence is impossible, and since independence is not going to be given them, the majority of them expressed a desire to come in under the terms of this bill.

Mr. SMOOT. I asked the question of the Senator because I have received very many letters and petitions asking for the passage of legislation along this line, and also inclosing very many resolutions passed by organizations in Porto Rico—business organizations, religious organizations, and political organizations—and I thought from the correspondence that I have had and the information I have received that a great majority of the people of Porto Rico desired this legislation and preferred it even to independence.

Mr. VARDAMAN. Oh, I do not think that any of them do, but they realize that independence is impossible.

Mr. GRONNA. Mr. President, it is possible I may have misunderstood the statement of the distinguished Senator from Mississippi [Mr. VARDAMAN]; but if I interpret his statement correctly, it was to the effect that not to exceed 1 per cent of the Porto Ricans would vote to become citizens of the United States.

Mr. VARDAMAN. I stated that merely as my opinion. If the question of independence were submitted to them, to choose between being a dependency of the United States or having their independence, I do not believe 1 per cent of them would vote to become a part of the United States. If they should do otherwise they would prove themselves utterly unfit for citizenship in a free country, for a man who does not desire to be free and independent has not the elements of manhood in him essential to the making of a desirable citizen of this Republic.

Mr. GRONNA. That is exactly the way I understood the Senator from Mississippi. I was just going to say that it seems to me that it is not wise for us at this time to enact a law that will compel those people to become citizens of the United States, because that is not government by the consent of the governed.

Mr. SHAFROTH. Mr. President, if the Senator will allow me, I differ with the Senator from Mississippi with relation to that matter. There was a time when the parties to which I have referred insisted upon the right of independence, but since the European war broke out, and they see how helpless small nationalities are, they have ceased any agitation against this provision of the bill, and we have now in Washington representatives of the Unionist Party and representatives of the Republican Party, both satisfied with this very provision of the bill. For that reason, I believe that the great mass of the people down there are in favor of this provision.

Mr. GRONNA. Well, Mr. President, that statement does not help the situation at all. That would be a matter of fear, and not a question of patriotism.

Mr. VARDAMAN. Mr. President, I will state, if the Senator will permit me, that, in my judgment, the conclusion reached by those people was brought about by our failure to give the Filipinos their independence. Those who have any intelligence realize that they are not going to be given their independence, and, since that is not going to be done, they prefer to have this bill. The Senator from Colorado is correct when he says that they would rather have this bill passed as it is than to live as they are living to-day. If, however, you will give them the slightest excuse to hope for independence, I repeat what I said, that I do not believe 1 per cent of them would prefer being a part, a subject province, of the United States to being independent; and it is perfectly natural that they should so feel; but if we do not enact this legislation now, our failure to do so will, I fear, serve to encourage those people to hope for the unattainable.

Mr. GRONNA. Or, in other words, we are simply giving them rights which they in the future will not exercise; we are giving them the same privileges that are given other citizens of the United States, privileges which, according to the statements of members of the committee, they never will accept or exercise.

Mr. SHAFROTH. I do not understand the Senator. I think, if voting is a test, that they will exercise the privileges accorded.

Over 250,000 vote there now. They have exercised the privileges accorded them and they want to retain the privileges which they have had all the time. So far as this provision is concerned, I am satisfied that they will not only consent to it, but that they will be glad to get it just as it has been written in the bill.

Mr. GRONNA. Well, Mr. President, we have had before us a bill which seeks to prevent certain people from entering our borders. Of course, I admit we are not under obligations to them as we are under obligations to the Porto Ricans, but under the immigration bill which we have had before us we exclude people who do want to come to our shores and who are anxious to become citizens of the United States. On the other hand, we are trying to pass a bill here to-night compelling the people of Porto Rico, unwilling though they may be, to become citizens of the United States.

Mr. President, I have always believed that patriotism is what makes the citizen; that the mere fact of passing a bill or enacting a law does not make for good citizenship. Unless the people whom we make citizens desire to become a part of our great Government, unless patriotic motives move them to ask for this great privilege, I do not think we are helping our Government by taking in a class of that kind.

Mr. HARDING. Mr. President—

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

Mr. GRONNA. Yes; I yield to the Senator.

Mr. HARDING. I desire to ask the Senator from North Dakota if section 5 does not make it possible for any resident of Porto Rico to refrain from becoming a citizen if he so desires?

Mr. GRONNA. Yes; I understand that. But that is an entirely different thing. There may be many Porto Ricans who will not know in six months that a law has been passed by the United States Congress making them citizens of the United States, whether they want to be citizens or not.

Mr. HARDING. If that be true, I do not think it will make very much difference to such a citizen to what Government he gives his allegiance.

Mr. GRONNA. Then, I want to ask the Senator is that the character of people that we want to have as citizens of the United States?

Mr. HARDING. Well, in the uplifting work in which this Government is engaging I think it is becoming for us to make worthy people of such as we can.

Mr. GRONNA. We have just been dealing with the aboriginals of this country, the American Indians, and we are complaining because we have to provide appropriations of public funds to civilize them and to educate them. We have heard a great deal of complaint on that account on this floor within the last two days. Now, we are taking in all classes of people and providing that anyone who lives in this country and on this island, whether it is a Jap or whether it is an Asiatic belonging to any other country, shall be a citizen of the United States.

Mr. President, I shall not, of course, object—it would make very little difference whether I should object or not—but I want at least to give these people a year to think it over. Six months is not sufficient time; and I desire to ask the Senator from Colorado if he would object to striking out "six months" and providing that the time shall be 12 months?

Mr. SHAFROTH. I accept that amendment. It is perfectly satisfactory.

Mr. GRONNA. I make that suggestion.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 7, line 13, it is proposed to strike out "six months" and insert "one year."

The amendment was agreed to.

Mr. SHAFROTH. Also in line 22 of the same page.

Mr. GRONNA. Yes; that is right.

The SECRETARY. It is also proposed, in line 22, to strike out "six months" and insert "one year."

The amendment was agreed to.

Mr. GRONNA. Also in line 24.

The SECRETARY. In line 24, page 7, the same amendment is proposed.

The amendment was agreed to.

Mr. SHAFROTH. Also in line 3 of page 8.

The SECRETARY. On page 8, line 3, it is proposed to strike out "six months" and insert "one year."

The amendment was agreed to.

The reading of the bill was resumed, and the Secretary read to the end of section 7, the last section read being as follows:

SEC. 7. That all property which may have been acquired in Porto Rico by the United States under the cession of Spain in the treaty of peace entered into on the 10th day of December, 1898, in any public bridges, road houses, water powers, highways, unnavigable streams and the beds thereof, subterranean waters, mines or minerals under the surface of



private lands, all property which at the time of the cession belonged, under the laws of Spain then in force, to the various harbor works, boards of Porto Rico, all the harbor shores, docks, slips, reclaimed lands, and all public lands and buildings not heretofore reserved by the United States for public purposes, is hereby placed under the control of the government of Porto Rico, to be administered for the benefit of the people of Porto Rico; and the Legislature of Porto Rico shall have authority, subject to the limitations imposed upon all its acts, to legislate with respect to all such matters as it may deem advisable: *Provided*, That the President may from time to time, in his discretion, convey to the people of Porto Rico such lands, buildings, or interests in lands or other property now owned by the United States and within the territorial limits of Porto Rico as in his opinion are no longer needed for purposes of the United States. And he may from time to time accept by legislative grant from Porto Rico any lands, buildings, or other interests or property which may be needed for public purposes by the United States.

Mr. WARREN. Mr. President, I should like to ask the Senator in charge of the bill a question. I am asking for information only: Have proper reservations been made for Army and Navy posts?

Mr. SHAFROTH. If the Senator will notice the language of the bill, it provides that certain property of the United States shall be placed under the control of Porto Rico. We do not lose the title to it, and it is intended that if we need it for military purposes we can use it. It is not the title that we grant to them, but simply the control of it for the time being.

Mr. WARREN. Does not the Senator think that they would naturally conclude that it amounts to the same thing? Does the Senator think that we should specifically retain anything further than what has been retained?

Mr. SHAFROTH. No; I do not think so. I think it is done for that very purpose. And it does not provide that this shall be done as to all of the property; it provides that it shall be done as to public lands and buildings not heretofore reserved.

Mr. WARREN. If our reservations have been complete, very well. I did not understand, however, that they were complete.

Mr. SHAFROTH. I think so.

Mr. WARREN. Is not something further needed for the Navy?

Mr. SHAFROTH. They have been for 18 years studying the question of what they needed down there. If the Senator in the meantime can suggest any amendment, I shall be glad to have him do so.

Mr. WARREN. No; I merely asked for that information, to know whether both the Army and Navy and other branches of the Government had considered the pendency of this bill and its terms so that they have made the reservations necessary. If the Senator can assure me that they have, that is all I desire.

Mr. SHAFROTH. I can state that this bill originally came from the War Department, and consequently they evidently did take that matter into consideration.

Mr. WARREN. So far as the War Department is concerned, yes; but not the Navy.

The PRESIDING OFFICER. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment was, in section 9, page 11, line 10, after the words "United States," to strike out "whether on articles produced and used within the island or," and in line 13, after the words "United States," to insert "or consumed in the island," so as to make the section read:

Sec. 9. That the statutory laws of the United States not locally inapplicable, except as hereinafter or hereinafter otherwise provided, shall have the same force and effect in Porto Rico as in the United States, except the internal-revenue laws: *Provided, however*, That hereafter all taxes collected under the internal-revenue laws of the United States, on articles produced in Porto Rico and transported to the United States, or consumed in the island, shall be covered into the treasury of Porto Rico.

The amendment was agreed to.

The next amendment was, in section 10, page 11, line 20, after the word "act," to strike out "must" and insert "shall," so as to make the section read:

Sec. 10. That all judicial process shall run in the name of "United States of America, ss, the President of the United States," and all penal or criminal prosecutions in the local courts shall be conducted in the name and by the authority of "The People of Porto Rico"; and all officials authorized by this act shall be citizens of the United States, and, before entering upon the duties of their respective offices, shall take an oath to support the Constitution of the United States and the laws of Porto Rico.

Mr. SHAFROTH. Mr. President, the committee has an amendment there which I should like to have presented, and it is this: Strike out, in line 20, the words "authorized by this act must" and insert in lieu thereof "and voters in Porto Rico," so that it will read: "And all officials and voters in Porto Rico shall be citizens of the United States."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed, on page 11, line 20, to strike out "authorized by this act must" and insert "and voters in Porto Rico shall."

The amendment was agreed to.

Mr. SHAFROTH. I also want the word "officials" inserted after the word "offices," in line 22.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 11, line 22, after the word "offices," it is proposed to insert the word "officials."

Mr. SHAFROTH. So that it will read "officials shall take an oath to support the Constitution."

Mr. GRONNA. Mr. President, let us have that read.

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

The SECRETARY. Before the word "shall," on line 22, page 11, it is proposed to insert the word "officials."

Mr. WARREN. I will ask to have the Secretary read it as it will read after it has been amended.

The SECRETARY. So that it will read:

And all officials and voters in Porto Rico shall be citizens of the United States, and, before entering upon the duties of their respective offices, officials shall take an oath to support the Constitution of the United States and the laws of Porto Rico.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment was, in section 11, page 11, line 25, after the word "to," to insert "any official of," so as to make the section read:

Sec. 11. That all reports required by law to be made by the governor or heads of departments to any official of the United States shall hereafter be made to an executive department of the Government of the United States to be designated by the President, and the President is hereby authorized to place all matters pertaining to the government of Porto Rico in the jurisdiction of such department.

The amendment was agreed to.

The next amendment was, on page 12, line 6, to insert as a subhead "Executive department."

The amendment was agreed to.

The next amendment was, in section 13, page 14, line 6, after the word "and," to strike out "commissioner of education" and insert "treasurer," and in line 14, after the word "governor," to strike out "may be selected from the elected members of the senate and house of representatives, and," so as to make the clause read:

That the following executive departments are hereby created: A department of justice, the head of which shall be designated as the attorney general; a department of finance, the head of which shall be designated as the treasurer; a department of the interior, the head of which shall be designated as the commissioner of the interior; a department of education, the head of which shall be designated as the commissioner of education; a department of agriculture and labor, the head of which shall be designated as the commissioner of agriculture and labor; and a department of health, the head of which shall be designated as the commissioner of health. The attorney general and treasurer shall be appointed by the President, by and with the advice and consent of the Senate of the United States, to hold office for four years and until their successors are appointed and qualified, unless sooner removed by the President. The heads of the four remaining departments shall be appointed by the governor, by and with the advice and consent of the senate of Porto Rico. The heads of departments appointed by the governor shall hold office for the term of four years and until their successors are appointed and qualified, unless sooner removed by the governor.

The amendment was agreed to.

Mr. HARDING. Mr. President, I should like to ask the Senator in charge of the bill to revert to line 11, page 13, and ask him if he does not think it would improve the language of the section to strike out the pronoun "his" in line 11 and insert in place thereof "the President's"?

Mr. SHAFROTH. So that it will read how?

Mr. HARDING. So that it will read:

Until communication can be had with the President, and the President's decision therein made known.

Mr. SHAFROTH. I have no objection to that.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 13, line 11, before the word "decision," it is proposed to strike out the word "his" and insert "the President's."

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

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment was, on page 14, line 20, after the word "incumbency," to insert "and those appointed by the governor shall have resided in Porto Rico for at least one year prior to their appointment," so as to make the clause read:

Heads of departments shall reside in Porto Rico during their official incumbency, and those appointed by the governor shall have resided in Porto Rico for at least one year prior to their appointment.

The amendment was agreed to.



The next amendment was, on page 15, line 8, after the word "provided," to insert " : *Provided*, That the duties herein imposed upon the heads of departments shall not carry with them any additional compensation," so as to make the clause read :

The heads of departments shall collectively form a council to the governor, known as the executive council. They shall perform under the general supervision of the governor the duties hereinafter prescribed or which may hereafter be prescribed by law and such other duties, not inconsistent with law, as the governor, with the approval of the President may assign to them; and they shall make annual and such other reports to the governor as he may require, which shall be transmitted to the executive department of the Government of the United States to be designated by the President as herein provided: *Provided*, That the duties herein imposed upon the heads of departments shall not carry with them any additional compensation.

The amendment was agreed to.

The next amendment was, in section 14, page 15, line 19, before the words "in his judgment," to insert "directed by the governor or if," so as to make the section read :

Sec. 14. That the attorney general shall have charge of the administration of justice in Porto Rico; he shall be the legal adviser of the governor and the heads of departments and shall be responsible for the proper representation of the people of Porto Rico or its duly constituted officers in all actions and proceedings, civil or criminal, in the Supreme Court of Porto Rico in which the people of Porto Rico shall be interested or a party, and he may, if directed by the governor or if in his judgment the public interest requires it, represent the people of Porto Rico or its duly constituted officers in any other court or before any other officer or board in any action or proceeding, civil or criminal, in which the people of Porto Rico may be a party or be interested. He shall also perform such other duties not inconsistent herewith as may be prescribed by law.

The amendment was agreed to.

The next amendment was, in section 15, page 16, line 6, after the word "surety," to insert "or sureties," and in line 21, after the word "with," to insert "interest on deposits shall be required and paid into the treasury," so as to make the section read :

Sec. 15. That the treasurer shall give bond, approved as to form by the attorney general of Porto Rico, in such sum as the legislature may require, not less, however, than the sum of \$125,000, with surety or sureties approved by the governor, and he shall collect and be the custodian of public funds, and shall disburse the same in accordance with law, on warrants signed by the auditor and countersigned by the governor, and perform such other duties as may be provided by law. He may designate banking institutions in Porto Rico and the United States as depositories of the government of Porto Rico, subject to such conditions as may be prescribed by the governor, after they have filed with him satisfactory evidence of their sound financial condition and have deposited bonds of the United States or of the government of Porto Rico or other security satisfactory to the governor in such amounts as may be indicated by him; and no banking institution shall be designated a depository of the government of Porto Rico until the foregoing conditions have been complied with. Interest on deposits shall be required and paid into the treasury.

The amendment was agreed to.

The next amendment was, in section 17, page 17, line 7, after the word "him," where it occurs the second time, to insert "subject to disapproval by the senate if it desires to act," and in line 11, after the word "approval," to insert "and he shall perform such other duties as may be prescribed by law," so as to make the section read :

Sec. 17. That the commissioner of education shall superintend public instruction throughout Porto Rico; all proposed disbursements on account thereof must be approved by him, and all courses of study shall be prepared by him, subject to disapproval by the senate if it desires to act. He shall prepare rules governing the selection of teachers, and appointments of teachers by local school boards shall be subject to his approval, and he shall perform such other duties as may be prescribed by law.

The amendment was agreed to.

The next amendment was, in section 18, page 17, line 18, after the word "develop," to insert "the agricultural interests and," so as to make the section read :

Sec. 18. That the commissioner of agriculture and labor shall have general charge of such bureaus and branches of government as have been or shall be legally constituted for the study, advancement, and benefit of agricultural and other industries, the chief purpose of this department being to foster, promote, and develop the agricultural interests and the welfare of the wage earners of Porto Rico, to improve their working conditions, and to advance their opportunities for profitable employment, and shall perform such other duties as may be prescribed by law.

The amendment was agreed to.

The next amendment was, in section 19, page 17, line 24, after the words "public health," to insert "and," and on page 18, line 1, after the word "sanitation," to strike out "and charities," so as to make the section read :

Sec. 19. That the commissioner of health shall have general charge of all matters relating to public health and sanitation, except such as relate to the conduct of maritime quarantine, and shall perform such other duties as may be prescribed by law.

The amendment was agreed to.

The next amendment was, in section 20, page 18, line 5, after the words "salary of," to strike out "\$6,500" and insert "\$5,000," so as to make the clause read :

Sec. 20. That there shall be appointed by the President an auditor, at an annual salary of \$5,000, for a term of four years and until his

successor is appointed and qualified, who shall examine, audit, and settle all accounts pertaining to the revenues and receipts, from whatever source, of the government of Porto Rico and of the municipal governments of Porto Rico, including public trust funds and funds derived from bond issues; and audit, in accordance with law and administrative regulations, all expenditures of funds or property pertaining to or held in trust by the government of Porto Rico or the municipalities or dependencies thereof. He shall perform a like duty with respect to all government branches.

The amendment was agreed to.

The next amendment was, on page 20, line 13, after the word "auditor," to strike out "and deputy auditor," so as to make the clause read :

The office of the auditor shall be under the general supervision of the governor and shall consist of the auditor and such necessary assistants as may be prescribed by law.

The amendment was agreed to.

The next amendment was, in section 21, page 20, line 18, after the words "writing to the," to strike out "governor, which appeal shall specifically set forth the particular action of the auditor to which exception is taken, with the reason and authorities relied on for reversing such decision. The decision of the governor in such case shall be final and conclusive" and insert "district court of the district wherein the auditor's office is situate, which appeal shall be based upon all of the papers, files, records, or data used before the auditor; and when said appeal is filed in said court, said appeal shall become an action pending in said court, and shall be governed by and subjected to all of the rules, proceedings, and processes pertaining to said court, including the right of appeal to the Supreme Court of Porto Rico; and in all such actions the people of Porto Rico shall be represented as in this act hereinbefore provided," so as to make the section read :

Sec. 21. That any person aggrieved by the action or decision of the auditor in the settlement of his account or claim may, within one year, take an appeal in writing to the district court of the district wherein the auditor's office is situate, which appeal shall be based upon all of the papers, files, records, or data used before the auditor; and when said appeal is filed in said court, said appeal shall become an action pending in said court, and shall be governed by and subjected to all of the rules, proceedings, and processes pertaining to said court, including the right of appeal to the Supreme Court of Porto Rico; and in all such actions the people of Porto Rico shall be represented as in this act hereinbefore provided.

Mr. SHAFROTH. I wish to move a committee amendment there. In line 18, I move to strike out "one year" and insert "ninety days." It seems that the appeal from the auditor should be made in a shorter time.

The amendment to the amendment was agreed to.

Mr. LODGE. There is a mere verbal change that should be made, if I may suggest it to the Senator.

Mr. SHAFROTH. I will be glad to hear it.

Mr. LODGE. Why not strike out "of the," in line 25, and "of the," in line 3?

Mr. SHAFROTH. Very well, I have no objection.

Mr. LODGE. I think it makes it a little smoother.

Mr. SHAFROTH. Probably it does.

The amendment to the amendment was agreed to.

Mr. LODGE. Again, on page 20, line 25, strike out the words "of the."

Mr. SHAFROTH. The only words to be stricken out, I understand, in each instance are the words "of the."

The PRESIDING OFFICER. "Of the."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, in section 22, page 21, line 16, after the word "legislature," to insert "and perform all of the duties of secretary of Porto Rico as now provided by law"; in line 21, after the word "shall," to strike out "designate" and insert "appoint"; and in the same line, after the word "some," to strike out "officer or employee of the government" and insert "person," so as to make the section read :

Sec. 22. That there shall be appointed by the governor, by and with the advice and consent of the Senate of Porto Rico, an executive secretary at an annual salary of \$4,000, who shall record and preserve the minutes and proceedings of the public service commission hereinafter provided for and the laws enacted by the legislature and all acts and proceedings of the governor, and promulgate all proclamations and orders of the governor and all laws enacted by the legislature, and perform all of the duties of secretary of Porto Rico as now provided by law, and perform such other duties as may be assigned to him by the Governor of Porto Rico. In the event of a vacancy in the office, or the absence, illness, or temporary disqualification of such officer, the governor shall appoint some person to discharge the functions of said office during such vacancy, absence, illness, or temporary disqualification.

Mr. LODGE. I move to strike out the words "of the" in line 16, so as to read: "and perform all the duties."

The amendment to the amendment was agreed to.

Mr. SHAFROTH. The committee desires to offer an amendment there. After the word "and," in line 16, page 21, insert: "until otherwise provided by the Legislature of Porto Rico."

The amendment to the amendment was agreed to.



Mr. SHAFROTH. I wish to offer another amendment for the committee. After the word "law," in line 17, page 21, I move to insert the words "except as otherwise specified in this act."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 22, line 16, to insert as a subhead "Legislative department."

The amendment was agreed to.

The next amendment was, in section 25, page 22, line 17, after the word "legislative," to strike out "power" and insert "powers," so as to make the section read:

SEC. 25. That all local legislative powers in Porto Rico, except as herein otherwise provided, shall be vested in a legislature which shall consist of two houses, one the senate and the other the house of representatives, and the two houses shall be designated "the Legislature of Porto Rico."

The amendment was agreed to.

Mr. MARTINE of New Jersey. Mr. President, I should like to ask the chairman of the committee whether it is proper at this juncture to interpose an amendment. I wish to move to strike out on page 23, beginning at the word "and" in line 10, "and who does not own in his individual right taxable property in Porto Rico to the value of not less than \$1,000 and assessed in his name and upon which he pays taxes."

Mr. SHAFROTH. I will state that we are reading the bill now for action upon the committee amendments and when those are disposed of the bill will be open for individual amendments, and the amendment will then be in order.

Mr. MARTINE of New Jersey. Very well.

Mr. KENYON. I should like to ask the Senator if in any event that amendment will not go over until to-morrow?

Mr. SHAFROTH. I do not know; I am trying to get the bill through to-night, but it does not look like it. The chances are that we will not get it through.

Mr. MARTINE of New Jersey. I trust the Senator will permit it to go over, for there are features which to my democratic thought are very objectionable. On page 24 I find another of a similar character, and then on page 37—

Mr. SHAFROTH. I will state to the Senator that he will be given an opportunity to express his views and to propose amendments, but I should like to run on for a little while and see whether or not we can not complete the bill to-night.

Mr. MARTINE of New Jersey. If that is understood, I shall have no objection.

The PRESIDING OFFICER. There are several amendments proposed to the bill besides the committee amendments. Of course, the Senator from New Jersey can withhold his amendment until the committee amendments are acted upon.

The next amendment was in section 26, page 23, line 12, after "\$1,000," to insert "assessed in his name and upon which he pays taxes," so as to read:

SEC. 26. That the Senate of Porto Rico shall consist of 19 members elected for terms of four years by the qualified electors of Porto Rico. Each of the seven senatorial districts defined as hereinafter provided shall have the right to elect two senators, and in addition thereto there shall be elected five senators at large. No person shall be a member of the Senate of Porto Rico who is not over 30 years of age, and who is not able to read and write either the Spanish or English language, and who has not been a resident of Porto Rico for at least two consecutive years, and, except in the case of senators at large, an actual resident of the senatorial district from which chosen for a period of at least one year prior to his election, and who does not own in his individual right taxable property in Porto Rico to the value of not less than \$1,000 assessed in his name and upon which he pays taxes.

The PRESIDING OFFICER. The amendment will go over.

The next amendment was, in section 26, page 23, line 19, after the word "senate," to insert "for the session," and in line 22, before the word "elected," to insert "declared," so as to read:

Except as herein otherwise provided, the Senate of Porto Rico shall exercise all of the purely legislative powers and functions heretofore exercised by the executive council, including confirmation of appointments; but appointments made while the senate is not in session shall be effective either until disapproved or until the next adjournment of the senate for the session. In electing the five senators at large each elector shall be permitted to vote for but one candidate, and the five candidates receiving the largest number of votes shall be declared elected.

Mr. FLETCHER. I inquire of the Senator if he has thought out exactly how that system would work. For instance, each elector is to vote for only one of the five candidates for senator at large, and it might be possible that a man might be elected senator who would not get over three or four votes.

Mr. SHAFROTH. I will state to the Senator the object of that is to have minority representation and not the political system of putting up a set of nominees and sweeping them in by the same vote. It was thought wise in Porto Rico to have a minority representation, so that they could concentrate their vote on one, and by that means a minority of the voters down

there would have one representative in the senate. That was the object and purpose.

Mr. FLETCHER. I can see the object; but the point I have in mind is that the electors, for instance, can only vote for one and there are five to be elected. It might be possible that these electors will know A, B, C, and D, and perhaps will not know some one else who might be fit for the senate. They might not vote for more than four, and it might be that one man would get one vote and be elected senator.

Mr. SHAFROTH. I do not think there is any likelihood of that, because any man who gets a nomination from any political party will have some strength. The object is to give minority representation, so that there will not be a solid vote of one political party down there.

Mr. FLETCHER. It is supposed that there will be nominations before the election?

Mr. SHAFROTH. Oh, yes; there will be nominations before the election. For instance, the Socialist Party would have by that means an opportunity to have one man in the senate or in the house.

Mr. FALL. It would be perfectly feasible, however, to elect one, as the Senator from Florida suggests.

Mr. SHAFROTH. It is not likely that there would be one man not voted for.

Mr. FALL. Is it not possible?

Mr. SHAFROTH. It is possible, but hardly conceivable. The man would be nominated by a political party and he would get some votes.

Mr. KENYON. Each candidate could vote for himself, I take it.

Mr. FALL. If there is a provision that each candidate can vote for himself, in all probability under the provision five would be elected, but it is very possible there would be no opposing candidate if only five were candidates and they were all agreed and nominated by one convention or by two conventions getting together. The bodies would then have to mutually agree so as to enable them to elect five.

The next amendment was, in section 27, page 24, line 8, after the word "right," to strike out "taxable" and insert "and pay taxes upon," and in line 9, after the words "Porto Rico," to insert "of the assessed value of not less than \$500," so as to make the section read:

SEC. 27. That the House of Representatives of Porto Rico shall consist of 39 members elected quadrennially by the qualified electors of Porto Rico, as hereinafter provided. Each of the representative districts hereinafter provided for shall have the right to elect one representative, and in addition thereto there shall be elected four representatives at large. No person shall be a member of the house of representatives who is not over 25 years of age, and who is not able to read and write either the Spanish or English language, and who does not own in his individual right and pay taxes upon property, real or personal, situated in Porto Rico, of the assessed value of not less than \$500, and, except in the case of representative at large, who has not been a bona fide resident of the district from which elected for at least one year prior to his election. In electing the four representatives at large, each elector shall be permitted to vote for but one candidate and the four candidates receiving the largest number of votes shall be elected.

Mr. MARTINE of New Jersey. I wish to make a reservation on page 24, line 7, beginning with the word "and" and encompassing that portion of the line and the eighth and ninth, down to and including the words "assessed value of not less than \$500."

Mr. SHAFROTH. That will come up at the time when individual amendments are offered.

The PRESIDING OFFICER. The amendment will be passed over.

The amendment was agreed to.

The next amendment was, in section 28, page 24, line 21, after the words "made by a," to strike out "commission of three persons to be appointed by the governor, one member of which shall be chosen by him from each of the two political parties casting the highest number of votes at the last general election, and the third member of which shall be chosen at his discretion," and insert "the executive council of Porto Rico"; on page 25, line 5, after the word "said," to strike out "commission" and insert "executive council"; in line 9, before the word "days," to strike out "ninety" and insert "thirty"; and in line 10, after the word "final," to strike out "In case said commission shall fail within such period to make a report redistricting the island, then the executive council of Porto Rico shall be empowered, and shall proceed at once, to redistrict the island as indicated, and their report, when approved by the governor, shall be final," so as to make the section read:

SEC. 28. That for the purpose of elections hereafter to the legislature the island of Porto Rico shall be divided into 35 representative districts, composed of contiguous and compact territory and established, so far as practicable, upon the basis of equal population. The division into and the demarcation of such districts shall be made by the executive council of Porto Rico. Division of districts shall be made as



nearly as practicable to conform to the topographical nature of the land, with regard to roads and other means of communication and to natural barriers. Said executive council shall also divide the island of Porto Rico into seven senatorial districts, each composed of five contiguous and compact representative districts. They shall make their report within 30 days after the approval of this act, which report, when approved by the governor, shall be final.

The amendment was agreed to.

The next amendment was, in section 29, page 26, line 6, after the word "boundaries," to insert "of senatorial and representative districts and," so as to make the section read:

SEC. 29. That the next election in Porto Rico shall be held in the year 1916 upon the date now provided by law, and that there shall then be chosen senators and representatives as herein provided. Thereafter such elections shall be held every four years. That all other elective officials, except those as to which it is otherwise provided in this act, shall be elected upon the same date, beginning with the year 1920, and that the term of office of all municipal officials expiring at the close of the year 1918 is hereby extended until the officials who may be elected to fill such municipal offices in 1920 shall have duly qualified: *Provided, however*, That nothing herein contained shall be construed to limit the right of the Legislature of Porto Rico at any time to revise the boundaries of senatorial and representative districts and of any municipality or to abolish any municipality and the officers provided therefor.

The amendment was agreed to.

Mr. GRONNA. I inquire of the Senator having the bill in charge if he does not wish to change the date on page 25?

Mr. VARDAMAN. Mr. President—

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

Mr. VARDAMAN. I was just going to call attention to section 29, which provides that—

Mr. GRONNA. The date 1916 should be changed.

The PRESIDING OFFICER. The Chair will state to the Senator from Mississippi that the Chair has recognized the Senator from North Dakota, who is suggesting an amendment on page 25. Then the Chair will recognize the Senator from Mississippi.

Mr. VARDAMAN. That is all right.

Mr. GRONNA. The bill provides for an election in Porto Rico in 1916, and the date should be changed.

Mr. SHAFROTH. Yes; I recognize that that should be changed, but I thought we would take that up when the Senator from Washington [Mr. POINDEXTER] presents an amendment which he has introduced here, which somewhat changes it all. For that reason I ask that the paragraph may go over until the Senator from Washington presents his amendment, when individual amendments are in order.

The PRESIDING OFFICER. Does the Chair understand the Senator from Colorado to accept the amendment changing the year?

Mr. SHAFROTH. No; I think we had better let the section go over without any amendment, because the Senator from Washington has a very comprehensive amendment which he is going to present.

The PRESIDING OFFICER. Without objection, the section will go over.

The reading of the bill was resumed at section 30, on page 26.

Mr. SHAFROTH. Mr. President, the committee has an amendment to offer at that point to strike out lines 9 and 10 and the first four words of line 11, on page 26, and to insert in lieu thereof the amendment which I send to the desk.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 26 it is proposed to strike out, beginning in line 9, the words "That the terms of office of senators and representatives shall be four years from the 1st of January following their election" and in lieu thereof to insert:

That the term of office of senators and representatives chosen by the first general election shall be until January 1, 1921, and the terms of office of senators and representatives chosen at subsequent elections shall be four years from the 2d of January following their election.

The amendment was agreed to.

The next amendment of the Committee on Pacific Islands and Porto Rico was, in section 30, page 26, line 17, after the word "occurred," to insert:

And no senator or representative shall, during the time for which he shall have been elected, be appointed to any civil office under the government of Porto Rico, nor be appointed to any office created by act of such legislature until four years after his term of office shall have expired.

The amendment was agreed to.

The next amendment was, in section 31, page 26, line 25, after the words "per day," to insert "for the first 90 days of each regular session and \$1 per day for each additional day of such session," so as to make the section read:

SEC. 31. That members of the Senate and House of Representatives of Porto Rico shall receive compensation at the rate of \$7 per day for the first 90 days of each regular session and \$1 per day for each additional day of such session while in session and mileage for each session at the rate of 10 cents per kilometer for each kilometer actually

and necessarily traveled in going from their legislative districts to the capital and therefrom to their place of residence in their districts by the usual routes of travel.

The amendment was agreed to.

The reading of the bill was resumed and continued to section 33, on page 27.

Mr. SHAFROTH. Mr. President, the committee has an amendment to offer at that point, to strike out, on page 27, from line 17 to 20 and to insert in lieu thereof the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Colorado will be stated.

The SECRETARY. On page 27 it is proposed to strike out the following language:

That the first regular session of the Legislature of Porto Rico provided for by this act shall convene on the second Monday in February, 1917, and biennially thereafter.

And in lieu thereof to insert:

That the first regular session of the Legislature of Porto Rico provided for by this act shall convene on the 28th day after the next election provided for herein, and regular sessions of the legislature shall be held biennially thereafter, convening on the second Monday in February of the year 1919 and on the second Monday in February of each second year thereafter.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Pacific Islands and Porto Rico was, in section 33, page 27, line 20, after the word "thereafter," to strike out "but no regular session shall continue longer than 90 days, not including Sundays, holidays, or days during which both houses may by concurrent resolution, with the approval of the governor, have agreed to a recess"; on page 28, line 1, after the words "require it," to strike out "and shall call the senate in special session at least once each year on the second Monday in February of those years in which a regular session of the legislature is not provided for"; and in line 7, after the word "call," to insert "and he shall call the senate in special session at least once each year on the second Monday in February of those years in which a regular session of the legislature is not provided for," so as to read:

The governor may call special sessions of the legislature or of the senate at any time when in his opinion the public interest may require it, but no special session shall continue longer than 10 days, not including Sundays and holidays, and no legislation shall be considered at such session other than that specified in the call, and he shall call the senate in special session at least once each year on the second Monday in February of those years in which a regular session of the legislature is not provided for.

The amendment was agreed to.

The reading of the bill was resumed and continued to section 34, on page 28, line 14.

Mr. SHAFROTH. After the name "Porto Rico," in line 14, page 28, the committee desires to insert the words "except as hereinafter provided."

The PRESIDING OFFICER. The Secretary will state the amendment proposed by the Senator from Colorado.

The SECRETARY. On page 28, line 14, after the name "Porto Rico," it is proposed to insert "except as hereinafter provided," so as to read:

SEC. 34. That the enacting clause of the laws shall be as to acts, "Be it enacted by the Legislature of Porto Rico," and as to joint resolutions, "Be it resolved by the Legislature of Porto Rico," except as hereinafter provided.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on the Pacific Islands and Porto Rico was, in section 34, page 28, line 20, after the word "majority," to insert "yea-and-nay"; in line 21, after the word "house," to insert "and entered upon the journal"; and, in line 25, after the word "to," to strike out "that" and insert "the," so as to read:

That the enacting clause of the laws shall be as to acts, "Be it enacted by the Legislature of Porto Rico," and as to joint resolutions, "Be it resolved by the Legislature of Porto Rico." Bills and joint resolutions may originate in either house. The governor shall submit at the opening of each regular session of the legislature a budget of receipts and expenditures, which shall be the basis of the ensuing biennial appropriation bill. No bill shall become a law until it be passed in each house by a majority yea-and-nay vote of all the members belonging to such house and entered upon the journal and be approved by the governor within 10 days thereafter. If when a bill that has been passed is presented to the governor for his signature he approves the same, he shall sign it; or if not, he shall return it, with his objections, to the house in which it originated, which house shall enter his objections at large on its journal and proceed to reconsider it.

The amendment was agreed to.

The reading of the bill was resumed, and continued to line 14, on page 29.

Mr. SHAFROTH. At that point, on line 14, after the word "law," I move to insert the amendment, which I send to the desk.



The PRESIDING OFFICER. The amendment proposed by the Senator from Colorado will be stated.

The SECRETARY. On page 29, line 14, after the word "law," it is proposed to insert the following:

*Provided, That the President of the United States shall approve or disapprove an act submitted to him under the provisions of this section within 90 days from and after its submission for his approval; and if not approved by him within such time, it shall become a law the same as if it has been specifically approved.*

The amendment was agreed to.

The next amendment of the Committee on the Pacific Islands and Porto Rico was, in section 34, page 29, line 17, after the word "items," to insert "or any part or parts, portion or portions thereof"; in line 20, after the word "items," to insert "parts or portions thereof"; and, on page 30, line 1, before the word "days," to strike out "ten" and insert "thirty," so as to read:

If any bill presented to the governor contains several items of appropriation of money, he may object to one or more of such items, or any part or parts, portion or portions thereof, while approving of the other portion of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the items parts or portions thereof to which he objects, and the appropriation so objected to shall not take effect. If any bill shall not be returned by the governor within 10 days (Sundays excepted) after it shall have been presented to him, it shall be a law in like manner as if he had signed it, unless the legislature by adjournment prevents its return, in which case it shall be a law if signed by the governor within 30 days after receipt by him; otherwise it shall not be a law.

The amendment was agreed to.

The next amendment was, on page 30, after line 15, to insert:

Each house shall keep a journal of its proceedings, and may, in its discretion, from time to time publish the same, except such parts as require secrecy, and the yeas and nays on any question shall, at the desire of any two members, be entered on the journal.

The session of each house and of the committees of the whole shall be open, unless when the business is such as ought to be kept secret, in which event a motion must be passed by a yeas-and-nays vote authorizing the secret session.

Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

No law shall be passed except by bill, and no bill shall be so altered or amended on its passage through either house as to change its original purpose.

No act of the legislature shall take effect until 90 days after its passage, unless in case of emergency (which shall be expressed in the preamble or body of the act) the legislature shall by a vote of two-thirds of all the members elected to each house otherwise direct. No bill except the general appropriation bill for the expenses of the government only, introduced in either house of the legislature after the first 40 days of the session, shall become a law.

Mr. VARDAMAN. Mr. President, I should like to ask the Senator in charge of the bill a question in regard to the provision relating to secret sessions. I think that perhaps it has been changed since I read it and since it was considered in committee. What is the use of providing for secret sessions in the Porto Rican Legislature? Does the Senator think it is a good idea for Congress to bequeath to these people that unfortunate custom that prevails here?

Mr. SHAFROTH. There might come up for consideration by the Porto Rican Legislature some question which would make the holding of a secret session desirable. This provision is similar to general provisions in State constitutions; but if the Senator moves to strike it out, I shall not resist his motion.

Mr. VARDAMAN. I reserve the right to do so.

Mr. FALL. I will make the motion right now, and settle it.

Mr. VARDAMAN. I think it will be better to strike it out. I do not see any necessity for it at all.

Mr. FALL. If the Legislature of Porto Rico is authorized to legislate for the people of Porto Rico, it has itself enough intelligence to know whether or not it ought to go into secret session. If it thinks it should, it can do so by vote, without the Congress of the United States imposing a secret session on them.

Mr. VARDAMAN. I hope the Senator will make that motion.

Mr. SHAFROTH. Mr. President, this does not force secret sessions on them. It simply gives permission to hold such sessions.

Mr. FALL. They will be permitted to hold them if they have all the legislative powers we give them here, without saying anything on the subject.

Mr. VARDAMAN. I move that that provision be stricken from the bill.

Mr. SHAFROTH. The Senator does not mean the entire paragraph, as I understand it, but only from the word "open," in line 22.

Mr. VARDAMAN. I mean the provision in regard to secret sessions.

Mr. SHAFROTH. The part which the Senator moves to strike out is all after the word "open," in line 22, the remainder of that paragraph.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 30, line 22, after the word "open," it is proposed to strike out "unless when the business is such as ought to be kept secret, in which event a motion must be passed by a yeas-and-nays vote authorizing the secret session."

Mr. HARDING. Now, Mr. President, I should like to ask the Senator in charge of the bill how the Legislature of Porto Rico can elect to hold a secret session under that provision in the organic law?

Mr. SHAFROTH. Well, we are striking out that part now, so that there will be no secret sessions held.

Mr. HARDING. I understand we are striking it out, so that the organic law will specifically provide that—

The sessions of each house and of the committees of the whole shall be open.

Mr. SHAFROTH. Yes.

Mr. HARDING. If it is desired to leave it optional, the whole paragraph should be stricken out.

Mr. SHAFROTH. There seems to be objection to that. I am generally in favor of open sessions. This provision, however, was put in with the idea that it was wise to do so, but I have got to get this bill through.

Mr. VARDAMAN. Let it go out. It does no good, and may do some harm.

Mr. SHAFROTH. The objection which is made by the Senator from New Mexico and by the Senator from Mississippi is that they are opposed to any permission to hold secret sessions—

Mr. FALL. I am opposed to secret sessions there or here or anywhere else.

Mr. SHAFROTH. So, I accept the amendment.

Mr. VARDAMAN. Very well; let it go out.

The PRESIDING OFFICER. The Chair will inquire what it is proposed to strike out? Is it proposed to strike out the whole paragraph or only the words after the word "open."

Mr. SHAFROTH. It is proposed to strike out all after the word "open," so that it will read:

The sessions of each house and of the committees of the whole shall be open.

Mr. KENYON. Mr. President, that will leave the bill, then, so that the sessions of the legislative bodies of Porto Rico and of committees of the whole must be open.

Mr. SHAFROTH. I think so.

Mr. KENYON. Of course, I am very strongly in favor of that; but I think it smacks a good deal of hypocrisy for a body that holds secret sessions and keeps up the antiquated and hoary-headed fetich itself to impose open sessions on these people.

Mr. VARDAMAN. We are trying to tell the people of Porto Rico in their government to do what they ought to do, and not to do as we do.

Mr. KENYON. We had better reform ourselves first.

Mr. VARDAMAN. Well, some of us want to do that; but we can not. We can, however, do this.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. HARDING. Mr. President, I object to the acceptance of the amendment. I am not in accord with the Senators about it. I can understand that there are occasions when there must be secret sessions of a legislative body, notwithstanding the disposition to throw everything open. I am opposed to putting a provision in the organic law of Porto Rico that absolutely forbids the holding of such sessions. If anything is done, we ought to strike out the entire paragraph or else leave it as it is.

Mr. POINDEXTER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Washington?

Mr. HARDING. I do.

Mr. POINDEXTER. My understanding of the contention that has been made by certain Senators here is not that there shall never be any secret sessions of the senate. The Senate from Nebraska [Mr. NORRIS], for instance, who I know has been quite active in that matter, has simply contended for a change in the regular custom, so that instead of having the regular custom of secret sessions in connection with all executive business, his idea is that sessions should be open except in those special cases where the senate decides it necessary to have closed sessions.

While I am on my feet I should like to call attention to one other matter in this amendment which is now proposed to be stricken out, and that is the proviso that requires a yeas-and-nays vote before a secret session is held. I think that is a very good provision, so that men who vote for a secret session will be known and their votes will be recorded. There is in that a good deal of the same sort of protection as in the provision of our



own Constitution, which gives the right to a yea-and-nay vote under certain circumstances.

Mr. HARDING. The Senator from Washington will agree, will he not, that if the sentence be left in the organic act—"the sessions of each house and of the committees of the whole shall be open"—no secret session will be possible; that it would not be lawful ever to hold a secret session?

Mr. POINDEXTER. I do agree to that, and what I have just said was intended to be in agreement with the Senator from Ohio.

The PRESIDING OFFICER. Does the Senator from Ohio offer an amendment to strike out the words "the sessions of each house and of the committees of the whole shall be open"?

Mr. HARDING. I have some doubt about the wisdom of striking out the entire paragraph from line 21 to line 24, inclusive; but if anything is stricken out the entire paragraph should be stricken out. Personally, I am in favor of leaving it as it is, because we embody the suggested reform as affecting the United States Senate by leaving in the organic act as here provided a provision for the holding of secret sessions on motion, after a yea-and-nay vote.

Mr. SHAFROTH. We are trying to expedite matters as much as we can, for I do not know when I shall be able to get another session for the consideration of this bill, and I will ask the Senator if he will consent to let that go over?

Mr. HARDING. If the whole paragraph goes over, I have no objection.

Mr. SHAFROTH. Very well.

Mr. FALL. Mr. President, before the clause goes over I have one word I wish to say about it. The Senate of the United States could very well modify its rules and provide possibly for secret sessions for the consideration of foreign affairs and open sessions as to other matters. The Legislature of Porto Rico will have no right to consider foreign affairs; there will never be any foreign affairs or treaties or matters of that kind brought before the legislature of that island. The senate of Porto Rico may act, as is the case in the Senate of the United States, on nominations sent to it. The senate of Porto Rico may act in the matter of the confirmation of those officials who are appointed by the governor, but that would be the only case, reasoning by analogy, when they would go into secret session.

I do not believe in secret sessions, and I do not believe in authorizing these people to hold secret sessions of their legislature when we are just making them citizens of the United States. I believe in compelling them to conduct the business that comes before them in open and not in secret session, particularly in view of the statement that has been made here by the chairman of the committee who has this bill in charge, that these very people would prefer, if possible, if they could bring it about, to become citizens of Porto Rico or to have an independent government and not remain citizens of the United States. We are conferring upon them, to my mind, the greatest privilege that a living human being can have, namely, citizenship of the United States; and I believe in compelling these people whom we are endeavoring to make American citizens to conduct the legislative business that we are placing in their hands in open and not in secret sessions.

Mr. SHAFROTH. Has the Senator any objection to letting this matter go over to a later time?

Mr. FALL. I have no objection to that, but I wanted to express myself now.

The PRESIDING OFFICER. Without objection, the paragraph will be passed over.

Mr. JONES. Mr. President, I want to express my concurrence in what the Senator from New Mexico [Mr. FALL] has said. While I am in favor sometimes of having secret sessions in the Senate, I think, as a general rule, the sessions of the Senate should be open. I can appreciate some situations that would warrant us in holding secret sessions, but I can not think of any condition of affairs that would warrant these people to transact their business in secret session. I do not remember of any case in connection with the organization of a Territorial government for any of the Territories that have subsequently become States where we have ever had any provision of this kind, and I should like to ask the chairman of the committee if there are such instances?

Mr. SHAFROTH. Yes; in the constitution of the State of Colorado this identical provision is found.

Mr. FALL. Yes; but not in the organic act by the Congress of the United States creating it a Territory.

Mr. SHAFROTH. No; but in the constitution of the State a similar provision is found.

Mr. JONES. That is your State constitution.

Mr. SHAFROTH. I am not insisting upon it. The only thing I should like to do is to get this matter passed over, so that we can make some headway with the bill. No doubt if it comes up again—

Mr. JONES. Of course it will come up again if it is passed over.

Mr. SHAFROTH. Oh, yes; it will come up again.

Mr. JONES. I think it ought to be stricken out.

The PRESIDING OFFICER. Without objection, the paragraph will be passed over.

Mr. SHAFROTH. After the word "legislature," in line 6, page 31, I move to insert "except the general appropriation bills for the expenses of the government."

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 31, line 6, after the word "legislature," it is proposed to insert "except the general appropriation bills for the expenses of the government."

The amendment to the amendment was agreed to.

The Secretary resumed the reading of the amendment, as follows:

No bill shall be considered or become a law unless referred to a committee, returned therefrom, and printed for the use of the members.

No bill, except general appropriation bills, shall be passed containing more than one subject, which shall be clearly expressed in its title; but if any subject shall be embraced in any act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be so expressed.

Every bill shall be read at length, on three different days, in each house; all substantial amendments made thereto shall be printed for the use of the members before the final vote is taken on the bill; and no bill shall become a law except by vote of a majority of all the members elected to each house, nor unless on its final passage the vote be taken by yeas and nays and the names of those voting be entered on the Journal.

No amendment to any bill by one house shall be concurred in by the other, nor shall the report of any committee of conference be adopted in either house, except by a vote of a majority of the members elected thereto, taken by yeas and nays and the names of those voting recorded upon the Journal thereof.

No law shall be revived, or amended, or the provisions thereof extended or conferred by reference to its title only, but so much thereof as is revived, amended, extended, or conferred shall be reenacted and published at length.

The presiding officer of each house shall, in the presence of the house over which he presides, sign all bills and joint resolutions passed by the legislature, after their titles shall have been publicly read, immediately before signing; and the fact of signing shall be entered on the Journal.

The legislature shall prescribe by law the number, duties, and compensation of the officers and employees of each house; and no payment shall be made from the treasury, or be in any way authorized to any person, except to an acting officer or employee elected or appointed in pursuance of law.

No bill shall be passed giving any extra compensation to any public officer, servant or employee, agent or contractor, after services shall have been rendered or contract made, nor providing for the payment of any claim made against Porto Rico without previous authority of law.

Except as otherwise provided in this act, no law shall extend the term of any public officer, or increase or diminish his salary or emoluments after his election or appointment, nor permit any officer or employee to draw compensation for more than one office or position.

All bills for raising revenue shall originate in the house of representatives, but the senate may propose amendments, as in case of other bills.

The general appropriation bill shall embrace nothing but appropriations for the ordinary expenses of the executive, legislative, and judicial departments, interest on the public debt, and for public schools. All other appropriations shall be made by separate bills, each embracing but one subject.

The legislature shall not delegate to any special commission, private corporation, or association any power to make, supervise, or interfere with any municipal improvement, money, property, or effects, whether held in trust or otherwise, or to levy taxes, or to perform any municipal function whatever.

No obligation or liability of any person, association, or corporation, held or owned by Porto Rico, or any municipal corporation therein, shall ever be exchanged, transferred, remitted, released, or postponed, or in any way diminished by the legislature, nor shall such liability or obligation be extinguished except by payment thereof into the proper treasury.

Every order, resolution, or vote to which the concurrence of both houses may be necessary, except on the question of adjournment, or relating solely to the transaction of business of the two houses, shall be presented to the governor, and before it shall take effect be approved by him, or, being disapproved, shall be repassed by two-thirds of both houses, according to the rules and limitations prescribed in case of a bill.

Any person who shall, directly or indirectly, offer, give, or promise any money or thing of value, testimonial, privilege, or personal advantage to any executive or judicial officer or member of the legislature to influence him in the performance of any of his public or official duties, shall be deemed guilty of bribery, and be punished by a fine not exceeding \$5,000, or imprisonment not exceeding five years, or both.

The offense of corrupt solicitation of members of the legislature, or of public officers of Porto Rico, or of any municipal division thereof, and any occupation or practice of solicitation of such members or officers to influence their official action, shall be defined by law, and shall be punished by fine and imprisonment.

A member who has a personal or private interest in any measure or bill proposed or pending before the legislature shall disclose the fact to the house of which he is a member, and shall not vote thereon.

In case the available revenues of Porto Rico for any fiscal year are insufficient to meet all the appropriations made by the legislature for such year, such appropriations shall be paid in the following order:



Mr. SHAFROTH. In line 12, page 35, after the word "year," I move to insert "including available surplus in the insular treasury."

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. In line 12, page 35, after the word "year," it is proposed to insert "including available surplus in the insular treasury."

The amendment to the amendment was agreed to.

Mr. CLAPP. Mr. President, what are we agreeing to now? Several amendments have been passed over, and some modifications have been made; but this is all one amendment.

The PRESIDING OFFICER. This is all one amendment proposed by the committee. The Senator from Colorado is merely perfecting his amendment. It will all come up for consideration as amended.

Mr. CLAPP. Yes; but what I am getting at is this: As we pass each of these paragraphs, is it understood that they are agreed to?

The PRESIDING OFFICER. This is all one amendment. The part the Secretary has been reading for some time is all one amendment.

Mr. CLAPP. That is what I said, but the chairman says "no." What I am getting at is this: I understand that the chairman is very anxious to have the bill read through instead of taking up these matters and disposing of them as we come to them. For that reason there are some things I do not care to-night to raise a question about.

Mr. SHAFROTH. I will state to the Senator from Minnesota that if, at any time, he wishes to recur to any of these provisions, I shall be perfectly willing to cooperate with him in any way to have the matter come before the Senate.

The PRESIDING OFFICER. The Chair desires to state that the matter commencing on page 30, line 16, on up as far as the Secretary has gone, is all one amendment.

Mr. CLAPP. All one amendment, and yet part of it has been passed over.

The PRESIDING OFFICER. And up to line 18, on page 36, it is all one amendment. The Senator from Colorado is merely offering his amendments to the amendment to perfect it. Then it will be submitted for agreement or rejection. The Secretary will continue the reading of the amendment.

The Secretary resumed the reading of the amendment, as follows:

First class. The ordinary expenses of the legislative, executive, and judicial departments of the State government, and interest on any public debt, shall first be paid in full.

Second class. Appropriations for all institutions, such as the penitentiary, insane asylum, industrial school, and the like, where the inmates are confined involuntarily, shall next be paid in full.

Third class. Appropriations for education and educational and charitable institutions shall next be paid in full.

Fourth class. Appropriations for any other officer or officers, bureaus or boards, shall next be paid in full.

Fifth class. Appropriations for all other purposes shall next be paid. That in case there are not sufficient revenues for any fiscal year to meet in full the appropriations of said year for all of the said classes of appropriations, then said revenues shall be applied to the classes in the order above named, and if, after the payment of the prior classes in full, there are not sufficient revenues for any fiscal year to pay in full the appropriations for that year for the next class, then, in that event, whatever there may be to apply on account of appropriations for said class shall be distributed among said appropriations pro rata according as the amount of each appropriation of that class shall bear to the total amount of all of said appropriations for that class for said fiscal year.

Mr. SHAFROTH. Let me move an amendment there. After the word "year," in line 4, page 36, I move to insert "including available surplus in the insular treasury."

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 36, line 4, after the word "year," it is proposed to insert "including available surplus in the insular treasury."

The amendment to the amendment was agreed to.

The Secretary resumed and concluded the reading of the amendment, as follows:

All appropriations and parts of appropriations for any fiscal year not paid by the revenues of such fiscal year shall not be or become an obligation of Porto Rico or the treasury thereof.

Mr. MARTINE of New Jersey. Now I ask that section 35, beginning on page 36 and running over onto page 37, may go over.

The PRESIDING OFFICER. If the Chair may be permitted, the question is on agreeing to the amendment as amended.

Mr. JONES. Mr. President, that refers to this entire amendment, commencing on page 30 and going to page 36. I wish to ask the chairman of the committee whether or not the committee is unanimously in favor of this amendment?

Mr. VARDAMAN. Mr. President—

Mr. SHAFROTH. Does the Senator mean this entire amendment?

Mr. JONES. Yes.

Mr. SHAFROTH. I do not think there was any objection to it.

Mr. VARDAMAN. Mr. President, I rose to request the chairman of the committee to let this amendment go over. I do not like it. I think when the State issues its obligations and the citizen buys them he ought to be protected. The average man who takes a State warrant does not know whether it is in the first or second class, but he has the right to indulge the presumption that it will be paid. I would rather limit the privilege of the Territory to incur these debts than to permit the citizen to buy them and then be defrauded of his money.

Mr. SHAFROTH. I will state to the Senator that the reason of that provision is this: We had in the State of Colorado no law with respect to the issuance of warrants of the first, second, third, fourth, and fifth class; and the result was that there were warrants issued until they piled up a debt, which was paid during my administration by the issuance of bonds to the extent of \$2,100,000, which the officers had issued according to the order in which the appropriations had been made. The legislature made vast quantities of appropriations in excess of the estimated revenues.

Now, we have found that by following this law, if you make an appropriation in excess of the revenue, it is no obligation whatever, and the auditor and the treasurer are forbidden to do it; and not since that time has there been a single warrant even issued by the various officers of the State of Colorado.

Mr. VARDAMAN. Does not the Senator think it would be better to make it a criminal offense for the legislators and for the fiscal officers of the State to issue these obligations of the State, and thereby protect the citizen who in good faith invests his money in State securities? The average man does not know, when a State warrant is handed to him, whether there is money in the treasury to pay it or not; and if there is not money in the treasury to pay it, if it happens to be one of the third or fourth class, this man is defrauded of his money. It is simply justifying the Territory in repudiating its obligations to which I can not give my consent.

Mr. SHAFROTH. Oh, no. The object and purpose of that is to prevent the issuing of them. The people will understand that warrants of the fourth class will not be paid, and consequently the auditor will not issue them. That is a direction to the auditor not to issue them, and it is a direction to the treasurer not to pay them.

Mr. FALL. Mr. President—

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

Mr. SHAFROTH. I do.

Mr. FALL. The Senator from Washington [Mr. JONES] asked a moment ago if the committee was unanimous in this bill. Not, of course, due to any fault of the Senator who has charge of the bill, but merely my own fault, I, as one member of the committee, was not present when this bill was agreed upon.

Mr. SHAFROTH. That is true; and I am perfectly willing to let this go over.

Mr. VARDAMAN. Let it go over.

Mr. FALL. Let me make this suggestion: We have got to deal with it at some time. You have got to take it up and take the time of the Senate with it at some time.

Mr. SHAFROTH. Yes; but the reason why I want as much done as possible is so as to show that I am pretty well through with the bill, and I want another night for its consideration. If I state that I have only gotten through 10 or 12 pages, they will say, "Oh, you can not get through that bill in a week."

Mr. FALL. That may be all right, Mr. President; but we are proceeding upon a theory that never has been considered in the creation of an organic act for any Territory of the United States. The Senator has written here a constitution for a sovereign State. He has taken the constitution of the sovereign State of Colorado. Why did he not take the organic act of the Territory of Colorado as enacted by the Congress of the United States as an example?

Mr. SHAFROTH. These are limitations that it seems to me are very desirable, and have proven very desirable in my State.

Mr. FALL. Very well; I have the floor, I think, if the Senator will allow me to proceed.

Mr. SHAFROTH. Certainly.

Mr. FALL. Then the Senator can answer the objections which I am making.

You are suggesting to us that we pass one after another of these provisions. You limit the legislature as to what it can do by specifically providing for the island a constitution such as the people of the State of Colorado have provided for them—



selves in their sovereignty. The State of Colorado came in from a Territorial condition by permission of the United States. Prior to that time the people of Colorado had to refer every law that was enacted by the Legislature of Colorado to the Congress of the United States. The people of New Mexico had to do the same thing up until five years ago, until they came into the Union by consent of the Congress. They were not sovereign before that time. In the case of the people of Porto Rico, an island in the Atlantic where you are simply creating a lot of new American citizens, you are making them sovereign—as sovereign as the State of Colorado. The Congress of the United States retains no power to pass upon their acts. Why, sir, there never has been a measure of this kind presented to the Congress of the United States in the creation of a Territory. That is the objection.

Now, look at the absurdity of it. After adopting the constitution of the State of Colorado, with all of its limitations upon the legislative department, then you provide, in section 37:

That the legislative authority herein provided shall extend to all matters of a legislative character.

Without any restriction whatsoever, and still you do not provide that those acts of that legislature shall be referred back to the Congress of the United States for approval or disapproval. Not a State of this Union has ever been admitted which had been created into a Territorial form of government prior to its admission except it had that limitation in its organic act. The Congress of the United States has maintained control. For the first time in the history of legislation in this country we are giving absolute constitutional government to the people of Porto Rico, who have never been citizens of the United States. Now, these objections must be met at some time.

Mr. SHAFROTH. Mr. President, the provisions that are contained here and which are inserted are limitations. They are not grants.

Mr. FALL. Exactly; they are limitations.

Mr. SHAFROTH. Yes, sir.

Mr. FALL. Then you follow it by a general grant, which any court in the world would construe as conferring upon the legislature all other powers of any kind or character, and your limitation is gone.

Mr. SHAFROTH. Oh, no, Mr. President.

Mr. FALL. If you confer general powers and then limit those powers, they may be words of limitations. If you undertake to limit powers and then confer absolute, general powers, where is your limitation?

Mr. SHAFROTH. Why, here is our limitation, on page 28:

If when a bill that has been passed is presented to the governor for his signature he approves the same, he shall sign it; or if not, he shall return it, with his objections, to the house in which it originated, which house shall enter his objections at large on its journal and proceed to reconsider it.

Mr. FALL. That is simply conferring, not limiting.

Mr. SHAFROTH. Wait; that is a limitation.

Mr. FALL. Oh, no; it is simply conferring the legislative power upon your appointed governor.

Mr. SHAFROTH. Yes; I understand; but there is another provision, if the Senator will wait just a minute, which I will show him:

If, after such reconsideration, two-thirds of all the members of that house shall agree to pass the same, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of all the members of that house it shall be sent to the governor, who, in case he shall then not approve, shall transmit the same to the President of the United States. The vote of each house shall be by yeas and nays, and the names of the members voting for and against shall be entered on the journal. If the President of the United States approve the same, he shall sign it and it shall become a law. If he shall not approve same, he shall return it to the governor so stating, and it shall not become a law. If any bill presented to the governor—

And so forth.

Mr. FALL. Then you are conferring upon the Governor of Porto Rico powers that never were conferred upon the governor of any Territory in the history of the United States.

Mr. SHAFROTH. Well, I do not know about that. I know this: I know that the governor is appointed by the President of the United States and confirmed by the Senate.

Mr. FALL. As was the governor of every Territory.

Mr. SHAFROTH. And therefore he does not represent the people of the Territory. Consequently, if there is any attempt upon the part of the legislature to do a thing that in any way is not in accordance with the views of the President, there is the governor to check it; and not only that, but the matter comes on appeal to the President of the United States. So it seems to me that it is very well safeguarded.

Mr. FALL. Mr. President, to repeat again, every organic act—and I defy the Senator to show an exception—has contained

the provision which I have suggested, that the acts of the legislature should be referred to the Congress of the United States.

Mr. SHAFROTH. Well, now—

Mr. FALL. I will ask the Senator to suspend for one moment, please. Every organic act that I know anything of has vested in the governor of the Territory—the governor appointed by the President of the United States—the veto power, and it has been provided that the legislature could pass a bill over his veto. For the first time, now, you have made another innovation. You have provided that the governor, in the event he vetoes a bill, must forward his veto for approval or disapproval to the President of the United States.

Mr. SHAFROTH. Mr. President, the very statement which the Senator makes shows the inconvenience of having every act of the legislature of one of these possessions referred to the Congress of the United States. As chairman of this committee, I have had occasion to have presented to this Congress various bills from the Territory of Hawaii, and some of them have lain for two years without any action of approval whatever; and yet all of the acts of Hawaii do not have to be approved. Some of them do.

Mr. President, the very inconvenience of getting the Senate of the United States to reenact everything that the legislature of Porto Rico will do is something that, it seems to me, should not be the law as to Porto Rico. It appears to me that the limitations that are placed in the bill are limitations for the good of the people.

Mr. FALL. Mr. President—

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

Mr. SHAFROTH. I yield.

Mr. FALL. The chairman does not know anything more about this bill than I do. There is a provision on page 30 that these laws shall be referred to the Congress of the United States, and Congress can nullify them. I did not know it; neither did he.

Mr. SHAFROTH. Of course, Congress could nullify them. There is no doubt about that. It always possesses that power, but—

Mr. FALL. I withdraw my objection.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. SHAFROTH. It does not say the law has to be ratified by the Congress. It simply says Congress reserves the right, and it is important that it should reserve the right. What the Senator was talking about was that in the Territorial days everything had to be ratified. Laws do not have to be ratified now.

Mr. FALL. The Senator has been mistaken about one or two things to-night as to the contents of the bill; but the Senator did not make any such mistake as that, because the Senator has been familiar with the organic acts of the other Territories. He did not say they had to be referred for ratification to the Congress of the United States, but that they were referred by the organic act itself to the Congress of the United States. This provision on page 30 is the usual provision in organic acts. I simply overlooked the fact that the committee placed the provision in this bill.

Mr. SHAFROTH. Does the Senator withdraw his objection?

Mr. FALL. I have already withdrawn it.

Mr. SHAFROTH. All right.

Mr. JONES. It might be a small matter, but I wish to ask the chairman about the provision beginning on page 31, line 14, which says:

No bill shall be considered or become a law unless referred to a committee, and returned therefrom, and printed for the use of members.

Does that mean that no bill can be considered that has been referred to a committee until after the committee has reported it?

Mr. SHAFROTH. Yes; it seems to me so.

Mr. JONES. Does it mean that if a committee sees fit to stifle a bill by not reporting it it can do it, that there is no remedy?

Mr. SHAFROTH. I suppose a minority report can be made.

Mr. JONES. It is not a question of supposition. The question is what is meant by that language.

Mr. SHAFROTH. The object of the provision is to prevent the hasty consideration of bills. If the house or the senate are in favor of a measure they can require the committee to report.

Mr. JONES. That is not what I am trying to get at. Can the committee under this language here be discharged?

Mr. SHAFROTH. I suppose so. It seems to me that that can be done.



Mr. JONES. I doubt it very much. I think this gives the power into the hands of a committee to stifle legislation absolutely if it desires to do so.

Mr. SHAFROTH. Has the Senator any amendment to offer?

Mr. JONES. I think we ought to have a provision there providing that either house may, by a majority vote, discharge a committee from the consideration of any measure referred to it.

Mr. SHAFROTH. If the Senator will propose that amendment I will accept it.

Mr. JONES. I propose that amendment. In line 16, after the word "members," I move to insert the following proviso:

*Provided*, That either house may, by a majority vote, discharge a committee from the consideration of a measure and bring it before the body for consideration.

Mr. CLAPP. Would it not be better to have that language inserted after the word "therefrom," in line 15?

No bill shall be considered or become a law unless referred to a committee, returned therefrom, or discharged from further consideration by the committee in which the bill originated, and printed for the use of the members.

Mr. JONES. I rather think it reads better to put it in as a proviso, authorizing either house by a majority vote to discharge a committee from the consideration of a measure.

The PRESIDING OFFICER. The Secretary will state the amendment offered by the Senator from Washington.

The SECRETARY. On page 31, line 15, after the word "members" and before the period, insert the following proviso:

*Provided*, That either house may by a majority vote discharge a committee from the consideration of a measure and bring it before the body for consideration.

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The Chair hears none.

Mr. JONES. As I understand it, the whole amendment goes over.

Mr. SHAFROTH. And any other amendment to it. We will bring it up later.

The PRESIDING OFFICER. Without objection, then, the amendment proposed by the committee as modified will be agreed to except that part reserved by the Senator from Ohio [Mr. HARDING].

Mr. JONES. I do not understand the Chair.

The PRESIDING OFFICER. The Chair says that, without objection, the amendment proposed and which has been read by the Secretary as modified by the amendments offered is agreed to, except that part reserved by the Senator from Ohio.

Mr. JONES. I do not think that ought to be done, Mr. President. The Senator from Mississippi has suggested some objections to the same, and I think the whole amendment ought to go over.

The PRESIDING OFFICER. Without objection, the whole amendment will go over. The Chair hears none.

Mr. SHAFROTH. Before we reach section 35 I should like to propose an amendment, at page 25, to strike out section 29 and insert in lieu thereof the following.

The PRESIDING OFFICER. It will be read.

The SECRETARY. On page 25, line 16, strike out the House text, section 29, and insert:

SEC. 29. The next election in Porto Rico shall be held in the year 1917 upon the 16th day of July. At such election there shall be chosen senators, representatives, a Resident Commissioner to the United States, and two public-service commissioners, as herein provided. Thereafter the elections shall be held on the first Tuesday after the first Monday in November, beginning with the year 1920, and every four years thereafter, and the terms of office of all municipal officials who have heretofore been elected, and whose terms would otherwise expire at the beginning of the year 1919, are hereby extended until the officials who may be elected to fill such offices in 1920 shall have been duly qualified: *Provided, however*, That nothing herein contained shall be construed to limit the right of the Legislature of Porto Rico at any time to revise the boundaries of senatorial and representative districts and of any municipality, or to abolish any municipality and the officers provided therefor.

Mr. LODGE. That seems to me to be a very important amendment. I have listened to it, but I must say I can not understand what the effect of it will be. I think the amendment ought to be printed and go over, so that we can see it.

The PRESIDING OFFICER. Is there objection?

Mr. SHAFROTH. There is no objection.

The PRESIDING OFFICER. The Chair hears none, and the amendment will go over.

The reading of the bill was continued.

The next amendment was, in section 35, page 36, line 24, after the words "Porto Rico," to strike out "who is not" and insert "unless he is"; on page 37, line 1, after the word "is," to strike out "not"; in the same line, after the word "or," to strike out "who is not" and insert "unless having the said qualification of citizenship and age he is"; and, in line 4, after the words "per annum," to insert "*Provided, however*, That all legally qualified electors of Porto Rico at the last general elec-

tion shall be entitled to register and vote at elections for 10 years from and after the passage of this act," so as to make the section read:

SEC. 35. That the qualified electors of Porto Rico, for any election whatsoever, shall consist of those citizens that will be hereafter registered in accordance with the terms of this act and of the laws of Porto Rico hereafter enacted. That no person shall be allowed to register as a voter or to vote in Porto Rico unless he is a citizen of the United States, over 21 years of age, and who is not able to read and write, or unless, having the said qualification of citizenship and age, he is a bona fide taxpayer in his own name in an amount of not less than \$3 per annum: *Provided, however*, That all legally qualified electors of Porto Rico at the last general election shall be entitled to register and vote at elections for 10 years from and after the passage of this act.

Mr. MARTINE of New Jersey. I ask that section 35 down to and including the words "per annum," in line 4, on page 37, may go over. I think I will propose a substitute for it.

Mr. SHAFROTH. There is no objection.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the amendment and the section goes over.

Mr. SHAFROTH. The committee desires to offer an amendment there, to strike out from lines 8 to 12, inclusive, on page 37, and to insert the following.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 37 strike out lines 8 to 12, inclusive, and insert:

That the qualified electors of Porto Rico shall at the next general election choose a Resident Commissioner to the United States, whose term of office shall begin on his qualification and shall continue until the 4th of March, 1921. At each subsequent election, beginning with the year 1920, the qualified electors of Porto Rico shall choose a Resident Commissioner to the United States, whose term of office shall be four years from the 4th of March following such general election.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. FALL. Right there I suggest to the chairman of the committee that the section preceding section 35 went over, and if this is agreed to you will find yourself in this position: Under the amendment of the Senator from North Dakota the citizens of Porto Rico are given 12 months in which to declare their intentions to remain citizens of Porto Rico and not become citizens of the United States. I can make it for the RECORD, Mr. President, so that the Senator can read it to-morrow, if he can not hear it.

The PRESIDING OFFICER. The Senator from Colorado is being addressed by the Senator from New Mexico.

Mr. FALL. It is all right. The Senator from New Mexico wishes to place his remarks in the RECORD so that they may be read. The position the committee is going to find itself in is this, I am afraid: Under the amendment of the Senator from North Dakota the period in which every resident of Porto Rico has to determine in his own mind whether he will become a citizen of the United States or not has been extended for 12 months. The election provided in this bill must be held prior to 12 months. Yet the qualification for electors states that they shall be citizens of the United States. They will not be citizens of the United States until they have elected as to whether they will remain citizens of some other country. Or if you allow them all to vote and treat them all as citizens of the United States, then they can vote at the election and thereafter declare that they were not citizens of the United States. In the entire bill, unless you reconcile this by some means, you will have a conflict that will cause you a good deal of trouble.

Mr. SHAFROTH. Does the Senator desire that this amendment shall go over?

Mr. FALL. I understood it had gone over. I was just making a suggestion.

Mr. SHAFROTH. No; but as for the last amendment I offered—

Mr. FALL. I was not referring to the last one.

The PRESIDING OFFICER. Section 35 has already been passed over.

Mr. FLETCHER. As I understand the point the Senator from New Mexico makes, there will be 12 months to wait before anybody is qualified to vote.

Mr. FALL. Before we know whether they are qualified or not.

Mr. FLETCHER. Exactly.

Mr. SHAFROTH. The law provides that they shall be qualified citizens of the United States unless within that time they file a protest. Everybody is presumed to be eligible who voted at the preceding election. It is not intended to take away their right.

Mr. FALL. The situation, I think, will be this: That every man in Porto Rico—Chinaman, Jap, Englishman, German, or anyone else—can vote at the first election unless you prohibit his voting in some way.



Mr. SHAFROTH. It is limited to those who have voted at the preceding election.

Mr. FALL. And others. You classify them. You are attempting to make qualified voters citizens of the United States, and properly so. No one but a citizen of the United States should be allowed to vote; but you are providing a 12 months' period in which a man can elect to become a citizen. The consequence is that they might all vote at the first election and thereafter declare that they were not going to become citizens of the United States.

Mr. SHAFROTH. The presumption is that they are citizens and that they have the right of citizenship.

Mr. FALL. I can refer the Senator to a case that went to the Supreme Court of the United States from his own State, and also one that went from my State, in which that presumption was not indulged.

Mr. JONES. I wish to ask the chairman a question about the proviso in section 35. It is true it has gone over. I read it over rather hurriedly. It provides—

That all legally qualified electors of Porto Rico at the last general election shall be entitled to register and vote at elections for 10 years from and after the passage of this act.

What happens to them after 10 years?

Mr. SHAFROTH. I will state that there is an amendment which is going to be proposed either by the Senator from Washington [Mr. POINDEXTER] or by the Senator from New Jersey [Mr. MARTINE] which clarifies that and gives them the right to vote continuously without any limitation whatever. I wanted to defer any consideration of that until that amendment is offered.

Mr. JONES. I did not know that.

Mr. SHAFROTH. I was personally in favor of that amendment, but some members of the committee objected, and we compromised on a 10-year basis. But that will come up when the proposition is presented.

Mr. JONES. Was it the idea of the committee to permit these people to vote for 10 years and after that that they could not vote at all?

Mr. SHAFROTH. No; the provision and the intention was—

Mr. JONES. I mean was that the intention in the proviso?

Mr. SHAFROTH. The only intention was to have an educational qualification, and that they should be permitted to vote for 10 years, in order to give them the opportunity for 10 years to qualify themselves to vote thereafter. That is the object. But I must say that I was not in favor of that except as a compromise. What I was in favor of was a different provision, which is contained in the amendment offered by the Senator from Washington [Mr. POINDEXTER], namely, that they should be entitled to vote just the same as they have been voting, without qualification.

Mr. JONES. That amendment is going to be proposed?

Mr. SHAFROTH. Yes; it is going to come up.

The next amendment was, in section 36, page 38, line 3, before the words "years of age," to strike out "thirty" and insert "twenty-five," so as to make the section read:

SEC. 36. That the qualified electors of Porto Rico shall, at the general election in 1916, and every four years thereafter, choose a Resident Commissioner to the United States, whose term of office shall be four years from the 4th of March following, and who shall be entitled to receive official recognition as such Commissioner by all of the departments of the Government of the United States, upon presentation, through the Department of State, of a certificate of election of the governor of Porto Rico. The Resident Commissioner shall receive a salary, payable monthly by the United States, of \$7,500 per annum. Such Commissioner shall be allowed the same sum for stationery and for the pay of necessary clerk hire as is now allowed to Members of the House of Representatives of the United States; and he shall be allowed the sum of \$500 as mileage for each session of the House of Representatives and the franking privilege granted Members of Congress. No person shall be eligible to election as Resident Commissioner who is not a bona fide citizen of the United States and who is not more than 25 years of age, and who does not read and write the English language. In case of a vacancy in the office of Resident Commissioner by death, resignation, or otherwise, the governor, by and with the advice and consent of the senate, shall appoint a Resident Commissioner to fill the vacancy, who shall serve until the next general election and until his successor is elected and qualified.

The amendment was agreed to.

The next amendment was, in section 37, page 38, line 21, after the word "legislature," to insert: "but the legislature may in the interest of economy consolidate departments, or abolish any department, with the consent of the President of the United States," so as to make the clause read:

No executive department not provided for in this act shall be created by the legislature, but the legislature may in the interest of economy consolidate departments, or abolish any department, with the consent of the President of the United States.

Mr. JONES. I wish to ask about that amendment. First the text provides;

No executive department not provided for in this act shall be created by the legislature.

Then the amendment provides:

but the legislature may in the interest of economy consolidate departments, or abolish any department, with the consent of the President of the United States.

Could Congress annul that?

Mr. SHAFROTH. I believe it could under the general provision there.

Mr. JONES. By an act that has the consent of the President?

Mr. SHAFROTH. I think so, under the general provision that is contained in section 34, page 30, line 2:

All laws enacted by the Legislature of Porto Rico shall be reported to the Congress of the United States, as provided in section 23 of this act, which hereby reserves the power and authority to annul the same.

So evidently any law which they passed under this amendment would be repealable by the Congress of the United States.

Mr. JONES. As I understand this provision, the legislature may consolidate the departments. It is a little different from the other provisions. I judge the President does not have to give his express consent to the general acts of the legislature before they become effective.

Mr. SHAFROTH. No.

Mr. JONES. This provides that the law can not become effective without the consent of the President. It is different from the other provisions. I wanted to know whether if after the President gives his consent Congress can go on without the consent of the President and annul it.

Mr. SHAFROTH. I think so, because the act of Congress receives the consent of the President also in his approval of the annulment which is made.

Mr. JONES. Then, does the act of dissent by Congress require the approval of the President?

Mr. SHAFROTH. I think so.

Mr. JONES. It does not say so.

Mr. SHAFROTH. Congress reserves the power and authority to annul the same. It is by act of Congress.

Mr. JONES. The President is not a part of Congress.

Mr. SHAFROTH. So far as signing the bill he is.

Mr. JONES. This does not provide that it shall be a bill. Congress can in any way express its dissent to these laws, and then they cease to exist.

Mr. SHAFROTH. I think not. The power is reserved to annul the same, and the only way is by a joint resolution or by a bill.

Mr. JONES. I think a concurrent resolution could accomplish the purpose.

Mr. SHAFROTH. I do not think so.

Mr. JONES. That is an act of Congress.

Mr. SHAFROTH. But the President is a part of Congress, with relation to the passage of bills. He must sign the bills.

Mr. JONES. I do not think it would have to be done by a bill.

Mr. CLAPP. It is an affirmative act; but when it comes to a matter of negation, vested in Congress, as this bill provides, it is a question whether the President would have to sign it.

Mr. SHAFROTH (reading)—

All laws enacted by the Legislature of Porto Rico shall be reported to the Congress of the United States, as provided in section 23 of this act, which hereby reserves the power and authority to annul the same.

That is, to annul it by an act or by a joint resolution. I will state the object of the amendment. It was thought they might attempt to abolish some department there that is necessary to proper administration and which the President might feel should be retained. On that account we thought it was a wise provision to make in cases of that kind. They were given the power to abolish departments; but if the President dissents, then that would end it.

Mr. JONES. Mr. President, I am not questioning the wisdom of that, but what I was trying to get at was, after the President has given his consent, as expressly provided for here—and this can not, like general legislation enacted by the legislature, become effective until after the President has approved it—whether the general provision giving Congress the power to annul any act of the Porto Rican Legislature would apply in a case like this, so that Congress could annul the act after the President has given his consent?

Mr. SHAFROTH. Yes; it seems to me that Congress could.

Mr. JONES. Then we would have a conflict between the President and Congress, because the President can approve an act and then Congress can turn around and annul it, and, of



course, if the President should veto that act of Congress it would amount to nothing.

Mr. SHAFROTH. No; Mr. President, as a part of the legislative act the signature of the President is necessary, and it becomes, as a matter of fact, a part of the legislative act.

Mr. JONES. That is what I suggest. Then, in reference to this matter, if the Senator is correct, that the President must sign any resolution that Congress passes dissenting from the act of this legislature, we should have a case where the President, having approved the act of the local legislature, would necessarily disapprove the action of Congress in trying to annul it.

Mr. SHAFROTH. If he disapproves it, that is his privilege under the veto power, and Congress, of course, can pass it over his head. In that event the very act which the President signed is annulled, notwithstanding the fact that he signed the original act and made it a law.

Mr. JONES. Yes; but you have an inconsistent proposition here if you require the President to give his consent or his dissent to this act of the legislature before Congress is supposed to pass on it at all. I do not myself believe that this would require the action of Congress.

Mr. FLETCHER. It seems to me perfectly plain that this provision does not require the President to approve the legislation; but it is simply a limitation on the legislature. The legislature can not abolish a department or consolidate a department unless the President consents. If the President does consent to the legislation, he only consents that the legislature may do the act contemplated in accordance with this provision, but at the same time Congress has the power under the provision to annul that legislation.

Mr. JONES. After the President approves it?

Mr. FLETCHER. After the President has consented, so far as he is concerned, to the legislation consolidating or abolishing departments.

Mr. JONES. That is an approval of it by the President, is it not?

Mr. FLETCHER. It is not left to him to approve the legislation or to disapprove it.

Mr. JONES. Oh, yes, it is.

Mr. FLETCHER. He merely consents to the consolidation or the abolishment of departments.

Mr. JONES. But the legislature may in the interest of economy consolidate departments. How will it do so? By legislation. Or it may abolish any department. How? By legislation, with the consent of the President. It passes such legislation and sends it to the President. If he objects to it, that ends it. If he approves, the consolidation becomes effective; and yet does the Senator contend that after the President has approved it and the consolidation has become effective, we can turn around and annul that?

Mr. FLETCHER. Undoubtedly.

Mr. JONES. If we can, we can do it without the President's consent.

Mr. FLETCHER. Yes; we could do it. If the President's consent was not made necessary here, we could do it just the same whether the President consented or did not consent, or whether we allowed him to consent or not.

Mr. CLAPP. It does not present the inconsistency, I think, which the Senator from Washington thinks it does.

Mr. FLETCHER. I do not think the consent of the President has anything to do with the character of the legislation except to limit the power of the legislature.

Mr. CLAPP. For instance, the Governor of Porto Rico vetoes a bill and then it is passed over his veto. It is then sent to the President, and if he approves it, it becomes a law; yet that does not interfere at all with Congress subsequently repealing that law. The mere fact that the President acting in one capacity has approved an act, I do not think should be urged as an inconsistency, in view of the power lodged in Congress subsequently to repeal it.

Mr. JONES. Does the Senator think that after the President has approved a law that has been vetoed by the governor and which has been passed over his veto, Congress could not annul that law without the President's consent?

Mr. CLAPP. I am not certain whether under this provision a mere annulment would require consent or not; but, even if it did, it would not present any serious inconsistency. The President to-day signs a bill, and to-morrow we repeal it, notwithstanding he has signed it.

Mr. JONES. But he has to sign the repealing act also.

Mr. CLAPP. I know he signs the repealing act; but the Senator from Washington was rather urging that it would be inconsistent to expect that the President would approve of legislation enacted in Porto Rico and then afterwards sign a re-

peal of that same law. I do not see anything inconsistent in that.

Mr. JONES. That was not my position at all.

Mr. CLAPP. That is what I understood the Senator to contend for.

Mr. JONES. My position was that under the general provisions of this act we provide that laws passed by the legislature may be annulled by Congress. It does not provide for their approval by the President before they become laws; they become laws without the President's approval, and they continue laws unless Congress annuls them; but here is a particular provision with reference to a particular class of legislation under which, if the legislature by its legislative act sees fit to consolidate departments, that act does not become effective until the President consents to it; in other words, until the President approves it. The question which came up in my mind was whether under this particular section Congress would have the right to annul an act consolidating departments after it had been approved by the President.

Mr. CLAPP. I do not think that that would interfere at all with the right of Congress to annul that law. It becomes a law not alone by the act of the legislature and the Governor of Porto Rico, but also by the act of the President, just as a law passed by the Legislature of Porto Rico and vetoed by the Governor of Porto Rico and passed over his veto and referred to the President and approved by the President becomes a law. Clearly Congress could just as readily repeal that act that had become a law through the exercise of the veto power and the subsequent approval by the President as it could repeal a law that went no further than the Legislature and the Governor of Porto Rico. So I do not think there could be any question about that.

Mr. SHAFROTH. Mr. President, I ask that the reading of the bill be resumed.

The reading of the bill was resumed and continued to the following provision on page 39, beginning in line 7:

The terms of said elected commissioners shall commence on the 1st of January following their election—

Mr. SHAFROTH. Mr. President, on page 39 I move to strike out from line 5 to line 8, inclusive, and to insert in lieu thereof the amendment I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 39 it is proposed to strike out lines 5 to 8, inclusive, and insert:

to be elected by the qualified voters at the first general election to be held under this act and at each subsequent general election thereafter. The terms of said elective commissioners elected at the first general election shall commence on the twenty-eighth day following the said general election, and the terms of the said elective commissioners elected at each subsequent general election shall commence on the 2d day of January following their election.

The PRESIDING OFFICER. The amendment is agreed to, without objection.

Mr. SMOOT. Mr. President, it was hard to follow the amendment suggested, as it was read so rapidly. I tried to follow it, but I could not possibly make out what object the amendment intended to accomplish.

Mr. SHAFROTH. I will tell the Senator the object of the amendment. This bill was reported in July last; it was expected that it would be passed shortly thereafter, and that elections would be held at a certain time following the passage of the bill. Inasmuch, however, as the bill has gone over until this time, it is necessary to adjust these matters so that the term of office of these commissioners will expire at a certain time. That is the object of the amendment.

Mr. SMOOT. I did not catch the meaning of it from the reading.

Mr. VARDAMAN. Let the Secretary state the amendment again, and read it more slowly.

Mr. SMOOT. I did not catch the meaning of it from the reading, and if the Secretary will read it more slowly, then I can follow and see just what changes in the bill are proposed.

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

The SECRETARY. On page 39 it is proposed to strike out lines 5 to 8, inclusive.

Mr. SMOOT. That is, down to the word "election," in line 8, is it not?

The PRESIDING OFFICER. It includes the word "and" in line 8.

Mr. SHAFROTH. The word "and" is also stricken out.

The SECRETARY. On page 39, after line 4, it is proposed to strike out "to be elected by the qualified voters at the first general election to be held under this act and quadrennially thereafter. The terms of said elective commissioners shall commence on the 1st of January following their election, and," and



insert "to be elected by the qualified voters at the first general election to be held under this act, and at each subsequent general election thereafter."

Mr. SMOOT. "And at each subsequent general election thereafter?"

The Secretary read as follows:

And at each subsequent general election thereafter.

Mr. SMOOT. Does that mean quadrennially?

Mr. SHAFROTH. It was intended to have this election in July, which would be shortly after the bill was reported, and then the terms of all officers would expire, I think, in January following the election, in which case it would have been proper to have described it as being quadrennially; but instead of that, it now being nearly the 1st of February and the bill not having yet been passed, the election can not be held until next July, and so it is necessary to make the first terms less than four years. That is the purpose and object of this amendment.

Mr. SMOOT. That is the general election provided for by this amendment?

Mr. SHAFROTH. Yes.

Mr. SMOOT. I will ask the Secretary to state the rest of the amendment.

The Secretary read as follows:

The terms of said elective commissioners elected at the first general election shall commence on the twenty-eighth day following the said general election.

Mr. SMOOT. The twenty-eighth day?

Mr. SHAFROTH. That is, four weeks afterwards.

The Secretary resumed the reading of the amendment, and read as follows:

shall commence on the twenty-eighth day following the said election, and the terms of the said elective commissioners elected at each subsequent general election shall commence on the 2d day of January following their election.

Mr. SHAFROTH. And thereafter there will be a four years' term. The provision is necessary.

Mr. SMOOT. It may be all right, Mr. President, but I can not couple it up with the provision in the bill which it is proposed to strike out.

While I am on my feet I should like to ask the Senator if it would not be a good thing when we conclude to-night to have the bill reprinted with all the amendments which have been adopted, for there are very many of them?

Mr. SHAFROTH. I think it would be; but let us first finish the reading of the bill. It can be done inside of 20 minutes.

Mr. SMOOT. Perhaps so.

Mr. SHAFROTH. I think so.

The PRESIDING OFFICER. Without objection, the amendment offered by the Senator from Colorado is agreed to.

The reading of the bill was resumed, and the Secretary proceeded to read section 39.

Mr. BROUSSARD. Mr. President, I will ask the Senator from Colorado if he will not pass over section 39 at this time, because I have an amendment to that section which I desire to offer.

Mr. SHAFROTH. Very well; that is satisfactory.

Mr. FALL. I should like section 38 also to be passed over.

Mr. SHAFROTH. Very well; that is satisfactory.

The PRESIDING OFFICER. Without objection, sections 38 and 39 will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on the Pacific Islands and Porto Rico was, in section 40, page 41, line 4, after the word "repealed," to insert:

*Provided*, That said head tax shall not apply to residents of Porto Rico coming and going either for business or social purposes.

So as to make the section read:

Sec. 40. That the exemption of aliens arriving in Porto Rico from the payment of the head tax provided by section 1 of the act of Congress of February 20, 1907, is hereby repealed: *Provided*, That said head tax shall not apply to residents of Porto Rico coming and going either for business or social purposes.

The amendment was agreed to.

The next amendment was, on page 41, line 7, to insert as a subhead "Judicial department."

The amendment was agreed to.

The next amendment was, in section 41, page 41, line 16, after the word "Senate," to insert "of the United States," so as to make the section read:

Sec. 41. That the judicial power shall be vested in the courts and tribunals of Porto Rico now established and in operation under and by virtue of existing laws. The jurisdiction of said courts and the form of procedure in them, and the various officers and attachés thereof, shall also continue to be as now provided until otherwise provided by law: *Provided, however*, That the chief justice and associate justices of the supreme court shall be appointed by the President, by and with the advice and consent of the Senate of the United States, and the Legislature of Porto Rico shall have authority, from time to time as

it may see fit, not inconsistent with this act, to organize, modify, or rearrange the courts and their jurisdiction and procedure, except the District Court of the United States for Porto Rico.

The amendment was agreed to.

The next amendment was in section 42, page 42, line 20, after the words "United States," to strike out "*Provided, however*, That no person who declares his intention not to become a citizen of the United States in accordance with the provisions of section 5 of this act may thereafter be naturalized"; on page 43, line 2, after the words "United States," to strike out "not domiciled in Porto Rico"; and in line 4, after the words "value of," to strike out "\$3,000" and insert "\$2,000," so as to read:

Sec. 42. That Porto Rico shall constitute a judicial district to be called "the district of Porto Rico." The President, by and with the advice and consent of the Senate, shall appoint one district judge, who shall serve for a term of four years and until his successor is appointed and qualified and whose salary shall be \$5,000 per annum. There shall be appointed in like manner a district attorney, whose salary shall be \$4,000 per annum, and a marshal for said district, whose salary shall be \$3,500 per annum, each for a term of four years unless sooner removed by the President. The district court for said district shall be called "the District Court of the United States for Porto Rico," and shall have power to appoint all necessary officials and assistants, including the clerk, interpreter, and such commissioners as may be necessary, who shall be entitled to the same fees and have like powers and duties as are exercised and performed by United States commissioners. Such district court shall have jurisdiction of all cases cognizable in the district courts of the United States, and shall proceed in the same manner. In addition said district court shall have jurisdiction for the naturalization of aliens, and for this purpose residence in Porto Rico shall be counted in the same manner as residence elsewhere in the United States. Said district court shall have jurisdiction of all controversies where all of the parties on either side of the controversy are citizens or subjects of a foreign State or States, or citizens of a State, Territory, or District of the United States, wherein the matter in dispute exceeds, exclusive of interest or cost, the sum or value of \$2,000, and of all controversies in which there is a separable controversy involving such jurisdictional amount and in which all of the parties on either side of such separable controversy are citizens or subjects of the character aforesaid.

The amendment was agreed to.

The next amendment was, in section 44, page 45, line 3, after the words "prosecuted to," to insert "the Circuit Court of Appeals for the First Circuit and to," in line 5, after the words "United States," to insert "as now provided by law," and in the same line, after the word "law," to strike out "in any case wherein is involved the validity of any copyright, or in which is drawn in question the validity of a treaty or statute of, or authority exercised under, the United States, or wherein the Constitution of the United States, or a treaty thereof, or an act of Congress is brought in question and the right claimed thereunder is denied, without regard to the sum or value of the matter in dispute, and in all other cases in which the sum or value of the matter in dispute, exclusive of costs, to be ascertained by the oath of either party or of other competent witnesses, exceeds the sum or value of \$5,000. Such writs of error and appeals shall be taken within the same time, in the same manner, and under the same regulations as writs of error and appeals are taken to the Supreme Court of the United States from the district courts," so as to make the section read:

Sec. 44. That writs of error and appeals from the final judgments and decrees of the Supreme Court of Porto Rico may be taken and prosecuted to the Circuit Court of Appeals for the First Circuit and to the Supreme Court of the United States, as now provided by law.

The amendment was agreed to.

The next amendment was, in section 45, page 46, line 5, after the word "selected," to strike out "and" and insert a comma, and in the same line, after the word "drawn," to insert "and subject to exemption," so as to make the section read:

Sec. 45. That the qualifications of jurors as fixed by the local laws of Porto Rico shall not apply to jurors selected to serve in the District Court of the United States for Porto Rico; but the qualifications required of jurors in said court shall be that each shall be of the age of not less than 21 years and not over 65 years, a resident of Porto Rico for not less than one year, and have a sufficient knowledge of the English language to enable him to serve as a juror; they shall also be citizens of the United States. Jurors for the said court shall be selected, drawn, and subject to exemption in accordance with the laws of Congress regulating the same in the United States courts in so far as locally applicable.

The amendment was agreed to.

The next amendment was, in section 46, page 46, line 14, after the words "Porto Rico," to insert:

*Provided*, That \$500 a year from such fees, fines, costs, and forfeitures shall be retained by the clerk and expended for law-library purposes under the direction of the judge.

So as to make the section read:

Sec. 46. That all such fees, fines, costs, and forfeitures as would be deposited to the credit of the United States if collected and paid into a district court of the United States shall become revenues of the United States when collected and paid into the District Court of the United States for Porto Rico: *Provided*, That \$500 a year from such fees, fines, costs, and forfeitures shall be retained by the clerk and expended for law-library purposes under the direction of the judge.

The amendment was agreed to.

The next amendment was, on page 47, line 24, to insert as a subhead, "Miscellaneous provisions."

The amendment was agreed to.



The next amendment was, in section 51, page 48, line 14, after the word "governor," to strike out "\$10,000" and insert "\$8,000," so as to make the section read:

SEC. 51. That, except as in this act otherwise provided, the salaries of all the officials of Porto Rico not appointed by the President, including deputies, assistants, and other help, shall be such and be so paid out of the revenues of Porto Rico as shall from time to time be determined by the Legislature of Porto Rico and approved by the governor; and if the legislature shall fail to make an appropriation for such salaries, the salaries theretofore fixed shall be paid without the necessity of further appropriations therefor. The salaries of all officers and all expenses of the offices of the various officials of Porto Rico appointed as herein provided by the President shall also be paid out of the revenues of Porto Rico on warrant of the auditor, countersigned by the governor. The annual salaries of the following-named officials appointed by the President and so to be paid shall be: The governor, \$8,000, in addition thereto he shall be entitled to the occupancy of the buildings heretofore used by the chief executive of Porto Rico, with the furniture and effects therein, free of rental; heads of executive departments, \$5,000; chief justice of the supreme court, \$6,500; associate justices of the supreme court, \$5,500 each.

Mr. SMOOT. Mr. President, I will ask the Senator why the Governor of Porto Rico should be paid \$1,000 more than the Governor of Hawaii or the Governor of Alaska?

Mr. SHAFROTH. Mr. President, I will say that the organic act made the salary of the governor \$8,000, and it has been \$8,000 ever since. The House put the provision at \$10,000 and the Senate Committee on Pacific Islands and Porto Rico struck out \$10,000 and inserted \$8,000.

Mr. SMOOT. Even if that were the case, we could provide now for the salary that the governors should receive hereafter.

Mr. SHAFROTH. Certainly.

Mr. SMOOT. I will tell the Senator why I asked the question. I know that for the last four years the Governor of the Hawaiian Islands has asked for an increase, and it has been proposed many times that the Governor of Alaska should be paid a greater salary than is paid in Hawaii because of the extremely high cost of living in that country. You not only pay the governor \$8,000 here, but you provide that "in addition thereto he shall be entitled to the occupancy of the buildings heretofore used by the chief executive of Porto Rico, with the furniture and effects therein, free of rental." Now, that is not fair to the Governors of Hawaii and Alaska.

Mr. SHAFROTH. Oh, Mr. President, there is a difference between these possessions. Porto Rico has a population of 1,250,000.

Mr. SMOOT. Yes.

Mr. SHAFROTH. The Hawaiian Islands have a population of only about 250,000.

Mr. SMOOT. Yes.

Mr. SHAFROTH. This palace that is given to the Governor of Porto Rico, it is true, is a large building—I have been in it—but it is necessary for the governor to have a sufficient salary to maintain himself. There are certain expenses there that he has to take care of, and we thought that to leave it just as it has been would be best. So we struck out \$10,000, which the House provided, and inserted \$8,000, the same that he has been getting ever since the islands came into the possession of the United States.

Mr. SMOOT. The Senator knows that the Governor of the Hawaiian Islands perhaps has more entertaining to do than the Governor of Porto Rico has. The Senator has been there, and he knows that the Governor of Hawaii is under the expense of maintaining a home—not only the running expenses of it, but he has to pay the rent of it, unless a particularly dear friend of his may allow him, part of the time, to live in his home, which I know has been the case. This is quite unfair, I think. I do not want to ask for a yea-and-nay vote on this, so I will ask the Senator to let it go over to-night.

Mr. SHAFROTH. Certainly.

Mr. SMOOT. Because I do want a record vote upon this proposition.

Mr. SHAFROTH. Very well.

Mr. SMOOT. While asking that, I want to ask also to have the balance of the paragraph go over, because you provide here that the chief justice of the supreme court shall receive \$6,500, and you also provide that the associate justices of the supreme court shall receive \$5,500 each. Now, the chief justice of the Supreme Court of Hawaii receives \$6,000 and the associate justices of the Supreme Court of Hawaii receive \$5,500, just the same as is provided in this bill for the associate justices of Porto Rico. There is an inconsistency in that, and it ought to be corrected, because the Senator knows that in the very next appropriation bill that will be passed the salaries provided here will not be asked to be reduced, but the salaries that are paid to the chief justices of Hawaii and Alaska will be asked to be increased. So I ask that this may go over.

Mr. SHAFROTH. I join in the request that the whole paragraph may go over.

The PRESIDING OFFICER. Without objection, the section will be passed over. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment was, in section 55, page 50, line 3, after the word "public," to strike out "Provided, That the certificate by such notary shall be accompanied by the certificate of the executive secretary of Porto Rico to the effect that the notary taking such acknowledgment is in fact such notarial officer."

So as to make the section read:

SEC. 55. That deeds and other instruments affecting land situate in the District of Columbia, or any other Territory or possession of the United States, may be acknowledged in Porto Rico before any notary public appointed therein by proper authority, or any officer therein who has ex officio the powers of a notary public.

The amendment was agreed to.

The next amendment was, in section 57, page 51, line 4, after the word "constituted," to insert: "Provided, however, That all appointments made by the governor, by and with the advice and consent of the executive council as thus constituted, in the executive council as authorized by section 13 of this act, or in the office of executive secretary of Porto Rico, shall be regarded as temporary and shall expire not later than 20 days from and after the assembly and organization of the legislature hereinbefore provided, unless said appointments shall be ratified and made permanent by the said Senate of Porto Rico."

So as to make the section read:

SEC. 57. That this act shall take effect upon approval, but until its provisions shall severally become operative, as hereinbefore provided, the corresponding legislative and executive functions of the government in Porto Rico shall continue to be exercised and in full force and operation as now provided by law; and the executive council shall, until the assembly and organization of the Legislature of Porto Rico as herein provided, consist of the attorney general, the treasurer, the commissioner of the interior, the commissioner of education, the commissioner of health, and the commissioner of agriculture and labor, and the five additional members as now provided by law. And any functions assigned to the Senate of Porto Rico by the provisions of this act shall, until this said senate has assembled and organized as herein provided, be exercised by the executive council as thus constituted: *Provided, however, That all appointments made by the governor, by and with the advice and consent of the executive council as thus constituted, in the executive council as authorized by section 13 of this act, or in the office of executive secretary of Porto Rico, shall be regarded as temporary and shall expire not later than 20 days from and after the assembly and organization of the legislature hereinbefore provided, unless said appointments shall be ratified and made permanent by the said Senate of Porto Rico.*

The amendment was agreed to.

The reading of the bill was concluded.

Mr. SMOOT. Mr. President, I now ask that the bill be printed with the amendments that have already been agreed to by the Senate.

Mr. SHAFROTH. I think that will be very confusing. I do not believe we will gain much by it, because so many of the provisions have been passed over.

Mr. SMOOT. A number of amendments have been offered from the floor and agreed to; and I will ask that the amendments that have been agreed to may be printed in small capitals, so as to show the difference between those and the ones that have not been agreed to. Does the Senator think that when we begin to vote upon the bill the Senators who have not been here to-night, not having heard the amendments offered, will know anything about what the bill contains?

Mr. SHAFROTH. Of course, the RECORD will contain it all.

Mr. SMOOT. The Senator knows, however, that Senators do not always have time to read all of the RECORD.

Mr. SHAFROTH. I want to expedite matters in every way I can. If the Senator thinks any additional information would be given by what he proposes, I have no objection.

Mr. SMOOT. I certainly think it would, or else I would not ask it.

Mr. SHAFROTH. Very well. I have no objection to it.

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

Mr. SMOOT. This is what I desire done: In the case of all the amendments that have been offered on the floor of the Senate to-night and agreed to, I should like to have them printed in small capitals, the amendments still pending being printed in italics, and a reprint of the bill as amended. The amendments agreed to can be printed in small capitals, and then they would not interfere with the amendments that are now pending, which will be printed in italics.

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

The order was reduced to writing and agreed to, as follows:

*Ordered*, That H. R. 9533 be printed showing the bill as amended in small capitals and stricken-through type, the amendments pending in italics, and the paragraphs passed over in brackets.



Mr. VARDAMAN. Mr. President, I suggest to the Senator that we meet to-morrow night and finish this bill.

Mr. SMOOT. We can not agree to that to-night, Mr. President. That matter can be taken up to-morrow in the morning hour.

Mr. SHAFROTH. I will state that that is one of the reasons why I did not want a reprint, because I do not believe it can be done to-night.

Mr. SMOOT. Oh, yes. I will assure the Senator that it can be done just the same as the printing of any other matter.

#### WATER-POWER DEVELOPMENT.

Mr. SHAFROTH. I ask that the unfinished business, House bill 408, be laid before the Senate.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes.

Mr. SHAFROTH. I move that the Senate adjourn.

The motion was agreed to; and (at 10 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 31, 1917, at 11 o'clock a. m.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate January 30, 1917.*

##### POSTMASTERS.

##### ALABAMA.

Gordon T. Dannelly, Camden.

##### ARIZONA.

John Evans, Duncan.

##### CALIFORNIA.

Lucius R. Barrow, San Diego.  
William D. Browning, Strathmore.  
William E. Hunt, Kelseyville.  
C. Claire Smale, Raymond.

##### COLORADO.

Laura E. Wible, Deertrail.

##### CONNECTICUT.

William O. Burr, Fairfield.  
John S. Champlin, South Coventry.

##### INDIANA.

George M. Mount, Crothersville.

##### IOWA.

John T. Carey, Denison.  
John P. Fischbach, Granville.  
E. F. Gauss, Shenandoah.  
Frank L. Wacholz, Forest City.

##### MARYLAND.

William W. Hopkins, Bel Air.  
J. Frank Lednum, Preston.  
George E. Peeling, Asbestos.

##### MASSACHUSETTS.

Anna E. C. Barrett, Siasconset.  
Robert H. Lawrence, South Dartmouth.  
Walter B. Loring, Holden.  
Charles F. Skillings, Hathorne.  
Matthew D. E. Tower, Becket.

##### MISSOURI.

Walter E. Duncan, Newburg.  
Oberon C. Meadows, Licking.

##### MONTANA.

Peter Des Rosier, Browning.  
Earl A. Wheeler, Gilman.

##### NEW HAMPSHIRE.

Frank J. Aldrich, Pike.  
Earle A. Brooks, Franconia.

##### NORTH CAROLINA.

Fuller T. Currie, Pinehurst.

##### OHIO.

Mary June Dick, Harrison.  
Samuel Eichenbaum, Corning.

##### TENNESSEE.

K. W. Southern, Harrogate.

## HOUSE OF REPRESENTATIVES.

TUESDAY, January 30, 1917.

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We thank Thee, our Father in Heaven, that though men come and go, Thy Spirit lives on in the heart of each succeeding generation, bringing order out of chaos, harmony out of discord, peace out of war, good out of evil. For faith is stronger than doubt, hope than despair, love than hate. Make us, we pray Thee, tractable to the Spirit, that we may be led into the higher and purer realm of thought and action in the common daily duties of life; which in the last analysis is the test of a well-developed character for which we hope and aspire and pray. Amen.

The Journal of the proceedings of yesterday was read and approved.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed without amendment bill of the following title:

H. R. 20209. An act to amend section 276 of an act entitled "An act to codify, revise, and amend the laws relating to the Judiciary," approved March 3, 1911.

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

S. 7924. An act authorizing the county of Beltrami, Minn., to construct a bridge across the Mississippi River in said county;

S. 6133. An act authorizing the Secretary of War to grant to John D. Sherwood, of Spokane, Wash., the right to overflow certain lands on the Fort George Wright Military Reservation at Spokane, Wash., and to accept the conveyance to the United States of other lands to be designated by the Secretary of War and suitable for a rifle range in exchange for the land so overflowed; and

S. 7910. An act authorizing the city of Bemidji, Minn., to construct a bridge across the Mississippi River at or near that place.

The message also announced that the Vice President had appointed Mr. JONES and Mr. MARTINE of New Jersey members of joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Department of Labor.

#### SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 6133. An act authorizing the Secretary of War to grant to John D. Sherwood, of Spokane, Wash., the right to overflow certain lands on the Fort George Wright Military Reservation at Spokane, Wash., and to accept the conveyance to the United States of other lands to be designated by the Secretary of War and suitable for a rifle range in exchange for the land so overflowed; to the Committee on Military Affairs.

#### REVENUE BILL.

Mr. KITCHIN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 20573) to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes. Pending that motion I would like to see if we can not come to some understanding in respect to general debate upon the bill. If it would be satisfactory to the gentleman from Michigan [Mr. FORDNEY], I suggest that we run along with general debate without fixing any definite time, with the hope that by, say, 2 o'clock to-morrow we can finish the general debate; and if not, we can then let it run along an hour longer, until 3 o'clock.

Mr. FORDNEY. Mr. Speaker, I think we need more time than that for general debate. I suggest that the gentleman let it run along until to-morrow at some late hour—say, 3 or 4 o'clock.

Mr. KITCHIN. That would be satisfactory to me.

Mr. FORDNEY. I have requests for at least six or seven hours upon this side of the House.

Mr. KITCHIN. The bill is a short one—only 12 pages long—and I would like to finish it to-morrow night.