

Also, resolution by the Building Trades' Council of San Francisco, protesting against any attempted amendment of the Chinese exclusion act and immigration laws, by C. A. Tvietmoe, secretary; to the Committee on Immigration and Naturalization.

Also, letter from G. W. Brainard, secretary of Board of Trade of San Francisco, Cal., providing for revision of postal rates; to the Committee on the Post Office and Post Roads.

Also, letter from Dr. P. Nick, Los Angeles, Cal., in re bill providing for revision of our postal rates upon a plan that will increase the revenue of the department; to the Committee on the Post Office and Post Roads.

By Mr. RANDALL: Petition of 500 citizens of Glendale, Cal., for war-time prohibition; to the Committee on the Judiciary.

By Mr. ROGERS: Petition of Routhier Delisle, John A. Osgood, Wilfred P. Caisse, jr., and Nellie S. Houls, protesting against the proposed revenue law in taxing crude drugs, prescriptions, and pharmaceuticals; to the Committee on Ways and Means.

By Mr. SNOOK: Petition of Guardians of Liberty Court, No. 81, of Hicksville, Ohio, favoring national prohibition as a war measure; to the Committee on the Judiciary.

By Mr. YOUNG of North Dakota: Petition of Cass County Press Club, opposing increase in newspaper postage and advertising rates; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Hannaford, N. Dak., indorsing economic conservation of food program advocated by Secretary Houston, approving national prohibition as a war measure, approving stringent laws to protect the morals of soldier boys, and approving Mr. Roosevelt's plan to raise and lead an army contingent to the European battle fields; to the Committee on the Judiciary.

Also, petition of James H. Wiley and 23 other citizens of Steele, N. Dak., favoring a measure providing for the supervision and control by Congress of all food products and to regulate the price thereof during the present war; to the Committee on Agriculture.

By Mr. ZIHLMAN: Petition of Automobile Club of Kent County, Md., giving assurance of their ardent support of such measures as shall be adopted to uphold the honor of this country; to the Committee on Military Affairs.

## SENATE.

THURSDAY, May 17, 1917.

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

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

Almighty God, our lives are in Thy hands. In the order of Divine providence we are being brought out into a conflict in the world which tests the true and the false, the right and the wrong. We come with reverent purpose in heart before Thee asking that we may have the Divine guidance, that this great Nation of ours may stand for nothing that does not have the Divine approval, but that, being led by Thy spirit, we may work out a larger life for the world, and continue as an instrument in God's hands for the proclamation of the highest and the truest ideals for men. Forgive our personal and national sins. Keep our hearts from every evil purpose. Bring us by Thy truth into perfect conformity with Thy law. For Christ's sake. Amen.

Mr. GALLINGER. 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	Johnson, Cal.	Overman	Sterling
Chamberlain	Jones, N. Mex.	Page	Stone
Culberson	Jones, Wash.	Penrose	Sutherland
Curtis	Kellogg	Pittman	Thomas
Fall	Kenyon	Poindexter	Thompson
Fernald	King	Pomerene	Townsend
Fletcher	Kirby	Shafroth	Trammell
France	Knox	Sheppard	Underwood
Frelinghuysen	La Follette	Sherman	Warren
Gallinger	McKellar	Shields	Weeks
Gerry	McLean	Smith, Ariz.	Williams
Gore	Martin	Smith, Md.	Wolcott
Hale	Myers	Smith, Mich.	
Hardwick	New	Smith, S. C.	
James	Norris	Smoot	

Mr. CURTIS. I announce the absence of the junior Senator from Ohio [Mr. HARDING] on account of illness. I will let this announcement stand for the day.

Mr. FRELINGHUYSEN. I desire to announce the unavoidable absence of my colleague [Mr. HUGHES] on account of illness. I will allow this announcement to stand for the day.

Mr. THOMPSON. I wish to announce that the junior Senator from South Dakota [Mr. JOHNSON] is unavoidably absent

and that he has a general pair with the senior Senator from Maine [Mr. FERNALD]. This announcement may stand for the day.

I also wish to announce the unavoidable absence on official business of the junior Senator from Kentucky [Mr. BECKHAM], the senior Senator from California [Mr. PHELAN], and the senior Senator from Louisiana [Mr. RANSELL].

Mr. SUTHERLAND. I desire to announce the absence of my colleague, the senior Senator from West Virginia [Mr. GOFF], on account of illness. I will let this announcement stand for the day.

Mr. KIRBY. I wish to announce that my colleague, the senior Senator from Arkansas [Mr. ROBINSON], is detained on official business.

The VICE PRESIDENT. Fifty-seven Senators have answered to the roll call. There is a quorum present. The Secretary will read the Journal of the proceedings of the preceding legislative day.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Friday, May 11, 1917, when, on request of Mr. JAMES and by unanimous consent, the further reading was dispensed with and the Journal was approved.

### INCREASE OF THE NAVY.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Navy, recommending an increase in the total appropriation under the head of "Aviation" in the Naval Establishment to \$11,325,000, etc. (S. Doc. No. 32), which was referred to the Committee on Naval Affairs and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Navy, calling attention to the absolute necessity for the Navy Department being authorized to commandeer the necessary sea tugs to tow small craft to be used for patrol purposes abroad (S. Doc. No. 31), which, with the accompanying papers, was referred to the Committee on Naval Affairs and ordered to be printed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3545) to authorize the President to increase temporarily the Military Establishment of the United States.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 3330) to temporarily increase the commissioned and warrant and enlisted strength of the Navy and Marine Corps, and for other purposes, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. PADGETT, Mr. TALBOTT, and Mr. BUTLER managers at the conference on the part of the House.

Mr. CHAMBERLAIN. Mr. President, immediately after the morning business I shall ask to have the conference report submitted to the Senate, and I shall ask for its adoption.

### NEWSPAPER REPORTS OF PROCEEDINGS BEHIND CLOSED DOORS.

Mr. THOMAS. Mr. President, the Senate yesterday spent about five hours in secret legislative session ostensibly for the purpose of discussing subjects the open discussion of which might be deleterious to the public interest. The morning Post utilizes three or four columns in giving a substantially accurate account of what occurred and the New York papers are quite as prolific in publishing similar information.

Mr. MYERS. May I ask the Senator a question? The Senator says the Post gave an accurate account of what occurred.

Mr. THOMAS. I said a substantially accurate account.

Mr. MYERS. Is not the Senator disclosing senatorial secrets when he says the report is accurate? Is he not verifying the newspaper report?

Mr. THOMAS. My purpose in rising is simply to refer to the fact that there are no such things as senatorial secrets. I have come to the conclusion that if Senators desire to occupy considerable space in the columns of the press or if it is necessary to give the public general information concerning matters of public concern, the best way to do so is to hold either an executive session or a secret legislative session. The extent to which information is afterwards given to the public is so graphically illustrated by the publication of the proceedings of yesterday that it seems to me the sooner we abandon the farce of secret legislative sessions the better it will be for us and for the whole country.

Mr. HARDWICK. I think at this time when the country is facing a foreign foe there is some necessity for enforcing our

rule. The Senator from North Carolina [Mr. OVERMAN], in charge of the espionage bill which has now gone to conference, I think, can remedy this situation if he will put in that report a provision that any newspapers which violate the confidence of either House of Congress by publishing its proceedings in secret session shall be barred from the mails. I am prepared for one to support such a proposition.

Mr. FALL. I want to object to the statement that there was published this morning an accurate account of what occurred here yesterday. I think if a punishment could be fixed for newspapers that did not publish an accurate account of what occurred here it would be more appropriate.

Mr. THOMAS. I will modify what I said by saying that the accounts were perhaps more accurate than those which are given of the proceedings in open session of the Senate.

Mr. NEW. Mr. President, I rose to make the point that the Senator from New Mexico [Mr. FALL] has just made. I differ with the distinguished Senator from Colorado. All the accounts in the newspapers of this morning, as far as I have seen them, are full of inaccuracies. It is said in those papers that statements were made on this floor in executive session yesterday that were never made at all, at least if they were I did not hear them, and I was here during the whole of the executive session. It is said that the President was criticized in the Senate in a manner that he was not criticized at all. Nothing of the sort said to have been uttered was said by any Senator on the floor.

I think it is unfair to this body that statements of that kind should be disseminated over the country by the newspapers as they were this morning, and I rise to protest against such inaccurate statements being permitted to go unchallenged.

Mr. FLETCHER. Mr. President, whether the accounts are accurate or inaccurate, there is a very extensive publication of them. If the holding of executive sessions produces the inaccurate statements, columns and columns in length, that is all the more reason why, it seems to me, we might just as well abandon them. There is no possible way of correcting the statements that I know of. They have been published and have gone to the world, and it is impossible to get before the public that they were inaccurate or that they were accurate. So the harm is done just as much in one way as the other.

Mr. HARDWICK. Will the Senator yield?

Mr. FLETCHER. Certainly.

Mr. HARDWICK. In these times when we must have secret legislative sessions, does not the Senator think we ought to fix it so that the newspapers can not publish what purport to be the proceedings?

Mr. FLETCHER. I think it would be well to do something of that sort if it can be done; but I do not know that it is practicable to do it. The suggestion of the Senator from Georgia has considerable merit in it, it strikes me, but I do not know that it is feasible to do it at all. I think it is highly important that we should consider some of these matters in secret legislative session, but the way the matter works out we do not accomplish what we intended. How can we compel them?

Mr. HARDWICK. We can do it simply by providing that we will not permit any newspaper to circulate through the mails that publishes what purports to be the proceedings of a session of Congress in either House that are confidential. That is what we ought to do.

Mr. MYERS. May I say a word to the Senator from Georgia? I want to call his attention to the fact that the Senate has just gone on record in favor of the utmost freedom of the press, without any censorship.

Mr. HARDWICK. Ah, but, if the Senator will pardon me, that does not mean that when either House of Congress solemnly determines that in the interest of public safety publication ought not to be made of its proceedings we should allow the newspapers to make such publications.

Mr. MYERS. I think the action of Congress means that a newspaper can publish anything.

Mr. HARDWICK. If we take this other action, they will not be able to publish this sort of thing; and we ought to take it.

Mr. TOWNSEND. Regular order!

The VICE PRESIDENT. Petitions and memorials are in order.

#### PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of sundry citizens of Wabaunsee County, Kans., praying for the enactment of legislation to found the Government on Christianity, which was referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the Memorial Baptist Church, of St. George, S. C., praying for national prohibition as a war measure, which was referred to the Committee on the Judiciary.

He also presented a petition of the Central Council of Irish County Associations of Greater Boston, Mass., praying for the freedom of Ireland, which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Washington (D. C.) Central Labor Union, remonstrating against an increase of postal rates on magazines and newspapers, which was referred to the Committee on Finance.

Mr. ASHURST presented a petition of the faculty of the University of the State of Arizona, praying for a system of heavy-graduated income tax in the raising of revenue to finance the war with Germany, which was referred to the Committee on Finance.

Mr. McLEAN presented memorials of the Old Well Cigar Co., the Graham Earnest Cigar Co., the Ferandex Ernest Co., B. J. Reynolds, John T. Sheehan, and John Oldenschlager, all of Norwalk, in the State of Connecticut, remonstrating against an increase of the tax on tobacco, which were referred to the Committee on Finance.

He also presented a petition of sundry citizens of Greenwich, Conn., praying for the enactment of legislation to provide for the saving of daylight, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the Typographical Union of Meriden, Conn., remonstrating against the proposed tax on newspapers and increased mail rate for second-class matter, which was referred to the Committee on Finance.

Mr. SMITH of Maryland presented a memorial of the Leaf Tobacco Association, of Baltimore, Md., remonstrating against the proposed tax on cigarettes and tobacco, which was referred to the Committee on Finance.

He also presented a memorial of sundry citizens of Baltimore, Md., remonstrating against the proposed increase in postage on newspapers and magazines, which was referred to the Committee on Finance.

Mr. GALLINGER presented petitions of sundry citizens of Chester and of the Methodist Episcopal Church of Franklin, in the State of New Hampshire, and of the Vaughn Class, Calvary Baptist Church, of Washington, D. C., praying for national prohibition during the period of the war, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Suncook, Concord, Franklin, Laconia, and Dorchester, all in the State of New Hampshire, praying for an increase in the tax on incomes, which was referred to the Committee on Finance.

Mr. PHELÁN presented a petition of the Pacific Aero Club, of San Francisco, Cal., praying for the establishment of a bureau of the Government to take charge of aeronautics, which was referred to the Committee on Naval Affairs.

Mr. SMITH of Arizona presented a petition of the Arizona State Council of Defense, calling attention to the serious agricultural labor situation in Arizona, which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of the Trinity Guild, Trinity Parish, of Phoenix, Ariz., and of the Presbytery of the Presbyterian Church of Phoenix, Ariz., praying for national prohibition as a war measure, which were referred to the Committee on the Judiciary.

#### COMMITTEE ON PRIVILEGES AND ELECTIONS.

Mr. THOMPSON. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably without amendment Senate resolution 62, submitted by the senior Senator from Ohio [Mr. POMERENE], and I ask unanimous consent for its immediate consideration.

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

*Resolved*, That the Committee on Privileges and Elections be, and it is hereby, authorized to employ an additional clerk, at the rate of \$100 per month, for a period lasting from May 16, 1917, until the end of the present session of the Sixty-fifth Congress, to be paid out of the miscellaneous items of the contingent fund of the Senate.

#### WABASH RIVER BRIDGE.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 2343) granting consent to Ernest B. Denison, A. J. Barchfield, and Ethan I. Dodds to construct a bridge across the Wabash River within or near the city limits of the city of Vincennes, Ind., and I submit a report (No. 42) thereon. I ask for the immediate consideration of the bill.

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

The bill was reported to the Senate without amendment, ordered to 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. JAMES (for Mr. HUGHES):

A bill (S. 2294) authorizing the appointment of William Henry Armstrong a captain in the Officers' Reserve Corps; to the Committee on Military Affairs.

By Mr. SHEPPARD:

A bill (S. 2295) authorizing the appointment of Jewish chaplains for the Army; to the Committee on Military Affairs.

A bill (S. 2296) admitting civilian employees of the United States Government stricken with tuberculosis to Army and Navy hospitals; to the Committee on Public Health and National Quarantine.

A bill (S. 2297) for the relief of W. M. G. Mackechney; to the Committee on Claims.

A bill (S. 2298) to detach Pecos County, in the State of Texas, from the Del Rio division of the western judicial district of Texas and attach same to the San Angelo division of the northern judicial district of said State; to the Committee on the Judiciary.

By Mr. TOWNSEND:

A bill (S. 2299) for the relief of Harold Holst (with accompanying papers); to the Committee on Naval Affairs.

By Mr. SHAFROTH:

A bill (S. 2300) to provide for the acquisition of a site and the erection thereon of a public building at Lamar, Colo.; to the Committee on Public Buildings and Grounds.

By Mr. STERLING:

A bill (S. 2301) designating certain lands for entry under the provisions of the act entitled "An act to provide for stock-raising homesteads, and for other purposes," approved December 29, 1916, and for other purposes; to the Committee on Public Lands.

By Mr. CALDER:

A bill (S. 2302) to amend section 6 of the act entitled "An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States," approved June 29, 1906; to the Committee on Immigration.

By Mr. KENYON:

A bill (S. 2303) for the relief of John P. Wagner; to the Committee on Military Affairs.

A bill (S. 2304) granting an increase of pension to William W. Daniels (with accompanying papers); and

A bill (S. 2305) granting an increase of pension to Ellen L. Billings (with accompanying papers); to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 2306) granting an increase of pension to William Behre (with accompanying papers); to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 2307) granting an increase of pension to Charles F. Runyan (with accompanying papers); to the Committee on Pensions.

By Mr. STONE:

A bill (S. 2308) to correct the military record of Second Lieut. Van Buren S. Reber (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 2309) for the relief of Seemann & Co.; to the Committee on Finance.

A bill (S. 2310) for the relief of the heirs at law of Jacques Clamorgan; to the Committee on Claims.

A bill (S. 2311) granting an increase of pension to John H. Helser; and

A bill (S. 2312) granting a pension to Samuel T. Holden; to the Committee on Pensions.

By Mr. SMITH of Maryland:

A bill (S. 2313) for the relief of sundry building and loan associations; to the Committee on Claims.

By Mr. CALDER:

A bill (S. 2314) to increase the efficiency of the United States Coast Guard; to the Committee on Naval Affairs.

## THE PRESIDENTIAL TERM.

Mr. GORE. I introduce a joint resolution proposing an amendment to the Constitution of the United States, which I ask to have read and referred to the Committee on the Judiciary.

The joint resolution (S. J. Res. 65) proposing an amendment to the Constitution of the United States providing that no person shall be eligible to be elected President who has served for a longer time than one term as President or Vice President, was read the first time by its title and the second time at length and referred to the Committee on the Judiciary, as follows:

*Resolved, etc.*, That the following be proposed as an amendment to the Constitution of the United States, which, when ratified by the

legislatures of three-fourths of the States, shall be valid as a part of said Constitution, namely:

"No person who has been twice elected, or who has served for a longer time than one term as President, shall be eligible to be elected or to serve as President or Vice President."

## WAR REVENUE.

Mr. JONES of Washington submitted an amendment intended to be proposed by him to the bill (H. R. 4280) to provide revenue to defray the war expenses, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

## ARMY AND NAVY APPROPRIATIONS.

Mr. GORE submitted an amendment intended to be proposed by him to the bill (H. R. 3971) making appropriations to supply urgent deficiencies in appropriations for the Military and Naval Establishments on account of war expenses for the fiscal year ending June 30, 1917, and for other purposes, which was ordered to lie on the table and be printed.

## NATIONAL DEFENSE.

Mr. CALDER submitted an amendment intended to be proposed by him to the bill (S. 1786) to amend certain sections of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, and for other purposes, which was referred to the Committee on Military Affairs and ordered to be printed.

## INCREASE OF MILITARY ESTABLISHMENT—CONFERENCE REPORT.

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

Mr. CHAMBERLAIN. Mr. President, I submit the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3545) to authorize the President to increase temporarily the Military Establishment of the United States, and I ask for its adoption.

The VICE PRESIDENT. Do Senators desire to have the conference report read in full? It has been printed, and is upon the desks of Senators.

Mr. LA FOLLETTE. I ask to have the conference report read, Mr. President.

The VICE PRESIDENT. The Secretary will read the report. The Secretary proceeded to read the conference report, and read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3545) to authorize the President to increase temporarily the Military Establishment of the United States, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That in view of the existing emergency, which demands the raising of troops in addition to those now available, the President be, and he is hereby, authorized—

"First. Immediately to raise, organize, officer, and equip all or such number of increments of the Regular Army provided by the national-defense act approved June 3, 1916, or such parts thereof as he may deem necessary; to raise all organizations of the Regular Army, including those added by such increments, to the maximum enlisted strength authorized by law. Vacancies in the Regular Army created or caused by the addition of increments as herein authorized which can not be filled by promotion may be filled by temporary appointment for the period of the emergency or until replaced by permanent appointments or by provisional appointments made under the provisions of section 23 of the national-defense act, approved June 3, 1916, and hereafter provisional appointments under said section may be terminated whenever it is determined, in the manner prescribed by the President, that the officer has not the suitability and fitness requisite for permanent appointment.

"Second. To draft into the military service of the United States, organize, and officer, in accordance with the provisions of section 111 of said national-defense act, so far as the provisions of said section may be applicable and not inconsistent with the terms of this act, any or all members of the National Guard and of the National Guard Reserves, and said members so drafted into the military service of the United States shall serve therein for the period of the existing emergency unless sooner discharged: *Provided*, That when so drafted the organizations or units of the National Guard shall, so far as practicable, retain the State designations of their respective organizations."

Mr. SMITH of Michigan. Mr. President, I desire to ask the Senator from Oregon to tell us what the National Guard Reserve is. That is a little outside of my line of information. The term is contained in the second paragraph of the conference report which the Secretary has been reading.

Mr. CHAMBERLAIN. There is a provision in the act for organizing recruiting units to fill the depletions that may exist in the organizations which are called into the service. That is the reserve from which we propose to fill the depleted ranks.

Mr. SMITH of Michigan. Then do I understand that there is authority to organize a reserve National Guard in the various States, to be under the jurisdiction of the State authorities until called into active service by the Federal authorities?

Mr. CHAMBERLAIN. Yes, sir.

Mr. SMITH of Michigan. And that under the law as it will stand if the conference report is adopted the National Guard Reserves may be called into the service without any further formality?

Mr. CHAMBERLAIN. Yes. They are a part of the National Guard system.

Mr. SMITH of Michigan. And that they are to be drafted into the military service of the United States, as are members of the National Guard?

Mr. CHAMBERLAIN. Yes.

The Secretary resumed the reading of the conference report, and read as follows:

"Third. To raise by draft as herein provided, organize and equip an additional force of 500,000 enlisted men, or such part or parts thereof as he may at any time deem necessary, and to provide the necessary officers, line and staff, for said force and for organizations of the other forces hereby authorized, or by combining organizations of said other forces, by ordering members of the Officers' Reserve Corps to temporary duty in accordance with the provisions of section 38 of the national-defense act approved June 3, 1916; by appointment from the Regular Army, the Officers' Reserve Corps, from those duly qualified and registered pursuant to section 23 of the act of Congress approved January 21, 1903 (32 Stat. L., 775), from the members of the National Guard drafted into the service of the United States, from those who have been graduated from educational institutions at which military instruction is compulsory, or from those who have had honorable service in the Regular Army, the National Guard, or in the Volunteer forces, or from the country at large; by assigning retired officers of the Regular Army to active duty with such force with their rank on the retired list and the full pay and allowances of their grade; or by the appointment of retired officers and enlisted men, active or retired, of the Regular Army as commissioned officers in such forces: *Provided*, That the organization of said force shall be the same as that of the corresponding organizations of the Regular Army: *Provided further*, That the President is authorized to increase or decrease the number of organizations prescribed for the typical brigades, divisions, or army corps of the Regular Army, and to prescribe such new and different organizations and personnel for army corps, divisions, brigades, regiments, battalions, squadrons, companies, troops, and batteries as the efficiency of the service may require: *Provided further*, That the number of organizations in a regiment shall not be increased nor shall the number of regiments be decreased: *Provided further*, That the President in his discretion may organize, officer, and equip for each Infantry and Cavalry brigade three machine-gun companies, and for each Infantry and Cavalry division four machine-gun companies, all in addition to the machine-gun companies comprised in organizations included in such brigades and divisions: *Provided further*, That the President in his discretion may organize for each division one armored motor car machine-gun company. The machine-gun companies organized under this section shall consist of such commissioned and enlisted personnel and be equipped in such manner as the President may prescribe: *And provided further*, That officers with rank not above that of colonel shall be appointed by the President alone, and officers above that grade by the President by and with the advice and consent of the Senate: *Provided further*, That the President may in his discretion, recommitment in the Coast Guard persons who have heretofore held commissions in the Revenue-Cutter Service or the Coast Guard and have left the service honorably, after ascertaining that they are qualified for service physically, morally, and as to age and military fitness.

"Fourth. The President is further authorized, in his discretion and at such time as he may determine, to raise and begin the training of an additional force of 500,000 men organized,

and equipped, as provided for the force first mentioned in the preceding paragraph of this section.

"Fifth. To raise by draft, organize, equip, and officer, as provided in the third paragraph of this section, in addition to and for each of the above forces, such recruit training units as he may deem necessary for the maintenance of such forces at the maximum strength.

"Sixth. To raise, organize, officer, and maintain during the emergency such number of ammunition batteries and battalions, depot batteries and battalions, and such artillery parks, with such numbers and grades of personnel as he may deem necessary. Such organizations shall be officered in the manner provided in the third paragraph of this section, and enlisted men may be assigned to said organizations from any of the forces herein provided for or raised by selective draft as by this act provided.

"Seventh. The President is further authorized to raise and maintain by voluntary enlistment, to organize, and equip, not to exceed four Infantry divisions, the officers of which shall be selected in the manner provided by paragraph 3 of section 1 of this act: *Provided*, That the organization of said force shall be the same as that of the corresponding organization of the Regular Army: *And provided further*, That there shall be no enlistments in said force of men under 25 years of age at time of enlisting: *And provided further*, That no such volunteer force shall be accepted in any unit smaller than a division.

"SEC. 2. That the enlisted men required to raise and maintain the organizations of the Regular Army and to complete and maintain the organizations embodying the members of the National Guard drafted into the service of the United States, at the maximum legal strength as by this act provided, shall be raised by voluntary enlistment, or if and whenever the President decides that they can not effectually be so raised or maintained, then by selective draft; and all other forces hereby authorized, except as provided in the seventh paragraph of section 1, shall be raised and maintained by selective draft exclusively; but this provision shall not prevent the transfer to any force of training cadres from other forces. Such draft as herein provided shall be based upon liability to military service of all male citizens, or male persons not alien enemies who have declared their intention to become citizens, between the ages of 21 and 30 years, both inclusive, and shall take place and be maintained under such regulations as the President may prescribe not inconsistent with the terms of this act. Quotas for the several States, Territories, and the District of Columbia, or subdivisions thereof, shall be determined in proportion to the population thereof, and credit shall be given to any State, Territory, District, or subdivision thereof, for the number of men who were in the military service of the United States as members of the National Guard on April 1, 1917, or who have since said date entered the military service of the United States from any such State, Territory, District, or subdivision, either as members of the Regular Army or the National Guard. All persons drafted into the service of the United States and all officers accepting commissions in the forces herein provided for shall, from the date of said draft or acceptance, be subject to the laws and regulations governing the Regular Army, except as to promotions, so far as such laws and regulations are applicable to persons whose permanent retention in the military service on the active or retired list is not contemplated by existing law, and those drafted shall be required to serve for the period of the existing emergency unless sooner discharged: *Provided*, That the President is authorized to raise and maintain by voluntary enlistment or draft, as herein provided, special and technical troops as he may deem necessary, and to embody them into organizations and to officer them as provided in the third paragraph of section 1 and section 9 of this act. Organizations of the forces herein provided for, except the Regular Army and the divisions authorized in the seventh paragraph of section 1, shall, as far as the interests of the service permit, be composed of men who come, and of officers who are appointed from, the same State or locality."

Mr. SMITH of Michigan. Mr. President, may I ask the Senator from Oregon another question? On page 4 I notice that there is a provision—

That officers with rank not above that of colonel shall be appointed by the President alone.

I suppose that means without the advice and consent of the Senate. Have we not been in the habit of requiring such appointments to be approved by the Senate?

Mr. CHAMBERLAIN. Does the Senator refer to appointments not above the rank of colonel?

Mr. SMITH of Michigan. Yes.

Mr. CHAMBERLAIN. Yes.

Mr. SMITH of Michigan. They have always been sent to the Senate heretofore. Would not the President have the power to make ad interim appointments if the confirming power were still left in the Senate? I do not understand why the Senate should be eliminated from that part of our constitutional duty.

Mr. KNOX. Mr. President—

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Pennsylvania?

Mr. SMITH of Michigan. Certainly.

Mr. KNOX. I was just about to ask the question that the Senator from Michigan has asked of the Senator from Oregon; but I want to suggest this idea: Is this in accordance with any precedent in time of war? Of course, the Constitution is perfectly clear that the Congress may empower the President alone to appoint inferior officers, and therefore there would be no doubt, in my judgment, as to the constitutionality of this provision; but what I should like to know is what the custom has been in the past as to officers below the rank of colonel?

Mr. CHAMBERLAIN. Let me say to the Senator that I have never had occasion to look into the precedents. This power is only given to the President as to those officers below the rank of colonel, in order to make the Army as effective as possible and to allow changes to be made whenever and as often as they become necessary.

Mr. REED. Mr. President, I can not hear the Senator.

Mr. SMITH of Michigan. It must have been, then, for one of two reasons—either because these places could not otherwise be filled during the vacation of Congress or when the Senate was not in session, or the Executive wants to make these appointments without reference to the power of the Senate to confirm. I had supposed that the ad interim power would give the President all the latitude that was required to make these appointments during vacation.

Mr. REED. Mr. President, there is such a buzzing in the Chamber that I can not quite hear what the Senator is saying, and I have changed my seat three times to try to hear. I wish the Senator would speak so that we can hear him.

Mr. SMITH of Michigan. I do not know that I ought to take the time even to say what I have said, but there is a provision at the bottom of page 4 of the conference report—

That officers with rank not above that of colonel shall be appointed by the President alone.

In other words, without the advice and consent of the Senate. If that is necessary in order to get prompt action, I am not unwilling to trust the Commander in Chief, upon whom this responsibility rests, to take such course as he may deem necessary, but the Senate has hitherto guarded with considerable solicitude its right to pass upon such appointments, and I know of no reason why it should not be done in this instance. If the power to make ad interim appointments during the vacation of the Senate exists as to such appointments, why, there should be no embarrassment about the matter at all.

I do not know that I am sufficiently interested to say anything more about it; but gradually the Senate is, willingly or unwillingly, abdicating its constitutional functions. We are not expected to spend very much time discussing any measure that comes to us from a department, and I do not know but that may be the way to enter upon the task with which we are now confronted; but it has not been the custom, nor has it hitherto been the habit, of the Senate to yield this power, and I know of no reason why we should not pass upon these appointments in the usual and customary way.

Mr. CHAMBERLAIN. Mr. President, I will say to the Senator that I do not know of any reason for it except to avoid the delays incident to having these confirmations made; but there is nothing to prevent the President from making—

Mr. REED. Mr. President, I can not hear the chairman of the committee. I wish he would talk so that we can hear him, and speak a little louder.

Mr. CHAMBERLAIN. The President has power to make ad interim appointments. I think there is no question about that; but this provision is just as it passed the Senate the other day. There has been no change made by either the House or the Senate with respect to that particular provision.

There is one thing I want to say to the Senator while I am on my feet. I was not paying strict attention to the reading of the bill at the time the Senator from Michigan asked me a question awhile ago about the National Guard Reserve. I did not note what particular portion of the bill was being read, and I had in mind the recruiting units, and that was what my answer applied to.

Mr. SMITH of Michigan. That is not what I referred to and what led to this discussion.

Mr. CHAMBERLAIN. Later I realized that I had probably misunderstood the request of the Senator for information. The National Guard Reserve is provided for by the national-defense act of June 3, 1916. Those who have served out a part of their enlistment go into the National Guard Reserve, just as those who are in the enlisted personnel of the Army, after three years of service, go into the reserve. I call the Senator's attention to section 78 of the national-defense act of June 3, 1916.

Mr. SMITH of Michigan. I am very familiar with that act; but the National Guard Reserve that is now being formed in various States is being formed without any reference whatever to age or military experience. It seems to be a place where almost any patriot can enter and become enrolled for State service only; and I do not desire by that statement to seem to criticize it. In fact, I favor it.

Mr. CHAMBERLAIN. That is not the National Guard Reserve. They have home guards, and they have every form of establishment, in the different States; but those are not any part either of the Regular Army Reserve or of the National Guard Reserve.

Mr. SMITH of Michigan. Does the Senator mean that they have an age qualification?

Mr. CHAMBERLAIN. In what?

Mr. SMITH of Michigan. In the National Guard of the States.

Mr. CHAMBERLAIN. Oh yes. The enlistment ages in the National Guard are between 18 and 45.

Mr. SMITH of Michigan. I am thinking of what is known as the State Guard that is being organized in a number of the States under the immediate direction of the governor.

Mr. CHAMBERLAIN. There is no legislation that affects these so-called home guards or State guards, as the case may be. This legislation affects the National Guard, the National Guard Reserve, the Regular Army, and the Regular Army Reserve.

Mr. SMITH of Michigan. Going to the other point which I made, I notice that whenever the Senate passes and sends over to the House of Representatives a bill which provides for the creation of officers and the manner of their appointment, unless the bill is safeguarded with our right to confirm the appointee it is not safeguarded at all. It seems to me that it is a privilege that ought not to be lightly waived. I would not make that observation if it depended upon the Senate being in session in order to make such appointments as are provided for in this bill, but the Senator from Oregon [Mr. CHAMBERLAIN], the chairman of the Committee on Military Affairs, and the Senator from Pennsylvania [Mr. KNOX] both admit that the power of ad interim appointment resides in the executive department for these particular officers, and I think they should be confirmed. I do not think it should be waived. The Committee on Naval Affairs, which recently reported the bill passed yesterday, met the same situation and very promptly remedied it, and provided that the new officers created under the act should be named by the President, by and with the advice and consent of the Senate.

I am no special stickler for form, but we thunder loudly in the index when our prerogatives are seemingly encroached upon, and here is a plain case of avoidance without any necessity at all.

Mr. KNOX. Mr. President, I do not wish anyone to infer from the question I asked that I have any hostility toward this provision in the law. I only wanted to know if it happened to lie in the knowledge of the chairman of the Military Affairs Committee or of anyone else—whether that had been the custom in any previous wars.

I infer, of course, that this is a matter of convenience. I am told that there will be possibly some 30,000 officers below the rank of colonel to be appointed, and appointed almost at once. Of course that would throw on the Senate a burden that it would be almost impossible to bear, and a duty that it could hardly intelligently discharge, with the other duties that are cast upon it.

I am highly in favor of the provision. I think it is a wise provision, for the sake of economy of time and for convenience. My only purpose was to know whether it was buttressed by the precedents of previous wars.

Mr. SMITH of Michigan. Mr. President, will the Senator from Pennsylvania permit me to ask him whether he feels that the President has abundant power to make these appointments ad interim, even with the usual provision?

Mr. KNOX. There is not any doubt whatever about that, Mr. President; but it is equally true that the Constitution provides for just such a situation as the country is confronted with now; that is, while the Constitution vests in the President the power to make appointments which are to be confirmed by the Senate, it distinctly provides that in respect to minor

offices the Congress may delegate that power to the President alone, so that it is not necessary to encumber the Senate with the detail of appointments to the smaller offices.

The Secretary resumed the reading of the report, and read as follows:

"Sec. 3. No bounty shall be paid to induce any person to enlist in the military service of the United States; and no person liable to military service shall hereafter be permitted or allowed to furnish a substitute for such service; nor shall any substitute be received, enlisted, or enrolled in the military service of the United States; and no such person shall be permitted to escape such service or to be discharged therefrom prior to the expiration of his term of service by the payment of money or any other valuable thing whatsoever as consideration for his release from military service or liability thereto.

"Sec. 4. That the Vice President of the United States, the officers, legislative, executive, and judicial, of the United States and of the several States, Territories, and the District of Columbia, regular or duly ordained ministers of religion, students who at the time of the approval of this act are preparing for the ministry in recognized theological or divinity schools, and all persons in the military and naval service of the United States shall be exempt from the selective draft herein prescribed; and nothing in this act contained shall be construed to require or compel any person to serve in any of the forces herein provided for who is found to be a member of any well-recognized religious sect or organization at present organized and existing and whose existing creed or principles forbid its members to participate in war in any form and whose religious convictions are against war or participation therein in accordance with the creed or principles of said religious organizations, but no person so exempted shall be exempted from service in any capacity that the President shall declare to be noncombatant; and the President is hereby authorized to exclude or discharge from said selective draft and from the draft under the second paragraph of section 1 hereof, or to draft for partial military service only from those liable to draft as in this act provided, persons of the following classes: County and municipal officials; customhouse clerks; persons employed by the United States in the transmission of the mails; artificers and workmen employed in the armories, arsenals, and navy yards of the United States, and such other persons employed in the service of the United States as the President may designate; pilots; mariners actually employed in the sea service of any citizen or merchant within the United States; persons engaged in industries, including agriculture, found to be necessary to the maintenance of the Military Establishment or the effective operation of the military forces or the maintenance of national interest during the emergency; those in a status with respect to persons dependent upon them for support which renders their exclusion or discharge advisable; and those found to be physically or morally deficient. No exemption or exclusion shall continue when a cause therefor no longer exists: *Provided*, That notwithstanding the exemptions enumerated herein, each State, Territory, and the District of Columbia shall be required to supply its quota in the proportion that its population bears to the total population of the United States.

"The President is hereby authorized, in his discretion, to create and establish throughout the several States and subdivisions thereof and in the Territories and the District of Columbia local boards, and where, in his discretion, practicable and desirable, there shall be created and established one such local board in each county or similar subdivision in each State, and one for approximately each 30,000 of population in each city of 30,000 population or over, according to the last census taken or estimates furnished by the Bureau of Census of the Department of Commerce. Such boards shall be appointed by the President, and shall consist of three or more members, none of whom shall be connected with the Military Establishment, to be chosen from among the local authorities of such subdivisions or from other citizens residing in the subdivision or area in which the respective boards will have jurisdiction under the rules and regulations prescribed by the President. Such boards shall have power within their respective jurisdictions to hear and determine, subject to review as hereinafter provided, all questions of exemption under this act, and all questions of or claims for including or discharging individuals or classes of individuals from the selective draft, which shall be made under rules and regulations prescribed by the President, except, any and every question or claim for including or excluding or discharging persons or classes of persons from the selective draft under the provisions of this act authorizing the President to exclude or discharge from the selective draft persons engaged in industries, including agriculture, found to be necessary to the maintenance of the Military

Establishment, or the effective operation of the military forces, or the maintenance of national interest during the emergency."

Mr. REED. Mr. President, I desire to ask the chairman of the committee if the part that has just been read is the text of the Senate bill?

Mr. CHAMBERLAIN. The fundamental is the same as the Senate bill, although the phraseology has been somewhat changed.

Mr. REED. Why is it that this bill is not printed so that we can have, either by the type, or parallel columns, or in some other way, the benefit of the comparison?

Mr. CHAMBERLAIN. I do not suppose there has ever been a bill printed as often as this has been. I have brought this bill out of the Senate committee informally a number of times, when it was not due here, in order to have it printed in the RECORD, so that the Senators could see it. It is printed now and before the Senate in advance of the papers coming over from the House. The Senator has a copy of it on his desk now, so that we have certainly done all in our power to bring it to the attention of the Senate.

Mr. REED. Mr. President, I think the Senator must have misapprehended my question. I am not criticizing anybody; but I was asking why this conference report might not have been printed in such form that the Senate text would have appeared in one kind of type and the changes in another kind of type, so that as we study it we could tell what had been done by the conferees without going back to a comparison.

Mr. CHAMBERLAIN. I will say to the Senator that that might have been done, but it was not suggested that it be printed in that form. It could have been done.

Mr. REED. It simply compels everybody to do a great deal of work in the way of comparison. This language seemed to me to be new. My recollection of the bill seemed to lead to the conclusion that there had been a good deal of change.

Mr. CHAMBERLAIN. I will say to the Senator that we had a harder time to agree on that section, I believe, than anything else. It was worked over a number of times by the chairman of the House committee, and, in connection with officers from the Judge Advocate General's Office, we had numerous consultations before we could get it in a shape that all could agree on; but it does change the Senate provision somewhat.

Mr. REED. I suppose there will be nothing for us to do except to take those provisions and compare them ourselves, which will take some time.

Mr. McKELLAR. Mr. President, may I ask the chairman of the committee in reference to section 8a, which provides that the service of all persons selected by draft shall terminate at the end of the war? That provision was agreed to by both Houses, but seems to have been left out of the bill, if I am correct about it.

I am laboring under the same difficulty that the Senator from Missouri [Mr. REED] has just stated, because of the print. It may be in some other part of the bill that I have not examined. Will the Senator kindly state whether or not section 8a is in the present bill as reported out of conference?

Mr. CHAMBERLAIN. It is not. It was inserted in the bill on the floor of the Senate. It was never acted upon by the House at all.

Mr. McKELLAR. I have here before me a bill which passed the House of Representatives—well, I believe that was printed with amendments.

Mr. CHAMBERLAIN. I think the Senator will find that that is a Senate amendment.

Mr. McKELLAR. That may be a Senate amendment. At all events, it is left out of the present bill?

Mr. CHAMBERLAIN. Yes, sir.

Mr. SMITH of Georgia. Mr. President, I was unable to comprehend exactly what the Senator from Oregon said. Does it amount to this, that the provision in the bill that the enlistment in the service terminates with the war has been stricken from this bill?

Mr. McKELLAR. It has been stricken from the bill. I will read the Senator the provision in the bill as it passed the Senate. On page 29 of the original print of the bill as it passed the Senate is the following:

That the service of all persons selected by draft under the provisions of this act shall be for the period of the war unless sooner terminated by discharge or otherwise. Whenever said war shall cease by the conclusion of peace between the United States and its enemies in the present war, the President shall so declare by a public proclamation to that effect, and from and after the date of said proclamation the provisions of this act, in so far as they authorize compulsory service by selective draft or otherwise, shall cease to be in force and effect.

I recall that that was one of the provisions of which I thought very highly in the bill as it passed the Senate, and in looking

over the present conference report that seems not to be in the bill as reported by the conferees.

Mr. SMITH of Georgia. What is the limitation of the service, then, under this draft?

Mr. McKELLAR. It seems to be not limited. It is made a general law. I am not sure what these changes mean.

Mr. SMITH of Georgia. If the Senator is right, I hope we will send this report back, because the bill never could have passed the Senate except with that limitation.

Mr. McKELLAR. I will say to the Senator from Georgia that I feel exactly the same way about it—that the service ought to be limited to the period of the war—and I was very glad indeed that the Senate kept that provision in, or put it in.

Mr. SMITH of Michigan. Mr. President—

Mr. McKELLAR. I yield to the Senator from Michigan.

Mr. SMITH of Michigan. Let me ask the Senator from Tennessee if the provision beginning with line 15, on page 2, and ending on line 20, page 2, has the effect of doing what the Senator has in mind?

Mr. McKELLAR. That applies to the National Guard only, as I recall. I will ask the chairman of the committee if the effect of leaving out subsection (a) of section 8 is not to leave out the provision about the enlistment being for the period of the war?

Mr. CHAMBERLAIN. Absolutely not.

Mr. McKELLAR. I shall be very glad if the Senator will explain that.

Mr. CHAMBERLAIN. This whole bill, Mr. President—

Mr. WADSWORTH. Mr. President—

Mr. FALL. Mr. President, we can not hear what is being said. It is impossible. Some of us are interested in this matter, and it is absolutely impossible, because of audible conversation and noise in the Chamber, to understand a word that is being said.

The VICE PRESIDENT. The Chair quit, several days ago, trying to maintain any order.

Mr. McKELLAR. So that the chairman may understand exactly what my inquiry is—and it is a mere inquiry—I will repeat my question: I see, by referring to the present report, that there is a limitation during the war on the National Guard, and probably on some other troops, but that there seems to be no limitation on those drafted into the service? In other words, so far as those drafted into the service are concerned, their service does not end with the close of the war. That is the way it looks to me. I am just asking the Senator if I am right about that. I will be glad to have him explain it.

Mr. CHAMBERLAIN. The whole bill is framed on the theory that these provisions are only temporary in character, that the whole business ends with this emergency. If the Senator will look at page 7, the last line at the bottom, he will find the question he has raised answered; that "those drafted shall be required to serve for the period of the existing emergency unless sooner discharged." That applies to the whole force. The preceding section mentions the National Guard. So all the forces raised under this act will be discharged at the end of the emergency.

Mr. McKELLAR. I will say to the Senator that seems to cover that proposition. But I should like to ask the Senator why was subsection (a) stricken out? Why not let it be absolutely certain and beyond question of cavil or interpretation that this force is to serve during the war? In other words, why was subsection (a) left out?

Mr. CHAMBERLAIN. The Senator has been in conferences and he knows that sometimes the members can not have their own way. This bill was for weeks discussed in conference, and it was difficult to reach an agreement among the members of the conference. With reference to that particular amendment, I do not believe that the House conferees or the Senate conferees felt that it was necessary, because the bill itself covered it. In terms, in other words, the whole bill read together shows that the troops are to be maintained only during the emergency. Now, if that section is adopted, I will say to the Senator, just the moment the war closes the whole Army would be disbanded, without any time to muster them out and to prepare the records which are necessary for future reference by the War Department. The Senator knows that in the Civil War it took some weeks and months to discharge the troops, and even now we are seeking all the time to amend the records of soldiers. So the section would have the effect of disbanding the Army without any power on the part of the Government to hold it long enough to make the proper records.

Mr. McKELLAR. I think, if the Senator will examine subsection (a), if provided for that very contingency. In other words, it remained with the President to declare by proclamation that the matter was entirely over before there could be a

disbandment of the Army. All I want to say is that I am much interested in having the provision remain, and regret that it was left out, and that the service of this force that is drafted, as well as the National Guard, shall terminate with the end of the war. If it is already provided by the bill, that is entirely satisfactory to me, for that is all I desire in the matter.

Mr. HARDWICK. Mr. President—

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

Mr. HARDWICK. I thought the Senator was through.

Mr. McKELLAR. I yield the floor to the Senator.

The VICE PRESIDENT. The Senator from Georgia.

Mr. HARDWICK. Mr. President, I want to make a statement of this matter. The trouble about this matter is that what the Senator from Oregon claims is accomplished by this provision is not necessarily accomplished by it. In the Senate bill, in a dozen places, where the words "during the existing emergency" occurred the Senate by unanimous consent, with the concurrence of the Senator from Oregon, struck out the word "emergency" and substituted the word "war." In other words, we were drafting troops for this German "war" and not for some vague indefinite thing called an "emergency."

Now, we were willing—at least those who supported the bill were willing—to impose certain burdens upon our people during this war, not during some vague, indefinite, uncertain time called an emergency, which might be a matter of construction, and which is a more or less elastic term. We thought, and the Senator from Oregon agreed with us, that the safest thing to do was to say exactly what everybody contended it meant, which was the German war, not an emergency.

Now, I should like to know why the unanimous enactment of the Senate substituting the word "war" for "emergency" has been rescinded. I can not believe that the House of Representatives would not agree to that if it were urged in conference.

Mr. WARREN. If the Senator will allow me, there was no discussion, as I remember it, over the matter when the word "emergency" was changed to "war."

Mr. HARDWICK. The Senator is mistaken.

Mr. WARREN. I was on the floor and thought I had watched the debate closely.

Mr. HARDWICK. With all deference to the Senator, he is mistaken. I discussed it myself. I brought it up and made substantially the same statement and argument I am making now.

Mr. WARREN. When the Senator says it was determined after discussion, he is mistaken, or I am, because at the time, near the close of the bill, the idea was to let it and sundry other matters go to conference for settlement there if there was any possible question about it.

Mr. HARDWICK. If the Senator will pardon me—

Mr. WARREN. Will the Senator allow me. When we meet the House in conference and the House conferees insist on "emergency" rather than "war," and in our estimation it means one and the same, what are we going to do? Are we going to hold out against the House conferees to the extent of final disagreement?

Mr. HARDWICK. Against the practice mentioned by the Senator from Wyoming I protest here and now.

Mr. FALL. Will the Senator permit an inquiry? I should like to ask members of the conference if that word was not placed in there at the request of the Judge Advocate General?

Mr. WARREN. If the Senator addresses me, I have no remembrance that it was.

Mr. FALL. It is so understood, so that there might be a legal question hereafter as to when the troops should be mustered out.

Mr. HARDWICK. Against the legislative practice referred to by the Senator from Wyoming I want to enter my emphatic protest here and now. The Senator said that the amendment was made by agreement; that the idea was merely to take it to conference. I do not so understand the action of the Senate. I explained to the Senate at the time, and if the Senator from Wyoming was here he heard it, exactly why I urged the change, and the Senator from Oregon agreed that I was right. He agreed that the language should have no other meaning except that, and by unanimous consent the Senate put it in. Then we are informed, "Oh, well, that amounted to nothing; we were merely taking it to conference."

Mr. WARREN. Does the Senator understand that when a bill goes to conference one section or item in disagreement is stronger than the others and that it is not subject to change?

Mr. HARDWICK. The Senator from Georgia understands that when a bill goes to conference the conferees on the part of the Senate are required to enter into a real battle for the Senate provision.

Mr. WARREN. Does the Senator believe that there was no such battle in conference?

Mr. HARDWICK. I doubt it from the Senator's statement, if he wants me to be candid.

Mr. WARREN. Does the Senator mean to say that the conferees on the part of the Senate have been easy and had no battle?

Mr. HARDWICK. Of course, I judged simply by the Senator's remarks. I have no other way of judging.

Mr. WARREN. If the Senator wants to say that the conferees have been easy and had no battle—

Mr. HARDWICK. Does the Senator mean that the Senate conferees made a real fight for this provision?

Mr. WARREN. Certainly, for all the provisions.

Mr. HARDWICK. Did you make a real, obstinate stand for this provision?

Mr. WARREN. The Senator from Georgia may have a different estimation of a battle from what I have. There was no dirk knife or revolver in the business, I will state to the Senator.

Mr. HARDWICK. The Senator from Wyoming lives farther west than I do and may know more about such things than I do, but a real fight is what we had a right to expect from our conferees on this matter.

Mr. CHAMBERLAIN. May I interrupt the Senator for a moment?

Mr. HARDWICK. Let me finish. I protest against adopting amendments which are accepted merely to be carried to conference. The Senate knew what it was doing. The matter was explained to the Senate, and if the Senator from Wyoming was in the Chamber he must have heard the explanation I made on this floor, and almost in this spot, and almost in the words I have made it to-day. If the Senator from Wyoming then opposed it, he kept silent. The Senator from Oregon, the manager of the bill, immediately conceded the point and said the language meant the war, no more than that and no less than that. I then said if that is true, why have any trouble by using a doubtful term? Why not say "war" instead of using a more indefinite term?

Mr. CHAMBERLAIN. May I interrupt the Senator?

Mr. HARDWICK. Certainly.

Mr. CHAMBERLAIN. The Senator is correct about my attitude with reference to this matter when the amendment was suggested by him. I told him I would look it over carefully and indicated the places where the word "emergency" occurred and where the word "war" would be substituted. I took the bill into the committee room and looked it over. I could not do it very well on the floor. I did not see the difference then and I do not see now that there is a difference between the terms, whether we use "emergency" or whether we use "war." I assented readily to the use of the word "war" instead of the word "emergency."

Mr. REED. Mr. President—

Mr. HARDWICK. I yield to the Senator from Missouri.

Mr. REED. Before the chairman of the committee takes his seat, because I want to present the matter to him as well as to the Senator from Georgia, it seems to me as a matter of recollection—and I am speaking purely now as a matter of recollection—that after the bill had been amended by changing the phraseology "present emergency" to "present war," a request was presented by the chairman of the committee to change back to the word "emergency," and the statement was made that the Judge Advocate General had requested that change to be made, and some of us opposed the change back, and the Senate stood by the opposition. I think I am right about that.

Mr. HARDWICK. I think the Senator is right about it. I think the Senator from Oregon will agree to the accuracy of that statement.

Mr. SMITH of Michigan. Mr. President—

Mr. HARDWICK. I yield to the Senator from Michigan.

Mr. SMITH of Michigan. The Navy bill which the Senate passed on the 15th made it very plain that the desire of the Senate was that these enlistments should be for the period of the present war, and in a half dozen amendments the Senate so asserted itself. Of course that bill is in conference, and if it is to come back here under instructions from some bureau officer we may just as well meet it now as meet it then. Some of us believe that the language "the period of the war" has a fixed and definite limitation about it.

Mr. HARDWICK. And is very much stronger than this vague word "emergency."

Mr. SMITH of Michigan. The word "emergency" is elastic and can be extended to a great many situations which are really not contemplated by the bill.

Mr. WARREN. Will the Senator permit me?

Mr. HARDWICK. I yield to the Senator from Wyoming.

Mr. WARREN. Perhaps I spoke loosely when I said matters were allowed to go to conference. The Senator will remember that not only in this bill but in all others over which there is a long struggle when we come near to closing the debate on the bill it is quite a common observation, "Oh, let it go to conference," as the Senator said, "and settle it there." For instance, there was the matter of the increase of pay for enlisted men. The Senator who offered the first amendment when his attention was called to the imperfections of the first proposal, said, "Fix it so that it may go to conference and settle the whole matter there." He was not certain that it was right, let it go, and said we will send it to conference. It went to conference. It has been a matter of considerable struggle; it went back to the House, was from there returned to the Senate, and it was finally settled, and I think very well settled. In the matter of war or emergency it has been my opinion, and it still is, that there is not the broad difference the Senator and others seem to apprehend. When it was on trial here it was not my intention to object to it, but I was willing that it should go either way, as far as that is concerned. That is what I intended to say to the Senator. But the Senator must remember that very many differences existed in this bill, as with many others, and in this case it was more difficult, because the Senate passed one separate bill and the House another, and when we had two separate bills before us we naturally had much to do to reconcile the differences between the two measures.

Mr. HARDWICK. Did the Senator have a real struggle with the House conferees on this matter?

Mr. WARREN. As I said before, the Senator's idea and mine of a struggle may differ.

Mr. HARDWICK. I am inclined to agree with the Senator about that.

Mr. WARREN. We insisted on our amendments.

Mr. HARDWICK. Do you mean that the House conferees absolutely would not agree to this amendment?

Mr. WARREN. When I say the House would not absolutely agree to it I do not know what the House finally would have done.

Mr. HARDWICK. I think I know.

Mr. WARREN. I know the House conferees stood unanimously for it.

Mr. HARDWICK. On the amendment to change the word "emergency" to "war"?

Mr. WARREN. They refused to accept our insistence.

Mr. HARDWICK. Going back for a moment and passing from that subject, I know, of course, that differences come to conference that can not always be easily adjusted in conference; but nothing ought to go to any conference from this body that is not going to be earnestly and genuinely urged by the Senate conferees. The contrary practice is what I refer to and condemn.

Mr. WARREN. I assume the Senator does not mean to impute the idea that the conferees have been recreant to their trust?

Mr. HARDWICK. Oh, the Senator knows I do not believe that.

Mr. WARREN. Let me say that I tried to retain all the terms of the Senate bill, and I protested against changes to the last. That may not be a fight, it may not be a struggle, in the estimation of the Senator, yet I think it was; and if he had been a member of the conference, he would have been perfectly satisfied that the Senate conferees were as true to this one provision as to many others, and as true to the position as he was.

Mr. FALL. Mr. President—

Mr. HARDWICK. I yield to the Senator from New Mexico.

Mr. FALL. I should like to ask the Senator who has just taken his seat if, at the meeting of the conferees, it was not practically agreed that nothing should be considered except practically a recommittal of the bill by the House to the conference on the proposition known as the Roosevelt amendment?

Mr. WARREN. The Senator asks a question of me?

Mr. FALL. Yes, sir. I am sorry I interrupted the Senator.

Mr. WARREN. I was engaged for the moment.

Mr. FALL. I asked if it was not the fact that the conferees agreed, immediately upon meeting after the action of the House and the House recommitted the bill, that they would not consider anything except the Roosevelt amendment?

Mr. WARREN. We did after there had been another meeting, and the question was whether the bill should be reported back in that form.

Mr. FALL. I should like to ask the Senator if the Senate conferees insisted upon the amendment known as the board-of-control amendment?

Mr. WARREN. They did.

Mr. HARDWICK. Mr. President, there are no very wide differences between myself and the Senator from Wyoming on matters of procedure. It is nothing personal; but there are a good many differences of a substantial nature between us with respect to this matter. The Senate did adopt this amendment after a full understanding of its import. The Senate did adopt this amendment after the gentlemen who finally represented us in the conference agreed that it ought to be made. I am merely giving my own judgment, but I am content to submit, from the statement of the Senator from Wyoming, that no real fight has been made for this amendment at all. I think, in view of its importance—its overwhelming importance—if we are to draft our blood and bone and send them to a foreign soil 3,000 miles away from this country, to fight the battles of the Republic, we ought at least not to put that burden upon them except for war, and for this German war at that.

No language that may be construed in the Judge Advocate General's Office, or somewhere else, to mean something different from that ought to mark the limit of their suffering, the limit of their service, or the measure of their obligation. We ought to put it down plainly and specifically, so that he who runs may read.

Mr. SMITH of Michigan. If the Senator will allow me to make a suggestion to him it was an emergency that took our fleet to Vera Cruz—

Mr. HARDWICK. Exactly.

Mr. SMITH of Michigan. Not a declaration of war. It was an emergency that landed our marines in San Domingo and not a declaration of war.

Mr. HARDWICK. Exactly.

Mr. SMITH of Michigan. It is an emergency that has taken our soldiers to the Mexican border, but there has been no declaration of war against Mexico. But it is a declaration of war which is responsible for this service.

Mr. HARDWICK. I thank the Senator from Michigan for his illuminating contribution, and it is illuminating right here. After this German war is over we might get into some row with some republic in Central America, and then the contention might be made that an emergency was still existing. I do not say that it would be so construed. I hope it would not be, but for one I do not want to make it possible for anybody to take our flesh and blood and draft them to involuntary military service of indefinite duration.

Mr. KELLOGG. Mr. President—

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

Mr. KELLOGG. Can this country get into war with any Republic without the consent of Congress?

Mr. HARDWICK. I do not know. I am afraid that it has done so in the past.

Mr. LA FOLLETTE. Yes; the Mexican War was without the consent of Congress.

Mr. KELLOGG. I asked the Senator if Congress has not full power to protect the Army against any such attempted use.

Mr. SMITH of Michigan. But it has not done so.

Mr. HARDWICK. But if it refuses to do so, if it refuses now to declare definitely and precisely exactly what it means, and elects to use words capable of construction that have no definite, precise, and fixed meaning, then I would fear whether it would ever do so or not.

Mr. SMITH of Michigan. If I may again interrupt the Senator, our soldiers were put into actual battle in Nicaragua within the last two years without any authority of this Government or any declaration of war by Congress. This is a dangerous precedent.

Mr. HARDWICK. That was an "emergency" and not a war.

Mr. SMITH of Michigan. And the Battle of Coyotepe, in Nicaragua, is full of interest and challenges our attention; yet it has never received any consideration at the hands of Congress at all, although we lost many marines in that battle. In my opinion, there should be some formality about conduct of this character, which the people intrusted solely to their Representatives in Congress.

Mr. FLETCHER. May I interrupt the Senator from Georgia to make a suggestion?

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Florida?

Mr. HARDWICK. Yes; I yield to the Senator.

Mr. FLETCHER. There is not only the use of the word "emergency," but the further use of the qualifying word "existing"—"existing emergency"; it is for the "existing emergency" that this army is raised.

Mr. HARDWICK. Well, what is the "existing emergency"?

Mr. FLETCHER. It is for the "existing emergency," not for "some emergency" that may arise in the future.

Mr. HARDWICK. What is the "existing emergency," the war with Germany?

Mr. FLETCHER. Certainly.

Mr. SMITH of Michigan. I do not find the words "existing emergency" in section 7 of this proposed act.

Mr. HARDWICK. If you ask the military staff, they might tell you that the words "existing emergency" are necessary, so as to keep this country in a state of constant military preparation.

Mr. FLETCHER. I do not think they would make that contention for a minute. But if there is any doubt about that, I call the attention of the Senator from Georgia to the language at the bottom of page 8, where it reads:

For the period of the existing emergency.

Mr. REED. Mr. President—

Mr. HARDWICK. I yield to the Senator from Missouri.

Mr. REED. If the words "existing emergency" mean the existing war—

Mr. HARDWICK. Why not say so?

Mr. REED. Then why did the Judge Advocate General insist on changing the language in the bill? If you are going to make no change in the meaning of a law, why insist on changing the language of the law as against the expressed will of one branch of Congress?

Mr. HARDWICK. Precisely.

Mr. REED. There is an intention to give this act a different construction under the language "existing emergency" than would be given to it under the language "existing war." There is not any use of anybody trying to hide that fact.

Mr. HARDWICK. Precisely, Mr. President; and coupled with that, we not only find that where the word "war" was adopted by the Senate the conferees came back with the word "emergency," or the words "existing emergency" substituted; and not only that, but we sent to the conference section 8a of this bill, which was read just now by the Senator from Tennessee—

SEC. 8a. That the service of all persons selected by draft under the provisions of this act shall be for the period of the war, unless sooner terminated by discharge or otherwise. Whenever said war shall cease by the conclusion of peace between the United States and its enemies in the present war, the President shall so declare by a public proclamation to that effect, and from and after the date of said proclamation the provisions of this act, in so far as they authorize compulsory service by selective draft or otherwise, shall cease to be in force and effect.

When we remember that we sent that to conference, besides changing the words "existing emergency" wherever they occurred in the bill to "war," and that the conferees not only changed it back from "war" to "existing emergency" but that they struck out section 8a of the bill, I say this matter is of the utmost importance to the Congress and to the country.

Mr. LA FOLLETTE and Mr. FALL addressed the Chair.

Mr. HARDWICK. I yield first to the Senator from Wisconsin, because he first rose.

Mr. LA FOLLETTE. Mr. President, I think it is particularly significant—and I call the attention of the Senator from Georgia to the fact, if it has escaped his attention—that the word "existing," while it appears preceding the word "emergency" in some of these paragraphs, is omitted on page 10, section 4, of the bill which I have in my hand. In the provisions of this bill which relate to draft the word "existing" is, for some strange reason, omitted.

Mr. HARDWICK. Yes, sir; I knew that; but I thank the Senator from Wisconsin for pointing it out.

Mr. LA FOLLETTE. If the Senator will permit me, I will say that we do not get very far fishing in muddy water, but we do not have to search with a microscope to discover the true significance of this change. The military power in this country has been anxious to establish the draft system as a permanent institution.

Mr. HARDWICK. As the permanent policy of this country.

Mr. LA FOLLETTE. Yes; as the permanent policy of the Government.

Mr. HARDWICK. That is what they mean, in my judgment, by this language, and that is why I am objecting to it.

Mr. LA FOLLETTE. That is what the Senator from Georgia is uncovering here.

I beg the Senator's pardon; but, if he will permit me, I desire to say one word more; that is, that it is strikingly significant that both the Senator from Oregon [Mr. CHAMBERLAIN] and the Senator from Wyoming [Mr. WARREN] say now on the floor here that they attach no particular difference to the meaning of the word "emergency" and the word "war." If that be so, that is pretty nearly a confession that they did not make a real fight for it in conference. If they now attach no difference of meaning to the use of those terms as applied here, then they were not in a position to make a real, earnest fight for the amendments adopted by the Senate in the exercise of its de-

liberate judgment and with the real conviction that in adopting those amendments in eight or nine places in the bill it was doing something of importance and of significance.

I thank the Senator from Georgia for yielding to me.

Mr. HARDWICK. Mr. President, on the 28th day of April, when this bill was before the Senate, the Record shows that this occurred:

Mr. HARDWICK. Mr. President—  
The PRESIDING OFFICER. The time of the Senator from Oregon has not expired.

Mr. CHAMBERLAIN. I yield the floor. The Senator from Georgia will call attention to the part of the bill where the word "emergency" occurs, because he has them marked.

Mr. HARDWICK. I have them marked in the bill. There are nine places where the word "emergency" occurs. It is applied to all provisions of the bill—for the men we draft, for the Regular Army, for the militia, and for this extra force. I will submit my proposition, and I think we can secure it by unanimous consent, probably, if the Senator from Oregon agrees. The Senator says that the word "emergency" means war. I hope he is right. There ought not to be room for the slightest doubt or dispute on that question. I therefore ask the Senator to consent to substitute the word "war" for the word "emergency" wherever it occurs in the bill. That should cure the trouble and serve the purpose.

Mr. CHAMBERLAIN. So far as I am concerned, I am willing to consent to it. I talked with the Senator from Georgia about it and expressed a willingness to assent to that change if the Senate was willing to have it made. That is what is intended by the bill, that it should be during the period of the war. I ask that the bill be amended in that respect—

And so on.

Mr. MYERS. Mr. President, may I ask the Senator from Georgia a question?

Mr. HARDWICK. I yield to the Senator.

Mr. MYERS. I have had some experience on conference committees, and I have some feeling in regard thereto. I have been exonerated most fearfully in this Chamber on account of receding as one of the conferees on the part of the Senate from Senate amendments; I have been castigated severely in regard thereto, and have been ordered to go back and stand by Senate amendments. What I wish now to ask is, if the conferees of each branch of Congress merely stand unyieldingly by the precise form of a bill, as it passed in their particular branch, and never give in on anything—never give or take—how could any bill ever be gotten through conference?

Mr. HARDWICK. The Senator is right; but, if the Senator will pardon me, I want to get through. The Senator can discuss the matter in his own time.

Mr. MYERS. I have not finished my question.

Mr. HARDWICK. All right.

Mr. MYERS. If the Senate conferees have gone on and done the best they could—

Mr. HARDWICK. That is not a question; that is a statement.

Mr. MYERS. And the conferees on the part of the other House would not recede, what else could the Senate conferees do?

Mr. HARDWICK. That statement, or the latter part of it, I believe to be an incorrect statement. I do not say that as any sort of reflection, personally or otherwise, on the conferees; but it is perfectly apparent to my mind that if the conferees think that a thing is not worth fighting for they are not apt to make a fight for it, and I do not think they did make such a fight.

Mr. FALL. Mr. President—

Mr. HARDWICK. I yield to the Senator.

Mr. FALL. I want to ask what the Senate conferees took? The Senator from Montana has suggested that conference reports are mutual agreements and that in arriving at them there must be give and take. If the Senator can point to me anything in this bill which the Senate conferees took, except at the command of the House of Representatives, I should like to have it pointed out.

Mr. HARDWICK. Certainly, there must be give and take; but the trouble is that we gave in this case when it was not at all necessary to do so.

Mr. MYERS. The Senator thinks, then, that the Senate conferees did not do their duty and did not make any fight? I ask that simply as a question.

Mr. HARDWICK. The Senator ought not to put any such question as that to a man who has had three days' experience in legislative procedure. I am discussing questions, not men. I do not think this amendment has been fought out as it ought to have been. If the Senator wants me to say that, I will say it; and I will make this further statement, that if this question had been submitted to the House of Representatives at any stage of its proceedings for a vote in that body, whether they would eliminate the word "emergency" and substitute the word "war," and it could not have gotten through the House, then I would say there was some force in the Senator's observa-

tion; but that is not true. We fought the question out in the Senate, but it was not even alluded to in the other House, and no issue was joined there upon it.

Mr. SMITH of Georgia. Mr. President, has the Senator the slightest idea that any 10 leaders in the House could have kept in the words "existing emergency" instead of the words "existing war" if the issue had been made?

Mr. HARDWICK. Not all the leaders in that body combined could have done it, in my judgment. Anyhow, we fought it out here; we thrashed it out here; we discussed it here; we understood it here; and after we got it fixed according to what we thought was right here, to "make assurance double sure," we took section 8a, framed by the Senator from Missouri, and put that in to double rivet it.

Mr. MYERS. The Senator, by intimating that there is no sense in my observation, is putting me in the same class with the Senate conferees. I have the consolation of knowing that I am in very good company, at any rate.

Mr. HARDWICK. Yes; the Senator is in very good company, indeed; but I refer to the Senator's proposition and not to the Senator himself. I, of course, did not mean to be personally disagreeable to the Senator. I merely referred to the proposition and asserted his statement is inapplicable; it does not apply to this case; it does not fit the facts in the case. The House of Representatives did not refuse to yield to us in this matter, and in my judgment it never would have refused to yield to us on it. We have surrendered without a battle; we have struck our flag before a shot was fired; we have surrendered in a matter that I think is of the greatest importance to the country, and as to which there was not the slightest necessity for surrendering.

Mr. STONE. Mr. President, I wish to contribute only a little to this discussion. I am in entire accord with what the Senator from Georgia [Mr. HARDWICK] has stated, but before I occupy the few moments I have in mind to speak I wish to submit a parliamentary inquiry.

We seem now to be debating the clauses of the conference report as they are read. I think the usual and better custom is to complete the reading of the conference report and then take it up for discussion. What I wish to know is, whether, if any particular provision of the conference report is considered now, will that in any wise interfere with the right of a Senator to move an amendment to the provision so considered?

The VICE PRESIDENT. A conference report can not be amended.

Mr. STONE. I may desire to be heard on that question. I am speaking now about the right to move an amendment, or to make any motion, not what the Chair may say about it when it is moved.

The VICE PRESIDENT. The Senator can do anything, so far as that is concerned.

Mr. STONE. The Senator can not do anything. That statement is too broad, with all due respect.

Mr. SMITH of Michigan. Almost anything.

Mr. STONE. But the Senator can attempt to do what he thinks he has a right to do.

The VICE PRESIDENT. That is what the Chair means.

Mr. STONE. Then, I repeat, does the mere debate of a provision in this conference report at this time preclude the right of a Senator later to take up that provision or the whole report for any purpose he wishes?

The VICE PRESIDENT. It does not.

Mr. STONE. That is what I wish to know.

Now, Mr. President, just a word or two by way of supplement to what both the Senator from Georgia [Mr. HARDWICK] and the Senator from Tennessee [Mr. McKELLAR] have said. I am quite familiar with the parliamentary history of this particular matter. There was here in the Senate at the time this bill was under consideration a well-defined difference of opinion among Senators with respect to what is known as the draft system and the volunteer system. There were Senators who opposed any kind of draft system. Other Senators were opposed to the particular form of the draft system as it appeared in the bill. There were others who favored the volunteer system and insisted upon testing out that plan. All these questions were discussed at length at that time. There were well-defined lines of difference. I myself drafted and offered what is known, and what appears in the bill, as section 8a. I offered that to compose the differences at issue. When I submitted that amendment the Senator from Georgia [Mr. HARDWICK] rose and suggested that the matter I sought to reach and the difficulty I sought to cure might be accomplished by striking out the word "emergency" where it appeared in the bill, as it did occur several times, and inserting the word "war." The Senator from Oregon [Mr. CHAMBERLAIN], in charge of the bill, indicated

that he thought there was no difference between the word "emergency" and the word "war," as used or to be used, and when the suggestion of the Senator from Georgia was about to be agreed to as a solution of the issue the Senator from Nebraska [Mr. NORRIS] asked me if that meant that section 8a, which I had offered, would be withdrawn. I said "No"; that I desired to have that amendment voted upon.

The amendment proposed by the Senator from Georgia striking out the word "emergency," wherever it occurred, and inserting the word "war" was accepted by the Senator from Oregon, as I understood it. Then the amendment which I had offered, which is section 8a, came before the Senate, and numerous Senators said that to put the matter beyond all doubt, beyond all question, even after the word "emergency" was eliminated and the word "war" inserted, section 8a should be agreed to, so that there would be no doubt about conscription ending when peace was reached and declared, as provided for by section 8a at the close of the war with Germany. So section 8a was agreed to unanimously in the Senate.

That is a correct parliamentary record of what occurred, and I join with the Senator from Tennessee and the Senator from Georgia in expressing my astonishment that all these amendments were left out by the conference committee. I can not escape the impression, which they have, that there must have been a motive and influence of some kind from somewhere to bring that about. I absolve our conferees of anything to their discredit, but somewhere and somehow some influence must have operated. It has been stated here, and I think truly stated, that the Army people stand for a permanent conscription policy. They wanted what they have got in this conference report; at least I fear so.

Mr. President, I am opposed to a permanent compulsory-service policy. I so stated in the speech I made in support of the conscription plan proposed in the bill reported by the Military Committee. I supported conscription, as I stated, only as a war measure, and also stated that I would not support such a policy in or for a time of peace, and for that reason I wished it to be made clear beyond peradventure that the conscription plan was to terminate at the end of this war, and the Senate agreed to that view by adopting amendments proposed by the Senator from Georgia and the amendment (section 8a) which I proposed. Now, all these amendments, the one I proposed and those the Senator from Georgia proposed, are all cut of this conference bill, and we are left to wander in the realm of conjecture as to where we are and where we get off.

I think it would be wiser to have this bill go back to conference.

Mr. LA FOLLETTE. Mr. President, I direct the attention of the Vice President and Senators to section 5 of the conference report, page 13, line 23, which reads as follows:

Upon conviction in the district court of the United States—

The VICE PRESIDENT. That is not on page 13 in the Chair's print of the bill.

Mr. LA FOLLETTE. I have here a print of the bill as agreed to in conference. That is the way it is entitled.

The VICE PRESIDENT. The Senator should have a copy of the bill as agreed to in the third conference.

Mr. LA FOLLETTE. It will be necessary for me to find the provision, then, if I may be indulged for just a moment. I think no change has been made by the third conference in the provision to which I wish to call the attention of the Vice President and of the Senate; and I am not able just at the moment, to turn to it in the new print which has been handed to me.

The VICE PRESIDENT. Perhaps the chairman of the committee will know, if the Senator will read the clause in the old print.

Mr. OVERMAN. The clerk of the committee can give it to the Senator.

Mr. LA FOLLETTE. Section 5, on page 13 of the print that I have, contains a change made by the conferees, I think in violation of the rules.

As the bill passed the Senate, on page 24, section 4, line 10, it contained this provision:

Be punished by imprisonment for not less than three months nor more than one year.

As the bill passed the House and came to the Senate it contained exactly the same words, as shown on page 10, lines 8 and 9:

Be punished by imprisonment for not less than three months nor more than one year.

As changed by the conferees, the words "less than three months nor" have been dropped out, so that the provision reads:

Shall \* \* \* be punished by imprisonment for not more than one year.

In other words, the conferees, having before them a House provision and a Senate provision with respect to this matter that were identical in terms, have assumed the right to change the legislation with regard to the penalty imposed for non-registering, and to clothe the court with power to impose a different penalty than that which both the House and the Senate have fixed by legislative action. In the third print it is found on page 14, Mr. President. Now, I make the point of order against it.

Mr. SMITH of Georgia. Mr. President, while the conferees may have violated the rule, I should like to ask the Senator if he does not think the change is an improvement?

Mr. LA FOLLETTE. I do not think that makes any difference, Mr. President. I think the danger of permitting conferees to assume the functions of either or both branches of Congress is too grave a danger to be passed over any longer. There are some glaring instances of great wrong having been done as a result of the Senate sanctioning that practice.

Mr. LODGE and Mr. SMITH of Georgia addressed the Chair. The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Massachusetts?

Mr. LA FOLLETTE. I do.

Mr. LODGE. There is a rule in the House which makes new legislation placed in conference reports by conferees out of order. For long years I have wished that we had that rule in the Senate, but I have never found it here and have never been able to get it. It is a wise rule.

Mr. LA FOLLETTE. And yet, Mr. President, I can cite a precedent for the making of a point of order in a case exactly four-square with this, where the Vice President submitted the point of order to the Senate.

Mr. LODGE. I can find a great many where the Senate had deliberately accepted new legislation in conference reports.

Mr. LA FOLLETTE. Mr. President, if it is a good precedent, I think it ought to be followed, rather than the bad precedent cited by the Senator from Massachusetts.

Mr. CHAMBERLAIN. Mr. President—

The VICE PRESIDENT. Shall the Chair rule on the point of order?

Mr. CHAMBERLAIN. I was going to make just one suggestion in reference to that. The bill was amended by the Senate striking out all after the enacting clause of the House bill and substituting a new bill. The House has disagreed to the amendment of the Senate to the House bill, and I think we have a right to consider any change in that amendment and the language of the House bill that we desire to. The Senator from Wisconsin admits that the change is a beneficial one.

Mr. LA FOLLETTE. No; I do not so admit at all. I did not answer that question. I say that the practice is reprehensible, whatever the effect of the change of the language may be.

Mr. CHAMBERLAIN. Possibly that is true in regard to the change of language generally; but I claim that we had an absolute right to do that in this case, because it was simply one amendment.

Mr. LA FOLLETTE. I think that is an added reason why—

Mr. CHAMBERLAIN. As a matter of fact, the members of the conference committee thought that the penalty imposed as the bill passed both bodies was rather severe; and the purpose of it was, really, to modify a punishment which in some cases might be very severe for a given offense.

Mr. WARREN. Mr. President, as to the point of order, that has been ruled on repeatedly. Of course, a motion to send a bill back to conference is in order; but to make a point of order is, under our rules or practices, I think without precedent.

The VICE PRESIDENT. The Chair has a pretty clear recollection of the proceedings of the last four years. The Chair believes—not speaking as to this particular question—that conferees have no authority whatever, where there is no matter in dispute between the House and the Senate, to deliberately legislate upon the question, or to insert new matter in a bill. The precedents of the Senate have been, except in one instance, uniformly to the contrary, it having been the precedent of the Senate that the way to reach those questions was to refuse to agree to the conference report and send the bill back to conference. Upon one occasion the present occupant of the chair, however, felt that the point of order should not be decided by the Chair but should be left to the Senate. It was left to the Senate, and the point of order was sustained by the Senate. Upon another occasion the present occupant of the chair said, when the question arose, that he was going to decide the point of order and reverse the rulings of the Senate. Like everybody else, however, he reserved the right to change his opinion.

This military bill is entirely too important a matter for the Chair to make a test case out of it. The Chair submits this point of order to the Senate for its determination. The question is as to whether the point of order is well taken.

Mr. LA FOLLETTE. On that I ask for the yeas and nays.

Mr. THOMAS. Mr. President—

Mr. McKELLAR. Mr. President, may I ask that the point of order be restated for the information of the Senate?

The VICE PRESIDENT. The point of order is this: In the original bill, as passed by the House, the minimum penalty for failing to register was three months' punishment and the maximum penalty was one year. The Senate amendment also adopted that. When it came into conference the conferees changed it by providing that failure to register should be punished by imprisonment for not more than one year, being a part, however, of an amendment.

Mr. CHAMBERLAIN. Mr. President, it is not a new thing in the Senate to hear the conference committees criticized.

The VICE PRESIDENT. May the Chair make just one further statement before the Senator from Oregon proceeds?

Mr. CHAMBERLAIN. Yes.

The VICE PRESIDENT. The Chair is not speaking as to this particular matter, because the Chair is not advised as to this matter. It was only on general principles that the Chair spoke.

Mr. CHAMBERLAIN. So, I say, I do not mind the criticism of the conference committee, Mr. President; but there has been some suggestion here of improper motives or improper influence in some quarters that induced changes in the bill as it passed the Senate. I do not know whether that is directed toward the committee or toward the War Department. I want to say that, so far as the members of the conference committee are concerned, the suggestion of an improper motive is wholly unjustified; and I want to say in reference to the War Department that in all of the discussions that have taken place between the members of the conference committee and the members of the Military Affairs Committee and officers of the Army and the Secretary of War there has never been a suggestion at any time that this measure was intended other than as a temporary measure.

Now the suggestion is made here by the Senator from Wisconsin [Mr. LA FOLLETTE], I believe, and possibly by the Senator from Missouri [Mr. STONE], that leaving out the word "existing" occasionally where "emergency" is used in the bill shows an intent to fasten a permanent policy of the draft on the country. Mr. President, I believe I have a reasonable amount of intelligence; I do not lay claim to any brilliancy of intellect; but if the War Department had any ulterior purpose to fasten a permanent system on the country they have completely deceived the conferees. There has not been a suggestion at any time that this was intended to establish a permanent system.

Mr. GALLINGER. Mr. President—

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from New Hampshire?

Mr. CHAMBERLAIN. I do.

Mr. GALLINGER. Can the chairman of the committee enlighten me by giving the reason for leaving out the word "existing"? What is the purpose of it?

Mr. CHAMBERLAIN. We had no purpose except to leave the word out where it was unnecessary. The fact is, the question was never raised until right now.

Mr. GALLINGER. But it was in the bill.

Mr. CHAMBERLAIN. It may have been; but there was no purpose in leaving it out, if it has been left out, Mr. President.

I want to say that the conferees of the Senate possibly have not stood for some of these things as long as they ought to have stood for them. I say to the Senate frankly that if this had been any ordinary measure, in any ordinary time, when the House conferees came over here with instructions from the House to put certain things in the bill, I would have remained firm to keep them out. But we are in war. Here we are splitting hairs on propositions in this bill now, with danger at our very doors, and the Senate threatening to send this bill back to conference.

Now, the bill is not perfect. It does not suit me. It does not suit the conferees. But we had a very delicate task to perform. There were members of the conference committee—and I say it with entire respect—who were opposed to the theory of the whole bill. They, as far as they could, were trying to obey the demands of their respective Houses. We tried to do what the Senate wanted. I serve notice on the Senate right now, and I do it coolly and deliberately, that if this bill goes back to conference there will be no military legislation here under 30 or 60 or 90 days.

Mr. STONE. Why?

Mr. CHAMBERLAIN. Why? Because of the differences that exist between the two bodies now, with the House sending the bill back with an immaterial amendment, with a great war threatening the United States, on a question of two or three or four dollars' increase of pay per month for the enlisted man; and, instead of consuming a cherry at one bite, they sent the bill back on two different occasions, and the indications were that it might come back into conference again.

Mr. FALL. Mr. President—

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Oregon yield to the Senator from New Mexico?

Mr. CHAMBERLAIN. Yes.

Mr. FALL. On the first occasion they sent it back with instructions to agree with the Senate, did they not? That was not an attempt to delay things, was it?

Mr. CHAMBERLAIN. No; probably not, Mr. President. Both parties played politics on that, I think. Why, Mr. President, the Members of the House had voted on the so-called Roosevelt proposition once and had turned it down, and they reversed themselves and put it in and instructed their conferees to agree to the Senate amendment.

But, Mr. President, I am just trying to tell in my humble way the difficulties that confronted this committee. If this bill goes back—and it is up to the Senate to say whether it wants to send it back or not—I do not know whether we will be able to agree on any legislation or not.

Mr. HARDWICK. Mr. President, may I ask the Senator a question?

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

Mr. CHAMBERLAIN. Yes, sir.

Mr. HARDWICK. Why is it, Mr. President, that the conferees found it necessary to substitute the word "emergency" instead of "war"?

Mr. CHAMBERLAIN. I have been over that. I am not going to waste any more time talking about that, with all due respect to the Senator. We have been over that.

Mr. HARDWICK. Well, I wanted the information.

Mr. CHAMBERLAIN. I have told the Senator.

Mr. HARDWICK. I did not hear it, then.

Mr. CHAMBERLAIN. I have said before, I said when this bill was in the Senate once before, and I have said to-day, that it does not make any difference, according to my way of thinking, whether the word "war" or "emergency" is used in the bill. I may be dull; but I did not see any difference when we agreed to the amendment in the Senate to substitute "war" for "emergency," the first time, and I do not see any difference in it now; but we did insist on retaining it in conference. We did not make as hard a fight as we would have made for all the Senate amendments if it had been an ordinary bill in ordinary times.

The PRESIDING OFFICER. The Senator from Oregon will 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 (S. 2263) to provide further for the national security and defense, to conserve food, feeds, and fuels, and to prevent monopolies, conspiracies, and other evil practices respecting the same, and for other purposes.

Mr. GORE. I ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. The Senator from Oklahoma asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none. The Senator from Oregon will proceed.

Mr. CHAMBERLAIN. Mr. President, there are some distinguished Senators here who are entirely opposed to the principle involved in this bill—that is, compulsory service. Those gentlemen made a gallant fight against the bill when it was in the Senate and they were defeated on that proposition. Now they ought to be willing to accept that feature of the bill after it carried in both the Senate and House and after the conferees of both bodies have agreed to it. Yet the same gentlemen are now making the most strenuous fight against the bill and are undertaking to have it referred to the conference.

I want the Senate to understand how deeply I feel about it, because I know the difficulty the conferees have had ever since they went into the consideration of the bill. We had a hard time to reach an agreement, and I do hope the Senate will decide against the point of order made by the Senator from Wisconsin, because if that point of order is sustained the whole bill goes back to conference.

Mr. SMITH of Georgia. Mr. President, I sympathize with the desire to move rapidly in all legislation, provided that rapid movement is intelligent and thoughtful. We all realize that a

declaration of war has been made, and we are taking steps to organize an army. We all who know anything about it know that it is absolutely essential that officers be provided to take charge of the troops and that men are now being called into camp, beginning last Monday, to be trained for officers. It will be certainly 90 days before they will be ready to assume responsibility as officers.

The active work we are to do now is to be largely on the other side of the Atlantic with our vessels. We began in 1915 to furnish the Navy Department and the administration all the money they needed to prepare the Navy for the contingency that threatened us, and I trust that branch of our military force is reasonably well prepared for immediate service. I do not sympathize with the desire to hasten an unprepared army across the water.

Now, coming to the immediate question in this bill, I do not understand why anyone wishes to use the term "emergency" instead of "this war." I voted for the draft provision; I was willing to vote for it to prepare at once for the war with Germany; but I am opposed to it for any other purpose that I know. I am utterly opposed to it as a permanent part of our military system.

What do we want the word "emergency" for instead of the words "war with Germany"? I do not exactly know, and I do not like the fact that somebody does want it. I do not think the House prefers the word "emergency." I do not believe if the issue was made in the House of Representatives on the words "war with Germany" and the word "emergency" you could hold the House against voting for the term "the war with Germany." I do not believe 15 per cent of the Members of the House would consent to a permanent draft system or vote for it except in view of the war with Germany, the greatest military power in the world, and in recognition of the fact that being at war with the greatest of all military powers we must be prepared to mobilize all the strength of our Nation, if necessary, to meet the responsibilities of this war. It is the war with Germany that brought the vote for the draft system, and nothing else.

I do not see why the language could not stay in the bill that the Senate inserted. The chairman of the committee tells us, as I understood him, that in rewriting the bill he did not observe until the report reached the Senate that the language had been changed.

Mr. CHAMBERLAIN. No.

Mr. SMITH of Georgia. I understood him to make that statement.

Mr. CHAMBERLAIN. No; I consented to have the word "war" substituted for "emergency" in the Senate.

Mr. SMITH of Georgia. I knew that.

Mr. CHAMBERLAIN. It went into conference, and when reported back the word "emergency" was in it. I knew the word was in it.

Mr. SMITH of Georgia. It was the word "existing" then to which the chairman referred. It was a little difficult to catch what the Senator did say. I misunderstood him. He did not know the word "existing" had been left out.

I do not desire to delay this bill but I do desire very much to have an express declaration that this draft system deals with the war with Germany, and that this draft will not continue for some other emergency after the war with Germany is over. If we could present a special bill and put it through contemporaneously that might accomplish it. Unless something can be done to make that absolutely certain, I do not think we should agree to the conference report.

Mr. WADSWORTH. Will the Senator yield?

Mr. SMITH of Georgia. Yes.

Mr. WADSWORTH. Does the Senator regard it as necessary to put through a bill contemporaneously with this one in order to make that matter clear? Can it not be done at any time in the judgment of Congress?

Mr. SMITH of Georgia. It should be done at once, if that is what we mean. We can put through a bill declaratory of the meaning of this draft system now. If there is any doubt about the willingness of the Senate to pass such a measure and to say it is limited to the war with Germany, I am unalterably opposed to the passage of this bill or agreeing myself to the conference report.

Mr. THOMAS. Does not the Senator know that an attempt to pass an independent bill regarding that subject would lead to debate?

Mr. SMITH of Georgia. I do not think so. I think the Senate is overwhelmingly in favor of limiting the draft system to the war with Germany.

Mr. HARDWICK. If my colleague will yield, the place to do it is here and now, not later.

Mr. LA FOLLETTE. If the Senator will permit me, the Senate did say, in section 8a as it passed the bill in very specific terms, that the service of all persons selected by draft under the provisions of this act shall be for the period of the war, and so forth. But that is dropped out in this conference report.

Mr. SMITH of Georgia. If this bill means anything else we ought not to pass it; we ought to stop it. There is not any excuse for this conference report to go through except upon the theory that the existing emergency limits the legislation to this war, and the insistence with which the word "emergency" is adhered to makes me feel we ought not to adopt it without qualifications, that it is dangerous.

Mr. CHAMBERLAIN. May I suggest to the Senator, the House had this bill under discussion for several days, and nobody made any question about it. They accepted it as being only a temporary measure. That is the understanding of the House conferees; that is the understanding of everybody; that is the assertion of men connected with the War Department. It is only effective during this struggle.

Mr. SMITH of Georgia. Then what would be the objection to using words limiting it to the war with Germany?

Mr. CHAMBERLAIN. I say to the Senator again, so far as I am individually concerned, I do not see any difference. I have not been able to draw a distinction between "during the war" and "emergency."

Let me say to the Senator, if this bill goes back I want the Senator to understand the difficulty we have had, and we are not going to get together again on this bill. We have just exhausted the very last resources we had to get the bill out of conference at all. If it goes back and the bill is opened up, let me say there are 15 or 20 points of serious difference between us, and if it ever gets opened up it will be opened for all time, and we can never agree on it. I want the Senator to know who will be responsible for that.

Mr. SMITH of Georgia. It was in the hope that I might possibly avoid embarrassing the committee and the legislation that I threw out the suggestion of immediate action on a joint resolution declaring that the term "emergency" as used in the bill must be construed to be the war with Germany.

Mr. FRELINGHUYSEN. Mr. President, a parliamentary inquiry. What would be the status of the conference report if the point of order is sustained?

The PRESIDING OFFICER. It will go back to the committee.

Mr. FRELINGHUYSEN. It defeats the report?

The PRESIDING OFFICER. It recommits it.

Mr. STONE. Recommits it to what?

The PRESIDING OFFICER. To the committee of conference.

Mr. STONE. If the Senator from Georgia will allow me, under the precedents, as I understand them, where the House has acted as it has in this instance and its conferees have been discharged, even a motion to recommit is not in order.

Mr. LODGE. If the Senator will allow me, to recommit it is impossible at this stage, because the conferees of the House have acted; their report has been accepted. I took occasion to look up the question of recommitment with some care the other day in view of the action of the House. All the authorities are uniform. It can not be recommitted if either set of conferees are out of office, and their being out of office is determined by the House having acted. The House have acted and their conferees have ceased to exist.

Mr. STONE. That is the only question, whether the mere acceptance of the report by the House operates in itself to discharge the conferees.

Mr. LODGE. That has been held by all Speakers of the House and I think is uncontested.

The PRESIDING OFFICER. The present occupant of the chair had overlooked the fact that the report had been acted on by the other House. In view of that fact, if the point of order prevails or if the conference report is rejected, another conference will become necessary.

Mr. LODGE. I think the Chair will find on examining the precedents the proper and necessary motion is to insist and ask for another conference.

The PRESIDING OFFICER. Undoubtedly that is correct. That motion will be in order.

Mr. LODGE. It simply bars the motion of recommitment, because there is no longer a conference to recommit it to.

Mr. SMITH of Georgia. Undoubtedly, if the House conferees are discharged, the bill can not be sent back to our conferees, but we could adhere to our former action and ask for a further conference.

Mr. LODGE. Certainly.

The PRESIDING OFFICER. In answer to the interrogatory of the Senator from New Jersey [Mr. FRELINGHUYSEN] as to what would be the status of the conference report in case the point of order which was made by the Senator from Wisconsin [Mr. LA FOLLETTE] should prevail, the Chair inadvertently overlooked the fact in making his reply, as already stated, that the conference report had been acted upon by the House of Representatives, and suggested that the report would go back to conference. The Chair should have stated that if the conference report is rejected and a motion for a new conference should prevail, and the House should agree to it, the bill then would go back to conference.

Mr. LODGE. And, of course, if I may be pardoned a word, the motion to concur, if it be agreed to, will end the matter; but if it fails, then a new conference is asked for.

The PRESIDING OFFICER. That is undoubtedly correct.

Mr. SMITH of Georgia. The opportunity of further conference could unquestionably be given. If we could limit our action to that one feature and send it back, we would have a very simple mode of procedure.

Mr. President, I want to say while I am on the floor the practice of one House passing one bill and the other House passing another bill and referring two entirely different bills to conference is fraught with necessary embarrassment. We ought never to do it. The conferees write a new bill, and neither House of Congress really makes the bill.

Mr. WARREN. The Senator will recognize that having passed one bill here and the House having passed another, the only way in conference was for us to do what we did.

Mr. SMITH of Georgia. I am criticizing what the Senate did before we sent it to conference.

Mr. WARREN. The Senator is right, that it causes great embarrassment. The only excuse, if any is necessary as to the present legislation, is that the effort to hasten legislation caused it to be acted upon simultaneously in both Houses.

Mr. SMITH of Georgia. It is a procedure that delays legislation. When the House bill got here, if we had taken it up and considered the House bill paragraph by paragraph and amended it, we would have been very much closer to action which would have been satisfactory to the Senate and House.

Mr. WARREN. Yet the Senator will remember that in the espionage bill it took considerable time for the House bill to pass after it came here.

Mr. SMITH of Georgia. It is still in conference.

Mr. WARREN. We will now come pretty nearly building up a new bill.

Mr. SMITH of Georgia. It is very bad practice; it practically eliminates action by the Senate or the House and confines us largely to the work of the conferees.

Mr. President, I do not wish to embarrass the committee or the new conferees, but I can not see why we can not carry to the House of Representatives a single proposition embodying a declaration in connection with the bill that its life or the provisions for the draft are to end and the provision for this army is to end with the German war.

Mr. WARREN. The Senator will recognize, however, that the pending motion is upon entirely another matter, which does not reflect at all the point the Senator proposes to reach.

Mr. SMITH of Georgia. I understand that. I am anxious to avoid the limitation of our status to the present motion. I think it is probably true that the conferees exceeded their authority in striking out the three months, but if they had not done it we ought to have at once passed a bill striking the three months from it. To have left the provision that any boy who failed to register, any one of the large number of men who fail to comply with the requirements of the bill should upon conviction be confined not less than three months would have been inexcusable.

Mr. WARREN. Will the Senator allow me?

Mr. SMITH of Georgia. Yes.

Mr. WARREN. I agree with the Senator perfectly on that point; but beyond that is the difficulty, if it is carried to a jury, of ever getting a conviction, because even where a party is guilty, or perhaps ought to be found so, when it is considered excessive the Senator knows it is difficult to obtain conviction. I have in mind, for instance, that my first duty when I came to the Senate was imposed upon me by the request of the United States district judge in my district to enact a law which would give five years' imprisonment as a maximum with out a minimum. It covered such cases as where a soldier stole property of the United States. He would steal a pair of mittens or a cap, or something of that kind, and when the case got before the jury they nearly always found him not guilty. I secured legislation on that point, and the act is now on the statute book.

Mr. SMITH of Georgia. The statement of the Senator simply illustrates and emphasizes the impropriety of leaving the legislation where a minimum sentence must be three months. If this stays in the bill because the conferees could not change it, then we ought to pass at once a bill changing the statute and allowing the judge to make a day's sentence, leaving the sentence to the discretion of the judge without limitation.

Mr. REED. Mr. President—

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

Mr. SMITH of Georgia. Yes.

Mr. REED. When this bill was before the committee I called attention to this very clause and asked at the time that the minimum penalty be stricken out, and I could get no support in the committee. Undoubtedly the change in the bill made by the conferees is in the interest of justice both from the standpoint of the enforcement of the law and from the standpoint of humanity, but the matter was considered in the committee because I raised the question in the committee and it was turned down. Of course, the question we are going to vote on here ought not to be on the merits of this particular proposition, but it ought to be on the merits of the legal question, namely, whether the conferees can rewrite a bill.

Mr. SMITH of Georgia. The conferees had to rewrite the bill when two entirely different bills were passed.

Mr. OVERMAN. But not change the substance.

Mr. CHAMBERLAIN. May I ask the Senator a question?

Mr. LODGE. I rose because I thought the Senator had finished.

Mr. SMITH of Georgia. I am about to finish. I was about to finish three or four times when I was asked questions. I yield to the Senator from Oregon.

Mr. CHAMBERLAIN. I call the Senator's attention to the fact that this bill is one amendment. We had to agree upon that one amendment, and it was reported back to the House and it receded from its disagreement. The whole amendment is set out.

Mr. SMITH of Georgia. Mr. President, I can not agree to the view that where one amendment made by the Senate is an entire bill the conferees are free to change provisions the same in the House and Senate bills.

Mr. LA FOLLETTE. Will the Senator yield to me for just a moment?

Mr. SMITH of Georgia. I yield.

Mr. LA FOLLETTE. I will withdraw the point of order that I have made in order that the vote may come upon the proposition of sending the conference report back for further consideration.

I shall take the opportunity, Mr. President, if that same provision appears in the conference report when it comes back again, to make a fight upon it. I withdraw the point of order.

The PRESIDING OFFICER. Is there objection to the withdrawal of the point of order? The Chair hears none. The question is on agreeing to the conference report.

Mr. LODGE. Mr. President, I will not take time to discuss the point of order further than to say that there is no Senate rule upon the subject, and never has been. The Senate has decided the question of new matter in a conference report on its merits and it has decided it in different ways. I may recall one rather important occasion, the famous passport amendment. I say "famous" because it has been referred to here many times. That amendment, which settled the question of the Japanese immigration, was put into a conference report. There was not one word on the subject in the bill. It was put in and agreed to by the Senate as an emergency necessity.

The passage on which this point of order was made is an admitted improvement. I will not vote, for one, to defeat the bill on a technicality; I should not think of doing it; but we have an absolute right here in the Senate to decide on anything of that sort. In the first place, I do not believe it is good; but I do not want to go into that at length. This is the substitution of a complete bill for another. It is a recognized method of legislation. We can no more get rid of it than we can get rid of passing a bill through the regular form. It must be done. It is constantly done. But it presents to the conferees a very difficult situation when they have two complete bills out of which they must bring a third.

I have not the slightest question that it was the intention of the conferees to adhere as closely as possible to the rules of the House in regard to new legislation. This bill passed the House with the strictest kind of a rule, and nobody thought of raising this point.

Now, as to the emergency. I am not a friend of excessive powers and I have no desire to expand these powers unduly or keep them in existence beyond the war, but I can not see, my-

self, why there is any great difference between the words "existing emergency" and the word "war." The only emergency that exists is the war with Germany at this moment. There may be others. We may have war with Austria at any moment and it may be necessary to take steps, but when you say "existing emergency" and found your whole bill on that phrase, what possibility is there of its being carried beyond the existing emergency? The words "existing emergency" occur in the third line of the bill, the defining words, which express the purpose of the bill once and for all. There is no court on earth that would not take the words "existing emergency" in the third line as defining the purpose and the life of the bill.

But, Mr. President, I do not think it is a very important point. We use the word "war" in the naval bill. You can not maintain armies without money; and under the Constitution you can not make an appropriation for the Army that runs over two years. This great appropriation which we are making is only calculated for one year. It is all in our hands so long as we hold the purse strings. I do not think there is any danger in the way so long as we use the words "existing emergency."

Mr. SMITH of Georgia. Let me ask the Senator in this connection what would be the objection in putting a clause into the Army bill, which is here before us, defining and carrying out substantially section 8a, "that the draft system shall be limited to the period of the war"?

Mr. LODGE. If there is a desire to pass a joint resolution of that sort, it can be passed through both Houses in a few moments. I do not think it is in the least necessary to do so; but my objection now to sending this bill back to conference is because I am not willing to delay or endanger the bill.

Mr. SMITH of Georgia. I am trying to avoid delaying it, and yet have the safeguard. I would ask the Senator from Massachusetts whether he does not think we could not get an agreement to add to the military bill, which is before us, a clause that would cover this question, namely, providing that the term "emergency" as used in this bill should be defined as relating to the present war?

Mr. LODGE. We could pass a joint resolution to that effect and send it over to the other House. I have no doubt they would agree to it; but I do not want to have this bill go back to conference.

Mr. SMITH of Georgia. I am not proposing to send the bill back to conference, but, after agreeing to the conference report on this bill, we shall at once have before us the military bill.

Mr. LODGE. Does the Senator mean the appropriation bill?

Mr. SMITH of Georgia. Yes.

Mr. LODGE. Certainly; put it in by all means.

Mr. SMITH of Georgia. That, of course, would be subject to a point of order, but I do not think any Senator would make it.

Mr. LODGE. I do not think it would be subject to a point of order. The Chair ruled yesterday, and ruled correctly, about general legislation on that bill, that the bill, in the first place, is not a regular appropriation bill. It is crammed with general legislation.

Mr. SMITH of Georgia. It is not a general appropriation bill.

Mr. LODGE. No.

Mr. SMITH of Georgia. It is subject to legislative provisions.

Mr. LODGE. It is crammed with legislative provisions now.

Mr. SMITH of Georgia. We could put a clause onto that bill similar to section 8a and save the necessity of sending the pending bill back to conference.

Mr. LODGE. I see no reason why we should not do that. Section 8a is a declaration that this legislation is for the war with Germany, is it not? I do not recall at this moment the terms, but I suppose it relates to limiting the legislation to the war with Germany. Is not that true?

Mr. SMITH of Georgia. It is.

Mr. FALL. Will the Senator from Massachusetts yield to me?

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

Mr. LODGE. Yes.

Mr. FALL. Do I understand the Senator from Massachusetts to say—I know I understood the chairman of the committee to say—that he does not understand the difference between "war" and an "existing emergency"?

Mr. LODGE. Yes; I know they are different words.

Mr. FALL. The use of the word "emergency" in legislation such as this implies preparing for war possibly, if it is a war emergency, or closing up affairs after the war is over. War creates a status, not an emergency, and the emergency is either preparatory to or succeeding the war. That is exactly, in my judgment—I do not want to take the Senator's time—the purpose of this change of words.

Mr. LODGE. There is no emergency now existing or confronting this country to-day except the war with Germany.

Mr. FALL. Well, Mr. President, I must beg to call the Senator's attention to the fact that we have now 40,000 troops on the Mexican border; that members of the National Guard are mustered into the Federal service; and that the Judge Advocate General—

Mr. LODGE. Mr. President—

Mr. FALL. If the Senator will permit me—the Judge Advocate General has declared that there is an emergency, a war existing on the border.

Mr. LODGE. Very well. If there is a war on the Mexican border and an emergency there, that is an argument for using the word "emergency."

Mr. FALL. It would be, of course, for a Senator who favors the draft system, but not for a Senator who does not favor the draft system.

Mr. LODGE. If we need troops in Mexico, we had better use a broad word. My own construction of the language is that it covers the war with Germany. I do not see the slightest danger to be apprehended from using this language. But if anyone is nervous about it, it is perfectly easy to adopt the suggestion of the Senator from Georgia [Mr. SMITH] and put a clause into the pending appropriation bill which will place the matter beyond any doubt.

Mr. STONE. But that will have to go through both Houses.

Mr. LODGE. Well, why not?

Mr. STONE. And would have to go to a conference committee.

Mr. LODGE. Certainly. Mr. President the point with me, and it is a very simple one, is that I want this bill to become law. It has been fully debated; it has been in three conferences. I do not want to delay it; I want it to become law at once, because we are at war. That is just the point where we divide.

Mr. STONE. Mr. President, I understand the Senator from Massachusetts wants this bill to go through and to leave the limitation to be put upon another bill, which must go through the same processes of legislation. We have this limitation on this bill; that is to say, the Senate put it on the bill, but it has been brought back here with the limitation stricken out of the bill. What assurance have we that we can put the limitation on another bill better or any more certainly than we can put it upon this bill?

Mr. LODGE. Well, Mr. President, the point is whether or not the Senate wants to delay this bill. That is the only point.

Mr. STONE. Oh, Mr. President that is all right; everybody wants to pass the bill, and to pass it promptly.

Mr. LODGE. Well, then, let us pass it if everybody wants to pass it.

Mr. STONE. Everybody wants to pass the bill in its main features; but we are coming up here against that question every day. We have got to look a little bit beyond our noses, Mr. President; we have got to see what the effect of legislation is going to be not for this emergency, or for this hour, but for the future as well. Senators come in here—if the Senator from Massachusetts will permit me—

Mr. LODGE. I will yield the floor entirely in a moment, I only want to finish what I was going to say.

Mr. STONE. I am through, except I should like to say this—

Mr. LODGE. Certainly.

Mr. STONE. That Senators come in here and Representatives go into the other House and say "we are at war, and therefore we must not perfect legislation, but we must pass it in any form in which it comes to us." I do not like that.

Mr. LODGE. Mr. President, I spoke yesterday strongly, and as I felt, in favor of the two Houses of Congress taking time to perfect this legislation; but the military bill has been before both Houses for a long time; it has been through three conferences; it has had the fullest and most ample consideration. It is the most essential bill that we have had before us, except the naval bill, which has gone through. It is the most important bill, because you can not fight a war without men; and this is a bill to get the men and to get the Army in order to fight the war. I repeat, it has had full discussion in both Houses, and every day is of importance to have the provisions of the bill carried into effect. My own belief is that if we again send it back to conference it will meet a very long, a very serious, and a very unfortunate delay.

Mr. BECKHAM. Mr. President, what is the status of the point of order made by the Senator from Wisconsin [Mr. LA FOLLETTE]?

The PRESIDING OFFICER. That has been withdrawn, and the question now is on agreeing to the conference report.

Mr. ASHURST obtained the floor.

Mr. STONE. The conference report has not yet been read. All this debate has come up as we have gone along. I asked the Chair some time ago why we did not go on and have the conference report read.

The PRESIDING OFFICER. If the Senator asks that the conference report be read, it will be read.

Mr. STONE. I ask that it be read.

Mr. REED. Mr. President—

Mr. ASHURST. I will yield to any Senator who wishes to interrupt me, but I only desire four or five minutes of time.

Mr. CHAMBERLAIN. I ask the Senator from Arizona if he will not permit the conference report to be read?

Mr. ASHURST. I will.

The PRESIDING OFFICER. The reading of the conference report will be continued.

The Secretary resumed and concluded the reading of the conference report, as follows:

"The President is hereby authorized to establish additional boards, one in each Federal judicial district of the United States, consisting of such number of citizens, not connected with the Military Establishment, as the President may determine, who shall be appointed by the President. The President is hereby authorized, in his discretion, to establish more than one such board in any Federal judicial district of the United States, or to establish one such board having jurisdiction of an area extending into more than one Federal judicial district.

"Such district boards shall review on appeal and affirm, modify, or reverse any decision of any local board having jurisdiction in the area in which any such district board has jurisdiction under the rules and regulations prescribed by the President. Such district boards shall have exclusive original jurisdiction within their respective areas to hear and determine all questions or claims for including or excluding or discharging persons or classes of persons from the selective draft, under the provisions of this act, not included within the original jurisdiction of such local boards.

"The decisions of such district boards shall be final except that, in accordance with such rules and regulations as the President may prescribe, he may affirm, modify, or reverse any such decision.

"Any vacancy in any such local board or district board shall be filled by the President, and any member of any such local board or district board may be removed and another appointed in his place by the President, whenever he considers that the interest of the Nation demands it.

"The President shall make rules and regulations governing the organization and procedure of such local boards and district boards, and providing for and governing appeals from such local boards to such district boards, and reviews of the decisions of any local board by the district board having jurisdiction, and determining and prescribing the several areas in which the respective local boards and district boards shall have jurisdiction, and all other rules and regulations necessary to carry out the terms and provisions of this section, and shall provide for the issuance of certificates of exemption, or partial or limited exemptions, and for a system to exclude and discharge individuals from selective draft.

"SEC. 5. That all male persons between the ages of 21 and 30, both inclusive, shall be subject to registration in accordance with regulations to be prescribed by the President; and upon proclamation by the President or other public notice given by him or by his direction stating the time and place of such registration it shall be the duty of all persons of the designated ages, except officers and enlisted men of the Regular Army, the Navy, and the National Guard and Naval Militia while in the service of the United States, to present themselves for and submit to registration under the provisions of this act; and every such person shall be deemed to have notice of the requirements of this act upon the publication of said proclamation or other notice as aforesaid given by the President or by his direction; and any person who shall willfully fail or refuse to present himself for registration or to submit thereto as herein provided, shall be guilty of a misdemeanor and shall, upon conviction in the district court of the United States having jurisdiction thereof, be punished by imprisonment for not more than one year, and shall thereupon be duly registered: *Provided*, That in the call of the docket precedence shall be given, in courts trying the same, to the trial of criminal proceedings under this act: *Provided further*, That persons shall be subject to registration as herein provided who shall have attained their twenty-first birthday and who shall not have attained their thirty-first birthday on or before the day set for the registration, and all persons so registered shall be and remain subject to draft into the forces hereby authorized, unless exempted or excused therefrom as in this act provided: *Provided*

further, That in the case of temporary absence from actual place of legal residence of any person liable to registration as provided herein such registration may be made by mail under regulations to be prescribed by the President.

"SEC. 6. That the President is hereby authorized to utilize the service of any or all departments and any or all officers or agents of the United States and of the several States, Territories, and the District of Columbia, and subdivisions thereof, in the execution of this act, and all officers and agents of the United States and of the several States, Territories, and subdivisions thereof, and of the District of Columbia, and all persons designated or appointed under regulations prescribed by the President whether such appointments are made by the President himself or by the governor or other officer of any State or Territory to perform any duty in the execution of this act, are hereby required to perform such duty as the President shall order or direct, and all such officers and agents and persons so designated or appointed shall hereby have full authority for all acts done by them in the execution of this act by the direction of the President. Correspondence in the execution of this act may be carried in penalty envelopes bearing the frank of the War Department. Any person charged as herein provided with the duty of carrying into effect any of the provisions of this act or the regulations made or directions given thereunder who shall fail or neglect to perform such duty; and any person charged with such duty or having and exercising any authority under said act, regulations, or directions, who shall knowingly make or be a party to the making of any false or incorrect registration, physical examination, exemption, enlistment, enrollment, or muster; and any person who shall make or be a party to the making of any false statement or certificate as to the fitness or liability of himself or any other person for service under the provisions of this act, or regulations made by the President thereunder, or otherwise evades or aids another to evade the requirements of this act or of said regulations, or who, in any manner, shall fail or neglect fully to perform any duty required of him in the execution of this act, shall, if not subject to military law, be guilty of a misdemeanor, and upon conviction in the district court of the United States having jurisdiction thereof, be punished by imprisonment for not more than one year, or, if subject to military law, shall be tried by court-martial and suffer such punishment as a court-martial may direct.

"SEC. 7. That the qualifications and conditions for voluntary enlistment as herein provided shall be the same as those prescribed by existing law for enlistments in the Regular Army, except that recruits must be between the ages of 18 and 40 years, both inclusive, at the time of their enlistment; and such enlistments shall be for the period of the emergency unless sooner discharged. All enlistments, including those in the Regular Army Reserve, which are in force on the date of the approval of this act and which would terminate during the emergency shall continue in force during the emergency unless sooner discharged; but nothing herein contained shall be construed to shorten the period of any existing enlistment: *Provided*, That all persons enlisted or drafted under any of the provisions of this act shall as far as practicable be grouped into units by States and the political subdivisions of the same: *Provided further*, That all persons who have enlisted since April 1, 1917, either in the Regular Army or in the National Guard, and all persons who have enlisted in the National Guard since June 3, 1916, upon their application, shall be discharged upon the termination of the existing emergency.

"The President may provide for the discharge of any or all enlisted men whose status with respect to dependents renders such discharge advisable; and he may also authorize the employment on any active duty of retired enlisted men of the Regular Army, either with their rank on the retired list or in higher enlisted grades, and such retired enlisted men shall receive the full pay and allowances of the grades in which they are actively employed.

"SEC. 8. That the President, by and with the advice and consent of the Senate, is authorized to appoint for the period of the existing emergency such general officers of appropriate grades as may be necessary for duty with brigades, divisions, and higher units in which the forces provided for herein may be organized by the President, and general officers of appropriate grade for the several Coast Artillery districts. In so far as such appointments may be made from any of the forces herein provided for, the appointees may be selected irrespective of the grades held by them in such forces. Vacancies in all grades in the Regular Army resulting from the appointment of officers thereof to higher grades in the forces other than the Regular Army herein provided for shall be filled by temporary promotions and appointments in the manner prescribed for filling temporary vacancies by section 114 of the national defense act

approved June 3, 1916; and officers appointed under the provisions of this act to higher grades in the forces other than the Regular Army herein provided for shall not vacate their permanent commissions nor be prejudiced in their relative or lineal standing in the Regular Army.

"Sec. 9. That the appointments authorized and made as provided by the second, third, fourth, fifth, sixth, and seventh paragraphs of section 1 and by section 8 of this act, and the temporary appointments in the Regular Army authorized by the first paragraph of section 1 of this act, shall be for the period of the emergency, unless sooner terminated by discharge or otherwise. The President is hereby authorized to discharge any officer from the office held by him under such appointment for any cause which, in the judgment of the President, would promote the public service; and the general commanding any division and higher tactical organization or territorial department is authorized to appoint from time to time military boards of not less than three nor more than five officers of the forces herein provided for to examine into and report upon the capacity, qualification, conduct, and efficiency of any commissioned officer within his command other than officers of the Regular Army holding permanent or provisional commissions therein. Each member of such board shall be superior in rank to the officer whose qualifications are to be inquired into, and if the report of such board be adverse to the continuance of any such officer and be approved by the President, such officer shall be discharged from the service at the discretion of the President with one month's pay and allowances.

"Sec. 10. That all officers and enlisted men of the forces herein provided for other than the Regular Army shall be in all respects on the same footing as to pay, allowances, and pensions as officers and enlisted men of corresponding grades and length of service in the Regular Army; and commencing June 1, 1917, and continuing until the termination of the emergency, all enlisted men of the Army of the United States in active service whose base pay does not exceed \$21 per month shall receive an increase of \$15 per month; those whose base pay is \$24, an increase of \$12 per month; those whose base pay is \$30, \$36, or \$40, an increase of \$8 per month; and those whose base pay is \$45 or more, an increase of \$6 per month: *Provided*, That the increases of pay herein authorized shall not enter into the computation of continuous-service pay.

"Sec. 11. That all existing restrictions upon the detail, detachment, and employment of officers and enlisted men of the Regular Army are hereby suspended for the period of the present emergency.

"Sec. 12. That the President of the United States, as Commander in Chief of the Army, is authorized to make such regulations governing the prohibition of alcoholic liquors in or near military camps and to the officers and enlisted men of the Army as he may from time to time deem necessary or advisable: *Provided*, That no person, corporation, partnership, or association shall sell, supply, or have in his or its possession any intoxicating or spirituous liquors at any military station, cantonment, camp, fort, post, officers' or enlisted men's club, which is being used at the time for military purposes under this act, but the Secretary of War may make regulations permitting the sale and use of intoxicating liquors for medicinal purposes. It shall be unlawful to sell any intoxicating liquor, including beer, ale, or wine, to any officer or member of the military forces while in uniform, except as herein provided. Any person, corporation, partnership, or association violating the provisions of this section or the regulations made thereunder shall, unless otherwise punishable under the Articles of War, be deemed guilty of a misdemeanor and be punished by a fine of not more than \$1,000 or imprisonment for not more than 12 months, or both.

"Sec. 13. That the Secretary of War is hereby authorized, empowered, and directed during the present war to do everything by him deemed necessary to suppress and prevent the keeping or setting up of houses of ill fame, brothels, or bawdy houses within such distance as he may deem needful of any military camp, station, fort, post, cantonment, training, or mobilization place, and any person, corporation, partnership, or association receiving or permitting to be received for immoral purposes any person into any place, structure, or building used for the purpose of lewdness, assignation, or prostitution within such distance of said places as may be designated, or shall permit any such person to remain for immoral purposes in any such place, structure, or building as aforesaid, or who shall violate any order, rule, or regulation issued to carry out the object and purpose of this section, shall, unless otherwise punishable under the Articles of War, be deemed guilty of a misdemeanor and be punished by a fine of not more than \$1,000, or imprisonment for not more than 12 months, or both.

"Sec. 14. That all laws and parts of laws in conflict with the provisions of this act are hereby suspended during the period of this emergency."

GEORGE E. CHAMBERLAIN,  
G. M. HITCHCOCK,  
F. E. WARREN,

*Managers on the part of the Senate.*

S. H. DENT, jr.,  
W. J. FIELDS,  
PERCY E. QUIN,

*Managers on the part of the House.*

Mr. GRONNA. Mr. President, there are only a few Senators present—

The PRESIDING OFFICER. The Senator from Arizona [Mr. ASHURST] has been recognized.

Mr. GRONNA. I simply rise to suggest that we ought to have a quorum here. This is a very important bill.

The PRESIDING OFFICER. The roll will be called.

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

Ashurst	Gallinger	New	Smith, Md.
Bankhead	Gerry	Norris	Smoot
Beckham	Gronna	Owen	Sterling
Brandegee	Hale	Page	Stone
Calder	Husting	Penrose	Sutherland
Chamberlain	Johnson, Cal.	Pittman	Thompson
Culberson	Jones, N. Mex.	Poinsett	Trammell
Cummins	Jones, Wash.	Ransdell	Treadwell
Curtis	Kellogg	Robinson	Wadsworth
Dillingham	Kendrick	Shafroth	Warren
Fall	King	Sheppard	Williams
Fernald	Lewis	Sherman	Wolcott
Fletcher	McKellar	Shields	
France	McLean	Simmons	
Frelinghuysen	Nelson	Smith, Ariz.	

Mr. KING. I desire to announce that the junior Senator from Mississippi [Mr. VARDAMAN] is detained from the Chamber on official business.

The PRESIDING OFFICER. Fifty-seven Senators have answered to their names. A quorum is present. The question is on agreeing to the conference report.

Mr. STONE. Mr. President—

The PRESIDING OFFICER. The Senator from Arizona [Mr. ASHURST] is entitled to the floor.

Mr. ASHURST. Mr. President, I wish to premise what I have to say by stating that I shall vote for the adoption of the conference report. Nevertheless I am grievously disappointed that the conferees have left out of the bill an amendment adopted by the Senate, which I shall denominate the Fall amendment, and which I ask the Secretary to read.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

SEC. 9. The President is hereby authorized, and the Secretary of War directed, to call into the service of the United States, by enlistment for the term of the present war, three or more regiments of mounted volunteers, in addition to any other forces herein or otherwise provided, such mounted volunteers to be selected from men between the ages of 18 and 45 years, and under the provisions of section 3 hereof, and to be used in protecting property and citizens along the southern border of the United States, and also to be used in any foreign country, as the President may direct.

SEC. 10. The President is hereby authorized to appoint officers for such volunteer force, making appointment from the members of such volunteers as shall have heretofore served in the Ranger or police forces of the southern border States or as peace officers of the counties or municipalities thereof.

Mr. ASHURST. Mr. President, it will be observed from the reading of the amendment which the Senate adopted when the bill was under consideration that it proposed that certain mounted troops should be enlisted. The purpose of the amendment was that these mounted volunteers should guard the southwest border of this Republic. I do not wish to make any invidious distinction, but I think the American people would feel perfectly secure with respect to the southwest border if the States of Arizona, California, Texas, and New Mexico were to organize three or more regiments of mounted volunteers.

Mr. STONE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Missouri?

Mr. ASHURST. Certainly. I am going to be very brief, but I yield to the Senator.

Mr. STONE. Just a question: Does the Senator consider the situation to which he refers as a present emergency?

Mr. ASHURST. Well, Mr. President, those of us who live on the southwestern border generally consider that a certain domain south of us is always an emergency. I am not going to discuss the Mexican question, because we all have our ideas and all have our views, and they have been expressed here at some length, except to say that I think the Senate conferees

were most unfortunate in that they were unable to hold for us this amendment. I am not, however, going to join in any clamor against the conferees. They have taken a piece of legislation which was new and which covered a heretofore untraveled field and they have brought back a very substantial report, and the wonder is that they have agreed as quickly as they have, in view of the enormous difficulties confronting them. But I could not be silent upon this occasion and fail to express the extreme disappointment that must come and does come to all of the people who live on the southwestern border, and who know the parlous and, I might say, the dangerous position in which we are always placed there with respect to Mexico.

Adverting to the atlas, which I have in front of me, it will be observed that from Brownsville, Tex., following the Rio Grande up to where the New Mexico line intersects it, and then following westward and northwestward at times to the Pacific Ocean, we have 1,400 miles—I am not attempting to be accurate, but in round numbers 1,400 miles—of international line, and almost every mile of it may at times be regarded as hostile territory. It is over three times longer than the French lines where the entente and Teutonic allies are fighting now.

Mr. President, assume, for instance—I will begin on the California side—the situation with respect to the boundary line between California and Lower California. A great reclamation project is there, the wonderful and productive Imperial Valley, where a hostile force of only a few men, with a few pounds of powder, could within an hour do damage to the people and to our Government of not less than \$100,000,000 in amount. This amendment provides, among other things, that these troopers shall guard the border.

Passing eastward, we come to the town of Yuma, in Arizona, just north of where the Colorado River flows into the Gulf of California. Passing farther eastward, we reach the town of Nogales, in Arizona, where the international line passes through the town. Passing on still farther eastward, we have the very prosperous town of Douglas, with millions of dollars' worth of property within a few rods—not miles, but within a few rods—of the boundary line. The same situation is true right on down to Brownsville. So I must express the extreme disappointment I feel over the fact that this amendment has not been adopted.

I feel, however, that I ought to vote for the conference report, because I do not believe that I should be a party to withholding further from the United States this great piece of legislation simply because one amendment which was most salutary and most necessary has been omitted. I am going to indulge the hope and I am going to believe and I certainly am going to join with others in an effort to see that this legislation is incorporated in some other bill that may pass this Congress.

If this were the only opportunity I could have of securing the adoption and the enactment into law of the Fall amendment, I should feel compelled to vote against the conference report; but after carefully considering the situation, believing that we still have ample and abundant opportunity to have that legislation or some similar legislation enacted, I shall content myself with these remarks and vote for the adoption of the report.

Mr. THOMAS. Mr. President, I opposed the bill to the best of my ability when it was before the Senate. My convictions regarding it have not changed a particle. If it were before the Senate now as then, I should antagonize it now as I did then. But it has reached its final stage, in the shape of a conference report, and is thus presented for our ultimate consideration.

I deem it my duty to submit to the will of the majority, as expressed here, when the final vote was taken upon the bill. The vote was overwhelming in its favor, and substantially as it has been reported back from the conference committee. My opposition to it ended when that vote was taken, and I became one of its supporters, because the majority of my associates had so declared. Majorities govern here, and when officially announced they bind us all.

I am not surprised that some who advocated the bill when before the Senate now discover that the draft may become a permanent feature of our military policy through its final enactment. I never doubted but that would be the result, once it became ingrafted even for a temporary exigency upon our statute books. The fight for compulsory military service, Mr. President, began long ago. It is much older than this bill. Its advocates have successfully taken advantage of the present crisis to secure a majority for it in both Houses, a vote but for which crisis never could have been secured. I do not know of a league or an association in this country, by whatever title it may be known, whether it be an army and navy league, a national-security league, a national-defense league, or any other of the many high-sounding voluntary militant organizations which is not and which has not been devoted—I have no doubt sincerely

and earnestly—to the final elimination of the volunteer system and to the permanent substitution for it of a conscriptive system. So I am not surprised that it now appears that the bill as reported from the conference committee should be changed if we would prevent that consequence. But the change, Mr. President, will not prevent it. The same influences—and I am not criticizing them—which place this bill upon the statute books will see that it becomes a permanent feature of our Military Establishment. But I do not complain, for such was the warning I tried to give when, if heeded, we might have prevented the change.

I shall not delay the consideration of this bill a moment. I think, from what I have heard here, that the committee of conference have, in some features of their report, exceeded their powers—not designedly, not willfully, but evidently because it seemed essential to bring the conference to a close and obtain final action upon the bill without further delay. I shall, therefore, notwithstanding this fact, which would prompt me to oppose the conference report under other conditions, vote favorably on the report when the debate closes and a vote is taken.

Mr. FALL. Mr. President, I made some remarks upon this bill when it passed this body originally, or at least when the Senate prepared a bill and sent it to the House. Something has been said again to-day that was urged at that time about the great emergency which exists, and the Senator from Massachusetts [Mr. LODGE], for whom we all have both admiration and great respect, announced to some of those who were not advocating this conference report that there is where they divided from him; that he was in favor of immediate action, and they apparently were not. I announced at the time the bill was presented to the Senate that there was nothing of an emergency nature about it except in the first two or three lines, where the word "emergency" was printed. I hold to that opinion yet. In fact, it has been confirmed and strengthened by the action of the conferees, and by other subsequent events.

Mr. President, in 1914 the Congress of the United States adopted a war measure for exactly this emergency or any other emergency which might come up. It did it during the life of this administration, and a majority of the present Members of the Senate were then Members of the Senate. That law is yet on the statute books. It has not been repealed or amended in any respect. It was put there for exactly this emergency. All that was necessary was, in the adoption of the declaration of war, where the President was authorized to use the land and naval forces of this country, to authorize him to put into effect the machinery of the law upon the statute books. But no! The War Department of this Government, instead of regarding this as an emergency necessitating immediate action and the calling into the field of additional troops, prepared an entirely new measure for the creation of an army. Absolutely ignoring the laws then upon the statute books, which they themselves had requested Congress to pass, they prepared a new measure and submitted it to this body; and now, when this is the first opportunity which has been presented to us for discussing any proposition involved in this conference report, we are told that we must not take time; that those of us who care to discuss it at all are standing in the way of action by this Government. But I for one, Mr. President, as a Member of this body, would prefer at least to hear the Members of the legislative branch criticize some other branch of the Government rather than themselves for dilatoriness in this emergency.

I voted for the declaration of war. I believed that we were confronted with an emergency. I wanted to act then, and I want to act now. This bill does not intend action. With relation to the Regular Army and to the National Guard forces, which are so often referred to here by Senators in this debate, it gives no more authority to the President of the United States with reference to the increase of the members of those two forces than he has under the law now, word for word and line for line. It does give him additional authority to put into effect the draft system with reference to both those bodies as well as the new body; but in so far as creating any other forces is concerned, in so far as adding one man to the National Guard or to the Regular Army is concerned, it does not so do, and does not so pretend to do. You propose to raise the other forces by draft, but, according to the plans being sent out now through the public press and through correspondence from the War Department, of those who are registered none will be required to report even prior to September 1, and then you say that we should not take a few hours' time to discuss this measure!

Mr. President, I resent the attacks continually being made upon this body by those who are accusing the Congress of the United States of being guilty of dilatoriness in this great emergency, and insisting that the Congress shall give additional

power, so that the administrative department of this Government may act. The present laws on our statute books and the Constitution of the United States, after a declaration of war, give practically unlimited powers to the President of the United States. For five years we have been giving to every department or department head every extraordinary power which has been requested of this body. We have offered to the Navy and the Army more money than they would accept. To-day they do not want an army summoned into the field immediately, because they have not the ammunition to place in the guns, nor the guns to place in the hands of the men; and that is not the fault of the Congress of the United States. They are drilling men now in training camps with broomsticks. A Senator near me facetiously suggests that we might go into executive session. I shall possibly have that suggestion made once or twice more before I have concluded my remarks.

Mr. President, I am not going to reiterate what I said when this measure was before Congress; but I did, in opening my remarks, suggest that other matters which had occurred since this bill passed the Senate had influenced me and had confirmed my objections to the bill as it was when it passed. I want to repeat what I then said—that I was in favor of raising a million men immediately, and not 500,000, by calling for 500,000 volunteers and then placing in the hands of the President of the United States the authority to draft into the service the cowards and the slackers who would not serve. But I referred also to the fact, sir, that there have been arguments in this Chamber long years ago as to the constitutionality of any conscription for foreign service. I stated then that I would not dwell at any length upon that point, and I do not intend now to occupy the time of the Senate at any length in arguing this constitutional provision. As I said then I say again, the United States of America has fought two wars on foreign soil, and not by conscripts. It has used the conscription authority twice, and only upon American soil; and there was good reason, and is yet good reason, why this policy should be followed at this time.

We are not a homogeneous people. We are a Nation of more than 100,000,000 people from all the other countries of the world. Millions of former German citizens and their immediate descendants are now loyal citizens of the United States of America. Hundreds of thousands of the former citizens of Holland and their immediate descendants constitute the Dutch portion of our population. Hundreds of thousands of Norwegians, Swedes, Danes, and other Scandinavians inhabit particularly the North-western States of this Union. Some numbers of thousands of former citizens of Spain and their immediate descendants inhabit portions of this country; and you propose to draft those citizens into the service against their will to fight, it may be, not for American principles, not for the safety of the United States of America, but because of some idealistic theories held by some man of prominence in the United States.

Volunteers, yes. Mr. President, there is no man in the United States of America who has more love for the French people than I have; but would I drag the soldiers or the men of the United States of America into the bloody ditches in France for the purpose of restoring Alsace and Lorraine? In the case of volunteers who desired to go, I would cheer their departure and speed it; but I would not drag a German of the first generation or a naturalized German citizen to France for the purpose of tearing down the house of Hohenzollern or an Austrian to eject from the throne of Austria a Hapsburg. To fight in the trenches of France as our first line of defense for the safety of this Nation is one proposition. To fight for the freedom of the Dardanelles is another. I would welcome, possibly, volunteers to eject the unspeakable Turk from Europe, but so long as I have a vote I will not conscript an American citizen, possibly a former Turk or of the first generation, for that purpose.

We are justified in going to conscription upon one theory, and one alone, and that is the present national necessity of saving our own institutions, preserving our own freedom and our form of government. Upon that theory alone are we justified in sending our soldiers, either conscripts or volunteers, across the seas. When we are asked to send men upon any other theory, I say, as an American citizen—and, as I claim, as loyal and patriotic as any man in the administrative department, or any other member of this department, or any other citizen of the United States—that I will go to any extreme, conscript every man, every doddering grandfather and every child out of the cradle, for the preservation of this Government and its institutions; but I will never vote to conscript an American citizen to fight a war against a people or against a Government simply because we do not happen to agree that theirs is the proper form of government. Fight for democracy, yes; fight the world for our democracy; but I am no Don Quixote, proposing to reform the

world. Some people prefer, apparently, the form of government established in Germany, and I, for one, except as Prussianism threatens our safety, will not conscript an American citizen to tear down the Kaiser.

Therefore I favored the volunteer system, that the President of the United States might take volunteers who, understanding the entire situation, understanding his utterances as he has made them before this body and before the public, understanding his ideals, could, if they chose, proceed to Europe to fight for such ideals, and I believe—that, however, is my personal conviction—to fight there for the security and safety of this country. I can judge of that for myself, and volunteer or not for such service, as I please; but I leave to every other American citizen the privilege of saying whether or not he shall volunteer because the present administration, and possibly the majority of the people of the United States, do not like the Prussian form of government.

Mr. President, one of the matters that I refer to which has occurred since the passage of this bill is set forth in the Record of this body for May 14, on page 2364. The Senator from Wisconsin [Mr. LA FOLLETTE] had an amendment then pending which contained restrictions upon the provision, which, at the request of the administrative department, the Senate had placed in the so-called espionage bill, vesting the President of the United States with power to embargo certain products or shipments from this country.

Among other things contained in these limitations was this:

Nor shall such power so conferred upon the President be used to interfere with the neutral rights of any neutral nation or to coerce the Government of any such neutral nation, directly or indirectly, to engage or participate in the existing war.

I find the remarks of one of the Senators who is favoring the passage of this bill following this amendment which lead me to believe that the intended use of this embargo might be to bring about the change from a neutral condition to that of war of one or the other of the present neutral countries as a matter of national self-defense. The power to embargo certain products to a neutral country when necessary for the defense of this country, in my judgment, is vested, and the authority should be granted, and therefore I voted for that proposition.

But, sir, if the effect of placing in force this embargo is to force the people of Spain or Holland into this war upon one side or the other, and if, nearing of the fate of Serbia, Roumania, and Belgium, they, in self-defense being compelled to embark in the war on one side or the other, with the examples which I have mentioned before them, believed that self-preservation demanded that they should ally themselves with Germany, I do not want to send a Spanish or a Dutch citizen from the United States to fight Spain or Holland, each of which has attempted to maintain her neutrality. Certainly will I not vote to send him to Holland or Spain against his will by the power of conscription.

Should unfortunately Norway, which has always been our friend, be compelled by the operation of the emergency legislation which you have been compelled to pass, or which at least you have passed, to cast her lot in this war with ourselves or with Germany—should that be her unfortunate condition by virtue of the working of the embargo act with which we have empowered the President, and should unfortunately for us her lot be cast with Germany because of the fear of the fate of Belgium and of Serbia and Roumania, because we are not prepared to protect her from such a fate, I shall not vote to conscript citizens of Minnesota, Michigan, the Dakotas, and other States of this Union who may be of Norwegian descent, and against his will force this citizen to fight against his relatives and his former Government in a war brought about by the use of power which you have given to the President of the United States. Should, even in self-defense, Norway, Sweden, Denmark, and every other country now remaining neutral be forced into this war on the side of Germany, irrespective of the reasons which they might give, I would send volunteers across the sea to fight them, but I would not conscript a Norwegian to fight Norway, nor a Swede to fight Sweden, nor a Dane to fight Denmark on the idealistic theory advanced by the President of the United States and others in this country, when that war was brought about by our own action or the arbitrary action of the President of the United States under the authority vested in him by your law. Volunteers; yes. Conscripts for that purpose; no. Conscript them to defend our country against the attack of the combined world; yes. Take them from the cradle to the grave and force them into the ranks in defense of their country, but if they will not volunteer do not force them to take foreign service, certainly not unless in absolute necessary defense of this country.

Mr. President, let the great American people have an opportunity to say whether they want this war carried to European shores for purposes such as are expressed by the President of the United States even recently. I, of course, have no knowledge of the authenticity of this published statement of the President in speaking to the Red Cross on, I believe, the 13th of this month. I take it from the Washington Post of the 13th. I shall only read this extract. As I said, whether it is authentic or not I do not pretend to know; I take it as a quotation from the paper:

We have gone in with no special grievance of our own, because we have always said that we were the friends and servants of mankind. We look for no profit. We look for no advantage. We shall accept no advantage out of this war.

If the war be fought not for self-preservation, if it is to be fought for the idea of Mr. Wilson or anyone else, then let it be fought by such volunteers as he can rally under his banner and not be fought by conscripts whom you force into the ranks.

Mr. LEWIS. Mr. President—

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from New Mexico yield to the Senator from Illinois?

Mr. FALL. For a question.

Mr. LEWIS. May I ask the Senator if he happens to have that speech in his hand. I observe in the public RECORD a distinguished Member of the House charged that the President of the United States said in that speech that we, America, have no issue, no grievance. May I ask the Senator if there is such an expression as that in the speech?

Mr. FALL. I have just read it.

Mr. LEWIS. I just came in. I did not hear it.

Mr. FALL. I will read it again for the benefit of the Senator:

We have gone in with no special grievance of our own, because we have always said that we were the friends and servants of mankind. We look for no profit. We look for no advantage. We shall accept no advantage out of this war.

Mr. LEWIS. I take it, if the Senator will pardon me, and it will not interfere with his speech, surely the President of the United States did not mean we did not have a grievance. That has been recounted often here and of the world's obligations the great grievance we have. I take it the President must have meant our grievance was not that of others who were fighting for the same common cause.

Mr. FALL. Of course, I do not know what the President had in his mind. I know this, that a short time ago he appeared before the Senate of the United States and he said there would or should be no peace with victory. Does the Senator recall that? Now, I understand he holds to the theory that there will be no sheathing of the sword until the Hohenzollerns are driven from Germany and the Hapsburgs from the Austrian throne and all the world a democracy. The Senator must pardon me if I can not follow the President of the United States in his mental acrobatic feats, and I say that without any disrespect to him.

Mr. LEWIS. If the Senator will pardon me, I do not think it would be fair to the able Senator from New Mexico to intrude myself at this time in his speech in defense of the President, or, rather, in justification of him. Therefore I can not reply to his observation at this time, but later, if the necessity arises, I will offer my version.

Mr. FALL. I want to congratulate the President of the United States upon the fact that the eminent Senator spent an hour or more in attempting to translate the President's former speech in this body, and I realize that the President could not have an abler interpreter.

Mr. LEWIS. Perhaps more will be said later, Mr. President.

Mr. FALL. Now, Mr. President, I have other objections to this conference report than those which I have just been announcing and which are conclusive, to such an extent that had it not been that this conference report carries an amendment for 100,000 volunteers I should have voted for the amendment of the Senator from Wisconsin when it was offered here.

Carrying that amendment for 100,000 volunteers, I should say now, Mr. President, that for the reasons given and those which I shall give later, I shall ask the Senate of the United States when a vote comes on this conference report to excuse me from voting. If it will not do so, I shall vote against the adoption of the report.

Mr. President, we are placing a new military law upon the statute book, while ample power could be given the President by mere resolution to place the machinery which we have at present in operation.

I took occasion to quote from an eminent authority, often appealed to here by those who oppose the volunteer system, in a speech which I made when the bill was pending in the Senate

before, and that is Gen. Upton. I called attention then, and I am going to trespass upon the time of the Senate again to read three lines from Upton's report into the RECORD. On page 11 he says:

Battles are not lost alone on the field; they may be lost beneath the dome of the Capitol, they may be lost in the Cabinet, or they may be lost in the private office of the Secretary of War.

Not only are we commanded to change our entire military system under the whip of emergency, but I am reminded that there has been a good deal of controversy in the War Department itself within recent months as to the organization there of the Military Establishment of the United States.

Congress provided for a General Staff in 1903, and in 1916, the last expression of this body on this subject, by section 5 it was thought by many eminent authorities that powers vested or exercised by the Chief of the General Staff under the provisions of the act of 1903 were taken away or curtailed so that the Secretary of War himself came into direct contact not through the Chief of Staff but in direct contact through the heads of the different departments with those departments himself.

The Judge Advocate General, Gen. Crowder, for whose opinion I have great respect, decided that the act of 1916, section 5, changed the law of 1903. The two opinions are contained in the annual report of the Secretary of War for the year 1916. The Secretary of War overruled Gen. Crowder and declares in effect that section 5 of the law of 1916 meant nothing, and that the Military Establishment should be the President, the Secretary of War, and the Chief of Staff, the Chief of Staff to go to the different departments and through him alone should the Secretary of War be informed as to what was going on and be advised as to the proper course in all military matters.

Therefore we have existing at present a Military Department, the Chief of Staff of which is a military man. The Secretary of War acts for the President. So between the different departments, for instance, the War College and the General Staff itself in the Military Establishment of this Government, the Chief of Staff is the man who reaches the ear of the President.

Remember what Upton says, "That battles are lost in the office of the Secretary of War," not alone by the troops in the field, that they are lost in the Cabinet, and yet you are placing the lives of all the boys in this country in the hands of the Chief of Staff of the United States Army. Through him and through him alone the President, as Commander in Chief acts, it makes no difference what complaints there may be in the War College.

I want to say to you, Mr. President, that I believe the younger officers in the Regular forces of the United States will compare favorably in intelligence and in learning and in necessary scientific attainments of a military character with the regulars or irregulars or any other force under heaven. I say, however, that you have to-day in your Military Establishment men without necessary experience. I have seen criticisms on the proposed Roosevelt division, and I have heard them here voiced upon the theory that Roosevelt did not have the necessary military training to enable him to command a brigade or a division. I call your attention to his war record. You will find that in actual battle Theodore Roosevelt served as lieutenant colonel while the Chief of Staff never had a higher rank than major.

I am calling your attention to these matters because I propose to illustrate exactly the point that I make. One reason for which I fear the establishment of this military scheme ingrafted upon our democracy and denounce it, is a reason for the fact that I have asked the Congress of the United States to give to the people upon the border of this country a force through which they could be protected in their lives and in their property. My request was granted by this body by a 2 to 1 vote.

I shall hurry along, Mr. President. I am reminded, however, before I go into this latter proposition fully that my motives in offering this "border-patrol" amendment have been questioned. In one of the papers, sometimes called the mouthpiece of the present administration, I find this. It is in the New York World, on the front page, under date of May 9, "Special from Washington":

No understanding has been reached on the Harding amendment for divisions of volunteers. The prospects are that it will be thrown out—

In conference.

The Fall amendment for volunteers to patrol the Mexican border has aroused many Democrats in Texas and other border States, who charge that an effort to pay politics is being made by Senator FALL. Great pressure is being exerted to force the Harding and Fall amendments out of the selective-draft bill.

Mr. President, a "charge" such as this is a very safe one to make. I have been unable to compose my mind to such a con-

dition that I can believe that there was a word of truth in the statement contained in the World, because, of course, anyone who makes such a charge would, except for his absolute cowardice, be a fit recruit for the crew of the German submarine that sank the *Lusitania*, and which sent women and babies of this country to their watery grave. Any paper which would publish a "charge" of this kind, of course, simply establishes the fact in the mind of any impartial man that it is much more desirous of making a political partisan point than of conveying the truth to its readers through its columns.

Enough of that. I shall undertake before closing my remarks to put into the Record some documents and leave to the senders of these telegrams and letters the answer to the statement contained in the World.

I am criticized by some of my strong friends because I have no confidence in the present Military Establishment of the United States. I have none. Let me state that as emphatically as possible, and I fear that only through some great national disaster or humiliation will the people of this country be brought to their senses. Battles, as Upton says, are lost "in the private office of the Secretary of War."

Now, let me just review the little war which we have had. Remember that the Judge Advocate General of the United States Army has decided that a state of war existed on the Mexican border. On March 9 of this last year the people of the town of Columbus, in the State of New Mexico, 3 miles from the Mexican border, were resting peacefully in their beds, secure in the belief that they were being protected by the Regular soldiers of the United States under one of the Regular officers of the United States, sent there for that purpose. They knew that the Regular forces of the United States had been notified three days, two days, and one day before that Villa intended an attack upon Columbus. They knew it through the press. They knew it through the statements of Gen. Gavira of the Carranza army in the city of Juarez. They knew it through the statement of Garcia, the Mexican consul, that he himself had not only telephoned to Gen. Pershing to warn him the day before of this attack but that not being satisfied, so that his record might remain clear, he had written him a note that Columbus was going to be attacked.

I wish that you Senators would view with me the scene of that attack and see it as I see it now. This little town upon a sloping plain has only one hillock, a high point, within miles of it, and that almost in the town itself, a lookout point which any man would naturally have chosen and which since the attack has been occupied night and day by the United States forces as a point of observation. Approximately 300 Regular soldiers, Cavalry, were in camp on the south side of the railroad, the town being situated on the northern side; but few if any more than their own number, the Mexican bandits came across the international border to the town 3 miles within United States territory, planted their machine guns within a few feet of the hospital occupied by United States soldiers, in all a first sergeant and 10 men, back of which lay the encampment, and sent their murderers into the streets of that quiet little town and set fire to it and murdered the men and women as they ran out of their burning houses.

Mr. President, it may be that the commanding officer did everything humanly possible to avoid this disaster. It may be that he did everything which he thought was necessary. The fact remains that he was not with his forces himself, but was sleeping in his own house up in the town, and was cut off from joining his troops by the fire of the bandits and the citizens attempting to defend themselves. The fact remains that women and men were shot down in the streets and their homes burned down while under the protection of the national forces under Regular Army officers.

Of course, sir, it is idle in me to say it, but I will guarantee that if you will give me the men I have asked for I will take 25 of them and no thousand Mexican bandits will ever massacre the people in another quiet town in New Mexico, because every man will sleep with his six-shooter in his hand and his rifle by his side, and when he rises he will pour from the muzzle of his gun a stream of fire which will drive back any bandit; and the bandits know it.

There is not an ex-sheriff, an ex-ranger, or an ex-policeman who would not have gone on this high point there, from which he could observe the country for miles. We did not occupy it, although within 65 yards of the American customhouse, but Pancho Villa took his stand there in person and directed the attack. I believe that our Chief of Staff once expressed great admiration for the military qualities of Pancho Villa. I do not wonder that to our Chief of Staff and some of our Regular Army officers Villa appears a second Napoleon, a genius of warfare.

Mr. STONE. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Missouri?

Mr. FALL. I yield.

Mr. STONE. I have myself thought that Villa was present at that outrageous tragedy to which the Senator refers, but I have seen it so specifically denied that I wondered in the interest of real truth of history whether he was there. The Senator says he was. Is he expressing a mere opinion, or is he basing that opinion upon authentic information?

Mr. FALL. I am basing it, I may say to the Senator, upon the court records. Of course I know the Senator asks the question in good faith.

Mr. STONE. I do.

Mr. FALL. I base it upon the court records, the sworn evidence in the trial of several of Villa's men in the courts of Luna County, in Deming, who were convicted. They testified that Villa not only made the attack but he was engaged in the massacre; they testified that Villa was standing on the hill with the horse holders, and commanded them when the attack took place, and directed the attack. That was also testified to by a little boy of 12 years of age who had his leg shot off, or his leg was amputated after being wounded in this fight. His reasons for being there, as given in the evidence, was to the effect that Villa himself personally had come to his father's house on the way to Columbus and had forced him and his father to go along with him and bear arms, and that he stayed with Villa all during the fight. When the American Cavalry horses were stampeded and driven out by the bandits he thought they were American Cavalry, and he turned and ran and a machine-gun bullet caught him in the leg. This is practically the evidence in the court trial.

Mr. President, I want to call your attention to another incident of this great campaign which we have carried on under our present Military Establishment. There was published in the border papers on the American side, in the El Paso and other papers, including the San Antonio Express, a telegram on the 16th day of June, 1916—Gen. Pershing was then in Mexico at the head of our military expedition—and I take from the pages of the San Antonio Express the quotation which I shall now read. This was published, I may say, in the Chihuahua newspaper, the official paper of Trevino, and is the republication and translation in the newspapers of the United States:

TREVINO SAYS ANY MOVE EXCEPT NORTH MEANS HOSTILITIES.

CHIHUAHUA, Mexico, June 16.

Gen. Jacinto Trevino, commander of the division of the north, gave out for publication this afternoon the following message, which he has been directed to transmit to Gen. J. J. Pershing:

"I am instructed to inform you, by First Chief V. Carranza, that any movement of American troops from their present lines to the south, east, or west will be considered as an overt act and will be the signal for hostilities."

The feeling is general in official circles in Chihuahua that a clash with the United States forces, precipitating fighting all along the line, is only a short time away.

On the 18th of June there was published the following in the American papers on this side of the line. I have heard that some one had been criticized for allowing this to leak:

PERSHING GIVES CURT ANSWER TO TREVINO THREAT.

I have not received any orders to remain stationary or withdraw. If I see fit to send troops in pursuit of bandits to the south, east, or west in keeping with the object of this expedition I shall do so.

If any attack is made on any part of my forces while performing such duties, the entire military strength of the expedition will be used against the attacking forces.

Gen. Trevino, as commander in chief of the de facto government's troops in the north, will be held responsible for Mexican forces within striking distance of the American forces.

If there is any doubt as to the authenticity of these documents—of course, I have not seen them—I think that such doubt will be removed from the mind of any Senator who may have access to the archives of the War Department.

Mr. President, Trevino challenged Pershing on the 16th; Pershing accepted Trevino's challenge on the 18th; and on the 21st Trevino's forces at Carrizal shot Boyd and Adair, wounded Morey, and killed a large number of troopers who had been sent out under orders from Gen. Pershing. Was the entire force of the military expedition used against Trevino? No. Was any part of it so used? No. Why not, I ask?

I say to you that from my knowledge of J. J. Pershing there is no braver American soldier living to-day. I say to you that, in my judgment, there is no more honorable man living to-day; that he is no braggart; that never would he have sent that reply to Trevino without fully intending to make good that threat; that never would he have sent it unless he intended to enforce it; and never would he have refrained from enforcing it except that its enforcement would have cost him his career, his life. I make the challenge here now that he was ordered from the secrecy of the office of the Chief of Staff or of the

Secretary of War or the Cabinet room not to carry out his threat to avenge the death of those who died there in the performance of their duty under his orders, and not to seek to rescue those who were carried to the filthy jails of Chihuahua, and who, when sent home, were clothed in rags or with blankets thrown around them to hide their nakedness.

I say to you that in all the annals of the history of any self-respecting Nation there never was written so black a chapter as was written by Pershing against his will and by the conduct of our military under orders from Washington along the American border.

Why, I ask you, in the name of all that is reasonable, when Tompkins rode into Parral in pursuance of Pershing's orders, and was fired upon and his troopers killed, and when he took up a defensive position on the outside and was driven from it by the overwhelming forces of Carranza's troops, why did he leave his dead unavenged and one soldier missing, who is yet missing from the American Army? Will you tell me that any American officer would not have died in his tracks before he would have submitted to this disgrace unless it had been dictated to him by some one from Washington from the secrecy of the Secretary's office or from the Cabinet room? It could not come from the "Dome of the Capitol" in this instance.

When we had gathered, at great expense, stores of feed for our horses and food for our men at San Geronimo, the farthest point south reached by the expedition, from whence to send out forces from time to time under Howze, Tompkins, and others, why, I ask you, did we retreat like whipped armies, burning our stores behind us at San Geronimo? Why did we abandon our headquarters at Namiquipa, the headquarters for months of the commanding general of that expedition, and when we abandoned them, why did we burn \$150,000 worth of American stores, which had been paid for by the money of the American people, and which were necessary for the support of the American troops and cavalry horses in that expedition? Why did we come like whipped curs from Mexico, and then, through our commissioners, grovel at the feet of the Mexican "de facto" leader for three months?

Will you tell me that the Military Establishment of this country, as at present constituted, is fit to be trusted with the lives of our boys, to do with them as they please, under a draft system? Ah, they do not want the volunteer, because the American volunteer is a free man; he still remains a free man and a voter, and he has behind him his friends and his family, who also are voters. He is not in the Regular Army, and he dares, and will always dare, to make his voice heard, whether it is by a round robin against rotten beef or whether it is by direct complaint against paper-soled shoes. The regular staff does not want the volunteer; they want conscripts, whom they can control absolutely under their Regular Army officers, and who will not dare to raise their voices in their own defense.

Something is the matter, Senators, with our Regular Army, not in the rank and file, for no braver men ever lived; there are no more patriotic men.

In the battle at Columbus, when taken entirely by surprise because they were not even properly sentined, some of those engaged first in the fight were furnished with ammunition, which had been broken out of a locker by a first sergeant, but when they finally succeeded in making their way into the fire zone no troops ever fought better. They administered such a thrashing to Villa that he has never again recovered his prestige, and they can be depended upon to do it again. My whole plea is that their lives be not sacrificed to the red tape of a military despotism, such as is being established in the War Department in Washington, D. C., United States of America.

Mr. President, I had taken up the question involved in this amendment providing for a "border patrol" with the War Department. It was not a new matter; it was not simply the thought of a moment. When I offered it here I had received advice upon it from a graduate of West Point who had served with the Indian scouts in the Crook campaign for four years and in every expedition which Crook made on the border of Mexico, and who had then lived, after resigning from the Army, for 20 years in Mexico, on the northern border, and who knows every foot of the country. Not only, however, did I have his advice, but I went directly, through letters, to the Chief of Staff of the United States Army. Not being able to get anything definite from that source directly, I went to the Secretary of War long before I placed this matter here. On February 6, 1917, I wrote a letter to the Chief of Staff, a portion of which I will not read, but it is open to the inspection of the chairman of the Committee on Military Affairs or of any other Senator. I used this language:

Of course you are informed as to conditions along the southern border and in Mexico. I have thought of suggesting to you, and am now doing so, the advisability of providing for certain regiments of mounted Infantry for use along the border in the event this country should be drawn into a war with Germany or any other country.

At least three regiments of mounted volunteers could be obtained for service along the border if necessary, but these men will not enter the National Guard, nor would many of the class whom I have in mind join the Regular Army.

Ex-peace officers, rangers, sheriffs, cattlemen, and miners along the border in Arizona, New Mexico, and Texas, who are accustomed to living in the desert country, all more or less disciplined for certain work because of their experience in cattle work, where they must obey orders of the superintendent, foreman, and "straw boss," could make as efficient soldiers and guards for the protection of the border as would any regular Cavalry or other forces. As you know, of course, men for this work should be mounted.

I do not want to interrupt the chairman of the committee, but I thought possibly he might be interested in some of this literature.

Mr. CHAMBERLAIN. My attention was diverted for a moment.

Mr. FALL. On February 8 I had a letter, a portion of which I shall read, from the Chief of Staff upon this subject, in which he said:

While fully appreciating the efficiency of such men, the provisions of existing law provide only for the organization and use of the Regular Army, the National Guard, and United States Volunteers, and forbid the expenditure of public funds on any but the authorized organizations. The organization of all units of such forces must conform to that provided for the corresponding ones of the Regular Army. Should volunteers be authorized, it is probable that many of the men of whom you speak may be secured in the volunteer organizations.

On the 9th I replied to him, saying that I had called his attention to the fact that the law must be modified, simply with the view that, in the event he agreed to the proposition, I would undertake to assist in modifying the law. To that letter he replied on April 10:

I have your letter of February 9, and will send it down to the War College for recommendation in the case.

Thanking you for your letter, and with best wishes for yourself, I am,

Very sincerely, yours,

H. L. SCOTT,  
Major General, Chief of Staff.

On the 25th I took up the matter direct with the Secretary of War himself, as I was at that time transmitting to him certain information coming from the border States. In this letter of transmittal I say:

I know something about the Secret Service of the United States along the southern border, and am cognizant to a certain extent of the sources of information of the different departments of this Government in that section of our country.

The Rock Island Road, with its El Paso Southwestern System connections, runs through New Mexico to El Paso, Tex., and thence west into Arizona.

The Santa Fe Road runs through New Mexico to El Paso.

The Southern Pacific Road, from California, runs through New Mexico to El Paso.

The Texas-Pacific runs east and west through the State of Texas to El Paso.

The G. H. & S. A. runs through the State of Texas from Galveston to El Paso.

On each of these roads, from the State of Kansas south, from the east boundary of Texas west, and from California east, practically every section man employed, except the foremen, are Mexicans from the Republic of Mexico, and who are constantly shifting from one place to another, and a majority of whom return two or three times a year to the Republic of Mexico.

Large numbers of old Mexico Mexicans are employed in the cotton fields of Texas, in the mines and upon the farms of New Mexico and Arizona, in the beet-sugar fields of Colorado, and in other sections of our country.

These people are not regarded by our native Mexicans as the equal of the latter.

I speak of that with reference to the exact conditions, 50 per cent of our American population in that section being of Mexican descent—

and are regarded by our Mexicans and our citizens generally as constituting a dangerous element in our community, and that from which crimes of a violent character can be expected at any time, and are constantly occurring.

I have called the attention of your department and of the State Department to the necessity of guarding our border, and I again most solemnly warn you of danger, not only from the Mexicans now within our country but from those in Mexico, whether calling themselves Carranzistas or by the name of any other leader.

For more than two years at least two papers have been published in the Republic of Mexico in the Spanish language, through the columns of which Germans have sought to impress the friendship of the German people and the German Government for the Mexicans and the ability and the willingness of Germany and the German people to finance and rehabilitate Mexico.

I can say to you, Senators, that I have copies of those papers in my office, obtained by myself within from 12 to as short a time as 6 months back.

You must know that even recently and now, through confiscations or threatened confiscations and pressure brought to bear by local and so-called governmental officials in Mexico, property of other foreigners is being acquired by Germany in various portions of the Mexican so-called Republic.

I think that reports from agents of the Government in El Paso, Tex., reciting the activities of Germans in Mexico, will have been learned of by the departments here in Washington.

I have suggested to the Chief of Staff here the advisability of amending any Army bill which may be offered by providing for the recruiting of three or more regiments of mounted riflemen to do guard duty along our border, and particularly in Texas, New Mexico, Arizona, and southern California.

Men for this purpose could be secured immediately, but the age limit should be increased to 50 years.

Men who have been peace officers, Texas rangers, bandits, Indian and Mexican fighters, and who have wiped out the various train-robbing and outlaw bands formerly infesting this country, would gladly serve their country now if called upon for active service in protecting their homes and those of their fellow citizens.

These men can perform the duties which would fall upon them more successfully than would any Cavalry of the United States, any of the Regular forces of the United States, and of the National Guard of the United States, or any new forces to be organized through conscription, draft, or universal service.

I am exceedingly anxious to cooperate with your department, as well as the other departments of this Government, in every way possible.

I used some expression there that might be construed as conveying an intimation that unless the representations should receive proper consideration my cooperation could not be counted upon further than along certain lines, because the lives of my people were at stake.

I had a letter from the Secretary dated April 11, as follows:

WAR DEPARTMENT,  
Washington, April 11, 1917.

Hon. A. B. FALL,  
United States Senate.

MY DEAR SENATOR: I thank you for your letter of the 5th instant, in which you call the attention of the department to the necessity of guarding our border and suggest the recruiting of three or more regiments of mounted riflemen.

The first question is constantly before the department, and I assure you that its importance is fully appreciated. Until Congress authorizes the raising of a military force for purposes of general defense, I deem it unwise for the department to suggest that authority be given it to organize special troops for special duty. I will, however, have careful study made of your suggestion and will give it full consideration when the matter of organizing new units is up for decision.

Very truly,  
NEWTON D. BAKER,  
Secretary of War.

I have read these extracts, Mr. President, for the purpose of showing to Senators that this, as I have said, is not a new matter, but that it has been presented and has not been turned down directly by the War Department through the Secretary or the Chief of Staff, expressions from both of whom indicate that at the last hearing they were considering this matter, and both recognized the great efficiency of the force I was suggesting.

Mr. President, with reference to my own interest in this matter, I have been accused by the newspapers for a good many years of being guided by personal, private, material, and financial interests, although I think I have not heretofore been accused of being actuated by partisan motives. I have not undertaken to reply and do not intend to reply to such statements. What I have said with reference to the article in the World was just in passing. I do not care anything about what the newspapers say of myself, but in justice to my constituents, as showing their realization of the conditions and their demand for action, I want to read one or two telegrams, and then I shall ask that the others may be printed in the RECORD. I read first the following:

SANTA FE, N. MEX., May 10, 1917.

Hon. ALBERT B. FALL,  
Washington, D. C.:

I have been directed by the State legislature—

The State legislature was at that time in special session, called for emergency purposes, war matters, by the governor of the State—

I have been directed by the State legislature to forward to you the following joint memorial adopted by the same:

"To the Congress of the United States:

"The Legislature of the State of New Mexico respectfully memorializes and requests the Congress of the United States to adopt the amendment to the Army bill proposed by Senator ALBERT B. FALL providing for organizing three regiments of volunteer cavalry to be recruited in the States of Arizona, New Mexico, and Texas for service along the Mexican border."

ANTONIO LUCERO, Secretary of State.

I may say to you who may be interested in the matter that Mr. Lucero, secretary of state, is a Democrat.

I have the following telegram from Bisbee, Ariz.:

BISBEE, ARIZ., May 8, 1917.

Senator A. B. FALL,  
Washington, D. C.:

This great copper-producing community fully indorses and urges the adoption of your wise amendment to the Senate Army bill. Feel that you have our fullest support.

C. W. ALLEN,  
President Warren District Commercial Club.  
J. W. WHITE,  
President Business Men's Association.

It is possible that the Senator from Arizona [Mr. ASHURST] can tell us as to the politics of these gentlemen. I read another telegram from Bisbee:

BISBEE, ARIZ., May 8, 1917.

Senator A. B. FALL,  
Washington, D. C.:

Representing the mining industry in Arizona, producing 700,000,000 pounds of copper annually, essential to welfare of more than a third of the entire copper output of America, we most vigorously indorse and urge the adoption of your amendment to the Senate Army bill.

J. E. CURRY,

Secretary Arizona Chapter American Mining Congress.

I do not know the politics of Mr. Curry nor of the gentlemen composing the mining congress.

I now read a telegram from the Chamber of Commerce of Douglas, Ariz., one of the great smelting centers; in fact, the great smelting center of the Southwest:

DOUGLAS, ARIZ., May 7, 1917.

Senator FALL,  
Washington, D. C.:

The Douglas Chamber of Commerce and Mines asks that you support with all vigor the Fall amendment to the Senate Army bill asking for three regiments of volunteer cavalry for border duty. This is very essential to guard mammoth smelting plants at Douglas, as well as El Paso property.

DOUGLAS CHAMBER OF COMMERCE AND MINES,  
By OSCAR K. GOLL, Secretary.

My general information has been that the majority of these cities in Arizona are not only overwhelmingly Democratic in votes, but that practically all their officials are Democrats. That is simply my general information. I think the Senator from Arizona could tell, for instance, whether or not the mayor of Bisbee is a Democrat.

I now read a telegram from the mayor of Bisbee, Ariz.:

BISBEE, ARIZ., May 8, 1917.

Senator A. B. FALL,  
Washington, D. C.:

Your amendment to Senate Army bill meets with the fullest indorsement of all the people of this section engaged in the production of copper. We urge its adoption. If it is to be changed make the number of regiments larger.

JACOB I. BRICKSON,  
Mayor of Bisbee, Ariz.

Here is a telegram from Albert Steinfeld, whom every old-timer in the Southwest knows. He is from Tucson, Ariz., and his telegram is of the same general tenor and effect.

I have another from O. C. Parker, of Tucson, Ariz.; another from the Tucson Chamber of Commerce, and another from the mayor of Tucson. I am merely making reference to these telegrams, but I shall ask that all of them be published in the RECORD.

The PRESIDING OFFICER. Without objection, permission is granted.

Mr. FALL. I have another telegram from Peter Corpstein, mayor of the city of Phoenix, politics unknown to present deponent.

Here is one from the Rotary Club of Phoenix, Ariz., by P. C. Gettins, president.

The mayor of Yuma, Ariz.—and I heard the Senator from Arizona a short time ago mention the danger that Yuma might be in—sends the following telegram:

YUMA, ARIZ., May 5, 1917.

Senator A. B. FALL,  
Washington, D. C.:

The city of Yuma urges retention of amendment pertaining to recruiting of mounted volunteers for border service. We feel this would be a distinct economical feature and we are glad our State's congressional Members are for it and hope they assist you in getting the amendment adopted.

GEO. MICHELSEN, Mayor.

I have one from the president of the Chamber of Commerce of Phoenix, Ariz.; one from the mayor of Globe, Ariz.; one from another old-timer of Phoenix, who understands something of the conditions on the border; one from Clifton, Ariz., from one of the city officials; one from the superintendent of the Chino Copper Co., at Santa Rita, N. Mex., one of the largest producers of copper in the United States.

I have a telegram from the Chamber of Commerce of Silver City, N. Mex.; another signed by R. L. Young and W. W. Cox, of Las Cruces, N. Mex. I happen to know that Mr. Cox is a Republican and that Mr. Young is one of the most prominent Democratic attorneys in the entire southern part of New Mexico.

I have another telegram from the mayor and city council, as well as the president of the Chamber of Commerce of Deming, N. Mex. I believe that the records of the last election will show that they all voted the Democratic ticket and are in the habit of doing so. I have another from the Silver City National Bank, of Silver City, N. Mex.; one from the Silver City

Enterprise one from Frank T. French, president of the Bascom French Co., at Las Cruces; another from the John H. May Grocery Co., at Las Cruces, N. Mex.; another from the Deming Chamber of Commerce; another from the superintendent of the mill of the Chino Copper Co.; another from the Las Cruces Business Men's Association; another from the president of the American National Bank at Silver City; another from Percy Wilson, mayor of Silver City, N. Mex.; another from E. M. Sawyer, manager of the Phelps-Dodge Co. interests at Tyrone, where they are building up one of the great copper camps of the world.

I also have a telegram from George Kingdon, of Jerome, Ariz. Mr. Kingdon was manager of the Cananea Copper Co.'s interest in Chihuahua, Mexico, and is now at Jerome, Ariz., in the copper business.

Mr. President, I have trespassed upon the time of the Senate in calling particular attention to these telegrams, so that it may be understood that I have been conscientiously, at least, asking the assistance of the Senate in behalf of the people of my section of the country, the people of the border States. We have had a great many arrests. The officers of the secret service have been very busy in New Mexico. Attempts have recently been made to blow up the great Government structure, the Elephant Butte Dam, and attempts have been made to destroy our coal mines. We furnish all the coal to all the railroads and coal and coke to all the copper mines and smelters throughout the Southwest. Threats have been made to blow them up. One-half of the coal miners in New Mexico are citizens of Austria, and the other employees are practically all foreigners. We have been compelled to do our best to guard ourselves. Of course, the blowing up or destruction of coal mines means the consequent retardation, at any rate, of transportation in the event it becomes necessary for the Government to use our roads for transportation. As I have said heretofore, every mile of every railroad for 800 miles from the border is in the hands of Mexicans. Secret-service men who were working with those irresponsible people have seized the plans of the bridges which were to be blown up and have seized dynamite in their possession.

The Regular Army has been stationed at different points along the border. They do not constitute a mobile force. They are entirely incapable of performing the duties such as I have suggested here to the Senate that it was necessary to have performed by some one. Now, sir, I say there has not been a word of objection by anyone to this amendment. The House conferees struck out the so-called Roosevelt proposition for a volunteer force, and struck out this proposition because it was also a volunteer force.

Since that time the conferees have not considered it, although twice the House has sent back to them this bill under instructions.

Mr. REED. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Missouri?

Mr. FALL. I do.

Mr. REED. Can the Senator give us any information as to why the House asked to have this bill sent back—why they put in the Roosevelt volunteer force, after having voted against it by an overwhelming vote?

Mr. FALL. I can not. I have not the remotest idea what actuated the House. I have not the slightest information upon the subject. I do not understand the trend of the Senator's question.

Mr. REED. The only trend of my question is to get that information. It has been a complete puzzle to me; and as the Senator was speaking about a matter that was germane, I merely asked to ascertain if he knew.

Mr. FALL. I have not the remotest idea and never understood at all what actuated the House. I supposed that they had, as wise men often do, changed their opinion and had decided that they would provide for a hundred thousand volunteers, and so acted and instructed their conferees, who obeyed their instructions.

Mr. SMITH of Michigan. They concluded to do the right thing; that is all.

Mr. FALL. And then, when the bill came in here, we had no opportunity, of course the Senator realizes, to consider it until now. Although the conference report twice has been printed here, we never could lay our fingers on it. When it went back into the House, we were informed that the House again rejected it for some reason connected with the pay of the enlisted men and sent it back with instructions; and not only the House conferees but, I think, the Senate conferees obeyed the instructions.

Mr. President, I shall not take the responsibility as one lone man here of asking that this bill be sent back to the conferees. In my judgment, it is a foolish measure at this time, for the several reasons which I have given.

In my judgment, the most meritorious part of the entire bill was that which sought to correct the intolerable conditions existing along the southern border of this country. For five years now we have had the Army, and have it now, to the extent of approximately 40,000 men, along that border. Their faces, except while ordered south during the Pershing expedition, have been turned to this side and not to the other. Their desire to do their duty, their patriotism, is unquestioned; but they can not do it when they are tied down, and when the military forces are placed largely in the hands of the foreign department of this Government.

One of the troubles that you are going to have now is the interference of one department with another in the conduct of this war and the insistence of your regular military organization upon controlling every man in the field, whether in the trenches of France or on the Mexican border. You have got to deal with it sooner or later. Congress raises armies. You do not delegate that power, or you are not supposed to delegate it, to anyone else. You are going to meet these propositions sooner or later, or else you are going to meet a great humiliation; and you are going to meet in the enforcement of the provisions of this bill throughout the country such a storm of protest as you never heard rattle around your ears before.

## APPENDIX.

TUCSON, ARIZ., May 4, 1917.

Hon. A. B. FALL,  
United States Senate, Washington, D. C.:

I am in hearty accord your plan to recruit several regiments mounted volunteers, under President's direction, to protect border States and serve elsewhere if needed. Trust your amendment will carry.

ALBERT STEINFELD.

TUCSON, ARIZ., May 4, 1917.

Hon. A. B. FALL,  
United States Senate, Washington, D. C.:

We strongly favor your amendment to Senate Army bill, providing three regiments mounted volunteers for protection of property and citizens of border States and service in foreign countries, under direction of President.

TUCSON CHAMBER OF COMMERCE.

TUCSON, ARIZ., May 4, 1917.

Hon. A. B. FALL,  
United States Senate, Washington, D. C.:

Our citizens are unanimous in their hearty indorsement of your amendment to Senate Army bill, and beg of you to urge its retention.

O. C. PARKER, Mayor.

PHOENIX, ARIZ., May 5, 1917.

Senator A. B. FALL,  
Washington, D. C.:

Your amendment to Army bill, to include organization of volunteer Cavalry for border-patrol duty, has our indorsement. We hope the value of this amendment will be appreciated and amendment adopted.

PETER CORPSTEIN,  
Mayor City of Phoenix.

PHOENIX, ARIZ., May 5, 1917.

Senator A. B. FALL,  
Washington, D. C.:

Plan for including amendment to Army measure to provide for volunteer Cavalry for border-patrol duty has hearty support of Rotary Club.

P. C. GETTINS, President.

PHOENIX, ARIZ., May 5, 1917.

Hon. ALBERT B. FALL,  
Washington, D. C.:

We strongly urge retention of your amendment to Army bill to include provision for border patrol by mounted volunteers.

CHAMBER OF COMMERCE,  
H. J. MCCLUNG, President.

GLOBE, ARIZ., May 6, 1917.

Hon. ALBERT B. FALL,  
Washington, D. C.:

The protection of citizens and property in border States, as provided for in your amendment to the Senate Army bill, is most vitally important, and the amendment should be enacted into law without fail.

G. D. BARCLAY, Mayor.

PHOENIX, ARIZ., May 5, 1917.

Hon. ALBERT B. FALL,  
United States Senate, Washington, D. C.:

I am strongly in favor of retention of your amendment to Senate Army bill,

GEO. J. STONEMAN.

CLIFTON, ARIZ., May 7, 1917.

HON. ALBERT B. FALL,  
Capitol Building, Washington, D. C.:

I am in favor of your amendment to Senate Army bill recruiting volunteers for border duty and protection of property and citizens.

NORMAN CARMICHAEL.

SANTA RITA, N. MEX., May 3, 1917.

HON. ALBERT B. FALL,  
United States Senate, Washington, D. C.:

Have been informed there is possibility of raising volunteer cavalry for border duty. All people of this section approve having a protection as suggested, and any effort in behalf of such legislation will be highly appreciated.

HORACE MOSES,  
Superintendent Mine Chino Copper Co.

SILVER CITY, N. MEX., May 3, 1917.

HON. ALBERT B. FALL,  
Senate Chamber, Washington, D. C.:

We urgently request your support of Volunteer Cavalry bill for border protection. Think it extremely necessary for protection of border counties, especially against raids. Please take this up with a view to immediate action.

CHAMBER OF COMMERCE.

LAS CRUCES, N. MEX., May 1, 1917.

HON. ALBERT B. FALL,  
United States Senate, Washington, D. C.:

Your amendment providing Volunteer Cavalry for border meets with universal approval. We could get 5,000 signatures to this message. Only such troops as your amendment provides will meet demands. Synopsis of your speech published to-day gives exact facts. Wire if we can be of service. Please wire result in House.

R. L. YOUNG.  
W. W. COX.

DEMING, N. MEX., May 3, 1917.

Senator FALL,  
Washington, D. C.:

The entire county indorses your amendment to provide volunteer Cavalry for border protection and urge you to make every effort to secure same.

M. A. NORDHAUS, Mayor.  
F. L. NORDHAUS, Chairman Committee.  
J. A. MAHONEY, President Chamber Commerce.

SILVER CITY, N. MEX., May 3, 1917.

HON. A. B. FALL,  
Senate Chamber, Washington, D. C.:

We think it absolutely necessary for the protection of the border that immediate action be taken in support of bill to create volunteer Cavalry for border protection. Your prompt action and support will be highly beneficial.

SILVER CITY NATIONAL BANK,  
T. L. LOWE, Vice President.

SILVER CITY, N. MEX., May 3, 1917.

Senator A. B. FALL,  
Washington, D. C.:

Amendment providing Cavalry regiments for protection on Mexico border has caused great feeling of relief among people of Silver City and vicinity, where tension over threatened border attacks has been quite real. They felt as Congress adopts amendment a great step forward will have been taken for our protection, a protection of which only those who live in border counties realize as urgent and necessary.

SILVER CITY ENTERPRISE.

LAS CRUCES, N. MEX., May 4, 1917.

Senator A. B. FALL,  
United States Senate, Washington, D. C.:

We support in the strongest possible manner your action in the Senate in moving your amendment to provide volunteer Cavalry for the protection of the border. We believe such protection to be absolutely essential. Local sentiment is everywhere with you, and we trust the Secretary of War will give you the troops asked for.

BASCOM FRENCH CO.,  
By FRANK T. FRENCH, President.

LAS CRUCES, N. MEX., May 4, 1917.

Senator A. B. FALL,  
Washington, D. C.:

We support in strongest manner action in Senate moving your amendment to provide volunteer Cavalry for protection of border. We believe protection absolutely necessary, especially at this time. Danger of raiding greater than ever. Sentiment of this locality approves your action.

THE JOHN H. MAY GROCERY CO.,  
By VINCENT B. MAY.

DEMING, N. MEX., May 4, 1917.

Senator A. B. FALL,  
Washington, D. C.:

The Deming Chamber of Commerce wishes to urge upon you the necessity for a border patrol of Cavalry, and ask you to place the matter before the proper persons or department to get results. This is of vital importance to this section.

THE DEMING CHAMBER OF COMMERCE,  
By J. A. MAHONEY, President.

HURLEY, N. MEX., May 3, 1917.

HON. A. B. FALL,  
United States Senate, Washington, D. C.:

With reference to proposed legislation regarding raising volunteer Cavalry for border patrol, think this would be good measure, and this community is highly in favor of it and would thank you for anything you can do in aid of such legislation.

W. H. JANNEY,  
Superintendent Mill, Chino Copper Co.

LAS CRUCES, N. MEX., May 4, 1917.

Senator A. B. FALL,  
United States Senate, Washington, D. C.:

We heartily indorse and deem essential your amendment in the Senate providing volunteer Cavalry for border duty, this being considered the most efficient method of coping with raids such as occurred at Columbus last year. It is necessary that some protection be provided border counties, and your action should have weight an consideration, as it shows an intelligent grasp of the situation and local conditions.

LAS CRUCES BUSINESS MEN'S ASSOCIATION.

SILVER CITY, N. MEX., May 3, 1917.

HON. A. B. FALL,  
United States Senate, Washington, D. C.:

Our people desire passage of bill for volunteer Cavalry for border protection. Urge you to support and press bill.

JACKSON AGEE,  
President American National Bank.

SILVER CITY, N. MEX., May 3, 1917.

HON. ALBERT B. FALL,  
United States Senate, Washington, D. C.:

Understand there is possibility of authority being given to raise volunteer Cavalry for border protection. This seems a necessary expedient, in view of present lack of Cavalry on the border and the urgent need for that arm of the service at that particular place. Silver City is in favor of this and urges you to use every effort to secure it.

PERCY WILSON, Mayor.

TYRONE, N. MEX., May 5, 1917.

HON. A. B. FALL,  
United States Senate, Washington, D. C.:

In behalf of the citizens of Tyrone I request your earnest support of bill providing for a force of volunteer Cavalry on the New Mexico border. It is urgent that protection be provided for towns and mining plants on and near the border, and the proposed Cavalry would most adequately suit the purpose.

EL M. SAWYER,  
Manager Phelps-Dodge Interests.

JEROME, ARIZ., May 9, 1917.

Senator A. B. FALL,  
Washington, D. C.:

Think your plan of three regiments of mounted volunteers is fine.  
GEO. KINGDON.

Mr. STONE. Mr. President, there are three definite objections I have to this bill as reported by the conference committee: One of them relates to the limitation put on the bill by the conferees as to the time when the conscription authorized should certainly end. I am not going to discuss that question now, for the reason that it has been already adequately debated and I think the subject is quite well understood by Senators. I have already spoken about that and I am willing to leave it where it is.

I wish to address myself especially to the seventh subdivision of section 1, which I will read. It is not long:

Seventh. The President is further authorized to raise and maintain by voluntary enlistment, to organize and equip, not to exceed four Infantry divisions, the officers of which shall be selected in the manner provided by paragraph 3 of section 1 of this act: *Provided*, That the organization of said force shall be the same as that of the corresponding organization of the Regular Army—

If this provision had stopped there it would not have been so objectionable to me as it is. I advocated the conscription policy as against the volunteer policy, and, following the lead of the administration and the Military Committee in that behalf, adhered to the view that the two things could not consistently run on parallel lines; that the one would in large measure disturb the successful administration of the other; still, if this provision had stopped at the point where I ceased reading it would not, as I have said, have been so objectionable to me. But it goes on further to say:

*And provided further*, That there shall be no enlistments in said force of men under 25 years of age at time of enlisting; *And provided further*, That no such volunteer force shall be accepted in any unit smaller than a division.

My judgment protests against both of those provisos. The first one I have read, that no one shall be permitted to enlist under the age of 25 years, is due to this mental attitude on my part: If we are going to have enlistments, and that seems to have been determined upon, and if we are going to have a volunteer army, which seems to have been determined upon, why limit the minimum age of enlistment to 25 years? Why permit a vigorous, ambitious, patriotic young man of 25 years to voluntarily offer his services to his country and deny that privilege to one equally well qualified but somewhat younger, say 24 years of age?

Mr. WARREN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Wyoming?

Mr. STONE. Yes.

Mr. WARREN. The Senator knows, I presume, that that is the so-called Roosevelt amendment, which passed this body by

a large majority, and while disagreed to by the conference, it went over to the House, where the House adopted it as it is; so that it has really passed both bodies in that way.

Mr. STONE. Yes; I know that.

Mr. WARREN. It is not really within the control of the conferees.

Mr. STONE. I know that. Nevertheless, in a very few words, if I may finish what I have to say on that subject, I express my emphatic dissent to the proposition embraced in that proviso, which denies to young men under 25 years of age the right to enlist voluntarily in the service of the country, while admitting those above that age.

Mr. WARREN. Of course, the Senator knows that they can enlist under that age if they enlist in the Regular Army. In that event they can enlist if they are 18 and over. The provision with regard to these four divisions contains the only restriction of that kind.

Mr. STONE. I fully appreciate what the Senator says, and I have no purpose of entering largely into that field. Take a young man of 24, take a young man of 18 or 19, and he could not get into this volunteer service.

Mr. WARREN. He can get in anywhere except in these four particular divisions authorized in the Roosevelt amendment; that is all.

Mr. SMITH of Michigan. Mr. President, may I interrupt the Senator for a second?

Mr. STONE. Yes.

Mr. SMITH of Michigan. I want to say to the Senator from Missouri that I think Gen. Custer, when he was a major general and marched down Pennsylvania Avenue with the American troops at the close of the Civil War, was not 25 years of age; and I do not believe there were very many brigadier generals that were 25 years of age at the close of the war.

Mr. STONE. I am not able either to verify or to dissent from the statement made by the Senator. My confidence in his historical reading justifies me in believing that he is substantially accurate.

Mr. SMITH of Michigan. I think I am right about it.

Mr. STONE. Mr. President, I voted against the minimum limitation in the bill brought in by the Senator from Oregon of 19 years, fixing the limit for drafting between 19 and 25. I thought 19 was too low. I wanted it 21, and that is what it is now; and I wanted the maximum more than 25, and it is now 30. The drafting age is now between 21 and 30. I am satisfied with that; but I opposed drafting a minor of 19 years or a minor of any age simply because he was not an adult, because he was not a grown man, because he had no voice in these important matters about which we have been legislating, had no influence, and because he was subject under the law to the control of his father as a minor, and I did not believe that the Government of the United States should use its power to go in and take him out of his home *nolens volens*. But now that has been remedied. Still, Mr. President, if a boy under 21—even 20, 19, or 18—of his own motion and desire should plead to go into the Army to serve his country, and his father and mother were willing, why should he be deprived of that opportunity? So many illustrious examples of the outcome of that very sort of thing in our martial history should make us pause to put that limitation and deprivation upon the patriotic youth of the country. I would not compel them to go, but I would not deny them the right if they wished.

#### THE ROOSEVELT PROVISIO.

But I purpose to speak principally this afternoon with respect to the last proviso I have read. It is this:

*And provided further, That no such volunteer force shall be accepted in any unit smaller than a division.*

That is the Roosevelt provision, so designated. I want to talk about that. I want to talk about it very deliberately, as expressing my opinion. I do not care whether anybody likes what I am going to say or whether anybody even listens to it; I am going to say it and put it in the Record for my own satisfaction, if nothing else.

Mr. President, I am opposed to that provision. I think it is an outrageous thing to put into this law. I am going to talk about Roosevelt, but I am not going to say anything very harsh or bad about him. This is not the occasion to do that. I desire to discuss this Roosevelt business with the utmost conservatism.

Mr. WARREN. As the Senator always does.

Mr. STONE. Not always, but generally. I do not question Mr. Roosevelt's courage or intelligence, but I do question his judgment as a commander of men. I oppose this scheme to authorize him to enlist a large body of volunteers, first, because he is unfit to command; second, because this scheme is both personal and political—

Mr. SMITH of Michigan. Oh, no; not political.

Mr. STONE. Yes; political; and the very worst form of politics, too; and, third, because it is a matter of common knowledge that he has no respect for authority, constitutional or otherwise, and is incapable of subordination or obedience.

#### I.

I say he is unfit to command, and certainly unfit to command a large body of troops like a division or even a brigade. There is nothing in his experience, his training, or his temperament that would fit him for such a command. Mere physical courage, even though possessed to the point of audacity, is not the sole quality, nor even the most important quality, that fits a man in time of war to command and control the lives, the safety, and the health of great bodies of men, whether in camp, on the march, or on the fighting line.

Roosevelt is practically without military training. It is true that for a short time he did command a regiment in the Spanish-American War of 1898—a regiment of very brave men and willing fighters—and I do not deny that he led them courageously into battle, but he did not command them with judgment. As everyone knows, he got his men into a bad hole, where they were in imminent danger of being decimated and cut to pieces, and no doubt they would have been cut to pieces except for a negro regiment, under trained officers of the Regular Army, who came to the rescue and sheltered and saved him and them. By his own course in the only crisis of his brief and unimportant military career he demonstrated such a lack of poise and sound judgment as to make plain his unfitness to command even a regiment.

#### II.

I charge that this scheme is both personal and political.

Mr. SMITH of Michigan. I do not believe it, and I do not believe anybody else does.

Mr. STONE. Well, somebody else does.

Mr. SMITH of Michigan. I do not know about that.

Mr. STONE. Well, we will not get into any controversy about that. I do, and I am sure a good many others do. It is smeared all over with politics and most glaring personal favoritism. Plainly the amendment, which, as I have stated, is very properly called the "Roosevelt amendment"—think of that, a provision in a bill like this called the "Roosevelt amendment"—was framed with the sole idea that it would exclude everybody but Roosevelt. Is not that true? I am going to show that it is true.

So far as I know, Roosevelt is the only man going out to the country proposing to raise a division—remember that, a division! At first, his offer was to raise a smaller body of volunteers; but his ambition grew with what it fed upon, and when competition threatened the bolder idea of raising a division instead of a brigade took root in his mind. Others offered to raise brigades and regiments, and when this happened the colonel's ambition, unwilling to endure competition, raised itself to the higher level of a division.

Mr. CHAMBERLAIN. Will the Senator let me interrupt him for just a moment?

Mr. STONE. Certainly.

Mr. CHAMBERLAIN. In view of the charge the Senator makes that this is political, would the Senator mind inserting in his remarks the vote of the Senate on the Roosevelt amendment?

Mr. STONE. I would not mind doing that if I had it at hand this moment, but I have not. I am, however, going to insert the vote of the House relating to this Roosevelt amendment, as expressed on the conference report. I have not the Senate vote at hand. The Senate did vote for the Roosevelt amendment after the House had rejected it. I can not now recall the exact vote. I wish the Senator would furnish me with this data and I would be glad to insert it in my remarks.

Mr. WARREN. I was going to say I hope the Senator would insert it.

Mr. STONE. I will be glad to do so. I want to insert it. I want to be absolutely fair and square about this matter. I am going to insert the House vote on recommitting the bill to the conference committee on account of Roosevelt—to help Roosevelt. I will try to get in the Senate vote also. I not only want the absolute vote but I want the political vote. I want it in that form. I want it to show the political proportions. That will show it is political.

So far as I am advised, Roosevelt is the only man who has offered to enlist a division.

Mr. SMITH of Michigan. He is the only man who can raise an army.

Mr. STONE. The Senator observes *sotto voce* that Roosevelt is the only man who can raise an army. I do not know whether that is true or not—I do not believe it is true—but he is not the only man who can raise a brigade or a regiment.

Mr. SMITH of Michigan. There are very few men in private life who could raise a division of soldiers voluntarily.

Mr. STONE. I think he is perhaps one of the few men in private life who might possibly raise a division; he may be the only one who could do so; but there are men who can raise units representing less numbers. What I am objecting to is that you are raising no volunteer force less than a division. I am speaking of the fact that he is the only man proposing to raise a division. Can not some patriotic man be permitted to raise less than a division? Many are offering to do that. It is a striking fact, very peculiar, that the progenitors of this scheme, the authors of this amendment, so framed the amendment as to provide that volunteers should not be accepted in units less than a division. The very language of the amendment discloses its purpose; I had almost said its sinister purpose, but I refrain from using that qualifying phrase. If there were any doubt of that, the speeches made by the Senators who specially favored this amendment prove conclusively what their purpose was, that is, to give Col. Roosevelt a chance to exploit himself as the one great volunteer hero of the war.

Mr. SMITH of Arizona. And shut out everybody else.

Mr. STONE. It would give him a monopoly of opportunity. Both the amendment and the supporting speeches show that the scheme is intended only—I want somebody to disprove this statement if it be untrue—that the scheme is intended only to promote the personal ambitions and fortunes of Theodore Roosevelt.

The speeches of Senators HARDING, LODGE, and JOHNSON of California, for all of whom I have the greatest personal respect, to say nothing of the speeches of other Senators, show beyond peradventure that the amendment was intended to enable Mr. Roosevelt to do a certain thing. They did not say it, but I say that the whole trend of it, the significance of it is to promote Roosevelt's ambitious personal plans, and we all know that no man in America could utilize a chance of that kind to better advantage.

Now for a question, and I am sorry the distinguished Senator from Massachusetts [Mr. LODGE] is not here, because I can quarrel with him in a better humor, it may be, than with some others, because of my long service with him. Among the advocates of this Roosevelt amendment is there one who is a sincere advocate—the Senator from Massachusetts professes to be one of those—the conscription plan as embodied in the Chamberlain bill, who would have favored such a provision as that in question as an amendment if it had been primarily understood and intended to enable Gen. Scott, Gen. Pershing, or any man, either in private or military life, to raise a division of volunteers? No. I say all of them would have said—the Senator from Massachusetts, especially, would have said—something like this: "If we are to establish the conscription plan outlined in the bill, then you must not send out men authorized to raise large bodies of volunteers." All of them would have denounced the two things as inconsistent. But since Col. Roosevelt is clamoring for this special privilege his friends, including the senior Senator from Massachusetts, rise in the Senate without blushing to demand it for him, and they so frame the measure as to practically exclude everybody else and give Roosevelt a monopoly.

My friend the Senator from Oregon [Mr. CHAMBERLAIN], the chairman of the committee, said he would like to have the vote of the Senate inserted in my remarks. He has agreed to prepare the statement in the way he wishes, although I reserve the right to review it in substance if not in form. I will insert the Senate vote anyhow. I will insert it at the end of my remarks.

This brings me to the partisan phases of this discussion. I have heard much said to the effect that partisanship in this fateful hour of our national life and struggle should be put aside. I agree to that. Is this Roosevelt business partisanship? How are you going to determine that? Here is one way to determine it: The House of Representatives, the chairman of the committee told us only a few minutes ago what we already knew, had first voted down this Roosevelt amendment, which afterwards the Senate adopted. Then, afterwards, in the deliberations of the conference committee, it was agreed to eliminate Roosevelt from the bill, and the conferees so reported to both Houses. But there was a rally of Roosevelt's partisan forces in the House of Representatives, and they succeeded in reversing the former action of the House, and so sent the matter back to conference.

The Senator from Oregon, speaking of it this very afternoon, when his attention was called to this situation, said without qualification that the whole business was a play of politics. Let us see. On the motion in the House to recommit the bill with instructions to the House conferees to stand for the Senate Roosevelt amendment, contrary to the previous action of the

House, the vote stood as follows: Ayes—that is, in favor of recommitting with instructions to accept the Roosevelt amendment put on in the Senate—Republicans, 171; Democrats, 44; total, 215. The per cent of Republicans voting for this Roosevelt amendment is 80, of the Democrats voting for the Roosevelt amendment, 20 per cent. I wish here to say that in these tabulations I have left out fractions. Sometimes the fraction would be on the one side and sometimes on the other. I have adopted the nearest round number.

Who voted against this Roosevelt amendment in the House? Republicans so voting numbered 30, led by JULIUS KAHN, who was committed to the draft theory, and who led the fight in the House when, in the first instance, this amendment was voted down; but in this last battle on the conference report KAHN was able to rally only 30 Republicans to his support.

On the vote to recommit and to accept the Roosevelt amendment the Democrats voting against it were 148, Republicans 30. What was the per cent? The per cent voting against it was Republicans 17 per cent, Democrats 83 per cent.

One other thing. Take the entire Republican vote cast in the House at that time on the yeas and nays, and how did it stand? Yeas 171, nays 30, total Republican vote being 201. The per cent of the total Republican vote against the Roosevelt amendment was 14 per cent.

The entire Democratic vote cast on that amendment was 192—yeas 44, nays 148. The per cent against the Roosevelt amendment was 77. That looks to me very much as if it was made a partisan question in the House of Representatives.

Mr. CALDER. Mr. President—

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from New York?

Mr. STONE. I yield.

Mr. CALDER. I would like to ask the Senator if he knows that when the Roosevelt amendment was voted down it was voted down by tellers; there was no roll call; but when there was a record vote it carried by the majority he refers to.

Mr. STONE. What is the significance of that? That men voting by tellers for or against voted their real convictions, but were afraid to record themselves, and so changed on a record vote?

Mr. CALDER. If the Senator's inquiry is directed to me, I would say it was the change of sentiment in the country for Mr. Roosevelt. It was caused by the fact that the Members of the House believed the people throughout the United States wished Mr. Roosevelt to go.

Mr. STONE. Mr. President, I pass that by. If we are to have volunteers, why limit the volunteer units to divisions? That is the question I am interested in. It is the provision in the bill which limits it to a division that I am now particularly objecting to. Why not, let other men equally able and patriotic, equally anxious to raise not divisions perhaps, but regiments and brigades, have the right to do so?

If this obnoxious amendment could be so broadened as to extend the privilege of performing this service to other men as well as to Col. Roosevelt, and authorize them to raise regiments or brigades, the forces so organized could be combined into larger units under the command of experienced officers, and they would get to the front at least as quickly as the much-exploited Roosevelt contingent, and could get to the front in better form and under better auspices for effective service.

Mr. President, there are Senators—indeed, the very Senators proposing this Roosevelt amendment—who cry out, as I have already said, "We must have no politics in this war." I agree to that sentiment absolutely; I insist upon its strict observance; and I want every Senator to stick squarely to it. It is worse than useless, however, for Senators to declaim against politics in the war while at the same time they are proposing a scheme which is saturated with the very slime of politics.

III.

I have said that Mr. Roosevelt has no respect for authority and that he is incapable of subordination or obedience. His whole career demonstrates the justness of that indictment. It would be the height of unwisdom, indeed it would be dangerous, to confer an important command in a great army upon a man of his temperament. I know that more lately he has declared that all he asks is authority to raise a division, and that after he has raised it he would be willing to accept a subordinate command, say, of a brigade of that division; but it would be "Roosevelt's division," and you know as well as I know that he would practically and in effect command it or have a row.

As President he was for more than seven years Commander in Chief of the Army, and no President was ever more dogmatic and dictatorial in the exercise of his authority. Every Senator who served here at that time knows that statement to be true.

He summoned old war-worn and battle-scarred veterans, like Gen. Miles, more than once altogether to stand before him with their toes on the chalk line. Kaiser Wilhelm himself was never more autocratic in a military sense than was President Roosevelt. Talk of authorizing him to raise a division to be distinguished by the name of the "Roosevelt division"—distinguished in that way, written in that way, given out in that way—the "Roosevelt division," and then talk of him taking a subordinate command of that division under some general who had been subject to him for seven and a half years! Do you believe it possible that this man could submit obediently to such authority? Unless he has undergone a marvelous change—and we have no evidence of that—he would not be in France six weeks before he would have the command—the division—in some sort of a ferment. The Army would constantly be bedeviled with round robins, or some other kind of robins, from the very start. We would have his part of the campaign in Cuba reproduced on an aggravated scale.

Why, Mr. President, his very persistence—I want to press this upon your thought—his very persistence in this matter, his individual persistence in this matter, is proof of his trouble-making insubordination. The President of the United States, the Secretary of War, and the military authorities of the Government have united on a plan of a selective draft to raise this great emergency army, and in that view the two Houses of Congress have concurred by an overwhelming vote. The President and the Congress have concurred as to that. Numerous Senators and Members of the other House did not approve of the conscriptive plan, but favored the raising of the Army through the agency of volunteers. The great majority, however, took the other view. After both the executive and legislative departments of the Government adopted the selective-draft system with practical unanimity, everybody accepted it as the plan agreed upon and to be carried out, except Roosevelt, and possibly those who may be regarded as his personal partisans. He still persists, and all along has persisted, in clamoring for what? The personal privilege of raising volunteers; and that has been put by him and his partisans upon the ground that he of all others could do that and that he personally wanted to do it. He is the one man in the whole country who will not accept what has been agreed upon, and who refuses to yield to the expressed judgment of the Government and the country. He persists, in spite of the general judgment, in touring the land and employing all the arts of which he is capable to compel the Government to confer this special honor and privilege upon him, to the exclusion of everybody else, and it is so stated on the floor here by Senators who have advocated it. By this course, while professing to approve the selective-draft system—and he does profess to do that—he defiantly—now think of that—defiantly antagonizes the underlying principle of the selective-draft system. While persisting in this course it is no answer for his partisan advocates here to say that in a general way he approves of the selective-draft system. To assume that attitude is the equivalent of saying—now, Senators, is this not true?—that he favors the application of the selective-draft system to everybody but Theodore Roosevelt. He seems to proceed on the theory that he should be exempt from the rules which he says are right rules for the government of the balance of the country. That position is essentially Rooseveltian.

Roosevelt has never stood by or harmoniously cooperated with any organization with which he has ever been connected—civil, political, or military—unless he could dominate it. Every Senator here knows that to be essentially true. The whole country knows it to be true. The history of all this is of too recent date, too fresh in the memories of men, for anyone to question it.

The Senator from Massachusetts said in his speech supporting this amendment that the ex-President, Mr. Roosevelt, would be a strong and inspiring figure in France; that he would be on easy, intimate, influential terms with the President of France and with other important officials in France, and so on and so forth. That is the substance of the Senator's utterance, although not the exact language. If President Wilson thinks he needs Mr. Roosevelt for any purpose of that kind, let the President send him to France for that sort of service in a civil capacity. If the President wishes him for that, let him choose him for it. Mr. Wilson is supposed to be in command; not Roosevelt. I express the opinion that the President of France does not need Mr. Roosevelt's services as a military censor or advisor. I venture to indulge that doubt. The President of France, speaking through Marshal Joffre, says that he wants American soldiers in France under the command of able and experienced officers at the front. He does not need American politicians, but American soldiers, under the guiding hand of officers who know how to command, and who, therefore, know how to obey when obedience is necessary.

In closing, Mr. President, I can not help regarding this scheme as unworthy of the Senate. It should not have been projected at a time when we are considering a subject of such grave importance as that we have had before us, a subject which concerns the raising of a great and effective American Army to fight our battles, and raising it, too, at an enormous expense to the people. When we are considering a question which so vitally concerns the lives and fortunes of millions of men, we should steer clear of partisan politics, whether present or future politics; and of personal favoritism.

Mr. President, it is possible that out of the storm of this war some great figure will emerge—some great figure like Grant, who rose out of the storm of the Civil War—who will so fascinate the patriotic imagination of the American people as to make him a future President of the United States; but for the honor and good repute of our beloved country let us not now go into the unworthy business of manufacturing presidential candidates. Let us really and honestly keep this frightfully, desperately grave business upon which we are engaged wholly outside the domain of partisan politics.

Mr. REED. Mr. President, in line with what the Senator has just said, I want to read a telegram, or a part of a telegram, under date of May 10:

I have 1,200 young men who want to form an Artillery regiment. Have two West Pointers and 20 Regular Army or militia officers for regimental and battery officers. State adjutant general seems to have no authority to accept same. Can you not intercede for us and save this fine organization?

This is signed by a very responsible and, indeed, a wealthy young man in my city. It is one of many similar offers that have been made.

Mr. JOHNSON of California. I beg that the Senator from Missouri [Mr. STONE] will not leave for a moment.

The amendment, Mr. President, in this particular instance was offered by the distinguished Senator from Ohio [Mr. HARDING] and was supported by the distinguished Senator from Massachusetts [Mr. LODGE]. I regret exceedingly that any response should be made by me to what has just been stated by the distinguished and eloquent Senator from Missouri, but I feel, Mr. President, that I would be wanting in the affection that I have for Theodore Roosevelt if I did not at least register a dissent and answer in a feeble way that which has been said upon this floor to-day. In answering, I answer not in bitterness of spirit at all, and I do not answer in crimination or re-erimination in any degree. I answer the distinguished Senator from Missouri because I am the friend of Theodore Roosevelt, and in the territory from which I come when a friend is assailed, it is the duty of his friend, even inadequately, feebly, and weakly, but to the best of his ability, at least to respond.

I listened with surprise; with chagrin—aye, as a Senator of the United States, the youngest in service upon this floor, I listened with humiliation—to the remarks of the senior Senator from Missouri [Mr. STONE] as he excoriated Theodore Roosevelt, and as he held up to the scorn and the contumely of this Nation what he termed contemptuously "the Roosevelt division." With every variety of inflection that it was possible for him to infuse into the words, again and again he spoke of "the Roosevelt division" under this amendment. Had the words come from any other than a Senator of the United States; had the words been uttered in that fashion outside of this particular assemblage; had we heard this sort of thing said by one beyond the portals of this Capitol concerning the Roosevelt division, we would have concluded at once that the utterer desired no division at all of American soldiers in this war. That, of course, would not be imputed to any Senator upon this floor. But I glory, Mr. President, in the Roosevelt division; and notwithstanding the contempt voiced concerning that division, it is with pleasure and with joy and with a bubbling patriotism that I refer to "the Roosevelt division," as the Senator has termed it.

Oh, the Roosevelt division! What is it that is asked? It is asked only by a man who is now really in the twilight of life that he may finally lay down his life for the country that has been his. It is only that he asks that he may serve that country, may go forth to battle for his country's rights, and may do all that may be done by human being in behalf of his Nation. When was it that a nation denied to its sons the right to fight in its behalf? I may be acquitted of the criticism that has been leveled to-day at certain Senators who voted for this amendment alone, because I voted as well to permit volunteers; but the attack that has been made in this Chamber is one that I regret, and it is a very, very sad thing at this particular time.

We have stood shoulder to shoulder, both sides of this Chamber, in this war. I vie with you, sir, and with every man upon the other side, in upholding what may be necessary to be done in this time of national crisis. Every man here,

no matter what his previous political predilections have been, has stood for the right, for Americanism, and for our flag in this great contest. It has remained for to-day in the United States Senate, for the first time in the history of this conflict, and the first occasion since the 2d day of April last, when the President made his glorious address to the Houses of Congress, for politics to be injected into this particular fray and into this world conflict. There is no politics in begging to serve one's country; the politics is in the carping and ungenerous criticism of the request.

To say that Roosevelt desires for personal ambition and political favor hereafter to go to war is indeed to beg the entire question and to deny the entire life of this patriot. To say that he has asked in this particular instance that he may enlist in behalf of his Nation for political reasons is, I submit, without either foundation in fact or foundation, indeed, in any logical deduction that may be drawn from the events of the last few years.

The distinguished Senator has said that Roosevelt has toured the land in the endeavor to do that which he desires. Aye, he has toured the land. He toured the land for preparedness two and a half years ago, and ye laughed at him as hysterical. He toured the land two and a half years ago, and continuously since, for undiluted Americanism, and ye said that he was merely dealing in jingoism. To-day you have adopted his doctrine of preparedness. To-day his undiluted Americanism, to which at first but few listened, has become the slogan of the whole Nation. He toured the land for patriotism, for Americanism, and patriotism and Americanism constitute his offense.

Oh, this attack is a sad, sad thing! This war is no man's war; as has been repeatedly said upon the floor of this Chamber, it is no party's war; and it is a war, no matter what may be the internecine strife against those who wish to fight the war that will be fought and will be fought for the American Nation.

I yield, of course, a ready obedience and obeisance to the extraordinary military knowledge of the distinguished Senator from Missouri. I recognize him as a military strategist who, in a few brief sentences on the floor of this Chamber, can dispose of the services of a man like Theodore Roosevelt, given in time of stress in the nineties, as he gives those services in time of stress like the present. I recall that charge up the hill about which the distinguished Senator sneers this afternoon, and which he has belittled, and which, indeed, he has ridiculed. After all, my friends, Roosevelt fought, and he fought for the United States of America. After all, he asks only that he be permitted to fight to-day for the United States of America; and in that charge up San Juan Hill, take the contemporaneous records and you will find that he fought the fight of a brave man that day, and that he led his command, and that he led them to victory.

Experience is spoken of, the necessity for a military education, and the like. Grant it if you will. There is one thing this man has, one thing that he has proven in the life that he has lived in the open in this Nation: He has red blood in his veins, and he has the ability to fight, and he has the tenacity and the courage to win when he fights; and that is the sort of an American that is needed and is required in this war. I say to you, gentlemen of this particular assemblage, that if a man can raise a division, if he is able to go forward, if he wishes to fight, to die if need be, for his country, it is a sad and it is a humiliating thing that his motives shall be questioned and that his course shall be assailed in the very act near the close of his great career, which is the noblest and greatest of all.

Oh, for more Roosevelts in this Nation! Oh, for more men who will stand upon the hustings and go about the country preaching the undiluted Americanism that all of us claim to have! Oh, for more Roosevelts and more divisions of men who will follow Roosevelt! With more Roosevelts and more Roosevelt divisions the flag of the United States will go forth in this great world conflict to the victory that every real American should desire and demand.

Mr. WILLIAMS. Mr. President, I send to the desk and ask to have read as a part of my remarks a clipping from to-day's Washington Times, which I think somewhat apropos to the situation.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

NOW FOR ACTION.

A good Quaker once encouraged an assailant who was indulging in billingsgate with the remark, "That's right, friend; let the bad stuff out of thee."

The Senate, having spent some four hours yesterday in executive session in letting off the accumulated volume of criticism against the newspapers for hurrying them up, against the people who do not understand the importance of preserving senatorial dignity at all hazards, at the administration for its manifest desire to see the war measures

passed, and the Council of National Defense for exceeding its powers, should now be able to get down to business. The mountain duly labored and produced a diminutive mouse, in the form of an amendment requiring the Council of National Defense to obey the laws.

But, seriously, this is no time for insisting on senatorial prerogatives. It is true that the Senate feels that the creator is above any of its creatures, and as it helps to pass legislation making new offices and then has its say concerning the men to fill these offices it feels that no man selected for an important task can possibly know more than a Senator. It feels the contempt of the creator for the creature whenever it indulges in criticism of "some little bureau chief." The big business men, on the other hand, who have patriotically proffered their services to the Government and form the Council of National Defense and its advisory boards and working committees are naturally impatient at being hampered by restrictions which the Senate thinks are necessary to safeguard its own powers. They wonder that it takes days of debate to decide questions on which any educated man, not having his constituents in mind, could express his opinion in five minutes, which an ordinary board of directors could pass upon in a half hour. There must be patience here on both sides. The Senate has heard from the press and from the people that needless delay will not be tolerated, and it will yet find a way to suppress the senatorial proclivity of talking ad libitum. The executive session is not a bad idea in itself, for while its proceedings are always duly reported in the newspapers, the speeches made can not be sent out to one's constituents, and talking for buncombe is largely eliminated.

It is a great task on which the United States has entered, one in which useless delay is hampering and may be fatal. The signs that the Senate begins to appreciate this fact in attempting to defend its habits of procrastination are welcome to the American people.

Mr. WILLIAMS. Mr. President, I have nothing to add to that, except to express the hope that in some way, somehow, we may speed up and attend to the people's business.

In so far as the discussion about the obtrusion of politics into the present situation is concerned, I am sorry to say that I agree with both sides. I think that politics has been brought into it on one side in the way of fighting for position, and on the other side in the way of trying to prevent somebody's fighting for position. I think it is a case of mountains laboring and a ridiculous mouse being born; and I do hope, with all the balance of the one hundred and four millions of the American people, that we will stop useless differences among ourselves, and will try to bring the emergent business of the Republic to a speedy conclusion.

Mr. SMITH of Georgia. Mr. President, I desire to suggest to the Senate that the trouble we have, at least a number of us, growing out of the fact that the conference report has stricken out the language limiting the emergency to the war with Germany, might be obviated by a very brief amendment to the military appropriation bill which we will take up immediately after the conference report, if we adopt the conference report; and for information I wish to read to the Senate an amendment which I shall offer at the close of that bill, numbering it section 4:

That the language "existing emergency" or "emergency" used in the act passed at the present session of Congress entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States" is hereby declared to mean the emergency caused by the war with Germany.

That bill is an appropriation bill for military purposes. I am not sure that this amendment could be offered over objection. We could handle it very easily, however, by temporarily laying aside the conference report—the chairman of the Appropriations Committee has seen this amendment and will accept it—and if we could be allowed to add this amendment to the military bill, I think many of us would vote for the conference report without embarrassment.

I have been impressed with the importance of terminating action upon this conference report, and yet, frankly, I would not have voted for the bill except with the distinct understanding that "the emergency" meant the war with Germany, and I am distressed that those shaping the bill desire to eliminate that language. I believe that a large majority of the Senate meant by that language the war with Germany, and I wish to submit this to the Senate to see if there is any objection to it.

Mr. JONES of Washington. Mr. President, as I remember the reading of that amendment, it says that it is to be construed to mean the emergency caused by the war with Germany.

Mr. SMITH of Georgia. Yes; it limits the emergency to the emergency caused by the war with Germany.

Mr. JONES of Washington. All sorts of things may grow out of the war with Germany.

Mr. SMITH of Georgia. No; I do not think that is the case.

Mr. JONES of Washington. They might. I do not think that language will meet the situation at all.

Mr. SMITH of Georgia. The Senator does not think it goes far enough? Would the Senator agree to this language:

Is hereby declared to mean the war with Germany.

I want to find out if there is any objection on the part of the Senate to adding that language to the House bill.

Mr. PHELAN. I should like to inquire the object of the Senator in limiting the emergency to the war with Germany,

Mr. SMITH of Georgia. We have been debating that quite a while. Many of us are utterly unwilling to give these powers except as incidents of the war with Germany, and in voting for the bill we put that language into it and sent it to conference with that language in it.

Mr. PHELAN. In the event of the adjournment of Congress, should another emergency arise—war with another nation—would not the legislation we have passed to meet the emergency cease and be of no avail?

Mr. SMITH of Georgia. There could not be a war with another nation unless we came and declared war. I for one am utterly opposed, and we have spoken on that for hours to-day, to giving a selective-draft system except for this specific war.

Mr. PHELAN. Do I understand that the Senator contemplates Congress shall remain in session during the entire period of the war?

Mr. SMITH of Georgia. I certainly contemplate that Congress should be in session if war is to be declared.

Mr. SMITH of Arizona. It would be bound to be in session.

Mr. GALLINGER. And whether war or not, if the Senator will permit me, it looks very much like we might be in session for the rest of the year.

The VICE PRESIDENT. The Chair hears no objection to the amendment, and assumes no point of order will be raised against the amendment as presented by the Senator from Georgia. The question now recurs on agreeing to the conference report.

Mr. REED. Mr. President, I desire a little light if I can get it. The Senator from Georgia proposed to withdraw objection to the pending conference report upon some kind of an assurance, a sort of a good-faith assurance here, that no point of order would be raised against an amendment which he has written out and read to us. That is all right so far as it goes, and, of course, if that method is pursued, I do not object, but I confess that as a Member of the Senate I should like to know a little more of the reasons which caused the chairman of the committee to suggest that it is not safe to send the bill back to conference. It went to conference; the House withdrew it from the first conference, reversed its own action, and sent it back. I think the third conference report has been printed. In all these cases the additional conference has been at the request of the House.

I wish the chairman of the committee could take us into his confidence and tell us why it is dangerous to send the bill back.

I confess that I am getting awfully tired of being told that I must do something because some mysterious agency is at work or some mysterious danger is impending or some mysterious thing is going to happen. I think we ought to know. It is inconceivable to me that the House of Representatives would deliberately undertake to forestall and destroy this legislation. It may be that the House of Representatives may desire to submit some other matter. It certainly would be very extraordinary if that body at this late day would ask to reopen the entire question.

I do not fear another Roosevelt amendment, because there is only one Roosevelt. It is barely possible that they might want to open the plan of volunteering to the entire country. But whatever the reasons are I think we are entitled to be given them. Then I am in favor of taking such action with reference to the particular bill that is now before us as we think we ought to take, and let the chances follow.

I ask the chairman of the committee if he can not give us some further light.

Mr. CHAMBERLAIN. Mr. President, I think the Senator from Missouri is in just as good a position as I am to know the objections that are likely to arise if this bill comes up again in another conference, to be considered possibly by new conferees. As a matter of fact, I do not know how far I am permitted to speak of the feeling of the conferees. The House conferees are all splendid and able gentlemen, but there was the Democratic chairman of the Military Affairs Committee on that conference who was originally entirely opposed to the draft principle. It is true when the House declared a policy he followed it out, and he was criticized on the floor of the House because he stood for the House action in excluding the so-called Roosevelt amendment in the first conference. On the other hand, the ranking Republican member of the committee in the conference was in favor of the draft system. The other members of the conference on the part of the House were divided in opinion as to the matter, so it can be seen that our work was not all plain sailing in conference. This diversity of opinion exists in the House.

I call the Senator's attention to one thing that may come up again in conference. It was very bitterly fought out in conference. That is the question of regulating vice and the

use of intoxicating liquors in military reservations and camps. All these matters are now a part of the bill and would inevitably come up again. The Senator has no idea of the difficulties we encountered in trying to reach an agreement on this very important measure.

The Senator says that the conference would hardly go back on the action of their respective bodies, yet we find that the Senate itself, after it solemnly passed the so-called Roosevelt amendment, undertakes to reverse the action of the Senate now on the report of the committee. May not the House reverse itself on important provisions of the bill again as it did on the volunteer amendment?

Mr. WILLIAMS. There was not a thing about it in conference.

Mr. CHAMBERLAIN. There was not any difference on that amendment as it is now reported between the Senate and House. The two bodies were in exact accord as the bill is finally reported here. But there is no assurance that either body will stand hitched, as the Senator from Mississippi suggests, and they may change their policy on every phase of the bill if it is taken up again.

Mr. President, it has been argued here all the time that this measure violates the traditions of this country, and nobody has done it more eloquently or more ably than the Senator from Missouri [Mr. REED]. That feeling is still in existence. All these questions will come up again and be discussed over again in the House, and in the Senate, too, so far as that is concerned, and consume weeks of time.

My own opinion is, based upon conversations I have had with Members of the House and with Members of the Senate, too, that if this bill goes back to conference there will be no legislation within the next 30 or 60 or 90 days on this subject, and it is very essential that something be done and done quickly.

I can not help but repeat that the whole War Department is tied up in undertaking to do something with respect to increasing the Military Establishment. It is waiting for Congress to act.

I am not one of those who believe we ought to rush things because the press criticizes or some department insists upon its being done, but, Mr. President, I think every one realizes the importance of this situation and the necessity for getting through this bill to provide for the Army.

In this connection I am going to ask to have printed in the Record a statement of the history of this bill and its progress through the two Houses. There has been some suggestion that a good deal of time has been taken in the matter. I simply want to put this statement as to what has been done and how promptly it has been done in the Record.

The matter referred to is as follows:

HISTORY OF THE SELECTIVE-DRAFT MEASURE IN CONGRESS.  
SENATE PROCEEDINGS.

April 16, 1917: First meeting of the Committee on Military Affairs held to consider the measure. Between April 4 and 16 the Committee on Military Affairs was considering the Army appropriation bill, the Military Academy appropriation, and a bill (S. 1786) to amend the national defense act approved June 3, 1916.

April 17, 1917: Measure again considered by the committee. Certain modifications made in the bill as submitted by the Secretary of War, and it was introduced in the Senate by Senator CHAMBERLAIN and known as Senate bill 1871, a bill to authorize the President to increase temporarily the Military Establishment of the United States.

April 18, 1917: Bill considered by committee, certain amendments made thereto, and it was ordered reported to the Senate as amended.

April 19, 1917: Bill reported to the Senate by Senator CHAMBERLAIN with majority report (S. Rept. No. 22) and bill placed on the Senate Calendar.

April 21, 1917: Motion made in Senate by Senator CHAMBERLAIN to proceed to its consideration, and agreed to. Minority report signed by Senators THOMAS, MCKELLAR, REED, KIRBY, and HITCHCOCK submitted to the Senate same day.

April 22, 23, 24, 25, 26, 27, and 28, 1917: Bill considered by Senate.

April 28, 1917: Bill passed by Senate at midnight. Recess taken for 30 minutes.

April 29, 1917: H. R. 3545, the House selective draft bill, placed before the Senate at 12.30 a. m. and referred to the Committee on Military Affairs. Reported back to the Senate by Senator CHAMBERLAIN, striking out all of the House bill after the enacting clause and substituting the provisions of S. 1871 as the latter bill had passed the Senate and bill placed on the Senate Calendar.

April 30 and May 1, 1917: House bill as amended considered.

May 1, 1917: House bill as amended passed by Senate, Senate on motion insisting on its amendment, asking for a conference with the House, and appointing Senators CHAMBERLAIN, HITCHCOCK, and WARREN conferees on the part of the Senate. Senate bill 1871 was thereupon postponed indefinitely by the Senate, it not having been sent to the House of Representatives after its passage by the Senate.

May 1, 1917: House disagreed to the amendment of the Senate and agreed to the conference asked for by the Senate, and appoints Messrs. DENT, FIELDS, QUIN, KAHN, and ANTHONY the conferees on the part of the House.

May 5, 1917: First meeting of the conference committee of the Senate and House.

The same conferees, between May 1 and 5, held conferences on the Army appropriation bill and the Military Academy appropriation bill, and finally disposed of both appropriation bills.

May 7, 8, 9, and 10, 1917: Conference held on the bill.

May 10, 1917: Conference report made in Senate by Senator CHAMBERLAIN, inserting new language for the matter carried in the bill as it was amended by the Senate. Conference report was signed by all the Senate conferees and the House conferees, except Mr. KAHN and Mr. ANTHONY.

May 11, 1917: Conference report made in the House by Mr. DENT.

May 12, 1917: Conference report considered by House and recommended to the conferees on motion to instruct the House conferees to agree to a certain provision in the bill as it passed the Senate (the so-called Roosevelt provision). Senator CHAMBERLAIN in the Senate withdrew the conference report he had heretofore submitted to the Senate in view of the action of the House of Representatives.

May 14, 1917: Conference committee met in second conference and inserted the provision in the bill as passed by the Senate relating to the voluntary enlistment of not to exceed four infantry divisions, the so-called Roosevelt provision, being the seventh paragraph of section 1.

May 15, 1917: Conference report (second) made to House and Senate.

May 16, 1917: House recommits the bill to the conference committee the second time with instructions to insert in the bill a provision relating to a graduated increase in the pay of the enlisted men. The second conference report heretofore made in the Senate was thereupon withdrawn by Senator CHAMBERLAIN. The conference committee met for the third conference and inserted in the bill the provision relating to the pay of enlisted men, upon which the House conferees had been instructed. Third conference report made in the House and agreed to.

May 17, 1917: Third conference report made in the Senate.

Mr. President, I feel very deeply on the subject of getting this measure through, because I do not believe we can get it out in any reasonable time if it goes back to conference.

Mr. REED. Mr. President, I think all the Members of the Senate appreciate the desirability of getting action. Nobody here will desire to delay the bill. I can not think that the House of Representatives will fail to understand the question in just the same way and be actuated by just as patriotic motives. There has been only one suggestion made by the Senator that it seems to me could possibly open up any prolonged discussion, and that is that the draft proposition is proving unsatisfactory, for I think that is a fair interpretation of the Senator's language, although that is not his language.

Mr. CHAMBERLAIN. I did not mean to say that.

Mr. REED. Of course, if there is such a revolt in the country as will compel the Representatives in Congress to reverse themselves upon that proposition, if there is any such feeling as that in the country, we ought to heed it now, because I say to the chairman of the committee, whom I greatly admire and whose earnest work I appreciate and value, and I say to everyone this war must be carried on by the American people, and whoever expects to carry it to a successful termination would do well to have great regard for the opinion of the American people in the matter of its conduct.

Mr. CHAMBERLAIN. May I interrupt the Senator for just a moment?

Mr. REED. Certainly.

Mr. CHAMBERLAIN. I did not want the Senator to gather from what I had to say that I thought the selective draft was becoming unpopular. On the contrary, I believe the communications I have received contradict that idea. I did not mean to have that understood by the Senator.

Mr. REED. I do not want to state the case so that the Senator will be put in a light he does not desire to be put in. My own notion about it is just as I have heretofore expressed it. But I had my day in court here; I was defeated, and I am not trying to hold the bill up so as to get another vote. If the only thing that is left is the matter of cutting out the language that has been referred to by the Senator from Georgia in his recent remarks, I do not desire to delay final action, although I say to the Senate now that unless it does adopt a resolution construing the bill, it is my opinion that it is the fixed purpose of the War Department to give to the bill an entirely different meaning from that which was intended by Congress. I have not the slightest doubt of it.

I say again, and I want to say it with all respect in the world, but I say it because I think it is my solemn duty as one Member of this body, with all respect in the world for our Military Establishment, without saying that it may not be the best of its size in the world, I yet say that Congress has certain functions to perform. It must represent the American people. I never yet knew a professional military man who understood public opinion or understood how to deal with the civilian population. I think we ought not to tolerate any further interference with the language of bills as written by Congress, and that this language was changed in this bill, directly or indirectly, at the demand of the Military Establishment I can not possibly entertain any doubt.

Mr. KNOX. Mr. President, I should like to say just a few words with a view of acquitting myself of any responsibility for delay upon this measure.

With all respect to the opinions which have been expressed by Senators here to-day in discussing the difference between the language of the bill and the language employed by the Senate, or the difference between the "existing emergency" and

"during the present war with Germany," it seems to me to be the difference between tweedledee and tweedledum.

While I have been entirely willing to agree to the amendment that was suggested a few moments ago by the senior Senator from Georgia, saying that we mean by the existing emergency the present war with Germany, I think it is wholly unnecessary. Is there an intelligent child over 12 years in the United States that does not know that the existing emergency is the war with Germany? We are confronted with no other emergency, Mr. President, but the emergency that arises out of the war with Germany.

Mr. WADSWORTH. Mr. President—

Mr. KNOX. Just let me finish this sentence. The language of this conference report is that those who are drafted shall be required to serve for the period of the existing emergency unless sooner discharged, not an emergency, as was suggested this morning, that might arise with some other country later on during the prosecution and conduct of the war, arising with some country, as was suggested, on our own hemisphere. That would not be the existing emergency referred to in this bill. This bill from its title to its conclusion refers not to emergencies generally, not to an emergency which may arise later on, but to the existing emergency.

I repeat, Mr. President, I doubt if anyone has any other conception as to what the existing emergency is than that it is the emergency of the German war.

Mr. WADSWORTH. Will the Senator yield?

Mr. KNOX. I have finished.

Mr. WADSWORTH. May I say, supplementing the remarks of the Senator from Pennsylvania, that it is very easy, to my mind, to think of an existing emergency which may not be terminated with the end of this war. It all depends upon the terms of the treaty of peace when the war shall have ended. The terms of the treaty of peace may not end the emergency. It has happened, I think, at least once in the history of this country that the treaty of peace was not deemed as the ending of the emergency. I think when the War of the Revolution came to a close and the treaty of peace was signed one of the terms of the treaty was that British troops were to be quartered or allowed to be stationed in portions of the then United States until certain other terms of the treaty were fulfilled, and until those troops were withdrawn the emergency of the people of the United States did not cease.

So at the end of the Franco-Prussian War, which, as everyone knows, resulted in the victory of Prussia, one of the terms of the treaty of peace there was that German or Prussian troops should be quartered upon the French people until the indemnity was paid, and so long as German troops were quartered upon French soil the emergency confronting the French people continued to exist. No man dares to prophesy what the terms of the treaty which shall bring this war to a close may be. It may very well be that the signing of the treaty of peace between the United States and its allies upon one side and the Teutonic powers upon the other will not definitely and conclusively end the emergency. It may be necessary for us, in compliance with the very terms of the treaty of peace, to keep this army in being for six months or one-year after peace shall have been concluded.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. LA FOLLETTE. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. SMITH of Maryland (when his name was called). My general pair, the Senator from Vermont [Mr. DILLINGHAM], is absent; but I understand that if present he would vote as I shall vote. Therefore I vote. I vote "yea."

Mr. VARDAMAN (when his name was called). I have a general pair with the junior Senator from Idaho [Mr. BRADY]. In his absence I withhold my vote. If I were permitted to vote, I should vote "nay."

While I am on my feet I desire to announce the absence of the Senator from Utah [Mr. KING] on official business.

Mr. WEEKS (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. JAMES]. I understand that if present he would vote on this proposition as I intend to vote. I therefore vote. I vote "yea."

Mr. WOLCOTT (when his name was called). I transfer my pair with the senior Senator from Indiana [Mr. WATSON] to the senior Senator from New Jersey [Mr. HUGHES] and vote "yea."

The roll call was concluded.

Mr. GERRY (after having voted in the affirmative). I have a general pair with the Senator from New York [Mr. CALDER]. I am informed that that Senator is absent on an important engagement. I also understand that if present he would vote "yea." I will therefore let my vote stand.

Mr. CURTIS. I desire to announce the absence of the junior Senator from Ohio [Mr. HARDING] on account of illness. I am advised that if he were present he would vote "yea."

Mr. FALL. I was not present in the Chamber when my name was called. For reasons that I gave in the remarks which I to-day delivered on this subject, I request to be excused from voting upon this question.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. FERNALD. I have a pair with the junior Senator from South Dakota [Mr. JOHNSON], but I understand that if present he would vote as I shall vote on this question. I therefore vote. I vote "yea."

Mr. BANKHEAD. My colleague [Mr. UNDERWOOD] is unavoidably absent on official business. If present, he would vote "yea."

Mr. SUTHERLAND. I desire to announce that my colleague, the senior Senator from West Virginia [Mr. GOFF], has a general pair with the Senator from South Carolina [Mr. TILLMAN]. If present, my colleague would vote "yea."

The result was announced—yeas 65, nays 8, as follows:

## YEAS—65.

Ashurst	Johnson, Cal.	Owen	Smith, Mich.
Bankhead	Jones, N. Mex.	Page	Smith, S. C.
Beckham	Jones, Wash.	Penrose	Smoot
Borah	Kellogg	Phelan	Sterling
Brandegge	Kendrick	Pittman	Sutherland
Chamberlain	Kenyon	Poindexter	Swanson
Cummins	Knox	Pomerene	Thomas
Curtis	Lewis	Ransdell	Thompson
Fernald	Lodge	Reed	Townsend
Fletcher	McCumber	Robinson	Wadsworth
France	McKellar	Saulsbury	Warren
Frellinghuysen	McLean	Shafroth	Weeks
Gallinger	Martin	Sheppard	Williams
Gerry	Nelson	Sherman	Wolcott
Hale	New	Smith, Ariz.	
Hitchcock	Newlands	Smith, Ga.	
Husting	Overman	Smith, Md.	

## NAYS—8.

Gore	Hardwick	La Follette	Stone
Gronna	Kirby	Norris	Trammell

## NOT VOTING—23.

Brady	Fall	Johnson, S. Dak.	Tillman
Broussard	Goff	King	Underwood
Calder	Harding	Lanc	Vardaman
Colt	Hollis	Myers	Walsh
Culberson	Hughes	Shields	Watson
Dillingham	James	Simmons	

So the conference report was agreed to.

## DISPOSITION OF CONFERENCE REPORTS (S. DOC. NO. 33).

Mr. STONE. Mr. President, in connection with the matter we have just been considering, and which we have just disposed of, I wish to say that, with the assistance of Mr. Gilfry, who is the author of our book on precedents, we have collated the precedents that relate to the disposition of conference reports. This matter is in a condensed form, and I should like, if there be no objection, to have this compilation printed in the RECORD as a matter of convenient reference.

The VICE PRESIDENT. Is there objection?

Mr. LODGE. I desire to suggest that it may also be printed as a Senate document. I think it would be very convenient in that form.

Mr. SMOOT. That would be very much better.

Mr. STONE. Does the Senator mean to have it printed in that form rather than printed in the RECORD?

Mr. LODGE. No; I suggest that it be printed in both forms.

Mr. SMOOT. Why have it printed in the RECORD?

Mr. STONE. Very well. I ask that it be printed merely as a Senate document.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the order is made.

## EXECUTIVE SESSION.

Mr. MARTIN. 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 20 minutes spent in executive session the doors were reopened.

## RECESS.

Mr. MARTIN. I move that the Senate take a recess until to-morrow at noon.

The motion was agreed to; and (at 5 o'clock and 47 minutes p. m.) the Senate took a recess until to-morrow, Friday, May 18, 1917, at 12 o'clock meridian.

## CONFIRMATIONS.

Executive nominations confirmed by the Senate May 17, 1917.

## REGISTER OF THE LAND OFFICE.

Onias C. Skinner to be register of the land office at Montrose, Colo.

## RECEIVER OF PUBLIC MONEYS.

Samuel Butler to be receiver of public moneys at Sacramento, Cal.

## PROMOTIONS IN THE NAVY.

Lieut. (Junior Grade) Howard M. Lammers to be a lieutenant.

Ensign Fitzhugh Green to be a lieutenant (junior grade).

Ensign Michael Hudson to be a lieutenant (junior grade).

## POSTMASTERS.

## INDIANA.

M. E. McIntyre, Ambia.

Robert A. Talbott, National Military Home.

## IOWA.

S. B. Morrissey, Audubon.

## MINNESOTA.

Louis Bauer, Crosby.

C. E. Nightingale, International Falls.

Andrew Johnson, Parkers Prairie.

John Bowden, Spring Valley.

Lida K. Gray, Taylors Falls.

## MISSISSIPPI.

Walter W. Lewis, Pascagoula.

## OKLAHOMA.

John F. Garner, Mill Creek.

Randolph Laurence, Roff.

## SOUTH CAROLINA.

C. W. Milling, Darlington.

N. B. Hargrove, Dillon.

M. B. Watson, Ridge Springs.

J. Mitchell Witsell, Walterboro.

## HOUSE OF REPRESENTATIVES.

THURSDAY, May 17, 1917.

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

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in Heaven, we thank Thee for every gleam of light which has illumined the mind and cheered the heart of man in his brave and untiring search for truth. Give us new desires and inspire us with greater energy that we may have more light, especially that light that never shone on land or sea, but that makes for righteousness in the soul of man; that sin and iniquity may take wings and fly away, and righteousness, peace, and joy reign supreme in every heart, in the spirit of the Lord Jesus Christ. Amen.

## THE JOURNAL.

The Journal of the proceedings of yesterday was read.

Mr. FOSTER. Mr. Speaker, I notice that the conference report as printed in the RECORD, and I judge it is the same in the Journal, gives the same pay to the enlisted men, and so on, as the original report of the conference committee in the House. It was changed yesterday to correspond to \$15 a month increase for the enlisted men, but it does not appear in the RECORD, and I judge it is the same in the Journal. I want to say that I have examined the original papers, which show that that amendment as adopted by the House, offered by the gentleman from Iowa [Mr. Good], was correct in the original report, but it is not so printed in the RECORD.

Mr. MANN. Section 10?

Mr. FOSTER. Section 10. Now, if you will observe, the RECORD shows the same old section.

Mr. MANN. I have not examined the RECORD.

Mr. FOSTER. I judge that the gentleman noticed that.

Mr. MANN. I have not examined the RECORD.

Mr. FOSTER. Well, the RECORD shows the same as it was in the first report.

Mr. MANN. I think it ought to be reprinted then.

Mr. FOSTER. I think so.

Mr. MANN. The original conference report is right.

Mr. FOSTER. The original conference report is right, and the corrections as made there were all right. It is not so in the RECORD.

Mr. MANN. How is it in the Journal?

The SPEAKER. The Journal is like the RECORD.  
Mr. ROGERS. Is not the report in the RECORD like the one that preceded it?

Mr. FOSTER. If the gentleman will observe the RECORD—  
Mr. ROGERS. The statement deals with the Roosevelt amendment on page 2423.

Mr. FOSTER. If you will observe, the RECORD provides—  
The SPEAKER. The Chair will call the attention of the gentleman from Illinois [Mr. FOSTER] to a fact that may straighten it out. There were two conference reports made on that bill yesterday.

Mr. FOSTER. I know that, Mr. Speaker, and I am referring to the last one, which provides that enlisted men of the Army of the United States in active service whose pay does not exceed \$21 a month shall receive an increase of \$10 a month, and so on. Now, the original report shows the \$15 per month. That is the amendment that was adopted yesterday.

The SPEAKER. You can not change a bill by changing the RECORD.

Mr. MANN. My colleague states that the conference report is correct.

The SPEAKER. The Clerk reports to the Chair that the original is all right and this is a misprint in the RECORD.

Mr. FOSTER. It ought to be corrected in the RECORD, if that is the case.

Mr. MANN. How is it in the Journal?

The SPEAKER. The same way. The Journal is made up on such matters from the RECORD.

Mr. FOSTER. It ought to be corrected in the Journal so as to correspond.

The SPEAKER. Why, of course.

Mr. FOSTER. So as to correspond with the amendment adopted yesterday by the House.

Mr. MANN. I suggest to my colleague that he ask that the conference report be reprinted in the RECORD correctly and corrected in the Journal.

Mr. FOSTER. I ask that.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] asks unanimous consent that the report of the conference committee be correctly printed in the RECORD and the correction be made in the Journal. Without objection, it is so ordered. [After a pause.] The Chair hears no objection. That straightens it out.

The Journal was approved.

#### INCREASE IN THE MILITARY ESTABLISHMENT.

The conference report and statement are as follows:

#### CONFERENCE REPORT (NO. 53).

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3545) to authorize the President to increase temporarily the Military Establishment of the United States, having met, after full and further conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That in view of the existing emergency, which demands the raising of troops in addition to those now available, the President be, and he is hereby, authorized—

"First. Immediately to raise, organize, officer, and equip all or such number of increments of the Regular Army provided by the national defense act approved June 3, 1916, or such parts thereof as he may deem necessary; to raise all organizations of the Regular Army, including those added by such increments, to the maximum enlisted strength authorized by law. Vacancies in the Regular Army created or caused by the addition of increments as herein authorized which can not be filled by promotion may be filled by temporary appointment for the period of the emergency or until replaced by permanent appointments or by provisional appointments made under the provisions of section 23 of the national defense act, approved June 3, 1916, and hereafter provisional appointments under said section may be terminated whenever it is determined, in the manner prescribed by the President, that the officer has not the suitability and fitness requisite for permanent appointment.

"Second. To draft into the military service of the United States, organize, and officer, in accordance with the provisions of section 111 of said national defense act, so far as the provisions of said section may be applicable and not inconsistent with the terms of this act, any or all members of the National Guard and of the National Guard Reserves, and said members so drafted into the military service of the United States shall

serve therein for the period of the existing emergency unless sooner discharged: *Provided*, That when so drafted the organizations or units of the National Guard shall, so far as practicable, retain the State designations of their respective organizations.

"Third. To raise by draft as herein provided, organize and equip an additional force of 500,000 enlisted men, or such part or parts thereof as he may at any time deem necessary, and to provide the necessary officers, line and staff, for said force and for organizations of the other forces hereby authorized, or by combining organizations of said other forces, by ordering members of the Officers' Reserve Corps to temporary duty in accordance with the provisions of section 38 of the national defense act approved June 3, 1916; by appointment from the Regular Army, the Officers' Reserve Corps, from those duly qualified and registered pursuant to section 23 of the act of Congress approved January 21, 1903 (32 Stats. L., p. 775), from the members of the National Guard drafted into the service of the United States, from those who have been graduated from educational institutions at which military instruction is compulsory, or from those who have had honorable service in the Regular Army, the National Guard, or in the Volunteer forces, or from the country at large; by assigning retired officers of the Regular Army to active duty with such force with their rank on the retired list and the full pay and allowances of their grade; or by the appointment of retired officers and enlisted men, active or retired, of the Regular Army as commissioned officers in such forces: *Provided*, That the organization of said force shall be the same as that of the corresponding organizations of the Regular Army: *Provided further*, That the President is authorized to increase or decrease the number of organizations prescribed for the typical brigades, divisions, or army corps of the Regular Army, and to prescribe such new and different organizations and personnel for army corps, divisions, brigades, regiments, battalions, squadrons, companies, troops, and batteries as the efficiency of the service may require: *Provided further*, That the number of organizations in a regiment shall not be increased nor shall the number of regiments be decreased: *Provided further*, That the President in his discretion may organize, officer, and equip for each Infantry and Cavalry brigade three machine-gun companies, and for each Infantry and Cavalry division four machine-gun companies, all in addition to the machine-gun companies comprised in organizations included in such brigades and divisions: *Provided further*, That the President in his discretion may organize for each division one armored motor car machine-gun company. The machine-gun companies organized under this section shall consist of such commissioned and enlisted personnel and be equipped in such manner as the President may prescribe: *And provided further*, That officers with rank not above that of colonel shall be appointed by the President alone, and officers above that grade by the President by and with the advice and consent of the Senate: *Provided further*, That the President may in his discretion, recommission in the Coast Guard persons who have heretofore held commissions in the Revenue-Cutter Service or the Coast Guard and have left the service honorably, after ascertaining that they are qualified for service physically, morally, and as to age and military fitness.

"Fourth. The President is further authorized, in his discretion and at such time as he may determine, to raise and begin the training of an additional force of 500,000 men organized, officered, and equipped, as provided for the force first mentioned in the preceding paragraph of this section.

"Fifth. To raise by draft, organize, equip, and officer, as provided in the third paragraph of this section, in addition to and for each of the above forces, such recruit training units as he may deem necessary for the maintenance of such forces at the maximum strength.

"Sixth. To raise, organize, officer, and maintain during the emergency such number of ammunition batteries and battalions, depot batteries and battalions, and such artillery parks, with such numbers and grades of personnel as he may deem necessary. Such organizations shall be officered in the manner provided in the third paragraph of this section, and enlisted men may be assigned to said organizations from any of the forces herein provided for or raised by selective draft as by this act provided.

"Seventh. The President is further authorized to raise and maintain by voluntary enlistment, to organize, and equip, not to exceed four Infantry divisions, the officers of which shall be selected in the manner provided by paragraph 3 of section 1 of this act: *Provided*, That the organization of said force shall be the same as that of the corresponding organization of the Regular Army: *And provided further*, That there shall be no enlistments in said force of men under 25 years of age at time of enlisting: *And provided further*, That no such volunteer force shall be accepted in any unit smaller than a division.

"Sec. 2. That the enlisted men required to raise and maintain the organizations of the Regular Army and to complete and maintain the organizations embodying the members of the National Guard drafted into the service of the United States, at the maximum legal strength as by this act provided, shall be raised by voluntary enlistment, or if and whenever the President decides that they can not effectually be so raised or maintained, then by selective draft; and all other forces hereby authorized, except as provided in the seventh paragraph of section 1, shall be raised and maintained by selective draft exclusively; but this provision shall not prevent the transfer to any force of training cadres from other forces. Such draft as herein provided shall be based upon liability to military service of all male citizens, or male persons not alien enemies who have declared their intention to become citizens, between the ages of 21 and 30 years, both inclusive, and shall take place and be maintained under such regulations as the President may prescribe not inconsistent with the terms of this act. Quotas for the several States, Territories, and the District of Columbia, or subdivisions thereof, shall be determined in proportion to the population thereof, and credit shall be given to any State, Territory, District, or subdivision thereof, for the number of men who were in the military service of the United States as members of the National Guard on April 1, 1917, or who have since said date entered the military service of the United States from any such State, Territory, District, or subdivision, either as members of the Regular Army or the National Guard. All persons drafted into the service of the United States and all officers accepting commissions in the forces herein provided for shall, from the date of said draft or acceptance, be subject to the laws and regulations governing the Regular Army, except as to promotions, so far as such laws and regulations are applicable to persons whose permanent retention in the military service on the active or retired list is not contemplated by existing law, and those drafted shall be required to serve for the period of the existing emergency unless sooner discharged: *Provided*, That the President is authorized to raise and maintain by voluntary enlistment or draft, as herein provided, special and technical troops as he may deem necessary, and to embody them into organizations and to officer them as provided in the third paragraph of section 1 and section 9 of this act. Organizations of the forces herein provided for, except the Regular Army and the divisions authorized in the seventh paragraph of section 1, shall, as far as the interests of the service permit, be composed of men who come, and of officers who are appointed from, the same State or locality.

"Sec. 3. No bounty shall be paid to induce any person to enlist in the military service of the United States; and no person liable to military service shall hereafter be permitted or allowed to furnish a substitute for such service; nor shall any substitute be received, enlisted, or enrolled in the military service of the United States; and no such person shall be permitted to escape such service or to be discharged therefrom prior to the expiration of his term of service by the payment of money or any other valuable thing whatsoever as consideration for his release from military service or liability thereto.

"Sec. 4. That the Vice President of the United States, the officers, legislative, executive, and judicial, of the United States and of the several States, Territories, and the District of Columbia, regular or duly ordained ministers of religion, students who at the time of the approval of this act are preparing for the ministry in recognized theological or divinity schools, and all persons in the military and naval service of the United States shall be exempt from the selective draft herein prescribed; and nothing in this act contained shall be construed to require or compel any person to serve in any of the forces herein provided for who is found to be a member of any well-recognized religious sect or organization at present organized and existing and whose existing creed or principles forbid its members to participate in war in any form and whose religious convictions are against war or participation therein in accordance with the creed or principles of said religious organizations, but no persons so exempted shall be exempted from service in any capacity that the President shall declare to be noncombatant; and the President is hereby authorized to exclude or discharge from said selective draft and from the draft under the second paragraph of section 1 hereof, or to draft for partial military service only from those liable to draft as in this act provided, persons of the following classes: County and municipal officials; customhouse clerks; persons employed by the United States in the transmission of the mails; artificers and workmen employed in the armories, arsenals, and navy yards of the United States, and such other persons employed in the service of the United States as the President may designate;

pilots; mariners actually employed in the sea service of any citizen or merchant within the United States; persons engaged in industries, including agriculture, found to be necessary to the maintenance of the Military Establishment or the effective operation of the military forces or the maintenance of national interest during the emergency; those in a status with respect to persons dependent upon them for support which renders their exclusion or discharge advisable; and those found to be physically or morally deficient. No exemption or exclusion shall continue when a cause therefor no longer exists: *Provided*, That notwithstanding the exemptions enumerated herein, each State, Territory, and the District of Columbia shall be required to supply its quota in the proportion that its population bears to the total population of the United States.

"The President is hereby authorized, in his discretion, to create and establish throughout the several States and subdivisions thereof and in the Territories and the District of Columbia local boards, and where, in his discretion, practicable and desirable, there shall be credited and established one such local board in each county or similar subdivision in each State, and one for approximately each 30,000 of population in each city of 30,000 population or over, according to the last census taken or estimates furnished by the Bureau of Census of the Department of Commerce. Such boards shall be appointed by the President, and shall consist of three or more members, none of whom shall be connected with the Military Establishment, to be chosen from among the local authorities of such subdivisions or from other citizens residing in the subdivision or area in which the respective boards will have jurisdiction under the rules and regulations prescribed by the President. Such boards shall have power within their respective jurisdictions to hear and determine, subject to review as hereinafter provided, all questions of exemption under this act, and all questions of or claims for including or discharging individuals or classes of individuals from the selective draft, which shall be made under rules and regulations prescribed by the President, except any and every question or claim for including or excluding or discharging persons or classes of persons from the selective draft under the provisions of this act authorizing the President to exclude or discharge from the selective draft persons engaged in industries, including agriculture, found to be necessary to the maintenance of the Military Establishment, or the effective operation of the military forces, or the maintenance of national interest during the emergency."

"The President is hereby authorized to establish additional boards, one in each Federal judicial district of the United States, consisting of such number of citizens, not connected with the Military Establishment, as the President may determine, who shall be appointed by the President. The President is hereby authorized, in his discretion, to establish more than one such board in any Federal judicial district of the United States, or to establish one such board having jurisdiction of an area extending into more than one Federal judicial district.

"Such district boards shall review on appeal and affirm, modify, or reverse any decision of any local board having jurisdiction in the area in which any such district board has jurisdiction under the rules and regulations prescribed by the President. Such district boards shall have exclusive original jurisdiction within their respective areas to hear and determine all questions or claims for including or excluding or discharging persons or classes of persons from the selective draft, under the provisions of this act, not included within the original jurisdiction of such local boards.

"The decisions of such district boards shall be final except that, in accordance with such rules and regulations as the President may prescribe, he may affirm, modify or reverse any such decision.

"Any vacancy in any such local board or district board shall be filled by the President, and any member of any such local board or district board may be removed and another appointed in his place by the President, whenever he considers that the interest of the Nation demands it.

"The President shall make rules and regulations governing the organization and procedure of such local boards and district boards, and providing for and governing appeals from such local boards to such district boards, and reviews of the decisions of any local board by the district board having jurisdiction, and determining and prescribing the several areas in which the respective local boards and district boards shall have jurisdiction, and all other rules and regulations necessary to carry out the terms and provisions of this section, and shall provide for the issuance of certificates of exemption, or partial or limited exemptions, and for a system to exclude and discharge individuals from selective draft.

" SEC. 5. That all male persons between the ages of 21 and 30, both inclusive, shall be subject to registration in accordance with regulations to be prescribed by the President; and upon proclamation by the President or other public notice given by him or by his direction stating the time and place of such registration it shall be the duty of all persons of the designated ages, except officers and enlisted men of the Regular Army, the Navy, and the National Guard and Naval Militia while in the service of the United States, to present themselves for and submit to registration under the provisions of this act; and every such person shall be deemed to have notice of the requirements of this act upon the publication of said proclamation or other notice as aforesaid given by the President or by his direction; and any person who shall willfully fail or refuse to present himself for registration or to submit thereto as herein provided, shall be guilty of a misdemeanor and shall, upon conviction in the district court of the United States having jurisdiction thereof, be punished by imprisonment for not more than one year, and shall thereupon be duly registered: *Provided*, That in the call of the docket precedence shall be given, in courts trying the same, to the trial of criminal proceedings under this act: *Provided further*, That persons shall be subject to registration as herein provided who shall have attained their twenty-first birthday and who shall not have attained their thirty-first birthday on or before the day set for the registration, and all persons so registered shall be and remain subject to draft into the forces hereby authorized, unless exempted or excused therefrom as in this act provided: *Provided further*, That in the case of temporary absence from actual place of legal residence of any person liable to registration as provided herein such registration may be made by mail under regulations to be prescribed by the President.

" SEC. 6. That the President is hereby authorized to utilize the service of any or all departments and any or all officers or agents of the United States and of the several States, Territories, and the District of Columbia, and subdivisions thereof, in the execution of this act, and all officers and agents of the United States and of the several States, Territories, and subdivisions thereof, and of the District of Columbia, and all persons designated or appointed under regulations prescribed by the President whether such appointments are made by the President himself or by the governor or other officer of any State or Territory to perform any duty in the execution of this act, are hereby required to perform such duty as the President shall order or direct, and all such officers and agents and persons so designated or appointed shall hereby have full authority for all acts done by them in the execution of this act by the direction of the President. Correspondence in the execution of this act may be carried in penalty envelopes bearing the frank of the War Department. Any person charged as herein provided with the duty of carrying into effect any of the provisions of this act or the regulations made or directions given thereunder who shall fail or neglect to perform such duty; and any person charged with such duty or having and exercising any authority under said act, regulations, or directions, who shall knowingly make or be a party to the making of any false or incorrect registration, physical examination, exemption, enlistment, enrollment, or muster; and any person who shall make or be a party to the making of any false statement or certificate as to the fitness or liability of himself or any other person for service under the provisions of this act, or regulations made by the President thereunder, or otherwise evades or aids another to evade the requirements of this act or of said regulations, or who, in any manner, shall fail or neglect fully to perform any duty required of him in the execution of this act, shall, if not subject to military law, be guilty of a misdemeanor, and upon conviction in the district court of the United States having jurisdiction thereof, be punished by imprisonment for not more than one year, or, if subject to military law, shall be tried by court-martial and suffer such punishment as a court-martial may direct.

" SEC. 7. That the qualifications and conditions for voluntary enlistment as herein provided shall be the same as those prescribed by existing law for enlistments in the Regular Army, except that recruits must be between the ages of 18 and 40 years, both inclusive, at the time of their enlistment; and such enlistments shall be for the period of the emergency unless sooner discharged. All enlistments, including those in the Regular Army Reserve, which are in force on the date of the approval of this act and which would terminate during the emergency shall continue in force during the emergency unless sooner discharged; but nothing herein contained shall be construed to shorten the period of any existing enlistment: *Provided*, That all persons enlisted or drafted under any of the provisions of this act shall as far as practicable be grouped into units by

States and the political subdivisions of the same: *Provided further*, That all persons who have enlisted since April 1, 1917, either in the Regular Army or in the National Guard, and all persons who have enlisted in the National Guard since June 3, 1916, upon their application, shall be discharged upon the termination of the existing emergency.

" The President may provide for the discharge of any or all enlisted men whose status with respect to dependents renders such discharge advisable; and he may also authorize the employment on any active duty of retired enlisted men of the Regular Army, either with their rank on the retired list or in higher enlisted grades, and such retired enlisted men shall receive the full pay and allowances of the grades in which they are actively employed.

" SEC. 8. That the President, by and with the advice and consent of the Senate, is authorized to appoint for the period of the existing emergency such general officers of appropriate grades as may be necessary for duty with brigades, divisions, and higher units in which the forces provided for herein may be organized by the President, and general officers of appropriate grade for the several Coast Artillery districts. In so far as such appointments may be made from any of the forces herein provided for, the appointees may be selected irrespective of the grades held by them in such forces. Vacancies in all grades in the Regular Army resulting from the appointment of officers thereof to higher grades in the forces other than the Regular Army herein provided for shall be filled by temporary promotions and appointments in the manner prescribed for filling temporary vacancies by section 114 of the national defense act approved June 3, 1916; and officers appointed under the provisions of this act to higher grades in the forces other than the Regular Army herein provided for shall not vacate their permanent commissions nor be prejudiced in their relative or lineal standing in the Regular Army.

" SEC. 9. That the appointments authorized and made as provided by the second, third, fourth, fifth, sixth, and seventh paragraphs of section 1 and by section 8 of this act, and the temporary appointments in the Regular Army authorized by the first paragraph of section 1 of this act, shall be for the period of the emergency, unless sooner terminated by discharge or otherwise. The President is hereby authorized to discharge any officer from the office held by him under such appointment for any cause which, in the judgment of the President, would promote the public service; and the general commanding any division and higher tactical organization or territorial department is authorized to appoint from time to time military boards of not less than three nor more than five officers of the forces herein provided for to examine into and report upon the capacity, qualification, conduct, and efficiency of any commissioned officer within his command other than officers of the Regular Army holding permanent or provisional commissions therein. Each member of such board shall be superior in rank to the officer whose qualifications are to be inquired into, and if the report of such board be adverse to the continuance of any such officer and be approved by the President, such officer shall be discharged from the service at the discretion of the President with one month's pay and allowances.

" SEC. 10. That all officers and enlisted men of the forces herein provided for other than the Regular Army shall be in all respects on the same footing as to pay, allowances, and pensions as officers and enlisted men of corresponding grades and length of service in the Regular Army; and commencing June 1, 1917, and continuing until the termination of the emergency, all enlisted men of the Army of the United States in active service whose base pay does not exceed \$21 per month shall receive an increase of \$15 per month; those whose base pay is \$24, an increase of \$12 per month; those whose base pay is \$30, \$36, or \$40, an increase of \$8 per month; and those whose base pay is \$45 or more, an increase of \$6 per month: *Provided*, That the increases of pay herein authorized shall not enter into the computation of continuous-service pay.

" SEC. 11. That all existing restrictions upon the detail, detachment, and employment of officers and enlisted men of the Regular Army are hereby suspended for the period of the present emergency.

" SEC. 12. That the President of the United States, as Commander in Chief of the Army, is authorized to make such regulations governing the prohibition of alcoholic liquors in or near military camps and to the officers and enlisted men of the Army as he may from time to time deem necessary or advisable: *Provided*, That no person, corporation, partnership, or association shall sell, supply, or have in his or its possession any intoxicating or spirituous liquors at any military station, cantonment, camp, fort, post, officers' or enlisted men's club, which is being used at the time for military purposes under this act, but the

Secretary of War may make regulations permitting the sale and use of intoxicating liquors for medicinal purposes. It shall be unlawful to sell any intoxicating liquor, including beer, ale, or wine, to any officer or member of the military forces while in uniform, except as herein provided. Any person, corporation, partnership, or association violating the provisions of this section or the regulations made thereunder shall, unless otherwise punishable under the Articles of War, be deemed guilty of a misdemeanor and be punished by a fine of not more than \$1,000 or imprisonment for not more than 12 months, or both.

"Sec. 13. That the Secretary of War is hereby authorized, empowered, and directed during the present war to do everything by him deemed necessary to suppress and prevent the keeping or setting up of houses of ill fame, brothels, or bawdy houses within such distance as he may deem needful of any military camp, station, fort, post, cantonment, training, or mobilization place, and any person, corporation, partnership, or association receiving or permitting to be received for immoral purposes any person into any place, structure, or building used for the purpose of lewdness, assignation, or prostitution within such distance of said places as may be designated, or shall permit any such person to remain for immoral purposes in any such place, structure, or building as aforesaid, or who shall violate any order, rule, or regulation issued to carry out the object and purpose of this section shall, unless otherwise punishable under the Articles of War, be deemed guilty of a misdemeanor and be punished by a fine of not more than \$1,000, or imprisonment for not more than 12 months, or both.

"Sec. 14. That all laws and parts of laws in conflict with the provisions of this act are hereby suspended during the period of this emergency."

And the Senate agree to the same.

S. H. DENT, Jr.,  
W. J. FIELDS,  
PERCY E. QUIN,  
D. R. ANTHONY, Jr.,

*Managers on the part of the House.*

GEO. E. CHAMBERLAIN,  
G. M. HITCHCOCK,  
F. E. WARREN,

*Managers on the part of the Senate.*

#### STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3545) to authorize the President to increase temporarily the Military Establishment of the United States submit the following written statement explaining the effect of the action agreed on:

The Senate conferees having agreed upon the instructions of the House as to the pay of enlisted men, the bill is reported back with the amendment as to pay incorporated in lieu of the provision heretofore agreed to.

S. H. DENT, Jr.,  
W. J. FIELDS,  
PERCY E. QUIN,

*Managers on the part of the House.*

#### EXTENSION OF REMARKS.

Mr. HUSTED. Mr. Speaker, I ask unanimous consent to have printed in the RECORD a preamble and resolution adopted by the executive committee of the Westchester County Commission of General Safety, held Monday, May 7, 1917.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. TILSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting certain matter concerning the Senior Service Corps, at my home town, New Haven, Conn.

The SPEAKER. Is there objection?  
There was no objection.

#### INCREASE OF NAVAL ESTABLISHMENT.

Mr. PADGETT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table House bill 3330, with Senate amendments, disagree to all the Senate amendments, and agree to the conference asked by the Senate. It is the bill to increase temporarily the enlisted personnel in the Navy.

The SPEAKER. The Clerk will report it.

The Clerk read the title of the Bill, as follows:

A bill (H. R. 3330) to temporarily increase the enlisted and warrant and enlisted strength of the Navy and Marine Corps, and for other purposes.

Mr. MANN. Reserving the right to object, Mr. Speaker—and I do not intend to object—I believe there is one Senate amend-

ment that undertakes to allow Members of Congress to join the Navy.

Mr. PADGETT. Yes; and fixing the age at 60 years. [Laughter.]

Mr. MANN. Of course, a Member of Congress can not join the Navy without severing his relations with Congress. I have no objection to the provision that Members of the present Congress who resign may join the Navy up to 100 years of age, so far as I am concerned, but I do not desire to amend the Constitution in this way or attempt to amend it at the suggestion of the Senate. Probably there was no one in the Senate who knew that there was a constitutional prohibition against it.

Mr. GARNER. Mr. Speaker, may I ask the gentleman from Tennessee if this bill undertakes to permit Members of Congress to serve in the Navy and still serve as Members of Congress?

Mr. PADGETT. That is the purpose of the amendment.

Mr. GARNER. Does the gentleman from Tennessee undertake to put that kind of a provision into the law?

Mr. MANN. We are calling attention to it so that we will not.

Mr. PADGETT. The "gentleman from Tennessee" is not the author of that, and he had not conceived it until he saw it in the papers.

Mr. GARNER. There is a constitutional provision against it, and I understand the House still has some reverence for the Constitution.

Mr. RAGSDALE. Mr. Speaker, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. RAGSDALE. If a Member of Congress were also commissioned in the Navy, where would his duty be?

Mr. PADGETT. I think he would have to determine that himself.

Mr. RAGSDALE. How could we get a quorum here if the Members were on the ships away from Congress?

Mr. PADGETT. I think his first duty would be in the Senate or in the House. I imagine that a 60-year-old Senator or Member of the House in the enlisted force of the Navy would be about as useful as a blind dog chasing a pig in high rye. [Laughter.]

Mr. MANN. There are various other Senate amendments in the bill?

Mr. PADGETT. Oh, yes; quite a number.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the bill H. R. 3330, with Senate amendments, be taken from the Speaker's table, that the House disagree to all the Senate amendments, and agree to the conference asked by the Senate. Is there objection?

Mr. GARNER rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. GARNER. To raise an objection.

The SPEAKER. The gentleman will proceed.

Mr. GARNER. I will, with the permission of the Speaker. I want to ask the gentleman from Tennessee this question: What is the object of the gentleman from Tennessee in sending this bill to conference when he realizes that the purpose of this bill is to permit Members of Congress to join the United States Navy?

Mr. PADGETT. Oh, there are quite a lot of other amendments beside that.

Mr. GARNER. Besides this particular one?

Mr. PADGETT. Oh, yes; a number of them.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Chair announces as the conferees on the part of the House Mr. PADGETT, Mr. TALBOTT, and Mr. BUTLER.

#### VIRGINIA COUNCIL OF DEFENSE.

Mr. FLOOD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing some resolutions adopted by the Council of Defense of Virginia.

The SPEAKER. The gentleman from Virginia asks unanimous consent to extend his remarks in the RECORD by inserting the resolutions indicated. Is there objection?

There was no objection.

Following are the resolutions referred to:

COMMONWEALTH OF VIRGINIA,  
COUNCIL OF DEFENSE.  
Richmond, May 15, 1917.

Hon. H. D. FLOOD, M. C.,  
Washington, D. C.

MY DEAR SIR: I am instructed by the Virginia Council of Defense to transmit to you the following resolution, which was adopted at the session of the council held here yesterday:

"Resolved, That the Virginia Council of Defense unanimously favors national prohibition during the life of the present war, both from the standpoint of efficiency and for the preservation of food, and that the secretary be instructed to bring this action of the Virginia Council of

Defense to the attention of both Senators and all of the Congressmen from Virginia, and urge them to use their influence to obtain the necessary legislation by Congress."

Yours, very truly,

W. M. HUNLEY, Secretary.

COMMONWEALTH OF VIRGINIA,  
COUNCIL OF DEFENSE,  
Richmond, May 16, 1917.

Hon. H. D. FLOOD, M. C.,  
Washington, D. C.

DEAR SIR: I am directed by the Virginia Council of Defense to transmit to you the following resolutions:

"Whereas it is the conviction of this council that the country is facing a perilous crisis in a condition of almost complete unpreparedness; and

"Whereas the Congress of the United States has delayed beyond reason the enactment of laws necessary to put the country in a state of defense and has disclosed an alarming division of opinion and vacillation of purpose: Therefore be it

"Resolved, That the Council of Defense of Virginia do now urge Congress to accept leadership and support the President by forthwith enacting the laws which are essential to the safety of the Nation.

"Resolved, That the secretary be directed to communicate these resolutions to the President and Virginia's Representatives in Congress."

Yours, very truly,

W. M. HUNLEY, Secretary.

AN AGRICULTURAL ARMY.

Mr. SEARS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an editorial published in the Lake Worth Herald of April 29, 1917, on an agricultural army.

The SPEAKER. The gentleman from Florida asks unanimous consent to extend his remarks in the RECORD by inserting the editorial indicated. Is there objection?

There was no objection.

Following is the editorial referred to:

AN AGRICULTURAL ARMY.

[From the Lake Worth Herald, Apr. 29, 1917.]

There is considerable talk these days about raising food products. In the big cities the people are being urged to plant every available foot of ground and make of it a little home garden. In some of the cities the parks are being plowed and planted. This sort of thing "listens well," but those who follow such advice will not get back one-tenth of what they spend. It would be just as sensible to advise everybody in the country to turn their attention to cooking. Everybody cook, men, women, and children. A vast amount of food would certainly be wasted. If everybody plants there will be watering cans, hoes, rakes, shovels thrown in the scrap heap before summer is half over, and 75 per cent of the seed will be lost on account of ignorance or carelessness.

If there is extensive planting needed, why doesn't the Government organize an agricultural army? There are thousands of fertile acres in nearly every State in the Union where crops might be raised with profit. Furthermore, there are doubtless thousands of young men who would join an agricultural army, because they would be serving their country and getting some valuable experience. Let the soldiers of this army spend one-half day in the fields working with farm tools and machinery, the balance of the day to be spent drilling and learning the work of a soldier. Certainly such an army would raise an abundance of crops, and every State in the Union would profit, as vast acreages would be subject to the plow.

When a world peace has been declared 65 per cent of these men would adopt agriculture as a vocation, and the great "back-to-the-farm" movement, which really means back to nature, where every man belongs, would get the boost it has been looking for for many years and which must come sooner or later. It would be a credit to Uncle Sam to send 1,000,000 men back from the Army if every man returned with a knowledge of farming and a physique second to none, instead of a thorough knowledge of military drill and no desire to do anything else. Raise an army, but make agriculture a drawing card as a way of serving the country as well as fighting in the ranks.

WAR REVENUE.

Mr. KITCHIN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4280, the war-revenue bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 4280) to provide revenue to defray war expenses, and for other purposes, with Mr. FOSTER in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4280. The Clerk will report it.

The Clerk read the title of the bill, as follows:

A bill (H. R. 4280) to provide revenue to defray war expenses, and for other purposes.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Eleven per cent per annum upon the amount by which the total net income exceeds \$60,000 and does not exceed \$80,000.

Mr. LENROOT. Mr. Chairman, I move to amend by striking out the word "eleven" and inserting in lieu thereof the figures "13.75."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wisconsin.

The Clerk read as follows:

Amendment offered by Mr. LENROOT: Page 3, line 7, strike out the word "eleven" and insert in lieu thereof the figures "13.75."

Mr. GARNER. Mr. Chairman, I want to ask the gentleman just what his purpose is in reference to the balance of the rate contained in this graduated income tax, so that the committee can get an idea of just what other rates he proposes to offer.

Mr. LENROOT. Yes. My purpose is, if this amendment is adopted, to increase each paragraph of the remaining income-tax sections of the bill by 25 per cent. For instance, this paragraph is "11." Increasing it by 25 per cent would make it "13.75." The next is "14," and my amendment would make it "17.50." When we get to 20 per cent that would make it 25.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield? Mr. LENROOT. Yes.

Mr. LONGWORTH. Has the gentleman calculated what additional revenue that would produce?

Mr. LENROOT. Not exactly, because the tables that have been furnished are not in the same classification with the paragraphs in the bill. I will say, however, that I started out with the proposition of beginning with the first paragraph and increasing each one by 25 per cent; that is, in the first item where it is 1 per cent I would make it 1.25. That would increase it \$70,000,000 or \$80,000,000 in addition to what is proposed in this bill.

Mr. LONGWORTH. I would make the rough guess that this would raise something like \$55,000,000.

Mr. LENROOT. I should say \$60,000,000.

Mr. McCORMICK. That is, if you do not go back.

Mr. BARKLEY. Has the gentleman made a computation to see whether this change in the figures will result in any uneven fractions, which will cause extra labor in making the computations at the Treasury Department?

Mr. LENROOT. Not at all. They are just simple decimals—.25, .50, and .75. There is no difficulty about that.

Mr. GARNER. What rate would that make upon incomes of over \$500,000?

Mr. LENROOT. With my amendment to this bill it would make the highest rate 41.25 instead of 33, but I think I may say that I have consulted with the gentleman from Kentucky [Mr. SHERLEY] and I understand that he will offer an amendment further classifying the larger incomes, with a maximum of 50 per cent. And now, unless there is opposition, I do not care to take further time.

Mr. McCORMICK. Ought it not to be explained that the gentleman from Kentucky has amendments reaching incomes up to and including \$5,000,000 a year, of which there are quite a number in this country now?

Mr. FORDNEY. Do you mean to say that in this bill the maximum is 50 per cent in addition to existing law, or 50 per cent in all?

Mr. LENROOT. I am stopping with 41.25 per cent, so far as the paragraphs in this bill are concerned. I have stated my understanding of the amendments proposed by the gentleman from Kentucky [Mr. SHERLEY].

Mr. FORDNEY. Then, under the old law, there is 15 per cent added to that.

Mr. LENROOT. About 64 or 65 per cent is the maximum.

Mr. KITCHIN. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to proceed for 10 minutes. Is there objection? There was no objection.

Mr. KITCHIN. Mr. Chairman, if we are going to raise more money at this time, under the circumstances which I now know, but of which I was not fully cognizant yesterday, I do not see how I, or the Ways and Means Committee, can oppose the amendment of the gentleman from Wisconsin [Mr. LENROOT]. I have a statement from the Secretary of the Treasury showing that instead of needing \$1,800,000,000, we need \$2,245,000,000. According to this statement, the Government needs every dollar that will be raised by the amendment of the gentleman from Wisconsin [Mr. LENROOT] and every dollar that we can possibly raise by this bill without crippling or destroying any industry in this country, or seriously crippling any individual in this country.

Mr. SABATH. Will the gentleman yield?

Mr. KITCHIN. No; please let me finish my statement.

Mr. SABATH. In connection with this thing—I hate to disturb the gentleman—

Mr. KITCHIN. I wish the gentleman would let me proceed for 10 minutes. The gentleman from Wisconsin [Mr. LENROOT] builded better than he knew yesterday, and better than I knew, and better than we knew. According to the statement of the Secretary of the Treasury, we not only need the \$60,000,000 in-

crease which his amendment will produce, but we need about \$200,000,000 more than his amendment will produce.

Before I sit down I shall ask the Clerk to read a statement from the Treasury Department, received by me yesterday evening. When the Ways and Means Committee submitted this bill to the House we felt that we needed \$1,800,000,000. You will recall that when I presented the bill I said that instead of expending for the balance of this fiscal year and all of next fiscal year \$3,800,000,000, which the Treasury Department had then estimated, they would come nearer needing \$5,000,000,000. Now comes the statement here that we need \$2,245,000,000 instead of \$1,800,000,000.

Mr. DOWELL. Will the gentleman yield?

Mr. KITCHIN. Not now. Let me finish my statement, please, and then I will yield. When we prepared this bill we prepared it with the view of raising \$1,800,000,000 by taxation at this time. We concluded that the wiser and better and less burdensome policy was to raise about half of this needed amount from incomes and excess-profits taxes, and the other half from general consumption taxes, and in levying the general consumption taxes that we would first proceed to endeavor to raise all we could from taxes upon luxuries and semiluxuries before we taxed necessities, like freight bills, heat and light bills, increase of postage, and so forth. This bill levies additional taxes upon income and excess profits, amounting to about \$840,000,000. In this bill we have increased the income tax \$532,700,000, in addition to what we are paying now under the present law; and in addition to the \$532,700,000 we are also adding what is called the retroactive tax on incomes of last year to the amount of 33½ per cent, which makes in round numbers \$640,000,000 additional that we have levied upon incomes in this country. Under this bill we increase the corporation income tax for the next year \$165,000,000, and for individual incomes \$367,000,000, twice as much as we are now getting from individuals. We now raise under the present law \$330,000,000, or will this fiscal year ending June 30, 1917, of which \$165,000,000 is from corporations and \$165,000,000 from individuals, and we have put on top of that in round numbers \$640,000,000. So, under the present law and under the proposed bill the income tax, instead of producing \$330,000,000 as under the existing law, will produce \$970,000,000. Your committee felt that that was just about as high as we ought to go on incomes to raise this \$1,800,000,000.

We further raised \$200,000,000 extra on excess profits. It is estimated that the present excess-profits tax will yield \$200,000,000 a year. This additional excess-profits tax will make \$400,000,000 from excess profits.

Mr. McCORMICK. Will the gentleman yield?

Mr. KITCHIN. I yield to the gentleman from Illinois.

Mr. McCORMICK. I want to ask the gentleman if he will explain to the committee what consideration was given to the English method of taxing excess profits, and why it was not proposed to the House?

Mr. KITCHIN. When we reach that section I will explain it.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. KITCHIN. I do.

Mr. MOORE of Pennsylvania. In view of the information from the Treasury Department that \$2,245,000,000 will be needed, is it not the thought of the gentleman that we should increase the sum total of this bill from \$1,800,000,000 to \$2,245,000,000?

Mr. KITCHIN. I do not believe it will be possible for us to do it. It would be a very difficult proposition. We can find out as we go along.

Mr. MOORE of Pennsylvania. That would make a difference of \$445,000,000 that we would have to raise.

Mr. KITCHIN. We are simply making the point that our committee is hardly in a position to oppose this increase of the gentleman from Wisconsin under the circumstances if we are to raise this additional sum at this time.

Mr. MOORE of Pennsylvania. I ask about these totals, because it will be absolutely necessary to provide new sources of revenue if it is the intent of the chairman to advocate an increase from \$1,800,000,000, which is the sum total here provided for. We can not increase to any such sum as \$2,245,000,000 without readjusting this entire measure.

Mr. KITCHIN. Mr. Chairman, to be candid with the gentleman, I would not attempt to raise at this time the whole extra \$400,000,000 in this bill.

Mr. GARNER. Mr. Chairman, if I understand the gentleman's position it is this. If the Ways and Means Committee had taken into consideration the additional information coming to the gentleman from the Secretary of the Treasury showing that there is a need of \$420,000,000, that committee might have

adopted such a method as the gentleman from Wisconsin [Mr. LENROOT] has suggested.

Mr. KITCHIN. I think if the Secretary of the Treasury had known then that we would absolutely need this increased amount, the Ways and Means Committee would have increased perhaps the income tax and the excess-profits tax and perhaps some other taxes in the bill, and would have searched out somewhere to get some other items by which to raise revenue.

Mr. TOWNER. Mr. Chairman, will the gentleman allow that letter to be read at this time?

Mr. KITCHIN. When I get through.

Mr. HILL. Mr. Chairman, will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. HILL. Is there any item in the statement made by the Secretary of the Treasury which, in the opinion of the chairman of this committee, is not absolutely needed for the vigorous prosecution of this war? If there is no such item, why is it not the duty of Congress, if we intend to prosecute the war, to raise the money now?

Mr. KITCHIN. I would say to the gentleman that I would prefer, rather than to attempt to raise it now, to have a little more consideration given to it, to see how best to raise it; and if we could not do that, if we could not find exactly how, then I would say, if it be absolutely necessary, that we should issue some more certificates of indebtedness.

Mr. HILL. The gentleman says he does not propose to oppose this amendment because of the situation. If we are to have further consideration for raising this money, why should not this bill be withdrawn, so that it might be taken up by the committee in a businesslike way, rather than doing it haphazard here upon the floor of the House? I say to the gentleman that I am opposed to the increases that are proposed upon the ground that they will not get us as much money as the bill as drawn will in these very items; and I think I can demonstrate that.

Mr. KITCHIN. I really did not take that view of it, and I had not thought of it in that light. It is possible that some of the rates—

Mr. LANGLEY. Mr. Chairman, will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. LANGLEY. Is the gentleman at liberty to state why the Secretary of the Treasury did not know that this additional amount would be needed at the time the other estimate was made?

Mr. KITCHIN. The Senate, as I understand it, has added several hundred million dollars to the appropriation bill—for instance, \$750,000,000 on account of ships.

Mr. LANGLEY. Did not the Secretary know that at the time?

Mr. GARNER. It was not estimated for.

Mr. KITCHIN. It was not stated at the time.

Mr. FLOOD. Mr. Chairman, will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. FLOOD. It was stated here upon the floor yesterday that in England they levy a tax of 50 per cent upon all incomes in excess of \$100,000. Does the gentleman know whether that is correct or not?

Mr. KITCHIN. That is not true; but England does levy a normal income tax of 25 per cent. I have forgotten how the surtaxes are levied.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. KITCHIN. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LENROOT. Mr. Chairman, I wish to state that I have as authority for that statement one of the members of the English commission.

Mr. KITCHIN. My clerk informs me that it is 42½ per cent over \$50,000.

Mr. GARNER. If I understand it, the proposed amendment offered by the gentleman from Wisconsin [Mr. LENROOT] will get an additional revenue of about \$55,000,000.

Mr. KITCHIN. Between \$50,000,000 and \$60,000,000.

Mr. GARNER. Unless the rates are raised so high, as contended by the gentleman from Connecticut [Mr. HILL], that less revenue will be produced than under the present rates. Undoubtedly, with the suggestions of the Secretary of the Treasury, Congress will be called upon again in December for additional revenue or an additional bond issue. It occurs to me that the wiser policy to pursue here is to take this bill and consider each item upon its merits, and determine whether or not \$1,800,-

000,000 shall be raised now, and let the additional revenue to be raised go over until December, when the committee can have more time to consider it.

Mr. KITCHIN. What the House in its deliberate judgment fails to raise in this bill we can raise in December. The rates which we propose in this bill, in the brackets contained in the gentleman's amendment and in his proposed amendments hereafter, are these: Eight per cent per annum upon the amount by which the total income exceeds \$40,000 and does not exceed \$60,000. There the bill proposes an increase of 8 per cent. The present law is 2 per cent, which makes 10 per cent, and then there is the 4 per cent normal, which makes 14 per cent. Therefore, there is 14 per cent in that bracket which will have to be paid, and Mr. LENROOT's proposition is to make it 16 per cent.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. LENROOT. The gentleman does not mean that percentage of the total income?

Mr. KITCHIN. No; in that bracket. Our proposal is 8 per cent, and there is already 2 per cent and then the normal income, and the gentleman's addition would bring it up to 16 per cent.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. CANNON. I would be glad to have the gentleman state how much the proposed increase would raise, and whether it is proposed to follow it up by further increases?

Mr. KITCHIN. It is proposed to increase each rate 25 per cent down to and including the rate on \$500,000 and over.

Mr. CANNON. How much will be raised by the proposed increases all along the line under this amendment?

Mr. KITCHIN. Between fifty and sixty million dollars; that is, if they made the same income for this calendar year as last year. The estimate is upon that basis.

Mr. CANNON. That is, if the same amount was paid?

Mr. KITCHIN. Yes.

Mr. CANNON. Between fifty and sixty million dollars?

Mr. KITCHIN. Yes.

Mr. CANNON. Then I would ask the gentleman whether it is proposed—so he can answer all the questions without my interrupting—to change that one-third from the levy which is measured by the income tax of 1916?

Mr. KITCHIN. No.

Mr. CANNON. Or whether it is proposed, if these amendments are agreed to, otherwise to change the bill and eliminate some things from taxes that are covered?

Mr. KITCHIN. No; I will say to the gentleman that so far as I know all the members of the Committee on Ways and Means do not propose that, because I think we will need this and much more perhaps. What we do not raise by this bill we can raise additional next session.

Mr. GARNER. May I again interrupt the gentleman?

Mr. KITCHIN. Yes.

Mr. GARNER. If the gentleman had his preference, realizing the new information received from the Treasury Department, would he not prefer to pass this bill substantially in its present form, not accepting the amendment offered by the gentleman from Wisconsin, and let the committee in December or November or October thoroughly consider every question of taxation and consider the method of raising additional revenue to meet the necessities of the Government?

Mr. KITCHIN. If I had my real way about it, I would perhaps do that, but I think the House would prefer to raise this additional amount by the increase of the income tax, if it will raise that amount, because we know as much about that now as if we devoted six years to it. Now, the gentleman from Connecticut [Mr. HILL] has raised an interesting question—

Mr. GARNER. Before the gentleman goes to that. The committee yesterday afternoon voted by about 10 majority to increase a certain rate. I think the expression of the committee, from that vote, undoubtedly favored perhaps the increase of this all along the line, and that was with the expectation of cutting something out of this bill later on. Now, since the information comes from the Treasury Department that we need \$430,000,000 more, I can not conceive that this committee will want to cut anything out of this bill that brings any revenue, and it seems to me, under these new conditions, we ought to test the sense of the committee to determine whether or not we want to increase this with a view of cutting something else out of the bill.

Mr. KITCHIN. I would not think that anything would be cut out of the bill, of course.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LONGWORTH. Mr. Chairman, I ask that the gentleman's time be extended for 10 minutes.

The CHAIRMAN. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object, I will not object to this, but I would like to inquire whether there is any expectation of finishing this bill during the month of May?

Mr. KITCHIN. Well, that is my desire, although yesterday we only read two pages and a third.

Mr. MANN. Almost all the time that has been occupied in the consideration of this bill has been occupied by members of the Ways and Means Committee, who are seeking to push the bill but occupied the time.

Mr. KITCHIN. No; we did not occupy half of yesterday.

Mr. MANN. That may be, but they are using time now. I am perfectly willing, as far as I am concerned, to defer the passage of the bill until next December. I think we are progressing very rapidly in that direction.

Mr. GREEN of Iowa. If the gentleman will permit, if members of the committee will let the speaker go ahead that might expedite matters a little.

Mr. KITCHIN. As far as I am concerned, I would not take 10 minutes if gentlemen would not interrupt me.

Mr. MANN. I quite agree with the gentleman from Iowa.

The CHAIRMAN. Without objection, the gentleman from North Carolina can proceed for 10 minutes.

There was no objection.

Mr. KITCHIN. Now, in line 7 and that bracket, between \$60,000 and \$80,000, the committee increased that rate to 11 per cent. The present law is 3 per cent, making it 14 per cent, and the normal tax is 4, making 18 per cent. The gentleman from Wisconsin proposes an amendment which will increase that 2½ per cent. In the next bracket we increase it 14 per cent; it is already 4 per cent, making 18 per cent, and 4 per cent normal, making 22. The gentleman proposes to increase that 3½ per cent, and so on down. And I understand the gentleman's amendment will amount to about 50 per cent on incomes of \$500,000 and over.

Mr. GARNER. Fifty-seven per cent.

Mr. LENROOT. Less than 50 per cent on five hundred thousand.

Mr. KITCHIN. And under the last bracket 50 per cent.

Mr. LENROOT. My rate would be 41.25 as against 33 per cent.

Mr. KITCHIN. That is right. As I said a while ago, that is about as high as I think we ought to go under the circumstances. I do not believe that his increase will work a great injury to these taxpayers. Now, the gentleman from Connecticut [Mr. HILL] has raised a very important question in my mind and one that we ought to consider when we are raising the rates on the larger incomes. For instance, a large exorbitant rate may frustrate the very object of the tax law, and we may not get any taxes or have any incomes upon which to levy taxes. For instance, whenever our income tax is so heavy that the total income on the investment of the business man will be anything around 3½, 4, or 5 per cent, then it will be to his interest to sell out his investment to Tom, Dick, and Harry and invest in United States bonds or State bonds or rural-credit bonds. Thus he will make just as much as if he has as much net income, with no worry and no trouble.

Mr. EMERSON. Will the gentleman yield?

Mr. KITCHIN. I will.

Mr. EMERSON. Somebody else would have to own those bonds?

Mr. KITCHIN. But nobody would own those bonds to the extent of making millions of income out of them, because they would be purchased by individuals with smaller incomes. This large increase in the rate would not apply to the little fellow.

Mr. EMERSON. But the exemption is \$2,000.

Mr. KITCHIN. The income on each would be three or four thousand dollars. They would get practically no tax from it.

Mr. LAGUARDIA. Does the gentleman suppose that anybody holding them would sell and lose control?

Mr. KITCHIN. I think a man would buy bonds if Congress would take a sufficient amount of his income and continue to take it until it would reduce his total income after deducting the tax down to 3, 4, or 5 per cent. I think I would buy bonds under such circumstances. I think any sensible man would do it. That is, if he is in it for profit or income. If he is in it for philanthropy or to benefit the human race, perhaps he would not do it. It is a grave problem suggested by the gentleman from Connecticut.

Mr. MOORE of Pennsylvania. I think it is, but the gentleman should inform the committee whether or not it has his

approval, because I take it he now approves of this amendment.

Mr. KITCHIN. I said, I do not see how we can oppose it if we are to raise more money at this time.

Mr. MOORE of Pennsylvania. The gentleman from Wisconsin [Mr. LENROO] indicated that this motion would be followed by another that would relate to incomes in excess of \$500,000.

Mr. KITCHIN. He is going to increase all the brackets 25 per cent over our proposed increase.

Mr. MOORE of Pennsylvania. That is one proposition already stated. Now, another proposition made by the gentleman from Wisconsin was that if this increase is attained, it will be followed by a motion to strike out certain taxes imposed on light, heat, and power.

Mr. KITCHIN. I do not think the gentleman would do that unless he could find some other way—upon excess profits, for instance, or some other item—to raise a tax on some other articles to produce the required revenue.

Mr. MOORE of Pennsylvania. I would like to find out whether the gentleman from North Carolina, who seems to have fallen in line with the gentleman from Wisconsin [Mr. LENROO], is going with him on all fours on these additional matters?

Mr. KITCHIN. No. I will say, however, that if we are to raise additional revenue at this time in excess of the \$1,800,000,000 provided in this bill, I do not see how we can oppose this increase. I am not convinced that the proposed rate will be sufficiently low to produce the revenue, and not have the results mentioned by the gentleman from Connecticut.

Mr. MOORE of Pennsylvania. It does not affect the gentleman's position in regard to other paragraphs in the bill?

Mr. KITCHIN. Not at all. I will tell you now that we need every dollar that this bill raises.

Mr. DENISON. Will the gentleman yield?

Mr. KITCHIN. I will.

Mr. DENISON. I was going to ask the gentleman if he did not think the exemption of incomes on municipal bonds ought not to be removed?

Mr. KITCHIN. It is contended by some that such bonds should not be taxed by the Federal Government, because then the Government by taxation could destroy all improvements or means of improvements of cities and towns and counties and States. I doubt the advisability of the Federal Government levying a tax upon any of the agencies of the States or the municipalities.

Mr. LONGWORTH. Does not the gentleman think it is a good time to have the Secretary's letter read to the committee?

Mr. MADDEN. I would like to ask if the \$400,000,000 for the creation of a new ship line is included in the statement of the Secretary?

Mr. KITCHIN. Four hundred millions.

Mr. MADDEN. Of course, that obligation would not under any circumstances be met by tax at all. It ought to be made by the issuance of securities.

Mr. KITCHIN. The question is whether we should pursue that policy or not.

Mr. HILL. Is it proper to have the letter read?

Mr. KITCHIN. I will have it read now.

Mr. O'SHAUNESSY. Pending the reading of that I would like to ask the chairman of the Ways and Means Committee this question: Is it proposed that we accept the amendments offered by the gentleman from Wisconsin [Mr. LENROO]?

Mr. KITCHIN. I do not see how we can oppose them if we are to raise this additional money.

Mr. EMERSON. Will the gentleman yield? Be honest about it. After the vote last night—

Mr. SWITZER. Just one word.

Mr. KITCHIN. I think we ought to defer somewhat to the will of the House.

Mr. EMERSON. That is what I mean.

Mr. KITCHIN. Mr. Chairman, I ask for a reading of the statement.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Agriculture	\$25,929,113.00
Army	273,046,322.50
Diplomatic	5,082,746.66
District of Columbia	14,172,997.85
Fortifications	51,396,593.00
Indians	11,589,736.67
Legislative	39,894,592.42
Military Academy	1,345,596.18
Navy	517,273,802.08
Pensions	150,000,000.00
Postal Service	331,851,170.00
Permanent appropriations	143,864,830.32
National security and defense	100,000,000.00

Purchase of Danish West Indies	\$25,100,000.00
War-risk insurance	10,000,000.00
Alaskan Railway	3,000,000.00
Interest on \$2,000,000,000 of bonds for one year	70,000,000.00
Cost of bond issues	7,000,000.00
Miscellaneous appropriations	4,585,090.08
Additional compensation, estimated	25,600,000.00
Deficiencies (Army, \$38,524,829; Navy, \$9,076,569; pensions, \$5,000,000; postal deficiencies, \$3,425,175)	68,620,342.53

Total under laws passed for 1918 and deficiencies	1,889,412,933.29
Appropriations pending:	
Military Establishment	2,192,423,535.97
Naval Establishment	503,399,673.87
Miscellaneous	3,662,071.36

(These three items contained in pending bill for war expenses, estimates for which exceed these amounts by \$760,855,687.)

Sundry civil	156,293,031.17
Rivers and harbors	26,893,000.00
Agricultural Department, food control, etc. (food control, \$20,510,000; surveys, \$3,000,000; fertilizers, \$10,000,000; eradication of ticks, \$3,000,000; encouraging production, \$500,000)	37,010,000.00
War-risk insurance, additional	50,000,000.00
Shipping Board, building ships, etc. (request for \$750,000,000 made to Senate Committee on Appropriations, of which \$400,000,000 would be immediately available and would be spent by February or March, 1918)	400,000,000.00

Add estimates for war expenses not provided in pending bill, estimated to be required by War Department during the fiscal year 1918)	760,855,687.00
Total appropriations passed and pending, including estimates for war expenses as above)	6,019,949,932.66

Deduct as follows:	
Postal Service, payable from postal revenue	\$335,276,345.12
Sinking-fund requirement	60,748,000.00
Deficiencies estimated to be expended in 1917 and purchase of Danish West Indies	75,000,000.00
Estimated revenue for 1918 under existing law	1,303,000,000.00
Amount of bond issue	2,000,000,000.00
	3,774,024,345.12

Estimated revenue to be raised over and above present receipts and bond issue	2,245,925,587.54
TREASURY DEPARTMENT, May 15, 1917.	

Mr. FORDNEY. Mr. Chairman, I want to be heard for a few minutes. I ask unanimous consent.

Mr. MADDEN. And when he gets through, I want to be heard.

Mr. HILL. When they get through, last of all, I want to be heard. [Laughter.]

Mr. MCCORMICK. And I would like to file a claim. [Laughter.]

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The gentleman from Michigan is recognized.

Mr. FORDNEY. Mr. Chairman and gentlemen of the House, I conscientiously worked on this matter from the beginning and will continue to do so. I am opposed to this amendment, very seriously opposed to it. But I bow to the will of the majority, as I always do. I must do that, willingly or otherwise.

The amendment proposed by the gentleman from Wisconsin [Mr. LENROO] will increase the income tax by \$96,000,000, as I take it, from the figures in the Record here. Those were the figures that I inserted in my remarks made last week, found on page 2125 beginning with the division of incomes from \$35,000 to \$45,000. I took the figure of \$45,000 in order to get a fair average between \$40,000 and \$50,000, and therefore I have no estimate here on the \$40,000 or the \$50,000 income item. But the taxes collected on incomes by the Treasury Department last year on incomes above \$40,000 amounted to \$385,924,000. It is estimated that the taxes on incomes this year will be 20 per cent above that sum, based upon reports already in the hands of the Treasury Department, but based upon last year's taxes. This amendment, as I say, will increase the income tax \$96,481,000, or 25 per cent of the amount collected last year on these incomes.

Mr. LENROO. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. LENROO. I will be glad if the gentleman will explain that in detail. I did not so understand it.

Mr. FORDNEY. The taxes collected last year on incomes by the Government, on incomes from \$40,000 up, were \$385,924,000. As provided for in this bill, based on the number of people who paid income taxes last year, there will be collected as per provi-

sions in this bill \$385,000,000 this year. Add 25 per cent to that, which the gentleman's amendment does—if I am correct in my figures, the gentleman is proposing to add 25 per cent all the way up—

Mr. LENROOT. I add 25 per cent only to the supertax in this bill. The gentleman is talking of 25 per cent of the total amount.

Mr. FORDNEY. Then I am wrong. I figured 25 per cent on all those taxes. But, gentlemen, I believe we have gone to the limit in taxing incomes and corporations before you interfere with the business of the country. That is a thing we all want to avoid.

Mr. McCORMICK. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. McCORMICK. Does not the gentleman think that if the amendment of the gentleman from Wisconsin [Mr. LENROOT] were adopted and section 5, providing for the retroactive tax, were stricken out, the people who pay income taxes would be better off?

Mr. LANGLEY. And better satisfied?

Mr. McCORMICK. Yes; and better satisfied.

Mr. FORDNEY. I will tell you how I will be better satisfied, and I have kept away from this proposition from the beginning until now; but since you open the ball I will let it roll. I am in favor of putting a 2-cent tax on bank checks. I wish to say I now favor this kind of a tax. A 2-cent tax on a bank check of \$100 or a fractional part thereof, or 20 cents on a thousand-dollar check, will not hurt any man. It will yield in round numbers \$1,000,000,000, and I will demonstrate how that much tax will do it.

Last year there was paid in freight to the railroads of this country in round numbers \$2,500,000,000, not including freight paid on water shipments. The railroad freight rates this year, based on the average increase of last year over the year before, will reach \$3,000,000,000. Two cents on a hundred dollars, 20 cents on a thousand dollars, if that were all paid by check—and the most of it is, as I think I can show—would amount to \$60,000,000. That tax will injure no man.

Mr. BLAND. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Michigan yield to the gentleman from Indiana?

Mr. FORDNEY. Let me conclude this statement, and then I will yield. Let me show you how far-reaching this payment of tax on the bank check is. Suppose you are a shipper of any product, say wheat. A man pays the harvest hands either in money or by check, or he goes to the bank and gets the money on a check himself. Therefore that check would pay that tax. That wheat is transported to the markets.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. MEEKER. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. FORDNEY. I thank the gentleman. That wheat is transported by rail, and the freight is paid by check; or if the shipper draws the money from the bank itself he draws the money on the check and must pay the tax. No matter whether it is paid by the individual or a corporation, or how it is paid, the check must be given to the bank for the money by some one. That wheat goes to the mill, and the labor in the mill is paid either by a check, or a check is issued by the proprietor for the money to pay in cash. The flour is then transported by rail to the jobber, and it pays a freight charge, generally by a check, and the flour itself is paid for by check, either directly or indirectly. The flour is sold to the merchant, and then finally to the consumer, and all along the line it must pay by means of a stamp on that check.

There is no telling where it ends, gentlemen. That is the case in paying a stamp tax on a check in payment of any commodity. Take, for instance, lumber—and on lumber I know what I am talking about, because I have been a lumberman all my life. A lumberman buys a piece of timber and pays for it by check. Labor cuts the timber, and the labor is paid by check. The money is drawn from the bank and must be paid on that check. Then the labor in the mill is also paid by check. The lumber is transported by freight. The payment for the lumber is made by check. The lumber goes to the retail yard. It costs money to put this lumber in the yard and take it out again. That is all paid for by check. The purchaser of the lumber who builds a house pays for it by check or draws the money from a bank by check. The labor employed in putting the lumber into the house is paid for by a check, directly or indirectly, and so all along the line. There is no limit to the amount of money

that can be raised on bank checks. The \$33,000,000,000 worth of manufactured and agricultural products produced last year are paid for by the exchange of paper to the extent of about 95 per cent of its total value, 5 per cent in cash. But even that cash must be drawn from the bank by somebody by check. And all that business, in the various stages of use, from the raw material to the finished product, is transacted by check. Put a stamp tax on bank checks and no man able to have a bank account is going to be injured by a 2-cent stamp upon a bank check of \$100, or two one-hundredths of 1 per cent.

Gentlemen, we are in war. The only objection to the stamp upon the bank check is that the little bank may be injured, because a man having money in the bank will put money in his pocket and pay his little bills around town in cash instead of by check. That is the danger to the little bank, but who is going to be injured by that kind of transaction? The money finds its way right back into that bank or some other bank, and, in my opinion, that scarecrow is not a justifiable objection. But I say we are in war. Who will complain at the payment of that kind of tax? No man except a croaker, because it does not injure any industry; it does not put a tax upon the gross sales of the product of any factory. Coal, iron, agricultural products, lumber, cotton, woolen goods, all conceivable kinds of manufactured articles in the land and all conceivable kinds of imports must be paid for by check.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. FORDNEY. I ask unanimous consent for five minutes more, and I promise I will stop then.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that he may proceed for five minutes. Is there objection?

There was no objection.

Mr. O'SHAUNESSY. Will the gentleman yield to me now?

Mr. FORDNEY. I will be glad to.

Mr. O'SHAUNESSY. I am very much interested in what the gentleman says, and have a profound appreciation of his horse sense.

Mr. FORDNEY. Thank you, sir.

Mr. O'SHAUNESSY. I want to get this before the committee. Sometimes we proceed here in very disorderly fashion and it is pretty hard to get the knowledge we are looking for. Is it your idea that we should limit the income tax to the amount proposed in the bill now in order that we may have something to tax in the future?

Mr. FORDNEY. That is the whole meat in the coconut.

Mr. O'SHAUNESSY. And you believe we can easily raise \$400,000,000 extra by a graduated stamp tax on checks?

Mr. FORDNEY. My good friend—and you are my good friend; you have just paid me a compliment—

Mr. O'SHAUNESSY. Oh, no; I paid you that before.

Mr. FORDNEY. I know; but the gentleman is my beloved friend. I am sincere in this statement. I do believe that a 2-cent tax on a check of \$100, or a fractional part thereof, will yield \$1,000,000,000 without any doubt, and if we have got to have this money I know of no better way of placing that burden upon the people with the least hardship.

Mr. BUTLER. Was this proposed tax on checks considered by the Ways and Means Committee?

Mr. FORDNEY. Yes; it was discussed.

Mr. BUTLER. Why was it not accepted or adopted?

Mr. FORDNEY. Well, because a majority of the committee did not want it and voted against it. Let me be frank with the gentleman.

Mr. BUTLER. Be frank and tell us all about it.

Mr. FORDNEY. I certainly will. The only way we can do things here or anywhere else is by a majority, when there are more than two men considering a question. There were some things that I did not want to see put into this law, and in consideration of that fact I agreed that I would not press this check-stamp business very hard if other matters were kept out.

Mr. BUTLER. What was the objection to it?

Mr. FORDNEY. I do not know that I could just tell you.

Mr. LANGLEY. I can tell you, if I am permitted.

Mr. FORDNEY. Some men thought it would work an injury upon small banks.

Mr. LANGLEY. I can give you my opinion of it. It would not only hurt small banks, country banks, but it would be too much of a burden on the poor.

Mr. MEEKER. Will the stamp-tax proposition come in as an amendment to this bill?

Mr. FORDNEY. I am only suggesting this way of raising this additional money asked for by the administration. If we must have it, let us be reasonable to the industries of this country that are the bone and sinew of this Nation. Our fac-

tories over the country and our farms employ our labor. I tell you there is a limit we can go to, until our incomes reach the toboggan slide.

Mr. MEEKER. Will the gentleman kindly tell us whether we are going to have an amendment offered and an opportunity to vote on this proposition? That is what we want to know.

Mr. FORDNEY. I have no amendment to offer in this line. If we must have this large sum of money, to be raised by taxation, which I have fought from start to finish—I do not believe we ought to raise \$2,000,000,000 now by direct taxation, but that we ought to raise it by a bond issue, as I have repeatedly stated—but if we must have it, let us adopt a bank-check stamp tax, and we can get it without injuring any industry. Let us get away from this tax upon the gross sales of the products of any factory. [Applause.] Let us get it where it is not going to hurt anybody, as it will not by a tax upon bank checks.

Mr. LANGLEY. Will the gentleman yield?

Mr. FORDNEY. I yield to the gentleman.

Mr. LANGLEY. I think the objection to the bank-check tax, as I endeavored to explain a moment ago, is that it will put the burden of this tax upon 100,000,000 people, while to add an additional tax on incomes, as I shall propose, will affect only about 20,000 people, and the latter are able to stand it, while many of the 100,000,000 people can not.

Mr. FORDNEY. What objection have you to putting a 2-cent stamp on a hundred-dollar check—two one-hundredths of 1 per cent? That is all it will impose upon anyone.

Mr. LANGLEY. Oh, one stamp would not hurt, but it would amount to a good deal in a year for a poor man. Most of them, of small incomes even, keep their savings in a bank now.

Mr. JOHNSON of Washington. Will the gentleman state what was raised by the bank-check stamp tax in the Spanish War?

Mr. FORDNEY. That law imposed a tax of 2 cents on a check of any size, and the law raised \$9,000,000. I am advocating a graduated stamp tax, if any at all, of two one-hundredths of 1 per cent on all sizes of bank checks, which will yield \$1,000,000,000.

Mr. MADDEN. Mr. Chairman, on last Monday I made the statement that the bill before the House proposed to raise \$691,000,000 more than the present needs of the Government. After hearing the statement of the Secretary of the Treasury read I am more convinced than I ever was that I was correct in my figures. He says in his statement that we have \$750,000,000 of deficiency for the maintenance of the Army. We have already appropriated for an army that does not exist, and we have appropriated for the army on the theory that it will exist. We are appropriating for a million men for eight months, and we have not a man of the million that we propose to raise, and will not have for the next three months. So I apprehend that there will be no deficiency in the Army appropriation at the end of the present fiscal year. We have appropriated all of the money that the Army will need.

The Secretary of the Treasury calls attention to the fact that there will be \$400,000,000 needed for the construction of merchant ships. Now, everybody knows that the construction of merchant ships is not a question that ought to be involved in the taxation, in the direct taxation, of the people. He calls attention to the fact that \$10,000,000 will be needed for the purchase of nitrates. Such a bill passed the Senate a short time ago. It is now before the Appropriations Committee. I do not believe that the Appropriations Committee will report any such bill, and that the \$10,000,000 is not and will not be an obligation on the Government.

He reports the need of \$25,000,000 for other purposes which will not be considered in any part of the conduct of the war. There are numerous items in the report of the Secretary calling for the appropriation of money and taxation of the people which are not deserving of any consideration by the Congress, because they are for things not needed and not necessary in this emergency and ought not to be considered.

Now, I want to call the attention of the committee to the fact that all this amount of money claimed to be needed by the Secretary of the Treasury is based on the theory that there is going to be \$750,000,000 deficiency in the Army appropriation. His figures indicate beyond all question the truth of the statement made last Monday when I told the House that the bill before us for consideration contemplated the levy of a tax of \$691,000,000 more than the Nation needed. You can not continue on in this way and maintain the confidence of the people. You must give some consideration to the needs of the people from whose resources we must finance this war. If you dry up the stream at the source you will have no supply. You are already having trouble to finance your bonds. Let us do the sensible thing. What we ought to do is to send this bill back to the Committee on Ways and Means. [Applause.]

We ought to establish a policy which we will in the future adhere to. We ought to advise the American people in advance what our policy is to be. We ought to give them an opportunity to adjust their business to the new policy of the Nation, and when they have been given that opportunity we ought to adhere strictly to the policy and collect our revenue under a systematic scientific policy.

We ought to employ the best financial brains that money will buy. [Applause.] We ought to employ the best actuaries that can be obtained. We ought to decide in advance what per cent of taxes we will levy against the people, and what per cent of securities we will issue in the conduct of the war. We ought to decide whether we will issue serial bonds, payable at different periods, and amortize the bonds issued. We ought to familiarize the people with the purpose of the Government before we begin to tax them on terms of uncertainty. It is the uncertainty in the public mind to-day that makes everybody run to cover. You will create bankruptcy all through the business world unless you establish some systematic policy along these lines. The time is here for you to act and use the good common sense which you ought to have. Call in the experts, take the time and consider this bill properly.

We do not need the money to-day; this money is not needed until 1918. We are preparing for the payment of the obligation for the year 1918. Then, why pass a bill to-day that nobody can understand and that has driven every man throughout the country into a state of uncertainty and despair?

The CHAIRMAN. The time of the gentleman has expired.

Mr. O'SHAUNESSY. I ask unanimous consent that the gentleman have one minute more to answer a question. I listened the other day or talked the other day with the gentleman from New York [Mr. SNYDER], a business man on the gentleman's side of the House, and there was no claim on his part that business was being disturbed or that anybody was afraid of the taxes proposed in this bill. [Applause.]

Mr. MADDEN. Mr. SNYDER is only one man in the United States.

Mr. O'SHAUNESSY. But he is a good business man.

Mr. MADDEN. I know that, and I have respect for his judgment.

Mr. GREEN of Iowa. Mr. Chairman, with all deference to my distinguished colleague, the gentleman from Connecticut, there never was a more idle proposition than to send this bill back to the Committee on Ways and Means. [Applause.] The Committee on Ways and Means have undertaken to fix the items of the income tax. The House has shown by its temper and disposition that it proposes to fix it, and I have no objection to letting the House fix it. Send the bill back to the Committee on Ways and Means and let them bring in another one and the House will fix these provisions just the same as it proposes to fix them now. The gentleman from Illinois [Mr. MADDEN] is opposed to the income tax. He wants the income taxes cut down. The House is determined to raise them. [Applause.] He wants to dispense with the excess profits tax.

Mr. MADDEN. Mr. Chairman, I challenge the gentleman's right to make that statement.

Mr. GREEN of Iowa. If the gentleman will be seated until he is recognized—

Mr. MADDEN. Mr. Chairman, I ask the gentleman if he will yield.

Mr. GREEN of Iowa. I yield to the gentleman.

Mr. MADDEN. On what authority does the gentleman make the statement that I am opposed to income taxes?

Mr. GREEN of Iowa. I said the gentleman was opposed to the income taxes in this bill.

Mr. MADDEN. Who told the gentleman that?

Mr. GREEN of Iowa. I heard the gentleman state that, in substance, and every other gentleman did.

Mr. MADDEN. The gentleman heard nothing of the kind, and no one else ever heard the statement.

Mr. GREEN of Iowa. Oh, let the gentleman be seated a moment—

Mr. MADDEN. I do not propose to allow the gentleman to charge me with statements that I never uttered.

Mr. GREEN of Iowa. I do not care whether the gentleman proposes it or not. The gentleman has been speaking here against them. The gentleman has announced also that he is opposed to the excess profits tax. If I correctly understand the temper of the House, it is more likely to raise the excess profits tax than it is to dispense with it.

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. I do not want to take up much of the time of the House, and I want to go on for just a few moments. Gentlemen have stated that this bill is something that ought to

be sent back to the committee, and have intimated that it is not prepared in accordance with any specific plan or in accordance with any scientific manner. I showed in my remarks last Saturday fully and completely the plan on which this bill was prepared. I showed at that time, and if any gentleman will take the time to read those remarks he will find it there, that this bill was prepared in accordance with sound principles of economics and in accordance with the accepted principles of taxation. There is not an economist in the country who has made any study of this question that will say the contrary; but, on the contrary, the plan of the bill has been beforehand approved, as I have found, by every school of economy, by every prominent economist in the country, without exception. That is the situation with reference to it.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. LONGWORTH. I suggest to the gentleman that the plan was approved by the National Chamber of Commerce.

Mr. GREEN of Iowa. The National Chamber of Commerce, an association representing the business men of the country, from the highest down to the very lowest, had a committee appointed, composed of distinguished bankers and distinguished financiers, of economists known all over the world as men of standing and students of the question, and about a month ago those gentlemen brought in a report presenting a plan for a bill, and it is inserted in the Record as an appendix to my speech, and gentlemen will find that the plan of this bill is in general accord with it. I am speaking of the plan, not of the details.

Mr. HUSTED and Mr. FESS rose.

Mr. GREEN of Iowa. I yield to the gentleman from New York.

Mr. HUSTED. Does the gentleman think that the additional \$400,000,000 asked for by the Secretary of the Treasury could be equitably distributed under the provisions of this bill without further consideration by the Committee on Ways and Means?

Mr. GREEN of Iowa. I was just coming to that subject, and I will be glad to dispose of it. What does my friend from Ohio desire?

Mr. FESS. I wanted to ask the gentleman this question: Since the bill was written upon the basis of raising \$1,800,000,000, and then overnight comes a statement that \$750,000,000 more are needed—

Mr. MILLER of Washington. No; \$445,000,000.

Mr. FESS. There is a deficiency of \$470,000,000, I understand—well, \$445,000,000. What assurance has the gentleman that next week there will not be another letter from the Secretary of the Treasury asking for another half million dollars?

Mr. GREEN of Iowa. If we sit from now until next December, the gentleman will find that the estimates are continually increasing, because as we proceed with this war our expenses are going to increase right along. There is no reason for sending the bill back on that account. Even before we had finished the bill we knew that it would take more than \$1,800,000,000. The gentleman from Connecticut [Mr. HILL] in refuting the figures given by the gentleman from Illinois [Mr. MADDEN] showed that instead of this bill furnishing too much money under the estimates which were in at the time when we prepared the bill—not now, but then—it would be about \$200,000,000 short, I think.

Mr. HILL. Two hundred million dollars short?

Mr. GREEN of Iowa. Two hundred million dollars short, and if you increase the income tax here you still will not have enough to make that up.

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. HARDY. If we adopt the plan of the gentleman from Illinois [Mr. MADDEN], will it not be six months before we start to pass this bill?

Mr. GREEN of Iowa. Yes; at least that long.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. LANGLEY. Mr. Chairman, I ask unanimous consent that his time be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GRAHAM of Illinois. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. GRAHAM of Illinois. I understand the gentleman to favor the view that this bill ought not to go back to the committee.

Mr. GREEN of Iowa. Yes.

Mr. GRAHAM of Illinois. The gentleman has heard the gentleman from North Carolina [Mr. KITCHIN] change his view

here about the advisability of accepting these increases of the income tax?

Mr. GREEN of Iowa. Yes.

Mr. GRAHAM of Illinois. And the gentleman has heard what the gentleman from Michigan [Mr. FORDNEY] has said?

Mr. GREEN of Iowa. Oh, well, I can not permit the gentleman to make a speech.

Mr. GRAHAM of Illinois. Does the gentleman not think, in view of the fact that these gentlemen have reconsidered their opinions about the matter, that the committee ought also to reconsider the bill?

Mr. GREEN of Iowa. If the gentleman had done me the honor to listen to what I have said, he would know that I have stated that if you come back here in one month or two months or six months with this bill this House will fix the rates of the income tax.

Mr. LANGLEY. And that is the proper thing for the House to do.

Mr. GRAHAM of Illinois. I heard that, but that does not answer the question.

Mr. GREEN of Iowa. It does not make any difference about what the committee fixes. It is said that we do not need this much money and that we ought to put the burden, by way of bonds, on future generations. I would like to have you gentlemen listen now to what some distinguished bankers and financiers of the country say about this matter. Here is the conclusion of the report of the United States Chamber of Commerce:

Modern warfare is extremely costly, and in order to meet any appreciable portion of the expenses during its progress heavy taxation must necessarily be imposed. In European countries it is now generally admitted that far heavier taxes should have been imposed at an earlier stage of the war. The recommendations of the committee in this report are the result of a careful study of the experience of our own people in previous emergencies, and particularly of the very recent experience of other countries.

And Mr. Chase, who was Secretary of the Treasury at the time of our Civil War, called attention to the fact that the great proportion of the expenses ought to be financed as we went along and said in one of his reports in 1863, after he had had some experience with the situation with reference to the great importance of providing beyond all contingency for ordinary expenditures and interest upon debts, and for the largest possible amount of extraordinary expenses by taxation.

And he added to that:

It is hardly too much—perhaps hardly enough—to say that every dollar raised for extraordinary expenditures or reduction of debt is worth two in the increased value of national securities and increased facilities for the negotiation of indispensable loans.

Mr. RAINEY. Mr. Chairman, the situation which confronts this House is perfectly simple. There are no complications. There is no necessity for undue excitement. We are engaged in the great war, and the country is beginning to realize it and to know what it means. You can not vote armies and navies and merchant ships without voting to pay for them. Part of these additional expenditures have already been authorized by one or the other branch of this Congress. A part of them are merely estimated for. But we are going to need money in tremendous amounts, and this bill, whatever its size, will not be as big as the bill of next year. There is no alchemy by which you can avoid meeting these tremendous war expenses. You can not do it by issuing bonds. We have started in this war upon the theory that we are going to pay at least half of it as we go along by direct taxes, and if we fail to pay that amount, if we have not the courage to provide the methods of collecting one-half of the expenses of this great war as we proceed, then this country, with all its great resources, has lost the first battle in this struggle.

The bonds are not being taken with tremendous avidity throughout the country. The banks have merely announced that they think their customers will take less than a half billion dollars' worth of these bonds. We may expend here in the United States during the next 12 months of time \$10,000,000,000 in money; money to be expended by this country and by our allies. You can not place out in the channels of trade this tremendous amount of money without creating prosperity such as the manufacturers and the merchants of this country have not participated in for many years past.

In England they have experienced that same sort of war prosperity. In Canada, according to the reports we get from Canada, merchants and manufacturers are enjoying a prosperity that they never even dreamed of. You can not expend this much money in a country without bringing about prosperity wherever that money goes, but you can not levy taxes without unsettling business to a certain extent, and you need not expect

to do it. We will probably have to go to the suggestion of the gentleman from Michigan [Mr. FORDNEY] and place stamps upon checks. We will probably have to graduate the stamp tax as he suggests. We had a stamp on checks before, but we succeeded then in collecting only \$9,000,000 a year from that source. We will be compelled to invent new and ever new methods of taxation as this war proceeds, and we may as well understand that every man's life, every man's fortune, every man's income is pledged to the success of the United States in the war upon which we have entered.

The Committee on Ways and Means have considered this bill, and they have presented as well balanced a measure as it is possible to present, considering the fact that it is a war measure. We are not presenting a bill for the purpose of aiding business in this country. The trouble with citizens of the United States is this: They think they have been benefited in their business for a hundred years by this Government; the Government has been doing things for them, they think, and now they are face to face with the fact that each man and each woman of them must do something for this Government. [Applause.] And this is a strange and new condition for the citizens of the United States to find themselves confronted with. The chairman of the committee has stated that hereafter, as this bill proceeds through this House, the committee will meet every morning to consider the necessary additions to the bill, if any additions are found necessary by the committee, to be suggested to this House.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. RAINEY. Mr. Chairman, I ask for two minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for two minutes more. Is there objection?

Mr. MOORE of Pennsylvania. I ask unanimous consent, Mr. Chairman, that the gentleman may have three minutes, and request him to answer a question.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RAINEY. The proposition now that the bill be re-committed to this committee is absolutely untenable. The bill as it stands and as far as it goes is as well-considered and as complete a war measure as it is possible for this committee or any other committee of this House to suggest. The question is not what items you are going to strike out of this bill, but the question to be presented to this committee as the bill proceeds on its way through the House is what you will add to it.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield now?

Mr. RAINEY. Yes.

Mr. MOORE of Pennsylvania. The gentleman is a member of the Committee on Ways and Means and a very prominent one, and I want to ask him whether he will stand for a bill carrying more than \$1,800,000,000 at the present time?

Mr. RAINEY. I will stand for any bill that is necessary to finance this war. [Applause.] And I will vote for the amendment proposed by the gentleman from Wisconsin [Mr. LEXROO] if it is necessary to adopt that amendment in order to furnish the amount needed.

Mr. MOORE of Pennsylvania. The gentleman is aware of the fact that the original estimates were \$3,800,000,000; \$2,000,000,000 to be raised by a bond issue and \$1,800,000,000 by taxation.

Mr. RAINEY. I rememehr that.

Mr. MOORE of Pennsylvania. As to that the country is now informed and knows exactly what is coming to it. Does the gentleman think it possible at this time to raise more than that \$1,800,000,000 by taxation?

Mr. RAINEY. I think it is proper and possible to raise whatever amount we ought to raise in order to pay one-half of these expenses as we go along. This administration would be possessed of superhuman powers if in this great emergency, in a few days' time, it could correctly prophecy and suggest to the Congress how much money is going to be needed. You can not tell what the Congress will do. Any proposition to increase any man's salary and make any charge on the Treasury goes through Congress as if it were greased. [Laughter.]

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. RAINEY. Mr. Chairman, I ask for two minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. RAINEY. Every enlisted man, whether he serves at home or abroad, it was proposed yesterday should receive an increase

of pay, and the proposition went through this House as if it were greased. The next proposition will be to make a differential between the pay of the men who go abroad and the pay of the men who stay at home of \$15 or \$20 a month, and that will go through this House and the Senate as if it were greased. [Laughter.] You can not make a suggestion of any kind as to any appropriation connected with this war to the Congress that is not adopted enthusiastically and with cheers. But when you commence to talk about raising the money any suggestion with reference to raising it, except to go into the industry of printing bonds, meets with but little enthusiasm here or with the people who are taxed. [Applause.]

We are conscripting our young men, who will be compelled to go to Europe to face the poisonous gases and the shot and the shell of the most completely organized and equipped army the world has ever seen. We have started to crush the mailed dragon of central Europe; and it is now the business of this magnificent new Republic to do that. A year from now we will find ourselves, I predict, the principal antagonist of Germany in the great war now raging. We can not take up this burden and hope to carry it through and keep our "place in the sun" without spending money; and every man's fortune, every man's income, and every man's life is pledged to the undertaking in which we have engaged, and we must vote this money. [Applause.]

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield for a question before he takes his seat?

Mr. RAINEY. Yes; I yield.

Mr. LONGWORTH. My colleague has said that he, as a member of the committee approves, as the war progresses, of paying not less than one-half of all the expenses by taxation?

Mr. RAINEY. Yes.

Mr. LONGWORTH. Of course the gentleman realizes, however, that that is not the position of the committee as a whole for an indefinite period. For myself I have stated very frankly that while I was willing now to support the fifty-fifty proposition for the raising of the first amount of money necessary, I am not willing to subscribe to the proposition that this present generation, so long as the war shall continue, shall pay at least half. [Applause.]

Mr. MEEKER. Mr. Chairman, I move to strike out the last word. The suggestion made by the gentleman from Illinois [Mr. MADDEN] and the suggestion made by the gentleman from Texas [Mr. GARNER] show very clearly the differences in the attitude of the Members on the floor generally as to the wisdom or unwisdom of passing this bill now. The gentleman from Texas [Mr. GARNER] suggested that this bill should be adopted as it is now because we are at war. The fact of it is that is the only excuse I have heard offered by any member of the committee for voting for the bill at all.

Mr. MOORE of Pennsylvania. I ask the gentleman what other excuse there is?

Mr. MEEKER. I will take that up in a moment.

Mr. LONGWORTH. It will be hard work to suggest any other.

Mr. MOORE of Pennsylvania. Is not war the only excuse for it?

Mr. MEEKER. I would not vote for a bad bill for any reason—one that is not economically sound.

Mr. MOORE of Pennsylvania. Would the gentleman vote for conscription, and then fail to vote the money to pay for it?

Mr. MEEKER. If the gentleman will please keep quiet about that conscription business—

Mr. MOORE of Pennsylvania. I hope the gentleman will be kind enough to tell us about it.

Mr. MEEKER. I will be kind to the gentleman in a moment, in my own way. I want to say to the gentleman that, so far as conscription is concerned, I have voted to use the men who were best available for the service; and that is what I think we ought to do with our taxes.

Mr. MOORE of Pennsylvania. And now we are going to vote the money to support them.

Mr. MEEKER. I will make this speech, and the gentleman can get his own time.

The gentleman from Texas [Mr. GARNER] suggests that we pass the bill as it is, and then have the committee meet in October, about four months from now, to prepare the next bill for December, and in the meantime to see how this has worked out during the summer. That is, after all the readjustment of business in every way to meet this taxation, if it can be readjusted in that time, and after three or fourth months of experimentation, if the industry of the country is still living, the gentleman suggests that we adopt another system.

It seems to me that the impatience of certain individuals to rush through a measure that involves only about \$2,000,000,000, to have it all done here in about 30 minutes' time, is typical of

the American mind. Gentlemen, if we do not start this revenue-raising system right, it is going to bring us more disaster than anything else. [Applause.] And the whole question with the men who are opposing this measure is that they are insisting that this is not a sound bill for the raising of this revenue. You may talk as you please, you are not going to get subscriptions for these bonds until the industrial and business world knows where it is at on this tax bill. You can preach patriotism all you please in an effort to get men to subscribe, but they will not do so now, because they do not know how long it will be before they are going to lose out in business. I think some of us should admit—I, for one, am willing to admit—that we are not all-wise on these tax questions. We have had this bill here for only a week to consider measures that are to reach to the very end of this long struggle, and on a five-minute debate are called upon to pass our judgment as to how this is going to affect the industrial life of our country. I think the committee should ask that the bill be sent back to it. Nobody is satisfied with it. The gentleman from Pennsylvania [Mr. Moore] was terribly concerned about conscription, and all of those things. The gentleman from Pennsylvania would not permit himself to cast his vote for any measure if he thought it was going to destroy our new conscription law. If it was going to nullify the selective-draft plan, I fancy he would stand by his convictions and vote against any such measure. I would, and I think we all would.

Now, gentlemen, let us quit talking about this being war. We all know that; but let us hold ourselves down to the one question as to whether these different items as they come through are sound, and as to what effect they are going to have upon the industries from which we expect to raise that revenue. [Applause.] A question was asked me this morning as to whether or not the men who are to manufacture munitions are still to pay their 12½ per cent profit tax which was laid on last year. The question has been put this morning by the representatives of the great jewelry industry of this country as to whether the men in this business are to be called upon to pay the 5 per cent tax on goods that they have had on their shelves, some of them for 20 or 30 years, some of the finest pieces they have carried, and whether that tax is to come on all at once, or whether they are to pay it as they sell their goods. There are a thousand questions of that sort, practical and vital to the men who are standing back at home, while we are voting the money out of their pockets and taking it out of their hides, while we stand here and talk about it. These men have a right to be heard.

Mr. O'SHAUNESSY. May I suggest to you to speak to some of the business men on that side of the aisle and get their opinion on the bill?

Mr. MEEKER. I have heard it expressed privately.

Mr. O'SHAUNESSY. They favor the bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MEEKER. I would like two minutes more.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that his time be extended two minutes. Is there objection?

There was no objection.

Mr. MEEKER. I believe the suggestion of the gentleman from Illinois [Mr. Madden] is sound. We can afford to wait for 30 days. Some gentleman said to me this morning, "We want to get through and get away from here and get home." Well, the men who have got to pay these bills will be at home for a long time, and I think it is a cheap excuse for the Members of this Congress to be talking now about getting away from here to escape the hot weather. Let us stay here until we have the right kind of a bill if we have to stay until this time next year. If this bill should go back to the committee and all these things that are being thrashed out on the floor here now under the five-minute rule should be considered with the men who come here to assist in the suggestions for financing this war, I believe that it would redound to the credit of this Congress forever. We should go to the country with a bill that is not a mere makeshift, but a bill for which we do not need to make apologies, and one that the Members on both sides of the aisle can agree is a revenue system for financing the war that will stand the test of time as long as the war may last.

Mr. HOWARD. Mr. Chairman and gentlemen of the committee, Members on both sides of the aisle this morning have discussed this question about what we ought to do. The gentleman from North Carolina [Mr. Kitchin] has told us that we have got to raise \$400,000,000 in addition to what the bill calls for.

Mr. KITCHIN. No; that is merely the statement of the Secretary of the Treasury.

Mr. LONGWORTH. Let us understand what this is. Is this a request from the Secretary of the Treasury or only a statement?

Mr. KITCHIN. It is merely a statement showing the amount of estimates of appropriations that will be needed to meet the demands next year. He did not say that we had to raise it all by taxation.

Mr. GARNER. If I correctly understood the gentleman from North Carolina, he wants to raise the amount at this time which is specified in the bill.

Mr. KITCHIN. I said that we would need all the money raised by this proposed amendment and more besides.

Mr. MANN. Will the gentleman yield to me for a moment?

Mr. HOWARD. Yes.

Mr. MANN. How much money now does the Secretary of the Treasury say needs to be expended by the end of the fiscal year?

Mr. GARNER. He just read that.

Mr. MANN. He read the statement of the Secretary of the Treasury. Does the gentleman from Texas know?

Mr. GARNER. I know about as much as the gentleman from Illinois knows about it.

Mr. MANN. I am asking for information; and now the gentleman from Texas butts in, and he knows nothing about it. I want to know if anybody in the House knows how much it is, but nobody can answer.

Mr. KITCHIN. The statement would show about \$4,000,000,000.

Mr. MANN. Yes; but how much does the Secretary of the Treasury say is needed to be expended at the end of the fiscal year 1918?

Mr. KITCHIN. That statement shows—

Mr. MANN. I know what the statement shows, but does the gentleman know? The statement was read in the House, but nobody now knows how much is to be expended, and here we are "legislating intelligently." [Applause.]

Mr. HOWARD. Mr. Chairman, I seem to be the innocent bystander. [Laughter.] I want to make a short statement and then you can get hold of the chairman of the committee again and shake him. [Laughter.] He seems to be favored for attack this morning.

I do not care what the Secretary of the Treasury's estimate in that letter is, if it is four hundred or five hundred million dollars. He is modest in his estimate, and you are going to see it. I am going to tell you why he is modest. Under the act of August 29, 1916, in the general Army appropriation bill we created an inoffensive, innocent-looking piece of machinery in this Government known as the Council of National Defense. Its operation under this bill seems to be very modest and only advisory. Seven men were supposed to get together, selected on account of their long experience and superior ability in certain lines to advise different Cabinet members therein mentioned.

I was down this morning to the Munsey Building. I found three entire floors of that large office building with hundreds and hundreds of clerks crowded together working like they were putting out a fire in a broom-sedge patch. There were expert fly speckers, chemists, analysts, insect finders, bug hunters, and people of every conceivable character on the face of the earth crowded down there into that building engaged in national defense. [Laughter and applause.]

Let me show you what has happened. I want to give you, if you will permit me to, some of the facts. If that crowd is turned loose on the Nation for six months longer, they are going to bankrupt it. That is what they are going to do. Let me show you. They have devised a rule to let no contract where the original contractor receives in excess of 10 per cent on the gross expenditures in the consummation of that contract. What will that do? Does it tend to the economy in these gigantic contracts that we are letting? No; it is a direct incentive for every man that receives a contract to raise the cost, because his profits are predicated upon total costs. The more it costs the more the contractor receives.

Let me show you how this thing works. I am not a business man; I have been accused on several occasions of being a modest kind of a lawyer. Let me tell you where the thing figures, and these good business men over here on the Republican side of the aisle will know that what I am stating is the exact truth. Every incentive on the face of the earth to the original contractor under that system is to increase the cost, because every dollar in labor increase, every dollar of increase in the cost of raw material, every dollar of increase in transportation, every dollar that enters into the cost of production of the article, everything increases the ultimate profit that that contractor will get from the Government.

I could give you an illustration of a thing that happened in the city of Atlanta. I will not put it in the Record, because I got it from three or four of my native contractors as to what was done there, but if these statements are authentic it is so outrageous, it is so wasteful and extravagant in practice, that I do not feel free to state it on the floor of this House without having the absolute unequivocal proof that it happened.

But I want to say that if the wings of the Council of National Defense are not clipped, and clipped promptly, and the attention of the country called to the enormous expenditures that this war will entail on the taxpayers and all interests of this country under that system of 10 per cent profit basis, it will be disastrous to this Nation. Money does not grow on trees, and when this tax bill is finally passed the people will be fully aware of that fact.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. HOWARD. Yes.

Mr. COOPER of Wisconsin. Does the gentleman think that we should have a press censorship that would suppress the publication of the facts which the gentleman has just given?

Mr. HOWARD. Of course not, and no other sane man does. I always maintained, I will say to the gentleman from Wisconsin, that newspapers have no right to publish matter that would state the whereabouts of our ships or the amount of our munitions, the movements of our Army or our Navy. Those things ought not to be published; they ought to be secret, and if published they ought to be visited by a severe penalty. But let the white light of the noonday sun come into these transactions where the Government of the United States is making contracts for billions of dollars and is calling upon my constituents and your constituents for untold millions to carry on this war.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. HOWARD. Yes.

Mr. MOORE of Pennsylvania. In view of the facts which the gentleman has just narrated and which are highly interesting, does he not think that if we do not speedily pass this eighteen hundred million dollar revenue bill the country will soon be called upon to pass a \$4,000,000,000 bill?

Mr. HOWARD. I do. I want to say in conclusion that the Committee on Ways and Means has been criticized here this morning by some gentlemen unmercifully, especially by my delightful friend from Missouri [Mr. MEEKER], a wise man, as everyone knows. Nobody has to prove it, because I know that no one would more readily admit it than the gentleman from Missouri himself; but he gets up here and criticizes this committee. "Oh, it is very easy to criticize; it is easy to say, "If I had the doing of this, I would not have done this, that, or the other," and then not say how you would have done it. It is no easy task for these gentlemen to lay their hands on \$1,800,000,000 and do equal and exact justice to all.

Mr. MEEKER. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. Yes.

Mr. MEEKER. Would the gentleman have put the 8 cent tax on gas?

Mr. HOWARD. Why, sure; I would put it on, and I would derive a greater revenue from the gentleman from Missouri than any other source by so doing. [Laughter.] We have got to take the groundwork at least of this great committee; we have got to take their recommendations under consideration and under careful consideration. We have no right to say to this great committee that we will brush aside all of their work to which they have devoted hours and days of study and examination. I hope that the amendment offered by the gentleman from Wisconsin [Mr. LENROOT] will be adopted, and these enormous incomes taxed in proportion to their ability to contribute the necessities of the Nation. These gentlemen who are submitting other plans here for the raising of revenue are trying to make up a bed for those best able to pay to lie upon in ease, so that the people of the Nation will pay this burden by their sweat and their toil upon the consumption of the Nation instead of upon the wealth of the Nation.

Mr. NORTON. Mr. Chairman, the gentleman from Illinois [Mr. RAINY] said the situation which confronts the House is a very simple one. I agree with that statement. It is a very simple one if it is viewed properly. We are here to provide legislation to raise the money necessary for carrying on the war. The question of greatest importance, it seems to me, is as to who among our people should pay that revenue or the greater part of it. I believe that the funds necessary for the carrying on of this war should be paid by those of our people whom it will least inconvenience. The committee tells us that in addition to the bonds that have been issued we need \$1,800,000,000. The amendment that is now proposed by the gentleman from Wisconsin will in effect increase the amount to be paid by those having net incomes between sixty and eighty thousand

dollars a year, 25 per cent. I want to say for myself that I believe that the revenue for carrying on the war should be paid for the most part by men who have net yearly incomes of \$5,000 and over, rather than by men who toil in ditches, in streets, on the farms, in factories, and offices long hours every day for just a mere living, and who have practically no net income above their frugal living expenses. The problem, I think, is simple if we view it in this way. During this war the men who have large fortunes in this country have made money more rapidly than ever before in the history of the world. I read in the paper yesterday about one man in this city who never raised a bushel of wheat in his life who is reported to have made \$3,000,000 in wheat speculations on the board of trade in Chicago during the past month. Another man is reported to have made \$5,000,000 in the same kind of trade within the month. Is there any reason why those men should not pay a large per cent of these tremendous profits to carry on this war? Do you think taxing a net income of \$10,000, \$100,000, or \$1,000,000 even 50 per cent will inconvenience the owner of such income as much as levying a tax so as to increase 50 per cent or more the price of the meat, bread, tea, coffee, and sugar of the man whose total income is only \$2 or \$3 a day will inconvenience him and bring want and misery to the latter and those dependent upon him? I read another statement this morning showing where large manufacturing industries—iron industries, munition factories—have made during the past 12 months thousands of millions of dollars more in net income than they made in 1914 or in 1915, all as a result of present war conditions. I believe this amendment should prevail, and I believe it should be the policy of this House to secure most of the funds necessary to carry on the war during the next fiscal year from an equitable and fair tax on net incomes over and above necessary decent living expenses of the individual, from a tax upon excess profits and from a tax upon inheritances. I believe that the burden of taxation upon foodstuffs and upon transportation facilities—these burdens of taxation that will so directly and surely reach the poor man—should be very light. I do not think it should take us very long to make up this bill and make up a bill that will secure for the Treasury the funds necessary to vigorously and successfully carry on the war.

I want to say a word along the line suggested by the gentleman from Georgia [Mr. HOWARD]. I do not believe this Congress can reasonably expect economy in the expenditure of funds from the Treasury Department, from the War Department, from the Navy Department; nor do I believe that we can with any reasonable safety leave the matter of economy to the President of the United States, as so far he has shown no sense or idea of economy in the expenditure of funds intrusted to be expended in his discretion. If there is going to be any economy practiced in the expenditure of the funds that are raised by this and other revenue bills, that economy must be looked after and enforced by the Congress of the United States.

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. KITCHIN. Mr. Chairman, I ask unanimous consent that all debate upon this paragraph and all amendments thereto close in 25 minutes.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that all debate upon the paragraph and all amendments thereto close in 25 minutes. Does the gentleman wish to suggest who shall control the time or how that time shall be allotted?

Mr. FOCHT. Mr. Chairman, I would like to have 10 minutes.

Mr. GILLETT. Mr. Chairman, I would like to have five minutes.

Mr. FITZGERALD. Mr. Chairman, I would like to have more than five minutes.

Mr. LENROOT. Mr. Chairman, I would like to have five minutes.

Mr. KITCHIN. If we are going to have the same debate, why not close upon this paragraph now and vote upon it, because the same character of amendment will be made to the remaining paragraphs, and there are five or six more? I move that all debate upon this paragraph and all amendments thereto close in five minutes.

The motion was agreed to.

Mr. LENROOT. Mr. Chairman, I do not know that I ought to take even five minutes, inasmuch as I assume and hope that this amendment is to be adopted, but I do think that something ought to be said in reply to some of the suggestions that have been made by some of the members of the Committee on Ways and Means. Some of them who are opposing this amendment are strangely inconsistent in the attitude they take. The gentleman from Michigan [Mr. FORBNEY] and the gentleman from Connecticut [Mr. HILL] are opposed to this amendment

because they say it will drive these men having large incomes to the purchase of bonds that are tax exempt, and therefore we will not get the tax we ought to have.

The gentleman from Texas [Mr. GARNER] says that we can not sell these bonds, that they are going to be a failure and therefore there must be a large taxation for that reason. Surely both of these statements can not be true. And the gentleman from Connecticut [Mr. HILL] and the gentleman from Michigan [Mr. FORDNEY] have suggested that if we increase the rates as I have proposed the rich man will avoid these taxes either by buying tax exempt bonds or by failing to declare dividends and passing profits to surplus.

Mr. HILL. Mr. Chairman, I beg the gentleman's pardon. I have not spoken to the amendment yet and I have made no such statement, neither now nor in the past. The gentleman must be attributing that to somebody else, as I have made no such statement.

Mr. LENROOT. I understood the gentleman yesterday or the day before certainly to make that very statement. Now, I want to say with reference to any men having control of a corporation that passes profits to surplus for the purpose of escaping these income taxes that the Congress of the United States has power in the future to reach that surplus, and if any man in the United States to-day has any idea that he can escape his fair share in that way he had better take notice that he is not going to be able to do it.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. LENROOT. I can not; I have only five minutes. I wish I could. Whether or not a larger amount is to be raised by this bill than proposed by gentlemen, or whether or not the bill is to be readjusted, as was argued yesterday, this amendment should be adopted. The gentleman from Michigan, in reply to a question of the gentleman from Rhode Island, said that the reason that there were not larger income taxes proposed in this bill was because they wanted something left to tax in the future. Oh, Mr. Chairman, what an argument. In this bill they tax light and heat, they tax things that the poorest man in the United States must pay for. Oh, they do not propose to leave that a subject for taxation in the future, but they propose to tax him now and let those men who have made large fortunes out of the war escape their fair share now for the purpose of having something to tax in the future. Is it not more just to compel those men to pay their fair share now and strike out some of those items in the bill like light and heat, and save that as a means of taxation in the future if it shall become necessary? As to whether or not, in part, this bill should be recommitted, every man knows that this talk of revising this income-tax schedule next December is utter folly; as this income tax goes out of the House and out of the Senate, and becomes the law, you know and I know that the income-tax schedule will not be revised next December.

Mr. HELVERING rose.

Mr. LENROOT. I can not yield. And if we propose to compel these men with large fortunes to pay their fair share of taxes we must do it now or we will not do it at all. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was agreed to.

Mr. KITCHIN. Mr. Chairman, I ask unanimous consent that we read through this section and then amendments be in order to any paragraph, so we will save so much time.

Mr. LENROOT. Might we not have unanimous consent to offer this as one amendment?

Mr. KITCHIN. And I will ask further now, when it is read, the gentleman be permitted to offer his amendment as one amendment to each one of these paragraphs.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that the section be read and that amendments to change the rate be offered in one amendment.

Mr. LANGLEY. Does that preclude any Member offering an amendment?

Mr. KITCHIN. No.

Mr. LANGLEY. Offering any number of amendments he wants?

Mr. KITCHIN. No.

The Clerk read as follows:

Fourteen per cent per annum upon the amount by which the total net income exceeds \$80,000 and does not exceed \$100,000;

Seventeen per cent per annum upon the amount by which the total net income exceeds \$100,000 and does not exceed \$150,000;

Twenty per cent per annum upon the amount by which the total net income exceeds \$150,000 and does not exceed \$200,000;

Twenty-four per cent per annum upon the amount by which the total net income exceeds \$200,000 and does not exceed \$250,000;

Twenty-seven per cent per annum upon the amount by which the total net income exceeds \$250,000 and does not exceed \$300,000;

Thirty per cent per annum upon the amount by which the total net income exceeds \$300,000 and does not exceed \$500,000; and  
Thirty-three per cent per annum upon the amount by which the total net income exceeds \$500,000.

Mr. SWITZER. Mr. Chairman, I would like to propound a question to the proponent of the amendment.

Mr. LENROOT. Mr. Chairman, I will withhold the amendment that I have to offer until I have prepared it in form, and will offer it later.

Mr. LANGLEY. I want to know if it is in order to offer amendments?

Mr. FOCHT. Mr. Chairman, I understand it is in order now for me to address the House for 10 minutes.

The CHAIRMAN. The Chair did not understand the gentleman had 10 minutes.

Mr. FOCHT. Mr. Chairman, I move to strike out the last word. Mr. Chairman and gentlemen, it seems to me that there are two ways by which this matter—

Mr. KITCHIN. Mr. Chairman, I ask unanimous consent, before the gentleman proceeds, that all debate on this section and all amendments thereto end in an hour.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that all debate on this section and all amendments thereto close in one hour.

Mr. KITCHIN. I will ask that it close at 3 o'clock.

The CHAIRMAN. That all debate on this section and all amendments thereto close at 3 o'clock. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Chairman, I object for the present.

Mr. FOCHT. Mr. Chairman, in my humble opinion, we could for the time being at least reach a conclusion with respect to this bill, and these observations are predicated on what was said here this morning. It is proposed by one or two gentlemen that the bill be recommitted to the committee in order that it might be reshaped and refashioned, and then be brought back here in a form that will preclude the measure from again being shot to pieces, as it seems to be now. The other proposal was made by a member of the committee that instead of putting this heavy burden upon the business interests of the country directly, by what is characterized as a monstrous imposition, that a great portion of the revenue from taxation be raised by a graduated stamp tax. We all realize that a stamp tax is a most unpopular tax, because every time a man sends a check he is confronted with the fact that he is paying a tax. That system, gentlemen, would relieve the Government of the enormous cost of collecting, which has not been referred to to any extent here, and would preclude the necessity of an additional army of officeholders to collect these taxes which are proposed in this bill.

This simple tax act would relieve the people of all burdens of detailed reports, and would be the simplest, easiest, and most economical way in which to raise this big war revenue. Therefore both of those propositions should be considered—refer back to the committee or seriously discuss the amendment of the gentleman from Michigan [Mr. FORDNEY] as to stamp taxes. Then we will have reached a conclusion on this bill which is now so unsatisfactory and promises endless debate.

But that is not what I in particular wish to speak about. We have had generalization on this question. We have heard men talk about the burdens upon the people, about confiscation, and I want to bring right home to you, my friends, in a definite and concrete way something that can not be disputed with reference to how far-reaching the provisions of this bill are and how thoroughly unbalanced—at least as to one feature—the zone rate on second-class or newspaper postage. I had supposed the obsequies had been held over this section of the bill, that actually the post-mortem had occurred also, but it seems there are those here who want to pass this bill just as it is, and I feel it my duty before a vote is taken on this question, before we approach any nearer to it, to lay before the House some facts that are most potent and convincing.

As to this zone tax on newspapers, you have heard much. We have heard complaints about this committee in reference to it, but I do not complain of the committee, although we find the committee to have given such little consideration to an important matter like this that it naturally follows that suspicion is excited as to the injustice of many other provisions in the bill. This is so absolutely out of harmony with all business sense and reason that I can not help but believe that it might be better to have the bill go back to the committee and be overhauled, inasmuch as many members of the committee have said here that there are many features to which they are opposed, but that as a whole they would "swallow it." I do not believe the American people want us to "swallow" things with our eyes shut, nor to be, as one Congressman declared here, "rubber-stamp" Congressmen. At least I am not that kind

of a Congressman. I have been for all measures looking to the support of the Government, but I am not a "rubber-stamp" Congressman, and therefore I am going to call attention to at least one feature we find here.

In central Pennsylvania there is an important enterprise that has grown up through the energy and tireless labor of a number of young men through 35 long years. They publish a newspaper that has the largest circulation of any weekly newspaper in the United States. It is known as the Williamsport Grit, with a circulation of 300,000. It circulates throughout the United States, with a very large part of the circulation in the South and Southwest, extending into these wider zones where the post-office charges would be the heaviest.

Under the new tax conditions prior to the proposal of the zone tax the increase of expense or overhead in this office for first-class mail increase, 10 per cent tariff on white paper, increase in freight rates, increase in express, and stamp tax on telegrams, and so forth—will be \$40,923.98. That is a pretty fair increase of overhead charges on one printing shop in the United States. But look at what is to be added. The increase now being paid for white paper, due to war conditions—

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOCHT. Mr. Chairman, I would like to have 10 minutes more.

Mr. DOREMUS. Mr. Chairman, I ask unanimous consent that the gentleman have 10 minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FOCHT. I want these facts to go into the Record, and I want you to understand where this firm is going to land.

The gentleman from Illinois a while ago talked about getting excited. There will be no excitement in the Grit office, but these men are going to get ready for retirement if this bill goes through in the shape it is proposed. As I was about to say a moment ago, the increase now being paid for white paper due to war conditions is \$57,500. The war tax and increased paper bill is \$98,423.98. This proposed zone rate on second-class mail will raise their cost to \$109,146.44, or a total war tax on this one publishing plant, reared by the energy and labor of these once young men, but now grown gray in the service, to \$207,570.42. It is proposed to plunder that institution to that amount and wipe it out of existence.

The president of the Grit Co. is Mr. Dietrich Lamade, one of the best-known journalists and business men in the country, and who is everywhere beloved by the newspaper fraternity for his probity, enterprise, and exalted personal characteristics. He and his associates surely deserve a better fate than to have the honest labor of years of ceaseless endeavor wiped out and the usefulness of their great enterprise forever eclipsed as a result of this ill-advised section of the bill.

When we sat here and listened to that benevolent old gentleman, Mr. Balfour, pleading for help, and asking us to finance the bankrupt nations of Europe, we were willing out of the charity of our hearts to give to him; but let me plead to you now that we do not destroy the industries of our own country and commit, as some one said, the assinine act of drying up the spring from which flows all this revenue. If this bill passes as now framed, you will not get \$207,000 from this firm; you will not get even the \$40,923.98, for the spring will cease to flow.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. FOCHT. I insert herewith the statement to which I have referred:

WAR TAXES AS THEY APPLY TO THE GRIT CO., WILLIAMSPORT, PA.

*New taxes created by war-revenue bill.*

Increase in first-class mail	\$22,923.98
10 per cent tariff on white paper	16,250.00
Increase in freight rate	1,250.00
Increase in express	250.00
Telegrams, stamp tax	250.00
Ordinary war tax	40,923.98
Increase now being paid for white paper due to war conditions	57,500.00
War tax and increased paper bill	98,423.98
Proposed zone rate increase on second-class mail	109,146.44
Total increase due to war	207,570.42

Mr. RAINEY. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments thereto close in one hour.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that all debate on the paragraph and amendments thereto close in one hour. Is there objection?

Mr. MOORE of Pennsylvania. Will the gentleman modify his request and make it 3 o'clock?

Mr. RAINEY. Yes. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments thereto close at 3 o'clock.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that all debate on this paragraph and amendments thereto close at 3 o'clock. Is there objection? [After a pause.] The Chair hears none.

Mr. LANGLEY. Mr. Chairman, by agreement with the gentleman from Wisconsin, I wish to offer these amendments at this time in advance of his.

The CHAIRMAN. The Chair will not recognize the gentleman now. The gentleman from Massachusetts [Mr. GILLETT] is recognized.

Mr. GILLETT. Mr. Chairman, I wish to say a word about the statement which was sent down this morning by the Secretary of the Treasury and which I understand is used as a basis for the argument that this bill, appropriating \$1,800,000,000, is \$400,000,000 short. I have read through the estimates which the Secretary of the Treasury submits, and it seems to me they do not justify the argument that is made. Most of them I concede the correctness of in specific detail. There is, to be sure, an estimate of \$60,000,000 for the sinking fund, which is superfluous, because that money is never used.

The two items which seem to me novel in this statement of the Secretary of the Treasury and the only two except the \$60,000,000 item, which seems to me necessary to be considered, are the item of \$400,000,000 for the Shipping Board and the item of \$760,000,000 for the Army.

Now, when the Ways and Means Committee submitted this bill of \$1,800,000,000 they offered as the basis for that sum the statement of the Secretary of the Treasury that he must raise \$3,800,000,000, and that \$2,000,000,000 of that was to be paid by bonds, leaving \$1,800,000,000 to be raised by taxation.

But the Committee on Ways and Means never gave us any details as to that \$3,800,000,000. Whether they relied upon something which the Secretary of the Treasury may have confidentially told them I do not know; whether he specified to them these same items which he now suggests to us I do not know; but probably not, because these are bigger. But it seems to me that the House ought then to have been taken into the confidence of the Committee on Ways and Means and been told how that \$3,800,000,000 was made up. I figured it up at the time and I could only make out that we needed about \$3,200,000,000.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. GILLETT. Yes.

Mr. BORLAND. As I caught the figures—and I think I am correct about this—the only difference in the estimate is the \$400,000,000 necessary for the construction of new ships. Is not that the only difference that has been made in these estimates?

Mr. GILLETT. I do not believe that is all. It may be that that is the way the Secretary of the Treasury made up his \$3,800,000,000.

As to the \$760,000,000 for additional expenses of the Army, the Committee on Appropriations, when the two billion and odd millions were appropriated for the Army some weeks ago, went through the estimates which were submitted by the Secretary of War, and in that we appropriated not all they asked for, but after careful examination we appropriated all that we thought they would spend in the coming year. To be sure, we did allow that we would be back here next winter, and that it was possible that we might then have to make a deficiency appropriation. We always do. But we thought that what we appropriated then was as much as the War Department could probably expend. I think it is. I think the chances are that the War Department, unaccustomed to these enormous expenditures of money, although they may know what they want, will not know how to procure it.

The gentleman from Georgia [Mr. HOWARD] complains of those who sit down in the Munsey Building, and of the way they are giving out contracts. I do not know much about that, but I would much prefer to trust the contracts to them rather than to the heads of some of the departments in Washington to-day. [Applause.] It seems to me that the difficulty is going to be in wisely expending the money already appropriated, and that they will not probably need much of this additional \$760,000,000.

And take the \$400,000,000 for the Shipping Board. It seems to me that if there is any sum in this bill that could justifiably be paid out of bonds, it is that; because that is purchasing the great instruments of business. It is purchasing ships which, when this war is over, will be in the hands of the Government as an asset. Some, I suppose, will be at the bottom of the sea

because of the submarines; but those which are left, when we consider the condition of the merchant marine of the world at the end of this war, will probably be worth at least as much as they cost, so that \$400,000,000 might justifiably be spent out of bonds.

Where it seems to me the Secretary of the Treasury is erroneous is in the claiming that this \$760,000,000 for war expenses will inevitably be needed. Now, I am not saying this, Mr. Chairman, because I am out of sympathy with the purposes of the Committee on Ways and Means to raise their fifty-fifty by taxation. For one I differ with many of my colleagues on that point. I agree with the principle adopted by the committee. I applaud them for having the courage to stand by it. Much as I disapprove this bill I think we ought to go as far as we can by taxation in this first year of the war. But it does seem to me that by the statement of the Secretary of the Treasury there is a large margin left in this \$1,800,000,000 to meet the emergencies of the coming year.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. GILLETT. Yes.

Mr. GREEN of Iowa. I will say to the gentleman that there is nothing of the \$400,000,000 provided in this bill. That was not considered at all when the bill was made up.

Mr. GILLETT. How was the \$1,800,000,000 made up? Do you know?

Mr. GREEN of Iowa. Yes; we had the details before us.

Mr. GILLETT. You did not give them in your report.

Mr. LITTLE. Mr. Chairman, will the gentleman yield?

Mr. GILLETT. Yes.

Mr. LITTLE. The bill as it now stands is \$1,800,000,000. When the addition is made it is \$1,200,000,000. You say there is \$760,000,000 additional. Do you think that would reduce it to a billion?

Mr. GILLETT. It would be about \$1,200,000,000. We undoubtedly will have very much larger expenses than we expect, and we ought to make a good liberal allowance for that.

Mr. LITTLE. How much?

Mr. GILLETT. I do not know. Personally, I do not believe this bill will produce nearly as much revenue as expected, because I believe business will be exceedingly upset and disrupted, and that there will be a vast falling off of revenues. The Secretary of the Treasury thinks they can spend \$760,000,000 more for war material. The Committee on Appropriations did not believe it, but when we arrived at our figures we fixed on this basis: We said, "We will give them what we think they will probably spend, but that may be too little, and if it is, Congress will be in session next winter, and by a deficiency appropriation we can make up the balance." So that, while I am willing to concede that in our appropriations we were probably below the limit, I do not think it will reach that \$760,000,000.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired?

Mr. LENROOT. Mr. Chairman, I desire to offer an amendment in conformity with the unanimous agreement, and I ask that it be considered as pending, to be voted on at the end of the debate.

Mr. HILL. Do I understand the gentleman wants to speak on the amendment?

The CHAIRMAN. That is the agreement of the committee.

Mr. HILL. Does the gentleman want to speak on the amendment?

The CHAIRMAN. Yes.

Mr. HILL. He has the right to defend it if he wants to, and as a member of the committee I do not wish to crowd him out of he desires to speak.

Mr. LENROOT. I do not desire to speak. I simply want to have the amendment considered pending.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. LENROOT: Strike out "14" in line 10 and insert "17.5."

Line 13, strike out "17" and insert "21.25."

Line 16, strike out "20" and insert "25."

Line 19, strike out "24" and insert "30."

Line 22, strike out "27" and insert "33.75."

Line 1, page 4, strike out "30" and insert "37.5."

And strike out, on page 4, line 3, the word "and."

Strike out, on line 4, page 4, "33" and insert "41.25," and add at the end of line 5 the following: "and does not exceed \$1,000,000"; and add a new paragraph to read as follows:

"Forty-five per cent upon the amount by which the total net income exceeds \$1,000,000."

Mr. LANGLEY. Mr. Chairman, I should like to offer an amendment and to have it read and pending.

Mr. HILL. I should like to have gentlemen understand that the proposition which has been made here is more than double

the present English tax law after three years of war over there. Thirty per cent is the top rate in England, and this will be 62 per cent.

Mr. LANGLEY. Mr. Chairman, I desire to have my amendment read for information.

The CHAIRMAN. The gentleman from Kentucky [Mr. LANGLEY] is recognized to offer an amendment.

Mr. LANGLEY. I do not desire to debate it now, but to have it pending.

Mr. HEFLIN. And then I suggest that we have some time on this side as the debate proceeds.

Mr. MOORE of Pennsylvania. I suggest that that question has not been raised, about this side or that side. It may be raised if the gentleman wishes to raise it.

Mr. HEFLIN. The gentleman on that side made a speech just a moment ago to which I want to reply.

Mr. MOORE of Pennsylvania. I think the gentlemen have all been speaking in the same direction, and up to date there has been no disposition to break the harmony and the enthusiasm with which this bill is being pressed to passage.

Mr. HEFLIN. I want to suggest to my friend from Pennsylvania that it might happen that gentlemen on that side might desire to consume the time that has been fixed, and then we would not have the opportunity to speak on this side.

Mr. MOORE of Pennsylvania. I assume there will be ample opportunity, but the time is limited. I suggest to the gentleman that in due course he and I might differ, he upon his side and I upon mine, upon a question in which we are both interested. I do not want to disturb the harmony of the House.

Mr. HEFLIN. That is true, and I want to say something at this time in a five-minute speech.

Mr. LENROOT. Mr. Chairman, was unanimous consent granted to have my amendment pending and to be voted on at the conclusion of the debate?

The CHAIRMAN. Yes.

Mr. LANGLEY. I ask that my amendment be read.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Kentucky [Mr. LANGLEY].

The Clerk read as follows:

Amendment by Mr. LANGLEY: Page 3, line 13, strike out "seventeen" and insert "twenty"; page 3, line 16, after the word "twenty," insert the word "five"; page 3, line 19, strike out the word "twenty-four" and insert the word "thirty"; page 3, line 22, strike out the word "twenty-seven" and insert the word "forty"; page 4, line 1, strike out the word "thirty" and insert the word "fifty"; page 4, line 4, strike out the word "thirty-three" and insert the word "seventy-five."

Mr. HEFLIN. Mr. Chairman and gentlemen of the committee, I want to say at this time to the House that some gentlemen here do not seem to realize the fact that we are in war and that we ought to pass these measures without unnecessary delay. One gentleman on that side just a little while ago intimated that he was not concerned about reaching a vote, and from his speech I judge that it would not make any difference with him if it took 12 months to pass this bill.

We have passed a bill which provides for drawing an army from the body of the people of this country, and now it is necessary to raise taxes for the support of the Army and for the conduct of the war. All tax bills are unpopular. If you let the fellow who manufactures automobiles strike out taxes on automobiles, he will do it. If you let those who have a million-dollar income strike out the income feature, they will do it. This Congress has got to pass a bill that in its judgment is fair and just. Gentlemen, let us not delay this matter any more than we can help. It is sheer foolishness to talk about referring this bill back to the Ways and Means Committee. Do you know what that committee would do? I believe that it would report it back to the House immediately and you would simply be killing time to recommit it. The committee has given days and weeks of hard study on this measure, and it has brought in here a bill and now let us improve it wherever we can.

But, gentlemen, do not let us delay the passage of necessary legislation. You can not please the Kaiser—the deadliest enemy that civilization has, that liberty has, that peace has, that humanity has upon the earth—you can not please him better than to let him read day after day that we have not yet passed the tax bill; and that we have not yet passed the Army bill. [Applause.]

Lord God of hosts, be with us yet,  
Lest we forget, lest we forget!

The American people expect us to act without unnecessary delay.

Some gentlemen have impressed me with the idea that they are not in any big hurry about passing a tax bill of any kind. Some have impressed me that they are not in any hurry about raising an Army. Gentlemen, the time has come

for small differences, for dallying, and delaying to cease, and for us to stand together and pull together for the good of our common country. [Applause.]

Mr. HILL. Mr. Chairman, I am opposed to this amendment. I was opposed to the last one, and I shall oppose it to the end. My first reason is that I do not believe an increase in these rates will raise any more money or, if so, very little. I will come back to that in a minute. In the second place, one gentleman, who seems to be greatly interested, and I justify him, says he wishes this to be done in order to strike out what he is pleased to call the retroactive tax by and by. In other words, it is a proposition to increase a part of the income tax in order to strike out another part of the income tax, which does not strike me as very consistent.

Another reason given for it is that we are going to raise some money to reduce the transportation tax, and so forth. Well, the transportation tax here is \$172,000,000, and we have not heard here to-day any claim that this change in these amendments will raise over \$85,000,000, in which case it will not take care of the transportation tax, and it will not take care of the retroactive provision, as you choose to call it in this bill.

Now, my reason for thinking that it will not bring in much, if any more money, is this: Take your pencils a minute when you get a chance and you will find out that at an income-tax rate of 12½ per cent it is an even stand-off between a 3½ per cent bond tax free and a 4 per cent bond taxable under the income tax. So that the moment you go above 12½ per cent you offer a premium for a substitution of tax free bonds for 4 per cent taxable bonds.

Mr. SHACKLEFORD. May I interrupt the gentleman for the purpose of asking him a question?

Mr. HILL. Yes; if you will be brief.

Mr. SHACKLEFORD. If it should have the effect the gentleman suggests, of causing capitalists to invest their money in nontaxable securities, would there not be some compensation in the fact that it would increase the market for some bonds that are not going very rapidly?

Mr. HILL. I do not care to go into that at all. I simply say there is a law of economics which can not be avoided, and if you run up against it you are going to get hurt. I am not talking about any individual or anything of that kind. I simply say that if you increase the income-tax rate above 12½ per cent it will have a tendency to drive 4 per cent investments into some kind of tax-free bonds. Raise your rate to 30 per cent and you will drive 5 per cent investments into tax-free bonds. You raise it to 42 per cent and you will drive 6 per cent investments into tax-free bonds. You raise it to 50 per cent and you will drive the 7 per cent investments into tax-free bonds. There are about twenty-five billions of tax-free property in the United States now. We have authorized an unlimited issue of farm mortgage 4½ per cent bonds. I read an enthusiastic appeal to the people of the United States in the paper last night to invest in those bonds. Every motion to increase the rate is a motion to increase the change from the taxable securities into the tax-free securities.

We settled that question, in my judgment unfortunately, a month ago. It is a fact—I may be mistaken—that you have legislated to the point of diminishing returns in the bill as it stands, and that the increase of these rates is unfortunate as a revenue-producing proposition.

As a proposition of justice, of course, there is nobody for a moment who supposes that either of these propositions are just. The proposition advanced by the gentleman from Wisconsin [Mr. LENROO] levies 62 per cent as the high-rate tax. The high-rate tax of Great Britain to-day is 30 per cent. This leaves ours at 62 per cent. The amendment proposed by the gentleman from Kentucky [Mr. LANGLEY] puts it at 91 per cent. It is just as easy to say 291. Of course it is not necessary to argue a proposition of that kind. I shall vote against any amendment to this proposition. I was not in favor of carrying it beyond the revenue-producing point in the committee.

[The time of Mr. HILL having expired, he was given 10 minutes more.]

Now, Mr. Chairman, a little in the way of personal explanation. I fought this bill to the last day in the committee. For 128 years this Nation has depended on duties at the ports for its revenues. There was not a dollar of revenue of that kind in this bill up to that morning. I say that you can not finance this war on direct taxation of the American people. They will not stand for it. [Applause.] You can not do it. I said to the committee, "I will stand with you if we can widen the base and spread the taxation preparatory to a long war"; and when even the pitiable tariff items that are in here now were put in I said, "I consider myself in honor bound to stand by this proposition." I had a motive in my action this morning when

the statement came in from the Secretary of the Treasury, and I asked the chairman whether he proposed to increase this bill to cover that amount. I am relieved from any pledge to support this bill in view of the vote that has just been taken. I will use my individual judgment hereafter as to any amendments offered on this bill.

Mr. Chairman, I came into the House with the determination to loyally stand by this bill as it was, giving the best reasons I could for its support, and loyally accept defeat if we were defeated on any proposition. I had a reason for that. I did not make up my mind hastily as to the position I would take on this bill. I went back 19 years ago to refresh my memory as to what happened during the Spanish War. I have the record here. A Republican administration was in power, and a bill was brought in to pay the expenses of that war. The Democratic Party stood up and demanded that the Republican bill should not be passed, and Mr. Bailey offered as a substitute for it an income tax. Here is the vote—134 in favor of an income tax, 171 against it, and 42 not voting. It was defeated. Exercising their constitutional right, the Democratic Party, in the person of Richard Bland—and my friend will remember it—offered a proposition to pay the bills of the war by issuing greenbacks. That was defeated; and then what happened? The bill came to a final passage to pay the expenses of this Government, under a Republican administration, during the Spanish War. Gallant Joe Wheeler voted to pay them, and one or two others. The vote on that motion was 181 yeas, 131 nays, almost solid Democratic opposition to paying the expenses of this Nation in that war under a Republican administration.

I did not want to see that done now. I wanted to see both parties come together, and I said I will stand and beg and plead with my Republican colleagues "to come up to the help of the Lord against the mighty" and stand with the Democratic administration in the prosecution of this war. But to-day the very bill they bring in is repudiated by the men who prepared it. I would not have prepared the bill in that way. I would have secured a thousand millions, if necessary, from the tariff. What are you doing? Thirteen hundred and seventy million dollars of this bill you do not get until a year from next June. Thirteen hundred and seventy millions! What is this administration to do in the meantime? Issue certificates, sell bonds, issue two billions of certificates. The Secretary says in that statement that he wants four hundred millions made immediately available. You can not get it out of that bill. If the tariff provision was in there, if the bill was passed you would commence to collect the duties to-morrow morning. I tried to get them there. There was an amendment, which I submitted in the committee, which would have raised \$365,000,000, and they would have been collecting it before this time if the bill had become a law.

Now, here is the proposition. What are we going to do? I asked the chairman of the committee what he was going to do on subsequent amendments? Are we going to strike out the postage because somebody does not like it; are we going to strike out the retroactive clause because somebody does not like it? I say, let us stand for the bill and go down in defeat if necessary rather than embarrass the administration. There is the situation. It can be done; there is no trouble about it at all, Mr. Chairman.

There are two things that stood fundamentally in the way of this bill; one is sugar and the other is tobacco. We might as well understand it. The bill could be made to meet the expenses of the Government by taxation to the extent demanded by the Treasury. Somebody has asked two or three times why we did not get \$40,000,000 out of confectionery or candy. The Secretary of the Treasury recommended it, and we could get it. I have his recommendation here. You know why, because it is made of sugar. It is just as certain as the world. If it was made of steel or iron there would be no trouble; if it was made of lead there would be no trouble. Why, we are practically ignoring the policy of the United States for 128 years and casting into the discard the only policy by which we could collect from the people of the United States enough revenue to-morrow morning if the bill was a law. [Applause.]

If we are to adopt a policy so utterly different from what I understood it was to be, I can not see that I can be pledged any longer to stand by the proposition.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. HILL. Yes.

Mr. COOPER of Wisconsin. In conversation here there are some of us who do not understand precisely what the gentleman from Connecticut means by his reference to sugar and tobacco.

Mr. HILL. Oh, the gentleman is too innocent.

Mr. COOPER of Wisconsin. Why, Mr. Chairman—

Mr. HILL. Oh, he is altogether too innocent.

Mr. COOPER of Wisconsin. Will the gentleman permit?

Mr. HILL. Yes.

Mr. COOPER of Wisconsin. I do not think it would become me as a Member of this House to rise and ask a question like that unless I meant precisely what I said. I do not know what the gentleman means when he says the trouble is sugar and tobacco. The gentleman has impugned my good faith in asking that question. I am not accustomed to say upon this floor what I do not mean. The two gentlemen who sit across the aisle from me, when I asked them what the gentleman meant by saying sugar and tobacco, both turned to me and said they did not know. Nor did I know, and I do not now know.

Mr. HILL. Mr. Chairman, here is an estimate of items which could properly be considered as fit subjects for taxation aggregating \$2,703,000,000. It is not a Republican estimate. No Republican had anything to do with it. It went to the Treasury Department. Out of that came this estimate providing for \$1,807,000,000. In it is this item of sugar, \$92,000,000, and so it goes on and gives various items, a great many others that I shall not take time to read now.

Mr. COOPER of Wisconsin. What about tobacco?

Mr. HILL. I introduced an amendment absolutely confined to the recommendations of the Secretary of the Treasury, with one exception. I did not want to hurt any man in the sugar industry, and when I offered my amendment proposing to put an excise tax of 1 cent a pound upon it I included an additional duty of 1 cent a pound. We would then have obtained \$150,000,000 out of sugar, at the same rate that Great Britain charges to-day. I included in my amendment a duty on tea and coffee. I was voted down. That is all right. I accepted it loyally, and I accepted it up to this time, when it is apparent that the members of the committee themselves are not going to stand by their own measure.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. HILL. Yes.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. DYER. Mr. Chairman, I ask unanimous consent that the gentleman be permitted to proceed for five minutes more in order to answer the gentleman from Wisconsin [Mr. COOPER].

Mr. CANNON. Mr. Chairman, I ask unanimous consent for time in which the gentleman may conclude his remarks.

The CHAIRMAN. The Chair will state that the time has been fixed at 3 o'clock when the debate shall conclude.

Mr. CANNON. I ask unanimous consent to extend that time, so as to permit the gentleman from Connecticut to conclude his remarks.

Mr. KITCHIN. Mr. Chairman, I understand that debate, by unanimous consent, closes at 3 o'clock.

Mr. CANNON. I have put the proposition to extend the time, so as to allow the gentleman from Connecticut to conclude his remarks.

Mr. KITCHIN. How much time does the gentleman want?

Mr. HILL. I will not be long. I think 10 minutes would give me all the time I want.

Mr. KITCHIN. I hope the gentleman from Illinois will modify his request by extending the time for 10 minutes.

Mr. CANNON. If the gentleman sees proper to object to my request, he can do so.

Mr. HILL. Make it 15 minutes.

Mr. KITCHIN. Make it 15 minutes, so that the time for concluding debate shall be 3.15 o'clock.

The CHAIRMAN. Does the gentleman from Illinois accept that modification?

Mr. CANNON. Mr. Chairman, if the gentleman from North Carolina desires to object, he can put his own proposition. I ask unanimous consent that the time be extended, so that the gentleman may be permitted to conclude his remarks.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Connecticut be permitted to conclude his remarks, not to be taken out of the time already allotted.

Mr. KITCHIN. Mr. Chairman, reserving the right to object, I will ask the gentleman from Connecticut if he is satisfied to make it 15 minutes?

Mr. CANNON. Mr. Chairman, I ask for the regular order.

The CHAIRMAN. Is there objection?

Mr. KITCHIN. I object.

Mr. HELVERING. I object.

Mr. KITCHIN. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for 15 minutes, not to be taken out of the time already fixed, so that debate shall close at 3.15 o'clock.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that the gentleman from Connecticut be permitted to proceed for 15 minutes, not to be taken out of the time fixed. Is there objection?

There was no objection.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. HILL. I can not yield now. Mr. Chairman, I have been quoted as saying that I favored the recommitment of this bill. I heard the statement of the Secretary of the Treasury read, and I asked the chairman of the committee if he intended to accept or not to oppose the amendments which were being made to the income tax part of the bill. I said then that in my judgment it would be utterly impossible to get this bill amended so as to cover this on the floor of the House, and if the addition of \$400,000,000 necessary for the vigorous prosecution of the war was to be provided for in the bill before its final passage, it ought then to be recommitted. I am in favor of standing by the bill as it is.

The question was asked me wherein sugar had any bearing upon the construction of this bill. I introduced an amendment when we had reached the point of having provided \$1,500,000,000 and there was still \$300,000,000 more to raise to meet the demand of the administration. I took simply and solely the items which the Secretary of the Treasury had recommended, and the amendment provided for \$365,000,000. If we had taken the item on sales of tobacco, which the Secretary of the Treasury had recommended, it would have materially decreased that deficiency. If we had taken the items on sugar which the Secretary had recommended it would have very largely decreased that deficiency. If we had taken other items which the Secretary had recommended there would have been no trouble about making up this bill without excessive taxation in any one direction.

It was not my proposition; it was far, very far, from my political ideas and views, and with three changes only, was what may well be considered an administration proposition.

Here it is. Now, I offered such an amendment. I am going to take time in my 15 minutes to read it:

SEC. —. On and after the day following the passage of this act there shall be levied, collected, and paid, in order to provide additional revenue to defray war expenses, upon the following-named articles when imported from any foreign country into the United States, or into any of its possessions, except the Philippine Islands and the islands of Guam and Tutuila, as additional to any existing rates of duty on said articles, the said rates to be enforced during the continuance of the present war, viz:

Crude rubber, 20 per cent ad valorem; manufactures of rubber and articles in which rubber is the component material of chief value, 10 per cent ad valorem; hides and skins, 10 per cent ad valorem; manufactures of leather and articles in which leather is the component material of chief value, 5 per cent ad valorem; wool, 10 per cent ad valorem; manufactures of wool and articles in which wool is the component material of chief value, 5 per cent ad valorem; raw silk, 20 per cent ad valorem; manufactures of silk and articles in which silk is the component material of chief value, 10 per cent ad valorem; vegetable fibers, 10 per cent ad valorem; manufactures of vegetable fibers and articles in which vegetable fiber is the component material of chief value, 5 per cent ad valorem; lumber, 10 per cent ad valorem; manufactures of lumber and articles in which wood is the component material of chief value, not including wood pulp, 5 per cent ad valorem; tin, 10 cents a pound; cotton, unmanufactured, 2 cents a pound—

The Secretary has recommended every one of those things—

Manufactured cotton and articles in which cotton is the component material of chief value, 10 per cent ad valorem; coffee, unmanufactured, 6 cents a pound, manufactured, 20 per cent ad valorem; tea, 12 cents a pound—

Those three items of tea, coffee, and sugar would have given \$240,000,000—

Cocoa, crude, 20 per cent ad valorem; prepared cocoa and chocolate, 10 per cent ad valorem; all oils bearing no duty under existing law, 10 per cent ad valorem; fruits and nuts, 10 per cent ad valorem; works of art, 20 per cent ad valorem; furs, 20 per cent ad valorem; tanned leather, 10 per cent ad valorem; manufactures of iron and steel, 10 per cent ad valorem; antiques, 50 per cent ad valorem; sugar, 1 cent a pound.

SEC. —. On sugar and glucose manufactured in or imported into the United States there shall be levied and collected an excise tax of 1 cent a pound, and the Secretary of the Treasury is hereby directed to make regulations therefor and collect such tax.

This provided for the absolute prevention, as it seemed to me, of any criticism on the part of anybody in the United States of any desire to injure any particular industry, so I added 1 cent a pound to sugar, and then provided on sugar and glucose manufactured or imported into the United States there shall be levied and collected an excise tax of 1 cent a pound, and the Secretary of the Treasury was directed to make regulations therefor and collect such tax. Now, the whole thing was spoiled because the committee did not—and I bowed to it, and I bowed to it loyally and faithfully—did not see fit to include an excise tax and duty on sugar. That took out \$150,000,000 from this proposition in one fell sweep, and it therefore became necessary to go to something else to take its place. The gap was filled by what is called the retroactive tax, against which there is much opposition. I loyally accepted the situation, and I

tried to stand by the bill, but if the bill itself is to be emasculated or be destroyed, or rates which, in my judgment, were too high before are to be raised still higher, and we are going to raise the amount of money by piling one tax on top of another and another on top of another, I simply say, just as I have said to the House and said to the committee, I reserve to myself the right now to exercise my individual judgment. It will not make any difference, it is only one vote, but I have stood in the face of denunciation and severe criticism by my own people at home because I stood by this bill. I was trying to stand by a Democratic administration. I had offered alternative propositions, and they were voted down, and I accepted it; but the trouble is, in my judgment, that it is a question of governmental policy, the difference between you gentlemen and me. [Applause.] There is where the difference is.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. HILL. Yes, sir.

Mr. MOORE of Pennsylvania. That same Democratic administration now having intimated to the House that it needs instead of \$1,800,000,000, \$2,245,000,000, does the gentleman think that this bill ought to contain a provision—

Mr. HILL. I have been acting loyally, in accordance with the plan proposed, and I was willing to go back in the committee and try to raise the \$445,000,000 on Democratic principles. I could not have done it without touching the luxuries, tobacco, sugar, which is the most widely distributed product in the United States, and puts a tax more equitably upon everybody than any other. I was, as I say, ready, as a Republican, to go back in the committee and try to raise this money if we had to raise it. I felt in accordance with my understanding that it was my duty to stand by you gentlemen in the defense of this bill, but when you gentlemen, two of my colleagues, just now announced that you are not going to stand by the bill in one of its most essential features, the largest single item in it—the income tax—what am I to do? I simply withdraw from the agreement to stand by this bill and say, as I said before, that I shall use my individual judgment concerning it hereafter. [Applause.]

Mr. BORLAND. Mr. Chairman, I want especially to speak in opposition to what was said by my colleague from Missouri [Mr. MEEKER] and the gentleman from Illinois [Mr. MADDEN]. If I correctly interpreted their remarks, and they were serious in their suggestions—if they really meant that the effort to form a tax bill at this time ought to be abandoned and that this measure ought to be committed to some indefinite body of experts that we are not able to designate in order to be studied over for an indefinite length of time, I want to say, without hesitation, that their suggestion is the most damaging that could be made.

Mr. MEEKER. Will the gentleman yield?

Mr. BORLAND. If the gentleman will make his question brief.

Mr. MEEKER. I only want to say that I am in favor of sending this back to the committee and let the committee conduct hearings; that is all.

Mr. BORLAND. I have none of the apprehension that the gentleman expresses, that this bill is going to ruin or disturb business. If I correctly interpret the opinion of the committee, business will not be seriously disturbed. The Republican members of the Ways and Means Committee evidently so felt at the time they reported the bill. The gentleman in predicating his whole remarks upon the idea that somebody's business is going to be ruined started out on a false basis. But that is not all. He started out on a false basis by assuming that any business man of this country, the investors and holders of idle capital, are going to invest in bonds of our Government if we have no tax bill to support those bonds. Yet the gentleman would have us go out, as we are now going out, he having voted for it, I think, and sell \$4,000,000,000 worth of securities without a tax bill to support them and without any concrete plan of where the taxes will come from to support them.

The plainest dictates of economic common sense is that we have a tax bill to support the bonds when we offer them to the American public. If the gentleman has learned the first principle of economics, he has learned that at least. I am very glad there has not been any partisanship in this debate so far. I regret exceedingly that the distinguished gentleman from Connecticut [Mr. HILL] has announced his intention not to abide by the general support which he has so generously given the bill. I would say, if I were disposed to compliment the gentleman, that he had won a great victory in putting that 10 per cent blanket tariff tax into this bill and getting the Democrats to vote for it, and he ought to be amply content with that magnificent victory. We do not want to vote for it any more than he wants to vote for an increase in the income tax, but we are each trying loyally to do

the same thing, to wit, to sustain the necessary strain upon the American Government at the present time. And that duty is just as imperative upon the minority as it is upon the majority now.

I regret exceedingly to see a form of tax put into this bill which, as I believe, takes \$10 out of the consumer for every dollar it puts into the Treasury. I would prefer to take \$10 out of the pockets of the American consumer and put that \$10 into the American Treasury, if I were going to tax the consumer at all. That is my idea of the tax. The gentleman has succeeded, and I think by loyal effort on his part, to cooperate with other members of the committee, in putting on this bill a tariff provision. Many of us object to that provision and only vote for it on the imperative necessity of agreeing promptly on an efficient tax bill. I think the same inducement, argument, and impulse that led the gentleman from Connecticut to support this bill will lead him still, even though the membership of this House, some on his side and some on ours, conclude to change in material matters some of the features of this bill. I want to remind him that the proposition to increase the income tax came from the Republican side, and I am going to support it on a nonpartisan basis.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. EMERSON. Mr. Chairman, I would like to offer these amendments and ask to have them read and voted on at the end of the discussion.

The CHAIRMAN. The gentleman from Ohio offers amendments, which the Clerk will report.

The Clerk read as follows:

Amendments offered by Mr. EMERSON: Page 3, line 13, strike out lines 13, 14, and 15 and insert in lieu thereof the following:  
"Fifty per cent per annum upon the amount by which the total net income exceeds \$100,000 but does not exceed \$200,000."

Page 3, line 16, strike out lines 16, 17, and 18 and insert in lieu thereof the following:

"Sixty per cent per annum upon the amount by which the total net income exceeds \$200,000 but does not exceed \$300,000."

Page 3, line 19, strike out lines 19, 20, 21, 22, 23, and 24, and on page 4, lines 1, 2, 3, 4, and 5, and insert in lieu thereof the following:

"Seventy-five per cent per annum upon the amount by which the total net income exceeds \$300,000."

The CHAIRMAN. The gentleman from Michigan [Mr. SCOTT] is recognized.

Mr. SCOTT of Michigan. Mr. Chairman and gentlemen of the committee, in the bill now before the House you are attempting to raise by taxation the most stupendous sum of money ever levied by any nation since the origin of time. I realize that it is much easier to criticize than to create, and it is in no spirit of disrespect to the honesty of purpose and the arduous and conscientious work which has been performed by the Ways and Means Committee that I am unable to agree to several items contained in this measure.

In this bill you are presuming to lay the foundation for a system of taxation which will bring sufficient revenue to pay the unprecedented expenses of this Government during the continuation of the present war. The unusual taxes which you impose and the unusual system of taxation which you intend to follow during this war should have the most deliberate consideration, not only of the Ways and Means Committee but of the entire country. I insist that such consideration has not been given to the preparation of this measure. Not a single hearing has been had, and the people of the Nation who must pay this mammoth sum of money have virtually been precluded from presenting undeniable facts, the knowledge of which would have materially changed a number of items in this bill. Every member of your committee has supported the bill with an apology, and I ask you with what less respect and confidence can you expect it to be received by the tax-paying public.

The war-revenue bill should be the very last measure considered by the House, because at that time you would have a much better conception of the amount of money necessary to be raised than you possibly can have now. This bill was presented to the House on May 9. It contained the sum of money which, in the judgment of the officials of the Government and the entire membership of the Ways and Means Committee, was necessary for the next fiscal year. Yet to-day—seven days after you report this bill—you present a statement from the Secretary of the Treasury which says that it will be necessary to raise \$425,000,000 more than this bill provides. To accomplish that end the gentleman from North Carolina [Mr. KITCHIN] has indicated that he will not oppose the amendment suggested by the gentleman from Wisconsin [Mr. LEXROOD], which proposes to raise the surtax 25 per cent on all annual incomes in excess of \$20,000. I do not know that the gentleman's amendment is a sufficient increase, but I supported it, because the man who has a net in-

come of \$20,000 a year or more is infinitely better able to share the expense of this war than the man who is earning \$2 a day at manual labor.

In the brief time I have, it will be impossible for me to attempt to cover the various items in this bill which I consider to be untenable and fundamentally unsound, but as an illustration on page 48 of the bill you levy a tax of 1 cent per pound on coffee and 2 cents per pound on tea. This only applies to the wholesaler, and in the last analysis everybody knows the consumer pays the tax. If the committee had all the necessary information before them in the preparation of this provision, I would like to ask the committee how they can reconcile the situation I have in mind—and it must exist in every State in this Union. The largest wholesaler in my home State, outside of Detroit and Grand Rapids, sells about 5,000 bags of coffee every year, and under the terms of this bill he is taxed, but the Jewell Tea Co., of Chicago, who sell on an average of 30,000 bags of coffee every month, is not required to pay one cent of tax under the terms of this bill. If you really wish this item to be just and fair, and if you desire to get the revenue, I want you to explain to me why you have picked out the wholesaler, who supplies the small town and country population, to pay this tax and have exempted such gigantic and rich concerns as the Jewell Tea Co., of Chicago; the Great Atlantic & Pacific Tea Co., of New York; Jones Bros., of New York; James Butler, of New York; Thomas Roulston, of Brooklyn; Montgomery Ward & Co., of Chicago; Sears, Roebuck & Co., of Chicago; and many other like concerns.

Mr. KITCHIN. Will the gentleman yield?

Mr. SCOTT of Michigan. Certainly.

Mr. KITCHIN. The committee already have an amendment which proposes to tax all tea and coffee in the hands of all persons, except 50 pounds of tea and 60 pounds of coffee.

Mr. SCOTT of Michigan. I am glad to know that the committee has consented to such a valuable correction to the bill. If we consider the measure long enough, there is a probability that many other valuable corrections will be made, so that it will raise the revenue necessary and will not unjustly injure and even bankrupt the concerns of the country who employ labor and the people themselves.

I question the advisability of your flat tax of 5 per cent on the output of an industry. If it is necessary to take a part or all of their profits, I will vote for it; but do not close your eyes and put them completely out of business, and thus throw out of employment the thousands of men who are in their employ. I have only attempted to call attention to a few of the provisions in this bill which seem to me to be fundamentally unsound. This war will require several tax-revenue bills even larger than the one now before us, and I therefore appeal to the membership of this House to seriously consider the terms and provisions of this first revenue bill in order that the injury done may not be wholly disproportionate to the revenue derived. I am sure you gentlemen must be cognizant of the fact that before we became a party to this war every one of our allies had received enormous credit in this country. The Russian Government had floated a bond issue of \$100,000,000 here and France, Italy, and even Great Britain have also drawn upon our wealth and prosperity; and if we, in this bill or any other bill, should cripple or materially impair the concerns in this country I dread even the thought of what the result would be, because this country is now the only Nation on earth which is able to sustain itself and contribute to the support of mankind. [Applause.]

Mr. FITZGERALD. Mr. Chairman, whatever criticism may be made of this bill, in my opinion the Committee on Ways and Means is to be commended for having realized at the outset the necessity of financing a great part of the extraordinary expenses of the Government at this time through taxation. [Applause.]

The history of the attempts to finance previous wars of the United States shows that every attempt to finance a war by long-time or short-time loans has resulted inevitably in financial disaster. It was not successful in the War of 1812, and it nearly bankrupted the United States in the Civil War. It increased the cost of the Civil War by hundreds of millions of dollars because of the inflation and depreciation of the currency of the United States.

The true financial policy is to resort to taxation and loans to such an extent as will enable the Government to obtain by taxation as large a proportion of the money needed as can be obtained without absolutely crippling or paralyzing the industries of the country. If the Committee on Ways and Means has determined at the outset to obtain by taxation 50 per cent of the money required at this time it has done more to establish upon a firm basis the credit of the United States and to make possible the borrowing of money on the obligations of the United States than anything else that has been done or proposed. [Applause.]

We must not shut our eyes to the tremendous task which confronts the American people. We are proposing to spend, to loan, and to raise money on a scale never contemplated by any government before we have actually commenced the grim work of war, and it will necessitate rigid economy not only in governmental matters but in private affairs. It means the elimination of innumerable things that heretofore had been considered as essential for the country but not imperatively necessary for the people.

I have examined the statement of the Secretary of the Treasury, which has been read, and I have had made an analysis of our financial situation from a somewhat different standpoint. I have had in mind roughly the fact that we would expend by the 30th of June, 1918, as we know the facts to-day, \$5,100,000,000. That is exclusive of deficiencies to be met hereafter, changes of conditions, new situations, or anything else. I have prepared the following statement, which gives comprehensively the information in a summary way:

Army appropriation act.....	\$273,046,322.50	
Agriculture.....	25,929,113.00	
Diplomatic and Consular.....	5,082,746.66	
District of Columbia.....	14,172,997.85	
Fortification.....	51,396,593.00	
Indian.....	11,589,736.67	
Legislative, etc.....	39,894,592.42	
Naval.....	517,273,802.08	
Pension.....	160,060,000.00	
Post Office.....	331,851,170.00	
Urgent deficiency.....	4,578,250.00	
General deficiency.....	163,841,400.52	
		1,598,716,724.70
Indefinite appropriation to pay 5 and 10 per cent increase in salaries of certain employees.....	25,000,000.00	\$1,623,716,724.70
Public acts, including \$25,000,000 for Danish West Indies, \$10,000,000 for war-risk insurance, \$2,060,000 for vocational education, etc.....	37,731,000.00	
Public resolutions, including \$3,000,000 for Alaska Railroad, etc.....	3,227,000.00	
Private acts, including claims, etc.....	135,670.08	41,003,670.08
Permanent annual and indefinite appropriations.....		143,864,830.32
		1,808,675,225.10
Regular bills pending:		
Military Academy.....	\$1,344,196.18	
Sundry civil.....	156,293,031.17	
River and harbor.....	26,893,000.00	
		184,530,227.35
Total.....		1,993,205,452.45
Deduct:		
Postal Service (payable from postal revenues).....	\$331,851,170.00	
Sinking fund.....	60,748,000.00	
2½ per cent for appropriations remaining unexpended.....	40,030,136.30	
		432,629,306.30
		1,560,576,146.15
Urgent deficiency bill (Apr. 11), expenses of Congress.....		68,020.00
Expenses of issuing bonds and certificates of indebtedness.....		7,063,946.46
Amount of pending deficiency bill for Army, Navy, and shipping fund.....		3,390,946,381.22
Interest on \$2,000,000,000 of bonds for 1 year at 3½ per cent.....		70,000,000.00
Appropriations to carry out pending bills for food control, encouragement of agriculture, etc.....		24,510,000.00
Additional amount to be requested for Bureau of War Risk Insurance.....		50,000,000.00
		5,103,164,493.83
Revenues:		
Under existing law.....	\$1,249,750,000.00	
Bonds for Mexico, Alaska Railroad, etc.....	195,256,292.00	
Bond issue of present session.....	2,000,000,000.00	
		3,445,006,292.00
		1,658,158,201.83

It shows that for the ordinary expenses of the Government, as provided in the annual appropriation bills, the total expenditures in the next fiscal year will be about \$1,993,205,452.45. Eliminating the postal appropriations, \$331,851,170, the sinking-fund requirements on our present basis of \$60,748,000, and \$40,030,136.30, which is 2½ per cent of the sums appropriated in the annual acts, which is usually unexpended, giving a total of \$432,629,306.30, we have a contemplated expenditure for the ordinary expenses of the Government, including those extraordinary provisions for the national defense carried in the regular appropriation bills, of \$1,560,576,146.15.

Then there was \$68,020 in a deficiency bill, \$7,063,946.46 for the issuance of the bonds, the pending emergency national defense deficiency bill of \$3,390,394,381.22, and interest on \$2,000,000,000 of bonds at 3½ per cent, \$70,000,000. There are pending food-control bills carrying appropriations of \$24,510,000, and \$50,000,000 requisite for the war-risk insurance brings the total estimated expenditures to June 30, 1918, to \$5,103,164,493.83.

The estimated revenues under existing laws are \$1,249,750,000. We have authorized bonds to the extent of \$195,256,292 for the Alaskan Railroads, for the Mexican situation, for the Danish West Indies—

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FITZGERALD. I would like to have five minutes if I may.

Mr. KEATING. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended 10 minutes, and that the time of general debate be extended 10 minutes.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent that the time of the gentleman from New York be extended 10 minutes, and that the time of general debate be extended 10 minutes.

Mr. MANN. There is no general debate.

The CHAIRMAN. Is there objection?

Mr. KEATING. This is a very important statement, as a matter of fact. That would make it 3.25 o'clock.

Mr. LANGLEY. Reserving the right to object, I have offered one amendment. I would like to have one minute.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FITZGERALD. It makes, Mr. Chairman, as at present advised, practically two months before the fiscal year commences, an estimated expenditure of \$5,103,164,493.83; and to meet these expenditures we have, under the existing law, revenues of \$1,249,750,000 and bond authorizations of \$195,256,292 under previous legislation and \$2,000,000,000 under the act that was passed recently.

If all those bonds were issued and the estimate of the revenues as made realized, the revenues in the next fiscal year, both from those loans and the tax laws, would aggregate \$3,445,006,292, leaving \$1,658,158,201.83 additional revenue required, as we are at present advised. I understand that it is estimated that the pending bill will raise \$1,800,000,000. We must in addition, however—

Mr. MADDEN. Will the gentleman yield for a question?

Mr. FITZGERALD. I yield to the gentleman from Illinois.

Mr. MADDEN. Does that include the \$400,000,000 for the ships?

Mr. FITZGERALD. It includes everything.

Mr. MADDEN. And the \$750,000,000 deficiency, as stated by the Secretary of the Treasury?

Mr. FITZGERALD. It includes all of the deficiencies provided for or requested at the present time, but not the sum of \$760,000,000, which the Secretary of the Treasury states will be required for the War Department in addition to the sums already requested. It does not provide deficiencies that may be requested and necessarily will be incurred in the next fiscal year. It includes \$400,000,000 for ships, but does not include \$350,000,000 additional for which it is proposed to give authority to contract, and it does not include the expenditure of \$250,000,000 additional for the same purpose which has been stated by those who are supposed to know our requirements would be essential. So that if we were to assume that, in addition to the \$400,000,000 for ships, there would be required about \$600,000,000 additional for ships, it would bring the obligations of the Government to \$2,200,000,000 in excess of the amounts that now can be obtained, without providing the additional sums suggested as needed by the War Department.

But there is something else. We have agreed to extend credit to the amount of \$3,000,000,000 to the allies, and the wealth of the country must be utilized in the flotation of that loan. That is in excess of the sums already mentioned. While it is true that under the arrangements of the law there will not be any carrying obligations for that loan, the money to advance to the allies must be obtained by loans from the public.

It is stated in the letter of the Secretary of the Treasury that \$760,000,000 additional will be required for the War Department next year. When the emergency war deficiency bill was before the House it was pointed out that the estimates of the War Department had been based upon the cost of raising, equipping, and maintaining for one year in the field an army of 1,000,000 men, and it was stated that the appropriations for subsistence, pay, and some other items were recommended upon a two-thirds basis, upon the theory that a million men would

not be under arms for the entire year, and upon the further theory that if the organization of that army proceeded more rapidly than was then believed possible by the committee that provision could be made for those items during the next session of Congress, which would convene in December, without any embarrassment whatever to the Army. But Congress, in the bill to increase temporarily the Army of the United States, authorizes in addition the raising and equipment of 500,000 additional men. No one can say just what the necessities of the United States will be for man power in the next year. Of course, we all hope that it will not be necessary ever to send a great force of men abroad, but no one knows just what demands will be made upon the United States to replace the wastage of men at the scene of the great conflict in Europe.

If before the 1st of January conditions should be such that either because of changed conditions in Europe, or because of the belief that the situation was such that it was imperatively necessary that we should prepare for the use of an army right at home, then the administration would necessarily commence to organize or to raise and equip the additional 500,000 men provided. As the figures are to-day, before we have commenced to organize and raise an army, before we have commenced to take part in the military operations upon a scale that can be considered as significant, the obligations for which we must make provision between now and the 30th of June, 1918, is \$5,103,164,493.83. If this bill lacks anything, it is that it does not provide enough money to meet those expenditures. We can not draw close and sharp lines in attempting to finance these great operations. We had much better have legislation that will bring into the Treasury a surplus sum instead of an insufficient sum.

While I have the chance I desire to commend to the members of the committee and urge them to read a little pamphlet that has been sent out within a day or two entitled the "Financing of the War," written by Dr. Charles J. Bullock, professor of economics at Harvard University, in which he gives more valuable information in a brief summary than can be obtained in any other place. Those who want to go more deeply into the subject should read Prof. Henry C. Adams's books on the Science of Finance and Public Debts.

I have been impelled to make this brief statement in the hope that I may be of some service in removing from the minds of Members the impression that we are either getting too much money or providing too much. The wisest thing the Ways and Means Committee has done and the most beneficial thing for the Government is at the outset to realize the necessity of obtaining a very considerable sum, as large a sum as possible, for the payment of these extraordinary obligations by means of taxation. We can not bring home to the people of this country the necessity for economy and retrenchment and the elimination of unnecessary things merely by attempting to borrow money and passing on to posterity the burden of this war. And let me suggest that we can not go beyond a certain limit in obtaining money through the borrowing capacity of the Government unless those who are willing to advance the money are awakened to a belief that the Government is utilizing its taxing power to its utmost in order to strengthen the credit of the Government by obtaining the necessary means to pay its debts.

Even those of us who were not participants in the Civil War can remember and those who have studied the subject know that the Government was put to desperate straits to obtain money, because it had started out on the theory that it would obtain its money by loans. The enormous issue of greenbacks and noninterest-bearing obligations of the Government and the short-time interest-bearing obligations of the Government were such as almost absolutely to paralyze the credit and the financial system of the United States. We ought to avoid such a situation at this time. The establishment of the Federal Reserve System and the enactment of this legislation are the two greatest safeguards for the security and prosperity of the country. I wish to add my word of commendation to the members of the Committee on Ways and Means for realizing the necessity for legislation of this character at this time; and while it may be desirable and while I shall myself vote for some changes in different places in this bill, on the whole I believe that the committee, under all existing circumstances, have accomplished their task in a manner that, if not in the immediate present, at least in the very near future will evoke the commendation of the country. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. O'SHAUNESSY. I ask that the gentleman have one minute more. I wish to ask him a question.

The CHAIRMAN. The gentleman from Rhode Island asks unanimous consent that the time of the gentleman from New York be extended one minute. Is there objection?

There was no objection.

Mr. O'SHAUNESSY. Did I understand the gentleman to say that the immediate need or necessity for money was \$1,600,000,000?

Mr. FITZGERALD. Upon the obligations of the Government now apparent, in addition to the \$2,195,000,000 to be obtained by bonds and the existing revenue, we need \$1,658,158,201.83.

Mr. O'SHAUNESSY. The bill in providing for \$800,000,000 takes care of the necessities of the hour.

Mr. FITZGERALD. As they are; but we know that in time of peace the total expenditures are always greater than those anticipated when the appropriations are made, and under existing circumstances enormous additional demands will undoubtedly be made before the expiration of the next fiscal year.

Mr. SLOAN. Mr. Chairman, I desire to say just a word as a member of the Ways and Means Committee. I thought that this was the least of the four propositions that we have voted or shall be called to vote upon for the session. First, the great declaration; second, the vote of the enormous bond issue; third, the conscripting of men; and, fourth, the conscripting of an amount of money small compared with our indebtedness, and its value infinitesimal compared with that host of humanity which you so readily ordered conscripted a few days ago.

I thought in closing this program it would be of value to the country here and elsewhere for us to present a united front in this House and that the committee which was intrusted with this great undertaking should be able individually and collectively to present a report that would be unanimous. Having presented it with such reservations as were made by the supporting Members we could come into the House here and would receive such benefits as the presumption ordinarily would be from a united report of the committee on the subject of taxation where prejudices of more than a century had been spanned between the two sides of this House. I thought perhaps the very fact that it had been agreed upon would have some weight with some Members in this House, giving some credit not to the younger members, but to the older members of the committee having thus agreed.

I went into the service of that committee in considering this bill with a few distinct ideas of what I wanted to work out. Perhaps I made myself obnoxious to some friends on either side in insisting on some propositions being adopted. They were agreed to not, probably, on account of any pressure and urgency from myself. I thought in the first instance it was due to the country that we should adopt the half-and-half policy—that is, pay one-half the war's expenses by taxation and half by bonds. We agreed that eighteen hundred million dollars should be raised by taxes. I believed we should do that for the excellent reason given yesterday on the floor of the House by the gentleman from Kentucky, Mr. SHERLEY, and again to-day by Mr. FITZGERALD, that if we should avoid a great period of disastrous inflation in this country we must see to it that our bonded indebtedness was kept as low as possible. Then for another reason that it may be that in our stress in a year or two from now we will need the credit to be conserved, strengthened, and buttressed, and not weakened by overissuance of bonds now.

But there was another reason, and that was that the bonds that are now to be issued are issued on terms of 30 years. Thirty years added to the average age of the men who are to be conscripted will make them 56 years of age. I do not believe that it is the intention of the American people—in fact, I do not think it would be wise for this Congress or the American people—to say to the boys, "You are conscripted now to fight the battles. Should you return in health or broken by wound or disease at the end of 30 years you will be compelled to pay the expense of the war." For that reason I was insistent upon the agreement that we should have an eighteen hundred million dollar basis. When men on the committee agreed with me on that proposition that did not suit them, I agreed on their proposition. I felt like living up to it here on the floor of the House. Further, I insisted that a substantial part of this eighteen hundred million dollars should be raised at our ports. I presented a plan with the protection feature emphasized, but it was not approved. I accepted the tariff section as the best that could be agreed upon. I think it is the duty of the committee to stand up for the bill as presented; crude as it is, it is as superior to anything suggested by its frantic critics as something is to nothing. I think our votes on the next paragraph or two will indicate whether or not the agreement of the members of the committee entered into in presenting this report shall be lived up to.

I know a great deal of it is distasteful to me and distasteful to others, but it seems to me that after agreeing to raise eighteen hundred million dollars, and knowing that it is going to be a

burden on a great many people, and knowing that we have agreed as a committee to span the ancient differences of this Chamber, that we ought to at least give it a fair support, and say, as far as the committee is concerned, we ought to support it in accordance with our agreement to report.

I am convinced that should you see fit to return this bill to the Committee on Ways and Means, faulty though it is, you will not get a better bill. I doubt very much if there would be anything like the unanimity and agreement with which this bill was presented. [Applause.]

Mr. KEATING. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KEATING. I had read yesterday an amendment which was a substitute for this section. Shall I present it now?

The CHAIRMAN. The gentleman has had it read for information.

Mr. MANN. Was it reported?

The CHAIRMAN. It was not reported.

Mr. KEATING. It was read in my time.

Mr. MANN. Then it is not pending.

Mr. KEATING. I offer the amendment.

The Clerk read as follows:

On page 2, beginning at line 4, strike out everything down to and including line 5, on page 4, and insert the following:

"Sec. 2. That in addition to the normal tax provided for in section 1 of this act and by subdivision (A) of section 1 of the act entitled 'An act to increase the revenue, and for other purposes,' approved September 8, 1916, there shall be levied, assessed, collected, and paid in lieu of the additional tax now provided by law an additional tax upon the income of every individual received in the calendar year 1917, and every calendar year thereafter, as follows: Two per cent per annum upon the amount by which the total net income exceeds \$5,000 and does not exceed \$7,500; 4 per cent per annum upon the amount by which the total net income exceeds \$7,500 and does not exceed \$10,000; 8 per cent per annum upon the amount by which such total net income exceeds \$10,000 but does not exceed \$20,000; 13 per cent per annum upon the amount by which such total net income exceeds \$20,000 but does not exceed \$40,000; 18 per cent per annum upon the amount by which such total net income exceeds \$40,000 but does not exceed \$60,000; 23 per cent per annum upon the amount by which such total net income exceeds \$60,000 but does not exceed \$80,000; 33 per cent per annum upon the amount by which such total net income exceeds \$80,000 but does not exceed \$100,000; 43 per cent per annum upon the amount by which such total net income exceeds \$100,000 but does not exceed \$150,000; 56 per cent per annum upon the amount by which such total net income exceeds \$150,000."

Mr. KEATING. Mr. Chairman, I take it that all the Members of this House are agreed upon one proposition, and that is that we shall pass a revenue bill which will raise at least eighteen hundred million dollars.

The only question of controversy is: How shall that money be raised?

The committee has submitted a proposition by which \$900,000,000, or approximately that, is raised by tax on incomes and excess profits and the other \$900,000,000 by a tax on the necessities of life and a tax on industries. My amendment is designed to fairly and frankly place the entire burden upon incomes and excess profits.

Mr. GOOD. Will the gentleman yield?

Mr. KEATING. I can not; I have only five minutes. That is the issue which this House should face. If you go on the theory that the members of the Ways and Means Committee went on, that you should strike at every head that shows without regard to whether you hit it or not, or whether it should be hit or not, the bill now pending is as good a bill as you could bring into the House. But I submit that it is not a logical bill; it is not a scientific bill; it is not a bill that can be defended before the people of this country. That is admitted by practically every gentleman who has addressed the House. My proposal is that we shall adopt a definite principle for financing the war, the principle that the bulk of our new taxes can be and shall be levied upon excess incomes and excess profits. In other words, you should tax the men who are in a position to pay the tax. I hold in my hand a clipping from the Washington Post of May 11 last, which was printed upon the first page of every newspaper in this country, which tells us that the French Chamber of Deputies are now considering a proposition by which they will substitute an income tax for all their direct taxes.

That has been the experience of most of the countries of Europe. They have discovered, as all countries have discovered, that you can not finance wars by bond issues, and that when you place a tax upon necessities of life, when you destroy industry through taxation you are really increasing the cost of war, and that the simple course, the equitable course, is to tax the excess incomes and the excess profits of a country. England, after fighting a war for more than two years, is now raising through such a tax practically eighteen hundred million dollars. This country has three times as much wealth as England and the income of its people is fully three times as great as the income of the English people. Why not draw on this tremendous res-

ervoir of excess earnings for whatever money may be needed to finance this war?

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. McLEMORE. Mr. Chairman, I have a substitute for the substitute, which I send to the desk and ask to have read.

The CHAIRMAN. The gentleman offers an amendment to the substitute, which the Clerk will report.

The Clerk read as follows:

Amend by striking out all after the word "That" in the first paragraph and inserting the following:

"There shall be assessed, levied, and collected on all incomes during the present calendar year, and during each year or part of year, while the war now existing between the United States and the Imperial Government of Germany shall continue, the following rates or charges, to wit: On incomes exceeding \$3,000 and not exceeding \$10,000, 5 per cent; on incomes exceeding \$10,000 and not exceeding \$20,000, 10 per cent; on incomes exceeding \$20,000 and not exceeding \$30,000, 20 per cent; and on all incomes exceeding \$30,000, 100 per cent."

Mr. MANN. Mr. Chairman, a parliamentary inquiry. Is this an amendment to the substitute?

The CHAIRMAN. The Chair was just going to inquire.

Mr. McLEMORE. It is a substitute for the substitute.

The CHAIRMAN. An amendment to the substitute.

Mr. SWITZER. Mr. Chairman, the gentleman from Colorado [Mr. KEATING] seeks to impose a tax in this bill of 96 per cent upon large incomes. As I read the existing law, there is already imposed a tax of 15 per cent on large incomes, and I do not understand how you can collect 96 per cent more.

Mr. KEATING. Mr. Chairman, the gentleman has not understood my amendment. My amendment is to add 96 per cent to the normal tax.

Mr. SWITZER. I can not yield. I have only three minutes.

Mr. KEATING. I do not want the gentleman to make any such statement.

Mr. SWITZER. I propounded a question to the gentleman yesterday as to what the estimate of incomes to be collected would be under his measure, and he said about \$1,600,000,000 annually. I asked as to succeeding years, and he said to the House that it would be as much in succeeding years; but it does not matter how many tax experts theorize that such an income could be collected year after year, every Member of this House knows that it can not be done, that they will go into hiding, and there would not be \$1,600,000,000 collected the second, the third, or the fourth year.

But I did not rise especially for that purpose. I voted yesterday for the Lenroot amendment. I intend to vote for the other amendments that the gentleman offered here to-day, but I indicated in talking with various Members that if a sufficient revenue were collected by his proposed increase of the income tax I would vote to cut out the retroactive income tax and some other provisions of the bill. As I understand it, this tax will not begin with incomes of \$5,000 or \$2,000 or \$3,000, and it will raise only \$65,000,000 of additional income. I desire to give notice that I shall not vote to cut out the retroactive feature of the income tax. I also desire to give notice that I shall not vote to cut out the provision of 3 per cent on freight. It seems to me that that would be distributed in a way that the people will not complain of, and that a 3 per cent tax on freight bills will be borne by the people of the country with less murmur than would a cent and a half a pound excise tax on sugar. I am certain that the provision as to heat and light should be stricken out, and there should be some modification of the second-class mail matter.

Mr. FRENCH. Mr. Chairman, I just want to occupy the attention of the committee for a few minutes.

Volumes have been written upon different methods of raising revenue, and the discussion upon this subject by members of the Ways and Means Committee, especially during the last several days, has been most illuminating. It shall not be my purpose to delay the House by any extended remarks, but I do wish to point out a few matters that it strikes me we should bear in mind in considering the pending measure. In the first place, with the tremendous increase in the expenditures of government during war over the normal expenditures in time of peace, the problem is at once presented whether or not it is the part of wisdom for the present generation to bear a portion of the burden of financing the war; and if so, how much. I have endeavored to gather from the experiences of our own country in the past something that would be helpful in meeting the present situation. In the War of 1812 we financed our enterprise by borrowing from the future, and the result was depreciation in the money of the United States and financial distress. We did the same thing largely in the Civil War, and especially during the first few years, and the result was the same. The War with Mexico was of short duration, and while we pursued

the same policy I can not doubt that we were spared from a like experience there by reason of the fact that we were not called upon to extend our credit in any unusual degree. In the War with Spain we adopted for the first time what, in my judgment, is the true policy of requiring the people of the given day to pay in large part the expenditures necessary for our military operations.

To-day there are two courses open; the one looks to throwing the responsibility of financing the war onto the future; the other looks to assuming a large part of the responsibility of financing the war by the people of to-day. If we throw the burden onto the future and increase our bonded indebtedness enormously, in my judgment two results must inevitably follow: First, if the war shall continue so that the indebtedness shall become enormously great, we can not escape the fact that the credit even of our own country will thereby depreciate. Second, by increasing the indebtedness of the country and inflating our currency we shall upset all standards by which we are accustomed to measuring the value of work and commodities, and the result will be that the purchasing power of the dollar will be enormously decreased. Both these ends are disastrous, and, Mr. Chairman, we shall prevent largely both of these results if the present day shall shoulder up under a large share of the burden that war means. In my judgment, there should be no choice, and it is our duty to be as loyal and patriotic with our pocketbooks as we are loyal and patriotic with the lives of our men who will fight our country's battles.

The next question that confronts us is, How can we raise this vast amount of money? In my judgment, we should bear in mind constantly the rule that that method of taxation is best which places the burden of government upon each in proportion to his ability to pay. We could raise all the money necessary to meet the amount proposed in the bill by the Ways and Means Committee by placing a per capita tax of \$18 per head upon our people. Were such a tax constitutional, who can say that it would not be most unjust? It would be insignificant from the standpoint of the man of wealth. It would be an enormous burden from the standpoint of the poor man or the poor woman whose income is meager and whose responsibilities are great. Let us see if there can not be worked out some means that will make the people bear the burden in proportion to their ability.

Some of the methods of taxation proposed strike at income, some strike at business, some strike at a tax on such commodities that the poor bear equally with the rich the burden of taxation. The latter alone, of course, we can not tolerate. The tax on business as such, it seems to me, must be considered only with relation to profits. There are some lines of business that are unable to pass on the burden of taxation to a multitude of people and thereby let it fall easily upon the backs of all. There are some businesses that would be crushed under a tax upon the business. This method of taxation, then, must be viewed with greatest care. The proposition of taxing profits or incomes appeals to me as most just, the least burdensome, and the most wise. As long as there are profits a business is not going to the wall. As long as an individual is making an income in excess of the exemptions he is not in want, and a tax can not be a burden upon him in the degree that it must be when it prevents a profit at all or when the tax that is exacted is money that had better be spent for necessities of life.

Mr. Chairman, I shall support, and I urge upon the House, the Lenroot amendment. I shall support this amendment because it is equitable, because it places a large share of the burden of this war upon the shoulders of those most able to bear it, and fairly, it seems to me, in proportion to that ability.

Again, the bill as it has been reported, was prepared without the committee having had the benefit of extensive hearings. From somewhat careful thought and upon facts that have been presented to me and to the other Members of this House I am led to believe that some of the paragraphs further on in the bill should be modified or stricken out. I refer to those paragraphs that tax business itself and not the profits of business, and also that impose taxes that must fall too nearly equally upon the man of unlimited wealth and the man of no financial means.

These paragraphs can be considered later on, probably next winter, after the committee shall have had extensive hearings. In the meantime let us not impose any tax that may prove inequitable. Let us not impose a tax blindly. Rather let us pass the Lenroot amendment, and to the extent that its provisions will give us revenue we may be sure the revenue thus raised will be upon profit and will in no degree place any business in jeopardy.

Mr. SABATH. Mr. Chairman, yesterday I offered an amendment which unfortunately for me, as well as for the House, the Clerk did not read correctly. For that reason I am going to

ask that the amendment which I offered yesterday be again reported.

The Clerk read as follows:

Mr. SABATH offers the following as a substitute to section 2:  
"SEC. 2. That in addition to the additional tax imposed by subdivision (b) of section 1 of such act of September 8, 1916, there shall be levied, assessed, collected, and paid a like additional tax upon the income of every individual received in the calendar year 1917 and every calendar year thereafter, as follows:

"One per cent per annum upon the amount by which the total net income exceeds \$5,000 and does not exceed \$7,500;  
"Two per cent per annum upon the amount by which the total net income exceeds \$7,500 and does not exceed \$10,000;  
"Three per cent per annum upon the amount by which the total net income exceeds \$10,000 and does not exceed \$12,500;  
"Four per cent per annum upon the amount by which the total net income exceeds \$12,500 and does not exceed \$15,000;  
"Five per cent per annum upon the amount by which the total net income exceeds \$15,000 and does not exceed \$20,000;  
"Six per cent per annum upon the amount by which the total net income exceeds \$20,000 and does not exceed \$35,000;  
"Eight per cent per annum upon the amount by which the total net income exceeds \$35,000 and does not exceed \$50,000;  
"Eleven per cent per annum upon the amount by which the total net income exceeds \$50,000 and does not exceed \$60,000;  
"Fourteen per cent per annum upon the amount by which the total net income exceeds \$60,000 and does not exceed \$75,000;  
"Seventeen per cent per annum upon the amount by which the total net income exceeds \$75,000 and does not exceed \$100,000;  
"Twenty per cent per annum upon the amount by which the total net income exceeds \$100,000 and does not exceed \$125,000;  
"Twenty-four per cent per annum upon the amount by which the total net income exceeds \$125,000 and does not exceed \$150,000;  
"Twenty-seven per cent per annum upon the amount by which the total net income exceeds \$150,000 and does not exceed \$175,000;  
"Thirty per cent per annum upon the amount by which the total net income exceeds \$175,000 and does not exceed \$200,000;  
"Thirty-three per cent per annum upon the amount by which the total net income exceeds \$200,000 and does not exceed \$250,000;  
"Forty per cent per annum upon the amount by which the total net income exceeds \$250,000 and does not exceed \$300,000;  
"Forty-five per cent per annum upon the amount by which the total net income exceeds \$300,000 and does not exceed \$350,000;  
"Fifty per cent per annum upon the amount by which the total net income exceeds \$350,000 and does not exceed \$400,000;  
"Fifty-five per cent per annum upon the amount by which the total net income exceeds \$400,000 and does not exceed \$450,000;  
"Sixty per cent per annum upon the amount by which the total net income exceeds \$450,000 and does not exceed \$500,000; and  
"Sixty-six per cent per annum upon the amount by which the total net income exceeds \$500,000."

Mr. MANN. Mr. Chairman, I reserve a point of order on the amendment, and make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. How is that amendment offered?

The CHAIRMAN. The Chair understood the gentleman offered his amendment as a substitute.

Mr. SABATH. I offered it as an amendment yesterday and it was pending.

Mr. MANN. It was not offered; it was read. Now there is a substitute pending and an amendment to the substitute. The gentleman's amendment is not in order at this time.

The CHAIRMAN. The Chair understood that the gentleman asked that it be read. The Chair did not understand that the gentleman at this time offered the amendment. Of course, it will not be in order now.

Mr. LANGLEY. Mr. Chairman, inasmuch as gentlemen are anxious to get to a vote on the various amendments that are pending to this section, I shall only take a few moments to explain why I offered the substitute to the amendment proposed by the gentleman from Wisconsin [Mr. LENROOT], and especially as I shall have occasion a little later to discuss the bill more at length. It is manifest from the action that the committee has already taken upon the amendments to the preceding paragraphs that my motion will not be adopted, but I offered it to illustrate the general plan which I think should be followed in raising this enormous war fund. There are millions of people in this country who believe that many large incomes have been greatly augmented as a result of the war in Europe, and that the desire to augment them had much to do with involving us in that war. If that be true, it is an added reason why those incomes should bear, as my motion proposes, a larger share of the financial burden of the war than this bill provides and larger than the gentleman from Wisconsin proposes. I have always believed that in times of peace, even, the burden of government should be placed as much as possible upon those able to bear it and as little as possible upon those not able to bear it. The reasons for that are accentuated by existing war conditions when men of means are receiving benefits from them, while the poor are suffering from them. This is not demagoguery. It is simple justice. I believe also that more of this money should be raised by the sale of bonds and less by taxation now, particularly that kind of taxation that will have to be paid in the end by those whose purchasing power is already so curtailed by high prices that they can scarcely purchase the

necessaries of life. But I shall not go into that now. If we can not get an amendment adopted that goes further in the direction I have indicated, I shall vote for the Lenroot amendment as a step in the right direction.

Mr. MANN. What is the amendment?

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. LANGLEY: Page 3, line 13, strike out "seventeen" and insert "twenty"; page 3, line 16, after the word "twenty," insert the word "five"; page 3, line 19, strike out the word "twenty-four" and insert the word "thirty"; page 3, line 22, strike out the word "twenty-seven" and insert the word "forty"; page 4, line 1, strike out the word "thirty" and insert the word "fifty"; page 4, line 4, strike out the word "thirty-three" and insert the word "seventy-five."

The CHAIRMAN. Does the Chair understand the gentleman from Kentucky offers this as a substitute?

Mr. LANGLEY. As a substitute to the amendment offered by the gentleman from Wisconsin [Mr. LENROOT].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The next amendment is that offered by the gentleman from Wisconsin [Mr. LENROOT].

Mr. GARRETT of Tennessee. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GARRETT of Tennessee. Is the Chair certain that is correct? My impression is that the question will be on the substitute for the amendment first.

Mr. MANN. No; the substitute is not to the Lenroot amendment but is to the section.

The CHAIRMAN. There is a substitute offered to the section, and the gentleman from Colorado [Mr. KEATING] offered an amendment to the substitute, which is pending. The question now is on the amendment offered by the gentleman from Wisconsin.

Mr. KEATING. Mr. Chairman, may we have the amendment reported? It is just a line or two.

Mr. LANGLEY. Regular order!

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

Mr. SABATH. Mr. Chairman, half of us do not know what the amendment is.

SEVERAL MEMBERS. Regular order!

The CHAIRMAN. The regular order is demanded.

The question was taken, and the Chair announced the noes seemed to have it.

On a division (demanded by Mr. LENROOT) there were—ayes 123, noes 99.

Mr. GARNER. Mr. Chairman, let us have tellers.

Tellers were ordered.

The committee again divided; and the tellers (Mr. GARNER and Mr. LENROOT) reported that there were—ayes 146, noes 107.

So the amendment was agreed to. [Applause.]

The CHAIRMAN. The next amendment is that offered by the gentleman from Ohio [Mr. EMERSON].

The Clerk read as follows:

Amendment offered by Mr. EMERSON: Page 3, line 13, strike out lines 13, 14, and 15 and insert in lieu thereof the following: "Fifty per cent per annum upon the amount by which the total net income exceeds \$100,000 but does not exceed \$200,000."

Page 3, line 16, strike out lines 16, 17, and 18 and insert in lieu thereof the following: "Sixty per cent per annum upon the amount by which the total net income exceeds \$200,000 but does not exceed \$300,000."

Page 3, line 19, strike out lines 19, 20, 21, 22, 23, and 24 and page 4, lines 1, 2, 3, 4, and 5 and insert in lieu thereof the following: "Seventy-five per cent per annum upon the amount by which the total net income exceeds \$300,000."

Mr. MANN. Mr. Chairman, I make the point of order the amendment is not in order, although I am not sure. The committee has just agreed to an amendment fixing the rates. Now, this is offered practically as an amendment to that amendment. The other amendment has been agreed to. I think it is too late.

The CHAIRMAN. The Chair will state this as the situation: Unanimous consent was given to vote upon all the amendments at one time.

Mr. MANN. Well, if the Chair holds this is an amendment pending I have nothing further to say. I have no objection to voting on it.

The CHAIRMAN. The Chair begs to explain that is the situation, and for that reason the amendment possibly ought to have been voted on before.

Mr. MANN. I withdraw the point of order.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The gentleman from Massachusetts [Mr. PATGE] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. PAIGE: Page 4, line 5, after the figures "500,000," insert "that 65 per cent of the salaries of Members of Congress be turned over to the Secretary of the Treasury during the war with Germany."

[Applause.]

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. BUTLER. Division, Mr. Chairman.

Mr. HOWARD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HOWARD. Is this proposition debatable?

The CHAIRMAN. It is not.

The question is on the amendment offered by the gentleman from Massachusetts [Mr. PAIGE], and division has been demanded.

Mr. CANNON. Who offered the amendment?

Mr. MOORE of Pennsylvania. Mr. Chairman, may the amendment be again read? Some gentlemen did not understand it.

The CHAIRMAN. Without objection, the amendment will be again read.

The amendment was again reported.

Mr. HEFLIN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HEFLIN. The author of this amendment, I understand, is a millionaire.

The CHAIRMAN. That is not a parliamentary inquiry.

Mr. HEFLIN. It ought to be.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts.

The committee divided; and there were—ayes 42, noes 147.

So the amendment was rejected.

The CHAIRMAN. The question now is on the amendment to the substitute, offered by the gentleman from Texas [Mr. McLEMORE].

Mr. HARDY. Mr. Chairman, I want to know what it is. [Cries of "Regular order!"]

The CHAIRMAN. Regular order is demanded.

The question was taken, and the amendment to the substitute was rejected.

The CHAIRMAN. The question is now upon the substitute offered by the gentleman from Colorado [Mr. KEATING].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. KEATING. Division, Mr. Chairman.

The committee divided; and there were—ayes 26, noes 145.

So the substitute was rejected.

Mr. MANN. Mr. Chairman, my colleague [Mr. MASON] yesterday gave notice that he would offer an amendment, and was allotted time for that purpose. It was not at the appropriate place. He is unavoidably out of the House to-day, and I ask unanimous consent that it may be in order hereafter for him to offer an amendment at the end of section 2.

Mr. KITCHIN. I have no objection to that.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] asks unanimous consent that his colleague, the gentleman from Illinois [Mr. MASON] be permitted to offer an amendment at the end of section 2.

Mr. KITCHIN. Mr. Chairman, I want to reserve all points of order on it.

Mr. MANN. Of course it would be subject to a point of order.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. Mr. Chairman, I offer an amendment as a new section.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 4, after line 5, insert as a new section:

"Sec. 3. That on and after January 1, 1918, individuals, withholding agents, corporations, joint-stock companies, or associations, and insurance companies liable for income, munitions, or excess-profits taxes, shall pay, without levy, assessment, or notice, simultaneously with the submission of their return of tax, and not later than the last day allowed by law for the submission of such return, the amount of tax for which they are shown by such returns to be liable. If any tax is not paid at the time when it is due under the provisions of this section, there shall be added the sum of 5 per cent to the amount of tax unpaid and interest at the rate of 1 per cent per month upon said tax from the time it became due.

"Collectors of internal revenue are authorized to receive uncertified checks in payment of income, munitions, and excess-profits taxes during such time and under such regulations as the Secretary of the Treasury shall prescribe; but if a check so received shall not be paid by the bank on which it is drawn, the person in payment of whose taxes such check shall have been tendered shall remain liable for the tax and for all legal penalties and additions the same as if such check had not been tendered."

Mr. FITZGERALD. Mr. Chairman, I am in hopes that the committee will accept this amendment, so that if it needs to be perfected it can be done after consideration. The purpose of the amendment—

Mr. GARNER. Will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. GARNER. This bill as it is drawn purports not to repeal any of the laws on the books in reference to income, and I doubt whether the gentleman's amendment would reach the taxes that are levied under the old law; and if it would not, it ought to be arranged so that all these taxes be paid at the same time.

Mr. FITZGERALD. I said it may be that upon the examination the committee will desire to modify it in some form. Under the law at present individuals and corporations subject to income tax, munition taxes, or excessive profits taxes first make out a return. The computation of the amount of the tax is a simple matter. The return is mailed to the collectors of internal revenue in various districts. A force of clerks take those returns and put upon the tax bill the amount of tax due as found from the return. Those bills are then mailed to the persons who made out the returns and they then mail their checks in payment. Subsequently another force of clerks is employed to check up to ascertain whether the check corresponds with the bills, and subsequently a third force is put to work to audit the various returns that have been made. It has been estimated that about \$500,000 annually can be saved in clerical services if the persons required to make returns be required at the same time to mail a check in payment of the amount of tax the return shows is due.

Mr. MADDEN. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. MADDEN. Does the gentleman think it is more burdensome to pay \$500,000 for mailing and compiling and auditing than it would be to compel the man to send his check with his return on the day he made the return, when, in fact, it might well be that the man would not have the money against which to draw a check at the time?

Mr. FITZGERALD. That may be his misfortune two months later when he has to pay it, anyway. His return now must be made by the 1st of March, and under the law he has until the 1st of June to pay the tax without penalty. This simply requires him to pay his tax when he makes out his returns. I do not believe there is any particular burden placed upon the individual by the proposal.

Mr. MADDEN. Mr. Chairman, will the gentleman yield for another question? I want to ask it for information.

Mr. FITZGERALD. Yes.

Mr. MADDEN. The gentleman stated that the individual makes the return and extends the amount of the tax. I do not believe that it is possible for an individual in 9 cases out of 10 to figure out what the amount of the tax is under the forms that are submitted by the Treasury Department. I have never been able to figure it out, and I know something about business methods.

Mr. FITZGERALD. The gentleman then could turn it over to some clerk in his office and he would have no trouble. Any man who can figure out the sum upon which the tax is due will have no trouble at all in determining how much the tax is, and I have not found anybody subject to the tax who, after his return was compiled, did not know exactly how much the tax would be. But we have this cumbersome, antiquated system, which would not exist in any place except in some bureau of the United States Government, where three times these returns are unnecessarily gone over, whereas with a system such as this, when the check is received one audit, one examination by the clerk, would ascertain whether the check for the amount was correct, whether the sum stated is the proper one, and whether the return is final.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. GARNER. Mr. Chairman, I ask that the gentleman's time be extended five minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. FITZGERALD. Mr. Chairman, the reason I make the statement that perhaps this amendment may need modification is that the next section provides that the taxes imposed by sections 1 and 2 shall be computed, levied, assessed, collected, and paid upon the same basis and in the same manner as similar taxes imposed by section 1 of the previous law, and it may be that in the working out of the system it will be necessary to make some modification of this plan. But that it is the sensible, businesslike plan no one can doubt.

We were asked at the last session of Congress to give the Secretary of the Treasury \$3,000,000 to employ men to audit returns after they had been filed and examined and the bills made out and the money sent in payment of the tax. If, when the return is mailed by the person liable to the tax, he mails at the same time a check for the amount which the return would show was due, then one examination would be sufficient in place of three.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. GARNER. I will say to the gentleman that if the basis of the efficiency committee was correct as to the present law, under the new law the number of renditions taken in would be 4,000,000. You can imagine the amount of clerk hire that would be required for that.

Mr. FITZGERALD. If there will be 4,000,000 renditions under the new law, my recollection is that somewhere under 300,000 persons are now subject to an income-tax return, and we will hardly be able to house the number of persons that would be required to examine, bill, and audit all these returns.

There is another phase of it. It is true that this system will advance the payment of the tax by two or three months; and based upon the estimated amount to be received from these various taxes it will amount to a sum equivalent to about \$12,000,000 in interest annually for the use of that money at 3½ per cent. The Bureau of Internal Revenue has unexpectedly and suddenly had cast upon it a tremendous volume of business, an enormous amount of work not contemplated. It has not been, and is not now, organized properly to transact the business devolved upon it, and this is one suggestion made by the Bureau of Efficiency, directed by Congress to make an investigation and determine what reforms could be accomplished. That investigation, based upon the old law itself, without considering these new laws, indicates the saving of at least \$500,000. I hope the amendment will be adopted and perfected, and that the system will be put into effect.

Mr. HUDDLESTON. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. HUDDLESTON. Does not the gentleman think his penalty is rather harsh? Does not the gentleman think that 1 or 2 per cent would be more nearly in keeping with the cost of collection?

Mr. FITZGERALD. No. In order to have taxes paid promptly the rule in all cases of taxation is that the penalty must be sufficiently severe to compel the prompt payment of taxes, otherwise the tax will not be paid promptly, for the person subject to the payment of the tax would prefer to make a belated payment of the tax with the added interest, while a penalty of 1 per cent a month would undoubtedly compel prompt compliance with the law.

Mr. KREIDER. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. KREIDER. I would like to ask the gentleman from New York whether it is not a fact that in the forms now sent out to be filled in there is a printed request that the amount of the tax be not extended?

Mr. FITZGERALD. Yes; but the fact that that is in there makes no difference. That is because it is desired to give some clerk an opportunity to do a merely clerical act that the person who figures out the amount of money on which the tax is to be computed can very readily do himself.

Mr. KREIDER. I want to suggest to the gentleman that there is possibly another reason, and that is that there is possibly a chance for an error to creep in. The chances are that the clerk, familiar with figures, will get it correct, and then they are required to render a statement to the party who has to pay the tax. If you are going to send out the statement requesting every individual to make the extension and inclosing a check for the amount of the tax, I venture to say there will be more extra clerical work necessitated by trying to straighten out clerical errors than would be saved by adopting this other method.

Mr. FITZGERALD. That is the gentleman's opinion. I am basing this statement on the examination and on the conclusion drawn from the examination of what has been done. I do not believe there is any particular difficulty involved for a person after he has determined the sum subject to tax to make a very simple computation as to the amount of the tax under the provisions of the law. I hope the amendment will be accepted by the committee, so that it can be perfected and its provisions put into effect.

Mr. SMITH of Michigan. I notice it is stated in the paper that blanks for returns will not be sent out to those people who are not liable for the \$1,000 or the \$2,000 income tax. I should like to know whether or not it is the policy of the department

to allow the person who is to pay the tax to judge for himself whether his income is \$2,000 or \$1,000?

Mr. FITZGERALD. I can not speak for the department.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. KITCHIN. I should like to have the gentleman's time extended two minutes, to make a suggestion.

Mr. MANN. I should like to speak on this first.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. MANN. Mr. Chairman, I hope this amendment, or some amendment in its nature, will be agreed to. There is absolutely no legitimate excuse for the amount of red tape in use under the Government. Here are these income returns. A man has to figure up practically the amount of his income tax. He has to make a return of the amount of the income. The tax is on a mere percentage basis. If his income return is correct, when he figures the amount of his income a boy 9 years old can figure the amount of the tax. Of course, there are thousands of cases where the amount of the income is incorrectly figured. Those can be corrected in the Treasury Department under either method. As it is now the Treasury Department has to correct the incorrect returns of the amount of the income and then has to approve the correct returns of the amount of the income and send the bill to everybody. Under the amendment of the gentleman from New York, when the income return is made and the check is presented with it, the Treasury Department will correct any incorrect income returns and notify the person who makes those returns. But the large percentage of the returns are correct, and those correct returns each year have to be gone over again after they have been audited by the Treasury Department. Like some of the other gentlemen here, I make out an income-tax return. I would be perfectly willing to pay my tax in February. It would be a great deal less of a nuisance to me, situated as I am, like many others, to pay the tax then than to wait till I get the return from the Treasury Department. Now, I do not know whether the notices have been sent out yet. I do not know whether I would receive my notice or not. Notice would be sent to some address where I am supposed to live in Chicago.

Mr. GARNER. Will the gentleman yield for a suggestion?

Mr. MANN. Yes.

Mr. GARNER. In talking over the question of making these returns, this identical question, in the Ways and Means Committee, I suggested that that was the policy pursued in making my returns. The gentleman's colleague from Illinois [Mr. RAINEY] said he followed the same idea, having heard my suggestion, and that the collector in Illinois sent his check back to him and said he could not receive it. I said I would like the collector of taxes in my district to send my check back just once, to see what kind of a letter he would get.

Mr. MANN. He probably thought the gentleman's check was a good check, and would not send it back. [Laughter.] Now, as a matter of fact, they have in the Treasury Department a division that goes over all these claims for adjustments. There are many claims for adjustments. I went up to the Treasury Department at one time and sat down with the chief of that department and a number of his employees, and as a matter of curiosity went over a lot of the adjustments, and I found they were spending hours—I would not say days—in adjusting claims of less than 18 cents. That is a useless piece of red tape. However, I would like to suggest to the gentleman from New York [Mr. FITZGERALD] that where a man or a corporation makes a return and sends a check with the return, and on auditing in the Treasury Department it is found that the check is not large enough, but that the payment has been made in good faith, no undue penalty should attach. I think the gentleman said the penalty was 5 per cent, and 1 per cent a month. I do not know whether he meant both, but it ought not to be 5 per cent when the money was paid in good faith. There ought to be no undue penalty on that.

Mr. KELLY of Pennsylvania. Mr. Chairman, I have just noted in the report of the Commissioner of Internal Revenue a section which it seems to me bears directly on this matter, and ought to give us reason to pause before action. This seems at first blush to be a valuable reform. Perhaps the purpose is correct, but it may work a tremendous hardship upon a host of American citizens. In the last report of the Commissioner of Internal Revenue I find this statement:

An analysis of the situation has shown that further tax was due the Government in 63 per cent of the number of returns designated for investigation, and that an average of \$200 resulted from each examination. Coincident with the examination of returns in hand there has been pursued a diligent search for delinquents, and investigations of this character have resulted in securing returns in 52 per cent of the cases initiated, with an average yield of \$30 tax.

It is proposed in this bill to increase the number of income-tax payers by the million. These persons have not been familiar with making out income-tax reports. Mistakes are bound to creep in, and a heavy penalty is to be laid upon those who make mistakes—

Mr. GARNER. If the gentleman will allow me, I think he has confused the idea of those who do not return all the income that they should have returned to the Government, rather than the technical point he speaks of.

Mr. KELLY of Pennsylvania. No; the bureau after investigation finds that errors are made, and has to go over all reports. Now, no clerical hire is going to be saved when the proposition is considered that every return must be duly authenticated. The report of the Commissioner of Internal Revenue further shows that it is vastly important to scan carefully the reports in order to determine that the original sums upon which the percentages are figured are correct. I read from the report:

The problem of income-tax collections resolves itself into a matter of locating the individuals who have taxable incomes and of ascertaining the taxable amounts; and it is of more than ordinary interest to observe that the actual experience of the Government in the collection of internal taxes and customs duties has demonstrated the necessity of securing information that will enable it to determine for itself whether or not a taxpayer's declaration is true, and by this means to assert and collect the full amount of tax where evasion has been attempted.

That is part of the proposition here involved, and should be considered. These amounts as now reported are found difficult to ascertain exactly, and I submit to you that it is going to be a severe hardship to have 5 per cent added and 1 per cent a month added to 2,000,000 new taxpayers who are entirely unfamiliar with income-tax calculations.

Mr. STAFFORD. Will the gentleman yield?

Mr. KELLY of Pennsylvania. Yes.

Mr. STAFFORD. All members of the Committee on Appropriations are familiar with the circumstances where persons making returns, particularly corporations, have not complied with the law. That condition will remain, whatever the method of payment is.

Mr. KELLY of Pennsylvania. The gentleman misunderstands my position. All these returns must be considered and examined by clerks, and if it is found that errors creep in it will make it necessary to investigate every such case.

Mr. STAFFORD. The cases instanced by the commissioner in the report are where returns have been gone over and by reason of erroneous bookkeeping methods or intentional misrepresentations they have ferreted out millions of dollars owing to the Government.

Mr. KELLY of Pennsylvania. My point is that all these must be gone over by clerks.

Mr. STAFFORD. If they are defective and defrauding the Government.

Mr. BARNHART. Will the gentleman yield?

Mr. KELLY of Pennsylvania. Yes.

Mr. BARNHART. The remarks of the gentleman from Pennsylvania do not remove the abuse referred to in the amendment offered by the gentleman from New York. These reports have to be gone over now, but the amendment of the gentleman from New York will remove the necessity of going into duplication, making duplicate reports and making returns.

Mr. KELLY of Pennsylvania. It seems to me that the duplicate reports are to be made anyway, and you penalize the small taxpayers, who are unfamiliar with income-tax calculations, and they will be subjected to so much more hardship.

Mr. STAFFORD. Will the gentleman yield?

Mr. KELLY of Pennsylvania. Yes.

Mr. STAFFORD. That is the present penalty under existing law, of 5 per cent if not paid when due.

Mr. KELLY of Pennsylvania. The gentleman knows that this makes the taxpayer himself figure the amount and send in a check.

Mr. STAFFORD. Yes; the amount that he finds due the Government.

Mr. KELLY of Pennsylvania. And that gives an opportunity for still more mistakes. We should not act hastily on this matter without knowing its full scope.

Mr. KITCHIN. Mr. Chairman, I ask unanimous consent to pass this over and take it up to-morrow morning, because if it is going to be amended it should make a new section and be put in after section 5 as section 6.

The CHAIRMAN (Mr. SAUNDERS). The gentleman from North Carolina asks unanimous consent that the amendment offered by the gentleman from New York may be passed over, to be taken up in the morning. Is there objection?

There was no objection.

The Clerk read as follows:

Sec. 4. That in addition to the tax imposed by section 10 of such act of September 8, 1916, there shall be levied, assessed, collected, and paid a like tax of 2 per cent upon the income received in the calendar year 1917 and every calendar year thereafter, by every corporation, joint-stock company or association, or insurance company, subject to the tax imposed by that section, except that if it has fixed its own fiscal year, the tax imposed by this section shall be levied, assessed, collected, and paid only on that portion of its income for the fiscal year ending during the calendar year 1917 which the period between January 1, 1917, and the end of such fiscal year bears to the whole of such fiscal year.

The tax imposed by this section shall be computed, levied, assessed, collected, and paid upon the same incomes and in the same manner as the tax imposed by section 10 of such act of September 8, 1916.

Mr. LITTLE. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Page 4, line 11, strike out lines 11, 12, 13, 14, 15, 16, 17, and 18 except "the pro-," and strike out lines 25, 24, and all of 23 after "and eighteen."

Mr. LITTLE. Mr. Chairman, the effect of this proposition is to eliminate the incomes of \$1,000 and \$2,000 from the effect of this bill. This is offered purely in a spirit of business equity. For a little bit be kind enough to follow me and I will explain the theory upon which this amendment is presented. If you will turn to page 11 of the report, you will find that there are 12 divisions of this income to be derived by the Government from this bill. Of these the first two, you will find, draw the money from the large fund of wealth in this country. The others are all paid practically by men of incomes under \$3,000. For that reason, purely as a business proposition, as a matter of equity, I think they have paid enough, and there is no reason why they should be assessed upon their incomes.

You take Title III, and that is a tax upon liquor of various kinds. Ninety-nine per cent of the people of this country take 99 per cent of the drinks and pay 99 per cent of that tax. The rich man's share is negligible in the sum total. When they pay 99 per cent of that tax you pass on to the next one—cigars and tobacco—and you find that 99 per cent of that tax is paid by the people whose incomes are of the class mentioned. Then under Title V you have freight. An immense majority of the receipts of freight will be from people with small incomes or will finally be passed on to them. Express, passenger tickets, seats, and berth taxes are mainly paid by them, and the gas and most of the telephone service will be contributed by them. Of telephone and telegraph messages, a large majority will be paid by these people. Take Title VI, as to the automobile. That is more or less divided, and the rich man's tax will run a little higher. But take the musical instruments, phonographs, records, motion pictures, any tax of that kind is paid by the people of that class almost unaided. Jewelry will be divided, but the tax on sporting goods, perfumes, cosmetics—and poor as they are they use them—will be paid by this class. Those with the large incomes will never know there are such taxes. Said the mosquito to the palm tree, in the Egyptian tale, "Do I weigh you down?" Said the palm tree, "If you had not spoken, I would not know you were there."

To illustrate, here is a million-dollar tax on chewing gum that will mostly come out of these people with incomes under \$3,000, for nobody worth a million dollars ever takes a chew of gum. [Laughter.] Consider admission to theaters—these fellows will pay practically all of that tax. Club dues will probably come from the other fellow. The war estate tax will be paid by the rich, amounting to six millions, and I think they can stand that without much privation. The \$70,000,000 additional postage falls principally on one of the comforts of average people as a direct tax. A third of the money raised by this bill will be paid by men of large incomes, or sufficient ones. Ninety per cent of \$1,200,000,000 is assessed against those who part with every dollar with anxiety for the future.

Gentlemen, when you have gone through the revenue bill and laid two-thirds of it on the people with small incomes, why do you not go off and let them alone and get the rest out of the people who can afford to pay it? Why do you keep your hand on the poor man's pocket all the time. Taxes should be levied on wealth, not on people; people make soldiers. This is not an appeal to your sentiment, it is a pure business proposition. If you look at the bill you will see that they pay two-thirds of the revenue without the income tax, and now you want to fix the income tax upon them.

I heard some one say that a tax of \$20 on a \$2,000 income did not amount to much. Yes, it does. He has to pay the tax on everything that he has and on pretty near everything that he does, and then you want him to pay a tax on his income. Why do you stick him in here? I can not see any reason, sense, or justice in it. Everything has mounted in price except the aver-

age man's income. He has troubles of his own without rubbing Aladdin's lamp for you. He has paid all that he ought, and why do you not let him go in peace? Why assess these people on every item of their daily routine? Their total income tax is a small affair and does not amount to much, comparatively, anyway, and I suggest that it is about time to give them a little rest. The class that fights a war should not be expected to finance the war. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas.

The question was taken, and the amendment was rejected.

Mr. BURNETT. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment by Mr. BURNETT: On page 4, line 5, after "\$500,000" insert:

"That 50 per cent of the salaries of Members of Congress who voted for the resolution declaring war shall be withheld by the Secretary of the Treasury during the war with Germany and covered into the Treasury, to be used in conducting the war."

Mr. MANN. Mr. Chairman, would it be in order to modify the amendment to have the money apply on the construction of an asylum for gentlemen who offer such amendments?

Mr. BURNETT. I hope so, because I would then have the good company of the gentleman from Illinois. Mr. Chairman, I hope no man who voted for that resolution will make the point of order.

Mr. KITCHIN. Mr. Chairman, I make the point of order.

The CHAIRMAN. The question is on the amendment.

The question was taken.

Mr. MANN. Mr. Chairman, I ask for a division upon that.

Mr. KITCHIN. Oh, no.

Mr. MANN. Oh, yes; let us know how far we are going with this foolishness.

The committee divided; and there were—ayes 1, noes 99.

So the amendment was rejected.

Mr. CURRY of California. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 4, line 14, strike out "\$1,000 and \$2,000" and insert in lieu thereof "\$2,000 and \$3,000," and on line 17 strike out "\$1,000" and insert in lieu thereof "\$2,000."

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. The amendment in substance is the same as that which has just been voted down, offered by the gentleman from Kansas.

The CHAIRMAN. The Chair did not follow the order of the amendment so as to be able to say offhand whether this is the same amendment or not.

Mr. MOORE of Pennsylvania. The motion of the gentleman from Kansas was to strike out all of the provisions which provide for an exemption and leave the law as it is now, and this is substantially the same.

Mr. MANN. Oh, no; this changes the amount.

Mr. MOORE of Pennsylvania. I did not so understand. Very well.

Mr. CURRY of California. Mr. Chairman, the best speech, I think, that was made on patriotism and universal obligation upon the floor of this House since this extra session of Congress began was made yesterday by the gentleman from Michigan, Mr. FORDNEY. There are no classes in the United States, and any man who tries to divide our people along class lines, particularly at the present time, is almost a traitor to the fundamental principles of our American institutions. [Applause.] We are all Americans in heart, and mind, and thought, and soul, and in deed. The poor man of to-day may be the rich man of to-morrow, and the rich man's son who inherits a fortune, unless he also inherits intellect and ability, may and probably will lose his patrimony, so that there is no such thing as class in this country. In this war the rich and the poor will shed their blood under the Stars and Stripes, and the rich and the poor will pay taxes, and they ought to; but the poor man's indirect taxes under the provisions of this bill are proportionately as great as are the direct taxes levied on those who enjoy large incomes. The people should pay taxes according to their ability to pay and not along class lines. The exemption of \$1,000 for a single man and \$2,000 for a married man would be just were it not for the extraordinary high cost of the necessities of life. At the present time flour is \$20 a barrel and bread is 10 cents a loaf, butter is 50 cents a pound, beans are 15 cents a pound, potatoes 8 cents a pound, onions 13 cents a pound, and cabbage 18 cents a pound, and ham, bacon, and beef are luxuries. The cost of the necessities of life are extraordinarily high and will remain so during the balance of this war.

I know a man employed in the Capitol Building who makes twelve hundred dollars a year who said a couple of days ago that for one month he had not had an egg or any butter in his house because he could not afford to buy them. He has a family of five, of whom three are children going to school. I have not offered this amendment as a demagogic proposition, as a proposition to appeal to the passions and prejudices of poor people, but simply as a matter of equity and justice. Yesterday it was stated that the lowering of the exemption to \$1,000 on a single man and to \$2,000 on a married man would probably bring into the Treasury \$100,000,000. If the exemption on a single man is raised to \$2,000 and on a married man to \$3,000, it will probably reduce that amount by from twenty-five to forty million dollars a year, which we can stand very readily, having automatically gradually increased the tax on the larger incomes. As a matter of justice and as a matter of right to these poor people, I think that this amendment should be adopted. As written in the bill at the present time, the lowering of the exemption to \$1,000 on single men and to \$2,000 on married men will tax nearly every mechanic, every clerk, every small-business man, every small farmer, and every struggling young professional man in the United States. All ought to pay who can, but I think that in justice and equity my amendment ought to be adopted.

During the war every American man and woman will be called upon to and will willingly make sacrifices. They will give of their money freely and their life's blood and the lives of those dear to them when necessary. My only son, C. F. Curry, jr., quit his studies in the university where he would have graduated in law next month to go to the Presidio in San Francisco, where he is now attending the Officers' Reserve training camp. The sons of Speaker CLARK, Mr. FORDNEY, Mr. SHALLENBERGER, Mr. TAYLOR of Colorado, and probably the sons of other Members are serving with the colors. Rich and poor will shed their blood and contribute the sinews of war willingly, but there is no present reason to tax the poor beyond their ability to pay, and to compel them to make a sacrifice that the financial conditions of the country do not warrant.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. HILL. Mr. Chairman, I sincerely hope that the amendment will not be adopted and that the exemption will not be changed. In the Civil War I paid a tax on \$600, having then a salary of \$1,200. We have raised this to \$1,000 for a single man and \$2,000 for a married man. The highest exemption that I know of to-day is in Great Britain, and it is \$650, with \$125 allowance, as I am informed, for each child, and nothing for the married man. If this were a time of peace, and if we were fixing this as a basis for the current expenses of the Government, it would be entirely different, but we are fixing it as a war measure. We have practically voted for universal service and that necessarily means universal taxation or universal assistance in the way of contributing to the expenses of the Government. Both the millionaire and the poor man are subject to conscription, both are subject to rendering their personal service to the Government as well. Each pays in proportion to his ability in addition to his service. I understood the gentleman to say that this brings a hundred million dollars additional to this bill. If you change it, it takes one hundred millions away from the bill. I hope the exemption will stand just as it is—one thousand and two thousand.

Mr. FESS. Will the gentleman yield?

Mr. HILL. I will.

Mr. FESS. Reverting to the English system, what is the rate of taxation on the incomes that begin with \$650?

Mr. HILL. Twelve per cent, and this is 2 per cent.

Mr. LONGWORTH. Mr. Chairman, I just want a minute.

Mr. MANN. Mr. Chairman, I do not want to take the gentleman from Ohio off the floor, but I would like to make this suggestion to the Chair if he will permit: The committee is all on one side and I do not think the rule applies to a member of the committee being entitled to recognition ahead of everybody else.

The CHAIRMAN. The Chair tries to distribute recognition so that both sides to the controversy will be recognized.

Mr. LONGWORTH. Mr. Chairman, I only want to say a word—

Mr. MOORE of Pennsylvania. Before the gentleman passes from that point, if he will permit me to say this: An attack having been made upon the bill of the Committee on Ways and Means, should not a member of the committee be recognized to reply?

Mr. LONGWORTH. Well, I am going to say two words, then. I join with my colleague, the gentleman from Connecticut [Mr. HILL] in the hope, the very great hope, that this amendment will not be adopted. It is anticipated, gentlemen, that about 4,000,000 people would pay the tax provided in this bill. Now,

that is only 4 per cent of the population of the United States. Only 370,000 people to-day pay the tax with the \$3,000 and \$4,000 exemptions. That is less than one-third of 1 per cent of the population of the United States. We have this morning passed amendments which multiply the taxes on the higher incomes by as much as five, raising it 500 per cent over the present income tax. Is it fair that one-third of 1 per cent, or 1 per cent as probably would be the case if the amendment of the gentleman from California is adopted, should be called upon to pay the main part of these war expenses? Gentlemen have asked what the exemptions were in other countries. The highest exemption in the world to-day, so far as I know, is in England where it is \$650. In Germany the exemption is between \$400 and \$500, in most of the Cantons of Switzerland it is \$50; in Australia and other Republics the exemptions run along about \$100. In Japan it is less than \$100—I think \$80—but I can not claim exact accuracy on these figures when I have to give them offhand. So that even if we keep it at a thousand dollars, gentlemen, that will be nearly twice as high as the exemption in any other country under the sun. I think it would be in the highest degree unfair; it would be unwise public policy if we shall undertake to collect the greater amount of this bill by an income tax and not allow a reasonable number of people to pay it. There is not a man in this country in my opinion who has an income of \$2,000 to-day who would object to paying \$20, and that is all he would have to pay with our present exemption, for his share of this war. Gentlemen, you will entirely defeat the balance of the whole scheme of taxation as provided in this bill if you increase by any amount the exemptions of a thousand and two thousand as we have them now.

Mr. FERRIS. Mr. Chairman, I long hesitate to set up my judgment against the members of the committee, but if the committee has the facts it is proposed to take a hundred million dollars out of a special class in this country, the men and women working for small salaries and the men and women who are least able to bear the burden—

Mr. LONGWORTH. If the gentleman will permit, it does not amount to nearly as much as that.

Mr. FERRIS. That is the gentleman's statement. How much does this lowering of exemption yield?

Mr. LONGWORTH. Will the gentleman from North Carolina state how much it is estimated with the reduction?

Mr. KITCHIN. Twenty-seven million dollars.

Mr. LONGWORTH. Twenty-seven million dollars. That is the total reduction provided by this bill from the present exemption, only \$27,000,000.

Mr. FERRIS. The statement was made in debate two or three times, but at any rate—

Mr. HILL. I made the statement from a remark the gentleman from California made on the floor, but he said in conversation that he did not wish to be so understood, and he thinks it would take about \$50,000,000.

Mr. FERRIS. Whether it is twenty-seven million or fifty million or eighty-seven million or a hundred million, there seems to be quite a controversy about the exact amount, it is too much to take out of these poorly paid clerks.

Mr. KITCHIN. There is no controversy.

Mr. FERRIS. How much is it? No one seems to know. Either set of figures will serve to prove all I am contending for.

Mr. KITCHIN. Twenty-seven million. That is based upon the most reliable information of experts we can get.

Mr. FERRIS. The report says eighty-five million.

Mr. KITCHIN. It does not say that.

Mr. LENROOT. That is in Mr. FORDNEY's speech.

Mr. FERRIS. All right. We will take that—

Mr. KITCHIN. The gentleman from Michigan [Mr. FORDNEY] was mistaken.

Mr. FERRIS. We will adopt the statement of the chairman of the committee, who says it will take \$27,000,000. I do not know whether it was correct or not.

Mr. CURRY of California. It was based on the statement of the gentleman from Ohio [Mr. LONGWORTH] yesterday that these exemptions down to \$1,000 and \$2,000 would bring into the Treasury \$100,000,000. The raising of these exemptions of \$2,000 on single men and \$3,000 on married men probably would reduce the amount from \$25,000,000 to \$50,000,000.

Mr. LONGWORTH. I made no such statement.

Mr. CURRY of California. I stated that the lower exemption would make about \$25,000,000 to \$50,000,000 more.

Mr. FERRIS. If we do nothing else perhaps we can at least find out how much money we are actually taking from them in taxes. That will aid the House some in arriving at an intelligent conclusion. But be that as it may, it takes a very large amount

of money from a class of people that can ill afford to pay it. Twenty years ago, when I was working for a similar salary, we bought shoes for \$2.50 a pair when now we pay \$7 for them. Twenty years ago we bought a good suit of clothes for \$12, when now we pay \$35 to \$75. Twenty years ago, when I worked for a salary of that sort, you could clothe yourself and feed yourself for one-third of what you can do it now. I tell you that the heaping of an income tax on these small-salaried people will bring hardships that will make every one of us ashamed of ourselves. It ought not to be done. I know the Ways and Means Committee had to comb the whole Republic to get enough with which to run this war and will have to comb it again, and possibly you will have to include these cheap clerks and take away from them the last penny they have later on, to carry on this war, but let us not do that in the initial bill.

The first thing we did was to conscript 10,000,000 of our boys. I call attention to the fact that a good many of those 10,000,000 boys, a large percentage of them, are working for \$75 a month to \$1,000 and \$1,500 a year. Our own secretaries work for \$1,500 a year, and we propose to tax them, most of them, and I am not in favor of it.

These small-salaried people ought not to pay for this war.

Mr. TOWNER. Mr. Chairman, according to the statement that was made by the gentleman from Michigan [Mr. FORDNEY] on the data obtained from the Treasury Department this lowering of the exemption as proposed by the bill would amount to \$85,000,000. That is based upon a reduction in the amount of the exemptions from four to two thousand and from three to one thousand. This amendment, if adopted, would increase the exemption so that the reduction would be from four to three thousand and from three to two thousand. Presumably that would cut that \$85,000,000 in two, so that it would mean a reduction of about \$42,000,000.

Mr. FORDNEY. I wish to state to the gentleman that I made that statement, and it is based on this fact: If the lowering of that exemption brings in 4,000,000 people to pay this tax that do not now pay it, it will amount to \$20 each, which is \$80,000,000, is it not?

Mr. KITCHIN. They might not all pay it.

Mr. TOWNER. In any event, the amount that will be received by thus lowering the exemptions is not, in my judgment, sufficient to warrant the reductions contemplated in this bill. It will amount, if gentlemen are correct that the burden will be light, to a very small amount of money, hardly enough to pay for the cost of the collection of it. With three or four dollars from an individual and the necessity of going through his accounts and calculating them, it will not pay for the inquisitorial power that will be used to force these men into the taxing class.

I want gentlemen who are voting upon this proposition to remember that this war will or will not be popular in the extent to which it lays burdens on the common people of the country. You could do nothing, in my judgment, that would be so heavy an imposition, that would be so seriously resented, as to go into every home in this land, as it would practically mean if you reduce the exemptions to where they are in the bill, with a tax collector forcing nearly all the people to make a report. Every man who receives more than \$1,000 a year will be required to make a report under oath. He will be required to account for every dollar he receives; for all increases made to his property, as well as for his cash received. It would mean that the small farmer would have to account for every pig and calf that he sold; that his wife would have to account for every dozen of eggs and pound of butter she traded at the grocery store. It would mean that every man who receives a fair salary would have to pay an income tax. All through this bill taxes are imposed which will finally rest on the small consumer. Already thus heavily burdened, this added burden will come as a crushing weight. The American citizen pays in the aggregate a heavy burden of local taxes. He is taxed to build roads, to support schools, to carry on the most expensive governmental system on earth. The Englishman is not thus taxed. If his income tax is heavy, his local tax is light. With these contemplated war taxes the American citizen will be taxed more than any other citizen in the world. It is proposed to have our current taxes to carry 50 per cent or more of the cost of the war. In Great Britain current taxes are only 26 per cent of the total. To carry the heavy burden of local and State, and ordinary taxes and then this great additional burden of war taxes is loading our people too heavily. I am in favor of the Curry amendment because it will materially lessen the burden to the people who most need the exemption.

Mr. LAGUARDIA. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from California [Mr. CURRY].

The CHAIRMAN. The gentleman from New York offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA to the amendment offered by Mr. CURRY of California: Page 4 line 14, after the word "respectively," strike out "\$1,000" and "\$2,000" and insert in place thereof "\$1,500" and "\$2,500"; and, on line 17, strike out "\$1,000" and insert in place thereof "\$1,500."

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GARRETT of Tennessee having taken the chair as Speaker pro tempore a message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. 3545) to authorize the President to increase temporarily the Military Establishment of the United States.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 2343. An act granting consent to Ernest B. Denison, A. J. Barchfield, and Ethan I. Dobbs to construct a bridge across the Wabash River within or near the city limits of the city of Vincennes, Ind.

THE REVENUE BILL.

The committee resumed its session.

Mr. LAGUARDIA. Mr. Chairman, I do not quite agree with the reasons stated by the gentleman from Iowa [Mr. TOWNER] that a certain class of people will resent the inquisition coupled with the making of the necessary tax returns. I base the reason for my proposed amendment solely on the ability to pay.

If you will but stop to reason for a moment you will see that we have a vast number of men and women in this country in the \$1,000 and \$1,200 class. Now, then, if we were only imposing an income tax, it would be fair to go even lower than the \$1,000 exemption; but under this bill we are taxing the necessities of life to an extent unheard of in this country. We tax the man's light and heat, his tobacco, his insurance, his beer or soda, his amusements, his club dues, and whatnot; and if you take the proportion that the \$1,200 man will pay of these extra taxes and compare it with the proportion of the same taxes that will be paid by a single man earning \$2,500 you will see that the \$1,000 or \$1,200 man has already paid his share.

A MEMBER. On tea and coffee, for example.

Mr. LAGUARDIA. Yes; on tea and coffee. You must take the amount that each person pays and get the proportion that that amount bears to his total earnings, and if you will do that you will see that it will be fair and just to exempt a single man \$1,500 and a married man \$2,500.

Mr. HASTINGS. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. HASTINGS. Why not leave this tax in there, and strike out the other provisions when you come to them elsewhere in the bill?

Mr. LAGUARDIA. Because we have just had a vote on that.

Mr. HASTINGS. I mean these other items.

Mr. LAGUARDIA. Judging from the temper and attitude of the House, I do not see much hope in that.

Gentlemen, I seriously urge the adoption of my amendment exempting the single man \$1,500 and the married man \$2,000. They will pay their just share through the other taxes in this bill.

Mr. FORDNEY. Mr. Chairman, I would like to have two or three minutes. I want to say to the gentlemen of the House, in reference to this exemption, that I think I am right in the figures I inserted in the Record. The exemption provided for in this bill is \$1,000 on single persons, whereas under the existing law it is \$3,000. The exemption has been lowered \$2,000. The average income is the basis of figuring, and is divided halfway between the higher and lower exemption, and in this way the tax would be \$20 a person. That is a pretty fair way of averaging the income of people with lower salaries or incomes, and \$20 per person on 4,000,000 people would amount to a tax of \$80,000,000.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. BARKLEY. Does not the gentleman know that there are many millions of people whose salaries are only \$2,200, and that if married they would pay on only \$200, which would be \$4, instead of \$20, as he has figured?

Mr. FORDNEY. The gentleman means married or single people?

Mr. BARKLEY. If he is a single man, he would pay \$24, and if he is a married man he would pay only \$4.

Mr. FORDNEY. If he is single, he would pay how much?

Mr. BARKLEY. If his income is \$1,200, he would pay an income tax on the difference between \$1,200 and \$1,000. If his salary is \$2,000, he would pay an income tax of \$20.

Mr. FORDNEY. Let me call the gentleman's attention to this fact: During the Civil War the first income tax imposed on the people first fixed the exemption at \$800, and all incomes between \$800 and \$5,000 were taxed 3 per cent. The following year the exemption was lowered to \$600 and the tax was fixed at 5 per cent instead of 3 per cent. That lowering of the exemption by \$200 per person and the increasing of the tax by 2 per cent more than doubled up the income taxes collected the following year. In other words, it increased the income the Government received from those taxes in one year from \$32,000,000 to \$72,000,000.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. In a minute. I say, gentlemen, when we are estimating that 4,000,000 are the only number that will be affected by this exemption, we have the number entirely too low. If you change those lower exemptions, you are going to take from \$50,000,000 to \$100,000,000 out of this bill. Now I yield to the gentleman from Iowa.

Mr. GREEN of Iowa. Is it not a fact that the reason the amount jumped up so in the Civil War was that it compelled a large number of people who had not been making a report, although they were subject to an income tax, to make a report, and that may be true in this case?

Mr. FORDNEY. That may be true. It is claimed by the Secretary of the Treasury that there are a very large number of people in the United States now evading the law by not making a report—people whose income falls within the meaning of the law. I asked to have an amendment added to this bill, and I would like to see the bill yet so amended, that the Government would post in every post office in the United States, at least in every county seat in this country, the names of the people making returns, so that people might know whether or not his neighbor whose duty it is to pay this tax has made his return. I do not want to know the amount of his return; all I want to know is that he makes a return.

Mr. SLOAN. Is it not a fact that on those already paying the income tax there will in each case, married and single, be an increase of \$40, which will amount to nearly \$15,000,000 additional?

Mr. FORDNEY. Yes. Some gentlemen have said, "Oh, the poor man has to pay this tax in another way, because he has to pay a tax on his coffee. There is no tax on coffee, but this bill provides 10 per cent ad valorem on coffee and tea imported, as it does on all other imports. Last year's importations of coffee averaged 9 cents a pound, and 10 per cent ad valorem is nine-tenths of a cent a pound on the coffee a man will use each year. God knows he will not go to the poorhouse on account of that tax. The tax is so small he will not know it when he pays it."

Mr. CANNON. Mr. Chairman, I listened with much interest to the remarks of my friend the gentleman from Iowa [Mr. TOWNER] and the gentleman from Oklahoma [Mr. FERRIS]. Now, the amount of income tax paid in the year 1916 by residents of the State of Iowa was \$277,000. Yet her per capita wealth was \$3,600, or \$600 or \$700 more than the per capita wealth of New York and substantially more than the per capita wealth of Illinois. Oklahoma paid more than Iowa. She paid \$489,000 as against Iowa's income tax of \$277,000. But Oklahoma has, say, \$1,200 less per capita wealth than Iowa. And I might go on right through. Oh, how we do protect our own! [Laughter.] I do not think, in Oklahoma or Iowa, those magnificent, wealthy States—and Nebraska is along in the same line—any injustice will be done to Iowa and Nebraska when the exemption is lowered to \$2,000 for a married man and \$1,000 for a single man. [Applause.]

Mr. BURNETT. Mr. Chairman, I hope that the Curry amendment will be adopted. The people who will be benefited by that amendment are not the people who brought on this war but they are the silent workers at home and are the ones who will be affected by the tax on the breakfast table.

Mr. FERRIS. And by the conscription, too.

Mr. BURNETT. And by the conscription. They are many of them people who will not be exempted from conscription because they are employed in the munition factories but are those who will be expected to fight the battles of our country. Mr. Chairman, the Lenroot amendment just adopted takes care of any deficit that the increasing of the amount of these exemptions will make. That Lenroot amendment falls where it ought to fall, on the idle rich. In a little while some gentlemen who are supporting this bill up to this time will make great complaint in behalf of the magazines and of the big newspapers

of the country that are responsible for this war and that want to get off without an increase of their postage. Gentlemen, the question before this House is, Are you going to lay this tax on the mechanic and carpenter in your town, the single man getting a yearly income of \$1,000, or the married mechanic getting \$2,000 income, or the farmer, or the clerk, or the little merchant in the country, who were at home attending to their business when this great war was being foisted upon the country by the magazines and the newspapers that are now trying to get immunity from the increase of taxation against them? That is a question that is up to the Members representing the rural districts and the towns where the poorer people of this country live.

Those who are protesting against the Curry amendment, as a rule, are gentlemen representing the immense wealth of the country. I believe, Mr. Chairman, that it is not right that the man who is toiling for his daily bread, the married man with a big family and an income of \$2,000 a year, or the young man with an income of \$1,000 a year, perhaps with a dependent mother, father, or sister supported out of that income, should have to pay this tax that has been fastened upon the country by people who are growing rich by the war. Now, that is not demagoguery, Mr. Chairman, it is simply an expression of justice and right. We did right a while ago when we adopted the Lenroot amendment, and I believe that this House is going to carry out the same principle that it then laid down by saying that the single man with a salary of \$1,000 and the married man with a salary of \$2,000, who are having placed upon them the burdens of the increased cost of living, ought not to have to pay the taxes that have been incurred by the war that they had no part in bringing on. I hope that the same unanimity with which the Members of this House a while ago rallied to the support of the Lenroot amendment will cause them to rally to the Curry amendment in order that justice may be done to this poorer class of people upon whom this burden will fall.

Rents are soaring, flour and other foodstuffs are climbing, and how do you expect the little farmer, the poor working man, and the poor clerk or school-teacher to support his family and pay an income tax when you just voted down an amendment to make the Member of Congress pay 65 per cent of his salary of \$7,500 per year? Gentlemen, this thing is not being fairly divided, and the day of retribution is sure to come.

Mr. ALMON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. Is the gentleman opposed to the amendment or in favor of it?

Mr. ALMON. I am in favor of it.

The CHAIRMAN. Is there anyone opposed to the amendment?

Mr. KREIDER. I should like to say something against the amendment, if I may be recognized.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania.

Mr. KREIDER. Mr. Chairman, not to-day but on previous occasions Members of this House have appealed to the patriotism not only of Members of Congress but of the people at large. I would like to hear some of those patriotic speeches now. The levying of this tax is made necessary because we have engaged in the European war. The extent of the sacrifices in life, suffering, and treasure we must make to win no one can foretell. Those who were most anxious to uphold the dignity of the Nation then are now, it seems, the least willing to pay the expenses which attend that effort.

I take the position and assert that every patriotic American citizen does not consider paying his mite toward the expenses for the prosecution of this war a burden, but rather a privilege, and I seriously object to having all men whose incomes are less than \$3,000 classed as unpatriotic. These people are just as patriotic and just as anxious to fight the battles and contribute to the support of the Nation as those with large incomes, and the truth is that it is this class that makes up the rank and file of our Army and Navy, but they can not all go to the front, and those who do not and can not go are anxious and willing to contribute according to their ability toward the expenses, so that they, too, may have the consciousness and pride of having done their share in supporting the Army and Navy of their country.

Let them have the privilege of that personal pride that comes to them in realizing that it is their Army, their Navy, their war, and their country that is engaged in this struggle; let them have the privilege of showing by actual deeds that they are not slackers and of no account, but, on the contrary, they are paying and contributing their proportionate share of the expense.

I do not care how low you make the tax, make it as low as one-tenth of 1 per cent of the income, if you will, and then graduate by increasing the percentage or rate as the income increases, which will, of course, compel the wealthier classes to pay the large amounts, but by so doing you will recognize those with small incomes and thereby increase their pride and patriotism.

I do not care what the income amounts to in the budget, or how much it will swell the budget, but I repeat that patriotic American citizens ought to be permitted to pay their mite toward the defense of their country. I do not believe that it is a good policy in a church organization to permit one or two parishioners to pay all the expenses of running the church, but I believe that if you want a good live active church, the poorer members must be recognized and be given the opportunity to contribute as their circumstances will permit, even if it is only 1 penny or 5 cents each Sunday, so that they can all have the consciousness of feeling that they are helping to support the church of which they are members. If I had my way about it I would lower the exemption and lower the rate. I would, by the passage of this act, indicate to every man, whether he is handling a pick and shovel, or running a railroad, or president of a bank, whether he is an employee or an employer, whether he is rich or poor, whether his income is large or small, that he is considered by this Congress an American citizen and a part and parcel of this great American people and Government.

Mr. Chairman, it is not a question of dollars and cents that we need to-day, it is patriotism. The standing together, the wiping out of classes, the melting and welding together of the interests of all the American people and for the benefit of the whole country. This must be done if we are going to win this war.

You are not going to stimulate patriotism by letting a few rich men in this country pay the expenses of the war and letting those with small incomes feel that they have no part in it.

I do not regard the paying of \$1 or even \$10 as placing a great burden on any man, and I do not think, in fact, I am sure that no patriotic citizen regards it so.

Unfortunately we have had on the floor of this House during the consideration of this income-tax measure men who have been making speeches for home consumption only; these speeches they will have printed and sent to their districts so their constituents may see what a gallant fight they are making here in their behalf in order that they may be exempt from this tax. Let me ask those of you who have done this, How are you going to square your action in regard to the conscription bill? When you passed a law authorizing the drafting out of the homes of these very people their sons if they be over 21 years of age and taking them from their loving mother's arms and compelling them to take their chances for their lives in the trenches of Europe and when I offered an amendment requiring that only those volunteering for this duty should be sent, you voted it down. Now, when a little money less than it takes to buy a sucking pig is required you gag and haggle.

I repeat I would like to see and hear a little more of that patriotism we heard so much of a short time ago.

Let those men who were so eager to plunge this country into a war with a European nation then now come forward and pledge their all, their lives and wealth. [Applause.]

Oh, yes; we had a vote a few moments ago whether Members of Congress should contribute a portion of their salaries toward the payment of these war expenses which was voted down, and when I called for a division possibly a half a dozen or so voted with me. I would like to have a roll call on that proposition and then I would like to compare the vote with the vote that was taken when the war resolution was passed.

Oh, yes; we are great patriots when we can let the other fellow do the fighting and pay the bill. We are all ready to agree with Artemus Ward in letting our wife's relations go to war.

Mr. BURNETT. Will the gentleman yield?

Mr. KREIDER. Yes.

Mr. BURNETT. We have had one illustrious example, the gentleman from Massachusetts, Mr. Gardner, is the only warrior who has enlisted so far.

Mr. KREIDER. Yes; and he went as a colonel, a commander. Unfortunately my constituents can not all go as colonels.

Let me impress upon you the fact that the great need after all in America to-day is patriotism. Let every man, woman, and child in the United States be proud of their American citizenship; let them prize it more highly than ever before and let them feel that they are a part and parcel of this great country, and do not deny them recognition nor the opportunity of contributing their mite (however insignificant it may seem, as com-

pared with those with large incomes) in supporting and upholding that flag with the Stars and Stripes in the great conflict that is before us.

Mr. KITCHIN. I ask unanimous consent that all debate on these amendments may be closed in six minutes.

Mr. CRAMTON. Does that include all amendments—

Mr. KITCHIN. The amendments as to these exemptions.

The CHAIRMAN. The gentleman asks unanimous consent that all debate upon this paragraph and amendments thereto close in six minutes.

Mr. KITCHIN. All debate on the exemptions.

The CHAIRMAN. All debate on the exemption amendments shall close in six minutes. Is there objection?

There was no objection.

Mr. LUNN. I have an amendment as to married men and children, and I can not get it in until after these two.

Mr. KITCHIN. This only refers to these exemptions here.

Mr. ALMON. Mr. Chairman and gentlemen of the House, I am like the gentleman from Oklahoma [Mr. FERRIS], not inclined to undertake to amend an important part of this bill which has a unanimous report from the Ways and Means Committee. The exemptions from income tax in time of peace was fixed at \$3,000 for a single man and \$4,000 for a married man. This bill reduces the first to \$1,000 and the second to \$2,000. The amendment offered by the gentleman from California [Mr. CURRY] fixes the exemption at \$2,000 for a single man and \$3,000 for a married man. I think this is about right under present conditions, and I am in favor of the amendment. We should not lose sight of the fact that persons of small income who are affected by this proposed amendment will be forced to pay something additional as the result of almost every item of tax provided for in this bill. We should also remember that the present living expenses of those who are affected by this amendment is more than double what it was before the commencement of the European war. We should also remember that they pay State, county, and municipal taxes and all other taxes imposed by law.

Mr. CANNON. Will the gentleman yield?

Mr. ALMON. Yes.

Mr. CANNON. The gentleman's State in 1916 paid a total income tax of \$199,000.

Mr. ALMON. That may be true, but it has nothing to do with the question under consideration. I will say to my distinguished and venerable friend, Mr. CANNON, of Illinois, that the people of Alabama always do their duty and pay their full share of taxes to the National Government. [Applause.]

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. CANNON. I ask unanimous consent that the gentleman have an additional minute. The principal industry of the gentleman's State, I believe, is agriculture?

Mr. ALMON. Yes; and mining and manufacturing. I believe Alabama is now about the third State in the manufacture of iron and coal and has some of the largest cotton mills in the South.

Mr. CANNON. Manufactures and agriculture under the draft law are exempt.

Mr. ALMON. They are not; but the law provides that those engaged in industries, including farming, may be exempt from the draft system if found to be necessary to the maintenance of the Military Establishment or the effective operation of the military forces or the maintenance of national interest during the war.

Mr. CANNON. The President can exempt them.

Mr. ALMON. The military bill which has passed both Houses provides that the President may make rules and regulations and appoint boards to determine who shall be exempt from military duty in accordance with the act of Congress, but I want to say to the gentleman from Illinois that no matter what business the men of Alabama between the ages of 21 and 31 are engaged in they are loyal, patriotic American citizens, and that they will respond to the call of their country. Alabama will furnish her full quota of soldiers according to her population. She will furnish as many soldiers, according to population, as will the State of Illinois, or any other State in the Union. And it is no concern of the gentleman from Illinois as to whether they come from the farms, the shops, mines, cotton mills, or any other class of business. They will not only respond, but they will discharge their duties as soldiers as they have always done as private citizens.

Mr. CANNON. They are exempt from conscription and probably can do better service in Alabama than they can in the trenches.

Mr. ALMON. As I have said before, it is of no concern of the gentleman from Illinois from which class of citizens the

State of Alabama, which I have the honor to represent in part, furnishes her quota of soldiers during this war. No matter whether they are from our citizens engaged in industries, factories, or from behind the plow upon the farm. They will be brave and gallant men and will be as fearless soldiers as any who have ever marched on a battle field. And there will be no slackers or cowards among them. [Applause.]

Mr. MOORE of Pennsylvania. Mr. Chairman. I ask that the gentleman's time be extended for two minutes in order that I may propound an inquiry.

Mr. FORDNEY. Mr. Chairman, I object.

Mr. RUSSELL. Mr. Chairman, I believe I am just as good a friend of the man who makes his living by honest toil as anybody in this House. I came from among that class myself, and I am proud of it. The argument that is made here to-day in favor of exempting men who have incomes of \$2,000 does not stand the light of logic and reason. My friend from Alabama [Mr. BURNETT] says that it will impose a tax upon the poor laboring man in his district. I submit that in my district—and I will guarantee in his—there is not a man who makes his living by honest toil, a laboring man if you please, who gets \$2,000 a year. There are about 300 working days in the year when Sundays and holidays are taken out, and if a man makes \$6 a day—and very few men who labor for a living make that much salary—he will get only \$1,800 a year, and under this bill will not pay a single dollar of tax. If there is a man who makes his living by honest toil upon the farm or upon the railroad or in the shops who is so fortunate as to make \$8 a day, then he gets \$2,400 a year, and will pay taxes on only \$400, after deducting his taxes, or less than \$8 per year. The man in my district who is a laboring man and who is fortunate enough to get that much salary, I believe, will be patriotic enough to want to pay this small tax to carry on and to win this war. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired. All time has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. All time has expired. It is fixed by the committee. The question is on the amendment of the gentleman from New York [Mr. LaGUARDIA] to the amendment of the gentleman from California [Mr. CURRY].

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from California [Mr. CURRY].

The question was taken; and on a division (demanded by Mr. CURRY of California) there were—ayes 50, noes 100.

So the amendment was rejected.

Mr. McCORMICK. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 4, at the end of section 3, strike out the period and insert the following:

"Provided, That if the person making the return under section 1 of this act (a) shall be the head of a family there shall be an additional exemption of \$200 for each minor child dependent upon the taxable parent, but this provision shall operate only in the case of one parent in the same family."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

Mr. LUNN. Mr. Chairman, I did not quite understand the wording of the amendment offered by the gentleman from Illinois [Mr. McCORMICK], and it may be that, as worded, it rules out the one which I desire to offer. I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. LUNN: Page 4, line 15, after the figures "\$4,000," insert "and \$150 exemption shall be allowed to the head of a family for each child below the age of 16."

Mr. LUNN. Mr. Chairman—

The CHAIRMAN. Debate has been closed by order of the committee. The question is on the amendment offered by the gentleman from New York.

Mr. STAFFORD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. STAFFORD. Mr. Chairman, the gentleman from New York [Mr. LUNN] had a distinct understanding, I believe, with the gentleman from North Carolina that he would be privileged to offer this amendment and debate it.

Mr. KITCHIN. Oh, no.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. LUNN].

The question was taken; and on a division (demanded by Mr. LONDON) there were—ayes 47, noes 78.

So the amendment was rejected.

Mr. CRAMTON. Mr. Chairman, I desire to offer an amendment, which I send to the Clerk's desk.

Mr. LUNN. Mr. Chairman, I demand tellers upon that vote.

Mr. KITCHIN. Mr. Chairman, it is too late. I make the point of order that the demand comes too late.

The CHAIRMAN. The demand for tellers comes too late, as the Chair had already recognized the gentleman from Michigan.

Mr. CRAMTON. Mr. Chairman, I desire to offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amendment by Mr. CRAMTON: At the end of line 17 insert "in the case of unmarried persons, and \$2,000 or over in the case of married persons."

Mr. CRAMTON. Mr. Chairman, in explanation of that amendment—

The CHAIRMAN. Debate has been closed by order of the committee.

Mr. CRAMTON. But I had an express understanding with the gentleman from North Carolina. I made the inquiry as to whether it applied to the whole section and was assured that it did not.

The CHAIRMAN. The Chair distinctly stated that the gentleman from North Carolina asked unanimous consent that in six minutes all debate would be closed on the section and all amendments thereto.

Mr. CRAMTON. And thereupon I made an inquiry, and the gentleman from North Carolina corrected the Chair.

Mr. KITCHIN. Mr. Chairman, I ask unanimous consent that debate upon this and the amendment of the gentleman from New York be extended for 10 minutes. They misunderstood the matter—five minutes each.

Mr. STAFFORD. Was it not the distinct understanding, as stated by the gentleman, that debate would be closed only so far as the exemption amendments were concerned?

Mr. KITCHIN. On the exemption amendments? It is all right. I ask unanimous consent that the time be extended 15 minutes—

Mr. SNYDER. I object.

The CHAIRMAN. The gentleman from New York objects.

Mr. CRAMTON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CRAMTON. The amendment which I have offered is not as to exemptions, and an examination of the reporter's notes will show that upon the statement by the Chair I made the inquiry of the gentleman from North Carolina as to whether it was his purpose to have that request apply to the section or only to pending amendments, and he stated it was only as to the exemption amendments. Therefore I withdrew my objection. The notes will sustain my statement. I only desire five minutes. This is not an exemption amendment, but I think one of interest to the committee.

Mr. KITCHIN. I think that was the understanding that it should only be as to exemption amendments. If this is not an exemption amendment—

Mr. CRAMTON. It is not.

The CHAIRMAN. The Chair understood the gentleman from North Carolina—

Mr. MOORE of Pennsylvania. I ask that the amendment be read again.

The CHAIRMAN. If the Chair understands debate is continued then of course the Chair will so hold; but the Chair stated that the gentleman from North Carolina asked that debate close in six minutes and so stated to the committee. If he is in error about that of course the Chair would like to be corrected and be fair to every Member here.

Mr. KITCHIN. Mr. Chairman, I ask unanimous consent that all debate on this section and the amendments close in 15 minutes.

Mr. SNYDER. Mr. Chairman, I object.

Mr. KITCHIN. It will save time.

Mr. CRAMTON. An examination of the reporter's notes will substantiate my statement.

Mr. SNYDER. I think it is a different amendment, and I withdraw the objection.

Mr. MOORE of Pennsylvania. I want to say to my friend who is inclined to object that I listened distinctly to the request made by the gentleman from Michigan and the answer of the gentleman from North Carolina. I agree thoroughly with what the gentleman from North Carolina and the gentleman from Michigan say, that this understanding was only to

apply to exemption amendments. If it is not an exemption amendment then it would not apply and I want the amendment read so that we can understand it.

Mr. SNYDER. If it is a different amendment I will withdraw the objection.

Mr. KITCHIN. I ask unanimous consent that debate on this section and all amendments thereto be closed in 15 minutes.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that all debate on this section and all amendments thereto be closed in 15 minutes. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Chairman, reserving the right to object, until the amendment is read we can not tell whether this amendment applies to exemptions or not. If it does apply to exemptions, then a point of order would lie against it.

The CHAIRMAN. Without objection, the amendment will be again reported.

Mr. MOORE of Pennsylvania. I ask that it be read in order to understand the meaning of the motion.

The amendment was again reported.

Mr. MOORE of Pennsylvania. I make the point of order that it does apply to exemptions.

Mr. CRAMTON. Oh, Mr. Chairman, I ask the gentleman to accept my statement. I will withdraw the amendment after making an explanation, if the gentleman does not then think I know what I am talking about.

Mr. MOORE of Pennsylvania. It would probably save time to let the gentleman make his statement.

Mr. KITCHIN. I will say to the gentleman that with the amendments already voted down I hardly think this comes within the exemptions—

Mr. CRAMTON. It is not an exemption amendment; I think I know what it is.

Mr. KITCHIN. I think it is not.

Mr. CRAMTON. I would have been through before this.

Mr. KITCHIN. It is one of the return amendments. I ask unanimous consent that all debate on this section and all amendments thereto close in 15 minutes.

A MEMBER. Five minutes.

Mr. KITCHIN. Fifteen minutes. I want to give the gentleman from New York an opportunity also.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. CRAMTON. Now, Mr. Chairman, the purpose of this whole act is to raise revenues to support our armies at the front. Every dollar that we can save of useless expense in the collection of those revenues is better than a dollar of new tax, because it places a burden on nobody and a dollar of new tax does. In the bill as it now stands a married man with an income of between \$1,000 and \$2,000 must make a return, although he has no tax to pay. That will entail upon the Government the handling of millions of useless returns, hundreds of thousands of dollars of expense. And so, in harmony with the amendment offered by the gentleman from New York [Mr. FITZGERALD], I have offered this amendment, and in support of it I have not a report of the Efficiency Commission, but a report from a man in Detroit, who is an able business man and who for the past four years has been collector of internal revenue, and who has the following to say about this proposition.

I ask that it be read in my time.

The CHAIRMAN. The Clerk will read the letter.

The Clerk read as follows:

TREASURY DEPARTMENT,  
INTERNAL-REVENUE SERVICE,  
Detroit, Mich., May 10, 1917.

TO MEMBERS OF CONGRESS FROM STATE OF MICHIGAN:

I wish to call attention to features of the income-tax proposals in the forthcoming revenue bill which would entail a great deal of hardship upon citizens without benefit or revenue to the Government:

I refer to filing returns of income of persons whose net income is between \$1,000 and \$2,000 and who are not liable to the tax.

In the first district of Michigan it is estimated not less than 250,000 people will be compelled to file returns if this feature applies to all whose net income is \$1,000 or more, with the result that the files of the Treasury Department will be cumbered with an enormous mass of returns of persons who are not liable to tax—married men and heads of families.

It is suggested that in connection with this feature of the law no person whose net income is not such as to render him liable to tax under the law be required to file a return. This point is brought out because the present income-tax law requires everyone who receives a net income of \$3,000 or more to make return, with the result that many thousands of returns are filed from which the Government derives no tax, and which entails an enormous expense, unnecessarily incurred, and which could be avoided by eliminating such returns.

We estimate that this would reduce the number of returns required by law to be filed by at least three-fourths, with no tax lost to the Government.

Yours, respectfully,

JAMES J. BRADY,  
Collector.

Mr. CRAMTON. Now, Mr. Chairman, this will not save any money for anybody except the Government. That man who has been collecting revenue for four years under the income-tax law at Detroit says it will save hundreds of thousands of dollars. That is the kind of an amendment we ought to be looking for, and I hope you can see your way clear to adopt it.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Michigan [Mr. CRAMTON].

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 4. That in addition to the tax imposed by section 10 of such act of September 8, 1916, there shall be levied, assessed, collected, and paid a like tax of 2 per cent upon the income received in the calendar year 1917 and every calendar year thereafter, by every corporation, joint-stock company or association, or insurance company, subject to the tax imposed by that section, except that if it has fixed its own fiscal year, the tax imposed by this section shall be levied, assessed, collected, and paid only on that portion of its income for the fiscal year ending during the calendar year 1917 which the period between January 1, 1917, and the end of such fiscal year bears to the whole of such fiscal year.

The tax imposed by this section shall be computed, levied, assessed, collected, and paid upon the same incomes and in the same manner as the tax imposed by section 10 of such act of September 8, 1916.

Mr. STERLING of Illinois. Mr. Chairman, I wish to offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. STERLING of Illinois offers the following amendment: Insert at the end of section 4, page 5, the following:

"Provided, That any corporation which is the owner or holder of the stock of another corporation shall not be required to pay the tax imposed by this section and the tax imposed by section 10 entitled 'An act to increase the revenue, and for other purposes, approved September 8, 1916,' on incomes derived from dividends on such stock on which the tax has been previously paid."

Mr. STERLING of Illinois. Mr. Chairman, the purpose of this amendment is to avoid paying a tax on the same income twice.

Mr. MOORE of Pennsylvania. Pardon me just a minute. Does this refer to holding companies?

Mr. STERLING of Illinois. Holding companies and any other corporations that own stock in any other corporation.

Mr. MOORE of Pennsylvania. It is not in the printed bill?

Mr. STERLING of Illinois. No; it is not in the printed bill.

Mr. MOORE of Pennsylvania. It was agreed to by the committee?

Mr. STERLING of Illinois. This was not agreed to. This was not presented to the committee. The same proposition was presented to the committee in reference to the excess-profit tax, but there was no amendment offered in the committee and no discussion in the committee with reference to double payment of this tax on incomes. As it is now, the corporation pays 2 per cent income tax. This bill adds 2 per cent more, and corporations will pay an income tax of 4 per cent. Now, if some other corporation owns stock in a corporation, it must also pay this 4 per cent tax on that income which it receives from the first corporation, and thus that income, coming from a single source, being a single income, is taxed twice, and the purpose of this amendment is to avoid that double taxation.

Mr. DUPRÉ. Will the gentleman yield for a question?

Mr. STERLING of Illinois. I yield.

Mr. DUPRÉ. I call attention to page 8, lines 19 to 22, inclusive. I want to ask wherein that provision fails to meet the suggestion that the gentleman makes? I am in sympathy with his amendment.

Mr. STERLING of Illinois. That relates to the excess-profit tax. When we come to that part of the bill, I desire to offer this same amendment in reference to that, because I think that provision in the bill now with reference to that is very uncertain. I doubt very much whether it will exempt the tax under the old law and the tax under this law also. The purpose of the amendment is to exempt the double payment of both the old tax and the tax proposed in this bill.

Mr. RUSSELL. Will the gentleman yield?

Mr. STERLING of Illinois. I will.

Mr. RUSSELL. Under the law as it is now the dividend of an individual stockholder in a bank is exempt, is it not?

Mr. STERLING of Illinois. Yes.

Mr. RUSSELL. What you are trying now is simply to make the same law apply to a corporation that applies to an individual?

Mr. STERLING of Illinois. Yes.

Mr. MOORE of Pennsylvania. There is an operating company and a holding company. When the operating company pays, the purpose of your amendment, as I understand it, is to prevent a

second payment on the proceeds that may be in the holding company?

Mr. STERLING of Illinois. That is it exactly.

Mr. MOORE of Pennsylvania. But what is in the holding company over and above what is in the operating company will not be excused?

Mr. STERLING of Illinois. Certainly not.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. STERLING of Illinois. Yes; I yield to the gentleman.

Mr. LENROOT. In the case of an individual receiving dividends from a corporation, although that corporation has paid the corporation tax, the individual is not exempted from the income tax, is he?

Mr. STERLING of Illinois. No. But here is the point: The individual does not pay the tax.

Mr. LENROOT. He pays his individual tax?

Mr. STERLING of Illinois. Yes; but the individuals that own the stock in the holding company have to pay the income tax, too; so that you really make them pay the tax three times.

Mr. LENROOT. Is not the principle of the corporation tax an excise tax on the corporation, and should not the holding company be considered a corporation subject to that excise tax?

Mr. STERLING of Illinois. I think not. I think there you are simply taxing the same income twice. It is not just at all. There is no more justice in paying an excise tax twice than any other tax.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. STERLING of Illinois. Yes.

Mr. GREEN of Iowa. I think the gentleman misunderstood a question that was asked him. I said that section 204, on page 8, applied to the excess-profits tax.

Mr. STERLING of Illinois. Yes. Section 204 applies to the act of September 8, 1916. That is the income tax.

Mr. FORDNEY. That is the excess-profits tax.

Mr. STERLING of Illinois. I will say in reply to the gentleman this: I think the provision that was put in by the committee applies to the excess-profits tax; but, in any event, it is very uncertain in its language, and I doubt whether it would exempt the double payment of both the old and new tax.

Mr. GREEN of Iowa. If the gentleman will pardon me, he has got the dates of those acts mixed. The excess-profits tax was passed March 3, 1917.

Mr. STERLING of Illinois. This amendment that I am offering now exempts the present corporation income tax imposed by this bill and also the tax imposed by section 10 of the act of 1916. That is the income tax. The excess-profits tax was passed in 1917, on the 3d of last March.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. STERLING of Illinois. Yes.

Mr. STAFFORD. As I understand it, the purpose of the gentleman's amendment is not only to exempt the 2 per cent additional corporation tax provided in this section but also to exempt the original 2 per cent tax that is provided in the act of September last?

Mr. STERLING of Illinois. Yes; to exempt them both.

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. STERLING of Illinois. Yes.

Mr. HARDY. Do I understand the gentleman to say that if an individual owns stock in a corporation, and the corporation pays a tax on its income, the individual is not required to pay a tax on his income so derived?

Mr. STERLING of Illinois. I did not say so.

Mr. HARDY. Is the individual required to pay a tax on the income that he derives from the corporation, which itself pays a tax?

Mr. STERLING of Illinois. I do not think so.

Mr. HARDY. Well, if the individual stockholder must pay a tax upon his income derived from a corporation which has paid the tax, that is double taxation, too.

Mr. STERLING of Illinois. Yes; but the stockholder in the holding corporation pays just the same, so that it will be paid three times under that theory. He gets his share of the income from the holding corporation, and if he pays the tax it will be paid three times.

Mr. HARDY. So that it is a question of a threefold payment instead of a double payment?

Mr. STERLING of Illinois. Yes.

Mr. GRAHAM of Illinois. Mr. Chairman, will the gentleman yield?

Mr. STERLING of Illinois. Yes.

Mr. GRAHAM of Illinois. I want to see if I have got this right or not.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. STERLING of Illinois. I ask for one more minute, Mr. Chairman.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. GRAHAM of Illinois. I want to see if I have this right in my mind. If I understand your proposition, if the income of the operating corporation has paid this particular tax, then the holding corporation does not pay the tax?

Mr. STERLING of Illinois. No.

Mr. GRAHAM of Illinois. How is it in general taxation? Suppose you have an operating corporation and a holding corporation. They both pay taxes on that same fund, do they not?

Mr. STERLING of Illinois. No.

Mr. GRAHAM of Illinois. It is property, and it is properly taxable.

Mr. STERLING of Illinois. It all belongs to the same person, and the same persons are paying it twice.

Mr. GRAHAM of Illinois. If it is subject to general taxation, it would be subject to taxation twice.

Mr. STERLING of Illinois. It would not. Out in Illinois it would be subject to taxation in the hands of the person who had it on the 1st day of April. It would not be subject to taxation in the hands of any other person.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. KITCHIN. Mr. Chairman, I hope the amendment of the gentleman from Illinois [Mr. STERLING] will not pass.

In the first place, we will lose, I should say, not less than \$20,000,000 or \$25,000,000 in revenue. In the next place, I believe that every corporation, whether it is a holding corporation or not, should pay the normal income tax upon all its income. While the individual now does not pay the normal tax upon the income which he receives from the dividends of corporations that pay that tax, the individual does pay the surtax on the income received as dividends. While the corporation does not pay a surtax at all, no matter whether it makes \$50,000 or \$1,000,000 or \$10,000,000, it ought to pay a normal tax upon all its income. We relieve the holding companies or any other corporation from paying an excess-profits tax upon the dividends received from its subsidiary companies upon which the tax has already been paid. This proposition is entirely different from the normal income tax. For instance, under the gentleman's amendment the United States Steel Corporation would not pay any tax. The United Cigar Co., which, I understand, is largely a holding company, would not pay a dollar, because all of its dividends come from subsidiary companies. I believe a company like the United States Steel Corporation ought to pay the regular normal income tax. When it comes to the excess-profits tax, I believe it is fair to exempt it from the dividends which it receives from the subsidiary companies, but I believe all corporations, whether holding companies or not, ought to pay the normal tax upon their entire net income.

Mr. STERLING of Illinois. Mr. Chairman, I ask unanimous consent for three minutes in which to reply to the gentleman from North Carolina.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. STERLING of Illinois. I hope every Member will understand this proposition. There is no use for gentlemen to talk about taxing corporations. Corporations are owned by individuals. When a corporation issues stock, and another corporation buys some of that stock, as the law is now and as this law will be if we do not adopt this amendment, the corporation that issued the stock and collects the income will pay the income tax on it. Then a portion of that income goes to the holding or owning corporation that has bought some of this stock. That corporation must then account for its income, and it pays the normal tax on that income. Then that holding corporation contributes these funds to the individuals, and they pay their income taxes assessed against them as individuals. So there is no use for gentlemen to talk about taxing corporations. Corporations in the long run do not pay taxes. The taxes come from the people who own the stock. It comes out of the individuals. Under those circumstances they pay the tax three times, if you do not adopt this amendment. I do not know why that kind of property should be compelled to bear these extra burdens. We had just as well be fair about it. I do not know whether it will amount to \$20,000,000 or \$25,000,000 or not. I do not think it will amount to that. But if it amounts to that much, so much the better reason for adopting this amendment, so much greater is the wrong if all of this

property is taxed twice. If the people who own this stock are compelled to stand this tax three times, the greater the amount, the greater the wrong.

Mr. HARDY. Will the gentleman yield for a question?

Mr. STERLING of Illinois. I yield to the gentleman from Texas.

Mr. HARDY. Here is a railroad company that has invested a part of its surplus in the stock of some other company. You admit that if the dividend had gone to the private person who held that stock, he would pay a tax on the income derived from the stock?

Mr. STERLING of Illinois. Yes.

Mr. HARDY. But this railroad company, having bought the stock, would be relieved?

Mr. STERLING of Illinois. Yes; and the owners of the railroad stock have got to pay their income taxes, so the burden is simply shifted from the railroad company to the stockholders of the railroad company.

Mr. LENROOT. Suppose it goes to surplus, and is not passed out in dividends at all?

Mr. STERLING of Illinois. This proposition has nothing to do with that.

Mr. HARDY. As in the case of the large insurance companies.

Mr. FORDNEY. It still goes to the stockholders in the end.

Mr. STERLING of Illinois. If it goes to surplus, it is still property belonging to the stockholders. This does not affect the right of a corporation to pass its earnings to surplus.

Mr. HARDY. Is not the New York Equitable a great insurance company that owns thousands of such stocks, and never passes them on to its stockholders?

Mr. STERLING of Illinois. I do not know whether it does that or not. This will not affect it, in any event.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

Mr. GRAHAM of Pennsylvania. I should like to say just a word, Mr. Chairman. It seems to me that the amendment offered by the gentleman from Illinois is a fair and equitable one. Unless this amendment is adopted there is double taxation, and if there is anything that is obnoxious to American legislation in every State it is double taxation. I respectfully suggest that where the normal tax is paid by the operating company there ought to be no normal tax paid by the holding company. If the tax is paid by the individuals in the holding company on their income the holding company stands only in the relation of a trustee, and no trustee is compelled to pay an income tax on the holdings for the *cestui que trust*.

Mr. LENROOT. Mr. Chairman, I hope this amendment will not be adopted, and it can not in principle be defended. This tax when it applies to a holding corporation is an excise tax on that corporation. That corporation is a citizen of the United States and enjoys certain privileges as such, and the very theory of the corporation tax is to reach all such corporations.

Now, as to the double-taxation proposition, it was suggested during the debate on the income tax that men of great fortunes would escape the income tax because instead of paying dividends they would pass the dividends and put the earnings into surplus. Now, you exempt the holding corporation and you are inviting that thing and saying to the large stockholders of holding corporations, "If you put your earnings into surplus you will not have to pay the income tax." They not only will not pay the income tax on the dividends, because there need be none, but they will pass it to surplus, and if you exempt the holding corporation you will get no tax at all.

Mr. GRAHAM of Pennsylvania. Will the gentleman yield for a question?

Mr. LENROOT. Yes.

Mr. GRAHAM of Pennsylvania. How can any corporation avoid the tax by carrying it to surplus? I know I have heard a lot said on the floor, and the gentleman from Michigan made the statement. How can it escape?

Mr. LENROOT. It is very plain. Suppose here is a corporation with a directorate that is controlled by some very wealthy men and under the law a large portion of their incomes would be taken. That board of directors can pass the dividends, declare no dividend, and then the stockholders of that corporation will have no income tax to pay, so far as the earnings of that corporation are concerned. Is that correct?

Mr. GRAHAM of Pennsylvania. But the corporation will pay the tax.

Mr. LENROOT. Ah, but you are relieving them.

Mr. GRAHAM of Pennsylvania. This amendment only proposes to do away with the double taxation. If corporation A has some surplus it is not using for the time being in its business, it must have it put aside for investment in another stock company or corporation, and suppose in the meantime there is a dividend

paid by this other corporation. The other corporation has paid its normal tax and why should the second corporation pay an income tax on the other corporation's property that has already paid a normal tax?

Mr. LENROOT. Suppose an individual desires to escape an ordinary income tax through the dividends that he would naturally receive from the holding corporation?

Mr. GRAHAM of Pennsylvania. Will the gentleman permit me to ask him another question?

Mr. LENROOT. Let me answer the first one.

Mr. GRAHAM of Pennsylvania. What has the attempt of an individual to escape discharging his duty to do with the square question between the two corporations which taxes the same property?

Mr. LENROOT. They are not the same. One taxes one corporation and the other taxes another corporation.

Mr. GRAHAM of Pennsylvania. It is on the same property.

Mr. LENROOT. I do not propose to let the gentleman get away from this proposition that he now seeks to, where he says it would be impossible for a man to evade his income tax through turning it over to surplus.

Mr. GRAHAM of Pennsylvania. I merely said that that was no answer to my proposition.

Mr. LENROOT. The gentleman denied the accuracy of my statement.

Mr. KITCHIN. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. KITCHIN. Is not it a fact that practically all the so-called holding companies of the corporations are organized for the purpose of getting all of the subsidiary competing companies into a monopoly?

Mr. LENROOT. Absolutely; and that is their very purpose, and this amendment would be putting a premium on that kind of corporation.

Mr. FORDNEY. Mr. Chairman, I want three minutes on this amendment. The contention of the gentleman from Illinois [Mr. STERLING] is correct. It was demonstrated to the committee by the gentleman from Illinois [Mr. RAINEY] that under the laws of Illinois an electric railway company could not organize under the laws of that State and get a charter to build a road from Chicago to St. Louis. They must organize a new company every time they go by a town from one town to another. Under the laws of the State of Illinois a holding company is organized holding these small companies of an electric railway that go from one distant point to another in the State of Illinois. The holding company has no other income except from the small companies, and it is all one company. That holding company is organized to get around the embarrassing laws in the State of Illinois, and the holding company has no other business except to receive the income from those small companies organized to build a road from one town to another. It is all the one company, and unless you adopt this amendment you are going to make those various small companies pay a tax and the holding company also pay over again that same tax. If that is not correct, I want some man to correct me. That is the statement of the gentleman from Illinois [Mr. RAINEY], made when this bill was being considered in the Committee on Ways and Means, and it convinced me that the holding company should not be called upon to pay a tax, and this bill will tax them twice unless you adopt some such amendment as the gentleman from Illinois [Mr. STERLING] has offered here.

Mr. GRAHAM of Illinois rose.

Mr. DOOLITTLE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DOOLITTLE. What is the regular order?

The CHAIRMAN. It is considering the amendment offered by the gentleman from Illinois [Mr. STERLING].

Mr. ALEXANDER. Mr. Chairman, has not debate upon that amendment been exhausted?

Mr. KITCHIN. Mr. Chairman, I ask unanimous consent that all debate upon this section and all amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman asks unanimous consent that all debate upon this amendment shall close?

Mr. KITCHIN. Yes; that all debate upon the section and all amendments thereto shall close in 10 minutes.

Mr. FORDNEY. Close it in five minutes.

The CHAIRMAN. Is there objection?

Mr. FORDNEY. I object. We ought not to run along here indefinitely on a subject thoroughly discussed. I want gentlemen to talk and have plenty of time; but why not make that five minutes?

Mr. KITCHIN. Make it six minutes.

Mr. FORDNEY. Very well, I accept that.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GRAHAM of Illinois. Mr. Chairman, it will only take me one minute to say what I have got to say. [Applause.] That is the first real hearty applause that I have received in this House. I practice law in Illinois, and I have listened with some attention to what the gentleman from Michigan [Mr. FORDNEY] has said about this thing. He is mistaken about it.

Mr. FORDNEY. I got it from the gentleman from Illinois [Mr. RAINEY].

Mr. GRAHAM of Illinois. Well, if that is his contention, he is mistaken. I know what the law is, because I have organized these railroads down there. We have two laws in Illinois—one by which you can organize interurban roads between towns—and that is the law that the gentleman speaks of.

Mr. STERLING of Illinois. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM of Illinois. Yes.

Mr. STERLING of Illinois. I want to say to the gentleman that he may have practiced law in Illinois, but to organize an electric interurban railroad in Illinois you have to do it under the railroad law. There is not any law for organizing interurban railroads in Illinois.

Mr. GRAHAM of Illinois. There is a law in Illinois known as the general railroad law, under which these roads are organized, and that does not require you to build only between towns, but under that you can go all over the State of Illinois, and I believe the gentleman will admit that that is true. These corporations do not need to own and organize any holding corporations. They can be organized under the general railroad law. Then they would pay their taxes and their excess-profits taxes like anyone else, and I believe they ought to do it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. STERLING of Illinois) there were—ayes 17, noes 71.

So the amendment was rejected.

The Clerk read as follows:

Sec. 5. That every individual, corporation, joint-stock company or association, or insurance company, that is liable to pay or that has paid the taxes imposed by Title I of such act of September 8, 1916, upon the net income received in the calendar year-1916, shall pay, in addition to such taxes, a tax equivalent to 3 1/2 per cent of such taxes, to be assessed and collected under the provisions of existing law, and paid on or before September 15, 1917, except that in the case of a corporation, joint-stock company or association, or insurance company, which has fixed its own fiscal year, such tax shall be paid within 165 days after the close of the fiscal year ending during the calendar year 1917.

Mr. MADDEN. Mr. Chairman, I move to strike out the section.

Mr. KITCHIN. Mr. Chairman, can we not come to some agreement about time for debate upon this and all amendments to the section? How would 30 or 40 minutes do?

Mr. MOORE of Pennsylvania. Would it not be better to leave the matter open until to-morrow?

Mr. KITCHIN. Oh, then, gentlemen will want to debate it for three hours. I have talked with some gentlemen who are very much opposed to this, and they are willing to have 30 minutes. Let us put it at 45 minutes.

Mr. MADDEN. Make it an hour.

Mr. MANN. Make it half an hour on a side.

Mr. KITCHIN. Very well, half an hour for those in favor and half an hour for those opposed to it.

Mr. DYER. Who will control the time?

Mr. KITCHIN. Mr. Chairman, I ask unanimous consent that all debate upon this section and all amendments thereto be closed in one hour, and that half the time be controlled—

Mr. MANN. Well, half of the time to be allotted to those in favor and half to those against.

Mr. KITCHIN. And the gentleman from Illinois [Mr. MADDEN] to control the time of those against, and I will control the time of those in favor of the section.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that there shall be one hour's debate upon section 5, just read, and all amendments thereto, one half the time to be controlled by the gentleman from Illinois [Mr. MADDEN] and the other half by the gentleman from North Carolina. Is there objection? [After a pause.] The Chair hears none.

Mr. KITCHIN. Mr. Chairman, I move that the committee do now arise.

The motion was agreed to.

Accordingly the committee rose; and Mr. GARRETT of Tennessee having assumed the chair as Speaker pro tempore, Mr. FOSTER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 4280 and had come to no resolution thereon.

HOOR OF MEETING TO-MORROW—11 A. M.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 a. m. to-morrow.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 a. m. to-morrow. Is there objection? [After a pause.] The Chair hears none.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 50 minutes p. m.) the House, under its previous order, adjourned to meet at 11 a. m. to-morrow, Friday, May 18, 1917.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting a report on estimates and plans for works of river and harbor improvement that will best provide adequate facilities for operations of the fleet for defense of the harbors on the Atlantic, Gulf, and Pacific coasts of the United States (H. Doc. No. 140); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the chief clerk of the Court of Claims, transmitting order of dismissal by the court in the cases of Annie C. Manchester and Henry J. Thompson (H. Doc. No. 141); to the Committee on Claims and ordered to be printed.

3. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of George D. McKinney v. The United States (H. Doc. No. 142); to the Committee on War Claims and ordered to be printed.

4. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Clarence J. Door et al., children and heirs of Joseph B. Door, deceased, v. The United States (H. Doc. No. 143); to the Committee on War Claims and ordered to be printed.

5. A letter from the Secretary of the Navy, submitting tentative drafts of amendments with the recommendation that they be inserted in the bill (H. R. 3971) making appropriations to supply urgent deficiencies in appropriations for the Military and Naval Establishments on account of war expenses for the fiscal year ending June 30, 1917, and for other purposes (H. Doc. No. 144); to the Committee on Appropriations and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CANTRILL: A bill (H. R. 4485) regulating the compensation and assignment of employees in the Internal Revenue Service, and for other purposes; to the Committee on Expenditures in the Treasury Department.

By Mr. CLARK of Pennsylvania: A bill (H. R. 4486) to amend the act of Congress approved June 27, 1890, entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents," and including the amendments thereto; to the Committee on Pensions.

By Mr. HICKS: A bill (H. R. 4487) to prevent the desecration of the flag of the United States; to the Committee on the Judiciary.

By Mr. DRANE: A bill (H. R. 4488) providing for the marking and protection of the battle field known as Dades Massacre, in Sumter County, Fla., and for the erection of a monument thereon; to the Committee on the Library.

By Mr. POWERS: A bill (H. R. 4489) to provide for the erection of a public building at Corbin, in the State of Kentucky; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4490) to provide for the erection of a public building at Pineville, in the State of Kentucky; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4491) to increase the pensions of the blind who served in the War with Spain; to the Committee on Pensions.

Also, a bill (H. R. 4492) to increase the pensions of the blind who served in the War with Mexico or the Civil War; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4493) to provide for the erection of a public building at Barbourville, in the State of Kentucky; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4494) to provide for the erection of a public building at Harlan, in the State of Kentucky; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4495) granting a pension to teamsters, bridge builders, and railroad repairers who were in the service of the United States during the War with Spain; to the Committee on Pensions.

Also, a bill (H. R. 4496) granting a pension to teamsters, bridge builders, and railroad repairers who were in the service of the United States during the Mexican War or the Civil War; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4497) granting pensions to Army teamsters of the Mexican War or the Civil War; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4498) recognizing the military service of, and giving pensionable status under all pension laws of the United States to, persons serving under United States officers as home guards, militia, teamsters, or other provisional troops or field employees during the Mexican War, the Civil War, or the Spanish-American War; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4499) recognizing the military service of and giving pensionable status under all pension laws of the United States to persons serving under United States officers as home guards, militia, teamsters, or other provisional troops or field employees during the War with Spain; to the Committee on Pensions.

Also, a bill (H. R. 4500) granting pensions to Army teamsters of the War with Spain; to the Committee on Pensions.

Also, a bill (H. R. 4501) to extend the provisions of the pension act of May 11, 1912, and the act of April 19, 1908, as amended by act of September 8, 1916, to the officers and enlisted men of all State militia and other State organizations that rendered service to the Government during the Spanish-American War for a period of 90 days or more, and providing pensions for their widows, minor children, and dependent parents, and for other purposes; to the Committee on Pensions.

Also, a bill (H. R. 4502) to adopt the project and plan of improving the Cumberland River above Nashville in Kentucky and Tennessee as recommended by the Department of Engineers, United States Army, in report made on February 4, 1914, and to authorize the Secretary of War to commence, continue, and complete the locking and damming of said river from Lock No. 21 to Lock No. 7, in accordance with said plan recommended by the Department of Engineers; to the Committee on Rivers and Harbors.

By Mr. ADAMSON: A bill (H. R. 4503) to fix the status and rights of officers of the Public Health Service when serving with the Coast Guard, the Army, or the Navy; to the Committee on Interstate and Foreign Commerce.

By Mr. SMALL: A bill (H. R. 4504) to amend an act entitled "An act making an appropriation for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved March 3, 1899; to the Committee on Rivers and Harbors.

By Mr. CHURCH: Joint resolution (H. J. Res. 92) to promote the efficiency and utilization of the resources and industries of the United States, to lessen the expenses of the present war, and rehabilitate the destructive effects of war; to the Committee on Patents.

By the SPEAKER: Memorial of the Legislature of the State of Utah, requesting Congress to authorize the franking of all reports of births, deaths, and communicable diseases to the proper officer and all printed matter of an educational character issued by the State board of health to the people of the State in which such matter is issued; to the Committee on the Post Office and Post Roads.

Also, memorial of the Legislature of the State of Utah, requesting Congress to make provision for the survey and construction of a road connecting the Mesa Verde National Park, the Natural Bridges, the Grand Canyon national monument, and the Mukuntuweap national monument; to the Committee on Roads.

Also, memorial of the Legislature of the State of Utah, urging Congress to adopt the woman-suffrage amendment to the Constitution; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of Utah, requesting Congress to appropriate sufficient money to educate the children of lessees of land in the former Uintah Indian Reservation; to the Committee on Education.

Also, memorial of the Legislature of the State of Utah, requesting Congress to enact the necessary legislation which will result in the opening for entry to citizens of the United States certain Indian lands in the State of Utah; to the Committee on Indian Affairs.

Also, memorial of the Legislature of the State of Utah, urging Congress to pass the national prohibition amendment to the Constitution; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of Utah, requesting Congress to appropriate money to be used in connection with the holding of the Golden Spike Exposition at Ogden, Utah, in the year 1919; to the Committee on Industrial Arts and Expositions.

Also, memorial of the Legislature of the State of Utah, urging Congress to pass the bill introduced in the Senate by Senator SMOOT, of Utah, providing for making Little Zion Canyon a public park, to be known as Little Zion National Park; to the Committee on the Public Lands.

Also, memorial of the Legislature of the State of Utah, requesting Congress to reimburse the State of Utah in the amount of \$50,000 which was appropriated by the State of Utah and paid to Indian war veterans; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of Utah, requesting Congress to enact water-power legislation which will safeguard against the appropriation of power sites for speculative purposes; to the Committee on the Public Lands.

Also, memorial of the Legislature of the State of Utah, inviting Congress to appoint representatives to attend a congress of delegates of the States of the Union for the purpose of adopting a definite policy in the segregation of State and Federal revenue; to the Committee on Ways and Means.

Also, memorial of the Legislature of the Territory of Alaska, favoring legislation providing that employees in the Government service in Alaska be citizens of the United States; to the Committee on the Territories.

Also, memorial of the Legislature of the Territory of Alaska, favoring the passage of legislation requiring at least 50 per cent of the funds derived from the sale of town sites on the Government-owned railroad in Alaska to be devoted to making improvements within the respective towns; to the Committee on the Territories.

Also, memorial of the Legislature of the State of Oregon, urging the passage of the Volunteer retired bill, giving the same aid according to rank as that given retired officers of the Regular Army; to the Committee on Military Affairs.

Also, memorial from the Legislature of the Territory of Alaska, indorsing the action of the United States in the present international crisis and pledging aid and support; to the Committee on Foreign Affairs.

Also, memorial from the Legislature of the Territory of Hawaii, indorsing the position taken by the United States, as voiced by the President, in the present crisis between the United States and Germany and pledging its aid and support; to the Committee on Foreign Affairs.

Also, memorial of the Legislature of the Territory of Hawaii, favoring the passage of a law requiring all Federal appointees to be a resident of the Territory of Hawaii for at least one year prior to their appointment; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of Massachusetts, requesting Congress to take measures regulating the price of anthracite coal and other commodities; to the Committee on Mines and Mining.

Also, memorial of the Legislature of the State of California, favoring legislation for the sale of timber in the national forest reserves and the building of dams and reservoirs to conserve the waters of said State and protection from floods; to the Committee on the Public Lands.

Also, memorial of the Legislature of the State of Arizona, urging a just and expeditious allotment to the Indians attached to the Colorado Indian Reservation of lands in said reservation; to the Committee on Indian Affairs.

Also, memorial of the Legislature of the State of Rhode Island, indorsing daylight saving and urging Congress to pass necessary legislation; to the Committee on Interstate and Foreign Commerce.

Also, memorial from the Legislature of the Territory of Hawaii, approving universal military training; to the Committee on Military Affairs.

Also, memorial from the Legislature of the State of California, favoring a fairer and more adequate compensation for those engaged in the naval and military service of the United States; to the Committee on Military Affairs.

Also, memorial of the Legislature of the State of Utah, petitioning Congress to rescind the order withdrawing from entry certain lands situate in Uintah County for reservoir purposes; to the Committee on the Public Lands.

Also, memorial of the Legislature of the State of Iowa, pledging the resources of that State to the Government of the United States in the present war; to the Committee on Foreign Affairs.

Also, memorial of the Legislature of the State of Colorado, favoring the national prohibition constitutional amendment, and also to make Washington, D. C., antisaloon territory; to the Committee on the Judiciary.

By Mr. DALE of New York: Memorial of the Legislature of the State of New York, requesting the State Department at Washington to enter upon such negotiations with its allies as will make clear the status of foreign-born citizens and persons who have declared their intention to become citizens of the United States and their enlistment in the Army or Navy be free from any question of loyalty; to the Committee on Foreign Affairs.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CLARK of Pennsylvania: A bill (H. R. 4505) granting an increase of pension to George Chapman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4506) granting a pension to Eliza Mead; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4507) granting a pension to Elmer Green; to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 4508) for the further relief of Hans Peter Guttormsen; to the Committee on Claims.

By Mr. CRAGO: A bill (H. R. 4509) granting a pension to Moses R. Smith; to the Committee on Pensions.

By Mr. DEWALT: A bill (H. R. 4510) granting an increase of pension to Amanda Wade; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4511) granting an increase of pension to Mary A. Walk; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4512) granting a pension to Elias Hartman; to the Committee on Invalid Pensions.

By Mr. DRANE: A bill (H. R. 4513) for the relief of Arthur R. Pinkerton; to the Committee on Claims.

Also, a bill (H. R. 4514) for the relief of William R. Bozeman; to the Committee on Claims.

Also, a bill (H. R. 4515) for the relief of George Olsen; to the Committee on Claims.

Also, a bill (H. R. 4516) for the relief of W. H. Overocker; to the Committee on Claims.

Also, a bill (H. R. 4517) for the relief of Charles H. Wilson; to the Committee on Claims.

By Mr. EAGAN: A bill (H. R. 4518) granting an increase of pension to James D. Brinkerhoff; to the Committee on Invalid Pensions.

By Mr. FERRIS: A bill (H. R. 4519) providing for the sale of an abandoned homestead entry; to the Committee on the Public Lands.

By Mr. GARLAND: A bill (H. R. 4520) to correct the military record of John A. Swartzwelder; to the Committee on Military Affairs.

By Mr. IRELAND: A bill (H. R. 4521) granting a pension to Jane Gilson; to the Committee on Invalid Pensions.

By Mr. POLK: A bill (H. R. 4522) granting a pension to Georgianna McNatt Mills; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 4523) granting a pension to Mitchell Hyden; to the Committee on Pensions.

Also, a bill (H. R. 4524) to remove the charge of desertion from the military record of Amos Bennett; to the Committee on Military Affairs.

Also, a bill (H. R. 4525) to remove the charge of desertion from the military record of James M. Cook; to the Committee on Military Affairs.

Also, a bill (H. R. 4526) to remove the charge of desertion from the military record of J. W. Hardwick; to the Committee on Military Affairs.

Also, a bill (H. R. 4527) to remove the charge of desertion from the military record of Porter Hill; to the Committee on Military Affairs.

Also, a bill (H. R. 4528) for the relief of Emily J. Mullins; to the Committee on Claims.

Also, a bill (H. R. 4529) for the relief of the heirs of Morgan Davidson; to the Committee on War Claims.

Also, a bill (H. R. 4530) for the allowance of certain claims for back pay growing out of service in the Army during the Civil War, as reported by the Court of Claims; to the Committee on War Claims.

By Mr. SWITZER: A bill (H. R. 4531) granting a pension to William D. Kelton; to the Committee on Pensions.

By Mr. WHITE of Maine: A bill (H. R. 4532) granting an increase of pension to Susan W. King; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4533) granting an increase of pension to George N. Thurlow; to the Committee on Invalid Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of Westchester County (N. Y.) Commission of General Safety, relative to solution of the problem of production; to the Committee on Agriculture.

Also (by request), memorial of Central Council of Irish County Associations of Greater Boston, relative to Irish freedom; to the Committee on Foreign Affairs.

Also (by request), memorial of Grand Igloo Pioneers of Alaska, against law to divest the Territory of just control in natural resources, etc.; to the Committee on the Territories.

By Mr. BRODBECK: Petition of ministers, officers, and members of the First Church of the Brethren, of York, Pa., asking conservation of foodstuffs and prohibition as war measure; to the Committee on Agriculture.

By Mr. COOPER of Wisconsin: Memorial of Bartenders' Local, Kenosha, Wis., protesting against prohibition as a war measure; to the Committee on the Judiciary.

By Mr. DALE of New York: Petitions of sundry publishing concerns of New York, against proposed increase in second-class postage; to the Committee on the Post Office and Post Roads.

By Mr. EAGAN: Petition of Westchester County (N. Y.) Commission of General Safety, relative to solution of the problem of production; to the Committee on Agriculture.

By Mr. FULLER of Illinois: Memorial of patriotic mass meeting at La Salle, Ill., pledging support to the administration in the prosecution of the war, etc.; to the Committee on Military Affairs.

Also, petition of Woman's Party, of Cook County, Ill., favoring tax on land values; to the Committee on Ways and Means.

Also, petition of Hoard's Dairyman, of Port Atkinson, Wis., opposing the zone system for second-class mail matter; to the Committee on Ways and Means.

Also, petition of the National Piano Manufacturers' Association of America, New York Piano Manufacturers' Association, Chicago Piano and Organ Association, and Music Industries Chamber of Commerce, protesting against proposed excise tax on sales of musical instruments; to the Committee on Ways and Means.

By Mr. GALLIVAN: Memorial of Harvard Club, of Boston, Mass., pledging loyalty and support to the President and the Government; to the Committee on Military Affairs.

By Mr. LINTHICUM: Petition of the Baltimore (Md.) Federation of Labor, relative to food control; to the Committee on Agriculture.

Also, petition of sundry citizens, the Maryland Car Wheel Works, Louis Wolf, and H. Gamse & Bro., all of Baltimore, Md., against increase in postage on second-class matter; to the Committee on the Post Office and Post Roads.

Also, petition of the Kenneweg Co., of Cumberland, Md., against method of taxing tea and coffee; to the Committee on Ways and Means.

Also, petition of the Leaf Tobacco Association, of Baltimore, Md., against increase in tax of leaf tobacco; to the Committee on Ways and Means.

Also, petition of Schultz Bro., Baltimore, Md., against tax on excess profits of corporations; to the Committee on Ways and Means.

Also, petitions of the Merchants' and Manufacturers' Journal, Baltimore, Md., against increasing second-class rates on trade publications; to the Committee on Ways and Means.

Also, petitions of the Henry L. Wampole Co., Thomas J. Kurdle, Phillips Bros. Co., and Evan W. Hook & Co., Baltimore, Md., against exchange charged for collection of out-of-town checks; to the Committee on Banking and Currency.

Also, petition of Dalton Johnson, manager Sterling Tire Corporation, against extra tax on automobiles; to the Committee on Ways and Means.

Also, petition of D. T. Buzby & Co., Baltimore, Md., against import duty of 10 per cent on all articles now on the free list; to the Committee on Ways and Means.

Also, petition of Walker Gordon Laboratory Co., of New York, and H. A. Brehm, of Baltimore, Md., against prohibition as war measure; to the Committee on the Judiciary.

By Mr. PAIGE: Resolutions of First Congregational Church, Palmer; First Parish of Templeton; Methodist Episcopal Church, Leominster; First Congregational Church, Royalston; Selectmen of Royalston; School Committee of Royalston; West Fitchburg Methodist Episcopal Church, Fitchburg; Highland Baptist Church, Fitchburg; Pilgrim Congregational Church, Leominster; Baldwinsville Grange, Baldwinsville; Union Evan-

gelical Church, Three Rivers; Congregational Church, New Braintree; and Baptist Church, Holden, all in the State of Massachusetts, in favor of national prohibition as a war measure; to the Committee on the Judiciary.

By Mr. PRATT: Petition of the Methodist Episcopal Church of Prattsburg, N. Y., by Rev. E. W. Collings, pastor, and G. W. Gelder, secretary, favoring national prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of the Baptist Church of Prattsburg, N. Y., by Rev. Reo. A. Orton, pastor, favoring national prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of Methodist Episcopal Church of Groton, N. Y., by Mr. Foster T. Van Buskirk, secretary, favoring the Blanton-Kenyon bill for prohibition during the period of the war; to the Committee on the Judiciary.

Also, petition of Allied Printing Trades Council of Elmira, N. Y., by Mr. George F. Sullivan, secretary and treasurer, protesting against any increase in second-class postage rates or change in the system of handling the second-class postage matter; to the Committee on Ways and Means.

Also, petition of Presbyterian Church of Prattsburg, N. Y., by Rev. Frank H. Bisbee, pastor, favoring national prohibition as a war measure; to the Committee on the Judiciary.

By Mr. RAINEY: Petition of T. C. Horckenberg and 19 other citizens of New Salem, Ill., favoring national prohibition; to the Committee on the Judiciary.

By Mr. RAKER: Memorial of executive committee of the Vaughn Class, of Washington, D. C., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. ROWE: Petitions of sundry publishing companies of New York, against increase in second-class postage rates; to the Committee on the Post Office and Post Roads.

Also, petition of Pearsall & Co., of New York, against tax on selling prices of automobiles; to the Committee on Ways and Means.

Also, petition of Charles Ham, of Brooklyn, N. Y., favoring direct taxes on incomes; to the Committee on Ways and Means.

Also, petition of C. H. Selick, of New York, protesting against reimposition of a stamp tax; to the Committee on Ways and Means.

Also, memorial of members of the executive committee of the American Defense Society, urging that troops be sent to France at early date; to the Committee on Military Affairs.

Also, petition of Music Industries Chamber of Commerce of the United States of America, against excess tax on pianos and piano players; to the Committee on Ways and Means.

By Mr. SCULLY: Memorial of Westchester County (N. Y.) Commission of General Safety, relative to a solution of the problem of production; to the Committee on Agriculture.

Also, petitions of the Priscilla Publishing Co., Boston, Mass., and Newark (N. J.) Typographical Union No. 103, against increase in second-class mail matter; to the Committee on the Post Office and Post Roads.

Also, memorial of Manufacturers' and Merchants' Association of New Jersey, against national prohibition law during the war; to the Committee on the Judiciary.

Also, memorial of Federation of Labor, asking a congressional investigation into the bomb throwing at San Francisco in July, 1916; to the Committee on Labor.

By Mr. SNEEL: Resolution of Center Methodist Episcopal Church of Dickinson Center, N. Y., favoring the enactment of a law prohibiting food products for alcoholic liquors and also the sale of them for beverage purposes during the war; to the Committee on the Judiciary.

Also, resolution of Methodist Episcopal Church of Gouverneur, N. Y., representing membership of over 700, that manufacture of alcoholic beverages be suspended during the war in order to conserve the much-needed grain supply for food; to the Committee on the Judiciary.

Also, resolution of the Senate of the State of New York (the Assembly concurring), requesting the State Department at Washington to enter upon such negotiations with its allies to the end that the status of such citizens may be made clear and their enlistment in the Army and Navy of the United States be made free from any question of loyalty to the Governments to which they formerly owed allegiance; to the Committee on Immigration and Naturalization.

Also, resolutions of the citizens of Essex, N. Y., urging upon the President and Congress the advisability of prohibiting during the war the manufacture and sale for beverage purposes of all alcoholic liquors; to the Committee on the Judiciary.

Also, petition of members of the Protestant churches and others of St. Regis Falls, N. Y., favoring the passage of a law

prohibiting during the war the sale of liquors as a beverage and the use of food products for their manufacture; to the Committee on the Judiciary.

By Mr. STRONG: Memorial of Woman's Christian Temperance Union of Apollo and Evangelical Lutheran Church of Freeport, Pa., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. TEMPLE: Resolution adopted by International Molders' Union, Local No. 217, of New Brighton, Pa., to determine the truth or falsity of accusations cast upon active members of organized labor in San Francisco in connection with so-called bomb plot on preparedness-parade day; to the Committee on Labor.

By Mr. WASON: Petition of Mrs. Elvira D. Trask and 27 other residents of Colebrook, N. H., favoring legislation against the use of food products in the manufacture of intoxicating liquors; to the Committee on Agriculture.

Also, petition of Guy W. Brown and 22 other residents of Colebrook, N. H., favoring legislation against the use of food products in the manufacture of intoxicating liquors; to the Committee on Agriculture.

Also, petition of Mrs. Ellen Cross and 27 other residents of Colebrook, N. H., favoring legislation against the use of food products in the manufacture of intoxicating liquors; to the Committee on Agriculture.

## SENATE.

FRIDAY, May 18, 1917.

(Legislative day of Thursday, May 17, 1917.)

The Senate reassembled at 12 o'clock m., on the expiration of the recess.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a concurrent resolution (H. Con. Res. 8) authorizing and directing the clerk in the enrollment of the bill (H. R. 3545) to authorize the President to increase temporarily the Military Establishment of the United States to strike out the word "member" in the fifth line of the matter inserted by the committee of conference on the bill and amendment and to insert in lieu thereof the word "number," in which it requested the concurrence of the Senate.

### ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 2337) to amend an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes," relative to enrollments in the Naval Reserve Force, and it was thereupon signed by the Vice President.

### INCREASE OF MILITARY ESTABLISHMENT.

Mr. CHAMBERLAIN. I ask that the concurrent resolution be laid before the Senate.

The VICE PRESIDENT. The Chair lays before the Senate a concurrent resolution from the House of Representatives, which will be read.

The concurrent resolution was read, as follows:

#### House concurrent resolution 8.

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill H. R. 3545, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States, the Clerk be, and he is hereby, authorized and directed to strike out the word "member" in the fifth line of the matter inserted by the committee of conference on said bill and amendment and insert in lieu thereof the word "number."

Mr. CHAMBERLAIN. The resolution speaks for itself. The bill has the word "member" written in it where it ought to be "number" in its engrossment. I ask for the adoption of the resolution.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the concurrent resolution is agreed to.

### CONSERVATION OF FOOD PRODUCTS.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the governor of Kansas, which will be incorporated in the RECORD.

The communication is as follows:

TOPEKA, May 15, 1917.

HON. THOMAS R. MARSHALL,  
Vice President, Washington, D. C.

DEAR MR. MARSHALL: I respectfully appeal to you to advance the food-control bill as an emergency measure that should precede all other legislation after the passage of the bill providing an increase of the

Army. Sentiment is united on the need of the pending bill for the stringent control of food markets at the earliest moment and the safety of the public welfare.

Events are proving we can not temporize with greed. I urge as speedily as possible the suspension of speculative activities of all exchanges and maximum and minimum prices for food products and coal. I urge during the period of the war, as may be necessary, that the Government take over all storage plants, packing houses, warehouses, terminal elevators, coal mines, and such other industries and utilities as may be required for the control of the marketing and distribution of necessities.

I am constantly receiving urgent appeals from those suffering from exorbitant prices, or from market manipulation. They ask that something be done for their relief or protection.

The American food gambler, whom the Government is defending in this war, in common with other citizens, is proving a greater foe to his countrymen and a greater menace to his country than is the enemy. I believe the Government is justified in going to any lengths to deal with him as promptly and as expeditiously as it would with a common and less dangerous traitor.

Very respectfully,

ARTHUR CAPPER, Governor.

### TRANSPORTATION OF RECRUITS.

Mr. SMITH of Michigan. Mr. President, I have a letter this morning from a citizen of Michigan whom I know and for whom I have the highest respect. He relates a situation which I am going to take this opportunity of placing before the Senate:

Fay Kentner, a son of Homer Kentner, a veteran of the Civil War, fired by the wave of patriotism which is sweeping the country, went to the recruiting station at Traverse City and enlisted for the Army. He was examined and accepted, sent to Grand Rapids, where he was once more examined and forwarded to Columbus, Ohio, where he was examined again and rejected. He was obliged to pay his own transportation back to Honor. His friends do not feel that he was treated right.

He had shown a willingness to enlist and was accepted at two recruiting offices. He has no means of his own. That kind of treatment is intended to discourage enlistments in that county.

Mr. THOMAS. And everywhere else.

Mr. SMITH of Michigan. And everywhere else. Surely the Government of the United States has not reached a point where it will treat its patriotic young men in the manner described by this letter.

I do not mean to criticize the War Department and the Secretary of War. I am one of those Republicans who greatly respect the Secretary of War. I think he has come to his great task from private life with a vigor and an intelligence which are rare and that he is making splendid progress in comprehending the scope and necessities of his high office. He is a man of initiative, courage, and of kindness, and he is approachable at all times, so far as my observation goes.

But down the line further there does not appear the courtesy which is properly due from soldiers to citizens. I know of instances where recruiting officers have destroyed in the presence of an applicant their letters of commendation and indorsement, simply brushing them aside as of no consequence or as being unworthy of consideration.

In the case of Mr. Kentner I think it is shameful for the Government to send that boy out to Columbus from his home in northern Michigan at his own expense and then turn him adrift among strangers after he has passed two examinations at two recruiting stations for admission into the Army.

Mr. CHAMBERLAIN. May I interrupt the Senator?

Mr. SMITH of Michigan. Certainly.

Mr. CHAMBERLAIN. I am in thorough accord with the Senator's view that to do that would be a very great injustice; but we have tried to remedy that situation under the act approved May 12, 1917. I call the Senator's attention to it, because some such cases had been suggested to us. On page 16 of public Document No. 11, Sixty-fifth Congress, this provision is in the appropriation act:

Transportation of the Army and its supplies: For transportation of the Army and its supplies, including transportation of the troops when moving either by land or water, and of their baggage, including members of the Officers' Reserve Corps, enlisted men of the Enlisted Reserve Corps, and retired enlisted men when ordered to active duty, including the cost of packing and crating—

Now note—

for transportation of recruits and recruiting parties; of applicants for enlistment between recruiting stations and recruiting depots; for travel allowance to enlisted men on discharge.

As I understand it, this young man had been examined at one place and admitted and then sent to the recruiting depot and was not accepted?

Mr. SMITH of Michigan. Yes, Mr. President.

Mr. CHAMBERLAIN. That is equivalent to a discharge, and he is entitled to transportation under the last appropriation act.

Mr. SMITH of Michigan. I think he is, and it would be a most unfortunate thing if any other rule should prevail.

Mr. CHAMBERLAIN. What is the date of the letter?

Mr. SMITH of Michigan. May 15.